

7 March 2006

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA,	.	Criminal No. 1:01cr455
	.	
vs.	.	Alexandria, Virginia
	.	March 7, 2006
ZACARIAS MOUSSAOUI,	.	10:00 a.m.
a/k/a Shaqil, a/k/a	.	
Abu Khalid al Sahrawi,	.	
	.	
Defendant.	.	
	.	
.	

TRANSCRIPT OF JURY TRIAL
BEFORE THE HONORABLE LEONIE M. BRINKEMA
UNITED STATES DISTRICT JUDGE
VOLUME II

APPEARANCES:

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COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

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1 P R O C E E D I N G S
2 (Defendant and Jury in.)
3 THE CLERK: In the case of the United States of America
4 vs. Zacarias Moussaoui. Counsel please note their appearance for
5 the record.
6 MR. SPENCER: Good morning, Your Honor, Rob Spencer,
7 David Novak, David Raskin for the United States.
8 THE COURT: Good morning.
9 MR. MAC MAHON: Good morning, Your Honor. Edward
10 MacMahon and Ken Troccoli and Jerry Zerkin at counsel table.
11 Thank you.
12 THE COURT: Good morning.
13 And good morning, ladies and gentlemen. Thank you for
14 being here promptly. I hope you didn't have too many
15 difficulties. Everyone has his or her notebook and ready to go.
16 May I just ask, did any of the jurors have any issues
17 last night in bumping into any media coverage or anything about
18 this case? Any problems in that respect.
19 No? Very good. Then we will proceed with continuation
20 of the direct exam which began yesterday. And, Agent, you are
21 still under oath from yesterday.
22 THE WITNESS: Okay.
23 THE COURT: Mr. Raskin?
24 MR. RASKIN: Thank you, Your Honor.
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1 MICHAEL ANTICEV, GOVERNMENT'S WITNESS, PREVIOUSLY
2 AFFIRMED, RESUMED
3 DIRECT EXAMINATION (Continued)
4 BY MR. RASKIN:
5 Q. Good morning, Agent Anticev.
6 A. Good morning.
7 Q. Yesterday I asked you a series of questions about al Qaeda
8 training camps, and we saw a video about al Qaeda training camps.
9 At the training camps, did al Qaeda teach its members and
10 associates something called operational trade craft?
11 A. Yes, they did.
12 Q. Can you tell us what operational trade craft is and maybe

13 give us some examples?
14 A. Operational trade craft would be methods and ways of
15 behaving, for al Qaeda members or terrorist organizations to act
16 in order to carry out missions. Certain examples might be cell
17 structure, whereby you might have a mirror of a small group that's
18 looking to carry out an operation, and underneath that you might
19 have some operatives, and the operatives will not know each other,
20 so, therefore, if one was picked up by the police or by security
21 services, the operation can continue and they don't know who the
22 other persons are to relay that information to with authorities.
23 Q. Is there a name for what you just described?
24 A. Compartmentalization.
25 Q. Compartmentalization?

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1 A. Correct.
2 Q. And what instructions did al Qaeda provide its members at
3 these training camps regarding attire to be worn in particular
4 countries?
5 A. Well, for example, if someone was traveling to the West, to
6 Europe or the United States or Australia, they would tell them to
7 shave their beards so they wouldn't bring suspicion upon
8 themselves, also to wear Western-style clothing so that they
9 wouldn't be looked at by security services or law enforcement.
10 Q. What about travel documentation?
11 A. Also to use fraudulent travel documents, this way they can't
12 figure out who you really are.
13 Q. What did al Qaeda teach its members about communication?
14 A. As far as communications, it would be using coded words, if
15 you were using letters, it would be encrypted. Also using pay
16 phones in crowded areas, just so the security services and police
17 would have a tough time monitoring your calls.
18 Q. Now, have you seen -- have you seen training manuals prepared
19 by al Qaeda describing some of the things that you have just
20 described to us?
21 A. Yes, I have.
22 Q. With Mr. Wood's assistance, I would like the witness to look
23 at Government Exhibit AQ-1677 and 1677T. And I will read a
24 stipulation from -- of the parties with respect to this document.
25 Government Exhibit 1677 is an authentic copy of a

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1 training manual seized from the residence of an al Qaeda member.
2 Government Exhibit 1677T is a fair and accurate translation of
3 that manual.
4 Agent Anticev, is Government Exhibit AQ-1677 one of the
5 training manuals that you have reviewed?
6 A. Yes, it is.
7 Q. And is that manual divided up into lessons or chapters?
8 A. Yes, I believe it is 18 sections or lessons.
9 Q. And have you reviewed a chart that lists those chapters?
10 A. Yes, I have.
11 MR. RASKIN: Your Honor, we offer Government Exhibit
12 1677.1, which is a list of the chapters in Government Exhibit 1677
13 and 1677T.
14 THE COURT: Any objection to those three exhibits?
15 MR. MAC MAHON: No objection, Your Honor.
16 THE COURT: All right. They are all in.
17 (Government's Exhibits Nos. AQ-1677.1, AQ-1677, and
18 AQ-1677T were received in evidence.)
19 BY MR. RASKIN:
20 Q. If we can pull the chart up on the screen. Now, Agent
21 Anticev, I just want to ask you a few questions about some of the
22 information contained in the chapters listed here. First, chapter
23 or lesson 3, can you tell us what's contained in that chapter in

24 Exhibit 1677?

25 A. That one is titled "Counterfeit Currency and Forged

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1 Documents," and that does talk about using fraudulent documents in
2 carrying out operations and using false IDs.

3 Q. And what about chapter 5?

4 A. "Means of Communication and Transportation." Like I stated
5 earlier during the trade craft when we were discussing, that one
6 also talks about using encrypted letters, talking -- using code
7 words when talking to other people, things of that nature.

8 Q. Now, chapter 9 is entitled, or lesson 9 is entitled "Security
9 Plan." What is that?

10 A. That chapter discussed if you have an operational cell, that
11 they should have a cover story in case they are arrested or
12 detained, whereby they can have a cover story for themselves to
13 tell the police.

14 Q. Now, you said operational cell. What type of operations are
15 being discussed in this training manual?

16 A. Terrorist operations.

17 Q. And chapter 10 says "Special Tactical Operations." What is
18 covered in that chapter?

19 A. That's basically how to carry out a terrorist operation.
20 That discusses three stages of carrying out an operation, such as
21 surveillance or reconnaissance stage to a planning stage to an
22 execution stage.

23 MR. RASKIN: At this time, Your Honor, I would like to
24 publish some of the language in the manual, with Agent Anticev
25 just reading portions to the jury. Small portions.

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1 THE COURT: What we're going to do on this one if we
2 can, a single screen to the offsite locations. All right. As we
3 did at the video. All right?

4 MR. RASKIN: That's fine, although I believe the offsite
5 locations, while they won't see what's on the screen, will still
6 be able to hear Agent Anticev if we just keep it the way it is.

7 THE COURT: Do you want to do that? All right. We did
8 have some issues raised.

9 I don't know if the jury is aware of this or not, but
10 Congress passed a special statute that allows this courtroom's
11 proceedings to be viewable by certain authorized persons who are
12 family members of victims of September 11th, and there are several
13 other courthouses in the country where this trial is being
14 observed. And an issue arose yesterday because the folks in those
15 courtrooms don't get to see the exhibits quite the same way we do.

16 We did play the videos yesterday. I will let you all
17 tell us which ones then you feel it is worth putting on the
18 screen, so that then, as I understand it, the courtroom is not
19 really visible at that point; it is just that the exhibit is
20 shown. The split screens, I think, will be too small to allow
21 anyone to be able to get benefit from the exhibits.

22 MR. RASKIN: I agree, Your Honor. We will be playing
23 two videos right after this, and I think it might be best to
24 switch over at that point.

25 THE COURT: That's fine.

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1 MR. RASKIN: Thank you. May I proceed?

2 THE COURT: Yes, sir.

3 BY MR. RASKIN:

4 Q. If we could bring up page 2 of the manual, just read what's
5 on the screen there, Agent Anticev.

6 A. It says "Declaration of Jihad or holy war against the

7 country's tyrants, military series."
8 Q. And then going to page 4, please read what's on the screen
9 there.
10 A. "In the name of Allah, the merciful and compassionate,
11 belongs to the guesthouse. Please do not remove it from the house
12 except with permission."
13 Q. And you've described to us yesterday what guesthouse was,
14 correct?
15 A. That's correct.
16 Q. Going to page 12, the top of the page we see the heading
17 "Principles of Military Organization." What military organization
18 is being referred to in this manual?
19 A. A terrorist organization or al Qaeda.
20 Q. And now dropping down to the bottom of the page, please
21 read -- well, the heading, "Missions Required of a Military
22 Organization." Read the next two paragraphs, please.
23 A. "The main mission for which the military organization is
24 responsible is: The overthrow of godless regimes and their
25 replacement with an Islamic regime. Other missions consist of the

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1 following: Number 1, gathering information about the enemy, the
2 land, the installations and the neighbors. Two, kidnapping enemy
3 personnel, documents, secrets and arms. Three, assassinating
4 enemy personnel as well as foreign tourists. Four, freeing the
5 brothers who are captured by the enemy. Five, spreading rumors
6 and writing statements that instigate people against the enemy.
7 Six, blasting and destroying the places of amusement, immorality,
8 and sin, not a vital target. Seven, blasting and destroying the
9 embassies and attacking vital economic centers. And eight,
10 blasting and destroying bridges leading into and out of the
11 cities."
12 Q. Now if we can go to page 14. This is the second lesson,
13 "Necessary qualifications and characteristics for an
14 organization's member." And to the next page, Agent Anticev, does
15 this -- is this the start of a list of those necessary
16 qualifications?
17 A. Yes.
18 Q. And to the next page, could you read the heading on number 6?
19 A. "Keeping secrets and concealing information."
20 Q. Now, can we go to page 29, please. Is page 29 part of what
21 is lesson 5, "Means of communication and transportation"?
22 A. Yes.
23 Q. Dropping down a little further on the page, could you read
24 number 1 right here?
25 A. Number 1 is "Common communication: It is a communication

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1 between two members of the organization without being monitored by
2 the security apparatus opposing the organization. The common
3 communication should be done under a certain cover and after
4 inspecting the surveillance situation by the enemy."
5 Q. And if we go to the next page, down at the bottom of the
6 page, could you read number 1 here?
7 A. "Communication should be carried out from public places. One
8 should select telephones that are less suspicious to the security
9 apparatus and are more difficult to monitor. It is preferable to
10 use telephones in booths on the main streets."
11 Q. And if we can go to page 56, which is lesson 9, "Security
12 Plan," and then to the next page. Can you read the section under
13 the heading "Defining security plan" at the top of the page?
14 A. "This is a set of coordinated, cohesive and integrated
15 measures that are related to a certain activity and designed to
16 confuse and surprise the enemy, and if uncovered, to minimize the
17 work loss as much as possible."

18 Q. And can you continue on to what's under the heading
19 "Importance of the security plan"?
20 A. "The work will be successful if Allah grants that. The more
21 solid is the security plan, the more successful the work and the
22 fewer the losses. The less solid the security plan, the less
23 successful the work and the greater the losses."
24 Q. And dropping down to the bottom of the page, can you read the
25 section, the "Method of implementing the security plan"?

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1 A. "There should be a security plan for each activity that is
2 subject to being uncovered by the enemy. For example, the brother
3 who is charged with a certain mission might be arrested. It is,
4 therefore, essential that a security plan be designed for him
5 through which he will be able to deny any accusation. Likewise,
6 for the group assigned a collective mission, there should be a
7 security plan to which all members are committed. Each member
8 would then find out, learn, and be trained in his role to ensure
9 his assimilation of it."
10 Q. And on the next page, here we see there is examples of a
11 security plan for an individual mission. And I would like you to
12 drop down and read down a little further, read the examples for
13 during travel.
14 A. "During travel, transit country, the brother should be taught
15 the answers to the following questions: A, why are you going to
16 Pakistan? B, do you belong to a religious organizations? C, how
17 did you get the travel money? D, who got you the visa to
18 Pakistan? E, what will you be doing in Pakistan? F, with whom
19 will you be staying in Pakistan?"
20 Q. And to the next page, middle of the page, can you read the
21 examples of when your travel to Pakistan is discovered? Just read
22 the first three, please.
23 A. Sure. "A, what were you doing in Pakistan or Afghanistan?
24 B, in which camp are you trained? C, who trained you? On what
25 weapons were you trained?"

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1 Q. Okay. Going to page 65, please, and just read this first
2 heading.
3 A. "An example of a security plan for a group mission
4 (assassinating an important person). Assassination is an
5 operation of military means and basic security. Therefore, it is
6 essential that the commanders who establish plans related to
7 assassination give attention to two issues."
8 Q. And, finally, to the next page, to the bottom of the page.
9 Please read D at the bottom.
10 A. "Interrogation and investigation: Prior to executing an
11 operation, the commander should instruct his soldiers on what to
12 say if they are captured. He should explain that more than once,
13 in order to ensure that they have assimilated it. They should, in
14 turn, explain it back to the commander. The commander should also
15 sit with each of them individually and go over the agreed-upon
16 matters that would be brought up during the interrogation."
17 Q. And, I'm sorry, it continues on to the next page, please.
18 Top of the page. Just read number 2.
19 A. "Two, during the interrogation, each brother would mention a
20 story that suits his personal status and the province of his
21 residence. The story should be agreed upon with the commander."
22 Q. Okay. We can take that down. Thank you, Agent.
23 MR. RASKIN: Your Honor, we're now going to play the
24 first of two videos. This is Government Exhibit AQ-87DVD. The
25 translation is 87T.1. We offer both of those at this time. And I

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1 don't believe there is an objection.
2 MR. MAC MAHON: No objection, Your Honor.
3 THE COURT: All right. They are both in evidence.
4 (Government's Exhibit Nos. AQ-87DVD and AQ-87T.1 were
5 received in evidence.)
6 BY MR. RASKIN:
7 Q. Now, tell us, the video we're about to watch, tell us when it
8 was aired on Al Jazeera television.
9 A. The one we're going to watch now is post-9/11 statements made
10 by several al Qaeda members including Sulaiman Abu Ghaith, Ayman
11 al-Zawahiri and Usama Bin Laden.
12 Q. And who is the first individual we're going to see on this
13 video?
14 A. It is Sulaiman Abu Ghaith, who is a media person for
15 al Qaeda.
16 Q. And the second person we will see?
17 A. Ayman al-Zawahiri, who was second in charge of al Qaeda, who
18 we discussed yesterday.
19 Q. And third?
20 A. Usama Bin Laden.
21 Q. Is there another individual who is depicted at the end of the
22 video who doesn't speak?
23 A. Yes. At the end when the lens comes out you will see Abu
24 Hafs on the far right of the screen.
25 Q. And where was this video recorded?

