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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 4:15-CR-49 CDP/DDN
)
MEDIHA MEDY SALKICEVIC, et)
al.,)
)
Defendants.)

ARRAIGNMENT/DETENTION HEARING

BEFORE THE HONORABLE DAVID D. NOCE
UNITED STATES MAGISTRATE JUDGE

MARCH 11, 2015

APPEARANCES:

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1 (PROCEEDINGS STARTED AT 2:12 P.M.)

2 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT AND WITH
3 THE DEFENDANT PRESENT.)

4 THE COURT: All right. At this time, we'll take up
5 the case of the United States against Mediha Medy Salkicevic,
6 case number 4:15-CR-49. The matter is before the Court this
7 afternoon for an arraignment and for a detention hearing.
8 Mr. Drake is here for the United States, and Mr. Newton is
9 here, and I have received the filed motion, verified motion,
10 for admission of pro hac vice filed by Andrea E. Gambino. And
11 you are Ms. Gambino I take it?

12 MS. GAMBINO: Yes. Good afternoon, Your Honor.

13 THE COURT: Good afternoon. And I have reviewed it,
14 and I see that it is an order, and so I will grant it by
15 docket text order, and the clerk will -- you should receive
16 notification, electronic notification, of that. That being
17 the case, Mr. Newton, I take it you would move for leave to
18 withdraw?

19 MR. NEWTON: Yeah, at this time, I would, Your Honor.

20 THE COURT: All right. And I will grant that motion
21 also by docket text order.

22 MR. NEWTON: Thank you, Your Honor.

23 THE COURT: Thank you very much. Thank you for your
24 service in this case.

25 MR. NEWTON: Absolutely, thank you, Your Honor.

1 THE COURT: All right. Let me take up the
2 arraignment first and then we will talk about the detention
3 motion. The defendant is charged in Count One with conspiracy
4 to provide material support to terrorists, and she is charged
5 in Count Three with providing material support to terrorists.
6 Ms. Gambino, does -- do you want the entire indictment read to
7 the defendant?

8 MS. GAMBINO: No, Judge. We would waive reading and
9 enter pleas of not guilty. I have reviewed the entire
10 indictment with Ms. Salkicevic previously.

11 THE COURT: All right. Pleas of not guilty will be
12 entered. An earlier finding that the case is complex has been
13 made and certain orders were entered with respect to prior
14 defendants, and I will continue those same dates at this time.
15 Just generally, let me ask you, Mr. Drake, whether or not the
16 Government has arguably suppressible evidence against this
17 defendant.

18 MR. DRAKE: Yes, we do, Your Honor, and we also
19 provided notice to the Court and to the defendant in the form
20 of a Rule 12(b) notice the nature of that arguably
21 suppressible evidence.

22 THE COURT: All right. Ms. Gambino, having heard
23 that, I take it that you would at least consider filing
24 pretrial motions?

25 MS. GAMBINO: Absolutely, Your Honor.

1 THE COURT: All right. Let me provide you with a
2 proposed documentary motion for a period of time for that
3 purpose, and if you wish, I can give you an opportunity at
4 this time to make an oral motion generally to suppress any
5 arguably suppressible evidence the Government has perhaps at a
6 later time to be followed up with a specific documentary
7 motion.

8 MS. GAMBINO: Yes, Judge, I would make that motion,
9 that oral motion.

10 THE COURT: All right. And I will direct the clerk
11 to make an amended entry of that motion, and I will continue
12 the same Speedy Trial Act findings, and the Government has
13 until March 20th -- at this time until March 20 to file a
14 document that identifies with respect to each of the
15 defendants the specific items of evidence that might be
16 arguably suppressible that the Government would offer at trial
17 and then follows a series of status conferences with the Court
18 about the status of discovery and pretrial proceedings, and
19 the first of those dates is Friday, April 3 at 2:00. Let me
20 provide counsel with a copy of the order that I will issue
21 today in this case with respect to this defendant.

22 All right. On the issue of detention or release, I
23 have received a written report of the Pretrial Services
24 Office. I have also received a bound document of information
25 which I will consider on the issue of detention or release.

1 All of that being said, I take it you've provided the
2 Government with a copy of that document?

3 MS. GAMBINO: Yes, Your Honor.

4 THE COURT: All right. Mr. Drake, does the
5 Government have any other evidence or information to offer to
6 the Court on the issue of detention or release?

7 MR. DRAKE: Yes, Judge, we do have the witness who is
8 prepared to testify and then certain exhibits to the Court for
9 the Court's consideration on the issue of detention -- we
10 still stand by our request for detention -- and argument to
11 follow.

12 THE COURT: All right. Do you have intent to make
13 any oral presentation or call any witnesses, Ms. Gambino?

14 MS. GAMBINO: I don't intend to call witnesses, Your
15 Honor. I will make an oral presentation and proposal and
16 would like the opportunity, of course, to cross-examine
17 Mr. Drake's witness.

18 THE COURT: All right. Why don't you have a seat and
19 we will begin. You may call your witnesses.

20 MR. DRAKE: Thank you, Your Honor. Your Honor, in
21 this instance, the Government would call Special Agent Jeremy
22 Francis with the Federal Bureau of Investigation to the stand.

23 THE COURT: All right. Step up and be sworn please.

24 **JEREMY FRANCIS,**
25 **Having Been First Duly Sworn, Was Examined and Testified As**

1 **Follows:**

2 DIRECT EXAMINATION

3 BY MR. DRAKE:

4 Q Agent Francis, for purposes of the record, would you
5 please introduce yourself to the Court and tell us a little
6 bit about your background.

7 A Absolutely. My name is Jeremy Francis. I'm a special
8 agent with the Federal Bureau of Investigation. I've been
9 with the FBI over ten years, six of those years working
10 counterterrorism matters.

11 Q And where are you currently assigned?

12 A Currently I'm assigned to the Chicago field office.

13 Q What do your duties at Chicago include?

14 A In Chicago, I primarily investigate matters of
15 international terrorism focusing on European threat streams
16 that trace back to the homeland.

