



U.S. Department of Justice

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March 6, 2020

Honorable Esther Salas
United States District Judge
Martin Luther King, Jr. Fed. Building & Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: United States v. Mujeeb Rahman Saify
Crim. No. 19-547 (ES)

Dear Judge Salas:

Please accept this letter in lieu of a more formal motion in limine regarding the government's objections to W.U.'s deposition testimony.

Statement of Facts

On March 29, 2019, prior to being removed from the United States, W.U. was designated a material witness in this matter, pursuant to Title 18, United States Code, Section 3144. On April 26, 2019, a video-recorded deposition of W.U. was taken on behalf of the defendant at Krome Detention Center in Miami, Florida. The defendant's counsel, government counsel, a court reporter, videographer, W.U.'s immigration counsel, and a Pashto interpreter (by telephone) were present and conducted W.U.'s deposition. The deposition was conducted according to the Federal Rules of Criminal Procedure and Rules of Evidence; the witness was subject to direct and cross-examination and objections by the parties were noted for the record. The examination of W.U. focused on the manner and means by which he was smuggled to the United States, including Safiy's involvement making arrangements to smuggle W.U. into the United States.

Pursuant to Rule 15 of the Rules of Criminal Procedure, the government made contemporaneous objections to certain testimony elicited by defense counsel. The deposition transcript is attached to this letter as Attachment A.

The government's objections and corresponding testimony are identified in Attachment B.

Argument

The government is seeking to have the Court rule on the identified objections and order the corresponding testimony be stricken from the record. A ruling prior to trial is sought so that the transcript and video recording may be edited to remove the stricken testimony.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that I have this day served upon defense counsel a copy of the foregoing Government's Motion In Limine by electronic delivery on the 21st day of February, 2020.

Jay A. Bauer
Trial Attorney

United States v. Mujeeb Rahman Saify
Crim. No. 19-547 (ES)

Government Motion in Limine
Regarding Objections to Deposition
Testimony

Attachment A

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA		Magistrate No. 19-4081 (MAH)
vs.		Hon. Michael A. Hammer
MUJEEB RAHMAN SAIFY,		
Defendant.		

VIDEO-RECORDED DEPOSITION OF WASIQULLAH
TAKEN ON BEHALF OF THE DEFENDANT

DATE: Friday, April 26, 2019

TIME: 11:28 a.m. - 4:03 p.m.

PLACE: Krome Detention Center
18201 Southwest 12th Street
Miami, Florida 33194

Examination of the witness taken before:

April Goldberg, FPR

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Also Present:

Michael Massa, Videographer
Hope S. Olds, Deputy Chief
Claire Garvin, Paralegal Specialist
Colleen Flanagan, Investigator
Patrick Simpson, Special Agent
Nasrum Minallah, Interpreter (via phone)

I N D E X

Page

TESTIMONY OF WASIQULLAH

Direct Examination by Ms. Hom 7

Cross Examination by Mr. Bauer 64

Redirect Examination by Ms. Hom 195

Recross Examination by Mr. Bauer 221

CERTIFICATE OF OATH 226

CERTIFICATE OF REPORTER 227

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EXHIBITS

Government's

No.	Description	Identified
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A, A-1, & A-2	US-SFY-000019 thru US-SFY-000021	81
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BB	US-SFY-000373	171
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CC	US-SFY-000374	154
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E	US-SFY-000034	171
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F	US-SFY-000036 thru US-SFY-000039	154
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GG	US-SFY-000095 thru US-SFY-000096	135
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II	US-SFY-000444	72
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JJ	US-SFY-000448	76
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L & L-1	US-SFY-000100 thru US-SFY-000102	91
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M & M-1	US-SFY-000104 thru US-SFY-000105	97
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N & N-1	US-SFY-000106 thru US-SFY-000108	101
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O & O-1	US-SFY-000109 thru US-SFY-000111	106
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P & P-1	US-SFY-000112 thru US-SFY-000114	109
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Q & Q-1	US-SFY-000115 thru US-SFY-000117	110
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R	US-SFY-000119	---
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X	US-SFY-000176	112
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X-1 thru X-6	US-SFY-000177 thru US-SFY-000183	112
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Reporter's Note: Government's Exhibit R is attached hereto, but was not referenced in transcript. It is the same document as Government's Exhibit O.

US-SFY-002231

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EXHIBITS

Defendant's

No.	Description	Identified
W-1	Photograph - US-SFY-000021	29
W-2	Photograph - US-SFY-000020	29
W-3	Passport - US-SFY-000123	32
W-4	Email String - US-SFY-000019	35
W-5	Electronic Visa - US-SFY-000179	40
W-6	Photograph - US-SFY-000407	43
W-7	Photograph - US-SFY-001449	43
W-8	Photograph - US-SFY-000428	48

1 (Prior to commencement of the deposition,
2 Government's exhibits were premarked.)

3 THE VIDEOGRAPHER: Good morning. Today is
4 Friday the 26th day of April 2019. We're
5 commencing at approximately 11:28 a.m. This is the
6 videotaped deposition of Wasiquallah. We're located
7 at 18201 Southwest 12 Street, Miami, Florida. This
8 is taken on behalf of the Defendant in
9 Case No. 19-4081 in the matter of United States
10 versus Mujeeb Saify filed in U.S. District Court in
11 and for New Jersey. Our court reporter is April
12 Goldberg with A1 Reporting. My name is Mike Massa.
13 I'm a videographer with A1 Reporting.

14 Will counsel please state your appearance
15 for the record after which the witness and the
16 interpreter will be sworn.

17 MS. HOM: Yes. Candace Hom, attorney for
18 Mujeeb Rahman Saify. Mr. Saify is waiving his
19 presence here today.

20 MS. FLANAGAN: Colleen Flanagan. I'm an
21 investigator and I work with Candace Hom.

22 MR. BAUER: Jay Bauer for the government.

23 MS. MAHONEY: Assistant U.S. Attorney Margaret
24 Mahoney on behalf of the government.

25 MR. BAUER: Also -- also present in the room

1 is Claire Garvin and Hope Olds from Criminal
2 Division U.S. Department of Justice and Homeland
3 Security Investigation Special Agent Patrick
4 Simpson.

5 MS. HOM: We also have a Pashto interpreter on
6 the telephone.

7 Could you please state your name for the
8 record?

9 MR. MINALLAH: My name is Masrum Minallah.
10 The language is Pashto.

11 MS. HOM: Do you swear or affirm to interpret
12 English to Pashto and Pashto to English to the best
13 of your ability?

14 THE INTERPRETER: Yes, I do.

15 MS. HOM: Mr. Minallah, you will be on the
16 telephone during this deposition in the event we
17 need any interpretation.

18 THE WITNESS: Okay.

19 THE COURT REPORTER: Would you please raise
20 your right hand? Do you swear or affirm the
21 testimony you are about to give will be the truth,
22 the whole truth, and nothing but the truth?

23 THE WITNESS: Yes, I do.
24
25

1 THEREUPON,

2 WASIQULLAH,

3 acknowledged having been duly sworn to tell the truth
4 and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. HOM:

7 Q. Good morning.

8 A. Good morning, ma'am.

9 Q. We represent Mujeed Rahman Saify.

10 A. Uh-huh.

11 Q. Do you remember talking to us before?

12 A. Yes, I remember.

13 Q. It's good to see you in person.

14 A. Good to see you too, ma'am.

15 Q. Can you state your full name?

16 A. My name is Wasiqullah. That's my full name.

17 I have no last name. No nickname. My first name is
18 Wasiqullah.

19 Q. And just to clarify, have you ever used the
20 name Hedayat?

21 A. No. I didn't use any other name. I just put
22 Hedayat for physical, you know. For my physical, you
23 know, that's my nephew, my sister's son name --

24 Q. Uh-huh.

25 A. -- and I know just for the physical, you know.

1 That's not my name. You only -- can check my passport,
2 my ID card, so I use my full name Wasiquallah, my first
3 name.

4 Q. What about the name Khan?

5 A. Khan, I too for the physical to that. That's
6 for the physical Khan. And that's why. Yeah.

7 Q. Where are you from?

8 A. I'm from Afghanistan. Nangarhar, province;
9 Jalalabad, city.

10 Q. Do you have an occupation?

11 A. No. I don't have any occupation/job right
12 now.

13 Q. What have you worked as before?

14 A. Before I was working with the U.S. Army in
15 Afghanistan as a linguist from 2011 to 2014.

16 Q. How long did you work there, did you say?

17 A. I worked for three years from 2011 to 2014,
18 January.

19 Q. And you stopped work in 2014 you said?

20 A. Yeah, in 2014, January 22. I worked 'til
21 January 22, 2014.

22 Q. Okay. Why did you stop working there?

23 A. I was fired from my job.

24 Q. Okay. Do you know why you were fired?

25 A. I didn't know the reason why I was fired from

1 my job. When I got here -- because of polygraph test,
2 but still it's not clear why I was fired, you know, from
3 my job, know. That's why.

4 Q. So just to make sure I understand, in 2014 you
5 did not know why you were fired?

6 A. I knew I was fired from my job. I knew I was
7 fired from my job, but I didn't know the reason why I
8 was fired from my job.

9 Q. What did you do after that?

10 A. After that, I went to college, like, almost
11 two and a half years.

12 Q. And what happened after that?

13 A. After that, the situation for Afghanistan and
14 in Jalalabad city was worse, so -- because of my work
15 with the U.S. Army, so I left my country. The situation
16 led me to leave the country. I left my country and I
17 came to the U.S.

18 Q. Uh-huh. When did you leave Afghanistan?

19 A. I left Afghanistan in 2016, September 25, I
20 left Afghanistan.

21 Q. Uh-huh. I want to go back to -- I want to
22 pull back for a minute and ask you a question about
23 whether -- strike that.

24 Where did you want to go?

25 A. When? When?

1 Q. When you left Afghanistan, where did you want
2 to go?

3 A. I went to Brazil, from Afghanistan to Dubai,
4 you know. From Dubai I went to Brazil.

5 Q. Uh-huh. What was the ultimate destination?

6 A. I was in São Paulo.

7 Q. Right.

8 A. São Paulo, and I was there in São Paulo. And,
9 yeah, I was there for two months, almost two months I
10 was in Brazil. And after two months I came to the U.S.

11 Q. Okay. And that's where you wanted to --

12 A. Yeah.

13 Q. -- go to?

14 A. Yeah. I wanted to come to the U.S. Yeah.

15 Q. Okay. Can you tell me the route or the -- the
16 route that you took to get to the United States?

17 A. Yes, ma'am.

18 (The interpreter is translating to the
19 deponent.)

20 THE WITNESS: Okay. Yeah. I came --

21 MS. HOM: Excuse me. Just off the record.

22 THE VIDEOGRAPHER: One moment. Standby.

23 We're off.

24 (Off the record.)

25 THE VIDEOGRAPHER: We're back on the record.

1 BY MS. HOM:

2 Q. I'll repeat the question.

3 What route did you take to get to the United
4 States?

5 A. First, I -- from Afghanistan I had a flight to
6 Dubai; from Dubai I had a flight to Brazil; and from
7 Brazil I went to Peru, Peru, the pronounce right. Peru,
8 the country, the South America country, Peru. From Peru
9 I went to Ecuador; from Ecuador I went to Colombia; from
10 Colombia to Panama; and from Panama to Costa Rica.
11 Costa Rica. And from Costa Rica to Nicaragua; from
12 Nicaragua to Honduras; from Honduras to Guatemala; from
13 Guatemala to Mexico; from Mexico I went to Texas. From
14 Texas they brought me here. Yeah.

15 Q. Before you came to the United States, did you
16 ever apply for a visa?

17 A. Yes, I did.

18 Q. And what kind of visa was this?

19 A. That's special immigrant visa, that's for
20 Afghanistan people who work on the behalf of the U.S.
21 government, so I applied for that one. I did that one.

22 Q. And when did you start that process?

23 A. I did in 2013. In the beginning, I think in
24 2013 I did that, yeah.

25 Q. Uh-huh. And when did you hear back about the

1 visa application?

2 A. So it was a report in 2014, July 6, I think,
3 or July 5 it was. I got answer from U.S. Embassy in
4 Afghanistan. Yeah.

5 Q. And what did they say?

6 A. Because of my termination. I lost my job, you
7 know, because of that, you know.

8 Q. Because of that, what happened?

9 A. Yeah, that happened. And then they told me
10 you can do appeal. You have 120 days if you want to do
11 appeal. But I didn't know how to do appeal because
12 there was no immigration lawyer in Afghanistan, and so I
13 didn't know -- I had all my documents, the certificates,
14 the letters that I got from my team from 2011 to 2014.
15 I sent all the documents to the U.S. Embassy, but after
16 that I get answer, they said no, because I didn't --
17 that's not the appeal, you know. You need to do appeal
18 if you want, but I didn't know how to do appeal. I know
19 I did like two, three times, you know, my documentation,
20 my certificates, and I explained my situation, so -- but
21 it didn't work.

22 Q. Okay. Did you believe you could reapply for
23 the visa?

24 A. Yes, I can do again.

25 Q. And did you ever reapply for the visa?

1 A. I did here.

2 Q. Now, when you left Afghanistan to come to the
3 United States, who did you ask for help?

4 A. My family, because of my life was in danger,
5 so my family they found the smuggler for me, and then
6 that's why I came -- from my family, my brothers. I'm
7 talking about only my brothers. My family, my brothers.

8 Q. Uh-huh. And which brothers are you talking
9 about?

10 A. Gulcheen.

11 Q. Do you -- were any other -- are you able
12 to spell --

13 A. Yes. I can spell, yeah. G-U-L-C-H-E-E-N,
14 Gulcheen.

15 Q. Thank you.

16 A. You're welcome.

17 Q. And did Gulcheen help pay for the smugglers?

18 A. Excuse me, ma'am?

19 Q. Did he help pay for the smugglers?

20 A. I had my own money and my brothers they
21 helped, they put money too. I had my money too, my own
22 money, and my family did put money too. Like my
23 brothers, you know, my family. Also they help with me.
24 Yes, they did, my family.

25 Q. You said your brothers helped you?

1 A. Yeah, and I had my own money and my family; my
2 brothers, you know --

3 Q. Yes.

4 A. They helped with me, yeah.

5 Q. Are there other brothers that helped you
6 besides Gulcheen?

7 A. Yes. Like, my -- my -- yes, my brothers. You
8 know, my two, three brothers, you know, they put the
9 money. You know, like Amdadullah is his name and
10 Gulcheen, you know, those two guys, you know, they were
11 helping with me. Yeah.

12 Q. Uh-huh. So you're saying, just so I
13 understand, Gulcheen and Amdadullah?

14 A. Amdadullah. So they were -- there were
15 helping with me, you know, yes.

16 Q. I see. Are you aware of how much the
17 smuggling cost?

18 A. \$16,000 they took from me, the smugglers.
19 Each smuggler took from me \$8,000; from Afghanistan to
20 Brazil \$8,000, and from Brazil to Mexico \$8,000. And
21 also I spent my own money too, you know, that's the
22 smugglers, they took from me \$16,000, and I spent my own
23 money too.

24 Q. Uh-huh. Can you tell me who the smugglers
25 were?

1 A. Yes, I can tell you. Yeah. My first
2 smugglers, the two smugglers: Reredgul and Abid from
3 Afghanistan.

4 Q. Could you please spell Reredgul and Abid?

5 A. Yeah. Yes, ma'am. R-E-R-E-D-G-U-L, Reredgul
6 yeah. And the second one Abid. A-B-I-D, Abid. Abid.

7 Q. And could you tell me how -- oh, I'm sorry.

8 Could you tell me where they are from?

9 A. I think they're from Pakistan -- or the one
10 guy is from Afghanistan. The one is from Pakistan. I'm
11 not sure, you know, both of them they're together. They
12 speak in Pashto, you know, so -- but I don't know, you
13 know. That's why they speak in Pashto. The one is, I
14 think, really good. Like, he's from Afghanistan; Abid I
15 think, he's from Pakistan. But I'm not sure, you know.
16 That's why they were together all the time, you know. I
17 didn't see them, you know, so that's why. Yeah.

18 Q. You never saw them you said?

19 A. No, I didn't.

20 Q. How did you did communicate with them?

21 A. By telephone. I spoke with them. And my --
22 they spoke with my brothers first, and then I spoke with
23 them by telephone, you know. Yeah.

24 Q. And you said that they -- I'm sorry.

25 Could you tell me where Reredgul and Abid

1 helped smuggle you to?

2 A. They with me to -- from -- they were my
3 smugglers.

4 Q. Yes, from what point to what point?

5 A. From Brazil to -- Dub- -- no. Sorry, ma'am.
6 From Afghanistan to Brazil.

7 Q. Yes.

8 A. Yeah.

9 Q. And who -- was there a different smuggler
10 from --

11 A. And from Brazil I got another different
12 person, another person. His name was Sameer Abid.

13 Q. Can you spell it, please?

14 A. Sameer, S-A-M-E-E-R. Sameer Abid, A-B-I-D.
15 Sameer Abid.

16 Q. Okay.

17 A. Something like that, yes. Sameer Abid, yeah.

18 Q. And where is he from?

19 A. He's from Pakistan too.

20 Q. Did he live in Pakistan or did he live in some
21 other location?

22 A. He's, I think, in Brazil.

23 Q. And just to be clear, Sameer Abid is different
24 from the Abid --

25 A. Yeah.

1 Q. -- who smuggled you from the Afghanistan to
2 Brazil?

3 A. Yes, ma'am. Two different peoples, yeah.

4 Q. Okay.

5 A. His name is Sameer Abid, first name called --
6 people, they call him Sameer Abid. And the other one
7 they call him Abid, you know, the first smuggler from
8 Afghanistan to Brazil, yeah.

9 Q. Why did you have a switch in smugglers?

10 A. Because I had a problem with them. When I
11 came to Brazil -- and I was in the street, like, for
12 four, three -- I think four, five days I was in the
13 street. They didn't help with me. They had nobody
14 there to take me to home or to the hotel. You know, so
15 that's why -- and they were lying to me, and that's why
16 I -- I did not want to come with them, you know, from
17 Brazil to the U.S. They told me we going to take you to
18 Mexico but I said, no. That's why I had a problem. I
19 stuck in Brazil for two months because of them.

20 Q. Can you -- I just want to make sure I know
21 exactly how -- or approximately how long you were in
22 Brazil.

23 A. Almost two months I was in Brazil; almost two
24 months in Brazil.

25 Q. And I wasn't quite clear on your answer

1 before, but you said that you were living on the street?

2 A. Yeah. First, when I came to the airport --
3 from out of the airport so they had no hotel, no
4 nothing, and they had nobody, you know, to take me, you
5 know, from there, you know, from the airport to the home
6 or, you know, to somewhere else. So for three, four
7 days I was on the street. You know, I was spending my
8 own money and then I had no money too. Yeah.

9 Q. What happened at the end of the three or four
10 days?

11 A. Then after that I called my brothers and, you
12 know, they found -- they send me another number, and
13 they said talk to this guy. And this guy, he's going to
14 take you from there. So that guy, you know, he spoke
15 with another Brazilian in Portuguese. I didn't know
16 Portuguese, and he's -- he didn't know English, he took
17 me to São Paulo. I went there -- or one home I was
18 there in one home, you know, for two months, almost two
19 months I was in home. They took me to one -- another
20 home.

21 Q. You were in a house?

22 A. Yeah. I was in the house after that.

23 Q. And whose house was this?

24 A. That was a Pakistani and Afghans, you know,
25 from -- people from Afghanistan and from Pakistan, you

1 know. So they were in one house, you know, so that's
2 why I was in their house.

3 Q. Okay. How did you get to Brazil? What mode
4 of transportation did you use to get from Afghanistan to
5 Brazil?

6 A. First, I came to Dubai; from Dubai I came to
7 Brazil.

8 Q. Uh-huh.

9 A. They give me some documents to -- I got a
10 flight, you know, that's why. I showed that documents
11 and I got a flight.

12 Q. And you flew -- I'm sorry. I just want to
13 make sure I understand.

14 A. Yeah.

15 Q. You flew from Afghanistan to Dubai and from
16 Dubai to Brazil?

17 A. Yeah. Yes, ma'am.

18 Q. And which airport did you arrive at in Brazil?

19 A. At the São Paulo airport.

20 Q. How did you get those plane tickets?

21 A. So they bought everything for me. The
22 smugglers, they bought a ticket -- the ticket,
23 everything, and they send it to me. Ifriend, that's a
24 ticket, and the visa, everything. They sent.
25 They'll -- send it to me, yeah.

1 Q. Tell me, did you use your email address? Did
2 you use a different --

3 A. They send it to my brother's email, I think,
4 they send it. He printed it and I got that one. And
5 some I print in Dubai, I print it, they send me their
6 own email too.

7 Q. They sent you their email?

8 A. Their own email too. Yeah.

9 Q. Did they give you a password?

10 A. Yes, they did.

11 Q. And just to clarify, you would access this
12 email address using the password that they gave you?

13 A. Yeah. They gave me -- when I called them from
14 Dubai, they said this is the email, and this is the
15 password, and I type, and I print it. Yeah.

16 Q. And do you recall the email address that you
17 used?

18 A. Their own email I used, not my one, you know.
19 Their -- they give me their own email address. Yeah.

20 Q. Okay. This was not your email address?

21 A. That was not mine, you know, that was his
22 email, the guy.

23 Q. If I could ask you, if you recall any of these
24 email addresses, please let me know if they ring a bell.
25 One is pakistan785@yahoo.com?

1 A. No, I can't remember.

2 Q. Pakistan735@yahoo.com?

3 A. No.

4 Q. Pakistan775@yahoo.com?

5 A. No.

6 Q. Okay.

7 A. I can't remember, you know. That's why. I
8 just I used two, three times, you know, in the same day,
9 you know, so I didn't know. I didn't remember. That's
10 why.

11 Q. And did you use that email address that they
12 gave you for both the tickets from Afghanistan to Dubai
13 and the tickets from Dubai to Brazil?

14 A. I think they send the ticket to my brother's
15 email or something or -- but the documents, the visa,
16 you know, I got from that email. The one I got from
17 them.

18 Q. I see. That's through their email address?

19 A. Yes.

20 Q. And which country was that visa for?

21 A. That was to Brazil.

22 Q. Did you ever email Reredgul and Abid?

23 A. No. I don't have their email now.

24 Q. Now, your testimony is that Sameer Abid
25 smuggled you from Brazil to the United States; correct?

1 A. Yes, ma'am.

2 Q. And just so I'm clear, the amount that he --
3 that -- what is the amount that he charged you for that?

4 A. From Brazil to Mexico \$8,000 Sameer Abid he
5 charge me.

6 Q. Okay. On your route to the United States, did
7 you ever go to El Salvador?

8 A. No, I didn't. They told me you're going to
9 have another flight from Brazil to El Salvador, but I
10 didn't trust them. I didn't believe them because they
11 were lying, and they say we have the documents for you
12 to go to El Salvador. And also when I hear about El
13 Salvador that's there -- there is a lot of gangs,
14 members MS-13. I hear the name they say, so you have no
15 chance to get out, you know, from El Salvador. So
16 they're going to kidnap you, and they're going to take
17 money and then they're going to kill you. So -- and I
18 didn't trust, you know, my first two smugglers, Reredgul
19 and Abid. I didn't trust them. That's why after that I
20 got another smuggler.

21 Q. And when they said that -- that we have
22 documents for El Salvador, do you know what they meant?

23 A. Like they had a visa. You can get a flight,
24 you know, so they didn't show me that documents. They
25 said they had, you know, the documents, but they didn't

1 show me, you know, so that's why. They told me we have
2 documents for you. If you want to go to El Salvador, so
3 got a ticket time. So, I said, no, I'm not going to go
4 to El Salvador when I hear about the stir about in
5 El Salvador, and also they were lying to me. So that's
6 why I did not want to go there.

7 Q. So you never saw a visa for El Salvador?

8 A. No, I didn't.

9 Q. Okay. And you, just so I'm clear, you never
10 used one?

11 A. No, I never used another one. They had --
12 they had, you know, two different countries. They told
13 me if you want to go to that countries, you know, but
14 no.

15 Q. How did you travel from Brazil to the United
16 States?

17 A. From Brazil I went by bus, by boat, and I was
18 walking in jungle. Yes.

19 Q. Were there other modes of transportation?

20 A. We used bus, we used boat, and we were walking
21 too, in the jungle, you know, that's where we walked.
22 Yeah.

23 Q. Uh-huh. Did you ever use a plane?

24 A. Excuse me?

25 Q. A plane, airplane?

1 A. No, because we had no documents, you know,
2 from there. We were illegal and also that's why.

3 Q. When you got to the United States --

4 A. Uh-huh.

5 Q. -- did you apply to stay here?

6 A. Yes. When I came from Mexico to Texas, I
7 asked for asylum, and I was there for, like, one week,
8 and from -- after that they brought me here to Miami,
9 Florida, you know. So they brought me here, so then I
10 saw the asylum specialist and I saw the judge. I did
11 the whole process here.

12 Q. Uh-huh. Did you also reapply for a visa?

13 A. Yes, I did.

14 Q. Just to go back to the first Abid who smuggled
15 you from Afghanistan to Brazil, do you know if that
16 particular Abid is also known as Abid Ali?

17 A. No, ma'am. The first smuggler from
18 Afghanistan to Brazil we were calling him Abid. I
19 didn't know -- I don't know if he has another name. He
20 has another name, I know, but I was -- we were calling
21 him Abid, you know. That's why people -- yeah.

22 Q. How about Abid Thakur, T-H-A-K-U-R, does that
23 ring a bell?

24 A. No, ma'am. I didn't hear Thakur.

25 Q. Okay. Or Abid Khan?

1 A. No.

2 Q. In your travels from Afghanistan to the United
3 States, did you encounter someone named Tariq Zeb?

4 A. Tariq Zeb. Tariq Zeb, this guy he found the
5 second smuggler, Sameer Abid, he found for me, you know,
6 Sameer Abid. So he was the middleman. He's what they
7 call it, you know. Between me and Abid Sameer, you
8 know. Because I didn't see Abid Sameer, so this guy,
9 you know, he found me, you know, so -- the second
10 smuggler, from Brazil to Mexico. Yeah. But Tariq Zeb,
11 yeah.

12 Q. Did he travel with you?

13 A. No, he didn't. Just he took me to the
14 airport. Yeah, that's it.

15 Q. To which airport?

16 A. In Brazil. To -- I had a domestic flight in
17 Brazil, you know, from São Paulo to Brazil. And from
18 Brazil to another city. I don't know. Another airport
19 name. So I had two flights, domestic flights inside
20 Brazil. Yeah.

21 Q. And that's the only time you saw him?

22 A. Yeah. Yeah, yeah, yeah. Only to the airport
23 he took me there, and so after that I didn't see him.

24 Q. As you were traveling to the United States,
25 did you have travel documents with you during this time?

1 A. From Brazil?

2 Q. I would --

3 A. From Brazil, no, I had no documents. No
4 nothing. I had only my passport, but there was no visa,
5 no nothing. You know, that's why.

6 Q. How about from Afghanistan to Brazil, did you
7 have travel documents with you?

8 A. I had, yeah. The one I got from them I had
9 from Afghanistan to Brazil I had, yes, ma'am.

10 Q. And did you have a passport with you?

11 A. I had my passport and I had the paper visa,
12 the one I printed, you know, that one. It was not in my
13 passport. It was a paper visa, I know. So it was in
14 Spanish or in English. I don't know. So I didn't know
15 how to read my name was, and my passport number and my
16 picture was on that visa, yeah.

17 (Mr. Simpson has exited the deposition room.)

18 Q. Uh-huh.

19 A. Excuse me.

20 Q. And this is the visa for Brazil?

21 A. For Brazil. Yes, ma'am.

22 Q. All right. Could you tell us how you got your
23 Afghan passport?

24 A. Excuse me, ma'am? I got -- how I got my
25 passport?

1 Q. Yes.

2 A. Yes, ma'am.

3 (Ms. Olds exited the deposition room.)

4 A. I went to the Department of Passport so -- in
5 Nangarhar for me, a Jalalabad city. So I went there to
6 the police station, you know, there they have a
7 department, a passport department. I went there and I
8 got my passport in two, three days I got my passport.

9 Q. And do you recall when you got your passport?

10 A. The first passport I got in 2013. So in 2013
11 I got a passport, so there was mistake in the passport
12 because 1991 they put 1992. So after that, I went -- I
13 got another passport. I got another passport in 2013
14 after some time, you know. I went, I say, you guys made
15 a mistake, so they gave me another passport. Yeah.

