

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)

v.)

1. MOHAMAD YOUSSEF HAMMOUD)

a/k/a Ali A.A. Abousaleh)

a/k/a Ali A.A. Albousaleh)

DOCKET NO. 3:00CR147-MU

**UNDER SEAL
SECOND SUPERSEDING
BILL OF INDICTMENT**

Violation(s): 8 U.S.C. §1325(c)

18 U.S.C. § 2

18 U.S.C. § 371

18 U.S.C. § 982

18 U.S.C. § 1029

18 U.S.C. § 1341

18 U.S.C. § 546(a)

18 U.S.C. § 956(a)

18 U.S.C. § 1956(a)

18 U.S.C. § 1956(b)

18 U.S.C. § 1962(d)

18 U.S.C. § 2339B

18 U.S.C. § 2342

CONDENSED TRANSCRIPT WITH INDEX

DEPOSITION OF GUS

held at the offices of A.S.A.P. Reporting Services Inc,
200 Elgin Street, Ottawa, Ontario
on Monday, April 29, 2002 at 9:47 a.m.

APPEARANCES:

Kenneth D. Bell, Esq.

on behalf of the Plaintiff

R. Deke Falls, Esq.

on behalf of the Defendant

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(ii)

LIST OF EXHIBITS

NO.	DESCRIPTION	PAGE
A	Factual Summary Report, pages 35 to 110, prepared by Gus	1
B	Expurgated Factual Summary Report, pages 35 to 110, prepared by Gus	1

1 Ottawa, Ontario
 2 --- Upon commencing on Monday, April 29, 2002 at
 3 9:47 a.m.
 4 EXHIBIT NO. A: Factual
 5 Summary Report, pages 35 to
 6 110, prepared by Gus
 7 EXHIBIT NO. B: Expurgated
 8 Factual Summary Report, pages
 9 35 to 110, prepared by Gus
 10 MR. FALLS: For the record, this
 11 is Deke Falls appearing on behalf of Mohamad
 12 Hammoud, and we are objecting to the taking of
 13 these depositions on grounds that they violate Rule
 14 15 of the Federal Rules of Criminal Procedure.
 15 --- Short recess at 9:48 a.m.
 16 --- Upon resuming at 10:00 a.m.
 17 SWORN: GUS
 18 EXAMINATION-IN-CHIEF BY MR. BELL:
 19 1 Q. Would you tell us, sir, what
 20 name you would like us to call you during this
 21 deposition.
 22 A. Gus.
 23 2 Q. Are you employed with the
 24 Canadian Security Intelligence Service?
 25 A. Yes.

1 7 Q. Are you employed by the
 2 Canadian Security Intelligence Service?
 3 A. Yes.
 4 8 Q. How long have you been
 5 employed by the Service?
 6 A. Over ten years.
 7 9 Q. What is your job with the
 8 Service?
 9 A. I am a communications
 10 analyst.
 11 10 Q. What is the basic job of a
 12 communications analyst?
 13 A. We collect information
 14 relative to the security of Canada according to a
 15 specified tasking.
 16 11 Q. As a communications analyst,
 17 do you have a particular role within that process?
 18 A. Yes.
 19 12 Q. If you would, just generally
 20 what is that role?
 21 A. My role is to translate
 22 recordings given to me into English.
 23 13 Q. What is your native or first
 24 language?
 25 A. Arabic.

1 3 Q. How long have you been
 2 employed by the Service?
 3 A. Over ten years.
 4 4 Q. What is your job with the
 5 Service?
 6 A. I am a communications
 7 analyst.
 8 5 Q. What is involved with being a
 9 communications analyst?
 10 A. We collect information that
 11 is --
 12 DAVID: Ken, are you guys talking?
 13 We have only caught a very little bit.
 14 MR. BELL: Yes, we have been
 15 talking quite a bit.
 16 DAVID: All we heard was something
 17 along the lines of "What name do you want to be
 18 called by?"
 19 MR. FALLS: Let's stop here.
 20 --- (Off Record Discussion)
 21 SWORN: GUS
 22 MR. BELL:
 23 6 Q. What name would you like us
 24 to call you during this deposition?
 25 A. Gus.