17 Q Have you done that for majority of your career or have
18 you worked in other areas within the FBI?

19 A That has been the majority of my career. I have also
20 worked in criminal enterprise investigations and also
21 counterintelligence.

22 Q In your capacity, have you had occasion to work on
23 matters concerning the investigation of an individual known as
24 Siki Ramiz Hodzic?

25 A Yes, I have.

1 Q And did that investigation also include an individual
2 known as Mediha Salkicevic?

3 A Yes.

4 Q And are you aware of whether or not an indictment was
5 issued or handed down in this district concerning those
6 individuals as well as others?

7 A Yes.

8 Q Mr. Hodzic was charged in that indictment; is that
9 correct?

10 A That is correct.

11 Q And Ms. Mediha Salkicevic as well?

12 A That is correct.

13 Q Are you familiar with who Ms. Salkicevic is?

14 A I am.

15 Q Do you see that person in the courtroom today?

16 A I do.

17 Q Could you please just point her out for purposes of the
18 record and describe what she is wearing?

19 A Yes. She is wearing an orange jumpsuit and a black
20 burka.

21 Q And is she seated next to her attorney, Ms. Gambino?

22 A That is correct, yes.

23 MR. DRAKE: Judge, I would just ask the record
24 reflect that the witness has identified the defendant.

25 THE COURT: All right. The record will show

1 identification of the defendant.

2 Q (By Mr. Drake) Agent, your testimony here today, it's
3 based on your personal knowledge of the case. Is that
4 accurate?

5 A That is correct.

6 Q Do you also base your testimony on information you've
7 received from other law enforcement personnel and other agents
8 as well as reports you have read?

9 A Yes.

10 Q During the course of your investigation -- and when I say
11 your, I mean the FBI's investigation -- did you become aware
12 of whether or not the defendant utilized social media?

13 A Yes.

14 Q Specifically, what type of social media?

15 A Specifically Facebook.

16 Q Okay. And did she use social media and Facebook under
17 her name as Mediha Medy Salkicevic?

18 A She had a moniker.

19 Q Okay. Do you know what the moniker might be?

20 A It was Medy Ummuluna, and the other one was Bosna Mexico.

21 Q Like Bosnia Mexico?

22 A Yes, correct.

23 Q And did you say -- I don't know if I understood you
24 correctly, did you say Medy or Mediha Ummuluna?

25 A Yes, correct.

1 Q Just making sure I got the pronunciation correct.

2 A Absolutely.

3 Q How were you aware of the fact that she used those two
4 monikers or aliases on social media?

5 A Through serving legal process to the service provider
6 Facebook, we were able to determine that those were the
7 monikers used by the individual.

8 Q Did the defendant ever speak with law enforcement
9 personnel?

10 A She did.

11 Q Did she also indicate that she used those names on social
12 media as well?

13 A That is correct, she did.

14 Q Are you familiar with an individual known as Abdullah
15 Ramo Pazara?

16 A Yes.

17 Q Who is that person generally speaking?

18 A Pazara is an individual who was from the St. Louis area
19 and on or about May 2013 travelled abroad, resurfaced again in
20 Syria as a foreign fighter in on or about July 2013.

21 Q And as far as the investigation and your awareness is
22 concerned, he remained there indefinitely; is that correct?

23 A That is correct.

24 Q Okay. Do you know what he was doing in Syria generally
25 speaking?

1 A Generally speaking, he was participating with groups that
2 associated themselves with the Islamic State or also known as
3 ISIS according to social media, various organizations that
4 supported that cause.

5 Q Okay. Are you aware of whether or not the defendant was
6 acquainted with Abdullah Pazara?

7 A Yes.

8 Q Are you aware of whether or not Abdullah Pazara had a
9 Facebook account?

10 A He did.

11 Q And did the defendant and Pazara utilize Facebook to
12 communicate with one another?

13 A They did communicate.

14 Q Okay. I would like to show you something I have marked
15 as Government's Exhibit No. 1.

16 MR. DRAKE: Your Honor, permission to approach the
17 witness?

18 THE COURT: Yes.

19 MR. DRAKE: Thank you.

20 Q (By Mr. Drake) Are you familiar with that exhibit?

21 A I am familiar with the exhibit.

22 Q Okay. Could you tell us what it is?

23 A Yes. The exhibit is a photograph of individuals who have
24 various forms of weapons, primarily rifles, assault rifles,
25 automatic rifles. They are holding up and pointing a black

1 flag with white type of writing, a white circle with black
2 lettering in it. This flag is commonly associated with the
3 groups that support the ISIS or Islamic State.

4 Q Let me interrupt for just one moment. So just for
5 purposes of the record, the exhibit that you're handed is a
6 photograph, and you are familiar with the photograph. Is that
7 accurate?

8 A Yes, that is correct.

9 Q And do you know whether or not the defendant has ever
10 seen this photograph?

11 A The defendant did see the photograph, yes.

12 MR. DRAKE: Your Honor, I am not sure how the Court
13 would like me to proceed, but permission to publish the
14 exhibit on the monitor?

15 THE COURT: That is fine.

16 MR. DRAKE: Thank you, Judge.

17 THE COURT: I would ask you that at the conclusion of
18 the proceedings that the Court be provided with a hard copy of
19 that exhibit.

20 MR. DRAKE: Yes, Your Honor. I have prepared those
21 as well. Thank you, Judge.

22 THE COURT: All right.

23 Q (By Mr. Drake) For purposes of the record since all the
24 proceedings are recorded, could you describe verbally what the
25 image depicts in Government's Exhibit No. 1?

1 A Yes.

2 Q I interrupted you earlier.

3 A Oh, sorry. Government's Exhibit No. 1 is a photograph of
4 a small group of individuals who are holding various types of
5 weapons, primarily assault rifles, and also holding up a black
6 flag with white writing. In the center of that is a white
7 circle with black writing. It is a flag that is commonly
8 associated with the group ISIS or the Islamic State.

