

E X C E R P T

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

UNITED STATES OF AMERICA,)
Plaintiff;)
vs.) Case No. 00 CR 582
SHARIF A. ALWAN,) Chicago, Illinois
) October 18, 2000
Defendant.) 10:00 a.m.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE RUBEN CASTILLO

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1 (Proceedings heard in open court, jury present:)

2 * * * * *

3 THE COURT: Okay. Then we'll switch over to
4 cross-examination. Thank you.

5 MR. GILLOGLY: Thank you, your Honor.

6 SHARIF A. ALWAN, DEFENDANT HEREIN, PREVIOUSLY SWORN,

7 CROSS EXAMINATION

8 BY MR. GILLOGLY:

9 Q. Mr. Alwan, the simple truth, sir, is that you refused to
10 testify before the grand juries in this case because you wanted
11 to avoid talking about people that you knew who were associated
12 with or were members of the HAMAS organization, isn't that
13 true?

14 A. That's not true, sir.

15 Q. We'll come back to that.

16 Now, sir, you told us in your directed testimony some
17 personal information about yourself, including when you came to
18 the United States. Do you recall that?

19 A. Yes, I do.

20 Q. And what you've done since you came to the States.

21 Now, I believe you testified yesterday that you took
22 some college courses here, is that correct?

23 A. That's correct.

24 Q. And you attended Wright College here in the city?

25 A. That's correct.

1 Q. And you attended Morton College in Cicero?

2 A. Yes.

3 Q. So in addition to your education in the West Bank, your
4 homeland, and your command of three languages, then you've had
5 college courses here in the United States.

6 A. That's correct.

7 Q. All right. Now, in addition to attending college since
8 you came to the United States, you've also done some work, have
9 you not?

10 A. Yes, I did.

11 Q. All right. Now, you came in, what, you said 1989?

12 A. Yes.

13 Q. All right. So let's take the first three years or so.

14 Between 1989 and 1992, what work did you do?

15 A. Well, I was student going to the college, and I didn't
16 have -- I don't remember like I have regular job or -- what I
17 remember is sometimes I used to work just like I help my
18 father, like street peddler or salesman helping my father.

19 Q. Mr. Alwan, as Mr. Hill told you yesterday, you're going to
20 have to keep your voice up. Would you please do that?

21 A. Yes, sir, go ahead.

22 Q. So you helped your dad out?

23 A. Yes.

24 Q. Okay. Just sort of odd jobs here and there kind of thing?

25 A. I remember I work for a couple of months maybe, like

1 messenger service.

2 Q. Messenger service?

3 A. Yeah.

4 Q. Okay. Did you have a steady, full-time job for those
5 three years between '89 and '92?

6 A. Not I remember.

7 Q. Okay. And did your brother support you, your brother
8 Amin, did he support you during those three years?

9 A. That's correct.

10 Q. Okay. Now, between 1993 and 1995, where were your parents
11 living?

12 A. I don't recall at that time.

13 Q. Well, you said you worked for your dad on and off between
14 '89 and '92, and then I think you testified yesterday that your
15 father's now living in the West Bank?

16 A. That's correct.

17 Q. Okay. When did he return to the West Bank?

18 A. Like -- I don't remember the exact date.

19 Q. Well, as best you recall, sir.

20 A. Maybe like couple of years later when I came to the
21 country or one year. I don't remember the exact date.

22 Q. Well, was your father living in the West Bank when you
23 were arrested in July 1995?

24 A. Yes.

25 Q. Had he -- how long had he been there as of July 1995?

1 A. I don't remember exactly how long he been there.

2 Q. Now, I'm going to ask you about some travel. You
3 testified about your trips back to the West Bank between 1990
4 and 1999, all right?

5 Now, I believe you testified yesterday that you
6 returned to the West Bank between approximately January 1999
7 and June 1999, is that correct?

8 A. That's correct.

9 Q. So about six months, give or take?

10 A. It is less than.

11 Q. I'm sorry?

12 A. It's less than. I remember it's like four months and some
13 days.

14 Q. All right. But the first part of 1999 you were there?

15 A. Yes.

16 Q. Okay. And then I think you said you went back to the West
17 Bank in 1998 for several months for the birth of your daughter.

18 A. I was there at the birth of my daughter, that's true.

19 Q. And how long were you there?

20 A. Well, since I get married until I leave the country. I
21 came here after the birth of my daughter, about one month after
22 the birth of my daughter.

23 Q. When was your daughter born?

24 A. The first one --

25 Q. Yes, the first daughter.

- 1 A. -- was born at May 13th.
- 2 Q. May 13th?
- 3 A. Yes.
- 4 Q. Of 1998?
- 5 A. That's correct.
- 6 Q. And you were in your homeland at the time she was born.
- 7 A. Yes.
- 8 Q. Okay. Now, prior to 1998 then, you told us about the trip
- 9 you took in 1995 when you were arrested, is that correct?
- 10 A. That's correct.
- 11 Q. All right. So we have a trip in 1999, a trip in 1998. We
- 12 have the 1995 to 1997 time period that you were there, is that
- 13 correct?
- 14 A. 1995 trip. Then after that I stay up to after the birth
- 15 of my daughter one month, '98. Then after that, I came to the
- 16 United States, and I stay here around seven months.
- 17 Then after that, I returned back home for like four
- 18 months, four-and-a-half months, as I remember. Then after
- 19 that, I came to the United States.
- 20 Q. All right.
- 21 A. That's it.
- 22 Q. All right. So, now, did you travel there -- did you
- 23 travel from the United States back to your homeland prior to
- 24 1995?
- 25 A. Before 1995?

- 1 Q. Yes, sir.
- 2 A. To the West Bank?
- 3 Q. Yes, sir.
- 4 A. No, sir.
- 5 Q. All right. Did you travel to somewhere in the Middle
6 East, say, in 1992?
- 7 A. Yes, I did.
- 8 Q. Where did you go?
- 9 A. I remember I went to Jordan.
- 10 Q. To Jordan?
- 11 A. Yes.
- 12 Q. And why did you go to Jordan?
- 13 A. We have family members there. They are cousins. I went
14 for their visit and to attend a wedding there.
- 15 Q. All right.
- 16 A. Attend a wedding.
- 17 Q. That was the wedding I think you said your cousin --
- 18 A. Yes.
- 19 Q. -- Mustafa?
- 20 A. Yes.
- 21 Q. How did you get to Jordan for the wedding?
- 22 A. How did I get there?
- 23 Q. Yes, how did you get there? Did you take a plane, or did
24 you take a boat?
- 25 A. Of course. Of course, everybody will fly by plane, yes.

1 Q. And where did you fly? Tell the jury what route you took
2 to get to Jordan for your cousin Mustafa's wedding?

3 A. I don't remember the exact route, but that's how I get
4 there.

5 Q. Did you fly -- where -- what's the capital of Jordan?

6 A. Amman.

7 Q. Is there an airport there?

8 A. Yes.

9 Q. Did you fly into the airport in Amman?

10 A. Yes, but it wasn't a direct flight --

11 Q. I'm sorry?

12 A. It wasn't a direct flight from the United States to Amman
13 because they didn't have no direct flights.

14 Q. So what was your intermediate stop then? Where did you go
15 before you went to Amman?

16 A. The plane, I remember, stop at Europe.

17 Q. I'm sorry?

18 A. Stop at Europe.

19 Q. Europe?

20 A. Yes.

21 Q. Where in Europe?

22 A. I don't remember where exactly stop.

23 Q. Okay.

24 A. Then after that, stop at Syria; then after that, final
25 stop was Jordan.

1 Q. Now, when you went back for your cousin Mustafa's wedding,
2 did you travel with anyone?

3 A. No.

4 Q. Just by yourself.

5 A. Yes, sir.

6 Q. You didn't travel with a fellow by the name of Rezeq
7 Saleh, R E Z E Q, S A L E H or A H?

8 A. In Jordan?

9 Q. Did you travel with Rezeq Saleh from the United States to
10 the Middle East in 1992?

11 A. I don't remember.

12 Q. How many trips did you take to the Middle East in 1992,
13 Mr. Alwan?

14 A. In 1992?

15 Q. Yes, sir.

16 A. All I remember is one trip.

17 Q. One trip.

18 A. Yes.

19 Q. And you said you didn't travel with anyone on that trip.

20 A. I said I don't remember.

21 Q. Well, do you know a fellow by the name of Rezeq Saleh?

22 A. He's a classmate. He was studying me -- studying with me
23 in my school all the time.

24 Q. The school here in Chicago?

25 A. No, school back home in Palestine.

1 Q. Okay. And where -- in 1992, where did Mr. Saleh live,
2 Rezeq Saleh, where did he live?

3 A. I don't remember where he live at, sir.

4 Q. You didn't see him in 1992?

5 A. I don't remember if I seen him or not, but I'm sure I
6 don't remember his address.

7 Q. Well, can you tell what country he was living in?

8 A. I believe he was living in the United States.

9 Q. Where in the United States?

10 A. He's in Chicago area.

11 Q. Okay. Now, did -- just let me, so we're clear about this,
12 did Rezeq Saleh, your friend, travel with you to Jordan for
13 your cousin Mustafa's wedding?

14 MR. HILL: I'm going to object -- excuse me, your
15 Honor. I'm going to object as to the characterization. He's
16 got two questions in there.

17 THE COURT: Why don't you rephrase the question.

18 MR. HILL: Right.

19 BY MR. GILLOGLY:

20 Q. Did you travel with Rezeq Saleh from the United States to
21 the Middle East at any time during 1992?

22 A. Not that I recall.

23 Q. I'm sorry?

24 A. I don't recall that.

25 Q. Okay. Did Rezeq Saleh travel with you when you went to

1 Jordan to attend your cousin Mustafa's wedding?

2 A. I don't recall he was.

3 Q. Well, was he invited to the wedding?

4 A. He wasn't there.

5 Q. I'm sorry?

6 A. He wasn't in the wedding.

7 Q. He was there?

8 A. He was not.

9 Q. He was not there. Okay, I'm sorry, sir. I just want to
10 make sure I understand it.

11 MR. HILL: Excuse me. Is that not in the wedding or
12 not there, your Honor?

13 Can we have clarification on that, please?

14 BY MR. GILLOGLY:

15 Q. Mr. Alwan, was Rezeq Saleh at your cousin Mustafa's
16 wedding? Did he attend the wedding?

17 A. No, sir.

18 Q. Okay. Now, you've lived in the -- when you came to the
19 United States, did you stay primarily in the Chicago area?

20 A. Which year was that?

21 Q. The entire time you've been in the United States.

22 A. Oh.

23 Q. For the last 11 years.

24 A. No. No, sir.

25 Q. Where else did you live other than the Chicago area?

1 A. Most of my living is in Chicago area, but if I travel
2 just --

3 Q. I'm sorry, I can't hear you, sir.

4 A. Most likely all my living is in Chicago area.

5 Q. In Chicago area.

6 A. That's correct.

7 Q. And I take it then -- where is Wright College?

8 A. Located at northwest side or north side at Austin and
9 Laramie.

10 Q. Austin and Laramie? I'm sorry, is that what you said?

11 A. That's correct.

12 Q. Okay. So now you lived in Hickory Hills for a while, is
13 that correct?

14 A. Correct.

15 Q. And you said you lived up on Ainslie for a while?

16 A. That's correct.

17 Q. And then you attended college up at Wright College.

18 A. That's correct.

19 Q. And then you went out to Cicero to go to college at
20 Morton, right?

21 A. Yes.

22 Q. And you helped your father in his sales business in the
23 Chicago area for a while?

24 A. Yes.

25 Q. All right. And I think you told the jury that you

1 operated or worked in grocery stores or food marts of some sort
2 from time to time. Is that also correct?

