

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,

v

TAHAWWUR HUSSAIN RANA,

Defendant

) Docket No. 09 CR 849

) Chicago, Illinois

) December 2, 2009

) 1:07 p.m.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE NAN NOLAN

PRESENT:

For the Government:

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VICTORIA J. PETERS

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Court Reporter:

Lois A. LaCorte

219 South Dearborn Room 1918

Chicago, Illinois 60604

(312) 435-5558

1 THE CLERK: 09 CR 849, USA v Rana.

2 MR. COLLINS: Good afternoon, your Honor, Dan Collins
3 and Vicki Peters on behalf of the United States.

4 THE COURT: Good afternoon.

5 MR. BLEGEN: Good afternoon, your Honor, Patrick Blegen
6 and Jodi Garvey on behalf of Mr. Rana, who is getting his shoes
7 put on, but he will be out in a moment it looks like.

8 THE COURT: Okay.

9 MR. BLEGEN: Also sitting at counsel table is Daniel
10 Ruffo. He is a young lawyer in our office who is soon to be
11 licensed in the Northern District.

12 THE COURT: All right.

13 MS. PETERS: And Pretrial Services --

14 MR. MALDONADO: Good afternoon, Judge, Alfred
15 Maldonado, Pretrial Services.

16 THE COURT: Good afternoon, Mr. Rana.

17 DEFENDANT RANA: Good afternoon.

18 THE COURT: Okay, so we're here for a continued
19 detention hearing. What's your pleasure?

20 MR. BLEGEN: Judge, I have some witnesses that I would
21 like to present to the court.

22 THE COURT: Okay.

23 MR. BLEGEN: Three. I don't think they will be terribly
24 lengthy.

25 THE COURT: That's fine, good. Have you given the

Mirza - direct by Blegen

3

1 information to the government?

2 MR. BLEGEN: Yes.

3 THE COURT: Okay.

4 MR. BLEGEN: Judge, we got their names yesterday.

5 THE COURT: Okay, so you're ready to call your first
6 witness?

7 MR. BLEGEN: Yes.

8 THE COURT: Okay, call your first witness. Lynette
9 will swear them in.

10 Good afternoon, sir, before you sit down, will you raise
11 your right hand and my courtroom deputy will swear you in, okay?

12 (Witness sworn)

13 THE COURT: Okay, sir. Have a seat there. Our
14 recording device is in the computer so try to keep your voice up.
15 Speak into the microphone and keep your voice up. Thank you,
16 sir.

17 THE WITNESS: Thank you.

18 MOHAMMAD ARSHAD MIRZA, DEFENDANT'S WITNESS, DULY SWORN

19 DIRECT EXAMINATION

20 BY MR. BLEGEN:

21 Q. Sir, would you please tell us your name and spell your first
22 and last name.

23 A. My name is Mohammad Arshad Mirza, M-o-h-a-m-m-a-d,
24 A-r-s-h-a-d, M-i-r-z-a.

25 Q. How are you employed?

Mirza - direct by Blegen

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1 A. I'm self-employed physician.

2 Q. Do you have a specialty?

3 A. My specialty is ophthalmology, which is the study of diseases
4 of and surgery of eyes.

5 Q. Where did you obtain your medical degree?

6 A. I obtained my undergraduate medical degree from King Edward
7 Medical College, Lahore, Pakistan.

8 THE COURT: Lynette is telling me if you just move back
9 a little further, I think we're getting an echo.

10 THE WITNESS: Be happy to do that.

11 THE COURT: Let's try it, okay?

12 THE WITNESS: Is that better?

13 THE COURT: Yes.

14 THE WITNESS: Thank you.

15 MR. BLEGEN: Dr. Mirza, don't lean forward, just sit
16 right where you are, okay?

17 THE WITNESS: Good.

18 THE COURT: Thank you.

19 THE WITNESS: Thank you.

20 BY MR. BLEGEN:

21 Q. Tell us again where you received your medical degree.

22 A. King Edward Medical College, Lahore, Pakistan.

23 Q. And when did you come to the United States?

24 A. I came to United States, actually Chicago, in 1962.

25 Q. And have you lived here since then?

Mirza - direct by Blegen

5

1 A. I have lived here since then.

2 Q. Are you a citizen of the United States?

3 A. I am.

4 Q. Do you know Mr. Rana, the gentleman sitting over here in the
5 orange jumpsuit?

6 A. Yes, I do.

7 Q. And how do you know Mr. Rana?

8 A. I know Mr. Rana from a membership in a study circle called
9 Iqbal Society.

10 Q. So you're saying that you and Mr. Rana are both members of a
11 group called the Iqbal Society?

12 A. Yes.

13 Q. Tell us relatively briefly what the Iqbal Society is.

14 A. It's a study circle of individuals who have shared interest
15 in the writings of Muhammad Iqbal, who is the poet philosopher of
16 Pakistan.

17 Q. I was about to ask you who Muhammad Iqbal is. He is the poet
18 philosopher of Pakistan?

19 A. He is. He is not living now.

20 Q. He was?

21 A. Thank you.

22 Q. Sort of like the bard of Scotland, something like that?

23 A. Something like that.

24 Q. And was his -- did Iqbal have any messages that he preached
25 through his poetry or tried to get out through his poetry?

Mirza - direct by Blegen

6

1 A. Yes. His message was to the Muslims of Indo-Pakistan
2 subcontinent to be organized, be educated, and put their demands,
3 their ideas forward through education, organization, and all
4 legal means.

5 Q. Iqbal, was he alive before or after the establishment of
6 Pakistan?

7 A. Could you repeat that question, sir.

8 Q. Was Iqbal's life before or after the establishment of
9 Pakistan?

10 A. Iqbal was born late 19th century and died in 1938, so that
11 preceded by nine years the establishment of Pakistan.

12 THE COURT: Would you spell Iqbal.

13 THE WITNESS: I would be happy to. I-q-b-a-l.

14 THE COURT: I-q --

15 THE WITNESS: -- b-a-l.

16 THE COURT: Thank you.

17 BY MR. BLEGEN:

18 Q. You may have already said this, but tell us how Iqbal
19 preached or suggested that Muslims should achieve their goals?

20 A. As I think I have already mentioned, that he exhorted the
21 Muslims to be educated, to be organized, and spell out what their
22 demands are in a legal manner, never advocating any kind of
23 extrajudicial activity such as destruction or violence.

24 Q. And is -- are Iqbal's philosophies consistent or inconsistent
25 with terrorist acts, for example?

Mirza - direct by Blegen

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1 A. They are inconsistent.

2 Q. Now, you have already told us that you know Mr. Rana through
3 the Iqbal Society. Do you know how long Mr. Rana was a member of
4 the Iqbal Society?

5 A. Well, I would say several years.

6 Q. And do you recall the last time you saw Mr. Rana in relation
7 to the Iqbal Society?

8 A. My recollection is of having met him, and incidentally for
9 the first time his wife and three children, at an annual function
10 of the Iqbal Society which was organized in early May of 2009.

11 Q. And did Mr. Iqbal or his family play any special role in that
12 meeting?

13 A. I'm sure you mean Dr. Rana, not Mr. Iqbal.

14 Q. Yes, I'm sorry. Did Mr. Rana and his family play any special
15 role in that meeting?

16 A. Well, Mrs. Rana was present in the audience and three of his
17 children, I believe two girls and a boy, presented some papers on
18 the work of Iqbal.

19 Q. And did they read those papers to the audience?

20 A. Yes, they did.

21 MR. BLEGEN: Judge, I think that's all I have for Dr.
22 Mirza.

23 THE COURT: Okay. Mr. Collins, would you like to
24 cross?

25 MR. COLLINS: I would, Judge, thank you.

Mirza - cross by Collins

8

1 THE COURT: Okay.

2 CROSS-EXAMINATION

3 BY MR. COLLINS:

4 Q. Sir, did you speak with Dr. Rana in person in May of 2009 at
5 that meeting?

6 A. Yes, I believe I did.

7 Q. Since May of 2009, how many times have you seen Dr. Rana in
8 person?

9 A. I have not seen him.

10 Q. Since May of 2009, have you spoken to Dr. Rana by phone, for
11 example?

12 A. No.

13 Q. Since May of 2009, have you communicated with Dr. Rana
14 through e-mail?

15 A. No.

16 Q. Now, other than meetings of this society, have you ever seen
17 Dr. Rana in any other setting?

18 A. No.

19 Q. About how many meetings have both yourself and Mr. Rana been
20 in attendance at?

21 A. I would have to estimate over a period of many years we meet
22 roughly nine to ten times a year, so that is the extent of that.

23 Q. Okay.

24 A. And he may not have been present at all meetings as well.

25 Q. I understand that, and I was just going to clarify that.

Mirza - cross by Collins

9

1 A. Thank you.

2 Q. In the meetings that are held, there are instances when maybe
3 you're not there, is that correct?

4 A. That is correct, but I make most meetings.

5 Q. And there are instances over those years when Mr. Rana was
6 not present, correct?

7 A. That is correct.

8 Q. So even though there are frequent meetings, about how many
9 times were you both at the same meeting?

10 A. I couldn't give you an exact answer, but several.

11 Q. Okay. Now, at those meetings did you ever have a personal
12 conversation with Dr. Rana?

13 A. Just greetings basically.

14 Q. Just greetings?

15 A. Yes.

16 Q. Okay. Beyond those greetings did you ever discuss any

17 particular topics with Dr. Rana that were unrelated to the Iqbal
18 Society?