9 Q There is an individual that is depicted on the left where
10 I have circled -- my left. Do you know who that individual
11 is?

12 A Yes.

13 Q Who is that?

14 A That is Pazara.

15 Q And I think you have indicated that the defendant has
16 previously seen this exhibit?

17 A That is correct.

18 Q Did the defendant indicate whether or not she was aware
19 that that was Abdullah Pazara?

20 A The defendant identified that individual as Pazara.

21 Q Did the defendant give you any indication about what she
22 understood the flag that's depicted in the picture to be or
23 mean?

24 A She did understand that the flag in this photograph was a
25 flag that was used by different groups.

1 Q Okay. And are we talking about groups generally or
2 groups that are operating in Syria and engaged in violent
3 activities?

4 A Primarily groups that are engaged in violent activities
5 and operating in Syria.

6 Q I would like to show you what I have marked as
7 Government's Exhibit No. 2. What is that exhibit?

8 A This exhibit is another photograph, a photograph of
9 Pazara. He is wearing a black hat with white writing, a
10 camouflage shirt. He also has an assault rifle with a large
11 magazine ammunition over his right shoulder.

12 MR. DRAKE: Your Honor, permission to publish
13 Government's Exhibit No. 2?

14 THE COURT: Yes.

15 MR. DRAKE: Thank you, Judge.

16 Q (By Mr. Drake) Concerning Government's Exhibit No. 2,
17 where was this exhibit obtained from?

18 A This exhibit was obtained from Facebook.

19 Q I would like to direct your attention to the second page
20 of the exhibit. The first page depicted a photograph. Is
21 that accurate?

22 A That is correct.

23 Q And on the second page --

24 MS. GAMBINO: Your Honor, I object to the use of the
25 second page, first of all, because it's not in English, and

1 second of all, we haven't been provided or had an opportunity
2 to do the translation (inaudible) but he never produced it.

3 THE COURT: All right. What I will do, I will let
4 Mr. Drake examine the witness on this issue. I will withhold
5 receiving it into evidence subject to the defense having an
6 opportunity to conduct the investigation of the exhibit that
7 you have described, and if you wish to make a presentation
8 after you have satisfied yourself of the information you have
9 learned, then I will take the objection into consideration.

10 MS. GAMBINO: Thank you.

11 THE COURT: All right. You may proceed.

12 MR. DRAKE: Thank you, Your Honor.

13 Q (By Mr. Drake) Agent, do you see a line that in English
14 reads Uploaded?

15 A I do.

16 Q Okay. And what is the date that it indicates that the
17 image was uploaded?

18 A The date is August 2, 2013.

19 Q Okay. And below that, there are a number of comments
20 indicated in English by various users. Do you see that?

21 A I do.

22 Q And do you see comments made by Siki Ramiz Hodzic?

23 A Yes.

24 Q And do you see comments made by user name Medy Ummuluna?

25 A I do.

1 Q The term user Medy Ummuluna, is that the name that you
2 were referring to earlier when you were speaking of a moniker
3 or a Facebook name used by the defendant?

4 A Yes.

5 Q The commentary or text that is provided under those users
6 is not in English, is it?

7 A It is not in English.

8 Q Are you familiar with what language it might be in?

9 A I believe it to be in Bosnian.

10 Q Okay. Do you read Bosnian?

11 A I do not.

12 Q Do you write or speak it?

13 A I do not.

14 Q Okay. Are you generally familiar with what the
15 translation of the comments in these postings is or might be?

16 A Yes, I am generally familiar.

17 Q And how did you become familiar with those comments or
18 what the translations might be?

19 A Through professionally trained linguists who provided
20 those translations in conversation with him at the FBI.

21 Q Okay. So to make sure I understand you, you have had
22 conversations with linguists, trained linguists, at the FBI as
23 well as reviewed reports prepared by those trained linguists
24 at the FBI. Is that accurate?

25 A That is correct.

1 MS. GAMBINO: Excuse me, Your Honor. If there has
2 been a translation made, I would ask to be provided with that
3 translation, and I would also ask to continue this hearing so
4 we can have a chance to appropriately go through these
5 documents (inaudible).

6 THE COURT: All right. I will give you -- I am going
7 to overrule the request for continuing the proceedings, but I
8 will allow you to reserve an opportunity to cross-examine
9 after you have had an opportunity to complete your
10 investigation.

11 MS. GAMBINO: Thank you.

12 THE COURT: All right. You may proceed.

13 MR. DRAKE: Thank you, Your Honor.

14 THE COURT: Let me ask you, do you have a translation
15 at this time?

16 MR. DRAKE: I do not have a verbatim translation,
17 Judge, that is correct, and my intent is to have the witness
18 testify to his personal knowledge and personal information
19 about what the text generally says based on conversations and
20 reports that he has read by linguists. That was my intent,
21 Judge.

22 THE COURT: All right.

23 Q (By Mr. Drake) Given that you do not read, write, or
24 speak Bosnian, your testimony here today would be paraphrasing
25 or summarizing what has been told to you by others about what

1 this text reads and says. Is that correct?

2 A That is correct.

3 Q Okay. Generally speaking, in this comment, do you see
4 where Mr. Hodzic makes a comment and where Ms. Salkicevic
5 makes a response?

6 A Yes.

7 Q Generally speaking, are you aware of what that says?

8 A Generally speaking, yes.

9 Q And could you please tell the Court what it says -- your
10 understanding of what you're informed that it says, let me
11 rephrase that?

12 A Yes. My understanding in this particular comment is that
13 the defendant, Medy Ummuluna, is giving support to the
14 individual in the photograph.

15 Q Okay. And she's praising him; is that correct?

16 A That's correct, yes.

17 Q Okay. Very good. Thank you.

18 THE COURT: Now let me ask you, was that in the
19 language attributed to Mr. Hodzic or to the language
20 attributed to the defendant?

