

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action
)	No. 13-10200-GAO
)	
DZHOKHAR A. TSARNAEV, also)	
known as Jahar Tsarni,)	
)	
Defendant.)	
)	

BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.
UNITED STATES DISTRICT JUDGE

JURY TRIAL - DAY FIFTY-FIVE

John J. Moakley United States Courthouse
Courtroom No. 9
One Courthouse Way
Boston, Massachusetts 02210
Tuesday, May 5, 2015
9:12 a.m.

Marcia G. Patrisso, RMR, CRR
Cheryl Dahlstrom, RMR, CRR
Official Court Reporters
John J. Moakley U.S. Courthouse
One Courthouse Way, Room 3510
Boston, Massachusetts 02210
(617) 737-8728

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I N D E X

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WITNESSES FOR THE
DEFENSE:

AMANDA RANSOM

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By Ms. Pellegrini 22

ELIZABETH ZAMPARELLI

By Ms. Conrad 23
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MIRRA KUZNETSOV

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<u>DEFENDANT'S EXHIBIT</u>	<u>DESCRIPTION</u>	<u>FOR ID</u>	<u>RECEIVED</u>
3418	Photograph		8
3507-053A	Photograph		9
3509E	Redacted medical records of Dr. Ness		60
3314-001 and 3314-001A	Photographs of links found on Tamerlan's computer		112
3314-003 and 3314-003A	Article found on Tamerlan's computer		113
3285	Photograph		166
3281	Photograph		172
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P R O C E E D I N G S

THE CLERK: All rise for the Court and the jury.

(The Court and jury enter the courtroom at 9:12 a.m.)

THE CLERK: Be seated.

THE COURT: Good morning, jurors.

THE JURORS: Good morning, your Honor.

MS. CONRAD: The defense calls Amanda Sass- -- excuse
me -- Amanda Ransom.

AMANDA RANSOM, duly sworn

THE CLERK: Have a seat. State your name, spell your
first and last name for the record, and keep your voice up.

THE WITNESS: My name is Amanda Ransom, A-M-A-N-D-A,
R-A-N-S-O-M.

DIRECT EXAMINATION

BY MS. CONRAD:

Q. Good morning, Ms. Ransom.

Is "Ransom" your married name?

A. It is, yes.

Q. When did you get married?

A. May of 2014.

Q. And what was your maiden name?

A. Saisselin.

Q. Can you spell that, please, for the court reporter?

A. S-A-I-S-S-E-L-I-N.

Q. How old are you, Ms. Ransom?

- 1 A. I'm 25.
- 2 Q. And what kind of work do you do?
- 3 A. I work in a local university.
- 4 Q. Where do you live?
- 5 A. I live in Providence.
- 6 Q. Rhode Island?
- 7 A. Yes.
- 8 Q. Where did you go to school?
- 9 A. I went to Suffolk University.
- 10 Q. And when did you graduate?
- 11 A. In 2011.
- 12 Q. What was your major?
- 13 A. Philosophy.
- 14 Q. Where did you live your freshman year of college?
- 15 A. I lived at the dorm at 150 Tremont Street.
- 16 Q. And did you share a room with someone?
- 17 A. Yes, I shared a room with three other girls.
- 18 Q. And was one of them Katherine Russell?
- 19 A. Yes.
- 20 Q. And did you get to know Katherine over the course of your
21 freshman year?
- 22 A. Yes.
- 23 Q. And how would you describe your relationship that year?
- 24 A. We became very close our freshman year.
- 25 Q. What was she like when you met her in 2007?

1 A. She was very smart and sarcastic and funny.

2 Q. What kinds of things would you do together?

3 A. We just -- we lived together. We would go shopping and
4 eat together and pretty much -- we'd go to school together, our
5 homework, everything, really.

6 Q. At some point did you meet -- or did you hear about, I
7 should say, Tamerlan Tsarnaev?

8 A. Yes.

9 Q. And how did you hear about him?

10 A. She -- after she met him, she told us that she met him.

11 Q. What did she tell you about him?

12 MS. PELLEGRINI: Objection.

13 THE COURT: Overruled.

14 THE WITNESS: She just told us that she had met this
15 person in a club that she liked.

16 BY MS. CONRAD:

17 Q. And at some point, did you meet him?

18 A. Yes.

19 Q. And did you know what his relationship at that point was
20 with Katherine?

21 A. Yes. It was in its very early stages. I just knew that
22 he liked her.

23 Q. And she liked him?

24 A. Yes.

25 Q. I would like to show you Exhibit 3418.

1 MS. CONRAD: I don't know if the government has an
2 objection to this exhibit; otherwise, I would ask to admit it
3 and publish it.

4 MS. PELLEGRINI: No objection.

5 MS. CONRAD: Thank you.

6 (Defense Exhibit No. 3418 received into evidence.)

7 BY MS. CONRAD:

8 Q. Do you see that photograph on the screen?

9 A. Yes.

10 Q. And who is that in that picture?

11 A. That's Tamerlan and Katherine.

12 Q. And is that what they looked like in about 2007?

13 A. Yes.

14 Q. In fact, did you take this picture?

15 A. I did.

16 Q. And what was he like?

17 A. He was very outgoing and chatty and flashy.

18 Q. What do you mean by "flashy"?

19 A. The way he dressed and...

20 MS. CONRAD: So I'd like to show another photograph,
21 Exhibit 3419.

22 MS. PELLEGRINI: Just for the witness, please. I
23 think I have an objection to this one.

24 MS. CONRAD: Oh, I'm sorry. Not 3419. I got my
25 numbers wrong. 3507-053A. I'm not going to be offering 3419,

1 Ms. Pellegrini.

2 Do you have an objection to this one?

3 MS. PELLEGRINI: No.

4 MS. CONRAD: I'd offer this, your Honor.

5 THE COURT: Okay. The number again?

6 MS. CONRAD: 3507-053A.

7 (Defense Exhibit No. 3507-053A received into
8 evidence.)

9 BY MS. CONRAD:

10 Q. And do you see that photograph?

11 A. Yes.

12 Q. And is that what Tamerlan looked like when you met him in
13 2007 and during the time that you knew him?

14 A. Yes.

15 Q. Or at least the beginning of the time that you knew him, I
16 guess I should say?

17 A. Yes.

18 Q. And do you know where this photograph was taken?

19 A. Did you say -- I'm sorry?

20 Q. Do you know where this photograph was taken?

21 A. I believe it's the North End.

22 Q. Of Boston?

23 A. Yes.

24 Q. Did you go out with Katherine and Tamerlan?

25 A. Yes.

1 Q. And would that be just the three of you or with groups?

2 A. At first we went out in groups; and later on, we did go
3 out just the three of us.

4 Q. And where would you go?

5 A. At first we went to a nightclub a few times; and later on,
6 I've gone to dinner with them.

7 Q. So you said you went to nightclubs. How old were you at
8 this point?

9 A. I was about 20, maybe.

10 Q. Freshman year?

11 A. Yes.

12 Q. Were you underage at that point?

13 A. Yes.

14 Q. How did you get into the nightclub?

15 A. He would pay the bouncers to get us in.

16 Q. Did you know what he did for a living?

17 A. It was unclear, but he said he worked with cars,
18 delivering cars.

19 Q. And do you remember what kind of car he was driving at
20 that time?

21 A. He was driving a Mercedes.

22 Q. And did Katherine tell you anything about his background?

23 A. About -- I'm sorry?

24 Q. His background.

25 A. I was aware that he was Chechen. I don't know who told me

1 that.

2 Q. Now, did you live together with Katherine during your
3 sophomore year of college?

4 A. No.

5 Q. But did you remain good friends?

6 A. Yes.

7 Q. How would you describe Katherine and Tamerlan's
8 relationship over the course of freshman and sophomore year?

9 A. They were on and off multiple times. They broke up and
10 got back together multiple times.

11 Q. And did you know why?

12 A. There was a range of reasons, but at one point she found
13 out that he was dating another woman.

14 Q. And how was it that they got back together?

15 A. I remember one time she ran into him on the street, and
16 they talked, and she decided to see him again.

17 Q. What was his personality like? Was he sort of a laid-back
18 person?

19 A. No, it was more aggressive.

20 Q. And did you at some point start to feel uncomfortable
21 around him?

22 MS. PELLEGRINI: Objection to the leading.

23 THE COURT: You may have it. Go ahead.

24 BY MS. CONRAD:

25 Q. At some point did you start to feel uncomfortable around

1 him?

2 A. Yes.

3 Q. Why?

4 A. There were a few instances between -- that I witnessed and
5 also between us and our conversations where I just didn't quite
6 feel like we were on the same page.

7 Q. Can you tell me about that -- tell us about those, please?

8 A. Yes. When we -- when we were living together in our
9 sophomore year, later in the summer, I could --

10 Q. I'm sorry. Let me just stop you there. So you didn't
11 live together in sophomore year, but the summer after sophomore
12 year, you shared an apartment?

13 A. Yes.

14 Q. I'm sorry. Please continue.

15 A. During that year, we were all in the same apartment. I
16 could hear some of their conversations, and I heard some of
17 the -- she would tell me some of the things that he said to
18 her. And at one point we all went out, and I witnessed him
19 being aggressive with somebody on the street.

20 Q. So let's go back to that. You said you heard some of the
21 things they were talking about. What did you hear?

22 A. At one point I heard him laughing really -- really hard,
23 and she was crying in her room. And later I asked her what had
24 happened, and she said that after they had had sex, he told her
25 that he had AIDS, and when she started to cry, he laughed at

1 her, just --

2 Q. And did he say whether he was serious or not?

3 A. He said he wasn't serious. It was a joke.

4 Q. But she wasn't laughing?

5 A. No.

6 Q. And did you ever hear them arguing?

7 A. Yes.

8 Q. Did you ever feel uncomfortable with him in your personal
9 interactions with him?

10 A. Yes.

11 Q. Can you tell us more about that?

12 A. Just the way that our conversations would go, I always
13 felt like we weren't quite having the same conversation. He
14 would sort of laugh when I didn't think something was funny,
15 or -- I think certain things may have just been lost between
16 us. Our conversations were not always quite clear.

17 Q. Did you -- you mentioned that you once saw him be
18 aggressive with someone on the street. Please explain.

19 A. We had gone out to dinner, Katherine and Tamerlan and I,
20 and we were walking on the street, and a man sitting on a wall
21 said something to Katherine and I, and Tamerlan confronted him
22 and asked him what he said. And he repeated it. And Tamerlan
23 punched him in the chest.

24 Q. How hard did he punch him?

25 A. Hard. I think the man was knocked out on the ground.

1 Q. He fell to the ground?

2 A. Yeah.

3 Q. And what was your reaction to that?

4 A. I was shocked, and I just -- we walked away very quickly.

5 Q. When was that; do you remember? Was it -- I mean, can you
6 pin it down in terms of freshman year, sophomore year, summer?

7 A. I believe it was sophomore year, but I don't remember the
8 exact date.

9 Q. And you said that you lived together with Katherine
10 at -- in the summer after your sophomore year, so this would
11 have been 2009? The summer of 2009?

12 A. Yes.

13 Q. And at that point, had you noticed any changes in her?

14 A. That's when she started to be more exclusive with him. We
15 were still very close at that point.

16 Q. Did she still dress in the same way?

17 A. That summer, yes.

18 Q. And did you, at some point during the summer or fall of
19 2009, suspect that she was being emotionally abused?

20 MS. PELLEGRINI: Objection.

21 THE COURT: Overruled.

22 You may answer.

23 THE WITNESS: Yes.

24 BY MS. CONRAD:

25 Q. And what made you suspect that?

1 A. The conversation I mentioned previously, amongst other
2 similar conversations.

3 Q. Was there anything else that you observed her doing to try
4 to please Tamerlan?

5 A. That was around the time that he gave her the Qur'an for
6 the first time, and she sort of observed some holidays with
7 him.

8 Q. Before that, did he ever make comments to her or did she
9 tell you that he had complained to her about her weight?

10 MS. PELLEGRINI: Objection. Leading.

11 THE COURT: Overruled.

12 THE WITNESS: Yes.

13 BY MS. CONRAD:

14 Q. So can you tell us about that, please.

15 A. Another conversation she told me about that I was not
16 there for, she was in the car with him, and he said to her that
17 she was getting fat and she needed to lose weight.

18 Q. And did you observe her make efforts to do that?

19 A. Yes. She said it was in her best interests.

20 Q. And what did she do?

21 A. She would try to -- she tried to lose weight. It was
22 through diet, not exercise.

23 Q. Did you think she needed to lose weight?

24 A. No.

25 Q. And at some -- after the summer, did you and Katherine

1 move into another apartment at the beginning of the 2009 school
2 year?

3 A. Yes.

4 Q. And did you move in with somebody else?

5 A. Yes.

6 Q. And can you -- and was that person Stephanie?

7 A. Yes.

8 Q. Can you describe the layout of that apartment, please?

9 A. It was two floors, and Stephanie and I lived on the second
10 floor, and Katherine lived on the first floor.

11 Q. And did you each have your own bedroom?

12 A. Yes.

13 Q. How many bathrooms were there?

14 A. Two.

15 Q. And where was -- was there a bathroom on each floor?

16 A. Yes.

17 Q. How much would you see of Tamerlan at that point?

18 A. He was there most of the time, but I didn't see him very
19 much.

20 Q. So -- and what about Katherine? Did you see much of
21 Katherine at that point?

22 A. I started seeing her less and less at that point.

23 Q. Do you know whether she was attending class?

24 A. I had heard from other friends at school that they saw her
25 at school.

1 Q. And what changes did you notice in -- if any, did you
2 notice in Katherine at that point?

3 A. Besides not really being involved in her daily life that
4 much anymore, she started to change her dress at that point,
5 and she was wearing a hijab.

6 Q. And what were some of the other changes that you noticed?

7 A. I don't remember what month, but she had started to dress
8 fully -- she had started to fully cover herself, and she just
9 became very quiet and, obviously, alienated from myself and
10 Stephanie.

11 Q. I'm sorry. I missed the word.

12 A. Alienated from Stephanie and myself.

13 Q. "Alienated"?

14 Did you try during that summer and fall to maintain what
15 had been a very close friendship?

16 A. Yes.

17 Q. And how would she respond?

18 A. I don't recall exactly what was said, but it was
19 unsuccessful.

20 Q. Did something happen at the end of 2009 that caused you to
21 move out of that apartment?

22 A. Yes.

23 Q. What was it?

24 A. I had -- I had heard an argument between them, and I
25 attempted to help Katherine and --

1 Q. What did you do?

2 A. I went downstairs to her room, and I banged on the door.
3 And I knew that she needed help because I could hear her asking
4 for it earlier, before I ran downstairs. And she said it was
5 none of my business and wanted me to go away. And --

6 Q. Let me just stop you right there. Do you remember what
7 time of day or night this was?

8 A. It was, I think, about one o'clock in the morning,
9 two o'clock in the morning.

10 Q. And what exactly did you hear, as best you recall and as
11 best you can describe it?

12 A. I could hear -- I was sleeping with my TV on, and I was
13 woken up by how loud they were fighting, and I could hear
14 banging, and I don't know what the noises were, but it was
15 screaming as well as throwing things or...

16 Q. Did you think it was just a verbal argument?

17 A. No.

18 MS. PELLEGRINI: Objection.

19 THE COURT: Overruled.

20 You may answer it.

21 BY MS. CONRAD:

22 Q. What did you hear that made you think that it might be a
23 physical fight?

24 A. I could hear things being physically either thrown or
25 moved or...

1 Q. When you went downstairs, how did Katherine sound?

2 A. She sounded frantic, but when I spoke to her, she was very
3 calm and stern with me.

4 Q. So when you -- after she told you it was none of your
5 business, what did you do?

6 A. I said that he needed to get out of our house.

7 Q. And this was still -- you were outside the bedroom door?

8 A. Yes.

9 Q. And did either of them respond?

10 A. She repeated that it was none of my business.

11 Q. So what did you do?

12 A. I went back upstairs to go talk to Stephanie.

13 Q. And what happened after you went upstairs?

14 A. Their door opened, and he, I think, came out. I didn't
15 see because when I heard their door open, I had gone in my
16 room. And he was speaking to me from the bottom of the
17 stairwell.

18 Q. So let me just stop you there. So you're in your room.

19 Did you have a lock on the door of your room?

20 A. No.

21 Q. Did you do anything to secure the door?

22 A. Yes. After he spoke to me, I moved my desk to barricade
23 my door.

24 Q. What did he say?

25 A. He -- it was repeating, very angrily, "Get down here right

1 now."

2 Q. And did he say anything after that?

3 A. When I said no, he said, "If I ever see you again."

4 Q. And how did you interpret that?

5 A. I was very scared.

6 Q. Did you take it as a threat?

7 A. Yes.

8 Q. And is that when you barricaded the door?

9 A. It was when he was asking me to come downstairs.

10 Q. So what did you do at that point? This is now, what,
11 one-thirty, two in the morning?

12 A. Uh-huh.

13 Q. So what did you do?

14 A. When I heard their door shut again, I ran into Stephanie's
15 room to ask if she had heard everything that had happened, and
16 she was also wide awake with her light on, and she was scared.
17 And we packed bags, and we left.

18 Q. Now, you say you left. Where did you go?

19 A. We went to a friend from high school that I knew who lived
20 in Boston's house, apartment.

21 Q. Why did you leave?

22 A. We were scared.

23 Q. Did you take time to change clothes?

24 A. I'm sorry?

25 Q. Did you take time to change clothes?

1 A. No.

2 Q. So you left in your pajamas?

3 A. Yes.

4 Q. And did you call the police?

5 A. No.

6 Q. Why not?

7 A. I was thinking that she would deny anything ever having
8 happened and he wouldn't be put in jail, and therefore he would
9 be more agitated with me.

10 Q. Did you take some action, though?

11 A. I had asked a lawyer for advice on how to get out of our
12 lease.

13 Q. And did you actually send the lawyer an email that night?

14 A. Yes.

15 Q. At about three in the morning?

16 A. Yes.

17 MS. CONRAD: I'd offer, at this time, Exhibit 3238,
18 your Honor.

19 MS. PELLEGRINI: Objection, your Honor.

20 THE COURT: Sustained.

21 MS. CONRAD: May I show it just to the witness,
22 please?

23 THE COURT: Yes.

24 MS. CONRAD: Thank you.

25 Just for the witness. Do you have 3238?

1 BY MS. CONRAD:

2 Q. Is this the email that you sent?

3 A. Yes.

4 Q. And what was the date?

5 A. December 14th, 2009.

6 Q. And that was when this happened?

7 A. Yes.

8 Q. Did you ever move back into the apartment?

9 A. No.

10 Q. Did you ever see Katherine again?

11 A. Yes.

12 Q. When did you see her?

13 A. About a week or two later to discuss moving out.

14 Q. And -- well, let me back up a second.

15 Between when you left the apartment in the middle of the
16 night and when you saw her again, did you hear from her?

17 A. Yes.

18 Q. And how did you hear from her?

19 A. She had called my phone the next day.

20 Q. And spoke to you or left you a message?

21 A. She left me a message.

22 Q. And what did she say?

23 A. She said that I was -- she said that Tamerlan had never
24 threatened me and that I was being childish.

25 Q. Did you -- and what happened when you met with her?

1 A. I'm sorry?

2 Q. What happened when you met with her?

3 A. It was very business. We were talking about subletting
4 our rooms.

5 Q. And fair to say that was the end of your friendship?

6 A. Yes.

7 MS. CONRAD: I have nothing further.

8 CROSS-EXAMINATION

9 BY MS. PELLEGRINI:

10 Q. Good morning, Ms. Ransom.

11 A. Good morning.

12 Q. I just have a few questions for you.

13 When Tamerlan Tsarnaev, you said, told you to "Come down
14 here," did you go?

15 A. No.

16 Q. Okay. And do you have anything to tell this jury about
17 the defendant, Dzhokhar Tsarnaev?

18 A. No.

19 MS. CONRAD: Objection, your Honor.

20 THE COURT: Sustained.

21 BY MS. PELLEGRINI:

22 Q. Did you ever meet Dzhokhar Tsarnaev?

23 MS. CONRAD: Objection.

24 THE COURT: Overruled.

25 You may answer that.

1 THE WITNESS: No.

2 BY MS. PELLEGRINI:

3 Q. Did you even know that Tamerlan Tsarnaev had a brother?

4 A. Yes.

5 Q. And did you know that while you were living with Katherine
6 Russell?

7 A. Yes.

8 Q. All right. And -- but you never met Dzhokhar Tsarnaev?

9 A. No.

10 MS. PELLEGRINI: I have nothing further.

11 THE COURT: Is that it?

12 MS. CONRAD: Thank you very much.

13 (The witness is excused.)

14 MS. CONRAD: The defendant calls Elizabeth Zamparelli.

15 ELIZABETH ZAMPARELLI, duly sworn

16 THE CLERK: Have a seat. State your name, spell your
17 first and last name for the record, keep your voice up and
18 speak into the mic so everyone can hear you.

19 THE WITNESS: Bett Zamparelli, B-E-T-T, or Elizabeth,
20 Z-A-M-P-A-R-E-L-L-I.

21 DIRECT EXAMINATION

22 BY MS. CONRAD:

23 Q. Good morning, Ms. Zamparelli.

24 A. Good morning.

25 Q. Did you say you go by "Bett"?

- 1 A. Yes.
- 2 Q. How old are you?
- 3 A. Twenty-two.
- 4 Q. And are you in school?
- 5 A. Yes.
- 6 Q. Where?
- 7 A. UMass Boston.
- 8 Q. What do you study?
- 9 A. Biology and psychology.
- 10 Q. And what year are you in?
- 11 A. Junior/senior. I transferred, so...
- 12 Q. In fact, do you have finals coming up next week?
- 13 A. This week.
- 14 Q. Do you also work or have an internship?
- 15 A. Yes, I do.
- 16 Q. What do you do?
- 17 A. I teach yoga now.
- 18 Q. Where did you grow up?
- 19 A. Cambridge.
- 20 Q. And where did you go to high school?
- 21 A. Cambridge Rindge and Latin.
- 22 Q. When did you graduate from Cambridge Rindge and Latin?
- 23 A. 2011.
- 24 Q. And do you remember the date of your graduation?
- 25 A. I want to say it was in May, early May.

1 Q. Let me just show you a document and see if that helps you
2 remember.

3 MS. CONRAD: This is just for the witness, your Honor.

4 Q. Does that help you remember when graduation was?

5 A. Was it June 2nd or was that just when that was published?

6 Q. Well, why don't you just take a look at the document and
7 just look down here, and then I'm going to show you a calendar
8 for June of 2011. Okay? Take your time.

9 Does that refresh your recollection?

10 A. Yeah, that sounds right.

11 Q. So was it June 2nd, 2011?

12 A. Probably.

13 Q. And was Jahar Tsarnaev one of your classmates?

14 A. Yes.

15 Q. Were you friends?

16 A. Yes.

17 Q. How did you and Jahar meet?

18 A. We met in driver's ed. We had a few classes together.

19 Q. When did you take driver's ed?

20 A. Probably about sophomore year.

21 Q. And was there somebody else who you became friendly with
22 during the course of that class, besides Jahar?

23 A. At driver's ed?

24 Q. Yeah.

25 A. I guess Davin, when we were all doing our driving hours

1 together.

2 Q. And you said you took some other classes with Jahar as
3 well?

4 A. Yes.

5 Q. What other classes did you take with him?

6 A. I believe we had Spanish 2 together.

7 Q. Did you participate in any school activities together
8 outside of class, like clubs or activities?

9 A. We were both in Best Buddies.

10 Q. What's Best Buddies?

11 A. It's a program that interacts high school kids with
12 special needs kids.

13 Q. And what kinds of activities would the two of you
14 participate in, in Best Buddies?

15 A. There was like holiday parties where we would make
16 gingerbread houses. There was proms and -- I didn't go to the
17 prom. I'm not sure if he did, but...