19 A. No.

20 Q. So you have never spoken to him about his thoughts about the
21 dispute in Kashmir, for example?

22 A. No.

23 Q. Have you ever spoken to him about the group Lashkar e Taiba?

24 A. No, I have not.

25 Q. You have never spoken to him about that group?

Mirza - cross by Collins

10

1 A. No.

2 Q. And because of that he has never shared with you that he has
3 a friend who has trained with Lashkar, is that fair?

4 MR. BLEGEN: I'll object to that question as beyond the
5 scope of the direct examination and assuming facts not in
6 evidence and an attempt to impeach a character witness with I
7 guess what we would call a (inaudible) evidence of guilt.

8 MR. COLLINS: May I respond, Judge?

9 THE COURT: Yes.

10 MR. COLLINS: First of all, the evidence is not beyond
11 the record. One of the admissions that was included in the
12 complaint was Dr. Rana's knowledge of his friend having trained
13 with this organization. So that's not beyond the record, it's
14 not something that we're speculating on.

15 MR. BLEGEN: It's outside of the witness' personal
16 knowledge, not outside of --

17 MR. COLLINS: And that's all I'm asking is whether or
18 not he has any knowledge of that.

19 THE COURT: I think he can ask that, Mr. Blegen. First
20 of all, at detention hearings I don't really think the Rules of
21 Evidence apply anyway for either side. Okay.

22 BY MR. COLLINS:

23 Q. Really simply, Dr. Rana never shared with you that he has a
24 friend who had trained with Lashkar, is that correct?

25 A. Never.

Mirza - cross by Collins

11

1 Q. And Dr. Rana never shared with you that he since May of 2009,
2 for example, has spent significant time with this man who had
3 trained with Lashkar, is that correct?

4 A. No.

5 Q. That is correct that he has never shared that with you,
6 right?

7 A. That is correct.

8 Q. Thank you. Now, are you familiar with Huffa Syed?

9 A. No.

10 Q. Are you aware of whether -- strike that. Have you ever
11 discussed the teachings of Lashkar or /HOF /TPA sign Ed with Dr.
12 Rana?

13 A. Never.

14 Q. Now, in --

15 MR. COLLINS: Your Honor, may I have a quick moment?

16 THE COURT: Yes.

17 (Pause)

18 MR. COLLINS: Briefly, your Honor.

19 BY MR. COLLINS:

20 Q. Have you ever discussed with Dr. Rana whether he is close
21 with someone who meets with Ilyas Kashmiri?

22 A. No.

23 Q. Okay. And have you ever on an occasion had Dr. Rana ask to
24 communicate with you through code?

25 A. Never.

Mirza - redirect by Blegen

12

1 Q. In your conversations with him there has never been any coded
2 messages or use of an e-mail account or anything along those
3 lines, is that fair?

4 A. Never.

5 MR. COLLINS: Your Honor, I have no further questions.

6 THE COURT: Okay.

7 REDIRECT EXAMINATION

8 BY MR. BLEGEN:

9 Q. The prosecutor asked you some questions regarding a friend of
10 Dr. Rana's. Do you remember him asking you some questions about
11 did you know that he had a friend who met and talked to Lashkar e
12 Taiba people?

13 A. Yes.

14 Q. I take it you don't know what friend they're talking about?

15 A. I just heard the name.

16 Q. From him?

17 A. From him.

18 Q. What name did you hear?

19 A. Ilyas Kashmiri or --

20 Q. I take it you don't know anything about that?

21 A. No.

22 Q. And he asked you about whether certain issues had been
23 discussed at the Iqbal Society like Kashmir and those sorts of
24 things or at least discussed with Mr. Rana?

25 A. Can I -- the way he said that, did you discuss it, I don't

Mirza - redirect by Blegen

13

1 think he said that this was discussed in the Iqbal Society. He
2 said when you talked to him directly, did you do it and I said I
3 have not had any such exchange with him.

4 Q. Understood. Was the topic of the cartoons of the Prophet
5 Muhammad, was that ever discussed at the Iqbal Society?

6 A. Yes, was sometime in 2005 that this came about, and you know,
7 we said that it's unfortunate, but what can you do? This is the
8 kind of time we are living in, so rather than -- I mean, what
9 else to do, just express that it's unfortunate, but it doesn't
10 help -- well, beyond that there was no other discussion to my
11 recollection.

12 Q. Do you recall whether Mr. Rana was present at that
13 discussion?

14 A. I do not recall.

15 MR. BLEGEN: That's all, Judge.

16 THE COURT: Okay.

17 MR. COLLINS: Nothing further, Judge.

18 THE COURT: Okay. Doctor, thank you for coming down.

19 THE WITNESS: Thank you, your Honor, thank you.

20 (Witness excused)

21 MR. BLEGEN: Judge, the next witness we're going to call
22 is Raja Yaqub.

23 THE COURT: Good afternoon, Mr. Yaqub. Before you sit
24 down in the seat, Lynette, my courtroom deputy, will swear you
25 in, okay?

Yaqub - direct by Blegen

14

1 will you raise your right hand, please, sir.

2 (Witness sworn)

3 THE COURT: Thank you. Mr. Yaqub, if you will come up
4 here and take a seat.

5 MR. BLEGEN: Mr. Yaqub, over here. Don't sit too close
6 to the microphone.

7 THE COURT: But do keep your voice up. Okay?

8 THE WITNESS: Okay.

9 THE COURT: Thanks, sir.

10 RAJA MUHAMMAD YAQUB, DEFENDANT'S WITNESS, DULY SWORN

11 DIRECT EXAMINATION

12 BY MR. BLEGEN:

13 Q. Sir, will you please tell us your name and spell your first
14 and last name?

15 A. My name is Mr. Raja Muhammad Yaqub, R-a-j-a, M-u-h-a-m-m-a-d,
16 Y-a-q-u-b.

17 Q. And how are you employed, Mr. Yaqub?

18 A. I'm sorry?

19 Q. How are you employed?

20 A. I'm a business person, small business person in the retail
21 gasoline business.

22 Q. And what's your educational background?

23 A. I got couple of Bachelor's in Math and Physics and Chemical
24 Engineering from Pakistan.

25 Q. When did you obtain those degrees?

Yaqub - direct by Blegen

15

1 A. In 1985 and 1979.

2 Q. When did you come to the United States?

3 A. 1989, end of 1989.

4 Q. Are you a citizen of the United States?

5 A. Yes, sir.

6 Q. Are you a member of any business or political organizations?

7 A. Yes, Pakistani Business American Association and --

8 Q. Let's stop there for a second. Say the name of that
9 organization again.

10 A. Pakistani American Business Association Chicago.

11 Q. What's the purpose of that organization?

12 A. To organize the business, to educate the people, to help them
13 to get, to go into different businesses.

14 Q. What other groups are you a member of?

15 A. I'm a member of Coalition of Pakistani Organizations,
16 Chicago, Illinois.

17 Q. Let me stop you there. Did you say Coalition of Pakistani
18 Organizations?

19 A. Yes, sir.

20 Q. What's the, if you could speak up a little more and maybe
21 slow down.

22 A. Yes, Coalition of Pakistani Organization is basically, they
23 celebrate Pakistani Independence Day in Chicago.

24 Q. Let me stop you there for a second. Could you slow down in
25 your speaking a little bit.

Yaqub - direct by Blegen

16

1 A. It celebrates every year Pakistan Independence Day parade,
2 human rights, civil rights, disasters, anything happens back
3 there or over here, we help them.

4 Q. Okay. Are you a member of any other organizations?

5 A. PMLN.

6 Q. What's the PMLN?

7 A. Its job was to, for restoration of the oppressed in Pakistan,
8 independence of judiciary and human rights and civil rights.

9 Q. Can you tell us what PMLN stands for?

10 A. Pakistan Muslim League Navas.

11 Q. If I were to summarize what you just said, that organization,
12 its goal is to restore democracy and the independence --

13 A. Of the judiciary.

14 Q. Of the judiciary in Pakistan?

15 A. Yes, sir.

16 Q. Do you know the gentleman sitting over here in the orange
17 jumpsuit?

18 A. Yes, I know him well.

19 Q. Do you know him to be Mr. Rana?

20 A. Rana Tahawwur Hussain.

21 Q. How did you first come to meet Mr. Rana?

22 A. Like five years back we have a dinner for Pakistani
23 congressman, his name is (unintelligible) Bashood and I met Mr.
24 Rana Tahawwur Hussain at that dinner, so I know him since that.

25 Q. So you first met him at a dinner?

Yaqub - direct by Blegen

17

1 A. Yes.

2 Q. With a Pakistani political figure?

3 A. Right.

4 Q. And you have known him since then?

5 A. Yes.

6 Q. How often have you spoken with Mr. Rana over the five or
7 six years since you have known him?

8 A. About 14, 15 times.

9 Q. And does Mr. Rana have any affiliation with any of your
10 organizations?

11 A. In my knowledge, no, but he supports Pakistani business
12 association, have charities, organizations like Pakistan medical
13 clinic centers.

