

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x
4 UNITED STATES OF AMERICA,
5 v.
6 OMAR AHMAD ALI ABDEL RAHMAN,
7 a/k/a "Omar Ahmed Ali,"
8 a/k/a "Omar Abdel Al-Rahman,"
9 a/k/a "Sheik Rahman,",
10 a/k/a "The Sheik,"
11 a/k/a "Sheik Omar,"
12 EL SAYYID NOSAIR,
13 a/k/a "Abu Abdallah,"
14 a/k/a "El Sayyid Abdul Azziz,"
15 a/k/a "Victor Noel Jafry,"
16 IBRAHIM A. EL-GABROWNY,
17 SIDDIG IBRAHIM SIDDIG ALI,
18 a/k/a "Khalid,"
19 a/k/a "John Medley,"
20 CLEMENT HAMPTON-EL,
21 a/k/a "Abdul Rashid Abdullah,"
22 a/k/a "Abdel Rashid,"
23 a/k/a "Doctor Rashid,"
24 AMIR ABDELGANI,
25 a/k/a "Abu Zaid,"
a/k/a "Abdou Zaid,"
FARES KHALLAFALLA,
a/k/a "Abu Fares,"
a/k/a "Abdou Fares,"
TARIG ELHASSAN,
a/k/a "Abu Aisha,"
FADIL ABDELGANI,
MOHAMMED SALEH,
a/k/a "Mohammed Ali,"
VICTOR ALVAREZ,
a/k/a "Mohammed," and
MATARAWY MOHAMMED SAID SALEH,
a/k/a "Wahid,"

S5 93 Cr. 181 (MBM)

20 Defendants.
21 -----x

22 July 19, 1995
23 9:35 a.m.
24
25 Before:

HON. MICHAEL B. MUKASEY,

District Judge

1

2 APPEARANCES

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Southern District of New York
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13 SALVATORE S. RUSSO

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1 (In open court)

2 THE COURT: Miss Stewart, the translators have
3 asked that you keep your voice up because they can't hear
4 unless you talk into the microphone.

5 Q You have to move onto your feet and almost be on
6 top of it. Could you try it right now and see if it is
7 working.

8 Mr. Alahiri, do you know Dr. Abdel Rahman?

9 A Yes, I do.

10 Q Do you see him here in court?

11 A Yes.

12 Q Could you tell us generally where he is seated
13 and what he is wearing?

14 A He is sitting right there where I am pointing my
15 finger, and he is wearing a white and red skull cap.

16 THE COURT: Indicating Dr. Abdel Rahman. Go
17 ahead.

18 MS. STEWART: Thank you, Judge.

19 Q When did you first meet Dr. Abdel Rahman?

20 A I believe it was 1990 when he first came to the
21 U.S.

22 Q In 1990, were you associated with any particular
23 mosque?

24 A Yes, I was.

25 Q What was that?

1 A That was Masjid Farook.

2 Q Masjid, does that mean mosque?

3 A Mosque, yes.

4 Q Where is Masjid Farook located?

5 A It is located in Atlantic Avenue, Brooklyn, New
6 York.

7 Q When you say you were associated, can you tell us
8 how you were associated?

9 A I was a member of the board of trustees for, I
10 think, 13 years.

11 Q How is the board of trustees selected at Farook
12 Mosque?

13 A How was it selected?

14 Q Yes.

15 A Elections.

16 Q Is each mosque, if you know, independent of each
17 other?

18 A Yes.

19 Q There is no supreme mosque that hands down rules
20 or law?

21 A Not that I know of.

22 Q How many people would attend -- strike that.

23 In the year 1990-91, about how often would you
24 attend at services or prayers at Farook Mosque?

25 A Every day, I would say.

1 Q You have to take your hand away from your mouth,
2 I am afraid. They need to hear you.

3 A Every day.

4 Q Did you hear Sheik Omar preach at Farook Mosque?

5 A Yes.

6 Q At a Friday prayer, how many people,
7 approximately, would attend at Farook Mosque?

8 A Between 50 and a hundred to thousand.

9 Q Did you also hear Sheik Omar lecture during this
10 period of time?

11 A Yes.

12 Q The Jihad Office was located at Farook Mosque, is
13 that correct?

14 A Yes.

15 Q In this time period at Farook Mosque, did there
16 ever come a time when Sheik Omar was asked questions that
17 you recall about jihad in America?

