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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
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3 UNITED STATES OF AMERICA

4 v. S(7) 98 Cr. 1023

5 USAMA BIN LADEN, et al.,
6 Defendants.

7 -----x

8
9 New York, N.Y.
February 6, 2001
10 10:00 a.m.

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13 Before:

14 HON. LEONARD B. SAND,
15 District Judge

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1 (In open court)

2 THE COURT: Thursday, do we need interpreters? Are
3 the defendants going to be present on Thursday?

4 MR. HERMAN: Mr. Odeh waives his presence, Judge.

5 MR. SCHMIDT: Mr. El Hage waives his presence as
6 well.

7 MR. STERN: Mr. Mohamed is going to waive his
8 presence.

9 THE COURT: The sketch artists, I take it, have been
10 instructed not to sketch any juror and not to sketch the next
11 witness.

12 MR. COHN: Mr. Al-'Owhali waives his presence, your
13 Honor.

14 THE COURT: Who have we not heard from?

15 MR. COHN: You've heard from everybody.

16 THE COURT: We've heard from everybody. All right,
17 then I will advise the marshals. And will you advise Nancy
18 Festinger that we will not need an interpreter on Thursday?

19 I think the jurors are just about ready.

20 (Jury present)

21 THE COURT: Good morning, ladies and gentlemen.

22 THE JURY: Good morning.

23 THE COURT: There is a blank looseleaf and a pen on
24 your seats, should you wish to take notes. Don't feel that
25 you are compelled to do so. And if you would like to not,

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al-Fadl - direct

1 just put them down on the floor. That's fine, too. It's
2 simply whatever you think will be of greatest assistance to
3 you.

4 We're now in the government's case. Government may
5 call its first witness.

6 MR. FITZGERALD: Yes, your Honor. The government
7 calls as its first witness, Jamal Ahmed al-Fadl.

8 THE COURT: All right.

9 JAMAL AHMED AL-FADL,

10 called as a witness by the government,

11 having been duly sworn, testified as follows:

12 DEPUTY CLERK: Please state your full name.

13 THE WITNESS: My name is Jamal Ahmed Mohamed al-Fadl.

14 DIRECT EXAMINATION

15 BY MR. FITZGERALD:

16 Q. Sir, if you could spell your first name and your last name
17 in the English language for the record.

18 A. The first name is J-A-M-A-L. The last name is
19 A-L-F-A-D-L.

20 Q. If you could try to talk as you are doing now into the
21 microphone directly in front of you, if you could also speak
22 slowly, because of your accent, to make sure that everyone
23 understands what you say, and if you could try to pause if you
24 use an Arabic word or name so that we can clarify how that is
25 spelled.

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al-Fadl - direct

1 Could you tell the jury where you were born and what
2 year?

3 A. I born in Ruffa City in Sudan.

4 Q. And could you --

5 A. 1963.

6 Q. And the city that you mentioned that you were born in,
7 Ruffa, is that spelled R-U-F-F-A?

8 A. R-U-F-F-A.

9 Q. And can you tell us where Ruffa is in the Sudan?

10 A. It's south of Khartoum, the capitol city.

11 Q. Khartoum, is that K-H-A-R-T-O-U-M?

12 A. Correct.

13 Q. Can you tell the jury how far you went to school in the
14 Sudan?

15 A. I went until high school.

16 Q. And can you tell us what religion or faith you were raised
17 in in the Sudan?

18 A. Muslim.

19 Q. Can you tell us what languages you spoke when you grew up
20 in the Sudan?

21 A. Arabic language.

22 Q. And did there come a time when you learned English?

23 A. Yes, in school.

24 Q. And what level of school?

25 A. The mid and high school.

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al-Fadl - direct

- 1 Q. You say middle high school?
- 2 A. Mid school and high school.
- 3 Q. And have you been living in the United States in the
4 recent past?
- 5 A. Yes.
- 6 Q. For how many years?
- 7 A. Around two years.
- 8 Q. Do you feel comfortable speaking English now?
- 9 A. Yes.
- 10 Q. In a moment we'll have an interpreter on standby. If you
11 have any words you have difficulty understanding or speaking,
12 if you could turn to the interpreter and use the interpreter
13 as an aid.
- 14 A. Okay.
- 15 Q. Now, when you grew up in the Sudan, did there come a time
16 when you took a trip overseas from the Sudan?
- 17 A. Yes.
- 18 Q. What country did you go to?
- 19 A. Saudi Arabia.
- 20 Q. And what year approximately did you go to Saudi Arabia?
- 21 A. '81.
- 22 Q. For how long did you go there?
- 23 A. Few months.
- 24 Q. Did there come a time when you were in Saudi Arabia that
25 you got into some sort of trouble?

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al-Fadl - direct

- 1 A. Yes.
- 2 Q. Can you tell the jury what happened?
- 3 A. I live with friend over there. I lived with friend over
4 there in Jeddah, Saudi Arabia.
- 5 Q. Is that J-E-D-D-A-H?
- 6 A. Correct. And he smoked marijuana and the police come and
7 he arrest him, but I escaped to Sudan.
- 8 Q. And your friend that used marijuana, did you also use
9 marijuana with that friend?
- 10 A. Yes.
- 11 Q. And what happened to that friend?
- 12 A. He go to jail for two years.
- 13 Q. Why did you leave Saudi Arabia?
- 14 A. He tell me go and I take care of that.
- 15 Q. Okay. After you went back to the Sudan, did there come a
16 time when you went to another country?
- 17 A. Yes.
- 18 Q. What country was that?
- 19 A. United States.
- 20 Q. Can you tell us what year you moved to the United States?
- 21 A. 1986.
- 22 Q. Did you get a visa before you went there?
- 23 A. Yes.
- 24 Q. Can you tell us what kind of visa you obtained?
- 25 A. I-20 for school.

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al-Fadl - direct

1 Q. And when you went to the United States, can you tell us
2 briefly where, what cities you lived in?

3 A. In New York, Brooklyn.

4 Q. Did you also live in any other part of the country?

5 A. Yes. I for a while lived in Atlanta, Georgia and North
6 Carolina.

7 Q. North Carolina?

8 A. Yes.

9 Q. And did you come back to New York at any time?

10 A. Yes.

11 Q. Can you tell the jury what you did for work and other
12 activities when you were in the New York area?

13 A. I work most my work for -- I work for grocery and food
14 market and, yes.

15 Q. Besides working in the grocery, did you engage in any
16 other activities in the New York area?

17 A. Yes, I work for Farouq Mosque.

18 Q. Is that Farouq, F-A-R-O-U-Q?

19 A. Correct.

20 Q. Can you tell us what you did for the Farouq Mosque?

21 A. At that time they got office help for Afghani leave during
22 the war against Russia, and we tried to help them bring money
23 from the Muslim brother in New York and take some papers from
24 the Sudan -- from the mosque to give to them about jihad.

25 Q. Why don't we go through that little bit more slowly. Can

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1 you tell the jury who you raised money from and what the money
2 was for?

3 A. Emir or the guy, he run this, his name was Mustafa Shalabi
4 in Farouq Mosque in Brooklyn.

5 Q. Why don't we stop there. You mentioned the word emir,
6 E-M-I-R. Can you explain to us what an emir is?

7 A. Emir is the guy who runs the business and the guy who tell
8 you about jihad and about traveling, about when you bring the
9 money with you to him and he give it to jihad for Afghani
10 people. So he control everything.

11 Q. Is he a leader, an emir?

12 A. Yes.

13 Q. And you mentioned that the person's name was Mustafa
14 Shalabi. M-U-S-T-A-F-A, Mustafa, Shalabi, S-H-A-L-A-B-I is
15 the spelling.

16 You mentioned that the money was for jihad. Can you
17 explain to the jury what jihad is?

18 A. Jihad, it's war for Muslim. It means fighting the enemy.

19 Q. And at the time that you were raising this money for
20 jihad, who was the enemy that was being fought?

21 A. At that time it's Soviet Union.

22 Q. And besides raising money, what other activities did you
23 do on behalf of Farouq Mosque in New York?

24 A. Recruit Muslim to join the group, to tell them about the
25 group and tell them come help the group.

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al-Fadl - direct

1 MR. SCHMIDT: I didn't understand.

2 (Record read)

3 BY MR. FITZGERALD:

4 Q. Did you understand that the Farouq Mosque in New York was
5 part of a larger group?

6 A. Yes.

7 Q. And can you tell us the name of the larger group that the
8 Farouq Mosque was part of?

9 A. It's part of Khidmat service in Peshawar.

10 Q. And why don't we go through that name. You mentioned the
11 Khidmat service. And if we could ask the interpreter just to
12 translate the word "khidmat" for the record.

13 Can you stand and translate the word K-H-I-D-M-A-T?

14 THE INTERPRETER: Services.

15 BY MR. FITZGERALD:

16 Q. And can you tell us what you understood?

17 THE COURT: Just one moment. Swear the interpreter.

18 (Interpreter sworn)

19 DEPUTY CLERK: Would you state your name for the
20 record.

21 THE INTERPRETER: Denise Nassar, N-A-S-S-A-R.

22 BY MR. FITZGERALD:

23 Q. Sir, did there come a time when you left the New York area
24 to go someplace else overseas?

25 A. Yes.

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1 Q. And can you tell us where you went first?

2 A. To Pakistan, Peshawar.

3 Q. And Peshawar, P-E-S-H-A-W-A-R?

4 A. Correct.

5 Q. Can you tell the jury why it is you chose to leave New

6 York to go to Peshawar in Pakistan?

7 A. Because our Emir Shalabi at that time, he tell me you and

8 other brother, we need to go to Pakistan.

9 MR. SCHMIDT: I'm sorry, your Honor, I didn't

10 understand.

11 BY MR. FITZGERALD:

12 Q. If you could speak more slowly and a little bit more

13 loudly so people can understand you with your accent?

14 Can you explain why, again, why it is you chose to

15 leave New York to go to Peshawar, Pakistan?

16 A. Our Emir Shalabi at that time, he tell me we need you and

17 other brother to go to Pakistan and Afghanistan to help the

18 brother over there.

19 Q. And when he told you to do that, how did you arrange to

20 travel to Pakistan?

21 A. He made the tickets and the visa for us and give us some

22 money and I went with other people.

23 Q. Just tell us how many people you went with on that trip.

24 A. Including me, four.

25 Q. And can you tell us what happened when you got to

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1 Pakistan?

2 A. We went Karachi Airport, and from there we went to
3 Peshawar and we stayed in hotel for two nights.

4 Q. And can you tell briefly to the jury why if you were going
5 to Afghanistan you would fly to Pakistan?

6 A. Because that time it's war inside of Afghanistan and we
7 were supporting the Afghani from Pakistan.

8 Q. Were there direct flights from New York to Afghanistan?

9 A. At that time, no.

10 Q. And tell us what happened once you arrived at the airport
11 in Peshawar, Pakistan?

12 A. Could you repeat it?

13 Q. Once you arrived, once you got to the airport at Peshawar
14 Pakistan, what did you do?

15 A. We went to the hotel for two days and somebody come, he
16 give us a little lecture about what going inside the war and
17 about jihad and about the rule.

18 Q. He told you about jihad and what else?

19 A. He tell us about the rule, if you go inside what you have
20 to do, and what going on inside Afghanistan. And you have to
21 go inside the guesthouse first to put all your stuff. And
22 when you go to the guesthouse, you go to take your passport,
23 your documents, your money and save it for you as you're going
24 to tell you more about the rule when you go inside.

25 Q. So did you actually take your documents, your passport and

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1 your money and give them to someone?

2 A. Yes. We went after that, we went to the guesthouse and we
3 give them -- each one, he gives them his stuff and they put it
4 in envelope and they give you nickname.

5 Q. Can you explain what you mean by nickname?

6 A. Nickname mean when you go for training or you go inside
7 Afghanistan you not going to use your true name, you going to
8 use a nickname for that and you choose your nickname.

9 Q. And did they will you why they did not wish you to use
10 your real name inside Afghanistan?

11 A. They say for security.

12 Q. And what nickname were you given at that time?

13 A. Abu Bakr Sudani.

14 Q. A-B-U for Abu?

15 A. Yes.

16 Q. B-A-K-R, correct?

17 A. Yes.

18 Q. Sudani, S-U-D-A-N-I?

19 A. Correct.

20 Q. And what does the word "Sudani" mean?

21 A. "Sudani" mean I'm from Sudan.

22 Q. Can you tell the jury what the word Abu means, A-B-U?

23 A. "Abu" mean father of Bakr.

24 Q. So whenever the word "Abu" appears, it means the father?

25 A. Yes.

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1 Q. Now, did there come a time when you left the guesthouse in
2 Pakistan?

3 A. Yes.

4 Q. Where did you go?

5 A. We went to Khalid Ibn Walid camp.

6 MR. FITZGERALD: Your Honor, we do have spellings
7 we're going to attempt to display on the screen to make it
8 easier. If I could just have a moment.

9 Q. If you could put the microphone a little closer to your
10 mouth so that you can be heard better, and if you can look at
11 the screen and the word referred to, the camp you referred to,
12 are those the words referred to on the computer screen to your
13 left?

14 A. Yes.

15 Q. When you were at the Khalid Ibn Walid camp, can you tell
16 the jury what it is that you did there?

17 A. We went to Khalid Ibn Walid camp with other brother and
18 the camp is for training, for training new people.

19 Q. Can you describe the type of training you received at the
20 camp?

21 A. I got training for legal weapons regular weapons.

22 Q. What do you mean by "regular weapons"?

23 A. Like small, the personal small gun and Kalashnikov.

24 Q. Kalashnikov is a type of rifle?

25 A. Yes.

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1 Q. What other weapons did you receive training in?

2 A. RPG.

3 Q. Can you explain what an RPG is?

4 A. It's a weapon used against tank and against helicopter or
5 other plane, they go 600 meter.

6 Q. And was there a particular person who was in charge of the
7 camp called Khalid Ibn Walid?

8 A. Yes, at that time the emir of the camp was Abu Shaleed
9 al-Falastini.

10 Q. Okay. Let me put that name on the display.

11 MR. SCHMIDT: Your Honor, for the record, as to the
12 spellings, we have no objection to using these spellings as
13 long as it is understood that this is for the convenience of
14 everyone, but it does not necessarily -- it is not necessarily
15 the exact or only spelling.

16 BY MR. FITZGERALD:

17 Q. Just so we're clear, when the word "Falastini" is used,
18 does that mean that the person is Palestinian?

19 A. Yes, he's from Palestine.

20 Q. In addition to being trained in firearms and RPGs, can you
21 describe in more detail what training you received with regard
22 to how to use the RPG?

23 A. Could you repeat the question?

24 Q. Yes. Can you describe in some detail the training you
25 received on how to use did RPG in combat?

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1 A. Why we use it?

2 Q. How you use it?

3 A. They teach you how to use it and they give you chance to,
4 to fire it and they give you detail about when this it's come
5 out and they use it for what.

6 Q. Can you tell us what type of targets you would use to
7 attack with an RPG?

8 A. RPG, it's for tanks and any plane or helicopter fly around
9 600 meters.

10 Q. And can you tell us how you would shoot a plane or a
11 helicopter with an RPG?

12 A. Also, they got math to tell you if the tank move, that
13 means you have to target in front of the tank. And for
14 civilians, if the tank go 20 miles an hour, that means you
15 make locator and math to see when you target in front, that
16 means it's going to come together. Like if 20 miles an hour,
17 that means 200 meters in front of the tank.

18 Q. Can you tell us how you were trained to shoot an RPG at a
19 helicopter?

20 A. It's same thing, but because helicopter goes faster than
21 tank, if the helicopter go 200 miles an hour, that means you
22 need 2,000 meter in front of the helicopter.

23 Q. And later on when you were in Afghanistan, did you ever
24 actually shoot an RPG at a helicopter?

25 A. I did.

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1 Q. And did you do it alone or with others?

2 A. No, under emir and with other people.

3 Q. And how many helicopters did the group shoot at?

4 A. It's six helicopter.

5 Q. And how many did you hit?

6 A. We fire, but the target is not successful.

7 Q. Did you hit any of the helicopters during that battle?

8 A. No.

9 Q. Can you tell us what you did after you completed your
10 training at the Khalid Ibn Walid camp?

11 A. When we finish our training --

12 THE COURT: How long was that?

13 JUROR: The training takes 45 days.

14 THE COURT: 45.

15 BY MR. FITZGERALD:

16 Q. Can you tell us approximately what year that was?

17 A. It could be end of '88 or '89.

18 Q. Then what did you do?

19 A. After that, the emir of the camp, Abu Shaleed
20 al-Falastini, he say you have to go inside because your
21 training is finished and the people need you.

22 Q. So where did you go in the Khalid Ibn Walid camp?

23 A. We went to Areen guesthouse. It's like guesthouse before
24 you go inside the war.

25 Q. And that's A-R-E-E-N, Areen guesthouse?

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1 A. Correct.

2 Q. And is the Areen guesthouse in Afghanistan or Pakistan?

3 A. In Afghanistan, Pakhtia State.

4 Q. Can you tell us what happened after the training when you
5 went to the Areen guesthouse in Pakhtia in Afghanistan?

6 A. I go with other brother, and over there we meet Abu Nofal
7 al Saudi. He's emir of the Areen.

8 Q. And why don't we stop there and spell: A-B-U, separate
9 word, N-O-F-A-L, al-Saudi, A-L, separate word S-A-U-D-I.

10 Is it fair to say that when a person has the name al
11 Saudi, that they are generally from Saudi Arabia?

12 A. Yes.

13 Q. Tell us what happened at the meeting in the guesthouse in
14 Afghanistan.

15 A. He say you have to wait few days here and we going to use
16 you here, and after that we decide if they need you in front.

17 Q. In the front?

18 A. Yes.

19 Q. Where was the front at that time?

20 A. It's called Jaji.

21 Q. J-A-J-I, Jaji?

22 A. Correct.

23 Q. Did you meet anyone besides Abu Nofal al Saudi when you
24 were at this guesthouse in Afghanistan?

25 A. Yes, I meet Abu Hajer al Iraqi.

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1 Q. And if we could just spell that for the record: A-B-U,
2 H-A-J-E-R, A-L, separate word I-R-A-Q-I.

3 Is it fair to say that the name "al Iraqi" means the
4 person is from Iraq?

5 A. From Iraq, and I met Abdallah.

6 Q. And Abdallah, A-B-D-A-L-L-A-H, is the person Abdallah,
7 what country was he from?

8 A. Saudi Arabia.

9 Q. At the time did you know his real name?

10 A. Yes.

11 Q. What was his real name?

12 A. Usama Muhammad al Wahad.

13 Q. Usama, U-S-A-M-A?

14 A. Yes.

15 Q. Muhammad, M-U-H-A-M-M-A-D?

16 A. Correct.

17 Q. Al W-A-H-A-D, yes?

18 A. Yes.

19 Q. Bin Laden, B-I-N and L-A-D-E-N?

20 A. Correct.

21 Q. Can you tell us what happened, the circumstance under
22 which you met Abu Hajer al Iraqi and Usama Bin Laden at this
23 guesthouse?

24 A. I met them during the prayer, after prayer and usually
25 they talk with new people and they tell them about jihad and

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1 what's going on with that.

2 Q. Why don't you tell us what, as best you can recall, what
3 Abu Hajer al Iraqi and Usama Bin Laden told you about jihad
4 during this meeting after the prayer.

5 MR. SCHMIDT: Objection, your Honor, asking two --

6 THE COURT: Yes, identify who those people were.

7 BY MR. FITZGERALD:

8 Q. If you can identify what you recall that Usama Bin Laden
9 told you about jihad after the prayer during that meeting.

10 A. He talk about the Soviet Union army come to Afghanistan
11 and kill people and we have to help them, we have to make
12 jihad out of them and you have to be patient, you have to
13 follow the rule of the emir.

14 Q. And do you recall anything in particular that Abu Hajer al
15 Iraqi said that day during the meeting after the prayer?

16 A. He say similar what Bin Laden talk about, but he make
17 lecture for all new people about Jihad Fardh al Ein.

18 Q. You mentioned a term Jihad Fardh al Ein, and why don't we
19 spell: F-A-R-D-H, separate word A-L, separate word E-I-N.

20 And why don't you explain as best you can to the jury
21 what the concept of Jihad Fardh al Ein is.

22 A. Jihad --

23 MR. SCHMIDT: Objection, your Honor, as to what he
24 says it is or what he believes it is.

25 THE COURT: What he understood it to be, this

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1 witness's understanding of that term.

2 BY MR. FITZGERALD:

3 Q. Can you explain your understanding of what Jihad Fardh al
4 Ein is?

5 A. Jihad Fardh al Ein mean when the enemy come to Muslim war
6 or Muslim country and the people live in that country, they
7 cannot push the enemy back and they ask for other brother or
8 other Muslim to come and join them. That means any Muslim in
9 the war, he should go over there and push the enemy out of the
10 country.

11 Q. And during the time when there's a Jihad Fardh al Ein, if
12 a person is busy in personal matters with their family, with
13 school, are they allowed not to go to the Jihad Fardh al Ein?

14 A. If it's Jihad Fardh al Ein means your family, your kids,
15 your money, your business, you have to forget everything, just
16 focus on jihad.

17 Q. And is there a time of Jihad where it's optional if you
18 actually go to do the fighting? Do you have a choice other
19 than jihad, something different than Jihad Fardh al Ein, where
20 a person has the option not to go and fight but instead to
21 take care of their other business?

22 A. Yeah, we have another kind, it's called Jihad Fardh al
23 Khafiya.

24 Q. I'll try and display that spelling on the screen.

25 If you could look at the screen in a moment and tell

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1 me if the words displayed are Jihad Fardh al Khafiya?

2 A. Yes.

3 Q. During this meeting with Usama Bin Laden and Abu Hajer al
4 Iraqi at this meeting, did you learn of Usama Bin Laden being
5 referred to by any other name besides Abu Abdallah?

6 A. Yeah, he got another nickname, it's called Al Qaqa.

7 Q. Al Qaqa?

8 A. Yes.

9 Q. During that meeting what name were you referred to by?

10 A. Abu Bakr Sudani.

11 Q. During the time that you were in Afghanistan, did you meet
12 a lot of people by their Abu names?

13 A. Yes.

14 Q. Did you always know what their true name was?

15 A. No.

16 Q. Are there people to this day that you know by an Abu name
17 for whom you do not know their true name?

18 MR. SCHMIDT: Objection, your Honor. Objection as to
19 the form of the question.

20 THE COURT: Overruled.

21 BY MR. FITZGERALD:

22 Q. Are there people whom you met in Afghanistan and learned
23 their Abu name but for whom you do not know their real name?

24 A. I don't know their real name only if I work with them
25 together.

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1 Q. What did you do after this meeting at the Areen guesthouse
2 in Afghanistan?

3 A. I help in that, in Areen for a few days, and after that we
4 go to Jaji in front line.

5 Q. When you went to Jaji, the front line, did you help out
6 fighting in and around the front in Afghanistan?

7 A. Yes, I went with Izzeldine al Saudi group.

8 Q. For how long did you spend with the Izzeldine al Saudi
9 group?

10 A. Around two weeks.

11 Q. How much time in total do you recall spending at the front
12 at or about that time?

13 A. Around two months.

14 Q. After that two months in the area of the front, where did
15 you go then?

16 A. After that, me and other brother, we went back to
17 Peshawar.

18 Q. When you got back to Peshawar, where did you go in
19 particular?

20 A. We went to Bait al Ansar.

21 Q. Can you explain to the jury what Bait al Ansar?

22 A. Bait al Ansar, for people when they came back from inside
23 the fight, they go over there and they got dressed. If
24 someone he got hit, he go to clinic, if someone he wants to
25 check, he go to clinic. Someone he wants to buy something

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1 from the market, he go before they give you another order.

2 Q. So is it basically a place to rest up after the front?

3 A. Yes.

4 Q. And did there come a time when you left the Bait al Ansar
5 guesthouse?

6 A. Yes.

7 Q. And where did you go next?

8 A. I went to near Kabul in Afghanistan. Some area, it's
9 called Chakary.

10 Q. Is Kabul a big city in Afghanistan?

11 A. It's the capitol city.

12 Q. And you went to an area nearby. Can you tell us the name
13 of that place?

14 A. Chakary.

15 Q. Where did you go after that? Did you ever go back to
16 another camp?

17 A. Yes. When we finished in Chakary our time, we went back
18 to the guesthouse in Peshawar, and after that they tell us to
19 go to the camp in Afghanistan.

20 Q. How did you get from the camp in Peshawar, Pakistan to a
21 camp in Afghanistan?

22 A. I went to the guesthouse Bait al Ansar, and after that we
23 went to Miram Shah City.

24 Q. Can you tell the jury where Miram Shah City is?

25 A. It's the border between Pakistan and Afghanistan.

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al-Fadl - direct

- 1 Q. It's the border between Pakistan and Afghanistan?
- 2 A. Yes, it's a little town.
- 3 Q. Can you tell us how you get from Peshawar to Miram Shah
- 4 and how long it takes?
- 5 A. It takes around seven hours' drive.
- 6 Q. And how long did you spend at the Miram Shah City?
- 7 A. We spend one night, and the next day we went to the camp.
- 8 Q. Can you tell us where the camp was located that you went
- 9 to that day?
- 10 A. It's in Khost, Khost area.
- 11 Q. K-H-O-S-T?
- 12 A. Yes.
- 13 Q. Can you tell us where the Khost area is in relation to
- 14 where the first camp you went to, Khalid Ibn Walid, is; how
- 15 far apart?
- 16 A. It's around 12 or 14 hours' drive.
- 17 Q. Can you tell us the name of the camp you first went to in
- 18 the Khost area?
- 19 A. It's called Farook camp.
- 20 Q. Can you tell us what you did at the Farook camp?
- 21 A. I got trained over there with other people and under
- 22 somebody and it's our Islamic religion and about jihad.
- 23 Q. And can you tell us how long the training you received at
- 24 the Farook camp in Islamic religion was?
- 25 A. Take two weeks.

