

2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK  
-----x

4 UNITED STATES OF AMERICA

5 v.

S(7) 98 Cr. 1023

6 USAMA BIN LADEN, et al.,

7 Defendants.

8 -----x

9

10 N.Y.

New York,

11

February 27, 2001

12

9:50 a.m.

13

Before:

14

HON. LEONARD B. SAND,

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District Judge

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2 APPEARANCES

3 MARY JO WHITE  
4 United States Attorney for the  
5 Southern District of New York  
6 BY: PATRICK FITZGERALD  
7 KENNETH KARAS  
8 PAUL BUTLER  
9 Assistant United States Attorneys

10 SAM A. SCHMIDT  
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14 ANTHONY L. RICCO  
15 EDWARD D. WILFORD  
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Mohamed

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Mjitta - cross

2 correct?

3 A. Yes.

4 MR. WILFORD: Thank you very much.

5 No further questions, your Honor.

6 THE COURT: Any redirect?

7 MR. FITZGERALD: No, Judge.

8 THE COURT: Thank you. You may step

9 down.

10 (Witness excused)

11 MR. FITZGERALD: The government calls

12 Special Agent John Anticev, A-N-T-I-C-E-V.

13 JOHN MICHAEL ANTICEV,

14 called as a witness by the government,

15 having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. FITZGERALD:

18 Q. Agent Anticev, just keep your voice  
19 up, as you have been doing, and recognize that  
20 is a directional microphone. So if you stay  
21 close to it, everyone will hear.

22 Can you tell the jury what you do for  
23 a living.

24 A. I am a special agent with the FBI,  
25 assigned to the New York office.

Anticev - direct

2 Q. For how long have you been an FBI  
3 agent?

4 A. I am in my 14th year.

5 Q. Directing your attention to August  
6 1998, did there come a time that you deployed  
7 to Kenya as part of your duties with the FBI?

8 A. Yes.

9 Q. Was that following the bombings in  
10 Africa?

11 A. Yes.

12 Q. Let me direct your attention to later  
13 that month. Did there come a time when you  
14 interviewed Mohamed Sadeek Odeh?

15 A. Yes.

16 Q. Can you tell the jury what day you  
17 began to interview Mohamed Sadeek Odeh.

18 A. We began the interview on August 15.

19 Q. For how many days did you interview  
20 Mohamed Odeh in Kenya?

21 A. Until August 27.

22 Q. After that point in time, was Mohamed  
23 Odeh brought back to the United States?

24 A. Yes, he was.

25 Q. Between August 15 and the 27th, did

Anticev - direct

2 you interview him every day?

3 A. Not every day.

4 Q. Do you know how many days you did not  
5 speak to him during that time?

6 A. Approximately two days.

7 Q. When you did interview him, what was  
8 the earliest, or when did you generally start  
9 interviewing him during each interview?

10 A. During the daytime we started about,  
11 the earliest we started was about 9, sometimes  
12 later.

13 Q. How late would you work during those  
14 interview sessions?

15 A. We never worked past -- one time we  
16 worked till 6. That was probably the latest.

17 Q. Did you always interview him for the  
18 full day or did you ever work half days?

19 A. We worked several half a days.

20 Q. Let me direct your attention to the  
21 first day of the interviews, August 15. Do you  
22 know what time you started that day?

23 A. We started approximately 10:00.

24 Q. Where did the interview take place?

25 A. At Kenyan police department

Anticev - direct

2 headquarters.

3 Q. Was it inside that Kenyan police  
4 headquarters building?

5 A. Yes.

6 Q. Can you tell the jury who was present  
7 for the interview?

8 A. Myself, two other US officials, and  
9 three Kenyan officials.

10 Q. Over the course of the following  
11 days, was it always the same people there?

12 A. No.

13 Q. Generally, how many American  
14 officials were present during the interview?

15 A. Two to three.

16 Q. How many Kenyan officials would be  
17 present?

18 A. It varied. Sometimes three,  
19 sometimes two, sometimes one.

20 Q. In what language did you conduct the  
21 interview?

22 A. In English.

23 Q. Did you have any difficulty  
24 understanding Mr. Odeh in English?

25 A. No.

Anticev - direct

2 Q. Did you ever have to repeat a  
3 question or have him repeat an answer to a  
4 question?

5 A. Yes.

6 Q. Did he ever ask you to repeat a  
7 question to him?

8 A. Yes.

9 Q. Can you tell the jury how you began  
10 the interview on August 15.

11 A. On August 15 we started the interview  
12 by first advising Mr. Odeh of his rights. We  
13 told him that he had the right to remain  
14 silent, anything he said would be used against  
15 him. We were going over a form that the FBI  
16 uses when dealing with subjects overseas, and  
17 the form also went on to say that if you were  
18 in the United States you would have the right  
19 to have an attorney present and if you were in  
20 the United States, if you could not afford an  
21 attorney one would be appointed to you.