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1 A. Afghanistan.
2 Q. Okay.
3 MR. RASKIN: At this time I ask that we play AQ-87DVD.
4 (Videotape played of Government Exhibit AQ-87DVD.)
5 MR. RASKIN: Your Honor, I suggest we continue the way
6 we are with the video feed going out because I am going to play
7 another video momentarily after a couple of questions of the
8 witness.
9 THE COURT: All right.
10 BY MR. RASKIN:
11 Q. Agent Anticev, have you viewed another video post-9/11 video
12 from Afghanistan?
13 A. Yes, I have.
14 MR. RASKIN: Your Honor, we're going to offer Government
15 Exhibit AF, as in Frank, 7DVD and AF-7T.1, which is the video
16 Agent Anticev just described. I don't believe there is an
17 objection.
18 THE COURT: Mr. MacMahon?
19 MR. MAC MAHON: Can I get the date of it, Your Honor, so
20 I can find it in my book?
21 THE COURT: What date?
22 BY MR. RASKIN:
23 Q. Agent Anticev, what is the date that appears on the screen of
24 the video?
25 A. On the screen it shows -- I believe it was November 9th. It

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1 was November of 2001.
2 MR. RASKIN: We don't know precisely when it is dated
3 but there is a date stamp on the video that's November 9th.
4 THE COURT: Is this another al Jazeera tape?
5 MR. RASKIN: Yes.
6 MR. MAC MAHON: There is no objection. I was trying to
7 find it in the book.
8 THE COURT: That's fine. AF-7DVD and AF-7T.1 are in
9 evidence.
10 (Government's Exhibits Nos. AF-7DVD and AF-7T.1 were
11 received in evidence.)

12 MR. RASKIN: Correct, Your Honor.
13 BY MR. RASKIN:
14 Q. Before we look at the video, Agent, please tell us who is
15 depicted on the video.
16 A. Well, there are several individuals depicted in this video,
17 including Bin Laden, Sulaiman Abu Ghaith, and some other people
18 who are unidentified.
19 Q. Salaiman --
20 A. And they are just sitting around casually speaking about
21 9/11.
22 Q. Sulaiman Abu Ghaith is the first speaker on the last video?
23 A. That's correct.
24 Q. All right. If we can play AF-7DVD. It is ten minutes long.
25 (Videotape of Government Exhibit AF7DFD played.)

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1 MR. RASKIN: No further questions on direct exam.
2 THE COURT: All right. Mr. MacMahon, any
3 cross-examination?
4 MR. MAC MAHON: Yes, Your Honor, thank you.
5 CROSS-EXAMINATION
6 BY MR. MAC MAHON:
7 Q. Good morning, Agent Anticev.
8 A. Good morning.
9 Q. I think you started your examination by giving us your
10 credentials as an al Qaeda investigator, correct?
11 A. That's correct.
12 Q. How long have you been investigating al Qaeda?
13 A. Since 1996.
14 Q. Is there anyone in the FBI who knows more about al Qaeda than
15 you, Agent?
16 A. I'm sure there is.
17 Q. Your brother?
18 A. Possibly.
19 Q. What is his name?
20 A. John.
21 Q. He is an al Qaeda investigator as well, right?
22 A. He is working al Qaeda and terrorism for a long time as well.
23 Q. How many al Qaeda investigators in the FBI do you think there
24 are that know more about al Qaeda than you do?
25 A. I don't know. There are a couple of agents who have retired

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1 since who may know more than I do, but I don't know.
2 Q. The questions I ask you today, Agent, are all limited to what
3 you knew and what, from your work as an investigator was before
4 September 11th. We just saw these tapes from after September 11
5 but I want you to understand all my questions to you deal with
6 what you knew and what the FBI knew before September 11th, okay?
7 A. Okay.
8 Q. Now, when you say that there were camps, you testified
9 earlier that there were camps, correct?
10 A. Correct.
11 Q. And we knew that before September 11th, didn't we?
12 A. Yes.
13 Q. All right. And before September 11th how many camps did we
14 know were in operation training al Qaeda operatives in
15 Afghanistan?
16 A. By number, I don't know, but there were a whole bunch.
17 Q. More than ten?
18 A. Probably between Sudan -- between Afghanistan and Sudan, I
19 would say yes.
20 Q. The camps in Sudan are from the early '90s, right?
21 A. That's correct.
22 Q. No military actions were taken against those camps by the

23 United States, correct?
24 A. Not to the camps.
25 Q. Okay. And camps in Afghanistan starting in 1995, when Usama

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1 Bin Laden moves his operation, how many in Afghanistan?
2 A. The exact number, I don't know, but there were several that I
3 mentioned yesterday.
4 Q. Okay. And in those camps there was lots of training, wasn't
5 there?
6 A. Yes.
7 Q. And among the training in the camps you knew, Agent, by at
8 least by 1998 that they were training for hijackings, didn't you?
9 A. If they were training for hijackings, I'm not aware of that.
10 Q. You weren't aware before 1998 that al Qaeda was doing any
11 training whatsoever for hijacking, is that what you are telling
12 the jury?
13 A. Well, I know they were training pilots for themselves. There
14 were several individuals who were attending flight school for Bin
15 Laden aircraft.
16 Q. Okay. And what were their names?
17 A. There was Essam al-Ridi was one.
18 Q. What flight school did he go to in the United States, Agent
19 Anticev?
20 A. I'm not sure.
21 Q. He went to Airman Flight School in Norman, Oklahoma, didn't
22 he?
23 A. He may. I don't know.
24 Q. You don't know that, Agent?
25 A. No, I don't.

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1 Q. Who else?
2 A. There was Ihab Ali.
3 Q. Where did he go to flight school in the United States?
4 A. I believe he went to Oklahoma.
5 Q. He went to Airman Flight School in Oklahoma, the same flight
6 school that Mr. Moussaoui went to, didn't he?
7 A. I believe he did and that would have been, I believe, in the
8 early 1990s.
9 Q. Early 1990s. So the early 1990s, the FBI knew that when Bin
10 Laden wanted to train a pilot, one of the places he would send
11 them was to Airman Flight School in Norman, Oklahoma, that's the
12 absolute truth, isn't it, Agent?
13 MR. RASKIN: Objection, Your Honor.
14 THE COURT: That's an editorial comment.
15 MR. MAC MAHON: Thank you, Your Honor, I will rephrase
16 the question.
17 BY MR. MAC MAHON:
18 Q. By the early 1990s the FBI knew if Bin Laden wanted to train
19 pilots he would -- one of the places he would send them was the
20 Airman Flight School in Norman, Oklahoma, correct?
21 A. Well, at that time we knew he was trying to train pilots for
22 his own aircraft.
23 Q. How many pilots do you know that Bin Laden sent to the Airman
24 Flight School before Mr. Moussaoui arrived?
25 A. Just Ihab Ali. I don't know.

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1 Q. Where is Ihab Ali today?
2 A. He is in prison.
3 Q. He is not a cooperating witness?
4 A. He is. We do speak to him.
5 Q. Did you speak to him before 9/11 about flight training in the

6 United States?
7 A. We spoke to him about al Qaeda before 9/11.
8 Q. Did you speak to him about al Qaeda flight training in the
9 United States before 9/11?
10 A. I'm not his handling agent. I don't know the exact details
11 of what he has spoken about, but I have talked to him about other
12 things about al Qaeda but not specifically about flight training.
13 Q. All right. Now, let's get back to the camps in Afghanistan.
14 My question to you -- let me ask you this: Before 9/11 you knew
15 that al Qaeda was training people in Afghanistan to participate in
16 hijackings, didn't you?
17 A. Well, I don't know specifically for hijackings. We knew they
18 were training people to carry out attacks against the United
19 States.
20 Q. You don't remember any al Qaeda operatives giving testimony
21 or any kind of interviews to the FBI before 9/11 saying that the
22 al Qaeda organization was interested in hijacking aircraft?
23 A. There might have been, but in my recollection in terms of
24 hijacking, more in a traditional sense of taking an aircraft,
25 taking it to a third country and making demands.

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1 Q. Okay. So my question wasn't what kind of a hijacking, Agent.
2 Before 9/11 the FBI knew that al Qaeda was training people in
3 Afghanistan to hijack airplanes; isn't that correct?
4 A. I don't know if they were training people to conduct
5 hijackings. I know it had been discussed in the past.
6 Q. How do you know that that had been discussed?
7 A. Just from reading different reports.
8 Q. Okay. And these are reports that were produced and
9 distributed to the FBI before September 11th, right?
10 A. I would imagine so. There are so many reports over the years
11 that I have read.
12 Q. Okay. And you also know that in those camps in that same
13 time frame, that al Qaeda was teaching its recruits how to engage
14 in military exercises using short knives; isn't that correct?
15 A. Well, we did know that they did have trainers who were
16 teaching, I guess, close quarter combat, karate, use of knives,
17 hand-to-hand combat, yes.
18 Q. And when was it that the FBI learned that al Qaeda was
19 teaching its recruits in Afghanistan to use short knives?
20 A. That would be in the early 1990s.
21 Q. Is a box cutter a short knife, sir?
22 A. I guess you could consider it that.
23 Q. And are you from New York, sir?
24 A. Yes, I am.
25 Q. And you know that box cutters are used as weapons on the

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1 subway sometimes in New York City, right?
2 A. They could be.
3 Q. They have been, haven't they?
4 A. I would imagine that's correct.
5 Q. Okay. And you knew that before 9/11, didn't you?
6 A. Yes.
7 Q. Now, what is the predominant language spoken in an al Qaeda
8 training camp?
9 A. Arabic.
10 Q. A lot of French spoken in a training camp, sir?
11 A. Not that I'm aware of.
12 Q. Is running a guesthouse a position of high prominence in
13 al Qaeda, sir?
14 A. I don't know if it is high prominence but it is definitely, I
15 guess, a good position.
16 Q. And a person in the -- who is running a guesthouse also is in

17 charge of indoctrination, right?
18 A. I guess in certain circumstances, yes, I can think of a few
19 examples.
20 Q. Okay. Do you know who Ibn Tamiyah is?
21 A. Yes, I do.
22 Q. Who is Ibn Tamiyyah?
23 THE COURT: I'm sorry, why don't you spell that.
24 MR. MAC MAHON: I-b-n, and I could be butchering this,
25 Your Honor, but I think T-a-m-i-y-a-h.

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1 THE WITNESS: He is an Islamic scholar that goes back
2 several hundred years ago that al Qaeda, Bin Laden, and extremists
3 would look at some of his interpretations to base judgment on.
4 BY MR. MAC MAHON:
5 Q. Tell the jury some of the, what -- Bin Laden likes to talk in
6 some things we didn't see today about Ibn Taimiyyah, doesn't he?
7 A. That's -- I believe that's correct.
8 Q. Okay. And the reason is because the Qur'an itself actually
9 prohibits the killing of innocent women and children, doesn't it?
10 A. I believe so.
11 Q. Okay. But Ibn Taimiyyah is how Bin Laden tells his recruits
12 that it is okay to do that; isn't that correct?
13 A. I think that comes from the fatwahs, from the fatwah
14 committee, but that, that is used to justify some of his actions.
15 Q. Okay. Tell the jury what Ibn Taimiyyah specifically said
16 that Bin Laden relates to his recruits, please.
17 A. I'm not sure.
18 Q. Does Taimiyyah give a discussion about the Tartars being
19 invaded by the Muslims?
20 A. He could have.
21 Q. And doesn't he say Ibn Taimiyyah says that it is okay for a
22 Muslim to kill women and children so long as they need to get
23 through the women and children to the enemy, right?
24 A. I'm not familiar with that topic.
25 THE COURT: Wait, just a second. Ladies and gentlemen,

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1 this is an example of what I wanted to caution you about earlier,
2 and that is if an attorney asks a long, complicated question,
3 there is nothing wrong with asking a long question. But the
4 witness says "I don't know." Then the lawyer's question is not a
5 fact, all right?
6 So you need to, if you took a note of Mr. MacMahon's
7 question just then, erase it from your notes because this witness
8 says he didn't know.
9 It is perfectly all right to ask that kind of leading
10 question on cross-examination, but it is the witness' answer -- if
11 the witness says yes, that's correct, then the statement by the
12 attorney having been adopted by the witness may be considered
13 evidence. But if the witness doesn't know or says no, then that
14 question is a nullity.
15 Go ahead, Mr. MacMahon.
16 MR. MAC MAHON: Thank you, Your Honor.
17 BY MR. MAC MAHON:
18 Q. Now, in the camps, Agent Anticev, are there special classes
19 for Muslims that want to become martyrs?
20 A. I believe, yeah, the people who want to become martyrs are
21 actually picked.
22 Q. And what kind of things are they taught and told before they
23 become martyrs?
24 A. Well, they would be told they are going to be involved in a
25 special operation and some of them may volunteer for martyrdom.

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1 For extremists it is a good thing to become a martyr, something
2 they look forward to.
3 Q. It is something that they seek, right?
4 A. Correct.
5 Q. Right. They raise their hand in class and say "I want to be
6 a martyr," right?
7 A. I guess that can happen.
8 Q. They say I love -- I want to defend our religion, I want to
9 be a martyr, correct?
10 A. That could happen that way, I guess.
11 Q. Well, you have said you have personally met a bunch of
12 al Qaeda members. Have you met any al Qaeda members who were
13 interested in committing suicide?
14 A. No, I have not.
15 Q. None of the people that you interviewed had actually prepared
16 for a martyrdom mission?
17 A. No.
18 Q. But you know that that's how Bin Laden gets his recruits is
19 by promising that, right?
20 A. I don't know if that's accurate.
21 Q. What promises does Bin Laden make in terms of martyrdom?
22 What benefits will come to a young Muslim if he dies on behalf of
23 Bin Laden?
24 A. I don't think that comes from Bin Laden. I think that comes
25 from the extremist's interpretation of Islam.