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1 Q. And at the end of that two weeks of training, where did
2 you go?

3 A. We went back to Miram Shah.

4 Q. Then where did you go?

5 A. After that we got a little rest in the guesthouse in Miram
6 Shah, and after that we went to Abu Bakr al Sadeek camp.

7 Q. Okay. And we'll put that on the screen.

8 Can you tell us in what area the Abu Bakr al Sadeek
9 camp is located?

10 A. It's in Khost and it's not far from the Farook camp.

11 Q. And can you tell us what type of training you received at
12 the Abu Kakr al Sadeek camp?

13 A. I received the first training under somebody, his name
14 Issawi abu Hassan.

15 Q. Can you tell us the type of training you received at the
16 Abu Bakr al Sadeek camp?

17 A. The type of training, how to run the camp and how to run
18 the training where the people train, how to run them and give
19 them order and make book for them.

20 Q. So at a camp you were trained at how to run camps?

21 A. Yes.

22 Q. And can you tell us how long you spent at the Abu Bakr al
23 Sadeek camp receiving that form of training?

24 A. For that training it take two weeks.

25 Q. And did you go to any other camps in the Khost area to

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al-Fadl - direct

1 receive any other type of training?

2 A. We went to Jihad Wal camp.

3 Q. Can you tell us what type of training you received at the
4 Jihad Wal camp?

5 A. We got training under somebody, his name Abu Feda el
6 Masry, and that time it's how to use a small gun.

7 Q. Let me stop you there. When you hear the words "el
8 Masry," what does that tell you about the people with that
9 name?

10 A. He's from Egypt.

11 Q. So Egyptian people are given the title "el Masry"?

12 A. Yes.

13 Q. Besides the type of training you received in small
14 weapons, what other type of training did you receive at the
15 Jihad Wal camp?

16 A. We got general training about how to use explosive and how
17 to study them.

18 Q. Can you tell briefly to the jury what specifically you
19 were told and taught about explosives at that camp?

20 A. We got training under Abu Jaffar and he teach us how to
21 load the different styles of explosives.

22 Q. You mentioned Abu Jaffar. Can you tell us what Abu Jaffar
23 taught you?

24 A. He teach us about what kind of explosive, like TNT and C4
25 and how to use them, how to save them and how to make trick

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1 with them.

2 Q. Can you use the interpreter to your left and give her the
3 Arabic word you mean for "trick"?

4 THE INTERPRETER: To trick.

5 Q. Can you give us an example what you mean by a trick with
6 explosives?

7 A. Trick, if you want to kill somebody, if you want to stop
8 somebody and you want to explode him and you know his car is
9 going to be 2:00, he going to go somewhere, you need to put
10 explosives in that road and time it and when he come, it's
11 going to explosive.

12 Q. Did you receive any other type of training in explosives
13 when you were at the Abu Bakr al Sadeek camp?

14 A. No.

15 Q. Beside the training you mentioned named Abu Jaffar, was
16 there any other training you recall who were training people
17 in explosives at the Jihad Wal camp?

18 A. They got another training for more specific about
19 explosives.

20 Q. Can you explain what that type of training was?

21 A. That for people, they going to use them for specific
22 operation, so they give them more details about the
23 explosives.

24 Q. Do you know who taught that class?

25 A. Whose run?

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1 Q. Who trained that class?

2 A. Abu Jaffar, Salem elal Masry, Haydar Dosari.

3 Q. Abu Jaffar you mentioned before. You mentioned Salem al

4 Masry and you mentioned Haydar Dosari. Besides those three

5 persons, do you remember anyone else who was teaching

6 explosives at that camp?

7 A. No.

8 Q. Now, when you were at the Khost camps, did you ever meet a

9 person by the name of Abu Kheir?

10 A. Yes, Abu Kheir el Masry.

11 Q. Is he an Egyptian person?

12 A. Yes.

13 Q. Can you tell us what you recall about Abu Kheir at that

14 camp?

15 A. I got trained with him, the first training for jihad,

16 about teaching about jihad and Islamic law.

17 MR. COHN: I'm sorry, I missed the last word.

18 THE COURT: Jihad and Islamic law.

19 BY MR. FITZGERALD:

20 Q. And during your time at the Jihad Wal camp, did you ever

21 meet or hear of a person named Abu Mohamed el Masry?

22 A. Yes.

23 Q. Can you tell us, tell the jury who Abu Mohamed el Masry

24 was?

25 A. He one of the people trained in the same camp with Abu

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1 Jaffar and Salem el Masry and Haydor Dosari.

2 Q. Was he a person giving the training or receiving the
3 training?

4 A. No, he give the training.

5 Q. And do you know what his specialty was?

6 A. He's very good with explosives.

7 Q. Now, during the time that you were in Afghanistan and
8 Pakistan, did you learn of a person by the name of Abdallah
9 Azzam?

10 A. Yes.

11 Q. Can you tell us who Abdallah Azzam is?

12 A. During that time Abdallah Azzam, he's emir of Mektab al
13 Khidemat.

14 Q. We'll display that on the screen.

15 Can you tell us what Mektab al Khidemat is?

16 A. Mektab al Khidemat is office run by Dr. Abdallah Azzam and
17 Abu Abdallah, Usama Bin Laden, and it helps the new people
18 when they came to Afghanistan help the Afghani people against
19 Russia. This office help them for training and gives them
20 some money and some support.

21 Q. And what relationship, if any, was there between the
22 Mektab al Khidemat in Pakistan and the Farouq Mosque in
23 Brooklyn?

24 A. The office in Farouq Mosque, it's branch of Mektab al
25 Khidemat.

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1 Q. Did there come a time that Abdallah Azzam and Usama Bin
2 Laden remained part of the Mektab al Khidemat organization, or
3 did that ever change?

4 A. Yes. In beginning, they worked together because Abdallah
5 Azzam, he runs office, and Bin Laden, he gives them the money
6 for that, for running the Mektab al Khidemat. But later on
7 they split.

8 Q. I'm sorry, later on they what?

9 A. When he go separate.

10 Q. Tell us again who split. Who split?

11 A. Abdallah Azzam and Bin Laden. In the beginning they
12 worked, they run Khidemat service office together, but later
13 on they split.

14 Q. Can you tell us when they split what Abdallah Azzam did
15 and what Usama Bin Laden did?

16 MR. SCHMIDT: Objection, your Honor, foundation.

17 THE COURT: Do you know? First establish whether he
18 knows.

19 MR. SCHMIDT: Foundation of his knowledge.

20 BY MR. FITZGERALD:

21 Q. Did you have discussions in Afghanistan and Pakistan with
22 regard to what was happening with Mektab al Khidemat?

23 A. When the Russians decide to leave Afghanistan, Bin Laden,
24 he decide to make his own group.

25 MR. SCHMIDT: Objection, your Honor. We don't know

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al-Fadl - direct

1 the basis of this information.

2 THE COURT: Sustained. Establish the basis of his
3 knowledge. Foundation.

4 BY MR. FITZGERALD:

5 Q. If you could focus on my question. I'm not going to ask
6 you what someone said. I want to know what it is, if yes or
7 no, you heard anything.

8 Were you present for any conversations where Usama
9 Bin Laden stated what he was going to do after the Russians
10 left Afghanistan?

11 A. Yes.

12 Q. Can you tell us what Usama Bin Laden said he was going to
13 do after the Russians left Afghanistan?

14 A. He thinking about making group.

15 Q. Can you explain to us anything else you recall about what
16 he wanted this group to do?

17 A. To be ready for another step because in Afghanistan
18 everything is over.

19 Q. And did he explain at that time what that other step was?

20 A. They say we have to make Khalifa.

21 Q. Can you explain to the jury what a khalifa is?

22 A. Khalifa mean we need one Muslim leader for the whole
23 Muslim in the war.

24 Q. Continue with what else you recall Usama Bin Laden stated
25 he wished to do after the Russians left Afghanistan.

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al-Fadl - direct

1 A. He say also we want to change the Arab government because
2 there's no Muslim government in the war, so we have to make
3 Muslim government.

4 Q. Did there come a time you met a person by the name of Abu
5 Ayoub al Iraqi?

6 A. Yes.

7 Q. Can you tell the jury where you first met Abu Ayoub al
8 Iraqi?

9 A. I met him first time in Jaji, Afghanistan.

10 Q. Where particularly in Jaji? Were you in a battlefield or
11 in a house?

12 A. No, in front line.

13 Q. Did there come a time when you attended a meeting with Abu
14 Ayoub al Iraqi?

15 A. Yes. At that time I was in Farook camp in Khost.

16 Q. Can you tell us what happened at the meeting you attended
17 in the Farook camp in Khost, Afghanistan?

18 A. He came with -- Abu Ayoub al Iraqi and his brother Yasin,
19 they came to the camp and they got meeting about we going to
20 make group training people and we don't want to stop after
21 Russia left Afghanistan.

22 THE COURT: Who came with Abu Ayoub al Iraqi?

23 THE WITNESS: His brother Yasin.

24 BY MR. FITZGERALD:

25 Q. Can you tell us approximately when it was that this

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al-Fadl - direct

1 meeting happened at the camp in Khost where Abu Ayoub al Iraqi
2 talked about a group?

3 A. What time?

4 Q. Yes, what year, approximately?

5 A. Around area of '89.

6 Q. Can you tell us what Abu Ayoub al Iraqi said was the
7 intention of this group?

8 A. He bring a lot of papers and he give each person three and
9 he say read and we make lecture and we talk about what we want
10 to do.

11 Q. And I would like you, to the extent you can --

12 MR. SCHMIDT: Your Honor, I'm sorry, I didn't
13 understand that last answer.

14 (Record read)

15 BY MR. FITZGERALD:

16 Q. Let's go through this more slowly. First, can you tell us
17 what the lecture was -- what the lectures concerned, what was
18 discussed during these lectures at this camp with Abu Ayoub al
19 Iraqi?

20 MR. SCHMIDT: Objection, your Honor.

21 THE COURT: No, overruled.

22 MR. SCHMIDT: Not identifying any of the participants
23 who is saying anything.

24 THE COURT: I assume it's the same participants.

25 Establish the participants.

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al-Fadl - direct

1 BY MR. FITZGERALD:

2 Q. Sir, who gave the lectures?

3 A. Abu Ayoub al Iraqi.

4 Q. Were you there?

5 A. Yes.

6 Q. Can you tell us what Abu Ayoub al Iraqi said?

7 A. He said we going to make group and this is group that
8 under Farook, and it's going to be one man for the group and
9 it's going to be focussed in jihad and we going to use the
10 group to do another thing out of Afghanistan.

11 Q. And did Abu Ayoub al Iraqi tell you what the name of this
12 group was?

13 A. Yes.

14 Q. Can you tell the jury what the name of the group was?

15 A. Al Qaeda.

16 Q. When you were there did anyone tell you why you were one
17 of the people invited to this meeting?

18 A. Yes.

19 Q. What were you told?

20 A. They say we love if you join the group and if you continue
21 about jihad.

22 Q. My question was, were you told why you in particular, you
23 and Jamal Ahmed al-Fadl, were one of the people invited to
24 this meeting?

25 A. Because I been before with them in Afghanistan.

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1 Q. Did anyone else give a lecture at this meeting?

2 MR. SCHMIDT: I'm sorry, I didn't hear.

3 MR. COHN: We heard but didn't understand.

4 (Record read)

5 BY MR. FITZGERALD:

6 Q. You said you were before with them. Can you tell us who

7 "them" was?

8 A. The people who want to establish a group, I work with them

9 in Afghanistan.

10 Q. Can you tell us who those people were that wished to

11 establish the group?

12 A. Abu Ayoub al Iraqi and Abu Ubaidah al Banshiri.

13 Q. Will you stop there. We'll put that on the screen.

14 Why don't we continue and give us the name and we'll

15 discuss each name.

16 A. Abu Faraj al Yemeni.

17 Q. Is it fair to say a person has the name "al Yemeni," they

18 are of the background that comes from Yemen?

19 A. Yes. And Dr. Abdel Moez and Ayman al Zawahiri.

20 Q. Would you stop there. Dr. Abdel Moez, you also mentioned

21 the name Ayman al Zawahiri. If you make two things clear:

22 Are Abu Moez and Ayman al Zawahiri, are they the same or

23 different people?

24 A. Same person.

25 Q. And you mentioned the word "doctor," is he in fact a

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- 1 doctor?
- 2 A. Yes, he's general doctor.
- 3 Q. Okay. And you mentioned so far that Abu Ubaidah al
- 4 Banshiri, Abu Faraj al Yemeni and al Zawahiri, anyone else
- 5 forms this group?
- 6 A. Dr. Fadhl el Masry.
- 7 Q. Was he in fact a medical doctor?
- 8 A. Yes, he's a surgeon doctor.
- 9 Q. Anyone else that was forming this group at this time?
- 10 A. Abu Burhan and Al Khabir.
- 11 Q. Anyone else?
- 12 A. Abu Hafs al Masry.
- 13 Q. You also mentioned Al Khabir.
- 14 Can you tell us what the word "Khabir" means?
- 15 A. "Khabir" means the big guy.
- 16 Q. Is Abu Hafs al Masry and Abu Hafs el Masry el Khabir same
- 17 or different people?
- 18 A. Same person.
- 19 Q. Anyone else that was forming this group?
- 20 A. Abu Musab al Saudi.
- 21 Q. Anyone else?
- 22 A. Izzildine.
- 23 Q. Had you in fact worked with those people before?
- 24 A. Yes.
- 25 Q. And can you tell us who Abu Ubaidah al Banshiri is?

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al-Fadl - direct

1 A. Abu Ubaidah al Banshiri, he's an Egyptian guy and he work,
2 he runs the front line war during the Afghanistan against
3 Russia.

4 Q. And did he have any particular skills?

5 A. Yes, he's --

6 MR. SCHMIDT: Objection, your Honor, the basis of the
7 knowledge.

8 THE COURT: What is the foundation for his knowledge?

9 BY MR. FITZGERALD:

10 Q. Without telling us what the skills are, did you learn
11 whether or not Abu Ubaidah al Banshiri had any particular
12 skills? If so, how did you learn that?

13 A. I worked under him.

14 Q. How long did you work with Abu Ubaidah al Banshiri?

15 A. Few months.

16 Q. Jumping ahead to today, how many -- in your lifetime, how
17 long did you work with Abu Ubaidah al Banshiri?

18 A. From end of '88 until '94.

19 Q. Did you get to know him well?

20 A. Yes.

21 Q. Did you know how he got the nickname al Banshiri, what
22 that refers to?

23 A. Because first time when he came to Afghanistan, he worked
24 in area called Banshir, or Wadi Banshir, means Banshir
25 Valley.

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al-Fadl - direct

1 Q. And do you know what his background was before he came to
2 Afghanistan?

3 A. He's police officer in Egypt.

4 Q. And did you ever discuss with him his life and his
5 background, Abu Ubaidah al Banshiri?

6 A. Sometimes.

7 Q. And from your discussions with him, did you learn if he
8 had any particular skill?

9 A. He got civil military experience.

10 THE COURT: What was that last answer?

11 Q. Will you tell us what Abu Ubaidah al Banshiri explained to
12 you about the papers he said he handed out to you?

13 A. The papers about the agenda of the al Qaeda group and
14 about the rule, about what your duty, what emir duty and about
15 the shura council.

16 Q. Why don't we stop there. First, you said "the papers."
17 Explain what the al Qaeda agenda was. Can you tell us what
18 those papers said about the al Qaeda agenda?

19 A. The al Qaeda, it's established for focus in jihad, to do
20 the jihad.

21 Q. And did it indicate -- at that time did the agenda
22 indicate what the jihad was directed against?

23 A. Say again.

24 Q. Was there a particular target that the jihad was directed
25 at during that time?

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al-Fadl - direct

1 A. Not that time.

2 Q. You mentioned that it talked about the rules. Explain
3 briefly what type of rules there were in those papers that he
4 gave you about al Qaeda?

5 A. The rules you have to make if you agree about everything
6 in the paper, you have to make bayat.

7 Q. And can you explain to the jury what bayat is?

8 MR. SCHMIDT: Objection.

9 THE COURT: How he knows.

10 BY MR. FITZGERALD:

11 Q. Did you yourself make bayat?

12 A. Yes.

13 Q. And did you think about it before you made bayat?

14 A. Yes, because he explain for you and he give you papers
15 about if you agree, you make bayat.

16 Q. Can you tell the jury what your understanding of bayat
17 was?

18 A. What mean?

19 Q. What it meant. What does "bayat" mean?

20 MR. SCHMIDT: Objection.

21 THE COURT: Overruled.

22 You may answer.

23 BY MR. FITZGERALD:

24 Q. Can you tell us what bayat means?

25 A. "Bayat" means you swear you going to agree about the

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al-Fadl - direct

1 agenda and about jihad, listen to the emir, outstanding from
2 any order and do -- whatever work they ask you in group, you
3 have to do it.

4 Q. Stop there for a moment. You mentioned the word
5 "outstanding." If you could tell the translator, the
6 interpreter to your left what word you are using in Arabic for
7 "outstanding."

8 THE INTERPRETER: That you have to be ready all the
9 time.

10 THE COURT: You have to?

11 THE INTERPRETER: To be ready all the time.

12 BY MR. FITZGERALD:

13 Q. So you understood that you had to make a promise, you had
14 to be ready all the time.

15 Can you tell us, did they describe in either the
16 contract or the lectures what type of work they might ask you
17 to do?

18 A. They say it's jihad. They tell you, go to that country
19 because we got fatwah against that country.

20 Q. If you could stop there for a moment. Will you explain
21 what fatwah means?

22 MR. SCHMIDT: Objection, your Honor.

23 THE COURT: Overruled.

24 MR. SCHMIDT: I don't think he's laid a foundation
25 for him to define it.

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al-Fadl - direct

1 THE COURT: I understand the basis of your objection.

2 BY MR. FITZGERALD:

3 Q. Can you explain to the jury what a fatwah is?

4 A. Fatwah means any time if the group, he want to work
5 somewhere, the scholars in group, they sit down and they make
6 issue about that. If that forbidden, it's against Islam, or
7 it's okay. And they bring books from scholar in the past,
8 scholars during Muslim history.

9 Q. So when scholars take -- when they look at scholars from
10 the past and make a decision whether something is okay to do
11 or not, what is the fatwah?

12 A. That when they started that, they make fatwah, they
13 make -- they say, okay, what we want to do over there, it's
14 okay and it's not against Islam and we have to do it.

15 Q. Can you explain what it is that you understood at that
16 meeting they might ask you to do if you made bayat to al
17 Qaeda?

18 A. If they ask me to go anywhere in the world for specific
19 mission or target, I have to listen.

20 Q. Did they tell you other things they might ask you to do?

21 A. They say when you make bayat and you agree about the al
22 Qaeda and about the war, anything we can ask you -- if you are
23 a doctor, maybe we ask you to wash car or anything. So you,
24 whatever special you have, we can use for your special or we
25 can use for something different.

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al-Fadl - direct

1 Q. So you could be asked to travel, you could be asked to
2 wash a car, you could be asked to do different things?

3 A. Yes.

4 (Continued on next page)

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al-Fadl - direct

1 Q. Are you familiar with the word halal, H-A-L-A-L?

2 A. Yes.

3 Q. Can you explain to the jury what halal means.

4 A. Halal opposite of forbidden. That means something you can
5 do.

6 Q. Can you explain to the jury what the word haram,
7 H-A-R-A-M, means.

8 A. Haram mean forbidden, you can't do it.

9 Q. Was there any limitation when you made bayat to al Qaeda
10 on things that you did not have to do?

11 A. Could you repeat it.

12 Q. If a person in al Qaeda gave you an order to do something
13 that you knew to be haram, or forbidden, would you have to do
14 it?

15 A. Yes, because the scholars in al Qaeda -- the scholars in
16 the group, they discuss that and they make the fatwah and they
17 say it's OK.

18 Q. During that meeting did you make a decision whether to
19 make a pledge of bayat?

20 A. Yes.

21 Q. Did you pledge bayat?

22 A. Yes, I swear and I sign.

23 Q. Can you tell the jury what it is that you signed.

24 A. He give me three paper, I read it, and after that I swear
25 in front of him and I sign the papers.

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al-Fadl - direct

1 Q. Can you tell us who it was that gave you the papers that
2 you signed?

3 A. Three guys. Abu Ayoub al Iraqi, Abu Ubaidah al Bانشري,
4 and Abu Hafs el Masry.

5 Q. Did you have an understanding of who the emir of al Qaeda
6 was at that time?

7 A. At that time Abu Ayoub al Iraqi.

8 Q. Did you understand whether or not Abu Ayoub al Iraqi had
9 anyone that he reported to?

10 A. At that time our general emir, Usama Muhammad al Wahal Bin
11 Laden.

12 Q. After you joined al Qaeda -- what year was it that you
13 joined al Qaeda?

14 A. It's end of '89 and area of '90.

15 Q. When you signed the contract, did you have an
16 understanding of how many persons had previously signed the
17 contract that you did?

18 MR. SCHMIDT: Objection, your Honor.

19 A. In the same meeting --

20 THE COURT: No. First does he know, then how does he
21 know it, and then what the answer is.

22 Q. Just answer my specific question yes or no. At the time
23 you signed the al Qaeda contract, did you know how many people
24 had signed the contract before you? Yes or no.

25 A. Yes.

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al-Fadl - direct

1 Q. Can you tell us, without telling us how many people there
2 were before you, how you knew how many people had signed the
3 contract before you?

4 A. Because we were in the same meeting.

5 Q. But did you know whether or not people had signed the
6 contract earlier? Yes or no.

7 MR. SCHMIDT: Objection.

8 A. Yes.

9 Q. How did you know whether or not other people had signed
10 the contract at other meetings?

11 A. No, in the same meeting, he bring all the papers, and I
12 signed, and other people near me, they signed too and they
13 swore.

14 Q. Let's focus on this meeting. How many people signed the
15 contract at the meeting that you attended?

16 A. It's a lot. I don't know the exact number.

17 Q. In terms of that meeting, do you remember how many people
18 signed the contract before you?

19 A. Two. I'm the third one.

20 Q. Simply answer this question yes or no. Were you told at
21 that meeting whether or not anyone had signed a contract at
22 any earlier meetings?

23 A. Would you repeat it.

24 Q. Did you know at the meeting that you attended where you
25 signed the al Qaeda contract whether or not there had been

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al-Fadl - direct

1 meetings in other places with other people beforehand, where
2 they signed contracts? Yes or no.

3 A. No, that's first meeting.

4 Q. How do you know that that was the first meeting?

5 A. Because Abu Ubaidah says that.

6 Q. Were you told at that time what the structure of al Qaeda
7 was, in other words, who belonged and what positions they were
8 in?

9 A. Could you repeat that.

10 Q. Was he told what the structure of al Qaeda was?

11 (Interpreted)

12 A. Yes.

13 Q. Can you explain to the jury what the structure of al Qaeda
14 was?

15 A. It got emir and different committee.

16 Q. Besides the emir, can you tell us what the committees were
17 in al Qaeda?

18 A. Under the emir it's something called shura council.

19 Q. S-H-U-R-A, shura?

20 A. Yes.

21 Q. Can you tell us what the function of the shura council
22 was.

23 A. Shura council, it's discuss in a group and the people --
24 and some people, they got more experience about Jihad.

25 Q. Can you tell us, did the membership of the shura council

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al-Fadl - direct

1 stay the same or did it change over time?

2 A. Sometimes change.

3 Q. Do you know, at various times, who the different members
4 of the shura council was?

5 A. The names?

6 Q. Yes. Do you know any of the people who served in the
7 shura council at one time or another?

8 A. Yes.

9 Q. Can you tell us some of the names of the leading members
10 of the shura council?

11 A. Abu Hafs el Khabir and Dr. Abdel Moez. Abu Ibrahim al
12 Iraqi. Dr. Fadhl. Abu Faraj al Yemeni. Abu Fadhl al Makkee.

13 Q. Stop there a moment. That's the first time you mentioned
14 that name. Can you tell us what the words al Makkee mean?

15 A. He is from Mecca.

16 Q. Mecca, M-E-C-C-A?

17 A. Yes.

18 Q. So Abu Fadhl al Makkee is somebody from Saudi Arabia?

19 A. Yes.

20 Q. Continue with the names of other persons you were told
21 served in the shura council from time to time.

22 A. Sheikh Sayyid el Masry. Qaricept al Jizaeri.

23 Q. Stop there a moment. Explain to the jury what the word
24 Qaricept means.

25 A. Means somebody who memorizes Koran.

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al-Fadl - direct

1 Q. Is it difficult to memorize the entire Koran?

2 A. Yes.

3 Q. You mentioned the word al Jizaeri. Can you tell us what
4 al Jizaeri usually indicates about a person.

5 A. He is from Nigeria.

6 Q. From Nigeria?

7 A. Yes.

8 Q. Other persons that you recall served on the shura council?

9 A. Abu Ayoub al Iraqi.

10 Q. Is that the same person you just described where you had
11 the meeting at where he described al Qaeda?

12 A. Yes.

13 Q. Others in the shura council?

14 A. Khalifa al Muscat Omani.

15 Q. What do the words al Muscat Omani indicate where he is
16 from?

17 A. He is from Muscat, Oman.

18 Q. Any other particular names that you recall at this time of
19 people from al Qaeda who served on the shura council?