22 Q. Let me approach you with what has  
23 been premarked as Government's Exhibit 3 for  
24 identification, and I will ask you if you  
25 recognize this form? Do you recognize

Anticev - direct

2 Government's Exhibit 3?

3 A. Yes.

4 Q. What is that?

5 A. That is the advice of rights form  
6 that he signed.

7 Q. You mentioned that you read it to  
8 him. Did you show him a copy of that form?

9 A. Yes.

10 Q. What happened when you finished  
11 reading the form or while you were reading the  
12 form and showing him a copy of the form?

13 A. While we were explaining the form to  
14 him he had a question. When we were talking  
15 about attorneys, he said, he mentioned  
16 something about having an attorney available; a  
17 Kenyan attorney.

18 Q. What happened then?

19 A. He asked a couple of other questions,  
20 and that original question got lost because he  
21 followed up with another question, and  
22 eventually he stated that he would be willing  
23 to talk to us, but he did not want to sign the  
24 form, he first wanted to talk, how he called  
25 it, small talk to get to know each other.

Anticev - direct

2 Q. What happened then?

3 A. At that point we didn't want to  
4 pursue that, with that question that he had  
5 outstanding, so we broke and we went out into  
6 the hallway to discuss that amongst ourselves  
7 and with the Kenyans.

8 Q. Did you go back into the room with  
9 Odeh after that?

10 A. Yes.

11 Q. What if anything was Odeh told at  
12 that point?

13 A. We told him that I had talked to the  
14 Kenyan authorities and that under their rule of  
15 law, that a Kenyan -- that they don't have the  
16 same thing as we do, they don't have the right  
17 to counsel at that stage of the investigation.

18 Q. What else if anything was said to  
19 Odeh at that point about his rights?

20 A. We told him that we could not provide  
21 him with an attorney, we did not have a United  
22 States, a U.S. attorney with us to represent  
23 him. We told him that if he wished to have an  
24 attorney that we would respect that wish, and  
25 then the US representatives would not partake

Anticev - direct

2 in the interview and we would leave the room.

3 Q. Just so we are clear for the record,  
4 he had asked about an Kenyan attorney and one  
5 of the things you made clear to him was that  
6 you did not have an American attorney available  
7 there to represent him.

8 A. Right.

9 Q. Can you explain what you understood  
10 about a Kenyan attorney.

11 A. We also asked him if he had his own  
12 Kenyan attorney. He said he did not have an  
13 attorney. We told him we could not provide him  
14 a Kenyan attorney.

15 Q. What was he told about what his  
16 options were at that point in time?

17 A. We told him he had basically three  
18 options. One was that he had the right to  
19 remain silent and he did not have to talk to  
20 either the Kenyan authorities or the US  
21 authorities, and if he invoked that right to  
22 not talk, that would have ended the matter  
23 right there. And the second option was that if  
24 he wished to have an attorney present during  
25 that questioning, that we would oblige that and

Anticev - direct

2 we would leave the room. And then he would  
3 have to be with the Kenyan authorities to  
4 continue the interview or interrogation, but he  
5 also had the right to tell them that he didn't  
6 want to talk. And the third option was that he  
7 could talk to the US authorities and the Kenyan  
8 authorities together with no attorney.

9 Q. What if anything did Odeh say when  
10 that was explained to him?

11 A. He came up with a fourth one. He  
12 said can I just talk to the US authorities  
13 alone?

14 Q. What happened at that point?

15 A. At that point we all left the room to  
16 discuss that. Remaining in the room with Mr.  
17 Odeh was a Kenyan official, and by the time I  
18 got out to the hallway, the Kenyan official  
19 came out and said he's agreed to talk to both  
20 of us, to both authorities.

