

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 19, 2000
Defendant.	)	10:00 a.m.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE RUBEN CASTILLO

APPEARANCES:

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

2 * * * * *

3 MS. SAFFORD: Thank you, your Honor. The government
4 would call Special Agent Mike Peters in rebuttal.

5 THE COURT: Agent Peters, if you would raise your
6 right hand.

7 (Witness sworn.)

8 THE COURT: Please take a seat.

9 CHARLES PETERS, GOVERNMENT'S REBUTTAL WITNESS, DULY SWORN,

10 DIRECT EXAMINATION

11 BY MS. SAFFORD:

12 Q. Special Agent Peters, would you describe to the ladies and
13 gentlemen of the jury what Shimbet is.

14 A. It's the agency that's responsible for the internal
15 security of Israel.

16 Q. And does Shimbet prosecute cases?

17 A. They do not.

18 Q. And what do they -- what is it that they do?

19 A. They provide -- they gather and investigate allegations of
20 problems that affect the internal security of the state of
21 Israel.

22 Q. And when you -- when you say "affect the internal
23 security," what kind of things affect the internal security of
24 the state of Israel?

25 A. It's primarily terrorism.

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1 Q. Agent Peters, are you familiar with the name of Muhammad
2 Salah?

3 A. I am.

4 Q. And who is Muhammad Salah?

5 A. He's a U.S. citizen who resides in Bridgeview, Illinois,
6 and he is a member of HAMAS.

7 Q. Where is Bridgeview in relation to Hickory Hills?

8 A. Adjacent to each other.

9 Q. And what happened in 1993 to Muhammad Salah?

10 A. On January 25th, he was arrested by the Israeli
11 authorities.

12 Q. And did there come a time thereafter that he gave a
13 statement to Israeli police?

14 A. Two days later, he did.

15 Q. Did he give a series of statements, in fact?

16 A. Correct.

17 Q. And did there come a time when those statements to the
18 Israeli police were furnished in authenticated form to a United
19 States District Court in this country?

20 A. Yes.

21 Q. Do you recall the case with respect to which those
22 statements were obtained?

23 A. Yes, I do. It was the proceedings of the extradition of
24 Abu Marzook.

25 Q. And is that Muhammad Abu Marzook?

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1 A. That's correct.

2 Q. And who was seeking the extradition of Muhammad Abu
3 Marzook?

4 A. Israel.

5 Q. And was -- in connection with those -- that extradition
6 that the authenticated versions -- or the authenticated
7 statements of Muhammad Salah were introduced in the United
8 States District Court?

9 A. That's correct.

10 Q. Did the FBI thereafter receive a copy of those statements?

11 A. Yes.

12 Q. And when was the extradition case of Abu Marzook?

13 A. In early 1996.

14 Q. As a result of receipt -- approximately when, if you know,
15 did the FBI receive those statements?

16 A. Sometime in 1995.

17 Q. As a result of receiving those statements, what did you --
18 what did the FBI agents do?

19 A. Primarily we started to attempt to corroborate the
20 statements given by Salah.

21 Some of the things we did were obtaining bank -- bank
22 records and airline tickets that he mentioned that people
23 traveled on.

24 Q. And among the tickets which were recovered in connection
25 with the investigation of the statements of Muhammad Salah,

1 were there two tickets for Sharif Alwan and Rezeq Saleh?

2 A. Yes, they were found.

3 Q. And I'm going to show you Government Exhibit 17, which
4 Mr. Gillogly previously has introduced, and I'm going to ask
5 you if you recognize that?

6 A. Yes, I do.

7 Q. And what is that, sir?

8 A. These are copies of the tickets for Sharif Alwan and Rezeq
9 Saleh, and the second page --

10 MS. SAFFORD: Your Honor, at this time, could we
11 publish to the jury a copy of the ticket?

12 THE COURT: Yes.

13 BY MS. SAFFORD:

14 Q. And what's the second page?

15 A. Second page is a copy of the itinerary.

16 THE COURT: The document will be admitted, and it can
17 be published.

18 (Government's Exhibit 17 was received in evidence and
19 published to the jury.)