1 14 Q. At what point did you learn
 2 English?
 3 A. I learned both Arabic and
 4 English at the same time.
 5 15 Q. Growing up from your
 6 childhood.
 7 A. From childhood.
 8 16 Q. Have you spoken both
 9 languages continuously through your life?
 10 A. Yes.
 11 17 Q. Before you were hired by the
 12 Service, did you receive some language training or
 13 testing?
 14 A. Yes.
 15 18 Q. Tell us about that.
 16 A. I went to school and I was
 17 tested in both languages.
 18 19 Q. Tell us how long the school
 19 lasted and what the testing was like.
 20 A. Well, high school and then
 21 university.
 22 20 Q. But after your university
 23 years when you were looking for employment with the
 24 Service, what did the Service do to test your
 25 ability to translate Arabic into English?

1 A. They have various tests in
 2 both languages also, in Arabic and in English.
 3 21 Q. Give us some detail about
 4 what that is.
 5 A. They test our translation
 6 skills. They test our knowledge of English and our
 7 knowledge of Arabic.
 8 22 Q. Did they test your ability to
 9 accurately translate Arabic conversations into
 10 English?
 11 A. Yes.
 12 23 Q. I take it you passed those
 13 tests or you wouldn't have been hired.
 14 A. Exactly.
 15 24 Q. After you were hired, were
 16 you supervised or in any other way watched to be
 17 sure that you could in fact do the job?
 18 A. Yes.
 19 25 Q. Tell us about what that was
 20 like.
 21 A. We have a supervisor who
 22 revises our reports and then advises us for
 23 anything that was wrong or...
 24 26 Q. Especially at the beginning
 25 of your time with the Service, would someone

1 31 Q. Is that what you are
 2 referring to about collecting information that is
 3 important to Canada's national security?
 4 A. Yes.
 5 32 Q. Within that general mandate
 6 that applies all the time, do you have a separate
 7 tasking or set of instructions when you are
 8 performing your specific duty with a particular
 9 investigation?
 10 A. Yes, we do.
 11 33 Q. Let me ask you this: Do you
 12 recall listening to some conversations among
 13 Mohamad Dbouk, Said Harb, Hassan Laqis, Ali Amhaz
 14 and others?
 15 A. I don't recall everything.
 16 34 Q. Do you recall those names
 17 being among the investigations that you were
 18 working on?
 19 A. Yes, some of the names.
 20 35 Q. Do you recall, then, with
 21 respect to those names what your specific tasking
 22 was for that investigation?
 23 A. The same as I said before,
 24 according to our tasking, if something was said
 25 that could help us protect the security of Canada,

1 actually listen to the tapes that you listened to
 2 and check your translation to see if it was
 3 accurate?
 4 A. Yes. This is done on a
 5 regular basis, periodical basis, and they test us.
 6 Somebody else would listen and translate and then
 7 compare.
 8 27 Q. Is that done to you now, even
 9 though you have more than ten years of time with
 10 the Service?
 11 A. It's done on a regular basis.
 12 28 Q. The conversations that you
 13 listen to and translate, are you listening to those
 14 conversations live or are you listening to a tape?
 15 A. No, I listen to a recording.
 16 29 Q. You had mentioned before that
 17 what you do is pursuant to a tasking, T-A-S-K-I-N-
 18 G. Could you tell us what you mean by that?
 19 A. A tasking is a specified
 20 instruction to only collect information that will
 21 affect the security of Canada.
 22 30 Q. Is it true that you have a
 23 mandate under the law that created the Service to
 24 do certain things?
 25 A. Yes.

1 we collect it.
 2 36 Q. Let me ask you about that
 3 tasking. Are you told to collect evidence in any
 4 way? What I am getting at is, are you told that
 5 the purpose here is to catch people doing something
 6 wrong?
 7 A. No.
 8 37 Q. If you would, describe what
 9 is your role and what it is that you hope to
 10 achieve when you are doing your job for the
 11 Service.
 12 A. My job is to translate
 13 recordings into English and submit the report.
 14 After that, it's not my job any more, somebody else
 15 will take over and do other things according to a
 16 tasking as well.
 17 38 Q. In doing your job, then, it
 18 doesn't matter to you whether the people you are
 19 listening to are doing something wrong or doing
 20 everything right.
 21 A. That's not up to me.
 22 MR. HAMMOUD: Mr. Ken --
 23 MR. BELL: Yes, sir.
 24 MR. HAMMOUD: Sometimes half of
 25 his words I can't hear.