20 A. Saif al Liby.

21 Q. Does the word al Liby mean he is from Libya?

22 A. Yes.

23 Q. Any others you recall?

24 A. Abu Burhan al Iraqi.

25 Q. Al Iraqi means from Iraq?

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al-Fadl - direct

1 A. Yes, he is from Iraq.

2 Q. Any other names that you recall from the shura council?

3 A. Abu Mohamed el Masry Saad al Sharif.

4 Q. You mentioned Saad al Sharif. Are Saad al Sharif and Abu
5 Mohamed el Masry two different people or the same people?

6 A. Saad al Sharif and Abu Mohamed el Masry same person.

7 Q. Is he a Saudi?

8 A. Yes, sir.

9 Q. Any other persons you recall from the shura council?

10 A. I don't remember now.

11 Q. Could there be more?

12 A. Yes.

13 Q. Besides the shura council, what other committees were
14 there in al Qaeda?

15 A. Under shura council we have different committee. We have
16 committee for military purpose.

17 Q. Could we talk about the committee for the military purpose
18 for a moment. What did that committee do?

19 A. They only focus about military stuff, like training,
20 helping people for do something about military, buy weapons.

21 Q. Can you tell us who some of the members of the military
22 committee of al Qaeda were.

23 A. Abu Ubaidah al Banshiri --

24 MR. SCHMIDT: Objection, your Honor.

25 THE COURT: How does he know?

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al-Fadl - direct

1 Q. During your time with al Qaeda, did you do any work with
2 the military committee?

3 A. Yes.

4 Q. Did you get to know who the members of the military
5 committee were?

6 A. Yes.

7 Q. Tell us who they were.

8 A. The emir of the mm military committee, his name Abu
9 Ubaidah al Banshiri.

10 Q. Do you recall any other persons who worked in the military
11 committee under al Qaeda?

12 A. Under Abu Ubaidah al Banshiri, Abu Hafs el Masry.

13 Q. Do you recall as you sit here today any other members who
14 served in the military committee?

15 A. Saif al Islam el Masry.

16 Q. Can you tell us what the word Saif means in Arabic.

17 A. Soft.

18 Q. This person Saif al Islam el Masry was in the military
19 committee?

20 A. Yes.

21 Q. Any other persons you recall on the military committee?

22 A. Abu Hafs al Mansouri.

23 Q. What do the words al Mansouri refer to?

24 A. He is from Egypt, Mansoura City.

25 Q. Anyone else in particular you recall that served in the

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al-Fadl - direct

1 military committee?

2 A. Abu Khaleed al Madani.

3 Q. What do the words al Madani mean?

4 A. He is from Madani Munawara.

5 Q. Besides the military committee, what other committees were
6 there in al Qaeda under the shura council?

7 A. We got money and business committee.

8 Q. Can you explain to the jury what the money and business
9 committee of al Qaeda did.

10 A. The people that run the business and the companies.

11 Q. Did you ever work on the money and business committee work
12 for al Qaeda?

13 A. Yes.

14 Q. Can you explain generally what -- withdrawn.

15 Can you tell us who ran the money and business
16 committee for al Qaeda?

17 A. At that time, different people. Two people run the
18 committee. Abu Fadhl al Makkee, and Abu Hammam al Saudi.

19 Q. We will come back to the businesses. Besides the business
20 committee, what other businesses were there within al Qaeda?

21 A. Fatwah committee and Islamic study.

22 Q. The fatwah and Islamic study committee. Can you tell us
23 who was on the fatwah committee.

24 MR. SCHMIDT: Objection, your Honor.

25 THE COURT: Again, how he knows.

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al-Fadl - direct

1 Q. Did you ever attend meetings where members of the fatwah
2 committee spoke about the fatwas issued by al Qaeda?

3 A. Yes.

4 Q. Were the members of the fatwah committee identified by the
5 members of al Qaeda?

6 A. Yes.

7 Q. Can you tell to the jury who the members of the fatwah
8 committee were?

9 A. Abu Saad al Sharif Abu Mohamed Saudi.

10 Q. They are one and the same person?

11 A. Same person.

12 Q. Tell us who else was on the fatwah committee.

13 A. Abu Faraj and Abu Qutada and Abu Ibrahim al Iraqi Hajer,
14 Dr. Fadhl el Masry, and Dr. Abdel Omez.

15 Q. Besides the fatwah committee, the military committee and
16 the business committee, were there any other committees within
17 Al Qaeda?

18 A. We got another committee for media reporting and the
19 newspaper.

20 Q. Can you explain first what the newspaper was.

21 A. It's weekly report about what al Qaeda and about Islam in
22 the world and Jihad.

23 Q. Can you tell us, who published this newspaper?

24 A. At that time Abu Musab Reuter.

25 Q. Do you know how he got the name Abu Musab Reuter?

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al-Fadl - direct

1 A. I think Reuter because he is very good about media and he
2 worked in there.

3 Q. To your understanding, was he actually a member of the
4 company called Reuters?

5 A. No.

6 Q. Can you tell us what Abu Musab Reuter did.

7 A. He run the media. He runs the daily, the news, in Arabic
8 they call Nashrat al Akhbar.

9 MR. FITZGERALD: If we could have the interpreter
10 translate the Arabic term for the name of the newspaper.

11 THE INTERPRETER: The Newscast.

12 Q. Can you tell us where the Newscast -- was it in printed
13 form? What form? Was it printed, typed out?

14 (Interpreted)

15 A. There was a daily and a weekly publication.

16 Q. Can you tell us where the publication was printed.

17 (Interpreted)

18 A. They were with in Hyatabd.

19 Q. Can you tell us where Hyatabd is in relation to the town
20 of Showa?

21 A. It's a town in Showa City.

22 Q. In addition to the media committee, any other committees
23 in al Qaeda that you recall?

24 A. That's most of the committees.

25 Q. Are you familiar with the term Islamic Army?

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al-Fadl - direct

1 A. Yes.

2 Q. Can you tell the jury what the Islamic Army is.

3 A. In the beginning when the people start to establish the
4 group, they choose two names, al Qaeda and Islamic Army, but
5 finally they stay with al Qaeda.

6 Q. The terms Islamic Army and al Qaeda, do they refer to the
7 same group or a different group?

8 A. Same group.

9 Q. During the time while al Qaeda was in Afghanistan and
10 Pakistan, did you ever do any traveling on behalf of al Qaeda
11 outside the Afghanistan-Pakistan area?

12 A. Yes.

13 Q. Where did you go?

14 A. Egypt and Sudan.

15 Q. Can you tell us, when you traveled -- let's focus on the
16 trip to Egypt for the moment. When you traveled to Egypt,
17 were you given any special instructions on how to travel?

18 A. Yes.

19 Q. Can you tell the jury, who gave you those instructions and
20 what they told you.

21 A. Abu Talal el Masry.

22 Q. Can you tell the jury what Abu Talal el Masry told you to
23 do when you go to travel from the Afghanistan-Pakistan area to
24 Egypt?

25 A. He tell me, you have to shave your beard and to wear

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al-Fadl - direct

1 western clothes.

2 Q. Did he tell you why you have to shave your beard?

3 A. He say because you need to be normal person, if you go
4 with beard and Islamic dress, the intelligence office in Egypt
5 they want to ask a lot of questions if you want to go from
6 Pakistan to Egypt.

7 Q. Besides shaving your beard and wearing western dress, were
8 you given any other instructions on how to travel?

9 A. He said don't take any magazine or book related to jihad
10 or Islamic study.

11 Q. Besides telling you not to take any jihad books, did he
12 tell you any things you should bring on your trip?

13 A. He said if you going to buy cologne and pack of
14 cigarettes.

15 Q. Did he tell you why you should bring cologne on your trip?

16 A. He said it make you more like religion -- like smelling,
17 you like women, you look for women.

18 Q. Explain that a little better.

19 A. He tell me put cologne in clothes when you go to airport.

20 Q. So you look like you are interested in women?

21 A. Yes. He say if somebody in customs he going to see the
22 cologne and he see the cigarettes, he is not going to think
23 you in Islamic group or anything like.

24 Q. Within al Qaeda, was there a belief that smoking
25 cigarettes was halal and proper, or haram and forbidden?

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al-Fadl - direct

- 1 A. It's forbidden.
- 2 Q. But he asked you to take cigarettes on the trip?
- 3 A. Yes.
- 4 Q. When you traveled on behalf of al Qaeda, did you use your
5 real passport with your real name?
- 6 A. No, I didn't use my real passport.
- 7 Q. Can you tell us where you got passports to travel?
- 8 A. Under the money committee, we got committee, we got office
9 just work for immigration stuff. Like if you want to travel,
10 they give you passport and he gave you name and he make
11 everything for you and the ticket.
- 12 Q. When you went to this office under a committee to get a
13 passport and a name and a ticket, would that passport and
14 ticket be in your true name or different name?
- 15 A. Different name.
- 16 Q. Did you ever yourself go to this office and meet with
17 people to get these documents?
- 18 A. Yes.
- 19 Q. Can you tell us the people you met with.
- 20 A. The guy, he worked in that office, his name Hamzalla al
21 Liby.
- 22 Q. How often did you deal with Hamzalla al Liby on these
23 documents?
- 24 A. I went for him different time, for that purpose and other
25 trip.

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al-Fadl - direct

1 Q. Did you ever deal with anyone else in that office on
2 behalf of getting documents?

3 A. I remember three persons: Hamzalla al Liby, Abu Yasser al
4 Jazairi --

5 Q. Again, does al Jazairi mean that the person was from
6 Algeria?

7 A. Yes. Also go by Abu Yasser al Sirir.

8 Q. Can you explain what Sirir means.

9 A. Younger.

10 Q. So that also meant the younger one.

11 Can you tell us who the third person was that you
12 dealt with for documents?

13 A. Somebody named Abu Abd al Sabbur.

14 Q. Can you tell us how you met Abu Abd al Sabbur.

15 A. When I went to office different time for this trip, I met
16 Hamzalla al Liby and Abu Yasser al Jazairi and they help me.
17 But I met Abu Abd al Sabbur in office but I didn't deal with
18 him there.

19 Q. Did there come a time when al Qaeda left the
20 Pakistan-Afghanistan area?

21 A. Yes.

22 Q. Can you tell us where al Qaeda moved to?

23 A. To Sudan.

24 Q. Could you tell us before the move was made how the members
25 of al Qaeda learned that al Qaeda was moving to the Sudan and

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al-Fadl - direct

1 what discussions were had.

2 MR. SCHMIDT: Objection.

3 THE COURT: Overruled.

4 Q. You may answer.

5 A. I remember in a guesthouse for al Qaeda people, or
6 members, they start talking, in Afghanistan we don't have too
7 much work because the Russians, they left.

8 THE COURT: Who was there?

9 THE WITNESS: Abu Ubaidah al Iraqi and Ayoub al Iraqi
10 and Abu Fadl al Iraqi. Abu Hammam al Saudi. I remember also
11 Abu Unays al Saudi. Abu Hassan Al Sudani. And his real name
12 is Ali Haroun. And they talk about the government change in
13 Sudan and the Islamic Front, the Islamic National Front runs
14 the government over there, and they very good, and they want
15 to make relationship with al Qaeda, if we move over there it's
16 better because it's near Arab world. Afghanistan is too far.

17 Q. When the topic of relocating from Afghanistan and Pakistan
18 to the Sudan came up, did any al Qaeda members indicate an
19 objection, that they did not want to go to the Sudan?

20 A. The people, they say we have to be careful with that and
21 we have to know more about Islamic Front.

22 Q. Explain to the jury, you mentioned the Islamic Front or
23 the National Islamic Front.

24 MR. SCHMIDT: Can we repeat the answer, please.

25 (Record read)

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1 Q. When people stated that they wanted to know more about the
2 Islamic Front, what happened then?

3 A. I remember Abu Abdallah, son of Bin Laden at that time, he
4 decide to send some people to Sudan at that time, to discover,
5 to see what going on over there, and they bring good answer or
6 clean answer.

7 Q. You mentioned Abu Abdallah or Usama Bin Laden. Are they
8 the same or different people?

9 A. He is the same person.

10 Q. Do you know who he sent to the Sudan to find out about the
11 National Islamic Front?

12 A. Yes.

13 Q. Who was that?

14 A. Abu Hammam al Saudi, Abu Hajer al Iraqi, and Abu Hassan Al
15 Sudani. And Abu Rida al Suri.

16 Q. That is the first time you have mentioned that. What do
17 the words al Suri mean?

18 A. He is from Syria.

19 Q. What happened when those four people went to the Sudan and
20 then came back?

21 A. They went over there and when they came back I remember I
22 was in Khosh area in Farouk camp.

23 Q. What happened when you were in the Farouk camp?

24 A. Some of the al Qaeda members in the camp, we got lecture
25 by Abu Hajer al Iraqi, and he ask about what in the Sudan and

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al-Fadl - direct

1 what this relationship.

2 Q. Why don't you just slow down a moment and tell the jury
3 what this is that a Abu Hajer al Iraqi told you in the Farouk
4 camp?

5 A. He said he went over there and I met some of the Islamic
6 National Front in Sudan and they are very good people and they
7 very happy to make this relationship with al Qaeda, and they
8 very happy to have al Qaeda if al Qaeda come over there, and
9 he say I have some books from the scholar in that group, it's
10 named Dr. Hassan al Turabi, and when he finish, some members
11 they give him questions.

12 Q. Do you recall what any of the questions were that were put
13 to Abu Hajer al Iraqi?

14 A. Yes, I remember some questions from people to him. One
15 guy he ask him, Dr. Hassan al Turabi, he study in Sorbonne, in
16 French.

17 Q. The Sorbonne?

18 A. Yes.

19 And he tell him we know he study also Islamic law but
20 how we trust him, he study in Europe.

21 Q. Do you recall what Abu Hajer al Iraqi's answer was?

22 A. He say no, that doesn't mean make the person bad. He say
23 Dr. Hassan al Turabi, he memorize the Koran and he know a lot
24 about Koranic law, he was 40 years in da'wa.

25 Q. Can you explain to the jury what da'wa is.

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al-Fadl - direct

1 A. Da'wa mean the scholar or the person, he tell other people
2 about the religion and about Islam, and he know a lot about
3 fatwah and he read a lot of books and he study the law.

4 Q. What ended up happening? Did al Qaeda relocate to the
5 Sudan?

6 A. Yes.

7 Q. Can you tell us approximately when al Qaeda began to
8 relocate to the Sudan.

9 A. End of '90.

10 Q. What role did you play in helping al Qaeda relocate to the
11 Sudan?

12 A. I went with some members and we start rent houses and
13 farms over there.

14 Q. By the way, let me stop a moment. You mentioned earlier
15 that you were assigned to travel to Egypt at one point, and we
16 described the preparations you took to travel to Egypt. Did
17 you in fact travel for al Qaeda from Pakistan to Egypt?

18 A. Yes.

19 Q. Can you just briefly describe what task you were given to
20 perform that trip. What were you told to do?

21 A. What cash I take for the trip?

22 Q. What job were you given on the trip?

23 A. They tell me we have some message and we needed to give
24 the message to people in Egypt, in Cairo.

25 Q. Was that a message in words or writing?

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al-Fadl - direct

1 A. It's writing. It's two letters.

2 Q. Did you actually deliver those two letters in Cairo?

3 A. Yes.

4 Q. When al Qaeda went to the Sudan, did you bring anything
5 from Pakistan or Afghanistan with you to the Sudan?

6 A. Yes, I bring money and letter.

7 Q. Do you recall the amount of money that you brought from
8 Pakistan to the Sudan?

9 A. I remember \$57,000, and 17,000 rials.

10 Q. And the money you brought, the \$57,000 and the Saudi
11 rials, did that belong to you or to al Qaeda?

12 A. Al Qaeda.

13 Q. What did you do, you mentioned that you were renting farms
14 and guesthouses, can you explain to the jury what type of
15 locations you were renting?

16 A. In Khartoum, because they going to bring the members in
17 Sudan, so I went with other members to rent guesthouses and we
18 established to rent houses for the single people and some
19 houses for the people married that got family. And also we
20 bought farms for the training and refresh training.

21 Q. What do you mean by refresh training?

22 A. Because al Qaeda think when we were Sudan, we focus on the
23 people that got training already. If they need any operation
24 or anything for the military purpose, the people got trained
25 already, they just give them refresh in these farms.

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al-Fadl - direct

1 Q. Did you buy any farms?

2 A. Yes.

3 Q. Can you tell the jury where the farms were located that
4 you personally participated in buying.

5 A. The first one in Khartoum north.

6 Q. Can you tell us how much, if you recall, the farm cost and
7 whose money you used to buy it.

8 A. \$250,000.

9 Q. Where did you get the \$250,000 to buy the farm?

10 A. Well, I got it from somebody, his name Dr. Abu Abdel Moez.

11 Q. Why don't we stop there for a moment. Can you explain to
12 the jury who Dr. Abdel Moez was in Cairo.

13 A. Dr. Abdel Moez, he is one of the Islamic lawyer run fatwah
14 committee and shura council also, and he run other group under
15 al Qaeda.

16 Q. What was the other group under al Qaeda that Dr. Abdel
17 Moez ran?

18 A. Jihad Al Masri.

19 Q. Can you explain to the jury what Jihad Al Masri, the
20 Egyptian jihad, was?

21 A. Its group worked under al Qaeda agenda. They work for al
22 Qaeda agenda and they work for agenda inside Egypt.

23 Q. Dr. Abdel Moez, did he belong to one of the groups or
24 both?

25 A. Al Jihad and al Qaeda, both.

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al-Fadl - direct

1 Q. When you bought that farm, whose name was it purchased in,
2 the documents, the deed?

3 A. I own it. I bought in my name.

4 Q. Did you buy any other farms in the Sudan for al Qaeda?

5 A. Salt farm in Port Sudan.

6 Q. Can you explain to the jury where Port Sudan is.

7 A. It's one-hour flight, and it's around 1,100 kilometers.

8 Q. From where?

9 A. From Khartoum, the capital city.

10 Q. Is Port Sudan a port city?

11 A. Yes, for the Sudan.

12 Q. What water does the city of Port Sudan sit on?

13 A. The city near the Red Sea.

14 Q. You mentioned that you bought a salt farm.

15 A. Yes.

16 Q. Can you tell us how big the salt farm was?

17 A. It's around 40 faddans.

18 Q. Do you know roughly how much that cost?

19 A. That time it's around \$180,000.

20 Q. Where did you get the money to buy the salt farm?

21 A. From the business companies committee and specific from
22 Abu Fadhl al Makkee.

23 Q. Who told you to buy the salt farm?

24 A. Abu Ubaidah al Banshiri and Abu Fadhl al Makkee. At one
25 time Abu Abdallah Bin Laden.

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al-Fadl - direct

1 Q. Who told you to buy the farm for Dr. Abdel Moez in Sudan
2 north?

3 A. Abu Ubaidah al Banshiri.

4 Q. Did you actually go to that farm after you purchased it?

5 A. Yes.

6 Q. Did there come a time when you were arrested in the
7 vicinity of that farm?

8 A. Yes.

9 Q. Can you tell the jury what it is that happened that led to
10 you being arrested.

11 A. I remember the Egyptian Jihad Group, they got training
12 inside the farm, and the explosive make noise, and the
13 residential not far from the farm, they complain about that
14 and they go to the local police and tell them it's a big noise
15 come from the farm, and the police come to the farm, but we
16 call the intelligence office because we have relationship with
17 them, and the intelligence office came and they tell the local
18 police we take care of that, and don't worry about that. And
19 they take us to the jail, and they say you shouldn't do that,
20 we tell you to refresh, not to make real explosives.

21 Q. First can you tell us approximately what year this was.

22 A. It's area of '91.

23 Q. So in the farm area there is an explosive noise, the
24 residents complain, and the police come --

25 MR. SCHMIDT: Objection.

1 A. Yes.

2 (Continued on next page)

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al-Fadl - direct

1 MR. SCHMIDT: Objection, your Honor.

2 THE COURT: Overruled. We will take a recess at this
3 point.

4 (Recess)

5 (Jury not present)

6 MR. WILFORD: Your Honor, this witness, Mr. al Fadl,
7 used two religious, Islamic religious terms, bayat and fatwah.
8 We would respectfully request the court give the jury an
9 instruction indicating that any Islamic or religious term that
10 he uses or seeks to identify are simply as he deems them to be
11 and not the understanding of what the words mean. He did it
12 in one instance, your Honor, and I don't believe he did it on
13 the second. I would ask that the court give a curative
14 instruction to the jury so if any further terms come up they
15 will understand.

16 THE COURT: Any objection?

17 MR. FITZGERALD: No, Judge, as long as it is done
18 neutrally, that he is endorsing that.

19 THE COURT: The jury understands that any definition
20 that this witness has given with respect to the Islamic
21 religious terms reflects this witness's understanding of those
22 terms.

23 MR. RICCO: Exactly.

24 MR. FITZGERALD: That is fine.

25 (Jury present)

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1 THE COURT: Ladies and gentlemen, I should advise you
2 that when this witness furnished a definition of Islamic
3 religious terms, you should understand that that reflects this
4 witness's understanding of those terms.

5 (Witness present)

6 THE COURT: Sir, please try to talk very slowly and
7 right into the microphone.

8 THE WITNESS: OK.

9 THE COURT: I know it is hard. Slow.

10 THE WITNESS: OK.

11 MR. FITZGERALD: If you could also move your chair up
12 a bit and lean forward, it makes a big difference how close
13 you are to the microphone.

14 THE WITNESS: OK.

15 MR. FITZGERALD: Your Honor, at this point the
16 government would like to display some exhibits on the screens
17 for identification purposes only, which I believe means that
18 for the moment nothing will be displayed to the public or to
19 the jury. The first exhibit we would like to display is
20 Government's Exhibit 100.

21

22 (Continued on next page)

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al-Fadl - direct

1 BY MR. FITZGERALD:

2 Q. If I could ask the witness to look to the screen to his
3 left, and see if you recognize the person depicted in
4 Government's Exhibit 100 for identification only.

5 A. This is Usama Bin Laden Muhammad al Wahal Bin Laden.

6 Q. Is that a fair and accurate picture of the person you know
7 as Usama Bin Laden?

8 A. Yes.

9 MR. FITZGERALD: Your Honor, I would offer
10 Government's Exhibit 100.

11 MR. SCHMIDT: No objection, your Honor.

12 THE COURT: Received without objection.

13 (Government's Exhibit 100 received in evidence)

14 MR. FITZGERALD: If we could display it to the public
15 and the jury at the same time.

16 And if we could display for identification purposes
17 only Government's Exhibit 101 on the screen to the witness.

18 Q. Do you recognize the person depicted in Government's
19 Exhibit 101?

20 A. Abu Hafs el Masry.

21 Q. Is that a fair and accurate depiction of the person you
22 know as Abu Hafs el Masry?

23 A. Yes.

24 MR. FITZGERALD: Your Honor, we would offer
25 Government's Exhibit 101 in evidence.

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al-Fadl - direct

1 MR. WILFORD: No objection.

2 THE COURT: Received.

3 (Government's Exhibit 101 received in evidence)

4 MR. FITZGERALD: Next exhibit I would like to publish
5 for identification purposes only at this time is Government's
6 Exhibit 105, if we could display that exhibit on the screen to
7 the witness.

8 Q. Do you recognize any of the three people depicted in that
9 picture?

10 A. Yes.

11 Q. Who do you recognize?

12 A. The right one, it's Abu Hafs el Masry.

13 Q. The same person who was in the last exhibit?

14 A. Yes.

15 Q. Who is in the middle?

16 A. In the middle, Usama Abu Abdallah Bin Laden.

17 Q. The same person in the first exhibit?

18 A. Yes.

19 Q. Who is on the far left?

20 A. Dr. Abdel Moez Ayman al Zawahiri.

21 Q. Is that a fair and accurate picture of those three people
22 as you remember them?

23 A. Yes.

24 MR. FITZGERALD: The government would offer
25 Government's Exhibit 105.

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al-Fadl - direct

1 MR. WILFORD: No objection.

2 THE COURT: Received.

3 (Government's Exhibit 105 received in evidence)

4 MR. FITZGERALD: We would ask to display that to the
5 jury now.

6 Q. Again the person in the middle is?

7 A. Usama Abu Abdallah Bin Laden.

8 Q. And the person on the right?

9 A. Abu Hafs el Masry.

10 Q. And the person on the far left?

11 A. Dr. Abdel Moez.

12 MR. FITZGERALD: At this point the government would
13 ask to display for identification purposes to the witness
14 Government's Exhibit 103.

15 Q. I ask the witness if he recognizes the person shown in
16 that picture.

17 A. Abu Ubaidah al Banshiri.

18 Q. Is that a fair and accurate picture of the person you knew
19 as Abu Ubaidah al Banshiri?

20 A. Yes.

21 MR. FITZGERALD: The government would offer
22 Government's Exhibit 103.

23 MR. WILFORD: No objection.

24 THE COURT: Received.

25 (Government's Exhibit 103 received in evidence)

126kbin2

al-Fadl - direct

1 MR. FITZGERALD: I would ask to publish that to the
2 jury.

3 Q. Is that the same person you described earlier today as
4 having military experience?

5 A. Yes.

6 MR. FITZGERALD: The government would now seek to
7 publish to the witness for identification purposes
8 Government's Exhibit 106.

