

Page 1

1 UNITED STATES DISTRICT COURT
 2 NORTHERN DISTRICT OF ILLINOIS
 3
 4 STANLEY BOIM, et al.,)
 5 Plaintiffs,)
 6 vs.) No. 00 C 2905
 7 QUARANIC LITERACY INSTITUTE,)
 8 et al.,)
 9 Defendants.)
 10 _____)
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 12
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 14
 15
 16 DEPOSITION OF MOHAMMAD A. EL-MEZAIN
 17 San Diego, California
 18 Wednesday, September 10, 2003
 19
 20
 21
 22 Reported by:
 23 RENEE KELCH
 24 CSR No. 5063
 25 Job No. 121463

Page 2

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 15 Deposition of MOHAMMAD A. EL-MEZAIN,
 16 taken on behalf of Plaintiffs, at 402
 17 West Broadway, Suite 700, San Diego,
 18 California, beginning at 9:12 a.m. and
 19 ending at 3:20 p.m. on Wednesday,
 20 September 10, 2003, before RENEE KELCH,
 21 Certified Shorthand Reporter No. 5063.
 22
 23
 24
 25

Page 3

1 APPEARANCES:
 2
 3 For Plaintiffs:
 4 WILDMAN, HARROLD, ALLEN & DIXON
 5 BY: RICHARD M. HOFFMAN
 6 Attorney at Law
 7 225 West Wacker Drive, Suite 3000
 8 Chicago, Illinois 60606
 9 (312) 201-2000
 10
 11 For Holy Land Foundation:
 12 FREEDMAN, BOYD, DANIELS, HOLLANDER, GOLDBERG
 13 & CLINE
 14 BY: JOHN W. BOYD
 15 Attorney at Law
 16 20 First Plaza, Suite 700
 17 Albuquerque, New Mexico 87110
 18 (505) 842-9960
 19
 20 For Deponent:
 21 ALEX LANDON
 22 Attorney at Law
 23 2442 Fourth Avenue
 24 San Diego, California 92101
 25 (619) 232-6022

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GOVERNMENT
 EXHIBIT
 El Mezain Deposition
 3:04-CR-240-G
 U.S. v. HLF, et al.

6 A I was working with the Holy Land Foundation
7 from 1990 until they close the office in 2001, December,
8 2001.

15 A Paid position from 1999 until they close the
16 office.

17 Q What was your title at Holy Land Foundation
18 from 1999 until the time of closing?

19 A Director of endowment and vice chairman.

13 Q Do you know a man by the name of Omar Ahmad?
14 A Yes.
15 Q How is it that you know Mr. Ahmad?
16 A Met him in conference.
17 Q Do you recall which conference or conferences?
18 A I don't recall. But it was in MAYA.
19 Q At a MAYA conference?
20 A Yeah.
21 Q Was it one or more conferences?
22 A More than one.
23 Q And just so we're on the same page, for the
24 record, when we say MAYA you're referring to the Muslim
25 American Youth Association?

Page 25

- 1 A You're right.
2 Q The MAYA conferences that you're referring to,
3 do you recall where those were held?
4 A I don't recall exactly what one of them.
5 Q Do you recall whether any of them were in
6 Kansas City?
7 A I don't recall.
8 Q The MAYA conferences where you met Mr. Ahmad,
9 was either one of you a speaker at the conference?
10 A No.
11 Q No? Have you had any personal dealings with
12 Mr. Ahmad outside of the MAYA conferences --
13 A No.
14 Q -- you testified about?

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- 5 Q Do you know a man by the name of Ismail
6 Elbarasse?
7 A Yes.
8 Q How is it you know Mr. Elbarasse?
9 A One of MAYA conferences also.
10 Q Do you recall where that MAYA conference was
11 held?
12 A I don't know. MAYA conferences years, too
13 long.
14 Q Do you recall roughly what the time frame was
15 you met Mr. Elbarasse at a MAYA conference?
16 A Is in eighties.
17 Q How about Mr. Omar Ahmad, can you tell me the
18 time frame?
19 A It is in the eighties.
20 Q So you met both of these gentlemen at MAYA
21 conferences in the eighties?
22 A Yeah.

7 (Pages 25 to 28)

1 A They have Al-Zaitonah newspaper. They have
2 some conferences or gathering, some business.

3 Q When is it that you first became aware of the
4 IAP?

5 A In late eighties.

6 Q How did you first become -- I know you
7 mentioned that they had Al-Zaitonah and they had
8 conferences. How did you first become aware of IAP?

9 A They have some activities in one of the
10 conferences, I believe. They mention IAP over there.

11 Q So this was a conference that was put on by
12 somebody else and IAP put on some sort of presentation
13 or was present?

14 A Something like this.

15 Q Do you recall where this conference was or
16 when?

17 A I don't recall exactly.

19 Q Now, you'd already mentioned earlier IAP, the
20 Islamic Association for Palestine; correct?

21 A Correct.

22 Q And that is an organization you're familiar
23 with?

24 A Ycs.

25 Q How is it that you are familiar with the IAP?

14 Q And I think I may have already asked you that,
15 but have you ever served as an officer or director in
16 any fashion with IAP?