3 A. That's correct.

4 Q. So I take it, sir, from all of that, that you became
5 pretty familiar with the Chicagoland area.

6 A. Yes.

7 Q. The geography.

8 A. Yes, I did.

9 Q. And you know how to get around expressways here in the
10 Chicago area?

11 A. Sure.

12 Q. Okay. Do you remember the dates that you attended
13 college?

14 A. I remember the semesters maybe.

15 Q. I'm sorry?

16 A. The year maybe, but not the dates exactly.

17 Q. All right. Were you a full-time student or a part-time
18 student?

19 A. I believe I was full-time student.

20 Q. Full-time?

21 A. Uh-huh.

22 Q. Now, I want to ask you some questions about your testimony
23 from yesterday.

24 Generally, what years did you attend college,

25 Mr. Alwan?

1 A. I remember when I came in the beginning of '89 and '90 --
2 '89, '90, and I'm not sure if '91 was the year or not. I have
3 to go back to the school records to tell you.

4 Q. Okay. Did you go to Wright College from about September 1
5 of 1989 to September 1 of 1990, one year?

6 A. I went there for one year.

7 Q. That sound right?

8 A. Sounds right, yes.

9 Q. Okay. And did you attend Morton College from about
10 September of 1991 through September 15th of 1992?

11 A. I'm sorry, can you repeat that?

12 Q. Sure.

13 Did you attend Morton College between September 1991
14 through September 15th, 1992?

15 A. I don't recall, but I believe I was student there. I
16 don't know the exact period.

17 MR. GILLOGLY: May I approach, your Honor?

18 THE COURT: Yes.

19 BY MR. GILLOGLY:

20 Q. I'm going to show you a document, Mr. Alwan.

21 MR. HILL: Dan, can you give -- before you question,
22 can I get it, please?

23 MR. GILLOGLY: Judge, may I proceed with my
24 cross-examination?

25 THE COURT: Hold on. Let me make sure a copy gets to

1 Mr. Hill.

2 MR. GILLOGLY: All right.

3 THE COURT: Okay. You may proceed.

4 MR. HILL: Thank you, Judge.

5 BY MR. GILLOGLY:

6 Q. Let me show you this document. It's marked Government
7 Exhibit 16. Does this help you remember when you went to
8 Wright College and Morton College?

9 A. Yes, it does.

10 Q. Okay. And, in fact, you went to Wright College from
11 September 1st of '89 through September 1st of 1990. Does
12 that -- does that help you remember, sir?

13 A. Yes.

14 Q. Okay. And then you attended Morton College from about
15 September of '91 through September 15th of 1992. Does that
16 help you refresh your recollection? Is that true?

17 A. I know I was student there, semester or two, but I don't
18 remember the exact dates.

19 Q. Okay. Well, this is a document, Government Exhibit 16,
20 that's a document you submitted to the Immigration and
21 Naturalization Service, is that correct?

22 Take a look at that, sir, please.

23 A. Yes, I believe that's true.

24 Q. Okay. And are those dates then, about your college
25 attendance, are those correct dates?

1 A. I can't recall now the exact dates.

2 Q. All right.

3 A. The first one, I know that's between '89 and '90. The
4 second one, I don't recall the exact dates, if it was those
5 dates or not.

6 Q. Well, would it be fair to say, Mr. Alwan, that the dates
7 that we've just talked about are the dates that you told the
8 Immigration Service that you attended these two colleges?

9 Please take your time, look at the document.

10 A. Well, the printout for this document, my sister, she
11 helped me out to print it, and this is the first time I pay
12 attention to those dates exactly.

13 So I don't know if that's the exact date that match up
14 with these dates of I was in the school or not.

15 Q. But those are the dates that you told the Immigration
16 Service when you attended those two colleges, is that correct?

17 A. I remember I told the Immigration that I was attending
18 college and I have school papers for that, but I don't remember
19 the exact dates that I told them at that time.

20 Q. All right. I understand that, sir.

21 A. Yes.

22 Q. Do you see your signature on this document somewhere,
23 Mr. Alwan, or your handwriting anywhere?

24 A. Yes.

25 Q. All right. And this is a document that you submitted to

1 the Immigration Service, is that correct?

2 A. That's correct.

3 Q. In June of 1994.

4 A. That's correct.

5 Q. Okay. Thank you.

6 And those are the dates that you told the Immigration
7 Service you were attending college, the dates we just talked
8 about.

9 A. I don't remember the second date, which was it, that I
10 told them or I did not told them or --

11 Q. I'm trying to make my question clear, Mr. Alwan.

12 A. Yes.

13 Q. I'm not asking whether you precisely remember the dates.
14 My question to you is the dates that appear on that form are
15 the dates that you gave to the Immigration Service, whether you
16 remember it today or not.

17 A. You mean the application, with application.

18 Q. Yes, sir.

19 A. I believe yes.

20 Q. Okay. Thank you.

21 All right. Now, Mr. Alwan, you testified yesterday
22 about your account of what you say happened to you when you
23 were arrested by the Israelis in July of 1995. I'm going to
24 ask you some questions about that.

25 You testified yesterday that at some point in time,

1 the Israelis made you write out a document in your own
2 handwriting and sign it. Do you remember telling the jury that
3 yesterday?

4 A. I remember I told them, yes, they force me to write that
5 document.

6 Q. Now -- and so you took a pen or a pencil, and you wrote
7 down several pieces of paper in Arabic, is that correct?

8 A. That's not correct, sir.

9 Q. Oh, who -- what --

10 A. It was an Israeli interrogator next to me sitting at the
11 next table to me --

12 Q. Yes.

13 A. -- the pen in my hand, and he's telling me what to write.

14 Q. Okay. No, my point to you, Mr. Alwan, is that you
15 actually did the writing.

16 A. Yes. I was forced to do that.

17 Q. And my question to you, sir, is then the information that
18 you wrote down in your own hand, you say the Israeli
19 interrogator dictated to you, is that correct?

20 A. Yes. They forced me to say it.

21 Q. Now, the information that they -- so they told you what to
22 write, is that correct?

23 A. That's correct.

24 Q. And all of the information then that you wrote down on
25 this statement then came from the Israelis?

1 MR. HILL: Your Honor, I'm going to object. I mean
2 we've got -- he's got the statement. The statement is several
3 pages.

4 I think it would be more appropriate if he asked what
5 part were you dictated and what part did you write so that it's
6 clear.

7 THE COURT: Okay.

8 MR. GILLOGLY: Judge, that objection --

9 THE COURT: The objection is overruled.

10 You can proceed, Mr. Gillogly.

11 MR. GILLOGLY: Thank you.

12 BY MR. GILLOGLY:

13 Q. Mr. Alwan --

14 A. Yes.

15 Q. -- the words that you wrote down you say the Israelis
16 gave you.

17 A. Yes.

18 Q. You did not tell the Israelis that information.

19 A. That's correct.

20 Q. They gave it to you.

21 A. That's correct.

22 Q. And when you were writing this information on this piece
23 of paper that the Israelis are dictating to you, this is all
24 new stuff to you, is that correct?

25 A. That's correct.

1 Q. Because none of it's true, as far as you know?

2 A. As the best of my knowledge.

3 Q. I'm sorry?

4 A. As the best of my knowledge, but --

5 Q. You just wrote whatever they told you to write, is that
6 it?

7 A. That's right, but there is a mixture. For explanation,
8 before I wrote this, before they forced me to say this, I was
9 under interrogation for 10, 15 days for every small aspect out
10 of my life and everything.

11 Like when somebody tell me write my name, my name is
12 right. That I own a grocery store, that was right. Then after
13 that, all and fully, I wasn't never have a will to write or not
14 to write, but I was forced.

15 Q. So some of the personal --

16 MR. HILL: Excuse me, your Honor. Can he finish his
17 answer, please?

18 MR. GILLOGLY: I believe he had.

19 THE COURT: I think the answer had been finished. Why
20 don't you ask your next question.

21 MR. GILLOGLY: I will, your Honor.

22 BY MR. GILLOGLY:

23 Q. Mr. Alwan, so some of the personal information about your
24 date of birth and where you were born and the like, that came
25 from you. Is that what you're telling the jury?

1 A. It didn't come from me.

2 Q. Well, you told the Israelis that.

3 A. They interrogate, they took that part, they have their
4 information, and they told me what to write, and I was forced
5 to write that.

6 Q. And other parts of the statement then, the Israelis just
7 made you write, and you say it's not true.

8 A. The Israelis, they forced me to say that statement.

9 Q. And my question to you, Mr. Alwan --

10 A. Yes, sir.

11 Q. -- is that aside from the personal information about
12 yourself -- your age, that kind of thing -- the information
13 that's in those statements that you say they forced you to
14 write is false, is that correct?

15 A. They force me to write, that's correct.

16 Q. I understand they forced you to write it, Mr. Alwan.

17 A. Yes.

18 Q. Is that information true or is it false?

19 A. That's true, they force me to write.

20 Q. I understand. Let me try it again, Mr. Alwan. We
21 understand --

22 MR. HILL: Your Honor -- excuse me. I'm going to
23 object as to the form of the question. I mean we're talking
24 about several pages.

25 I think he should ask him what's false, what's true,

1 as opposed to suggesting that the whole document is untrue. I
2 mean that causes a mischaracterization of what I think the
3 witness is saying.

4 THE COURT: Okay.

5 MR. GILLOGLY: Judge, he'll have an opportunity to do
6 his redirect.

7 THE COURT: The objection is overruled.

8 You can ask your question.

9 BY MR. GILLOGLY:

10 Q. Mr. Alwan, we understand that it is your testimony that
11 the Israelis forced you to write certain words on paper.

12 My question to you is the information that you did
13 write down, is it true or is it false, other than the personal
14 stuff about you?

15 A. That's false statement, your Honor.

16 Q. I'm sorry?

17 A. That's a false statement.

18 Q. It's false?

19 A. Yes.

20 Q. All right. Now, you, as I understand your testimony from
21 yesterday, you told this jury that essentially that you were
22 tortured by the Israelis for about 22 or 23 months, is that
23 correct?

24 A. That's not correct.

25 Q. All right. How long were you tortured --

1 A. Four months.

2 Q. -- by the Israelis?

3 A. Four months the interrogation period.

4 Q. Four months. Okay.

5 Now, and then after that four months, they stopped
6 torturing you?

7 A. That's correct.

8 Q. All right. Now, when you came out of detention in 1997,
9 all right, and when you came back to the United States, you
10 didn't see any doctors or medical persons about your physical
11 condition, did you?

12 A. Not at that time.

13 Q. And you didn't go to any hospitals?

14 A. Well, it is -- in our culture if somebody goes to
15 psychiatry, simply they go -- they say he's crazy. Somebody
16 looking to get married after he get out of jail, it wouldn't be
17 pleasant to go and look for psychiatry at that time. So I
18 haven't seen any doctor, that's correct.

19 Q. I'm sorry?

20 A. I haven't seen any doctor.

21 Q. All right. No doctors.

22 A. That's right.

23 Q. You had no therapy, no treatment, nothing like that.

24 A. That's right.

25 Q. All right. Now, I'll take you back to the statement that

1 you wrote in Arabic, Mr. Alwan, the one you just testified
2 about here.

3 Now, you told the ladies and gentlemen of the jury
4 yesterday that the Shimbet interrogators tortured you and made
5 you write this statement, is that correct?

6 A. That's correct.

7 Q. But you didn't tell the jury yesterday that the statement
8 that you wrote in Arabic was not to an officer of Shimbet, but
9 to an Israeli police officer, isn't that true?