16 Q. Just to clarify, you received a first passport
17 in 2013?

18 A. In 2013. 2013 or 2012, you know, that's why
19 I -- yeah, at that time I got it.

20 Q. Approximately --

21 A. Yeah.

22 Q. -- around that time.

23 And there was a mistake in it, you said?

24 A. Yeah, it was mistake because of my age, you
25 know, that's why. They put 1992. That, I told them

1 1991, you know, so that's why they made a mistake.

2 Q. And they corrected it?

3 A. So, yeah, they fix it.

4 Q. All right. And tell me how did you get the
5 visa, the Brazil visa, that was -- you received it
6 through the email address that was given to you;
7 correct?

8 A. Yes, ma'am.

9 Q. All right. Could you tell me how you -- was
10 there a picture on that visa?

11 A. Yes, my picture was on the visa. My picture,
12 my passport number, my name was on the visa, you know,
13 and that's -- that's it, and nothing else. Yeah.

14 Q. Tell me how you -- how those pictures were
15 created.

16 A. I can't remember the picture, but I sent two
17 pictures to them. They got my two pictures.

18 (Ms. Olds entered the deposition room.)

19 MS. HOM: Off the record.

20 THE VIDEOGRAPHER: Standby, please. One
21 moment.

22 (Off the record.)

23 THE VIDEOGRAPHER: And we're back on the
24 record.

25

1 MS. HOM: Joining us now in the room is
2 Wasiqullah's immigration attorney, Sheila Latimer.
3 She is present.

4 BY MS. HOM:

5 Q. Wasiqullah --

6 A. Yes, ma'am.

7 Q. -- I was asking you about how those pictures
8 for your visa were created.

9 A. I went to the photo shop and I took two
10 pictures and one in white T-shirt and one is black
11 T-shirts.

12 Q. This is the photos used for the visa to
13 Brazil?

14 A. Yes, ma'am, but I can't remember, you know,
15 the picture but I -- they got my two pictures, you know.
16 And I -- the reason I can't remember which picture was
17 on the white T-shirt or the black T-shirt. I don't know
18 that one, but I had -- they got my two pictures.

19 Q. All right. I'm going to show you what I'm
20 going to mark as W-1 -- I'm sorry -- Defense Exhibit W-1
21 for identification purposes and W-2.

22 A. Okay.

23 MS. HOM: And for the record, these are Bates
24 stamped SFY21 for W-1, and SFY20 for W-2.

25 (Defendant's Exhibit Nos. 1 & 2 were marked

1 for identification.)

2 THE WITNESS: Okay.

3 BY MS. HOM:

4 Q. Do you recognize these?

5 A. Yeah. This is my two pictures, and the
6 smugglers, they got these pictures from me. Yeah.

7 Q. And you dropped off these photos at the photo
8 shop?

9 A. In another shop in the -- there was a store,
10 you know. Yeah.

11 Q. Oh.

12 A. I drop my passport and my two pictures with
13 the passport.

14 Q. I'm sorry. You took the pictures at one shop?

15 A. Oh, yeah, but this one I took in the photo
16 shop. I went to the shop, I took the pictures, and then
17 I dropped my passport and my pictures, you know, in
18 another store, you know, to -- for the smuggler to get
19 it from that store, yeah.

20 Q. I see. I see.

21 Is this a fair and accurate representation of
22 those photos as you recall it?

23 A. Yeah, this is two pictures they got of mine,
24 ma'am.

25 Q. Were these two pictures also used for your

1 passport?

2 A. No, but the passport I didn't use these
3 pictures. This is part of the Brazil visa to come to
4 Brazil, you know. But the passport I had different
5 pictures. This one I took in 2016, these pictures. But
6 passport pictures, that's different pictures. It's a
7 different one. It's not this one, not these two
8 pictures.

9 Q. Could you tell me which shop you went to?

10 A. In Jalalabad city, but I can't remember the
11 name. So there is, you know, the photo drop, you know,
12 the shop, I went there, you know. I took two pictures
13 and, you know, so then I give it to the smugglers, you
14 know. I drop, you know, but I can't remember the name,
15 you know, but it's in Jalalabad city, in my city, yeah?

16 Q. Uh-huh. And you dropped it off at a different
17 place?

18 A. In different store, yeah. Another shop,
19 another shop, you know, that's why.

20 Q. And do you remember the name of that place?

21 A. No, ma'am. I can't remember the name, but I
22 know the place where the place is, but I can't remember
23 the name now. Yes.

24 Q. Do you know what street it's on?

25 A. Street, no. That's in Jalalabad city, you

1 know, but I don't know the street. Yeah.

2 Q. Okay.

3 MS. HOM: I'm going to show you what's been
4 marked as Defense Exhibit W-3, and this is SFY123.

5 (Defendant's Exhibit No. 3 was marked for
6 identification.)

7 THE WITNESS: Yes.

8 BY MS. HOM:

9 Q. Can you take a look at that and tell me if you
10 recognize it?

11 A. Yeah. This is my picture I took for the
12 passport, these pictures. In 2012 or 2013 that's my
13 picture for the passport, yeah. This is the part of
14 passport pictures, yeah.

15 Q. Is this --

16 A. And these two pictures I took in 2016 from
17 Brazil visa, yeah.

18 Q. I see. Is this the passport picture from your
19 first passport or from your second passport?

20 A. That's two different pictures. Two different,
21 not the same picture. Two different, you know. Yeah.

22 Q. Right. But which passport is this one?

23 A. This is for the last one.

24 Q. The second one?

25 A. The second passport.

1 Q. With the corrected date of birth?

2 A. Yeah, yeah, yeah, yeah. The other one was
3 there was a mistake, you know, that's why there was
4 different pictures, not the same pictures. Yeah.

5 Q. Is this a fair and accurate representation of
6 the photo page of your second passport?

7 A. Yeah. This is -- yeah. Yes, ma'am.

8 Q. And for your first passport picture, do you
9 recall what that picture looked like?

10 A. I think the same, you know, but, you know,
11 maybe the same pictures. But I can't remember that
12 picture now, but it was a different pictures, yeah, for
13 the passport. Yeah.

14 Q. So you're saying it's different from the
15 T-shirt pictures, which are W-1 and W-2.

16 A. This is the -- this picture in my second
17 passport, but the first passport I got, the first one,
18 it was different picture, but my picture was a different
19 one, not the same one. I didn't use this picture, you
20 know, for that one, yeah.

21 Q. Thank you.

22 A. You're welcome.

23 Q. Do you have your Brazil visa in your
24 possession?

25 A. I don't have it.

1 Q. And what happened to it?

2 A. So I didn't use that one. After Brazil I
3 didn't use that one, you know, that visa, and I was not
4 sure it was original or it was -- or fake, you know, but
5 I didn't -- that's why I was not using that one.

6 Q. Do you know what happened to it?

7 A. No, ma'am. I lost, you know, I lost my
8 passport and a lost my -- everything, you know, but --
9 and I was not using that one, no -- that visa, you know,
10 that's why. And Ecuador, Peru, Colombia, you know, I
11 was not using that one there.

12 Q. Uh-huh. And do you recall that one of
13 these -- one of these two photos, either Defense Exhibit
14 W-1 or Defense Exhibit W-2 --

15 A. Uh-huh.

16 Q. -- were used for that Brazil visa?

17 A. Like I said, ma'am, I can't remember. But
18 I -- I took this picture for Brazil visa I know, but I
19 can't recall in those, yeah, that's why.

20 Q. Did you ever email these photos to anyone?

21 A. Which photo?

22 Q. These two with the T-shirts. I'm sorry.
23 Exhibit W-1 and W-2?

24 A. No. Not -- I didn't email to nobody, you
25 know. I think my brother maybe he did, but not me. I

1 didn't email.

2 Q. When you said your brother, which brother?

3 A. Amdadullah did.

4 Q. Do you know why he did that?

5 A. Because he sent the picture, you know, he did
6 for me, you know, that's why I know. Yeah. So I had no
7 access to the Internet or something happened, you know,
8 that he sent. Yeah.

9 Q. Did you ever ask to -- I'm sorry.

10 Did you ever ask anyone else to email these
11 pictures for you for any reason?

12 A. No. I didn't ask anybody else. Only my
13 brothers. From nobody else, no. That's why. Nobody
14 else knew. Yeah. My brother emailed and I also dropped
15 these pictures with the passport together, you know,
16 that's why. Yeah.

17 Q. I'm going to --

18 MS. MAHONEY: Excuse me.

19 MS. HOM: I'm going to show what's been marked
20 last Defense Exhibit W-4.

21 MS. FLANAGAN: 4.

22 (Defendant's Exhibit No. 4 was marked for
23 identification.)

24 BY MS. HOM:

25 Q. This is SFY19. Sir, could you take a look at

1 this? Sir, do you know what that is?

2 A. No, ma'am. I didn't email this one. My
3 brother he did email, I didn't. And also I dropped this
4 picture with my passport together. But I can't,
5 remember, you know, this. I didn't email that. That's
6 why. Yeah.

7 Q. I see. And at the -- do you recognize
8 anything in this -- in this document?

9 A. Only my brother email. This my brother email.

10 Q. Uh-huh. And what is your -- which brother are
11 you talking about?

12 A. Amdadullah.

13 Q. And his email?

14 A. Yeah, that's his email. I know it's his
15 email. Yeah.

16 Q. Okay. And who is he emailing to?

17 A. The second email, Hayat Khan.

18 Q. Well, look at the bottom of the page.

19 A. Oh, at the bottom.

20 Q. Is that where you see your brother's email
21 address?

22 A. Yeah, that's my brother, Amdadullah Hamdard.
23 That's his email. Amdadullah Hamdard. Yeah.

24 Q. Do you see who he's emailing?

25 A. July 22. To Mujeeb. Yeah.

1 Q. And do you know who Mujeeb is?

2 A. I don't know Mujeeb personally. I don't know
3 him. Yeah. So, yeah.

4 Q. Do you know who he is in relation to your
5 brother?

6 A. Like I said, maybe my brother, you know, he
7 has the relationship, you know. He has a lot of
8 friends, you know, from school time, you know, from
9 college time, you know, from his job. You know, when --
10 still he has this job in the consul. So he has a lot of
11 friends. I don't know his friends, you know. I know
12 some of his friends, you know, like. So maybe that's
13 his friend, you know. He has a friendship with him, but
14 I don't know. You know, like, he has a lots of friends.
15 Yeah.

16 Q. And do you see that there is a second set of
17 email addresses above that?

18 A. Which one? On the bottom?

19 Q. No. Above that section, there is --

20 A. Hayat Khan?

21 Q. Yes.

22 A. I don't know this one name. Hayat Khan. Who
23 is Hayat Khan. Yeah. I don't know.

24 Q. Okay. And his email address is, can you read
25 that?

1 A. Hayat Khan? Hayat.khan44@gmail.com.

2 Q. All right. You don't know him?

3 A. No. I don't know him. Yeah.

4 Q. Now, how about the set of email addresses
5 above that? Do you see the next group of email
6 addresses above that?

7 A. On the top?

8 Q. Yes. Not at the very top, but below the very
9 top.

10 A. No. That -- Wasiqullah photos client of Hayat
11 Khan. No. I don't know.

12 Q. Well, there is a -- an email from Hayat Khan?

13 A. Uh-huh.

14 Q. And you said you don't know him?

15 A. No. Hayat Khan, I don't know him. Yeah.

16 Q. Who does he email to in that section there?
17 Do you see that?

18 A. To Abid Thakur. I think Hayat Khan he emailed
19 to this email.

20 Q. Yes. Do you know who Abid Thakur is?

21 A. No. Abid Thakur, I don't know.

22 Q. Okay. And at the very top there are a couple
23 of email addresses -- I'm sorry -- names at the very
24 top.

25 A. Uh-huh.

1 Q. At the From line and the To line, could you
2 read those names?

3 A. The From? Abid Thakur.

4 Q. Yes.

5 A. And Wasiqullah photos client of Hayat Khan.

6 Q. That's the subject line?

7 A. Yeah. This -- this one, yeah.

8 Q. And do you know who -- what does the To line
9 say?

10 A. Which two lines?

11 Q. No. The line that says To someone.

12 A. On the second one?

13 Q. No, the top.

14 A. The top one? Hayat Khan, yeah.

15 Q. Underneath Abid Thakur.

16 A. From Abid Thakur to this person, you know. I
17 don't know how -- I don't know how to pronounce his
18 name.

19 Q. Is it opassports?

20 A. Yeah, passports.port. Yeah, yeah.

21 Q. Do you know who that could be?

22 A. No. I don't know. I don't know them.

23 Q. All right. Thank you.

24 And your testimony is you've never seen this
25 before, this email?

1 A. I never seen. This is the first time. I
2 never seen.

3 Q. All right. Going back to your visas --

4 A. Okay.

5 Q. -- did you receive any other visa besides the
6 one for Brazil?

7 A. No. I didn't get any other one, but they told
8 me they had another one for me, but I didn't get any
9 one, you know, for me. Yeah.

10 Q. I want to show you what's going to be marked
11 as Defense Exhibit W-5.

12 MS. FLANAGAN: 5.

13 MS. HOM: And this is for the record SFY179.

14 (Defendant's Exhibit No. 5 was marked for
15 identification.)

16 BY MS. HOM:

17 Q. Sir, can you take a look at this and please
18 let know if you recognize it.

19 A. Yes, my picture is here and my name and my
20 passport number, and yeah, that's it.

21 Q. Uh-huh. Have you ever seen this before?

22 A. No, ma'am. I didn't see this one before.

23 Q. Okay.

24 A. Yeah.

25 Q. And do you know what country this is for?

1 A. It's Bolivia, yeah. Bolivia, but I can't read
2 the Spanish you know, this is all in Spanish.

3 Q. Right.

4 A. It's not in English. All of this is a Bolivia
5 passport. Yeah.

6 Q. And so you never saw this particular visa
7 before?

8 A. No.

9 Q. Is that your picture on it?

10 A. Yes. That's my picture, yes, ma'am.

11 Q. Okay. Were you ever told about this visa?

12 A. They told me they had a visa to me, to El
13 Salvador, to Salvador the country, to South America.
14 They had that visa. They said they had visa for me if
15 you want to go from Brazil to El Salvador, from Salvador
16 you're going to go to Mexico. But I didn't go with
17 them. You know, I had a problem with them like I
18 mentioned before. Yeah.

19 Q. How about Bolivia?

20 A. No, I didn't go to Bolivia.

21 Q. You didn't go to Bolivia?

22 A. No, I didn't go to Bolivia because I didn't
23 have a visa in order to go to Bolivia.

24 Q. And were you ever notified that they had a
25 Bolivia visa for you?

1 A. They told me they had a visa to Morocco. They
2 had a visa to Sri Lanka, you know. They have many visa
3 to, you know. So the cost is different, you know, but I
4 got only to Brazil. I said I do not want to go to Sri
5 Lanka. I do not want to go to Morocco. I do not want
6 to go to El Salvador, you know. So they said they have,
7 you know, if you want you can go. You can get a flight.

8 Q. Uh-huh.

9 A. Yeah.

10 Q. Uh-huh. Just so I understand, they told you
11 that other visas were available to you?

12 A. Yeah. Yes. They told me that.

13 Q. But the only one that you saw was the Brazil
14 visa?

15 A. Brazil one, yeah.

16 Q. And just so I'm clear, did you ever receive an
17 El Salvador visa?

18 A. No, I didn't get that one. They didn't send
19 me, but they told have they have, you know, like, they
20 have, you know, so -- but I didn't see it.

21 Q. You mentioned before that you know -- or know
22 to some extent, a person named Mujeeb Saify?

23 A. Like I said, ma'am, I don't know him.
24 Personally, I don't know Mujeeb. Maybe I hear his name,
25 you know, like, but I don't know him, you know. I

1 didn't see this guy. I don't know him personally, you
2 know, like. That's why.

3 Q. Okay. I'm going to show you what's going to
4 be marked as Defense Exhibit W-6.

5 MS. FLANAGAN: 6.

6 MS. HOM: And this is SFY47 -- I'm sorry.
7 SFY407.

8 (Defendant's Exhibit No. 6 was marked for
9 identification.)

10 BY MS. HOM:

11 Q. Can you take a look at this picture, sir? Do
12 you recognize this person?

13 A. No, ma'am. I can't. I can't remember.

14 Q. Okay.

15 (Defendant's Exhibit No. 7 was marked for
16 identification.)

17 BY MS. HOM:

18 Q. I'm going to show you what's been marked as
19 Defense Exhibit W-7.

20 MS. FLANAGAN: 7.

21 MS. HOM: For identification purposes, this is
22 SFY1449.

23 BY MS. HOM:

24 Q. Can you take a look at this, sir?

25 A. No, ma'am. I can't remember him at all.

1 Q. You don't know who this person is?

2 A. Because this picture -- this is totally
3 different, you know, from this one.

4 Q. All right. Did you ever ask anyone by the
5 name of Mujeeb to help you leave the country of
6 Afghanistan?

7 A. No.

8 Q. Are you -- are you aware of anyone by the name
9 of Mujeeb helping you in any way in your smuggling to
10 the United States?

11 A. No. Reredgul he always helping me and Abid,
12 so that's why. From Afghanistan to these people, they
13 were helping with me. From Brazil I had another
14 smugglers. My smugglers, they were helping with me.
15 And my family, they were calling them sometime, you
16 know. And one guy, Tariq Zeb, you know, he was the one
17 we were calling him sometime. When I was in Colombia,
18 Panama, Costa Rica, you know, we were calling him
19 because he was the middleman, you know, so that's why I
20 was calling him. Yeah.

21 Q. Did you ever receive any emails from someone
22 named Mujeeb regarding your travels to the United
23 States?

24 A. I can't remember, ma'am, you know, that's why.
25 I can't remember.

1 Q. Did you ever discuss with anyone named Mujeeb
2 whether your -- regarding your status of your visa
3 application?

4 A. Which visa are you talking about?

5 Q. To the United States.

6 A. I have no visa to the U.S. I came illegally.
7 I have no visa, you know, so that's why. I came
8 illegally. Yeah, that's why.

9 Q. But you had applied for a visa?

10 A. Yeah, I did, for special immigrant visa; I did
11 that. I did that one. Yeah.

12 Q. Do you recall discussing those special
13 immigrant visa with someone named Mujeeb?

14 A. Oh, I was discussing with other people, you
15 know, like some other linguists, you know. They knew
16 the process, you know, how to do the process, you know.
17 Like, I was asking from another people. And I ask them,
18 you know, and one guy he looked, you know, at email --
19 no. He send a letter to the embassy for me from my
20 email, you know, another guy. You know, but I asked for
21 my brother, you know, he was calling his friends if
22 somebody knew, you know, who can do this process for me,
23 but they didn't know how to do the appeal, you know.
24 Nobody knew because they were not lawyers, you know.
25 Just they knew how to write something or knew how to

1 type something for me. Yeah.

2 Q. I'm going to ask you whether you know someone
3 else by the name of Ahmad Zia Yar?

4 A. Yeah. Ahmad Zia Yar, he was with me. Yeah.
5 He came from Peru to -- to Mexico. He was with me from
6 Mexico, I came... Sorry.

7 Q. And when did you meet him?

8 A. I see him in Brazil and I see him in Peru.

9 Q. And you said he traveled with you to Mexico?

10 A. Yeah, from Peru to Mexico. Yes, ma'am.

11 Q. And did you ever talk to Ahmad Zia Yar about
12 who smuggled him?

13 A. Me and Ahmad Zia Yar from Brazil to Mexico, we
14 came with the same smuggler. We had the same smuggler,
15 Abid, Sameer. Sameer Abid or Abid, Sameer. So we came
16 with the same smugglers. Yeah.

17 Q. And what about Afghanistan to Brazil?

18 A. From Afghanistan to Brazil I don't know his
19 smugglers because he didn't come with me, you know, so
20 that's why. I came alone from Afghanistan to Brazil I
21 came alone. Nobody else was with me. Nobody else.

22 Q. And you traveled with him from Peru to?

23 A. To Mexico.

24 Q. Yes. And were there other people traveling
25 with you?

1 A. Yes. We have people from Cuba. We have
2 Cubans. We had people from Somalia. People from India,
3 Bangladesh, Pakistan. Yeah. We had people. It was
4 people from Ecuador. From the South America people
5 also, we had some people from South America, people they
6 were with us.

7 Q. Are you aware if their smugglers were the same
8 as yours or were they someone different?

9 A. I didn't know, ma'am, you know, because their
10 people, you know, but they were with us in the same
11 boat, in the same bus, you know, everywhere, you know,
12 we see -- we had different people, you know. Like we
13 seen people in Colombia, Somalians. And Panama, in
14 jungle, Cubans they were with us. In Costa Rica we had
15 people from South America people, we had too. Like
16 everywhere, you know, we had different people. And in
17 Honduras, we saw Indians, you know. Nepal, people from
18 Bangladesh. Yeah. We seen people, yeah. In every
19 country, you know, different people we see. Yeah.

20 Q. Uh-huh. Did you ever talk to Ahmad Zia Yar
21 about who smuggled you?

22 A. No, ma'am. From Brazil, me and him, we had
23 the same smugglers. I didn't talk about it with him. I
24 spoke with him, yes. I came with this guy, Abid and
25 Reredgul, they were my smugglers. I told him about my

1 smugglers, but I didn't know him, you know, who was his
2 smuggler, I don't know that.

3 Q. Do you know someone named a Abdul Ghafar
4 Hikmat?

5 A. Yes, ma'am. Abdul Ghafar Hikmat, I spoke with
6 you the last time and I know him, this guy. He was with
7 me in Brazil, and then I saw him in Mexico, Tapachula
8 camp. In immigration camp. When I went there, in the
9 same day after three, four hours he got released from
10 Tapachula camp, you know. So, yeah. I seen him in
11 Brazil and in Tapachula camp, in Mexico I saw him, this
12 guy.

13 Q. Uh-huh. I'm going to show you what's going to
14 be marked as Defense Exhibit W-8, and this is SFY428.

15 (Defendant's Exhibit No. 8 was marked for
16 identification.)

17 BY MS. HOM:

18 Q. Can you take a look at this picture and tell
19 me what it is?

20 A. Yeah. This is my picture and Hikmat and
21 another guy, person. Yeah. This -- yeah.

22 Q. Do you know where you are in that picture?

23 A. I was in Brazil somewhere, but I don't know
24 where I was, you know, but somewhere in Brazil, you
25 know.

1 Q. Uh-huh.

2 A. In a hotel or somewhere. I don't know. Yeah.

3 Q. Uh-huh. Is this a fair and accurate
4 representation of you with Hikmat and a third person?

5 A. No. This third person, no. I seen him in
6 Brazil. He was with people, no. You know, he was doing
7 his own shopping over there. I know this guy, yeah.

8 Q. Right. So you don't know who the third guy
9 is, you don't remember him; is that right?

10 A. No. I can, but I know him. He with us there
11 in Brazil, you know, but you know, he's from Brazil.
12 He's Pakistani, but originally from Brazil. He was with
13 us sometime, you know. When we were buying stuff, you
14 know, so he knew Portuguese, you know. That's why.
15 Yeah, this guy.

16 Q. But is this an accurate picture of you and
17 Hikmat as far as you know?

18 A. Yeah. This is my picture and Hikmat and the
19 guy. This guy, yeah.

20 Q. Okay. Could you spell Hikmat's name, if you
21 know?

22 A. K-H-M-A-C-T, Khmact. K-H-M-A-C-T, Khmact,
23 something like that.

24 Q. If I spell this, could you tell me if it's
25 correct. H-I-K-M-A-T, does that sound familiar?

1 A. Hikmat, like the first, if you were knife,
2 K-N-I-F-E, you know, the first one, the K is silent, you
3 know, so that's Hikmat, we have to write first
4 K-H-M-A-C-T, you know. Khmact. I'm not sure of the
5 spelling.

6 Q. All right.

7 A. Yes, ma'am. I'm not sure of the spelling.

8 Q. You said you met him in Brazil?

9 A. Yes, ma'am.

10 Q. And how long did you spend with him there?

11 A. He was there, like, one week sometime, you
12 know, but he was not with me. He was in another house.
13 He was in Brusque. I was in São Paulo. But I seen him
14 in Brazil many times. Yeah, yeah.

15 Q. You said Brusque?

16 A. Yeah, Brusque.

17 Q. Is that another town?

18 A. It's another town. It's São Paulo and
19 Brusque, you know. That's what there is. Yeah.

20 Q. Did you see him multiple times?

21 A. I seen him like four or five times, I think, I
22 seen this guy in Brazil, you know. That's why. And
23 then I saw in Tapachula. The last time I saw him in
24 Tapachula.

25 Q. Uh-huh.

1 A. In Mexico.

2 Q. And how long did you spend with him there?

3 A. In Tapachula, three, four hours. Because he
4 got released in the same day. You know, when I went
5 there, you know, after three or four hours he got
6 released. You know, he was there, you know. The last
7 time I saw him that was in Mexico.

8 Q. Uh-huh.

9 A. Immigration camp. After that, no.

10 Q. And do you recall what you talked about with
11 Hikmat?

12 A. No, I don't have his number. I don't know his
13 name now, you know, so that's why. After that, I didn't
14 see him. I don't know where is he now, you know, his
15 location. I don't know nothing about him now.

16 Q. Well, did you ever discuss with him about how
17 you had got smuggled to the United States?

18 A. As far as I know, ma'am, he came from Brazil
19 to -- to Mexico with another smuggler. His smuggler, he
20 was from Bangladesh as far I know. But I didn't know
21 because, you know, he didn't come with me. I didn't
22 know him before even in Afghanistan, you know. So
23 that's why he came with different smugglers, you know,
24 from Brazil and even from Afghanistan he came.

25 MR. BAUER: I'll object to this question on

1 foundation of witness's knowledge.

2 BY MS. HOM:

3 Q. You can finish the answer.

4 A. Okay. So he didn't came with me. He went
5 from Afghanistan. He went from Brazil. He came with
6 the different smugglers with different person, not with
7 me. And, you know, the last time I saw him in
8 Tapachula, you know. That's why. Yeah. He was not
9 with me in the same bus or in same trip. He wasn't with
10 me. Yeah.

11 Q. Uh-huh. How do you know that he -- how do you
12 know that he came with different smugglers?

13 A. Well, from Brazil I know, I know. From -- I
14 saw him in Tapachula, you know, he came with different
15 smugglers. That's what I hear. He came with different
16 smuggler. His smuggler was from Bangladesh, you know.
17 That's why. Yeah.

18 Q. Did you discuss this with him?

19 A. I didn't discuss, but I knew, you know, his
20 smuggler, who was smuggler. You know, I guess I was
21 there for three, four hours, you know, like, in the
22 immigration. The other guys they were with him, you
23 know. People from India, from Pakistan, so they were
24 with him. They say, no. But me, Hikmat, we came
25 together. The people, they told us that and Pakistani,

1 they came together with him. Yeah.

2 Q. Uh-huh. And are you aware of how he got from
3 Afghanistan to Brazil?

4 A. I don't know, ma'am. I don't know. I have no
5 idea how he came to Brazil. No, I don't know. But from
6 Brazil, I know he went with another person, you know.
7 That's why.

8 Q. Did he ever tell you that -- who his smugglers
9 were?

10 A. His smuggler was from Bangladesh --

11 MR. BAUER: Objection. Hearsay.

12 THE WITNESS: -- also.

13 BY MS. HOM:

14 Q. You can finish the question.

15 A. Oh, yeah. His smuggler, he was from
16 Bangladesh, from Brazil. I hear from another Pakistani,
17 from Indians, you know, they were with him. So they --
18 they told, you know, Abid and the other Indian, you
19 know, they say we can come together, you know, the other
20 Indian and these people came together from Brazil to
21 Mexico. So that's why I knew his smugglers was from
22 Bangladesh. Yeah.

23 Q. Uh-huh. Just so I'm clear, you knew who his
24 smuggler was?

25 A. Yeah, from Brazil I knew from Brazil to Mexico

1 who was his smuggler.

2 Q. Okay. And how did you know this information?

3 A. Because I saw other people, they were with
4 him, you know. So in immigration camp. They didn't
5 release them, the other people in the same day, only he
6 got released. And so that's why. Yeah.