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1 Q. What is promised to them? Tell the jury what is promised.
2 A. Paradise.
3 Q. Anything else?
4 A. Going to heaven, the 72 virgins.
5 Q. Could the witness be shown Defendant's Exhibit Number 947,
6 please. Mr. Wood, we have a copy here for you.
7 THE COURT: Mr. MacMahon, ask your question.
8 BY MR. MAC MAHON:
9 Q. I was actually asking if he had a chance to read it, I'm
10 sorry. Have you seen this before, Agent Anticev?
11 A. I don't recall seeing this.
12 Q. Have you ever seen the instructions that were found in
13 Mohamed Atta's luggage after September 11th?
14 A. No, I have not.
15 Q. Okay. Have you read the -- show the witness 767. I will do
16 it that way without asking.
17 THE COURT: That's Defense 767?
18 MR. MAC MAHON: Defense Exhibit 767, Your Honor.
19 BY MR. MAC MAHON:
20 Q. Have you seen this document before?
21 A. Yes, I have.
22 Q. Okay. This is the -- a summary of a confession given by one
23 of the bombers, one of the embassy bombers in Kenya, right?
24 A. That's correct.
25 Q. And what was his name?

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1 A. Al-Owhali.
2 Q. And that's a-l-o-w-h-a-l-i. And this is dated September 9th,
3 1998, isn't it?
4 A. That's correct. It looks like the interviews were done on
5 August 22nd through 25th of 1998.
6 Q. And when was the first time you saw this document?
7 A. Sometime after it was written. I'm not sure when.
8 Q. Just nearby, close in time to September 9th, 1998?
9 A. I would say yes.
10 Q. Okay. And this -- the interrogation of this man was a

11 breakthrough in the investigation, wasn't it?
12 A. That's correct.
13 Q. And you learned from this investigation, from this man's
14 confession, a lot of things about al Qaeda, didn't you?
15 A. Yes.
16 Q. And you learned, one of the ways in which they were
17 indoctrinated was by reading books such as "The Love of the
18 Martyrs," which detailed Muslim men who died fighting in Jihad and
19 went to paradise, right?
20 A. Yes.
21 Q. That's on page 2 of this confession, right?
22 A. Okay, in the bottom section over there?
23 Q. Yes, sir.
24 A. Okay.
25 Q. Have you learned that they are taught there is something

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1 called the Kissinger promise, which describes Kissinger's plan to
2 occupy the entire Arabian peninsula, right?
3 A. I guess I have read the document, and I have reviewed it a
4 couple times, but I have not studied the document.
5 Q. And you learned on that day when you read this document that
6 there was training for hijackings going on as well, right?
7 A. If you could just show me where that is.
8 Q. On page 4.
9 A. In the top paragraph or the second paragraph?
10 Q. Yes, sir.
11 A. Okay.
12 Q. In fact, what it says is this additional training, talking
13 about in the camps -- I will start, this is on page 4, "Bin Laden
14 advised subject to get additional training, which the subject did.
15 This additional training included security and intelligence
16 training and how to carry out special operations to include
17 kidnapping, assassination, plane and bus hijackings," right?
18 A. Correct.
19 Q. And on page 5 of this FBI interview you learned much about
20 what Owali thought of the cell structure in al Qaeda, right?
21 A. If you can refer me to what section?
22 Q. On page 5, the section, the paragraph that begins after the
23 C, formation battle.
24 A. Okay.
25 THE COURT: Agent, don't say "okay," please say yes or

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1 no.
2 THE WITNESS: Oh, yes, I'm sorry.
3 BY MR. MAC MAHON:
4 Q. Do you remember reading that, Agent?
5 A. Yes, I do.
6 Q. You said you learned that day that when you read this that
7 the cell training was taught in -- let me ask you this first.
8 MR. MAC MAHON: It is not my phone, Your Honor.
9 THE COURT: I understand. Go ahead.
10 BY MR. MAC MAHON:
11 Q. When I asked you the word cell, cell structure, you
12 understand that to mean how al Qaeda organizes their operations
13 when they prepare a terrorist attack, right?
14 A. That's correct. We discussed it before during direct.
15 Q. You called it compartmentalization, I just called it cell
16 structure, but we're talking about the same thing, right?
17 A. Yes.
18 Q. And that's not a new concept, is it, for terrorists or
19 military organizations, is it?
20 A. No.
21 Q. Cell structure has been used by many organizations, hasn't

22 it?
23 A. By terrorist organizations, yes.
24 Q. The Irish Republican Army used it, right?
25 A. I'm sure they have.

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1 Q. You haven't studied cell structure, sir?
2 A. I have studied it with al Qaeda, but I don't know, I haven't
3 studied it with -- as relates to the IRA.
4 Q. But are you an expert on cell structure in al Qaeda?
5 A. I would say no.
6 Q. So you know that the means of developing a cell was, it was
7 like a wheel in a spoke, correct?
8 A. That's a good analogy.
9 Q. So that there were people who were involved in the operations
10 who didn't know anything about it, right?
11 A. Or just their portion of the operation.
12 Q. Right. So that people involved in terror operations from
13 al Qaeda beginning in 1998 to your knowledge often knew almost
14 nothing about what they were doing other than to be told to go to
15 a certain place and wait, right?
16 A. You have to repeat that.
17 Q. You knew as of 1998 that one of the crafts of al Qaeda was to
18 tell people to go to places and just wait for further
19 instructions, correct?
20 A. Yes.
21 Q. And that's what happened to al-Owhali, wasn't it?
22 A. Yes, from his confession.
23 Q. In his confession he says he was told to go to Africa, and
24 when he got there, he would be told to meet somebody. And then
25 after he met that person, he might even be told what the target

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1 was and what he was supposed to do; isn't that correct?
2 A. That sounds correct.
3 Q. And that was standard training and the standard modus
4 operandi of al Qaeda as of 1998, right, sir?
5 A. It sounds like it would be.
6 Q. Okay. And they are trained not to even know other people's
7 real names, right?
8 A. Yes.
9 Q. They are supposed to not ask any questions?
10 A. Yes.
11 Q. And that's a lot of what Bin Laden was talking about on the
12 video that we just saw, right?
13 A. Yes.
14 Q. That the people that got on the planes, while the planes were
15 moving, were finally told what was going to happen, right?
16 A. According to that videotape, yes.
17 Q. And there is different cells, there is cells that go out and
18 case targets, right?
19 A. That's correct.
20 Q. And that cell is prohibited by that model from knowing who
21 the people are that would actually carry out the attack as well,
22 right?
23 A. That's correct. In the example of the embassy bombings, the
24 Nairobi Embassy was cased in 1993, 1994 and a report was made and
25 then given to Bin Laden.

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1 Q. And al-Owhali it says, starting on 5 and 6, received
2 instructions nine months before the bombings to be ready for
3 something, right?
4 A. Yes.

5 Q. And then five months later he received information that the
6 mission was progressing and that he should get a passport and
7 prepare to leave Afghanistan, right?
8 A. Yes.
9 Q. But he still wasn't told why, right?
10 A. From this report, no.
11 Q. And then a couple months later from that, he was instructed
12 to go to Pakistan, right?
13 A. Yes.
14 Q. And who was he supposed to meet in Pakistan, Agent Anticev?
15 A. Well, I believe that he was sent to go meet somebody by the
16 name of Khallad.
17 Q. All right. And as of September 9th, 1998, who did you know
18 was Khallad?
19 A. I believe from reading this just a Saudi national, last name
20 unknown.
21 Q. That's all you learned about who Khallad was in al Qaeda in
22 September of 1998, Agent?
23 A. Well, from -- just from the report, and that he was -- and
24 that's who al-Owhali was sent to go see in Pakistan.
25 Q. But Khallad was the person who began to give him operational

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1 instructions, wasn't he?
2 A. According to al-Owhali, yes.
3 Q. It says "about two or three months ago, subject was
4 instructed by Azzam to go to Pakistan and to meet with a man named
5 Khallad. Upon arriving in Pakistan, subject was briefed on parts
6 of the mission by Azzam and Khallad. Azzam departed and told
7 subject that Khallad would provide subject with all the necessary
8 details about the mission. Khallad told subject that his,
9 subject's mission was a martyrdom mission, where subject would be
10 driving a vehicle filled with explosives into a target, which
11 would result in his own death.
12 "Khallad told the subject the target was a U.S. embassy
13 in east Africa, but was not told the exact country." Right?
14 That's what it says, isn't it, Agent?
15 A. Correct.
16 Q. And so as early as September of 1998 you and the FBI knew
17 that someone named Khallad was, in fact, an operational, a leader
18 in al Qaeda; isn't that correct?
19 A. To say that he was associated with al Qaeda, an operation --
20 in operations is correct.
21 Q. Okay. And you knew he was a Saudi male, right?
22 A. Correct, with no last name.
23 Q. But then you knew that he was the person that then told
24 al-Owhali to travel to Nairobi, Kenya, where he would then receive
25 the rest of the details of his mission, right?

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1 A. I believe that's accurate.
2 Q. Did the FBI try to find out who Khallad was in September of
3 1998?
4 A. I'm sure we did.
5 Q. And when did the FBI finally find out who Khallad was?
6 A. It was sometime after the Cole bombing, which would have been
7 October of 2000, so sometime after that.
8 Q. Did you have a picture of him?
9 A. We did at some point, yes.
10 Q. When was that?
11 A. I believe that was after the Cole bombing.
12 Q. And you learned that Khallad was one of the masterminds of
13 the Cole bombing as well, right?
14 A. We did learn from -- initially, we did learn from the Yemeni
15 authorities that he was somehow involved.

16 Q. The FBI was interested in Khallad at that time, weren't they?
17 A. Yes.
18 Q. You were trying to track him down, weren't you?
19 A. To the best of my knowledge, yes. Just to, for the record, I
20 was not working on this investigation for the USS Cole.
21 Q. But you know as an FBI agent that as of sometime in, after
22 the Cole bombing, our government learned that Khallad was the
23 mastermind of the Cole bombing or at least involved in it?
24 A. Yes.
25 Q. And you had his picture, right?

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1 A. Yes.
2 Q. And you had his passport too, didn't you?
3 A. That I'm not aware of.
4 Q. Do you know where he was?
5 A. We knew that he was bouncing around between Pakistan and
6 other places.
7 Q. You knew he was in Malaysia, didn't you?
8 A. At some time the FBI did learn that he was in Malaysia.
9 Q. And you knew he was in Malaysia with two other people, right?
10 A. That's correct.
11 Q. And what were their names, Special Agent Anticev?
12 A. Al-Hazmi and al-Midhar.
13 Q. Two people found in the Pentagon?
14 A. Correct.
15 Q. And when was it that the FBI learned that Khallad had
16 traveled to Malaysia with Nawaf al-Hazmi and Khalid al-Midhar?
17 A. I believe that would have been possibly January of 2000.
18 Q. Was it of interest to the FBI in January of 2000 to find out
19 whoever it was that was traveling with Khallad?
20 A. Again, it would have been, but just to give a little
21 background to the jury, I'm not fully aware of what was going on
22 in that investigation. We were gearing up for the embassy bombing
23 case, and I was also involved with doing some renditions of other
24 al Qaeda members that we had captured overseas, so I'm not -- I'm
25 not in the weeds on this where I would know the details.

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1 Q. But you know that the FBI found out before 9/11 that Nawaf
2 al-Hazmi and Khalid al-Midhar had come to the United States
3 immediately after the meeting in Malaysia with Khallad, right?
4 A. I personally know that after 9/11.
5 Q. But you didn't know that before 9/11?
6 A. No.
7 Q. Okay. I'm not asking you those questions, so I apologize.
8 Now, al-Owhali also told you -- told you, excuse me --
9 sir, told the FBI, and this is on page 12, about what they did
10 before they drove the truck up to the embassy. Do you remember
11 reading that?
12 A. I do.
13 Q. And it says that -- and this is on page 12 -- the subject
14 estimated that it took them 30 to 45 minutes to get to the U.S.
15 embassy, along the drive subject and Azzam listened to an audio
16 cassette of religious poems and chants for motivation.
17 Do you remember that?
18 A. Yes.
19 Q. And that is standard al Qaeda as well, isn't it, preparing
20 for martyrdom like that?
21 A. I don't know if it is standard, but it could be.
22 Q. What did you know about Project Bojinka?
23 A. Oh, Project Bojinka was -- we called -- we talked about it
24 yesterday, was the Manila Air investigation.
25 Q. And tell the jury about the Manila Air investigation.

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- 1 A. That was in the time frame of 1994 to 1995 when Khalid Sheikh
2 Mohammed, Ramzi Yousef, and Wali Khan were planning to blow up 12
3 U.S. airliners over Southeast Asia.
- 4 Q. And that plot was foiled because it was disrupted in the
5 Philippines, correct?
- 6 A. I believe so, yes.
- 7 Q. There was a fire in Ramzi Yousef's apartment, and they all
8 ran away, right?
- 9 A. That sounds correct.
- 10 Q. And then the Philippine authorities found a computer in that
11 apartment, didn't they?
- 12 A. I believe they did.
- 13 Q. Okay. And on that computer were plans for many, many terror
14 attacks, weren't there?
- 15 A. I'm not fully aware of what was found in the computer.
- 16 Q. But it was obvious as of 1995 that there were plans by Muslim
17 fundamentalists to try to blow up airplanes, right?
- 18 A. With this group, yes.
- 19 Q. Okay. And --
- 20 A. When I say "this group", I'm talking about Ramzi Yousef,
21 Khalid Sheikh Mohammed, and Wali Khan.
- 22 Q. And Ramzi Yousef had also been involved in the bombing of the
23 World Trade Center in 1993, correct?
- 24 A. Correct.
- 25 Q. And so had Khalid Sheikh Mohammed, hadn't he?