10 A. I don't remember I said that.

11 Q. You gave that statement to a fellow by the name of Marco
12 Dahan, D A H A N, isn't that true, Mr. Alwan?

13 A. I don't recall anybody by that name.

14 Q. And Marco Dahan, the fellow you gave this statement to, he
15 is an Israeli police officer, isn't that true?

16 A. I don't know if he's a police officer or he's interrogator
17 or -- I don't know.

18 MR. GILLOGLY: May I approach, your Honor?

19 THE COURT: Yes.

20 BY MR. GILLOGLY:

21 Q. All right. Mr. Alwan, I'm going to show you what's marked
22 as Government Exhibit 11A for identification.

23 Would you look that over, please?

24 Do you need some more time, Mr. Alwan?

25 A. No, sir.

1 Q. I'm sorry?

2 A. I don't need no more time.

3 Q. All right. You recognize that exhibit, don't you?

4 A. Yes, I do.

5 Q. That's a copy of the statement that you gave to the
6 Israelis in 1995, written in Arabic in your own hand, correct?

7 A. I did not gave any voluntary statement. I was forced to
8 say that, sir.

9 Q. Let me ask the question again.

10 A. Go ahead.

11 Q. That's a copy of the statement that you wrote in your own
12 hand in Arabic in 1995, correct?

13 A. Except I remember the best of my knowledge, that was four
14 pages. That wasn't five pages.

15 Q. All right. Four pages or five pages, but the first four
16 pages at least are copies of what you wrote out in the Arabic
17 language.

18 A. That's correct.

19 Q. And you dated it August 2nd, 1995, correct?

20 A. That's correct.

21 Q. All right. Now, I'm going to hand you, Mr. Alwan, what's
22 been marked for identification Government Exhibit 11B. I want
23 you to keep 11A up there, too, which is the Arabic one.

24 All right. Now, directing your attention then --

25 A. Excuse me.

1 Q. -- Mr. Alwan, to the first page of your -- the
2 handwritten statement. Do you have it there, both the English
3 and the Arabic?

4 A. Yes.

5 Q. And you start that statement, sir, with the words, "In the
6 name of Allah, the Beneficent and the Merciful," is that
7 correct?

8 A. That's correct.

9 Q. And you say, "I, the undersigned, Sharif Ahmad" --

10 MR. HILL: Your Honor, may I have a side bar before we
11 continue?

12 THE COURT: Okay.

13 (Proceedings heard at side bar:)

14 MR. HILL: Judge, just for the record, I'm making a
15 motion to preclude counsel from asking about the statement
16 which the defendant has claimed was coerced from him without
17 there having been any foundation established by American
18 standards that this statement was not involuntarily coerced.

19 THE COURT: Okay.

20 MR. HILL: Had they been seeking to use it that way or
21 seeking to cross-examine him on it, I would think that, first
22 of all, we'd have to make a threshold determination as to the
23 voluntariness of the statement and whether or not it could be
24 used for any purpose.

25 That's the reason why I'm making the objection. I

1 don't know what the Court's ruling would be, but I wanted to
2 bring this up on the record. I think clearly under the
3 American system, if you were going to be trying to impeach him
4 on the basis of a statement that he's already indicated was
5 involuntary, there would have to be a threshold determination
6 made that under the totality of circumstances, you know, that's
7 the problem.

8 THE COURT: I understand. I don't even think we need
9 to get into the issue of whether or not Miranda or
10 voluntariness applies to an extra-territorial type of
11 statement.

12 The problem is that this defendant has opened the door
13 to this entire statement in his direct testimony, and if your
14 objection is to the statement being used on cross, I'm going to
15 overrule the objection.

16 MR. HILL: Fine. I just wanted to say that based on
17 voluntariness and no Miranda and those kind of things that
18 we've commonly come to expect in the United States.

19 MR. GILLOGLY: Judge, I need to comment on how
20 prejudiced we are about our inability to meet the testimony
21 head on.

22 THE COURT: I understand.

23 (Proceedings heard in open court:)

24 THE COURT: You may proceed.

25 MR. GILLOGLY: Thank you your Honor.

1 BY MR. GILLOGLY:

2 Q. Then, Mr. Alwan, you say, "I, the undersigned, Sharif
3 Ahmad Muhammad Dahbrah" -- pardon my pronunciation -- "am
4 originally from Eyn Ibrokh" -- again, pardon my
5 pronunciation -- "and currently residing in Chicago."

6 Is that correct?

7 A. That's correct.

8 Q. All right. And then you say, "Off" -- or perhaps "of" --
9 "my free will, I declare the following: I and brothers Rezeq
10 Saleh and Adnan, last name unknown, the Jordanian, were
11 recruited in 1990 A.D. by brother Muhammad Sadeq in Chicago,"
12 is that correct?

13 A. Are you asking if that translation is correct?

14 Q. Well, you said that. That's what you wrote. Those are
15 the words that you wrote.

16 A. This is the statement I was forced to write, yes; but is
17 it true? Definitely it's not.

18 Q. All right, thank you.

19 Then you say, "Brother Rezeq and I attended Al-Amal
20 camp in the state of Virginia. A number of lecturers attended
21 the camp, including the head of the political committee, Najeeb
22 Al-Ghosh, and Abu Ahmad Muhammad Saleh. The conference lasted
23 two days and was held during the weekend. Mousa Abu Marzook
24 gave a speech concerning the political situation of the Gulf
25 War, the status quo of the Occupied Land and the necessity of

1 assisting the people in the Occupied Territories."

2 You wrote those words, right, Mr. Alwan?

3 A. Yes, I believe I wrote this statement. I was forced to
4 write it.

5 Q. Then you wrote the words, "I attended a camp that took
6 place in Milwaukee. It was held on a weekend. I do not recall
7 the exact date. Theoretical weapon training was conducted at
8 this conference or camp. The training on Klash, that means an
9 AK-47, M-16 and number 9 revolver, was conducted. Later,
10 theoretical training was given on how to deal with explosives,
11 as far as assembling, types and connecting and how to booby
12 trap a car. Among those who attended the session were Rezeq
13 Saleh, Muhammad Saleh, Abdul Hameed, as well as a Moroccan
14 instructor, an instructor by the name of Khalid, and three
15 other individuals whose names I do not know because coded names
16 were used. My code name at this session was Ahmad, and
17 Abdullah was the code name for Rezeq Saleh. This session
18 lasted for approximately three days till the end of the week,"
19 and then your signature appears at the bottom of that page.
20 Correct, sir?

21 A. Sir, I disagree with that translation that I have in
22 between my hands. The Arabic statement says that "a camp that
23 was held in 'wilah' at Milwaukee," which is state of Milwaukee,
24 and I am familiar well that's Milwaukee is a city and it's not
25 state. It's the state of Wisconsin.

1 Q. Okay.

2 A. And there is no such thing that mentioned that
3 translation. This translation is not accurate.

4 Q. All right. Other than Milwaukee being perhaps referred to
5 as a state as opposed to a city, what else?

6 A. Just for your attention.

7 Q. Okay.

8 A. And I believe this whole statement is false.

9 Q. All right. Now, there's another page that you wrote, sir.
10 You wrote, again, August 2nd, 1995, "I was sent to Syria for a
11 military training session by Abu Ahmad, Muhammad Saleh, (Abu
12 Ahmad is Muhammad Salah, not Saleh,) on or between May and June
13 of 1992. I was accompanied by Rezeq Saleh only. The training
14 session lasted between 15 to 20 days, in which training on
15 M-16, Kalishnikov, Val rifle and number 9 pistol was conducted.
16 The training involved dismantling and assembling, shooting with
17 live ammunition, then training on the methods of how to wire
18 explosives and their types. During this session, two hand
19 grenades were thrown. The name of the instructor was Abu
20 Muhammad Abdul Kareem. There was another shooting instructor
21 whose name I do not know. During the last day of the training
22 session, a vehicle of the Syrian intelligence arrived at the
23 camp. After that, the session was ended quickly, and we
24 returned to the hotel. The training included how to build
25 Molotov and incendiary bombs."

1 You go on: "After returning from the above-mentioned
2 session, I briefed Muhammad Saleh about it and its events in
3 detail. After a week or more, he, (Muhammad Saleh) told me
4 that the person in charge of him, Mousa Abu Marzook, according
5 to him, was not satisfied with the level of the training."

6 And then you go on in a third paragraph.

7 MR. HILL: Excuse me, your Honor, I'm going to object
8 as to him saying that Mr. Alwan goes on. I mean, first of all,
9 Mr. Alwan has already indicated that portions of this
10 translation are not accurate. I would object to him asking him
11 the whole page. I mean --

12 THE COURT: Let me just stop your objection, and let
13 me warn you, Mr. Hill, at this point, you've had a number of
14 speaking objections that I think are inappropriate, and so the
15 objection is overruled.

16 You can proceed, Mr. Gillogly.

17 BY MR. GILLOGLY:

18 Q. Paragraph 3, you wrote, "Muhammad Saleh, Abu Ahmad
19 contacted us again, and we were sent to Lebanon for another
20 training session. I left Chicago approximately November 26th,
21 1992, heading for Syria, and I was followed by Rezeq Saleh
22 three days later. After a week in Syria, we were transferred
23 to Lebanon, where our training session started approximately
24 three days after our arrival."

25 And then at the bottom of that page, sir, your name

1 appears, correct?

2 A. Are you talking about the translation? What's correct?

3 Q. Well, first of all, your name appears at the bottom of the
4 page. We'll start there.

5 A. Not in the Arabic one I have in my hand.

6 Q. All right. And this -- the translation, the English
7 version of your Arabic, is a fair translation, isn't that true,
8 Mr. Alwan?

9 A. I haven't gone through the whole parts of it, your Honor.

10 (Pause.)

11 BY THE WITNESS:

12 A. It sounds, I believe.

13 MR. GILLOGLY: Okay. Your Honor, with leave of the
14 Court, may I distribute copies of 11B, and then Mr. Alwan or
15 Mr. Hill then can make whatever points they want to make? It
16 might be easier as I read it for the jury to follow.

17 THE COURT: I'll grant you leave.

18 MR. GILLOGLY: I'm sorry, your Honor. I didn't hear
19 you --

20 THE COURT: I'll grant you leave to distribute this
21 statement.

22 MR. HILL: Judge, may I have a side bar, please --

23 THE COURT: Sure.

24 MR. HILL: -- before that?

25 THE COURT: Before the distribution, are you saying

1 that?

2 MR. HILL: Well, it's okay, Judge.

3 THE COURT: You can hold on, John. Just hold on.

4 MR. HILL: I just need a side bar.

5 THE COURT: Let's go to side bar.

6 (Proceedings heard at side bar:)

7 MR. HILL: My objection is to this statement being
8 published to the jury without it being in evidence. This is
9 not in evidence. It's inappropriate, I think, to publish it to
10 the jury without it being in evidence.

11 THE COURT: Okay.

12 MR. HILL: I think you've indicated it's not coming
13 in.

14 THE COURT: I haven't indicated that.

15 MR. HILL: Oh, I'm sorry. I'm sorry.

16 THE COURT: I did indicate that with regard to the
17 Israeli judgment. You want to move this in?

18 MR. GILLOGLY: Yes, Judge, for the weight that it can
19 be afforded, I think it's an aid to the jury to understand
20 what's going on instead of listening to my less-than-dulcet
21 tones.

22 THE COURT: I will receive it into evidence as a
23 statement made by the defendant. I understand there's a
24 contest as to the weight to be given to this statement, and
25 I'll allow you to explain it further on redirect, but I'll

1 admit it.

2 (Government Exhibit 11B was received in evidence.)

3 MR. HILL: Judge, may I inquire whether or not this
4 statement will be the kind of thing that will go back to the
5 jury for them to -- I'm trying to understand the context in
6 which we're -- this is being used.

7 Is it coming in for demonstrative purposes so it's
8 clear what's been said, or is this actually going to be back on
9 the jury table?