1 MR. BELL: Is there anything that
 2 you want us to go back and have him say again so
 3 that you can hear it?
 4 MR. HAMMOUD: No, that's fine.
 5 MR. BELL: We will try to lean in
 6 closer to the phone so that you can hear us. Thank
 7 you for letting us know.
 8 MR. HAMMOUD: Thank you.
 9 MR. BELL:
 10 39 Q. The reports that you create
 11 when you are listening to the conversation, can you
 12 describe what those reports are like; that is, what
 13 parts there are to the report and what goes into
 14 each of the parts.
 15 A. We have an introduction and
 16 then we have a factual part which only have to do
 17 with facts; that is, exact translations of what was
 18 heard.
 19 40 Q. When you say exact
 20 translations, is that verbatim, word-for-word
 21 translations?
 22 A. It's not verbatim, no. It's
 23 close.
 24 41 Q. Why is it that you don't do
 25 it verbatim?

1 report besides -- I think you called it the factual
 2 summary. Is there another part of the report?
 3 A. Yes. There's a part that's
 4 comments on the report.
 5 48 Q. What sort of thing would go
 6 into the comments portion?
 7 A. Usually impressions,
 8 connections with other previous reports, just to
 9 draw attention to that.
 10 49 Q. If you were giving an opinion
 11 about what the conversation meant or other
 12 investigative actions that should be taken, is that
 13 the part of the report it would go in, the comment
 14 portion?
 15 A. Yes, only in the comment
 16 portions.
 17 50 Q. Is there also a portion of
 18 the report that would show the source of the
 19 conversation?
 20 A. Yes, there's a portion.
 21 51 Q. I take it, when you do the
 22 report of a conversation, that the equipment you
 23 are working with works sufficiently so that you can
 24 hear and understand the conversation.
 25 A. It does. If it doesn't, we

1 A. We are not required to do
 2 that. We only collect relevant information.
 3 42 Q. Are you saying under the
 4 Service's mandate, the law that created them,
 5 because it's not necessary to be verbatim that's
 6 why you don't do it verbatim?
 7 A. Exactly. According to the
 8 tasking, it's not necessary to be verbatim.
 9 43 Q. Then the factual part of the
 10 report that you create, how close is that to
 11 verbatim?
 12 A. It's very close.
 13 44 Q. When you are creating these
 14 translations, you are listening to a tape. Is that
 15 correct?
 16 A. I listen to a recording.
 17 45 Q. A recording. Can you go back
 18 and listen to the recording as many times as it
 19 takes to get your translation accurate in your
 20 estimation?
 21 A. Yes, I can.
 22 46 Q. And do you do that?
 23 A. I do it whenever it's
 24 necessary.
 25 47 Q. Is there another part to the

1 have technicians to take care of that.
 2 52 Q. So if you create a report, it
 3 was because you were able to hear the conversation
 4 adequately.
 5 A. Only then.
 6 53 Q. How long is it, after a
 7 conversation is recorded, before you listen to it,
 8 do the translation and prepare the report?
 9 A. Usually sometimes the same
 10 day, the next day.
 11 54 Q. Is it ever more than 48
 12 hours?
 13 A. In exceptional cases.
 14 55 Q. Generally not?
 15 A. Generally not.
 16 56 Q. Is there a way to tell by
 17 looking at the reports how long it was between the
 18 actual conversation and your making a report of it?
 19 A. Yes.
 20 57 Q. We will get into that one
 21 when we get there.
 22 Let me ask you to look at what has
 23 been marked as Exhibit A for this deposition. Have
 24 you seen that document before?
 25 A. Yes, I have looked at that.