17 A No.

18 Q Have you ever made any contributions to IAP?

19 A Maybe once in my life, or something like that.

20 Q The contribution that you --

21 A It was \$100.

22 Q Okay. I think you have testified that you have
23 attended events, conferences and such put on by IAP?

24 A Yes.

25 Q The IAP conferences that you've attended, do

1 you know where those took place; do you recall?

2 A I don't recollect exactly.

3 Q Do you recall what years the conferences you
4 attended occurred?

5 A I don't recall.

6 Q Were you ever a speaker at any of the IAP
7 conferences?

8 A Excuse me. I believe one in 19 -- either 1999
9 or 1989, something like that. This is the one I
10 remember for the IAP what year.

11 Q '89 or '99?

12 A I don't know exactly what year. '89 or -- was
13 in Chicago this one.

14 Q Have you ever served as a speaker at any --

15 A No.

16 Q -- of the IAP conferences?

17 A No.

18 Q Now, you had testified about Al-Zaitonah, which
19 is a publication put out by IAP; correct?

20 A Yes.

21 Q And that's one that you're familiar with and
22 you've read from time to time?

23 A Sometimes when I have time I could read the
24 headline.

25 Q Are you familiar with a publication known as

1 Il-a-Filistin?

2 A I just read it when I read the deposition of
3 Shukri Abu Baker.

4 Q So prior to reading the transcript of Mr. Abu
5 Baker's deposition you were not familiar with

6 Il-a-Filistin?

7 A I don't recall Il-a-Filistin.

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15 Q In any of the references that you recall having
16 seen in LAP publications about Hamas, were any of those
17 supportive of Hamas? Did anything indicate that Hamas
18 should be supported or that LAP supported Hamas?

19 A I don't see anything to the best of my
20 knowledge.

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23 Q Are you familiar with a man by the name of
24 Mousa Abu Marzook?
25 A Yes.

14 (Pages 53 to 56)

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1 Q How is it that you know Mr. Marzook?
 2 A There is some kind of relationship between his
 3 family and our family in Palestine.
 4 Q When you say relationship, you mean --
 5 A They get married.
 6 Q -- as a cousin?
 7 A The families get married to each other. We
 8 became familiar with Marzook, his father, his brother.
 9 Far relationship anyhow.
 10 MR. BOYD: You mean -- in our term would be
 11 distant relationship, is that what you mean?
 12 THE WITNESS: Yes.
 13 MR. BOYD: Okay, that's what you meant.
 14 BY MR. HOFFMAN:
 15 Q Now, have you actually met Abu Marzook?
 16 A Yes.
 17 Q On how many occasions? Many occasions? One or
 18 two?
 19 A He was living in Fort Collins, Colorado.
 20 Q When you were there?
 21 A Yeah.
 22 Q Did you socialize with Abu Marzook when you
 23 were in Fort Collins?
 24 A Sometimes we sit in the mosque together, with
 25 the people of the mosque, basically.

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1 Q Other than your dealings with Mr. Abu Marzook
 2 in the mosque in Fort Collins, did you have any other
 3 personal dealings with him?
 4 A No. You cannot say personal dealings.
 5 Sometimes -- sometimes he call, congratulate our
 6 festival, or something like that. We go eat after or,
 7 something like that.
 8 Q Sometimes he called -- when you say "our
 9 festival," are you talking about and HLF festival?
 10 A No. We as mosque have two festivals, like the
 11 Christmas.
 12 Q Right. Like Ramadan?
 13 A After Ramadan.
 14 Q Okay.
 15 A This is before he left the country.
 16 Q Okay.
 17 A After that, nothing more.
 18 Q When you say "he called us," I guess I was
 19 confused. Who is "us"?
 20 A He called me.
 21 Q He called you?
 22 A Maybe once a year, or something like that. Or
 23 sometimes two, three years. It depends upon his call
 24 sometimes. But we don't have any relation, direct
 25 relation.

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1 Q Okay. And these phone calls were around the
 2 time of the festivals, the holiday?
 3 A Yes.
 4 Q Other than what you've described in terms of
 5 these phone calls Mr. Abu Marzook would make around the
 6 time of the festivals, your having sat with him in the
 7 mosque in Fort Collins and the distant family
 8 relationship, do you have any other relationship with
 9 Mr. Abu Marzook over the course of the years?
 10 A No. Sometimes I saw him in the conferences.
 11 Q What conferences do you recall seeing him at?
 12 A MAYA conferences.
 13 Q Can you give me a time frame?
 14 A Maybe nineties. Early nineties. Something
 15 like this.
 16 Q Was he a speaker at those conferences?
 17 A No. I don't see him speak.
 18 Q Did you know Mr. Abu Marzook to be affiliated
 19 with any organizations?
 20 A What you mean?
 21 Q Well, we have talked quite a bit about some of
 22 these various people, whether they were involved with
 23 IAP or people that were involved with UASR. I was
 24 wondering if you know of any organizations he was
 25 affiliated with?