10 THE COURT: I'm not going to cross that bridge right
11 now. I don't know the answer to that.

12 MR. HILL: All right.

13 MR. GILLOGLY: Judge, I'll throw my 40 cents in now.
14 The government will move that it go back to the jury room.

15 THE COURT: Okay. I understand. Let me think about
16 that one.

17 MR. GILLOGLY: Okay, Judge.

18 (Proceedings heard in open court:)

19 THE COURT: You can distribute them.

20 (Exhibit 11B published to the jury.)

21 MR. GILLOGLY: May I proceed, your Honor?

22 THE COURT: Yes.

23 BY MR. GILLOGLY:

24 Q. All right. Mr. Alwan, I'm going to direct your attention
25 to, actually it's the fourth page of the English translation

1 which is 11B. So if you could match it up to the Arabic
2 statement which you also have up there.

3 All right. Again, dated August 2nd, 1995, Mr. Alwan,
4 "After the completion of a training session in Lebanon, we went
5 back to Syria where brother Mustafa told us that from now on,
6 our contact will be with Jordan, not with America, the United
7 States. Someone will come and instruct you the method of
8 contact. A man who is 40 years of age came and informed us
9 that when we arrived to Jordan, we should contact Mustafa so
10 that after a week of our arrival, we will stand in front of
11 Al-Qadhi Pastries located at Jebel," perhaps and then there's
12 some unintelligible there. "We have to carry Al-Dastor
13 newspaper in the right hand and an umbrella in the left hand.
14 An individual will approach and ask us about wheat. Then we
15 answer and go with him. There, your assignment will be
16 explained and who to contact."

17 Next paragraph: "After returning to America at the
18 end of the second month, February 26th, 1993, approximately
19 within one or two weeks of arriving to Chicago, and after a
20 telephone contact with us by Abdul Haleem Al-Ashqar, we
21 received a letter from him instructing us to freeze all
22 activities of the movement, prohibiting contact with us, or us
23 contacting anyone."

24 And then the last paragraph: "I returned to Jordan on
25 July 14th, 1995. No contact was made with anyone as far as the

1 organization is concerned. Then I crossed the bridge on July
2 19th, 1995, where I was apprehended."

3 All right. Is that correct, sir?

4 A. Sir, what you're asking about, the translation is correct?

5 Q. Okay, we'll start --

6 A. I -- I declare that to this court, that I'm not -- I
7 declare that clearly that I'm not a HAMAS member, and these are
8 hooks and lies. Nobody ever contact me. Nobody ever call me,
9 and these are hooks and lies.

10 Q. All right. One point at a time, Mr. Alwan.

11 A. Yes, sir.

12 Q. First of all, you wrote these words in your hand.

13 A. I said I was forced to --

14 Q. Right?

15 A. -- during tough period of interrogation, and just the
16 handwritten for everybody would tell how much torture that I
17 was in.

18 Q. So -- and the translation that I read, it's a fair
19 translation of what appears in your handwriting.

20 A. If it believes -- if we're talking about translation, yes,
21 it sounds fair translation.

22 Q. Okay.

23 A. But -- I'm sorry, your Honor --

24 THE COURT: Go ahead, finish.

25 BY THE WITNESS:

1 A. I believe this is hooks and lies. That's why I'm not
2 going to go through it. I never been HAMAS member. I never
3 been trained in these things. And these are hooks and lies.
4 They never took place in the world.

5 BY MR. GILLOGLY:

6 Q. Very well, sir, but going back to the question that I left
7 you with before, what we have in front of us, Government
8 Exhibit 11B and what I read, is a fair translation of the words
9 that appear in the Arabic statement.

10 A. Yes, sir.

11 Q. All right. Now, Muhammad Saleh, the person whose name
12 appears in that statement, he was your superior in the HAMAS
13 organization, was he not?

14 A. Sir, I never been a member of HAMAS organization.

15 Q. And you know, sir, that Muhammad Saleh was arrested in
16 Israel in January 1993, correct?

17 A. I don't know what date he was arrested, but I know he was
18 arrested in Israel, that's correct.

19 Q. And you know that he was arrested with more than \$90,000
20 in United States currency in his possession at the time he was
21 arrested.

22 A. I have no idea about what kind of money he had.

23 Q. Okay. He was arrested in January of '93. In your
24 handwritten statement there, it is written that you were
25 directed to freeze your activities in February 1993, correct?

1 A. I never been directed by nobody. I never been a HAMAS
2 member even.

3 Q. All right. And, sir, you made no travel to the West Bank
4 between February 1993 and July 1995, isn't that true?

5 A. To the West Bank?

6 Q. Yes, sir.

7 A. Yes, sir, that's correct.

8 Q. All right. Now --

9 A. I'm sorry, can you repeat the dates again?

10 Q. Sure. Between February 1993, the month after Muhammad
11 Salah was arrested by the Israelis, you did not return to the
12 West Bank again until July 1995.

13 A. That's correct.

14 Q. All right. Now, in addition to the handwritten statement
15 there, you told Officer Dahan a number of other things, did you
16 not?

17 A. I did not told him anything.

18 Q. Now, you told him, for example, that you were from Eyn
19 Ibrokh, is that correct? If I mispronounce it, I apologize.
20 Your home town.

21 THE WITNESS: Your Honor --

22 THE COURT: Yes.

23 THE WITNESS: This material that he's discussing with
24 me, I was forced to say it. I was forced to write it. I was
25 sentenced for it, and if the Honorable Court wants to allow

1 this to be a battlefield between me and the Shimbet, they are
2 more than welcome to bring their evidence and resentence me in
3 that session. If the United States would allow that, I'd be
4 more than welcome to do that.

5 THE COURT: Okay. Mr. Alwan, you have to answer
6 Mr. Gillogly's questions for purposes of this trial. You gave
7 extensive testimony yesterday, and now it's only fair, under
8 our American system, that there be cross-examination in front
9 of the same jury that heard your testimony yesterday afternoon.

10 So you may proceed, Mr. Gillogly.

11 MR. GILLOGLY: Thank you, your Honor.

12 BY MR. GILLOGLY:

13 Q. In addition to the Arabic statement which we've just gone
14 over, sir, you gave some other information to Police Officer
15 Marco Dahan, isn't that correct?

16 A. That's not correct.

17 Q. Well, you told Officer -- well, you were interviewed by
18 Officer Dahan on August 3rd, 1995. Do you remember that?

19 A. I don't remember.

20 Q. And Officer Dahan told you at the time that he was a
21 police officer. Do you recall that, sir?

22 A. No, sir.

23 MR. GILLOGLY: May I approach, your Honor?

24 THE COURT: Yes.

25 MR. GILLOGLY: I'm going to give you what's marked for

1 identification as Government Exhibit 12B, Mr. Alwan, so you
2 have it in front of you.

3 MR. HILL: I'm sorry, Judge. I'm sorry for the side
4 bar, but may have I another one, please?

5 THE COURT: Yes.

6 (Proceedings heard at side bar:)

7 THE COURT: Okay.

8 MR. HILL: This appears to be a police report. To
9 give him a police report and ask him questions about what
10 somebody else wrote I think is inappropriate, Judge. The other
11 one was what he wrote, but this was somebody else writing it,
12 and I think that's inappropriate.

13 MR. GILLOGLY: If Mr. Hill insists, I'll take it back.
14 I think it will expedite things. I'm not offering the police
15 report in evidence, at least not at the moment. I'm entitled
16 to question him off of it. Mr. Hill does it 50 times a week in
17 cross-examining police officers, and I'm entitled to use it as
18 a basis of my cross-examination.

19 If he wants me to withdraw the exhibit from the
20 witness, I'll do that, Judge, but I think it would move things
21 along.

22 MR. HILL: Judge, I don't understand what the rule of
23 evidence is that he's saying. This isn't the defendant's
24 statement.

25 THE COURT: Okay. I'm going to sustain this

1 objection, and why don't you pull it back.

2 MR. GILLOGLY: Judge, just so I'm clear so I don't
3 violate the Court's order here, may I be -- I am permitted, I
4 understand, to cross-examine him about the statements he made
5 to Officer Dahan.

6 THE COURT: Sure, you can do that.

7 MR. GILLOGLY: Okay, fine. Then I'll pull it back.

8 (Proceedings heard in open court:)

9 MR. GILLOGLY: May I approach, your Honor?

10 THE COURT: You can proceed.

11 MR. GILLOGLY: Mr. Alwan, would you please give me
12 that exhibit that I just gave you, Government Exhibit 12B?

13 I've taken it now from Mr. Alwan.

14 BY MR. GILLOGLY:

15 Q. Now, on August 3rd, 1995, Mr. Alwan, while you were in
16 custody, you were interviewed by Israeli Police Officer Marco
17 Dahan. Do you remember that?

18 A. I don't recall.

19 Q. And you remember that when he began to talk to you, he
20 told you he was a police officer. He told you that you were a
21 suspect under investigation; that you didn't have to declare
22 anything against your will, but that anything you did say would
23 be recorded by him and used against you.

24 Do you remember that?

25 A. Nobody ever read me my rights, and all I recall is the

1 Hebrew document for the best of my knowledge is the Hebrew
2 document that I signed that was before the Arabic statement,
3 and Arabic statement came after that, what they forced me to
4 say.

5 Q. I'm sorry, sir, I didn't mean to cut you off.

6 A. Go ahead, I'm sorry.

7 Q. Did you finish your answer?

8 A. Yes. My statement is the Hebrew document that I was
9 forced to sign, that was before the Arabic materials or the
10 Arabic papers that I was forced to write, and nobody ever read
11 me my rights.

12 Q. Well, in fact, Mr. Alwan, that after Officer Dahan read
13 you the bill of rights, he translated it into your language,
14 Arabic, isn't that true? Do you recall that?

15 A. I don't recall.

16 MR. GILLOGLY: Your Honor, may I approach the witness?

17 THE COURT: You may.

18 BY MR. GILLOGLY:

19 Q. I'm going to show you 12B, Mr. Alwan, and direct your
20 attention right here, this last couple of lines here, sir, and
21 ask you if that refreshes your recollection as to whether
22 Officer, Police Officer Dahan advised you of your rights in
23 Arabic?

24 A. He never advised me of nobody. I never been advised from
25 nobody at that moment, nor a lawyer, nor a police officer, nor

1 interrogator, nobody. Simply, they declare that to me you are
2 in custody, you have no rights. You have the right to go to
3 the bathroom and to eat. That's it.

4 Q. All right. So I take it then that this document does not
5 refresh your recollection that Officer Dahan read you your
6 rights in Arabic.

7 A. Nobody ever read me my rights.

8 MR. GILLOGLY: Your Honor, may I retrieve the exhibit?

9 THE COURT: Yes.

10 MR. GILLOGLY: I need to take that back, Mr. Alwan.

11 BY MR. GILLOGLY:

12 Q. Now, you told Officer Dahan that you were from Eyn Ibokh,
13 and if I mispronounce it, I apologize.

14 You told him that, do you remember?

15 A. I don't recall that I told him that, but the name of my
16 village is Einybrod. It's not Eyn Inbrokh.

17 Q. Thank you, sir, for correcting me. You told Officer Dahan
18 that you were single and had been living in the United States
19 for about the past six years. Do you remember telling him
20 that?

21 A. I don't recall there was a police officer that I told him
22 these statements.

23 Q. And do you recall telling the officer that you were
24 self-employed and owned a supermarket?

25 A. Your Honor, I don't recall that.

1 Q. Well, that was a true statement.

2 A. That's true statement, yes, that I'm employed.

3 Q. And then you told the officer that a man by the name of
4 Sheik Muhammad Sadeq, about 29 years old, a doctor, originally
5 from Egypt who lives presently in Chicago, advised you to
6 become a member of the HAMAS organization.