9 Q. Do you recognize that person?

10 A. Yes.

11 Q. Who is that?

12 A. Abu Hajer al Iraqi.

13 Q. Is that a fair and accurate picture of the person you knew
14 as Abu Hajer al Iraqi?

15 A. Yes, it's same picture.

16 MR. FITZGERALD: I would offer at this time, your
17 Honor, Government's Exhibit 106 in evidence.

18 MR. WILFORD: Without objection.

19 THE COURT: Received.

20 (Government's Exhibit 106 received in evidence)

21 Q. By the way, do you know the real name of Abu Hajer al
22 Iraqi?

23 A. Yes.

24 Q. What is it?

25 A. Mamdouh Salim.

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al-Fadl - direct

1 Q. Is that the same person you just described before the
2 break who was talking with members of al Qaeda about moving to
3 the Sudan?

4 A. Correct.

5 MR. FITZGERALD: Finally, the government would seek
6 to display to the witness for identification purposes
7 Government's Exhibit 90.

8 Q. I ask if you recognize what is on your screen which is
9 Government's Exhibit 90?

10 A. Yes.

11 Q. What is it that you see?

12 A. This is sign of Usama Mohamed Abdallah Bin Laden.

13 Q. What do you mean sign?

14 A. Signature.

15 Q. How are you familiar with the signature of Usama Bin
16 Laden?

17 A. Very much, because I worked with him.

18 Q. Is this a fair and accurate depiction of what Usama Bin
19 Laden's signature looks like?

20 A. Yes, it's fair.

21 MR. FITZGERALD: Your Honor, I would offer
22 Government's Exhibit 90 in evidence.

23 MR. WILFORD: No objection.

24 THE COURT: Received.

25 (Government's Exhibit 90 received in evidence)

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al-Fadl - direct

1 MR. FITZGERALD: I would ask to display Government's
2 Exhibit 90 to the jury.

3 THE COURT: Yes, you may.

4 Q. Sir, before we took the break, you were explaining that
5 there was an incident involving explosives and the fact that
6 at some point contact was made with the intelligence service
7 in the Sudan. Can you explain the relationship between the
8 intelligence service in the Sudan and al Qaeda after al Qaeda
9 relocated to the Sudan?

10 MR. SCHMIDT: Objection.

11 A. The relationship is --

12 Q. Hold on.

13 THE COURT: First, how do you know, and then another
14 question will be asked. How do you know what the relationship
15 was?

16 THE WITNESS: Because I was in a meeting in Peshawar
17 when few members from Islamic National Front came to Peshawar
18 to meet Bin Laden and al Qaeda members.

19 Q. What was said at the meeting that you attended in Peshawar
20 with members of the National Islamic Front?

21 A. Can you repeat the question.

22 Q. Yes. You just mentioned that you attended a meeting in
23 Peshawar, Pakistan, attended by members of the National
24 Islamic Front and Usama Bin Laden. Can you tell us what was
25 discussed at that meeting about what would happen in the

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al-Fadl - direct

1 Sudan.

2 A. At that meeting three guys, they came over there and they
3 talk about if the al Qaeda members come over there we help
4 them, and also they make agreement with the group.

5 MR. SCHMIDT: I am sorry, your Honor.

6 THE COURT: The reporter will please read the answer
7 back.

8 (Record read)

9 Q. Let me ask you some specific questions. Who did you
10 understand the three persons for the National Islamic Front to
11 be?

12 A. They are members for Islamic National Front.

13 Q. Did you understand from anything said at the meeting
14 whether or not they had a relationship with the intelligence
15 service in the Sudan?

16 A. Not in a meeting, but later on.

17 Q. When did you learn about whatever relationship they may
18 have had with the intelligence service?

19 A. When I was in Sudan.

20 Q. How did you learn?

21 A. Because we got letter from the president of the Sudan --

22 Q. Before you describe the letter, did you see this letter
23 yourself?

24 A. Yes, I got copy for it.

25 Q. Would you tell us who the president of the Sudan was.

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al-Fadl - direct

1 A. Omar Hassan Ahmad al Bashir.

2 Q. Can you tell us what the letter to the president of the
3 Sudan said.

4 MR. SCHMIDT: Objection, your Honor.

5 THE COURT: What is the theory on which it is
6 offered?

7 MR. FITZGERALD: It explains the relationship between
8 the Sudanese government and al Qaeda as set forth in the
9 indictment.

10 THE COURT: The letter is not available, right?

11 Q. Do you have a copy of the letter?

12 A. Not now.

13 Q. Just yes or no, do you recall what the letter said?

14 A. Yes.

15 MR. BAUGH: Your Honor, if I may.

16 THE COURT: Is this being offered for the truth of
17 the contents of the letter or is this being offered for this
18 witness's understanding and his state of mind?

19 MR. FITZGERALD: Both, your Honor. Let me ask the
20 witness a question.

21 Q. Please focus specifically on my question. Forget the
22 letter for a moment. Did you ever, yourself, work with the
23 Sudanese Intelligence Service?

24 A. Yes.

25 Q. Did you discuss your work with the Sudanese Intelligence

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al-Fadl - direct

1 Service with other members of al Qaeda? I will slow down.

2 Did you discuss your work with the Sudanese

3 Intelligence Service with other members of al Qaeda?

4 THE INTERPRETER: Could you repeat the question.

5 Q. Did you tell other people in al Qaeda that you were

6 working with the Sudanese Intelligence Service?

7 (Interpreted)

8 A. Yes, some of the members they know.

9 Q. Did they approve or disapprove your working with the

10 Sudanese Intelligence Service?

11 A. They approve.

12 Q. Do you know if Usama Bin Laden knew of your work with the

13 Sudanese Intelligence Service?

14 A. Yes.

15 Q. Did he approve or disapprove?

16 A. He approve.

17 MR. SCHMIDT: Objection.

18 THE COURT: How do you know if he approved of your

19 working with the Sudanese Intelligence Service?

20 THE WITNESS: Because he tell me that.

21 THE COURT: What did he tell you?

22 THE WITNESS: He tell me if you work with the

23 delegation office.

24 Q. What did he tell you about the delegation office?

25 A. The delegation office, because he tell me a lot of people

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al-Fadl - direct

1 come under Islamic Group but they try to get information to
2 other country and we want to make sure, we don't want any
3 problem, we don't want anybody come, and he work for other
4 country.

5 Q. Why don't we go slowly through the conversation that you
6 had with Usama Bin Laden. What did Usama Bin Laden tell you
7 about people coming to the Sudan from other countries?

8 A. He say that the Sudanese government and the Islamic
9 National Front, they open the door for all the groups come to
10 Sudan, and some group, we don't know, and we afraid somebody
11 come besides those groups and he take information about going
12 on in the work in Sudan and he give it to other country.

13 Q. So what did he indicate that you should do to prevent that
14 problem?

15 A. If intelligence office they find somebody they don't know,
16 he was in Afghanistan but they don't know him very well, they
17 ask me if I know him, if I saw him over there, and sometimes
18 we make interview for him, we ask him about jihad, about
19 fatwah, when he in began which group he work, if inside work
20 over there, which company he train. After that, I make report
21 and I put my analysis, if what he said is correct or wrong,
22 and if I say this guy problem guy.

23 (Continued on next page)

24

25

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al-Fadl

1 Q. Did you actually conduct interviews of people coming in
2 the Sudan to check out their backgrounds and find out whether
3 they were trustworthy or not?

4 A. Yes.

5 MR. FITZGERALD: Your Honor, I would like to go back
6 now to the question of the letter.

7 Q. Can you tell us --

8 MR. SCHMIDT: Your Honor, I object. I still object.
9 The time frame as to when he worked with the intelligence
10 people concerning that issue is not necessarily the same time
11 frame as the government's questioning this witness.

12 THE COURT: When did this occur?

13 BY MR. FITZGERALD:

14 Q. When were you told by Usama Bin Laden, approximately what
15 year were you told to do delegation work at the delegation
16 office to check out people coming to the Sudan?

17 A. This is during '92.

18 Q. For how long did you continue to work for the delegation
19 office?

20 A. I worked for them as -- anytime they ask me to. If they
21 call me, I go to the office and whatever they ask me, I try, I
22 put time and I finish the work and I go back to work for other
23 thing in the group.

24 Q. Did you do that work in 1993?

25 A. Yes.

1261bin3

al-Fadl

1 Q. Did you do that work in 1994?

2 A. Part of '94. Not all of '94.

3 Q. Without telling us what was in the letter from the
4 president of the Sudan, can you tell us the circumstances
5 under which you received a copy of the letter from the
6 president of the Sudan?

7 A. I got the letter because I go to different city in Sudan
8 and also because when we --

9 Q. Stop there. Who gave it to you?

10 A. Abu Hassan al Sudani.

11 Q. Who was Abu Hassan al Sudani?

12 A. He has membership in al Qaeda group and also at that time
13 he runs Taba Investments.

14 Q. Why don't we focus on that trip for a moment. What was it
15 that Abu Hassan al Sudani wanted you to do on this business
16 trip for which he gave you the letter?

17 A. Like when we go to Port of Sudan and we bring some stuff
18 that comes -- when we have some guys from outside Sudan to go
19 inside Sudan, that letter, we don't have to pay tax or custom,
20 or sometime the Customs, you don't have to open our
21 containers.

22 Q. So if you were going to the Port of Sudan to receive
23 things being shipped from outside, what did you do with the
24 letter?

25 A. It's held inside the Port Sudan, the custom, and also when

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al-Fadl

1 we go from Port Sudan to Khartoum, it's a lot of local
2 checking for the Custom and police. Every time I show them
3 the letter and they say okay, no problem.

4 Q. And who was the letter addressed to?

5 A. To Wadi al Aqiq.

6 Q. And can you tell the jury what the Wadi al Aqiq Company
7 is?

8 A. Wadi al Aqiq Company, it's the first company established
9 for the group in Sudan.

10 Q. When you say the first company established for the group
11 of Sudan, which group?

12 A. Qaeda group.

13 Q. Why don't we talk about the companies established in the
14 Sudan. Did you work with the al Qaeda companies in the Sudan
15 yourself?

16 A. Yes.

17 Q. Can you tell us the names of different companies? And if
18 you could go slow, speak clearly, and take a pause so that we
19 can spell the names.

20 A. First company we establish Wadi al Aqiq, and after that we
21 make Wadi al Aqiq as mother of other companies, and we
22 establish Ladin International Company.

23 Q. Can you tell the jury what business Ladin International
24 engaged in?

25 A. Ladin International Company for if you want to buy stuff

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al-Fadl

1 outside from Sudan or you want to remove something, export it
2 to outside.

3 Q. So it was trade in and out of the Sudan?

4 A. Yes.

5 Q. What other companies were established?

6 A. Taba Investment.

7 Q. Can you tell the jury what Taba Investment is, what its
8 business was?

9 A. Taba Investment, when we sell our stuff, we sell it in
10 local money, Sudanese pounds. When we sell the stuff, we
11 change the Sudanese pounds to dollars or sterling.

12 Q. I'm sorry?

13 A. We change the Sudanese pounds to dollars or sterling so
14 the company exchange the money.

15 Q. The word after, you said to dollars or something?

16 A. Sterling pounds.

17 Q. Sterling pounds?

18 A. Yes.

19 Q. And what other companies were established by al Qaeda in
20 Sudan?

21 A. Hijra Construction.

22 Q. And can you tell us what the Hijra Construction Company
23 did?

24 A. That time it built roads and bridge.

25 Q. And was there any particular road or roads that Hijra was

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al-Fadl

1 building at the time in the Sudan when you were there?

2 A. They build a road 83 miles between the Damazine, the
3 Damazine City and Kormuk City.

4 Q. You said it's between Damazine City and a second city?

5 A. Kormuk City.

6 Q. Do you know who ran the al Hijra Company while it was in
7 the Sudan?

8 A. At that time, few people. The first one Dr. Sharif al Din
9 Ali Mukhtar.

10 Q. Who else?

11 A. Abu Hassan al Sudani, and Abu Hammam al Saudi, Abu Rida
12 Suri, and Abu Hajer.

13 Q. The person Abu Hajer, is that the person whose picture you
14 identified about ten minutes ago?

15 A. Yes.

16 Q. And can you tell the jury what type of things were
17 purchased by the al Hijra Construction Company?

18 A. Al Hijra construction built roads and bridge.

19 Q. Did it buy things from outside the Sudan?

20 A. Yes.

21 Q. What types of things did al Hijra construction buy?

22 A. They buy supplies for the road and bridge and at the same
23 time they buy explosive to open the road and bridge.

24 Q. What other companies beside al Hijra do you recall being
25 established by al Qaeda in the Sudan?

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al-Fadl

1 A. Al Themar al Mubaraka.

2 Q. And can you tell the jury what that, al Themar al
3 Mubaraka, what kind of business it engaged in?

4 A. Themar al Mubaraka company is run the Damazine farm.

5 Q. Is that the farm in the city you mentioned Damazine?

6 A. Yes.

7 Q. For what purpose for al Themar al Mubaraka was the farm
8 used?

9 A. They grow sesame and peanuts and white corn over there and
10 at the same time they use bark of the farm for refresh
11 training for the Qaeda members.

12 Q. Why don't we go through that more slowly. How big was the
13 farm in Damazine?

14 A. It's 50,000 faddans.

15 Q. And can you tell the jury, focusing now on the corn,
16 sesame peanuts, how much the farm was used to grow those sort
17 of products?

18 A. Say again?

19 Q. How much of the farm was used to grow agricultural
20 products?

21 A. Could she help me?

22 Q. How much of the farm was used to grow agricultural
23 products?

24 A. (Through the interpreter) Two-thirds of the farm was used.

25 Q. Can you tell the jury how far Damazine was from Khartoum?

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al-Fadl

1 A. It's now 500 miles.

2 Q. Is it an Urban area near a city or is it out in the
3 country, this farm?

4 A. Outside of the Damazine City.

5 Q. And you mentioned that there was refreshed training going
6 on in the Damazine farm. Can you tell the jury what kind of
7 training that was?

8 A. Refreshed for general weapons and for explosives.

9 Q. And to your understanding, did you ever visit the Damazine
10 farm?

11 A. Yes.

12 Q. Did you see people training at the Damazine farm?

13 A. Yes.

14 Q. And did you see explosives, explosions conducted at the
15 Damazine farm?

16 A. I see just refreshed, but not with noise.

17 Q. You didn't actually see an explosion yourself?

18 A. Yes.

19 Q. Did you see explosives at the Damazine farm?

20 A. Yes.

21 Q. And who did you see -- do you know what group was
22 conducting the training at the Damazine farm?

23 MR. BAUGH: Objection, basis of knowledge.

24 BY MR. FITZGERALD:

25 Q. When you saw the explosives, did you see people in the

126lbin3

al-Fadl

1 vicinity of explosives?

2 A. Yes.

3 Q. Did you know who they were?

4 A. Al Qaeda membership.

5 Q. Do you know their names?

6 A. I know a few of them.

7 Q. Can you tell us for the record?

8 A. Salem el Masry.

9 Q. Is that the same person you told us was an explosives
10 trainer this morning?

11 A. Yes.

12 Q. In Afghanistan?

13 A. Yes.

14 MR. BAUGH: Objection withdrawn, your Honor. Thank
15 you.

16 BY MR. FITZGERALD:

17 Q. Who else did you see in the vicinity of the explosives?

18 A. Saif al Islam el Masry.

19 Q. Who else?

20 A. Saif al Adel.

21 Q. This is the first time you've mentioned that name. Can
22 you tell the jury who Saif al Adel is?

23 A. He's Egyptian.

24 Q. Is he a member of al Qaeda?

25 A. Yes.

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al-Fadl

1 Q. Can you tell the jury what role he played in the al Qaeda?

2 A. He trained people for explosives.

3 Q. And did he have a particular specialty in explosives, if
4 you know?

5 A. What I remember, he's very -- he's one of the members very
6 good with explosives.

7 Q. Anyone else you recall seeing in the area where the
8 explosives were at Damazine camp?

9 A. Abu Talha al Sudani.

10 Q. Anyone else you recall?

11 A. I don't remember now.

12 Q. Now, we were talking about Themar al Mubaraka. Besides
13 Taba Investments, al Hijra Construction, Ladin International,
14 Wadi al Aqiq, do you recall other businesses that were
15 established by al Qaeda in Sudan?

16 A. (Answers in Arabic)

17 MR. FITZGERALD: Maybe we could have a translation
18 through the interpreter.

19 THE INTERPRETER: The fruit and vegetable company.

20 Q. And where was that located?

21 A. In Sajana Tower.

22 Q. Was that obviously in the fruit and vegetable business?

23 A. Yes.

24 Q. Was there any company that was involved in trucking, using
25 trucks to transport?

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al-Fadl

1 A. Al Qudurat Transportation.

2 Q. Do you recall any other companies that were used by al
3 Qaeda in the Sudan?

4 A. I don't remember now.

5 MR. SCHMIDT: Objection as to form of the question.

6 THE COURT: The witness says he does not remember.

7 BY MR. FITZGERALD:

8 Q. Can you tell us what facilities al Qaeda had inside the
9 City of Khartoum?

10 A. We have some guesthouses and farms and houses for the
11 people, the organization, residential houses.

12 Q. And why don't we talk about the offices. Where were the
13 al Qaeda offices located?

14 A. We have office in McNimr Street.

15 Q. Why don't we focus on the McNimr Street offices first.

16 Can you tell us the type of -- where the McNimr
17 Street offices -- strike that. How big was the office on
18 McNimr Street?

19 A. It's like eight or nine rooms.

20 Q. How tall was the building?

21 A. I don't remember exactly how many squares.

22 Q. Did you work inside the building on McNimr Street?

23 A. Yes.

24 Q. Would you tell the jury, walk them through the building.

25 When you walked in the building, what would you see

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1 first?

2 A. When you enter the door we have little area for the
3 secretary with table.

4 Q. What did the secretary who sat at the table do?

5 A. If somebody want to visit, he go inside, visit someone, he
6 should put his -- give his I.D. card to secretary, put his
7 name and he going to visit who, and he have to wait over there
8 until he got permission, or if he got appointment, he check in
9 if appointment was good.

10 Q. And once you went past the secretary, can you describe the
11 office space, who had offices there?

12 A. When you pass the secretary area it's another hall with
13 other secretaries. After you enter this, sometime you wait to
14 see somebody. If busy, you have to wait over there until you
15 see him.

16 Q. And this hall, were there offices on the left and the
17 right?

18 A. Yes, we got room on right side and we got room left side
19 and we got room in the back, some rooms in back of the
20 building.

21 Q. Why don't we go down the hall on the left side and
22 describe for the jury what the offices were like and who held
23 offices there, starting with the first office on the left.

24 A. In the first office on the left, when we start the
25 business in the beginning, Bin Laden, he got office, room over

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1 there.

2 Q. Did there come a time when Bin Laden moved his office?

3 A. Yes.

4 Q. Where did he move it to?

5 A. We buy a building Riyadh City in Khartoum for Wadi al

6 Aqiq.

7 Q. Let's slow down a moment. You mentioned Riyadh City in

8 Khartoum. Is that a section of Khartoum in the Sudan?

9 A. Yes.

10 Q. You mentioned that was for the Wadi al Aqiq Company?

11 A. Correct.

12 Q. After you bought that building, where did Bin Laden's

13 office move to?

14 A. He moved to Riyadh City in Wadi al Aqiq.

15 Q. After Bin Laden moved his office, who took over the first

16 office on the left?

17 A. Abu Hassan el Masry and also shared with Dr. Mubarak al

18 Doorri.

19 Q. What about the next office, are those the two people who

20 shared that office?

21 A. Yes, because they're on the Themar al Mubarak Company.

22 Q. Was Abu Hassan el Masry a member of al Qaeda?

23 A. Yes.

24 Q. Was he a member of any other group?

25 A. Jihad group.

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1 Q. When you talk about the Jihad group, the Jihad group?

2 A. Egyptian Jihad group.

3 Q. Who was in the next office on the left?

4 A. At that time al Qubashi the Sudani.

5 Q. Al Qubashi the Sudani?

6 MR. SCHMIDT: Objection, your Honor, as to "at that
7 time." It is not clear what time we're now talking about.

8 BY MR. FITZGERALD:

9 Q. When you first went into the offices, what year was this?

10 A. This is in '91.

11 Q. And recognizing the dates were approximate, was it 1991?

12 MR. SCHMIDT: Objection, your Honor.

13 THE COURT: Overruled.

14 BY MR. FITZGERALD:

15 Q. In 1991 was al Qubashi the Sudani in that office?

16 A. Yes.

17 Q. Did there come a time when al Qubashi left that office?

18 A. Yes.

19 Q. Do you know exactly when that was?

20 A. I think June 9, 1993.

21 Q. When he left that office, who moved into that office?

22 A. Sheikh Sayyid el Masry.

23 Q. Any more offices on the left side of the hallway?

24 A. Yes.

25 Q. Who else was in the other offices?

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al-Fadl

1 A. Abdel Rahman Somali.

2 Q. Does that mean he's a person from Somalia?

3 A. Yes.

4 Also shared by with Omar al Makkee.

5 Q. What about any other offices on the left side?

6 A. It's in the back, in left side, but in other side of the
7 building.

8 Q. Describe what was there.

9 A. We got a chief for the company run by Motassem Sadeek Abu
10 Sashl.

11 Q. Let's slow down. You said a what for the company?

12 A. The chief of the four companies.

13 Q. The chief of the companies. And his name was?

14 A. Motassem Sadeek Abu Sashl.

15 Q. Anything else besides office space at the back of the
16 building?

17 A. We got a space for prayer.

18 Q. And what about on the right side of the office space when
19 you come in?

20 A. On the right side, Dr. Sharif al Din Ali Mukhtar.

21 Q. Anyone with an office besides him on the right side?

22 A. Abu Fadhl al Makkee.

23 Q. Abu Fadhl al Makkee.

24 A. Khalid Ali Waleed.

25 Q. Was Abu Fadhl al Makkee a member of al Qaeda?

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al-Fadl

1 A. Yes.

2 Q. And Khalid Ali Waleed, was he a member of al Qaeda?

3 A. No.

4 Q. Did you have an office in McNimr Street?

5 A. Yes.

6 Q. Where was your office?

7 A. I shared with Abu Fadhl al Makkee.

8 Q. And what I would like to do for the moment is to talk
9 about the payroll. When you worked in the Sudan after al
10 Qaeda relocated to the Sudan, when you worked in the McNimr
11 Street office, who did you receive your salary from?

12 A. From two persons.

13 Q. Okay. Who was the first person?

14 A. Khalid Ali Waleed.

15 Q. And what type of salary did Khalid Ali Waleed pay you?

16 A. It's around 100,000 pounds that time.

17 Q. And in dollars, roughly, what would that be?

18 A. It's around 200.

19 Q. \$200 per what?

20 A. A month.

21 Q. What was your understanding of who the salary was coming
22 from? What were you being paid for?

23 MR. SCHMIDT: Objection.

24 A. From the companies.

25 Q. Which company?

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al-Fadl

1 A. Taba Investments and Ladin International Company.

2 Q. How often were you paid for your work with Taba
3 Investments and Ladin International?

4 A. Monthly.

5 Q. And what would you do on payday? Walk us through that
6 process when you were going to get your money for each month's
7 work for Taba and Ladin.

8 A. Could you repeat the question?

9 Q. Yes. On payday, how would you physically get your pay?

10 A. I go to Khalid Ali Waleed in his office and he got book
11 and he give me paper. I go to Sadeek and Sadeek, he give me
12 the money.

13 Q. And what would Khalid Ali Waleed, what would he check in
14 the book and when did you get paid?

15 A. He put the company's name and he put my name and the
16 amount of money, and if I got money during the month, he
17 credit and he give me the money left for me.

18 Q. And then what would Sadeek give you?

19 A. Whatever Waleed decide Sadeek could give me the money.

20 Q. In cash or check?

21 A. Cash.

22 Q. Would you draw another salary every month?

23 A. Yes.

24 Q. And who did you get that other salary from?

25 A. I got it from Sheikh Sayyid el Masry.

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al-Fadl

1 Q. And what was that salary for?

2 A. That salary for from the al Qaeda members.

3 Q. And where did you go to get that salary?

4 A. I go to Sayyid el Masry office and he give it to me.

5 Q. That was in the same McNimr Street office?

6 A. Yes.

7 Q. And how much were you paid per month for your work for al
8 Qaeda?

9 A. It's around \$300.

10 Q. And how often would you be paid for al Qaeda work?

11 A. Monthly.

12 Q. And you would go through the same building and receive two
13 pays from two different people?

14 A. Yes, difference of office, but same building.

15 Q. And the people who worked at McNimr Street who did not
16 belong to al Qaeda, did they receive two salaries?

17 A. No, they receive only one salary.

18 Q. Did you ever become involved in actually helping to pay
19 people the al Qaeda salary?

20 A. Yes.

21 Q. Can you tell us what you did?

22 A. I help Sheikh Sayyid for the al Qaeda members, when they
23 came, each one he write file, and we check his file and if he
24 created money, we add it and we give him whatever money left.

25 Q. And for al Qaeda members besides receiving a salary, did

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al-Fadl

1 they receive any additional funding?

2 A. Abu Ahmed el Masry, he gives every month for the al Qaeda
3 membership.

4 Q. Stop there for a moment. What did Abu Ahmed el Masry give
5 the Al Qaeda members every month?

6 A. He gives them sugar and tea and oil, vegetable oil, and
7 other stuff just to help them because sometimes they busy,
8 they can't go shopping, and also because in Sudan sometimes
9 hard to find sugar anytime or oil and some stuff.

10 Q. What if you had hospital expenses, how would you pay for
11 them, medical expenses?

12 A. If somebody, the al Qaeda members, he go to doctor or he
13 buy his medicine and he brings a receipt and we pay him the
14 money.