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- 1 A. I believe there are some links, but to say he was connected
2 is, is possibly reaching a little bit. I'm not sure.
- 3 Q. But they are connected by blood, right? Isn't Ramzi Yousef,
4 Khalid Sheikh Mohammed's nephew?
- 5 A. I believe that's correct.
- 6 Q. Now, from the Bojinka investigation, did you learn anything
7 about a man named Abdul Hakim Murad?
- 8 A. The name does sound --
- 9 THE COURT: I'm sorry, spell the name as best you can.
- 10 MR. MAC MAHON: A-b-d-u-l, H-a-k-i-m, M-u-r-a-d. Thank
11 you. Sorry, Judge.
- 12 THE WITNESS: The name does sound -- I do recognize the
13 name.
- 14 BY MR. MAC MAHON:
- 15 Q. How do you recognize that name, Agent?
- 16 A. From being involved, I believe, in the Manila Air
17 investigation.
- 18 Q. And Mr. Murad was arrested and brought back to the United
19 States, wasn't he?
- 20 A. I believe he was.
- 21 Q. And he has been convicted and serving life, right?
- 22 MR. RASKIN: Objection, Your Honor.
- 23 MR. MAC MAHON: I will withdraw the question, Your
24 Honor. It doesn't matter.
- 25 BY MR. MAC MAHON:

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- 1 Q. Mr. Murad told the authorities on or about that time frame
2 that he had a plan to hijack an airplane and fly it into the
3 Central Intelligence Agency building as part of a martyrdom
4 mission, didn't he?
- 5 A. I had heard that.
- 6 Q. And when did you first hear that?
- 7 A. That, I believe, was after 9/11.
- 8 Q. You didn't know that before 9/11?
- 9 A. Myself, no.

10 Q. Did you know of any plans by Muslim fundamentalists to fly
11 planes into prominent buildings anywhere in the world?
12 A. Prior to 9/11, no.
13 Q. You didn't know that they planned to fly a plane into the
14 Eiffel Tower?
15 A. I had heard that.
16 Q. You had heard that before 9/11?
17 A. I don't know if it was before 9/11 or after.
18 Q. Did you hear that they had intended to fly a plane into a
19 cathedral in Strasbourg, France before 9/11?
20 A. Again, I have heard of that idea, but I don't know if that
21 was before or after 9/11.
22 Q. And you knew that there were concerns that Muslim
23 fundamentalists would try to fly planes where the G-8 Summit was
24 meeting in Genoa, Italy in the summer of 2001, correct?
25 A. I had -- I believe I read that in the 9/11 Commission.

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1 Q. But you didn't know that before 9/11 either?
2 A. I don't believe so.
3 Q. But you admit that the FBI was concerned before 9/11 about
4 the possibility of al Qaeda using planes as weapons; isn't that
5 correct?
6 A. I don't know if that's correct, to be honest with you,
7 because I don't think anybody was looking in terms of using
8 aircraft as weapons as opposed to doing the more traditional
9 hijacking.
10 Q. But the FBI was concerned about al Qaeda members doing
11 traditional hijackings before 9/11?
12 A. I would say yes.
13 Q. And were you putting processes and procedures in place to see
14 that that didn't happen?
15 A. I believe that was happening.
16 Q. And there was some different procedure that was going to be
17 used in case of a suicide hijacking, as opposed to a regular
18 hijacking; is that what you are telling me?
19 A. Well, no.
20 Q. You told us about Khalid Sheikh Mohammed and showed us his
21 picture. Do you remember that?
22 A. Yes.
23 Q. Did the FBI have a chance to arrest Khalid Sheikh Mohammed
24 after he was indicted?
25 A. Did the FBI? No.

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1 Q. The United States Government?
2 MR. RASKIN: Objection, Your Honor.
3 THE COURT: What's the basis for the objection?
4 MR. RASKIN: The witness's knowledge. He works for the
5 FBI.
6 THE COURT: Well, if he knows. If you know.
7 THE WITNESS: Well, I know from post-9/11 from the media
8 that he is in some kind of custody.
9 MR. MAC MAHON: I am not asking -- all my questions have
10 nothing to do with what -- after September 10th, 2001. I will
11 keep saying it.
12 BY MR. MAC MAHON:
13 Q. I am asking you if you know before, whether before September
14 11th, 2001 the United States Government had an opportunity to
15 arrest Khalid Sheikh Mohammed?
16 A. Well, I know we in the FBI indicted him, but he was never
17 arrested.
18 Q. My question was whether there was an opportunity to arrest
19 him.
20 A. I believe there was an opportunity sometime where we believe

21 he was tipped off.
22 Q. When was that?
23 A. I'm not sure.
24 THE COURT: Just a second. Do you need to approach?
25 MR. RASKIN: Yes.

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1 (Bench Conference A not transcribed in this volume.)
2 BY MR. MAC MAHON:
3 Q. Agent Anticev, you testified before there was an attempt to
4 arrest Khalid Sheikh Mohammed. I think your words was he was
5 tipped off, right?
6 A. Correct.
7 Q. And that occurred in, between 1996 and 1998, somewhere in the
8 Middle East, correct?
9 A. Somewhere in the Middle East. I believe that time frame,
10 yes.
11 Q. Thank you.
12 MR. MAC MAHON: Your Honor, I would like to move in, if
13 I could, the Exhibit 767, which is the combined interview report
14 of Mohammed al-Owhali.
15 MR. RASKIN: No objection.
16 THE COURT: Defense Exhibit 767 is in evidence.
17 (Defendant's Exhibit No. 767 was received in evidence.)
18 THE COURT: However, not 947, which you had mentioned,
19 that was not the one that was discussed.
20 MR. MAC MAHON: Yes, Your Honor.
21 BY MR. MAC MAHON:
22 Q. Agent Anticev, you are the handling agent for a man named
23 Jamal al-Fadl?
24 THE COURT: Can you spell the name, please.
25 MR. MAC MAHON: J-a-m-a-l, A-l-F-a-d-l.

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1 BY MR. MAC MAHON:
2 Q. Tell the jury when Mr. al-Fadl first came to be a cooperating
3 witness.
4 A. That would have been the end of 1996.
5 Q. And how did that happen?
6 A. As I explained yesterday, he had -- he was working for Bin
7 Laden and al Qaeda. And sometime in 1995 he had stolen some money
8 from Bin Laden, left the organization, left Khartoon, Sudan, went
9 on the run and then eventually made his way to a U.S. embassy and
10 was spoken to.
11 And the information that he was providing made a lot of
12 sense to the investigation that we were conducting, so we brought
13 him into the states.
14 Q. And he told you a lot why it was al Qaeda was fighting
15 against the United States, didn't he?
16 A. That's correct.
17 Q. And a lot of the things that we saw in the videotapes we just
18 saw, correct?
19 A. Correct.
20 Q. That there's -- that Americans are killing a million Iraqi
21 children a year?
22 A. Well, he never stated that. That's, I think that's just Bin
23 Laden putting out information to justify his actions.
24 Q. I am not saying that it is true, sir. I am saying that
25 Mr. al-Fadl told you that one of the reasons was that the

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1 Americans were killing children in Iraq, right?
2 A. I don't recall him saying that, but it is possible.
3 Q. And that he was acting to prevent the slaughter of

4 Palestinians as well?
5 A. Again, I don't remember Jamal al-Fadl stating that.
6 Q. Support for the Israelis?
7 A. That's correct.
8 Q. Stealing oil from Arab countries?
9 A. I believe that was one of the things that they had discussed
10 in meetings.
11 Q. Support for corrupt Arab governments?
12 A. What they considered to be corrupt governments.
13 Q. And this was all taught to them by Bin Laden in the various
14 camps and guesthouses where they went, right?
15 A. By Bin Laden and some of the leadership.
16 Q. And al-Fadl also told you that one thing that Bin Laden
17 strived to teach the young Muslim men was the importance of Jihad
18 and martyrdom, right?
19 A. As far as Jihad, yes. Martyrdom, I'm not -- I don't recall
20 that.
21 Q. Not from al-Fadl?
22 A. Not from al-Fadl.
23 Q. You learned that from other people, right?
24 A. As the investigation went on, yes.
25 Q. And that's before September 11th, correct?

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1 A. Yes.
2 Q. And the focus of Jihad was -- from Bin Laden to his recruits
3 was that it was a religious obligation, correct?
4 A. Correct.
5 Q. In the camps in Afghanistan, the language, predominant
6 language is Arabic, right?
7 A. In the Bin Laden camps, yes.
8 Q. And would all the indoctrination and all the lectures and
9 everything be given in Arabic?
10 A. They would be.
11 Q. Now, did you know before September 11th that there were any
12 al Qaeda cells in Europe?
13 A. We knew before September 11th that they had operatives
14 running around. They did have a guesthouse that we knew about.
15 Q. Did you know whether before 9/11, again, Agent -- all my
16 questions are before 9/11 -- did you know whether al Qaeda had any
17 recruiters in Germany?
18 A. We know they had some individuals who had traveled through
19 Germany. As far as recruiters, I'm not aware of.
20 Q. Was the FBI aggressively looking for al Qaeda recruiters in
21 Germany before September 11th?
22 A. We were aggressively looking for anyone associated with
23 al Qaeda anywhere in the world.
24 Q. Including Germany?
25 A. Yes, we were in Germany.

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1 Q. And Hamburg, Germany?
2 A. To the best of my knowledge, no.
3 Q. Do you know of a Muslim fundamentalist in Hamburg, Germany
4 before September 11th named Mahmoud Darkanzali?
5 A. I'm aware of that individual, yes.
6 Q. And who was that?
7 A. He was an individual living --
8 MR. MAC MAHON: I'm sorry, excuse me, Your Honor.
9 M-a-h -- my Arabic isn't really this good, Your Honor, but I will
10 keep trying, M-a-h-m-o-u-d. D-a-r-k-a-n-z-l-i? I am missing an
11 "N." I guess -- I am sure you can spell it for us.
12 THE WITNESS: I would spell Darkanzali,
13 D-a-r-k-a-n-z-a-l-i.
14 BY MR. MAC MAHON:

15 Q. Thank you, Agent.
16 A. You are welcome.
17 Q. Who is he?
18 A. He pops up in our investigation as someone who was, if I
19 recall correctly, paying for a hotel room for some other al Qaeda
20 individuals that we were looking at who had purchased a ship
21 from -- in Germany.
22 Q. Do you know what mosque he went to in Hamburg, Germany?
23 A. No, I don't. I am not familiar with what was going on in
24 Hamburg. I was looking, personally looking at some other
25 individuals who Abu Hajer al-Iraqi, who we discussed yesterday as

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1 the fatwah committee leader, Mamdouh Mahmud Salim would be his
2 real name. He was arrested in Germany, and I was following up on
3 leads regarding, regarding his travels to Germany. And then there
4 was a connection to an individual named Darkanzali. That's the
5 extent of my --
6 Q. So before 9/11. When was this? When was this person
7 arrested in Germany?
8 A. He was arrested September of 1998.
9 Q. Okay. So as of September 1998, the FBI knew that there was
10 al Qaeda present in Germany, correct?
11 A. Well, we knew this major individual would be traveling
12 through there and had some associates in Germany, yes.
13 Q. And did you try to find out who he was in touch with in
14 Germany?
15 A. Yes, we did. And I interviewed several of those individuals.
16 Q. Was Mr. Darkanzali one of them?
17 A. I don't believe I interviewed him.
18 Q. Okay. Did your investigation in Germany at that time uncover
19 anyone named Muhammad Summar?
20 A. Again, I believe on the peripheral of being involved with
21 Darkanzali.
22 Q. So before 9/11 the FBI knew there was a Muslim fundamentalist
23 in Hamburg, Germany named Muhammad Zummar?
24 A. I believe so. I'm not sure what time frame that occurs.
25 Q. What effort was made to find out who Mr. Zummar's associates

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1 were in Hamburg, Germany?
2 A. Again, I was focusing on Abu Hajer al-Iraqi, so I didn't
3 pursue anything up in Hamburg, other than the people that he
4 directly associated with.
5 Q. What information did the FBI learn about Mr. Zummar before
6 September 11th?
7 A. I'm not sure.
8 Q. Did they get his phone records, do you know?
9 A. Probably not because phone records in Germany were very hard
10 to obtain. There were certain rules in the German legal system
11 whereby if you sought to get toll records, they would actually
12 over a short period of time, I forget what that is, it might be 12
13 weeks or maybe 16 weeks, they would drop off the last, I think,
14 three or four digits of a phone number so that when law
15 enforcement would look at records, you would have, let's say,
16 country code, city code and an exchange but no final numbers.
17 Q. So it was hard to get phone number information out of
18 Germany in 2001?
19 A. Extremely, extremely.
20 Q. How about financial information about Mr. Zummar, did the FBI
21 look for that?
22 A. I don't know.
23 Q. Did the FBI ask anybody to surveil Mr. Zummar?
24 MR. RASKIN: Your Honor, I am going to object on
25 relevance.

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1 THE COURT: Oh, I think it is within the scope of this
2 witness' direct testimony and it is relevant. Overruled.

3 THE WITNESS: I don't know.

4 BY MR. MAC MAHON:

5 Q. Do you know who any of Mr. Zummar's friends in Hamburg were?

6 A. No, I don't.

7 Q. Mohamed Atta?

8 A. Well, I know who they are now.

9 Q. Marwan al-Shehhi?

10 THE COURT: No, wait, the witness didn't know. That's
11 not appropriate.

12 MR. MAC MAHON: Thank you, Your Honor.

13 BY MR. MAC MAHON:

14 Q. How about London, England? Was the FBI looking for al Qaeda
15 members in London, England?

16 A. Yes, we were.

17 Q. How about the Finsbury Park Mosque?

18 A. Well, that comes up in various investigations of just Islamic
19 extremism. We were more focused on a couple of individuals who we
20 had -- well, the British had arrested after the embassy bombings
21 in 1998.

22 Q. What, tell the jury what the Finsbury Park Mosque is in
23 London, please.

24 A. Well, I have very limited knowledge on that. I know it is a
25 very radical mosque in, I believe, the north part of London.

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1 Q. And when did the FBI learn that -- would it be safe to say
2 the Finsbury Park Mosque, the FBI knew before September 11th that
3 the Finsbury Park Mosque was a place that young Muslim men were
4 recruited for Jihad and for al Qaeda, correct?