14 Q. You just said Pakistan medical clinic?

15 A. Yes.

16 Q. Tell us about that clinic and Mr. Rana's association with it,
17 and again, keep your voice up.

18 A. That clinic is to help the poor people that cannot afford
19 health insurance. They have a full time doctor over there
20 sometime. Rana Tahawwur Hussain used to own that building where
21 the office was, and sometime he didn't charge the rent and
22 sometimes he donate that money for those doctors for the
23 expenses.

24 Q. So he sometimes gave them free rent?

25 A. Yes.

Yaqub - direct by Blegen

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1 Q. And sometimes donated money?

2 A. Yes.

3 THE COURT: Where is that located?

4 THE WITNESS: It's Granville and California.

5 THE COURT: Granville and California.

6 BY MR. BLEGEN:

7 Q. And is that a newer location?

8 A. No, it's about -- it started, clinic was started 2004 and
9 their office was over there since 2006 to 2008.

10 Q. But when it was, when Dr. Rana was occasionally giving them
11 free rent, was it in a different location?

12 A. No, the same location.

13 Q. Same location?

14 A. Yes, sir.

15 Q. Have you discussed Mr. Rana with other members of the
16 business community?

17 A. Did I discuss with other members of the community?

18 Q. Did you discuss with other members of the business community
19 Mr. Rana?

20 A. Yes, I discussed with them, last Sunday we have a meeting and
21 about 20 people appeared over there, some family members.

22 Q. Let me stop you there for a second. There was a meeting of
23 business people, did you say, this past Sunday?

24 A. Yes, sir.

25 Q. All right. And what was the purpose of the meeting?

Yaqub - direct by Blegen

19

1 A. The purpose of meeting was to understand and know what is the
2 case of Mr. Rana, and how we can help him legally over here.

3 Q. From that meeting and from other contact with business
4 people, have you come to a conclusion about what Mr. Rana's
5 reputation is for honesty and trustworthiness in the business
6 community?

7 A. The consensus was, our conclusion was Mr. Rana is
8 trustworthy, honest person and nonviolent person.

9 Q. And how many people did you say were at that meeting?

10 A. 20 people, close to 20.

11 Q. And can you describe for us in general who they are, were
12 they businessmen, were they friends?

13 A. Mostly they are business people and some friends.

14 Q. And when you say "friends," you mean friends of Mr. Rana?

15 A. Yes.

16 Q. Have you personally had business dealings with Mr. Rana?

17 A. I buy a couple of time meat from his stores to sacrifice a
18 goat last year. So I know a little bit about his business.

19 Q. And what is your personal opinion of his honesty and
20 trustworthiness?

21 A. My personal opinion is he is a decent gentleman and he is
22 honest and trustworthy person.

23 Q. Have you ever discussed world events or politics with Mr.
24 Rana?

25 A. I invited him when Mr. Bashood came and after that we

Yaqub - cross by Collins

20

1 compared our position for independence of judiciary and
2 disposition of democracy. He told me yes, but we don't have too
3 much meeting after that.

4 Q. He told you that he supported your group's purposes?

5 A. Yes.

6 Q. Have you ever discussed violence or violent acts in the world
7 with Mr. Rana?

8 A. No, never ever.

9 MR. BLEGEN: That's all I have, Judge.

10 THE COURT: Okay. Mr. Collins.

11 MR. COLLINS: Thank you, your Honor.

12 Sir, good afternoon.

13 THE WITNESS: Good afternoon, sir.

14 CROSS-EXAMINATION

15 BY MR. COLLINS:

16 Q. At the meeting that was last weekend, did I hear you say that
17 there were family members there as well?

18 A. Yes.

19 Q. Okay. And whose family members were there?

20 A. His father-in-law, his mother-in-law, and his sister-in-law.

21 Q. When you say "his," are you referring to --

22 A. Rana Tahawwur Hussain.

23 Q. And were his family members present for the meeting that was
24 held with these other folks?

25 A. I invited them basically. They didn't come by themselves. I

Yaqub - cross by Collins

21

1 invited them for that meeting.

2 Q. I understand that they were invited. Were they present while
3 these things were being discussed?

4 A. Yes.

5 Q. And so in front of other family members, the folks that were
6 there said positive things?

7 A. Right, that's correct, sir.

8 Q. Now, you have mentioned that in total you have spoken to Mr.
9 Rana about 14, 15 times in the last five years, is that correct?

10 A. That's correct.

11 Q. Okay. Are those in-person meetings with Dr. Rana?

12 A. Not personal meeting -- like yes, personal meetings, but with
13 regard to business and community issues.

14 Q. I mean, on any of those occasions are you both physically in
15 the same room?

16 A. Yes, we go to mosque together sometime. Then we invited him
17 for the dinners when I have some guests. So one time we had
18 funeral, a friend of him and mine, he was passed away so we're
19 together all day.

20 Q. Do you speak by phone with Dr. Rana?

21 A. No, never.

22 Q. Do you ever communicate with Dr. Rana by e-mail?

23 A. No.

24 Q. Now, in the 14 or 15 times that you have had discussions with
25 Dr. Rana, have you ever discussed his feelings about the dispute

Yaqub - cross by Collins

22

1 in Kashmir?

2 A. No.

3 Q. Did you ever discuss the group Lashkar e Taiba?

4 A. No.

5 Q. Are you familiar with who that group is?

6 A. Yes, sir, I know them.

7 Q. Okay. Did Dr. Rana at any time ever let you know that he has
8 a friend who was trained by Lashkar e Taiba?

9 A. He never ever told me.

10 Q. You a moment ago expressed the opinion that based on your
11 business dealings and your conversations with Dr. Rana and this
12 meeting that was last weekend --

13 (Phone ringing)?

14 MR. COLLINS: Do you need to take that?

15 THE WITNESS: Sorry.

16 Yes, sir.

17 BY MR. COLLINS:

18 Q. I'll start again. You mentioned that in your opinion based
19 on this meeting that was last weekend and your business dealings
20 that Dr. Rana is nonviolent?

21 A. Yes, sir, correct.

22 Q. Is that something that was discussed in front of his family
23 members?

24 A. No, other people discussed that thing like we know him good,
25 well, and he has never committed any violence, and he has a

Yaqub - cross by Collins

23

1 family, he belongs to a family, and always he behaves with people
2 in nice way. So he is nonviolent and he is an honest and
3 trustworthy person.

4 Q. Okay. And that's your opinion as well, correct?

5 A. Yes, sir.

6 Q. Would your opinion change if you knew that Dr. Rana in the
7 last few months has been spending significant time with somebody
8 who had been trained by a designated terrorist organization?

9 A. Until I know something, the details or the facts, I say no.

10 Q. That would not affect your opinion?

11 A. Until I know some facts, but if I don't know some facts, I
12 cannot have no comments.

13 Q. Understood, and I understand that Dr. Rana didn't share that
14 stuff with you, but I'm asking you, if you knew that --

15 A. Okay.

16 Q. -- if you knew that, that Dr. Rana was spending a significant
17 amount of time with somebody that had been trained by Lashkar,
18 would that change your opinion on whether he was nonviolent?

19 A. It would depend on how Rana Tahawwur Hussain discussed issues
20 with Lashkar e Taiba, what was the topic, what was the goal, and
21 what was their opinion. After that I can have opinion. Other
22 than that, it would be hard for me to make my opinion.

23 Q. If I told you or if you knew, I should say, that Dr. Rana
24 knew this person had been trained by Lashkar for a period of
25 years.

Yaqub - cross by Collins

24

1 A. okay.

2 Q. And that this person had performed work for Lashkar, would
3 that change your opinion?

4 A. Right now I know him as a business person, community person.
5 I don't know about that yet until I have the facts and figures.

6 Q. Okay. Do you understand that Dr. Rana is -- you mentioned
7 that you had some business dealings with Dr. Rana, is that
8 correct?

9 A. Not too much business but sometimes I buy meat from his
10 grocery store.

11 Q. So you buy meat from him?

12 A. Yes.

13 Q. Have you ever had any dealings with him in any other business
14 that Mr. Rana is involved in?

15 A. One time a person came to me, his name is Dedar and he asked
16 me like he need some immigration help, and I said "where you are

17 going?" And he said he is going to Rana Tahawwur, "he is very
18 good person and I go to him and I need your help." That's only I
19 know about his --

20 Q. What I'm asking really is are you aware that Mr. Rana runs an
21 immigration business?

22 A. Not too much.

23 Q. Not too much aware?

24 A. I know he runs, but I don't know the details. I have no
25 details about that.

1 Q. Okay. Well, you expressed an opinion based on your personal
2 dealings about his honesty, is that correct?

3 A. That's correct, sir.

4 Q. And that's honesty relating to his business dealings, right?

5 A. That's correct.

6 Q. If you knew that Dr. Rana had recommended to somebody to
7 essentially forge a document --

8 MR. BLEGEN: Objection.

9 THE COURT: Okay.

10 MR. BLEGEN: That's not in any evidence.

11 THE COURT: Do you want to have -- do you need to ask
12 him about this or do you want to have a sidebar about this? I
13 don't know where it is.