15 Q. And if you took a business trip from the Sudan to
16 someplace else, who would pay the expenses of the trip?

17 A. The al Qaeda membership, the al Qaeda committee money.

18 Q. And what if you were sent on a business trip for Taba
19 Investments?

20 A. We got same thing. Sometime you got some money from
21 Khalid Ali Waleed and you got extra Sheikh Sayyid el Masry.

22 Q. When you got the money from Khalid Ali Waleed, what was
23 the money for?

24 A. For the trip.

25 Q. Travel expenses?

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al-Fadl

1 A. Yes.

2 Q. And why would you also get money from Sheikh Sayyid?

3 A. Because the al Qaeda tried to help the members for extra.

4 Q. Now, can you tell us more specifically what you would do
5 when you helped Sheikh Sayyid with the payroll? What files
6 were you given access to?

7 A. Some members, they came and I just checked their file and
8 I sign, and I give it to Sheikh Sayyid and he gives them the
9 money.

10 Q. Did there come a time -- let me back up. When you were a
11 member of Al Qaeda in Afghanistan, did the members of al Qaeda
12 in Afghanistan all receive the same amount of money or did the
13 salaries vary?

14 A. No, there's a difference. Some people, they got more.
15 Some people, they got a little.

16 Q. And that was in Afghanistan?

17 A. Yes.

18 Q. When you got to the Sudan, were the salaries of al Qaeda
19 members the same for everyone or did they vary?

20 A. No, it's different.

21 Q. And did you ever have a conversation with anyone about the
22 different salaries for al Qaeda members in the Sudan?

23 A. Yes, we have discussion why is difference, why not all the
24 same.

25 Q. Did you ever have a conversation with Usama Bin Laden

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al-Fadl

1 about the difference in the salaries for different members of
2 al Qaeda?

3 A. Yes.

4 Q. And did you talk to them about one person's salary in
5 particular?

6 A. Yes.

7 Q. Can you tell the jury about your conversation with Mr. Bin
8 Laden?

9 A. What I tell him, some people complain because some people,
10 they got high salary, some people, they got a little and they
11 want to know if we all al Qaeda membership, why somebody got
12 more than others.

13 Q. How much money were you making at the time that you had
14 this conversation?

15 A. I made from the al Qaeda membership 300 and from Khalid
16 Ali Waleed around \$200.

17 Q. And did you know of anyone who was making more money per
18 month?

19 A. Yes. I know few people they make more money than me.

20 Q. Who were they?

21 A. Abu Hajer al Iraqi and Abu Fadhl al Makkee and Abu
22 Abdullah Lubnani and other people.

23 Q. Why don't we stop there. First, just focusing on the word
24 "Lubnani," does that mean the person is from a particular
25 place?

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al-Fadl

1 A. Yes, he's Lebanon.

2 Q. Can you tell us how much was Abu Hajer al Iraqi making at
3 the time?

4 A. It's around \$1500.

5 Q. And how much money was Abu Fadhl al Makkee making at the
6 time?

7 A. I don't remember now, but I believe more than Abu Hajer.

8 Q. How about Abu Abdullah Lubnani?

9 A. \$800.

10 Q. Can you tell us what you said to Usama Bin Laden about
11 those salaries compared to yours?

12 A. I tell him the people complain about that and myself, too,
13 I complain about that.

14 MR. SCHMIDT: I'm sorry, I did not --

15 A. I tell him the people complain about that, some members,
16 they complain about that, and me, too, I say why not the
17 members together that same salary.

18 Q. Now, Abu Abdallah Lubnani, do you know his true name?

19 A. Yes.

20 Q. What's that?

21 A. Wadih El Hage.

22 Q. What did Usama Bin Laden say to you when you complained
23 about the salaries of Abu Fadhl al Makkee, Abu Hajer and Abu
24 Abdallah Lubnani?

25 A. He say some people, they traveling a lot and they do more

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1 work and also they got chance to work in the country. Some
2 people, they got citizenship from another country and they go
3 back over there for regular life, they can make more money
4 than in group. And he says that's why he try to make them
5 happy and give them more money.

6 Q. Did there come a time when you trained someone else to
7 help Sheikh Sayyid with the payroll?

8 A. Yes.

9 Q. Can you tell us when this was and who that was?

10 A. This is now around '93 and I remember Abu Fadhl Makkee, he
11 tell me we going to move.

12 Q. Abu Fadhl Makkee tells you he was giving a job to Abu
13 Dijana al Yemeni?

14 A. He told me we need for you to go somewhere and we need you
15 to give the job to Abu Dijana al Yemeni and Abdallah Lubnani.

16 Q. So what did you do?

17 A. And I help Abu Dijana, I tell him about the count backs
18 and our stores and the stuff we buy and when we buy, when we
19 sell it we have to exchange it to dollars, and also I help
20 Abdallah Lubnani to sell ballam oil.

21 Q. What kind of oil, ballam oil?

22 If we could have the translator interpret the word,
23 just say it in Arabic.

24 THE INTERPRETER: Palm oil.

25 Q. Palm oil. Okay. Did you train either of those two in how

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1 to do the al Qaeda payroll?

2 A. Yes.

3 Q. Tell us who you trained and how you trained them.

4 A. I show them, we have different salary for al Qaeda members
5 from Khalid Ali Waleed and from me and Sheikh Sayyid el Masry
6 and we give them the files and all the papers.

7 Q. And what did the files look like?

8 A. The files, each person he got his own file and his
9 nickname and his salary and if he created money, it go in that
10 file.

11 Q. And this person Abu Abdallah Lubnani, El Hage, did you
12 know him back in Afghanistan?

13 A. I saw him over there a couple of times, but I didn't work
14 with him close in Afghanistan.

15 Q. And in the Sudan, did you get to know Wadih El Hage
16 better?

17 A. Yes, because when I give him -- he take my place in the
18 business office, he -- I tell him this is the stuff and this
19 is oil and this is the papers, like that.

20 Q. And how long did you spend training Wadih El Hage?

21 A. It's few weeks.

22 Q. And do you know what country he was a citizen of?

23 A. United States.

24 Q. And when you were in the Sudan, who did you see Wadih El
25 Hage would spend time with?

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al-Fadl

1 A. With Abu Dijana, Abu Fadhl al Makkee, and Abu Ubaidah al
2 Banshiri and Abu Hajer al Iraqi, and this is in office, and
3 also in guesthouse --

4 Q. Why don't we stop with the office and spell those: A-B-U
5 D-I-J-A-N-A F-A-D-H-L M-A-K-K-E-E. And you mentioned, I'm
6 sorry, one other name?

7 A. And this is in offices. And also in the guesthouse and
8 other guesthouse was Abu Ubaidah al Banshiri and Abu Hafs el
9 Masry and Abu Mohamed al Suri and Saad al Sharif.

10 Q. Why don't we stop there and get the names. In the
11 guesthouse he spent time with Abu Ubaidah al Banshiri and Abu
12 Hafs el Masry, Abu Mohamed al Suri and Saad al Sharif.

13 A. Ihsan el Madani, Saif al Adel and Anas al Liby.

14 Q. Did there come a time -- you mentioned that Abu Ahmed
15 would bring some food packages to al Qaeda, packages to McNimr
16 Street. Did there come a time when this practice changed?

17 A. Yes.

18 Q. Why did it change?

19 A. Because in the office some people, they are not al Qaeda
20 membership but they are from Islamic National front and they
21 don't have two salary, and also they complain about why you do
22 more extra help to some people, not to other people.

23 Q. So what happened then?

24 A. Dr. Sharif al Din Mukhtar, he say we have to move that
25 from the offices to the guesthouse.

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al-Fadl

1 Q. So was the food basket then given out at the guesthouse
2 after that?

3 A. Yes, after that he move it to the big guesthouse and
4 everybody, he go over there, he take his package.

5 Q. And did the al Qaeda payment of salary ever move out of
6 McNimr Street?

7 A. Later, yes. After that, also, they move it to guesthouse.

8 Q. Why don't you tell us what the guesthouse is.

9 A. The guesthouse, it's in Riyadh City, square nine. It's
10 our main big -- our main guesthouse.

11 Q. And once again, Riyadh is a section of Khartoum?

12 A. Yes.

13 Q. You said square number nine?

14 A. Yes.

15 Q. Is that the address?

16 A. No, it's square mil. Like ten houses contains 20 squares.

17 Q. Can you describe what the guesthouse looked like?

18 A. It's a big house and three floor with a front yard and
19 backyard.

20 Q. And how often did you go to the guesthouse when you were
21 living in the Sudan?

22 A. Sometimes day, afternoon, after I finish my work, I go
23 home and I go back in sunset prayer or marid prayer.

24 Q. And where did Bin Laden spend most of his time?

25 A. He spend most of his time in the guesthouse.

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al-Fadl

1 Q. And what type of activities took place at the guesthouse?

2 A. When we go over there we do the prayer together and
3 sometime we take dinner together and we talk about meeting.
4 He liked to sit in the front yard and talk about jihad and
5 about Islam and about the al Qaeda in general.

6 Q. And did Bin Laden have a specific office in the
7 guesthouse?

8 A. Yes, in the second floor he got big room. It's only for
9 him.

10 Q. Besides the guesthouse that you described in the McNimr
11 Street offices, what other facilities other than residences
12 did al Qaeda have in Khartoum?

13 A. In Soba town we got big farm also belong to the group.

14 Q. Can you tell us what natural features are near the Soba
15 farm?

16 A. It's a hospital. They call it Soba University Hospital.

17 Q. Are there any rivers or bodies of water nearby?

18 A. It's Blue Nile River.

19 Q. And at the Soba farm what did al Qaeda have, what property
20 did it own there?

21 A. We got another farms over there.

22 Q. How many farms approximately did you have in Soba?

23 A. It's got four farms, but later on we buy another one and
24 one of the farms, we use it -- we call it hangar inside the
25 farm.

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al-Fadl

1 Q. You say hangar, H-A-N-G-A-R?

2 A. Yes.

3 Q. Can you explain what you mean by "hangar"?

4 A. Hangar, we build it over there and we use it for our
5 supplies.

6 Q. And what type of activities took place in the Soba farm?

7 A. We got meeting every Thursday.

8 Q. Can you explain to the jury what the meeting, why there
9 was a meeting every Thursday?

10 A. Every Thursday after the sunset prayer, if any of al Qaeda
11 membership they are in Khartoum that day, they have to come to
12 the meeting in the farm. And it's lecture by Bin Laden and
13 other membership about jihad and our agenda.

14 Q. And was there any military activity in the Soba farm area?

15 A. We got refreshed training.

16 Q. And what kind of refreshed training?

17 A. For the people, they have training over from before, and
18 if they want to just refresh some of weapons, they can do
19 that, but without use or explosives.

20 Q. Did they actually set off bombs at the Soba farm area?

21 A. Yes, but they not explosives, but just to show you how to
22 put it together, how to save it, how to use it, put it
23 together like that.

24 Q. But did you actually have bombs explode on the farm?

25 A. No.

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al-Fadl

1 Q. When you discussed al Qaeda, the Al Qaeda agenda, where
2 would those discussions take place as between Soba farm, the
3 guesthouse in the Riyadh section of Khartoum and the offices
4 on McNimr Street?

5 A. Most of the time when we talk about al Qaeda agenda, be
6 guesthouse or the farm.

7 Q. Why would you not talk about it at McNimr Street?

8 A. Because we got other people, they're not membership,
9 they're not membership of the al Qaeda, they work just for
10 business.

11 Q. During the time you were in the Sudan and attending the
12 lectures at the guesthouse in the Riyadh section and the
13 Thursday meeting at Soba farm, did you ever learn of the al
14 Qaeda position towards the United States?

15 A. Yes.

16 Q. Can you tell the jury how you learned what al Qaeda's view
17 or position towards the United States was?

18 MR. SCHMIDT: Objection, your Honor, as to what time
19 frame we're talking about.

20 THE COURT: All right.

21 BY MR. FITZGERALD:

22 Q. Can you tell us when you learned -- just focus on this
23 question: What time or what event caused you to learn the al
24 Qaeda's position towards the United States?

25 A. That's I believe on -- I remember that in during '92 --

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al-Fadl

1 '91.

2 Q. And how did you learn what Al Qaeda's position towards the
3 United States was?

4 A. Well, I was in the guesthouse and they talk after Iraq
5 government took Kuwait. After few months, they say American
6 army now, they should leave the Gulf area.

7 Q. Let's focus specifically. After Iraq invaded Kuwait, who
8 did you hear speak at a lecture about the view towards the
9 American military in Saudi Arabia?

10 A. Different people. I hear from Abu Abdallah, Usama Bin
11 Laden himself, and from Abu Fadhl al Makkee, Saad al Sharif,
12 and be Baugh.

13 Q. Abu Hajer al Iraqi, did you mention him?

14 A. Yes.

15 Q. Was there another person?

16 A. Farjahm.

17 Q. Why don't we go through that more slowly.

18 Do you recall what it is Usama Bin Laden said about
19 the United States following the Gulf War?

20 A. Yes, in that time they make different meeting to make
21 fatwah and the shura council, and those guys, they mentioned,
22 each one, he got his opinion.

23 Q. Did there come a time when they came to a fatwah?

24 A. Yes.

25 Q. And were you present when it was announced or discussed?

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1 A. Yes.

2 Q. Can you tell us what you were told?

3 A. They say the fatwah, it say we cannot let the American
4 army stay in the Gulf area and take our oil, take our money,
5 and we have to do something to take them out. We have to
6 fight them.

7 Q. And who do you recall saying this?

8 A. Could you repeat?

9 Q. Who actually said this after the fatwah was formed that
10 you heard?

11 A. Bin Laden by himself and Abu Hajer al Iraqi and Saad al
12 Sharif.

13 Q. Did you ever hear any later discussion of al Qaeda's
14 position towards the United States? Just yes or no.

15 A. Yes.

16 Q. And do you recall the year you heard this or the event
17 that caused you to hear this?

18 A. Could you repeat?

19 Q. Do you recall when you heard the next discussion of al
20 Qaeda's position regarding the United States?

21 A. Can she help me?

22 Q. Do you recall the year or the event that caused you to
23 next hear al Qaeda's position towards the United States?

24 THE INTERPRETER: I didn't get the second part, next
25 hear?

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al-Fadl

1 Q. To hear. Do you recall the next -- during an event or the
2 year when you next heard what al Qaeda's position towards the
3 United States was?

4 THE INTERPRETER: Could you repeat it? It's not
5 clear.

6 MR. FITZGERALD: I'll try again. It's the English
7 problem not the Arabic problem.

8 Q. Did you ever hear of any other fatwahs against the United
9 States, and if so, when?

10 A. End of '92.

11 Q. And can you tell us how you heard about the next fatwah?

12 A. I was in the guesthouse and in a Thursday meeting and they
13 say it's new fatwah because we proved more about the American
14 army in Gulf area.

15 Q. Okay. Can you tell us first who was speaking.

16 A. Abu Hajer al Iraqi and Saad Sharif and Abu Faraj al
17 Yemeni.

18 Q. Tell us as best you can recall what they said about
19 America at that time.

20 A. They say they got another proof for the fatwah and they
21 say Prophet Mohamed say don't allow true religion in our
22 islands.

23 Q. And following that discussion, did you ever hear of a
24 further fatwah against the United States by members of al
25 Qaeda?

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al-Fadl

1 A. Yes. After that, also, we got another fatwah because they
2 say the American army come to the home of Africa in Somalia.

3 Q. Can you tell us when you learned about that fatwah?

4 A. Area of '93 or end of '92.

5 Q. Can you tell us how you learned of that fatwah?

6 A. Also I was in the guesthouse and Abu Ubaidah al Bانشiri,
7 he talk about that. He says the American army in home of
8 Africa in Somalia and now they already took off Gulf area and
9 now they go to Somalia, and if they successful in Somalia, the
10 next thing it could be south of Sudan and that's going -- they
11 going to take the Islamic countries.

12 Q. And the person speaking, you said, was Abu Ubaidah al
13 Bانشiri?

14 A. Yes.

15 Q. Following that discussion, did you ever hear of a further
16 fatwah or discussion of a fatwah about the United States?

17 A. It's another fatwah, also, it say the American army, now
18 they are in the two Muslim mosques, Mecca and Medina al
19 Munawara.

20 Q. Are those two mosques both located on the Saudi Arabia
21 peninsula?

22 A. Yes.

23 Q. Did you ever hear of a discussion within al Qaeda of
24 whether or not innocent people could be killed?

25 A. I remember in, yes, I hear that.

126lbin3

al-Fadl

1 Q. When did you --

2 MR. BAUGH: Objection, the time.

3 BY MR. FITZGERALD:

4 Q. When did you hear it?

5 A. During the Somalia fatwah.

6 Q. Can you tell the jury what discussion was had about
7 whether or not innocent civilians could be killed?

8 A. I remember Ibn al Tamiyeh, he said --

9 Q. Let's stop. Would you just briefly explain to the jury
10 who Ibn al Tamiyeh is?

11 A. He's a scholar for Islamic history 1700 or 1800 years ago.

12 Q. Can you tell us now what Abu Hajer al Iraqi said about Ibn
13 al Tamiyeh?

14 A. He said that our time now is similar like in that time,
15 and he say Ibn al Tamiyeh, when a tartar come to Arabic war,
16 Arabic countries that time, he say some Muslims, they help
17 them. And he says Ibn al Tamiyeh, he make a fatwah. He said
18 anybody around the tartar, he buy something from them and he
19 sell them something, you should kill him. And also, if when
20 you attack the tartar, if anybody around them, anything, or
21 he's not military or that -- if you kill him, you don't have
22 to worry about that. If he's a good person, he go to paradise
23 and if he's a bad person, he go to hell.

24 Q. What did Abu Hajer say about that in the context of
25 Somalia?

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al-Fadl

1 A. He say they talk over there. If they make attack because
2 American people is everywhere in Somalia and Mogadishu City,
3 and he says it is no guarantee if we fight we not going to
4 injure innocent people.

5 Q. Was there any further discussion at a later time about
6 whether it was appropriate to kill, to allow innocent
7 civilians to be killed?

8 A. Also, I remember they say if you -- if the people want to
9 make explosives for building and it's military building and
10 sometimes it could be civilian around the building and you
11 don't have any choice other than that, you should do it and
12 you don't have to worry about that.

13 Q. Who said that?

14 A. Abu Hajer.

15 Q. You mentioned that there was a fatwah --

16 THE COURT: When you are at a good stopping point...

17 MR. FITZGERALD: I think this is it, Judge.

18 THE COURT: This is a good stopping point, all right,
19 then we will break for lunch now and we'll resume at 2:15.

20 (Luncheon recess)

21

22

23

24

25

126kbin4

al-Fadl - direct

1

AFTERNOON SESSION

2

2:15 p.m.

3

THE COURT: A few minutes after we adjourn today, I would like to see you, Mr. Schmidt, and government counsel, and get a little more information about the Thursday conference.

7

MR. HERMAN: Judge, the audio is not on.

8

THE COURT: Someone turn on the audio.

9

(Jury present)

10

JAMAL AHMED AL-FADL, resumed.

11

THE COURT: Good afternoon. I am sure everybody would appreciate it, particularly the court reporters, if both the questions and the answers go a little slower.

14

MR. FITZGERALD: Yes, thank you, Judge.

15

Mr. al-Fadl, if you could continue to speak closer to the microphone and try to talk slowly, even if I at times fail to do that myself.

18

First I would like, your Honor, to have displayed for identification purposes only to the witness Government's Exhibit 104.

21

(Continued on next page)

22

23

24

25

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al-Fadl - direct

1 DIRECT EXAMINATION continued

2 BY MR. FITZGERALD:

3 Q. I ask you if you recognize the person depicted in
4 Government Exhibit 104?

5 A. Yes.

6 Q. Can you tell us who that is?

7 A. Saif al Islam el Masry.

8 Q. Is that a fair and accurate picture of the person you knew
9 as Saif Al Islam El Masry?

10 A. Yes.

11 MR. FITZGERALD: Your Honor, the government offers
12 Government's Exhibit 104.

13 MR. WILFORD: No objection.

14 THE COURT: Received.

15 (Government's Exhibit 104 received in evidence)

16 MR. FITZGERALD: I would ask permission to display
17 that to the jury.

18 THE COURT: Yes, you may.

19 Q. Sir, you testified this morning about the time at which al
20 Qaeda relocated from Afghanistan and Pakistan to the Sudan,
21 and you testified about how you brought some money. Did you
22 have a conversation with any members of al Qaeda as to other
23 equipment that was brought from Afghanistan or Pakistan to the
24 Sudan?

25 A. Yes.

126kbin4

al-Fadl - direct

1 Q. Who did you speak with?

2 A. Abu Fadhl al Makkee. Abu Rida al Suri.

3 Q. What did they tell you about other things brought from
4 Afghanistan to the Sudan?

5 A. They say we have some of our weapons in Afghanistan and
6 want to bring it to Sudan.

7 Q. Did they describe what type of weapons they wanted to
8 bring to the Sudan?

9 A. I remember --

10 MR. SCHMIDT: Your Honor, objection, unless we are
11 going to identify which one of these individuals.

12 MR. FITZGERALD: OK.

13 Q. What did Abu Fadhl al Makkee tell you about the weapons?

14 A. He tell me we have Milan and Stinger, we want to bring it
15 to Sudan.

16 Q. Can you explain to the jury first what Milan refers to.

17 A. Milan, it's a rocket. We use it against tanks.

18 Q. Besides the Milan rocket, can you tell us what a Stinger
19 is.

20 A. We have a Stinger number 3 also. We use it against
21 airplane.

22 Q. Did Abu Fadhl al Makkee tell you how they wished to get
23 the Milan rockets and the Stingers to the Sudan?

24 MR. SCHMIDT: Objection, your Honor, again combining
25 the two individuals.

126kbin4

al-Fadl - direct

1 THE COURT: Who was speaking?

2 MR. FITZGERALD: I asked about one person, Abu Fadhl
3 al Makkee.

4 Q. Did he tell you how they were going to get the Milan
5 rockets and the Stingers to the Sudan? Yes or no.

6 A. Yes.

7 Q. What did Abu Fadhl al Makkee tell you?

8 A. He tell me that we have Milan and Stinger, we need to
9 bring it from Pakistan to Sudan.

10 Q. Just going with Abu Fadl al Makkee, did he tell you how
11 they were going to get the rockets and the Stingers from
12 Afghanistan to the Sudan?

13 A. He tell me they rent one of the Sudan airways plane and
14 it's cargo plane, to help them, and he tell me we want to take
15 some supplies from Sudan, sugar for Afghani people, and when
16 the cargo come back, we want to bring our supplies, our
17 weapons.

18 Q. What would happen when the sugar was taken from the Sudan
19 to the Afghani people by the plane?

20 A. This what he tell me.

21 Q. Did you discuss this with Abu Rida al Suri?

22 A. Yes. He is in the same conversation, but he didn't talk.

23 Q. During the time that you were in the Sudan, can you tell
24 us approximately how many conversations you had with Usama Bin
25 Laden either alone with him or in a small group? What I am

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al-Fadl - direct

1 trying to exclude is any time you attended a large meeting
2 where there was a lecture. Can you tell us approximately how
3 many conversations you had with Usama Bin Laden where you were
4 among a small group of people?

5 A. A lot. I don't know the number, but a lot of times. A
6 lot of times.

7 Q. More than 10, less than 10?

8 A. Could be more.

9 Q. You mentioned before lunch a person by the name of Abu
10 Abdallah Lubnani, also known as Wadia. I ask you to look
11 around the courtroom and tell us if you recognize anyone in
12 this courtroom.

13 A. Yes. I see him.

14 Q. Could you just stand and point to where he is seated and
15 describe what he looks like and what he is wearing.

16 A. He is the third guy in that line, left.

17 Q. Can you describe the color of his clothing?

18 A. He got long beard and long hair.

19 Q. Can you give us the color of what he is wearing?

20 A. He wear a sweater, look like white.

21 THE COURT: The record will reflect that the witness
22 identified the defendant El Hage.

23 Q. You have talked about a person by the name of Abu Fadhl al
24 Makkee. Can you tell us if Abu Fadhl al Makkee had any family
25 relationship with Usama Bin Laden?

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al-Fadl - direct

- 1 A. I remember he married Usama Bin Laden uncle -- his name
2 Said Bin Laden. He married his daughter.
- 3 Q. Let's go through that more slowly. The woman that Abu
4 Fadhl married, who is she?
- 5 A. She is daughter of Said Bin Laden.
- 6 Q. Who is Said Bin Laden?
- 7 A. He is one of Bin Laden's uncles.
- 8 Q. Abu Fadhl al Makkee, did he have any physical
9 characteristics that made him look different than other
10 people?
- 11 A. I remember during Afghanistan war, he lose his leg.
- 12 Q. Do you know which leg he lost?
- 13 A. I don't remember now.
- 14 Q. Do you know what part of his leg he lost, forgetting
15 whether it's the right leg or the left leg?
- 16 A. From the knees and down.
- 17 Q. Did he have any treatment for the fact that he lost one of
18 his legs below the knee?
- 19 A. I remember he went to Germany.
- 20 Q. You mentioned this morning that the first emir of al Qaeda
21 of Abu Ayoub al Iraqi. Did there come a time when Abu Ayoub
22 al Iraqi was replaced as the emir of al Qaeda?
- 23 A. Yes.
- 24 Q. Who replaced him?
- 25 A. Abu Ubaidah al Banshiri.

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al-Fadl - direct

1 Q. Who did Abu Ubaidah Al Banshiri report to?

2 A. Abu Abdallah Bin Laden.

3 Q. You also discussed this morning the instructions you were
4 given when you traveled from Pakistan to Egypt as to how you
5 should dress and what you should carry. Were you given any
6 instructions or training in al Qaeda as to what you should do
7 if you were stopped by officials when you entered the country?