7 Q. And your understanding is that those people
8 came with a certain smuggler, so that's why?

9 A. Yeah, yeah, yeah, yeah, yeah. That's why.

10 MR. BAUER: Objection. Objection. Based on
11 speculation.

12 BY MS. HOM:

13 Q. Sir, did you ever tell Hikmat that Mujeeb
14 smuggled you?

15 A. No. I can't remember. No, ma'am. Mujeeb, he
16 was not my smuggler, you know, so that's why, you know,
17 I didn't tell Abid because he was not with me, you know.
18 That's why, you know. He came with a different person,
19 you know. That's why, yeah.

20 Q. If you had ever discussed this with someone,
21 what would you have said?

22 A. But I didn't discuss with Ghafar, you know
23 with this guy. Mr. Hikmat. I didn't discuss with him,
24 you know. So that's why. And he didn't come with me,
25 you know. That's why, you know, like, that's why he was

1 in different home, you know, like, and different town.
2 I was in different town, you know. So we -- even in
3 Mexico we had no time to talk about that, well, like,
4 you know, who was his smuggler, how did he came from
5 Brazil, you know, like. You know, but just I knew when
6 I saw him there. That's it.

7 Q. Well, did you ever discuss this with him in
8 Brazil?

9 A. No, ma'am. I can't remember. I didn't -- I
10 can't remember, you know, for this other time in Brazil.

11 Q. Did you tell Hikmat that Reredgul and Abid
12 were your smugglers?

13 A. I knew I told the people, you know, when I
14 was -- my smugglers was Reredgul and Abid, they were my
15 smugglers, you know. Why, yeah. Maybe I told him that,
16 you know, my smugglers were Abid and Reredgul, you know.
17 Yeah. Two smugglers, yeah.

18 Q. And would you have told -- or did you tell
19 Hikmat that Sameer Abid was also your smuggler?

20 A. Yeah. I think I told him, yeah. I think.
21 That's why. Yeah. I think, yeah.

22 Q. Do you know of why Hikmat would say that you
23 told him that Mujeeb and Abid smuggled you to the United
24 States?

25 A. I didn't -- my smugglers I know was Abid, not

1 Mujeeb. So I don't why I would -- I should tell him
2 that my smuggler was Mujeeb, you know. But I didn't
3 with Mujeeb, and I didn't know Mr. Hikmat, you know. So
4 that's why I know. And they knew my smugglers, you
5 know, like, from Brazil, you know, he knew, you know,
6 like my smuggler, and I came with different person.
7 Yeah, but I don't --

8 MS. MAHONEY: Objection. Calls for
9 speculation as to what this person knew.

10 BY MS. HOM:

11 Q. Did Hikmat ever tell you that Mujeeb smuggled
12 him?

13 A. No, he didn't tell me that.

14 Q. Did Hikmat ever tell that you Abid was
15 smuggling him?

16 A. No. I don't know. I can't remember, ma'am.
17 That's, like, almost three years ago. You know, I can't
18 remember, you know, like, what I was discussing with
19 him. You know, I can't remember. That's three years
20 ago. I've been in immigration. I've been in jail,
21 ma'am. You know, everywhere, you know, like, so I
22 forgot a lot of things. I can't remember nothing.
23 Yeah. That's why. Yeah.

24 Q. You said earlier that you were at -- that when
25 you arrived at São Paulo airport --

1 A. Yes, ma'am.

2 Q. -- you were living on the street?

3 A. Yes, ma'am.

4 Q. For how many days?

5 A. Three or four days I was in the street. Yes,
6 ma'am.

7 Q. Okay. Did you ever tell Hikmat that you
8 stayed at the airport for seven days?

9 A. No. I didn't stay in that airport. I was
10 in -- out from the airport in the hotel next to the
11 airport. I was there, you know, 'til somebody took me
12 somewhere. I didn't know where to go from the airport.
13 There was -- they told me if you go there, somebody's
14 going to take you from the airport. You're going to be
15 in the hotel, nice hotel, everything they told me. But
16 they had nothing for me. They were lying to me. When I
17 went to the airport, outside the airport I stuck. I was
18 there, you know, like, a homeless -- like a homeless in
19 the street. And I was confused. I didn't know the
20 language. I didn't know nothing.

21 So I went to the hotel and, you know, most of
22 the time I was talking to the people from -- a group of
23 translators, you know. I had telephone, you know, with
24 Brazilian people, you know, or some people maybe they
25 knew English, some English, you know. That's why.

1 Q. Do you know of any reason why Hikmat would say
2 that you told him you stayed in the São Paulo airport
3 for seven days?

4 A. I know I didn't tell him --

5 MS. MAHONEY: Objection. Calls for
6 speculation.

7 THE WITNESS: I told him that I was in the
8 street next to the airport, I was in the street.
9 You know, there, like, nobody came to me. Nobody
10 told me -- I -- the number, the one I called, one
11 guy, he was in Brazil. He said he's too far, like,
12 39 hours, 35 hours. He said he's far. He told me,
13 sorry, I can't help with you, you know. And so
14 that's why. I, you know, so I'm in -- I do my
15 business. The guy he told me, you know, another
16 guy, you know, and I called him. So -- but they
17 have nobody there, and I had my own -- I spent my
18 own money enough that I finish my money because
19 everything was expensive in that area. I was
20 there. Yeah.

21 BY MS. HOM:

22 Q. Did you -- do you recall ever going to the
23 Brazilian refugee office with Hikmat?

24 A. No, I didn't go with him. I went alone, but I
25 didn't go with him.

1 Q. Did you ever go with him to get Brazilian
2 protocol documents?

3 A. With who?

4 Q. With Hikmat.

5 A. No, I didn't go with him, you know. I know --
6 he went with me to the hotel, go to the park, you know,
7 that's where went, but I didn't go with him. You know,
8 that's why he came after me, you know, that he was not
9 with me in the same time, you know. That's why. Yeah.

10 Q. Uh-huh. Do you know of any reason why Hikmat
11 would say that you went to the Brazilian refugee office?

12 A. I wait --

13 MS. MAHONEY: Objection. Objection. Calls
14 for speculation and hearsay.

15 THE WITNESS: I went, but I went, you know,
16 alone but I didn't go with him. That's why. Yes.

17 BY MS. HOM:

18 Q. Okay. Now, were you ever criminally charged
19 for entering the United States illegally?

20 A. I don't know they charge me or, you know,
21 like, in Texas, but I'm asylum seeker. I ask for
22 asylum. I didn't break the law, you know. I asked for
23 asylum. I said I'm from Afghanistan. I'm asylum
24 seeker. I asked for asylum. I have a fear in my
25 country. They charged me, but I don't know the law, you

1 know. My lawyer she knows that, you know, they charge
2 me but I don't know that one.

3 Q. Well, you have an immigration case; correct?

4 A. Yes, I have.

5 Q. Okay. Have you ever been charged with a crime
6 in Afghanistan?

7 A. I no crime nowhere, ma'am. Even in
8 Afghanistan and Brazil, in South America, in North
9 America I have no crime nowhere. You know, so I have no
10 crime nowhere. And I have evidence I'm clear, still
11 clear, you know. Yeah. I have no crime. And I've
12 never been outside in this country. I've been in
13 immigration since 2017, January 19, I got here to the
14 U.S. So only the thing I came illegally. I, you know,
15 that's the only crime or whatever you guys call it, you
16 know, that I came illegal. Even that's not a crime. I
17 asked for asylum and they gave, you know, from the
18 international care took me home, so that's not a crime
19 too. You know, as far as I know, you know, like, so...
20 Yeah.

21 Q. Okay. Just a couple of questions about very
22 specific email addresses. I just want to read them to
23 you and ask you if you know whose email addresses these
24 are.

25 A. Yeah.

1 Q. All right. One is called aftab.mugadas,
2 M-U-G-A-D-A-S @gmail.com.

3 A. Aftab?

4 Q. Aftab is spelled is A-F-T-A-B?

5 A. Mugadas, no, ma'am.

6 Q. Okay.

7 A. I don't know.

8 Q. How about the email address
9 ccenter935@gmail.com?

10 A. No, ma'am. I know -- I can't remember these
11 emails here. Yes, ma'am.

12 Q. Do you know of anyone named Shakeel Karim?

13 A. Shakeel Karim, no. I don't know, ma'am.

14 Q. Okay. Just to finish up, you see the
15 prosecutors in this case sitting here?

16 A. Yes, ma'am.

17 Q. Did they ever come talk to you?

18 A. I didn't talk to him, you know. I think just
19 I spoke with that gentleman. The one who got up, and I
20 spoke with him.

21 Q. And that's the agent?

22 A. Yeah. I seen him here in 2017, March or
23 April.

24 Q. Okay.

25 A. And then I saw him in the court. He was there

1 in the court, you know. My testimony he came too. He
2 was there. So this is second, third time I see him.
3 Yeah.

4 Q. In your immigration court?

5 A. Yeah. He was here. I spoke with him here in
6 that room, and then I saw him in the court. He came to
7 the court when I had my final court, he came to the
8 court to his --

9 Q. Okay.

10 A. And now I see him there. This is the third
11 time. Yeah.

12 Q. And --

13 A. Only him. I can't remember, you know. That's
14 why. I cannot remember.

15 Q. And just to clarify, this individual is
16 sitting not at the table with us. This is an individual
17 toward the side of the room in a button-up shirt, and
18 his name is -- and his name is Patrick Simpson. Does
19 that sound right?

20 A. Who?

21 Q. The person that you pointed out?

22 A. I can't remember his name. Just I know him
23 from his face, but I can't remember his name. He told
24 me his first name, you know. He showed me his ID card,
25 but I can't remember. That was two years ago, almost

1 two years ago I saw him, you know. That's why, but I
2 can't remember his name. Still, you know, that's why.
3 I show him, you know. That's why. This is my third
4 time I see him.

5 Q. Okay. Just for the record, for
6 identification, it's Agent Patrick Simpson.

7 MR. BAUER: No objection.

8 BY MS. HOM:

9 Q. As far as you know, Wasiqullah, are you
10 receiving any benefit from talking to us today?

11 A. I didn't get any benefits so just was the
12 interview. You guys asked me questions and I answered,
13 you know. That's why. Yeah.

14 MS. HOM: One moment.

15 BY MS. HOM:

16 Q. Just to clarify, could you tell me your email
17 address?

18 A. Yes, ma'am. Wasiqullah.hedayat@yahoo.com.
19 That's my email. If you want me to spell it, I can
20 spell it. W-A-S-I-Q-U-L-L-A-H.H-E-D-A-Y-A-T @yahoo.com.

21 Q. Thank you.

22 A. That's my email.

23 MS. HOM: Your witness.

24

25

CROSS EXAMINATION

BY MR. BAUER:

Q. Mr. Wasiqullah, am I pronouncing that correctly?

A. Yes. Yes, sir.

Q. My name is Jay Bauer. I'm one of the prosecutors on this case, and I will be asking you some questions also. Okay?

A. Okay.

Q. Okay. So you have not previously talked to me right?

A. No. This is the first time I talk to you.

Q. And -- but you have talked to the defense?

A. I spoke with him, with many other people.

Q. With the defense counsel across the table from you?

A. Yeah, with them. I spoke with them. That's my second time.

Q. Prior to your testimony here today?

A. Yeah.

Q. Okay. So you talked a little bit about where you were from.

A. Yeah.

Q. And that is from, is it Nangarhar?

A. Yeah, Nangarhar from? Yes, ma'am. Yes, sir.

1 Q. In Afghanistan?

2 A. Yes, sir.

3 Q. So you mentioned you had some family?

4 A. Yeah.

5 Q. Your brothers.

6 A. Yeah. I have my family, yeah.

7 Q. And you mentioned Amdadullah and Gulcheen?

8 A. Yes, sir.

9 Q. Are they your only brothers?

10 A. I have five brothers, total, including me six
11 brothers and two sisters I have. Yeah.

12 Q. And just so we understand how things went when
13 you came here, you mentioned Amdadullah and Gulcheen as
14 two of your brothers.

15 A. Yeah.

16 Q. And were there other brothers that helped you
17 with your coming to the U.S.?

18 A. And I didn't talk to them so far. I talked to
19 my other brothers. I didn't talk to them since I left
20 Afghanistan, you know. So that's why I didn't. Only I
21 spoke with my brother Amdadullah and Gulcheen.

22 Q. So Amdadullah and Gulcheen helped you?

23 A. With my father, I spoke with him, with my mom,
24 even I didn't talk with my sisters and -- since I left
25 Afghanistan, you know. Even in Brazil I didn't talk to

1 nobody else. Only we, just with two of my brothers, I
2 spoke with them there in Afghanistan.

3 Q. With just Amdadullah and Gulcheen?

4 A. And with my father, with my mom, and with my
5 small nephews.

6 Q. I understand. I understand. Thank you.

7 So you're not married; correct?

8 A. No, I'm not.

9 Q. No kids?

10 A. No kids. No nothing.

11 Q. Okay. Now, Ms. Hom talked to you about your
12 time working for the U.S. military in Afghanistan;
13 right?

14 A. Yes, sir.

15 Q. You said between 2011 and 2014?

16 A. Yes, sir.

17 Q. So you served as an interpreter?

18 A. Yes, sir.

19 Q. And where was that?

20 A. That was in Helmand province. Helmand
21 province, Afghanistan. The south, in the south.

22 Q. In the south part of the country?

23 A. Yeah.

24 Q. And did you serve with a particular unit or in
25 a particular place?

1 A. I worked with different companies, you know.
2 That's why. With different companies. I was with the
3 first 129 Battalion.

4 Q. Uh-huh.

5 A. So a transportation company, I was with them.
6 And then with different companies after that, you know.
7 386 Battalion, you know. I worked in three years and I
8 work with different battalions.

9 Q. Was that at a base?

10 A. Yeah. That was on the base, the Camp
11 Leatherneck in Afghanistan. Yeah. Helmand province.

12 Q. Camp Leatherneck was the name of the base;
13 right?

14 A. That was the name of it, Leatherneck, yeah, in
15 Helmand province. Yeah.

16 Q. And so you worked at Camp Leatherneck, then,
17 as an interpreter.

18 A. Yes, sir.

19 Q. Okay. And so you spent all of your time at
20 Camp Leatherneck when you worked there?

21 A. Oh, yes. Two times I went to mission, you
22 know, outside, you know, like, to another district, you
23 know. That's why I went -- it's far. You know, like,
24 from the base it's like two times I went.

25 Q. Was that to escort military units going?

1 A. Yeah. I was with my teams, you know. That's
2 why. Yeah.

3 Q. Those weren't combat missions?

4 A. That was -- we went there, you know. I didn't
5 know that, what was the goal of the mission. I went
6 there, yeah.

7 Q. Okay. All right. So I want to talk to you a
8 bit of how you became an interpreter.

9 A. Okay.

10 Q. How did you come to learn English?

11 A. I learned English. I studied English and my
12 brother he was teaching me too, Amdadullah, he was
13 English teacher before in Afghanistan. And -- and also
14 when I got a job I learned from the Americans when I
15 was -- from my teams, you know. I was reading
16 newspapers. I was talking to my team. I was watching
17 movie. I learned -- so that's how I learned English.
18 So still I read English. I'm trying to learn English
19 still. If I have a problem, you know, that's why still
20 I'm trying to learn. Yeah.

21 Q. It's very good so far.

22 A. Thanks.

23 Q. Now, so you said your brother also taught
24 English?

25 A. Yes, sir.

1 Q. Amdadullah?

2 A. At home. At home, yeah, he was teaching me.
3 He was a teacher, taught English at home, you know, he
4 was teaching me all that.

5 Q. Was Amdadullah also an interpreter?

6 A. Yeah, he was.

7 Q. For the military?

8 A. Yes, sir.

9 Q. Was he an interpreter for the military around
10 the same time you were?

11 A. He was from 2009 to -- sorry. 2011 something.
12 He was like two and a half years, more than two years.
13 Yeah.

14 Q. Okay. So his time being an interpreter
15 overlapped a little bit with yours?

16 A. Yeah, a little bit. Yeah.

17 Q. Okay. So you were asked earlier about Mujeeb
18 Saify.

19 A. Yeah.

20 Q. And you said you know him but you don't know
21 him well?

22 A. Like, I don't know him like he's my brother.
23 He has a lot of friends, like, maybe I see him, but I
24 don't know personally, Mujeeb. That's why.

25

1 Q. And just so I'm clear, when you say your
2 brother knows, do you mean your brother Amdadullah?

3 A. Like she said in his interview, you know, they
4 say no. Like, the other guy told him that's his brother
5 friend. You know, like, that's why I hear from her.
6 You know, she told me last week that Mujeeb is close
7 friend of your brother. Hikmat told him that. So
8 that's why I said maybe I don't know, you know. That's
9 his friend or no. He has a lot of friends. I say, you
10 know, like I don't know him.

11 Q. But you know of him?

12 A. Maybe I see him, but I can't remember him now.
13 That's why. Yeah.

14 Q. Sure. And let me just sort of clarify what
15 I'm really asking. You know his name; right?

16 A. I hear his name a lot now. I'm seeing his
17 name here.

18 Q. Sure, and you know that he has spoken with
19 your brother; right?

20 A. I couldn't say that, you know. He spoke with
21 my brother or no. And I can't say that, you know.
22 Like, so I've been three years and I've been locked --
23 almost three years since I lived Afghanistan, you know.
24 I don't know he's talking with my brother or no.

25 Q. Okay. So -- okay. But you know that Mujeeb,

1 Mr. Saify, is in the United States?

2 A. That's what they told me.

3 Q. Okay.

4 A. I hear from them, you know. That's why.

5 Yeah. So that's why. Yeah.

6 Q. He's a former interpreter as well?

7 A. I think, yeah. He was. That's what they told
8 me. I hear in the interview. Yeah.

9 Q. Because -- so I assume you know other
10 interpreters, other people in Afghanistan that served as
11 interpreters for the military; right?

12 A. I know the people they work with me in the
13 same base, you know. They were with me the same in unit
14 in the same company. I know them, you know.

15 Q. Right.

16 A. So they're in the U.S. but I don't have their
17 numbers, and I don't have any relationship with them so
18 far. That's why. Yeah.

19 Q. Okay.

20 A. But they came to the U.S. They were working
21 with me, you know. I know the peoples who work with me
22 in the same company in the same base. I know some of
23 them, they're here. That's what I know. Like, they are
24 here. Yeah.

25 Q. Okay.

1 A. Oh, still some of they're still in
2 Afghanistan. Yeah.

3 Q. So your brother, Amdadullah, you said was also
4 an interpreter?

5 A. Yes, sir.

6 Q. And he was also fired as an interpreter?

7 A. I didn't know. I hear about him he was fired,
8 you know, from the job. You know, hear in the court. I
9 hear, but I don't know why he was fired.

10 Q. Okay.

11 A. He didn't tell me that.

12 Q. Well, but currently he is an official with the
13 Afghan government?

14 A. Yeah. He worked for the local consul in
15 Nangarhar province, you know. That's why. Yeah.

16 Q. Okay. I'm going to show you several documents
17 while I'm asking you questions just like defense,
18 Ms. Hom, did.

19 A. Okay.

20 Q. So I'm going to show you one right now.

21 MR. BAUER: It is, for the record, SFY444,
22 Government Exhibit II.

23 BY MR. BAUER:

24 Q. So what I'm doing is I'm just showing you the
25 bottom portion of this exhibit that has a photo on the

1 bottom of it.

2 So can you identify the picture on the bottom
3 of Government's Exhibit II?

4 A. Which one?

5 Q. So --

6 A. This is my picture, yeah, this.

7 Q. That's your picture?

8 A. Yeah.

9 Q. I'm showing you what's been marked as
10 Government Exhibit II.

11 A. Okay.

12 Q. It is Bates SFY444. Do you see that at the
13 bottom?

14 A. Yeah.

15 Q. And on the left-hand lower corner of that page
16 that you have in front of you, is there a picture there?

17 A. Yeah. This is my picture. I see my picture.

18 Q. So that's a picture of you?

19 A. Yeah, that's my picture.

20 Q. And that's a fair and accurate --

21 A. It's my physical picture. My --

22 Q. It's a picture from your Facebook?

23 A. My profile picture, yeah. My Facebook, yes,
24 sir.

25 Q. Okay. All right. And what is written on the

1 shirt you are wearing in that photo?

2 A. Yes.

3 Q. Yes. Y-E-S?

4 A. Yeah.

5 Q. Okay.

6 A. Y-E-S. Yes.

7 Q. Okay. And that's a fair and accurate
8 representation of you in that photo?

9 A. Yeah, that's me.

10 Q. Okay. But you don't know Mujeeb you said?

11 A. Yeah, I don't know him.

12 Q. Okay. I'm going to ask you about several --
13 just to confirm some of your testimony so that -- to
14 make sure I understand it. I want to talk about some
15 others individuals Ms. Hom spoke to you about. The
16 first is Abdul Ghafar Hikmat.

17 A. Yes, uh-huh.

18 Q. Okay. So if I understood it correctly, you
19 said you met him while you were coming to the U.S.?

20 A. Yeah, I saw him when I was coming to the U.S.

21 Q. When you were in Brazil?

22 A. Brazil and Mexico camp I saw him.

23 Q. And so you understood that he was being
24 smuggled to the U.S. like you were?

25 A. Yes, sir.

1 Q. Okay. And Ahmad Zia Yar --

2 A. Yes, sir.

3 Q. -- you met him while you were coming to the
4 U.S.?

5 A. Yeah.

6 Q. Meaning --

7 A. Yeah. We were --

8 Q. -- while you were en route?

9 A. Yeah, when we were coming on the way here.

10 Q. Okay. And you met both Abdul Hikmat and Ahmad
11 Zia Yar one or two or three times in your travels?

12 A. Ahmad Zia Yar he was me with from Peru to --
13 to Mexico, Ahmad Zia Yar.

14 Q. Okay?

15 A. He came with me. But I saw him in Brazil a
16 few times, and then I saw him the last time in Mexico
17 camp, yeah.

18 Q. Right. And Abdul Hikmat is the one you met in
19 Brazil; you said several times you met with him?

20 A. Yeah, yeah, yeah, yeah, yeah.

21 Q. Right. You talked with him?

22 A. Yeah.

23 Q. You said you went to the park --

24 A. Yeah.

25 Q. -- or places like that with him?

1 A. Yeah. Yes, sir.

2 Q. You talked with him several occasions?

3 A. Yes, sir.

4 Q. All right. So you know who he is?

5 A. Yeah.

6 Q. Okay.

7 A. But I didn't know him from Afghanistan.

8 Q. I understand. I will -- let me ask -- ask the
9 question here. I'm going to show you a document that is
10 Government's Exhibit JJ. It is SFY448 and at the top
11 right of it you'll see the letter C. I want to ask you
12 about several photos on this document.

13 In the bottom part of the document, do you see
14 that there's an individual holding what appears to be a
15 flag while wearing a gray shirt in front of a green
16 background?

17 A. Uh-huh.

18 Q. And who -- do you recognize that individual?

19 A. I can't remember this, you know, but the
20 picture is not clear, you know so I can't remember, and,
21 you know.

22 Q. Okay. But you know -- you know Waheedullah
23 Masoud; correct?

24 A. I know Waheedullah Masoud, yeah.

25 Q. Okay. And Waheedullah Masoud is a former

1 interpreter for the military?

2 A. I didn't know that, his job, you know. Maybe
3 he was, but I don't know that.

4 Q. You know that he --

5 A. He was not with me in the same time.

6 Q. I understand.

7 A. That's why.

8 Q. You know that he has a special immigrant visa
9 that, he lives in the U.S. and in Afghanistan?

10 A. No. I didn't know. I know when he was in
11 Afghanistan I spoke with him, Ahmad Zia, he was talking
12 with him, Ahmad Zia Yar. So we were -- he was coming
13 all the time with his sons, you know. Sometimes we
14 calling him, say, Ahmad, you know, it's like our culture
15 thing.

16 Q. Because Ahmad Zia Yar is --

17 A. Yeah, because he was with me. We worked
18 together. Yeah.

19 Q. But Ahmad Zia Yar is Waheedullah Masoud's son?

20 A. Yeah.

21 Q. Okay. You mentioned earlier a person named
22 Reredgul?

23 A. Yes, sir.

24 Q. And he smuggled you?

25 A. Yes. Reredgul and Abid, my first two

1 smugglers, yeah.

2 Q. Abid. Right. Right. Now, you also said,
3 though, that your brothers talked to the smugglers and
4 helped arrange things with you?

5 A. Yeah.

6 Q. Right.

7 A. They were helping me.

8 Q. Which is like that email Ms. Hom showed you --

9 A. Or email --

10 Q. -- about the photos.

11 A. -- money or --

12 Q. They helped you with the photos?

13 A. Yeah, yeah. Yeah, yeah, yeah.

14 Q. And they helped you with the money --

15 A. Yeah.

16 Q. -- right? And contacting the smugglers?

17 A. Yeah.

18 Q. Okay.

19 A. Because sometimes we had no contact. We had
20 no access to the tele- -- email or Facebook, you know.
21 Sometimes we had nothing. So they were calling, you
22 know. That's what happened.

23 Q. And that's Amdadullah?

24 A. Yeah, Amdadullah. He was --

25 Q. Amdadullah, sorry.

1 A. Amdadullah and Gulcheen, they both they were
2 calling.

3 Q. Okay.

4 A. Yeah.

5 Q. Okay. Now, I would like to ask you a few
6 questions about the actual smuggling coming to the U.S.
7 Okay? -- from Afghanistan, the trip.

8 So you testified earlier you wanted to come to
9 the United States; correct?

10 A. Yes, sir.

11 Q. All right. But you didn't have permission?

12 A. No.

13 Q. All right. Because you had applied for a visa
14 and were denied?

15 A. Yeah. It wasn't denied but it was revoked.

16 Q. It was revoked?

17 A. Yeah, yeah.

18 Q. In any event, you didn't -- you did not have
19 permission to come to the U.S.?

20 A. Yeah. I had no permission. Yeah. I came
21 illegally.

22 Q. Right. And to come illegally you sought help
23 from people to come to the United States?

24 A. From the smugglers.

25 Q. From the smugglers.

1 A. I paid.

2 Q. Right.

3 A. You know, that's why --

4 Q. Right.

5 A. -- I paid them and they help me.

6 Q. And you came from Afghanistan, you went to
7 Dubai?

8 A. Dubai.

9 Q. And then Brazil?

10 A. Yeah.

11 Q. And then you went on to you said Peru?

12 A. Yeah.

13 Q. Okay. And I understand you went from Peru and
14 many other countries to the United States, but I want to
15 ask you about your time in Brazil.

16 From Brazil you said you did not go to
17 El Salvador?

18 A. Yes, sir.

19 Q. But that was part of the plan?

20 A. Yeah.

21 Q. Right?

22 A. They said you going to go from Brazil. Yeah,
23 it was.

24 Q. Your smugglers told you --

25 A. Yeah.

1 Q. -- we're going to send you to Brazil?

2 A. Yeah, to Brazil. Yeah, from Brazil you're
3 going go to El Salvador.

4 Q. Okay. All right. And the smugglers, you were
5 learning this from your brothers?

6 A. Yeah.

7 Q. Like the plan; right?

8 A. Yeah. The first one, you know, I knew from --
9 and then from Brazil, you know, that's why. And then I
10 found a smuggler in -- from Brazil.

11 Q. Okay.

12 A. The first one was my brother they found, from
13 Brazil I found, but another guy found some smugglers for
14 me in Brazil.

15 Q. But from Afghanistan to Brazil your
16 brothers --

17 A. Yeah.

18 Q. -- including Amdadullah, were the ones that
19 coordinated that?

20 A. Gulcheen and Hedayat.

21 Q. Okay. I'm going to show you now the exhibit
22 that the defense, Ms. Hom, showed you earlier. It is
23 SFY19, 20 and 21, Government's Exhibit A, A1, and A2,
24 and previously shown to you as Defense Exhibits W-4, W-2
25 and W-1.

1 I'm going to give you here -- if you wouldn't
2 mind, can you put those exhibits in front of you before
3 I ask my question and put them to the side.

4 A. Yeah. This one.

5 Q. And just put them to the side so we don't
6 confuse them.

7 A. Oh, okay. Yeah. This is a picture I guess.

8 MS. MAHONEY: Keep them in a pile together.

9 BY MR. BAUER:

10 Q. All right. So putting in front of you now
11 Government's Exhibit A, A1 and A2.

12 A. Uh-huh.

13 Q. This is that email with the two photo
14 attachments that you testified about earlier with
15 Ms. Hom?

16 A. Yes, sir.

17 Q. Okay. And you said those are photos of you?

18 A. Yeah.

19 Q. You took?

20 A. Yeah.

21 Q. At a photo shop?

22 A. Yeah.

23 Q. In order to give to your smugglers?

24 A. Yes, sir.

25 Q. Because that was meant for your smuggling from

1 Afghanistan to Brazil?

2 A. Yes, sir.

3 Q. Okay. And you said you dropped them off at a
4 shop?

5 A. Yeah. At another shop, yeah.

6 Q. Okay. And you went through with Ms. Hom
7 earlier that email with those photos that you took that
8 are from your brother?