14 MR. COLLINS: Well, Judge, we can talk about it if we
15 want, but I'm getting to something that was referred to in our
16 supplemental filing.

17 MR. BLEGEN: I know what he is talking about, but it's
18 not in the evidence, and he is not accurately summarizing it
19 either.

20 MR. COLLINS: Judge, the man has expressed an opinion.
21 I'm asking him if he knew certain facts.

22 THE COURT: But you have to -- but the facts have to
23 be, I mean, they have to be correct facts, not an inference one
24 way or the other, but we do have to have correct facts.

25 would you tell the defense what page you're on?

Yaqub - cross by Collins

26

1 MR. COLLINS: I will, Judge.

2 THE COURT: Is this the first or second filing?

3 MR. COLLINS: This is the first filing, Judge.

4 THE COURT: Okay.

5 MR. BLEGEN: The summaries in their pleading is what
6 I'm objecting to. If we can have a sidebar.

7 THE COURT: Okay.

8 MR. COLLINS: Well, Judge --

9 THE COURT: Just for a minute, come on over.

10 (Sidebar conference off the record).

11 BY MR. COLLINS:

12 Q. Sir, is it fair to say that you don't have any knowledge
13 about how Mr. Rana conducts his immigration business?

14 A. I have some knowledge. I have friend of mine, he was his
15 client, he came to me one time like he needed my help to, for

16 immigration issue and I asked him "where are you going?" He said

17 "This person named Rana Tahawwur Hussain, I'm going to him and he
18 is a trustworthy person," so that's he explained me. Other than
19 that, I don't know much.

20 Q. Is it fair to say that you're not with Mr. Rana when he
21 conducts his immigration business?

22 A. No, sir.

23 Q. You're not present when he talks to folks about how to
24 conduct this immigration business, is that fair?

25 A. No, sir.

Yaqub - cross by Collins

27

1 Q. It is fair that I say that, right?

2 A. I'm sorry?

3 Q. You're not present with him, correct?

4 A. No.

5 Q. Now, sir, has Dr. Rana ever informed you or are you aware of
6 his dealings with the Pakistani consulate?

7 A. No, sir.

8 Q. Would it change your opinion if you knew that Dr. Rana had
9 concealed the identity of someone from the Pakistani consulate
10 when trying to get a visa?

11 MR. BLEGEN: Judge, I'm going to make the same
12 objection.

13 THE WITNESS: As long as I know --

14 THE COURT: Sir, there is an objection. Hold on a
15 moment. Mr. Collins, what do you have to say about that?

16 MR. COLLINS: Judge, it's in our complaint, you know,
17 it's one of the paragraphs of the complaint, the counts of phone
18 conversations in which Dr. Rana participated.

19 THE COURT: All right. So then why don't we do it -- I
20 think the way to do it then is that the evidence, "If we have
21 some evidence that may show, would that change your opinion," I
22 mean, rather than as a fact.

23 MR. BLEGEN: The complaint -- I mean, I think what
24 you're saying is that he can assert facts but not conclusions to
25 be drawn the from those facts, which is what I think he is doing.

Yaquib - cross by Collins

28

1 THE COURT: Well, I mean, we're not at trial. The
2 reason I'm confused here is we're not at the trial and I
3 understand it's a character witness and you're asking, if you
4 have, Mr. Collins has facts or evidence that support his position
5 and he wants to ask this fellow if those facts were there, would
6 he change his mind about what kind of a person he is, that's all.

7 MR. BLEGEN: I understand, but what I think Mr. Collins
8 is doing is drawing conclusions from those facts that one, aren't
9 warranted and two, if he wants to see if he agrees that he would
10 be dishonest after listening to this tape, he should play the
11 tape for him and say "After hearing that, do you think you would
12 have the same opinion?"

13 THE COURT: Well, I don't know whether we really want
14 to do that, Mr. Blegen.

15 MR. BLEGEN: Well, I understand, but the other way is a
16 shortcut that I don't think works.

17 MR. COLLINS: Let me do it this way, Judge, just to
18 move things along.

19 THE COURT: Sure.

20 BY MR. COLLINS:

21 Q. Are you aware whether or not on September 25th of this year
22 Mr. Rana had a conversation with the Pakistani consulate?

23 A. No, sir.

24 Q. You're not aware of that?

25 A. I am not aware of that.

Yaqub - cross by Collins

29

1 Q. Have you ever discussed Ilyas Kashmiri with Dr. Rana?

2 A. No, never ever.

3 Q. Are you familiar with who Ilyas Kashmiri is?

4 A. Ilyas Kashmiri? No, I don't know him.

5 Q. I understand you don't know him, but are you familiar with
6 who he is?

7 A. No, I'm not familiar with him. I know Lashkar e Taiba, but I
8 don't know Mr. Ilyas Kashmiri, I am not familiar with him.

9 MR. COLLINS: Okay. Your Honor, may I have a moment?

10 THE COURT: Yes.

11 (Pause)

12 MR. COLLINS: No further questions, Judge, thank you.

13 MR. BLEGEN: Judge, I have nothing further.

14 THE COURT: Sir, thanks so much for coming down today.
15 You're excused.

16 THE WITNESS: Thank you, Judge, thank you.

17 (Witness excused)

18 MR. BLEGEN: Judge, our last witness will be Mr. Athar
19 Akhtar, A-t-h-a-r, A-k-h-t-a-r.

20 THE COURT: So the first name is what?

21 MR. BLEGEN: Athar, A-t-h-a-r.

22 THE COURT: And the last name is?

23 MR. BLEGEN: Akhtar, A-k-h-t-a-r.

24 THE COURT: Okay. Good afternoon, Mr. Akhtar.

25 THE WITNESS: Good afternoon.

Athkar - direct by Blegen

30

1 THE COURT: Mr. Akhtar, before you sit down, my
2 courtroom deputy -- will you raise your right hand. Lynette,
3 will you swear him in, please.

4 (Witness sworn)

5 THE COURT: Thank you, Mr. Akhtar. If you will come up
6 to the witness stand here. Yes. And we want you to speak into
7 the microphone, but not too close.

8 THE WITNESS: I can sit down here, right?

9 THE COURT: Yes, please do. Thank you.

10 THE WITNESS: You're welcome.

11 ATHAR AKHTAR, DEFENDANT'S WITNESS, DULY SWORN.

12 DIRECT EXAMINATION.

13 BY MR. BLEGEN:

14 Q. Sir, would you please tell us your name and spell your first
15 and last name.

16 A. My first name is Athar, A-t-h-a-r, and my last name is
17 Akhtar, A-k-h-t-a-r.

18 Q. Would you back up just maybe five inches or so from the
19 microphone?

20 A. Okay.

21 THE COURT: That's good.

22 BY MR. BLEGEN:

23 Q. Sir, do you know Mr. Rana sitting there?

24 A. Yes, I know him.

25 Q. How do you know him?

Athkar - direct by Blegen

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1 A. From like 20 years, 20 years I know him.

2 Q. Are you related to him?

3 A. Yes.

4 Q. How are you related?

5 A. I'm brother-in-law of Dr. Rana.

6 Q. All right. What is your occupation?

7 A. I am salesman, international salesman, Internet company, NTD
8 Communication.

9 Q. What is your educational background?

10 A. I'm a law graduate from my country.

11 Q. You say you're a law graduate?

12 A. Law graduate.

13 Q. And your country is Pakistan?

14 A. Yes, West Pakistan.

15 Q. When did you obtain your law degree?

16 A. Is long time, was like in 80s, maybe, '83 or something, '82.

17 Q. When did you come to the United States?

18 A. I come in United States in 1999.

19 Q. And are you a citizen?

20 A. Yes, I am a citizen.

21 Q. When was it that you first met Mr. Rana?

22 A. When I first met, I first met Rana when we are making
23 marriage for my sister, Sumraz Rana, to Dr. Rana I met first time
24 there in Bavapur, the city.

25 Q. And how long have Mr. Rana and his wife been married?

Athkar - direct by Blegen

32

1 A. It's like 19 or 20 years maybe.

2 Q. So I take it you first met him 19 or 20 years ago?

3 A. Yes, yes.

4 Q. Do you know -- so now we know that Mr. Rana is married,
5 correct?

6 A. Yes.

7 Q. Does he have children?

8 A. Yes, he have three kids.

9 Q. And are they school age or are they employed?

10 A. Two of their daughters are under 18. They are in Whitney
11 Young magnet school.

12 Q. And one is in college?

13 A. And one is in college, Dayton College.

14 Q. Over the 19 years that you have known him, how often would
15 you say that you speak with Mr. Rana?

16 A. Usually because he is our family member, so usually I talk to
17 him like in a week or sometime in ten days, but when we are in
18 Pakistan, we cannot talk to him regularly, but when I come here,
19 then we talk to him like almost everyday sometime and sometime in
20 two, three days.

21 Q. Let's target when you have been in the United States. Since
22 you have been in the United States how often have you spoken to
23 him?

24 A. Regularly, often, like four or five times in a week sometime.

25 Q. And on what sort of occasions or under what circumstances

1 would you speak with him?

2 A. Regarding to some family matters, regarding to the education
3 of the kids, regarding that stuff, family things and business
4 things.