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1 A No, I don't know.
 2 Q Did you consider Mr. Abu Marzook a friend?
 3 A Far friend. Not close friend.
 4 Q Now, am I correct that Mr. Abu Marzook made a
 5 contribution of \$210,000 to the Holy Land Foundation in
 6 the early nineties?
 7 A Yes.
 8 Q Can you tell me how it is that contribution
 9 came about?
 10 MR. BOYD: This question calls for if you know.
 11 THE WITNESS: I don't know how it comes, and
 12 when he send the money.
 13 BY MR. HOFFMAN:
 14 Q Do you know who at the Holy Land Foundation was
 15 involved in dealing with Mr. Abu Marzook in connection
 16 with that particular contribution?
 17 A I hear from one of the meetings of the Holy
 18 Land Foundation board members that we received money
 19 from Abu Marzook. Shukri updated us.
 20 Q Shukri is the one who advised you of this?
 21 A He updated us that he received this money.
 22 Q Do you know whether the Holy Land Foundation
 23 solicited Mr. Abu Marzook for this donation? In other
 24 words, did HLF contact him and say, "Can you make a
 25 contribution?" Or is it Mr. Abu Marzook --

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1 A I don't know if they solicited directly from
 2 him. But always we send our mailing when we are in the
 3 conferences. And if we have fund-raising, then we ask
 4 the people in general.
 5 Q Have you ever been aware of any relationship
 6 with Mr. Abu Marzook has had with Hamas?
 7 A When he was arrested.
 8 Q He was arrested when he came into New York?
 9 A Yes.
 10 Q And that was the first time you had become
 11 aware of a relationship which he had with Hamas?
 12 A This is what I remember.
 13 Q And what was your understanding of the nature
 14 of the relationship with Hamas?
 15 A According to the news media, he's one of the
 16 political leaders.
 17 Q Do you have any knowledge or belief as to
 18 whether or not that's true and accurate?
 19 A I believe he confess that he is a political
 20 leader.
 21 Q Of Hamas?
 22 A Yeah.
 23 Q And prior to the time that the press was
 24 covering his arrest in New York, you weren't aware of
 25 any relationship which he had with Hamas?

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1 A No, I don't have any. I'm not aware about
 2 that.
 3 Q Have you ever discussed with Mr. Abu Marzook
 4 his relationship with Hamas?
 5 A No.
 6 Q When you learned of Mr. Abu Marzook's
 7 relationship with Hamas, did that cause you any concern
 8 with respect to the contribution that he had made to the
 9 Holy Land Foundation?
 10 A Not really.
 11 Q Did you ever discuss with Mr. Abu Marzook his
 12 arrest and the extradition proceedings that followed
 13 that?
 14 A No.
 15 Q Were you involved in supporting Mr. Abu
 16 Marzook's defense in those extradition proceedings?
 17 A What do you mean?
 18 Q Did you make any contributions or organize any
 19 activities to try and support his right --
 20 A No. He has a legal defense committee and they
 21 came during my presence over there in Patterson, and
 22 they collecting money from the people as a legal
 23 defense.
 24 Q Did you contribute?
 25 A No.

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1
 2
 3 BY MR. HOFFMAN:
 4 Q Have you ever given money to Mr. Abu Marzook
 5 directly, either for him personally or for him to
 6 deliver to anyone else?
 7 A No.

25 Q Mr. El-Mezain, am I correct that you were one

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1 of the founders of the Holy Land Foundation?
 2 A Yes.

7 Q What was your role in the creation of the Holy
 8 Land Foundation?
 9 A Just one of the board members. We like to have
 10 some charity, a charity organization.
 11 Q Whose idea was it to create the Holy Land
 12 Foundation?
 13 A Actually, it is Shukri's idea.
 14 Q The other founders were Mr. Shukri Abu Baker
 15 and Ghassan Al-Ashi; is that correct?
 16 A Yes.

1 A They incorporated the HLF in California. Seems
2 to me this office was -- the mailing address was in
3 Indiana, close to Shukri.

<p style="text-align: right;">Page 73</p> <p>24 Q And for how long did you continue to serve in 25 the position as president or chairman of the Holy Land</p>	<p style="text-align: right;">Page 75</p> <p>1 A You're right.</p>
<p style="text-align: right;">Page 74</p> <p>1 Foundation? 2 A Until the beginning of 1999. 3 Q Did somebody then step in as the new president 4 or chairman? 5 A Yes. Ghassan became president.</p> <p>15 A I've been hired from the Holy Land Foundation 16 in October, 1999 to work with them as full-time 17 employee, and as a director of endowment. 18 Q And that was from October, '99 until when? 19 A December, 2001. 20 Q Now, the position that you held as president or 21 chairman of the Holy Land Foundation, was that a paying 22 position? 23 A No, no, it wasn't a paying position. 24 Q And your position as director of endowments, 25 that was a paying position?</p>	

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- 21 Q In your position as chairman/president of Holy
22 Land Foundation, did part of your responsibilities
23 involve fund-raising?
24 A I always been -- whenever they ask me to go to
25 make a fund-raising, I made a fund-raising for the Holy

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- 1 Land Foundation --
2 Q Okay.
3 A -- as a representative of the Holy Land
4 Foundation.