8 A. They tell you if when you go over there to airport and the
9 customs they try to open your bag and ask you questions, you
10 have to be nice and smile and don't carry anything bring the
11 attention, and if you brought cigarettes with you, let them
12 see, if you have cologne let them see the cologne, and if they
13 ask you, tell them I just come for visit, don't talk about
14 religion, jihad, about anything belonging to Islam law or
15 Islamic study or Islamic law.

16 Q. From your time in al Qaeda, did you learn of any al Qaeda
17 policy as to what would happen to people who were informants,
18 who provided information to foreign governments?

19 A. If they find anybody like that --

20 MR. SCHMIDT: Objection, your Honor.

21 THE COURT: Identify by whom you were told and when.

22 THE WITNESS: I have conversation with Abu Ubaidah al
23 Banshiri about that.

24 Q. If I could ask the witness just to describe the
25 conversation, but do not describe any particular instances.

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al-Fadl - direct

1 When you spoke to Abu Ubaidah --

2 A. He say a lot of people come to Sudan, from other group
3 come to Sudan, and we just want to make sure there is no one
4 come to spy or take information from what we doing and give it
5 to another government.

6 Q. Without telling us the names of specific examples, did
7 there come a time in al Qaeda when people were determined to
8 be informants?

9 A. Could she help me?

10 Q. Did there come a time when you were in al Qaeda that you
11 learned that certain people were identified as being
12 informants, as providing information to foreign governments?

13 (Interpreted)

14 A. Yes.

15 Q. What happened to them?

16 MR. SCHMIDT: Objection, your Honor.

17 A. One of them --

18 MR. SCHMIDT: Objection as to the basis of all --

19 THE COURT: When and the source of his knowledge.

20 MR. FITZGERALD: Your Honor, this relates to the
21 robing room conference from yesterday.

22 THE COURT: All right.

23 MR. SCHMIDT: Talking about the source of the
24 information -- may we have a conference, your Honor?

25 THE COURT: There is no other way we can deal with

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al-Fadl - direct

1 this?

2 MR. FITZGERALD: If I can lead?

3 THE COURT: Yes.

4 Q. Without telling us who the people were, did you have a
5 conversation with anyone in particular who told you what
6 happened to people who were determined to be informants? Yes
7 or no.

8 A. Yes.

9 Q. Who did you have the conversation with?

10 A. I have conversation with Abu Ubaidah al Banshiri and Abu
11 Fadhl al Makkee.

12 Q. Without telling us who the people were, did they tell you
13 what happened to the people who were determined to be
14 informants?

15 A. Yes, they tell me.

16 Q. What happened to them?

17 A. Two of them, they got jail, and one of them, he got shoot,
18 killed. They killed him.

19 Q. You talked before lunch about a discussion of al Qaeda's
20 position toward the American involvement in Somalia. Did
21 there come a time when you were present for a conversation
22 concerning what al Qaeda wished to do about the United States
23 forces in Somalia? Yes or no.

24 A. Yes.

25 Q. Can you tell us where that conversation happened and who

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al-Fadl - direct

1 was present. Just tell us that first.

2 A. That's in the big guesthouse in Riyadh city in Khartoum.

3 Q. Who spoke?

4 A. I remember Abu Ubaidah al Bانشيري spoke, and Abu Talha al
5 Sudani, and Abu Abdallah Bin Laden.

6 Q. When you say Abu Abdallah Bin Laden, is that one person or
7 two?

8 A. It's one person.

9 Q. What you tell us, first focusing on Abu Ubaidah Al
10 Bانشيري, what did he tell you about what al Qaeda wished to
11 do regarding Somalia?

12 A. He say we want to try hard to fight them and recruit them
13 to make war.

14 Q. If you could tell the interpreter the Arabic word you are
15 using for recruit.

16 THE INTERPRETER: Bring them over so that we make a
17 big war with them.

18 Q. Anything else that you recall Abu Ubaidah Al Bانشيري
19 telling you about al Qaeda's intentions at that meeting?

20 A. He tell me you have to be light with what you doing now,
21 and could be any time we ask you to go with other people.

22 Q. Can you explain to the jury what you mean by being told
23 that you have to be light with what you are doing now.

24 A. He don't want me doing more work. He don't want me
25 involved with more work with the companies, if he ask me any

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al-Fadl - direct

1 time to go to Somalia, I be ready.

2 Q. Do you recall any conversation you had with Bin Laden
3 about what was going to go on in Somalia?

4 A. Yes. One time I remember --

5 MR. HERMAN: Your Honor, I am sorry. Can we have a
6 time frame?

7 THE COURT: Yes.

8 Q. Can you tell us approximately when this conversation was.

9 A. This is area of '93.

10 Q. Can you tell us where the conversation took place.

11 A. In the big guesthouse.

12 Q. Can you tell us what Bin Laden said.

13 A. He say about American army now they came to the Horn of
14 Africa, and we have to stop the head of the snake.

15 Q. Can you explain what you mean by head of snake.

16 A. Do you want me just my analysis?

17 Q. No. Can you tell us as best you recall what Bin Laden
18 said during this meeting, what you recall he explained to you.

19 A. He said that the snake is America, and we have to stop
20 them. We have to cut the head and stop them, what they doing
21 now in Horn of Africa.

22 Q. Do you recall how many people, approximately, were present
23 for this meeting where Bin Laden stated this?

24 A. It's a lot of people. It could be more than 30 or 40.

25 Q. You also mentioned that you had a conversation with this

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al-Fadl - direct

1 with Abu Talha al Sudani.

2 A. Yes.

3 Q. Can you tell us when you had this conversation and where.

4 A. That's area of '93, and he tell me he's ready, he going to
5 go to Somalia with other people, and he mentioned few names
6 for me.

7 Q. Do you recall the names of the people he told you he was
8 going to go to Somalia with?

9 A. Yes.

10 Q. First of all, the person speaking was Abu Talha. Could
11 you slowly tell us the names you recall of the persons Abu
12 Talha said he was going to Somalia with.

13 A. He say Saif al Islam el Masry.

14 Q. Is that the person whose picture you identified just after
15 lunch?

16 A. Yes.

17 Q. Who else?

18 A. And he said Abu Mohamed al Yemeni, with other people they
19 going to go to Somalia.

20 Q. Who else?

21 A. I don't remember now. This what I remember.

22 Q. Did Abu Talha the Sudani have any specialty, special
23 skills, within al Qaeda?

24 A. He is one of the people used mortar in al Qaeda group.

25 Q. Did you ever discuss what was taking place in Somalia with

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al-Fadl - direct

- 1 Abu Hafs el Masry?
- 2 A. Could you repeat the question.
- 3 Q. Yes. Did you ever have a conversation or speak with Abu
- 4 Hafs el Masry about what was taking place in Somalia?
- 5 A. Yes.
- 6 Q. Tell the jury when that conversation was and where.
- 7 A. That's during '93 until when he come back from Somalia.
- 8 Q. Did there come a time when he went to Somalia?
- 9 A. Yes.
- 10 Q. Did you know before he went that he was going there?
- 11 A. He didn't tell me but I learned from other people.
- 12 Q. Can you tell us what happened when Abu Hafs came back from
- 13 Somalia to the Sudan.
- 14 A. I remember me and one of the al Qaeda, his name Mohamed a
- 15 Nalfi, we went together to Abu Hafs el Masry's house, and we
- 16 meet other people that was there, and Abu Hafs el Masry, he
- 17 talk, and he talk about his trip, and he say everything
- 18 happening in Somalia, it's our responsibility, and he tell us,
- 19 he say when he leave Mogadishu, it's hard for him because a
- 20 lot of people in gate, when you go out Mogadishu. He says the
- 21 Afar tribe help him. He say some people from Afar tribe help
- 22 him and they escape him with a little plane, Cessna, they use
- 23 it for khat.
- 24 Q. Can you tell us what khat is.
- 25 A. Khat, some people in Somalia and Yemen they use it under

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al-Fadl - direct

1 the tongue. It's like drug or something like that.

2 Q. You mentioned the plane. Was that a Cessna plane?

3 A. This what he said.

4 Q. When Abu Hafs told you that the people killed in Somalia

5 were our responsibility, what did you understand the word

6 our --

7 MR. SCHMIDT: Objection, your Honor. Objection.

8 Maybe I misunderstood him. He said everything our

9 responsibility what happened, not --

10 THE COURT: Overruled.

11 Q. Whatever Abu Hafs told you, what did you understand the

12 word our responsibility to refer to? Who is our?

13 MR. SCHMIDT: Objection.

14 THE COURT: Overruled.

15 A. He talk about al Qaeda group, our group.

16 Q. What was Abu Hafs' position in al Qaeda?

17 A. He is the second guy in military committee. He is under

18 Abu Ubaidah al Banshiri.

19 Q. You mentioned that you were told to be available to go to

20 Somalia if you were called.

21 A. Yes.

22 Q. Were you ever in fact told, did you ever get called or did

23 you ever go to Somalia?

24 A. No.

25 Q. If you had been asked, would you have gone?

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al-Fadl - direct

1 A. Yes.

2 Q. Did you ever talk to Abu Talha the Sudani after he came
3 back from Somalia?

4 A. Yes.

5 Q. Can you tell us when that was and where you spoke with
6 him.

7 A. During '94, he come to my house and he ask me to help him
8 buy a house. And I tell him is this the reward, what happened
9 Somalia, and he say yes, he give me some money, and I help him
10 buy house in Maribiy al Sharif, south of Khartoum city.

11 Q. Did you understand the reward was money?

12 A. Yes.

13 Q. During the time that you were with al Qaeda in the Sudan,
14 did there come times when you traveled outside the Sudan?

15 A. Yes.

16 Q. When you traveled outside of the Sudan, would your
17 passport always be stamped?

18 A. Sometimes no.

19 Q. Can you tell us how you could travel without having your
20 passport stamped.

21 A. If you want me explain that, like what I say before here,
22 we have something called delegation office, and if I want to
23 travel to country, I don't want them to see I come from Sudan,
24 one of the delegation officers, he go to the immigration
25 airport, and he took me through other way, that's means

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al-Fadl - direct

1 immigration not going to stamp my passport.

2 Q. Are you familiar with the difference between a Sunni
3 Muslim and a Shia Muslim?

4 A. Yes.

5 Q. Which faith are you?

6 A. I am Sunni.

7 Q. Can you briefly explain your understanding of what the
8 difference is between a Sunni Muslim and a Shia Muslim.

9 A. Yes, I understand. Some scholars from Sunni and some
10 scholars from Shia, they say the difference is 16 points, 16
11 things make the difference between Sunni and Shia.

12 Q. Can you give us the example of one or two.

13 A. Like in Sunni, when somebody want to married, he need two
14 witnesses, and the lady, she have to bring somebody from her
15 family, like her dad or brother or uncle. He should be
16 present when they make the license for marriage.

17 In Shia, they don't use that. If the husband and the
18 lady, they agree, they can do it without witness, and they can
19 say we want a marriage for five years, and after five years
20 we're going to see. This is in Shia, they call it Zawaj al
21 Muhda.

22 And also the other difference, the Shia, they believe
23 they don't want to make jihad until they wait for imam.

24 Q. I-M-A-M?

25 A. Yes.

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al-Fadl - direct

1 Q. Can you explain to the jury your understanding of what an
2 imam is.

3 A. Imam means leader of the whole Muslim. In Sunni, the
4 Sunni people, they can make jihad without imam.

5 Q. During the time that you were in the Sudan with al Qaeda,
6 did you have any conversations with other members of al Qaeda
7 about the relationship between Sunni Muslims and Shia Muslims?

8 A. Yes.

9 Q. Can you tell us who spoke about that?

10 A. I remember Abu Fadhl al Makkee and Abu Hajer al Iraqi and
11 Abu Fadhl al Iraqi.

12 Q. If we can focus on what Abu Hajer al Iraqi said first.

13 A. Abu Hajer, he believe, now we got one enemy, the westerns,
14 and if we all the Muslims come together and unite together,
15 they forget the problems and the differences between them,
16 it's better for them to fight one enemy. And he says the Shia
17 and the Sunnis, they should come together for focusing in one
18 enemy.

19 Q. In the Sudan, are most of the Muslims there Sunni or Shia?

20 A. Most of the Muslims Sunni.

21 Q. Is there a particular country where most of the Shia
22 Muslims are?

23 A. In Iran, most of the Muslims Shia.

24 Q. You mentioned that Abu Fadhl al Iraqi also spoke about the
25 difference between Sunni and Shia.

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al-Fadl - direct

1 A. Yes.

2 Q. Do you recall what he said?

3 A. I remember he say in Saudi Arabia they got a little Shia,
4 and he say if the Sunni and Shia come together and fight one
5 enemy, it's better than they fight each other, and he say what
6 happened between Iraq and Iran, is there is no reason for
7 that.

8 Q. Did there ever come a time when a person representing Shia
9 Muslims came to Khartoum to meet with al Qaeda members?

10 A. Yes.

11 Q. Were you present for that?

12 A. Yes.

13 Q. Can you tell us where that meeting occurred?

14 A. I remember that meeting in guesthouse in Riyadh.

15 Q. Can you describe how the meeting came about and who was
16 present.

17 A. I remember one guy, his name Ahmed Abdel Rahman Hamadabi.
18 He is a Sudani guy.

19 Q. What was his last name?

20 A. Hamadabi. And he Sudani guy, and he is big scholar over
21 there. He bring with him other guy, his name Sheikh Nomani.
22 Sheikh Nomani got office in Khartoum belong to Iran government
23 for Shia Muslims to recruit other people to Shia.

24 Q. What happened when Sheikh Nomani came to the guesthouse in
25 Riyadh City?

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al-Fadl - direct

1 A. In front there they sit down and some of the higher
2 membership, they got meeting and talking with the Sheikh
3 Nomani and Hamadabi.

4 Q. Was Bin Laden there?

5 A. Yes.

6 Q. Can you tell us what was discussed at that meeting.

7 A. They talk about we have to come together and we have to
8 forget the problem between each other and each one he should
9 respect the other because our enemy is one and because there
10 is no reason to fight each other.

11 Q. Who did they describe the enemy as being?

12 A. They say westerns.

13 Q. After that meeting, did there come a time when the Sunni
14 and Shia Muslims began to work together with al Qaeda in
15 Sudan?

16 A. Yes.

17 Q. Can you tell us what happened?

18 A. I remember --

19 MR. SCHMIDT: Objection, your Honor, unless we can
20 show a source of information.

21 Q. We will rephrase the question.

22 How did you learn what happened after the meeting --
23 strike that.

24 Did you ever speak to anyone who received any
25 training from anyone who was a Shia Muslim?

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al-Fadl - direct

- 1 A. Yes.
- 2 Q. Who did you speak to?
- 3 A. Abu Talha al Sudani and Saif al Islam el Masry.
- 4 Q. Is that the person whose picture you identified after
5 lunch?
- 6 A. Yes.
- 7 Q. What did Saif al Islam El Masry tell you?
- 8 A. He say they go to south Lebanon to got training with the
9 Shiites over there.
- 10 Q. Did he indicate what Shia group in south Lebanon provided
11 the training?
- 12 A. I remember he told me it's called Hezbollah.
- 13 Q. What did Abu Talha tell you?
- 14 A. Abu Talha, he tell me the training is very good, and he
15 bring some tapes with him.
- 16 Q. Did Abu Talha tell you what was on the tapes he brought
17 back?
- 18 A. I saw one of the tapes, and he tell me they train about
19 how to explosives big buildings.
- 20 Q. Did Abu Talha tell you if anyone else went with him for
21 this training besides Saif el Masry?
- 22 A. Yes.
- 23 Q. Who was that?
- 24 A. Abu Jaffer el Masry.
- 25 Q. Is that the same Abu Jaffer el Masry that you told us this

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al-Fadl - direct

1 morning was an explosives trainer at the Khalid Ibn Walid camp
2 that you attended in Afghanistan?

3 A. No, the area that I say he runs Jihad Wal camp.

4 Q. Is that the same person who was involved in the Jihad Wal
5 camp?

6 A. Yes.

7 Q. Do you know if anybody else from al Qaeda went --

8 A. Also Salem el Masry.

9 Q. Was he also a trainer at the Jihad Wal camp?

10 A. Yes.

11 Q. Anyone else that you recall went to the training?

12 A. I remember also he told me Saif al Adel, he went with
13 them.

14 Q. Do you recall if anyone else went?

15 A. No, I don't remember.

16 Q. Are you familiar with a section in Khartoum called Hilat
17 Koko?

18 A. Yes.

19 Q. Did you ever travel to the section of Khartoum called
20 Hilat Koko with any member of al Qaeda?

21 A. Yes, I did.

22 Q. Who did you go with?

23 A. I remember one time I went with Abu Rida al Suri, and one
24 time I went with Abu Hajer al Iraqi.

25 Q. Anyone else?

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al-Fadl - direct

- 1 A. And one time I went with --
- 2 Q. We will go through that name. M-U-Q-A-D-E-M. Is that a
3 name or a title?
- 4 A. No, a title. He got one eagle and one star.
- 5 Q. Does that mean he is an officer?
- 6 A. Yes, he is in the army.
- 7 Q. In which army?
- 8 A. Sudanese army.
- 9 Q. His name?
- 10 A. Yes. Abdul Baset Hamza.
- 11 Q. Tell us about the time you went to Hilat Koko with Abu
12 Hajer al Iraqi, what you discussed.
- 13 A. I learn that in this building they try to make chemical
14 weapons with regular weapons.
- 15 Q. Can you explain what you mean by chemical weapons with
16 regular weapons.
- 17 A. I remember another guy, he explain more to me about this.
- 18 Q. Who was that?
- 19 A. Amin Abdel Marouf.
- 20 Q. What did Amin Abdel Marouf explain to you?
- 21 A. He say the war between the government and the Sudan and
22 the rebels in south Lebanon, it's like 30 years, and always
23 the rebels during the rain time, they took the Sudanese army
24 to north, and he say if we use weapons like that, it easy for
25 us to win.

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al-Fadl - direct

1 Q. Was there a war going on in the south of Sudan?

2 A. Yes.

3 Q. That was between who and whom?

4 A. Between Islamic National Front, they run the government,
5 and John Garang group.

6 Q. Returning to your conversation with Abu Hajer al Iraqi,
7 did he discuss with you who it was that was trying to make the
8 chemical weapons in the area there of Hilat Koko?

9 A. He tell me the al Qaeda group try to help Islamic National
10 Front to do these weapons, to make these weapons.

11 Q. During the time that al Qaeda was in the Sudan, did al
12 Qaeda have a relationship with a group by the name of al Gamaa
13 al Islamiya?

14 A. Yes.

15 Q. Can you tell the jury what the group al Gamaa al Islamiya
16 is.

17 A. It's called Gamaa al Islamiya Masria.

18 Q. What does that mean, that word?

19 A. From Egypt.

20 Q. Can you tell us what the relationship was between al Qaeda
21 and Gamaa al Islamiya?

22 A. The Gamaa al Islamiya help al Qaeda for their agenda, and
23 at the same time al Qaeda help Gamaa al Islamiya for their
24 agenda.

25 Q. Can you explain, who was the leader of Gamaa al Islamiya?

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al-Fadl - direct

1 A. That time it's Sheik Omar Abdel Rahman.

2 MR. SCHMIDT: What time are we talking about?

3 Q. When you said at that time, what year are you discussing?

4 A. I talk about when we establish the group. That's in early
5 '90.

6 Q. Did there come a time when there was a different leader
7 for Gamaa al Islamiya?

8 A. Yes. His name Abu Talal el Masry. But if you want me
9 explain more, I can explain more.

10 Q. What was the purpose of Gamaa al Islamiya, as you
11 understood it?

12 MR. SCHMIDT: Objection.

13 A. They try to --

14 THE COURT: You have to wait for the judge to rule.

15 What did you understand this group -- how did you
16 learn about this group? This group that you are talking
17 about, how did you learn about it?

18 THE WITNESS: I learn about it because we are in the
19 guesthouse and I am in al Qaeda membership and I make bayat to
20 al Qaeda, and I know about the agenda and I know about the
21 relationship between al Qaeda and other groups.

22 Q. The members of the Gamaa al Islamiya, did some of them
23 also belong to al Qaeda?

24 A. Yes.

25 Q. Did you ever provide weapons to the group called Gamaa al

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al-Fadl - direct

1 Islamiya?

2 A. No.

3 Q. Did you ever provide weapons to any group involved in
4 jihad in Egypt?

5 A. Yes.

6 Q. Focusing on the people who belonged to Gamaa al Islamiya,
7 did you talk to them about what the group's purposes were?

8 A. Yes.

9 Q. What did they tell you?

10 A. I remember I talk one time with Abu Yasser el Masry
11 because he is emir of Gamaa al Islamiya.

12 Q. So we are clear, Abu Yasser was a member of Gamaa al
13 Islamiya?

14 A. Yes.

15 Q. Was he a member of al Qaeda?

16 A. Yes.

17 Q. What role did he play in al Qaeda?

18 A. He helped the Gamaa al Islamiya for their agenda under al
19 Qaeda, and at the same time if any fatwah or any meeting with
20 the al Qaeda people, he took it back to his people.

21 Q. Did Abu Yasser tell you what the agenda of al Gamaa al
22 Islamiya was?

23 A. I remember I have conversation with him, and he says he
24 try to make Islamic government in Egypt.

25 Q. Did there come a time when you learned that the first

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al-Fadl - direct

1 leader of Gamaa al Islamiya Sheikh Omar Abdel Rahman was
2 arrested?

3 A. Yes.

4 Q. Did you discuss that with any members of al Qaeda?

5 A. I remember I went that time to the guesthouse, and they
6 tell me and they talk about Sheikh Omar he arrest and we have
7 to do something, and that's very sad and that's very bad.

8 Q. Did you learn who it was that arrested Sheikh Omar?

9 A. In United States.

10 Q. What discussion was there within al Qaeda as to what to do
11 in response to the arrest of Sheikh Omar Abdel Rahman?

12 A. They talk about what we have to do against America because
13 they arrest Sheikh Omar Abdel Rahman.

14 Q. Did they end up doing anything, carrying anything out, as
15 far as you know?

16 A. No.

17 Q. Did anyone express any dissatisfaction with the fact that
18 nothing was done?

19 A. I remember some of the members in al Qaeda, they left the
20 group and they say no, we not going to stay in group because
21 the group, they don't want to do anything to help Sheikh Omar
22 Abdel Rahman.

23 Q. You mentioned that there was an Egyptian group called
24 Gamaa al Islamiya under al Qaeda. We have talked about the al
25 Jihad Group within al Qaeda. Were there groups from other

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al-Fadl - direct

1 countries that belonged to al Qaeda?

2 A. Yes.

3 Q. Can you tell us some of the other countries for which
4 there were groups in al Qaeda.

5 A. We have Gamaa al Islamiya from Algeria.

6 Q. Do you understand Gamaa al Islamiya to mean the Islamic
7 Group?

8 A. Yes.

9 Q. So that group was from Algeria?

10 A. Yes.

11 Q. Do you know who the leader of that group within al Qaeda
12 was for Algeria?

13 A. At that time I remember his name Qaricept al Jazairi.

14 Q. Any other countries besides Algeria that had a group
15 within al Qaeda?

16 A. We have the Libyan Fight Group.

17 Q. The Libyan --

18 A. Fight Group.

19 Q. Did you know who the representatives of the Libyan
20 Fighting Group were within al Qaeda?

21 A. Who's emir?

22 Q. Yes.

23 A. Saif al Liby.

24 Q. Do you know any other members of the Libyan Fighting Group
25 who also belonged to al Qaeda?

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al-Fadl - direct

1 A. I remember Abu Jaffar al Liby, and Abu Anas al Liby, and
2 Hamzallah al Liby, and Abu Abdel Qader al Liby. This is what
3 I remember now.

4 Q. You mentioned this morning that there was a person named
5 Hamzallah al Liby who worked in Pakistan helping you to get
6 the passports and travel documents. Is that the same person
7 who was a member of the Libyan Fighting Group?

8 A. Yes.

9 Q. You mentioned this morning a person named Hamas al Liby.
10 Is that the same person who was a member of the Libyan
11 Fighting Group?

12 A. Yes.

13 Q. What other countries had groups in al Qaeda besides
14 Algeria and Libya and Egypt?

15 A. We had Yemeni group, Jannubi.

16 Q. Could you explain what the Jannubi means in English.

17 A. The south.

18 Q. Can you explain to us what the Yemeni Jannubi group was.

19 A. Can you repeat this question.

20 Q. The group from south Yemen, what was their agenda?

21 A. They work in al Qaeda, and also they try to make Islamic
22 government in Yemen.

23 Q. Who was the leader of the Yemeni Jannubi?

24 A. At that time Saif Islami Jannubi.

25 Q. Do you recall any other countries that had groups

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al-Fadl - direct

1 represented within al Qaeda?

2 A. We have, in Egypt we have another group, we call it Talah
3 e Fatah.

4 Q. Can you tell the jury, who was the emir of Talah e Fatah?

5 A. Dr. Abdel Moez Ayman al Zawahiri.

6 Q. Again, is that one person?

7 A. It's one person.

8 Q. Were there any groups within al Qaeda from the country of
9 Syria?

10 A. Yes, Jamaat e Jihal al Suri.

11 Q. Do you know who the leader of Jamaat e Jihal al Suri was?

12 A. Abu Musab al Suri.

13 Q. Do you recall what color hair Abu Musab al Suri had?

14 A. He got yellow hair.

15 Q. Was that unusual within the group?

16 A. No, but he is from Syria, and he looked like Germany
17 people.

18 Q. He looked like what kind of people?

19 A. Germany people.

20 Q. Did he have any special training, Abu Musab al Suri?

21 A. Yes.

22 Q. What was his specialty?

23 A. He got training how to fight from close without weapons,
24 like with knife or hands or like that.

25 Q. Was there any group within al Qaeda that was involved in

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al-Fadl - direct

1 efforts in Chechnya?