5 Q. And do you occasionally have dinner at their home?

6 A. Yes, they have usually make, sometime they make a dinner
7 party and a lot of our friends and family members come there and
8 sometime I make a dinner party and they come to my house and we
9 all get together there. And all their kids and everyone come
10 together, and sometime we go to the movies, like the Bollywood
11 movies and sometimes there we get together and we see the movies
12 together.

13 Q. Have you over the period of years then in your conversations
14 with Mr. Rana, have you come to an opinion about his honesty and
15 trustworthiness?

16 A. Oh, yes, he is most trustworthy and honest person. And he is
17 very good and sincere, sincere person and he always give very
18 good advice.

19 Q. And is he someone that you would go to for advice?

20 A. Yes, we go for some advice to him and he give us very good
21 advice every time.

22 Q. Have you also discussed world events or politics with Mr.
23 Rana?

24 A. Not sometimes, but you know, sometimes on the politics too,
25 we discuss.

Athkar - direct by Blegen

34

1 Q. Have you ever discussed with him or been present when he was
2 discussing with other people acts of violence that may have been
3 committed in the world?

4 A. No, he cannot talk about violence too much because he is a
5 peaceful person and he always talk -- he is a nonviolent person,
6 he never talk about --

7 Q. In a second I'll ask you whether he supported violence or
8 not, but have you ever talked to him about violence that may have
9 occurred elsewhere in the world just as a general topic?

10 A. Yes, sometime, sometime.

11 Q. And has he ever -- has he ever expressed an opinion in favor
12 of violence?

13 A. No, not at all.

14 Q. Does he routinely condemn violence?

15 A. Yes.

16 Q. What is Mr. Rana's position on education and education of his
17 children?

18 A. He is a well educated person and he is a doctor and he has
19 done -- his exam here, he passes exam of United States and his
20 kids are also very well educated. They go to the western schools
21 and they are --

22 Q. What about his wife, your sister?

23 A. Yes, my sister is also well educated. She is a doctor. And
24 they are -- whole family is very well educated.

25 MR. BLEGEN: That's all I have, Judge.

Athkar - cross by Peters

35

1 THE COURT: Thank you. Ms. Peters.

2 CROSS-EXAMINATION

3 BY MS. PETERS:

4 Q. Dr. Rana is your brother-in-law?

5 A. Yes.

6 Q. Your sister is married to him?

7 A. Yes.

8 Q. Now, you say that you, since you both have lived in the U.S.,
9 you speak to him personally four or five times a week?

10 A. Yes, usually, sometimes I talk to him four or five times a
11 week.

12 Q. Would that be in person or on the telephone?

13 A. Sometime in person, sometime on phone because really sometime
14 I call him and ask him "How are you, how is everything?"

15 Q. In a given week where you spoke to him four or five times,
16 what percentage of those times would those conversations be on
17 the telephone and what percentage would be in person?

18 A. 70 to 80 percent on telephone, and like 20 to 25 percent in
19 person. Because he is a very busy person, he has a lot of
20 businesses and he does not have time to spend together.

21 Q. And you're a busy person?

22 A. I'm busy too, so --

23 Q. Is it fair to describe your relationship with Dr. Rana as
24 distant?

25 A. "Distant" meaning what?

Athkar - cross by Peters

36

1 Q. That you don't have a very close relationship with him?

2 A. No, I have a close relationship. He is my family member.

3 Q. Do you recall being interviewed by two FBI agents on the 20th
4 of October of 2009?

5 A. Yes.

6 MR. BLEGEN: Can I get a copy of whatever it is that
7 they're referring to.

8 THE COURT: Do you have a copy? Do you have an extra
9 one?

10 (Pause)

11 THE COURT: Do you want to ask the question over again.

12 MS. PETERS: I will, Judge.

13 THE COURT: We can't have anybody read it back.

14 BY MS. PETERS:

15 Q. Do you remember being talked to by two FBI agents on the 20th
16 of October of this year?

17 A. Yes.

18 Q. Okay. And they came to you and told you that they wanted to
19 talk to you about Dr. Rana, is that right?

20 A. Right.

21 Q. And about your relationship with Dr. Rana?

22 A. Yes, I told them.

23 Q. And you told them, did you not, that you had primarily a
24 phone relationship with him and you weren't particularly close.

25 Do you recall that?

Athkar - cross by Peters

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1 A. I think, though, not in this way. I just tell them that on
2 phone and I meet him because he is my family member so sometimes
3 I meet him, sometimes I call him.

4 Q. So outside of your family relationship with him, you don't
5 have a particularly close friendship with him. It's a family
6 relationship?

7 A. Yes, that's a family relationship too, but he is my age
8 fellow too, like he is like a little bit younger than me, but we
9 have both relation, we have the frendship relation and the family
10 relation.

11 Q. Would you agree with me that it is part of your tradition
12 that once a woman is married, family members of that woman don't
13 often visit the woman and her husband?

14 A. Yes, but it's not necessarily.

15 Q. But that is part of the tradition?

16 A. Yes, that's a part of tradition in the sense that usually we
17 go less than the close friends, but we go there.

18 Q. Because now she has become part of another family?

19 A. We feel that's our family too.

20 Q. Now, you're aware, though, that Dr. Rana has family in
21 Canada, right?

22 A. Yes.

23 Q. And that he travels to Canada fairly often?

24 A. Yes.

25 Q. Are you aware that Dr. Rana has contacts with people overseas

Athkar - cross by Peters

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1 other than in Canada?

2 A. I don't know about that, that he had some other relation with
3 other countries, but I know that in Canada they have the family
4 relationship.

5 Q. You're aware that he has contacts with people in Pakistan?

6 A. No, I don't know about that.

7 Q. Now, you said that --

8 A. But I'm sorry to say that he has also family members in
9 Pakistan, might be he has contact with them.

10 Q. Now, you said you sometimes discuss politics with him.

11 A. Yes, sometimes.

12 Q. Did you discuss with him the cartoons of the Prophet Muhammad
13 that were published?

14 A. No, I have not discussed with him the cartoons, but actually
15 making the people when the cartoons were published, so all of the
16 people are concerned about that, but particularly I didn't talk

17 to him about that.

18 Q. That was a big issue, wasn't it?

19 A. Yes, it was a big issue for the Muslim peoples.

20 Q. But you never discussed it with him?

21 A. No, I never particularly discuss about him.

22 Q. Now, you said that in your opinion he is a nonviolent
23 peaceful person.

24 A. Yes.

25 Q. Have you ever heard of the terrorist group called Lashkar e

Athkar - cross by Peters

39

1 Taiba?

2 A. Not too much I don't know about that.

3 Q. Have you heard of it at all?

4 A. Maybe in some news I just heard about that. Sometimes I get
5 the news.

6 Q. Were you aware that it is a designated terrorist
7 organization?

8 A. No, I don't know about that.

9 Q. Have you heard of a man named Ilyas Kashmiri?

10 A. No, I don't hear that name.

11 Q. Were you aware, sir, that Dr. Rana was very close friends
12 with somebody who was trained by Lashkar e Taiba?

13 A. No, I don't know about that.

14 Q. If I told you that it was a fact that Dr. Rana had a
15 conversation with an individual who had been trained by Lashkar
16 regarding potential terrorist attacks, targets for terrorist

17 attacks, would that change your opinion about him as to whether
18 or not he is a peaceful person?

19 MR. BLEGEN: Judge, I object.

20 THE WITNESS: No.

21 THE COURT: Hold on just one moment, please. What is
22 your objection?

23 MR. BLEGEN: Particularly to the second part, which is
24 I understand that they're saying that Dr. Rana had this friend
25 who said he was trained by Lashkar e Taiba. What he actually

1 said was he tried to be trained and failed, which they haven't
2 brought out yet, but the other part where they say particularly
3 with connection to some terrorist activity, that's not, that's
4 not anywhere.

5 MS. PETERS: Your Honor, it's part of the complaint.
6 It's the telephone conversation on September 7th. And Dr. Rana
7 admitted when he was interviewed that he was aware of this
8 individual's training from Lashkar.

9 MR. BLEGEN: Judge, I have now gotten to see his
10 post-arrest interview, and what he said was "This person told me
11 he was, but he told me he did not complete the training." He
12 didn't say he was aware of it from outside sources and he did say
13 specifically "He told me he did not complete training." I mean,
14 if they're going to ask him the questions, they should use the
15 accurate information.

16 MS. PETERS: I'll ask it a different way.

17 THE COURT: Thank you.

18 BY MS. PETERS:

19 Q. I'm asking you, sir, about your opinion as to Dr. Rana being
20 a peaceful person.

21 A. Yes, he --

22 Q. If I were to tell you that it is a fact that Dr. Rana was
23 aware that a close friend of his had completed partial training
24 by Lashkar e Taiba, would that change your opinion that Dr. Rana
25 is a peaceful person?

