

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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CLERK OF DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

UNITED STATES OF AMERICA :
v. : Case No. 8:03-cr-77-T-30TBM
SAMI AMIN AL-ARIAN, et al. :

UNITED STATES' RESPONSE TO DEFENDANT
SAMI AMIN AL-ARIAN'S PRO SE MOTION TO
RECEIVE DISCOVERY ITEMS IN OVERT ACTS
18 AND 19 NOT INCLUDED IN DOCUMENTARY EVIDENCE

The United States responds to defendant Al-Arian's pro se motion to receive discovery items in Overt Acts 18 and 19 not included in documentary evidence, D-277, as follows:

1. Defendant Al-Arian is seeking discovery of documents pertaining to an account at Bank Leumi, Tel Aviv, Israel, mentioned in Overt Acts 18 and 19 of the indictment. Defendant Al-Arian states that these documents are not listed in Index D with other financial records, nor are they listed in Index C, Foreign Documents.¹
2. The undersigned has been advised by the FBI that defendant Al-Arian viewed the documents relating to Overt Acts and 18 and 19 while he was in Hillsborough County last month. The documents, however, were not useful to defendant Al-Arian because they are written in Hebrew.
3. The following information is offered to explain and clarify the discovery

¹Overt Acts 18 and 19 involve the June 1993 transfer of money from one of Al-Arian's bank accounts in Tampa for payment to relatives of convicted PIJ terrorists. Contrary to Al-Arian's claim, documents relating to these allegations are listed in Index C (see Bates # 120055-120059, 120062-63, 120093).

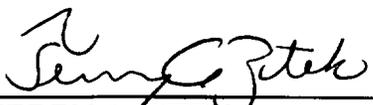
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items pertaining to Overt Acts 18 and 19. Defendant Al-Arian wrote a check \$5,000 from his USF Federal Credit Union account to his NCNB account. Al-Arian then caused four separate wire transfers of \$2,000 each to be sent to Mercantile Discount Bank. The transferring American bank (NCNB) utilized its Israeli correspondent bank, Bank Leumi, to conduct these transactions. This is how Bank Leumi became involved. The overt acts should not be interpreted to mean that defendant Al-Arian personally opened an account at Bank Leumi. Bank Leumi had to make an account entry. Following this step, transfer of these funds was eventually made to Mercantile Discount Bank, using Barclays Bank as a cover bank, because the transaction originally involved United States dollars. After conversion into Israeli shekels, the deposits were made into four accounts in Mercantile Discount Bank which had been opened to benefit the families of convicted PIJ terrorists.

4. Because defendant Al-Arian has viewed these documents, his motion appears to be moot.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent by facsimile and U.S. mail this 6th day of October, 2003, to the following:

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