1 58 Q. That is a document that
 2 consists of pages 35 through -- I believe it's 110.
 3 A. Yes.
 4 59 Q. Have you looked at those
 5 reports to determine whether those are reports that
 6 you authored or created?
 7 A. Yes, I have.
 8 60 Q. What have you done to assure
 9 yourself that those are your reports?
 10 A. I have looked at the
 11 originals, and I wrote them.
 12 61 Q. When you say you have looked
 13 at the originals, are you talking about the entire
 14 report?
 15 A. The entire report.
 16 62 Q. What you have there in front
 17 of you, Exhibit A, that is not the entire report,
 18 is it? That is, it doesn't include the portion of
 19 the report that has to do with the source of the
 20 conversation or with the commentary part.
 21 A. No, it doesn't.
 22 63 Q. That is the factual portion
 23 of the report alone.
 24 A. Yes.
 25 64 Q. You may have answered this

1 serve with respect to the Service?
 2 A. That will identify the
 3 report.
 4 70 Q. That's so that the report can
 5 be tracked within the system and recalled at need?
 6 A. Yes.
 7 71 Q. That's not part of the actual
 8 conversation.
 9 A. No, it's not.
 10 72 Q. The date that's listed below
 11 that number, what does that date represent?
 12 A. That's the date of the
 13 report.
 14 73 Q. And then the dates within the
 15 numbered paragraph, what do those dates represent?
 16 A. The date of the actual
 17 conversation.
 18 74 Q. If you will look with me at
 19 what has been marked as deposition Exhibit B, there
 20 are certain portions of the report that have been
 21 blacked out. Can you tell us, by comparing the
 22 two, what types of things have been blacked out?
 23 A. The blacked out portions are
 24 not factual; they are for clarification or opinion.
 25 75 Q. So even in the factual

1 before, but with respect to those conversations
 2 that are recorded in Exhibit A, sitting there today
 3 do you have a present memory of what was said
 4 during those conversations?
 5 A. No, I don't recall.
 6 65 Q. And you have looked at those
 7 reports recently?
 8 A. I just looked at them to
 9 ascertain that they are mine.
 10 66 Q. Did you look at them last
 11 week, as well, getting ready for this deposition?
 12 A. I looked at them this week.
 13 67 Q. Having looked at the reports
 14 themselves, do you now recall the content of those
 15 conversations?
 16 A. No, I don't.
 17 68 Q. Let me, if you would, open it
 18 up and we will just look at page 35 to be
 19 representative, which is the first page.
 20 There is a long -- I don't know
 21 how many digits -- maybe 10-digit number at the
 22 very top. Can you tell us what that number is?
 23 A. This is the number of the
 24 report.
 25 69 Q. What purpose does that number

1 portion of the report there may be times when you
 2 would put in parentheses or brackets an opinion;
 3 that is, believed to be or you would take a guess
 4 as to what the people in the conversation are
 5 saying.
 6 A. Yes.
 7 76 Q. So the blacked out portions
 8 have removed any time you give an opinion or an
 9 analysis. Is that correct?
 10 A. Yes. These were opinion or
 11 clarification, yes.
 12 77 Q. Do these blacked out portions
 13 also remove any suggestion as to what the source of
 14 the conversation was? Is that among the things
 15 that have been blacked out?
 16 A. Could you explain your
 17 question?
 18 78 Q. Right. Let's look on page
 19 35, paragraph 1. You can see in Exhibit A, which
 20 has not been changed in any way, that there's
 21 reference to a source.
 22 A. Okay.
 23 79 Q. But in Exhibit B that
 24 portion -- that is, that reference to the source --
 25 has been blacked out.

1 A. Okay.

2 80 Q. Right. Has that been done, I

3 hope, uniformly throughout --

4 A. Yes.

5 81 Q. -- this Exhibit B?

6 A. Yes. I understand that was

7 the case, yes.

8 82 Q. There are times that things

9 have been left in Exhibit B in parentheses. For

10 instance, right here at the beginning, "LNU." What

11 does that stand for?

12 A. Last name unknown.

13 83 Q. How about "FNU"? We see that

14 in the reports.

15 A. First name unknown.

16 84 Q. If we see in the reports

17 "UM," can you tell us what that means?

18 A. Unidentified male.

19 85 Q. And "UF"?

20 A. Unidentified female.

21 86 Q. How about "NFI"?