1 A. No, not at all. I believe that he is a nonviolent person and
2 he never believe in violence.

3 MS. PETERS: May I just have a moment, Judge?

4 THE COURT: Sure.

5 MS. PETERS: Nothing further.

6 THE COURT: Thank you. Mr. Blegen?

7 MR. BLEGEN: No questions.

8 THE COURT: Sir, thanks very much.

9 THE WITNESS: Thank you very much.

10 THE COURT: You may step down.

11 (Witness excused)

12 MR. BLEGEN: Judge, is it all right for witnesses to
13 stay in the courtroom after they have testified?

14 THE COURT: Yes.

15 Mr. Blegen, do you have anything else you would like to
16 present in the form of witnesses?

17 MR. BLEGEN: No.

18 THE COURT: Okay. Does the government wish to call
19 anyone?

20 MS. PETERS: No.

21 THE COURT: Okay. So what would you like to do next?

22 MR. BLEGEN: Judge, I guess briefly I would like to
23 proffer kind of what I was discussing now, which is my proffer of
24 what, about -- you know, we continued this for some period of
25 time so I would have a chance to review some of the discovery

1 which the government was nice enough to give me in exchange for
2 waiving the preliminary hearing.

3 So I would kind of like to discuss just a little bit of
4 the kinds of things that I was just saying, which are at least my
5 suggestion and my belief that the complaint is not quite as
6 strong evidentiary as the government suggests that it is.

7 THE COURT: Okay.

8 MR. BLEGEN: And I guess I'll start where I was just
9 talking about during an objection, which is that, you know, the
10 government has said in their complaint that Mr. Rana in his
11 post-arrest statement said that he knew that Headley had been
12 trained by Lashkar e Taiba. What he actually says is "I don't
13 know that to be a fact" -- and I'm summarizing what's in the
14 post-arrest statement -- "but that Headley told me that, but he
15 told me that he had attempted to complete training but was unable
16 to."

17 The post-arrest -- the government's summary of the
18 post-arrest statement in the complaint, which just for your
19 reference is on paragraph 114 of the amended complaint, it only
20 puts in I guess what the government has culled out of there as
21 the good pieces of evidence. And I think I may have said this
22 either at the first or second appearance when we were here, that
23 I presumed from the fact that a confession was not in here that
24 Mr. Rana had not confessed. Having now seen the post-arrest and
25 listened to the post-arrest statement, he denies outright that he

1 knew of Mr. Headley's plans, if indeed Mr. Headley had them, and
2 he denies outright that he allowed his business to be used as a
3 front for Mr. Headley to do this travel for his plotting and he
4 denies outright that he knew about it.

5 Also, the post-arrest statement indicates that Mr. Rana
6 said that he would not have done newspaper -- or done business
7 with the newspaper that published the cartoons, but that's -- he
8 also at the same time or shortly thereafter says "I didn't know
9 which newspaper it was that had published them." And later when
10 they asked him about it again, Mr. Rana says "Well, if it's a
11 widely published newspaper and for our business purposes we want
12 to get our ads out as best we can, I would use that newspaper."
13 So that part of it at least is contradicted. The post-arrest
14 statement, at least their summary of it, says that he discussed
15 the cartoonist and editor of the Jyllands-Posten with Headley.
16 What he says is that Headley mentioned those names to him. He

17 also says that those names did not stick in his head and says
18 that you know, Headley said some things about them but not that
19 they discussed that with each other or that the names meant
20 anything to him.

21 And lastly, at least in relation to the post-arrest
22 statement, the government has said that there is a reference to a
23 National Defense College in the tapes. And it sounds -- I don't
24 know this for sure, but it sounds like there probably is. But in
25 his post-arrest statement Mr. Rana indicates that he thinks that

1 Headley was referring to the National Defense College of
2 Pakistan, not of India, and the importance of that -- and I don't
3 see at least anywhere in the evidence I have to date anything
4 indicating that that is what Headley was talking about, meaning
5 National Defense College of India. And that ties into their
6 argument that there was some -- that this terrorism enhancement
7 would apply because the National Defense College of India is a,
8 you know, a government office or military office in India.

9 what Mr. Rana says when they say what did he mean by
10 National Defense College, he says "I don't know what he meant."
11 It doesn't make any sense -- he is talking about, you know, he
12 says he assumes he is referring to National Defense College of
13 Pakistan.

14 THE COURT: Government.

15 MR. BLEGEN: I still have some more to go, Judge, I'm
16 sorry.

17 THE COURT: Go ahead.

18 MR. BLEGEN: The complaint, the amended complaint also
19 says in paragraph 21 that despite his apparent lack of resources,
20 Headley was traveling around the world, and I think the
21 suggestion that they're trying to get from that is that Rana was
22 funding his travel.

23 There are two things in the evidence that contradict
24 that. One, Headley himself is saying in one of the e-mails that
25 he has lots of resources. You know, there was some talk before

1 about Headley's will being sent to Mr. Rana and the explanation
2 of why there was this coded e-mail discussion is because there
3 was some secret information in there that Headley did not want to
4 get out and Rana did not want his family to find out about
5 Headley, but it had nothing to do with violence or terrorism, it
6 had to do with Headley's family situation.

7 They say in the complaint that he has an apparent lack
8 of financial resources, but it's very clear from the evidence
9 that he does have resources, he says so in his e-mail, and a lot
10 of them, that he has got, apparently he has some offices
11 overseas, he has land that he owns overseas. So I don't know
12 where the apparent lack of resources comes from.

13 And also in the evidence it is clear that it is in fact
14 Headley who has loaned money to Rana and not the other way
15 around, not that Rana is supplying Headley with money, and, of
16 course, part of this is, you know, material support of terrorism

17 and you know, the government's complaint doesn't come right out
18 and say that Rana paid for the tickets, it says he arranged for
19 them, and that may be a result of that evidence of the loan
20 between Headley and Rana.

21 THE COURT: But you say the loan went from Headley to
22 Rana?

23 MR. BLEGEN: Correct.

24 THE COURT: Not from Rana to Headley.

25 MR. BLEGEN: Yes, correct. And what I wanted to

1 discuss about the, what the government calls evidence of
2 immigration fraud, the discovery, the -- just talk about the
3 laser jet issue, I don't think it's quite -- I mean, I guess the
4 government can reach that conclusion if they want to, but I don't
5 think that's the only conclusion that you can reach from that
6 discussion, at least what we know of it to date.

7 The conclusion you could reach is that this other person
8 said he was going to do something kinky, Rana tried to stop him
9 as best he could, saying "Well, you know, they had different kind
10 of prayers back then." And then he tells -- the person says
11 well, Rana tells him if the company still exists, have them issue
12 the letter on company record. The person then says it's a
13 fictitious company and Rana says to get the letter from a real
14 company, even if the company isn't in business any longer.

15 So that issue, you know, the fact that he says laser
16 printer in there is not -- this is him trying to convince this
17 person that you have to do things in a legal way or at least
18 that's certainly as capable -- you're just as capable of reading
19 it that way as the way the government wants.

20 The same is true for the issue of the e-mail where there
21 is -- you may recall from the pleadings there is an e-mail where,
22 I think it's now Individual A from overseas is talking to Rana
23 about an immigration issue and Rana tells him "You can't do
24 things certain ways. If you think there is an easy way to get to
25 the United States, think there is a catch to it because you can't

1 do things that way." I guess what the government wants you to
2 conclude is that when Rana later says "The only loophole is
3 business," that that is some sort of immigration fraud. But a
4 loophole is not fraud, a loophole is a way people have figured
5 out to get what they want through, via the law. And until the
6 loophole is closed, it's legitimate.

7 So he is not telling this person, he is in fact telling
8 him the opposite of what the government claims and, that he is
9 not teaching someone how to commit immigration fraud, he is
10 advising someone not to because it doesn't work. I suppose we
11 would all have preferred if he gave the person a lecture on, you
12 know, the fact that you're even considering this means you're not
13 of good moral substance and you really shouldn't consider it, but
14 he did what he could and told him that it should be done, that
15 you can only do it through legitimate ways.

16 And lastly, Judge, I wanted to discuss the issue of the
17 DVDs that the government put in their most recent pleading and
18 they have indicated that these DVDs are the Al Qaeda videos of,
19 martyrdom video, they call it, of four people, and the video
20 where the government has indicated that it's urging people,
21 urging Muslims I guess to take actions again Denmark.

22 THE COURT: Okay, and you know Mr. Collins dropped off
23 a copy of that, right?

24 MR. BLEGEN: Yes, he told me that.

25 THE COURT: And we watched a few minutes.

1 MR. BLEGEN: I got a headache after about three
2 minutes, but I did have an Urdu interpreter watch it.

3 I believe what the evidence is going to be is that Mr.
4 Headley gave those videos to Mr. Rana and Mr. Rana had very
5 little to no interest in them and in fact, it is supported by
6 other evidence that Headley was giving things to Rana that Rana
7 disagreed with.

8 There are, as part of the evidence I received there are
9 conversations between Headley and Individual A where Headley is
10 saying "I gave a book to Rana two years ago and he has never read
11 it. I gave another book to Rana and he has criticized that book,
12 saying that it's not right."

13 THE COURT: Where do you have those conversations?

14 MR. BLEGEN: This is in the evidence that the
15 government has given to me.

16 THE COURT: Well, I mean, are those on tape?

17 MR. BLEGEN: They are -- well, they're transcripts -- I
18 mean, I can only live with the government's interpretations or
19 transcriptions now, I'm not saying they would intentionally get
20 them wrong, but --

21 THE COURT: As opposed to statements of Individual A?

22 MR. BLEGEN: They are recordings.

23 THE COURT: What are they contained in?

24 MR. BLEGEN: They're contained in -- just because there
25 is a protective order here, the government would nudge me if I

1 accidentally stepped over the line.