20 (Pages 77 to 80)

14 Q So when you spoke earlier about having seen an
15 issue of Ila-Filistin in connection with reading the
16 transcript from Mr. Abu Baker's deposition, that would
17 be this document?

18 A I believe so, this document, yes.

19 Q Okay. Am I correct that the date on the front
20 of this document corresponds to December, 1988, January
21 1989?

22 A Yes. This is December, January 1989.

23 Q I think we've already established that was the
24 time frame when the Occupied Land Fund was first
25 incorporated?

1 A Yes. In 1989. January, 1989.

2 Q All right. Are you fluent in reading Arabic, I
3 assume?

4 A Yes.

5 Q You have an advantage over me.

6 A No. You know English better than me.

7 Q I have some advantages. But if you could,
8 there are two lines of text on the first page, bolder
9 text right underneath the date.

10 A Here (indicating)?

11 Q Yes.

12 A These two lines.

13 Q Yes, sir. In the middle of the page above the
14 picture. Could you tell me what -- translate those two
15 lines of text for me?

16 A Approximately, "They said in the Palestinian
17 state," the first line.

18 MR. BOYD: What?

19 THE WITNESS: "They said in the Palestinian
20 state." What they said about the Palestinian state.

21 This is the title. And here, social visit to the
22 families of the martyrs.

23 BY MR. HOFFMAN:

24 Q Now, I'm not going to ask you to go through and
25 translate all of this for me. I'll spare you that. But

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1 I did have a question on a couple of items.
 2 If you'll turn to the fourth page, which you'll
 3 see in the lower right-hand corner there's a number
 4 1509?
 5 A 1509, yes.
 6 Q Okay. On the lower left-hand corner of that
 7 page there's some Arabic text in a little bolder type?
 8 A Yes.
 9 Q Okay. Am I correct that that is a translation
 10 for the Islamic Resistance Movement, or Hamas?
 11 A You're right.
 12 Q And if you go to the last page.
 13 MR. BOYD: Which one, so that I'm clear on
 14 this.
 15 MR. LANDON: This one (indicating).
 16 MR. BOYD: Well, wait.
 17 BY MR. HOFFMAN:
 18 Q On the last page of the document, there's again
 19 above the line, about the middle of the page there's
 20 again a little bit bolder text in Arabic. And is that
 21 again --
 22 A This here, you mean?
 23 Q Yes. Am I correct that that again is also the
 24 Islamic Resistance Movement, or Hamas?
 25 A You're correct.

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1 Q Then below that there is what appears to be a
 2 request for donations to the Occupied Land Fund. There
 3 is a short bit of Arabic text above the English. Can
 4 you translate that for me?
 5 A This is one of the verses of the second chapter
 6 of the Holy Koran. This chapter called "Alabakara."
 7 And verse is number 273. And it says, "Whatever you
 8 spend from the goodness, the God knows it."
 9 Q Okay.
 10 A Approximate translation.
 11 Q Okay. Do you know how it is that this request
 12 for tax deductible donations to the Occupied Land Fund
 13 came to be in this issue of Ha-Filistin?
 14 A This is a good question. I was thinking about
 15 it. This is not Holy Land Foundation ad. Maybe from
 16 the ones who issue Ha-Filistin, they know this is a
 17 good organization, and they recommend the people to
 18 donate to the Holy Land Foundation. This is my best
 19 guessing.
 20 Q You don't have any personal knowledge how this
 21 came to be?
 22 A No. Seems to me this is cut and paste from
 23 this paper. Just cut and paste. It's not originally.
 24 Q It's your belief that this advertisement was
 25 not originally included in the Ha-Filistin issue? When

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1 you say cut and paste, I want to make sure I understand.
 2 A I mean the ad for the Holy Land Foundation,
 3 maybe they took it from one of the ad of the Holy Land
 4 Foundation, and just cut it and copy and put it here for
 5 the people to --
 6 Q Am I correct that that's essentially your best
 7 guess or your speculation?
 8 A This is my best guess.
 9 Q Okay. Now, again we see the P.O. Box in
 10 Plainfield, Indiana. At the time of this, in the
 11 formation of the Occupied Land Fund that was the mailing
 12 the address?
 13 A The mailing address. At that time Shukri was
 14 in Indiana.
 15 Q Do you know of any relationship or dealings
 16 that any of you principals of Holy Land Foundation had
 17 with the Islamic Association for Palestine in January of
 18 1989 that would have caused IAP to know about the
 19 Occupied Land Fund and what it was doing?
 20 A No. Actually we -- you asked me before about
 21 the people of IAP. And I said to you, we know these
 22 people, but we don't have any relation with them. And
 23 they know that we have established Occupied Land Fund in
 24 that time. Not only the IAP actually. It became like
 25 -- let me see, a custom with the Muslim organizations to