2 A. Yes.

3 Q. Who were those people who were working on behalf of
4 Muslims in Chechnya?

5 A. We have people from all groups go over there, help the
6 Chechnans.

7 Q. Did you ever have a conversation about whether you
8 yourself would go to do something to help the people of
9 Chechnya?

10 A. Yes.

11 Q. Who did you speak to?

12 A. Abu Fadhl al Makkee.

13 Q. Can you tell the jury what Abu Fadhl Makkee told you about
14 what it is that you might be needed to do for Chechnya.

15 A. He tell me we needed to go over there because we have
16 camps and some brothers over there, and we need to help
17 Chechnan people against Russia.

18 Q. Where were you going to travel to?

19 A. He tell me the people go to Turkey, to Abu Ahmed al Turki.

20 Q. And you said that he was in Ankara?

21 A. Yes, he said that he has guesthouse and they help you over
22 there to go to Baku.

23 Q. Do you know what country the city of Baku is in?

24 A. I think Azerbaijan.

25 Q. Did Abu Fadhl al Makkee tell you whether or not al Qaeda

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al-Fadl - direct

1 had any facilities within Baku, Azerbaijan?

2 A. Yes, he did.

3 Q. What did he tell you?

4 A. He said we got relief organization over there help the
5 people from Baku to Dagestan to Chechnya.

6 Q. Did he indicate to you whether the people were doing
7 relief work in terms of food or providing military assistance
8 in terms of --

9 MR. SCHMIDT: Objection.

10 THE COURT: What did he tell you?

11 Q. What did he tell you about the work being done in Baku?

12 A. He said the office over there helping you to escape to
13 Chechnya, and he say some people over there, they do that for
14 money. They don't care what you want to do over there, but
15 you give and they escape you from Baku and Dagestan to
16 Chechnya.

17 Q. Can you tell the interpreter the word you are using in
18 Arabic for escape.

19 THE INTERPRETER: They used to smuggle you through
20 the border.

21 Q. Did Abu Fadhl tell you what it was that al Qaeda was doing
22 for the people inside Chechnya?

23 A. What he told me, he say we try to help Chechnya people
24 against Russia, to help them train them and buy some weapons
25 for them.

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al-Fadl - direct

1 Q. What did he want you to do?

2 A. He tell me we needed to go over there to give some
3 training and help people over there.

4 Q. Did you have any discussion with him about how much the
5 efforts in Chechnya were costing al Qaeda?

6 A. Yes.

7 Q. Can you tell us what that discussion was.

8 A. I remember Abu Fadhl al Makkee and another member, we are
9 in McNimr Street office, and he make a map for each person,
10 amount, how much cost for each person for his carfare, his
11 ticket, and his weapon, Kalashnikov, until he go to camp over
12 there, how much it cost.

13 Q. Do you recall how much it would cost to send each person
14 with a weapon to the camp in Chechnya?

15 A. Yes.

16 Q. How much?

17 A. \$1,500.

18 Q. Did Abu Fadhl Makkee tell you how the office in Baku was
19 set up?

20 A. They establish relief organization over there because they
21 send the money to the office and the money help the people
22 escaping and buy the weapons and the supplies for them.

23 Q. Did Abu Fadhl Makkee tell you who set up that office?

24 A. I don't remember.

25 (Continued on next page)

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al-Fadl - direct

1 Q. Now, do you know if there ever came a time when Wadih El
2 Hage traveled to Baku?

3 A. Yes.

4 Q. And do you know what other countries he traveled to while
5 you were in the Sudan working for Al Qaeda?

6 A. I remember he traveled to Cubros.

7 Q. Could you describe what you mean?

8 MR. FITZGERALD: Why don't we have the interpreter
9 translate.

10 A. (Through the interpreter) I traveled to Cyprus.

11 Q. And do you know where else he traveled besides Cyprus?

12 A. I don't remember now.

13 Q. Did you ever talk to him about any of the business he
14 conducted when he traveled overseas?

15 A. I remember we have conversation together in McNimr Street
16 office and he tell me he try to buy bikes from there.

17 Q. When he told you he tried to buy bikes, where did he say,
18 if you recall, that he was trying to buy the bikes from?

19 A. He say from Azerbaijan in Russia.

20 Q. And what did you say when he told you he was buying
21 bicycles?

22 A. I tell him what --

23 MR. SCHMIDT: Objection.

24 THE COURT: What did he say to El Hage?

25 MR. SCHMIDT: Yes.

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al-Fadl - direct

1 THE COURT: Overruled.

2 A. He tell me -- I tell him, What bikes? We don't need
3 bikes. Why we buy bikes from there? And, We don't need in
4 Sudan. And he say for business and it's good to make money
5 and it's cheap over there, if we buy a lot, we make money from
6 that.

7 Q. Did you say anything else when he told you that answer?

8 A. I tell him I'm the third one -- I'm the third person sign
9 the contract in al Qaeda and you should tell me what going on
10 over there, why you hide from me something, because I know in
11 Chechnya over there we try to help Chechnan people.

12 MR. SCHMIDT: Objection, your Honor. Move to strike.

13 THE COURT: I didn't really hear, understand it.

14 MR. FITZGERALD: Your Honor, we'll consent to the
15 motion to strike. I just want the witness to tell me what he
16 said and what Mr. El Hage said, but not anything he thought.

17 THE COURT: It's stricken.

18 MR. FITZGERALD: Stricken, the last answer.

19 BY MR. FITZGERALD:

20 Q. Can you just tell, just try to describe to the jury what
21 you said to Mr. El Hage and how he responded after he told you
22 that he went to buy bicycles for business to sell them, buy
23 them cheap and sell them to make money?

24 A. I tell him --

25 MR. SCHMIDT: Asked and answered. He asked that

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al-Fadl - direct

1 question and he answered.

2 THE COURT: Overruled.

3 Please speak slowly.

4 A. I told him I'm the third person signs the contract with Al
5 Qaeda, why you tell me that? And he just smiled and he didn't
6 say anything.

7 Q. During the time that Al Qaeda was in the Sudan, did you
8 know if Al Qaeda had any people in London, England?

9 A. Yes.

10 Q. And how did you learn that Al Qaeda had people in London,
11 England?

12 A. I remember Abu Fadhl al Makkee, he tell me we open an
13 office in London.

14 Q. And what was the purpose that -- strike that. Did Abu
15 Fadhl al Makkee tell you the purpose of the office in London?

16 A. No, he didn't tell me, but I learned that from other
17 person.

18 Q. What other person?

19 A. I remember Mohamed a Nalfi, he told me they make, Bin
20 Laden and the group, they make some.

21 Q. Why don't we stop there a moment. Could you say the words
22 in Arabic to the interpreter and what the group is?

23 A. (Through the interpreter) The group of advice and call.

24 Q. And you mentioned that the person Mohamed a Nalfi, he told
25 you that. What did he tell you about this group for advice

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al-Fadl - direct

1 and call?

2 MR. SCHMIDT: Objection, your Honor, hearsay. We
3 don't know the source of that information.

4 THE COURT: Excuse me just a moment.

5 State your question, please.

6 BY MR. FITZGERALD:

7 Q. If I could just ask you to take each word of the group's
8 name and tell us what it is in Arabic, the group of advice and
9 call.

10 A. Jamat.

11 Q. Can the interpreter tell us what the word "jamat" means?

12 THE INTERPRETER: Group.

13 Q. The next word was?

14 A. Advice.

15 Q. N-A-S-I-Y-A-H. And the last word?

16 A. (Through the interpreter) Call.

17 Q. D-A-W-A.

18 Mohamed a Nalfi, was he a member of Al Qaeda?

19 A. Yes.

20 Q. What did he tell you that the group -- the purpose of the
21 group of Al Qaeda people in London was?

22 MR. SCHMIDT: Objection, your Honor.

23 THE COURT: Overruled.

24 A. He say this is the group is going to establish in London,
25 it's only for al Qaeda members from Saudi Arabia.

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al-Fadl - direct

1 Q. And did you see anyone sending anything to London from the
2 Sudan?

3 A. Yes.

4 Q. What did you see being sent?

5 A. At that time one of the membership, his name Abu Habib al
6 Tunisi.

7 Q. Does "al Tunisi" mean he's from Tunisia?

8 A. Yes. And he runs the newspaper for the group, and
9 different time I saw him, he send fax to the office in London.

10 Q. And do you know who from Al Qaeda was in the office in
11 London?

12 A. At that time I remember Abu Khalil al Madani.

13 Q. When you said "at that time," can you tell us
14 approximately when that was?

15 A. It could be early '94.

16 Q. Did there come a time when the person Abu Khalil al Madani
17 was replaced by someone else?

18 A. Yes.

19 Q. When was that?

20 A. I believe during '94.

21 Q. Do you recall who the person was that replaced Abu Khalil
22 al Madani?

23 A. Abu Mahdi al Saudi.

24 Q. During your time with al Qaeda, did you come to know a
25 person by the name of Abu Khadija al Iraqi?

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al-Fadl - direct

- 1 A. Yes.
- 2 Q. Was he a member of Al Qaeda?
- 3 A. Yes.
- 4 Q. Do you know what country he was a citizen of?
- 5 A. He got Israeli citizenship and German citizenship.
- 6 Q. While you were in the Sudan, how did al Qaeda in Khartoum
7 maintain contact with the facilities in Damazine in the south
8 and Port Sudan on the Khost by the Red Sea?
- 9 A. We got radio.
- 10 Q. You mentioned a radio. And was there any discussion in Al
11 Qaeda of why you used a radio rather than the telephone?
- 12 A. Because it's more safety when you talk.
- 13 Q. Did you know who in Al Qaeda or who arranged to provide
14 the radio system that was used to maintain contact?
- 15 A. Muqadem Abdul Basit Hamza and Abu Hajer al Iraqi.
- 16 Q. You said Muqadem Abdul Basit Hamza. Again, is that the
17 person that you said was an officer of the Sudanese army?
- 18 A. Yes.
- 19 Q. During the time that you were in the Sudan, did anyone in
20 al Qaeda have a satellite telephone?
- 21 A. Yeah, we got one.
- 22 Q. Who used the satellite telephone?
- 23 A. Abu Abdallah Bin Laden.
- 24 Q. During the time that you were with al Qaeda in the Sudan,
25 did there ever come a time when you took a trip to Kenya?

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al-Fadl - direct

- 1 A. Yes.
- 2 Q. Can you tell us approximately when that was?
- 3 A. End of '91 or early of '92.
- 4 Q. Can you tell us how it came to be that you went to Kenya?
- 5 A. Abu Ubaidah al Banshiri, he told me we need you over
6 there.
- 7 Q. Why don't you take us back and tell us what Abu Ubaidah al
8 Banshiri told you he wanted you to do with him?
- 9 A. He told me take your wife, take your family, and we need
10 you to work in Nairobi.
- 11 Q. And what did you do?
- 12 A. He give me -- I tell him okay, and I tell my wife and he
13 give my envelope. He told me when you go over there, you
14 going to meet two persons and they going to help you to buy a
15 house or obtain a house and they will help you a little bit
16 with the work over there.
- 17 Q. Did you tell your wife that you were supposed to go to
18 Kenya?
- 19 A. Yes.
- 20 Q. Did she agree to go?
- 21 A. Yes.
- 22 Q. For how long did you think that you were going to stay in
23 Kenya?
- 24 A. I don't know. He didn't tell me.
- 25 Q. Did you think you were going for a short visit or a longer

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al-Fadl - direct

1 visit?

2 A. What he told me, you would say for a while.

3 Q. Did you actually go to Kenya?

4 A. Yes.

5 Q. Tell us --

6 THE COURT: Why don't we break at this point and we
7 will take a recess.

8 (Recess)

9 (Jury present)

10 THE COURT: The witness may resume the stand.

11 BY MR. FITZGERALD:

12 Q. Sir, if you could, if I could remind you and me to slow
13 down, and if you could lean forward and put the microphone,
14 point it at you.

15 Now, before the break you were talking about a trip
16 that you were supposed to take to Kenya with your wife?

17 A. Yes.

18 Q. Can you tell us what happened when you actually took the
19 trip?

20 A. Abu Ubaidah al Banshiri, he give me papers and envelope.
21 He say when you go over there, you going to meet two persons.

22 Q. Slow down. First of all, Abu Ubaidah al Banshiri.

23 If you could keep your voice up.

24 A. He told me when you go to Nairobi, you going to meet two
25 persons, one of them Abu Quaidba el Masry and another guy, I

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al-Fadl - direct

1 don't remember his name yet now, but I remember he was from
2 Somalia. And before we left Khartoum, he tell me get the
3 Kenya visa and Pakistani visa for you and your wife.

4 Q. So he told you to get visas for both Kenya and Pakistan?

5 A. Yes.

6 Q. And when you left Khartoum, did you go with your wife?

7 A. Yes.

8 Q. Did you have any children at that time?

9 A. No.

10 Q. What happened when you got to Kenya?

11 A. When we got to Nairobi, I met the Egyptian guy and the
12 Somali guy.

13 Q. You met this Egyptian guy, Abu Quaidba el Masry, and a
14 Somali guy. What did you do?

15 A. And they took me out of the airport. We drove like 40
16 minutes from the airport and we went to building, and he tell
17 me give me what you have from al Qaeda and I give him the
18 envelope and all the paper.

19 THE COURT: Tell me again, what year is this?

20 THE WITNESS: It could be end of '91 or early '92,
21 but I'm not sure specifically.

22 BY MR. FITZGERALD:

23 Q. And did you go inside this building that you described?

24 A. No. He, I remember Abu Quaidba el Masry went inside and
25 he came after ten or fifteen minutes and he told me, we spoke

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al-Fadl - direct

1 with Abu Ubaidah al Banshiri and he decide you to go to
2 Pakistan.

3 Q. So Abu Quaidba el Masry told you that he had spoken to Abu
4 Ubaidah al Banshiri?

5 A. Yes.

6 Q. And that the instructions were for you to go to Pakistan?

7 A. Yes. And we went back to the airport and he say we try to
8 got tickets from Gulf Airways for you and your wife.

9 Q. And did you and your wife then fly from Kenya to Pakistan?

10 A. Yes. I remember we -- like I think 15 hours maybe we wait
11 to airport until we got the flight.

12 Q. How long total do you think you spent in Kenya?

13 A. Around 20, 20 hours, maybe.

14 Q. Did they ever tell you what it was that you were supposed
15 to do in Kenya if you had stayed?

16 A. When I went back to shura I met Abu Ubaidah al Banshiri in
17 his house and he tell me you did great job and we decide we
18 need you here, and I say okay.

19 Q. How long did you spend in Pakistan once you arrived there?

20 A. Few months, until I went back to Sudan.

21 Q. And why did you go back to the Sudan?

22 A. I remember one day Abu Hafs el Masry, he call me and he
23 told me Abu Fadhl al Makkee and Abu Abdallah Bin Laden, they
24 need you in Sudan.

25 Q. So Abu Hafs el Masry told you that Abu Fadhl al Makkee and

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al-Fadl - direct

- 1 Abu Abdallah Bin Laden wanted you back in the Sudan?
- 2 A. Yes.
- 3 Q. Did you go back to the Sudan?
- 4 A. Yes, and he told me, don't take your wife, go by yourself
- 5 and we see what go on.
- 6 Q. Did you go back to the Sudan by yourself?
- 7 A. Yes.
- 8 Q. And did your wife stay in Pakistan at that time?
- 9 A. Yes.
- 10 Q. Did she later leave Pakistan?
- 11 A. Yes.
- 12 Q. How long after that did she leave Pakistan?
- 13 A. It's around few weeks, or it could be a little less than
- 14 two months.
- 15 Q. Did there come a time when you traveled to Budapest?
- 16 A. Yes.
- 17 Q. Do you recall approximately when it was that you went to
- 18 Budapest?
- 19 A. I remember in '92, August '92.
- 20 Q. Can you tell us who told you to go to Budapest August of
- 21 1992?
- 22 A. Abu Abdallah Bin Laden and Abu Ubaidah al Bانشiri and Abu
- 23 Rida al Suri and Abu Fadhl al Makkee.
- 24 Q. Again, when you say Abu Abdallah Bin Laden, is that one
- 25 person?

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al-Fadl - direct

- 1 A. Yes.
- 2 Q. And you said Abu Rida al Suri and Abu Fadhl al Makkee.
- 3 A. Yes.
- 4 Q. What did they tell you you were supposed to do in
5 Budapest?
- 6 A. They told me when you go to Budapest, you go to the
7 guesthouse over there and you meet Dr. Abdallah Izzeldine.
- 8 Q. Why don't we spell that. Dr. Abdallah, A-B-D-A-L-L-A-H,
9 Izzeldine, I-Z-Z-E-L-D-I-N-E.
- 10 A. And somebody, he give me the nickname for somebody, but I
11 don't remember now the nickname from Lebanon.
- 12 Q. What happened? Did you go to Budapest?
- 13 A. Yes, I did.
- 14 Q. What happened when you went to Budapest?
- 15 A. When I went over there, the immigration officer in the
16 airport, they tell me you don't have visa and because I got
17 \$7,000 and he tell me, What you want to do? And I just tell
18 him I'm just businessman and I visit here and I tell him there
19 is no Hungarian embassy in Khartoum for me to get visa.
- 20 Q. Did you say Hungarian embassy?
- 21 A. Yes.
- 22 Q. When you went on this trip, were you told by the people
23 who sent you what you were going to do when you got to
24 Budapest and you met Dr. Abdallah Izzeldine and the man from
25 Lebanon?

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al-Fadl - direct

1 A. Yes, they tell me when you go to the guesthouse, they
2 going to tell you more what you going to do.

3 Q. What happened when the immigration officials stopped you
4 at the airport without a visa?

5 A. I stay in jail for -- immigration jail for five days.

6 Q. How did you get out?

7 A. After that, one of the immigration, after five days, he
8 took me back to the airport and the first time I met
9 Dr. Abdallah Izzeldine and he tell me we got a visa for you
10 and they took picture for me and he help me to fix application
11 and I sign it and I went to see him.

12 Q. Again, that was Dr. Abdallah Izzeldine, I-Z-Z-E-L-D-I-N-E.

13 When you got into -- you were allowed into the
14 country, into Hungary, did you ever meet this person from
15 Lebanon you were supposed to meet?

16 A. No.

17 Q. Did they tell you what happened to him?

18 A. I spoke with Dr. Abdallah Izzeldine and other guy, his
19 name Abu Nofal al Saudi.

20 Q. Would you say that name again?

21 A. Abu Nofal al Saudi.

22 Q. N-O-F-A-L al Saudi, S-A-U-D-I.

23 A. And they told me the guy, he come, and we need you to go
24 to Zagreb.

25 Q. To Zagreb?

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al-Fadl - direct

- 1 A. Yes.
- 2 Q. Did you go to Zagreb?
- 3 A. I did.
- 4 Q. And what did you do in Zagreb?
- 5 A. When I was in Khartoum, they told me also we need after
6 you finish Budapest trip, you go to Bosnia, to Zagreb, and we
7 need you to study how the business over there because we learn
8 the government in Croatia has sold some companies and we want
9 to know what kind of companies and how much and how the
10 investments over there and we need you to bring reward about
11 the business over there.
- 12 Q. Did you actually go to Bosnia and bring back a report
13 about the businesses?
- 14 A. To Zagreb.
- 15 Q. Zagreb?
- 16 A. Yes.
- 17 Q. And who did you bring that report back to?
- 18 A. I bring it to Abu Fadhl al Makkee and I give it to him.
- 19 Q. Now, while you were in the Sudan with al Qaeda, did you
20 ever take trip to Jordan?
- 21 A. Yes.
- 22 Q. Can you tell us approximately when you took the trip to
23 Jordan?
- 24 A. Early of '93.
- 25 Q. And who sent you to Jordan?

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al-Fadl - direct

1 A. I remember Abu Rida al Suri and Abu Fadhl al Makkee, they
2 told me we need you to go to meet Abu Akram.

3 Q. Okay. Now Abu Rida al Suri and Abu Fadhl al Makkee told
4 you to go meet Abu Akram Urdani.

5 Can you tell the jury what it means if someone has
6 the word "Urdani" at the end of his name.

7 A. He's from Jordan.

8 Q. What did they tell you they wanted you to do when you went
9 to meet with Abu Akram in Jordan?

10 A. They told me we have some money for him, give it to him
11 and that's when you go to Abu Ali group.

12 Q. Abu Ali group, can you tell us what the Abu Ali group was?

13 A. It's a group from Damazine and some of the members from
14 Jordan.

15 Q. Are they a jihad group?

16 A. Yes, it's under al Qaeda membership and they got separate
17 group work under al Qaeda but they work inside Palestine and
18 Jordan.

19 Q. And did you actually take the trip from Khartoum in the
20 Sudan to Jordan to meet with Abu Akram?

21 A. Yes.

22 Q. And did you bring money with you?

23 A. Yes. They give me \$100,000 cash and they told me when you
24 get to Amman Airport, Abu Akram going to help you and give you
25 the money.

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al-Fadl - direct

1 Q. When you say you get to Amman Airport that Abu Akram will
2 help you?

3 A. Yes.

4 Q. Do you recall what passport you used to travel outside of
5 Khartoum?

6 A. Sudanese port, but not under my real name.

7 Q. And when you went out of the airport, did you travel by
8 yourself or did someone help you at the airport?

9 A. In Sudan?

10 Q. Yes.

11 A. Yes.

12 Q. Who helped you?

13 A. I don't remember now, but somebody helped me because I
14 don't want my -- somebody helped me, but I don't remember the
15 nickname now.

16 Q. Did the passport get stamped?

17 A. I don't remember.

18 Q. How did you carry the \$100,000?

19 A. In my bag with my clothes.

20 Q. Do you recall what kind of bills the \$100,000 was in?

21 A. I remember they all hundred bill.

22 Q. Sorry?

23 A. They all hundred bill.

24 Q. They were all hundred dollar bills?

25 A. Yes.

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al-Fadl - direct

1 Q. Who gave you the money?

2 A. Abu Fadhl, he bring it from Shamal Bank and he bring it to
3 me.

4 Q. Abu Fadhl brought it from the Shamal Bank?

5 A. Yes.

6 Q. Is that a bank in the Sudan?

7 A. Yes.

8 THE COURT: This is in U.S. currency?

9 THE WITNESS: Yes.

10 BY MR. FITZGERALD:

11 Q. Where did you put the \$100,000 in hundred dollar bills?

12 A. In my bag with the clothes.

13 Q. And what happened when you got off the airplane in Jordan?

14 A. I remember when I went to the Khost, after the
15 immigration, I met Abu Akram Urdani.

16 Q. You met Abu Akram Urdani. Did you meet him inside the
17 place, the airport, where people are, or outside?

18 A. In the Custom counter.

19 Q. What happened then?

20 A. When I went over there, he talk with one of the Custom
21 people and they didn't check my bag.

22 Q. Did you actually give him the money?

23 A. When we went to his car, I give him the money and we went
24 to his farm.

25 Q. How long did you spend in Jordan?

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al-Fadl - direct

1 A. A few days.

2 Q. During the time you were in Khartoum working with al
3 Qaeda, did you ever smuggle anything to Egypt?

4 A. Yes.

5 Q. What did you do?

6 A. We buy camels to send them to Egypt because we use camels
7 to smuggle Kalashnikov to Egypt.

8 Q. And did you do that on one occasion or more than one
9 occasion that you used camels to smuggle weapons into Egypt?

10 A. I remember twice.

11 Q. And how did you get the camels from Khartoum to Egypt?

12 A. We buy from market for camels over there in Umduhrman
13 City.

14 Q. Where is Umduhrman City?

15 A. It's near the Nile River.

16 Q. How far is it from Khartoum?

17 A. It's only a village between them.

18 Q. Only a what?

19 A. Village.

20 Q. Village?

21 A. Yeah.

22 Q. And approximately how many camels did you take with each
23 trip?

24 A. I don't remember the number exactly, but around 50 each
25 trip.

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1 THE COURT: How many?

2 THE WITNESS: Around 50, but I don't remember.

3 THE COURT: Five 0?

4 THE WITNESS: Yes. I don't remember exactly the
5 number.

6 BY MR. FITZGERALD:

7 Q. Do you recall how many weapons were brought on these trips
8 by camels from Sudan to Egypt?

9 A. I don't remember how many exactly.

10 Q. Did you go with the camels from the beginning to the end?

11 A. The second trip I went with them, but the first trip,
12 Mohamed a Nalfi, he helped them.

13 Q. And who did you understand the weapons were going to in
14 Egypt?

15 A. The weapons I remember go to jihad group.

16 Q. You mentioned a number of countries earlier this afternoon
17 that had groups within al Qaeda. Was there anything different
18 about the Egyptian Jihad group within al Qaeda as compared to
19 the rest of the group?

20 A. Yes.

21 Q. What was that?

22 A. Because jihad group, the first people start the al Qaeda,
23 and also most of our training, our people trained the military
24 stuff from jihad group members.

25 Q. Did the people within al Qaeda, people in Al Qaeda who

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al-Fadl - direct

1 were not Egyptian, ever complain about the number of Egyptians
2 who were in al Qaeda?