2 THE COURT: Stop then, stop because -- okay. So in
3 some of the materials you have received -- say what you were
4 going to say. Just say the comment. I won't ask where they're
5 coming from.

6 MR. BLEGEN: Fine. It is clear that Rana does not
7 agree with the things that Mr. Headley gives him, and in fact,
8 contradicts them or argues against them. And what I'm suggesting
9 is the simple fact that these things were found in Mr. Rana's
10 home should not lead you to conclude that he believes them. And
11 I assume the government isn't even taking the position that
12 having these in your home necessarily means you're guilty or
13 necessarily is illegal. I have many things in my home that I
14 don't believe in. As my wife pointed out, we have a Communist
15 manifesto in our home somewhere, but that doesn't make us
16 Communists. The critical point is that Dr. Rana does not believe
17 in or support those matters, and that's what I wanted to say
18 about the DVDs.

19 MR. COLLINS: May I respond just briefly to some of
20 those points, Judge?

21 THE COURT: Sure, you can say all you want.

22 MR. COLLINS: Judge, just starting with the admissions,
23 there is one paragraph in the complaint that attempts to
24 summarize what is about five hours of conversation. And it is
25 true that Dr. Rana denied various things at various times. It's

1 true that he made a number of statements to the government during
2 that five hours.

3 When first asked about Denmark, he tried to tell the
4 agents that he intended to open up a goat farm in Denmark.
5 That's also in there. Then he was shown or then he became aware
6 of the e-mails that showed that he was interested in putting an
7 ad in that newspaper. So there is a lot of things that are in
8 that five hours of discussion, Judge. And I think it's pointless
9 at this point to start quibbling over half training or training
10 or what Individual A told him because ultimately, Judge, the
11 point is this. He spent a significant amount of time with
12 Individual A, who we know now is David Headley, a significant
13 amount of time, a lot more time than three witnesses that were
14 put here today.

15 And Dr. Rana was told about the training or attempted
16 training from Lashkar a long time ago and maintained his
17 relationship with David Headley, talked with David Headley about
18 targets as recently as September 7, 2009.

19 And I know that Mr. Blegen fairly disagrees with
20 interpretations of things in the complaint. That's his job,
21 that's his right to disagree with that. But the word "target" is
22 that man's word. It came out of his mouth. And that's not
23 something that involves interpretation. It's his own word.

24 Now, Mr. Blegen mentioned a moment ago that it's the
25 government's suggestion that Rana funded the travel. It's not.

1 We used the word "arranged" because what Dr. Rana did was arrange
2 the travel. And as is laid out in the complaint, there were a
3 number of times when Dr. Rana took care of making the travel
4 reservations for David Headley. We explain that in the
5 complaint. We made reference to the travel agencies. That's
6 what that word means. You can't set up something that we're not
7 saying to knock it down because we're not saying that.

8 Judge, on the evidence of immigration fraud, it's along
9 the same lines. Mr. Blegen has a right to disagree with our
10 conclusions, but there are certain things that are not a matter
11 of interpretation. Dr. Rana himself stated, and this is laid out
12 on page 9 of our first memorandum in support of detention. He is
13 talking with somebody about a person who wants to get some
14 immigration status. And he says "Make them a cook. Tell him
15 that he has a diploma for a two-year, four-year, it can be from
16 some food stand, but it must confirm that yes, I'm a cook, and he
17 should learn something. The whole purpose is innovation, right."
18 Those are words, those are his own words. It's not a matter of
19 interpretation, Judge. It's his own words.

20 Lastly, Judge, Mr. Blegen has noted a moment ago about
21 the video and indicated that there are other things that Dr. Rana
22 received from Mr. Headley that he might have disagreed with. But
23 we are talking about a video that was in his house, a video as
24 you saw, Judge, that was pretty stirring in what it's calling
25 for. And when Mr. Blegen says that Dr. Rana disagreed with other

1 things, he is not talking about that video. We haven't heard
2 about Dr. Rana's disagreement with what was on that video
3 because what we heard, and this was in his post-arrest, is that
4 he was upset about the cartoons as well. So we can't start
5 talking about one thing and then switch to another, Judge.
6 That's just in brief our response to that.

7 May I have a moment?

8 THE COURT: Sure.

9 MR. BLEGEN: Can I address a few of those things,
10 Judge?

11 THE COURT: Yes.

12 MR. BLEGEN: The talking about one thing and referring
13 to another is -- I think it certainly is capable of suggesting
14 that just because they didn't happen to record a conversation
15 where Rana was saying he disagreed with the videos doesn't mean
16 he agreed with them. But the evidence that he did not agree with
17 other things that Headley gave him is an indication that he just
18 doesn't take what this man gives him and say "Oh, well, that's
19 great." And I did say he does disagree with it. That may not be
20 in the conversations that they recorded, but that doesn't mean he
21 agrees with them.

22 I don't believe that Dr. Rana ever said in the
23 post-arrest statement that he was going to have a goat farm in
24 Denmark. What I think he said was that there was going to be,
25 that Headley was there to either try to expand his goat meat

1 business, which even the government admits that he has, to
2 European countries and perhaps and his immigration business to
3 European countries. So there is nothing, the fact that he was
4 talking about the meat business is not inconsistent and certainly
5 didn't appear to me to be that he was lying on the videotape.

6 The government says that pulling out the word "target"
7 means that Rana was necessarily talking about acts of terrorism.
8 That certainly isn't true. He uses the word, in his post-arrest
9 statement, he says at one point when he is talking about business
10 that maybe they were going to try to capture Canada. Does the
11 government suggest that he was going to try to take over the
12 country of Canada because he used the word "capture"? He uses
13 terms that the government reads terrorism into all of his terms
14 when most of his terms refer to business.

15 And the suggestion of this, Judge, is that I wanted to
16 tell you what I thought of the evidence since the weight of the
17 evidence is one of the factors to be considered in bond after
18 having gotten to see some of it, and that's the point and I
19 wasn't trying to set up straw men to knock down the things that
20 I -- the DVDs he does disagree with, but more importantly, having
21 them isn't a crime. And he got them from this other person. And
22 you know, I don't know if we want to address bond yet, but --

23 THE COURT: Well, the evidence is very different as to
24 Dr. Rana and Mr. Headley, and it seems like what I'm trying to do
25 and what all judges are trying to do at the beginning of the case

1 is you know, we have the complaint and if we have a probable
2 cause hearing, then we kind of get a little bit more fleshed out.
3 But it seems like Mr. Rana's knowledge is, it's three ways that
4 you could look at knowledge.

5 One are his e-mails. Two are whatever he says on a
6 tapes, and the third is the statement. I didn't realize the
7 statement was a five-hour statement. That I'm assuming is in
8 English.

9 MR. BLEGEN: Yes.

10 THE COURT: Do you want me to read that or look at the
11 tape? I mean do you want me to look at it?

12 MR. BLEGEN: I want you to do whatever you think you
13 need to do. It's fine with me. It's a long tape. I don't want
14 you to --

15 THE COURT: I know, but if I'm going to, you know, be
16 able to be fair to both sides, it seems to me -- would you like

17 me to listen to that? Would you like me to either listen or
18 read?

19 MR. COLLINS: It's up to you, Judge. You're welcome
20 to --

21 THE COURT: Okay, and do you have the e-mails
22 separated, Dr. Rana's e-mails?

23 MR. COLLINS: I'm sure we can do that, Judge.

24 MS. PETERS: We can give you a copy of it.

25 THE COURT: And then those other, the tapes aren't in

1 English, correct?

2 MR. BLEGEN: No, but there are transcripts.

3 MR. COLLINS: Most are not, and as I explained to Mr.
4 Blegen when we offered them, they're preliminary transcripts.

5 THE COURT: Mr. Collins, I understand that too. I mean
6 sometimes for the trier of fact, I'm listening to the both of
7 you, I have respect for the both of you, but I mean, I also could
8 make my own independent decision by doing this on what weight I'm
9 going to give to it. It's not that I'm not going to believe it,
10 but it's like --

11 MR. BLEGEN: Can I just speak to Mr. Collins for one
12 second?

13 THE COURT: Sure.

14 (Pause)

15 MR. COLLINS: I was just about to say, Judge, we have
16 no problem with you looking at whatever you want to look at.

17 THE COURT: I think I should.

18 MR. COLLINS: That's great.

19 (Pause)

20 THE COURT: Why don't you just give me what you gave
21 Mr. Blegen.

22 MR. COLLINS: I'll do that, Judge.

23 THE COURT: I mean, I would like to do a good job on
24 this. I'm the only judge Mr. Rana has got at the moment so I
25 want to take a look at it.

1 MS. PETERS: Including the other DVD, a copy of the
2 other DVD?

3 THE COURT: Sure. Was the second one from the house?

4 MR. COLLINS: Yes, Judge.

5 THE COURT: And Mr. Collins was kind enough to show us
6 how to boot it up, so that's fine, now I know how to boot it up
7 and Margaret knows how to boot it up, so we will do that.