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1 recommend a good organization for the good cause.
 2 Q I was curious because certainly in the mid
 3 nineties people would know of the Holy Land Foundation,
 4 it was a prominently in the Muslim community; correct?
 5 A The Holy Land Foundation is known, yes.
 6 Q But this time we're talking about December,
 7 1988 to 1989, that was when you were first incorporated;
 8 I'm wondering if you have any idea how the people who
 9 were publishing Ha-Filistin would know about you?
 10 A As I said to you before, it's the first time I
 11 have seen; therefore, I don't know.
 12 (Deposition Exhibit 5 was marked for
 13 identification by the court reporter.)
 14 BY MR. HOFFMAN:
 15 Q Mr. El-Mezain, you've been handed what's been
 16 marked as Exhibit 5. It's a lengthy document.
 17 Predominantly in Arabic. Feel free to look at it as
 18 much as you want. I'm going to ask you about particular
 19 points. If you want to let me know when you're ready,
 20 we can start.
 21 A Yes.
 22 Q Are you familiar with this document?
 23 A Yes.
 24 Q And you've seen this before?
 25 A Yes, I've seen. Not in this shape. I remember

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1 the newspaper. Many Arabic newspaper, they wrote it.
 2 Q I'm sorry, which newspaper?
 3 A Arabic newspaper in that time they wrote this
 4 article. And here.
 5 Q Am I correct, sir, that this is the Hamas
 6 charter?
 7 A Yes.
 8 Q There is on the first page, if I'm not
 9 mistaken, in Arabic at the bottom a date; is that
 10 correct?
 11 A August 18, '88.
 12 Q The picture that we see on the first page and
 13 the second page and the text, is that a logo or design
 14 that you have seen in connection with references to
 15 Hamas?
 16 A I don't know. I don't know the logo Hamas.
 17 Q Could you tell us what is said in the large
 18 text in Arabic on the front page?
 19 A Here (indicating)?
 20 Q Yes.
 21 A Yes, I know. This is the constitution of the
 22 Hamas, Islamic Resistant Movement.
 23 Q If you would turn to the third page from the
 24 back.
 25 A Third page from the back?

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1 Q There we go. It actually has some English on
 2 it. There are a series of addresses here, including
 3 several for the IAP. And there's also addresses for --
 4 an address for the Occupied Land Fund, the P.O. Bx that
 5 we saw in the last document; correct?
 6 A Yes.
 7 Q And above that there's also a reference to a
 8 Palestine Relief Fund. Do you know what that's in
 9 reference to?
 10 A I don't recall.
 11 Q Next to the Palestine Relief Fund is some
 12 Arabic text. Do you see that?
 13 MR. BOYD: You mean to the right of it?
 14 MR. HOFFMAN: To the right of it, yes.
 15 (Discussion off the record.)
 16 THE WITNESS: To support the Islamic
 17 Association of Palestine.
 18 This is in Arabic. "Supporting financially for
 19 IAP."
 20 Excuse my translation. Sometimes I'm not
 21 perfect in the translation. Don't quote me.
 22 MR. HOFFMAN: Well, we have to quote you.
 23 That's part of the deposition process. I understand.
 24 THE WITNESS: Try my best to do it.
 25 BY MR. HOFFMAN:

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1 Q It's better than my translation.
 2 Do you have any understanding as to how these
 3 references, these Occupied Land Fund and donations came
 4 in here?
 5 A I don't know.
 6 Q You had testified about seeing the substance of
 7 this document in Arabic newspapers; correct?
 8 A Arabic newspapers, yes. And I see, I study
 9 this also at the deposition.
 10 Q In connection with Mr. Abu Baker's deposition?
 11 A Yeah.
 12 Q Prior to yesterday had you ever seen this Hamas
 13 charter published with the reference to the Occupied
 14 Land Fund?
 15 A No. I get shocked when I see this
 16 constitution.
 17 Q I was curious. Several of the references to
 18 the IAP on here show a P.O. Box in Culver City,
 19 California. Were you aware of an IAP office in Culver
 20 City?
 21 A No.
 22 (Deposition Exhibit 6 was marked for
 23 identification by the court reporter.)
 24 BY MR. HOFFMAN:
 25 Q Mr. El-Mezain, you've been handed a document

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1 almost exclusively in Arabic. It's been marked as
 2 Exhibit 6. Is this a document that you're familiar
 3 with?
 4 A I'm not familiar with. But I see it here.
 5 Q In the lower left-hand corner there is again a
 6 date in Arabic. Can you tell me what that is?
 7 A Yes. First of December, 1989.
 8 Q And in the bottom third of the page there's a
 9 short English reference to the Occupied Land Fund. Do
 10 you see that?
 11 A I see it.
 12 Q Are you able to tell from the Arabic text
 13 surrounding that whether this is a request for
 14 contributions to the Occupied Land Fund?
 15 A Again what's the question?
 16 Q Are you able to tell whether this is a request
 17 for donations or contributions to be made to the
 18 Occupied Land Fund?
 19 A They put that here, they said you can send your
 20 donation to support -- according to what they said here,
 21 to support your people in Palestine, the intifadah.
 22 Q Is there also a reference in there in the text
 23 right before the land fund a call to jihad?
 24 A What line?
 25 Q I couldn't point out the exact words to you.