21 MR. DRAKE: Sure.

22 Q (By Mr. Drake) Agent, based on your conversations with
23 other linguists who you spoken to or reviewed, are the
24 comments that you are making about the individual who is
25 praising the picture or praising the individual in the

1 picture, is that attributable to the user, Medy Ummuluna, or
2 the user, Siki Ramiz Hodzic?

3 A It is attributable to Medy Ummuluna.

4 Q Thank you. I'll show you what's been marked as
5 Government's Exhibit No. 3, and what is it in Government's
6 Exhibit No. 3 that I have handed you? What is it generally?

7 A It is a photograph.

8 Q Okay. Are you familiar with the photograph?

9 A I am.

10 Q Okay. And where did you obtain the photograph?

11 A I obtained this photograph from Facebook.

12 MR. DRAKE: Your Honor, permission to publish
13 Government's Exhibit No. 3?

14 THE COURT: All right.

15 Q (By Mr. Drake) For purposes of the record, could you
16 describe generally what the image displays or what it depicts?

17 A Yes. The photograph is an image of an automatic weapon,
18 a rifle, sitting on a bipod, and adjacent to the weapon is a
19 green duffel bag or satchel.

20 Q Okay. And again, the text is in a foreign language; is
21 that correct?

22 A That is correct.

23 Q And the same as with the previous exhibit, are you
24 generally familiar with what the text says?

25 A I am.

1 Q And are you generally familiar based on the same reasons,
2 that you have spoken to trained linguists or reviewed other
3 written products that's part of the investigation?

4 A Yes, that is correct.

5 Q And generally speaking --

6 MS. GAMBINO: Judge, I will make the same objection,
7 and it should stand for each of these exhibits.

8 THE COURT: All right. Thank you very much. And the
9 same ruling will be. I am going to withhold receiving the
10 exhibits into evidence until after the defense has had an
11 opportunity to investigate its side of the case for this
12 purpose.

13 MS. GAMBINO: Thank you.

14 THE COURT: All right.

15 Q (By Mr. Drake) Let me back up. I jumped ahead too
16 quickly, Agent. Do you see where it reads Uploaded?

17 A Yes.

18 Q And what is the date that the image was uploaded?

19 A The date of the upload is September 17, 2013.

20 Q Okay. And again, is it your understanding that this came
21 from a Facebook page?

22 A A Facebook page, yes.

23 Q And is the Facebook page that we're talking about in the
24 previous exhibit and in this one attributable to Abdullah Ramo
25 Pazara?

1 A Pazara, that is correct.

2 Q So, in other words, in lay terms, this is an image that
3 was uploaded to Pazara's Facebook page on the date you
4 described?

5 A That is correct.

6 Q Do you see where it says Comments?

7 A I do.

8 Q And there is a user name Demir Filipovic?

9 A Yes.

10 Q And below that, Medy Ummuluna?

11 A Correct.

12 Q Generally speaking, what is your understanding of what
13 the comments, not word-for-word with each user, but what do
14 the comments indicate?

15 A Yes. Generally speaking, it's my understanding that the
16 user, Medy Ummuluna, is saying that this particular photograph
17 would make a great profile picture.

18 Q Do you see the text that I have circled where an
19 individual named Nermin Pazara refers to somebody named Bosna
20 Exiko?

21 A Yes.

22 Q Do you have any indication of what that would loosely
23 translate to and what the individual named Nermin Pazara is
24 referring to?

25 A Yes. Nermin Pazara is referring to Bosna Exiko as

1 another moniker of the defendant.

2 Q And does that indicate in general terms that similar
3 equipment is awaiting Bosna Exiko?

4 A Yes, that similar equipment is awaiting Bosna Exiko, and
5 also that in the next comment, that God willing, it would be
6 done.

7 Q I would like to show you what I have had marked as
8 Government's Exhibit No. 4. What is Government's Exhibit No.
9 4?

10 A Exhibit No. 4 is a photograph that depicts an assault
11 rifle standing up against the wall with a scope attached to it
12 and also a magazine inserted into the magazine well.

13 Q And where was this exhibit obtained from -- or this
14 picture I should say?

15 A Yes, this photograph was taken again from Facebook.

16 Q Again, from Abdullah Ramo Pazara's Facebook page?

17 A Pazara's page, yes.

18 MR. DRAKE: Permission to publish Exhibit No. 4, Your
19 Honor?

20 THE COURT: All right.

21 Q (By Mr. Drake) Is that the image that you just described?

22 A Yes.

23 Q I am going to show you page 2 of the exhibit. Can you
24 see page 2?

25 A Yes.

1 Q What date does it indicate the image was uploaded?

2 A The date uploaded was September 18, 2013.

3 Q And similarly with other exhibits, again it's in a
4 foreign language, the Comments section; is that correct?

5 A That is correct.

6 Q Okay. And do you see about halfway down, there is a user
7 named Bernes Zepco?

8 A Yes.

9 Q And does this user as far as you're informed or aware
10 indicate that he hopes that this rifle will serve the purpose
11 it's intended for?

12 A Yes.

13 Q Below that, there are other comments made by user Medy
14 Ummuluna. Are you generally familiar with what those comments
15 indicate?

16 A Generally that is correct.

17 Q And what do they -- do you know as you sit here today
18 what they generally indicate?

19 A They generally indicate that the individual is praying or
20 hoping that the weapon will serve as its intent, as it is
21 intended to do.

22 Q Okay. Does the user Medy Ummuluna indicate that it is
23 super slim in an advertisement?

24 A Yes, that it would make a great advertisement.

25 Q I would like to show you what I have had marked as

1 Government's Exhibit No. 5. What is Government's Exhibit No.
2 5?

3 A Government's Exhibit No. 5 is a status update or message
4 that was posted to Pazara's Facebook account as an update to
5 status.