8 So is there anything else now in this -- because this
9 will take me a week probably, come back next week. Is there
10 anything else, Mr. Blegen, that you want to present or that you
11 want me to think about during the period of time or the
12 government wants me to think about?

13 MR. BLEGEN: Judge, I just, I assume, I know you got
14 the point of the witnesses, that they were essentially character
15 witnesses to establish or to help try to convince you that Mr.
16 Rana will follow your admonishments if you let him out on bond
17 and that he is not a danger to the community. I know the
18 government says well, we have this other separate evidence, but
19 you know, the 49 years of life that he has lived should count for
20 something and the opinions of people, and I didn't bring in
21 everybody who was willing to say good things on his behalf, but
22 that's what his reputation is. He doesn't have the reputation as
23 the kind of person who even walks around talking about these
24 kinds of things or saying that they're good, even if -- it's just
25 he is not that kind of person and that was the point of the

1 witnesses.

2 MR. COLLINS: Judge, in terms of that issue, just
3 briefly, and I think it's rather obvious, actually. I know Mr.
4 Blegen just mentioned that he has got a ton of other stuff and
5 that's all fine and good, but the three folks that walked in here
6 did not know this man very well and I think that became very
7 clear.

8 The first didn't even offer an opinion as to any
9 particular character trait. He simply says that he has seen him
10 at some membership meetings two times over the past seven years
11 and when they talked in person they exchanged greetings.

12 The second person has only talked to him about 14 or 15
13 times since he has known him. And he bought some goats from him,
14 they have had some particular work together with the court for
15 Pakistan. But he hasn't spent a significant amount of time with
16 this guy. He hasn't seen the things that are related in the
17 complaint, including a couple of things that we haven't talked
18 about, and that is Dr. Rana's use of coded messages, his setting
19 up e-mail accounts and then changing them periodically through
20 use of a mathematical formula. You know, he hasn't even talked
21 with these folks by e-mail, but he has got a whole other side
22 where he is involved in coded messages with this guy who did
23 partial or full training in Lashkar, and then an agreement to
24 change those e-mail addresses every so often to keep it going.
25 These folks don't know that side of this man. And you know, we

1 appreciate them coming here, they seem like very nice gentlemen.
2 They just don't know this guy the way that the evidence reveals
3 him to be.

4 MR. BLEGEN: Can I respond to that, Judge?

5 THE COURT: Sure.

6 MR. BLEGEN: The point of the first person, obviously,
7 he was not a close friend but the fact -- I didn't say, you know,
8 I didn't say that they were in a basketball club together, that's
9 not what the witness said. He said they were both members of the
10 Iqbal Society and there is a purpose and a reason behind that and
11 a way of thinking behind that. People who are, believe in using
12 violent acts to get what they want are not members of the Iqbal
13 Society. It would be like being a member of the Gandhi Society.
14 It would be completely inconsistent with someone who preaches
15 violence to get what you want because that's not what Iqbal
16 preaches. And to have your children learn poems of this person?

17 It would be like a terrorist teaching their children to recite
18 the speeches of Gandhi. It's completely inconsistent. So I know
19 they think it's just a club, but it's more than that.

20 The second person was to give you the consensus of the
21 business community about Dr. Rana. And I know they said that you
22 know, because his family was there that you ought to wipe it all
23 away, but that consensus wasn't built in the 30 minutes that that
24 meeting happened, that consensus was built by Dr. Rana over
25 years, more than ten years of being a businessman in essentially

1 the Devon Avenue community.

2 And the third person is his brother-in-law, who knows
3 him well. And that's -- that was the point of those people. And
4 I'm not suggesting that you ought to take into account that maybe
5 there are other people, you should take into account the people
6 who were on the stand and that's who we put on, keeping in mind
7 that there may be a trial in this case some day. So there may be
8 other people who we have to save for that event.

9 MR. COLLINS: Judge, we will provide that material to
10 you by the end of business tomorrow.

11 THE COURT: Good, that's great. I think I'll be able
12 to make much better findings because then I can say I have looked
13 at everything.

14 Is there anything else, Mr. Blegen, that you think
15 specifically you want me to look at?

16 MR. BLEGEN: I only have what they have given me and it
17 sounds like they're going to give you all of that.

18 Can I just make one thing before we conclude, Judge?
19 Mr. Rana still hasn't been able to see family member at the MCC.

20 THE COURT: I know.

21 MR. BLEGEN: Their position was that you know, he
22 didn't send out the forms as quickly as he could have. That may
23 be partially my fault for not telling him right away, but it's a
24 very difficult situation that he is in. I have a call in that
25 hopefully he will be able to get his visit this Friday because

1 the forms have now been sent back and I think they have them.

2 THE COURT: why don't you find -- I was going to ask
3 you. I didn't want to go ahead. I have got the warden's number
4 and I thought it would be more appropriate to first call her up
5 and talk to her, but I didn't want to do that without speaking to
6 you first, and you know, find out if there was a problem. So why
7 don't you see if you can do it on your own --

8 MR. BLEGEN: I will.

9 THE COURT: Because I think it's better on your own, and
10 if you're not able to do that, let Lynette know and unless you
11 have any problem with that, I'll give her a call.

12 MR. COLLINS: Of course not, Judge.

13 MR. BLEGEN: Fine, and I'll let Lynette know tomorrow.

14 THE COURT: Good.

15 MR. BLEGEN: I may have a message waiting for me when I
16 get back.

17 THE COURT: So Lynette, how about a -- Thursday is
18 not --

19 MR. COLLINS: Judge, would the following Monday work,
20 to give you that full week next week to review the materials?

21 THE COURT: Yes, I think actually that's a good idea,
22 that's a really good idea. Okay, 1:30. And is it the --
23 December 14th, okay.

24 THE CLERK: At what time?

25 THE COURT: Let's do 1:30.

1 MR. COLLINS: Judge, would we be in the same courtroom?

2 THE COURT: Yes, on Monday we can be.

3 MR. BLEGEN: Judge, I have a trial in Bridgeview on
4 that day.

5 THE COURT: Do you want to do Tuesday then?

6 MR. BLEGEN: I would rather not push it off. Mr. Rana
7 has been detained for a long time.

8 THE COURT: No, I know.

9 MR. BLEGEN: Is there going to be argument or just a
10 ruling?

11 THE COURT: See, I haven't even gotten an update from
12 Mr. Maldonado either. I don't know exactly what the property is.
13 I'm not sure -- Mr. Maldonado, do you know what the property is
14 that they were offering to post?

15 MR. MALDONADO: Judge, I spoke with Ann Bissell this
16 morning and it's my understanding that she hasn't completed her
17 investigation as far as the proposed properties because she is
18 waiting on a ruling from the court.

19 MR. BLEGEN: But I think we do have a list of what all
20 the properties are and the equity. We don't have, I don't
21 believe we have -- you know, we haven't gotten all the quitclaim
22 deeds signed and all those sorts of things.

23 THE COURT: And that I didn't want you to do.

24 MR. BLEGEN: Right.

25 THE COURT: Because if I'm not going to release him

1 that's silly for you to go through and do all that.

2 MR. COLLINS: Judge, as much as we have the addresses,
3 we need title reports to analyze.

4 THE COURT: Oh, good, so you can get those okay. So
5 why don't you talk about that, because that would also help. I
6 would like you to be here -- I mean I would like you to be here
7 if I have any questions. I know Ms. Garvey is going to be here.
8 She can answer the questions.

9 MR. BLEGEN: Can we do it on Tuesday then?

10 THE COURT: Tuesday, yes.

11 (Pause)

12 THE COURT: How about Tuesday at 10:00 in the morning?
13 Can you be here, Mr. Blegen, in case I do have questions? I
14 don't want to get you in trouble with state court.

15 MR. BLEGEN: No, no, that trial will certainly be done,
16 but I have an argument and a ruling in front of Judge Gettleman
17 on another case at 9:30.

18 THE COURT: How about 11:00?

19 MR. BLEGEN: That's fine.

20 THE COURT: 11:00, Tuesday, 11:00.

21 MR. BLEGEN: And Judge, with regard to the title
22 reports, I mean --

23 THE COURT: Ms. Bissell is here.

24 MR. BLEGEN: Right.

25 THE COURT: So talk to her about that.

1 MR. BLEGEN: Do you need the title reports to make your
2 decision?

3 THE COURT: No.

4 MR. BLEGEN: Okay, fine, because those cost money and I
5 don't want people to go --

6 THE COURT: No, I just wanted to know what the
7 equity -- I need a list of the properties and how much equity
8 there is.

9 MR. BLEGEN: We will get you that tomorrow.

10 THE COURT: Good. Thank you, everybody.

11 MR. BLEGEN: Thank you, Judge.

12 MR. COLLINS: Thank you.

13 THE COURT: Let us know what happens on the visitation.

14 MR. BLEGEN: I will.

15 THE COURT: Thank you.

16 * * *

17 I certify that the above was transcribed
18 from digital recording to the best of my ability.

19 /s/ Lois A. LaCorte

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24

25

Lois A. LaCorte
Lois A. LaCorte
Official Court Reporter

12-28-09
Date