9 A. Yeah, that's my brother email, Amdadullah
10 Hamdard.

11 Q. So Amdadullah --

12 A. Yeah.

13 Q. -- in that photo -- I'm sorry in that email,
14 is sending your photos to Mujeeb?

15 A. Uh-huh.

16 Q. And then Mujeeb is sending your photos onto
17 another person?

18 A. Uh-huh.

19 Q. Hayat Khan?

20 A. Uh-huh.

21 Q. And then Hayat Khan is sending those on to
22 another person still; correct?

23 A. [No verbal response.]

24 Q. And who is that person? Who is that person at
25 the top there?

1 A. On the top one, so Abid Thakur.

2 Q. Right. Abid Thakur. Now you said you were
3 smuggled by Abid?

4 A. Yeah.

5 Q. Okay. And you only knew his name as Abid?

6 A. Abid, yes, sir.

7 Q. You don't know if he has a different name?

8 A. No, I didn't know that. Still I don't know
9 that's the guy.

10 Q. And you don't know he if goes by different
11 names?

12 A. I don't know that. I don't know that.

13 Q. Right.

14 A. I was calling him Abid. We were calling him
15 Abid, you know. That's why.

16 Q. And to help us understand it, your name is
17 Wasiqullah?

18 A. Yes, sir.

19 Q. Right? And but you said your email is
20 wasiqullah.hedayat?

21 A. Hedayat, yeah.

22 Q. Okay. And why did you put Hedayat?

23 A. Because for the Facebook I put my -- that
24 name, you know, Hedayat, that's my sister's name -- I'm
25 sorry -- my sister's son name, my nephew name.

1 Q. Uh-huh.

2 A. So just I put him -- this name for the
3 Facebook, you know, because I don't have last name or
4 nickname, so that's what I put, you know, for the
5 Facebook account.

6 Q. So you used your real name?

7 A. Yeah, I used my real name, yeah. For the
8 Facebook I put the last name, you know, Hedayat. Yeah.

9 Q. I'm going to take this exhibit back from you.
10 Okay?

11 A. Okay, sir.

12 Q. Thank you. Just one minute, please.

13 Actually, I do have another couple questions
14 for from these exhibits. Okay?

15 A. Okay.

16 Q. All right. So on Government's Exhibit A --

17 A. Uh-huh.

18 Q. -- at the top there --

19 A. Okay.

20 Q. -- those are -- the photos that you said are
21 your photos were sent from your brother, Amdadullah --

22 A. Yeah.

23 Q. -- they were sent to Mujeeb?

24 A. Yeah. It's the email, yeah, yeah. Mujeeb,
25 yeah.

1 Q. Okay. And then Mujeeb was sending it on to
2 Hayat Khan?

3 A. Uh-huh.

4 Q. Okay. Now, do you see that text there in the
5 email from Mujeeb and what it says in the email?

6 A. Oh, where? From?

7 Q. In the middle of the page right here below --

8 A. Hope you get them this time.

9 Q. Sorry. Say that again.

10 A. Hope you get them this time.

11 Q. It says, "I hope you get them this time."

12 A. Yeah, but this -- he didn't say I hope you get
13 them time. Yeah.

14 Q. "Hope you get them this time?"

15 A. Yeah.

16 Q. That is from Mujeeb to Hayat Khan?

17 A. Yeah.

18 Q. And the subject of the email is Wasiqullah
19 photo?

20 A. Uh-huh.

21 Q. And you gave those photos to your brother
22 then?

23 A. Yeah.

24 Q. Okay. And at the next email above that, is
25 your photos forwarded from Mujeeb -- sorry -- forwarded

1 to Hayat Khan --

2 A. Uh-huh.

3 Q. -- from Hayat Khan. Let me back up. All
4 right.

5 A. Yeah.

6 Q. Above that is an email from Hayat Khan to Abid
7 Thakur?

8 A. Uh-huh.

9 Q. And in the text below that, what does it say?

10 A. Where? Which one? Here? Wasiqullah --

11 Q. No, sir. No, sir. In the -- in this page
12 here on this part of the page --

13 A. For Salvador.

14 Q. It says "for L Salvador"?

15 A. For L Salvador, yeah.

16 Q. Not E-L El Salvador?

17 A. Yeah, yeah, yeah.

18 Q. And so that is, then, Hayat Khan sending a
19 message to Abid --

20 A. Yeah.

21 Q. -- Thakur saying "for L Salvador"?

22 A. Yeah.

23 Q. And the subject of that email is: Wasiqullah
24 photos client of Hayat Khan?

25 A. Uh-huh.

1 Q. Now, those photos that he's sending are the
2 photos that you gave to your brother so that he could
3 send them to your smugglers?

4 A. Yeah. Yeah, he sent them.

5 Q. Because that was the plan?

6 A. Yeah, yeah. My -- my brother he sent. You
7 see, like, it's from his email.

8 Q. Right.

9 A. Yeah. So he sent it to this guy, to Mujeeb,
10 and Mujeeb sent to another guy -- like, that's what they
11 did. You know, it start from -- my email. My brother
12 did that. That's why. Yeah.

13 Q. Okay.

14 A. This the first time I see it.

15 Q. And when your brothers were coordinating with
16 the people who were going to smuggle you, you didn't
17 know every single smuggler who was helping you come to
18 the U.S.?

19 A. No. I didn't know them. My brother, he found
20 for me the smugglers and then, you know, I -- when I
21 was -- I had a flight, and then I spoke with them. They
22 gave me their number. I was calling them, you know.
23 And when I went to Brazil I was talking to them, yeah.

24 Q. So you testified earlier that you spoke with
25 Reredgul and Abid?

1 A. Yeah, by telephone I spoke with them, yeah.
2 Not physically. I didn't see them. Yeah.

3 Q. Yes. But at other parts of the coordination
4 or the deal to get you smuggled, your brothers were
5 helping?

6 A. Yeah. My brothers, yeah. That's why.

7 Q. And acting on your behalf?

8 A. Yeah.

9 Q. And so as a result, you didn't know every
10 single person smuggling you?

11 A. No, I didn't.

12 Q. You didn't know all of the smugglers that were
13 helping to get you to the U.S.?

14 A. Yeah.

15 Q. Okay. Okay. I will take this exhibit back.

16 THE VIDEOGRAPHER: Here marks the end of DVD
17 No. 1. Ending the videotaped deposition of
18 Wasiqullah. We're going off the record at 1:12.

19 (Off the record.)

20 THE VIDEOGRAPHER: Here begins the DVD No. 2
21 in the deposition of Wasiqullah. The time is 1:40.
22 We'll go off the record one moment.

23 (Discussion off the record.)

24 THE VIDEOGRAPHER: We're back on the record,
25 sir.

1 BY MR. BAUER:

2 Q. Okay. Thank you.

3 Mr. Wasiqullah, I will continue to ask you
4 some questions if that's okay.

5 A. No problem.

6 Q. Before we broke, before we took a break, you
7 were telling me about your brothers forwarding your
8 photo to support your smuggling event.

9 A. Right.

10 Q. And so you gave those photos --

11 A. Yeah.

12 Q. -- to your brother in order to be smuggled?

13 A. Right.

14 Q. And so all of those people in that chain, it's
15 fair to conclude, were part of the smuggling
16 coordination then?

17 A. Yeah.

18 Q. So you said also you had an email yourself,
19 the wasiqullah.hedayat@yahoo email?

20 A. Yeah, that's my email. That's my personal
21 email, yeah.

22 Q. But that email wasn't on this photo or on this
23 chain here?

24 A. No. My brother, he sent, you know. I didn't
25 send nothing, the picture. You know, they found the

1 smugglers for me, you know. That's why.

2 Q. But you didn't -- so you didn't use your own
3 email?

4 A. No.

5 Q. No.

6 A. Only what I did, I drop the passport in
7 another shop --

8 Q. Right.

9 A. -- with the shopkeeper, you know. That's why.

10 Q. Okay. Okay. I'm going to ask you about
11 several documents now. I'm going to give you a
12 document. It is SFY100 to 102. And it is Government
13 Exhibits L for SFY100, Government Exhibit L-1 for SFY101
14 through 102.

15 Exhibit L-1 are the document attachments to
16 the email.

17 A. Okay.

18 Q. So I'm going to show you first, originally,
19 this email.

20 A. Okay.

21 BY THE VIDEOGRAPHER:

22 Q. Now that email has -- is from a person named
23 Shakeel Karim --

24 A. Uh-huh.

25 Q. -- to aftab.mugadas@gmail.com --

1 A. Okay.

2 Q. -- on September 21, 2016. Correct?

3 A. Uh-huh.

4 Q. Is that correct?

5 A. Yes. September 21, 2016. Yeah.

6 Q. And earlier you said you were not aware of who
7 owns the email address Aftab Mugadas@gmail.

8 A. No. I didn't see any. That's why. Yeah.

9 Q. Right. Okay. Now, you see here, right, that
10 the email next to Aftab Mugadas the subject line -- the
11 subject line of the email itself is Wasiquallah; right.

12 MS. MAHONEY: The subject.

13 BY MR. BAUER:

14 Q. The subject of the email.

15 A. Yeah, yeah, yeah, yeah. Received it like
16 that.

17 Q. Right. So the subject of the email from
18 Shakeel Karim to Aftab Mugadas is Wasiquallah; correct?

19 A. Yeah.

20 Q. Okay. And then that email is forwarded from
21 Aftab Mugadas. Do you see above that --

22 A. Yeah.

23 Q. -- to Mujeeb Saify?

24 A. Yeah, on the top.

25 Q. And below it where it says Attachments, it

1 says Attachments: Wasiquallah.PDF?

2 A. Yeah. Okay, now. Wasiquallah, yeah.

3 Q. And you see that that email was sent on
4 September 21?

5 A. Yeah.

6 Q. Now, you departed Afghanistan on what date, do
7 you remember?

8 A. I left Afghanistan in September 25,
9 September 25, 2016, I left.

10 Q. So several days after this email was sent?

11 A. Yeah, yeah, yeah.

12 Q. Okay. So I want to direct your attention to
13 Exhibits L-1, which is are the attachments --

14 A. Uh-huh.

15 Q. -- that were titled WasiquallahEK.PDF.

16 A. Uh-huh.

17 Q. Now, that is an attachment -- sorry -- that is
18 an it- -- a travel itinerary --

19 A. Yeah.

20 Q. -- on commercial airline --

21 A. Yeah.

22 Q. -- Emirates airline --

23 A. Yeah.

24 Q. -- for you, Wasiquallah?

25 A. Yeah.

1 Q. On September 20- -- for travel on
2 September 22, 2016?

3 A. Yeah.

4 Q. And it is from Kabul to Dubai?

5 A. Yeah.

6 Q. Now, do you see at -- below that on the second
7 page of the L-1 Exhibit?

8 A. This one?

9 Q. On the second page.

10 A. Oh, this one. Yeah. Yeah.

11 Q. Which is SFY at the bottom, SFY102, you see at
12 the bottom that it -- the itinerary was generated from a
13 company called Friends Travel Inn?

14 A. Uh-huh.

15 Q. And the itinerary here, the full itinerary,
16 one's in Dubai. It goes from Dubai to Karachi --

17 A. Uh-huh.

18 Q. -- scheduled for October 20?

19 A. Uh-huh.

20 Q. And then returns to Kabul?

21 A. Uh-huh.

22 Q. But you didn't go to Karachi or back to Kabul?

23 A. No.

24 Q. Okay. You, in fact, went to Dubai; correct?

25 A. Yeah.

1 Q. Right. And the dates of travel here are for
2 September 22; right?

3 A. My flight was scheduled. I went September 25,
4 I left Afghanistan.

5 Q. So you were originally planning to use this
6 ticket?

7 A. To -- to use, but then something happened.
8 They got problem, you know, that's why. You know, my
9 flight was delayed, you know, for two, three days. So
10 then I -- yeah. So then I --

11 Q. And the EK is in -- is part of the attachment
12 file name; correct?

13 A. Which one?

14 Q. On the top of the email on Exhibit L SFY100 --

15 A. Yeah.

16 Q. -- over here.

17 A. Yeah.

18 Q. I'm pointing to the attachment, and you see
19 that that is WasiquallahEK.PDF; correct?

20 A. Which one? Here, are you talking about or
21 this one?

22 Q. All right. At the very top of the page.

23 A. Yeah.

24 Q. It says --

25 A. Okay. Aftab Mugadas.

1 Q. Sending to Mujeeb.

2 A. Wasiquallah.

3 Q. Subject.

4 A. Yeah.

5 Q. The date and then attachments.

6 A. September 24, 2016. Yeah.

7 Q. And the attachment says, the attachment, in
8 other words the file name WasiquallahEK.PDF?

9 A. Yeah.

10 Q. Okay. So I want to have you pull back up
11 Exhibit L-1.

12 A. This one or this one?

13 Q. Right. At the very -- at the top there, do
14 you see that that line below My Trip says Emirates?

15 A. Yeah.

16 Q. And then it says EK.

17 A. Yeah.

18 Q. Okay.

19 MS. MAHONEY: EK represents?

20 BY MR. BAUER:

21 Q. Do you know what EK represents?

22 A. No. I don't know that.

23 Q. Okay. Do you know a person named Mushal
24 Sarawat?

25 A. Who?

1 Q. Do you know a person named Mushal Sarawat?

2 A. Mushal Sarawat.

3 Q. Yes.

4 A. No.

5 Q. Okay.

6 A. I can't remember.

7 Q. So I want to show another -- if I could have
8 that one back, please.

9 A. Yeah.

10 Q. I'm going to show you another exhibit. It is
11 Bates 10 -- SFY103, Government Exhibit M, and then
12 SFY104 and 105 which is Government Exhibit M-1. This is
13 Government Exhibit M and this is Government Exhibit M1.
14 And just like that other email --

15 A. Yeah.

16 Q. -- the M1 exhibit is an attachment --

17 A. Yeah.

18 Q. -- to the email that's designated as
19 Exhibit M.

20 A. Okay.

21 Q. Now, here you see that this is an email
22 originally sent also from Shakeel Karim to Aftab Mugadas
23 on September 21; correct?

24 A. Uh-huh, yeah. September 21, yeah.

25 Q. Okay. And the subject line of that email is

1 Wasiqullah again.

2 A. Uh-huh.

3 Q. And that email was forwarded to Mujeeb Saify-

4 A. Uh-huh.

5 Q. -- on September 21 --

6 A. Uh-huh.

7 Q. -- with two attachments titled

8 Wasiqullah.DXB.PDF?

9 A. Uh-huh.

10 Q. And WasiqullahKHI.PDF.

11 A. Yeah.

12 Q. And the subject line of that forwarded email
13 is Wasiqullah again.

14 A. Yeah.

15 Q. And that is an email from Aftab Mugadas --

16 A. Uh-huh.

17 Q. -- to Mujeeb Saify?

18 A. Yeah.

19 Q. Now the attachments I'm showing to you has
20 Exhibit M1 is for an itinerary, a travel itinerary, for
21 you, Wasiqullah; correct?

22 A. Yeah, yeah, yeah.

23 Q. And that was for traveling on September 22?

24 A. Yeah.

25 Q. From originally from Kabul to Dubai?

1 A. Yeah.

2 Q. And then you were scheduled to go from Dubai
3 back to Kabul on October 20?

4 A. Uh-huh.

5 Q. But you never went to Dubai that day, then?

6 A. Yeah, I didn't.

7 Q. Okay. And you didn't -- and you never came
8 back, then, in October?

9 A. Yeah.

10 Q. Okay. So at the bottom of that page, do you
11 see where it is from Friends Travel?

12 A. Oh, here.

13 Q. Right.

14 A. Okay.

15 Q. So you see at the bottom; correct?

16 A. Yeah.

17 Q. But that itinerary was generated by Friends
18 Travel Inn travel agency?

19 A. Yeah.

20 Q. Okay. Now, the second page of Government
21 Exhibit M1 that I'm showing you right now --

22 A. Yeah.

23 Q. -- is also an itinerary for you; correct?

24 A. Yeah.

25 Q. And it is for travel on Friday September 23 --

1 A. Uh-huh.

2 Q. -- from Dubai to Karachi. And then for return
3 travel on October 20 from Karachi to Dubai, again for
4 you, but you never traveled to Dubai that day?

5 A. Right.

6 Q. You never went to Karachi?

7 A. Yeah.

8 Q. And you never came back. And that travel
9 itinerary also is generated by Friends Travel Inn;
10 correct?

11 A. [No verbal response.]

12 Q. And Friends Travel Inn at the bottom, is there
13 an address with it?

14 A. Friends Travel Inn office, ground floor,
15 Peshawar. Yeah.

16 Q. So Friends Travel Inn, then, generated this
17 itinerary for you --

18 A. Yeah.

19 Q. -- and Friends Travel Inn is from Shawarpac --
20 Peshawar, Pakistan?

21 A. Yeah.

22 Q. Okay. I'm going to show you another document
23 now, if I may.

24 A. Yeah.

25 Q. I'm going to show you SFY106 marked as

1 Government Exhibit N and SFY107, 108 marked as
2 Government Exhibit N-1.

3 Now, at the top -- sorry -- at the bottom part
4 of that email -- it is an email; correct?

5 A. Yeah.

6 Q. From Shakeel Karim to Aftab Mugadas --

7 A. Uh-huh.

8 Q. -- dated September 24?

9 A. Uh-huh.

10 Q. And the subject line of that email is
11 Wasiqullah 25 September KBL DXB?

12 A. Uh-huh.

13 Q. Do you know what KBL stands for, if anything?

14 A. I think Kabul maybe.

15 Q. It's an airport code or Kabul?

16 A. Yeah, Kabul International -- that's -- yeah,
17 because I think it's Kabul.

18 Q. And DXB is also an airport code for Dubai --

19 A. Okay.

20 Q. -- is that correct?

21 A. I don't know the codes.

22 Q. You don't know?

23 A. I don't know the codes, you know. That's why.

24 Q. Fair enough. Let me point your attention to
25 the attachments, which is --

1 A. Okay.

2 Q. -- which is designated as N-1.

3 A. Okay.

4 Q. Okay? Do you see at the top of the page under
5 My Trip for September 25?

6 A. 25th, uh-huh.

7 Q. And then it says Dubai?

8 A. Uh-huh.

9 Q. And then in parentheses next to it is DXB?

10 A. Uh-huh.

11 Q. So what, if anything, does that tell you what
12 DXB means?

13 A. I don't know, sir. Dates and -- I don't know.

14 Q. Well, it's next to Dubai; right?

15 A. Yeah, maybe. I don't know. Yeah.

16 Q. Okay. So this email that we're looking at
17 right now, Exhibit N-1, this email was forwarded from
18 Aftab Mugadas on September 24 --

19 A. Uh-huh.

20 Q. -- 2016 with two attachments. The documents
21 that are in front of you, one was titled
22 WasiqullahDXBLHE.PDF; correct?

23 A. Uh-huh?

24 Q. And on the other was WasiqullahKBLDXB.PDF;
25 correct?

1 A. Yeah.

2 Q. So that itinerary that you are looking at, at
3 the bottom of the page is also from Friends Travel.

4 A. Yeah.

5 Q. The same Friends Travel that -- from the other
6 itineraries.

7 A. Yeah.

8 Q. And that travel itinerary is for you; correct?

9 A. Yes.

10 Q. The email itself was forwarded again from
11 Mujeeb, right -- sorry -- from Aftab Mugadas --

12 A. Uh-huh.

13 Q. To Mujeeb Saify?

14 A. Uh-huh.

15 Q. Okay. So on Exhibit N-1, those -- that is the
16 itinerary, Sunday, September 25 --

17 A. Uh-huh.

18 Q. -- I'm sorry. Let me point your attention
19 to --

20 A. Yeah.

21 Q. -- but let me -- let me just correct that. I
22 want you to pull up Exhibit 10- -- I'm sorry -- SFY108.
23 It is the second page of Exhibit N-1.

24 A. Okay.

25 Q. That is for travel, September 24, Kabul.

1 A. This is September 25.

2 Q. I'm sorry, I'm sorry. Correct. You're right.
3 September 25 to -- from Kabul to Dubai --

4 A. Uh-huh.

5 Q. -- for you -- and then it says Sunday,
6 October 9, Dubai to Kabul?

7 A. Uh-huh.

8 Q. So a round trip leaving on September 25 and
9 returning October 9; correct?

10 A. Uh-huh.

11 Q. Now, this is the ticket that you actually
12 traveled from Kabul on; correct?

13 A. Uh-huh.

14 Q. Okay. The second page of that Exhibit 107 --
15 sorry -- SFY107 -- correction --

16 A. Yeah.

17 Q. -- here in front of you is for travel from the
18 same day, September 25 --

19 A. Uh-huh.

20 Q. -- from Dubai to Lahore?

21 A. Uh-huh.

22 Q. And then October 9 returning Lahore to Dubai?

23 A. Uh-huh.

24 Q. But you didn't travel from Dubai to Lahore
25 that day, did you?

1 A. Yeah, I didn't.

2 Q. You did not?

3 A. Yeah.

4 Q. Okay. So that travel, though, was for you,
5 just like the other itineraries were?

6 A. Uh-huh.

7 Q. And at the bottom of these itineraries are --
8 were from -- it is from the Travel Inn?

9 A. Uh-huh, yeah.

10 Q. Okay. And so this itinerary that we're
11 looking at right now is the one you used to get smuggled
12 from Kabul to the United States, the first part of your
13 trip?

14 A. I came to Brazil, you know. I went to Brazil,
15 you know.

16 Q. Okay. But before Brazil --

17 A. Yeah.

18 Q. -- you had to go from Afghanistan to Dubai?

19 A. Yeah.

20 Q. And you did; right?

21 A. Yeah, I went to Dubai.

22 Q. And you said you traveled on September 25?

23 A. Yeah.

24 Q. And what's in front of you is the itinerary
25 you used to go from Kabul to Dubai --

1 A. Uh-huh.

2 Q. -- on the first part of your smuggling trip?

3 A. Uh-huh.

4 Q. Right?

5 A. Yeah.

6 Q. Okay. So this is -- in the other itineraries
7 I showed you were also meant for your smuggling trip?

8 A. Uh-huh.

9 Q. But you just didn't take them?

10 A. Yeah.

11 Q. Right?

12 A. Uh-huh.

13 Q. So all of those together, all of these emails
14 and all of these itineraries were all part of this
15 smuggling arrangement that was made for you?

16 A. Yeah.

17 Q. Okay. All right. I'm going to show you -- if
18 I could take that back -- another exhibit?

19 A. Yeah.

20 Q. It is SFY109 Government's Exhibit O and SFY110
21 110 and 111, Government's Exhibit O-1.

22 I just want to first talk about Government's
23 Exhibit O, which is the email.

24 A. Yeah.

25 Q. The O-1 is an attachment to that email.

1 A. Uh-huh.

2 Q. So the email, Government's Exhibit O, is from
3 Shahid Ali --

4 A. Uh-huh.

5 Q. -- to an email opassports port?

6 A. Uh-huh.

7 Q. And the subject line is Wasiquallah Afghani PP?

8 A. Uh-huh.

9 Q. Do you have any idea what PP stands for?

10 A. No, I don't know what PP what does it mean,
11 you know.

12 Q. Okay. The date below that is Wednesday,
13 August 3 of 2016 --

14 A. Uh-huh.

15 Q. -- which is before you left Afghanistan?

16 A. Yeah.

17 Q. And there are two attachments; correct?

18 A. Uh-huh.

19 Q. Now, one is a file name of Picture 005.jpg.

20 A. Uh-huh.

21 Q. And the other has -- the second, is the
22 Picture 006.jpg; correct?

23 A. Yeah. Yeah.

24 Q. And that -- those files here are before you as
25 Exhibit O-1?

1 A. Yeah.

2 Q. Now, do you recognize what these two
3 attachments are, that is Exhibit O-1 here in front of
4 you?

5 A. This one?

6 Q. No, sir.

7 A. The two pages here for O-1.

8 Q. Just put those in front of you right now.

9 A. Uh-huh.

10 Q. Do you recognize what those pictures are?

11 A. This is my pictures, yeah. It's my own self.

12 Q. Do you recognize that as part of a document?

13 A. This is part of my passport.

14 Q. So is it fair to say that's a picture of your
15 passport photo page?

16 A. Yeah, this is my passport picture. Yeah.

17 Q. So that was your passport?

18 A. Yeah, passport.

19 Q. That's your photo on the top left-hand corner?

20 A. Yeah.

21 Q. Okay. And that's part of, then, the email
22 from Shahid Ali to opassports back in August. Okay.
23 I'll take that back.

24 Is this the same passport that was used --

25 A. Yeah.

1 Q. -- as part of your smuggling?

2 A. Yeah, yeah, yeah. The same passport, yeah.

3 Q. Okay. So I'm going to show you now SFY112 and
4 114. 112 is Government's Exhibit P and then SFY113 and
5 114 is Exhibit P-1. So here in front of you is Exhibit
6 P and P-1. P-1 is the email. I will ask you about that
7 first, so that is an email also from Shahid Ali --

8 A. Uh-huh.

9 Q. -- to passport port on August 9. Correct?

10 A. Uh-huh.

11 Q. Which is a few days --

12 A. Yeah.

13 Q. -- after the other email I just showed you.

14 A. Yeah, yeah, yeah, yeah.

15 Q. And it has two pictures attached; correct?

16 A. Uh-huh.

17 Q. One is picture.jpg and the other is
18 Picture 001.jpg.

19 A. One. Yeah, yeah.

20 Q. All right. Okay. So that -- the subject line
21 of that email is Wasiqullah PP; correct?

22 A. Yeah.

23 Q. Okay. Same thing as the other one?

24 A. Uh-huh.

25 Q. And I'm going to direct your attention to

1 Exhibit P-1. Do you recognize that?

2 A. Oh, yeah.

3 Q. What is that a photo of?

4 A. That's my passport picture. This is a
5 photocopy of my passport.

6 Q. And the second page of P-1?

7 A. And also this is the photo of my passport, and
8 this is the Chief of Police. His name is on the
9 passport he signed, and the part of the passport, you
10 know, is, yes. This is the Chief of Police name.

11 Q. Okay.

12 A. And he signed. And this a -- yeah.

13 Q. And so it's part of the same passport that's
14 on the first page?

15 A. Yeah. They're the same, yeah.

16 Q. Okay. And that's the passport that was used
17 for your smuggling?

18 A. Yeah.

19 Q. Okay. I'm going to show you a different
20 exhibit now.

21 A. Yeah.

22 Q. It is Bates 115, which is Exhibit Q, and
23 SFY116 and 118, which is Exhibit Q-1.

24 MS. GARVIN: 116 and 117.

25 MR. BAUER: 116, 117, and 118 is Exhibit Q-1.

1 BY MR. BAUER:

2 Q. So I'm putting before you Exhibit Q and then
3 Exhibit Q-1, which is three pages.

4 A. Yeah.

5 Q. Now, that is an email from Shahid Ali to
6 opassports port; correct?

7 A. Uh-huh.

8 Q. And the subject line: Wasiquallah Afghani PP?

9 A. Uh-huh, yeah.

10 Q. And it is dated Monday August 22, 2016.

11 A. Yeah.

12 Q. So a few weeks after that last email I just
13 showed you.

14 A. Yeah.

15 Q. And even longer since that earlier -- the
16 other email I just showed you; correct?

17 A. Yeah.

18 Q. Now, this one, three photo attachments;
19 correct?

20 A. Yeah.

21 Q. Picture.jpg -- Picture 001.jpg and Picture
22 002.jpg?

23 A. Yes.

24 Q. So I want to ask you now about Exhibit Q-1 in
25 front of you. It has three pages?

1 A. Uh-huh.

2 Q. Do you recognize what the pages are here in
3 Exhibit Q-1?

4 A. This is my passport photocopy.

5 Q. So these are also photos of your passport --

6 A. Yeah.

7 Q. -- from Afghanistan?

8 A. Yeah.

9 Q. And this is the same passport that was used
10 for your smuggling?

11 A. Yeah. Yes, sir.

12 Q. Okay. Let me show you another exhibit now.

13 A. Okay.

14 Q. It is SFY176 to 183. SFY176 is Government's
15 Exhibit X. SFY177 through 178 is Exhibit X-1. SFY179
16 is Exhibit X-2. SFY180 is Government's Exhibit X-3.
17 SFY 181 is Government's Exhibit X-4. Govern- -- SFY 182
18 is Government's Exhibit X-5 and 183 is Government's
19 Exhibit X-6. I'm going to first show you Government's
20 Exhibit X.