22 A. No further information.

23 87 Q. If there are times in here --

24 and again, since we are on this page, let's stay on

25 page 35, paragraph (a). There are times, for

1 instance, where there's the name "Ali" and then in

2 parentheses "Amhaz." If that name is left in there

3 without a question mark in the parentheses, would

4 that mean that you were able to determine that it

5 actually was Ali Amhaz being referred to?

6 A. Yes.

7 88 Q. That would not be a guess,

8 then.

9 A. No, this won't be a guess,

10 just make it easy for the person who's going to

11 read the report, you know, make it flow, just to

12 make it easy for the person. Let's say when you

13 use "him" so many times, you have to qualify who is

14 "him" and who is "he" so not to mix up two persons

15 together.

16 89 Q. So unless there is a question

17 mark in the parentheses, that is a fact.

18 A. That's a fact.

19 90 Q. Let me then ask you about the

20 process to identify a voice. By that I mean what

21 do you have to go through before you will put a

22 name to a voice in one of your reports?

23 A. It takes time to put a name.

24 We don't just put a name just out of the blue. At

25 first if there is no name mentioned, we just put

1 unidentified male or female. If we have a first

2 name, we will put the first name, last name

3 unknown. If there is a last name, last name, first

4 name unknown.

5 Over time, this would take time,

6 maybe a week, maybe a few days, maybe two weeks,

7 maybe a month. It depends on other conversations

8 and everything to help associate a voice with a

9 person.

10 91 Q. Tell us, then, all of the

11 factors that you would use to determine what name

12 should go with what voice.

13 A. If I hear the voice many

14 times and let's say if a person is talking with

15 another person and the other person addressed him

16 as John, we would say "addressed him as John." If

17 that is done over time, we figure out this name

18 should be associated with that person.

19 92 Q. Not the first time somebody

20 calls him John.

21 A. No, not just the first time,

22 because sometimes we have to -- we put it down,

23 though, that he was addressed as so-and-so. But as

24 we go along, over time we try to establish --

25 somebody mentions a name, somebody tells another

1 person that so-and-so just called or contacted

2 whatever.

3 93 Q. So if you heard a second

4 conversation where somebody said "I just talked to

5 John," that would be another reason why you would

6 put the name John --

7 A. This would confirm it

8 further. It gives you further confirmation.

9 94 Q. Do you also listen for people

10 identifying themselves by name?

11 A. Oh, yes. Sometimes they say

12 "I'm so-and-so," and we will put it down.

13 95 Q. Other than what people call

14 either themselves or called by others, do you refer

15 to any other source for determining what name to

16 put with a voice?

17 A. We have to make sure about

18 that. There are other reports going on and other

19 investigations, and we cannot compare, but for me

20 to write a factual report, I always make sure that

21 I identify the person or associate a voice with a

22 person before I just -- I don't just take it like

23 that.

24 96 Q. What I was asking was, do you

25 collaborate with other members of the Service to

1 gather information before you feel comfortable in
 2 putting a name to a voice?
 3 A. We do sometimes.
 4 97 Q. In what way?
 5 A. There are other investigative
 6 techniques I think I can't go into. I can't go
 7 into that.
 8 98 Q. I don't particularly want you
 9 to go into the techniques. What you are telling me
 10 is that there is sometimes a discussion or
 11 collaboration among Service members to try to
 12 determine what name goes with what voice.
 13 A. Sometimes there's a
 14 discussion if it's needed.
 15 99 Q. But the ultimate decision
 16 about what name to put with the voice, whose
 17 decision is that?
 18 A. For me, if I am listening to
 19 something, it's me.
 20 100 Q. By the time you put a name to
 21 a voice, what is your level of confidence that you
 22 are right?
 23 A. I wouldn't put a name unless
 24 I am 100 per cent confident that this voice goes
 25 with this name or this name goes with that voice.