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1 But do you see -- let's say in the two lines before
 2 Occupied Land Fund.
 3 A Let me exactly figure out.
 4 This is a call, and they said, "Here we call
 5 you to make jihad by your money for the sake of the good
 6 by donating your maximum capacity to support your people
 7 in Palestine. And you can send your money to Occupied
 8 Land Fund."
 9 Q Okay. Do you have an understanding as to what
 10 is meant by the phrase "jihad"? I think you said jihad
 11 by money?
 12 A Yes. Jihad by money.
 13 Q Do you understand what that term means in the
 14 general parlance of the Arab -- the Muslim American
 15 community?
 16 A This is a good company. They consider that
 17 donate some money for a good cause as a jihad and this
 18 is what -- this is familiar with the Muslim community.
 19 Q Would that be a contribution to any good cause
 20 or to a particular good cause?
 21 A Any good cause. Any good cause.
 22 Q So if you gave money to the American Red Cross,
 23 that could be considered a jihad for money?
 24 A Yes. For example, if there a disaster, God
 25 forbid, anywhere in the American coast, American Red

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1 by IAP on its initiative?
 2 A Yes, this is what I mean.

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1 Cross or any well-known organization come and save the
 2 lives of people. This is a good cause. And it's
 3 mandatory for us to save the lives.
 4 Q Do you know how it is that this request for
 5 donations to the Occupied Land Fund came to be in this
 6 document?
 7 A Again, this is not an ad from the Occupied Land
 8 Fund. But the people, they said to, "Support the
 9 Palestinian people who are sometimes needing or
 10 suffering. This is the Occupied Land Fund working over
 11 there; you can send your money."
 12 Q At the time frame of this document, which I
 13 think we established was somewhere between August, '88
 14 somewhere to the end of 1989, do you know what
 15 relationship, if any, IAP had with Hamas?
 16 A I don't have. I don't know.
 17 Q Have you ever seen any similar instances where
 18 the Occupied Land Fund or the Holy Land Foundation was
 19 included by IAP in publications where they were asking
 20 people to donate?
 21 A We put some ad in Al-Zaitonah. That I am
 22 familiar with.
 23 Q And I think you had testified that it was your
 24 belief that the last three exhibits that we saw were not
 25 ads by the Holy Land Foundation, but rather were put in

2 Q We had talked about -- got into this when I
3 asked you about Holy Land soliciting contributions for
4 the children of martyrs. How is it that that would
5 happen?

6 A It is normal process for the community, they
7 are asking about the children of the ones who been
8 killed innocently. For example, what was happening in
9 1994 that Palestine shooting the innocent people in the
10 mosques, and they left tens of the family without
11 custodians. The people, they get emotionally, want to
12 support these kids. The one whom you can see being
13 killed by F-16 or by what in his home. And he became an
14 orphan. And his father, they call him shaheed. It is
15 well-known name in the community over there, the
16 Palestinian community over there. This is, for the Holy
17 Land Foundation, as we sponsor the orphan we did not
18 distinguish between orphan, either father killed as
19 shaheed or he killed by accident or he killed normally,
20 or he died normally. The orphan for us as charitable
21 organization is an orphan, homeless his father. No
22 matter his father is.

23 Q What criteria would Holy Land Foundation use in
24 trying to decide how much particular recipients of
25 grants would get? In other words, if you were to decide

1 why would this particular orphan get \$500 and this one
2 maybe \$400, what criteria would you use in deciding
3 that?

4 MR. BOYD: Object to the form of the question.
5 I think it assumes facts not in evidence

6 BY MR. HOFFMAN:

7 Q You can answer the question.

8 A Yes. There is no criteria -- I believe there
9 is no criteria that this supposed to -- all the orphans
10 are -- what I know, all the orphans take average between
11 50 to \$60 monthly, if they are eligible to take the
12 grants of the Holy Land Foundation. And I believe that
13 we deal equally with every orphan. Unless the sponsor
14 of the orphan, he like to send an extra hundred dollars
15 after Ramadan or after the festival to this children, to
16 the child. Something to give this orphan, like I give
17 my son extra hundred dollars, something like that. But
18 for us there is no differentiation. This is what I
19 know.

6 Q Do you recall attending any conference at which
7 Mousa Abu Marzook was a speaker?
8 A No.

21 THE WITNESS: During my staying over there from
22 1989 to 1999, to my best information, we never collected
23 any funds for Hamas. And this was I believe. This is
24 the policy.

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11 Q Pages 72 and 73 in the larger print numbers.
 12 There's a reference to a Jamal Hamami, H-a-m-a-m-i?
 13 A Jameen (phonetic).
 14 Q Jameen. Are you familiar with Mr. Hamami?
 15 A Hamami, yes.
 16 Q He's identified here as one of the founders of
 17 Hamas. Do you know whether that is accurate?
 18 A I never hear that he's a founder of Hamas.
 19 Q How is it you know Mr. Hamami?
 20 A He came to the United States as a speaker. And
 21 he has school in Palestine over there. And he want
 22 support from the community to his school from Holy Land
 23 Foundation. We studied the projects and we found has
 24 good school, and still existing now.
 25 Q And did the Holy Land Foundation, in fact, make