5 A. That could be correct.

6 Q. And when did that knowledge first come into the possession of
7 the FBI?

8 A. I really don't know, but probably in the mid-to-late '90s.

9 THE COURT: Mr. MacMahon, it is 11:00 o'clock. I am
10 trying to keep the trial on a fairly regular schedule. Now, no
11 one is to leave the courtroom until the attorneys leave, other
12 than the jury. You are in a separate category, ladies and
13 gentlemen.

14 We will take a 20-minute recess. We'll reconvene at
15 11:20.

16 (Recess taken from 11:00 a.m. to 11:20 a.m.)

17 (Defendant and Jury in.)

18 THE COURT: Mr. MacMahon, before we get started, just a
19 technical issue. Do any counsel have objections if the official
20 transcript for -- simply reflects "video played" when these videos
21 have been played? It's extremely difficult for the court
22 reporters to get the text because of the way in which these are
23 going in.

24 MR. RASKIN: No objection from the government.

25 THE COURT: How about the defense?

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1 MR. MAC MAHON: No objection. The disks are going in
2 evidence anyway.

3 THE COURT: Of course, they're part of the record, but
4 the difficulty is, as you know, most of it is in Arabic, and the
5 text is whatever is printed on the exhibit itself, and it's just
6 very difficult to get that, and so as you know, since we're doing
7 realtime, it would slow that process down. The record is
8 complete. Unless there's an objection, that's how it's going to

9 go.
10 MR. MAC MAHON: No objection from the defense, Your
11 Honor.
12 MR. RASKIN: No objection. And the transcript is in
13 evidence as well as a separate exhibit.
14 THE COURT: As an exhibit.
15 MR. MAC MAHON: Right. We've stipulated those are fair
16 and accurate translations, so that hopefully will take care of the
17 problem, Judge.
18 THE COURT: That's fine. So the transcript will simply
19 show "video played."
20 MR. MAC MAHON: Okay.
21 THE COURT: Go ahead, sir.
22 BY MR. MAC MAHON:
23 Q. Agent Anticev, before we broke, I'd asked you some questions
24 about phone records from Germany, and I think your testimony --
25 and you can correct me if I'm wrong -- is that before 9/11, it was

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1 extremely difficult to get telephone information from Germany,
2 right?
3 A. That's correct.
4 Q. Okay. And was it equally difficult to get financial
5 information from the German government?
6 A. Obtaining financial records was a little bit easier.
7 Q. Okay. But what was the average turnaround time on a request
8 for financial information on a suspect in Germany?
9 A. That could take months. We would do that through letters
10 rogatory, which would go through Main Justice, to their Ministry
11 of Justice, and the information would come back, so it would take
12 a long time.
13 Q. Months would you say?
14 A. Months.
15 Q. Okay. And what is the letters rogatory process?
16 A. That's just a legal process to obtain the records officially,
17 which means that, I guess the district of where you're working
18 would issue the request. It would come down to Washington, to
19 Main Justice. They would turn those documents over to the foreign
20 government -- to their justice ministry, and whereby they would
21 give it to the police. The police would conduct the
22 investigation, and it would come back through official channels.
23 Q. Okay. And it wasn't an automatic process, correct?
24 A. Absolutely not.
25 Q. So your government has -- there's a lawyer over at Justice

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1 who writes up a request, "We want to see X, Y, and Z," right?
2 A. It comes from the district. Then it goes down to Main
3 Justice. And I don't know how the process works from there but
4 it --
5 Q. And so if you were in an office other than the field office
6 in New York -- other than Washington, excuse me, you would have to
7 write a request from that FBI office to Main, to Main Justice to
8 have them initiate the process, correct?
9 A. You would work out that process with whatever attorney's
10 office you're working with, and you would write it together.
11 Q. Right. There's an established bureaucracy that's in place
12 for requesting information from foreign governments, correct?
13 A. Correct.
14 Q. Okay. And there's a procedure about how that has to be done,
15 right?
16 A. Correct.
17 Q. You have to notify the U.S. attorney, correct?
18 A. You work it out with them. They actually write the document,
19 and I believe they send it down to Main Justice. They make

20 whatever changes they need to, and then they send it out
21 officially to the other government.
22 Q. But the agent first determines what he wants, correct?
23 A. Yes.
24 Q. Okay. And then the agent goes to a U.S. attorney and makes a
25 pitch that I need this information from a foreign government,

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1 correct?
2 A. Yes.
3 Q. And then the U.S. attorney has to write, there's rules and
4 regulations written, correct, about interactions --
5 A. There's a protocol.
6 Q. -- with headquarters, correct?
7 A. Correct.
8 Q. Okay. And then somebody in headquarters makes a decision on
9 what to request, right?
10 A. Well, you requested it from the field and from the attorney's
11 office up in that district, and then they just forward that
12 information across.
13 Q. Right. But -- from there it goes over to the foreign
14 government, correct?
15 A. Correct.
16 Q. And then the amount of time that each foreign government, it
17 takes to get the information back varies, right?
18 A. Absolutely.
19 Q. And your testimony is that for Germany before 9/11, the
20 answer is months, correct?
21 A. I believe so, yes.
22 Q. All right.
23 A. I'm talking about the time that you actually sit down to
24 write it and the whole process takes place and the time you
25 actually receive those documents could take months.

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1 Q. And then there would be restrictions on their use as well,
2 right, could be?
3 A. There could be.
4 Q. All right. We were talking about the Finnsbury Park mosque,
5 I think, in London, right? Is that where we broke? Was I asking
6 you about the Finnsbury Park mosque in London?
7 A. I think we passed that.
8 Q. Who's the -- who was the imam of the Finnsbury Park mosque?
9 A. I believe that was an individual named Abu Hamza.
10 Q. Tell the jury who Abu Hamza is.
11 A. I really don't know too much about him. I know he's a very
12 radical fundamentalist imam who was inspiring jihad.
13 Q. Okay. And you knew that long before 9/11, didn't you, sir?
14 A. I believe so.
15 Q. And you knew that Abu Hamza was playing tapes likes the ones
16 we saw here earlier, these recruitment tapes, in the mosque in
17 London to young men, didn't you?
18 A. Before -- I don't know. I would assume yes.
19 Q. Okay. And you had informants inside the mosque before 9/11?
20 A. The FBI, not that I'm aware of.
21 Q. Did you know before 9/11 that Mr. Moussaoui went to this
22 mosque?
23 A. No, I'm not familiar with the defendant's investigation.
24 Q. Did you know before 9/11, did the FBI know that people from
25 London were being recruited at that mosque and going to

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1 Afghanistan for jihad training?
2 A. I guess the FBI probably knew that.

3 Q. Did the FBI make any attempt to have Abu Hamza arrested
4 before 9/11?
5 A. I don't know before 9/11, but I know there were
6 investigations, and I know we worked very closely with the
7 British.
8 Q. Was there any effort made to find out who the young Muslims
9 were that were being recruited for jihad by Abu Hamza at the
10 Finnsbury Park mosque?
11 A. Not that I'm aware of.
12 Q. Now, you -- you testified before about trade craft that was
13 taught to al Qaeda recruits. Do you remember that?
14 A. Yes.
15 Q. Okay. Was this taught in the camps?
16 A. Yes.
17 Q. And one of, one of the, one of the key things they were
18 taught was cell structure, right?
19 A. Correct.
20 Q. And we've talked about cell structure, haven't we?
21 A. Yes.
22 Q. Okay. And the other one was that they were not to be obvious
23 when they traveled to the West, right?
24 A. Correct.
25 Q. They were supposed to take -- wouldn't you agree that they

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1 were trained to wear aftershave, which they weren't supposed to
2 wear as good Muslims, to disguise the fact that they were Muslims,
3 right?
4 A. Yes, that's one of them. They were just trying to blend in
5 to make it easier so they wouldn't be questioned.
6 Q. Okay. And tell the jury as an expert what other things they
7 would do to try to blend in when they came to -- well, just say
8 the United States as an example.
9 A. Well, they would wear Western-style clothing, and again, when
10 they were applying -- or making a passport, they would shave their
11 beards so as not to look like an extremist or a fundamentalist.
12 Q. And they would talk about women, right?
13 A. Sure.
14 Q. Right. And they would wear jewelry, things that a good
15 Muslim in Bin Laden's eyes wouldn't do other than when they were
16 on a mission, correct?
17 A. I guess that's safe to say, yes.
18 Q. Okay. And they were, they were supposed to be as discreet as
19 they could when they traveled, right?
20 A. Correct.
21 Q. And they weren't supposed to openly proselytize about Islam?
22 A. That's correct.
23 Q. Okay. So it would be a breach of trade craft for a Muslim
24 fundamentalist to come to the United States and then rip posters
25 down in a mosque claiming they were un-Islamic on his first day in

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1 the United States, right?
2 A. I guess.
3 THE COURT: Well, I'm sorry, guesses really are not
4 proper answers.
5 BY MR. MAC MAHON:
6 Q. Was the answer yes or no, Agent? I'm sorry?
7 A. I would say yes.
8 MR. MAC MAHON: Thank you, Your Honor.
9 BY MR. MAC MAHON:
10 Q. Would it be good trade craft to declare \$32,000 in cash at
11 the airport?
12 A. With a good excuse for it, I would say yes, as opposed to
13 finding it and then being questioned about it.

14 Q. Okay. Would it be good trade craft to bring it out in a bank
15 openly in piles and deposit it?
16 A. Depending on the circumstances.
17 Q. Now, you said that part of trade craft was to change travel
18 documents, correct? Right?
19 A. To change --
20 Q. Yes. For example, you would want -- it would be good trade
21 craft if you had a passport that had a sticker that said you'd
22 just been to Pakistan, to get rid of that passport, right?
23 A. Right. To lose that one and obtain a new one.
24 Q. And that was something that was taught in all the camps,
25 right?

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1 A. Correct.
2 Q. Okay.
3 A. I don't know about all the camps, but that was something that
4 al Qaeda did discuss.
5 Q. So would it have been good trade craft if an al Qaeda member
6 was arrested with a clean passport to have included in the
7 passport a receipt from a hotel in Pakistan?
8 A. I guess that would -- that would be considered poor trade
9 craft in my view.
10 Q. All right. And you said that the -- and this, this manual
11 that we looked through, where was that found?
12 A. That was found in Europe.
13 Q. That was found in England in 1995, wasn't it?
14 A. I want to say April of 2000.
15 Q. It was found in England, wasn't it?
16 A. Correct.
17 Q. Manchester, England, right?
18 A. Correct.
19 Q. And in that manual, there were a series of questions to --
20 that they were instructed on how to answer about what would happen
21 if someone found out they were in Pakistan, right?
22 A. Correct.
23 Q. Okay. And the reason that they were trained on how to answer
24 those questions was because the FBI knew before September 11 that
25 fundamentalists with visa stamps from Pakistan had likely gone to

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1 the camps for training in Afghanistan, right?
2 A. I wouldn't say the FBI, but I think that manual and all the
3 manuals are written in general terms for the whole world, and I
4 would specifically say more geared towards Middle Eastern
5 countries.
6 Q. Agent Anticev, as of 1998, you knew that -- well, first,
7 there's no travel stamp that any al Qaeda member has that says
8 Afghanistan on his passport, right?
9 A. To my knowledge, no.
10 Q. Okay. Nobody would travel with that, right?
11 A. Correct.
12 Q. Consistent with trade craft --
13 A. Yes.
14 Q. -- which is the series of questions. Right?
15 A. Yes.
16 Q. You knew as of 1998 that the reason that al Qaeda members
17 were concerned about having Pakistan on their passports was
18 because it was a red flag to the authorities all over the world
19 that the person was someone who may have trained in Afghanistan,
20 right?
21 A. Yes.
22 Q. Okay. And that's why they went to such great lengths to make
23 sure that the Pakistan stuff was cut out of their passports,
24 right?

25 A. Yes.

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1 Q. And they were trained to say they -- to go apply for a new
2 passport, mine's been lost in the wash, the dog ate it. They made
3 up all kinds of excuses to get new passports, right?
4 A. Yes. I've heard that many times.
5 Q. Right. And the purpose of doing that was to conceal travel
6 to Afghanistan; isn't that correct?
7 A. Yes.
8 Q. Okay. And when the FBI determined that some Muslim
9 fundamentalists had traveled to Afghanistan, that was a
10 significant event, right?
11 A. To go into Afghanistan? Yes.
12 Q. Okay. And that would have raised alarm bells in the FBI,
13 right?
14 A. Yes.
15 Q. The -- some of the videos that we looked at had a lot of
16 discussions about dreams. Do you remember that?
17 A. I believe that was the last one.
18 Q. Okay. Then there's a lot of discussion in Bin Laden's videos
19 and other things about dreams, right?
20 A. Well, the last one, yes, but I don't recall it coming up in
21 any other videos.
22 Q. I mean, you know as an expert in al Qaeda that the Muslims,
23 especially the fundamentalists, give great weight to the dreams
24 that they have, right?
25 A. I'm really not aware of that.

