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# **EXHIBIT “P”**

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a missile attack coming there." See Trial Trans. pp. 327-328.<sup>9</sup> Shaar reported that Aref reacted by accusing the CW of taping him, and that Aref searched the CW for a body recorder. Id. at 328-329.<sup>10</sup> The CW's warning initially "scared" Kassim Shaar, until Shaar was told by Aref that the CW was joking. Id. at 329, 356-57.

### 11. March 2, 2004 - The Suicide Bomber Story

On March 2, 2004 the CW met with Aref and brought up the February 12 meeting, reiterating his warning of that day not to go to New York because of something happening to the Consulate:

CW: Well, I'm, because the, the other day because I told you something, brother, in front of Kassim. I should not say you that do not go to New York City because of uh, of something happening to the Consulate you know.

YA:<sup>11</sup> Yeah, that's very dangerous.

CW: I told you and uh because then we, we have to change it because the Consulate didn't show up but that's another story.

Govt. Ex. 2 P-T, 9:4-10.

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<sup>9</sup> There is no transcript of this meeting because the body recorder purportedly fell off of the CW on his way to the meeting. The substance of conversations during the meeting were testified to by Kassim Shaar, and by FBI Agent Coll who was monitoring the meeting over a kel transmitter. Because the conversation was not in a language that Coll understood, he was only able to testify to hearing certain words that he did understand, such as "chaudry." Shaar testified as follows about the conversation:

Q. Did [the CW] say anything about New York City that night?

A. Actually, he said that -- we are talking about like business and what he does and he bring merchandise from New York City; and he, he say that there was an attack coming to New York City, a missile attack coming there.

<sup>10</sup> On cross-examination Aref admitted that on February 12 the CW warned there would be an attack in New York City the next week. Trial Trans. pp. 1600. Aref testified that he didn't hear the word "missile," but he understood attack to mean to "bomb somewhere or fight something." Id. at 1600-01. Aref did not report the warning to the FBI or other authorities because he was "hundred percent sure that's lie, that's not true." Trial Trans. pp. 1602. Aref denied patting the CW down in a search of a recording device. Id. at 1602-03.

<sup>11</sup> "YA" identifies the speaker as Yassin Aref.