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1 donations to the school that Mr. Hamami was running?
 2 A Yes, I believe so.
 3 Q There's also a reference to a Sheik Mohammad
 4 Siyam, S-i-y-a-m?
 5 A Yes.
 6 Q Do you know Mr. Siyam or Sheik Siyam?
 7 A He is the president of the Islamic University
 8 of Gaza. Ex-president.
 9 Q Do you know during what period of time he
 10 served as president of Islamic University?
 11 A I don't recall.
 12 Q On page 13 Mr. Siyam is identified as a
 13 self-admitted Hamas official. Do you know whether, in
 14 fact, Mr. Siyam is affiliated with Hamas?
 15 A I don't recall exactly. According to the --
 16 what line?
 17 Q If you'd start from the fifth line from the
 18 bottom where it starts, "Two senior Hamas activists."
 19 A Yes.
 20 Q Okay. And first it describes Mr. Hamami, and
 21 then it says, "Sheikh Mohammad Siyam, a self-admitted
 22 Hamas official." My question is, are you aware of any
 23 relationship that Mr. Siyam has or had with Hamas?
 24 A I don't know what kind of relationship with
 25 Hamas from Siyam to Hamas.

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1 Q Have you ever heard or been advised that
 2 Mr. Siyam had a relationship with Hamas?
 3 A I don't recall.
 4 Q On page 14 then it goes on and indicates that
 5 the Holy Land Foundation paid to bring both Mr. Hamami
 6 and Mr. Siyam into this company as guest speakers at
 7 Holy Land Foundation events. Can you tell me whether or
 8 not that is accurate?
 9 A Yes, they used to come here early nineties.
 10 Q And when they came over, Holy Land Foundation
 11 paid for their travel?
 12 A I believe so.
 13 Q Do you recall what events they spoke at for
 14 Holy Land Foundation?
 15 A Not specific. Sometimes they make -- they
 16 visit the mosques. This is how they came. Sometimes
 17 they came Ramadan.
 18 Q In connection with any of the speaking
 19 engagements that Mr. Hamami and Mr. Siyam had at Holy
 20 Land Foundation events, do you recall them ever making
 21 reference to Hamas?
 22 A I don't recall.
 23 Q Did you attend all of their speaking
 24 engagements?
 25 A No, not all of it.

22

8 Q Moving on to the next paragraph, is again
9 referring to the source HLFDR 4, indicates that, it
10 says, "that Hamas leaders Shukri Abu Baker and Mohammad
11 El-Mezain attended a Muslim Arab Youth Association
12 conference December 30, 1994, to January 2, 1995 at the
13 Hyatt Regency in Los Angeles, wherein Sheikh Muhammed
14 Siyam was the keynote speaker. Siyam introduced as
15 head of operations of Al Jihad Al Islamia in Gaza, the
16 Hamas military wing."

4 Q This then goes on to say that, "Siyam stated,
5 I've been told to restrict or restrain what I say."
6 and there's an ellipses. "I hope no one is recording
7 me taking any pictures. As none are allowed." Again
8 another ellipses. "Because I'm going to speak the
9 truth to you. It's simple. Finish off the Israelis.
10 Kill them all. Exterminate them. No peace ever. Do
11 not bother to talk politics."

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25 Q Do you recall ever making statements that

Page 154

- 1 were -- that in any way indicated you or the Holy Land
- 2 Foundation had raised money on behalf of Hamas?
- 3 A No.

9 Q Mr. El-Mezain, do you recall any occasion on
10 which you were approached to accept money for Hamas?

11 A One time.

12 Q When was that?

13 A In early nineties.

14 Q Okay. And would you describe the
15 circumstances?

16 A It was in a conference. I don't know exactly
17 what. In L.A. And after the session --

18 Q I'm sorry, did you say in L.A.?

19 A In L.A., yeah. And after the session, the
20 woman came to me, a Muslim woman came to me and said,
21 Abu Ibrahim --" early, early nineties. "Abu Ibrahim,
22 this is \$3,000 I like to send it to mujahadeen of Hamas.

23 Q To mujahadeen of Hamas?

24 A Of Hamas. I said to her "No," in front of all
25 the crowd under the stage, "I'm not accepting that. We

1 are not working for Hamas. We are just working for the
2 poor and the needy family and the orphan and social
3 services for the Palestinian people, not for Hamas."
4 She said to me, "I sold my piece of land and I get this
5 money for that." I said, "I'm sorry, I cannot accept
6 it. We just focus on the orphan and the poor and needy
7 family inside Palestine. That's it. If you like to
8 send it for the poor and needy, I can accept it.
9 Otherwise, I am sorry."

10 And she turn away. And after three or four
11 minutes she get back to me. "Abu Ibrahim, take it for
12 the orphans." I said to her, "Repeat it again." "Take
13 it for the orphans." "Repeat it again, three times."
14 She said, "For the orphans."

15 And I said, "Be my witness," for the crowds
16 over there. "This is -- this money is just for the
17 orphans and the orphans only. I accept it for the
18 orphans. Not for anything else." And this was in one
19 of the conference.