18 Q. I'm sorry?

19 A. There's just a bunch of events. I just went to a couple.

20 Q. I just missed what you said about the Best Buddies prom.

21 A. Oh, I said that there is one. I don't know if he went. I
22 wasn't able to attend it.

23 Q. Was that something you got credit for?

24 A. No.

25 Q. Are you aware of any other activities that Jahar was

1 involved in, in terms of school-related events?

2 A. He wrestled.

3 Q. Did you also know at some point whether he got a job
4 someplace?

5 A. He lifeguarded.

6 Q. Where was that?

7 A. The Harvard pool.

8 Q. What was your relationship like with Jahar -- well, did
9 you maintain a friendship with him from sophomore through
10 senior year?

11 A. Yeah.

12 Q. And what was your relationship like?

13 A. I thought we were relatively close.

14 Q. Friends?

15 A. Yeah.

16 Q. Just friends?

17 A. (Nonverbal response.)

18 Q. Did you ever go to his house?

19 A. No.

20 Q. Did you ever think that was odd?

21 A. No.

22 Q. What kinds of things would the two of you do together?

23 A. Just hang out, just laugh. I don't know. Just talk about
24 stuff.

25 Q. What was he like?

1 A. Very caring.

2 Q. Did you have a easy time time high school?

3 A. No.

4 Q. And did you confide your problems in Dad?

5 A. Not necessarily, but I talked to him when I was going
6 through a lot of problems and --

7 Q. And how would he -- how would that -- how would he
8 respond?

9 A. Like a friend. He didn't pry. He knew that it was
10 upsetting to me.

11 Q. And would he do anything that would make you feel better?

12 A. Just make me laugh.

13 [REDACTED] Dad

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1 sense of humor like?

2 A. A little sarcastic but not mean sarcastic, just...

3 Q. How would he treat girls?

4 A. Really nicely, actually.

5 Q. In what way?

6 A. He didn't demoralize them or demean them.

7 Q. Did he ever talk about the future?

8 A. Probably.

9 Q. Do you remember anything about what his plans were, what
10 he said his plans were?

11 A. I know that he was going to go to UMass Dartmouth. I
12 think we might have talked about being an engineer, but I'm not
13 sure if I recall.

14 Q. Did he ever talk about politics?

15 A. No.

16 Q. Religion?

17 A. No.

18 Q. Did you know he was Muslim?

19 A. Yeah.

20 Q. Did you ever meet his parents?

21 A. No.

22 Q. What about -- you went to graduation?

23 A. Yeah.

24 Q. He went to graduation?

25 A. Yeah.

1 Q. And you don't remember meeting his parents at graduation?

2 A. No.

3 Q. Did you know his sisters?

4 A. I knew of them; I didn't know them personally.

5 Q. What about Tamerlan, his older brother?

6 A. I knew him through a friend, so...

7 Q. So --

8 A. Not really directly.

9 Q. Can you tell us a little bit more about that? When did
10 you meet Tamerlan?

11 MR. CHAKRAVARTY: Objection, your Honor. It's
12 open-ended, and there's a lot of potential hearsay here.

13 MS. CONRAD: I asked when she met Tamerlan.

14 THE COURT: You may have it.

15 THE WITNESS: I met him.

16 BY MS. CONRAD:

17 Q. I'm sorry? Do you remember when you met him?

18 A. Maybe junior year of high school.

19 Q. And how did that come about?

20 A. I was at an ex-boyfriend's house, and he was at a friend's
21 house across the street.

22 Q. Who was the friend across the street?

23 A. Brendan Mess.

24 Q. And who was the ex-boyfriend?

25 A. Sam Cuddy.

1 Q. So what happened when you met Tamerlan?

2 A. Not much. I was a lot younger than them, so it was just
3 kind of like they were interacting, and I was kind of out of
4 place. But that's just kind of how it goes.

5 Q. So this was actually at Brendan's house or at your
6 ex-boyfriend's house?

7 A. It was like in between the two. They live across the
8 street from each other, so it was like on the sidewalk.

9 Q. So was Brendan there?

10 A. Yeah.

11 Q. So you met Brendan?

12 A. Yeah.

13 Q. And what was Tamerlan like?

14 A. He was comfortable with his friends. I don't know. Like,
15 "What up, Doogie?" I don't know. I was a little intimidated.
16 I mean, I was a lot younger than they were.

17 Q. Intimidated by Tamerlan?

18 A. I mean, yeah, but the situation in general just because --
19 I don't know -- it wasn't my crew of people and --

20 Q. Had you heard anything about Tamerlan from Jahar or from
21 your other friends?

22 MR. CHAKRAVARTY: Objection, your Honor.

23 THE COURT: Sustained.

24 BY MS. CONRAD:

25 Q. Do you know what happened to Brendan?

1 A. He was murdered --

2 MR. CHAKRAVARTY: Objection.

3 THE COURT: Sustained.

4 BY MS. CONRAD:

5 Q. Do you know from your ex-boyfriend whether Tamerlan went
6 to the funeral?

7 MR. CHAKRAVARTY: Objection, your Honor.

8 THE COURT: Sustained. This area.

9 BY MS. CONRAD:

10 Q. When -- after the Boston Marathon bombing occurred and the
11 pictures were shown of the suspect, did your sister call you?

12 MR. CHAKRAVARTY: Objection to relevance, anything
13 post bombing.

14 THE COURT: Yes, sustained.

15 BY MS. CONRAD:

16 Q. Did someone say to you that they thought one of the --

17 MR. CHAKRAVARTY: Objection, your Honor.

18 THE COURT: Sustained.

19 MS. CONRAD: It's for state of mind, your Honor.

20 THE COURT: Sorry?

21 MS. CONRAD: It's for state of mind.

22 THE COURT: Sustained.

23 BY MS. CONRAD:

24 Q. Did you think one of the photographs looked like Jahar?

25 A. Yes.

1 Q. But did you think it was Jahar?

2 A. No.

3 MR. CHAKRAVARTY: Objection, your Honor.

4 THE COURT: Overruled.

5 You may answer that.

6 BY MS. CONRAD:

7 Q. Why not?

8 A. Just none of us thought it could be. It was like a joke,
9 almost.

10 Q. You thought the marathon bombing was a joke?

11 A. No, not at all.

12 MR. CHAKRAVARTY: Objection, your Honor.

13 THE WITNESS: The fact that it could be him.

14 THE COURT: Overruled.

15 BY MS. CONRAD:

16 Q. I'm sorry?

17 A. The idea that it could be him.

18 Q. Why?

19 MR. CHAKRAVARTY: Objection.

20 THE COURT: Overruled.

21 THE WITNESS: Because it just was very much not who my
22 friends and I knew him to be.

23 MS. CONRAD: I don't have anything further for this
24 witness.

25 MR. CHAKRAVARTY: Very briefly.

1 CROSS-EXAMINATION

2 BY MR. CHAKRAVARTY:

3 Q. Ms. Zamparelli, you graduated with the defendant?

4 A. Yes.

5 Q. You were about six years younger than Tamerlan and his
6 friends when you met him?

7 A. Probably something like that, yes.

8 Q. And you met him, what, one time?

9 A. No, we've crossed paths a few times.

10 Q. Okay. But you didn't really engage with him, correct?

11 A. I mean, we'd be in the same conversations. It would be
12 with a group of people, though.13 Q. Okay. You knew the defendant's friends from Cambridge
14 Rindge and Latin, correct?

15 A. Yes.

16 Q. Davin Zimble, for example, he's one of your friends?

17 A. Yes.

18 Q. You knew the Silva brothers. Those were some of his very
19 good friends?

20 A. Yes.

21 Q. Would you guys hang out together?

22 A. Yes.

23 Q. And you knew that they would smoke pot and deal pot as
24 well?

25 A. Yes.

1 MS. CONRAD: Objection, your Honor.

2 THE COURT: Sustained.

3 BY MR. CHAKRAVARTY:

4 Q. Did you know the basis of his relationship with all of
5 those people?

6 MS. CONRAD: Objection.

7 THE COURT: Sustained.

8 BY MR. CHAKRAVARTY:

9 Q. When you would hang out with them, would you smoke
10 together?

11 A. Maybe once or twice.

12 Q. You've only smoked once or twice?

13 A. No, with them.

14 Q. Okay. You knew that the Silvas were very close with the
15 defendant, correct?

16 MS. CONRAD: Objection.

17 THE COURT: Sustained.

18 BY MR. CHAKRAVARTY:

19 Q. Your relationship with the defendant was a friendly one,
20 right?

21 A. Yes.

22 Q. And he was pretty socially well adjusted?

23 A. Yes.

24 Q. And he was friends with you as well as a bunch of other
25 people; he wasn't part of a particular clique, correct?

1 A. Yeah.

2 Q. I mean, he had his core group of friends, but not --

3 A. Yeah.

4 Q. -- but he also was able to transfer between a bunch of
5 different groups, right?

6 A. Yeah. That's pretty much how Rindge goes, though.

7 Q. And you didn't know anything about his -- the depth of his
8 religious beliefs or his political beliefs, correct?

9 MS. CONRAD: Objection.

10 THE COURT: Overruled.

11 THE WITNESS: I mean, religious beliefs, I absolutely
12 knew about them. Political beliefs, I guess we just never
13 really talked about it. I don't think he was secretive of it.
14 That's just not...

15 BY MR. CHAKRAVARTY:

16 Q. When you say his religious beliefs, you absolutely knew
17 about them, you mean you absolutely knew that he was Muslim?

18 A. Yeah.

19 Q. He was proud of being a Muslim. That's something that
20 Rindge celebrates, right?

21 A. Yeah, being who you are.

22 Q. And he was a self-contained person. He was confident. He
23 was able to talk to you and other women respectfully?

24 MS. CONRAD: Objection. Compound question.

25 THE COURT: You may answer it.

1 THE WITNESS: I'm sorry?

2 BY MR. CHAKRAVARTY:

3 Q. You may answer the question. Did you understand the
4 question?

5 A. Can you repeat it, please?

6 Q. Sure.

7 He was a confident person. He was able to treat people
8 with respect and be confident in who he was?

9 A. Sure.

10 Q. You respected him for that?

11 A. Yeah.

12 Q. And when he went away to college, you had less contact
13 with him, correct?

14 A. Yes.

15 MR. CHAKRAVARTY: That's all I have, your Honor.

16 THE COURT: Anything else?

17 MS. CONRAD: No. Thank you very much.

18 THE COURT: All right, Ms. Zamparelli. Thank you.
19 You may step down.

20 (The witness is excused.)

21 MR. FICK: The defense calls Mirra Kuznetsov. And
22 we'll ask the interpreter to come up as well.

23 MR. WEINREB: Your Honor, can we approach?

24 THE COURT: Okay.

25 (Discussion at sidebar and out of the hearing of the

1 jury:)

2 MR. WEINREB: Your Honor, this witness is a bookstore
3 owner who knew the family to some degree. Her witness
4 statement is filled with opinion testimony and hearsay
5 testimony. We have not had any kind of proffer from the
6 defense about what she's going to be called for, and so we just
7 want to make a motion in limine up front to exclude that kind
8 of --

9 THE COURT: Let me just hear --

10 MR. FICK: I mean, she owned the Russian bookstore in
11 the area, and because the community is relatively small, she
12 came to know a lot of the customers very well. She would
13 socialize with them. She would visit their house. And so I
14 intend to ask questions about her personal observations and
15 interactions with the family. So, you know, I do not intend to
16 elicit sort of hearsay or opinions, but certainly she made
17 observations, and she --

18 THE COURT: Like what? Give me some specifics.

19 MR. FICK: Well, she observed some of the changes in
20 the family in terms of their adoption of religious beliefs.
21 She observed sort of arguments between Anzor and Zubeidat about
22 the development --

23 THE COURT: Okay.

24 MR. FICK: That's all.

25 THE COURT: Nothing about whether she thought they

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MR. PICKWE No, no. Just observation of what she saw
and the fact that -- what she observed then

THE COURT: Observations are fine.

Just as long as you're here, I have a couple of
administrative things. One is

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1 you need her, but if we can try, at least, to go back and forth
2 in English -- can we try that way at the beginning, at least?

3 A. Yes.

4 Q. Thank you.

5 Where are you from originally?

6 A. I came from Russia in 1992.

7 Q. And you've been in the U.S. since that time?

8 A. Yes.

9 Q. And how long have you been in the Boston area?

10 A. Since 2006 or '5.

11 Q. And what kind of work or business have you been involved
12 in since you came to the United States?

13 A. I had a video store. It was in the Brighton area. And I
14 had Russian-language books, videos, CDs.

15 Q. And this was up until about 2012 you owned this store?

16 A. Yes. I closed it in 2012.

17 Q. Okay. And did your store sort of serve the
18 Russian-speaking community here in Boston, the Boston area?

19 A. Yes, correct.

20 Q. And in the course of running that store, did you come to
21 know some of your customers who were regulars, so to speak?

22 A. Yes.

23 Q. And did you sometimes even socialize with some of your
24 customers?

25 A. Yes, of course.

1 Q. Visit people at their houses, for example?

2 A. Yes, we delivered.

3 Q. And even socially, would you occasionally dine in people's
4 homes?

5 A. Yes, of course. It's small business, and we're very
6 friendly to all our customers.

7 Q. So at some point did you come to know the Tsarnaev family?

8 A. Yes, of course.

9 Q. Were they customers of your store?

10 A. Yes.

11 Q. Do you recall approximately when you first met them?

12 (The question was translated by the interpreter.)

13 A. Probably it was in 2005 or maybe '4. I don't remember
14 exactly.

15 Q. And were they -- were members of that family regular
16 customers at your store?

17 A. Yes.

18 Q. And did you sometimes deliver items to their home?

19 A. Yes.

20 Q. The apartment in Cambridge?

21 A. Yes.

22 Q. And did you have occasion even to dine in their home?

23 A. Yes.

24 Q. What do you remember about the family at the time?

25 Describe your impressions of them when you first met them.

1 A. It was very nice-looking family, and it seems to me that
2 they were very close to each other. And I saw them -- first,
3 they were all of them sisters, and I saw defendant, and he was
4 probably 10 or 11 at first. And I saw like they were hugging
5 him and kissing him, and they were -- it seems to me that he
6 was very loved by them.

7 Q. Tell me about Zubeidat, the mother. What do you remember
8 about her? How did she dress? How did she act?

9 A. When I saw her first, it was very beautiful woman, and I
10 notice how she was even gorgeous. And she was dressed very
11 fancy, and she was smiling always. And I saw, like, she loved
12 her kids.

13 Q. And what did you observe that made you conclude that she
14 really loved her kids?

15 A. She was always on the phone; she was always telling them,
16 "Take these. Try to take these book or this video. Maybe
17 we'll take these. Do one of these more," so...

18 Q. And what do you remember about Anzor from when you first
19 met the family?

20 A. Anzor was very quiet, and he was good-looking either.
21 They actually were very beautiful couple. And I didn't talk to
22 Anzor more; I -- more I talked to Zubeidat.

23 Q. And what did you observe about the relationship between
24 Anzor and Zubeidat in those early years?

25 A. It seemed to me that they loved each other.

1 Q. And how about the children? What do you remember about
2 them from when you first met the family?

3 A. I saw just sisters and Jahar when he was kid, and later on
4 I saw Tamerlan, and he had brought movies and changed movies.
5 And Tamerlan looked very -- nice-looking guy, very good shape,
6 nice, nothing.

7 Q. What, if anything, did you observe about the interactions
8 in relationship between Tamerlan and Jahar when they were both
9 younger?

10 A. I saw -- second time I saw them briefly, and I even
11 thought for myself that --

12 MS. PELLEGRINI: Objection as to what she thought; the
13 question was what she observed.

14 THE COURT: No, overruled. I think it was about an
15 observation she was making.

16 So go ahead.

17 THE WITNESS: I saw them when they changed movie
18 again, and I think some of them, probably Jahar, was driving
19 the car, and Tamerlan came with him. And Tamerlan said
20 something to Jahar, and it was very powerful. I don't remember
21 exactly words. And that's it.

22 BY MR. FICK:

23 Q. When you say he said something very powerful, even if you
24 don't remember the exact words, what was sort of the context?
25 What was happening?

1 A. Maybe "Go to the car" or something, "Wait for me," or like
2 this.

3 Q. In other words --

4 A. It was brief like.

5 Q. -- giving him direction?

6 MS. PELLEGRINI: Objection.

7 THE WITNESS: Yeah, probably.

8 THE COURT: It may stand.

9 BY MR. FICK:

10 Q. Did the family appear at all religious in the early years
11 you knew them?

12 A. I hadn't seen them for a long time, maybe one year or
13 around one year. And first I saw Zubeidat, and she came
14 covered, and she had hijab on her, and she was dressed another
15 way. And I was very surprised. And we talked to each other,
16 and they said, "Oh, Zubeidat, you look other way," and she
17 said, "Yes, I'm religious. I started to be religious, and I'm
18 very happy." And we were talking not one time, many times.

19 And maybe in a month or less, Tamerlan came to me, and I
20 was scared. And when I see -- when I saw him, I didn't even
21 recognize him because I was scared. Somebody came to me in
22 glasses and with beard, and he looked very strange for me. And
23 I asked, "You look other way." And he said, "Yes, yes, I know.
24 I know."

25 Q. Make sure to speak into the microphone so we can all hear

1 you. Thank you.

2 A. Okay.

3 Q. So before these observations of Zubeidat in the hijab and
4 Tamerlan in the beard, do you remember approximately when that
5 was when you noticed the change?

6 A. I don't remember. Maybe 2008 or '9.

7 Q. Before that, had you ever known them to be dressed in
8 religious garb, or had discussed, you know, religious topics?

9 A. When I talked to Zubeidat, but it was before she was
10 religious, and once I remember she said that people who go in
11 to kill somebody, it's not Muslim people. It's nothing common
12 with religion.

13 Q. This was before she started covering?

14 A. Yes.

15 Q. When she started covering, did you observe how Anzor
16 reacted to that, or did you observe any interactions between
17 Zubeidat and Anzor about the subject of the religious change?

18 A. It's my opinion, but I --

19 MS. PELLEGRINI: Objection.

20 THE COURT: Re-put the question.

21 BY MR. FICK:

22 Q. So did you observe any interaction between Anzor and
23 Zubeidat about Zubeidat's religious change?

24 A. We talked to Zubeidat, and she said that my --

25 MS. PELLEGRINI: Objection. Not responsive to the

1 question.

2 THE COURT: About observations.

3 BY MR. FICK:

4 Q. Did Zubeidat tell you anything about Anzor's reaction to
5 her religious change?

6 A. Yes. Yes. She said that she --

7 MS. PELLEGRINI: Your Honor, I'm going to object
8 again.

9 THE COURT: I'll allow this.

10 BY MR. FICK:

11 Q. I'm sorry. Go ahead. What did Zubeidat tell you about
12 Anzor's reaction to her --

13 A. She said that she was very happy that Tamerlan became very
14 religious, and probably he will be --

15 MS. PELLEGRINI: Objection, your Honor. I'm going to
16 ask that this be stricken.

17 THE COURT: No, it may stand.

18 BY MR. FICK:

19 Q. So -- and my question was a little bit different. What
20 did you learn about Anzor's reaction to Zubeidat's religious
21 development?

22 A. Anzor wasn't -- it seems to me that he wasn't really
23 just -- and she was very upset that he's not so religious
24 as her relatives are and as she.

25 Q. Okay. Do you remember right just a couple of days after

1 the marathon bombing in 2013, you had called the FBI to tell
2 them you knew about the suspects, right?

3 MS. PELLEGRINI: Objection, your Honor.

4 THE WITNESS: Yes.

5 THE COURT: Let me see you about this.

6 (Discussion at sidebar and out of the hearing of the
7 jury:)

8 THE COURT: So what have you got?

9 MR. FICK: I -- I b r i n g
10 her attention a her statements to the FBI about
11 specC Anzor's -- what she had back two years ago
12 about Anzor's reaction the newfound and what
13 had them at that about Tamerlan and 's
14 interactions.

15 MS. PELLEGRINI: I just don't think that was the
16 qu□ .

17 MR. FICK: Well, I was a foundation qu□
18 She the FBI.

19 MS. PELLEGRINI: Well, , your Honor, the
20 has no record -- his qu□ was shortly after
21 the bombing she the FBI. She did not. can find
22 record of that. If 's referring the 302, then, ,
23 that's getting into her iC , and 's -

24 THE COURT: Was there something the 3 that's -

25 MS. PELLEGRINI: Yes.

1 MR. FICK: I guess there were principally two things I
2 wanted to sort of inquire about. "Anzor thought most of the
3 practices and beliefs were bullshit. They fought repeatedly
4 about her newfound religious dedication." That was one. And
5 the other was a statement that "Jahar was under Tamerlan's
6 power, and Tamerlan constantly advised and threatened Jahar."

7 MR. WEINREB: Your Honor, he can't impeach his own
8 witness. If the witness says she doesn't remember, and then
9 she could be refreshed, but she doesn't say she doesn't
10 remember --

11 THE COURT: Yeah, that's what I was thinking. You
12 could show her the 302 and see if that refreshes her
13 recollection.

14 MR. WEINREB: But she's not saying she doesn't have a
15 recollection. What matters is what she recollects now, if she
16 has a recollection. It's only if she says she doesn't have a
17 recollection that you can actually refresh it with something.

18 Throughout this whole trial, the defense has been
19 showing witnesses things not really to refresh their
20 recollection but just to get them to read something off of a
21 document that they didn't remember and never knew in the first
22 place.

23 This was just the notes of an FBI agent. It's not
24 fair to put something in front of her and say, "Even though you
25 recollect it this way today, you should adopt this because that

1 was an FBI agent's recollection two years ago."

2 MR. FICK: It seems to me with any witness, any party
3 can confront the witness with a prior statement and ask them
4 about it.

5 MS. PELLEGRINI: Your Honor, again, actually, my
6 objection is slightly different. When we first objected prior
7 to her getting on the stand, it was about her impressions,
8 without any kind of basis. Both of those paragraphs have no
9 basis for why -- excuse me -- why she was providing those
10 observations.

11 And from listening to this witness on the stand, she
12 does not appear -- she's quite capable of understanding a
13 question about her own observations and facts. She constantly
14 starts the answer with "My opinion was," and this, again, is
15 getting into her opinion, and it would be her opinion that she
16 told the FBI. So now we're two and three steps removed from
17 actuality and from any kind of fact.

18 MR. FICK: She made statements to the FBI about her
19 observations, and what I was hoping to do was elicit a little
20 bit more about what underlie the statements.

21 THE COURT: Well --

22 MS. PELLEGRINI: The question has already been asked,
23 your Honor, about observations that she made about the
24 relationship between Jahar and Tamerlan. She answered that
25 fully. And now what Mr. Fick appears to want to do is to get

1 in the opinion as to what she feels about the nature of the
2 relationship based upon her observation.

3 THE COURT: Yeah, I think that's right. I'll sustain
4 the objection.

5 (Discussion off the record.)

6 (In open court:)

7 BY MR. FICK:

8 Q. You had said a few minutes ago that you had seen Tamerlan
9 Tsarnaev after he started -- his appearance changed, and you
10 were scared. Can you tell us why that was?