20 (Pause.)

21 MR. HILL: Your Honor --

22 THE COURT: Yes.

23 MR. HILL: -- objection as to the exhibit. Basis,
24 foundation.

25 THE COURT: That's a rather late objection, Mr. Hill.

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1 I find that you waived your objection.

2 BY MS. SAFFORD:

3 Q. Special Agent Peters, directing your attention first to
4 the ticket. What, again, is the first page?

5 A. It's a copy of the two tickets that were issued.

6 Q. And these were tickets issued to whom?

7 A. The top one is Rezeq Salah or Saleh, and the second one is
8 Sharif Alwan.

9 Q. And where -- what was the date on which these tickets were
10 issued?

11 A. September 25, 1992.

12 Q. And what was the date on which the flight was to take
13 place?

14 A. September 28, 1992.

15 Q. Where was the ticket -- where were the tickets for? Where
16 were they going?

17 A. From Chicago O'Hare through Amsterdam ending in Damascus,
18 and then return through Amsterdam back to Chicago O'Hare.

19 Q. And were these tickets issued at the same time, Agent
20 Peters?

21 A. Yes.

22 Q. And are these sequential numbers of ticket?

23 A. Yes, they are.

24 Q. What was the ticket -- the date for the return?

25 A. The return on both tickets are open, used -- to be used by

1 December 27.

2 Q. And what does open mean?

3 A. They can take an earlier flight.

4 Q. What was the amount of the ticket as stated on the ticket?

5 A. \$2,091 for each ticket.

6 Q. Directing your attention to page 2 of the exhibit. Agent
7 Peters, what is that page 2?

8 A. It's the itinerary from Travel All Over The World,
9 Incorporated.

10 Q. And what does it show?

11 A. It reflects the itinerary between -- for a flight between
12 Chicago O'Hare to Amsterdam to Damascus, and then a return
13 flight, or return trip.

14 Q. And what was the amount which was, in fact, paid for
15 this -- these tickets?

16 A. Well, the total amount was \$4,182, less a discount of
17 \$1,411.10.

18 Q. Leaving a total of what?

19 A. \$2,770.90.

20 Q. And returning your attention again to the front page, the
21 first page of that exhibit, does it indicate the form of
22 payment for those two tickets?

23 A. For instance, like U.S. dollars, is that what you're
24 talking about?

25 Q. Yes.

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1 A. Yes. U.S. dollars.

2 Q. Does it also indicate the form of payment to the right,
3 directing your attention to the right above the number of the
4 ticket?

5 A. It's agent check.

6 Q. I'm going to show you now, Agent Peters, Government
7 Exhibit 16. What is Government Exhibit 16, Agent Peters?

8 A. It's an application for naturalization issued to the --
9 issued by the Immigration and Naturalization Service.

10 Q. And is there a portion of that application in which -- or
11 whom does it pertain to?

12 A. Sharif Alwan.

13 Q. And is there a portion of that application, sir, which
14 relates to any travel outside of the United States on the front
15 page of that?

16 A. Yes.

17 Q. And directing your attention to that section on travel out
18 of the United States, what does it say with regard to travel
19 out of the United States by Sharif Alwan?

20 A. There's one entry. The first is date left U.S., 1992.
21 Date returned, 1992. Below that, one week.

22 Q. And what does he say his destination was at that time?

23 A. Amman, Jordan.

24 Q. And what does he say was his reason for the trip?

25 A. Vacation.

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1 Q. Is there any further date information given in his
2 application for citizenship with regard to that trip?

3 A. No.

4 Q. To your knowledge, Agent Peters, in 1992, could you go
5 from the United States to Europe to Jordan without going to
6 Damascus?

7 A. Yes.

8 Q. Directing your attention again, Agent Peters, to the
9 ticket, what is the date of the flight for, again, for the
10 flight to Amsterdam?