21 A. Yeah.

22 Q. And do you see that that is an email from
23 Shakeel Karim to Saleem Khan on October 1, 2016?

24 A. Uh-huh.

25 Q. One second. And the subject line of that

1 email is Wasiquallah file.

2 A. Uh-huh.

3 Q. And as I said, it's dated October 1, 2016 --

4 A. Saturday, yeah. Right.

5 Q. -- which is a few days after you left
6 Afghanistan; correct?

7 A. Uh-huh.

8 Q. Okay. And there are attachments to this
9 email?

10 A. Yeah.

11 Q. And the attachments, the file name is all one
12 word wasiquallahdocuments.zip.

13 A. Yeah.

14 Q. So I'm going to turn your attention now to
15 that attachment.

16 A. Okay.

17 Q. And it is the several documents here Exhibit
18 X-1 through X-6.

19 A. Yeah.

20 Q. In those pages, do you recognize those
21 documents?

22 A. State of Bolivia. I can't read that.

23 Q. Okay. So --

24 A. Yeah.

25 Q. -- and the first page of this document,

1 Exhibit N-1 [verbatim] --

2 A. Yeah.

3 Q. -- that's not written in English; correct?

4 A. Yeah. It's in Spanish.

5 Q. It's in Spanish?

6 A. Yeah.

7 Q. And so at the top page, though, can you
8 recognize the word "Bolivia"?

9 A. Yeah, Bolivia. Yeah.

10 Q. And so is it fair to say this is a document
11 that appears to be an official document for Bolivia?

12 A. Yeah.

13 Q. Do you see in that document part of the way
14 down, do you see where it says in parentheses and in
15 bold (1), and then --

16 A. What? From here?

17 Q. Yes, sir. And then Wasiqullah PP?

18 A. That's the number.

19 Q. Number symbol OA2304539?

20 A. Yeah.

21 Q. That's you; correct?

22 A. Yeah.

23 Q. That's your passport number?

24 A. Yeah.

25 Q. And this is then part of a document in

1 Spanish --

2 A. Yeah.

3 Q. -- for Bolivia?

4 A. Uh-huh.

5 Q. Now, I want to turn attention to the next
6 page.

7 A. Okay. Yeah.

8 Q. All right? Just go to where at the bottom it
9 says SFY179. It's Exhibit, X-2.

10 A. One more.

11 Q. So Exhibit X-2.

12 A. Yeah.

13 Q. All right. The defense, Ms. Hom, showed you
14 that as Exhibit -- Defense exhibit W-5.

15 A. Yeah.

16 Q. And you said you recognize -- you recognized
17 this; correct?

18 A. Yeah.

19 Q. And that's your photo in there?

20 A. Yeah.

21 Q. And so this was a visa for Brazil?

22 A. No.

23 Q. For -- I'm sorry. For Bolivia?

24 A. Yeah, this one, Bolivia.

25 Q. Okay. This is from Bolivia?

1 A. Yeah.

2 Q. Okay. So I want to ask you about some of the
3 plans for your smuggling.

4 A. Yeah.

5 Q. Because in discussing your smuggling --

6 A. Yeah.

7 Q. -- with your brothers, including Amdadullah
8 who was working on your behalf and the smugglers
9 themselves --

10 A. Yeah.

11 Q. -- you understood; correct --

12 A. Yeah.

13 Q. -- that there were several different plans --

14 A. Yeah.

15 Q. -- for you?

16 A. Yeah.

17 Q. One was El Salvador --

18 A. Yeah.

19 Q. -- right? And here one was Bolivia?

20 A. Yeah.

21 Q. Okay. And in discussing your arrangements you
22 also said they had lots of options; right?

23 A. They have lots of options.

24 Q. Like Morocco?

25 A. Morocco.

1 Q. You said Sri Lanka.

2 A. Sri Lanka, yeah, they have many options.

3 Q. And when you say options, you mean --

4 A. They have more documents. They say for more
5 countries we have, you know. That's what. Morocco.

6 Q. Do you mean -- do you mean that they were
7 offering you options --

8 A. Yeah.

9 Q. -- to go to those countries --

10 A. Yeah.

11 Q. -- on fake documents?

12 A. Yeah. From there you're going to go. That's
13 why. It happened in Niger. It happened in September,
14 you know. That's why I didn't go with them, you know.
15 That's why -- that's why, yeah. They told me lot of
16 things and -- they have documents for different
17 countries. It's up to you which one, where you want to
18 go.

19 Q. But you didn't actually go to Bolivia?

20 A. No, I didn't go to Bolivia. No.

21 Q. But it was part of the original plan?

22 A. My plan was to El Salvador, to go to Brazil,
23 from Brazil to El Salvador.

24 Q. Okay.

25 A. That was part of the plan.

1 Q. That was part of the plan.

2 A. That was part of the plan, yeah.

3 Q. Okay. So when I ask you about Exhibit X-3,
4 the next page, it's another document that's part of this
5 email; correct?

6 A. Yeah.

7 Q. And you see that there's a passport there for
8 Muhammad Naeem?

9 A. Uh-huh.

10 Q. And then there's another page.

11 A. There's this one?

12 Q. Which is the next one.

13 A. Yeah.

14 Q. Which is SFY181, Exhibit X-4?

15 A. Yeah.

16 Q. All right. Do you recognize that photo?

17 A. Yeah, it's my picture.

18 Q. All right. And -- at the top of that page,
19 and is this also an electronic visa here for Bolivia?

20 A. Yeah. Yeah.

21 Q. So it appears to be just another copy of the
22 electronic visa you were talking about before; correct?

23 A. Yeah.

24 Q. Okay. With the exception that one of these
25 documents is stamped. Do you see that at the bottom of

1 Exhibit --

2 A. 3?

3 Q. -- X-4?

4 A. X-4. Yeah, yeah.

5 Q. Right. I want you to have in front of you,
6 please --

7 A. Okay.

8 Q. -- Exhibit X-4 --

9 A. Uh-huh.

10 Q. -- and Exhibit X-2?

11 A. 3 or 2?

12 Q. X-2 and X-4, please.

13 A. Okay. This one, yeah.

14 Q. The ones that appear to be very similar
15 documents. Do you see that?

16 A. Yeah.

17 Q. And do you see a difference between those two
18 documents?

19 A. Yeah.

20 Q. At the bottom left part after the page in the
21 center --

22 A. Yeah.

23 Q. -- the center part you see that one of those
24 has a stamp and the other doesn't?

25 A. Yeah.

1 Q. And the one that has a stamp is the last
2 document I'm showing you now. Exhibit --

3 A. 2.

4 Q. -- 4, X-4.

5 A. Okay. Yeah.

6 Q. And that stamp at the bottom of it in English
7 says okay to board?

8 A. Uh-huh.

9 Q. Correct?

10 A. Yeah, okay to board.

11 Q. Okay. And then I just want you to review the
12 next two pages, then, Exhibit X-5 and X-6 --

13 A. Okay.

14 Q. -- in front of you.

15 A. 5.

16 Q. All right. These are also part of the same
17 attachment; right?

18 A. Yeah.

19 Q. All right. And -- but you don't recognize
20 these documents?

21 A. No.

22 Q. But, again, these are all part of that same
23 plan for you to go to Bolivia; right?

24 A. Yeah.

25 Q. Do you see that that picture in there where it

1 says Muhammed Naeem --

2 A. Yeah.

3 Q. -- on X-6? Do you know a person by that name?
4 Do you recognize a photo of that name?

5 A. No. I didn't see him. I don't know him, no.

6 Q. I want to direct your attention back to
7 Exhibit, then, X-4. Okay? Can you pull it up?

8 A. Oh, yeah, yeah. X-4, it's here. The other
9 one?

10 Q. Right. And about two-thirds of the way down
11 there's a series of lines, one says in Spanish "sexo",
12 it is "sex", and then it says invited by in English
13 below that. Do you see that?

14 A. Sorry, where?

15 Q. On the left-hand side of the page do you see
16 invited by?

17 A. What? Can you show me, please? Yeah, invited
18 by, yeah.

19 Q. And then "invited by" on the right-hand side
20 is the corresponding information.

21 A. Yeah.

22 Q. ID No. 85471, and in parentheses, Muhammad
23 Naeem?

24 A. Yeah.

25 Q. That same name that we just saw; correct?

1 A. Yeah, yeah, yeah, yeah.

2 Q. So this visa, then, would you agree appears to
3 be a visa where you are being invited by this Muhammad
4 Naeem?

5 A. They have many options for me. They have
6 documents for different countries. They have it for
7 Bolivia. They have El Salvador. They for Sri Lanka.
8 They have for Morocco. They have for different
9 countries visa, you know. That's what they have, yeah.

10 Q. Okay. But otherwise the information on here
11 is correct for you; right?

12 A. Yeah.

13 Q. Your birth date?

14 A. Yeah, because I sent my passport, everything.

15 Q. Passport?

16 A. My whole information, yeah. They have it.

17 Q. Okay. Okay. If you don't mind, I'll take
18 these exhibits back from you.

19 A. Okay, yeah.

20 Q. Then I have just a few more questions. Okay?

21 A. Okay.

22 Q. Thank you.

23 I want to ask you now about Abdul Ghafar
24 Hikmat.

25 A. Yeah.

1 Q. And you testified about when you were in
2 Brazil you met him and hung around with him a little
3 bit; right? A few times?

4 A. I seen him, yeah.

5 Q. Talked to him?

6 A. Yes. Yeah.

7 Q. Fair. Okay. And you arrived in Brazil around
8 the same time; right?

9 A. I came on September 28 or something, you know,
10 because two days, flying, you know.

11 Q. But -- so around the same time you arrived in
12 Brazil?

13 A. With who?

14 Q. With Abdul Hikmat?

15 A. No. He didn't came with me.

16 Q. Not with the you --

17 A. Not with me.

18 Q. -- but around the same time?

19 A. I think it's different times, you know. I
20 don't know about the same, yeah.

21 Q. All right.

22 A. Well, like after two weeks or one week or
23 sometime.

24 Q. You were in Brazil at the same time at some
25 point; correct?

1 A. Yeah. We were in Brazil --

2 Q. Yeah.

3 A. -- but he came after me. He didn't come with
4 me.

5 Q. Sure. And then -- but you were together in
6 Brazil for a period of time --

7 A. Yes.

8 Q. -- because you talked and went to the park and
9 things like that; right?

10 A. Yeah.

11 Q. Okay. Now, before Brazil, you did not know
12 Abdul Hikmat?

13 A. Yeah.

14 Q. Is that correct?

15 A. Yeah.

16 Q. Now, after meeting him, though, you realized
17 you were from the same area?

18 A. He's from Kabul and I'm from Afghanistan. I'm
19 sorry. Jalalabad, Nangarhar province.

20 Q. So what I mean is, you realized you were both
21 from Afghanistan?

22 A. Yes. We are from Afghanistan.

23 Q. It wasn't that you were from, say, Pakistan --

24 A. Yeah, yeah.

25 Q. -- Afghanistan or a different country?

1 A. Right.

2 Q. You're both from Afghanistan?

3 A. Yes, sir.

4 Q. Okay. Now, you also talked with him, right,
5 about your experience getting into Brazil, about how you
6 both arrived at the São Paulo airport, you both talked
7 about your journey, and how sometimes difficult it is;
8 right? How long it took?

9 MS. HOM: Objection.

10 BY MR. BAUER:

11 Q. Is that correct?

12 A. No.

13 MS. HOM: Objection. Mischaracterized.

14 THE WITNESS: I didn't tell him that, you
15 know. He came after me, and he was in another town
16 and I was in different. Sometime we see each other
17 outside in the hotel or in the park, you know.
18 That's why. I seen him somewhere, you know. But I
19 didn't discuss a lot of with --

20 Q. Okay. Let me be just more specific. Okay?

21 A. Yeah.

22 Q. So you testified earlier that you had several
23 conversations with him?

24 A. Yeah, I had a conversation with him.

25 Q. And you get -- and you, when you talked to

1 him, you talked -- you realized you were both from, for
2 example, Afghanistan?

3 A. Yeah. We from, yeah.

4 Q. And you also talked with him, you were both
5 smuggled to the United States?

6 A. Yeah. Didn't going, yeah, to -- yeah.

7 Q. And you talked with him at some point about
8 your experience trying to get out of the airport in
9 Brazil?

10 A. No.

11 MS. HOM: Objection.

12 THE WITNESS: I didn't talk with him. No.

13 BY MR. BAUER:

14 Q. Okay. You did not?

15 A. No, I didn't talk with him, you know. Yeah.

16 Q. Okay. In talking to him, though, you also
17 realized you knew some of the same people; right? In
18 Afghanistan.

19 A. No, I didn't know him.

20 Q. No, no, no. So let me rephrase.

21 A. We're from -- oh, I'm sorry.

22 Q. Sorry. Let me rephrase my question.

23 A. Okay.

24 Q. When you were talking to him, you came to
25 learn that both you and him know some of the same people

1 in Afghanistan?

2 A. Like same people. We know maybe some people,
3 you know, by, like, famous people or popular people, you
4 know.

5 Q. Let me be more specific. You both know
6 Waheedullah Masoud; right?

7 A. I know Waheedullah Masoud, but I don't know
8 about him, you know. That's why. He, maybe he know
9 him.

10 Q. And Mujeeb?

11 A. No. I don't know Mujeeb.

12 Q. Right. You don't know Mujeeb?

13 A. Yeah.

14 Q. You know his name, though; right?

15 A. Yeah. I hear his name from here.

16 Q. Sure.

17 A. And that's why, yeah.

18 Q. Okay. And you both know Abid Khan in
19 Pakistan.

20 A. I know Abid.

21 Q. Abid. Because no other smuggler, Abid, in
22 Pakistan?

23 A. Yeah. Abid, to go there. True. Yeah.

24 Q. Okay. But you never heard, then, if I
25 understand it correctly, you never heard about Mujeeb

1 before this matter came up?

2 A. About smuggling?

3 Q. About Mujeeb.

4 A. Like, Mujeeb, you know, like, you know, they
5 say, like, this is your brother's friend, but I can't
6 remember him, you know. That's why. Maybe he's my --
7 my brother's friend.

8 Q. So when you --

9 A. But I can't remember him. I didn't see him a
10 lot, you know. That's why. Yeah.

11 Q. Okay. But you're -- you know, Mujeeb Saify is
12 the Defendant in this case; correct?

13 A. Now I hear, yeah. Yeah.

14 Q. Okay. And so is it your testimony that the
15 first time you heard of the name Mujeeb Saify --

16 A. Yeah.

17 Q. -- is when the defense counsel interviewed you
18 about this case?

19 A. Yeah. I hear them, you know. I heard them --
20 Mujeeb, there was another linguist by -- name was
21 Mujeeb. He was with us in Afghanistan, another guy, you
22 know, because that was in 2011 he was with us for about
23 six months. Then he resigned or something happened. I
24 don't know. I thought -- but I hear about him, you
25 know, he Mujeeb said --

1 Q. This other Mujeeb. Yeah. Let me slow down.

2 So you talked, just now, you said there was at
3 some point another Mujeeb?

4 A. Another Mujeeb. He was a linguist. He was in
5 another -- he was with us on the base, but that was in
6 2011 for four months or five months he was out there.
7 Yeah, but with different company. Yeah. But I thought
8 it was him, you know, but he's not with me on the
9 Facebook and I don't have his number. After that, yeah.
10 Another guy Mujeeb.

11 Q. Okay. So -- so you do know someone named
12 Mujeeb?

13 A. Yeah, I know him. Because Mujeeb is a common
14 name. See. That's why. Yeah.

15 Q. Okay. So --

16 A. And now with one of our relatives, you know,
17 like, from my mom cousin, see, like, far, you know.

18 Q. Right.

19 A. It's not a close, you know. I -- his name is
20 Mujeeb too, you know, like. That's why. Yeah.

21 Q. Okay. And the Mujeeb that you knew about in
22 Afghanistan is not the same Mujeeb in this case?

23 A. Not -- not this one, you know. I said another
24 one, you know, another Mujeeb, you know. Like one of
25 the -- he was a linguist.

1 Q. Okay.

2 A. And another guy, you know, like, from our
3 relatives, you know. That's why. His name is Mujeeb.

4 Q. Okay.

5 A. Yeah.

6 Q. And -- but you knew your brother had a friend
7 named Mujeeb; correct?

8 A. I think I hear, you know, but I can't
9 remember, you know. That's why. You know, like, he has
10 friends. Like I said before, you know, he has a lot of
11 friends, you know, but a lot of friends, you know, but I
12 can't remember his friends, you know. That's why.

13 Q. Okay. I'm going to ask you now about the time
14 when you were an interpreter. Okay?

15 A. Yeah.

16 Q. I just have a few questions about it. So you
17 said you served with the military -- served as an
18 interpreter with the U.S. Army --

19 A. Yeah.

20 Q. -- at Camp Leatherneck; right?

21 A. Yes, sir.

22 Q. Leatherneck. Now, I would like -- can you
23 explain how you got hired as an interpreter?

24 A. In 2010 I -- they hired -- interviewed. They
25 were looking for a linguist who can speak Pashto and

1 Dari and English. So I know that that was the
2 requirement. I went to the base. I had a interview:
3 Reading, writing, and, you know, I passed that
4 interview. That was in 2010. And -- and then I had a
5 interview like two times on the base, you know. I did
6 the fingerprints, everything.

7 Q. Okay.

8 A. And 2011, January 10, they called me. That we
9 want you to come to the base and you are going to go to
10 Kabul, from Kabul you're going to go to Kandahar. And I
11 was there in Kandahar for two weeks, then I went to
12 Helmand province.

13 Q. Okay. When you were hired, there was security
14 checks; right?

15 A. Yes.

16 Q. Because the U.S. military wanted to make sure
17 that you were --

18 A. Yeah, yeah, yeah, yeah.

19 Q. -- not working for anti-coalition forces, for
20 example?

21 A. Yeah, yeah, yeah.

22 Q. Correct?

23 A. Yes, sir.

24 Q. Now, can you explain -- and that security
25 check after you were employed as an interpreter, were

1 there additional security checks?

2 A. I did in Jalalabad. This, you know, like two
3 times I went there, you know, for the interview. And
4 then when I went to Kandahar, and they did -- I think
5 they fingerprint. In Helmand province where I wasn't
6 living, yeah, they did. They were rotating six months,
7 every six months we need to renew our ID card, you know,
8 for the base, you know. Like, they had. Yeah.

9 Q. So there were routine security checks?

10 A. Yeah. Six months they were doing that.

11 Q. And as part of those security checks they
12 would ask you questions?

13 A. Yeah. They were asking questions.

14 Q. Okay.

15 A. And fingerprint. Yeah, they were doing that.

16 Q. All right. And they'd give you polygraph, for
17 example?

18 A. Yeah. Sometimes they were doing. Yeah.

19 Q. All right. Do you know what a polygraph is?

20 A. Yeah, I do. I know the polygraph test, yeah.

21 Q. And you know that a polygraph is a machine
22 that hooks up to you?

23 A. Yeah. It's a machine. They put it on the
24 finger, you know. I know that. I did that.

25 Q. Okay. You did that. All right. And so you

1 had to take a polygraph as part of the security
2 screening for you to be employed?

3 A. Yeah, yeah.

4 Q. All right. And, in fact, during your
5 employment as an interpreter you submitted voluntarily
6 to these polygraph screenings; right?

7 A. I did polygraph. They were doing that. They
8 said you -- you want, if you want to do the polygraph,
9 you know.

10 Q. Sure.

11 A. You are comfortable with that one. They were
12 asking some questions. Yes, I would say, yeah, I want
13 to do that.

14 Q. Okay. And during those security questions,
15 then --

16 A. Uh-huh.

17 Q. -- they would ask you a series of questions --

18 A. Yeah.

19 Q. -- to try to determine if you were, say, a
20 security threat to the U.S. military?

21 A. Yeah.

22 Q. Okay. And they would ask you questions;
23 right?

24 A. Uh-huh.

25 Q. Like are you a member of anti-coalition

1 forces?

2 A. Yeah.

3 Q. And they would ask you, have you ever
4 participated in any attacks against coalition forces;
5 right?

6 A. Yeah. They ask me that question, yeah.

7 Q. And you testified earlier you were fired as an
8 interpreter.

9 A. Yeah. I was fired because -- yeah.

10 Q. Now, shortly before you were fired you went
11 through one of these security checks; right?

12 A. Yeah.

13 Q. You went through the security interview?

14 A. Yeah. Yeah, yeah, yeah.

15 Q. The polygraph?

16 A. Yeah.

17 Q. And they asked you these questions?

18 A. Yeah, they were asking the questions. Yeah.

19 Q. And so you knew that if you failed the
20 security screening or really for any reason you could be
21 terminated; right?

22 A. Yeah.

23 Q. But before you were fired --

24 A. Yeah.

25 Q. -- you underwent a security screening; right?

1 A. Yeah. Uh-huh.

2 Q. Okay. I want to ask you about this document
3 here. It is SFY95 and 96. It's Government's
4 Exhibit GG.

5 A. Yeah.

6 Q. So right in front of you is Exhibit GG. It's
7 two pages?

8 A. Yeah.

9 Q. SFY95 and 96?

10 A. Yeah, yeah.

11 Q. Okay. Now, you recognize this document?

12 A. Yeah. That is the day when I lost my -- when
13 I lost my job in 19 -- January 19, 2014.

14 Q. Right.

15 A. That was the letter I signed, and the witness,
16 the sergeant first-class, he signed to witness. That's
17 my sign. That's his sign on the bottom.

18 Q. Okay.

19 A. And then --

20 Q. So --

21 A. Yeah, I lost my job. Yeah.

22 Q. And you were just -- I just want to make sure
23 for the record because everything you say is being
24 written down.

25 A. Yeah.

1 Q. That when you are just testifying that that is
2 my signature --

3 A. Yeah.

4 Q. -- you were pointing to a part on the -- on
5 the document; right? And the page you were pointing to
6 is SFY96.

7 A. Yeah.

8 Q. All right. The second page of Government's
9 Exhibit GG.

10 A. Uh-huh.

11 Q. And it's at the bottom part of the page;
12 correct?

13 A. Yeah.

14 Q. Where it says: I, Wasiqullah Khogani Nang,
15 acknowledge the receipt of the above order. And you
16 sign at the bottom there?

17 A. Yeah.

18 Q. Okay. Now, let me ask you a question?

19 A. Uh-huh.

20 Q. At the front -- at the very top of this memo,
21 on the first page of it, it says From: Commanding
22 Officer. And it uses that same name, Wasiqullah Khogani
23 Nang. But earlier you said you have just one name,
24 Wasiqullah?

25 A. Listen, this is my district name, and this

1 is -- they put this name, you know, Wasiquallah, you
2 know, Khogani. And I know Nangarhar they put this one,
3 not me. I didn't put this.

4 Q. Right. So -- so -- so the name is like --

5 A. Yeah, because, you know, they putting this
6 name, you know, my district name and my --

7 Q. Sure.

8 A. -- father name.

9 Q. Gotcha.

10 A. Yeah.

11 Q. So Khogani is your district?

12 A. Yeah. Khogani is district and Nangarhar is
13 the province.

14 Q. And so this name that they have here
15 Wasiquallah Khogani is --

16 A. Yeah.

17 Q. -- is you; correct?

18 A. Yeah.

19 Q. It is simply two names that they attached for
20 your identity with the military?

21 A. Yeah. But they made the mistake. You know,
22 like, I have the company letter from -- an appeal. You
23 know, I have -- there is my Wasiquallah, you know. They
24 put this on sometime with their -- one time they put my
25 father name on certificate.

1 Q. Okay.

2 A. Wasiqullah Faisal Rahman. You know, like,
3 they probably -- that's his name.

4 Q. Sure.

5 A. They put my father name, you know, as a last
6 name. So -- and, you know, so they put this one. On
7 another certificate, you know, my team they were calling
8 me SF, special force. They put, you know, Wasiqullah
9 SF, you know, that's what they put on certificate.

10 Q. Okay.

11 A. But that's, you know, they put, you know.
12 Like, Wasiqullah Khogani, you know. Even this -- they
13 did the same thing to my brother, you know. And his
14 too. Yeah.

15 Q. To Amdadullah?

16 A. Yeah, yeah. You know, Pashto, Nangarhar,
17 Khogani and my grandfather Mohammad 'cause, you know,
18 and they put in my grandfather and his too. Yeah, so
19 they put it. That's why.

20 Q. So I'm asking you this because --

21 A. Yeah, yeah.

22 Q. -- I am asking to make sure that this document
23 is about you, though?

24 A. Yeah, this is my document. Yeah.

25 Q. That's what they gave to you --

1 A. Yeah.

2 Q. -- when you were fired as an interpreter?

3 A. Yeah. When I was fired from my -- yeah.

4 Q. Okay. Now, the letter here is informing you
5 that you were debarred from base; right?

6 A. Yeah.

7 Q. It's called a debarment letter?

8 A. Yeah.

9 Q. All right. That meant you were barred from
10 entering or being on the military base?

11 A. Yeah.

12 Q. Correct?

13 A. Yeah.

14 Q. And it says on there that on January 19, 2014,
15 you were subject, in paragraph 2 is where I'm reading
16 from, that you were subject to an employment screening
17 aboard Camp Leatherneck --

18 A. Yeah.

19 Q. -- right? And you failed after being advised
20 of the screen --

21 A. Yeah.

22 Q. -- that you had been -- that you had failed --

23 A. Yeah.

24 Q. -- right? And that you were not recommended
25 for employment?

1 A. Yeah.

2 Q. And so has barred you, in paragraph 3, from
3 all United States owned or controlled assets at Camp
4 Leatherneck?

5 A. All the installation. Right.

6 Q. All the installation, yeah. Right?

7 A. Yeah.

8 Q. That includes really any military facility at
9 all?

10 A. Yeah.

11 Q. Any U.S. military facility?

12 A. Yeah.

13 Q. Okay.

14 A. But what I got -- I got only this one. I
15 didn't get this paper, you know. I got this one and
16 signed it.

17 Q. That's --

18 A. You want -- I didn't read, you know, like, I
19 said let me talk to my captain, the commander, you know,
20 and the sergeant, first sergeant.

21 Q. Right.

22 A. You know, the witness, he was sergeant first
23 class. He was in charge of my POC, you know.

24 Q. Right.

25 A. So they said, no, no, no, no. You need to

1 sign -- even when I didn't read, and I was sleepy.

2 Because, you know, what time -- they took me 4:00 in the
3 morning they took me.

4 Q. Right.

5 A. And I went there. One time I had an
6 interview, the polygraph, 3:00 sometime. I hadn't
7 eaten.

8 Q. So --

9 A. And I was tired. I didn't eat breakfast. I
10 didn't eat lunch and. And in -- before nighttime
11 midnight I went to sleep. Before -- that one day before
12 I was working all day and all night. Midnight I went to
13 sleep. Believe me, even I didn't take a shower. I
14 sleep with uniforms, you know. In the morning the
15 marine, gunny, you know, the sergeant first, he knocked
16 on the door, and me and another lady --

17 Q. Right.

18 A. -- she was there. And they said, let's go,
19 and they took some other people too on the bus.

20 Q. Okay. So let me just stop you. Let me
21 just --

22 A. Okay. Yeah.

23 Q. We got to make sure there's a question --

24 A. Yeah.

25 Q. -- right? Before you start explaining.

1 A. Yeah.

2 Q. And also you're speaking really fast.

3 A. Yeah.

4 Q. Okay? So what I want to do is I'm going to
5 move on.

6 A. Okay.

7 Q. Okay? Because you're not -- this is the paper
8 that you signed --

9 A. Yeah.

10 Q. -- when you were terminated.

11 A. Yeah.

12 Q. Okay.

13 A. Yeah.

14 Q. So I want to ask you again about something
15 different.

16 I want to return to you asking for help from a
17 lot of different individuals. You asked your brother
18 for questions, and you -- you received instructions also
19 from your brothers and from smugglers; right?