11 A. As I told you, I came to America in 1992, and after
12 these -- all 19 years -- 19th years, it was war between -- in
13 Russia between Chechens and Russia, and --

14 MS. PELLEGRINI: Objection, your Honor.

15 THE WITNESS: -- I saw --

16 THE COURT: No, go ahead. Overruled.

17 THE WITNESS: Okay.

18 THE COURT: Go ahead.

19 THE WITNESS: (Through interpreter) He reminded
20 Tamerlan Tsarnaev when I saw him.

21 BY MR. FICK:

22 Q. After that occasion you saw Tamerlan, did you ever see any
23 of the Tsarnaevs in person again?

24 (The question was translated through the interpreter.)

25 A. No.

1 MR. FICK: Thank you. I have nothing further.

2 MS. PELLEGRINI: No questions.

3 THE COURT: No questions? All right. Ms. Kuznetsov,
4 thank you. You may step down.

5 (The witness is excused.)

6 MS. CLARKE: May I make sure that we have our next
7 witness?

8 THE COURT: Okay.

9 MS. CLARKE: The defendant will call, your Honor,
10 Dr. Alexander Niss.

11 THE COURT: Do we need the interpreter?

12 MS. CLARKE: Yes.

13 ALEXANDER NISS, duly sworn through the interpreter

14 THE CLERK: Have a seat. State your name and spell
15 your first and last name for the record, keep your voice up and
16 speak into the mic.

17 THE WITNESS: So my name is Alexander Niss. First
18 name Alexander, like in English, through X; and Niss, N, like
19 "Nancy," I-S-S.

20 DIRECT EXAMINATION

21 BY MS. CLARKE:

22 Q. Dr. Niss, I understand that you speak English and you
23 speak other language. You're comfortable in Russian and
24 English?

25 A. More in Russian, but I'll try to speak English here.

1 Q. We have the interpreter if you need to use the
2 interpreter's services. Thank you.

3 Dr. Niss, where do you currently work?

4 A. Right now I work in Hollywood Mental Health Center in Los
5 Angeles. And this is County Mental Center, and one day I have
6 private practice.

7 Q. Private practice in psychiatry?

8 A. In psychiatry, of course.

9 Q. You -- I take it you have a medical degree?

10 A. Yes, I have -- you know, in Russia I have several medical
11 degree because a medical degree as a physician I got after
12 graduation of medical school in 1967. But after that, I
13 defended two dissertations, I had two more medical degree, but
14 they don't exist in the United States.

15 Q. So you got your medical degree in Russia, in Moscow?

16 A. Yes.

17 Q. All right. Can you tell the jury just a little bit about
18 the training you received in Russia as a physician?

19 A. So I had medical school. This is six years. Then
20 one-year internship, then four years of residency and one year
21 in forensic psychiatry fellowship.

22 Q. And then after you completed your training, where did you
23 work? Did you stay in Moscow and work?

24 A. I work most -- mostly I work in Moscow psychiatric
25 research institute based on the big psychiatric hospital. So I

1 did a lot of research but with people. This is clinical
2 research.

3 Q. Primarily, your practice was treating patients?

4 A. Treating, diagnosing.

5 Q. And what positions did you hold at the --

6 A. I was the chief of department last years. And between '92
7 and '94, I left this institute and I worked as the chief of
8 department of alcoholism and psychotherapy in international
9 Netherlands-Russian medical company.

10 Q. And then at some point did you immigrate to the United
11 States?

12 A. Yes. I came to the United States in '94.

13 Q. And why did -- can you tell the jury why you came to the
14 United States?

15 A. Following my family, mostly my son, because his fiancée
16 was in Los Angeles by that time, and so it was his decision.
17 And after that, all family and my parents, too, all of us came
18 to the United States.

19 Q. And you came to Los Angeles, it sounds like?

20 A. Yes.

21 Q. Did you then become licensed to practice psychiatry in the
22 United States? I mean, you were how old when you came to the
23 U.S.?

24 A. I was 50.

25 Q. With a rather substantial career behind you?

1 THE WITNESS: Sorry?

2 (The question was translated through the interpreter.)

3 A. Yes, but I had to start everything, all the tests and --
4 plus residency. That's why I was in Boston, in St. Elizabeth
5 Medical Center.

6 Q. So you did the training in the United States to become a
7 licensed psychiatrist in the U.S.?

8 A. Yes.

9 Q. Can you tell us a little bit about what you had to do to
10 do that?

11 A. So I was two years -- from 2001st until 2005th I was in
12 the Boston St. Elizabeth Medical Center; two years in inpatient
13 psychiatry; and two last years in outpatient psychiatry.

14 Q. So you did your residency as sort of --

15 A. Yes, this is my residency.

16 Q. -- a second-career residency in Boston for four years?

17 A. Yes. Yes.

18 Q. Is that when you met Anzor Tsarnaev?

19 A. Yes, I met him in 2003. He came to me -- I started this
20 outpatient practice in September, so pretty soon he came to me
21 and was -- was under my care until June or -- yeah, June 2005.

22 Q. So you had Anzor Tsarnaev under your care here in Boston
23 for about two years?

24 A. Yes.

25 Q. And what -- can you tell us -- can you tell the jury what

1 the presenting problem was, why you were treating Anzor?

2 A. He was very sick guy.

3 MR. CHAKRAVARTY: Objection to the social history that
4 led to his diagnosis.

5 THE COURT: Overruled. As long as it was relevant to
6 the diagnosis and treatment.

7 MS. CLARKE: Yes.

8 THE WITNESS: So --

9 BY MS. CLARKE:

10 Q. Just what the presenting problem was, why you were
11 treating him.

12 A. His main problem was posttraumatic stress disorder as he
13 was -- it was time of Russian-Chechen wars, and he came from
14 the Kirgizia, where he was born, to Chechen republic.
15 According to him, he was close to Dzhokhar Dudayev, first
16 president of Chechnya.

17 Q. So he explained some of his background problems. Did you
18 diagnose based on that?

19 A. He told me -- so I diagnose him objectively. I took his
20 whole history, what happened with him. So he was in some
21 filtration camp organized by Russian troops, and he was there,
22 according to him, as a whole mass; according to his wife,
23 Zubeidat, less.

24 Q. Let's just stick to what you were aware of from him when
25 you began to diagnose him.

1 A. Okay. So he was tortured; he experienced a lot of this --

2 MR. CHAKRAVARTY: Objection, your Honor.

3 MR. WEINREB: Objection.

4 THE WITNESS: -- filtration camp.

5 BY MS. CLARKE:

6 Q. Dr. Niss --

7 MS. CLARKE: I'll rephrase, your Honor. I'm going to
8 get to the diagnosis.

9 THE COURT: All right.

10 BY MS. CLARKE:

11 Q. Let's just focus on the fact that you diagnosed Anzor with
12 posttraumatic stress disorder. Is that correct?

13 A. So he had typical signs and symptoms of posttraumatic
14 stress disorder. It means --

15 Q. Let me just ask --

16 A. -- he has a lot of anxiety, panic attacks. He had
17 flashbacks. He was re-experiencing his -- you know, that
18 time in that camp.

19 THE COURT REPORTER: If you could please repeat that
20 word.

21 THE WITNESS: He had nightmares -- like he vividly
22 saw -- he was hallucinating. Vividly saw as it was at that
23 time; not before, but at that time.

24 He had also -- where he had startle reflex. He had a
25 lot of paranoia. He was afraid that -- at that time it was

1 phase B, former KGB, like following him. He was looking
2 through his window of his home. And even he was guarded when
3 he was coming to me. And so he had a lot of paranoia but local
4 paranoia related to such specific situation, not general
5 paranoia.

6 BY MS. CLARKE:

7 Q. Dr. Niss.

8 A. Yeah?

9 Q. Did you diagnose based only on what Anzor told you or on
10 your observations of him and symptoms that you saw?

11 A. So I saw it. He was, you know, startling from loud sound;
12 from -- you know, he couldn't tolerate light. You know, he
13 always ask me to turn off. And so it was typical objective and
14 subjective picture of posttraumatic stress disorder. Plus he
15 had -- you know, he had seizures from childhood. He had some
16 injury at age eight. He had seizures. By that time, much less
17 frequent in the childhood. But later -- this is already after
18 I had left -- he had additional head injury, very severe, and
19 all his PTSD experienced together with new organic symptoms are
20 historic.

21 Q. Let me ask you a question. It sounds like he had a
22 complex of problems that you identified.

23 A. Yes.

24 Q. You treated Anzor for about two years. And you have
25 reviewed your medical records before coming to court today?

1 A. Yes.

2 MS. CLARKE: Your Honor, there's a set of medical
3 records that I believe the government wanted a portion of the
4 social history redacted. I have no objection to that. I'm not
5 sure whether we have a redacted copy available, but we're going
6 to work off of a summary.

7 Mr. Chakravarty, do we have a --

8 MR. CHAKRAVARTY: Your Honor, I have a -- Ms. Clarke
9 accurately explained the government's limited objection to the
10 redaction. The summary the government has no objection to.

11 THE COURT: This is the one that was just recently
12 provided?

13 MR. CHAKRAVARTY: Yes.

14 THE COURT: I think I have it, right?

15 MS. CLARKE: That's correct.

16 THE COURT: Okay. So there's no objection to that
17 being admitted as an exhibit?

18 MR. CHAKRAVARTY: No.

19 MS. CLARKE: And we will admit the records, which
20 would be 3509E, as redacted by the government.

21 THE COURT: Those are the otherwise complete treatment
22 records?

23 MS. CLARKE: Those are Dr. Niss's records, correct.
24 But I'm going to help Dr. Niss walk through, for the jury,
25 based on a typewritten summary so we don't have to deal with

the handwr

This is identified by

exhibit number?

MS. CLARKE: That is 3521, if we could pull that up.

at the government has any objection to (io)

1 (Pause.)

2 MS. CLARKE: Well, if we can all squint, I can walk
3 them through.

4 Do you know how? Maybe we can start without it.

5 Can you see?

6 THE JURORS: Yes.

7 MS. CLARKE: With reading glasses? Okay. I actually
8 have it.

9 BY MS. CLARKE:

10 Q. Dr. Niss, I'm going to start -- it looks like your first
11 meeting with Anzor was in -- was July 11th, 2003. Is that
12 correct?

13 A. Yes. It is what I say.

14 Q. And can you tell the jury what it was that you diagnosed
15 at that time?

16 A. So at that time I diagnosed PTSD, posttraumatic stress
17 disorder, but just academically I wrote "Rule out panic
18 disorder with agoraphobia" and "rule out mild neurocognitive
19 disorder."

20 Q. And can you tell the jury why it was you were focused on a
21 mild neurocognitive disorder?

22 A. So I felt if he's speech impaired, especially as I knew he
23 had good education -- according to him he was prosecutor in
24 Kirgizia. So his speech/thought process was too concrete, too
25 direct. Just -- it was clinical impression. Later, I

1 checked -- I think it should be later, maybe in the notes -- I
2 checked his MMSE, Mini Mental Status Exam. He gave 25 from 30.
3 But, you know, beginning from 21 dementia starts. So this is
4 not dementia, but this is pretty substantial impairment of
5 cognitive function.

6 Q. So let's say when you first met Anzor, you were concerned
7 not only about posttraumatic stress disorder but neurocognitive
8 issues?

9 A. Also this, yes.

10 Q. At that time, it does not appear that you offered any
11 medication for Anzor?

12 A. You see -- let me see.

13 Q. On your --

14 A. Maybe I didn't give him -- maybe I didn't have enough time
15 and I needed to meet him one more time to decide about
16 medications.

17 Q. That makes sense.

18 A. That happens sometimes.

19 Q. I pulled up the second visit with Anzor.

20 A. In a week. I see here.

21 Q. That was July the 18th, 2003. Is that the time when you
22 first offered medication to Mr. Tsarnaev?

23 A. Yes.

24 Q. And can you tell the jury what those medications were
25 offered for and what they are?

1 A. So at that time --

2 MR. CHAKRAVARTY: Objection, your Honor.

3 THE WITNESS: -- I started from --

4 THE COURT: Wait a minute. Excuse me, Doctor.

5 Sorry?

6 MR. CHAKRAVARTY: Your Honor, the witness is here to
7 describe his treatment of the defendant's father, but going
8 into a long expert-testimony-type exegesis about what each of
9 these conditions are and what chemicals he's giving him is
10 beyond the notice.

11 THE COURT: All right. Overruled for now.

12 MS. CLARKE: We'll go through it, your Honor. I
13 wanted the jury to get a feel for the extent of the medication.

14 THE COURT: Go ahead.

15 THE WITNESS: So, you know, we started from three
16 medications. It was trazodone for sleep; it was Zoloft, an
17 anti-depressant at the same time, anxious anti-depressant, so
18 having two goals; and it was Klonopin medication, immediately
19 removing panic attacks.

20 In the future, we tried to establish another
21 combination, so I tried a lot of medications. Finally, we, you
22 know, came to some different combination of medication. But it
23 was, in the start, these three.

24 BY MS. CLARKE:

25 Q. Let me take you to another round. I'm going to skip

1 forward to the 8th of August.

2 A. Yes, I see.

3 Q. Can you tell the jury what was going on there? It sounded
4 like perhaps the medications began to work?

5 A. Yes. According to my notes, they started to work.

6 Q. And at some point you tapered off a medication, but you
7 added another medication. Can you tell the jury just a little
8 bit about that?

9 A. For example, at this time --

10 Q. Do you see on the screen?

11 A. This time I added Zyprexa. Zyprexa is antipsychotic
12 medication, given his paranoid part in his status. And Zyprexa
13 is antipsychotic. At the same time, Zyprexa is mildly
14 sedative, depending on dose, and anti-anxious medication. So
15 Zyprexa also multifunctional medication. In this case, it was
16 done for paranoia and as a complement of his status.

17 Q. And it appears that you kept Mr. Tsarnaev on that
18 medication --

19 MS. CLARKE: Can I go to the next -- I can do it.

20 Q. -- on that medication for several visits. Is that
21 correct?

22 A. Yes. But going ahead, I have to say that this paranoid
23 part went away first. He was -- he had all other symptoms, you
24 know, just weighing like this, better/worse. Also there are
25 some -- he had some triggers that reminded him about his

1 previous experience, and -- but paranoid part went away.

2 Q. It went away.

3 A. Yeah, it was the best reaction to treatment.

4 Q. I'm going to pull up an October 24th, 2003, entry. And
5 you talked about the paranoia going away. Can you tell us what
6 was going on in October?

7 A. What date you said, October?

8 Q. 24th, 2003.

9 A. 24th. Because I have it here.

10 So this is 2003. He still had this, but I said going
11 ahead, so later, but let's say 2004, by 2005, they went away,
12 paranoid symptoms. But all the other symptoms -- PTSD cannot
13 be recovered. It could be better, but PTSD is forever,
14 posttraumatic stress disorder.

15 Q. It appears that you changed the medication in October
16 2003.

17 A. Yes. I gave him Zydis. And, yes, I changed several
18 medications. It means I was looking for better combination. I
19 give him Zydis. Zydis is the same as Zyprexa, but Zydis can be
20 absorbed from the mouth. Zydis has same role as Zyprexa, but
21 also good for panic because it removes panic attack.

22 Lexapro, this is another SSRI. So this is same group as
23 Zoloft. So I decided to try another one because the previous
24 one was not completely effective. And Ativan is a medication
25 like Klonopin, same group, but Ativan is shorter. Klonopin has

1 a longer period of elimination. So I decided it will be better
2 for faster action, for anxiety and panic.

3 Q. So is it fair to say that you saw him still as a fairly
4 disabled man from PTSD?

5 A. Yes.

6 Q. You mentioned that you gave a test. Maybe you can tell us
7 what that is. December of 2003, you must have still been
8 concerned about the cognition?

9 A. Yes. This what I said. This test -- usually we give this
10 test to people with dementia, but they have results 11, 12, 13.
11 This is Alzheimer. But beginning from 21st and below, this is
12 already some kind of dementia. 25, this is bad result, you
13 know? This is not dementia, but this is significant cognitive
14 impairment. All these people in this auditorium will give 30,
15 without exception.

16 Q. Everyone here --

17 A. Everybody here will give 30.

18 Q. Well, that's comforting.

19 (Laughter.)

20 THE WITNESS: It's not compliment; this is just there.

21 BY MS. CLARKE:

22 Q. You wouldn't -- would you give this MMSE test to just
23 every patient you have?

24 THE WITNESS: Excuse me?

25 (The question was translated through the interpreter.)

1 A. No, not at all.

2 Q. Only if you were seeing symptoms that you wanted to
3 confirm?

4 A. Yes.

5 Q. I'm going to take you down to March 12th, 2004. And can
6 you tell us what was happening with that visit?

7 A. I see here there is some impairment of his condition, but
8 this is some -- only some resumé from my notes. That's why no
9 full description here. That is why it's difficult to say if he
10 had any trigger for this or it happened spontaneously. I don't
11 remember this.

12 But, again, I changed his treatment. I added one
13 medication, Remeron, for sleep, and I give him Topamax, which
14 is anti-seizure medication. At the same time, Topamax is mood
15 stabilizer.

16 Q. A mood stabilizer?

17 A. A mood stabilizer so you don't get so much, you know,
18 emotional reaction.

19 Q. It looks to me like by this time your diagnosis had
20 expanded from PTSD to PTSD with panic, agoraphobia. Could you
21 explain your additional diagnoses to the jury?

22 A. You know, this -- basically, his panic, his anxiety, this
23 is part of his PTSD. PTSD is very complex disease, including
24 many, many other symptoms. PTSD is here and many, many
25 symptoms here, you know, which I included, involved in PTSD.

1 So this is large category, PTSD. But, you know, in the
2 United States, your American classification request to qualify
3 any condition separately. Any condition has its core, for
4 example, panic disorder, his agoraphobia. This is why I
5 mention this and this and this. But basically, this is part of
6 PTSD.

7 But encephalopathy, this is not part of PTSD. It was
8 related. There was a point that he was not only injured in his
9 childhood, but also he had -- he was a boxer. You know, any
10 knockout is a concussion. You know, in nine seconds people can
11 come to their consciousness. This is some small concussions.
12 So he had a lot of concussions in his life. So maybe this
13 factors less seizure disorder, most probably from head injury.
14 Seizure disorder also brings to cognitive impairment.

15 So, finally, I included encephalopathy as additional
16 diagnosis secondary to head injuries or...

17 Q. So it sounds like you were trying to figure out and narrow
18 in and appropriately medicate this man?

19 MR. CHAKRAVARTY: Your Honor, objection to the
20 leading.

21 MS. CLARKE: I'm just trying to --

22 THE COURT: I think it might be more efficient. Go
23 ahead.

24 (Laughter.)

25 BY MS. CLARKE:

1 Q. Go ahead. Correct?

2 A. Sorry. I didn't know who to listen to.

3 Q. Who to listen to. I know. Him.

4 (Laughter.)

5 Q. So essentially you were trying to identify more
6 specifically Anzor's mental health problems and appropriately
7 medicate. Is that fair to say?

8 A. Yes. Yes, that's true.

9 Q. I want to take you down to October the 14th --

10 A. Yes, right here.

11 Q. -- of 2004. Can you tell us what was happening by then?

12 A. You see I write again PTSD always, but also I write mental
13 disorder secondary to general medical condition. This is what
14 I meant by encephalopathy. You know, could be different terms
15 for the same. So this is nothing new. I don't see anything
16 new here.

17 Q. And you had changed the medications somewhat? I see the
18 addition of Risperdal?

19 A. Yes. So it means at that time he still had some of this
20 paranoid part because Risperdal is antipsychotic medication.

21 Q. An antipsychotic?

22 A. Antipsychotic, yeah.

23 Q. I'm going to take you into 2005. And it appears that you
24 added some additional medications. Maybe I got the wrong date.

25 A. Wrong date?

1 Q. Just a second.

2 It sounds like there was some improvement from January 6,
3 2005?

4 A. Yes. Yes, I am writing he is no longer suspicious,
5 despite being anxious. But he had -- when I say
6 encephalopathy, he has not only cognitive problems; he
7 was -- he had a lot of weakness. He was physically ill, you
8 know? He had a lot of physical problems. Once I had to
9 hospitalize him from my office. He had acute kidney stone.
10 But it does not relate to anything, just anybody can have it.
11 But, in general, he's physically -- you know, physically -- he
12 was kind of, you know, putting his head very often on the table
13 because he had some dizziness. He had some -- sometimes
14 headaches. He was just --

15 (Through the interpreter) He was unwell. There was a
16 general condition of not being well.

17 (In English) So this day I decided to add Provigil.
18 Provigil, this is good medication for alertness, just for being
19 well, you know? So people feel alert, better mood. It's not
20 anti-depressant; this is just medication contributing to this
21 feeling of well-being.

22 Q. So you tried to medicate just this overall bad feeling
23 that he had?

24 A. Yes. I added Provigil.

25 Q. Now, you treated him, Mr. Tsarnaev, up until the time you

1 left Boston?

2 A. Yes.

3 Q. I think we can do -- it looks like your last treating
4 entry is May of 2005. Can you tell the jury how he was at the
5 time you left him?

6 A. This is some confirmation I see here in my notes,
7 confirmation of what I said. He had epistaxis -- so he had lot
8 of bleedings from nose. He was going -- at that time, he was
9 going to emergency room almost every day. So he had this --
10 every time he had some additional somatic symptoms.

11 Q. And when you say "additional somatic symptoms"?

12 A. Physical.

13 Q. Physical symptoms?

14 A. So different physical symptoms, not involving only one
15 system of body, but general, like he was weakened in general.
16 That's why he had this, he had this, he had many, many,
17 many -- he was a sick guy.

18 Q. He was a very --

19 A. He couldn't drive. I remember, especially first half
20 year, he couldn't drive, and even his -- the owner of his
21 apartment, she was driving -- she was bringing him to our
22 clinic.

23 Q. How disabling were the illnesses that he had?

24 A. He -- at that time, he was really disabled. He couldn't
25 work, in my opinion, but it seems to me he had -- I never

1 filled out any forms for him for disability, but it seems to me
2 he had disability.

3 Q. That he was on disability?

4 A. Yeah.

5 Q. Dr. Niss, is there any doubt in your mind when you
6 finished treating Anzor in 2005 that he was a very sick man?

7 MR. CHAKRAVARTY: Objection, your Honor.

8 THE COURT: Overruled.

9 You may answer.

10 THE WITNESS: (Through the interpreter) Can you
11 repeat the question, please?

12 BY MS. CLARKE:

13 Q. Was there any doubt in your mind when you finished
14 treating Anzor in mid 2005 that he was a very sick man?

15 A. Still, he was -- no such panic attacks, no paranoia
16 anymore by that time, but the rest was like in the beginning.

17 Q. Very disabled?

18 A. Yeah.

19 Q. Thank you very much. The prosecutor may have some
20 questions.

21 MR. CHAKRAVARTY: One moment, your Honor.

22 (Pause.)

23 MR. CHAKRAVARTY: No questions, your Honor.

24 THE COURT: No questions? All right.

25 Thank you very much, Dr. Niss. You may step down.

1 (The witness is excused.)

2 THE COURT: This is probably a good time to take the
3 morning recess.

4 THE CLERK: All rise for the Court and the jury. The
5 Court will take the morning recess.

6 (The Court and jury exit the courtroom and there is a
7 recess in the proceedings at 10:50 a.m.)

8 (The Court and jury entered the courtroom at 11:22 a.m.)

9 THE COURT: Mr. Bruck.

10 MR. BRUCK: Call Michel Reynolds.

11 THE CLERK: Sir, want to step up here, please. Step
12 up to the box. Remain standing. Raise your right hand.

13 MICHEL REYNOLDS, Sworn

14 THE CLERK: Have a seat. State your name. Spell your
15 first and last name for the record. Keep your voice up and
16 speak into the mic.