7 Do you remember telling Officer Dahan that?

8 A. I never told him that, and I don't know whoever is that
9 person.

10 Q. And then you told Officer Dahan that there was some other
11 people in the organization, including Muhammad Sadeq, Rezeq
12 Salah Algawel, A L G A W E L, about 26 years old, both from
13 Chicago, a fellow by the name of Adnan, originally from Jordan,
14 and you.

15 Do you recall that?

16 A. I don't recall.

17 Q. And then you told Officer Dahan that you, about four
18 months after that, you went under the leadership of Muhammad
19 Salah who was also called Abu Ahmad. Isn't that true?

20 A. That's not true.

21 Your Honor, these statements are not true. They never
22 exist.

23 THE COURT: Okay. You've already indicated that to
24 the jury. Go ahead.

25 THE WITNESS: Thank you, go ahead.

1 BY MR. GILLOGLY:

2 Q. And then you told Officer Dahan that after you went under
3 Abu Ahmad's command -- that's Muhammad Salah -- you had a
4 meeting at his house. That's here in Chicago, isn't that true?

5 A. That's not true.

6 Q. And that the attendees were Abu Ahmad, Mr. Rezeq Saleh,
7 Mohammed Al-Refi, also known as Abu Omar, originally from Azah
8 Gazah, a person by the name of Ghaleb, originally from
9 somewhere or Jinin, and a Palestinian by the name of Halmaz,
10 H A L M A Z, and then a fellow named Khaled, K H A L E D, who
11 was a Lebanese fellow, who was the leader of the training.

12 A. That's not right. I never --

13 Q. And then you told Officer Dahan that at Muhammad Saleh's
14 house here in the Chicago area, your first session in military
15 training was theory, regarding topics such as explosives,
16 methods used for explosives, explosive devices and uses.

17 Do you remember telling Officer Dahan that?

18 A. I never remember him I told him that. I never told him
19 that.

20 Q. And then you gave Officer Dahan some additional
21 information about the military training that you received in
22 the United States.

23 You told Officer Dahan that you were summoned in
24 Milwaukee U.S. and there Rezeq -- Rezeq Saleh, that is -- and I
25 got directions how to get to the meeting place. Each of us

1 left in our own car. I left from Chicago, taking the 90/94
2 highway. I traveled on that road until I reached the state
3 limits. From there, I went east until I reached my
4 destination, where the training course was going to take place.
5 It is not too far from Milwaukee.

6 You told that to Officer Dahan, didn't you, Mr. Alwan?

7 A. I never told him that.

8 By the way, can you say the directions again, please?

9 Q. I'm sorry, sir?

10 A. Some of the materials are new to me, that I just saw it in
11 the MCC building when it was brought to my lawyer. So can you
12 say the direction that you said, please?

13 Q. Sure. You told Officer Dahan that you were summoned to
14 Milwaukee, or summoned in Milwaukee, excuse me, and there you,
15 Rezeq -- that is, Rezeq Saleh -- and I got directions on how to
16 get to the meeting place. Each of you left in your own car.
17 You told Officer Dahan that you left from Chicago taking the
18 90/94 highway, and that you traveled on that road until you
19 reached the state limits.

20 From there, you went east until you reached your
21 destination, where the training course was going to take place,
22 and you told Officer Dahan that the training place was not too
23 far from Milwaukee.

24 Do you remember telling Officer Dahan this?

25 A. I don't remember I told him that, but I have little

1 objection about -- I'm sorry -- not I mean objection, just
2 explanation, that when you say I took the -- for reading the
3 statement, the 94 going west, then after -- can you repeat the
4 direction, please?

5 MR. GILLOGLY: Your Honor, I'll be happy to read it
6 again, or I can give him a copy, whichever your Honor prefers.

7 THE COURT: What would you prefer, Mr. Alwan?

8 THE WITNESS: Let me have the copy, please.

9 THE COURT: Okay. Give him a copy of it.

10 (Pause.)

11 BY THE WITNESS:

12 A. First of all, the top sentence that says we were in Kansas
13 City. Then --

14 BY MR. GILLOGLY:

15 Q. Well, that's a different topic, Mr. Alwan.

16 A. Okay.

17 Q. My question --

18 A. I don't understand --

19 MR. HILL: Pardon me, Judge. Can he answer?

20 THE COURT: Go ahead, finish, Mr. Alwan.

21 BY THE WITNESS:

22 A. Then after that, that says that we traveled to Milwaukee.

23 That's what I understand out of this paper. Maybe if I'm
24 mistaken, would you correct me, please.

25 BY MR. GILLOGLY:

1 Q. My question to you, Mr. Alwan, is the statement that I
2 just read out loud, you said that to Officer Dahan on August
3 2nd, 1995 --

4 A. I never --

5 Q. -- in substance or in precise words.

6 A. I never said that.

7 Q. Okay.

8 A. And I'm familiar well that the highway 90/94 when you go
9 to Milwaukee, or wherever --

10 Q. All right.

11 A. -- that doesn't go east at the city border between --

12 Q. Your statement was --

13 A. Your Honor, let me finish, please.

14 THE COURT: Go ahead.

15 MR. GILLOGLY: I'm sorry.

16 BY THE WITNESS:

17 A. Between Chicago and Milwaukee, that the 94 doesn't run
18 east there. That's the best of my knowledge. Thank you.

19 THE COURT: You can proceed.

20 BY MR. GILLOGLY:

21 Q. All right. Mr. Alwan, you told Officer Dahan that you
22 traveled on 90/94 highway until you reached the state limit.
23 From there, you went east until you reached your destination,
24 where the training course was to take place, somewhere near
25 Milwaukee.

1 You told that to Officer Dahan, didn't you, Mr. Alwan?

2 A. I never told him that, your Honor.

3 Q. Now, in addition to the various statements you made to
4 Officer Dahan, you told him, either in these words or
5 equivalent of these words, that in the middle of 1992, Abu
6 Ahmad approached you and told you and Rezeq that he and Mousa
7 Abu Marzook wanted you to attend an intensive training course
8 in Syria.

9 You told Officer Dahan that you both -- that is, you
10 and Rezeq -- both agreed to do this, and you were -- and both
11 invented a cover-up story to tell our families. You also told
12 Officer Dahan that you told your families that you were going
13 to go to work in the Middle East. You said to Officer Dahan
14 that you and Rezeq received false Somalian passports from Abu
15 Ahmad, that your personal description was included in the
16 passports.

17 Abu Ahmad accompanied you to the airport in Chicago,
18 where we took a flight to Damascus with a stop in Amsterdam.
19 We were told for us to wait for a HAMAS representative upon
20 arrival. An individual known as Mustafa would come and pick us
21 up at the airport.

22 When we arrived in Damascus, Mustafa, 35 years of age
23 and a member of the HAMAS political movement, came to the
24 airport to meet us. He took us to a hotel and left us there
25 for about a week.

1 Do you remember telling that to Officer Dahan?

2 A. I don't remember, your Honor. I never told him that.

3 And do I look like an African-American or an African
4 person to carry Somali passport? That's a false statement. I
5 never carry a false passport.

6 Q. So it's your testimony that you did not say this to
7 Officer Dahan.

8 A. Yes.

9 Q. All right. Now, did you travel to Amsterdam and then to
10 Syria with Rezeq Saleh?

11 A. I don't recall, your Honor.

12 Q. Well, have you ever traveled with Rezeq Saleh to Syria?

13 A. Not I recall.

14 Q. Well, if you'd made a trip from the United States to Syria
15 with Rezeq Saleh, do you think you'd remember that?

16 A. No. I don't recall that I made trip.

17 Q. Mr. Alwan, what's a ticket to -- from Chicago to Syria
18 cost?

19 A. I don't know how much it cost to Syria. I know how much
20 it cost to Jordan.

21 Q. And you've already told the jury that in 1992, you were a
22 full-time student working some part-time jobs, correct?

23 A. That's correct.

24 Q. And your brother Amin was helping support you.

25 A. That's correct.

1 Q. So you didn't have the money to spend for a ticket from
2 Chicago to Syria and back to Chicago, did you?

3 A. That's not correct.

4 Q. You did have the money?

5 A. I was working a side job, as I declare to you when you
6 asked me, that I do have side work, like as street peddler or a
7 salesman.

8 Q. Mr. Alwan, it is true, is it not, that you in 1992, in the
9 latter part of 1992, you and Rezeq Saleh made arrangements to
10 fly from Chicago to Amsterdam to Syria.

11 A. I don't recall that.

12 Q. Well, you said in 1992 the only trip you made from Chicago
13 to the Mideast was to attend your cousin Mustafa's wedding.

14 A. That's correct.

15 Q. All right. And you did not travel with Rezeq Saleh.

16 A. I don't recall I travel with him.

17 Q. Well, didn't you tell the jury that when you went to your
18 cousin's wedding, Mustafa's wedding, you did not travel with
19 Rezeq Saleh?

20 A. I said he wasn't at the wedding, and the wedding, that's
21 in Jordan.

22 Q. My question to you, Mr. Alwan --

23 A. Yes.

24 Q. -- is you did not travel to Mustafa's wedding with Rezeq
25 Saleh.

1 A. I don't recall he was at that wedding.

2 Q. Did you travel with him on an airplane from Chicago to
3 Jordan?

4 A. I don't recall that.

5 Q. Did you ever travel with Rezeq Saleh from Chicago to
6 Amsterdam to Syria?

7 A. I don't recall that.

8 Q. Sir, it's true that in the latter part of 1992, you and
9 Rezeq Saleh made arrangements to travel from Chicago to
10 Amsterdam to Syria, isn't that true?

11 A. I don't recall that. I have no idea.

12 Q. Just like you told Officer Dahan --

13 MR. HILL: Excuse me, Judge.

14 BY MR. GILLOGLY:

15 Q. -- in August 1995?

16 THE COURT: Yes.

17 MR. HILL: I think he was interrupted. He was trying
18 to finish his answer.

19 THE COURT: That's not clear to me, Mr. Hill.

20 MR. HILL: Okay.

21 THE COURT: So go ahead, Mr. Gillogly.

22 BY MR. GILLOGLY:

23 Q. And that's what you told Officer Dahan in August of 1995,
24 that you, in the latter part of '92, you and Rezeq Saleh
25 traveled from U.S. to Amsterdam to Syria.

1 A. I said that I never said these things to Mr. Dahan, and
2 that's not true.

3 Q. He made it up?

4 A. I don't know how he made it --

5 MR. GILLOGLY: Your Honor, may I approach?

6 BY THE WITNESS:

7 A. -- or how he wrote it.

8 MR. GILLOGLY: May I approach your Honor?

9 THE COURT: Yes.

10 BY MR. GILLOGLY:

11 Q. I'm going to hand you what's marked for identification as
12 Government Exhibit 17, Mr. Alwan. Take a moment to look over
13 those two pages of that exhibit, would you, please?

14 (Pause.)

15 BY MR. GILLOGLY:

16 Q. Have you had a chance to take a look at that, Mr. Alwan?

17 A. Yes, I did.

18 Q. In fact, Mr. Alwan, these are two tickets, one for you and
19 one for Rezeq Saleh, traveling from Chicago O'Hare via KLM
20 Airlines to Amsterdam, with a continuing flight to or
21 destination, Damascus. That's Syria, is it not? Damascus is
22 in Syria, is it not?

23 A. I know that Damascus is in Syria, yes, but I have no idea
24 about these tickets.

25 Q. Each of these tickets cost \$2,100, correct?

1 A. I have no idea how much the ticket cost, first of all.

2 Second, please --

3 Q. Let me direct your attention to the back page then, sir,

4 we'll do this one step at a time.

5 THE COURT: You can finish your answer.

6 MR. GILLOGLY: Oh, I'm sorry.

7 THE COURT: You said second what, Mr. Alwan?

8 BY THE WITNESS:

9 A. What I remember, I stop in Damascus when I was going to
10 Jordan, but I never landed in Damascus itself. Then I
11 continued my flight.