6 Q And you or other agents obtained this record from
7 Facebook?

8 A Yes, that is correct.

9 Q And you are familiar with the exhibit?

10 A I am.

11 MR. DRAKE: Permission to publish the exhibit, Your
12 Honor?

13 THE COURT: All right. Yes.

14 Q (By Mr. Drake) I would like to direct your attention to
15 the posting date of the exhibit. Do you see that?

16 A I do.

17 Q What is the posting date of the exhibit?

18 A The exhibit was posted on September 26, 2013.

19 Q And knowing that you do not speak or read Bosnian,
20 generally speaking what have you been informed that the status
21 update says in general terms?

22 A In general terms, Pazara is stating that in Syria,
23 Muslims are not killing other Muslims as the media would
24 indicate. That would be the status update.

25 Q And is there a comment by user Medy Ummuluna after that?

1 A Yes. Medy Ummuluna responds generally that she is
2 praying for the brothers and sisters and that death would
3 follow to the infidels and then finishes the prayers amen,
4 amen, amen.

5 Q Okay. Does she also indicate -- or have you been
6 informed whether or not she indicates that she hopes that God
7 grant them victory?

8 A Yes, that is correct.

9 Q Does the statement or comment also indicate that, as you
10 have been informed, that there is a wish that they bury
11 unbelievers alive and give them shame?

12 A Yes, that it would give them shame.

13 Q I would like to show you what I have had marked as
14 Government's Exhibit No. 6. What is Government's Exhibit No.
15 6?

16 A Exhibit No. 6 is a photograph again that was obtained
17 from Pazara's Facebook page, Facebook account.

18 Q Okay. Are you familiar with this exhibit?

19 A I am familiar with it, yes.

20 Q Okay. And the image came from Facebook responses
21 relative to Abdullah Pazara's Facebook page; is that correct?

22 A That is correct.

23 MR. DRAKE: Permission to publish Exhibit No. 6, Your
24 Honor?

25 THE COURT: You may.

1 MR. DRAKE: Thank you, Judge.

2 Q (By Mr. Drake) And you may have done this, but for
3 purposes of the record, I might have been thinking of
4 something else, could you describe what the image depicts?

5 A Yes. The image depicts an automatic rifle, an assault
6 rifle, that has an ammunition can attached to the magazine
7 well.

8 Q And does it indicate the date on which the image was
9 uploaded?

10 A The image was uploaded on October 2, 2013.

11 Q And one of the comments was made by user Siki Ramiz
12 Hodzic; is that correct?

13 A That is correct.

14 Q Okay. And do you see page 2 of the exhibit, there is an
15 individual who we have mentioned before named Bernes Zepco.
16 Do you see that individual's name?

17 A I do.

18 Q And there is a comment made by that individual on or
19 about October 13th of 2013?

20 A Yes, that is correct.

21 Q As far as you've been informed, does that indicate that
22 that user was saying, May Allah allow to punish as many
23 infidels as possible with it?

24 A With this weapon, yes, that is correct.

25 Q Below that, the user Medy Ummuluna makes a comment. Are

1 you generally familiar with what the comment says?

2 A Yes.

3 Q What does it say?

4 A It's generally a statement of Amen or Let it be.

5 Q I would like to show you Exhibit No. 7. What does --
6 what is Exhibit No. 7?

7 A Exhibit No. 7 is a photograph.

8 Q Okay. And are you familiar with it?

9 A I am.

10 Q Okay. Where did the photograph come from to the best of
11 your knowledge?

12 A From Pazara's Facebook account, his Facebook page.

13 MR. DRAKE: Permission to publish Exhibit 7, Judge?

14 THE COURT: All right.

15 Q (By Mr. Drake) For purposes of the record, what does the
16 image depict?

17 A It depicts Pazara in a white robe with a camouflage vest
18 holding an assault rifle with a white cover over his head.

19 Q Directing your attention to page 2 of the exhibit, does
20 the exhibit indicate the date on which the image was uploaded
21 to the Facebook page?

22 A It does. The image was uploaded on October 2, 2013.

23 Q Okay. And do you see here where Medy Ummuluna makes a
24 comment to the picture?

25 A I do, yes.

1 Q Okay. And are you generally familiar with what the
2 comments posted by the user suggest or say?

3 A I am.

4 Q What generally speaking do they say?

5 A Generally speaking, Medy Ummuluna is saying that she is
6 proud that they are from the same group or the same bunch and
7 that Pazara will make them proud, and if so, that they are
8 able to brag about him and his actions.

9 Q Does it also mention Siki in the text of the comment?

10 A It does mention Siki, yes.

11 Q I would like to show you Government's Exhibit No. 8.
12 What is Government's Exhibit No. 8?

13 A Exhibit No. 8 is a photograph.

14 Q Okay. And are you familiar with the photograph?

15 A I am.

16 Q Okay. Where did the photograph come from or how was it
17 obtained?

18 A It was obtained through Pazara's Facebook account.

19 MR. DRAKE: Okay. Permission to publish the exhibit,
20 Your Honor?

21 THE COURT: Yes.

22 Q (By Mr. Drake) In Exhibit-- I'm sorry, did you say -- let
23 me back you up. Was it obtained from Pazara's Facebook
24 account or a different user's Facebook account?

25 A I apologize, I believe it was Siki's account.

1 Q Okay. And when you say Siki, who are you referring to?

2 A Siki is Siki Ramiz Hodzic.

3 Q Okay. So similar to what we were talking about with
4 Pazara, this is an image that during the investigation was
5 obtained from a Facebook account; is that correct?

6 A Yes, that is correct.

7 Q Okay. And directing your attention to page 2 of the
8 exhibit, do you see the comment made by user Siki Ramiz Hodzic
9 about halfway down the page and it's posted on October 19th of
10 2013?

11 A Yes.

12 Q Okay. Have you been informed generally speaking what
13 that comment means and what it says?

14 A Yes.

15 Q What is that that you've been informed of?

16 A That these scopes were meant for to go into a sniper
17 rifle.

18 Q Okay. Does it give any indication about how many meters
19 or -- how many meters effectively the scopes can be used for?