21 Q. Did you go back in the room with Odeh  
22 at that point?

23 A. Yes.

24 Q. Did he indicate anything about  
25 whether he was willing to talk to both the

Anticev - direct

2 Kenyan and American authorities?

3 A. Yes. He said that he figured that if  
4 he spoke to the US authorities alone, that we  
5 would tell the Kenyan authorities anyway, so he  
6 figured why not just talk to both of them at  
7 the same time.

8 Q. What happened at that point?

9 A. At that point he agreed to talk and  
10 he signed the form.

11 Q. What happened then?

12 A. He asked some questions about what if  
13 I change my mind. We told him that it was  
14 fine, that he was the boss, that he was in  
15 complete control of his own way of dealing with  
16 us. He could stop talking at any time. He  
17 could pick and choose to answer the questions,  
18 if he didn't like a question he didn't have to  
19 answer it.

20 Q. Did he then answer questions after  
21 that point?

22 A. Yes.

23 Q. What did he tell you about where he  
24 was born and where he grew up?

25 A. He told me that he was born in Saudi

Anticev - direct

2 Arabia and grew up in Jordan.

3 Q. Did he indicate what his ethnic  
4 heritage was?

5 A. That he was of Palestinian heritage.

6 Q. Over the course of the interviews,  
7 did he indicate what other names he was known  
8 by besides Mohamed Sadeek Odeh?

9 A. He is also known as Abu Yasser,  
10 Nourelidine, Marwan, and Abu Moath.

11 Q. Did he indicate whether he had a son  
12 during the interview?

13 A. Yes.

14 Q. What was the son's name?

15 A. Yassi.

16 Q. What did he tell you about where he  
17 went to school?

18 A. He, I believe, went to school for the  
19 earlier grades back in Jordan, but in 1986 he  
20 went to university, the Far Eastern University  
21 in Manila, Philippines.

22 Q. Did he indicate what he studied at  
23 that school?

24 A. Architecture and engineering.

25 Q. Did he indicate whether he became

Anticev - direct

2 involved in any studies besides school during  
3 the time he was in the Philippines?

4 A. Yes. During his studies in the  
5 Philippines, he became active in Islamic  
6 societies, and he also mentioned a Kuwaiti  
7 Islamic center that he used to go to.

8 Q. Did he indicate what if anything he  
9 was exposed to when he would go to Islamic  
10 societies in the Philippines?

11 A. Yes. He became particularly  
12 interested, he told me, in the concept of jihad  
13 by listening to tape recordings and videos of  
14 individual named Abdallah Azzam, who was the  
15 leader of Arabs who were fighting in  
16 Afghanistan.

17 Q. Did he indicate whether there came a  
18 time when he left the Philippines?

19 A. Yes. In his final year of school, he  
20 was getting ready to do his thesis, but he  
21 needed a thousand dollars, and his father sent  
22 him a thousand dollars, and when he got that  
23 money he decided to call a religious scholar  
24 back home where he came from, to ask him his  
25 advice on what to do with the thousand dollars,

Anticev - direct

2 should he use it to complete his studies or  
3 should he use it to join the jihad movement and  
4 go to Afghanistan and do jihad.

5 Q. Did he indicate what advice he was  
6 given and what he did?

7 A. His advice that was given to him was  
8 to stop what he was doing immediately and go do  
9 jihad.

10 Q. What did he tell you that he did?

11 A. From the Philippines he traveled  
12 to -- made his way to Afghanistan but he  
13 traveled first to Hong Kong and then to  
14 Pakistan.

15 Q. Did he indicate where he went in  
16 Pakistan?

17 A. Yes. He landed in Karachi and then  
18 went from Karachi to the city of Peshawar.

19 Q. Did he indicate how he got from  
20 Karachi to Peshawar?

21 A. By bus.

22 Q. What did he tell you that he did once  
23 he arrived in Peshawar?

24 A. When he first arrived at Peshawar, he  
25 went to a place called Bait Al Ansar, which I

Anticev - direct

2 think it translates to House of Support, where  
3 people who were doing that, that's the first  
4 place they stopped.

5 Q. Did he tell you approximately what  
6 year, and, if you remember, what month it was  
7 that he went from the Philippines to Peshawar,  
8 Pakistan?

9 A. I think it was October 1990.

10 Q. What did he tell you happened when he  
11 arrived at the Bait al Ansar in Peshawar,  
12 Pakistan?

13 A. He stayed there for two days, I  
14 believe, and then he made his way by bus to the  
15 Afghan border.

16 Q. Then what did he tell you happened  
17 there?

18 A. After he got to the border they  
19 transferred to another vehicle, and they went  
20 to one of the camps, called the Farouq camp.