17 THE WITNESS: My name is Michel Reynolds, M-i-c-h-e-l,
18 R-e-y-n-o-l-d-s.

19 DIRECT EXAMINATION BY MR. BRUCK:

20 Q. Good morning, Mr. Reynolds.

21 A. Good morning.

22 Q. Where do you live?

23 A. I live in Princeton, New Jersey.

24 Q. What do you do?

25 A. I teach in the Department of Near Eastern Studies at

1 Princeton University where I am an associate professor, and I
2 teach courses on the history, politics, and culture of the
3 Middle East and what we now call Russia and Eurasia.

4 Q. How long have you been teaching at Princeton?

5 A. I have been teaching there ten years.

6 Q. What is your educational background?

7 A. I have a B.A. from Harvard University in government, or
8 political science, and Slovak languages and literatures. I
9 received my M.A. from Columbia University where I studied
10 political science. And my doctorate is from Princeton
11 University in the field of Near Eastern Studies.

12 Q. Do you have a particular academic interest and
13 specialization in the history and culture of the North Caucasus
14 Region, Islamic parts of Southern Russia?

15 A. Yes, I do.

16 Q. And about how long has that been a particular interest of
17 yours academically?

18 A. Academically, I would say it's been an interest of mine
19 since 1996. Personally, it's been an interest of mine since
20 1989.

21 Q. That -- which was when you were still in college?

22 A. Correct, yes.

23 Q. And you traveled in the region starting at that time?

24 A. Yes, that's correct.

25 Q. Do you -- are you a fluent Russian speaker?

1 A. Yes, I am.

2 Q. Have you also -- in

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1 Q. Let me stop you there for a moment. Were a great deal of
2 the materials that you were asked to look at in the Russian
3 language?

4 A. Yes, many of them were. Hundreds out of maybe -- the
5 number might go into the thousands. There was a lot of
6 material. I also reviewed essays written by the defendant. So
7 that was one task.

8 The other task was to provide historical and cultural
9 background about the Chechens and the peoples of the North
10 Caucasus.

11 Q. All right. I'd like to start with the second task first
12 if I might.

13 Who are the Chechens?

14 A. The Chechens are a small people. Today their population,
15 roughly speaking, is about 1.2 million. They are classified as
16 a mountain peoples. They live in the North Caucasus. In terms
17 of language, their language -- the Chechen language is part of
18 the group called the Nakh Dagestani Group. That's significant
19 in that it is not related at all to Slovak. So the Chechens
20 have no -- are not Russians or Slovs.

21 Q. Let me clarify there. The Chechen language is not a
22 dialect of Russian?

23 A. No, absolutely not.

24 Q. It's --

25 A. It's completely different from Russian or from any other

1 -- from any Indo-European language, for that matter, nor is it
2 related to Arabic. The Chechens are not Arabs. They're not
3 Turks. Their language has no relationship to Turkish, nor do
4 they ethnically, nor are they related to Persians, to Iranians,
5 another group near the Caucasus. This is significant. The
6 Chechens have been living in the Caucasus --

7 Q. Can you wait just a moment.

8 MR. BRUCK: Can we bring up the map 3501? I'm sorry.
9 3205-1, excuse me.

10 THE COURT: Okay. As a chalk?

11 MR. BRUCK: This is a chalk, yes. And the government
12 has indicated it has no objection to a series of chalks.

13 THE COURT: Okay.

14 Q. Mr. Reynolds, does this depict the area of the Caucasus
15 Mountains that includes Chechnya?

16 A. Yes, it does.

17 Q. Before we get back to the Chechen people, is there some
18 reason that the mountain range that's shown in the center --
19 these were the Great Caucasus Mountains or the Northern
20 Caucasus?

21 A. So the Northern Caucasus refers to the northern side of
22 the Great Caucasus range.

23 Q. I see. Is there some reason why, as Americans, we would
24 all have been familiar with some part of the Caucasus Mountains
25 within the last few years?

1 A. Yes, there is.

2 MR. BRUCK: If we could bring up 3502 and 3.

3 Q. And that's what?

4 A. Well, in 2014, the Winter Olympics were held in Sochi.

5 MR. BRUCK: 3, please.

6 Q. These are the Winter Olympics?

7 A. Correct, yes. That shows the site where the Winter
8 Olympics were held.

9 Q. The 2014 Winter Olympics?

10 A. Yes.

11 Q. You'll notice a mountain range along the top of that
12 image.

13 A. Yes. That is the Caucasus.

14 Q. If one were to follow that mountain ridge about 450 miles
15 east, where would that be?

16 A. That would put you in Chechnya.

17 Q. All right. You were beginning to tell us about the
18 Chechen people. If we could focus in on the area of Chechnya
19 on --

20 MR. BRUCK: Mr. Fick, on 35 -- on 01 and bring that --
21 enlarge this a little bit. Okay.

22 Q. This is the -- Grozny is the capital of Chechnya?

23 A. Correct, yes, it is.

24 Q. All right. And Dagestan, which we've heard about, is the
25 region to the east between Chechnya and the Caspian Sea?

1 A. That is correct, yes.

2 Q. All right. How long have the Chechens lived in the
3 Caucasus Mountains?

4 A. The Chechens have been living in the Caucasus since well
5 before recorded time, that is, thousands of years.

6 Q. What is the topography? What sort of land is it that --
7 in which they have made their home?

8 A. Chechnya is a heavily -- it's a mountainous area, like
9 Dagestan, also heavily forested. And topography has had
10 profound implications for any culture and social organization
11 of the Chechens and the other mountain peoples of the North
12 Caucasus.

13 Q. We've brought up 3205-5. Is that a typical example of the
14 topography of Chechnya?

15 A. Yes. One can see mountains and a small village community.

16 Q. And 06, another Chechen --

17 A. Yes.

18 Q. -- typical scene? And 07? No. Excuse me.

19 You've said that the Chechens have lived in this region of
20 the North Caucasus for thousands of years.

21 A. Yes.

22 Q. How were they governed over that period of time? What
23 country were they a part of?

24 A. They weren't -- up until the middle of the 19th Century,
25 Chechnya has never known anything like centralized rule. The

1 Chechens essentially lived on their own in a -- without any
2 centralized -- so they were neither part of a larger state, nor
3 did they have anything that we would recognize as a state
4 today; that is, there was no Chechen president. There was no
5 Chechen emperor. There's no Chechen king. There was no
6 centralized body of authority.

7 Q. Was there a capital city?

8 A. No, there was no capital city.

9 Instead, the Chechens, like the other mountain peoples of
10 the North Caucasus, lived in small, isolated communities.
11 Communities are isolated, of course, because they're living in
12 the mountains. And they are small, of course, living in the
13 mountains, there's limited space to build homes. Also, the
14 land and mountains is relatively poor, so it cannot support
15 large populations. So as a result, the mountain peoples live
16 scattered in autonomous, small villages in the mountains. And
17 this has had important implications for their culture.

18 Q. That was my question. How does any people -- how did the
19 Chechen people live without a government, without police or a
20 capital?

21 A. Right. There was -- as I said, there was nothing. There
22 was no president, no king, nor is there anything like a police
23 service; there's no sheriff. So there were two particular
24 challenges that mountain peoples face. One is the need to
25 maintain social cohesion. So, as I said, these are difficult

1 -- life in the mountains is precarious.

2 MR. WEINREB: Your Honor, I'm sorry to interrupt. But
3 can we put this in a time frame? Because, otherwise, it's
4 potentially irrelevant.

5 THE COURT: Yeah. I think that's a good idea to frame
6 this.

7 Q. When we're talking about the evolution of Chechen society
8 and culture over a long period of time, are you -- does this --
9 the description that you're giving us, does this extend to the
10 present day?

11 A. Absolutely, yes. This is -- yes.

12 Q. Okay. Although today there is a formal government, but
13 the culture you're going to tell us about continues on today?

14 A. Yes, absolutely.

15 Q. All right. So you were saying there were two basic
16 requirements that have to be met.

17 A. One is the importance of maintaining social cohesion. As
18 I said, living in the mountains is a very precarious existence,
19 and it's very important that the community stick together. You
20 cannot separate from the community. You will perish if you
21 were to do that in the mountains; and, likewise, the community
22 depends upon every person, member, within it doing their part,
23 their share. So it's quite important that everybody basically
24 know their place and that they prevent the community from
25 breaking up, that they all get along.

1 The second challenge that mountain communities face is
2 that of self-protection. Each of these is living on -- they're
3 isolated. Because they live in the mountains, it's very
4 difficult to travel, to communicate with others. So every
5 community has to provide for its own self-protection. And as a
6 result of these two needs, the mountain peoples developed a
7 code of conduct and behaviors. This is called Adat. That's
8 spelled A-d-a-t. And this is a social code that regulates
9 everything from property rights inside of a community to the
10 way that people within families interact.

11 Q. Let me get directly to that. How would you describe the
12 structure of a Chechen family that is unusual in
13 characteristic?

14 A. Well, Chechen families, like the other mountain peoples of
15 the North Caucasus, the family units are very strong. They've
16 had to be. They are described -- they are, I should say, very
17 patriarchal. That is, it is the elder men, the father in the
18 family, is the person who over -- who runs the family and is
19 responsible both for the welfare of the family, that is, the
20 social -- I should say rather the material well-being of the
21 family, as well as the cohesion of the family.

22 Q. So the father in the family plays a critical or the
23 critical role, the dominant role. Are there implications of
24 Adat, of this culture, for the relationships between siblings
25 in a Chechen or North Caucasus family?

1 A. Yes, very much so. So the father, of course -- there are
2 cases, of course, where the father becomes incapacitated,
3 either perhaps dies or is injured, et cetera. And then the
4 role of the father is filled by the eldest brother. And
5 brothers, there is a hierarchy among the brothers. And, again,
6 for the purpose of cohesion, it's expected that the younger
7 brothers will listen to the older brother.

8 Q. Is this an expectation which exists even when the father
9 is around? Is this -- in other words, is there a relationship
10 of equality or inequality between brothers in a family?

11 A. Absolutely. This is something that is inculcated in
12 children from their birth, from the very beginning. So the
13 relationships between brothers and towards fathers is something
14 that is -- certainly exists before anything happens to the
15 father.

16 Q. So what, if anything, is the obligation owed a younger
17 brother to an older brother?

18 A. The younger brother owes his deference to the older
19 brother, and he owes his loyalty to the older brother because
20 it's understood to the older brother and to the family as a
21 whole.

22 Q. Is there a corresponding authority of the older brother
23 over the younger brother?

24 A. Yes. I wouldn't want to push this analogy too far, but
25 one could draw comparison between the family structure and that

1 of a military unit in that, just as a military unit is
2 hierarchal and has discipline for the purposes of maintaining
3 unit cohesion and for purposes of self-protection, so too have
4 the mountain peoples of the Caucasus developed a system of
5 discipline and hierarchy to maintain, again, social cohesion
6 and discipline in times of need, in times of emergency.

7 Q. Now, is this pattern of family relationship unique to the
8 Chechens, or is it -- does it also characterize the cultures of
9 other mountain peoples in this region?

10 A. No, it is not unique to the Chechens. The other Highland
11 peoples of the Caucasus, such as those -- many of those living
12 in Dagestan. Also in the Northwest Caucasus one can find very
13 similar patterns of family or social structure and behavior.

14 Q. If we had a family that was intermarried between an Avar
15 -- who are the Avars, by the way?

16 A. The Avars are a people who live in the highlands of
17 Dagestan. They also are the -- ethnically and linguistically,
18 their language also is considered a Caucasian language, meaning
19 that it is not related to anything outside of the Caucasus and
20 also a Highland peoples. I can go on.

21 Q. But the Avars are also a similar ethnic group to the
22 Chechens living to their east?

23 A. Similar. I mean, their language is very, very distantly
24 related to the Chechens. But in terms of their social
25 organization, by and large, they are similar.

1 Q. What is the religious affiliation, religious
2 identification, of both the Avar people and the Chechens?

3 A. Both the Avars and the Chechens and the majority of the
4 mountain peoples of the North Caucasus are Sunni Muslims.

5 Q. So if one had a family that was the product of an
6 intermarriage between a Chechen man and an Avar woman, would
7 you expect that the patterns of family authority would be
8 similar to that of a purely Chechen or purely Avar?

9 A. Yes, I would.

10 Q. How do young -- how are these roles that you've described
11 inculcated? How do young people learn them?

12 A. They learn them from the -- from growing up, from birth
13 onwards. These are patterns of behavior that they are -- that
14 they witness, that they play out in their -- from the beginning
15 of their lives.

16 Q. Now --

17 A. It's a very powerful culture.

18 Q. Would you expect that these cultural patterns would hold
19 true even for Chechens who did not grow up in Chechnya?

20 A. Yes. We know that from Chechen groups living in diaspora,
21 that is, outside of Chechnya, both in the former Soviet Union,
22 and then those who lived in the Middle East and are living in
23 the Middle East today. You see very similar patterns of family
24 organization and behavior.

25 Q. You've told us about the authority of the eldest brother

1 in a Chechen or a Caucasus family. What expectations are
2 placed on the eldest brother culturally?

3 A. Well, the eldest brother would be, again, expected to look
4 after the material well-being of the family and, again, its
5 cohesion.

6 Q. Does the eldest brother have special responsibilities in
7 the eyes of the family as a whole or in the eyes of the
8 community?

9 A. Yes, absolutely. People from the outside often see this
10 as something as a -- it's a position of honor, which it is, but
11 it's also a position of great responsibility and a burden.

12 Q. Now, you told us that Chechnya for Millenia had no
13 government, had no central authority, nothing that we would
14 think of as political organization at least as we know it. Did
15 there come a time when Chechnya entered the modern world?

16 A. Yes. I would -- Chechen's modern history, perhaps very
17 simplistically, identify four key moments or watershed moments.
18 One of those occurred in 1859 when Chechnya and the rest of the
19 North Caucasus was conquered by the Russian Empire, subjugated
20 after a war that roughly ran for four decades, a war in which
21 the Russian Empire used everything at its -- all the means of
22 its disposal so both the military, did things such as
23 destroying homes, destroys farmland, even poisoning water wells
24 to deny the people water to drink. That is, they used -- the
25 empire used every means at their disposal because the

1 resistance that it faced was so strong. In part, this was a
2 reflection of the strength of the mountain communities of the
3 North Caucasus. They famously resisted. So that took place in
4 1859 when Dagestan and Chechnya were both finally conquered.

5 Q. And the next watershed moment in history?

6 A. The next moment I would say occurred in 1917 when the
7 Russian Empire had a revolution. The Czarist Regime -- the
8 czar fell. And Chechnya had a brief moment of independence,
9 1917 to about 1919 when it was reconquered, this time by the
10 Bolsheviks, and it was forcibly reincorporated into what
11 became the Soviet Union.

12 Q. Now, there's been testimony that the Tsarnaev family,
13 Jahar Tsarnaev's father, Anzor, was born in Kyrgyzstan, in
14 Central Asia, which is actually on the border of China, very
15 far from Chechnya. Do you know why that might be so?

16 A. Yes, I do.

17 Q. Can you tell us about that?

18 A. Yes. In 1944 -- to be more specific, on 23 February
19 1944 -- Joseph Stalin, the leader of the Soviet Union, gave the
20 order that the Chechen nation was to be deported en masse; that
21 is, every single Chechen living inside of Chechnya was to be
22 deported to Central Asia, that is, to Kazakhstan and
23 Kyrgyzstan.

24 This was in -- during World War II. The Soviet Union was
25 at war with Germany. And the official accusation was that the

1 Chechens had betrayed the Soviet Union, although this was --
2 and collaborated -- the charge was collaboration with the
3 German armies, although the fact was that the German armies had
4 never actually entered Chechnya. More likely, the reason for
5 this is because the Soviet Union was at that time getting ready
6 for a war -- potential war with Turkey. It was making
7 territorial demands. But the --

8 Q. About how many Chechens were there at this time?

9 A. There were roughly 400,000.

10 Q. What happened?

11 A. They were all -- virtually all of them were put on cattle
12 cars and sent from Chechnya. Again, this was on February 23rd.
13 This is when it began. And with about -- within a week to two
14 weeks virtually the whole nation had been put on cattle cars,
15 sent to Central Asia. These cattle cars had no facilities.
16 They were not equipped to carry human beings. There was no
17 provision made for feeding people, no provisions even made for
18 things such as toilets.

19 And they were loaded onto the cattle cars, sent to Central
20 Asia, where they did not find any sort of facilities waiting
21 for them. There's no housing. It was not prepared. The
22 majority of them were simply kicked out and left on the step to
23 fend for themselves.

24 Q. Was there -- was there a mortality associated with this
25 deportation?

1 A. Yes. There was an extraordinarily high mortality rate as
2 one might expect from -- in a matter of days, packing people
3 into cattle cars. Estimates are -- range -- I would say the
4 most reliable, about a third of the population died in the
5 years both during the deportations and then, say, about two
6 years after that due to disease, from -- and starvation and the
7 general negligence and mistreatment.

8 Q. Did the survivors of that experience settle in Central
9 Asia, in Kazakhstan and Kyrgyzstan for a time?

10 A. Yes, that is correct.

11 Q. Did the Chechen communities become assimilated or did they
12 remain intact?

13 A. No, they did not assimilate. They maintained their
14 identity as Chechens.

15 Q. Is that a story, a historical event, that Chechens today,
16 young Chechens, know about?

17 A. Absolutely. The majority -- and virtually all Chechens
18 would have had relatives, for example, grandparents who had
19 lived through that experience. And if they were one of the
20 very few who didn't experience it, they would have -- or whose
21 families did not experience it, they would certainly have known
22 about it.

23 Q. In the discovery that you reviewed, did you look at a
24 couple of very short high school essays by Dzhokhar Tsarnaev
25 that described the Chechen deportations?

1 A. Yes, I did.

2 Q. Did you find them to be accurate in the way the events
3 were rendered?

4 A. I did, yes.

5 Q. Were they extremist or radical in the view of what had
6 happened?

7 A. No, they were pretty mainstream.

8 Q. Did there come a time when many or most of the Chechens
9 were allowed to return to Chechnya from Central Asia?

10 A. Yes. Under -- in 1956, they were permitted to return to
11 Chechnya.

12 Q. Did some Chechen families remain in Central Asia where
13 they had put down roots?

14 A. Yes, some did remain.

15 Q. As you understand, the Tsarnaev family were for a time --

16 A. Right. Those who could return did. Those who could not,
17 stayed where they had been deported.

18 Q. Now, you said there were four great events, and I think
19 we've covered three of them. What was the fourth great turning
20 point in Chechen history?

21 A. The fourth one, I would say, is the breakup of the Soviet
22 Union. That occurred in 1991. When the Soviet Union broke up,
23 the constituent Republics of the Soviet Union -- there were 15
24 of them -- left the Soviet Union and became sovereign,
25 independent states. Chechnya, because -- although it was a

1 distinct part of the Russian Federation, because it was part of
2 the Russian Federation, did not become an internationally
3 recognized sovereign state. But there was a movement inside of
4 Chechnya that pushed for Chechnya's emergence as an independent
5 sovereign state, that is, a state that would be separate from
6 Russia, from the Russian Federation.

7 Q. What happened as a result of that independence movement?

8 A. That independence movement -- again, to keep things
9 simple, that independence movement, the government was
10 established in Chechnya that insisted that it was independent.
11 Moscow, however, refused to recognize that independence; and in
12 December of 1994, the president of Russia, Boris Yeltsin,
13 ordered an invasion of Chechnya.

14 Q. This is what is known as The First Chechen War?

15 A. Yes. This is what is usually called The First Chechen
16 War.

17 Q. Can you describe, characterize, what happened during The
18 First Chechen War? Let me ask you, before you do that, was
19 this a war of Islamic radicalism or religious extremism?

20 A. No, it was not in any way. The government that was formed
21 in Chechnya was, in fact, explicitly a secular government, and
22 it's one that aspired to the establishment of a Chechen
23 national state.

24 Q. And can you describe the result of the Russian response in
25 The First Chechen War?

1 A. Again, to keep things simple, the Russian Army invaded in
2 December 1994. That triggered the war that lasted about a year
3 and eight months. And it was quite a destructive war. There
4 are no -- there's no definite number of casualties. The lower
5 estimates say that something like 50,000 people died. Other
6 estimates go up to around 100,000 people killed.

7 MR. BRUCK: I'd like to bring up 3205-13, please, as a
8 chalk.

9 Q. What does that photograph show?

10 A. That shows the capital of Chechnya, Grozny, after the
11 initial Russian invasion. This is from The First Chechen War.

12 Q. Does that fairly characterize the level of devastation in
13 The First Chechen War that resulted from the Russian invasion?

14 A. Yes. This is the result of artillery barrages and aerial
15 bombardment.

16 Q. You said there were about 1.2 million Chechens at that
17 time?

18 A. Roughly, yes.

19 Q. And are there any estimates of how many people were killed
20 during that First Chechen War?

21 A. Right. So the estimates in the first war, lower estimates
22 are around 50,000 people were killed. Other estimates go as
23 high as 100,000. 100,000 is probably the most commonly cited
24 figure for deaths.

25 Q. All right. During the course of that and to bring our

1 story forward, was -- you said that this was not a religious
2 war, not a religiously motivated rebellion on the part of the
3 Chechens. Did that begin to change during the course of the
4 First Chechen War?

5 A. Yes, it did begin to change.

6 Q. How did that happen?

7 A. Excuse me?

8 Q. How did --

9 A. How. In particular, in 1995, a Saudi citizen by the name
10 of Amir Khattab arrived in Chechnya.

11 MR. BRUCK: Can you bring up 3205-20, please?

12 Q. Do you recognize either one of these gentlemen as the
13 person you're talking about?

14 A. Yes. Amir Khattab is the one on the left, left-hand side,
15 wearing the beret.

16 Q. And I believe Dr. Levitt, when he testified for the
17 government earlier, referred to Amir Khattab as one of the
18 leaders of the jihadi movement in the Caucasus. Can you tell
19 us a little bit about what happened and how the -- how jihadis
20 infiltrated or took over this effort?

21 A. Right, yes. The jihadis saw the Chechen struggle as a
22 wonderful opportunity for them to exploit. That is, they saw
23 here was a small nation, Muslim nation, that was fighting a
24 great power that was having some success in doing so during The
25 First Chechen War. And in 1995, they began arriving in

1 significant numbers inside of Chechnya. They were, by and
2 large, well-armed and they were also -- perhaps even more
3 importantly, they were well-funded. So someone like Amir
4 Khattab had gone initially to Afghanistan to wage jihad and saw
5 that --

6 Q. Wage jihad against the Russians?

7 A. Yes. And then saw that here was a movement in Chechen to
8 further the cause of jihad. So he arrived in Chechnya as well
9 as other jihadis. And I should maybe just add, he was quite a
10 charismatic figure. He made a name for himself, in particular,
11 by carefully videotaping his battlefield exploits and by --
12 through the use of those videotapes and distributing them,
13 particularly to potential backers in the Arab Gulf countries,
14 was able to raise money for the cause of jihad.

15 Q. All right. The First Chechen War ended when?

16 A. The First Chechen War came to an end in August of 1996
17 when there was an accord signed between the Chechen government
18 and the Russian government. That was essentially a cease-fire
19 that put off the question of Chechnya's ultimate status.