20 A Yes.

21 Q What does it say?

22 A Approximately 1200 meters.

23 Q Okay. And does user Medy Ummuluna during the
24 conversation as far as you've been informed ask whether or not
25 they go onto a rifle?

1 A Yes.

2 Q Okay. And are you aware of whether or not she indicates
3 in the text of the comment based on your conversations that
4 she hopes the optics get into the hands of other brothers?

5 A Yes.

6 Q Okay. Does Siki indicate during the text of the
7 conversation as far as you've been informed what type of rifle
8 they go onto?

9 A Yes. He states a sniper rifle.

10 Q And does Medy Ummuluna as far as you've been informed or
11 are aware indicate that she is hopeful that they will be
12 useful and produce results?

13 A Yes.

14 Q And on the last page of the exhibit, is that a larger
15 image of the scopes that are depicted in the exhibit?

16 A Yes, it is.

17 Q I would like to direct your attention to Government's
18 Exhibit No. 9. What is Government's Exhibit No. 9?

19 A Exhibit No. 9 is a conversation from Facebook which also
20 contains a photograph.

21 Q Okay. And is the Facebook page that this came from Siki
22 Ramiz Hodzic's as well?

23 A Yes, it is.

24 Q And are you familiar with this exhibit?

25 A I am.

1 MR. DRAKE: Okay. Permission to publish the exhibit,
2 Your Honor?

3 THE COURT: Yes.

4 MR. DRAKE: Thank you.

5 Q (By Mr. Drake) Do you see towards the bottom of the page
6 there is part of the conversation or text in which the author,
7 Siki Ramiz Hodzic, is talking about Mirza Ganic?

8 A Yes.

9 Q Okay. And are you familiar with who Mirza Ganic is?

10 A I am.

11 Q Generally speaking at least.

12 A Generally speaking, that's correct.

13 Q And who do you know him or her to be?

14 A Mirza Ganic is an individual who was traveling with
15 Pazara in Syria conducting similar type of activity.

16 Q Okay. So generally engaged in violence or fighting in
17 Syria?

18 A That is correct.

19 Q And in that conversation, does Siki indicate that Mirza
20 Ganic was interested in or asked about a knife that could be
21 used for slaughtering?

22 A Yes.

23 Q Following at the very bottom of the page and on to the
24 next, the conversation continues, and there is an image
25 posted. Do you see the image?

1 A I do.

2 Q Could you describe the image that is posted for purposes
3 of the record?

4 A Yes. The image appears to be a knife with a blade of
5 approximately 6 inches in length with a handle typically used
6 in combat or also known as a combat knife.

7 Q And following on to the next page, does the individual
8 listed as Medy Ummuluna make a comment generally speaking as
9 part of the conversation about the knife?

10 A She does. She makes a comment that it's super.

11 Q And your testimony that her comment -- or Medy Ummuluna's
12 comment that it's super is based on again conversations you
13 have had with other linguists and information you have read;
14 is that correct?

15 A That is correct.

16 Q During the course of your investigation, are you aware of
17 whether or not the defendant, Ms. Salkicevic, travelled
18 abroad?

19 A Yes, I am.

20 Q Okay. Where did she travel to?

21 A She travelled to Bosnia.

22 Q Do you know whether or not she has generally speaking any
23 connections in Bosnia?

24 A She has family in Bosnia, a mother and two sisters.

25 Q And are you aware of whether or not she ever spoke about

1 traveling to Bosnia in the future?

2 A She has.

3 Q Okay. Are you aware of whether or not she has a home
4 there?

5 A She does have a home in Bosnia, that's correct.

6 Q Okay. Are you aware that the defendant was arrested on
7 or about February 6th of this year?

8 A Yes.

9 Q Okay. Was she arrested at her home?

10 A No.

11 Q Where was she arrested?

12 A She was arrested in a vehicle on a traffic stop.

13 Q Okay. During that vehicle traffic stop, did she indicate
14 where she was going or what she was doing?

15 A She did.

16 Q What did she tell you or other agents?

17 A She told agents that she was en-route to renew the
18 passports of her two youngest children because they
19 anticipated travel to Bosnia in March.

20 Q Meaning she and her children or other members of her
21 family?

22 A That is correct.

23 MR. DRAKE: I have no further questions for the
24 witness at this time, Your Honor.

25 THE COURT: All right. Thank you. Ms. Gambino, you

1 may inquire. If you want to reserve your examination until
2 after you have had further investigation, I will give you that
3 opportunity. Probably at the next hearing, I don't know that
4 we would go back over the examination that you conducted now,
5 but I will give you that opportunity.

6 MS. GAMBINO: I would prefer to do it after I have
7 had an opportunity to get this translated and see what it is
8 in context.

9 THE COURT: All right.

10 MS. GAMBINO: So if we would have a continued
11 hearing, I would do my cross examination at that time.

12 THE COURT: All right.

13 MS. GAMBINO: I could cover some general matters
14 today, however.

15 THE COURT: Oh, all right. Go ahead.

16 CROSS EXAMINATION

17 BY MS. GAMBINO:

18 Q Agent, the pictures that you were talking about were
19 posted to somebody else's Facebook, not to Ms. Salkicevic's
20 Facebook account; isn't that correct?

21 A That is correct.

22 Q And, in fact, you have had an opportunity to go through
23 Ms. Salkicevic's Facebook account?

24 A Yes.

25 Q And she has no similar pictures or postings in her

1 account, does she?

2 A Not to my knowledge.

3 Q And, in fact, what she does have is a page for Sadaka
4 Teslic; isn't that correct?

5 A Yes.

6 Q And are you familiar with what Sadaka Teslic is?

7 A From my general knowledge, ma'am, it is a charity
8 organization.

9 Q It is a charity organization, and, in fact, there are
10 very many pictures of women and children and others who have
11 received food, blankets, oil, clothing, and other goods from
12 Sadaka Teslic; isn't that correct?