21 Q. Did he tell you what city, if any,  
22 was located near the Farouq camp?

23 A. It's in the area of Khost.

24 Q. What did Mr. Odeh tell you happened  
25 at the Farouq camp?

Anticev - direct

2 A. That was where he received his first  
3 series of basic training.

4 Q. Did he tell you how long he spent at  
5 the Farouq camp?

6 A. Approximately two months.

7 Q. Did he tell you what type of training  
8 he received during those two months?

9 A. He received military training that  
10 was broken up into three segments. The first  
11 segment was basic use of firearms, particularly  
12 the AK47, and kind of moved up to a belt-fed  
13 machine gun.

14 Q. Did he describe what the second level  
15 of training was like at the Farouq camp?

16 A. The second level, they started  
17 learning about topography, map reading, and  
18 they got introduced to explosives, particularly  
19 C3, C4, and TNT.

20 Q. Did he indicate what happened at the  
21 third level of training?

22 A. The third level of training involved  
23 more sophisticated weapons, like antitank  
24 missiles, rocket launchers, mortars, and  
25 antiaircraft weapons.

Anticev - direct

2 Q. Did Odeh indicate who was the person  
3 in charge of the camp at the time he was  
4 training?

5 A. For most of the time there, except  
6 for the first two weeks, the person in charge  
7 was a guy named Basheer.

8 Q. Did Odeh indicate what country  
9 Basheer was from?

10 A. I don't remember.

11 Q. Did Odeh indicate whether or not he  
12 was approached by any organization at or about  
13 the time or after the time he attended the  
14 Farouq camp?

15 A. While at the Farouq camp, he was  
16 approached by members of the of Al Qaeda  
17 organization, if he was interested in joining.

18 Q. Did he indicate his belief as to why  
19 he had been approached?

20 A. He stated that he was approached  
21 because of his good character, his  
22 understanding of the religion, and his ability  
23 to get along with other people.

24 Q. Did Mr. Odeh tell you at that time  
25 whether he decided at that time to join the Al

Anticev - direct

2 Qaeda group?

3 A. At that time he decided against  
4 joining. He wanted to wait for a while.

5 Q. Did he tell you what he then did  
6 after he finished his training at the Farouq  
7 camp?

8 A. After he finished the training at the  
9 Farouq camp, they were sent back to Peshawar,  
10 where they were going to be deployed.

11 Q. Did he indicate how long he stayed at  
12 Peshawar after he went back there?

13 A. He didn't stay very long. He had to  
14 take care of some dental work. He had dental  
15 problems.

16 Q. What happened after that?

17 A. After that, he was sent to Jalalabad  
18 to work -- that's not too far from where the  
19 fighting was going on. He was sent to  
20 Jalalabad to work in a rear area support for  
21 the front lines.

22 Q. Did he indicate what role he played  
23 in the rear area support in Jalalabad?

24 A. I believe he was taking care of  
25 wounded.

Anticev - direct

2 Q. Do you know if he was working as a  
3 medic?

4 A. Yes, medic. He was taking care of  
5 wounded people.

6 Q. Did Odeh indicate how long he spent  
7 in the area of Jalalabad at that time?

8 A. I believe he was there for about a  
9 month.

10 Q. What did Odeh tell you he did after  
11 that month in the area of Jalalabad?

12 A. After that, he went back to Peshawar.

13 Q. Did he indicate what he did there?

14 A. After he returned to Peshawar, he was  
15 only there a short time, and then I believe he  
16 wound up going back to Jalalabad.

17 Q. Did he indicate what happened on his  
18 second time he went to Jalalabad?

19 A. The second time he went to Jalalabad,  
20 he went back as a medic and he was -- well,  
21 when he was in Peshawar that first -- after the  
22 camp, after Jalalabad the first time, a doctor,  
23 I believe his name was Mohamed, approached him  
24 and said if he wanted to go back and be a medic  
25 for a small salary, and he did.