Errata Sheet

Page: 1 Of Total Pages: 7

I wish to make the following changes to my deposition/statement:

Page #: 9, Line #: 7, 10, 12

As appears in Transcript: Patterson (this error is repeated throughout the deposition)

To: Paterson

Reason: Misspelling

Page #: 12, Line #: 18

As appears in Transcript: Alazhar (Error repeated elsewhere)

To: Al-Azhar

Reason: Misspelling

Page #: 13, Line #: 20, 21

As appears in Transcript: until 1990

To: until 1999

Reason: Misunderstanding

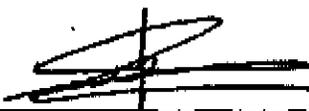
Page #: 13, Line #: 20, 22, 23, 25

As appears in Transcript: imam (Error repeated throughout deposition)

To: Imam

Reason: Should be capitalized

12-3-2005
DATE


DEPONENT'S SIGNATURE

Errata Sheet

Page: 2 Of Total Pages: 7

I wish to make the following changes to my deposition/statement:

Page #: 14, Line #: 8

As appears in Transcript: reading and the Holy Koran

To: reading of "the Holy Koran"

Reason: Misunderstanding

Page #: 14, Line #: 19

As appears in Transcript: Shuriah

To: Shari'ah

Reason: Misspelling

Page #: 14, Line #: 3

As appears in Transcript: with Passaic County

To: with the Islamic Center of Passaic County

Reason: Complete name of employer.

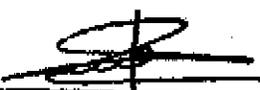
Page #: 17, Line #: 5

As appears in Transcript: Source

To: Resource

Reason: Misunderstanding

12-3-2003
DATE


DEPONENT'S SIGNATURE

Errata Sheet

Page: 3 Of Total Pages: 7

I wish to make the following changes to my deposition/statement:

Page #: 24, Line #: 24-25

As appears in Transcript: Muslim American Youth Association

To: Muslim Arab Youth Association

Reason: Correct name

Page #: 42, Line #: 13

As appears in Transcript: Hamas newspaper

To: IAP newspaper "Al-Zaytuna"

Reason: Misunderstanding

Page #: 46, Line #: 16

As appears in Transcript: is the scholar

To: is the most famous scholar

Reason: Misunderstanding

Page #: 55, Line #: 13

As appears in Transcript: "reading" the prayer

To: "leading" the prayer

Reason: Misunderstanding

12-3-2003
DATE


DEPONENT'S SIGNATURE

Errata Sheet

Page: 4 Of Total Pages: 7

I wish to make the following changes to my deposition/statement:

Page #: 51, Line #: (16-18) 19

As appears in Transcript: No

To: Yes, I read the news in ^{the} New York Times.

Reason: Misunderstanding

Page #: 58, Line #: 10

As appears in Transcript: We as mosque

To: We as Muslims

Reason: Misunderstanding

Page #: 64, Line #: 19

As appears in Transcript: 1980

To: 1989

Reason: Correct date.

Page #: 64, Line #: 25

As appears in Transcript: In early eighties, 1989 to Paterson

To: in early, 1989 to Paterson

Reason: Misunderstanding

12-3-2008
DATE


DEPONENT'S SIGNATURE

Errata Sheet

Page: 5 Of Total Pages: 7

I wish to make the following changes to my deposition/statement:

Page #: 104, Line #: 12

As appears in Transcript: and the tragic or innocent

To: In the tragedy, innocently

Reason: Misunderstanding

Page #: 105, Line #: 21

As appears in Transcript: homeless his father

To: Who misses his father

Reason: Misunderstanding

Page #: 105, Line #: 9

As appears in Transcript: Palestine shooting

To: Dr. Goldstein shooting

Reason: Misunderstanding

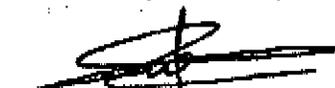
Page #: 105, Line #: 13

As appears in Transcript: or by what in his home

To: by Falk in his home

Reason: Misunderstanding

12-3-2007
DATE


DEPONENT'S SIGNATURE

Errata Sheet

Page: 6 Of Total Pages: 7

I wish to make the following changes to my deposition/statement:

Page #: 108, Line #: 22

As appears in Transcript: One of our people we

To: "Some" of our people they

Reason: Misunderstanding

Page #: 113, Line #: 13

As appears in Transcript: Yeah

To: I don't recall

Reason: Correction

Page #: 119, Line #: 7

As appears in Transcript: it's

To: He's

Reason: Misunderstanding

Page #: 144, Line #: 13

As appears in Transcript: Jameen

To: Jamil

Reason: Misspelling

12-3-2003
DATE


DEPONENT'S SIGNATURE

Errata Sheet

Page: 7 Of Total Pages: 7

I wish to make the following changes to my deposition/statement:

Page #: 156, Line #: 20

As appears in Transcript: No.

To: ^{No.} I have not personally ever provided any monetary support or other support to Hamas

Reason: Misunderstanding of confusing question, Clarification of answer.

Page #: 157, Line #: 6

As appears in Transcript: No

To: No, Holy Land Foundation to my knowledge has not given any monetary or any other support to Hamas.

Reason: Misunderstanding of confusing question, Clarification of answer.

Page #: _____, Line #: _____

As appears in Transcript: _____

To: _____

Reason: _____

Page #: _____, Line #: _____

As appears in Transcript: _____

To: _____

Reason: _____

12-3-2003
DATE


DEPONENT'S SIGNATURE