18 A Yes.

19 Q Was his answer that you should steal from
20 banks --

21 MR. McCARTHY: Objection.

22 THE COURT: Sustained.

23 Q Would you tell us what his answer was to that
24 question.

25 MR. McCARTHY: Objection.

1 THE COURT: Overruled.

2 A The answer was that I remember one time he was
3 asked by a person, if it's OK to attack Jewish -- mainly
4 Jewish targets, organizations, top leaders, extremists in
5 this country, because of what they do to the Muslims in
6 Palestine. The sheik replied no, you cannot attack here,
7 you cannot do any violence here, whether they are Jews or
8 not, and I believe the discussion went further and it got
9 kind of tense between the person who asked and the sheik.

10 Q Can you identify the person who asked, at all?

11 A No, I can't. I used to --

12 MR. McCARTHY: Objection.

13 THE COURT: Sustained. Don't volunteer anything.

14 The answer was no, go ahead.

15 Q Did the sheik make any further suggestion to this
16 person?

17 A Yes, he did, because the person insisted, he
18 continued, he continued with that, you know, they are
19 killing men, women and children in Palestine, and their
20 support is here from the United States and from mainly the
21 Jewish organizations here. The sheik told him if you have
22 anything to do with this or if you really want to perform
23 jihad then it's not to be done here, you should go fight
24 them on the same grounds they are fighting you.

25 Q Do you remember during 1990-91 there was a

1 demonstration at the mosque?

2 A Yes.

3 Q Can you tell us what group was demonstrating
4 against whom?

5 A I believe it was a Jewish extremist religious
6 group, and they called themselves at that time -- the police
7 came and they spoke to me at the mosque. They said a group
8 calling themselves Citizens Against Terror, and the cop went
9 on to say to me that I believe this group is a Jewish group
10 and they don't like sheik and they are here to demonstrate
11 against --

12 THE COURT: Miss Stewart, that is all stricken.

13 You understand that. Yes?

14 Q Did you come to learn the name of the group that
15 was demonstrating?

16 THE COURT: Sustained.

17 Q Did there come a point that people in the mosque
18 wanted to take action at that particular demonstration?

19 MR. McCARTHY: Objection.

20 Q If you know.

21 A Yes.

22 THE COURT: Sustained.

23 Q Directing your attention to late 1990, Mr.
24 Alahiri, at Farook Mosque, was there a time when Sheik Omar
25 was removed from the mosque?

1 A What do you mean, removed?

2 Q That he was no longer permitted to preach there.

3 A Not really. What I know is that he himself had
4 left --

5 MR. McCARTHY: Objection, unless the witness --

6 THE COURT: Sustained.

7 Q Were you present at the mosque when Sheik Omar
8 was confronted there?

9 MR. McCARTHY: Objection, unless --

10 A Yes, yes, yes. There was one time when he gave a
11 speech, which was during the Gulf War, and he was very
12 critical of Saddam Hussein Baath Party. During that time
13 there was very strong support for Saddam Hussein, and the
14 people attending the congregation, most of them supported
15 Saddam Hussein, and the sheik was, actually they cut him
16 from delivering, you know, his speech, and he was about to
17 be attacked by a group of people, and prayer was canceled,
18 and it was a violent type situation.

19 Q During 1990 and 1991 and since that time did you
20 attend lectures or sermons by Sheik Omar at any other
21 mosque?

22 A Yes, I attended most --

23 THE COURT: You will have to lean forward and
24 talk into the microphone.

25 A I attended most of his lectures that he gave in

1 Brooklyn. After he left Brooklyn, he gave lectures at
2 masjid State Street, and I believe I attended every lecture
3 that he gave. I also attended sermons that he gave at the
4 same mosque, I believe once every two weeks or every month.
5 That is in State Street, too, and I attended those.