1 have a supervisor that looks after the work that
 2 you do in your investigations. Is that correct?
 3 A. Yes.
 4 105 Q. Do you prepare a proposed
 5 translation and hand that to your supervisor for
 6 him to review before it's put into a summary?
 7 A. No.
 8 106 Q. How does your supervisor
 9 supervise the work that you have done?
 10 A. My supervisor will read the
 11 reports to see that it fits within the Service
 12 mandate, and then advise me on that particular
 13 case. The adviser is not necessarily a translator.
 14 It has to be within the tasking parameters and the
 15 mandate. That's what the supervisor does.
 16 107 Q. Is there anyone that makes
 17 any changes to the reports or summaries that you
 18 produce before they are put into their final form?
 19 A. No one can make any changes
 20 without my consent.
 21 108 Q. Have changes sometimes been
 22 made with your consent --
 23 A. No.
 24 109 Q. -- that your supervisor has
 25 looked at?

1 101 Q. A hundred per cent confident.
 2 A. A hundred per cent confident.
 3 102 Q. I had asked you before
 4 whether you had any specific recollection of these
 5 reports and you said that you did not.
 6 A. No, I don't.
 7 103 Q. Traditionally, if you were in
 8 a U.S. court room, at this point I would ask you to
 9 read these reports to the jury. I am not going to
 10 do that because all we will do is get another
 11 writing of these reports.
 12 What I am going to ask you is:
 13 Have you reviewed these reports and can you today
 14 adopt them as being your reports or the factual
 15 summary portion of the reports that you created on
 16 the dates reflected in those reports?
 17 A. Yes, I did.
 18 MR. BELL: I don't have any other
 19 questions.
 20 MR. FALLS: Mohamad, do you have
 21 any questions for me before I begin questioning
 22 this witness?
 23 MR. HAMMOUD: No.
 24 CROSS-EXAMINATION BY MR. FALLS:
 25 104 Q. Gus, you mentioned that you

1 A. No, not to the translation.
 2 Maybe a correction in the language, linguistics
 3 maybe, something like that.
 4 110 Q. The linguistics --
 5 A. A typo or some of this
 6 nature.
 7 111 Q. In the Arabic language there
 8 are different dialects of the Arabic language. Is
 9 that correct?
 10 A. Yes.
 11 112 Q. That can vary from country to
 12 country and from regions within countries. Is that
 13 right?
 14 A. Exactly.
 15 113 Q. Are you versed in any
 16 particular dialect of Arabic?
 17 A. I know several dialects.
 18 114 Q. What are your expertise or
 19 what are you specialized -- what dialects of Arabic
 20 do you specialize in?
 21 MR. HAMMOUD: I can't hear.
 22 MR. FALLS: He hasn't answered
 23 yet.
 24 THE WITNESS: I know several
 25 dialects, over five, six dialects. And the ones I

1 heard, I understand the dialect.

2 MR. FALLS:

3 115 Q. Do the words sometimes have
4 different meanings or take on different meanings or
5 vary in between the dialects of Arabic?

6 A. Sometimes they do.

7 116 Q. In this particular case, in
8 the Government's Exhibit A, did you have an
9 opportunity to review each and every report that
10 was placed in this exhibit?

11 A. I looked at them to confirm
12 that they are the ones I wrote.

13 117 Q. When you prepare a
14 translation, could you just describe what you mean
15 when you say somebody may look at it for the
16 linguistics? You said that earlier. What do you
17 mean by that, your supervisor may compare it for
18 linguistic purposes?

19 A. For example, if there's a
20 typo or I put "that" instead of "this," or
21 something, something like that, very simple things.
22 Usually it's very, very minimum.

23 118 Q. In your work with CSIS, do
24 you all work in conjunction with Canadian law
25 enforcement; that is, the Royal Canadian Mounted

1 sit here so you're closer to the speaker phone and
2 if you will both keep your voices up, maybe that
3 will help.

4 MR. FALLS: Mohamad, is the cell
5 phone signal getting weak or is it our voices?

6 MR. HAMMOUD: No. Sometimes
7 you're cutting off completely or him, like I can't
8 hear just a few words.

9 MR. FALLS: Can you hear better
10 now?

11 MR. HAMMOUD: Yes.

12 MR. FALLS:

13 124 Q. I want to talk about briefly
14 the practice of the tapes that are actually made of
15 conversations. Are those tapes destroyed after you
16 prepare your summaries or before you prepare your
17 summaries?