20 A. Yeah.

21 Q. And you testified earlier that at one point
22 you accessed an email account to get documents; is that
23 right?

24 A. I had access to that guy's email. The one I
25 got, you know, from another -- not on email, to their

1 email, you know. They give me their email and their
2 password. I print it, you know. That's why. Yeah.

3 Q. And so that's kind of confusing to me, so I
4 want to make sure I understand.

5 A. Yeah, not email, you know. I have access
6 first time when I got the documents from another email,
7 not from my email, from the smuggler's email.

8 Q. Okay.

9 A. Yeah.

10 Q. So let me just ask you some questions --

11 A. Yeah.

12 Q. -- to see if I understand.

13 A. Yeah.

14 Q. And tell me where I go wrong. So the time you
15 accessed the -- this email account --

16 A. Yeah.

17 Q. -- where were you?

18 A. That was in Dubai.

19 Q. In Dubai.

20 A. And Kabul also one time I had --

21 Q. Okay.

22 A. -- access to their email.

23 Q. Okay. And --

24 A. Kabul, but --

25 Q. And in Dubai, was that in the airport?

1 A. Yeah, in the airport. Yeah.

2 Q. Okay. And do you remember where in the
3 airport?

4 A. A business center.

5 Q. Like a business center?

6 A. It does say, you know, on the top they call
7 business center, you know. It's like a fifth floor or,
8 something, you know.

9 Q. Okay. Is it a place, then, where the
10 traveling public can go and access a computer and the
11 Internet?

12 A. Yeah, to the computer. If they want to print
13 something. If they want to do --

14 Q. Okay.

15 A. Some food, some stuff is there, you know.
16 That's the place.

17 Q. So this -- if I -- if I was a traveler through
18 Dubai airport --

19 A. Yeah.

20 Q. -- and just on a layover to go to a, you know,
21 from one plane to another --

22 A. Yeah.

23 Q. -- I could go to this business center and get
24 on an email account --

25 A. Yeah.

1 Q. -- or print something off?

2 A. Yeah. You can do that, yeah.

3 Q. Okay. And that's what you did in this case --

4 A. That's what I did.

5 Q. -- and accessed this other email --

6 A. Yeah.

7 Q. -- that your smugglers talked to you about?

8 A. Yeah.

9 Q. Right? Do you remember which smuggler?

10 A. Abid.

11 Q. Abid.

12 A. Both and Reredgul.

13 Q. Okay. And so they told you to access this
14 email --

15 A. Yeah.

16 Q. -- in Dubai?

17 A. Yeah.

18 Q. And it wasn't your email?

19 A. No. It wasn't my email.

20 Q. All right. And they told you, then, it was
21 their email?

22 A. Yeah. They told me this is the email and this
23 is the password.

24 Q. And so they gave you the email user name and
25 the email password?

1 A. Yeah. Yeah, yeah, yeah.

2 Q. And they told you, access this email on the
3 Internet?

4 A. Yeah, yeah.

5 Q. And why did you need to do that?

6 A. Because they said print it. This is their
7 documents.

8 Q. Print what?

9 A. The documents, the visa to Brazil, you know,
10 the ticket, everything. Yeah. The ticket, yeah.

11 Q. And so that's -- you already had your
12 Afghanistan passport, then; right?

13 A. Yeah.

14 Q. But they were sending you, then, in that email
15 a fake Brazil visa --

16 A. Yeah.

17 Q. -- that you talked about?

18 A. Yeah, yeah, yeah.

19 Q. So do you remember what email account that
20 was?

21 A. I can't remember, sir. Just I used it two,
22 three --

23 Q. Okay.

24 A. -- times there in the airport, you know. They
25 said print this paper. After that, you know, they call

1 me again. They say print it now.

2 Q. Okay.

3 A. And the -- like, two times I -- I got the
4 documents because they say you now -- we do not want you
5 to be confused, you know. That's why. Yeah.

6 Q. And you have seen today several email
7 accounts?

8 A. Yeah, several. Yeah.

9 Q. All right.

10 A. But I got --

11 Q. From other -- from the smugglers emails;
12 right?

13 A. Yeah, and from the smugglers.

14 Q. And you don't recognize any of those emails --

15 A. Yeah.

16 Q. -- as an email --

17 A. Yeah.

18 Q. -- that you accessed; right?

19 A. Yeah.

20 Q. Okay.

21 A. Because I didn't write, you know, as they were
22 telling me I was typing.

23 Q. And after you, then, accessed the email and
24 printed off the visa --

25 A. Yeah.

1 Q. -- you moved on to the plane, the flight --

2 A. Yeah.

3 Q. -- from Dubai to Brazil --

4 A. Yes, sir.

5 Q. -- to São Paulo?

6 A. Yeah.

7 Q. Okay. And that's how you enter Brazil?

8 A. Yeah.

9 Q. Okay. It's just no one picked you up?

10 A. No. When I went from airport, nobody.

11 Q. Tariq Zeb didn't pick you up?

12 A. Nobody. Nobody was there.

13 Q. Right. Okay.

14 A. There was even no hotel, no nothing. You
15 know, like, like, they say, you know, we have a hotel
16 for you. Somebody going to come to the airport, you
17 know, so he going to take you from the airport but
18 nobody took me from the airport. I stayed at the
19 airport a few days.

20 Q. Okay. And so -- I want to -- I'm going to ask
21 you several questions next, partly about Mujeeb.

22 A. Uh-huh.

23 Q. Because you testified earlier that there was a
24 Mujeeb that you knew who was a linguist early in 2011 --

25 A. Yeah.

1 Q. -- in Camp Leatherneck --

2 A. Yeah, yeah. Uh-huh.

3 Q. -- right? But you said you don't have his
4 number?

5 A. I don't have his number.

6 Q. And you never talked to him?

7 A. I didn't talk with him. After, you know, when
8 he left his job, you know.

9 Q. Right.

10 A. I think he was four months, five months, I
11 don't know, like, but, you know, he was with us. You
12 know, his -- Mujeeb, you know, yeah, he was another
13 Mujeeb, you know. Yeah. And he was from Kabul, you
14 know. That's why. Yeah.

15 Q. One minute. Bear with me I'm trying to find
16 the document here.

17 A. Okay.

18 Q. You actually met the Saify, though, in Camp
19 Leatherneck; right?

20 A. Not Saify, not this guy. Because that's
21 not --

22 Q. I'm sorry. You met the Mujeeb at Camp
23 Leatherneck you're talking about?

24 A. Another one, yeah. He had a flight with me
25 from Kabul to Kandahar, you know. And from Kandahar too

1 and the U.S. military, not this one, you know, another
2 guy.

3 Q. Okay. So you did meet the Mujeeb at Camp
4 Leatherneck?

5 A. Yeah.

6 Q. And did not meet the Mujeeb Saify that's the
7 Defendant in this case?

8 A. Yeah.

9 Q. Okay. So I'm going to show you, again, what's
10 Government's Exhibit II?

11 A. Yeah.

12 Q. I showed that -- part of that to you earlier.
13 At the bottom of the page --

14 A. Yeah.

15 Q. -- is your photo that you said is you with
16 "Yes" on it; right?

17 A. Yeah, yeah. That's mine.

18 Q. And at the top of it you see where it says
19 Mujeeb Saify?

20 A. Yeah.

21 Q. Right. And is that the Mujeeb from Camp
22 Leatherneck?

23 A. No, not this one.

24 Q. It's a different Mujeeb?

25 A. Yeah, yeah. It's a different one, not him.

1 Q. You don't know this Mujeeb?

2 A. Yeah. I don't know him. That's not that
3 Mujeeb --

4 Q. Okay.

5 A. -- the one who was with me.

6 Q. This is Mujeeb Saify --

7 A. Yeah.

8 Q. -- at the top?

9 A. Yeah.

10 Q. There's a photo of an individual --

11 A. Yeah.

12 Q. -- and, I believe, the defense also showed you
13 a photo of this person --

14 A. Yeah.

15 Q. -- that's on the left part of Government's
16 Exhibit II.

17 A. Yeah.

18 Q. But you don't recognize this person?

19 A. Yeah.

20 Q. Okay. Are you still in contact with Mujeeb
21 Saify from --

22 MS. MAHONEY: This Mujeeb.

23 BY MR. BAUER:

24 Q. Sorry. Are you in contact with --

25 A. No.

1 Q. -- the Mujeeb that you knew from Camp
2 Leatherneck?

3 A. No. I don't know him.

4 Q. Okay.

5 A. Because I -- he was there for a few months
6 with us.

7 Q. Okay.

8 A. Excuse.

9 Q. So this is -- I want to ask you some of these
10 questions because --

11 A. Yes.

12 Q. -- when I look at these -- some of this --

13 A. Yeah.

14 Q. -- information, then it gets confusing; right?

15 A. Yeah.

16 Q. So what I want to -- I want to ask you, so
17 when you arrived in the U.S., you went to Brownsville
18 you said; right?

19 A. Texas, yeah.

20 Q. And then you were detained in immigration
21 custody --

22 A. Yeah.

23 Q. -- since 2017?

24 A. Yeah.

25 Q. Over two years?

1 A. 28 months.

2 Q. Now, after you arrived in the U.S., at some
3 point you came here to the Krome Detention Facility?

4 A. Yeah, to the Krome Detention Facility.

5 Q. Where we are at right now?

6 A. Yeah.

7 Q. You've been here since 2017?

8 A. 2017, yeah.

9 Q. All right. And you have, of course, made
10 calls from Krome?

11 A. Yeah.

12 Q. And you called people asking for help in your
13 case --

14 A. Yeah.

15 Q. -- right? And during those calls, didn't you
16 ask for help from Mujeeb?

17 A. I called my brother, Amdadullah. I told him
18 so -- I'm here in the Krome Processing Center, so I need
19 help. I don't have -- I don't know how to talk to the
20 lawyers, and I don't know what lawyers.

21 Q. Right. So you called --

22 A. Can you call somebody, you know, to call if
23 you have your friends or anybody who can hire a lawyer
24 for me.

25 Q. Okay.

1 A. And he said I'm going to give you some numbers
2 and call these people, so, you know, we're going to hire
3 a lawyer. They're going to talk to a lawyer. That's
4 what I told him.

5 Q. So --

6 A. And I called the numbers, you know, like, two
7 times, one time, I call the numbers. Because when I
8 came first time to hire a lawyer for me, you know.
9 That's why. I didn't know nothing the first time.
10 Yeah.

11 Q. Okay.

12 A. To find a lawyer --

13 Q. So I want --

14 A. Yeah.

15 Q. I'm going to play you tape of your calls?
16 Okay?

17 A. Okay.

18 Q. On the first tape I'd like to play is SYF374.
19 It's Government's Exhibit CC.

20 A. Yeah.

21 Q. I'm also going to show you SFY36 through 40 --

22 A. Uh-huh.

23 Q. -- which is Government's Exhibit F.

24 A. Okay.

25 Q. So what I'm going to do is, I'm going to show

1 you Government's Exhibit F.

2 A. Okay.

3 Q. And that is an English transcript of the call.

4 A. Okay.

5 Q. Okay? But the call, of course --

6 A. Yeah.

7 Q. -- is in Pashto; right?

8 A. Yeah.

9 Q. Right? Because you were talking to your
10 brother, Amdadullah?

11 A. Yeah. Yeah, in Pashto. Yeah, in Pashto.

12 Q. Okay.

13 A. Not in English, yeah.

14 Q. So the first thing I'm showing you, then,
15 though, is the English trans- --

16 A. Yeah.

17 Q. -- translation and transcription because --

18 A. Uh-huh.

19 Q. -- I want to ask you some questions. Okay?

20 A. Yeah.

21 Q. And right now we're going to play the call for
22 a few minutes?

23 A. Okay.

24 Q. Okay.

25 MR. BAUER: Go ahead. The call itself is in

1 Pashto, so...

2 THE COURT REPORTER: I can't take it down,
3 then.

4 MS. MAHONEY: We'll give you the translation.

5 MR. BAUER: Yeah.

6 MS. GARVIN: Ready?

7 (An audio recording is being played.)

8 MR. BAUER: Okay. I'm going to stop the tape
9 there.

10 BY MR. BAUER:

11 Q. Mr. Wasiqullah, do you remember having that
12 conversation?

13 A. That was the first time when I -- when I got
14 here. So I called my brother, I said I need help. I
15 need a lawyer. So without the lawyer, you know, I can't
16 do nothing, you know. That's why. I said if you have
17 somebody, you know, to find, you know, the lawyer.

18 Q. So --

19 A. Yeah.

20 Q. And so that was the first call you made to
21 your brother, Amdadullah, once you got to Krome?

22 A. Yeah, when I got to Krome.

23 Q. You said you needed help?

24 A. Yeah. I said I need help. So I said, you
25 know, I need help.

1 Q. All right. So -- and were you following the
2 English transcript in front of you in Government's
3 Exhibit F?

4 A. Yeah.

5 Q. Okay. You were -- you were reading that;
6 correct?

7 A. Yeah.

8 Q. And --

9 A. I didn't read the whole -- I was listening.

10 Q. Sure. You were listening?

11 A. Okay, yeah.

12 Q. And -- but having listened to it and read the
13 English transcript --

14 A. Yeah.

15 Q. -- would you agree that that is a fair and
16 accurate representation of the conversation you were
17 having --

18 A. Yeah, yeah, yeah, yeah.

19 Q. -- with your brother --

20 A. Yeah.

21 Q. -- Amdadullah in Pashto?

22 A. Yeah.

23 Q. So I would like to ask you about some
24 conversation -- about some of that conversation.

25 A. Yeah, yeah, yeah.

1 Q. Okay? All right. So --

2 A. So let me find it first.

3 Q. So I want to start off with, then, on --

4 A. Where?

5 Q. -- look to the bottom of the page, of 36. And
6 if you want to put them all together I will go in order.

7 A. Yeah.

8 Q. Okay?

9 A. Okay.

10 Q. All right. On page, it's SFY36 on the bottom
11 right, about halfway down, do you see where it says
12 Receiver, and then the conversations is: "Yesterday
13 brother Ghafar called. He is in Texas in a different
14 camp. And Ahmadzai is also coming here."

15 A. Okay.

16 Q. And then you respond: "So Ghafar is going to
17 a different place?" Question.

18 A. Where is that one?

19 Q. About halfway down.

20 A. Okay. Okay.

21 Q. "So Ghafar is going to a different place."
22 Do you see that?

23 A. Okay.

24 Q. Okay. So that receiver, the other -- is the
25 other person --

1 A. Yeah.

2 Q. -- talking on the phone; correct?

3 A. Yeah.

4 Q. And your testimony is that this call was with
5 the person, your brother, Amdadullah?

6 A. Yeah.

7 Q. And so on this transcript the receiver is
8 Amdadullah?

9 A. Yeah.

10 Q. And during this conversation you had with
11 him --

12 A. Yeah.

13 Q. -- he was the only person on the phone;
14 correct?

15 A. Yeah.

16 Q. So this is just a recording of a call between
17 you and your brother, Amdadullah?

18 A. Yeah.

19 Q. Who is at that time living back in
20 Afghanistan?

21 A. Yeah.

22 Q. All right. And he's the one who also served
23 as an interpreter?

24 A. Yeah.

25 Q. He was terminated as an interpreter --

1 A. Yeah.

2 Q. -- but he is now a government official in
3 Afghanistan?

4 A. Yeah, right.

5 Q. Okay. On the next page --

6 A. Page 37?

7 Q. -- 37 --

8 A. Uh-huh.

9 Q. -- of this exhibit about two-thirds of the way
10 down, you said: "It takes two or three months to win a
11 case, and he can possibly get me out of here."

12 A. Uh-huh.

13 Q. Who are you talking about?

14 A. Lawyer.

15 Q. A lawyer?

16 A. Yeah. A lawyer, yeah.

17 Q. And your brother then says: "Okay. Give me
18 his number. Mujeeb called me and he said that he just
19 arrived in the United States. He just called me."

20 A. Uh-huh.

21 Q. So your brother is talking about Mujeeb?

22 A. Uh-huh.

23 Q. All right. And is that the same Mujeeb as,
24 then, the guy back at Camp Leatherneck?

25 A. No, no. Not him. That he said, you know.

1 Q. Who is -- who is this Mujeeb, then?

2 A. He said -- you know, this -- I told him, like,
3 because I need help. If you know anybody who can help
4 with me.

5 Q. Okay.

6 A. He said, Okay, this guy give me the number of
7 a lawyer. I give the lawyer number, and he said, good,
8 give it to him.

9 Q. So it's not that you knew Mujeeb?

10 A. Yeah. I didn't know him, you know. He said,
11 yeah. So he said call him, you know, my brother he said
12 got number, the lawyer number. And he said this guy he
13 going to call, the lawyer.

14 Q. But you weren't confused on this call about
15 who Mujeeb is?

16 A. I said, I told him, he said, well, my friend
17 he going to call, you know. So -- okay. I said okay.

18 Q. So Amdadullah your brother was telling you --

19 A. Yeah. Yeah, yeah.

20 Q. -- his friend --

21 A. Yeah.

22 Q. -- Mujeeb would also try to help you?

23 A. Yeah.

24 Q. Okay. And below that, you said:

25 "Mr. Councilor" -- you're referring to your brother --

1 A. Uh-huh.

2 Q. -- "tell Mujeeb that it is not possible to win
3 without a lawyer, and I know that."

4 A. Hmm.

5 Q. And then you gave him a number?

6 A. Uh-huh.

7 Q. And you referred, then, to your brother as
8 Mr. Councilor; correct?

9 A. In councilor, I mean, like a -- the advisor,
10 you know. Like, it's like a -- he's advisor. You know,
11 "mushwer", you know. "Mushwer" is like a advisor.

12 Q. Can I ask you to speak slower so the court- --

13 A. It's like a specialist. Advisor, you know,
14 like.

15 MS. MAHONEY: Advisor?

16 THE WITNESS: Yeah, advisor. That's what I
17 call him, and we -- our language "mushwer", you
18 know. Yeah.

19 BY MR. BAUER:

20 Q. Okay. And do you refer to all of your
21 brothers in that way?

22 A. No. To him, you know, I call him, like,
23 everybody they call him, you know, "mushwer", you know,
24 like, we say like a governor, or your know, chairman or,
25 you know, like, you know, some people they call him,

1 like, teacher. You understand?

2 Q. Is it a -- okay. It's -- is it a special
3 title?

4 A. Yeah, yeah, like. Instead of saying, like,
5 Mr. Chairman, or --

6 Q. Right, right.

7 A. You know, that's why. People --

8 Q. Is it -- is it a sign of respect?

9 A. Yeah, that's like in his position he work in
10 that position, you know. That's why, you know, like --

11 Q. In what position?

12 A. Like, he's the, you know, he work for that
13 consolate, you know. He's a specialist. Like, he's
14 advisor for the councilor.

15 Q. Okay.

16 A. So that's why. In Pashto we call it
17 "mushwer".

18 Q. Okay.

19 A. "Mushwer" who give advice, you know. That's
20 why. Yeah.

21 Q. Okay. And so --

22 MS. HOM: Excuse me. Off the record?

23 THE VIDEOGRAPHER: One moment. We're off the
24 record.

25 (Off the record.)

1 THE VIDEOGRAPHER: We're back on, sir.

2 BY MR. BAUER:

3 Q. Okay. I want to -- I was asking you about
4 your brother, and you referred to him as Mr. Councilor,
5 or you said in Pashto "mushwer"?

6 A. Yeah, "mushwer".

7 Q. Mushwer. And can you explain first how would
8 you -- how do you spell that word?

9 A. Mushwer, M-U-S-H-W-E-R. Mushwer.

10 Q. Okay. And so you were explaining earlier --

11 A. Yeah.

12 Q. -- about what that means, and if I understand
13 it correctly --

14 A. Yeah.

15 Q. -- I would say that that is a term of
16 respect --

17 A. Yeah, respect.

18 Q. -- of your brother.

19 A. But he's not, like, police officer. We say
20 officer, you know.

21 Q. Okay.

22 A. Like, I'm -- my brothers I call them officers,
23 you know, like, in my language.

24 Q. And the reason, then, you called your brother
25 by this name --

1 A. Yeah. Yeah, yeah.

2 Q. -- is because --

3 A. Everybody, they call him like that, you know.
4 That's why. Yeah.

5 Q. -- because of his position in the government?

6 A. His position with the government.

7 Q. Because he has a high position in the
8 government?

9 A. Yeah, high position. Yeah.

10 Q. So it's a term of respect?

11 A. Yeah, respect.

12 Q. And he has an important position?

13 A. Yeah.

14 Q. Okay. Now, on the -- let me ask you about on
15 page 38, halfway down.

16 A. Uh-huh.

17 Q. You are responding to your brother. You're
18 brother first says: "Forget about his name. You don't
19 need to give me his name. I will find it. I will also
20 write your account number when I go online."

21 A. What, what? Which one? Can you show me that
22 one, please?

23 Q. Up here. About --

24 A. Oh.

25 Q. -- about a third of the way down --

1 A. Uh-huh.

2 Q. Where the receiver, your brother,

3 Amdadullah --

4 A. Uh-huh.

5 Q. -- says: "Forget about his name. You don't
6 need to give me his name. I will find it."

7 A. Uh-huh.

8 Q. Okay. Now, below that in response, you say:
9 "Yes, give this number to Mujeeb as well, and tell him
10 that lots of people get out after 22 months to two
11 years --

12 A. Uh-huh.

13 Q. -- but they don't deport anyone back to their
14 country. However, those who had a lawyer, their case
15 was settled within two to three months."

16 A. Uh-huh.

17 Q. "So if you can give this number to Mujeeb and
18 let me know about the situation."

19 A. Uh-huh.

20 Q. So you are asking your brother for Mujeeb's
21 help?

22 A. But before he give me the number, he say, you
23 know, this is the number. I say, you know, he going to
24 talk to the lawyer.

25 Q. Right.

1 A. Then I hear his name, you know. That was my
2 first time when I spoke with him. Yeah.

3 Q. Okay.

4 A. Yeah.

5 Q. And then on page 39 --

6 A. Uh-huh. Yeah.

7 Q. -- the fourth speaker down with Receiver --
8 sorry -- at the very top --

9 A. Uh-huh, yeah.

10 Q. -- the receiver is saying: "I will call
11 Mujeeb right now."

12 A. Uh-huh.

13 Q. So your brother is saying I'm going -- I will
14 call Mujeeb right now --

15 A. Yeah.

16 Q. -- and I will ask him to call this number and
17 gather everything and send it to you?

18 A. Uh-huh.

19 Q. So down below that --

20 A. In the same page?

21 Q. Same page, on 39 --

22 A. Uh-huh.

23 Q. You are responding to your brother again, and
24 then it's at the line saying: "I live under very good
25 conditions in here, better than home country."

1 Do you see that?

2 A. Where? What?

3 Q. Right here.

4 A. Uh-huh.

5 Q. So you say: "I live under very good
6 conditions here, better than the home country."

7 At the end of that, you say: "If you can send
8 Mujeeb the number so he can talk to them, I will call
9 you back, and see if you have new information. Is that
10 okay?"

11 A. "I live under very good conditions... I
12 wanted to delay things, but it is not possible... If
13 you can send Mujeeb the number so he can talk to them."

14 Q. Right.

15 A. "I will call you back to see if you have some
16 new information. Is it okay?"

17 Q. So here you are telling your brother --

18 A. Yeah.

19 Q. -- to please give Mujeeb the information --

20 A. Yeah.

21 Q. -- so he can -- so Mujeeb can help you?

22 A. Yeah.

23 Q. And then your brother says: "He will call
24 within two or three hours."

25 A. Uh-huh.

1 Q. "He remembers the complete number."

2 A. Uh-huh.

3 Q. Who is you brother talking about?

4 A. About him.

5 Q. About Mujeeb?

6 A. Yeah.

7 Q. Okay. And then you tell him -- next; correct?

8 A. Uh-huh.

9 Q. "Talk to Mujeeb and give him the number."

10 A. Uh-huh.

11 Q. "Tell him that without a lawyer we are wasting
12 our time."

13 A. Uh-huh.

14 Q. Now, on page 40, the next page -- can you turn
15 to page 40, please?

16 A. Yeah.

17 Q. The next page.

18 A. Okay. Yeah.

19 Q. The fourth speaker down, it starts with
20 Receiver.

21 A. Uh-huh. Okay.

22 Q. Okay. And it says the Receiver, so this is
23 your brother, Amdadullah.

24 A. Uh-huh.

25 Q. He's -- he told you during that conversation.

1 "Okay. Call me back in two or three hours. I'm going
2 to call the lawyer."

3 A. Uh-huh.

4 Q. "Call me back in two hours."

5 A. Uh-huh.

6 Q. You respond, "Okay. Will do. Please talk to
7 Mujeeb in detail. May God be protector. Goodbye."

8 That's what you told your brother; right?

9 A. Yeah. Uh-huh.

10 Q. So this is you asking your brother to talk to
11 Mujeeb --

12 A. Yeah.

13 Q. -- to help you?

14 A. Yeah.

15 Q. And you are telling your brother, call me
16 back -- or rather -- you are agreeing to call your
17 brother back in two or three hours to get more
18 information from Mujeeb --

19 A. Uh-huh.

20 Q. -- to get more help; correct?

21 A. Yeah.

22 Q. And what I've showed you here, this whole
23 transcript --

24 A. Yeah.

25 Q. -- that's an accurate representation of the

1 call?

2 A. Yeah.

3 Q. -- as you remember it; right?

4 A. But I -- okay. Yeah.

5 Q. And this is a transcript, then --

6 A. Yeah.

7 Q. -- and it's from the same call we just
8 played --

9 A. Yeah, yeah, yeah, yeah.

10 Q. -- here; right?

11 A. Right.

12 Q. Okay. So I just want to play you another
13 short call.

14 A. Okay.

15 Q. It is Government's Exhibit BB. And SFY373 is
16 the audio file. The transcript that I'm going to show
17 you is SFY34 and 35. Government's Exhibit E.

18 A. Uh-huh.

19 Q. And I'll play a part of the call --

20 A. Uh-huh.

21 Q. -- from that transcript which is Government's
22 Exhibit BB.

23 A. Okay.

24 (An audio recording is being played.)

25

1 MR. BAUER: I'll stop the tape.

2 BY MR. BAUER:

3 Q. Mr. Wasiquallah, do you recognize that
4 conversation?

5 A. Yeah.

6 Q. And who's that a conversation --

7 A. With my brother, Amdadullah.

8 Q. So that's a conversation --

9 A. Yeah.

10 Q. -- between you and your brother, Amdadullah?

11 A. Yeah, yeah.

12 Q. And in the previous conversation we heard --

13 A. Yeah.

14 Q. -- you were promising to call your brother,
15 Amdadullah, back within a few hours for updates?

16 A. Uh-huh.

17 Q. And is this that call that you were following
18 up?

19 A. Yeah. This is the call, you know. When I got
20 here the first time as I spoke with him about, you know,
21 to talk to the lawyer. I say when I spoke with the
22 lawyer. If I talk to a lawyer so then I will let you
23 know. That's why.

24 Q. Sure. And what I just want to ask right
25 now --

1 A. Yeah.

2 Q. -- is to make sure that we un- -- the
3 questions, to make sure that we understand --

4 A. Yeah.

5 Q. -- exactly where in time this call occurred.
6 Okay? So, in other words, let me ask you this.

7 A. Okay.

8 Q. We heard the other call before; correct?

9 A. Okay. Yeah.

10 Q. Now we heard another call?

11 A. Yeah.

12 Q. Is it correct that this call we just heard
13 now --

14 A. Yeah.

15 Q. -- is a conversation between you and your
16 brother?

17 A. Yeah.

18 Q. -- a few hours after the first call?

19 A. Yeah.

20 Q. So it's the same day?

21 A. It's the same day or next day. I don't know.

22 Q. It's shortly after?

23 A. Yeah. But, yeah, I called. I said I will let
24 you know, you know, anything.

25 Q. Right. And then you called him back?

1 A. Yeah.

2 Q. Okay. So now what I want to do is ask you a
3 few questions again about this transcript. You have
4 looked through, here, the English translation and
5 transcript --

6 A. Yeah.

7 Q. -- before you, and you've heard your call that
8 you said is between you and your brother.

9 A. Yeah, yeah.

10 Q. And this English transcript here that I'm --

11 A. Yeah.

12 Q. -- that I've showed you --

13 A. Uh-huh.

14 Q. -- right, as -- and given as Exhibit --
15 Government's Exhibit E, is a fair and accurate
16 representation of the call you had with your brother?