Anticev - direct

2 Q. What happened when he went back to  
3 Jalalabad to serve as a medic?

4 A. While there, he was injured in an air  
5 raid. He was wounded in the head.

6 Q. What did he do as a result of the  
7 wounds?

8 A. He went again back to Peshawar to  
9 recover.

10 Q. Did he indicate what he did after he  
11 recovered from the injury?

12 A. I believe that --

13 Q. Let me ask you this. Did he tell you  
14 about a number of different camps and places  
15 where he served --

16 A. He went back into Afghanistan to  
17 several of the camps. I believe the second  
18 camp he went to after that was the Jihad Wal  
19 camp.

20 Q. What did he tell you -- first of all,  
21 did he tell you how long, approximately, he  
22 spent at the Jihad Wal camp?

23 A. I think 45 days.

24 Q. Did he tell you what he did at the  
25 Jihad Wal camp?

Anticev - direct

2 A. At that camp, they learned different  
3 military tactics. They trained in how to  
4 attack certain installations and certain  
5 points.

6 Q. Did he indicate whether or not he  
7 received any nonmilitary training during that  
8 time period after he was done in the Jihad Wal  
9 camp?

10 A. After the Jihad Wal, a friend of his  
11 asked him if he wanted to go for a three-month  
12 religious studies course.

13 Q. Did Odeh indicate whether he did --

14 A. Yes, and he did, he went to that  
15 course.

16 Q. Did he indicate where he attended  
17 these studies?

18 A. In the area, I believe, around  
19 Pakistan -- I mean, in Peshawar.

20 Q. Did he indicate when he was done the  
21 three months of his Islamic training or study,  
22 do you recall what time frame he indicated that  
23 would be?

24 A. That was around early '92.

25 Q. Did he indicate whether or not the

Anticev - direct

2 topic of his joining Al Qaeda ever came up  
3 again in 1992?

4 A. Yes. And he was approached to join  
5 Al Qaeda at that time, and he decided that he  
6 wanted to join Al Qaeda, he was impressed with  
7 the philosophy of it and he wanted to join.

8 Q. Did he indicate what it was about Al  
9 Qaeda versus other groups that made Al Qaeda  
10 attractive to him?

11 A. He liked Al Qaeda because it  
12 represented the whole Muslim world. He told me  
13 that he didn't want to join like a Palestinian  
14 group or another group based upon one country,  
15 one ethnic background, because Al Qaeda  
16 represented all Muslims.

17 Q. Did he indicate what he thought of  
18 whether or not Al Qaeda was Islamically pure as  
19 compared to the other groups?

20 A. He did. He said that compared to the  
21 other groups that Al Qaeda was Islamically pure  
22 and that the leadership in other groups might  
23 do things that are not Islamically correct.

24 Q. Did he indicate how he went about  
25 becoming a member of Al Qaeda?

Anticev - direct

2 A. Yes. He took bayat, it's called.

3 Q. Did Odeh explain to you what his  
4 understanding -- this will be the last  
5 question, your Honor.

6 Did Odeh indicate to you what his  
7 understanding was of what the bayat required  
8 him to do?

9 A. Bayat is when he pledges his  
10 allegiance to Usama Bin Laden and that he will  
11 follow his orders as long as those orders are  
12 Islamically correct.

13 (Continued on next page)

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Anticev - direct

2 MR. FITZGERALD: Your Honor, I think  
3 we could break there.

4 THE COURT: All right. We will call  
5 it a day. Thank you for your patience and  
6 cooperation, and we will resume tomorrow at  
7 10:00 a.m.

8 (Witness excused)

9 JUROR: Your Honor, can we take these  
10 transcripts with us?

11 THE COURT: Are the transcripts to be  
12 taken or not?

13 MR. FITZGERALD: I think they should,  
14 yes.

15 THE COURT: Yes, you may keep them.

16 (Jury excused)

17 THE COURT: Anything which needs to  
18 be addressed before we continue? We are  
19 adjourned until tomorrow.

20 (Proceedings adjourned until 10:00  
21 a.m., Wednesday, February 28, 2001)

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2 INDEX OF EXAMINATION

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8 GOVERNMENT EXHIBITS

9	Exhibit No.	
10	Received	
11	5 .....	1555
12	35, 93 and 93-T .....	1571
13	34, 81 and 81-T .....	1572
14	36; 201A and 201A-T;	
15	202A and 202A-T; 203A	
16	and 203A-T; 204A and 204A-T;	
17	204B and 204B-T; 205A and 2505A-T;	
18	207A and 207 .....	1577

19 DEFENDANT EXHIBITS

20	Exhibit No.	
21	Received	
22	A .....	1602
23	B .....	1603