12 The ticket at the top, there could be 300 passengers
13 on the plane. I don't recall that somebody was in that flight
14 with that name.

15 MR. GILLOGLY: Your Honor, may I put questions to the
16 witness?

17 THE COURT: Go ahead.

18 BY MR. GILLOGLY:

19 Q. Mr. Saleh, turn your attention to the second page of that
20 exhibit, Government Exhibit 17, all right?

21 MR. GILLOGLY: May I approach, your Honor?

22 THE COURT: Yes.

23 BY MR. GILLOGLY:

24 Q. Right down here, sir. Each of those tickets cost
25 approximately \$2,100, isn't that true?

1 Correct, Mr. Alwan?

2 A. The price I see, yes, it's correct.

3 Q. Now, there's a ticket for you, and there's a ticket for
4 Rezeq Saleh, isn't that correct?

5 A. That's true.

6 Q. Both of you on the same flight, Chicago to Amsterdam and
7 then Amsterdam to Damascus, correct?

8 A. This statement is correct, yeah, these are exhibits for
9 both tickets.

10 Q. And you were scheduled to leave on September 28th, 1992,
11 correct?

12 MR. GILLOGLY: May I approach, your Honor?

13 THE COURT: Yes.

14 BY MR. GILLOGLY:

15 Q. Do you have that there, Mr. Alwan?

16 A. I'm sorry --

17 Q. Your departure date, 28th of September, correct, leaving
18 Chicago to go to Amsterdam, correct?

19 A. That's correct, what says here.

20 Q. And then on the 29th, your flight then continues from
21 Amsterdam to Damascus, is that correct?

22 A. That's correct.

23 Q. Now, your return is an open return, is that correct?

24 Let me direct you to the first page of the exhibit,
25 Mr. Alwan. That may help you.

1 MR. GILLOGLY: Again, your Honor, may I approach?

2 THE COURT: Yes.

3 BY MR. GILLOGLY:

4 Q. If I may, Mr. Alwan, get you focused here. Do you see
5 that?

6 A. Yes.

7 Q. Your return flight is another KLM flight with an open
8 date. Do you see that?

9 A. Yes, the exhibit I have, yes.

10 Q. But you've got to use it by December 27th, according to
11 the ticket.

12 A. Yes.

13 Q. All right. So then, Mr. Alwan, it is true, just like you
14 told Officer Dahan when he interviewed you, that you and Rezeq
15 Saleh did, in fact, travel from Chicago to Amsterdam to Syria.

16 A. I never seen that officer you're talking about him.

17 Q. Officer Dahan just made that up, Mr. Alwan?

18 A. You could bring him and ask him. If you want to bring him
19 as a witness stand, go ahead.

20 MR. GILLOGLY: Your Honor, given the situation your
21 Honor knows --

22 MR. HILL: Objection, your Honor.

23 MR. GILLOGLY: -- I would object, and ask that it be
24 stricken.

25 MR. HILL: Objection.

1 THE COURT: Stop. Hold it a second. Mr. Alwan's last
2 answer, his request to Mr. Gillogly is stricken. It should be
3 disregarded.

4 Ask your next question.

5 MR. GILLOGLY: Your Honor, I've reached a convenient
6 breaking point.

7 THE COURT: Okay, we'll break.

8 MR. HILL: Judge --

9 THE COURT: We'll break for ten minutes.

10 (Jury exits courtroom.)

11 THE COURT: You can step down Mr. Alwan.

12 Mr. Hill, you wanted to say something?

13 MR. HILL: I was getting ready to object to him
14 commenting upon the situation that prevents him from bringing
15 witnesses into this courtroom in front of the jury, Judge.

16 MR. GILLOGLY: I didn't make that comment.

17 MR. HILL: I suspected he was about to make that
18 comment. That was the reason.

19 THE COURT: Okay. Well, I tried to cut it off.

20 MR. HILL: Right.

21 THE COURT: I think, unfortunately, it all started
22 with Mr. Alwan.

23 MR. HILL: Right.

24 THE COURT: So maybe you can have a conversation with
25 Mr. Alwan and explain to him that there is such a thing as

1 redirect examination where explanations can be given to
2 cross-examination. But we'll stand in recess for ten minutes.

3 MR. GILLOGLY: Judge, I want the record to reflect I
4 never said anything about an inability. My comment was
5 oblique. Your Honor understood what I was getting at, and
6 that's all I meant to say, and I never said anything close to
7 we were unable to bring anybody over here, given the situation.
8 It was never said.

9 THE COURT: See you in ten minutes.

10 (Recess from 11:33 to 11:49 a.m.)

11 MR. GILLOGLY: Your Honor, does Mr. Alwan want some
12 water perhaps?

13 THE COURT: Do you want some water?

14 THE WITNESS: Thank you, your Honor.

15 THE COURT: No? Okay.

16 (Jury enters courtroom.)

17 THE COURT: Okay. Please be seated, ladies and
18 gentlemen.

19 You may proceed, Mr. Gillogly.

20 MR. GILLOGLY: Thank you, your Honor.

21 BY MR. GILLOGLY:

22 Q. Mr. Alwan, when we broke, I was asking you some questions
23 about an interview that you had in 1995, and I believe you
24 testified that you did not recall the name of the person who
25 asked you questions when you were -- after your arrest in July

1 of '95.

2 Did I understand you correctly?

3 A. Yes.

4 Q. And so the name Marco Dahan, you don't recall that name?

5 A. No, I don't.

6 Q. But you don't deny that you were interviewed by an Israeli
7 police officer.

8 A. I don't recall how many officers I have seen. I have seen
9 tens of them during that interrogation period.

10 Q. Now, I'm making a distinction here, sir --

11 A. Correct.

12 Q. -- between the Shimbet people that you testified about
13 yesterday and the Israeli police, all right?

14 Do you recall being interviewed by an Israeli police
15 officer?

16 A. I never seen any police officer interview me.

17 Q. A police officer with a rank of lieutenant major, rather
18 high ranking police officer.

19 A. I don't recall that.

20 Q. All right. Now, yesterday, sir, you gave some testimony
21 about the charges that were brought against you after you were
22 arrested in July 1995. Do you recall giving testimony about
23 that yesterday?

24 A. Yes, I recall.

25 Q. Now, sir, you also testified that you ended up pleading

1 guilty to at least some of the charges at the end of the --
2 when it was all over.

3 A. Yes, sir.

4 Q. All right. Now, along the way, sir, you had a lawyer
5 representing you, correct?

6 A. At the beginning, I never have any lawyer.

7 Q. No. There came a time when you did have a lawyer.

8 A. That's correct.

9 Q. An Israeli lawyer, correct?

10 A. That's correct.

11 Q. In fact, it was a woman by the name of Leah Csmel?

12 A. That's correct.

13 Q. C S M E L, something like that?

14 A. That's correct.

15 Q. Now, your Israeli lawyer was hired by your father.

16 A. Yes.

17 Q. And you met with your lawyer, did you not?

18 A. Not with that see directly, I just seen her in the court,
19 that's quick, but she have another helper that he works with
20 her. He came and I meet with him, yes.

21 Q. So you met with her associate, her helper.

22 A. That's correct.

23 Q. Okay. Now, you also saw your family after you were
24 arrested.

25 A. Yes, I saw my family.

1 Q. And roughly about 50 days or so after you were arrested,
2 you saw your dad?

3 A. I don't recall exactly, but, yes, I did.

4 Q. Approximately.

5 A. Yes, I saw my dad.

6 Q. Approximately a month after you gave the statements that
7 we've already testified today, you saw your dad.

8 A. I don't recall the exact month, but I know that I did saw
9 him while I was at the interrogation period, that's correct.

10 Q. And you saw your mother?

11 A. For a quick moment, for --

12 Q. And you saw two of your brothers, did you not?

13 A. Yes, as I recall.

14 Q. Which two brothers did you see?

15 A. I think I saw my brother Ramadan and Yasser.

16 Q. Yasser?

17 A. Uh-huh.

18 Q. Where do they live?

19 A. They live -- my brother Yasser, he live in the United
20 States; but at that time, he was going back with the same trip
21 that we hope -- we were hoping to get married together, and
22 they got there before I was arrested.

23 Then he was living in the United States, and then
24 after that he came after me. My brother Ramadan, he was living
25 at Einybrod at that time.

- 1 Q. I'm sorry?
- 2 A. At Einybrod.
- 3 Q. Your home town?
- 4 A. That's correct.
- 5 Q. All right. So one of your brothers was living in the
- 6 States, although he had traveled with you. That's Yasser?
- 7 A. Not with me.
- 8 Q. All right. Travel at the same time?
- 9 A. A couple weeks after I maybe or something.
- 10 Q. So you remember you did not travel with your brother then
- 11 when you went over in July of '95.
- 12 A. That's right.
- 13 Q. Okay. And the other brother, Ramadan, he lived in your
- 14 home town.
- 15 A. Yes.
- 16 Q. Okay.
- 17 A. At that time.
- 18 Q. I'm sorry, sir. I didn't mean to cut you off.
- 19 A. At that time, yes.
- 20 Q. All right. Now, talking about charges now that were
- 21 brought against you, now, you recall, sir, and it's true, that
- 22 the lawyer that your father hired for you resisted at least
- 23 some of the charges that had been brought against you, isn't
- 24 that true?
- 25 A. Yes, that's true.

1 Q. And it's also true that the prosecutor in your case agreed
2 with her at least as to some of the objections that she raised
3 to the charges that had been brought against you.

4 A. I never seen any objections. There was no court actually.
5 There was no cross-examination, no questions. It was a deal
6 between the lawyer and the prosecutor, or if there is a
7 prosecutor.

8 Q. Okay.

9 A. Nobody ever talked to me about the charges. Nobody ever
10 show me the indictment. Nobody ever show me what's -- what
11 they going to drop and what they want to leave in that
12 indictment.

13 Q. Well, we'll get to that --

14 A. Go ahead.

15 Q. -- but my question to you, sir, is that in this deal
16 process, the process that led up to making this deal, your
17 lawyer objected to some of the charges that had been brought
18 against you, and the prosecutor ended up agreeing with her and
19 cutting back some of the charges that had been brought against
20 you, isn't that right?

21 A. I know they make amendment to the list of the charges.
22 That's how they end up with that deal. That's the only thing I
23 know.

24 Q. And those amendments came about because your lawyer, the
25 lawyer that your father hired for you, made some objections to

1 the charges, the original charges that had been brought against
2 you.

3 A. I never know what went between them.

4 Q. Now, sir, your -- the sentence that you faced under the
5 charges that were brought against you would have subjected you
6 to imprisonment for six years, isn't that right?

7 A. Well, I don't know the exact time, but I had been
8 threatened by the Israeli Shimbet at the beginning that this is
9 the indictment that we could bring against you could carry from
10 ten years to four years, or four years, what they call it like
11 under probation or something like that.

12 Q. But you knew, sir, that the sentence, the actual sentence
13 you were facing was more like six years, isn't that true?

14 A. The issue never was brought in front of the court, so they
15 ask how much they want. Since the beginning, it was a deal.

16 The first lawyer that represent me, Abad Assali, he
17 bring me a deal of three years. Then I refuse. Then he told
18 me I advise you to take this plea because if you don't take it,
19 they're going to hit you with harder time, five or six years.
20 Then I insist to -- to disagree because I told him these
21 charges are not accurate. Then I told my father at the visit
22 when he came and visit me at Migido jail to change my lawyer,
23 and he did.

24 Q. Oh, so you had two lawyers representing you.

25 A. That's correct.

1 Q. One you didn't like what he was doing for you?

2 A. That's right.

3 Q. And so your father hired you a lawyer, a second lawyer
4 then.

5 A. I have no choice to like or dislike whatever they were
6 doing to me. All I was thinking at that time, to take a plea
7 and get out of jail.