17 A. Yeah.

18 Q. Meaning it's a fair English translation of the
19 conversation; right?

20 A. Yeah, yeah.

21 Q. Okay. So let me ask you a few questions about
22 the conversation you had. Now at the top third of the
23 page, the receiver --

24 A. You're talking about 34; right?

25 Q. We're talking about page 34.

1 A. Yeah.

2 Q. And the receiver, who is your brother --

3 A. Yeah.

4 Q. -- says, "I called Mujeeb."

5 Do you see that line?

6 A. Uh-huh.

7 Q. All right. And he is telling you, "I called
8 Mujeeb. He said that he is on the train."

9 A. Uh-huh.

10 Q. "He said he will reach his destination within
11 an hour or so, and he will contact him. I gave him the
12 number."

13 A. Uh-huh.

14 Q. So he's talking about, there, Mujeeb being on
15 the train?

16 A. Uh-huh.

17 Q. Meaning Mujeeb was in the United States;
18 correct?

19 A. Yeah.

20 Q. You understood that he was talking about his
21 friend --

22 A. Yeah.

23 Q. -- Mujeeb in the United States?

24 A. Okay.

25 Q. And he was -- Mujeeb was on the train; right?

1 A. Yeah.

2 Q. Okay. So now you respond: "Okay. That's
3 fine." And -- "So if you told him, hopefully he will
4 contact him."

5 A. Uh-huh.

6 Q. Now, go down again. You are asking your
7 brother, can you send him my number, my account number?

8 A. Where is it?

9 Q. Just below it. It says, "Also, can you send
10 him my number, my account number?"

11 A. Uh-huh.

12 Q. That's you asking your brother?

13 A. Yeah.

14 Q. Asking your brother to send who your number?

15 A. Like my number, my alien number --

16 Q. To who?

17 A. Or, you know, my account number.

18 Q. To send it to who?

19 A. To me, like, to give my number, you know, to
20 Mujeeb.

21 Q. To Mujeeb.

22 A. And to talk to the lawyer. And if they want
23 the alien number --

24 Q. Okay.

25 A. You know, that's my -- yeah.

1 Q. Okay.

2 A. And my account number.

3 Q. And then your brother response to you, and
4 says, "I already sent it to him. I already did. So he
5 can find you by the ID and account number and talk to
6 you on the phone."

7 A. Uh-huh.

8 Q. Then he tells you, "It takes two hours on the
9 train to get there. The weather is very cold in New
10 York."

11 A. Uh-huh.

12 Q. So here he's talking about Mujeeb again;
13 correct?

14 A. Yeah.

15 Q. And he's talking about --

16 A. Yeah.

17 Q. -- Mujeeb being in New York on a train?

18 A. Yeah.

19 Q. Okay. And you respond, "Yes, the weather is
20 cold and rainy and very cold. Okay. So if he is going
21 to contact him, then I can call him as well. Let him
22 know that we are decent people." Right?

23 A. Uh-huh.

24 Q. Okay. And so your brother, when you were
25 talking to him at that time, was in Afghanistan;

1 correct?

2 A. Yeah, yeah. He's still, you know.

3 Q. And he's still in Afghanistan; right?

4 A. Yeah.

5 Q. And so here you are asking for help from
6 Mujeeb; correct?

7 A. Yeah.

8 Q. Okay. Now, these are important conversations;
9 correct?

10 A. Uh-huh.

11 Q. I mean, this is an important --

12 A. Yeah.

13 Q. -- thing that you're trying to deal with;
14 right?

15 A. Right.

16 Q. You were just put in immigration detention?

17 A. Yeah.

18 Q. And you were trying to figure out how to get a
19 lawyer or how to get help --

20 A. Yeah.

21 Q. -- with your situation --

22 A. Right.

23 Q. -- and so you called your brother --

24 A. Uh-huh.

25 Q. -- Amdadullah?

1 A. Yeah.

2 Q. And he's the same brother who is helping you
3 get smuggled to the United States?

4 A. Yeah, yeah.

5 Q. Right? And so he's -- he helps smuggle you to
6 the United States, right --

7 A. Uh-huh.

8 Q. -- by going with all these other -- by working
9 with these smugglers?

10 A. Right.

11 Q. And then eventually you get to the United
12 States and you call your brother again for help --

13 A. Yeah.

14 Q. -- right? And so here he's talking to the
15 same people he was coordinating your smuggling with;
16 right?

17 A. Uh-huh.

18 Q. So, now, you never asked here who this Mujeeb
19 is. You never said, like, okay, who's this guy that's
20 going to help me; right?

21 A. Uh-huh, yeah.

22 Q. You understood that this was a guy who, this
23 Mujeeb, was your brother's friend?

24 A. Uh-huh.

25 Q. And you understood that this is a guy that

1 your brother knew?

2 A. Uh-huh.

3 Q. Your brother said -- thought could help you --

4 A. Uh-huh.

5 Q. Right? And this is a person that then your
6 brother turned to again and again to come help you;
7 right?

8 A. Yeah.

9 Q. And you never even questioned who this person
10 is. You never said, I don't know this guy or anything.
11 You said, you know, please have Mujeeb help me.

12 A. When I came here, sir, you know, that's why I
13 told my brother, say, if you know anybody who can help
14 with me, you know, who can speak good English and I can
15 speak with the lawyers. I don't know nothing, you know.

16 Q. So --

17 A. How -- you know, that's what I -- he said, I'm
18 going to send you a number. This is the guy's number.
19 You know, talk with him, you know. When I was calling
20 him he didn't answer me. Then I called my brother, he
21 said, no, he's in bus or in the train, you know. So the
22 weather is cold there, you know. So he couldn't talk
23 to -- he will -- I -- I already send you all information
24 you -- with account number he can find you. He can talk
25 with a lawyer. Because I called him to hire the lawyer

1 for me, anybody, you know. Like, I didn't ask him, you
2 know, who he see, you know. I did not -- I don't need
3 to ask him, you know. He just, you know, like, he
4 said -- anybody who can help me.

5 Q. Okay.

6 A. So that was my question.

7 Q. Yeah. But --

8 A. -- he told me it's Mujeeb. Okay. I hear his
9 name, but it's not Mujeeb --

10 Q. Sure.

11 A. -- his name is Bob or Tom, you know.

12 Q. Okay.

13 A. I hear once, yeah. Okay. I know Tom. You
14 know, I spoke with Tom.

15 Q. Right.

16 A. Yeah.

17 Q. So you knew at this point that your brother
18 was reaching out to Mujeeb. You knew that your brother
19 was friends with Mujeeb --

20 A. Uh-huh.

21 Q. -- right? That your brother was friends with
22 Mujeeb Saify --

23 A. Uh-huh.

24 Q. -- right? And so this is the Mujeeb Saify
25 that your brother is friends with?

1 A. He's friends with him, you know. But he's not
2 my friend, you know. That's his friend.

3 Q. But this is --

4 A. That's why.

5 Q. -- the Mujeeb Saify that's your brother's
6 friend?

7 A. Yeah. That's his friend, yeah. That's why.

8 Q. Okay. So -- so I want to ask you, then, a few
9 more questions because -- and I'll take that exhibit
10 back from you --

11 A. Okay.

12 Q. -- and then I'm almost done. Okay?

13 A. Okay.

14 Q. Now, in hearing your testimony here, all
15 right, there are some things that I want to ask you
16 about because you have given not only your testimony
17 here, of course, right, but since you arrived in the
18 United States --

19 A. Uh-huh.

20 Q. -- you've given voluntary statements to law
21 enforcement --

22 A. Uh-huh.

23 Q. -- to criminal investigators --

24 A. Uh-huh.

25 Q. -- right?

1 A. Yeah.

2 Q. You've given statements to HSI?

3 A. Uh-huh.

4 Q. To the criminal investigators --

5 A. Yeah.

6 Q. -- right, about how you got smuggled here?

7 A. Yeah.

8 Q. And who smuggled you --

9 A. Right.

10 Q. And the whole trip?

11 A. Right.

12 Q. And things like that; right?

13 A. Yeah.

14 Q. And those were voluntary?

15 A. Yeah.

16 Q. They didn't make you talk; right?

17 A. Yeah.

18 Q. Right? So -- and you, in fact, gave
19 statements to U.S. law enforcement before you arrived in
20 the United States?

21 A. Yeah.

22 Q. Okay. In all of those statements you describe
23 how you came to the U.S.?

24 A. Right.

25 Q. Okay. In one of those statements do you

1 remember giving a statement to U.S. law enforcement?

2 A. Here? In Texas?

3 Q. Hold on. Do you remember giving a statement
4 to U.S. law enforcement on April 10, 2017 --

5 A. Uh-huh.

6 Q. -- here at Krome?

7 A. Yeah.

8 Q. Okay. And you talked to Special Agent Simpson
9 who's here in the room with us today?

10 A. Uh-huh.

11 Q. Now, I just want to ask you a question about
12 that statement --

13 A. Yeah.

14 Q. -- and to clarify something. You testified
15 earlier that you knew a person in Brazil named Tariq
16 Zeb; correct?

17 A. Yeah, yeah.

18 Q. All right. And do you remember telling
19 Special Agent Simpson that a Pakistani person who spoke
20 Portuguese gave you -- spoke to a taxicab driver at the
21 airport; right?

22 A. Yeah.

23 Q. Who is that Pakistani person that you were
24 referring to, is that Tariq Zeb?

25 A. I think, Tariq Zeb, yeah.

1 Q. Okay?

2 A. That's why I was calling him, you know.
3 That's why. Tariq Zeb, yeah. And another two, you
4 know. That's why. You know, like, it was sometime
5 there was Pakistani and Afghan. They knew Portuguese,
6 you know.

7 Q. Right.

8 A. When we had a problem, something, you know,
9 like, like, not a problem, like, we wanted to buy
10 something.

11 Q. Sure.

12 A. So we were taking the Afghan or Pakistani, you
13 know, to buy some things for us because they -- they
14 don't know English. They're Brazilian.

15 Q. Right.

16 A. They speak only Portuguese. We don't know.

17 Q. Tariq Zeb is a person --

18 A. Yeah. Tariq Zeb, you know, he was the one who
19 found a smuggler, the second smuggler from Brazil to
20 Mexico, you know. Tariq Zeb.

21 Q. Tariq Zeb is part of -- he was also a
22 smuggler.

23 A. Yeah. He was finding people for the
24 smugglers. Yeah.

25 Q. So -- right. Because you testified earlier

1 that you spent several days in the area -- you spent two
2 or three days on the street --

3 A. Yeah.

4 Q. -- right? But do you remember telling Special
5 Agent Simpson that you called Reredgul, provided you
6 with a phone number and Tariq Zeb got you a cab from the
7 airport?

8 A. Yeah. I told, you know, to call the people.
9 You know, I called another guy. He was in Brazil.

10 Q. Okay?

11 A. He was not there. So then they give me
12 another number. He spoke with the Brazilian guy --

13 Q. Okay.

14 A. -- and tell him to bring him to São Paulo.
15 This is the mega photo center, you know.

16 Q. Right?

17 A. That's why -- and then the Brazilian guy he
18 took me there, you know. That's why.

19 Q. So a couple things I want to ask you about,
20 are when you were with Abdul Hikmat in Brazil --

21 A. Yeah.

22 Q. -- right, you told Hikmat that Mujeeb and your
23 brother, Amdadullah, helped smuggle you; right?

24 A. I --

25 Q. And that -- go ahead.

1 A. To who I told? To Hikmat?

2 Q. Well, just answer the question, then.

3 A. Oh.

4 Q. So when you were in Brazil --

5 A. Uh-huh.

6 Q. -- didn't you tell Abdul Hikmat that you were
7 smuggled by Mujeeb Saify working with your brother,
8 Amdadullah?

9 A. No. I didn't tell him that.

10 Q. Right. But -- and didn't you also, though,
11 tell Hikmat that Amdadullah, your brother, helped
12 arrange your smuggling with Mujeeb and Abid?

13 A. No. I told him my smuggler is Abid, you know.
14 My brother spoke with him, Reredgul and Abid, this is
15 the two smugglers. I didn't say anything about Mujeeb,
16 you know.

17 Q. And -- okay. Well, you told your brother,
18 though, that Amdadullah paid all of your expenses to
19 Mujeeb for you?

20 A. Yeah, but that was here when I told him, my
21 brother, and I spoke with him, you know, here, the call.

22 Q. That's what you told Hikmat in Brazil?

23 A. I didn't tell him to Hikmat. I don't know
24 when I told him that, you know. Like, say that way, no.
25 I told him he knew my smugglers, like, so...

1 Q. And at some point you told Hikmat that you
2 were planning a different route to the U.S. --

3 A. What --

4 Q. -- not to go -- not to go same way he was
5 traveling. So when you -- let me ask you just a
6 different way.

7 A. Uh-huh. Yeah.

8 Q. When you were in Brazil with Hikmat --

9 A. Yeah.

10 Q. -- at some point you had a conversation with
11 him about the next step in your smuggling plans --

12 A. Uh-huh.

13 Q. -- right? Your plan and his plan?

14 A. Uh-huh.

15 Q. And at some point he told you he was going to
16 go to a certain way?

17 A. Uh-huh.

18 Q. And you told him you were going to a different
19 way?

20 A. Uh-huh.

21 Q. And was that to El Salvador?

22 A. No, not to El Salvador. I didn't go with him,
23 you know. Yeah.

24 Q. Because --

25 A. I know El Salvador, I canceled it, El

1 Salvador. But I went to Brazil, you know --

2 Q. Because --

3 A. -- there was no where to go. They said we
4 have the documents for us, but I didn't see nothing. I
5 said I'm going in this way, not in that way.

6 Q. Right?

7 A. Not to El Salvador. Yeah.

8 Q. And that's why I just want to clarify that.
9 You said -- well, let me ask you this question in this
10 way: In Brazil --

11 A. Uh-huh.

12 Q. -- it was the plan for to you go to El
13 Salvador?

14 A. Yes, sir.

15 Q. But you didn't do that?

16 A. Yeah, I didn't.

17 Q. And you actually went to Peru?

18 A. Yep.

19 Q. Now, you told Hikmat --

20 A. Uh-huh.

21 Q. -- that the plan was to go somewhere else --

22 A. Yeah.

23 Q. -- right? Is that to El Salvador?

24 A. Yeah.

25 Q. Okay. So, eventually, though, whichever way

1 you went, you eventually saw Hikmat again in Mexico?

2 A. Yeah, in Mexico camp.

3 Q. The same place you saw Ahmad Zia Yar?

4 A. Ahmad Zia he came with me from Peru, from
5 Brazil border, you know.

6 Q. Right.

7 A. Ahmad Zia, yeah. Ahmad Zia with me from
8 there -- from Brazil border to Mexico, you know. He
9 came with me, Ahmad Zia. But Ghafar, I saw him for the
10 second time in Mexico camp.

11 Q. So what I'm a little confused on is some of
12 your -- some of your knowledge about Mujeeb Saify.

13 A. Uh-huh.

14 Q. All right. In 2016 when you arranged to get
15 smuggled --

16 A. Yeah?

17 Q. -- right, you said you met with people, you
18 talked to your brothers, and your brothers were helping
19 you, and talked with your smugglers; right?

20 A. Yeah.

21 Q. And on -- during that time when you were
22 making arrangements --

23 A. Yeah.

24 Q. -- didn't you meet with Mujeeb at Amdadullah's
25 office in Jalalabad?

1 A. I didn't see his office in -- Amdadullah's
2 office, you know. Mujeeb, maybe he went there, you
3 know, like, I didn't see him, you know. To that --

4 Q. So it's possible he could have been there?

5 A. Maybe I see him somewhere else in the city,
6 you know, but I can't remember, you know. That's why.
7 I went to my brother's office, you know, sometime, you
8 know. So --

9 Q. And you went to your brother's office --

10 A. Yeah. I went. I went like many times.

11 Q. -- to talk about how to get smuggled to the
12 U.S.?

13 A. Not the smugglers, you know, many issues, you
14 know. That's why I was going to brother's office
15 sometime. I went there, you know. Even when he was not
16 in the office I went there before, you know. Yeah. So
17 I went there.

18 Q. You went to your brother's, then, a lot --

19 A. Yeah.

20 Q. -- right?

21 A. I would, yeah.

22 Q. And your brother was the one helping to get
23 you smuggled?

24 A. Yeah.

25 Q. Right. But you're saying you didn't meet

1 Mujeeb there?

2 A. But I didn't meet, you know, Mujeeb there.

3 Q. Okay. You didn't discuss with Mujeeb, then,
4 coming to the U.S. and the process for getting a visa?

5 A. I didn't discuss nothing with Mujeeb.

6 Q. You didn't dis- --

7 A. Because I didn't see him, you know. That's
8 why. I can't remember I had a discussion with Mujeeb.
9 I didn't --

10 Q. Okay.

11 A. Yeah.

12 Q. So you didn't talk with Mujeeb Saify --

13 A. Yeah, yeah.

14 Q. -- and tell him that your special immigrant
15 visa had been revoked?

16 A. Yeah. Some other guys they have -- they were
17 helping me in this process, you know. They were helping
18 with me.

19 Q. So --

20 A. Yeah.

21 Q. -- you didn't meet with Mujeeb Saify several
22 times, then, in 2016? Your testimony is you didn't meet
23 with him at all?

24 A. I can't -- I can't remember. I didn't see
25 him, you know. That's why. That's like three years

1 ago --

2 Q. Okay. But -- but --

3 A. -- you know, I can't remember. You know,
4 like, I didn't see Mujeeb in my brother's office or in
5 the --

6 Q. Okay.

7 A. Maybe I seen him, but I can't remember, you
8 know. That's why. Yeah.

9 Q. All right.

10 A. But I didn't with him about the smuggling
11 system. I didn't talk with him. Yeah.

12 Q. And -- okay. And you did want to leave
13 Afghanistan to come to the U.S.; correct?

14 A. Yeah, yeah.

15 Q. And you didn't have permission to come to the
16 U.S.?

17 A. Yeah. I came without permission. I'm here
18 illegally, yeah.

19 Q. Okay. And then part of that you talked to
20 your brother, and he coordinated with --

21 A. Smugglers.

22 Q. -- many smugglers?

23 A. Yeah.

24 Q. And you didn't know all the smugglers?

25 A. I didn't know them, you know. MY brother he

1 sent the email. He did everything for me.

2 Q. Your brother did everything on email?

3 A. Everything he did for me, after -- from I left
4 Afghanistan I was calling two smugglers. Or if I had no
5 access to telephone or Internet I was calling my brother
6 to call Tariq, you know. Tariq, he was the middleman,
7 you know --

8 Q. Right.

9 A. So -- who knew Abid, you know. That's why he
10 was calling him, to Abid. Yeah.

11 Q. Okay. So it's possible your brother was
12 talking to his friend, Mujeeb Saify --

13 A. Yeah.

14 Q. -- about your smuggling?

15 A. Yeah.

16 Q. Okay.

17 A. Maybe he spoke with him. You know, like, he
18 spoke with him, my brother, but not me. That's why.

19 Q. Okay.

20 A. Yeah.

21 MR. BAUER: Okay. No further questions from
22 the government.

23 MS. HOM:
24
25

REDIRECT EXAMINATION

BY MS. HOM:

Q. Sir, the government has played for you a couple of audio tapes --

A. Yes. Yes, ma'am.

Q. -- where you had conversations with your brother?

A. Yeah.

Q. And you testified you knew Mujeeb as your brother's friend?

A. Like, what I said I didn't know. As I said, like, maybe that's my brother's friend. I told you that before. Maybe that's his friend, but it's not my friend, you know. That's why. Yeah. I said that, yeah.

Q. Right. But in that phone call --

A. Uh-huh.

Q. -- what was the purpose of that call?

A. The purpose was to find a lawyer for me, to hire a lawyer for me, to talk to immigration lawyer for me when I get here. That was the only one purpose. I told him so. I need help. Anybody who can help with me. If you know somebody. Your friend who's in the U.S. who can talk to the lawyer. That's what I call. And my brother, he say, he going to call his friend,

1 this is the number and talk to him, you know. That's
2 why. Yeah. The one we have the translate, you know.
3 That's we have.

4 Q. Uh-huh. So you knew from the phone call that
5 this Mujeeb he was going -- your brother was going to
6 call him for help?

7 A. Yeah.

8 Q. And I just want to make sure you don't know
9 Mujeeb as -- as a smuggler?

10 A. Yeah.

11 Q. In fact, what was your testimony today about
12 who your smugglers are?

13 A. Abid and Reredgul and Sameer Abid. Yeah.

14 Q. Yes. And your brother was suggesting his
15 friend to help with -- with your -- with finding a
16 lawyer?

17 A. Yeah.

18 Q. Okay.

19 A. Yeah.

20 Q. And this is for what type of case?

21 A. You know, like, my immigration case. Like
22 asylum case. I had asylum case. I say I need help.
23 Without a lawyer, you know, I'm going -- stuck here.
24 You know, if I don't have a lawyer and I'm going to be
25 here, you know, for a while, you know.

1 Q. Uh-huh.

2 A. So the only thing if I want to win my case I
3 want -- review my case, the only thing I need to hire a
4 lawyer.

5 Q. Uh-huh.

6 A. That was first time when I got here in 2017
7 that happened, you know. That's why. Yeah.

8 Q. And do you know why your brother suggests --
9 suggested Mujeeb to help you?

10 A. Maybe.

11 MS. MAHONEY: Objection. Speculation.

12 THE WITNESS: Like, he knows, you know, I
13 think like his friend who is in America who speak
14 English, who can find a lawyer for me. So that was
15 his mission. This guy he going to call a lawyer
16 for you, talk to you for -- to find a lawyer for
17 you, and he sent my alien number and my -- all
18 information, my name and, you know. That's why.

19 BY MS. HOM:

20 Q. Okay. So your understanding was this Mujeeb
21 lives in the United States?

22 A. I know -- I didn't know, but my brother he
23 told him. He said, this is the guy, you know, he can
24 help you. He can talk to a lawyer.

25 Q. Oh. So, I'm sorry, he told you?

1 A. Yeah, yeah.

2 Q. Okay. And over the course of your time at
3 Krome, how many phone calls have you made?

4 A. I called many times. I spoke with my lawyer
5 and I had another lawyer too, you know, but I have -- I
6 have two lawyers. And I spoke with a U.S. CIAs. I
7 spoke with -- I spoke with, I know, with my brother, you
8 know. I called him, you know, and -- yeah. I called
9 many times, you know. Yeah.

10 Q. Uh-huh. And, you know, earlier your testimony
11 was that you don't remember a Mujeeb?

12 A. Yeah.

13 Q. And that Mujeeb is not your friend?

14 A. Yeah.

15 Q. But here you are in this phone call talking
16 about Mujeeb.

17 A. Yeah.

18 Q. So just explain that for us.

19 A. Like, my brother he said this is the number.
20 This guy, his name is Mujeeb. He can help with you.
21 You know, he going to talk to your lawyer, you know. So
22 that's why. My brother told me. I hear his name from
23 my brother, but, you know, I spoke one time or two
24 times. That's it. I, you know, most of the time my
25 brother he was sending, you know, everything to him, and

1 then he was calling to the lawyer, you know. Say he's
2 in the Krome Processing Center. I saw, like, two
3 lawyers. They came to me, you know. Yeah.

4 Q. Okay. I want to go back to one of the
5 documents that the prosecutor showed you. This is
6 Government Exhibit II. This is --

7 A. Yeah.

8 Q. -- a document that was shown to you, but with
9 the upper part -- portion covered.

10 A. Uh-huh.

11 Q. And could you tell me what's at the bottom of
12 the document?

13 A. Here is my name Wasiqullah.

14 Q. Uh-huh.

15 A. And my physical account was filled out here,
16 yeah. Yeah.

17 Q. Okay. Do you know what this picture shows?
18 What this document shows?

19 A. Like this is the profile picture, my Facebook
20 profile picture, you know. That's why. And this is the
21 guy. He's just talking about Mujeeb Saify, you know.
22 That's -- yeah.

23 Q. Can I ask you about your Facebook account?
24 How many friends do you have?

25 A. I think I have, like, more than 300, but I

1 don't know them, some of them. You know, like, I don't
2 know a lot of them. You know, maybe they know me, you
3 know, or -- a lot of them I don't know them, you know.
4 I have more than 300, but, you know, I forgot. I didn't
5 check my Facebook from a long time. My brother, he
6 check my Facebook now and my email.

7 Q. Uh-huh.

8 A. Yeah, but I have like 300, maybe more than
9 300. Like, my classmates, our relatives, cousins, you
10 know, from schooltime. I have, like, a lot of people on
11 Facebook, but I don't know of them, you know. Yeah.

12 Q. And do you have a personal relationship with
13 all of them?

14 A. With who?

15 Q. With friends on Facebook.

16 A. Yeah, I have friends like my classmates, you
17 know. There were -- some of them they were with me on
18 the job. You know, I have some Americans, friends, you
19 know, like, from my team, you know. The sergeant:
20 first, last, top sergeant. And the ATU, like, I know
21 some of them they're with me on the Facebook. You know,
22 some of the soldiers from our team.

23 Q. Uh-huh.

24 A. They're with me on the Facebook, you know,
25 like... So yeah.

1 Q. But do you have a personal relationships with
2 everyone who is a friend?

3 A. Not everyone. Like I say, I know some of
4 them. Some of my friends, you know. Like our
5 relatives, you know, they're with me. Like, my
6 classmates, my, you know, like my cousins, or, you know,
7 like, you know, my family members they're with me on the
8 Facebook. There's a lot of people with me on the
9 Facebook, a lot. You know, but I don't know them all of
10 them. Yeah.

11 Q. Does this photo show that you are a friend
12 with that Mujeeb Saify?

13 A. I don't know.

14 Q. Uh-huh.

15 A. I don't know.

16 Q. So you can't be sure?

17 A. Yeah, I'm not sure, you know. Maybe he's with
18 me on the Facebook and all that. I'm not sure. Yeah.
19 That's why. Yeah.

20 Q. Okay. And you can't remember?

21 A. Yeah, because I didn't use Facebook since
22 December 2016, I didn't use my Facebook. Only my
23 brother and my -- he check my email and my Facebook, you
24 know, sometimes. You know, he was sending some
25 documents to my lawyer, you know, from my email. You

1 know, so my brother he check my email and my Facebooks,
2 yeah. Yeah.

3 Q. Okay. Now, moving on to where you were
4 planning to go to when you arrived in Brazil, can you
5 tell me were several options presented to you?

6 A. Yeah.

7 Q. And these are options of where you wanted to
8 go?

9 A. Yeah.

10 Q. And you mentioned a couple of different
11 options.

12 A. Yeah.

13 Q. You mentioned Morocco?

14 A. Yeah.

15 Q. El Salvador?

16 A. Yes. Sri Lanka.

17 Q. Sri Lanka.

18 A. Yeah. Yeah.

19 Q. I'm sorry, the last?

20 A. Brazil.

21 Q. Brazil.

22 A. Yeah.

23 Q. Bolivia?

24 A. Yeah, many options they have for me, many, you
25 know. That's why.

1 Q. Right?

2 A. Even they told me about something, Mexico too,
3 you know. That's why. They told me you can go to
4 Mexico too. They tell me about Mexico.

5 Q. You mean directly?

6 A. Yeah. You know, some documents they can use
7 for Mexico too, you know, they told me.

8 Q. Uh-huh.

9 A. They told me a lot of things, you know. They
10 have -- you can go to a lot of countries, you know.
11 That's why. But that -- that was impossible, you know.
12 That was, the Mexico one, you know, when I spoke with
13 the people they told me it's not possible. Anybody told
14 you they're lying. Mexico, they have rules. So, you
15 know, they're going to return you back, you know, from
16 the airport, Mexico. So the only way you can go to
17 South America and to Central America, that's the only
18 route, you know. People, they go. It's -- it's better
19 to go by this way, the people they told me. Yeah.

20 Q. Okay. And let me make sure I understand. You
21 are presented these options when you were in Brazil or
22 before that time?

23 A. In Afghanistan, even in Brazil.

24 Q. I'm sorry. What was --

25 A. When I was in Afghanistan even in Brazil too.

1 Q. Uh-huh.

2 A. Yeah.

3 Q. But your testimony was that you changed
4 smugglers; right?

5 A. Yeah, I changed smugglers.

6 Q. Okay.

7 A. Yeah.

8 Q. Did that -- did the change in smugglers mean
9 that there were different options, then?

10 A. The first smugglers they had options. The
11 first smugglers are really good, and Abid, they had
12 options. Sri Lanka, Morocco, Mexico, Bolivia, El
13 Salvador, Brazil, you know. They had that options.