20 Q. Did that bring peace to Chechnya?

21 A. Not exactly. The country, of course, had been devastated
22 by the first war, and there was no possibility of any
23 investment inside of Chechnya coming in from the outside to
24 rebuild it. The jihadists saw this, again, as a wonderful --
25 saw -- believed that they had won the great victory in

1 Chechnya. They had claimed the Chechen victory as their own.
2 They sought to further exploit this victory.

3 So more jihadis began to arrive in Chechnya. They were
4 well-funded, and in a country that's been devastated by war,
5 one of the best or the only ways to get employment was to join
6 with jihadi brigades. Training camps were established inside
7 of Chechnya. This jihadi movement then challenged the
8 government inside of Chechnya and essentially became a state
9 within a state.

10 And in 1999, they invaded the neighboring Republic of
11 Dagestan, part of the Russian Federation. And as part of their
12 plan to export jihad from Chechnya through the rest of the
13 North Caucasus and then ultimately through all of the
14 predominately Muslim areas of the Russian Federation, that was
15 their ultimate goal. The invasion of Dagestan in 1999 then
16 triggered what is known as The Second Chechen War where Russia
17 then reinvaded Chechnya.

18 Q. How long did The Second Chechen War last?

19 A. The second war lasted -- formal military operations lasted
20 from 1999 until 2009.

21 Q. Was that a less bloody or destructive war than the first?

22 A. No. That war was arguably even more destructive because
23 the lesson that the Russian military and what Vladimir Putin
24 took from the first war was that Russia had lost the first war
25 because it fought with one arm tied behind its back

1 effectively. And the Russian military was determined not to
2 lose the second war and effectively used every means at its
3 disposal to win that war.

4 Q. During this time, and especially during the time of The
5 Second Chechen War, you say 1999 forward, what was the status
6 of Chechens in the former Soviet Union, in Russia, including in
7 Dagestan? What was it like to be a Chechen?

8 A. Very difficult. Of course, Russia was at war inside of
9 Chechnya, and Chechens were regarded, both in Russia and in the
10 countries of the former Soviet Union, as both an unwanted
11 element and often were targets for police harassment, and
12 particularly extortion of bribes was very common.

13 Q. Now, you said that one of the innovations of Amir Khattab
14 in The First Chechen War was the videotaping of battles and
15 military operations which were then used -- sent to Arab
16 countries to use for fund-raising and so forth. Did that
17 continue as a propaganda tool into the age of the internet, up
18 till the present time?

19 A. Yes, absolutely, yes.

20 Q. Given this whole history that you've narrated, have
21 summarized very briefly, if a young Chechen in the United
22 States or elsewhere in the world went online looking for
23 information about his roots, his origins, as a Chechen, what
24 would he find?

25 A. Well, he would -- what he would find on the internet would

1 be that the Chechen cause is one that's very much intertwined
2 with the cause of international jihad. I should state that in
3 the second war the resistance in Chechnya increasing became
4 limited just to diehard jihadis, both those Chechens who had
5 joined the cause of jihad as well as the foreigners who had
6 come to Chechnya for the purposes of waging jihad.

7 Those jihadis were well-funded and established a prominent
8 presence on the internet. And whenever one looks for anything
9 regarding Chechnya or Chechen history, one almost immediately
10 stumbles upon websites dedicated to jihad and that describe the
11 wars in Chechnya as wars of jihadis.

12 Q. Now, Dr. Levitt, in his testimony, referred to a website
13 called kavkazcenter.com. Are you familiar with that site?

14 A. Yes, I am.

15 Q. And is that perhaps the leading jihadi website that is
16 based in the North Caucasus?

17 A. Yes, that is the leading website. It also has several --
18 established several related websites.

19 Q. Did you look at the browsing history on Jahar Tsarnaev's
20 computers and also on -- the computer, Sony VAIO, and also on
21 Tamerlan Tsarnaev's computer, the Samsung computer?

22 A. Yes, I did.

23 Q. Did you also look at the -- I believe it's 3303-009, the
24 chart of Tamerlan Tsarnaev's internet activity, browsing
25 history, that was introduced by Mr. Mark Spencer?

1 A. Yes.

2 Q. I note that the -- of course, this reflects the number of
3 -- the frequency and proportion of browsing activity by the
4 operator of the Samsung laptop, which, of course, is Tamerlan's
5 computer?

6 MR. WEINREB: I would object to him testifying about
7 what the computer shows. It's okay to ask him questions about
8 --

9 THE COURT: All right. Rephrase it.

10 Q. Looking at this chart, would you note what the
11 second-most-frequent browsing target is?

12 A. Kavkazcenter.com, the website which we just discussed.

13 Q. All right. I think there's -- the jury had a -- have you
14 reviewed an FBI statement by Magomed Kartoshev, which I believe
15 was substantially introduced here in court here the other day?

16 A. Yes, I have.

17 Q. There were references in that to kavkazcenter.com?

18 A. Yes, there were.

19 Q. That Mr. Kartoshev was quoting Tamerlan Tsarnaev as saying
20 that that's where he got his ideas?

21 A. Correct, yes.

22 Q. All right. That is the website we're talking about?

23 A. Exactly, that is the website.

24 Q. Okay. And youtube.com, did you examine many of the
25 links -- follow many of the links that were reflected in the

1 browsing history involving YouTube for --

2 A. Yes.

3 Q. -- for this computer?

4 A. Yes, I did.

5 Q. Were a great many of those --

6 MR. WEINREB: Your Honor.

7 Q. What was the nature of --

8 MR. WEINREB: We're getting into leading questions in
9 an area where I think --

10 MR. BRUCK: I'll rephrase it.

11 THE COURT: All right.

12 Q. What was the nature of the websites on YouTube that you
13 reviewed?

14 A. I would divide -- basically, I would say there were three
15 groups, three types of videos that --

16 Q. Now, broadly speaking.

17 A. Broadly speaking.

18 Q. If there's one overall category, were they music? Were
19 they entertainment? Were they political?

20 A. No. The vast majority had something to do with Islam.

21 Q. Okay. And if you can characterize those Islamic links or
22 links, what -- you said there were three basic categories.

23 Could you describe what you observed by following those links?

24 A. So I would say the first category would be instructional
25 videos. Largely these are lectures where a single person is

1 speaking. Some of them might be interviews where the speaker
2 is explaining various points of Islamic doctrine, sometimes
3 ritual. So they are effectively instructional videos.

4 The second --

5 Q. I should ask, were the majority of these in Russian?

6 A. The instructional videos, there was a mix, both in English
7 language and in Russian.

8 Q. And you listened to them both?

9 A. Yes, I did. I did.

10 Q. The second category?

11 A. The second category, I would say, would be -- I would call
12 atrocity.

13 Q. Atrocity?

14 A. Yes. And these were videos portraying the atrocities
15 committed against Muslims in various parts of the globe. Many
16 in particular were from Syria, from the current Civil War in
17 Syria, but other places as well, the Uighurs in China.

18 And then I would say the third category -- sometimes these
19 categories overlapped. But the third category, I would
20 describe --

21 Q. Before we go to the third category --

22 A. Yes.

23 Q. -- let's look at an example of the second that you picked
24 out for us. We would like to -- let me just -- did you
25 identify an example that you wanted to play a few minutes of

1 involving a documentary about Syria?

2 A. Yes.

3 Q. All right. Was that documentary an English documentary
4 that you found on YouTube that was dubbed into Russian?

5 A. Yes.

6 Q. All right. And in order for ease of listening, did you
7 locate the English originals without the Russian dubbing?

8 A. Yes, I did. It was not difficult.

9 Q. And is that video Exhibit No. 33-23-004A?

10 A. I believe so, yes.

11 MR. BRUCK: We would offer this and propose to play
12 from 40 seconds to three minutes and 40 seconds, just a total
13 of three minutes out of what is a half-hour video, to give some
14 sample of the type of material being viewed on the Samsung.

15 MR. WEINREB: Your Honor, I object on relevance
16 grounds.

17 THE COURT: On relevance grounds, it's overruled.

18 MR. BRUCK: Thank you.

19 MR. WEINREB: Can we approach?

20 THE COURT: Yes.

21 (SIDEBAR CONFERENCE AS FOLLOWS:

22 MR. WEINREB: Your Honor, I object on several grounds.

23 THE COURT: Okay. All right. You thought that was a
24 winner, huh?

25 MR. WEINREB: I thought that was an all-embracing one.

1 We are -- this witness was noticed primarily as being a
2 background witness about Chechnya and the Caucasus and so on.
3 He's now -- to display a video of -- I think it was just
4 described as being about Syria -- it is beyond his area of
5 expertise, beyond what was noticed. I believe it's more
6 prejudicial than probative. And it's not --

7 THE COURT: Well, I guess it depends on the content of
8 it, which I'm not familiar with.

9 MR. BRUCK: Well, this is -- it's the start of a video
10 which is very much motivational. It has some Hollywood movies,
11 sort of what difference can one man do in the world. Well, it
12 depends on the man. And then it -- you know, very much in the
13 we want you. And then it goes to clips of people mourning and
14 wailing and the destruction in Syria. They're not extremely
15 graphic. They're emotional.

16 But the point of it is, we have thousands and
17 thousands of hours that Tamerlan Tsarnaev saw, that is
18 documented in exhibits. We think it's terribly important --
19 this witness -- first of all, as far as the notice goes, the
20 government complained on Thursday they didn't have notice. We
21 supplemented the -- our notice and put this witness over till
22 today. So they knew exactly -- we provided this video.
23 They've seen it, which is why they're able to object to it.

24 There needs to be -- this witness has explained the
25 history that leads up to this situation by which young Chechens

1 have sort of been led into or exposed to this really very
2 foreign jihadi movement. And it has exercised a great power
3 over people like Tamerlan Tsarnaev, and we believe he pulled
4 his younger brother in.

5 To make that credible, we think just three minutes out
6 of the thousands of hours that he saw and then a few visual
7 websites that won't be videos, just to give some picture of
8 what -- when we say that these websites are important, we've
9 got to be able to show why they're important, why they could
10 have actually moved somebody. With everything the jury has
11 seen about this crime, three minutes of scenes from Syria is
12 not going to --

13 THE COURT: What is the source of the video?

14 MR. FICK: The Russian-language video was linked into
15 Tamerlan Tsarnaev's web history. It was testified --

16 THE COURT: I know it came from the computer. But
17 where did the computer get it? Is it from Kavkaz?

18 MR. FICK: This particular one is a YouTube link.
19 It's not Kavkaz Center. But YouTube is also one of the big
20 internet history categories that the witness just testified
21 about. It was part of the notice. The point is that the
22 Russian-language version of this was in the internet history of
23 the computer.

24 THE COURT: Who is the producer of the video? Is it
25 known?

1 MR. FICK: I don't know that it's known. It's on the
2 internet.

3 THE COURT: Some of them are. Some of them --

4 MR. BRUCK: The point -- none of it is being offered
5 for the truth. It's being offered to show the effect of this
6 propaganda, which is being represented as truth to Tamerlan
7 Tsarnaev.

8 MR. WEINREB: Your Honor, this is all argument. He's
9 not an expert on these things. He's not a terrorism expert.
10 He's not a radicalization expert. He's a professor of history
11 at Princeton. He can't testify about the effect of --

12 MR. BRUCK: He's not going to.

13 MR. WEINREB: Excuse me. I'm talking.

14 He can't talk about the radicalizing effects of these
15 things or that somebody looking at it would -- that's the
16 implication of his testimony. That's the whole point for
17 playing it while he's on the witness stand as opposed to
18 playing it as a chalk during closing argument and saying, This
19 is what Tamerlan Tsarnaev was looking at on his computer.
20 Imagine the effect that this must have. This is precisely what
21 we objected to and moved in limine to exclude this witness from
22 doing. He's sort of bleeding over into psychological-type --

23 THE COURT: Okay. I reverse the relevance ruling. I
24 think that convinced me.

25 MR. BRUCK: He's not going to say anything about it.

1 Can we just play it and --

2 THE COURT: Maybe some other time but I think, for his
3 testimony, no.

4 MR. BRUCK: Once he goes off, I can just play it?

5 THE COURT: I don't know. I'm not deciding that
6 question.

7 MS. CONRAD: May I have one moment?

8 (Discussion held off the record.)

9 MR. BRUCK: Well --

10 THE COURT: Anyway, the objection is sustained.

11 . . . END OF SIDEBAR CONFERENCE.)

12 Q. Well, you've described -- could you generally describe --
13 we're not going to play it, but could you generally describe
14 the -- what you mean by atrocity videos that were on Kavkaz
15 Center and in the YouTube materials that you reviewed from
16 Tamerlan's computers?

17 A. So the video that we're not going to show or more general?
18 The video that I had selected, in particular, has scenes of the
19 Civil War in Syria where depicted are -- and it's quite
20 graphic -- Syrian civilians that have been -- suffered from
21 shelling and bombing by the government of Syria. And the
22 message over -- as a speaker, as these events --

23 MR. WEINREB: This is not a matter of expert
24 testimony. He's just describing what's in the exhibit --

25 THE COURT: Right. I think --

1 MR. WEINREB: -- he saw on YouTube.

2 THE COURT: It sounded like the question started out
3 to be a general one about those two sites or caches or whatever
4 on the computer.

5 Q. Did you find a very large quantity of these what you've
6 characterized as atrocity videos in Tamerlan Tsarnaev's --

7 A. Yes.

8 MR. WEINREB: Objection, your Honor.

9 THE COURT: No.

10 MR. WEINREB: That's not a question for an expert
11 witness on --

12 THE COURT: Okay. The witness had started to describe
13 the three categories. This is the second one. Maybe we could
14 get to the third one.

15 MR. BRUCK: Yes. We'll move on.

16 Q. What was the third category of material that you found in
17 profusion on the Samsung?

18 A. The third category is one I would categorize as
19 motivational videos.

20 Q. Motivational?

21 A. Motivational. So these are videos predominantly from the
22 Caucasus, Dagestan and Chechnya, also from other sites. But
23 the -- parts of the globe where jihad is being waged. But the
24 message here, it depicts jihadis in the mountains either in
25 combat or preparing to go to combat, marching through the

1 mountains. And they give one a sense of adventure. One sees a
2 camaraderie.

3 MR. WEINREB: Objection, your Honor. We've heard the
4 category. Now we're getting into something else.

5 THE COURT: No. I think he can describe the nature of
6 the content. Go ahead.

7 A. So depictions of -- one sees camaraderie, and one sees
8 basically young men standing for something larger than
9 themselves.

10 So where -- the emphasize isn't the harm being done to
11 Muslims. The harm is more -- the emphasis, rather, is sort of
12 one -- one could be part of a greater cause, and being part of
13 this greater cause is something that is very rewarding in an
14 immediate sense of being part of a group and proving one's
15 courage.

16 Q. Were there very large number of these videos linked on the
17 Samsung?

18 A. Yes, there were.

19 Q. Now, in addition, did you review an Odnoklassniki page
20 that Tamerlan Tsarnaev created?

21 A. Yes, I did.

22 Q. Can you --

23 MR. BRUCK: I think you have the spelling, do you not?

24 Q. What is Odnoklassniki?

25 A. Odnoklassniki is a Russian-language social media website.

1 Odnoklassniki basically translates as classmates.

2 Q. Classmates?

3 A. Classmates, correct. And I would -- very similar to
4 Facebook. It's the same sort of social media site as Facebook.

5 MR. BRUCK: If we could please have on the -- okay.
6 We'd like to move into evidence 3707 -- excuse me, 3307-001,
7 which is Tamerlan Tsarnaev's Russian-language Odnoklassniki
8 page.

9 MR. WEINREB: Your Honor, we object to this as well on
10 the same grounds as before.

11 THE COURT: Can I see the -- can you put it up?

12 MR. BRUCK: Now, this, of course, is Tamerlan's own
13 page. This is not something that --

14 MR. WEINREB: Your Honor, can we approach on that?
15 There's been no foundation for that. This witness has no way
16 of laying a foundation.

17 THE COURT: I'll see you at the side.

18 (SIDEBAR CONFERENCE AS FOLLOWS:

19 THE COURT: Where are you headed?

20 MR. BRUCK: Well, this is -- the Kartoshev statement,
21 which is in evidence, referred to the fact that Tamerlan put up
22 a Facebook page -- an Odnoklassniki page after he returned from
23 Russia. This is an Odnoklassniki page which has a great deal
24 of internal evidence that it -- it's posted using his name
25 Muaz, which is a name he adopted. But there's a great deal of

1 internal evidence that this is, in fact, Tamerlan Tsarnaev's
2 page, and we think the jury should see what he was putting out.
3 And the government has certainly put out what precious little
4 the defendant put out.

5 THE COURT: How does it relate to the witness'
6 testimony?

7 MR. BRUCK: Well, we simply need a witness to explain
8 what Odnoklassniki is and that this is the Russian Facebook.
9 He's not going to evaluate it. In that sense, he's like a
10 reader. He's going to translate one Islamic -- one Russian
11 Islamic line on the home page, which is just an Islamic jihadi
12 religious statement. And the jury can see it and that's it.
13 He's just going to -- I mean, someone has to do it, and it
14 needs to be someone who speaks Russian.

15 MR. WEINREB: Your Honor, there may be evidence or
16 information from which a juror could infer that this is
17 Tamerlan Tsarnaev's Odnoklassniki -- Russian equivalent
18 Facebook page, but this witness isn't going to provide it, and
19 no other witness has provided it.

20 THE COURT: I guess the point may be that it is in
21 some respect self-authenticating.

22 MR. WEINREB: It is not, your Honor. We tried very
23 hard to authenticate it ourselves in the course of the
24 investigation in this case. It's on his computer, but
25 determining that it is, in fact, his page requires somebody

1 with knowledge. And this witness doesn't have it, and no other
2 witness has testified about it.

3 In addition, it is, once again, I think, inappropriate
4 to publish these images through this expert witness. The
5 images on this page are shocking and lurid. And for the
6 defense to try to publish them while an expert witness is on
7 the stand is to basically argue about them using an expert who
8 really knows nothing about them. He's simply being -- they're
9 being published during the course of his testimony in order to
10 present them to the jury in an argumentative way.

11 MR. FICK: On the authentication question, first of
12 all, experts are often permitted to talk about or testify about
13 things that are not in evidence or to explain them. As to the
14 authentication, the government produced this page to us in a
15 letter identifying it as Tamerlan's page. It is linked from
16 Tamerlan Tsarnaev's internet history. Internal information on
17 the page suggests it's a person -- the person self-identifies
18 as a resident of Boston of the appropriate age.

19 THE COURT: Well, I gather it doesn't directly relate
20 to his opinions. It's just, as you say, he's a convenient
21 person to do it.

22 MR. BRUCK: Well --

23 THE COURT: If that's the case, then I think it should
24 not come in.

25 MR. FICK: As sort of a Russian-speaking historian and

1 political scientist of the region, he's really the only person
2 who can both understand it in Russian and explain what it means
3 in the context of what he's already been talking about.

4 MR. BRUCK: He's not going to say any more about it
5 than just introduce it.

6 THE COURT: No. I'll exclude it.

7 . . . END OF SIDEBAR CONFERENCE.)

8 Q. Mr. Spencer -- excuse me, Mr. Reynolds, you told me -- you
9 told us that -- you told us a little bit about Kavkaz Center as
10 a jihadi website or a radical Islamist website based in the
11 Caucasus.

12 By the way, you described the innovation of Amir Khattab
13 in The First Chechen War as videotaping battles. This was a
14 new thing that hadn't been done before?

15 A. Yes. I can't say for certain it hadn't been done, but it
16 was one where he distinguished himself from other jihadis.

17 Q. Would it be fair to say that this technique has wildly
18 proliferated?

19 A. Absolutely, yes.

20 Q. And these are the types of videotapes you were describing
21 a moment ago, the motivational videotapes?

22 A. Correct, yes.

23 Q. Getting now to Kavkaz Center, did you --

24 MR. BRUCK: We'd like to move in a couple of
25 representative pages.

1 Q. Did you find Russian pages in Tamerlan Tsarnaev's --
2 Kavkaz Center is in several languages now, is that correct?

3 A. That's correct. It's in four languages. It has -- it's
4 in Russian, English, Turkish, and Arabic.

5 Q. And did you find some representative Russian-language
6 links that Tamerlan Tsarnaev had linked to and then found the
7 English equivalent so that we would be able to see the same
8 page in English?

9 A. Yes.

10 Q. We'd like to offer 3314-001A, which is the English -- I'm
11 sorry, 001 and 001A, which is just an example of the sort of
12 material on the internet, side by side, and ask you if this is
13 one of the kavkazcenter.com links that you found in Tamerlan
14 Tsarnaev's internet browsing history.

15 MR. WEINREB: Can we see it on the screen first?

16 MR. BRUCK: There was no objection?

17 MR. WEINREB: No objection.

18 MR. BRUCK: Very well.

19 THE COURT: Okay.

20 (Defendant's Exhibit No. 3314-001 and 3314-001A received into
21 evidence.)

22 Q. Can you just -- this is, in effect, a jihadi --

23 MR. WEINREB: Objection to the --

24 Q. Well, can you generally describe what this is?

25 A. The Kavkaz Center or this particular part?

1 Q. Well, both.

2 A. Well, kavkazcenter.com, as I stated, is a jihadi website
3 dedicated in particular to the support of jihad in the
4 Caucasus, the North Caucasus even more specifically, so as
5 materials, videos, showing jihadis fighting in the Caucasus,
6 speaking to audiences about what they're doing. And then there
7 are other materials explaining -- such as this textual
8 materials, explaining what a Muslim is supposed to do, what are
9 their obligations, what are the obligations of their faith.

10 Q. And if we could look at 3314-003 and 003A.

11 THE COURT: Is there any objection to this?

12 MR. WEINREB: No, your Honor.

13 THE COURT: Okay.

14 (Defendant's Exhibit No. 3314-003 and 3314-003A received into
15 evidence.)

16 Q. And this is a -- can you just generally characterize
17 what --

18 A. This is an announcement about a Chechen jihadist who was
19 killed fighting in Syria.

20 Q. Okay. And you found this on Tamerlan Tsarnaev's internet
21 history?

22 A. Yes.

23 Q. And the date of that, we note, is April 7, 2013?

24 A. Correct, yes.

25 Q. And were these the only such links that you found?

1 A. No. There were many, many, many beside this. There were
2 countless, it seemed.

3 Q. Now, there's been some testimony about Yahoo email
4 exchanges between Tamerlan, when he was in Russia, and Jahar,
5 his brother. And I'd like to know whether you examined these
6 exchanges.

7 MR. BRUCK: And, in particular, I'd like to bring up
8 3316 -- I'm sorry, 3316-002, which is in evidence.

9 THE COURT: Okay.

10 MR. BRUCK: And go to Page 8. I may need to make that
11 a little larger.

12 Q. Do you recognize what that -- looking at the email
13 exchange, the Yahoo email exchange on the left, to refresh your
14 memory, do you recall what this link is, who sent it to whom?

15 A. Yes. This is, I believe, Jahar Tsarnaev had sent to his
16 brother Tamerlan while Tamerlan was in Dagestan, I believe.

17 Q. All right. And this was a response --

18 MR. WEINREB: Object to the leading nature of the
19 question, your Honor. If he knows or doesn't --

20 Q. Do you know what the -- what triggered this email?

21 A. Yes, I do. There had been email exchanges from Tamerlan
22 to Jahar, and Tamerlan had sent a number of links and material
23 related to and in support of jihad and jihadi interpretations
24 of Islam. And most of those received the reply -- or virtually
25 all of them, except for this one, received the reply of, That's

1 interesting. There was no reply of any substantive nature.
2 This is the one -- the reply that I saw that had anything
3 substantive in it.