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1 Q. The -- with respect to the, the Cole bombing, Agent Anticev,
2 did anyone tell you -- were you a case agent on the Cole bombing?
3 A. No, I was not.
4 Q. Were you a case agent involved with any investigations with
5 Khallad?
6 A. No, I was not.
7 Q. Okay. Now, what would have been -- in early September of
8 2000, what would have been your exact position in the FBI?
9 A. In September of 2000?
10 Q. 2001, I'm sorry.
11 A. 2001.
12 Q. All my questions have been before 9/11. In the run-up, let's
13 say August 30, August and early September of 2001.
14 A. I was still working in the squad area as a regular street
15 agent.
16 Q. Okay. Were you considered an al Qaeda expert at that time?
17 A. I had been working it for a long time. Be considered an
18 expert? Maybe.
19 Q. Well, you just qualified as an expert in this court. Were
20 you an expert in al Qaeda before 9/11?
21 A. Yes.
22 Q. Okay. And were you a kind of person that your colleagues
23 would come to with questions about al Qaeda?
24 A. Yes.
25 Q. Okay. And they would come to you because they thought you

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1 were the repository of information about al Qaeda, correct?
2 A. Myself and others.
3 Q. Okay. And before 9/11, nobody ever asked you a single
4 question about Mr. Moussaoui, did they?
5 A. I don't believe so.
6 Q. And no one, no one in the FBI came to you and asked you a
7 question about Khalid al-Mihdhar or Nawaf al-Hazmi and their

8 presence in the United States, either, did they?
9 A. No. That was being handled by another squad who was doing
10 the Cole investigation.
11 Q. Nobody asked you a single question about it, did they?
12 A. Not that I recall.
13 MR. MAC MAHON: Okay. Nothing further of this witness,
14 Your Honor.
15 THE COURT: All right. Any redirect?
16 MR. RASKIN: Yeah, briefly, Your Honor. May I?
17 THE COURT: Yes.
18 REDIRECT EXAMINATION
19 BY MR. RASKIN:
20 Q. Agent Anticev, you were asked some questions by Mr. MacMahon
21 on cross examination about the use of short-blade knives and
22 al Qaeda training its members to use short-blade knives. Do you
23 remember those questions?
24 A. Yes.
25 Q. In the course of your study of al Qaeda pre-September 11,

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1 have you learned anything about training al Qaeda members to use
2 short-blade knives to overtake aircraft?
3 A. With specific to razors? No.
4 Q. Box cutters?
5 A. No.
6 Q. Now, you just testified that you were not on the team of
7 agents at the FBI that was investigating the Cole attacks?
8 A. That's correct.
9 Q. Was that being investigated by other agents in the New York
10 office?
11 A. Yes, it was.
12 Q. And you were not responsible for an investigation of an
13 individual named Khallad?
14 A. I was not.
15 Q. You were asked some questions about Khallad and the statement
16 made to the FBI by an individual named al-Owhali. Do you remember
17 those questions?
18 A. Yes.
19 Q. Are you familiar with the statement that al-Owhali gave to
20 the FBI?
21 A. Am I aware of the statement? Yes.
22 Q. Yes. And you were asked some -- you looked at the document,
23 which is Defendant's Exhibit 767. Do you remember that?
24 A. Yes.
25 Q. Can you tell us exactly what al-Owhali told the FBI agents

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1 about Khallad in this interview?
2 A. That he was someone that he met in Pakistan who was also, I
3 believe, filling -- filming his martyr video.
4 Q. What information did al-Owhali give the FBI about Khallad's
5 identity?
6 A. Just the name, Khallad, which is a first name, and that he
7 was from Saudi Arabia.
8 Q. How would you go about finding an individual by the name of
9 Khallad in Saudi Arabia?
10 A. There is not enough information to go on to look for
11 somebody. That would be like looking for a Hans in Germany.
12 Q. Hans in Germany, did you say?
13 A. Yes.
14 Q. You were also asked some questions about a plot termed
15 Bojinka involving Ramzi Yousef and Wali Shah and Hakim Murad. Do
16 you remember those questions?
17 A. Yes.
18 Q. You were asked some questions about a statement that Murad

19 made to the FBI regarding a plot, an aviation plot. Do you
20 remember those questions?
21 A. Yes.
22 Q. Did Murad in those statements talk about using a plane as a
23 weapon, or did he talk about using a plane filled with explosives
24 in a terrorism attack?
25 A. I really don't know.

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1 Q. Now, you were just asked some questions about obtaining
2 records from Germany. Do you remember those questions?
3 A. Yes.
4 Q. Mr. MacMahon asked you to go through the whole process of a
5 letters rogatory?
6 A. Yes.
7 Q. Is there another way that the FBI can obtain records from
8 Germany?
9 A. Yes.
10 Q. Tell us what that is.
11 A. You can do that by a lead or just a request from our legat's
12 office or our legal attache who's stationed at that country to
13 approach the local authorities to obtain records.
14 Q. And just tell us generally, what's the difference between
15 cutting a lead to a legat and going through the letters rogatory
16 process?
17 A. Well, the lead is something that we do all the time amongst
18 field offices and overseas with the legat's offices, and a letters
19 rogatory is a formal request for those records. The first one
20 would be a police-to-police basis.
21 Q. Police to police. Tell us what a legat is, l-e-g-a-t-t.
22 A. It's a legal attache who represents the FBI in a foreign
23 country.
24 Q. All right. And does the letters rogatory process involve
25 using documents in court for trials?

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1 A. Yes.
2 Q. And a lead to a legat, as you termed it, is police to police?
3 A. Yes.
4 Q. And that would just be for information for the FBI to use in
5 an investigation of some sort?
6 A. Correct.
7 Q. And is there a difference in the timing or -- withdrawn.
8 Is there a difference in the time it takes to get
9 information through the lead to a legat process as opposed to the
10 letters rogatory process?
11 A. Well, it all depends on the country and the host -- the host
12 country you're dealing with. Sometimes it is faster, and then
13 sometimes the, the foreign government is obligated to respond to a
14 letters rogatory. So it all depends on who you're dealing with.
15 Q. In your experience as an FBI agent, have you sent a lead to a
16 legat and gotten the information within 24 hours?
17 A. Within 24 hours? I would say that's rare.
18 Q. What about in emergency situations?
19 A. If it was something very important, like I say, it was rare,
20 but you could.
21 MR. RASKIN: Nothing further, Your Honor.
22 THE COURT: All right. Any recross?
23 MR. MAC MAHON: Your Honor, I think we're going to have
24 to approach with the C machine, as they say, if I may.
25 THE COURT: All right.

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1 MR. MAC MAHON: Thank you, Your Honor.

2 (Bench Conference B not transcribed in this volume.)
3 RECROSS EXAMINATION
4 BY MR. MAC MAHON:
5 Q. Agent Anticev, I just have a few short questions for you.
6 You said that trying to find Khallad in Afghanistan was like
7 looking for Hans in Germany; is that your testimony?
8 A. Yes.
9 Q. Well, you found Hans, didn't you?
10 A. Yes, we did.
11 Q. You found Hans long before 9/11. In 2000, you knew exactly
12 who he was, and you had his picture, right?
13 A. The Yemenis had given us that information, yes.
14 Q. The FBI had a photograph of Khallad, they knew where he was
15 traveling to, and they had lots of other personal identification
16 on him well before September 11, correct?
17 A. That's correct, as a result of the Cole investigation.
18 Q. I mean, regardless of you -- nobody was looking for him in
19 the phone book in Saudi Arabia, was they?
20 A. No.
21 Q. Now, Mr. Raskin asked you questions about turnarounds of
22 documents from overseas, and you'd previously testified months was
23 the answer, right?
24 A. For rogatories.
25 Q. Right. And in your experience as an FBI agent, had you ever

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1 received anything from the German government in 24 hours after you
2 sent out a lead?
3 A. To my recollection, no.
4 Q. 48 hours?
5 A. It would be longer than that.
6 Q. All right. And the difficulty that you described before
7 would apply even if it was a lead as opposed to a letters rogatory
8 in terms of the German government's willingness to turn over
9 financial information and phone records; isn't that correct?
10 A. That's part of it. There's the process of the office taking
11 the lead, turning it around, and putting it into a request to the
12 Germans, meeting with the Germans, and then carrying out the
13 investigation or obtaining the records, so there was a turnaround.
14 Q. All right. And the FBI has no control whatsoever about the
15 turnaround as it takes place in the German government?
16 A. No.
17 MR. MAC MAHON: Nothing further, Your Honor.
18 THE COURT: All right, then this witness is excused at
19 this time. Is there a chance the agent may be called again?
20 MR. RASKIN: No, there's not, Your Honor.
21 THE COURT: All right. Then, Agent, you're excused as a
22 witness. If there's room in the other courtroom, you can watch,
23 or I don't know if there's a seat for you in this courtroom, but
24 you're not to discuss your testimony or anything you've seen or
25 heard in this courtroom with any witness who has not yet testified

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1 other than any expert witness, because we've waived the rule on
2 witnesses as to them.
3 THE WITNESS: Okay. Thank you.
4 (Witness excused.)
5 THE COURT: All right, your next witness?
6 MR. RASKIN: The government calls James Fitzgerald.
7 THE COURT: All right.
8 JAMES M. FITZGERALD, GOVERNMENT'S WITNESS, AFFIRMED
9 DIRECT EXAMINATION
10 BY MR. RASKIN:
11 Q. Can you state your name and spell it for us, please?
12 A. My name is James M. Fitzgerald. Last name is spelled

13 F-i-t-z-g-e-r-a-l-d.
14 Q. Where are you employed, sir?
15 A. With the Federal Bureau of Investigation as a special agent.
16 Q. And what office are you employed by?
17 A. The New York field office.
18 Q. What is your position there?
19 A. I'm a special agent.
20 Q. Are you assigned to a particular division?
21 A. I am.
22 Q. What division is that?
23 A. The Counterterrorism Division.
24 Q. Are you also assigned to a squad known as the PENTTBOM squad,
25 P-E-N-T-T-B-O-M?

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1 A. Yes, I am.
2 Q. And what is the PENTTBOM charged -- withdrawn.
3 What is the PENTTBOM squad charged with investigating?
4 A. The PENTTBOM squad is charged with investigating the events
5 of September 11 and the coconspirators that surround that.
6 Q. And why are there two Ts in PENTTBOM?
7 A. The two Ts stand for the Twin Towers.
8 Q. And the P-E-N?
9 A. The P-E-N represents both the Pentagon and Pennsylvania.
10 Q. Now, where is the PENTTBOM squad based?
11 A. The PENTTBOM squad is currently based at FBI headquarters in
12 Washington, D.C.
13 Q. And how long have you worked on that squad?
14 A. Approximately four-and-a-half years.
15 Q. Was it four-and-a-half years?
16 A. Yes.
17 Q. And you're currently still assigned to that squad?
18 A. Yes, I am.
19 Q. Tell us how the FBI investigation of the September 11 attacks
20 proceeded. Just give us an overview of how many agents were
21 assigned initially and how that evolved.
22 A. Essentially, the entire FBI was working the PENTTBOM
23 investigation, the 9/11 investigation after September 11. This
24 involved approximately 10,000 FBI agents. Sometime around the
25 time of October of 2001, the PENTTBOM squad was -- stood up down

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1 in the area of Washington, D.C., at FBI headquarters. At that
2 time, the PENTTBOM squad comprised approximately 50 to 100 agents.
3 During that time, there were many hundreds of FBI field
4 agents also involved in the investigation. And the PENTTBOM team
5 operated as a coordinating body as part of that investigation.
6 Q. Now, did the PENTTBOM team also investigate this case against
7 Mr. Moussaoui?
8 A. After September 11, yes.
9 Q. How did that investigation start, and when did the -- how was
10 it that the PENTTBOM team took it over?
11 A. The investigation into Mr. Moussaoui started on approximately
12 the 15th of August, 2001, by the Minneapolis division of the FBI.
13 After September 11, that investigation was combined into the
14 investigation of September 11 due to the ties of Mr. Moussaoui
15 with individuals involved in September 11.
16 Q. And are you currently one of the two case agents on the
17 Moussaoui prosecution?
18 A. Yes.
19 Q. Now, during the course of the PENTTBOM investigation, was the
20 FBI able to obtain -- able to learn the identities of the men who
21 hijacked four flights on September 11?
22 A. Yes.
23 MR. RASKIN: I'd ask Mr. Wood to show the witness

24 Government's Exhibits 4 through 22. GX-4 through 22.
25 BY MR. RASKIN:

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1 Q. And are they in a binder?
2 A. Yes.
3 Q. Just flip through them and tell us what they are.
4 A. The first exhibit, Exhibit No. 4 --
5 Q. Just tell us what they are. Are they photographs?
6 A. They're photographs, yes.
7 MR. RASKIN: Your Honor, GX-4 through 22 actually
8 includes 42 exhibits. They're photographs, and I believe there's
9 no objection to entering them into evidence.
10 MR. MAC MAHON: Can I ask counsel a question, Your
11 Honor?
12 THE COURT: Go ahead.
13 MR. MAC MAHON: No objection, Your Honor.
14 THE COURT: All right. But it concerns me when you say
15 there are 42 exhibits. I mean, 4 through 22, what do you mean by
16 44 exhibits? You mean 44 photographs within 4 through 22?
17 MR. RASKIN: There's 4.1, .2, .3, and as we go through
18 them, I'll read off the number, but I was just sparing us all
19 the -- listening to me read them all off.
20 THE COURT: For purposes of the record, then I'm going
21 to at this point indicate that Exhibits 4 through 22 and all their
22 subsections are formally entered into evidence in this case, all
23 right? Is that accurate?
24 MR. RASKIN: That's accurate, Your Honor, and I will
25 read the subsections as we go through the photos.

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1 (Government's Exhibits Nos. 4 through 22 were
2 received in evidence.)
3 THE COURT: That's fine.
4 MR. RASKIN: Can we put GX-4 on the screen?
5 THE COURT: Do you want these available on the offsite
6 locations?
7 MR. RASKIN: Yes, Your Honor.
8 THE COURT: All right. I'm sorry, this was Exhibit 4?
9 MR. RASKIN: Exhibit 4.
10 Q. Agent Fitzgerald, I'll just ask you, the photos that we're
11 about to look at, are they the photos of the 19 hijackers?
12 A. Yes.
13 Q. I'm going to read the exhibit, and please tell us who is
14 depicted in that exhibit. GX-4?
15 A. Mohamed Atta.
16 Q. GX-4.1?
17 A. Mohamed Atta.
18 Q. GX-4.2?
19 A. Mohamed Atta.
20 Q. GX-5?
21 A. Satam al-Suqami.
22 Q. GX-5.1?
23 A. Satam al-Suqami.
24 Q. 5.2?
25 A. Satam al-Suqami.

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1 Q. GX-6?
2 A. Waleed al-Shehri.
3 Q. 6.1?
4 A. Waleed al-Shehri.
5 Q. 6.2?
6 A. Waleed al-Shehri.

7 Q. GX-7?
8 A. Wail al-Shehri.
9 Q. 7.1?
10 A. Wail al-Shehri.
11 Q. GX-8?
12 A. Abdul Aziz Alomari.
13 Q. 8.1?
14 A. Abdul Aziz Alomari.
15 Q. GX-9?
16 A. Marwan al-Shehhi.
17 Q. 9.1?
18 A. Marwan al-Shehhi.
19 Q. GX-10?
20 A. Fayez Ahmed, also known as Fayez Banihammad.
21 Q. GX-11?
22 A. Ahmed al-Ghamdi.
23 Q. 11.1?
24 A. Ahmed al-Ghamdi.
25 Q. 11.2?