6 Q Did you ever have occasion to drive Sheik Omar?

7 A Yes, I did.

8 Q On how many occasions?

9 A I don't remember really.

10 Q More than 10?

11 A I think so, yes.

12 Q Did you drive him in your own car?

13 A Yes.

14 MS. STEWART: I have nothing else. Thank you,
15 Mr. Alahiri.

16 THE COURT: Mr. Wasserman, representing
17 Mr. Hampton-El.

18 CROSS-EXAMINATION

19 BY MR. WASSERMAN:

20 Q Good afternoon, sir.

21 A Good afternoon.

22 Q We just met this afternoon, correct?

23 A Yes.

24 Q And I asked you if you knew my client Abdel
25 Rashid. Mr. Rashid, can you stand up, please.

1 MS. STEWART: The defense calls MAC indicated
2 side.

3 THE WITNESS: As-Salamu Alaikum.

4 MAKAID SAID,

5 called as a witness by the defense,
6 having been duly sworn, testified as follows:

7 THE COURT: Go ahead, Miss Stewart.

8 DIRECT EXAMINATION

9 BY MS. STEWART:

10 Q Good afternoon, Mr. Sayyid.

11 A Good afternoon.

12 Q Could you tell us what the clothing you are
13 wearing is called.

14 A Excuse me.

15 Q What the clothing you are wearing is called.

16 A OK. That's called kaftan, galabia.

17 Q Is that Egyptian?

18 A Well, that is Egyptian or -- so much people dress
19 it, most of the Muslims dress it, it doesn't matter,
20 American, Egyptian, Pakistan.

21 Q You have to talk a little bit slower, a little
22 slower.

23 A OK.

24 Q Where were you born?

25 A I born in Egypt.

1 Q When did you come to the United States?

2 A I come to United States in 1986.

3 Q Do you have a green card?

4 A Yes, I have.

5 Q Where do you reside?

6 A Sorry.

7 Q Where do you live?

8 A I live in Brooklyn.

9 Q What neighborhood in Brooklyn?

10 A Crown Heights.

11 Q Are you employed?

12 A Yes, I do. I superintendent in La Haim Realty.

13 Q Do you have any other employment? Do you have
14 any other work?

15 A As what?

16 Q Do you do any other work besides being a
17 superintendent?

18 A Yes, I have some business, falafal push cart.

19 Q Where is that falafal push cart?

20 A In front of 26 Federal Plaza.

21 Q What is your education?

22 A I have bachelor degree in business
23 administration.

24 Q Where is that from?

25 A Ein-Shams University in Cairo.

1 Q Is that in Egypt?

2 A Yes, in Egypt.

3 Q Are you married?

4 A Yes.

5 Q Do you have children?

6 A I have children. I am married, Islamic married.

7 I have three girls.

8 Q Do you know Dr. Abdel Rahman?

9 A Yes, I do, I know him.

10 Q How do you know him?

11 A He is Islamic teacher.

12 Q Do you see him here in the courtroom?

13 A Yes, I see him in the courtroom.

14 Q Would you just point him out for us.

15 A Yes, look to Omar Abdel Rahman right here.

16 THE COURT: Indicating Dr. Omar Abdel Rahman. Go

17 ahead.

18 Q Directing your attention to 1991, did you have
19 occasion to see him here in the United States?

20 A I see Dr. Abdel Rahman teach in Masjid Farook and
21 other masjids.

22 Q Did you know of him before that date, before
23 seeing him in the United States?

24 A No, I know him in United States.

25 Q Did you ever see him in any other mosque?

1 A Yes, I do, I see him in different mosques. I see
2 him in the Dawoud Mosque, I see him in New Jersey mosque.

3 Q Can you say that again.

4 A Masjid Dawoud.

5 Q D-A-W-O-U-D?

6 A Yes, they call States Mosque.

7 Q Are you a member at any mosque? Do you belong to
8 a mosque?

9 A Muslim really don't belong for any mosque but I
10 go to the mosque close to my house, Ekhwa Masjid.

11 Q Where is that located?

12 A In Eastern Parkway, Utica Avenue.

13 Q In Brooklyn?

14 A In Brooklyn, yes.

15 Q Did Sheik Omar ever preach at that mosque?

16 A Yes, he comes here and we invited him to give
17 lecture in this mosque.

18 Q How did he get to your mosque?

19 A We go there and bring him by car.

20 Q Is that your own car or somebody else's car?

21 A No, somebody else car.

22 Q How often did he come to your mosque?

23 A He usually come like once a week.

24 Q How many times would you say you have heard him
25 lecture since 1991?

1 WALEED ABU SHABAN,
2 called as a witness by the defense,
3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. STEWART:

6 Q What is your first name, Mr. Abu Shaban?

7 A Waleed.

8 Q Did you spell that already?

9 A Yes, W-A-L-E-E-D.

10 Q Did you ever translate for any of the sheik's
11 classes?

12 A Yes, I do.

13 Q Was that class attended by Mustafa, the fireman
14 who was just here?

15 A Yes, indeed.

16 Q Where do you reside?

17 A At the time of the classes or right now?

18 Q No, let's go back to now.

19 A Jersey City.

20 Q What is the address that you reside at?

21 A 115 Fairview Avenue, apartment 59, Jersey City,
22 07304.

23 Q Where were you born?

24 A In the Gaza Strip, Palestine.

25 Q You are a little too close. I think we are

1 losing the words. You get close but not --

2 A Gaza Strip, Palestine.

3 Q When did you come to the United States?

4 A 1993.

5 Q Are you a citizen?

6 A Yes, indeed.

7 Q What year did you come to the United States?

8 A '93. '83, I am sorry. I thought when I became
9 citizen. That was in '93.

10 Q Take your time. When you came -- let me step
11 back. Where did you receive your green card?

12 A Many I applied for it in the U.S. Embassy in Tel
13 Aviv.

14 Q Are you currently employed?

15 A Not right now, no.

16 Q Are you on disability?

17 A Yes.

18 Q When you are employed, what do you work at?

19 A A banquet coordinator.

20 Q I didn't understand that.

21 A Banquet waiter, coordinator.

22 Q Are you married?

23 A Yes.

24 Q Do you have children?

25 A Three.

1 Q Are you able to support them right now?

2 A Yes.

3 Q Is your wife receiving money not from you?

4 A Yes.

5 Q What is your educational background?

6 A I finished high school in Palestine. Then I
7 attend the Islamic college in Gaza Strip. Then I attend law
8 college in Alexandria University. Then I went to LaGuardia
9 Community College in Queens. Then I transferred to Essex
10 University in New Jersey.

11 Q You have to keep your voice up, because if she
12 can't hear you, they can't hear you back here at all.

13 A OK.

14 Q How many languages do you speak, Mr. Abu Shaban?

15 A Arabic, English, and Hebrew.

16 Q Do you know Dr. Abdel Rahman?

17 A Yes, indeed, I know him.

18 Q Do you see him in court today?

19 THE COURT: Indicating --

20 THE WITNESS: Yes.

21 MS. STEWART: He didn't find him, Judge.

22 THE COURT: He has found him now. Go ahead.

23 Q Do you remember when you first met him?

24 A Yes.

25 Q When was that?

1 A In late 1991.

2 Q Where was that?

3 A I met him at the El Salaam Masjid in Jersey City.

4 Q Where is El Salaam Mosque Masjid in Jersey City?

5 A It's in Kennedy Boulevard, in second floor.

6 Q Is there another center on Park Street?

7 A 17 Park Street. That's Islamic Center of Jersey.

8 17 Park Street. That's the Islamic Center of Jersey.

9 Q That is separate from El Salaam Mosque, is that

10 right?

11 A Yes, that is separate.

12 Q Did you also attend lectures or hear him speak at

13 other places?

14 A Yes.

15 Q What other places were they?

16 A The masjid in Brooklyn in State Street, and

17 masjid in Queens, and south Jersey.

18 Q Did you ever visit the sheik's apartment on

19 Fairview Avenue?

20 A Yes.

21 Q Can you describe what you observed happening

22 there?

23 A Nothing unusual. It's lecturing, answering phone

24 calls for people to answer the questions, and sort of things

25 like that.

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S5 93 Cr. 181 (MBM)

20 Defendants.

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August 1, 1995
9:40 a.m.