13 A I believe that is correct, ma'am, yes.

14 Q And there are pictures of Ms. Salkicevic's sister
15 delivering those goods to people in Bosnia; isn't that
16 correct?

17 A I do not recall the specifics, but I believe in general
18 that is correct.

19 Q And you know based on your investigation that
20 Ms. Salkicevic is Bosnian?

21 A Yes, that is correct.

22 Q And that she was a child and a young teen during the war
23 in Bosnia?

24 A Yes.

25 Q And, in fact, she lived in Teslic which was a village

1 that was ethnically cleansed. Isn't that correct also?

2 A I believe that is correct, yes.

3 Q And isn't it true that she met Siki or Mr. Hodzic during
4 that time when their village was being evacuated and they were
5 being forcibly removed from their homes?

6 A I'm sorry, I do not recall.

7 Q And don't you -- do you also know that Ms. Salkicevic is
8 a refugee from Bosnia?

9 A Yes.

10 Q And it was on that basis that she came to the United
11 States to establish residence and citizenship here?

12 A Correct.

13 Q And that most of her work has to do with giving charity
14 to people in Bosnia who are suffering; isn't that correct?

15 A That, I am not sure, ma'am, I'm sorry.

16 Q Based on your review of her Facebook and its pictures.

17 A Based on my review of her Facebook, I would say that she
18 does play a part in that effort, yes.

19 Q Now the war in Syria began in 2011; isn't that correct?

20 A I do not recall specifically the dates. I apologize.

21 Q And based on your investigation, you are aware that the
22 United States, too, supports groups who are fighting in Syria;
23 isn't that correct?

24 A I would need to review further, I apologize, ma'am. I
25 don't have the specifics on the policy of the United States

1 right now.

2 Q And at that time, the United States was interested in
3 supporting the Free Syrian Army; isn't that correct?

4 A I do not recall.

5 Q And do you know or are you aware whether there were
6 Bosnian Muslims that went to help the Free Syrian Army at the
7 beginning of the Syrian war?

8 A I am not aware.

9 Q And, in fact, you are aware that Ms. Salkicevic couldn't
10 tell you who this flag was for specifically, could she?

11 A She mentioned that it was for groups who were fighting in
12 Syria.

13 Q And there are groups fighting in Syria who are fighting
14 against Assad; isn't that correct?

15 A My personal knowledge of what's an open source media, I
16 believe that is correct.

17 Q And that's because Assad, who is the leader of Syria, is
18 combating, bombing, and gassing his own people?

19 A Again, I would have to defer on the open source media by
20 saying that that would be correct based on those reports.

21 Q And you also know that based on your investigation of
22 groups that are fighting in Syria; you know the reason why
23 they are fighting in Syria?

24 A This particular investigation, I would say that this
25 investigation was not against that particular cause, so I

1 would have to dig further to find that answer for you, ma'am,
2 and revisit that question.

3 Q That would be much appreciated. And you know as a result
4 of this war in Syria, there have been large numbers of
5 refugees including women and children who are suffering there
6 just as Ms. Salkicevic and her family did when there was a war
7 in Bosnia; isn't that correct?

8 A That is correct.

9 Q And you know based on your review of Ms. Salkicevic's
10 Facebook page, that she does not advocate war; in fact, she
11 advocates exactly the opposite?

12 A According to -- I'm sorry, could you please repeat?

13 Q According to your review of Ms. Salkicevic's Facebook
14 page, there are no passages advocating war or death or killing
15 or anything of that nature?

16 A Directed on her Facebook page?

17 Q Right, where she creates posts and post pictures; isn't
18 that correct?

19 A On her account?

20 Q On her account.

21 A That is correct.

22 Q And some of these passages that you referenced being by
23 Ms. Salkicevic had little smiley faces and things like that at
24 the end of them, did they not?

25 A Various emoticons, yes.

1 Q And you haven't had a conversation with Ms. Salkicevic
2 with respect to the meaning of any of these conversations and
3 whether they were said in a joking way or they were intended
4 to mean something other than what you are interpreting?

5 A I personally have not had that conversation with
6 Ms. Salkicevic.

7 Q And have you had that conversation with anybody who was
8 involved in these postings that you are testifying about?

9 A I have not had that conversation, ma'am.

10 Q And to your knowledge, has that conversation been had?

11 A To my knowledge, that conversation -- I am not aware of
12 that conversation, ma'am.

13 Q Now this person in the pictures, Mr. Pazara, he is no
14 longer living, is he?

15 A That's correct.

16 Q You testified about Ms. Salkicevic's mother and sister in
17 Bosnia?

18 A I believe that is correct, yes.

19 Q And are you aware that her mother is ill?

20 A Her mother is ill, yes, ma'am, I am aware.

21 Q And that was the purpose of her proposed trip this spring
22 to Bosnia was to take care of her mother who was ill?

23 A I understand that is correct, yes.

24 Q In fact, at this point, Ms. Salkicevic doesn't have a
25 passport, does she?

1 A She does not.

2 Q And her children don't have passports either, do they?

3 A Not to my knowledge.

4 Q And her home was searched, wasn't it?

5 A The home in Chicago?

6 Q Yes.

7 A That is correct.

8 Q And the home in Chicago, any passports or other travel
9 documents were taken from that home at that time?

10 A I believe they were seized, yes, ma'am.

11 Q So Ms. Salkicevic at this point has no ability to travel
12 abroad?

13 A At this point in time, not to my knowledge.

14 Q Now with respect to the home that she is building in
15 Bosnia, are you familiar based on any of your investigations
16 about people who are immigrants from other countries having
17 homes both here in the United States and in their home
18 country?

19 A Generally speaking, ma'am, yes.

20 Q And with respect to Ms. Salkicevic, you know that she was
21 employed full time at the time of her arrest, was she not?