4 Q. And it was a reply that contained a link?

5 A. Yes.

6 Q. And this is the link?

7 A. That's correct.

8 Q. Can you tell us what this link is?

9 A. So this is a link to a -- first, the website Ihtlas -- I
10 think it was a dot-org -- is a registered -- a website of an
11 organization, a Muslim organization, located in Moscow. That's
12 legal --

13 Q. You need to slow down a little bit. A Muslim organization
14 located in Moscow?

15 A. Located in Moscow.

16 Q. Is that a jihadi organization?

17 A. No, absolutely not. It is one that is registered,
18 operates openly, and, as I would describe it, probably as a
19 philanthropical educational institution. They have classes for
20 both adults and for children to instruct them in the basics of
21 the Islamic faith as well as they also carry out charitable
22 activities.

23 Q. Is the organization sanctioned by the Russian government?

24 A. Yes. No, this is one that is registered and operates very
25 much in the open.

1 Q. What was the content of the material from this
2 state-sanctioned Muslim website?

3 A. Right. So the link is to a text that's taking -- that
4 comes from a Muslim mystic, perhaps the most famous, by the
5 name of Ibn Arabi. He lived in the 12th and 13th Centuries.
6 The text is from a larger work of his known as Shajarat
7 al-Kawn, which translates essentially to the Tree of Being.
8 And the text of the -- is -- depicts or describes an imaginary
9 encounter between the Prophet Muhammad and Satan. And they
10 have a conversation in which Muhammad asks Satan what the
11 things that either make you very happy and then what are the
12 things that upset you?

13 And the sorts of things that -- the emphasis of the text
14 is that the things that people do in their everyday lives such
15 as if you -- things that drive Satan crazy are when someone
16 performs their ablutions, that is, the ritual washing and
17 getting ready for prayer. That drives him crazy. What makes
18 him happy is when someone lies, when a divorce takes place.

19 Ibn Arabi is a mystic that was reviled by jihadis. This
20 is an interpretation of Islam that is poles apart from the
21 Salafi interpretation of Islam and the jihadi interpretation of
22 Islam. They regard -- jihadis regard Ibn Arabi essentially as
23 a blasphemer, as an apostate, as utterly contemptible. And
24 that's the thing that really struck me looking at this message.
25 Of all the things to send back --

1 MR. WEINREB: Objection, your Honor. That is going
2 beyond --

3 THE COURT: No. I think it's still germane.

4 A. Of all the texts to send back, this is one from Ibn Arabi,
5 who, again, is a figure, an Islamic thinker, who is reviled and
6 very strongly reviled -- and I choose that word carefully --
7 reviled by jihadis.

8 The text of it is very much about everyday sorts of
9 activities that people -- everyday life they engage in. There
10 is no reference to jihad or any kind of fighting or killing in
11 this text.

12 Q. Thank you. Switching gears now, I'd like to ask you if
13 you researched -- well, I guess, to try to answer the question:
14 In the writing on the boat, there is a line, "Know that you are
15 fighting man who look into the barrel of your gun and see
16 heaven. How can you compete with that?" Did we ask you to try
17 to determine if you could whether that was an original line
18 that Dzhokhar Tsarnaev had come up with on his own?

19 A. Yes, you did ask me to look into that line, and I can say
20 it was certainly not an original one.

21 Q. What did you find out about it?

22 A. That line and variations of it -- so sometimes one sees,
23 instead of -- there's the barrel of a gun in some. Others
24 refer to a barrel of a pistol. So there are slight variations.
25 One -- I found this widespread throughout Russian-language

1 social websites used primarily by Muslims but not only Muslims.
2 There are a number of non-Muslims. One finds it on their
3 websites. One finds it now used in reference to the current
4 conflict in Ukraine.

5 Q. In Ukraine?

6 A. Correct, yes.

7 Q. Which is not a religious conflict?

8 A. No, not at all. There are no Muslims virtually involved
9 in the conflict in Ukraine. It's used in both sides. After --
10 it seems to have become quite popular after 2010. There was a
11 noted increase in its usage. And I would say the average -- it
12 struck me the most commonly it seemed to be used by people sort
13 of posing on their --

14 Q. Posing?

15 A. Posing, right, trying to look cool on their websites. It
16 has sort of an interesting ring to it. Some people who posted
17 this -- the quote -- I searched for the origins as well, who
18 first originally uttered this and where did it come from. Some
19 people who posed -- who posted it claim that it came from an
20 Afghan in the 19th Century who had been fighting the British.
21 That is the closest claim I found to a source for the citation,
22 although that strikes me as largely probably an invented
23 origin.

24 Q. So it's ubiquitous?

25 A. Yes. It's very much ubiquitous, found, again, all

1 throughout Russian-language social Media, websites, and used by
 2 a wide range of people, generally males in their teenage years,
 3 early 20s, mostly Muslim but not solely Muslim. And, again,
 4 even some Ukrainians on both sides have invoked it.

5 Q. All right. Now, finally, I'd like to ask you a little bit
 6 about some games, people, organizations, and materials related
 7 to Tamerlan's organization's trip to Russia in 2012.

8 Did you review some FBI 302s, including the statement of
 9 Magomed Kartoshov that the jury has already heard about that
 10 trip?

11 A. Yes, I did.

12 Q. Did -- by the way, who is Magomed Kartoshov in terms of --
 13 he lives where in Dagestan?

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1 Q. What is its relationship -- there is a violent insurgency
2 in Dagestan at the present time, is there not?

3 A. That is correct, yes.

4 Q. There was when Tamerlan traveled to Dagestan --

5 MR. WEINREB: Your Honor, these are leading questions
6 again.

7 MR. BRUCK: I'll rephrase.

8 Q. Was there, if you know, a violent insurgency taking place
9 in Dagestan in the first half of 2012?

10 A. Yes. There has been an insurgency going on in Dagestan
11 for the last -- well, one can say it starts shortly after the
12 breakup of the Soviet Union but certainly within the last 15
13 years. And it's ongoing today.

14 Q. At all relevant times, there have been --

15 MR. WEINREB: Objection to the phrasing of the
16 question.

17 THE COURT: Okay.

18 Q. What, if you know, is the relationship of the Union of the
19 Just to the insurgency?

20 A. The Union of the Just -- from all the materials that I've
21 reviewed, the Union of the Just is one that is -- I would say
22 them as being sympathetic to the insurgents. They don't
23 outwardly advocate the use of violence, but they do not condemn
24 it. And they are very quick to criticize the police and
25 security services for their treatment of accused or suspected

1 jihadists and other insurgents.

2 And they are -- it's an organization that aspires to the
3 -- I mean, Kartoshev himself has explained in interviews that
4 he wishes to see the establishment of Islamic law inside of
5 Russia, that he desires the reestablishment of the Caliphate.
6 That is, the Caliphate was the political union of all Muslims
7 that have existed that was founded by the Prophet Muhammad and
8 then existed with the four -- what they call the four
9 righteously guided successors to Muhammad. And the Union of
10 the Just seeks to recreate this political union of all Muslims
11 throughout the world.

12 Q. By the way, you said interviews. Are interviews and
13 speeches to crowds by Kartoshev available online?

14 A. Yes, they are.

15 Q. Did you examine some of those?

16 A. Yes, I did.

17 Q. So they're posted?

18 A. Yes. So there are both interviews with Kartoshev where he
19 explains his views, and then there are multiple videos of
20 Kartoshev speaking at rallies.

21 Q. And advocating what you've described?

22 A. Yes.

23 Q. And, of course, is it your understanding that Kartoshev is
24 a cousin of --

25 MR. WEINREB: Objection.

1 A. Yes.

2 Q. -- of Tamerlan?

3 A. Yes.

4 Q. Now, is the Union of the Just ideologically affiliated
5 with some larger organization?

6 A. It is. It is affiliated -- shares the same world view and
7 program as an organization known as Hizb ut-Tahrir.

8 Q. The court reporter has that, but you might want to spell
9 it just so --

10 A. Okay. Usually that's -- there are a number of ways one
11 can spell it. The phonetic way would be H-i-z-b, and then the
12 next word would be u-t, dash, T -- usually the second T is
13 capitalized -- a-h-r-i-r. And "Hizb" means basically party.
14 "Tahrir" means liberation. So it means the Party of
15 Liberation, in particular, Islamic liberation.

16 Q. What is the ideology of Hizb ut-Tahrir?

17 A. Hizb ut-Tahrir is a global organization and has members
18 all throughout the world, and it aspires to the restoration of
19 the Caliphate, again, the political union of all Muslims.

20 Q. Okay. Now, did you review several hours of audio
21 recordings that were found on Tamerlan Tsarnaev's encrypted
22 hard drive?

23 A. Yes, I did.

24 Q. All right. They were in what language?

25 A. They were in Russian.

1 Q. Okay. And they have also been -- we have an English
2 translation transcript?

3 A. Yes.

4 Q. One of those is already introduced in evidence as Exhibit
5 3306, I believe, 3306-J.

6 Now, you listened to -- how many hours in total did you
7 say these conversations --

8 A. They were about six hours, maybe slightly more than six
9 hours. Excuse me, rather, I mean, slightly more than three
10 hours. They were generally about 30 minutes to 40 minutes
11 apiece.

12 Q. And they -- how many people, generally speaking, are
13 talking on these tapes?

14 A. Usually around four, but sometimes there's some voices in
15 the background. But the majority of it usually speaking is
16 about four people.

17 Q. Do all of them involve one person who is designated in the
18 transcript as "MV," for "male voice"?

19 A. Yes.

20 Q. And I think the record will reflect --

21 MR. WEINREB: Objection, your Honor. That's not
22 appropriate. He can't testify about what the --

23 THE COURT: What? Is this to the coming question or
24 the last question?

25 MR. WEINREB: The question that's coming. Mr. Bruck

1 is about to testify about things in evidence.

2 MR. BRUCK: Well, I'll move on. The jury has heard --

3 THE COURT: It's in evidence.

4 MR. BRUCK: The voice has been identified.

5 Q. Would you generally describe the nature of these
6 conversations? And then we'd like to just have you read
7 through some examples to illustrate your assessment. But in a
8 general way, could you describe what this conversation between
9 MV, the person designated as "male voice," and the other
10 speakers on these three hours of tapes --

11 MR. WEINREB: Your Honor, I object, and maybe we
12 should be heard at the sidebar.

13 THE COURT: Yeah, let me see you.

14 (SIDEBAR CONFERENCE AS FOLLOWS:

15 MR. WEINREB: Your Honor, his interpretation of the
16 conversation between Tamerlan Tsarnaev and Magomed Kartoshev
17 and other people is not within his area of expertise. It's not
18 really something we've been given robust notice of. We were
19 noticed that defense wanted him to do it, but it was not within
20 what we were told this expert, who is an expert in -- and he is
21 a professor of Near East studies at Princeton, has some
22 understanding of Islam and some other things that he testified
23 about. But I think this is using him to make arguments to the
24 jury about what inferences they should draw from these.

25 MR. BRUCK: He's going to be speak in a very general

1 way. We have three hours of tapes. There has to be some way
2 of condensing this into a manageable form. He's going to say
3 that Tamerlan Tsarnaev -- about which there has been abundant
4 evidence already -- is expressing a desire to fight, to take --
5 to take violent action. And that is the subject matter of
6 these instructions. And he will read a passage in which the
7 upshot of one of these discussions is that there are many
8 different paths and that he, Tamerlan, is drawing the
9 conclusion that his path, which is an expressly violent one, is
10 valid. So it's sort of a --

11 MR. WEINREB: He's using him as a reader and then
12 using him to argue about the meaning of these things.

13 THE COURT: How is it connected to his expert
14 testimony?

15 MR. BRUCK: He's a Russian speaker. We have a
16 translation, but --

17 MR. FICK: The problem is it's three hours of
18 conversations. They're extremely dense and complex with
19 Islamic terminology.

20 THE COURT: Right. You need an expert, but that's not
21 what he was noticed for.

22 MR. BRUCK: We noticed him that -- in the supplemental
23 notice, we said that he was going to characterize and discuss
24 these --

25 MR. WEINREB: There's a difference between a notice

1 that simply says we're going to -- right. I knew that this was
2 coming. That's why I'm up here objecting. But that's
3 different from saying that that's who this expert is. It's not
4 an expert.

5 THE COURT: I think it goes beyond the scope of his
6 testimony.

7 MR. BRUCK: Then why don't we have him read the
8 passage.

9 MR. WEINREB: He's not a reader, your Honor.

10 THE COURT: It may imply his expertise in reading.

11 MR. BRUCK: So we'll just have to use a reader to read
12 it.

13 THE COURT: Perhaps. It's in evidence anyway.

14 MR. BRUCK: Yes, but --

15 . . . END OF SIDEBAR CONFERENCE.)

16 Q. So to summarize -- and I'm not going to go into the
17 content of the tapes with you, Professor Reynolds, but just so
18 that we sort of leave off with the jury understanding what
19 these are, these are --

20 MR. WEINREB: I'd object, your Honor. We're about to
21 have a summary given by Mr. Bruck.

22 THE COURT: Yeah, sustained.

23 MR. BRUCK: Okay. Bear with me just a moment.

24 I think that's all, Professor Reynolds. Thank you
25 very much.

1 THE WITNESS: Thank you.

2 MR. WEINREB: Your Honor, I think -- I propose taking
3 the lunch break and then coming back to -- I'll be much more
4 than ten minutes.

5 THE COURT: Right, but we could begin. Let me just
6 see you briefly.

7 (SIDEBAR CONFERENCE AS FOLLOWS:

8 MR. WEINREB: I think if we could take an abbreviated
9 lunch break perhaps to 1:30.

10 THE COURT: That's what I wanted to know. From now
11 until 1:30?

12 MS. CLARKE: We pulled two people in today that were
13 on for tomorrow so we would have the full day. Now we're
14 cutting it short. It would be nice to get them on. They're
15 short witnesses. Do you know how long you'll be?

16 MR. WEINREB: I think I'll be half an hour at the
17 most, so I think --

18 THE COURT: How long will Bezy be?

19 MS. CLARKE: We're not going to be able to finish him
20 today. We're going to flip Roche and Bezy and Alvarez and --
21 yeah, we're going to do Howard and Alvarez.

22 THE COURT: I thought you'd like to get him on and off
23 today.

24 MS. CLARKE: We'd like to.

25 MR. WEINREB: I'd prefer not to have to interrupt

1 this. I think it would be hard for the jury. Can we just
2 begin at 1:30?

3 THE COURT: Fine.

4 . . . END OF SIDEBAR CONFERENCE.)

5 THE COURT: All right, jurors. We're going to break
6 for the lunch recess at this point, but we're going to resume a
7 little early, to make sure we make appropriate progress, at
8 1:30. For others reasons, we're going to have to end around
9 3:00 today. We want to try to get some efficiency. So we'll
10 be back here at about 1:30. Okay. All right. We'll be in
11 recess.

12 (Luncheon recess taken at 12:50 p.m.)

13 THE CLERK: All rise for the Court and the jury.

14 (The Court and jury enter the courtroom at 1:35 p.m.)

15 THE CLERK: Be seated.

16 THE COURT: All right, Mr. Weinreb.

17 MR. WEINREB: Thank you, your Honor.

18 CROSS-EXAMINATION

19 BY MR. WEINREB:

20 Q. Good afternoon, Professor Reynolds.

21 A. Good afternoon.

22 Q. You began by telling us the history of Chechnya going back
23 a thousand years.

24 A. A little bit, yes, very briefly.

25 Q. And you said that, among other things, it didn't have a

1 government; there was no police, no titles to property?

2 A. I didn't say there was no titles to property. I did say
3 there was no centralized police force or centralized
4 government, correct.

5 Q. And that was true in the United States for thousands of
6 years before the colonists arrived here?

7 A. I'm not an expert on U.S. history.

8 Q. Okay. But you're aware there was an American Indian
9 population that lived here without a central government and
10 without a centralized police force?

11 A. I can't tell you how the American Indian tribes were
12 organized.

13 Q. Okay. That's fine. I guess what I'm really getting at
14 here is the world has changed a lot over the past few thousand
15 years, hasn't it?

16 A. Yes, it has, but I would point out that Chechnya --

17 Q. Well, that's fine. Let me move on to the next question,
18 then.

19 A. That's a relative statement, if it's changed or hasn't
20 changed.

21 Q. Chechnya itself has changed in significant ways since --
22 in the past few thousand years?

23 A. By "Chechnya," do you mean the society or do you mean the
24 physical -- the urbanization of Chechnya, for example?

25 Q. Well, you told us that in 1859 it was first subdued by the

1 Russian government?

2 A. That's correct, yes.

3 Q. So that was a big change for Chechnya?

4 A. Yes, it was.

5 Q. And it changed even more dramatically during World War II?

6 A. Yes.

7 Q. Now, when it was subdued by the Russian government for the
8 first time in 1859, that was 100 years ago?

9 A. Correct.

10 Q. And World War II, that ended about 70 years ago?

11 A. That's correct.

12 Q. And it's undergone significant changes between World
13 War II and today?

14 A. When you say "it," I guess, do you mean the Chechen
15 culture or do you mean the Chechen people? Do you mean the
16 landscape of Chechnya?

17 Q. I guess all I'm asking you is that you said that there
18 were big developments in Chechnya between World War II and
19 today. There were two wars?

20 A. Certainly, yes.

21 Q. And there's been back-and-forth with the Russian
22 government?

23 A. Yes.

24 Q. Anzor Tsarnaev, the defendant's father, he wasn't born or
25 raised in Chechnya, was he?

1 A. I don't believe so.

2 Q. And his older brother, Alvi Tsarnaev, or Alvi Tsarni, he
3 wasn't born or raised in Chechnya either, correct?

4 A. That's correct.

5 Q. And his younger brother, Ruslan Tsarni, was not born or
6 raised in Chechnya.

7 A. As far as -- I'm willing to -- I have no reason to
8 disagree with that statement.

9 Q. Okay. Zubeidat Tsarnaev, she was not born or raised in
10 Chechnya?

11 A. No, she was born and raised in Dagestan, I believe.

12 Q. Tamerlan Tsarnaev was not born or raised in Chechnya?

13 A. No, he was not.

14 Q. Bella Tsarnaev, the defendant's oldest of the two sisters,
15 was not born or raised in Chechnya?

16 A. Correct.

17 Q. Ailina Tsarnaev, his other sister, she was not born or
18 raised in Chechnya?

19 A. No, I...

20 Q. When families of Chechen heritage move to the United
21 States, sometimes they bring their traditions with them, and
22 sometimes they leave them behind. Is that fair to say?

23 A. Most likely that's the case, yes.

24 Q. They may bring some traditions with them and leave others
25 behind?

1 A. That's correct, most likely.

2 Q. Members of the family may adopt the customs of the country
3 that they've moved to?

4 A. Correct.

5 Q. And that's especially true if they come here as children?

6 A. It's likely, yes.

7 Q. That's a classic immigrant story, isn't it?

8 A. Well, it may be one of many classic immigrant stories. I
9 don't know that there's just one.

10 Q. You followed the news of the Boston Marathon bombings as
11 they occurred?

12 A. Yes, I did.

13 Q. You also followed the news of Tamerlan Tsarnaev's capture
14 and his death and Dzhokhar Tsarnaev's arrest?

15 A. Yes.

16 Q. So it must have intrigued you when you first heard that
17 they were of Chechen background?

18 A. Yes, it did.

19 Q. Because of your professional interest in that?

20 A. Yes.

21 Q. And you researched everything you could about them at that
22 point. Would that be fair to say?

23 A. Yes, I did a fair bit of research, correct.

24 Q. And then you were eventually retained by the defense to be
25 an expert in this case.

1 A. That's correct.

2 Q. How did that come about?

3 A. I was contacted by the defense back in July, I think, of
4 last year.

5 Q. July of 2014?

6 A. Yes.

7 Q. Did they discuss the case with you?

8 A. Yes.

9 Q. You know in a general way what they're seeking to prove
10 here at this hearing?

11 A. Yes, I do.

12 Q. But before then --

13 MR. BRUCK: I think this goes to --

14 THE COURT: I think it was okay. It could have gone
15 further, and it apparently won't.

16 BY MR. WEINREB:

17 Q. Before July 2014, back in May of 2013, you wrote an
18 article about the Tsarnaevs.

19 A. Correct.

20 Q. And that was just a few weeks after the bombings occurred?

21 A. Correct.

22 Q. And that was before you met the defense?

23 A. Correct.

24 Q. And before you --

25 A. I have not met the defendant, I should point out.

1 Q. I didn't say "the defendant." I said "the defense," but I
2 meant the attorneys.

3 A. Yes.

4 Q. And that was before they talked to you about what they
5 were trying to prove here today?

6 A. Yes.

7 Q. I would like to show you a copy of that article.

8 MR. WEINREB: It's Exhibit 1671 for identification.

9 Q. Do you recognize this?

10 A. Yes, I do.

11 Q. What is it?

12 A. It's an article that I wrote for the Foreign Policy
13 Research Institute in Philadelphia.

14 Q. Could you tell us what it's called?

15 A. It's called "The Northern Caucasus, the Tsarnaevs, and
16 Us."

17 MR. WEINREB: Your Honor, I'm going to be asking the
18 witness a few questions about this and about a few quotations
19 in it, and to facilitate that, I would like to put it on the
20 screen just as a chalk. Can we do that?

21 MR. BRUCK: I think we'd better know before it goes
22 onto the screen what areas he plans to put up, so I would
23 object.

24 THE COURT: Yeah.

25 MR. WEINREB: That's fine. I'll do that.

1 (Pause.)

2 MR. WEINREB: Essentially, your Honor, the chalks are
3 just sentences from the article that I want to ask the witness
4 about, prior statements.

5 (Pause.)

6 MR. BRUCK: If your Honor please, there is no reason
7 to be showing prior statements to the jury. He can use this to
8 impeach or to examine the witness, but the statements
9 themselves do not go to the jury.

10 MR. WEINREB: Your Honor, I'm just using it as a
11 chalk. The matters --

12 MR. BRUCK: It doesn't matter.

13 THE COURT: Let's see how it goes without it. I think
14 it might be enough for the witness to have it, and perhaps the
15 oral examination is enough. If that's trouble, we can adjust.

16 MR. WEINREB: Can we approach on this to explain my
17 reasons further?

18 THE COURT: All right.

19 (Discussion at sidebar and out of the hearing of the
20 jury:)

21 MR. WEINREB: Basically, the issue with it is just
22 that, with respect to several of the things, the sentences are
23 not written for -- the sentences are written like for a fellow
24 professor, graduate students. Some of them are a little more
25 complicated. If I read them, I just have a

1 feeling that -- it's basically an aid to the jury in taking a
2 very long sentence with a lot of three- and four-syllable words
3 in it and making it easier for them to remember what the
4 sentence is by the time I'm done asking the question.

5 MR. BRUCK: What he's doing is taking shards of this
6 out of context. The witness's explanation is not going to be
7 on --

8 MR. WEINREB: This is cross-examination.

9 MR. BRUCK: Yes, I know. But there's no reason why
10 the jury should have the out-of-context bits and pieces on the
11 screen in front of them and then have to rely --

12 MR. WEINREB: Your Honor, what I'm putting on the
13 screen is something that he would say is his statement and
14 something that he agrees with.

15 THE COURT: Well, I think I'd rather -- at least at
16 the beginning, and we'll see whether it doesn't work this
17 way -- have the jury paying attention to what he says rather
18 than what they're reading on the screen, and I think that's a
19 better way to do it. If it appears that that's not working, we
20 can consider it.