22 Before:

23 HON. MICHAEL B. MUKASEY,
24

25 District Judge

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10 Attorneys for Defendant Matarawy Mohammed Said Saleh
11 BY: THOMAS H. NOOTER
11 and
12 SALVATORE S. RUSSO

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1 BY MR. WASSERMAN:

2 Q Rashid, you mentioned earlier that you had been
3 born Muslim, that the Temple of Moorish Science, I believe,
4 was the branch. Did there come a time that your education
5 or activities as a Muslim began to change from that early
6 beginning at the Temple of Moorish Science?

7 A Yes, it did. There was a masjid on State Street
8 called the **Islamic Mission of America**, and I used to pass by
9 there quite frequently because, number one, it's not very
10 far from Long Island College, three blocks, to be exact.
11 And I used to see plenty of different people coming out of
12 there of different persuasion, background, and they dressed
13 somewhat strange to me. At that time I used to laugh it and
14 and say what are all those people doing with long dresses
15 on.

16 Q That is what you are wearing now, a long dress?

17 A Hamdi Allah, yes.

18 Q What is it called?

19 A It is called a galabia.

20 Q Please continue.

21 A I went in there and saw all these people. I said
22 Salam alay kum to them. They said what you are practicing
23 is not really true Islam, and they told me what I should do,
24 and to come back the following day, and I could take
25 shahada.

1 Q What is shahada?

2 A It is to acknowledge Allah as the one and only
3 God. (Arabic spoken)

4 Q Could you please --

5 A I am going to, because you have to first say it.
6 He is alone without partners. Mohammed, may his peace and
7 blessings be upon him, as his last messenger and prophet.

8 Q Is that the entirety of taking shahada?

9 A No. The acknowledgement of fasting through the
10 month of Ramadan, Zakat, which is a poor tax that is levied
11 on all Muslims, two and a half percent. This money is given
12 to the needy in Islam, because it is a charity tax. The
13 fasting for the month of Ramadan, which is 30 days of
14 fasting, and to make hajj, which is a pilgrimage to Mecca,
15 once in your lifetime, whenever you are able, if you have
16 the money. To refrain from alcohol, any intoxicants, pork,
17 any food that is unhealthy, food that does not have Allah's
18 name mentioned on it -- this is of the animal kingdom. And
19 not to invoke any other deity other than Allah. To respect
20 all people.

21 Q Let me ask you a question. You mention the
22 galabia. Why do you wear what you are wearing now?

23 A This is a tradition of our prophet. It is a
24 custom that Muslims dress mainly. It is becoming quite
25 popular in America but mainly in Africa, Asia, Saudi Arabia,

1 etc., etc. Women have a traditional dress and men have a
2 traditional dress.

3 Q What about the hat that you are wearing?

4 A The khufi is something that people cover their
5 heads with also.

6 Q Let me ask you, you mentioned fasting for 30
7 days. You don't eat or drink during those 30 days?

8 A You would fast, say from perhaps 2, 3 in the
9 morning, 4:00 in the morning at the latest depending on the
10 time of year that Ramadan comes, because it doesn't come the
11 same time every year. That would be a great burden on other
12 people in different parts of the world, because all Muslims
13 fast in all parts of the world. So you would fast from that
14 time period until sundown. You abstain from any oral
15 intake, any profanity language, any conduct which is bad,
16 which is normally, but you stress more emphasis on that.
17 You try to be extra charitable to people, and that is a
18 regular practice. You go out of your way. This is to
19 condition oneself not to let things turn them into what they
20 are. If you run into someone who is doing bad deeds, that
21 doesn't mean you have to do it.

22 Q Rashid, was there any course that you took for
23 any person that instructed you at State Street mosque?

24 A There was a beloved man by the name of Sheik
25 Daud.

1 Q Could you spell Daud?

2 A D-A-U-D. And he came to this country in 1910.

3 He established the Islamic Mission in, like, the late
4 thirties, and it was recognized in the mid-forties by the
5 State of New York and given a seal of approval, and he is
6 the gentleman who sat with the United Nations for
7 approximately 17, 18 years.