22 A She was, that's correct.

23 Q She was employed working seven days a week third shift
24 for Alliance Ground; isn't that correct?

25 A I believe it was Alliance, yes, ma'am.

1 Q And she's married to Mr. Julio Pedroza who is a permanent
2 resident of this country; isn't that correct?

3 A That is correct.

4 Q And she and Mr. Pedroza have two children in addition to
5 the two daughters that she had when she first came here; is
6 that correct?

7 A That is correct, ma'am.

8 Q She has a total of four daughters from the ages of 14 to
9 6 who are all American citizens; isn't that correct?

10 A I believe so, yes.

11 Q As she herself is an American citizen?

12 A She is, yes.

13 Q Now to your knowledge, Ms. Salkicevic has never expressed
14 any desire or said that she wanted to go to or participate in
15 the events in Syria; isn't that correct?

16 A Her herself to participate, I'm sorry?

17 Q Correct.

18 A Not to my knowledge, ma'am.

19 Q And she has not even as charged even assuming the
20 allegations are true, which I do not, but she is not even
21 alleged to have given money to this Mr. Pazara; isn't that
22 correct?

23 A Directly to him, I believe that is correct.

24 Q In fact, the money, the rather small amount of money,
25 that she collected and sent as part of her charity work went

1 to Mr. Hodzic in St. Louis; isn't that correct?

2 A To Hodzic, yes, ma'am.

3 Q Now you are also familiar with the fact that
4 Ms. Salkicevic was cooperative with the agents upon her
5 arrest, wasn't she?

6 A Yes, that is correct.

7 Q And she had no idea why she was being arrested, did she?

8 A She seemed surprised.

9 Q And, in fact, she was so cooperative that she allowed
10 agents to search her cell phone and gave them the password
11 when they couldn't get into it; isn't that correct?

12 A I'm sorry, I don't recall. I was not at the arrest.

13 Q Now Ms. Salkicevic's main concern at the time of her
14 arrest was her children; isn't that correct?

15 A Her children, yes, ma'am.

16 Q In fact, she didn't want to waive her right under
17 the 17-hour rule because she wanted to be able to get in front
18 of a judge and, if possible, get home as soon as she could
19 because of her children; isn't that correct?

20 A I believe that is correct, yes.

21 Q And to your knowledge, Ms. Salkicevic is not a person of
22 great means, is she?

23 A I'm sorry, ma'am, please redefine.

24 Q She is not a person with a lot of extra money?

25 A I believe that would be accurate, yes, ma'am.

1 Q In fact, she is working seven days a week, and her
2 husband also works. He works first shift; she works third;
3 isn't that correct?

4 A Yes, that is correct.

5 Q And they live in a rather modest apartment in Schiller
6 Park?

7 A Yes.

8 Q It has two bedrooms for the six of them?

9 A I believe, yes, ma'am, two bedrooms.

10 Q For her, her husband, and her four daughters?

11 A Yes, that is correct.

12 Q And to your knowledge, other than going to Bosnia, her
13 home country, has Ms. Salkicevic travelled overseas?

14 A Other than to Bosnia, I am not aware of any other foreign
15 travel at the present.

16 MS. GAMBINO: Thank you. No further questions at
17 this time, Your Honor.

18 THE COURT: All right. Redirect?

19 MR. DRAKE: Thank you, Your Honor, no.

20 THE COURT: All right. You may step down. Thank
21 you. Any further information at this time on behalf of the
22 Government?

23 MR. DRAKE: Not in terms of evidence or testimony,
24 Judge; however, I did prepare an exhibit which I have marked
25 Government's Exhibit No. 10, which I would proffer to the

1 Court and ask the Court to take judicial notice of. It's the
2 Memorandum, Opinion, and Order from United States Magistrate
3 Judge Jeffery Cole in Chicago concerning the prior matter of
4 detention concerning Ms. Salkicevic and her removal
5 proceedings to St. Louis, Judge.

6 THE COURT: All right.

7 MR. DRAKE: And I would move subject to the Court's
8 prior rulings for the admission of Government's Exhibits No. 1
9 through 9 for purposes of the Court's consideration in this
10 hearing.

11 THE COURT: All right. I will take the earlier
12 magistrate judge's opinion and order as evidence in the case.
13 How much time do you want to complete or to further your
14 investigation before we are back in court with another
15 opportunity to examine the agent?

16 MS. GAMBINO: I think a week should be sufficient,
17 Judge.

18 THE COURT: All right. I'm going to continue further
19 proceedings in this detention hearing until Monday, March 23
20 at 2:00 in the afternoon. It's a little bit longer than the
21 seven days, but that's the date that I will set at this time.
22 All right. Has this been filed?

23 MS. GAMBINO: It has not, Judge. I'm happy to do
24 that as soon as I get my (inaudible).

25 THE COURT: All right. You have a copy of

1 everything?

2 MS. GAMBINO: I do.

3 THE COURT: All right. So you don't need this
4 returned to you?

5 MS. GAMBINO: I do not. That's your copy, Judge.

6 THE COURT: All right. Go ahead and file it and
7 provide the Government with a copy if you have not already
8 done so.

9 MS. GAMBINO: I have already provided it.

10 MR. DRAKE: We have received that, Judge, thank you.

11 THE COURT: All right. Thank you all very much. We
12 will be in recess until March 23 at 2:00.

13 MR. DRAKE: Thank you, Judge.

14 MS. GAMBINO: Thank you, Judge.

15 THE COURT: You're welcome.

16 **(PROCEEDINGS CONCLUDED AT 3:07 P.M.)**

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CERTIFICATE

I, Angela K. Daley, do hereby certify that I am a duly appointed official court reporter for the United States District Court for the Eastern District of Missouri.

I further certify the foregoing is a true and accurate transcription as heard and understood from the taped proceedings held in the above-entitled case as has been transcribed from said tape to the best of my ability.

This reporter does not certify any transcript nor takes any responsibility for missing or damaged pages of this transcript when said transcript is copied and delivered by any party other than this reporter.

March 17, 2015

/s/Angela K. Daley