8 Q. But the question to you, sir, is that your father hired
9 the lawyer who eventually represented you and who ended up
10 making this deal that you've talked about.

11 A. Yes.

12 Q. Okay. Now, -- so the situation with your lawyer, sir,
13 that was different than your situation with your lawyers here
14 in the States, right?

15 A. Definitely right, yes.

16 Q. Well, for example --

17 A. It's 300 --

18 Q. You had a lawyer in 1998 and 1999 by the name of Michael
19 Falconer, correct?

20 A. I do have lawyer, yes.

21 Q. And then you hired Ms. Jarad and Mr. Hill, right?

22 A. Yes.

23 Q. All right. Now, I take it, sir, that you've been happy
24 with the representation that they've given you along the way
25 here.

1 A. Yes.

2 Q. All right. And they've done what you've asked them to do?

3 A. Yes.

4 Q. Okay. Now, in contrast to that, you say you weren't happy
5 with the first lawyer that you had in Israel.

6 A. Yes.

7 Q. And then your dad hired that second lawyer.

8 A. Well, there was bunch of lawyers represent me at the
9 beginning after one month.

10 The first month, I have no representative. At the
11 time where those statements took and the time where those
12 statements took place and I was forced to sign, I never seen
13 nobody. No Red Cross, no lawyer, nobody.

14 Q. Okay. But when the time came for you to take this deal
15 then, you had the lawyer who your father hired.

16 A. Yes.

17 Q. Okay. All right. Now, you testified, sir, both yesterday
18 and today, that you didn't really understand the charges that
19 were brought against you.

20 A. I did not.

21 Q. And that nobody ever explained those charges to you.

22 A. Nobody ever explained the charges.

23 Q. And I take it from that what you're telling the jury is
24 that you really didn't know what was going on when this deal
25 was cut.

1 A. That's true.

2 Q. Well, the truth is, Mr. Alwan, that the charges were
3 explained to you, weren't they?

4 A. They were never explained to me.

5 Q. And you understood the charges that were brought against
6 you.

7 A. That's not right.

8 Q. And you worked with your lawyer to cut a deal with the
9 prosecutor for your 23- or 24-month sentence, isn't that true?

10 A. That's not true. I never -- I never been -- I never have
11 consultation or review with my lawyer whatever they're going to
12 drop, what are they going to fix in this indictment.

13 MR. GILLOGLY: Your Honor, may I approach?

14 THE COURT: Yes.

15 BY MR. GILLOGLY:

16 Q. All right, Mr. Alwan, I'm going to show you two exhibits,
17 sir. The first is Government Exhibit 13A, and the second is
18 Government Exhibit 13B.

19 So take a minute, sir, and look those two exhibits
20 over, would you, please?

21 MR. HILL: Judge, while he's looking that over, may we
22 have a side bar on this?

23 THE COURT: Okay.

24 (Proceedings heard at side bar:)

25 MR. HILL: My objection, I'm not sure where counsel's

1 going with this, but this is an indictment. An indictment is
2 not evidence either way against the defendant. It's just the
3 formal charges where you bring a charge against him.

4 I'm not sure, is he planning to use the indictment as
5 evidence at this point? Because I would object. He's got it
6 marked as an exhibit. It's really the indictment.

7 THE COURT: 13B, it starts out the indictment, and
8 then there's more to it than that, or is that it?

9 MR. GILLOGLY: Yes, Judge. Well, 13B, I think the
10 record will show is the charging language, indictment being the
11 sort of English equivalent, if you will. Then there's such a
12 docket sheet or protocol sheet which essentially tracks the
13 progress of the case through the court system there.

14 THE COURT: And ends up in a resolution?

15 MR. GILLOGLY: Correct. The plea deal that
16 Mr. Alwan's testified about today and yesterday.

17 MR. HILL: Well, okay.

18 THE COURT: I think we've been over 13B a number of
19 times. Let me see how it's used.

20 MR. HILL: The other part of it is if he's talking
21 about the docket sheet and that sort of thing, there's no
22 foundation for that. You know, if this is a record, a business
23 record or something or a court record, there's been no
24 foundation laid for its introduction.

25 THE COURT: I understand, and I've already indicated

1 very clearly it's not coming into evidence.

2 MR. HILL: Okay, fine.

3 MR. GILLOGLY: Well, Judge, maybe we should wait and
4 see what the defendant says about it.

5 THE COURT: Well, let's see what he says.

6 MR. GILLOGLY: Okay.

7 (Proceedings heard in open court:)

8 MR. GILLOGLY: May I proceed, your Honor?

9 THE COURT: Yes.

10 BY MR. GILLOGLY:

11 Q. Now, Mr. Alwan, there came a point when the charges that
12 were brought against you, you met with the second lawyer, the
13 one your dad hired, and her associate, and there were some
14 back-and-forth discussions between your lawyer, the defense
15 team, if you will, and the prosecutor. That's true.

16 When I say back and forth, I mean some discussion.

17 A. I know there was the lawyer, the last lawyer, she was
18 working for a deal. Her name is Csmel, and she was working for
19 a deal.

20 Q. Now, sir, you recall that this was before a military court
21 in Ramallah?

22 A. Yes.

23 Q. And that there was a judge in your case in the military
24 court?

25 A. I went to military court two, three times, and they have

1 sometimes three judges. Sometimes they have one judge. So
2 it's just like a team of judges.

3 Q. At the end then when your deal was cut --

4 A. Uh-huh.

5 Q. -- you -- there was just one judge, right?

6 A. I don't recall exactly how many, but it was a military
7 judge there.

8 Q. Do you remember the judge, again in the military court, a
9 judge by the name Lieutenant Brigadier Shlomo Izikson.

10 A. No, I don't.

11 Q. And the prosecutor was named Meir Schwartz, correct? Do
12 you remember that?

13 A. The judge I remember, the best of my knowledge that he
14 closed that deal, his name was Shapiro, the best of my
15 knowledge.

16 Q. That's your knowledge? Okay.

17 A. But that might be the judge name or the prosecute,
18 whatever is here, whatever goes between the defendant and -- I
19 mean between the prosecutor and the lawyer, but --

20 Q. Is your recollection not real clear about the name of the
21 judge?

22 A. That's correct.

23 Q. All right. Maybe there's something that would help your
24 memory here.

25 May I approach, your Honor?

1 THE COURT: Yes.

2 MR. GILLOGLY: Page 22. Again, directing your
3 attention to Government Exhibit 13B. Does that refresh your
4 recollection, Mr. Alwan, as to the name of the judge who was
5 presiding over your case at the end there?

6 A. No, sir. The name of the judge was Shapiro. That's the
7 one I knew.

8 Q. All right, sir.

9 Now, Mr. Alwan, you recall that your case concluded in
10 late June of 1996, about June 25th of 1996.

11 A. Yes.

12 Q. And at the time on that date on June 25th of '96, not only
13 was there a judge and there was a prosecutor and there was your
14 lawyer, Ms. Csmel, but there was also translators appointed.

15 A. Yes, it was translators.

16 Q. Okay. A person by the name of Rida, R I D A, and a person
17 by the name of Aiman, and perhaps the English spelling would be
18 A I M A N. Do you recall those two people?

19 A. I recall there was translators there, but I don't know
20 their accurate names.

21 Q. And you recall that when you appeared before the court on
22 June 25th of 1996, the defense, your lawyer, asked the court --
23 requested the court to have the charges reviewed and changed in
24 the indictment, or the charging document. Do you remember that
25 happening?

1 A. Would you repeat the question, please?

2 Q. Sure. On June 25th of 1996, when you went to court and
3 your lawyer was there, your lawyer requested that to the court
4 that the charges that had been brought against you be reviewed
5 and the indictment in your case, or the charging document in
6 your case, be changed. Do you remember that?

7 A. What I remember at that date of the sentence is my father,
8 he came to me and he told me that's a deal, that the lawyer
9 approached with 24 months. We were asking for different deal
10 before. And he told me there is deal for 24 months and to be
11 bound. And he told me even he feel that's too high, and let's
12 try to cut it off more.

13 Q. All right.

14 A. And --

15 Q. But your lawyer then also asked the court that the charges
16 be reviewed and changed. Do you remember her doing that?

17 A. Reviewing -- she did not review anything with me, of
18 course.

19 MR. GILLOGLY: May I approach, your Honor?

20 THE COURT: Yes.

21 MR. GILLOGLY: 23, counsel.

22 BY MR. GILLOGLY:

23 Q. Right here. Would you read that over, and I'm going to
24 ask you, sir, if that refreshes your recollection.

25 A. Oh, okay. Well, it is the statement here and I know -- I

1 don't know whatever --

2 MR. HILL: Excuse me, your Honor. The question is
3 does it refresh his recollection.

4 THE COURT: Okay, and he was giving his answer. Now
5 you've interrupted him, Mr. Hill.

6 I think -- go ahead, complete your answer.

7 MR. HILL: Judge, my objection goes to him reading
8 from this document which is not in evidence.

9 THE COURT: Okay. Why don't you ask your next
10 question, Mr. Gillogly.

11 MR. GILLOGLY: Sure, Judge.

12 BY MR. GILLOGLY:

13 Q. Mr. Alwan, do you recall that when you showed up for your
14 hearing there -- now the translators that were there, they were
15 speaking, translating in Arabic, right?

16 A. I don't remember they were translating Arabic because the
17 one who closed the deal, he was speaking Hebrew, so there is no
18 need for translation, I believe.

19 And usually these statements they made is just like by
20 somebody working in the court, as the best of my knowledge, and
21 he just made those statements after the sentence or after --
22 before exactly like the sentence, it's just like reading
23 somebody right before the sentence going to happen. At the
24 same moment, he just read those, then the sentence is right
25 there after that.

1 Q. Well, the translators that you said were there, I mean
2 they weren't translating from Hebrew into Russian, were they?

3 A. Of course not.

4 Q. No. They were translating into Arabic, weren't they,
5 Mr. Alwan?

6 A. Yes.

7 Q. All right. Now, you told the court that day that your
8 attorney had explained to you the charges -- the changes
9 requested to be made in the indictment, and that you have
10 changed your mind and you requested to be allowed to review the
11 charges in the indictment, and the court granted that request,
12 isn't that true?

13 A. That's not true, sir. I never open my mouth at that
14 moment.

15 Q. Well, either you or your lawyer.

16 A. If my lawyer said it, I don't recall. But me personally,
17 I never said any statement.

18 Q. And then you, or your lawyer speaking on your behalf, told
19 the court that you had thought it over and that you'd requested
20 to review it further. And the court granted that request,
21 isn't that true?

22 A. Usually what goes in the military judge, military court,
23 is the best of my knowledge, the military judge, he will
24 respect any deal that goes in between the attorney and the
25 prosecutor.

1 But I never said anything at that court. All I said
2 is -- out of the fear that I have and I was forced to say that
3 because I don't want to end up in more torturing again, let's
4 close the deal. That's it.

5 Q. My question to you, Mr. Alwan --

6 A. Yes.

7 Q. -- is that when you went to court, if you didn't speak,
8 the lawyer that your father had hired for you did speak on your
9 behalf.

10 A. That's true.

11 Q. All right.

12 Now, sir, you also -- now, when I say you, I mean
13 either you, or the lawyer your dad hired for you, told the
14 court that the indictment, the charges, had been translated and
15 explained to you, isn't that true?

16 A. I don't recall someone saying that.

17 MR. GILLOGLY: Page 24, counsel.

18 BY MR. GILLOGLY:

19 Q. Would you read this over, sir, and then maybe tell us if
20 that refreshes your recollection about your -- the indictment
21 being translated for you.