21 MR. WEINREB: I'm not sure how we're going to know if
22 it's working or not.

23 THE COURT: I don't know. If it seems to be
24 confusing.

25 MS. CONRAD: May I just point out that the Court, at

1 the government's suggestion, when we read the 302s of Kartashov
2 and so forth in, the jury didn't look at those as they were
3 following -- as they were being read, so I don't see why the
4 government gets to show --

5 THE COURT: Okay.

6 (In open court:)

7 BY MR. WEINREB:

8 Q. Professor Reynolds, I'd like to ask you some questions
9 about some of the things you wrote in that article. The very
10 first sentence of it, I believe, you write, "The identification
11 of two young Chechen males as the alleged perpetrators of
12 bombing of the Boston Marathon has caused Americans to ask a
13 great many questions about the alleged perpetrators. Those
14 questions range from the ineffable - what could drive the
15 brothers, Tamerlan and Dzhokhar Tsarnaev, to commit such
16 willful acts of violence? - to the seemingly straightforward -
17 where is Chechnya?"

18 Do you remember writing that?

19 A. Yes.

20 Q. And when you wrote "Those questions range from the
21 ineffable - what could drive the brothers to commit such
22 willful acts of violence," "ineffable" in that context means
23 ultimately unexplainable, unknowable, correct?

24 A. Difficult to understand, correct.

25 Q. And then I think a little further down on that page you

1 wrote, "To be sure, the actions of any individual or even group
2 of individuals can never be reduced to identity. Identity most
3 assuredly is not destiny." Correct?

4 A. That is correct.

5 Q. And you agree with that today?

6 A. I would say that it certainly doesn't explain everything,
7 no.

8 Q. Identity is not destiny?

9 A. Correct.

10 Q. Being born in Chechnya doesn't make you a murderer?

11 A. Of course not.

12 Q. Being born Chechen doesn't make you a murderer?

13 A. No.

14 Q. Like anyone else, a Chechen who murders chooses to become
15 a murderer?

16 A. Correct. Or anyone else, for that matter.

17 Q. Right.

18 And you're not here to say that a Chechen terrorist is
19 less morally culpable for his crimes than any other terrorists?

20 MR. BRUCK: This is all argumentative, your Honor.

21 THE COURT: Overruled.

22 You may have that.

23 THE WITNESS: I would say that the -- in order to
24 understand someone's actions, it might be useful to look at the
25 context in which they were living and operating, including the

1 culture in which they were raised and grew up and with which
2 they identify.

3 BY MR. WEINREB:

4 Q. My question was a different question. Okay? My question
5 was: You're not here to say that a Chechen terrorist is less
6 morally culpable for his crimes than other terrorists?

7 MR. BRUCK: Objection. Moral culpability? This is
8 not --

9 THE COURT: Overruled. Overruled.

10 BY MR. WEINREB:

11 Q. Are you? Are you here to say that a Chechen terrorist is
12 less morally culpable than other terrorists for their crimes?

13 A. No.

14 Q. On a different page you said, "The experience of Chechnya
15 in the 1990s ... profoundly affected Chechen cultural norms."
16 Correct?

17 A. Yes, I believe I wrote that. If you could tell me which
18 page -- okay. Here it is. I found it. Yes.

19 Q. Okay. "Cultural norms," that's what's normal in the
20 culture?

21 A. Right. Although I didn't say it changed all cultural
22 norms.

23 Q. I didn't read that you did. I said, "The experience of
24 Chechnya in the 1990s ... profoundly affected Chechen cultural
25 norms."

1 A. Yes.

2 Q. "For example, the cult of the elders, by which Chechans,
3 like most North Caucasians, would routinely accept the opinions
4 of the older males as law, declined precipitously," correct?

5 A. Yes. Inside of Chechnya, it did.

6 Q. Yeah. So "declined precipitously" meant went down?

7 A. Yes, it does mean that, but I should also point the
8 elders -- cult of the elders, about which I did not speak this
9 morning refers not simply to elders inside of the family but
10 with regard to the society as a whole and to the extended clan.

11 Q. Okay. But a shorter, equally correct answer to my
12 question would be yes. You wrote, "For example, the cult of
13 the elders by which Chechans, like most North Caucasians, would
14 routinely accept the opinions as law, that declined
15 precipitously"?

16 A. Yes, but I -- there is -- I just want to make sure that
17 you understand the context in which I --

18 Q. Well, the only question I'm asking you is whether you
19 wrote that.

20 A. Yes, I did.

21 Q. And you wrote that before you met the defense team here?

22 A. I did.

23 Q. "The masculine" -- and then I'm continuing to read: The
24 masculine ideal of the Chechen as an irrepressible warrior
25 remained, but much of the culture that had nourished that ideal

1 and bounded it with obligation to others had withered away,"
2 correct?

3 A. Yes, I wrote that. Yes.

4 Q. Okay. And that's true in the Tsarnaev family, isn't it?

5 A. You're asking me to make a judgment of the Tsarnaev
6 family, if that's --

7 Q. Well --

8 A. -- about the family or about an individual?

9 MR. BRUCK: Objection. This is way beyond direct.

10 THE COURT: The objection is sustained to that
11 question.

12 THE WITNESS: I would say that's true about Tamerlan,
13 yes.

14 BY MR. WEINREB:

15 Q. Well, let me ask you this: You talked about -- well, are
16 you aware that -- you're aware, for example, that Anzor
17 Tsarnaev married Zubeidat against his own father's wishes?

18 A. No, I was not aware of that.

19 Q. Okay. You're aware that Ruslan Tsarni married an American
20 against his father's wishes?

21 A. I was not aware of that, no.

22 MR. BRUCK: This is all beyond the scope. This is not
23 the area in which the witness has --

24 THE COURT: No, it's not beyond the scope, but I
25 remind the jury that it's the answers that produce the

1 evidence, not the questions.

2 BY MR. WEINREB:

3 Q. Well, let me ask you this: You talked about adat.

4 A. Yes.

5 Q. Okay. Can you say again what adat is?

6 A. "Adat" is a word that refers to the customary law and
7 codes by which the people in the North Caucasus live.

8 Q. So if Ruslan Tsarni, Anzor Tsarnaev's brother, married an
9 American against his father's wishes, that would be a violation
10 of adat?

11 MR. BRUCK: Assumes facts not in evidence.

12 THE COURT: You may answer the question.

13 THE WITNESS: Without knowing more about how that
14 decision was made, it would be difficult for me to say if that
15 was a violation.

16 BY MR. WEINREB:

17 Q. Well, if a father commands his son to marry within the
18 ethnicity and he refuses and he does something different --

19 MR. BRUCK: This all assumes facts not in evidence.

20 MR. WEINREB: He's an expert. I'm asking him a
21 hypothetical question.

22 THE COURT: Go ahead. You may have it.

23 BY MR. WEINREB:

24 Q. If a father commands his son not to marry someone outside
25 of his ethnicity but he defies the father and does it anyway,

1 that's a violation of adat?

2 A. Yes, that would be.

3 Q. And if I told you that Alvi Tsarnaev, the oldest male in
4 the -- Anzor's -- Ruslan-Anzor generation --

5 MR. BRUCK: He's not telling him anything. This is
6 not proper cross.

7 THE COURT: Well, right. Sustained to the form of the
8 question.

9 MR. WEINREB: All right.

10 BY MR. WEINREB:

11 Q. If it were the case that Alvi Tsarni was the oldest male
12 in the generation that Anzor belonged to, and he abdicated his
13 leadership of the family to somebody else, that would be a
14 violation of Chechen tradition?

15 A. If he abdicated?

16 Q. Yes, if he, instead of exercising leadership, let a
17 younger brother exercise leadership, that would not be the
18 normal course of the Chechan --

19 A. No. Again, one would need to know the context in which
20 the decision to abdicate was made.

21 Q. Are you aware that Tamerlan Tsarnaev married Katherine
22 Russell, a Christian, initially against his parents' wishes?

23 MR. BRUCK: Objection.

24 MR. WEINREB: He said that he --

25 BY MR. WEINREB:

1 Q. Did you say that you had read --

2 THE COURT: Yes, again, to the form of the question.

3 BY MR. WEINREB:

4 Q. Did you say you had read police reports about this case?

5 A. Yes.

6 Q. And you had researched it extensively online?

7 A. Yes.

8 Q. And that you had looked at the computers of the defendant
9 and his brother?

10 A. Yes.

11 Q. So you know something about Tamerlan and Dzhokhar Tsarnaev
12 and his family?

13 A. I do.

14 Q. Did you know that Tamerlan Tsarnaev married Katherine
15 Russell, a Christian, against his father's wishes?

16 MR. BRUCK: Objection.

17 THE COURT: Sustained.

18 BY MR. WEINREB:

19 Q. If I told you that --

20 MR. BRUCK: Objection.

21 THE COURT: Sustained.

22 BY MR. WEINREB:

23 Q. If it were the case that Tamerlan Tsarnaev married a
24 Christian girl against his father's wishes, would that be a
25 violation of adat?

1 MR. BRUCK: Same objection.

2 THE COURT: Overruled.

3 You may answer that.

4 THE WITNESS: That would not be in conformity with
5 adat, correct, although I should point out that sort of --
6 marriages are not unheard of.

7 And, you know, adat is not --

8 BY MR. WEINREB:

9 Q. There's no question on the table at this point, sir.

10 MR. BRUCK: If the witness may finish his answer.

11 THE COURT: I think it was finished.

12 BY MR. WEINREB:

13 Q. Traditionally, I think you said earlier that if a man has
14 children, he's the decision-maker in the family?

15 A. Correct.

16 Q. If he dies or disappears, then a male in his generation,
17 typically the oldest brother, would normally become the
18 decision-maker in his family?

19 A. Normally, correct, yes.

20 Q. Are you aware that Anzor Tsarnaev had two brothers living
21 in the United States when he moved back to Russia in 2012?

22 A. I knew he had one brother.

23 Q. He had one brother named Ruslan Tsarni?

24 A. Yes.

25 Q. And he had another brother named Alvi Tsarni?

1 Is that a yes?

2 A. Well, I knew he had one brother for certain. I didn't
3 know for certain that he had two brothers.

4 Q. Would it be a violation of adat for a younger brother to
5 smoke cigarettes if his older brother had admonished him not
6 to?

7 A. Again, a lot of that would depend upon the context, but
8 that would not -- no, that would not be in conformity with the
9 idea of adat, correct. But adat is not a -- it's a term that
10 refers to customary law, unwritten laws, codes of behavior, so
11 it would be a misinterpretation of adat to assume it operates
12 as either a formal written code or something like a computer
13 program.

14 Q. Would it be a violation of the code that a younger brother
15 should obey his older brother if he disobeyed the older brother
16 by smoking cigarettes when his older brother told him not to?

17 A. That would -- well, again, I would have to -- that would
18 not be in conformity with adat, correct. Yeah.

19 Q. Would it be a violation of the custom that a younger
20 brother is supposed to obey his older brother if his older
21 brother admonished him not to smoke pot but he defied his older
22 brother and did it anyway?

23 A. Yes.

24 Q. Would it be a violation of the code that a younger brother
25 is supposed to obey his older brother if his older brother told

1 the younger brother not to sell pot but he did it anyway?

2 A. Yes.

3 MR. BRUCK: Objection to the question. Assumes facts
4 not in evidence, your Honor. We object.

5 THE COURT: You may have the question.

6 MR. WEINREB: And I have the answer.

7 BY MR. WEINREB:

8 Q. Would it be a violation of the code that a younger brother
9 should obey his older brother if his older brother admonished
10 him not to drink alcohol, but as soon as he was out of his
11 older brother's sight he drank all the alcohol he wanted?

12 A. Well, he's out of his older brother's sight, and there are
13 different levels of infractions of -- maybe "infractions" are
14 not quite the right word. That implies more of a system of
15 regularized law. But these examples are all arguably
16 quite -- relatively minor things, but...

17 Q. So you don't really have to obey your older -- well, you
18 said before that even marriage was a minor thing?

19 A. No, I wouldn't -- marriage is more -- obviously more
20 substantial than would be drinking alcohol when your brother's
21 not around.

22 Q. Okay. So it's important to obey the elder in the family
23 when you're around them, but when you're on your own, do
24 whatever you want?

25 A. No, I wouldn't say "do whatever you want." That wouldn't

1 be the right thing once you do, but one would expect more of
2 that sort of --

3 Q. But if, in fact, a younger brother did exactly what he
4 wanted except when he was in his older brother's sight, that
5 would not be in conformity with the principle that you --

6 MR. BRUCK: Objection to the premise of that, the
7 assumption that --

8 THE COURT: No, overruled.

9 BY MR. WEINREB:

10 Q. If, in fact, a younger brother did whatever he wanted when
11 he wasn't in the sight of his older brother, that would not be
12 in conformity with the principle that you obey your older
13 brother?

14 A. Correct, although use of the term "whatever" is -- I find
15 somewhat problematic.

16 Q. You wrote in your article -- and I'm sorry. I skipped
17 ahead. So if you want to see it, I'd have to move back a
18 little bit. You wrote, "Tamerlan and Dzhokhar Tsarnaev were
19 hardly typical of Chechens, and one might justifiably question
20 whether they can even properly be described as Chechen."

21 And then you explained their mother, Zubeidat, was an
22 ethnic Avar; both brothers were born outside of Chechnya; both
23 brothers grew up outside of Chechnya; and both brothers spent
24 little or no time in Chechnya.

25 A. Correct. That's what I wrote.

1 Q. And then you also wrote a little later --

2 A. But if I could say, though --

3 Q. No, that's the question, sir. You'll have a chance to be
4 questioned by your own lawyer again in a minute.

5 A. Okay.

6 MR. BRUCK: We would like the witness to be able to
7 explain the answer.

8 THE COURT: You can ask him on redirect.

9 BY MR. WEINREB:

10 Q. You wrote in your article, "After violent extremists
11 hijacked the Chechen national movement, some Chechens rejected
12 violent extremism." Is that correct?

13 A. That is correct.

14 Q. So seeing -- and part of that was because when the violent
15 extremists hijacked the Chechen nationalists' movement, they
16 were really extreme?

17 A. Yes, they were.

18 Q. Okay. And that was really a turnoff for a lot of
19 Chechens?

20 A. For many, yes.

21 Q. So seeing Chechen extremists' propaganda online, that
22 could push you either way, towards jihad or against it?

23 A. No. Watching the propaganda online wouldn't -- I mean,
24 the purpose of the propaganda is to make one more attracted to
25 the cause and --

1 Q. That's the purpose of it.

2 A. And then -- and it works that way among non-Muslims as
3 well. There are many supporters of the Chechen cause who look
4 with great sympathy upon the Kavkaz Center who are not Muslims.

5 Q. So you're saying that it's your professional opinion that
6 no one ever looks at this online propaganda and is turned off
7 by it?

8 A. No, but the majority -- well, many people who do look at
9 it find it -- it makes them more sympathetic to the cause,
10 which is the purpose of --

11 Q. My question was a different question.

12 A. Right.

13 Q. Is it your professional opinion that no one who looks at
14 it is turned off by it and goes the other way?

15 A. I don't know if that's my professional opinion. I don't
16 know if my profession gives me any --

17 Q. Well, you're the expert, correct? That's why you're here.

18 A. Right. So is the question, then, if -- can I say there's
19 a uniform reaction among all people who look at these websites?
20 Is that what the --

21 Q. Well, the question specifically was: Can you say that
22 nobody who looks at these websites, no one of Chechen origin
23 who looks at these websites, is turned off by it and says, "You
24 know what? This is too extreme"?

25 A. I'm sure there are Chechens who look at them and would say

1 "This is too extreme," yes.

2 Q. Whether you are attracted to it or whether you're repelled
3 by it, that depends in part on what kind of person you are?

4 A. It certainly would depend on a great deal of factors,
5 including what kind of person you are.

6 Q. You also wrote in your article, "The Tsarnaevs
7 made" -- and here I'm quoting: (As read:) The Tsarnaevs made
8 a choice to embrace a radical and militant version of Islam and
9 to carry out bombings and attack the police, correct?

10 A. Yes, I wrote -- and I wrote that, and this is when, 2013?

11 Q. Right. And ultimately, it was the Tsarnaevs' choice to
12 embrace a radical and militant version of Islam and to carry
13 out bombings and attack the police?

14 A. That is no longer my belief currently.

15 Q. So back before you met the defense and before you learned
16 what they're trying to prove in this case --

17 A. No, that's before I reviewed the evidence in this case.

18 Q. But it's also before you met the defense, correct?

19 A. I don't recall -- I mean, when I wrote this was, yes,
20 before I met -- before I had access to all the evidence in the
21 case.

22 Q. I understand that's what you want to tell us, but here's
23 my question. Before you met the --

24 A. No, I'm telling you what I believe. I'm under oath to
25 tell you what I -- to tell the truth.

1 Q. You're under oath to answer the questions, and here is the
2 question.

3 A. Yes.

4 Q. This is before you met the defense?

5 A. This was before, right.

6 Q. Right. And it's before they told you what they're trying
7 to accomplish in this part of the case?

8 MR. BRUCK: Objection.

9 THE COURT: You may answer it.

10 THE WITNESS: Yes.

11 MR. WEINREB: I have no further questions.

12 THE COURT: Mr. Bruck?

13 REDIRECT EXAMINATION

14 BY MR. BRUCK:

15 Q. Mr. Weinreb's examination reminded me of a loose end which
16 is -- it was brought up yesterday that -- or the last couple of
17 days that Mr. Tsarnaev registered something online under the
18 name "Tsarni." What is the difference between the word -- the
19 name "Tsarni" --

20 MR. WEINREB: Objection, your Honor. Beyond the scope
21 of --

22 THE COURT: No, overruled.

23 Go ahead.

24 BY MR. BRUCK:

25 Q. -- between the name "Tsarni" and the name "Tsarnaev"?

1 A. The "Tsarnaev" is a Russified version of "Tsarni."

2 Q. Russified?

3 A. Yes.

4 Q. It's the Russian-language version of the actual Chechen
5 name, which is "Tsarni"?

6 A. Yes, that's my understanding.

7 Q. So "Tsarni" is not an alias for "Tsarnaev," correct?

8 A. No.

9 Q. Okay. And Mr. Weinreb asked you a series of questions
10 about adat and culture. Was it your -- the purpose of your
11 testimony to try to establish that broad patterns of culture
12 dictate the actions of every single person in every single
13 family at all times if the person is, in fact, a member of that
14 culture?

15 A. No, I mean, neither I nor any serious scholar would ever
16 argue that a culture dictates the actions of each and every
17 member of that culture, but one can identify broad patterns of
18 behavior that have been replicated over time, over generations.

19 In the case of the Chechens, this is a culture that's been
20 in formation for thousands of years, and one does know this --
21 and this is testified by anthropologists, by scholars who have
22 published things -- I have witnessed it in my own personal
23 interactions with peoples from the North Caucasus -- that there
24 is a distinct culture that does continue to exist until this
25 day that marks them out very distinctively from other peoples

1 of the former Soviet Union, from Russia, from the rest of the
 2 world, and this -- so no, not every single person, obviously,
 3 representative of a culture displays all the same behaviors and
 4 patterns of behavior, but one can identify

5 Q. And do these have a greater effect
 6 in matters of significance as opposed to relatively
 7 minor ones?

8 MR. WEINREB: Objection, your Honor. Is this in
 9 general or with respect to Chechens?

10 THE

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1 write they're -- I said that one might raise those questions.

2 Q. Right.

3 A. And then I proceeded to answer it in the following
4 paragraph, to answer those questions by saying that,
5 nonetheless, it's very clear that Chechen identity and Chechen
6 culture do play a role.

7 Q. And that, in fact, these brothers do identify as Chechen?

8 A. Yes, absolutely.

9 Q. Or did.

10 And the fact that their mother was Avar, you have
11 testified that patterns -- familial relationships and
12 relationships between brothers are very similar in Avar culture
13 as in Chechen culture.

14 A. Yes, the family patterns are one that one finds across
15 most of the mountain peoples, or all of the mountain peoples of
16 the North Caucasus: Avars, Chechens, Dargins, Lezgians. I
17 could go on.

18 Q. And can you characterize Chechen culture as one that is
19 particularly hearty or particularly inclined to assimilate when
20 people go to other parts of the world?

21 A. Well, we know very clearly that it is a very strong
22 identity and one that does not assimilate easily. There are --
23 I mentioned this briefly this morning. After the Russian
24 conquest of the nineteenth century, many Chechens left Chechnya
25 and were resettled in what, today, we now speak of as the

1 Middle East, Jordan and Syria in particular. Those communities
2 have maintained their language and their identity. They have
3 not intermarried with the Arabs.

4 Likewise, we know that the Chechens, in living in
5 Kyrgyzstan and Kazakhstan, also maintain their identities and
6 very much their family practices as well.

7 Q. In fact, let me just ask you about something as far as --
8 responsive to this question of being born outside Chechnya.
9 Are you aware that there was an FBI -- you said that Chechen is
10 a language that's unrelated to any other, or at least any other
11 major language.

12 A. Yes.

13 Q. It's a rare language?

14 A. Yes, it's --

15 Q. Hard to learn?

16 A. Yes.

17 Q. If you knew that there was an FBI translator who has
18 testified in this case who speaks Chechen whose name is
19 Shishani from Jordan --

20 MR. WEINREB: Your Honor, this is way beyond the scope
21 of the cross-examination.

22 THE COURT: Sustained.

23 BY MR. BRUCK:

24 Q. You say there is still a Chechen-speaking community in
25 Jordan?

1 A. Yes, they're both in Jordan and in Syria.

2 Q. And that's 175 years after they arrived?

3 MR. WEINREB: Objection to the leading nature of the
4 questions.

5 THE COURT: You may answer it.

6 THE WITNESS: Yes, correct.

7 BY MR. BRUCK:

8 Q. And what is the Arabic word for Chechen?

9 A. Shishani.

10 Q. Shishani. Thank you.

11 When you wrote that many Chechens reject the violent
12 extremism of the jihadi movement during the Chechen wars, were
13 you talking about Chechens in Chechnya?

14 A. Correct, I was discussing the Chechens inside of Chechnya.

15 Q. Okay. And Chechens in Chechnya could see with their own
16 eyes what was --

17 MR. WEINREB: Objection to the leading nature of the
18 question.

19 THE COURT: Sustained.

20 BY MR. BRUCK:

21 Q. Is there a difference between perceiving the engagement of
22 jihadism in Chechnya on the ground as opposed to experiencing
23 it online?

24 A. Yes, there is. And I've read testimony to that effect
25 regarding Tamerlan Tsarnaev, in particular. This is one of the

1 things that Magomed Kartashov emphasized, that Tamerlan clearly
2 didn't know what was going on.

3 MR. WEINREB: Objection, your Honor. I don't think
4 that's appropriate to be challenging.

5 THE COURT: No, I think it's responsive to the
6 question.

7 THE WITNESS: Emphasized that Tamerlan's impression of
8 what was taking place in Dagestan and North Caucus and Chechnya
9 was derived from watching a lot of videos on KavkazCenter.com.
10 And as he said, Tamerlan's desire to go to the forest, which is
11 a euphemism to mean to join the jihad, he said, "If you
12 continue this way," he said, "You're not going to make it to
13 the next tree."

14 MR. BRUCK: Thank you. That's all.

15 RE-CROSS-EXAMINATION

16 BY MR. WEINREB:

17 Q. You said that the pattern of older brother/younger brother
18 relationship is a -- sort of a hardy one that tends to survive
19 transporting from -- or transplanting from one place to
20 another?

21 A. Yes. I mean, it's a very strong tradition and practice.

22 Q. But that -- but to say that the pattern of it survives in
23 a family, that presumes that that pattern was there in the
24 first place?

25 A. Yes, although, I mean, there are -- oftentimes --

1 people's -- in terms of a culture, for example, if a parent
2 doesn't do something but the grandparents did, there are
3 definitely -- cultures are passed down not simply from parent
4 to children, also grandparents can play a role. Traditions can
5 be revived as well, practices.