3 A. Yes.

4 Q. When did that occur?

5 A. The first time happened when we are in Peshawar in
6 Pakistan.

7 Q. And where was it discussed?

8 A. I remember in a guesthouse we got meeting with Abu Ubaidah
9 al Bانشiri and Usama Bin Laden and Abu Hafs el Masry.

10 Q. Abu Ubaidah al Bانشiri, you mentioned Usama Bin Laden and
11 Abu Hafs el Masry. Abu Ubaidah Bانشiri, was he part of the
12 jihad group?

13 A. Yes.

14 Q. Abu Hafs el Masry, was he part of the jihad group?

15 A. Yes.

16 Q. What was said when the people complained about how many
17 Egyptians were members of al Qaeda?

18 A. I remember we tell Bin Laden and we tell Abu Hafs el Masry
19 on the way to -- we told them --

20 Q. The reporter didn't hear what you said.

21 A. We told Abu Ubaidah al Bانشiri and Abu Hafs el Masry and
22 Usama Bin Laden in that meeting that the camp run by Egyptian
23 people and the guesthouse, emir from the guesthouse is
24 Egyptian and everything Egyptian people and from jihad group,
25 and we have people from Nigeria, from Tunisia, from Siberia,

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1 why is Egyptian people got more chance than other people run
2 everything.

3 Q. Now the people you mentioned this to you said was Abu
4 Ubaidah al Banshiri, Abu Hafs el Masry and Usama Bin Laden.
5 What was their reaction to this comment?

6 A. They say --

7 MR. SCHMIDT: Objection, your Honor.

8 THE COURT: Identify who it is who reacted.

9 BY MR. FITZGERALD:

10 Q. Did anyone say anything in response to that comment?

11 A. I talk.

12 Q. What did you say?

13 A. I say, I tell them the people complain about that, but the
14 people embarrassing to tell them, to tell you face-to-face,
15 but most of the people, they complain about that. And another
16 guy, his nickname Abu Tamim Liby, also he talk.

17 Q. And his name was Abu?

18 A. Tamim Liby.

19 Q. What did Abu Tamim Liby say?

20 A. He say why everything run by Egyptian people.

21 Q. And did any of the three that you mentioned before, Usama
22 Bin Laden, Abu Hafs el Masry or Abu Ubaidah al Banshiri, say
23 anything in response?

24 A. First, I remember Bin Laden, he talk, and he say, We do
25 that for God and we shouldn't complain about that, and when

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1 the people, the emir, the emir run the guesthouse or train
2 them just because he's good, wherever, he be emir because he
3 responsible for that and we trust him. If somebody from
4 another nationality, he can run the camp, nobody cared.

5 Q. During the time that you were in Khartoum and al Qaeda,
6 did you become familiar with a person by the name of Abu Muaz
7 el Masry?

8 A. Yes.

9 Q. Can you tell us, is Abu Muaz el Masry a member of al
10 Qaeda?

11 A. Yes.

12 Q. Can you tell us what his specialty is?

13 A. He is member also with jihad group and he's very good with
14 dreamer.

15 Q. Can you explain what it is that Abu Muaz el Masry did with
16 dreams?

17 A. If any one of the al Qaeda membership, he got dream after
18 the fajr prayer --

19 Q. The fajr prayer, F-A-J-R?

20 A. Yes.

21 Q. When is that prayer?

22 A. Before the sunrise.

23 Q. Okay. Continue.

24 A. If anyone got dream and he believes that dream could
25 become true, he go and he tell him, Abu Muaz, he got great

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1 experience to tell the people what the dream going to be and

2 he's a scholar for that.

3 Q. That's Abu Muaz.

4 You mentioned a person by the name of Abu Anas al

5 Liby. Did he ever have any special expertise?

6 A. Could you repeat the question?

7 Q. Abu Anas al Liby, did you have any specialty within al

8 Qaeda?

9 A. Yes.

10 Q. What was that?

11 A. He's -- he run our computers. He's a computer engineer.

12 Q. Are you familiar with the person by the name of Mohamed

13 Shabana?

14 A. Yes.

15 Q. Is Mohamed Shabana part of al Qaeda?

16 A. Yes.

17 Q. Did he have a specialty within al Qaeda?

18 A. He's very good with the report, media report, and he got

19 great experience with analysis about ballistics.

20 Q. You said he's very good with report. What kind of

21 reports?

22 A. Media reports and he got good analysis about anything you

23 use.

24 Q. Are you familiar with the person by the name of Azmarai?

25 A. Yes.

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al-Fadl - direct

1 Q. Who was Azmarai?

2 A. He has nickname Usama Azmarai and he's from Saudi Arabia
3 and he's one of Al Qaeda members.

4 Q. And you said Usama Azamuari, did he have any other
5 nickname?

6 A. Sometime we call him al Assad.

7 Q. What did al Assad mean?

8 A. The lion.

9 Q. The lion?

10 A. Yes.

11 Q. Did you know how he got the name the lion?

12 A. Because when during the Afghanistan war against Russia,
13 he's very good fights and he always stay in front line.

14 Q. And during the war in Afghanistan against Russia did you
15 ever work with Azmarai?

16 A. Yes, he's my emir around Jalalabad City and Mangarhar.

17 Q. Did you become familiar with a person by the name of Abu
18 Dijana al Yemeni?

19 A. Yes.

20 Q. Abu Dijana al Yemeni, did you talk about him before as
21 someone you trained at McNimr Street?

22 A. Yes. He also go by Abdallah a Yemeni.

23 Q. He also went by the name of Abdallah a Yemeni.

24 Finally, are you familiar with a person by the name
25 of Khalid el Masry?

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al-Fadl - direct

1 A. Yes.

2 Q. Who is he?

3 A. Abu Khalid el Masry, he's a jihad group membership and
4 he's also al Qaeda membership.

5 Q. Did he have any specialty?

6 A. Yes. He's very good with tanks. He can fix tanks and run
7 them during the war.

8 Q. Tanks, like army tanks?

9 A. Yes.

10 (Continued on next page)

11 Q. Was he a member of jihad?

12 A. Yes.

13 Q. Was he a member of al Qaeda?

14 A. Yes.

15 Q. What was his relationship with the military people Abu
16 Ubaidah Al Bانشiri and Abu Hafs el Masry?

17 A. He is one of the military committee. He is under Abu Hafs
18 el Masry.

19 Q. Did he have any physical -- was there anything about his
20 physical characteristics that was different than other people?

21 A. I remember when we are in Afghanistan under the war
22 against Russia, he miss a little of his eye. The left one.

23 Q. In the al Qaeda group, were there any people in al Qaeda
24 who worked with a group for a land called Eritrea?

25 A. Yes.

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al-Fadl - direct

1 Q. Who was that?

2 A. We got a group called Jamal Jihad, Jamaat e Jihad,
3 Eritrea.

4 Q. What was Jamaat e Jihad Eritrea? What was their agenda?

5 A. They part of the al Qaeda group, and also they try to
6 change the government in Eritrea.

7 Q. Did you ever bring any money to the Eritrea jihad group?

8 A. Yes.

9 Q. Where did you bring the money to?

10 A. To Sheik Arafa. He is emir of the jamaat.

11 Q. Does "jamaat" mean group?

12 A. Yes.

13 Q. Does "emir" mean leader?

14 A. Yes.

15 Q. What was Sheikh Arafa -- where was he located when you
16 brought him the money?

17 A. At that time they got guesthouse in Riyadh City, in
18 Khartoum.

19 Q. So even though he was in the Eritrea group, he was located
20 in Khartoum?

21 A. Yes, he got guesthouse in Khartoum.

22 Q. Who told you to bring the money to the person who was the
23 leader of the Eritrean jihad group?

24 A. I remember Abu Ubaidah al Banshiri, he told me I needed to
25 go with me, and I went with him to the Eritrean guesthouse,

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al-Fadl - direct

1 and we met Sheikh Arafa and other guy from jihad Eritrean
2 group, his name Mohamed al Kheir. After that, after little
3 while, we talk about jihad and Abu Ubaidah, ask him how
4 everything go in Eritrea, how people do the war in Eritrea.
5 After that, he give him hundred thousand dollars.

6 Q. The hundred thousand dollars, was that cash or check?

7 A. Cash.

8 Q. That was in United States currency?

9 A. Yes.

10 Q. Before the break, you mentioned that there was a person in
11 London by the name of Abu Mahdi who was the al Qaeda person in
12 London. Do you know what his true name is?

13 A. I know the first name. It's called Khalid.

14 Q. Are you familiar with an organization known as the Qatar
15 charitable organization?

16 A. Yes.

17 Q. Did you do any work with the Qatar charitable
18 organization?

19 A. Yes.

20 Q. Can you tell the jury what you did?

21 MR. BAUGH: Can we get a time reference?

22 Q. Can you tell us in what year you did work with the Qatar
23 charitable organization?

24 A. I remember that around '93.

25 Q. Can you tell the jury what you did.

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al-Fadl - direct

1 A. The guy, he runs a group, he is one of our membership, one
2 of the al Qaeda group membership, and also he is Islamic
3 National Front membership, and he was in Afghanistan. So he
4 helped our people for the travel, documents, and also if some
5 money come from the Gulf area to the organization, he gives
6 the group some money from that money.

7 Q. So the person that you knew in Afghanistan who was part of
8 your group and part of the Islamic National Front, what was
9 his name?

10 A. Dr. Abdullah Mohamed Yusef.

11 Q. Was he actually a medical doctor?

12 A. He is animal doctor.

13 Q. A doctor for animals?

14 A. Yes.

15 Q. What did you do with him with regard to the Qatar
16 charitable organization?

17 A. He helped the jihad Eritrea group, and also he give
18 \$20,000 for one of the attack outside of Sudan.

19 Q. When you were with al Qaeda in the Sudan, did you meet any
20 people from the islands off of Africa?

21 A. I remember we have few people from there.

22 Q. Do you know what the name of the islands were where they
23 came from?

24 A. In Arabic it's called al Juzur Kamar.

25 MR. FITZGERALD: Can we have the interpreter

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al-Fadl - direct

1 translate the word Jusur.

2 THE INTERPRETER: Islands.

3 Q. And the name of the islands you said was Kamar?

4 A. Yes.

5 Q. What do you understand Kamar to mean?

6 A. In English mean moon.

7 Q. Were there any --

8 MR. SCHMIDT: Your Honor, we did not hear.

9 MR. FITZGERALD: If we could have the reporter read
10 back the last answer.

11 (Record read)

12 Q. Did you meet any of the people in al Qaeda who were from
13 those islands?

14 A. Yes. We got few membership from that islands.

15 Q. Do you remember the names of any of the people from that
16 island who were in al Qaeda?

17 A. I remember one of the guy, his name Fadhl, or Abu Fazhil,
18 or Abdul Fazhil.

19 Q. That particular person, do you know what languages he
20 spoke?

21 A. I believe Swahili.

22 Q. Swahili?

23 A. Yes.

24 Q. Do you know if he spoke any languages other than Swahili?

25 A. I believe also English.

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al-Fadl - direct

1 Q. How do you know that the person from that island spoke
2 English?

3 A. Because I remember one time Abu Fadhl Makkee, he asked me
4 to translate fax come from our company called Qudurat
5 Transportation.

6 Q. Fadhl Makkee asked you to translate a fax that came from
7 Qudurat? What language was the fax in?

8 A. English.

9 Q. When you were asked to translate that fax from English,
10 what did you do?

11 A. I tried, but it's hard for me, and we went out to other
12 room in guesthouse, and this Fazhil come with him and he
13 translate the fax.

14 Q. While you were in the Sudan, did you handle money for
15 Usama Bin Laden?

16 A. Could you repeat the question.

17 Q. Did you work on the finances for al Qaeda while you were
18 in the Sudan?

19 A. Yes.

20 Q. Did you know where the bank accounts of Usama Bin Laden
21 and al Qaeda were?

22 A. Yes.

23 Q. Do you know whose names they were in?

24 A. The bank account under Usama Bin Laden in Bank Shaml,
25 Khartoum.

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al-Fadl - direct

- 1 Q. That was under Usama Bin Laden's true name?
- 2 A. Yes.
- 3 Q. Were there accounts in other names?
- 4 A. Yes. Afad Makkee got account also.
- 5 Q. Afad Makkee, the account that he had under his name, do
- 6 you know what name that is?
- 7 A. I remember Madani Sidi al Tayyib.
- 8 Q. Do you know of any other persons who had al Qaeda money in
- 9 their accounts?
- 10 A. Abu Rida al Suri.
- 11 Q. Do you know his true name?
- 12 A. Nidal.
- 13 Q. Anyone else that you knew had al Qaeda money in bank
- 14 accounts in their name?
- 15 A. Abu Hajer al Iraqi.
- 16 Q. Do you know his true name?
- 17 A. Mamdouh Salim.
- 18 Q. Did you have any accounts in your name?
- 19 A. Shared with Abu Fadhl.
- 20 Q. So you had accounts in your name that were shared with Abu
- 21 Fadhl?
- 22 A. Yes.
- 23 Q. Do you recall anyone else that had bank accounts in their
- 24 name for al Qaeda?
- 25 A. Abdouh al Mukhlafi.

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al-Fadl - direct

1 Q. Who was this person named Abdouh al Mukhlafi?

2 A. He is from Yemen.

3 Q. What role did he play for Bin Laden?

4 A. He goes with Bin Laden when Bin Laden travel outside or
5 inside Sudan.

6 Q. What role did he play for Bin Laden when Bin Laden
7 traveled?

8 A. He is like bodyguard for him, and also if Bin Laden, he
9 needs bank something, he use account for that.

10 Q. Did he handle money during the travel?

11 A. Yes.

12 Q. Where were the accounts held? In what countries?

13 A. In Sudan and is in Bank Tadamon Islami.

14 Q. Where else?

15 A. Also we got account in Bank Faisl Islami.

16 Q. Is that also in Khartoum?

17 A. Yes. And we got account in Bank of Almusia.

18 MR. FITZGERALD: If the interpreter could translate
19 the last name.

20 THE INTERPRETER: Means the Bank of the Farmer.

21 Q. Is that also in the Sudan?

22 A. Yes.

23 Q. Were there any accounts that you were aware of from your
24 work which were outside the Sudan?

25 A. For me, no.

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al-Fadl - direct

1 Q. Do you know of anyone else from your work, do you know if
2 anyone else had accounts for al Qaeda outside of Sudan?

3 A. I remember Abu Fadhl al Makkee Madani al Tayyab, he got
4 account in London.

5 Q. You said Abu Fadhl al Makkee Madani al Tayyab. Is that
6 one person or two?

7 A. One person.

8 Q. You said he had an account where?

9 A. In Barclay's Bank in London.

10 Q. Any other place you are aware of from your work where al
11 Qaeda had money in accounts?

12 A. I don't know the name of the bank, but I know they got
13 account in Malaysia and in Hong Kong.

14 Q. In Malaysia and Hong Kong?

15 A. Yes.

16 Q. Any other places you are aware of?

17 A. I remember Khalifa al Omani, he got account in Dubai. He
18 shared with Ahmed Ali Lootah.

19 Q. Did there come a time when you were with al Qaeda in the
20 Sudan when you became involved in the movement of weapons and
21 explosives?

22 A. Yes.

23 Q. Can you tell the jury first when that was?

24 A. That's around '93.

25 Q. How did you become involved in moving weapons and

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al-Fadl - direct

1 explosives?

2 A. I remember Abu Fahdl al Makkee, he told me go to Ayoub al
3 Iraqi.

4 Q. Just so we are clear, was that the same person who was the
5 first emir of al Qaeda back in Afghanistan?

6 A. Yes.

7 Q. Then what happened?

8 A. He told me the Yemeni Communists, they try to take the
9 government in Yemen.

10 Q. What did he tell you you should do about that?

11 A. He say we try to give our brothers in south Yemen some
12 weapons to help them to fight the Communists.

13 Q. What did you then do?

14 A. I went to Abu al Iraqi, and he told me I need to go with
15 Abu Naem al Liby to the Port Sudan.

16 Q. What did you do then?

17 A. I went and I met Abu Naem al Liby, and he tell me we going
18 to go in two days. He told me, and I want you to meet me in
19 hangar, in Soba farm hangar. I went over there, and we
20 baggage, four baggage in his truck, one --

21 Q. Let's go slowly. You went to Soba and you met Abu Iraqi,
22 and you mentioned package. Can you tell the Arabic
23 interpreter what word you are using for package.

24 THE INTERPRETER: Crate with weapons in it.

25 MR. SCHMIDT: I am sorry. I did not understand.

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1 THE INTERPRETER: Crate, C-R-A-T-E, with weapons in
2 it.

3 Q. How many crates or big boxes were there?

4 A. I remember four.

5 Q. Where were they?

6 A. They are in hangar in Soba farm.

7 Q. Can you describe what the hangar looks like.

8 A. It could be four times like this place.

9 Q. Is it a place like an airplane hanger, where airplanes are
10 kept in the airport?

11 A. Yes, that's correct.

12 Q. What happened to these four large boxes?

13 A. I remember I went with him and other guy, his name Abu Ali
14 Sudani, and Abu Ali, he work with delegation office. He is
15 Islamic National Front membership and also he is intelligence
16 officer in the government, and also sometimes he is one of the
17 security for our group.

18 Q. So this Abu Ali was part of the National Islamic Front,
19 the intelligence office in the Sudan, and helped with security
20 with the group?

21 A. In delegation office.

22 Q. What happened then?

23 A. We went to Port Sudan, and we leave the truck outside the
24 city, and we went to Palace Hotel.

25 Q. How did you get from Khartoum to Port Sudan?

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al-Fadl - direct

- 1 A. We took the route.
- 2 Q. How long a drive was that?
- 3 A. 1,100 kilometers.
- 4 Q. You went to the Palace Hotel. Can you tell us, forgetting
5 your night in the hotel, what did you do with the boxes?
- 6 A. When we went to the hotel, I meet Abu Ayoub al Iraqi and
7 Mohamed Jara al Nabi, and they came together and we took the
8 truck and we went to army base.
- 9 Q. The persons you were with were Abu Ayoub al Iraqi and
10 Mohamed Jara al Nabi. What did you do when the two of them
11 and you went to the army base?
- 12 A. We stop over there outside until Mohamed Jara al Nabi and
13 Abu Ayoub al Iraqi went inside, and they give paperwork for
14 the army office and they came back and let us go in one of the
15 hangar in army base.
- 16 Q. Were the boxes or crates still in the truck?
- 17 A. When we went inside hanger, they change the box to another
18 truck.
- 19 Q. Did you see anything else inside the hanger?
- 20 A. I remember it's all tank and military supplies.
- 21 Q. You said what type of tank?
- 22 A. I believe D55.
- 23 Q. But a military tank?
- 24 A. Yes, Sudanese army military tank.
- 25 Q. Then what happened to the crates or boxes?

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al-Fadl - direct

- 1 A. In the midnight they took them to the port, north port.
- 2 It all belong to the Sudanese army.
- 3 Q. You said at what time of day?
- 4 A. Midnight.
- 5 Q. What happened when the crates were brought to the port at
- 6 midnight?
- 7 A. They shipped the boxes to the boat.
- 8 Q. Which boat?
- 9 A. It's our group boat.
- 10 Q. Who do you mean by our group?
- 11 A. It's al Qaeda member boat.
- 12 Q. What did it look like?
- 13 A. It's, I believe like 60 or 50 meter tall.
- 14 Q. What color is it?
- 15 A. I don't remember.
- 16 Q. Do you know who was in charge of the boat?
- 17 A. Yes, Abu Habib al Pakistani and Abu Mohamed al Yemeni.
- 18 Q. Does that mean he is from Pakistan?
- 19 A. Yes.
- 20 Q. The other person you said was?
- 21 A. Abu Mohamed al Yemeni.
- 22 Q. What happened then?
- 23 A. They put the box in the boat and after that, me and Abu
- 24 Neam, we went.
- 25 Q. That was you and Abu Neam, the person you mentioned was

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al-Fadl - direct

- 1 Libyan before?
- 2 A. Yes. He is the truck driver.
- 3 Q. Did you ever actually open the crates and look inside
- 4 yourself and see what was in there?
- 5 A. No.
- 6 Q. What did they tell you was in the crates?
- 7 A. Abu Khabuib al Sudani, he told me it's weapons to Saif
- 8 Islam Jannubi group in Yemen.
- 9 Q. The person who told you that the weapons were going to the
- 10 Saif Islam Jannubi group was whom?
- 11 A. Abu Khabuib al Sudani.
- 12 Q. Abu Khabuib al Sudani was a member of the al Qaeda?
- 13 A. Yes, and also Abu Fadl al Makkee, he told me when I went
- 14 back to Khartoum.
- 15 Q. When you went to Khartoum, what did Abu Fadl al Makkee
- 16 tell you?
- 17 A. I remember he told me we try to help the Yemeni people
- 18 group because the Communists try to take the government in
- 19 Yemen.
- 20 Q. Did you understand whether the weapons included rifles or
- 21 explosives or both?
- 22 A. I remember also he told me some of the box it's explosives
- 23 to Ibn al Mubarak al Sharqawi.
- 24 Q. You mentioned that Ibn Mubarak was in Saudi Arabia?
- 25 A. Yes.

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al-Fadl - direct

1 Q. Was he a member of the al Qaeda?

2 A. Yes.

3 Q. Just focusing on what your thinking was at the time, what
4 did you understand was happening to the weapons that were
5 going to Yemen to stay?

6 A. My analysis?

7 Q. What was your understanding at the time --

8 MR. SCHMIDT: Objection, your Honor.

9 Q. -- what the weapons were to be used for?

10 THE COURT: Overruled.

11 A. What I believe at that time, they want to use it against
12 foreign army and American army in east Saudi Arabia.

13 Q. Do you know in fact whether or not anything in those boxes
14 or crates was ever used against the American military in Saudi
15 Arabia?

16 A. No.

17 (Continued on next page)

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1 MR. FITZGERALD: Your Honor, I believe we have a
2 stipulation with the defense from yesterday that it is not the
3 government's contention that anything contained in those
4 crates was ever in fact used against the American military in
5 Saudi Arabia.

6 THE COURT: Very well. So stipulated.

7 MR. FITZGERALD: Your Honor, I am at a convenient
8 breaking point.

9 THE COURT: Yes. We will stop now.

10 I remind you, a stipulation is an agreement between
11 the parties that a certain fact is true, and so the parties
12 have stipulated that these weapons were never used against
13 Americans.

14 We will call it a day, and tomorrow may be less than
15 a full day. I don't know exactly how late we will sit
16 tomorrow. I know it will not be a full day.

17 Have a good evening. Please remember what I said
18 about not reading or listening to anything about the case.

19 (Jury excused)

20 MR. SCHMIDT: Your Honor, among the last questions
21 answered by this witness was his speculation that the weapons
22 were going to Saudi Arabia to be used against Americans,
23 notwithstanding that he was told that it was going to Yemen.
24 In our previous discussions it was my understanding that the
25 witness was going to testify that he was told that it was

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1 going to Saudi Arabia, and then we had the stipulation that
2 there was no proof that it would be used against the
3 Americans.

4 There is a difference between being told something
5 and then having a stipulation as opposed to asking this
6 witness based on no facts to speculate what he thought where
7 the weapons were going, when there is contrary evidence based
8 on statements made to him by other al Qaeda members that it
9 was going to Yemen to fight the Yemeni Communists.

10 So I would ask his answer to be stricken concerning
11 his speculation.

12 THE COURT: We go up the hill and down the hill.

13 MR. SCHMIDT: They shouldn't have gone up the hill in
14 the first place. That is opposite of what he has been told is
15 sheer speculation. That should not have been elicited.

16 MR. FITZGERALD: Your Honor, my understanding, and
17 perhaps it wasn't clear, is that that shipment of weapons and
18 explosives was going to Yemen to be used against the
19 Communists, but part was being broken off to go to Saudi
20 Arabia to be used against particular persons in the American
21 military. That was his understanding. It was elicited as
22 impeachment material because this witness participated in
23 conduct against the American military. He then pled guilty to
24 a charge of that, and we brought out that in fact the
25 explosives were not used for that purpose. There were two

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al-Fadl - direct

1 different destinations for weapons and explosives. We brought
2 both out. We impeached the witness to make clear that he
3 engaged in criminal conduct and clarified that in fact the
4 weapons were not used against the American military. Just as
5 when Mr. Schmidt objected to the basis of the hearsay for the
6 informant, I was careful not to elicit what we agreed to bring
7 out.

8 THE COURT: Let's review this again when we see the
9 transcript of what was said, because it certainly was not very
10 clear.

11 MR. SCHMIDT: Yes.

12 THE COURT: Reserve your objection, remind me, and as
13 soon as we get the transcript we can see if anything needs to
14 be clarified. I don't think there is any real disagreement as
15 to the substance, but we will see.

16 MR. SCHMIDT: One other thing, your Honor. I renew
17 our application in limine concerning the hearsay from alleged
18 coconspirators based on the lack of a definitive source. For
19 example, all testimony related to the committee in England is
20 based on something said by this person Nalfi, but we don't
21 know where his source of information is from. We made that
22 application obviously in greater detail yesterday, but it
23 appears that the government is continuing to elicit
24 information based not only on hearsay from an alleged al Qaeda
25 declarant but where that declarant's source of information is

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1 not clear. That is my objection. I renew that objection.

2 THE COURT: It is overruled. I think that there was
3 a question as to what the source was of this witness's
4 knowledge. He was required to state it, and he responded.

5 In five minutes I would like to see counsel for El
6 Hage and the government, and the purpose of that is for me to
7 be a little more focused on matters that we are going to deal
8 with on Thursday. Otherwise we are adjourned until 10:00 a.m.

9 (Robing room conference sealed and filed under
10 separate cover)

11 (Proceedings adjourned until 10:00 a.m., Wednesday,
12 February 7, 2001)

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al-Fadl - direct

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