22 A. "The defendant" --

23 Q. No, no, don't read it out loud, sir. Just read it to
24 yourself.

25 A. Okay.

1 Q. And then tell us if your memory is better about what
2 happened in court that day.

3 A. I never said that, but if my lawyer ever said that, I
4 don't recall.

5 Q. And the truth is, sir, is that the charges, the
6 indictment, whatever you want to call it, was, in fact,
7 translated and explained to you, isn't that true?

8 A. That's not true, sir. I never seen any translation to
9 that indictment either in Arabic or English --

10 Q. For your lawyer --

11 A. -- unless the last month I saw it.

12 Q. Unless at the last moment you saw it?

13 A. Through my lawyer here in Chicago.

14 Q. All right. But your lawyer who represented you before the
15 court in Israel, the lawyer your dad hired for you, she
16 explained the charges to you, isn't that true?

17 A. That's not true, sir.

18 Q. And she translated the charges for you or had it done for
19 you, isn't that true?

20 A. She never translate. She never explain.

21 Q. So if she told the court on your behalf that the charges
22 had been translated and explained to you, that statement would
23 be incorrect?

24 A. My interest at that time, whatever statement it was, just
25 to take the deal and to close the situation I am in.

1 Q. Stay with me, Mr. Alwan.

2 A. Go ahead, sir.

3 Q. My question to you was if your lawyer told the court, the
4 lawyer your father hired for you, if she told the court that
5 the charges against you had been translated and explained to
6 you, is it your testimony that that statement to the court
7 would be wrong, untrue?

8 MR. HILL: I'm going as to object to the form.

9 BY THE WITNESS:

10 A. I did not understand exactly what does -- you mean by the
11 question.

12 MR. HILL: Objection to the form of the question.

13 THE COURT: Why don't you rephrase the question,
14 Mr. Gillogly.

15 BY MR. GILLOGLY:

16 Q. Mr. Alwan, your lawyer, the one your dad hired for you,
17 told the military court that the charges against you had been
18 both translated for you and explained to you. Isn't that true?

19 A. If he ever said that, that's not true.

20 Q. Now also in court on that day, June 25th of 1996, the
21 prosecutor told the court that he and the defendant had reached
22 an agreement for a sentence of 24 months and then a fine, is
23 that correct?

24 A. That's correct.

25 Q. All right. And either you, or the lawyer that your dad

1 hired for you, told the court, asked the court to honor; that
2 is, to accept, the agreement that had been reached with the
3 prosecutor.

4 A. Yes, I believe the lawyer did.

5 Q. And then the court did accept the plea agreement, isn't
6 that right?

7 A. That's right.

8 Q. Now, sir, you were released from prison in 1997, correct?

9 A. Correct.

10 Q. And after your release from prison, you returned to the
11 West Bank two times you've told this jury, correct?

12 A. I don't recall I told them two times.

13 Q. You told the jury that you went back for the birth of your
14 daughter?

15 A. After I was released from jail --

16 Q. I'm sorry? I didn't mean to interrupt you, I apologize.

17 Did you tell the jury that you went back to the West
18 Bank for the birth of your daughter in about May or so of 1998?

19 A. I don't recall I told them that. I went through --

20 Q. Well, did you?

21 A. I went through the trips that I made --

22 Q. Okay.

23 A. -- with you step-by-step.

24 Q. Okay.

25 A. But I don't recall that I told them that I went two times.

1 Q. Okay. You went two times back to the West Bank after you
2 were released from prison.

3 A. I don't recall I went two times.

4 Q. Well, you went back for the birth of your first daughter
5 in about May of 1998?

6 A. I was there already.

7 Q. But you had traveled from the United States to get there,
8 didn't you?

9 A. No, I was there already.

10 Q. Oh, you stayed then in the West Bank then after your
11 release until your daughter was born?

12 A. That's correct.

13 Q. All right. I'm mistaken then. Thank you, sir.

14 Now, during that time period, between your release
15 from prison and the time that your daughter was born, okay,
16 after you were released from prison, were you arrested again by
17 the Israelis?

18 A. No.

19 Q. All right. So I take it then that nobody put any
20 foul-smelling hoods on you after that?

21 A. That's not true.

22 Q. Sir, my question to you -- stay with me, Mr. Alwan.

23 A. Go ahead, sir.

24 Q. After you were released from prison in 1997, okay? After
25 that, until the time that your daughter was born, were you

1 arrested again?

2 A. I never been arrested.

3 Q. All right. So during that time period then, nobody put
4 any hoods over your head.

5 A. That's correct.

6 Q. Nobody put you in one of those chairs that you told the
7 jury about yesterday.

8 A. That's correct.

9 Q. Nobody beat you.

10 A. That's correct.

11 Q. Nobody tied your hands behind your back.

12 A. That's correct.

13 Q. Nobody shook you, like you described to the jury
14 yesterday.

15 A. That's correct.

16 Q. Now, you went back to the -- after your daughter was born,
17 you came back to the States, right? And then in 1999, you went
18 back to the West Bank again, correct?

19 A. Repeat, please.

20 Q. Sir, after your daughter was born in May of 1998, you
21 returned to the United States.

22 A. Yes.

23 Q. Am I correct so far?

24 A. Correct.

25 Q. And then in 1999, you traveled from the United States to

1 the West Bank.

2 A. Correct.

3 Q. And you stayed there four or so months, maybe a little
4 more. Is that true?

5 A. Yes.

6 Q. All right. Now, during that time, the 1999 time when you
7 were over there, were you arrested?

8 A. No, sir.

9 Q. So I take it nobody put any hoods over your head.

10 A. That's correct.

11 Q. Nobody shook you.

12 A. That's correct.

13 Q. Nobody put you in one of those chairs you talked about.

14 A. That's correct.

15 Q. Nobody put any hoods over your head.

16 A. Nobody.

17 Q. Nobody beat you, nobody put any handcuffs behind you.

18 A. Nobody.

19 Q. All right. Now, prior to the time your first daughter was
20 born in May of 1998, okay? Prior to then, Mr. Alwan, you had
21 complained out loud about the treatment that you say you
22 suffered at the hands of the Shimbet, correct?

23 A. Would you explain when was that?

24 Q. My question to you, sir, is prior to the time your
25 daughter was born in May of 1998 --

1 A. Uh-huh.

2 Q. -- you had complained about the treatment you say that
3 Shimbet did to you. You complained to some people about it,
4 hadn't you?

5 A. I remember during the time of the jail, jail time, I
6 complained to the Red Cross, the Red Cross, and to the Justice
7 Department. They sent somebody to review me during the jail
8 time, Israeli Justice Department.

9 Q. Did you make some complaints about this to your lawyer or
10 any of your lawyers?

11 A. Yes.

12 Q. Did you complain about it to your father?

13 A. Yes, I did, but I did not explain everything to my father
14 because I didn't want to put him in a stage of fear that I
15 have.

16 Q. You told your father, or did you tell your father that
17 you'd been tortured by the Shimbet?

18 A. Yes, he knows that.

19 Q. And did you tell your mom that?

20 A. I tried to hide the fact from my mom because of her
21 emotional feelings.

22 Q. Well, did you tell your brother that, your brother
23 Ramadan, did you tell him?

24 A. I remember I talked to my family about my torture.

25 Q. And the other brother who visited you while you were in

1 custody, was that Amin or Yasser?

2 A. Yasser.

3 Q. Yasser. You told Yasser that you'd been tortured by the
4 Shimbet, I take it.

5 A. Yes, I remember I did.

6 Q. All right. Now, Mr. Alwan, you never, never told the
7 grand jury about the torture that you say you suffered at the
8 hands of the Shimbet, did you?

9 A. Repeat the question, please.

10 Q. Certainly.

11 A. Yes.

12 Q. You never told the grand jury about the torture that you
13 say was done to you by the Shimbet.

14 A. You mean this respective, kind jury?

15 Q. No, the grand jury, sir.

16 A. Any grand jury?

17 Q. Yes.

18 A. This is the first grand jury I ever explained the torture
19 to them.

20 Q. Okay. So this is the first time you've said this.

21 A. In front of this grand jury.

22 Q. Now, you remember you went to the grand jury in July of
23 1998.

24 A. Yes.

25 Q. All right. And you didn't testify about this torture that

1 you say the Shimbet did to you.

2 A. Yes.

3 Q. You did?

4 A. No, I did not explain about the torture.

5 Q. All right. Fine, we're on the same page.

6 A. Yes.

7 Q. Okay. Now, you went back to the grand jury in July of
8 1999. Do you remember that?

9 A. Yes.

10 Q. Mr. Falconer was with you before you went in to the grand
11 jury?

12 A. Yes.

13 Q. Okay. And when you went in to the grand jury in July of
14 1999, you did not tell them about any of the torture that you
15 described to this jury yesterday, did you?

16 A. At that time, my interest was I'm not going to answer, not
17 to explain the torture because that's going to put me in fear
18 and that's going to put me in immediate danger if I explain
19 that and --

20 Q. Wait, wait -- I'm sorry, sir, I didn't mean to cut you
21 off. Please finish your answer.

22 A. At that time I did not explain that because I was pleading
23 my Fifth Amendment right. And the second time, I just made a
24 fear there, and nobody ever questioned me. If somebody was
25 questioning me, I might took a different stand.

1 Q. Mr. Alwan, when you walked into the grand jury room in
2 July of 1998, you knew, according to your testimony, that you'd
3 been tortured by the Shimbet, is that true?

4 A. That's true.

5 Q. Who else could tell the grand jury that you'd been
6 tortured by the Shimbet other than you?

7 A. In 1998?

8 Q. Yes, sir.

9 A. Whoever they invite him, I don't know, but if they invite
10 one of my brothers or my family members, he might could tell
11 him about that.

12 Q. When you went in in July of 1999 into the grand jury, you
13 didn't tell them about any of this torture, did you?

14 A. I wasn't in a mood to explain that to them, but I did make
15 some fear that exist inside my heart at that time about the
16 torturing moments that I have gone through.

17 Q. Mr. Alwan, was any of the members of the grand jury that
18 you testified before, were they with you when you experienced
19 this torture you've described to the jury?

20 A. Never.

21 Q. All right. And the prosecutor who was in the grand jury
22 with you, was he with you when you underwent this torture that
23 you described?

24 A. He wasn't, but I assume --

25 Q. So the only person in the grand jury room who could

1 possibly know about the torture that you've described to this
2 jury was you, sir, isn't that true?

3 A. That's not true because you ask in your questions
4 possibly, and possibly, that carry great meaning. Possibly the
5 prosecutor he could know that if he got some information from
6 the Shimbet, he could know about the torturing that I have
7 suffered, too. Thank you.

8 Q. My question, sir, when you sat in front of that grand
9 jury, you were the only person who had any information who
10 could have said anything at all about the treatment that you
11 received from the Shimbet.

12 A. As the best of my knowledge, I could see what's inside my
13 mind. I don't know what other people they have kind of
14 information about.

15 THE COURT: Let me just stop right there. We're going
16 to have to break for lunch.

17 Ladies and gentlemen, come back at 1:45, and we'll
18 continue with this case.

19 (Jury exits courtroom.)

20 THE COURT: You can step down, Mr. Alwan. I'll see
21 you then at 1:45.

22 MR. GILLOGLY: Judge --

23 THE COURT: Yes.

24 MR. GILLOGLY: I don't know -- does your Honor have
25 any predictions about the jury instruction conference?

1 THE COURT: My prediction is that we're going to do
2 that today, and you're going to argue the case tomorrow the way
3 things are going.

4 So I'll tell you right now, you don't have to worry
5 about giving closing arguments today.

6 MR. GILLOGLY: Boy, your Honor, you read our minds.
7 Thank you.

8 THE COURT: Okay.

9 (Court adjourned, to reconvene at 1:45 p.m.)
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