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1 A. Ahmed al-Ghamdi.
2 Q. GX-12?
3 A. Hamza al-Ghamdi.
4 Q. 12.1?
5 A. Hamza al-Ghamdi.
6 Q. GX-13?
7 A. Mohand al-Shehri.
8 Q. 13.1?
9 A. Mohand al-Shehri.
10 Q. GX-14?
11 A. Hani Hanjour.
12 Q. 14.1?
13 A. Hani Hanjour.
14 Q. GX-15?
15 A. Khalid al-Midhar.
16 Q. 15.1?
17 A. Khalid al-Midhar.
18 Q. 15.2?
19 A. Khalid al-Midhar.
20 Q. GX-16?
21 A. Majed Moqed.
22 Q. 16.1?
23 A. Majed Moqed.
24 Q. GX-17?
25 A. Nawaf al-Hazmi.

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1 Q. 17.1?
2 A. Nawaf al-Hazmi.
3 Q. GX-18?
4 A. Salem al-Hazmi.
5 Q. 18.1?
6 A. Salem al-Hazmi.
7 Q. 18.2?
8 A. Salem al-Hazmi.
9 Q. GX-19?
10 A. Ziad Jarrah.
11 Q. GX-20?
12 A. Saeed al-Ghamdi.
13 Q. 20.1?
14 A. Saeed al-Ghamdi.
15 Q. GX-21?
16 A. Ahmed al-Haznawi.
17 Q. 21.1?

18 A. Ahmed al-Haznawi.
19 Q. GX-22?
20 A. Ahmed al-Nami.
21 Q. And GX-22.1?
22 A. Ahmed al-Nami.
23 MR. RASKIN: You can take that down.
24 Q. Was the FBI able to identify three individuals who financed
25 some of these hijackers from abroad during the course of its

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1 investigation?
2 A. Yes.
3 Q. What three individuals are those?
4 A. Ramzi Bin al-Shibh, Ali Abdul Aziz Ali, and Mustafa Ahmed
5 al-Hawsawi.
6 MR. RASKIN: If we can hand the witness Government's
7 Exhibits AQ-109, 110, and 111?
8 THE COURT: Is there any objection to those exhibits?
9 MR. MAC MAHON: No objection to these exhibits, Your
10 Honor. I want to preserve an objection for the record with
11 respect to one of these witnesses, but I can do it later with
12 respect to Mr. Bin al-Shibh and the use of his testimony for
13 purposes of --
14 THE COURT: We'll get to that down the road, but in
15 terms of the photographs coming in, there's no objection.
16 MR. MAC MAHON: This is the first time we've gotten to
17 it. I just wanted to put the objection on the record, Your Honor.
18 THE COURT: All right. Well, the objection is overruled
19 at this point without addressing the substance of any other issue
20 relating to that witness. And AQ-109, 110, and 111 are in
21 evidence.
22 (Government's Exhibits Nos. AQ-109, AQ-110, and AQ-111
23 were received in evidence.)
24 MR. MAC MAHON: Thank you, Your Honor.
25 MR. RASKIN: Thank you. And if we can call AQ-109 up.

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1 THE COURT: And that's still being shown on the screen
2 to the off-site locations?
3 BY MR. RASKIN:
4 Q. Correct. Who is that, Agent Fitzgerald?
5 A. That's Ramzi Bin al-Shibh.
6 Q. AQ-110?
7 A. Ali Abdul Aziz Ali.
8 Q. And 111?
9 A. Mustafa Ahmed al-Hawsawi.
10 Q. Thank you.
11 Your Honor, I think if we could now switch back to the
12 witness video?
13 THE COURT: Yes.
14 BY MR. RASKIN:
15 Q. In very general terms, tell us what steps the FBI and the
16 PENTTBOM squad took to investigate the September 11 attacks.
17 A. In general steps, the FBI as well as the PENTTBOM squad
18 obtained financial documents, bank records, e-mail accounts, hard
19 drives from computers to review those, post office box
20 information, car rental information, telephone information,
21 telephone card information, things of that nature, to attempt to
22 determine -- to determine the extent of the contacts of the
23 hijackers when they were in the United States and the activities
24 that they performed.
25 Q. And are you prepared today to summarize the -- what the FBI

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1 learned from that investigation for the jury in this case?
2 A. Yes.
3 Q. And have you prepared with the assistance of other FBI
4 personnel a series of video images or graphics that will assist
5 you in presenting those -- the results of the investigation today?
6 A. Yes.
7 MR. RASKIN: And, Your Honor, what the witness is
8 referring to is a PowerPoint presentation, which is Government
9 OG-10. That PowerPoint presentation contains a number of
10 documents which are government exhibits. Those exhibits are
11 listed in Government Exhibit OG-10.1. They are all certified
12 business records, and I don't believe there's any objection to
13 either the PowerPoint presentation or the exhibits contained
14 therein.
15 MR. MAC MAHON: That's correct, Your Honor. Defense has
16 no objection.
17 THE COURT: All right. Now, in terms of just for the
18 record, though, is there a hard copy of OG-10, or is the only copy
19 the electronic one?
20 MR. RASKIN: I -- the only one we've marked is OG-10.
21 THE COURT: Which is the PowerPoint.
22 MR. RASKIN: It's a disk that we're going to play.
23 THE COURT: Right.
24 MR. RASKIN: We do have a hard copy version, and we can
25 mark that as an exhibit for the record if the Court would like.

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1 THE COURT: Well, as you know, at the end of the trial,
2 the jury will get all the admitted exhibits. If it's in hard
3 copy, the jury doesn't have to put it on a computer and run it,
4 and the jury room is kind of small, so I think having a hard copy
5 to put in the actual record of the case is probably more valuable,
6 all right?
7 But OG-10 and then the hard copy version of it we'll
8 address at some point, but for now, OG-10 and 10.1 are in
9 evidence.
10 (Government's Exhibits Nos. OG-10 and OG-10.1 were
11 received in evidence.)
12 MR. RASKIN: Right. And, Your Honor, 10.1 is a list of
13 all the exhibits that are contained in the presentation, and we
14 would offer at this point the exhibits on those -- on the list, as
15 they will be displayed to the jury during the course of the
16 presentation.
17 THE COURT: And they all have individual numbers within
18 the presentation?
19 MR. RASKIN: Correct. And they're contained on that
20 list rather than my reading them into the record.
21 THE COURT: All right. So for purposes of keeping track
22 of what's in this record, then not only is 10. -- OG-10.1 an
23 exhibit in evidence, but all the exhibits listed in that document
24 are also at this point entered into evidence in this case,
25 correct? No objection to that?

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1 MR. MAC MAHON: No, Your Honor. It's a, it's a large
2 pile of documents, but we've stipulated to all their authenticity.
3 THE COURT: All right, that's fine. They're in.
4 And I'm sorry, again, you want this also available
5 off-site?
6 MR. RASKIN: I think it is better to stay on the
7 witness, Your Honor.
8 THE COURT: All right.
9 MR. RASKIN: Because otherwise, it would require
10 bouncing back and forth. The witness will describe what's going
11 on, but I don't think we can do both at the same time.

12 THE COURT: That's fine.
13 BY MR. RASKIN:
14 Q. Agent Fitzgerald, let's start with the basics. How many
15 flights were hijacked on the morning of September 11?
16 A. Four flights.
17 Q. And tell us what those flights were.
18 A. Those were American Airlines Flight 11, United Airlines
19 Flight 175, American Airlines Flight 77, and United Airlines
20 Flight 93.
21 Q. Where did each of those flights take off from, and where did
22 they end up?
23 A. American Airlines Flight 11 took off from Boston's Logan
24 Airport and was crashed into the North Tower of the World Trade
25 Center in New York City. United Airlines Flight 175 took off from

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1 Boston's Logan Airport and was crashed into the South Tower of the
2 World Trade Center.
3 United Airlines Flight 77 took off from Dulles Airport
4 near Washington, D.C., and was crashed into the Pentagon. And
5 United Airlines Flight 93 took off from Newark Airport and was
6 crashed into a field in Stoney Creek Township in Pennsylvania.
7 Q. How many of the hijackers we just saw were on each of those
8 planes?
9 A. There were five hijackers on three of those flights and four
10 hijackers on the fourth flight.
11 Q. And generally, how much time did those hijackers spend in the
12 United States before hijacking the flights on September 11?
13 A. Generally, the first six hijackers spent roughly a year and a
14 half in the United States, a year to a year and a half, and the
15 other hijackers spent anywhere from three to four months in the
16 United States in general terms.
17 Q. How long did it take the FBI to determine the identities of
18 the 19 hijackers of the flights on September 11?
19 A. The FBI knew the identities of the 19 hijackers on the day of
20 September 11. However, investigation was still ongoing to
21 determine if there were any additional coconspirators.
22 Q. Now, let's take a look at each flight. We're looking at five
23 individuals on the screen. Tell us who they are.
24 A. Looking to your left, the individual depicted is Mohamed
25 Atta. He's the hijacker pilot of American Airlines Flight 11.

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1 Below his name and below the names of all the individuals, you can
2 see their full Arabic name, their date of birth, and their country
3 of birth. As you can see, Mohamed Atta is an Egyptian. He was
4 the only Egyptian of the 19 hijackers.
5 To the right of Atta are four individuals, all from
6 Saudi Arabia. They are Satam al-Suqami, Waleed al-Shehri, Wail
7 al-Shehri, and Abdul Aziz Alomari. Waleed al-Shehri and Wail
8 al-Shehri were brothers.
9 Q. What kind of plane was American Airlines Flight 19?
10 A. American Airlines Flight 11 was a Boeing 767.
11 Q. I'm sorry. After the impact at the World Trade Center on
12 September 11, were any of the -- were possessions of any of these
13 five individuals found at the World Trade Center crash site?
14 A. Yes.
15 Q. What was that?
16 A. A passport from Satam al-Suqami was found in the area of the
17 World Trade Center by a person in the area of the World Trade
18 Center. That person gave that passport to a New York City police
19 detective, who then passed it to the FBI.
20 Q. Were any possessions of these individuals found at Logan
21 Airport after September 11?
22 A. Yes.

23 Q. Tell us what those possessions were and how they were found.
24 A. There were two bags of luggage which were located at Logan
25 Airport. Those bags of luggage arrived from a connecting flight.

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1 That connecting flight had Mohamed Atta and Abdul Aziz Alomari.
2 That flight arrived too late for the luggage to be loaded onto
3 Flight 11. Thereafter, that luggage was recovered, and there are
4 items of evidence in those two bags belonging to Mohamed Atta and
5 Abdul Aziz Alomari which were recovered.
6 Q. Tell us what some of the items of evidence that were in those
7 bags was?
8 A. There was a passport of Abdul Aziz Alomari, there is a small
9 canister of pepper spray, and there was also a four-page letter
10 written in Arabic describing in general terms martyrdom operations
11 aboard an aircraft.
12 Q. Are we now looking at the five hijackers of American Airlines
13 175?
14 A. Yes.
15 Q. Tell us who they are.
16 A. Looking from the far left, you can see the hijacker pilot of
17 American Airlines Flight 175. That was Marwan al-Shehhi. To his
18 right is an individual named Fayez Ahmed, also known as Fayez
19 Banihammad. Those two individuals, al-Shehhi and Fayez Ahmed,
20 were the only two United Arab Emirates citizens of the 19
21 hijackers.
22 Looking to the right, you can see three additional Saudi
23 individuals. They were Ahmed al-Ghamdi, Hamza al-Ghamdi, and
24 Mohand al-Shehri. Looking at the names Ahmed al-Ghamdi and Hamza
25 al-Ghamdi, they were not related. Also looking at the individual

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1 Mohand al-Shehri, if you will recall, I described two individuals
2 on Flight 11 whose last name was al-Shehri. This individual is
3 not related to them.
4 Q. What possession of Ahmed al-Ghamdi was found at the World
5 Trade Center crash site?
6 A. During recovery operations, a Saudi Arabian driver's license
7 of Ahmed al-Ghamdi was recovered at the World Trade Center crash
8 site.
9 Q. Are we now looking at the individuals who hijacked American
10 Airlines Flight 77?
11 A. Yes.
12 Q. Tell us who they are.
13 A. All five are Saudi Arabian males. Looking from the left is
14 the hijacker pilot, Hani Hanjour. To his right are four Saudi
15 males who assisted him. They were Khalid al-Midhar, Majed Moqed,
16 Nawaf al-Hazmi, and Salem al-Hazmi. Nawaf and Salem al-Hazmi were
17 brothers.
18 Q. On September 12, was a Toyota Corolla located in the airport
19 at Dulles Airport?
20 A. Yes.
21 Q. Tell us what the FBI learned in terms of who owned that car
22 and what was contained inside the car.
23 A. The FBI learned that that car was owned by and registered to
24 Nawaf al-Hazmi. There were numerous items of evidence in that car
25 which related to each of the five hijackers from Flight 77. There

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1 were also items of evidence from that car which linked those
2 hijackers to hijackers from other flights.
3 Q. And can you give us an example of one of those items that was
4 found?
5 A. One of the items that was found was a four-page letter

6 written in Arabic that was identical to the one recovered from the
7 luggage of Mohamed Atta at Logan Airport.
8 Q. We're now looking at four individuals. Are they the
9 hijackers of United Airlines Flight 93?
10 A. Yes.
11 Q. Tell us about them.
12 A. This aircraft had four individuals on it, four hijackers.
13 They were, starting from the left, hijacker pilot Ziad Jarrah.
14 Jarrah was the only Lebanese individual of the 19 hijackers.
15 Looking to his right, he was assisted by three Saudi males: Saeed
16 al-Ghamdi, Ahmed al-Haznawi, and Ahmed al-Nami. Saeed al-Ghamdi
17 is not related to any of the other al-Ghamdis aboard Flight 175.
18 Q. Was the FBI able to recover possessions of any of these four
19 individuals at the crash site in Pennsylvania?
20 A. Yes.
21 Q. What possessions did the FBI recover?
22 A. The FBI was able to recover a partially burned passport of
23 Ziad Jarrah. The FBI was also able to recover a Saudi Arabian
24 passport of Saeed al-Ghamdi. In addition, the FBI also recovered
25 a four-page letter written in Arabic identical to the ones found