18 A. If they are destroyed before,
19 how could I prepare?

20 I only get recordings, whether on
21 tape or otherwise, I don't know.

22 125 Q. Are those destroyed after you
23 prepare your summary?

24 A. I don't know.

25 126 Q. You have no idea.

1 Police? Do you work with --

2 A. Personally?

3 119 Q. No. Does your agency work
4 with the Royal Canadian Mounted Police?

5 A. What I do, I do translations.
6 Other than that, it's not up to me to decide what
7 they do.

8 120 Q. If you come across
9 information in an investigation, do you sometimes
10 turn that information over to investigative
11 branches of Canadian law enforcement?

12 A. That's not my job.

13 121 Q. Does your agency do that?

14 A. It's not for me to answer.

15 122 Q. If that information is turned
16 over, are you aware whether that information is
17 going to be turned over for a criminal
18 investigation or for use in a criminal
19 investigation?

20 A. It's not for me to know.

21 123 Q. Do you know?

22 A. No.

23 MR. HAMMOUD: I can't hear. It's
24 cutting off a lot.

25 MR. BELL: Deke, would you rather

1 A. It's not for me to answer.

2 127 Q. When you are preparing a
3 translation of a conversation, do you write out
4 your translation contemporaneously while you are
5 listening to the tape or the recording?

6 A. I listen to a recording and I
7 type. If I don't understand a sentence or
8 something, I go back and listen to it again and
9 again and again until it's fully clear.

10 128 Q. The conversations that you
11 were listening to, they were in Arabic in this
12 case. Is that right?

13 A. Yes.

14 129 Q. When you translate those
15 conversations, are you translating them directly
16 into the English language or French or Arabic?

17 A. Into English.

18 130 Q. Into English. Directly into
19 English.

20 A. Directly into English.

21 131 Q. In this particular case, how
22 many supervisors worked with you in the preparation
23 of the final product or the final summaries?

24 A. I think at least one.

25 132 Q. At least one?

1 A. Yes, one or two.
 2 133 Q. One or two? What would you
 3 say would be the maximum amount that worked with
 4 you on this case?
 5 A. I don't recall exactly
 6 because some of them move and they don't stay in
 7 the same place, position.
 8 134 Q. Can you give a guess as to
 9 what the maximum number may have been that worked
 10 with you on this?
 11 A. No.
 12 135 Q. Could it be as many as five?
 13 A. No.
 14 136 Q. Would the input that your
 15 supervisors or others on this case who worked with
 16 you on this case, would their input in any way
 17 affect the way you may do your report, the changing
 18 of words or the factual summaries that you put into
 19 those reports?
 20 A. The factual summaries, nobody
 21 can change them because they are exact translations
 22 of what was said.
 23 137 Q. You can change it.
 24 A. No, I can't change it because
 25 I translated it. I mean, I can't change a sentence

1 to mean something else. It has to reflect the
 2 exact meaning, the sense of what was said.
 3 138 Q. In a case like this and this
 4 investigation, eventually you put names to voices.
 5 Mr. Bell was asking you about that earlier.
 6 How did you arrive at the
 7 identification of the particular names in this
 8 investigation? Not in general in your job, but on
 9 this investigation. Did someone tell you that this
 10 is, for example, Said Harb, this is him, so that
 11 you would recognize his voice, or did you pick that
 12 up some other way?
 13 A. No. Over time, like I just
 14 said, over time I identify the person with a
 15 certain voice from listening. Having somebody
 16 comes and tells me, I don't take that. I have to
 17 ascertain for myself, otherwise I wouldn't put it
 18 in the report.
 19 139 Q. Were you the first analyst on
 20 this case?
 21 A. As far as I know, no.
 22 140 Q. Were you the second analyst
 23 to come in on this case?
 24 A. I can't answer that.
 25 141 Q. Did the first analyst give

1 you any information that led you to be able to
 2 identify the voices that are in these summaries?
 3 A. The analyst before me didn't
 4 give me anything. I ascertained for myself.
 5 142 Q. The voices that you
 6 identified in connection with your investigation of
 7 this case, that was Mohamad Dbouk. Is that one of
 8 the voices?
 9 A. One of the persons mentioned
 10 in the reports.
 11 143 Q. And Hassan Laqis. Am I
 12 pronouncing that right? Is that another one?
 13 You can just refer to the report.
 14 A. No.
 15 144 Q. What about Said Harb? Is
 16 that one of the voices you identified in the
 17 summary?
 18 A. One of the voices was
 19 associated with a person named Said Harb.
 20 145 Q. We can phrase it like that.
 21 Was one of the voices associated with a person
 22 identified as Ali Amhaz?
 23 A. Yes.
 24 MR. FALLS: I have no further
 25 questions.