8 Q When you say he sat, what do you mean by that?

9 A He sat with the delegation in many different
10 countries. I sat with him on two occasions, Sudanese
11 delegation and the Iraqi delegation.

12 Q When was this?

13 A In '75, '76. Most of the masjids in America came
14 from this.

15 Q When you say came from this, what do you mean?

16 A Came from State Street. State Street was a
17 masjid that I used to call it the UN masjid so to speak,
18 because it was so many different people. It was Arabs,
19 Americans, Africans, Egyptians, Palestinians -- there was
20 even some Jews there. Guy used to be a rabbi who became
21 Muslim, hamdi Allah, sweet old man. So there was a lot of
22 people from different places.

23 Q Did there come a time that you learned about
24 jihad while you were learning about Islam at the State
25 Street mosque?

1 A Yes. I learned more than about jihad. I learned
2 about my prayers and that it was imperative to say them in
3 Arabic.

4 Q Do you know Arabic?

5 A No. Small words, but I know my prayers in
6 Arabic. But just a few scattered words here and there. And
7 the proper method of prayer and the proper cleansing of
8 prayer. Prayer is five times a day and one has to make an
9 ablution, to cleanse oneself before you can approach the
10 creator.

11 I learned what jihad was truly. The first
12 experience was when there was a border clash with Morocco
13 and Spain, and King Hassan said he was going to send planes
14 here to get American brothers over there who would
15 participate in the event there was a fight. And my
16 understanding of jihad was that this was not a fight. So I
17 didn't go. There was offers from many people. Muammar
18 Qaddafi, he sent ambassadors, so to speak, said you could go
19 to Malta, Tripoli, Ben Ghazi, and come to school there. But
20 I was skeptical of this man because it wasn't rare that I
21 heard him speak of Allah, I never heard him speak of Allah.
22 If a man doesn't speak about Allah, I am kind of skeptical.
23 But it broadened my scope and gave me an understanding what
24 our prophet did, because he gave da'wa, meaning he
25 propagated Islam for 13 years. He spoke to the people, he

1 advised them and tried to give them guidance, and then after
2 that, when it was forced on him he made jihad. The Koran
3 says attack those who attack you, and that's the only time
4 he attacked.

5 Q You started at Long Island College Hospital in
6 about 1967. Did anything else happen that year, or around
7 that time?

8 A I took shahada, number one, as I said.

9 Q How long were you living where you were living
10 when you were arrested?

11 A Close to 30 years.

12 Q Who were you living with when you got arrested?

13 A My wife. I got married in '67.

14 Q What is your neighborhood in Brooklyn?

15 A Flatbush, East Flatbush.

16 Q What is the avenue?

17 A 1351 New York Avenue, crossing Newkirk.

18 Q That is where you lived since 1967?

19 A Yes.

20 Q What kind of community?

21 A When I moved out there it was basically Irish,
22 Italian and Jewish. Then it kind of opened up. It's a nice
23 neighborhood but you have to work on keeping the community
24 nice. So when you see bad elements, troublemakers coming
25 in, it's your duty to kind of offset this. So I set up

1 patrol, I worked with communities as far as keeping it
2 clean, making sure we don't have drug dealers, muggers. We
3 used to always say no mugging, through hugging. And checked
4 out people who come in your building. They had to sign
5 where they were going, who they were going to see, and they
6 signed out when they came out. So we monitored who was
7 coming into the community. And we worked with the police to
8 a small degree.

9 Q We have heard people talk about your experience
10 in Afghanistan. I would like to ask you some questions
11 about how you got there. When did you first become aware
12 that there was something going on in Afghanistan that was of
13 interest to Muslims and people in general?

14 A I used to read about it in the papers but I
15 didn't really, really focus on it until I was speaking with
16 a brother, and he told me, he says, you know, perhaps it
17 would be helpful that, because really there is no one there
18 with medical experience and there is a lot of life being
19 lost and they are cutting off a lot of extremities and what
20 not, because the people don't know what to do. People were
21 dying because of loss of blood. And I saw some pictures of
22 people that was unbelievable, with their limbs blown off,
23 females young and old being assaulted and murdered.

24 Q You mentioned a brother. Who were you talking
25 about?