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1 at the Toyota Corolla in Dulles and identical to the one found at
2 the luggage of Mohamed Atta at Logan Airport.
3 Q. Now, you said that the FBI was also investigating
4 conspirators or others who facilitated or helped the hijackers in
5 some way or another; is that correct?
6 A. Yes.
7 Q. And was the FBI able to identify conspirators other than the
8 three you mentioned before?
9 A. Yes.
10 Q. Tell us who we're looking at on the screen now.
11 A. On the screen now you can see Usama Bin Laden, Khalid Sheikh
12 Mohammed, Ramzi Bin al-Shibh, Ali Abdul Aziz, and Mustafa
13 al-Hawsawi.
14 Q. Now, tell us a little bit about the roles of these
15 individuals.
16 A. Usama Bin Laden is the leader of al Qaeda. He approved the
17 September 11 operation going forward, and he was also the
18 individual who took credit for the operation after it occurred.
19 The next individual, looking to the right, is Khalid
20 Sheikh Mohammed. He's to the right of Usama Bin Laden. Khalid
21 Sheikh Mohammed is acknowledged to be the mastermind of September
22 11.
23 Looking to the right of Khalid Sheikh Mohammed is a
24 photo of Ramzi Bin al-Shibh. Ramzi Bin al-Shibh tried on four
25 separate occasions to gain a U.S. visa to the United States. He

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1 was unable to do so. Ramzi Bin al-Shibh also knew several of the
2 other hijackers who were in Germany with him.
3 MR. MAC MAHON: Your Honor, I object to this as to the
4 Kastigar issue we raised before, whether we're getting past that,
5 that we had in another motion. I'm not exactly sure where all
6 this is coming from with respect to this witness and this
7 particular person.
8 MR. RASKIN: It's all in the presentation, Your Honor.
9 THE COURT: Well, that's not a sufficient answer, but
10 this is a, a summary witness who we had agreed we were going to
11 have a summary witness present much of this evidence to the jury.
12 MR. MAC MAHON: Yes, Your Honor, but not as to the
13 matters -- not as to the matters that are -- that we all know that
14 I'm talking about standing here with respect to the investigation
15 and where --
16 THE COURT: All right, let's approach the bench and get

17 this issue resolved now.
18 (Bench Conference C not transcribed in this volume.)
19 MR. RASKIN: May I proceed, Your Honor?
20 THE COURT: Yes, sir.
21 BY MR. RASKIN:
22 Q. Agent Fitzgerald, during the course of the FBI's
23 investigation, did the FBI learn that the 9/11 plot developed in
24 stages?
25 A. Yes.

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1 Q. And can you tell us what those stages were?
2 A. There were generally six stages. The first stage was the
3 first six hijackers preparing to come to the United States. The
4 second phase was the arrival of those hijackers and their flight
5 training. The third stage were the arrival of the support
6 hijackers. The fourth stage was the summer of 2001 and the
7 coordination that took place at that time. The fifth stage were
8 the final preparations. And the sixth stage was the -- were the
9 actual events on September 11.
10 Q. Now, I'm going to ask you some questions about the first
11 stage. Was the FBI able to determine during the course of its
12 9/11 investigation, based on documents that the FBI obtained
13 during the course of that investigation, that certain of the
14 individuals you mentioned before were living and associates of one
15 another in Hamburg, Germany, in 1999?
16 A. Yes.
17 Q. And tell us as a general matter how the FBI was able to do
18 that.
19 A. After the events of September 11, the FBI knew that Mohamed
20 Atta, Ziad Jarrah, and Marwan al-Shehhi, as well as others,
21 obviously at that point knew that they were hijackers. From that
22 time, the FBI went out and gathered information regarding those
23 individuals, to include flight school records, hotel reservation
24 records, financial documents, room rental records, telephone
25 documents, things of that nature.

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1 It was by obtaining those records and by looking for
2 commonalities among all those pieces of information, whether
3 telephone numbers or addresses, that we were able to link a number
4 of individuals together.
5 Q. Now, you mentioned addresses. Were there two particular
6 addresses that were listed on the various documents that the FBI
7 found?
8 A. Yes.
9 Q. And what were those addresses?
10 A. There were two addresses in Hamburg, Germany. The first
11 address was a place called Marienstrasse 54 in Hamburg, Germany,
12 and the second address was called Billstedter Hauptstrasse 14A,
13 also in Hamburg, Germany.
14 Q. What is the picture we're looking at on the left?
15 A. Those are two depictions. On the left is the photograph of
16 Marienstrasse 54. Looking at that photograph, it's the second
17 building from the left, a yellow building. That's Marienstrasse.
18 Looking on the right, that is a photograph of Billstedter
19 Hauptstrasse, in which Apartment 14A was located.
20 Q. Now, there's a phone number written on the bottom of the
21 screen. Is that phone number associated with one of those
22 addresses?
23 A. Yes. That phone number, 049-040-718-99042, was located
24 within the Billstedter Hauptstrasse address. That's the
25 photograph on the right.

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- 1 Q. Now, let's take a closer look at the Marienstrasse address,
2 and how was it -- remind us again how was it that the FBI began to
3 focus on this address.
- 4 A. The FBI focused on this address because looking at the
5 documents of individuals such as Mohamed Atta, Marwan al-Shehhi,
6 and Ziad Jarrah show that there were commonalities of address
7 among these persons, and when compared to other coconspirators or
8 potential coconspirators, we began to see links among those
9 individuals.
- 10 Q. Now, Jarrah Atta and al-Shehhi entered the United States in
11 2000, correct?
- 12 A. Yes.
- 13 Q. You mentioned another individual named Ramzi Bin al-Shibh; is
14 that correct?
- 15 A. Yes.
- 16 Q. Was he -- did he ever enter the United States?
- 17 A. He did not.
- 18 Q. And in 2000-2001, where was he?
- 19 A. In 2000 -- generally '99, 2000, 2001, Ramzi Bin al-Shibh was
20 in the area of Germany as well as other places.
- 21 Q. Did Ramzi Bin al-Shibh apply for a U.S. visa to enter the
22 United States?
- 23 A. Yes.
- 24 Q. Was the FBI able to obtain copies of those visa applications?
- 25 A. Yes.

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- 1 Q. Government Exhibit OG-1127P -- as in Paul -- what is that
2 document?
- 3 A. This is a U.S. visa application from Ramzi Bin al-Shibh.
4 This is his June visa application. On this visa application,
5 Ramzi Bin al-Shibh has listed an address of Marienstrasse 54, in
6 Hamburg.
- 7 Q. Government Exhibit OG-1128P -- as in Paul.
- 8 A. This is another U.S. visa application made by Ramzi Bin
9 al-Shibh. This particular one was in September of 2000. On this
10 visa application, Ramzi Bin al-Shibh has listed his address as
11 Marienstrasse 54, in Hamburg, Germany.
- 12 Q. And during the time that Ramzi Bin al-Shibh was applying for
13 admittance into the United States, did he also apply for flight
14 training at a United States flight school?
- 15 A. Yes.
- 16 Q. What flight school was that?
- 17 A. That was the Florida Flight Training Center.
- 18 Q. Government Exhibit BR-54A, what's that document?
- 19 A. This is a financial document from the Florida Flight Training
20 Center. It reflects an incoming wire transfer for \$2,200 from
21 Ramzi Bin al-Shibh, with an address of Marienstrasse 54, in
22 Hamburg, and this is to Florida Flight Training Center.
- 23 Q. Now, you said that Mohamed Atta did enter the United States.
24 And tell us when he did that.
- 25 A. Mohamed Atta entered the United States on June 3 of 2000.

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- 1 Q. Where did he arrive when he came to the United States?
- 2 A. He arrived at Newark, New Jersey Airport and immediately went
3 to the area of New York City.
- 4 Q. How long did Mohamed Atta stay in the New York City area?
- 5 A. Approximately one month.
- 6 Q. And after that month, where did he go?
- 7 A. He flew to Norman, Oklahoma, via Oklahoma City.
- 8 Q. How long did he stay there?
- 9 A. Approximately two days.
- 10 Q. And where did he go after that?

11 A. He relocated to the area of Venice, Florida.
12 Q. And who was traveling with Mohamed Atta during this time?
13 A. Traveling with him, from his time in New York, was Marwan
14 al-Shehhi. Al-Shehhi traveled with him from New York through
15 Norman, Oklahoma, to Venice, Florida.
16 Q. Now, after 9/11, was the FBI able to obtain records
17 reflecting this travel?
18 A. Yes.
19 Q. We're looking at Government Exhibit F -- as in frank --
20 O-2012. What's that document?
21 A. This is a guest information sheet from a room rental in
22 Brooklyn, New York. This was a document that Mohamed Atta filled
23 out in June of 2000. As you can see, he's listed his name and
24 also an address of Marienstrasse 54, in Hamburg, Germany.
25 Q. Government Exhibit OK-17, what's that?

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1 A. This is when Atta and al-Shehhi traveled to Norman, Oklahoma.
2 Here this is a receipt from the Sooner Hotel in Norman, Oklahoma.
3 It's a receipt for Mohamed Atta at his address of Marienstrasse
4 54, in Hamburg, Germany.
5 Q. Government Exhibit MM-642.1A.
6 A. This is an application for admission for Huffman Aviation,
7 filled out by Mohamed Atta. This was for private pilot training.
8 Mohamed Atta, when he filled out this application in Venice,
9 Florida, listed his name and an address of Marienstrasse 54, in
10 Hamburg, Germany.
11 Q. And did Mohamed Atta ultimately enroll in Huffman Aviation?
12 A. Yes.
13 Q. How long did he train there?
14 A. Approximately six months.
15 Q. Did he train there with Marwan al-Shehhi as well?
16 A. Yes, from approximately July through December of 2000.
17 Q. You said certain possessions of Mohamed Atta were located at
18 Logan Airport in luggage that didn't make it aboard Flight 11; is
19 that correct?
20 A. Yes.
21 Q. Government Exhibit BS-1115?
22 A. This is a document from the City of Hamburg. It's addressed
23 to Mohamed Atta. It was recovered from his luggage at Logan
24 Airport, and it was sent to his address at Marienstrasse 54, in
25 Hamburg, Germany.

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1 Q. All right. You said that Marwan al-Shehhi traveled with Atta
2 during the middle of 2000; is that correct?
3 A. Yes.
4 Q. And Government Exhibit FO-2012, what's that document?
5 A. This is a document we've seen before. If you look to the
6 right-hand side of the document, you can see Marwan al-Shehhi has
7 listed his name and stated "same address," and that address is
8 Marienstrasse 54, in Hamburg, Germany. Once again, this is a
9 guest information sheet from a room rental in Brooklyn, New York,
10 in June of 2000.
11 Q. Government Exhibit OK-16?
12 A. We've seen a similar document to this before. That is a
13 receipt from the Sooner Hotel from Marwan al-Shehhi, when Atta and
14 al-Shehhi traveled to Norman, Oklahoma. Once again, the address
15 on here is Marienstrasse, in Hamburg, Germany.
16 Q. Government Exhibit MM-641.2A?
17 A. This is an application for admission from Huffman Aviation
18 for Marwan al-Shehhi. On this, Marwan al-Shehhi has listed his
19 name, date of birth, and an address of Marienstrasse 54, in
20 Hamburg, Germany.
21 Q. Government Exhibit MM-193?

22 A. After Atta and al-Shehhi had been in the area of Venice,
 23 Florida, for about a month, Marwan al-Shehhi rented a VCR. This
 24 is a business document from the Rent-A-Center. On this business
 25 document, Marwan al-Shehhi has written his name, and he's written

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1 his prior address as Marienstrasse 54, in Hamburg.
 2 Q. Now, let's look at the other address you mentioned, and
 3 remind us again what that was.
 4 A. The other address is an address called Billstedter
 5 Hauptstrasse 14A, in Hamburg, Germany.
 6 Q. And on the bottom of the screen, is that a phone number that
 7 was associated with that address?
 8 A. Yes, it is.
 9 Q. What document of Ziad Jarrah's did the FBI uncover that
 10 related to this Billstedter Hauptstrasse address?
 11 A. There is a business card recovered from the crash site of
 12 Flight 93. That business card, depicted here, belonged to a
 13 relative of Ziad Jarrah. On the reverse side of that business
 14 card was listed a name and an address. The name you can see is
 15 written, R-a-j-h M-o-h-a-m. And address is written in of
 16 Billstedter Haupt and an S-t-r 14 and then a city and country of
 17 Hamburg, Germany.
 18 Q. And for the record, that's Government Exhibit PA-109.
 19 Now, you mentioned that Ramzi Bin al-Shibh submitted
 20 visa applications to the United States, correct?
 21 A. Yes.
 22 Q. And how many visa applications did he submit in total?
 23 A. Four.
 24 Q. We looked at two of them. What is Government Exhibit
 25 OG-1126P?

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1 A. This is Ramzi Bin al-Shibh's first visa application. We
 2 first saw when the, the first two visa applications, June and
 3 September, this is a May of 2000 application by Ramzi Bin
 4 al-Shibh. On this visa application, Bin al-Shibh has listed a
 5 phone number of 040-71899042. That same number is associated with
 6 Billstedter Hauptstrasse.
 7 Q. Government Exhibit OG-1129P -- as in Paul.
 8 A. This is a U.S. visa application for Ramzi Bin al-Shibh. This
 9 was submitted on October 25 of 2000. On this visa application,
 10 Ramzi Bin al-Shibh has listed his full address as Billstedter
 11 Hauptstrasse 14A, in Hamburg.
 12 THE COURT: All right, Mr. Raskin, it is 12:30. We're
 13 trying to keep on schedule. We're going to take the one-hour
 14 lunch break at this time, and we'll reconvene at 1:30. Thank you.
 15 (Recess from 12:30 p.m., until 1:30 p.m.)

CERTIFICATE OF THE REPORTERS

17 We certify that the foregoing is a correct transcript of the
 18 record of proceedings in the above-entitled matter.
 19
 20

Anneliese J. Thomson

21
22

Karen Brynteson

23
24
25

I N D E X

DIRECT CROSS REDIRECT RECROSS

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