1 MR. BELL: I have just a couple to
 2 follow-up on Mr. Falls' questions.
 3 Can you still hear me, Mr.
 4 Hammoud?
 5 MR. HAMMOUD: Yes, sir.
 6 RE-EXAMINATION MR. BELL:
 7 146 Q. Gus, if you are listening to
 8 a recording, if you do not understand the dialect
 9 that is being used in the conversation, what do you
 10 do?
 11 A. I don't translate it. I get
 12 someone -- I notify my supervisor to get someone
 13 who understands.
 14 147 Q. So if you created a factual
 15 summary from a conversation, you necessarily
 16 understood the dialect being used.
 17 A. Yes.
 18 148 Q. With respect to each and
 19 every report you create, no one comes behind you
 20 and checks the accuracy of your translation, do
 21 they?
 22 A. No.
 23 149 Q. But there is a process within
 24 the Service where you are audited or spot checks
 25 are done to compare actual recordings with your

1 factual summaries to make sure you are doing your
 2 job correctly and accurately. Is that right?
 3 A. Yes.
 4 150 Q. How often does that happen?
 5 A. It's a periodical thing,
 6 sometimes every six months, sometimes annual.
 7 151 Q. Do you know what the policy
 8 of the Service is about keeping recordings after
 9 the report is created? Without remembering exactly
 10 what happened in this case, do you know what the
 11 policy of the Service is?
 12 A. I believe they keep
 13 recordings for 30 days.
 14 152 Q. Do you, of your own
 15 knowledge, know why it is the Service doesn't keep
 16 the recordings for longer than that?
 17 A. Well, they have the
 18 information. They no longer need them.
 19 153 Q. Do you mean that within the
 20 mandate of the Service -- that is, keeping what is
 21 necessary -- the Service has decided that the
 22 reports are necessary, but the recordings
 23 themselves are not?
 24 A. I understand that, yes.
 25 154 Q. In the creation of the

1 didn't happen in my case.
 2 161 Q. It did not happen in this
 3 case.
 4 A. No.
 5 162 Q. So whatever the first analyst
 6 did to associate a name and a voice, you had to go
 7 back and do it all over again.
 8 A. Exactly.
 9 MR. BELL: Those are all my
 10 questions.
 11 MR. FALLS: No further. Thank
 12 you, sir.
 13 --- (Off Record Discussion)
 14 MR. BELL: I want to put on the
 15 record that Mr. Hammoud was informed of his right
 16 to speak privately with his attorney at any time,
 17 that he did in fact speak privately with his
 18 attorney at the end of the deposition, and that Mr.
 19 Falls had no other questions that he wanted to ask
 20 after that conversation.
 21 MR. FALLS: That's accurate.
 22 --- Whereupon the deposition concluded at
 23 10:45 a.m.

1 factual summary part of the report, does anyone
 2 have input into that other than you?
 3 A. No.
 4 155 Q. No supervisor or no reviewer
 5 or no auditor tells you what to put in the factual
 6 summary of the report?
 7 A. No. I just don't put it.
 8 156 Q. Pardon?
 9 A. I just don't put it. We're
 10 not supposed to do that.
 11 157 Q. The factual summary is
 12 created only by you without input from anyone else.
 13 A. No.
 14 158 Q. Is that correct?
 15 A. That's correct.
 16 159 Q. Mr. Falls was also asking
 17 about when you took over this project from another
 18 analyst, that analyst did not sit down and discuss
 19 with you voices and names and that sort of thing.
 20 A. No.
 21 160 Q. Does that sometimes happen in
 22 investigations, that when an investigation is
 23 handed over from one analyst to another there would
 24 be such discussions?
 25 A. I suppose it would, but it