11 A. From Amsterdam or to Amsterdam?

12 Q. To Amsterdam.

13 A. September 28.

14 Q. And what is the date of the flight from Amsterdam to
15 Damascus?

16 A. September 29.

17 Q. Agent Peters, have you flown to -- from Chicago O'Hare to
18 the Middle East?

19 A. I have.

20 Q. And how long -- and did you go in two steps?

21 A. We had a stopover in New York, yes.

22 Q. And how long did it take you to fly from Chicago to the
23 Middle East?

24 A. It was approximately 12 hours.

25 Q. You previously testified, Agent Peters, that there was a

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1 grand jury investigation in the Northern District of Illinois
2 with respect to the activities of HAMAS in this district and
3 elsewhere, is that correct?

4 A. Yes.

5 Q. When did that grand jury investigation begin?

6 A. Before I was assigned to the investigation, but I believe
7 it was sometime in 1996.

8 Q. And directing your attention, sir, to July of 1999, did
9 there come a time when Mr. Alwan was served with a subpoena?

10 A. Yes.

11 Q. I'm going to direct your attention, Special Agent Peters,
12 to what's been previously marked as Government Exhibit 23.
13 What do you recognize that to be?

14 A. It's a subpoena served to Sharif Alwan, commanding him to
15 appear before the grand jury.

16 Q. And is there -- is there a return of service on that
17 subpoena?

18 A. Yes, there is.

19 Q. And what date does it say that that subpoena was served on
20 Sharif Alwan?

21 A. 12-17-99.

22 MS. SAFFORD: Your Honor, I'd like to offer into
23 evidence Government Exhibit 23.

24 THE COURT: It will be received.

25 (Government Exhibit No. 23 was received in evidence.)

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1 BY MS. SAFFORD:

2 Q. Excuse me, Agent Peters, what is the date again?

3 A. 7-12-99.

4 Q. 7-12-99?

5 A. Yes, ma'am.

6 Q. Agent Peters, have you had an occasion to review all the
7 transcripts through and including July 11th, 2000, relative to
8 the -- Sharif Alwan expressing concern for the safety of his
9 family?

10 A. I have.

11 Q. And this included both those transcripts which are in
12 evidence and other transcripts relating to times when
13 Mr. Sharif Alwan was present and made statements, is that
14 correct?

15 A. That's correct.

16 Q. Agent Peters, at any time during the time that he -- or in
17 any of these transcripts which you reviewed, did Mr. Sharif
18 Alwan express concern for the safety of his wife or family?

19 MR. HILL: Objection.

20 THE COURT: What's your objection?

21 MR. HILL: Hearsay as to what he thinks they say. The
22 jury's heard the testimony regarding what is in the
23 transcripts.

24 THE COURT: Okay, the objection is overruled.

25 You can answer the question.

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1 BY THE WITNESS:

2 A. No, he did not.

3 BY MS. SAFFORD:

4 Q. What did he say with regard to his family -- father and
5 family?

6 A. That they were the reason that he would have to go over to
7 the West Bank.

8 MS. SAFFORD: I have no further questions, your Honor.

9 THE COURT: Any cross-examination?

10 MR. HILL: May I have a moment, Judge?

11 THE COURT: Yes.

12 (Pause.)

13 MS. SAFFORD: Your Honor, Mr. Hill has asked that I
14 offer at this point, and I thought it had been offered,
15 Government Exhibit 16, and I will do that. That's the --

16 MR. HILL: No, 18, I believe.

17 MS. SAFFORD: 16. You need bifocals like me.

18 MR. HILL: Yeah, 16, right.

19 THE COURT: 16. Okay. 16 Will be received.

20 MS. SAFFORD: I tell you it happens at 45, Mr. Hill.
21 Government Exhibit 16.

22 THE COURT: Okay, 16 will be received.

23 (Government Exhibit 16 was received in evidence.)

24 MS. SAFFORD: I have no further questions, your Honor.

25 MR. HILL: I don't have any questions, Judge.

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THE COURT: Okay. You're excused.

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THE WITNESS: Thank you, sir.

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(End of excerpt.)

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