14 Q. Right.

15 A. The first smugglers from Afghanistan to Dubai,
16 they had that options. The second one, they told me the
17 only way you can go by this way. That's the route, you
18 know, Colombia, Panama, all the countries you have to
19 go, and that's the only way people they go, you know,
20 from Brazil.

21 Q. Uh-huh?

22 A. That's why. And that's why I went with him.

23 Q. And when you changed smugglers, is it your
24 testimony that you basically rejected the other
25 options --

1 A. Yeah, yeah.

2 Q. -- that were presented to you?

3 A. Yeah, yeah. I reject them because they were
4 lying in that one and that was not possible. You know,
5 like, to go to Mexico. Or to go to El Salvador, even in
6 there there's a lot of problems. I hear about that in
7 El Salvador and Brazil. When I was there people they
8 told me the story about the gangs, you know, members.
9 You know, that's why they told they're going to kidnap
10 you, and then they're going to kill you. They're going
11 to take the money from you. So you have no chance to
12 get out, you know from El Salvador. So that's
13 99 percent you are going to lose your life, and you're
14 going to be kidnapped and they're going to torture you
15 there. They told me that. I hear about in Brazil. I
16 didn't know that before. Yeah. That's why. There were
17 people in Brazil they told me about that story about
18 that. Yeah. That's why I refused. I said I'm not
19 going to go there. And they have no documents, but they
20 have it. But I don't -- I didn't believe them, you
21 know. That's why. They were lying to me.

22 Q. Uh-huh. And you never saw any other documents
23 besides that Brazil visa?

24 A. No. They didn't send no documents for me, you
25 know. They didn't send, you know, they didn't show me

1 nothing, you know. That's why. I said I wanted to
2 proceed, you know, what kind of documents you have. You
3 use fake documents or real. I don't know. Yeah.

4 Q. And just to -- I wanted to show you --

5 A. Yeah.

6 Q. -- X-2 and X-4 from the Government's
7 Exhibit --

8 A. Uh-huh.

9 Q. -- which was also --

10 A. Yeah.

11 Q. -- presented to you before as Defense
12 Exhibit -- or one of them was --

13 A. Yeah.

14 MS. FLANAGAN: 5.

15 BY MS. HOM:

16 Q. -- W-5, Defense Exhibit W-5.

17 I just want to make sure that I understood
18 your testimony about this.

19 A. Yeah.

20 Q. You never saw this; correct?

21 A. No, I didn't see that, you know. That's why.
22 I didn't see it, you know. That's why.

23 Q. And you -- so you don't --

24 A. They didn't send it to my email. I didn't see
25 that one, yeah.

1 Q. So you didn't -- I just wanted to clarify
2 because I was confused earlier, but you do not recognize
3 these documents?

4 A. Yeah. I can't remember. This is not my
5 documents. I didn't use this one, you know. You know,
6 I didn't use these documents, you know. Yeah.

7 Q. And the only part you recognize is yourself
8 because there's a picture of you?

9 A. Yeah. And also I send another pictures. You
10 know, the two other pictures, the white T-shirt and
11 black shirts, you for, for the visa, you know. I don't
12 know where they got this picture, maybe from the
13 passport. I don't send one, this picture to them, you
14 know, the smugglers, you know. That's why. And I can't
15 remember the pictures. You asked me about that question
16 last week too, you know. Yeah.

17 Q. All right.

18 THE VIDEOGRAPHER: You want to switch it?

19 MS. HOM: Sure.

20 THE VIDEOGRAPHER: Standby, please. Here
21 marks the end of DVD No. 2 in the deposition of
22 Wasiqullah. Going off the record at 3:37.

23 (Off the record.)

24 THE VIDEOGRAPHER: Here begins DVD No. 3 in
25 the videotape deposition of Wasiqullah. The time

1 is 3:43.

2 BY MS. HOM:

3 Q. Sir, I wanted to show you again one of the
4 exhibits that was shown to you earlier.

5 A. Uh-huh.

6 Q. It is Defense Exhibit W-4, also Government
7 Exhibit A.

8 A. Uh-huh.

9 THE VIDEOGRAPHER: Pull your microphone up.
10 (Discussion off the record.)

11 THE VIDEOGRAPHER: We're back on the record,
12 ma'am.

13 BY MS. HOM:

14 Q. Sir, I am showing to you --

15 A. Yeah.

16 Q. -- what's been previously marked as Defendant
17 Exhibit A and W-4 Defense, Exhibit W-4. I just wanted
18 to make sure I understood.

19 You went through the -- this document with the
20 government as well.

21 A. Uh-huh.

22 Q. And I wanted to make sure because I asked you
23 about Abid --

24 A. Yeah --

25 Q. -- Thakur, and I asked you whether you knew of

1 Abid Thakur or Thakur?

2 A. Uh-huh.

3 Q. And what is your testimony here today about if
4 you know who this is, Abid Thakur?

5 MR. BAUER: Objection. Asked and answered.

6 THE WITNESS: I don't know him by name of
7 Thakur. Just I know him Abid. I know only name he
8 was using I was call him Abid.

9 BY MS. HOM:

10 Q. Okay.

11 A. So I don't know his last name, Thakur. This
12 is the first time, you know, I hear his name Thakur, you
13 know. Like, so I never hear his name before Thakur, you
14 know. We were calling him Abid, you know. Everybody
15 they were calling him by this name Abid. Yeah.

16 Q. You're referring to your smuggler? You're
17 talking about your smuggler named Abid?

18 A. Yeah, yeah. I'm talking about my first
19 smuggler from Afghanistan to Brazil. I'm talking about
20 him, Abid, not Thakur. I don't -- I didn't hear that
21 name before, you know. This is first time I hear from
22 you guys and I see here Thakur. Yeah. I had -- he was
23 not with me even on the Facebook, you know. Most of the
24 time I was calling Reredgul. Reredgul and him they were
25 together all the time, you know. That's why. I was

1 calling him Reredgul. Yeah.

2 Q. So you don't know what Abid's last name is?

3 A. No. No. I didn't. I still don't know the
4 last name, you know, but I know him -- first name, Abid.

5 Q. And your -- do you know Abid Thakur?

6 A. No. No, I don't him, Thakur.

7 Q. Do you know anybody -- strike that.

8 You previously testified earlier that you
9 don't know who Abid Khan or Abid Ali?

10 A. Like I said, I didn't hear Abid Ali. Abid
11 Khan. I didn't hear these names. Only I hear Abid and
12 my second smuggler from Brazil to Mexico, Sameer Abid.
13 Abid Sameer, the people they call him that. I know
14 those two names. I don't know Khan Abid or Abid Khan or
15 Abid Thakur. I know this is -- I didn't that name, you
16 know.

17 Q. All right. So you don't know if your smuggler
18 named Abid whether his last name could be Thakur, Khan,
19 Ali or something else?

20 A. Or something else, no. I don't know still I
21 don't know. Still I don't know. Yeah.

22 Q. Now, the pictures that were attached to this
23 email were your two photos in your T- -- white T-shirt
24 and black T-shirt; correct?

25 A. Uh-huh. Yes, ma'am.

1 MS. HOM: Just a minute.

2 BY MS. HOM:

3 Q. I'll present what's been previously marked as
4 A-1 and A-2 --

5 A. Yeah.

6 Q. -- but Government Exhibit --

7 A. Yeah.

8 Q. -- also marked as W-1 and W-2, Defense
9 Exhibit. I just want to be clear. You took the photos
10 at the shop?

11 A. Yeah. Yes, ma'am.

12 Q. And left them at the shop?

13 A. Yeah, in another -- with another shopkeeper,
14 you know. That's why. In another store, yeah.

15 Q. Okay. And that -- is that how you got your
16 visa for Brazil?

17 A. No. Then I got my passport, and my -- just
18 only I got my passport from them. They took my picture,
19 so no visa, no nothing. And of pictures only when they
20 return my passport I got only my passport. I didn't get
21 these pictures, no. Yeah.

22 Q. Right. And how did you get the visa for
23 Brazil again?

24 A. They send it to me to the email, you know.
25 Their own email. Yeah.

1 Q. Their own email.

2 A. Yeah.

3 Q. And this email that that's in front of you --

4 A. Yeah.

5 Q. -- in the exhibit --

6 A. Uh-huh.

7 Q. -- with the attached pictures of yourself --

8 A. Uh-huh.

9 Q. They were sent, and you were -- you did not
10 know about that; correct?

11 A. No. I didn't know about this email. This is
12 the first time. I know only my brother email and I know
13 my brother, you know, email, you know. But I didn't
14 Abid Thakur and Hayat Khan. I know Mujeeb. That's the
15 first time I've seen these emails.

16 Q. Uh-huh.

17 A. That's the first time. I never seen these
18 emails before, yeah.

19 Q. And -- but --

20 A. Because I didn't send these pictures, ma'am,
21 you know. And my brother he sent these pictures to this
22 guy and -- to Mujeeb. Mujeeb sent to Hayat Khan, you
23 know. So that's why. They did. I never seen these
24 emails before.

25 Q. Uh-huh?

1 A. You know. That's why. Yeah.

2 Q. And nothing came of it? Are you aware of
3 anything coming -- resulting from the emailing of these
4 pictures?

5 A. Like what? Like can you explain to me, ma'am?

6 Q. Like another visa or another passport.

7 A. No. I didn't get any visa from these emails,
8 you know. This email I didn't get any visa, you know,
9 from these emails, you know. From Mujeeb or from Hayat
10 Khan I didn't get any, nothing from this email. I got
11 different email from them.

12 Q. Okay. And that time you already had a
13 passport and you didn't need something else?

14 A. Yeah.

15 Q. He didn't need additional documents --

16 A. Yeah.

17 Q. -- for the photo?

18 A. Yeah. Yeah, yeah. Yes, ma'am.

19 Q. Now, you testified that you got -- I'll take
20 these documents back from you.

21 You testified that you got --

22 A. You need this one too?

23 Q. Yes, please.

24 -- that you got plane tickets from your
25 brother?

1 A. Yeah.

2 Q. And I know that the prosecutor showed you some
3 documents where your plane tickets were attached to some
4 emails.

5 A. They send it to some -- to another email, not
6 to my email, you know.

7 Q. Right.

8 A. That's why. You know, the ticket, my brother
9 he print it from his email, and I got that, and some
10 documents I got from the email from the smuggler's
11 email, yeah. I got some from them. Yeah.

12 Q. So some from your smuggler and some from your
13 brother?

14 A. Yeah. Like the ticket, my brother, I think,
15 from his email, you know. I got his -- the ticket, you
16 know --

17 Q. Uh-huh.

18 A. -- to Dubai, you know.

19 Q. And --

20 A. And in Dubai I got some, you know, documents,
21 you know. That's why. Yeah.

22 Q. And did you see your brother's name on the
23 emails just now in the --

24 A. No. I saw my brother's name in the email,
25 yeah.

1 Q. Well --

2 A. Yeah.

3 Q. One moment. I'm going to show you the
4 documents that were previously presented to you by the
5 government, and they are listed as Government Exhibit L,
6 M, O, P, Q and X. And could you tell me if your
7 brother's email is on any of these documents?

8 A. No.

9 Q. All right.

10 A. I didn't find his email in these documents,
11 yeah.

12 Q. And just so I understand, you got some tickets
13 from your brother?

14 A. Yeah.

15 Q. And do you know how he got those?

16 A. They send it to him.

17 Q. The smugglers?

18 A. Yeah, the smugglers they send it to him, the
19 ticket, yeah.

20 Q. Okay. Thank you.

21 Just going back to when you were working for
22 the U.S. Army as an interpreter --

23 A. Yes, ma'am.

24 Q. -- you were terminated in 2014?

25 A. Yes, ma'am.

1 Q. And at the time that -- excuse me -- the
2 government showed you a document where you signed --

3 A. Yeah.

4 Q. -- at the bottom of the document --

5 A. Right.

6 Q. -- indicating that you knew that you were
7 terminated.

8 A. Yes, ma'am.

9 Q. But my question to you is: When did you know
10 the reason why you were terminated from the U.S. Army?
11 At that time in 2014 --

12 A. I knew --

13 Q. -- or at a different time?

14 A. I knew at that time, like, I lost my job.
15 They told me you are fired. You cannot work with us
16 anymore. You cannot work with us. I knew, but I didn't
17 know the reason, you know. When I got here, you know,
18 the prosecutor they told, you know, that's why he was
19 fired from the job. He test, the polygraph, the two
20 questions, you know, they ask, you know. So that's why.

21 The government, here, you know, but I didn't
22 know the reason. I knew, like, I was fired from my job.
23 And I got some information from U.S. Embassy in Kabul,
24 you know. I got an email from them and that was in
25 2014, in July, you know. That's why my ID -- my ID, 60,

1 was revoked. And then they told me you can do appeal.

2 So, yeah.

3 Q. Uh-huh.

4 A. But I didn't know when I got here to the U.S.,
5 I got the information I was fired because of the
6 polygraph test. Only saying the polygraph test, you
7 know. That's -- that's it.

8 Q. And what year was that that you found out?

9 A. That was in 2017, September 1, when I went to
10 the court, the final court. So we got the evidence from
11 the prosecutors, you know. So they send it to my lawyer
12 too, you know. She had that evidence, but I got that
13 evidence in 2017, in September I think, yeah, I got that
14 evidence, yeah.

15 Q. And I'm just going to finish up with a couple
16 last questions.

17 A. Okay, ma'am.

18 Q. You testified that your smugglers were from
19 Afghanistan to Brazil, Abid and Reredgul.

20 A. Yes, ma'am.

21 Q. How certain are you of that?

22 A. Like, I'm sure that they were my smugglers and
23 I spoke with them. And from Brazil to -- from
24 Afghanistan to Brazil they were my smugglers these two
25 guys, yeah.

1 Q. And from Brazil to the United States?

2 A. And from Brazil I got another smuggler, Abid
3 Sameer. Yeah. Another smuggler. Yeah.

4 Q. How certain are you of that?

5 A. I'm sure that was my smuggler, and I spoke
6 with them. You know, I came to the U.S. from Brazil for
7 that smuggler. Yeah.

8 Q. Are you positive that you never said Mujeeb
9 was your smuggler?

10 A. No. Mujeeb, I strongly denied that. He was
11 not my smuggler, and I didn't know Mujeeb. You know,
12 he's a smuggler, but I didn't know him -- that before,
13 you know. That's what I hear from here. You guys know
14 Mujeeb is smuggling, you know. But, no, he's not my
15 smuggler and I didn't hear his name, you know. He's a
16 smuggler, no.

17 Q. And let me just make sure I understand this
18 because I know the government has posed questions to you
19 regarding Mujeeb and characterizing him in a certain
20 way. But to your knowledge, you don't know Mujeeb as a
21 smuggler, do you?

22 A. Oh, because I don't know him, ma'am. I didn't
23 came with him. I didn't hear his name. Like I hear a
24 lot of names in Brazil. When -- they said there's a
25 smuggler from Bangladesh, a Mr. Hikmat, he came with his

1 smuggler from Bangladesh. His name was Mohib, I hear.
2 He was a famous smuggler. And another one, Carlos, you
3 know. He was from somewhere, South America, you know.
4 He was a famous smuggler. And Abid Sameer. So that's
5 why I got the second smuggler.

6 But I didn't hear Mujeeb name, you know, as a
7 smuggler, you know, and I didn't know him and I didn't
8 hear his name, you know, from anybody. You know, like
9 I've seen a lot of people from Brazil to Mexico. I've
10 seen like ten, more than ten countries, but I never hear
11 his name. Yeah.

12 Q. And you just mentioned Hikmat was smuggled by
13 someone Mohib?

14 A. Mohib. Mohib, he was from Bangladesh. His
15 smuggler, he was from Bangladesh as far as I know. I
16 don't know from Afghanistan to Brazil, but I know from
17 Brazil to Mexico he came with Mohib. He was from
18 Bangladesh, his smuggler. And, you know, he didn't come
19 with anybody else. I know. I'm sure 100 percent he
20 came with Mohib. His smuggler was Mohib from
21 Bangladesh, not Mujeeb. Yeah.

22 Q. Okay. And last question, was all the
23 information that you provided today truthful to the best
24 of your knowledge?

25 A. Yes, ma'am, 100 percent. I'm sure I told you

1 the truth. Any time you guys ask me that questions.
2 Oh, you guys have any evidence, you guys can come any
3 time, you know. After ten years, you know, that you
4 found some information that I was lying to you guys, you
5 guys can come. Anywhere. Either from here, in
6 Afghanistan or anywhere, you. So I'm sure 100 percent.
7 I told you the truth. So I know my smugglers. I told
8 you the names. And I can -- I can prove, you know, who
9 was my smugglers from Afghanistan, from Brazil I can
10 prove. Anytime. If you guys want, I can show you when
11 I spoke with them, and I have a witness and who was my
12 smugglers. You know, I can show you anytime if you guys
13 want to know his information. So I can give you these
14 names and everything.

15 MS. HOM: Thank you, sir.

16 THE WITNESS: You're welcome, sir -- ma'am.

17 MR. BAUER: Okay. Mr. Wasiqullah, I have just
18 a few questions for you. Okay.

19 THE WITNESS: Yes, sir.

20 MR. BAUER: And then we'll finish up.

21 THE WITNESS: Okay.

22 MR. BAUER: Thank you for being patient.

23 THE WITNESS: You're welcome, sir.

24

25

RECROSS EXAMINATION

BY MR. BAUER:

Q. Ms. Hom just asked you about Hikmat. You said his smuggler was Mohib?

A. Yes.

Q. But that is only from --

A. Brazil.

Q. -- Brazil?

A. To --

Q. -- to the U.S.?

A. To the U.S.

Q. It is not from Afghanistan to the U.S.?

A. Not from Afghanistan. Yeah.

Q. Okay. You don't know who smuggled him?

A. From Afghanistan I don't know his smugglers.

Q. Okay. So when you were smuggled, you testified that it was Sameer Abid and Reredgul?

A. Uh-huh.

Q. But you also testified that there were other smugglers involved.

A. Like which other smugglers I said?

Q. Well --

A. I said like --

Q. They were other people?

A. I had the smugglers from Afghanistan to

1 Brazil.

2 Q. Okay.

3 A. From Brazil I had another smuggler.

4 Q. Another smuggler. So the smugglers that you
5 used --

6 A. Uh-huh.

7 Q. -- also used other smugglers to help?

8 A. Like --

9 Q. They had to get travel itineraries?

10 A. Yeah. Like everywhere, sir. Like, in
11 Colombia they have their own people.

12 Q. Right.

13 A. In every city they have their own smugglers.
14 In Panama, in Costa Rica, in Honduras. Like, if I say
15 every bus stations everywhere, you know. They have
16 their own people from Central America to South America
17 there was smugglers.

18 Q. And so --

19 A. Yeah.

20 Q. -- the other smugglers --

21 A. Yeah.

22 Q. -- those smugglers were using, you didn't know
23 them?

24 A. Oh, who? Which one we're talking about?

25 Q. You did not know every single person who is

1 involved in your smuggling?

2 MS. HOM: Objection.

3 THE WITNESS: No. I know my smuggler. I had
4 a deal with him. I had no deal with the South
5 America or Central America smugglers. I didn't
6 know them. Yeah. They taking to us the bus stop.
7 They were buying tickets for us and they were
8 feeding us, you know. That's why. Yeah.

9 BY MR. BAUER:

10 Q. And you originally went to your brothers,
11 including Amdadullah --

12 A. Yeah.

13 Q. -- to help arrange your smuggling?

14 A. Yeah.

15 Q. And your brothers -- your -- Amdadullah --

16 A. Yeah.

17 Q. -- was the person arranging your smuggling --

18 A. Yeah.

19 Q. -- to the U.S.?

20 A. Yeah.

21 Q. And when you made those arrangements in
22 Afghanistan, you were arranging to come to the U.S.;
23 correct?

24 A. Yeah.

25 Q. Okay. Now, and Amdadullah in arranging your

1 smuggling to the U.S. --

2 A. Uh-huh.

3 Q. -- made arrangements with all of the smugglers
4 that were involved in your trip?

5 A. My brother he found only to Brazil. From
6 Brazil I found the smuggler.

7 Q. Okay. So your brother was involved?

8 A. He was involved, you know, from Afghanistan to
9 Brazil. He found the smuggler, my brother, he found
10 that.

11 Q. Your brother, Amdadullah, was involved?

12 A. Yeah. From Brazil I found him, you know.

13 Q. Okay.

14 A. Okay, yeah.

15 Q. Your brother, Amdadullah, was involved in your
16 smuggling from Afghanistan to Brazil?

17 A. Yeah.

18 Q. And at that point, though, in Afghanistan --

19 A. Uh-huh.

20 Q. -- your arrangement with your brother and your
21 brother's arrangement was to come to the U.S?

22 A. Yeah.

23 MR. BAUER: All right. Okay. No further
24 questions.

25 THE VIDEOGRAPHER: This completes the

1 deposition of Wasiqullah. We're going off the
2 record at 4:03.

3 (The deposition concluded at 4:03 p.m.)
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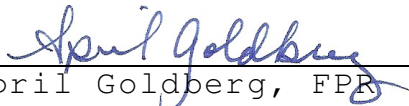
CERTIFICATE OF OATH

THE STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, April Goldberg, Florida Professional Reporter, Notary Public, State of Florida, certify that WASIQULLAH personally appeared before me on the 26th day of April, 2019, and was duly sworn.

Signed this 14th day of May, 2019.



April Goldberg, FPR
Florida Professional Reporter
Notary Public, State of Florida



Produced Identification: X

Identification Produced: Passport Photo

US-SFY-002454

CERTIFICATE OF REPORTER

THE STATE OF FLORIDA

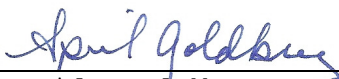
COUNTY OF MIAMI-DADE

I, April Goldberg, Florida Professional Reporter, do hereby certify that I was authorized to and did stenographically report the deposition of WASIQULLAH; that a review of the transcript was not requested; and that the foregoing transcript, pages 5 through 225, is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

Dated this 14th day of May, 2019.



April Goldberg, FPR
Florida Professional Reporter

Attachment B, Gov't Motions in Limine Regarding Objections to Deposition Testimony

GOVERNMENT OBJECTIONS TO WASIQULLAH'S TESTIMONY

Page & Line of Objected Material	Basis of Objection	Page & Line of Objection	Text of Objected Material and Objection
Page 51, Lines 16-25; Page 52, Lines 1-25; Page 53, Line 1	Foundation and Hearsay	Page 51, Line 25; Page 1, Line 1.	<p>16 Q. Well, did you ever discuss with him about how</p> <p>17 you had got smuggled to the United States?</p> <p>18 A. As far as I know, ma'am, he came from Brazil</p> <p>19 to -- to Mexico with another smuggler. His smuggler, he</p> <p>20 was from Bangladesh as far I know. But I didn't know</p> <p>21 because, you know, he didn't came with me. I didn't</p> <p>22 know him before even in Afghanistan, you know. So</p> <p>23 that's why he came with different smugglers, you know,</p> <p>24 from Brazil and even from Afghanistan he came.</p> <p>25 MR. BAUER:I'll object to this question on</p> <p>1 foundation of witness's knowledge.</p> <p>2 BY MS. HOM:</p> <p>3 Q. You can finish the answer.</p> <p>4 A. Okay. So he didn't came with me. He went</p> <p>5 from Afghanistan. He went from Brazil. He came with</p> <p>6 the different smugglers with different person, not with</p> <p>7 me.And, you know, the last time I saw him in</p> <p>8 Tapachula, you know. That's why. Yeah. He was not</p> <p>9 with me in the same bus or in same trip. He wasn't with</p> <p>10 me.Yeah.</p> <p>11 Q. Uh-huh. How do you know that he -- how do you</p> <p>12 know that he came with different smugglers?</p> <p>13 A. Well, from Brazil I know, I know. From -- I</p> <p>14 saw him in Tapachula, you know, he came with different</p> <p>15 smugglers. That's what I hear. He came with different</p> <p>16 smuggler. His smuggler was from Bangladesh, you know.</p> <p>17 That's why. Yeah.</p> <p>18 Q. Did you discuss this with him?</p> <p>19 A. didn't discuss, but I knew, you know, his</p> <p>20 smuggler, who was smuggler. You know, I guess I was</p> <p>21 there for three, four hours, you know, like, in the</p> <p>22 immigration. The other guys they were with him, you</p> <p>23 know. People from India, from Pakistan, so they were</p> <p>24 with him. They say, no. But me, Hikmat, we came</p> <p>25 together. The people, they told us that and Pakistani,</p> <p>1 they came together with him. Yeah.</p>

Attachment B, Gov't Motions in Limine Regarding Objections to Deposition Testimony

GOVERNMENT OBJECTIONS TO WASIQULLAH'S TESTIMONY

Page & Line of Objected Material	Basis of Objection	Page & Line of Objection	Text of Objected Material and Objection
Page 53, Line 8-25; Page 54, Line 1-9	Hearsay and speculation	Page 53, Line 11; Page 54, Line 10-11	<p>8 Q.Did he ever tell you that -- who his smugglers</p> <p>9 were?</p> <p>10 A.His smuggler was from Bangladesh --</p> <p>11 MR. BAUER: Objection. Hearsay.</p> <p>12 THE WITNESS: -- also.</p> <p>13 BY MS. HOM:</p> <p>14 Q.You can finish the question.</p> <p>15 A.Oh, yeah. His smuggler, he was from</p> <p>16 Bangladesh, from Brazil. I hear from another Pakistani,</p> <p>17 from Indians, you know, they were with him. So they --</p> <p>18 they told, you know, Abid and the other Indian, you</p> <p>19 know, they say we can come together, you know, the other</p> <p>20 Indian and these people came together from Brazil to</p> <p>21 Mexico. So that's why I knew his smugglers was from</p> <p>22 Bangladesh. Yeah.</p> <p>23 Q.Uh-huh. Just so I'm clear, you knew who his</p> <p>24 smuggler was?</p> <p>25 A.Yeah, from Brazil I knew from Brazil to Mexico</p> <p>1 who was his smuggler.</p> <p>2 Q. Okay. And how did you know this information?</p> <p>3 A. Because I saw other people, they were with</p> <p>4 him, you know. So in immigration camp. They didn't</p> <p>5 release them, the other people in the same day, only he</p> <p>6 got released. And so that's why.Yeah.</p> <p>7 Q. And your understanding is that those people</p> <p>8 came with a certain smuggler, so that's why?</p> <p>9 A. Yeah, yeah, yeah, yeah, yeah. That's why.</p>
Page 55, Line 22-25; Page 56, Line 1-9	Speculation	Page 56, Line 8-9	<p>22 Q. Do you know of why Hikmat would say that you</p> <p>23 told him that Mujeeb and Abid smuggled you to the United</p> <p>24 States?</p> <p>25 A. I didn't -- my smugglers I know was Abid, not</p> <p>1 Mujeeb. So I don't why I would -- I should tell him</p> <p>2 that my smuggler was Mujeeb, you know. But I didn't</p> <p>3 with Mujeeb, and I didn't know Mr. Hikmat, you know. So</p> <p>4 that's why I know. And they knew my smugglers, you</p> <p>5 know, like, from Brazil, you know, he knew, you know,</p> <p>6 like my smuggler, and I came with different person.</p> <p>7 Yeah, but I don't --</p> <p>8 MS. MAHONEY: Objection. Calls for</p> <p>9 speculation as to what this person knew.</p>
Page 58, Line 1-6	Speculation	Page 58, Line 5-6	<p>1 Q. Do you know of any reason why Hikmat would say</p> <p>2 that you told him you stayed in the São Paulo airport</p> <p>3 for seven days?</p> <p>4 A. I know I didn't tell him --</p> <p>5 MS. MAHONEY: Objection. Calls for</p> <p>6 speculation.</p>
Page 59, Line 10-16	Speculation and hearsay	Page 59, Line 13-14	<p>10 Q. Uh-huh.Do you know of any reason why Hikmat</p> <p>11 would say that you went to the Brazilian refugee office?</p> <p>12 A. I wait --</p> <p>13 MS. MAHONEY: Objection. Objection. Calls</p> <p>14 for speculation and hearsay.</p> <p>15 THE WITNESS: I went, but I went, you know,</p> <p>16 alone but I didn't go with him. That's why. Yes.</p>