6 Q. Okay. I'm not sure that I understood the answer, so let
7 me ask the question again.

8 A. Okay.

9 Q. You said the pattern that exists can survive
10 transplantation from one country to another.

11 A. Yes, it can survive, yes.

12 Q. But for a pattern to survive, the pattern has to exist in
13 the first place?

14 A. Well, by definition.

15 Q. So if it were the case that, for example, Bella and Ailina
16 Tsarnaev stated there was never a pattern in their family of
17 anyone being a leader, would this --

18 MR. BRUCK: Objection. Objection to this.

19 THE COURT: Sustained.

20 MR. WEINREB: There's a good-faith basis.

21 THE COURT: No, it's beyond the scope of the redirect.

22 BY MR. WEINREB:

23 Q. So if it were a particular -- if, in a particular family,
24 there was no pattern and the family moved from one place to
25 another, then there would be no pattern to survive?

1 A. If there is no pattern to begin with, there would be no
2 pattern at the end, yes.

3 Q. And there are some families in which there is no pattern
4 of older brother/younger brother --

5 A. Pattern of -- pattern in general or -- I was speaking --

6 MR. BRUCK: Objection.

7 THE COURT: No, you may answer in general.

8 BY MR. WEINREB:

9 Q. No pattern of male -- oldest-male leadership.

10 A. The question? If you --

11 Q. There are some immigrant Chechen families in which, in
12 that particular family, there are no -- there is no entrenched
13 pattern of older-male leadership?

14 A. There may be such families.

15 MR. WEINREB: That's all.

16 THE COURT: All right. Thank you, Professor. You may
17 step down.

18 (The witness is excused.)

19 MR. WATKINS: Henry Alvarez.

20 HENRY ALVAREZ, duly sworn

21 THE CLERK: Have a seat. State your name, spell your
22 first and last name for the record, keep your voice up and
23 speak into the mic.

24 THE WITNESS: Okay. Henry Alvarez, H-E-N-R-Y.

25 DIRECT EXAMINATION

1 BY MR. WATKINS:

2 Q. And your last name also?

3 A. A-L-V-A-R-E-Z.

4 Q. Mr. Alvarez, where do you live?

5 A. Cambridge, Massachusetts.

6 Q. And where were you born?

7 A. Cambridge, Massachusetts.

8 Q. Have you lived in Cambridge all your life?

9 A. Yes, I have.

10 Q. Who do you live with there?

11 A. My family. My parents.

12 Q. Did you go to school in Cambridge?

13 A. I did.

14 Q. Where did you go to elementary school?

15 A. I went to the Amigos School.

16 Q. And where did you go to high school?

17 A. Cambridge Rindge and Latin.

18 Q. When did you graduate from Cambridge Rindge and Latin?

19 A. 2012.

20 Q. And after Cambridge Rindge and Latin, did you continue
21 studying?

22 A. I did.

23 Q. And are you a college student now?

24 A. Yes, I am.

25 Q. Where do you attend college?

1 A. UMass Boston.

2 Q. And do you also work?

3 A. I do.

4 Q. What is your job?

5 A. I'm a teller at a bank.

6 Q. What are your plans for the future?

7 A. Get my degree in marketing, hopefully find a job in the
8 bank with marketing.

9 Q. Do you know Jahar Tsarnaev?

10 A. I do.

11 Q. Do you see him sitting here in the courtroom?

12 A. Yes.

13 Q. Where and when did you meet Jahar Tsarnaev?

14 A. I met him through the wrestling team freshman year, which
15 was 2008.

16 Q. And was that at Cambridge Rindge and Latin?

17 A. Yes, it was.

18 Q. Before we talk more about Jahar, let's talk a little bit
19 about how you came to wrestling. Had you ever wrestled before
20 you went to Cambridge Rindge and Latin?

21 A. No, never.

22 Q. How did you get involved with wrestling?

23 A. My freshman football coach encouraged me to try it out and
24 some of my teammates as well. So that's how I got started.

25 Q. So in your freshman year, you were playing football?

1 A. I was, yes.

2 Q. And who was your coach at football who encouraged you for
3 wrestling?

4 A. Roy Howard.

5 Q. And is he also the wrestling coach?

6 A. Yes.

7 Q. Do you play other sports besides football and wrestling?

8 A. I tried rugby one year, and I did track one year.

9 Q. Now, the football season at Cambridge Rindge and Latin,
10 what months did that run?

11 A. From end of August to Thanksgiving.

12 Q. When did the wrestling season begin?

13 A. That Monday after Thanksgiving.

14 Q. So wrestling started up right after the football season
15 ended?

16 A. Yes.

17 Q. When you -- what did you think about wrestling when you
18 first tried it during your freshman year?

19 A. I honestly hated it. It sucked.

20 (Laughter.)

21 A. It was very tiring.

22 Q. I'm sorry, what?

23 A. It was tiring. It was hard.

24 Q. Now, you had just finished the football season when you
25 started wrestling. What was hard about wrestling at that

1 point?

2 A. It was the pace. There was hardly any breaks, so we just
3 go from one exercise to the next to the next to the next.

4 Q. And how long did the wrestling season run for?

5 A. It would run to mid-February, but depending if you
6 qualified to continue like other tournaments, like state
7 tournaments, it could run to March.

8 Q. Did you ever learn to like wrestling during your time at
9 Cambridge Rindge and Latin?

10 A. Yes, sometimes when -- when I would win my matches, I
11 would be on a streak, I would enjoy wrestling.

12 Q. How many years did you wrestle at Cambridge Rindge and
13 Latin?

14 A. All four years.

15 Q. Did you ever learn to like the physical training that went
16 with wrestling all four years?

17 A. Absolutely not.

18 Q. When you met Jahar Tsarnaev, what -- you were in your
19 freshman year?

20 A. Yes.

21 Q. Do you know what year he was in?

22 A. He was a sophomore at that time.

23 Q. Do you know whether he had wrestled as a freshman?

24 A. No, he didn't.

25 Q. So both of you were beginning wrestling for the first

1 time?

2 A. Yup.

3 Q. As you began wrestling, did you and Jahar ever commiserate
4 about the physical-training aspect of wrestling?

5 A. Yeah. We both -- that's how we kind of broke the ice and
6 started to get to know each other by, you know, relating how
7 much wrestling practice sucked, so...

8 Q. And explain that a little more to us. What kinds of
9 things would you do with Jahar at practices?

10 A. Like sometimes when we had to run stairs for half an hour,
11 you know, halfway through I would be tired and just trying to
12 catch my breath, but he would always try to encourage me to
13 continue and finish the drill strong.

14 Q. And describe a typical practice that -- you do running and
15 you do what else?

16 A. So we would first run a mile, stretch; after that, second
17 sprints; after that, go straight to the wrestling room, work on
18 a move, but intensely. After that, we would probably
19 incorporate some exercises, like pushups and sit-ups, and
20 that's how the pace was. You just kept going one thing to the
21 other.

22 Q. How many days did practices run, every day of the week?

23 A. Just about. Sunday was optional.

24 Q. So practices were actually available seven days a week,
25 but Sundays were optional?

1 A. Right.

2 Q. On weekends would there also be tournaments and meets?

3 A. Yes, on Saturdays there would be tournaments.

4 Q. In addition to the physical training and the meets, was
5 there also discussion about nutrition and cutting weight?

6 A. Yup. Our coach really emphasized on eating healthy and
7 watching what we were eating so we could perform at a good
8 level.

9 Q. So you talked about something you -- a lot of things you
10 didn't like about wrestling. What were some of the things that
11 you did like about wrestling besides winning?

12 A. I would say the bond that I connected with my teammates.
13 Like football, for instance, is average of 45 players, so you
14 don't really get to know everybody as well as you would on the
15 wrestling team. So since wrestling, you only have a few
16 wrestlers, you got to meet everybody and bond with them
17 closely.

18 MR. WATKINS: Your Honor, I'm about to show
19 Mr. Alvarez Exhibit 3285. I don't think there's an objection
20 to it.

21 MR. CHAKRAVARTY: No objection.

22 THE COURT: Okay.

23 (Defense Exhibit No. 3285 received into evidence.)

24 BY MR. WATKINS:

25 Q. Do you see a picture up on the screen?

1 A. Yes.

2 Q. Using your finger, you can touch the screen. Can you
3 point out where you are in that photograph?

4 A. (Witness complies.)

5 Q. And can you point out where Jahar Tsarnaev was in that
6 photograph?

7 A. (Witness complies.)

8 Q. What year was that photograph from, can you tell?

9 A. That was my freshman year, so 2008-2009 season.

10 Q. So you continued to do soccer for the -- I'm
11 sorry -- wrestling for the next three years?

12 A. Yeah, I did.

13 Q. Did Jahar Tsarnaev also wrestle during those three years?

14 A. Yes, he did.

15 Q. Two of the three years. He graduated before you, right?

16 A. Yes.

17 Q. So did you come to know Jahar Tsarnaev through wrestling
18 over those years?

19 A. Yes.

20 Q. What are some of the words you'd use to describe Jahar
21 Tsarnaev as you knew him on the wrestling team?

22 A. He was a kind person, had a very relaxed personality. I
23 would say mellow, never caused harm to anybody or disrespected
24 anybody. He was just a kind, funny person.

25 Q. When you say "funny," what do you mean by "funny"?

1 A. You know, sometimes he would have his moments where -- for
2 instance, in the wrestling season, he selected a song called
3 "Like a G6," and he would start dancing, and, you know, he
4 would just do that just to ease the tension so -- for the
5 wrestling team so we'd enter the tournament pretty relaxed.

6 Q. Now, these tournaments you described, do those go on all
7 day?

8 A. Yeah, they did.

9 Q. What time do you start a tournament and what time does it
10 end?

11 A. Tournaments usually start by ten o'clock and end around
12 seven, eight o'clock.

13 Q. And if the tournaments are away from school, what time
14 would you have to show up at school?

15 A. Around six, six-thirty.

16 Q. We see this large wrestling team. Is that the typical
17 size of a wrestling team by the end of the season?

18 A. I'd say no. Probably a quarter of these wrestlers would
19 just stop or quit.

20 Q. And does the camaraderie amongst the wrestling team build
21 over the year as people drop out?

22 A. Yeah.

23 Q. Jahar Tsarnaev became co-captain of the wrestling team?

24 A. Yes.

25 Q. How did that happen?

1 A. Our head coach, Roy, picked him. I guess he believed he
2 could lead by example, so that's why he picked him.

3 Q. Did you eventually become co-captain yourself?

4 A. I did by my senior year.

5 Q. Did you also talk with Jahar Tsarnaev outside of wrestling
6 practice, socially?

7 A. Yeah, I did.

8 Q. Now, you were a year behind him. Did you have any classes
9 in common?

10 A. Never, no.

11 Q. So the social time would be on the way to practice,
12 leaving practice? When would that be?

13 A. It would be leaving practice, like on our way home. So we
14 lived in the same part of Cambridge, so we just walked down the
15 same street and would conversate [sic].

16 Q. Over the period of years you knew him as a wrestler, did
17 you ever have conversations with him about religion?

18 A. No, never.

19 Q. What is your faith? What faith were you raised in?

20 A. I'm Catholic.

21 Q. Did he -- did you know or find out that he is of the
22 Muslim faith?

23 A. Yeah, I did once. We were getting a bite to eat, and I
24 realized he didn't like pepperoni pizza, and he explained to me
25 why, but that was the only time he ever really talked about his

1 religion.

2 Q. Did you know that Jahar had a brother?

3 A. Yes.

4 Q. Did Jahar talk about his brother to you?

5 A. Yeah, he did once.

6 MR. CHAKRAVARTY: Objection, your Honor.

7 THE COURT: Well, that may stand.

8 MR. CHAKRAVARTY: That may stand. Whatever he's going
9 to stay after this.

10 BY MR. WATKINS:

11 Q. Did you know that his brother was a boxer?

12 A. Yes.

13 Q. And how did you know that?

14 A. He told me.

15 Q. And what did he tell you about his brother?

16 MR. CHAKRAVARTY: Objection.

17 THE COURT: Sustained.

18 BY MR. WATKINS:

19 Q. When Mr. Tsarnaev spoke about his brother, what would his
20 demeanor be?

21 A. He would sound -- I could sense some pride in him talking
22 about his brother, about his boxing skills.

23 Q. Now, Jahar graduated when you were still a junior, and you
24 went on to wrestle the next year?

25 A. Yes.

1 Q. Now, the wrestling practice sessions, you actually
2 practiced through Christmas vacation?

3 A. Yeah, we did.

4 Q. Does it sometimes happen that former wrestlers come back
5 during those Christmas vacations and help with practices?

6 A. Yes.

7 Q. And did Jahar do that?

8 A. Yes, he did.

9 Q. How often did he do it when you were the co-captain that
10 senior year?

11 A. Probably say he came around, maybe, eight, nine times
12 during his winter break.

13 Q. I'm going to talk about senior night. Is there a
14 tradition amongst the wrestling team, something called senior
15 night?

16 A. Yes.

17 Q. And explain what senior night...

18 A. It's basically the last home match for seniors, and it's
19 more like a recognition for all the hard work you've done.

20 Q. So explain the -- what happens. So first there's a match?

21 A. First we take a picture with the coaches and someone else.
22 Like it could be a parent or friend or sibling.

23 Q. And that's before the match gets started?

24 A. Yes. Yes, before the match.

25 Q. And before the match gets started, do you dress -- well,

1 explain. What happens for the actual senior night? What
2 physically happens?

3 A. So the coaches announce, you know, just our names, the
4 seniors' names; hands us -- it could be like a flower, a rose
5 or something like that; and someone takes a picture of us.

6 MR. WATKINS: I would like to show Mr. Alvarez Exhibit
7 3281.

8 MR. CHAKRAVARTY: No objection, your Honor.

9 (Defense Exhibit No. 3281 received in evidence.)

10 BY MR. WATKINS:

11 Q. Do you see Exhibit 3281 in front of you?

12 A. Yes.

13 Q. Can you point out, going left to right and tapping on the
14 screen, who is it that we're seeing in this picture?

15 A. That's Roy Howard, me, Jahar, and Coach Payack.

16 Q. And that was taken at senior night before the match?

17 A. Yes.

18 Q. Why is Jahar in the picture of your senior night?

19 A. I'd asked him to accompany me that night. He showed up
20 right before I was about to take the picture.

21 Q. And then you also wrestled that night?

22 A. Yes.

23 Q. And who was the opponent that night?

24 A. Newton South.

25 MR. WATKINS: I'm going to show the witness 3284.

1 MR. CHAKRAVARTY: I'm not sure if this is in.

2 MR. WATKINS: Perhaps just for counsel, then.

3 MR. CHAKRAVARTY: I don't see the relevance of this
4 picture, your Honor.

5 MR. WATKINS: Perhaps I can lay a foundation.

6 BY MR. WATKINS:

7 Q. Mr. Alvarez, do you see the picture in front of you?

8 A. Yes, I do.

9 Q. Who is wrestling in that picture?

10 A. I am.

11 Q. And was that from that same night?

12 A. Yes, it is.

13 MR. WATKINS: I would move to admit 3284.

14 THE COURT: Okay. I'll admit it.

15 (Defense Exhibit No. 3284 received into evidence.)

16 BY MR. WATKINS:

17 Q. Mr. Alvarez, is that you wrestling that night?

18 A. Yes, it is.

19 Q. Did you win?

20 A. I did.

21 Q. And did Cambridge Rindge and Latin win that night?

22 A. Yes, we did.

23 Q. Do you see Jahar Tsarnaev in this picture?

24 A. No, I can't see him. Sorry.

25 Q. Do you see him up in the stands here perhaps?

1 A. Yeah, I see him now.

2 Q. Is that Jahar Tsarnaev watching your wrestling match?

3 A. Yes.

4 Q. And that was your senior year?

5 A. Yes, it was.

6 Q. Now, you learned that Jahar was involved in the Boston
7 Marathon bombing, right?

8 A. Yeah.

9 Q. Is his involvement with that consistent with the Jahar
10 Tsarnaev you knew when you were wrestling for three years?

11 MR. CHAKRAVARTY: Objection, your Honor.

12 THE COURT: Overruled. You may answer it.

13 THE WITNESS: Never. I honestly never could imagine
14 he would do something like this.

15 MR. WATKINS: That's all I have, your Honor.

16 MR. CHAKRAVARTY: Just very briefly.

17 CROSS-EXAMINATION

18 BY MR. CHAKRAVARTY:

19 Q. Good morning, Mr. Alvarez. Excuse me. Good afternoon.

20 The defendant was about a year older than you?

21 A. Yeah, I believe so.

22 Q. He was a year ahead of you in school?

23 A. Yeah.

24 Q. And yet you joined the wrestling team at around the same
25 time?

1 A. Yeah.

2 Q. And one of the things that you would talk to him about was
3 the fact that wrestling was tough? It was very difficult; it
4 was physically demanding?

5 A. Right.

6 Q. And the workouts were incredibly difficult, and you would
7 run to exhaustion, essentially, every day?

8 A. Yes.

9 Q. And yet both of you stuck through it?

10 A. Yes.

11 Q. And it takes a lot of discipline to maintain through the
12 course of a season wrestling?

13 A. Yes.

14 Q. And then to excel, to become better at it, takes even more
15 discipline?

16 A. Yes.

17 Q. When you knew the defendant, you knew him through --
18 primarily through wrestling and, you know, the times in the
19 locker room and the times coming and going. Is that right?

20 A. Yes.

21 Q. So you didn't have a relationship with him outside, with
22 other of his activities, correct?

23 A. Not really.

24 Q. So as you started going through your wrestling career
25 there, he became captain?

1 A. Yeah, he did.

2 Q. And it looked like, from that picture, that -- he looked
3 like a bit of a mentor to you. Is that fair to say?

4 A. Yeah, somewhat.

5 Q. And then you became captain after he graduated, correct?

6 A. Yes.

7 Q. And that picture also showed that you had a very
8 close-knit group on the wrestling team, correct?

9 A. Yes.

10 Q. And you had a lot of support and a lot of friends?

11 A. Yes.

12 Q. And the coaches, Mr. Howard and Mr. Payack, they were
13 really tight with everybody on the team, right?

14 A. Yes.

15 Q. And they tried to help everybody?

16 A. Yes.

17 Q. And they were there -- if you needed anything, you could
18 go to them?

19 A. Correct.

20 MR. CHAKRAVARTY: Thank you.

21 MR. WATKINS: Nothing, your Honor.

22 THE COURT: All right, Mr. Alvarez. Thank you. You
23 may step down.

24 THE WITNESS: Thank you.

25 (The witness is excused.)

1 MR. WATKINS: Roy Howard.

2 ROY HOWARD, duly sworn

3 THE CLERK: Have a seat. State your name, spell your
4 first and last name for the record, keep your voice up and
5 speak into the mic, okay?

6 THE WITNESS: Roy Howard, R-O-Y, H-O-W-A-R-D.

7 DIRECT EXAMINATION

8 BY MR. WATKINS:

9 Q. Mr. Howard. Good afternoon. What city do you live in?

10 A. Cambridge, Massachusetts.

11 Q. And were you raised in Cambridge?

12 A. Half. I was born in Jamaica.

13 Q. I'm sorry?

14 A. I was born in Jamaica.

15 Q. You were born in Jamaica? When did you move to the United
16 States?

17 A. 1980.

18 Q. And after that, raised in Cambridge?

19 A. Yes, sir.

20 Q. Did you go to school in Cambridge?

21 A. Yes, I did, sir.

22 Q. Where did you go to high school in Cambridge?

23 A. Cambridge Rindge and Latin.

24 Q. Did graduate from Cambridge Rindge and Latin?

25 A. Yes, I did.

- 1 Q. Did you go on to study after high school?
- 2 A. I went to college.
- 3 Q. How many years of college did you go to?
- 4 A. One semester.
- 5 Q. Are you -- are you currently employed?
- 6 A. Yes, I am.
- 7 Q. And how -- what do you do? What's your work?
- 8 A. I'm a chef. A cook.
- 9 Q. Yup. And who do you work for?
- 10 A. Harvard University.
- 11 Q. And what hours do you work as a chef at Harvard
- 12 University?
- 13 A. Six to three.
- 14 Q. Do you have a second job during the academic school year?
- 15 A. Yes, I do.
- 16 Q. And what's your second job?
- 17 A. I'm a coach.
- 18 Q. For what sports are you a coach?
- 19 A. Football, wrestling, lacrosse.
- 20 Q. Between those three sports, does that cover pretty much
- 21 the entire school year?
- 22 A. Yes, it does.
- 23 Q. How long have you been a wrestling coach in particular?
- 24 A. Since -- sorry. I just heard a ding -- 1995 to present.
- 25 Q. And when you first started coaching -- and has that always

1 been at Cambridge Rindge and Latin?

2 A. Yes, sir.

3 Q. When you first became an athletic coach, was that just for
4 wrestling or was it for all the sports?

5 A. No, it was for wrestling.

6 Q. And then as years went by, did you add additional sports?

7 A. Yes, I did.

8 Q. When did you yourself first begin wrestling?

9 A. 1984.

10 Q. And how did you start wrestling?

11 A. A friend of mine that played football actually just
12 dragged me to a wrestling practice.

13 Q. And did you wrestle while you were at Cambridge Rindge and
14 Latin?

15 A. Yes, I did.

16 Q. Did you continue wrestling after you graduated from
17 Cambridge Rindge and Latin?

18 A. No, I didn't.

19 Q. So do you -- what was it that you enjoyed about wrestling?

20 A. The discipline it taught me and the responsibility.

21 Q. And did you wrestle for all four years at Cambridge Rindge
22 and Latin?

23 A. Yes, I did.

24 Q. How was it that you decided to become a coach for
25 wrestling?

1 A. I liked the sport and I wanted to give back to the
2 community.

3 Q. Describe the wrestling program generally, practices and
4 meets, what -- during the year beginning in November.

5 A. The first day of practice would be the first Monday after
6 Thanksgiving, and it doesn't -- it ends, say, for some people,
7 early February-late March -- I mean early March.

8 Q. In the early part of the wrestling season, is the focus on
9 physical training?

10 A. Yes, sir.

11 Q. Does the focus stay on physical training all through the
12 season?

13 A. And conditioning, yes.

14 Q. And conditioning?

15 Describe a typical practice, what your coachees will do?

16 A. Well, we'll warm up by rolling the mats out, do drills,
17 get a sweat going, and then start practice.

18 Q. Now, you played, yourself, football, and you've wrestled
19 and you've played lacrosse?

20 A. I've played football, wrestled, and I've coached lacrosse.

21 Q. Of football and wrestling, which one is the most demanding
22 sport?

23 A. Wrestling.

24 Q. And why is that?

25 A. Because you have to lose weight, gain weight, and you have

1 to get on a diet, eat correctly.

2 Q. Is part of what you do as a coach discuss nutrition?

3 A. Yes, I do.

4 Q. And why do you discuss nutrition as part of being a coach?

5 A. Because they have to learn how to treat their body, eat
6 correctly.

7 Q. Is that for wrestling specifically or do you try to teach
8 life skills?

9 A. I teach life skills, so...

10 Q. What does cutting weight and how does that play into
11 nutrition?

12 A. Because there's a weight class you have to be certified at
13 to wrestle at that weight class.

14 Q. Now, how many classes -- weight classes are there for
15 wrestling?

16 A. There's 14.

17 Q. Do you know Jahar Tsarnaev?

18 A. Yes, I do.

19 Q. Do you see him in the courtroom today?

20 A. Yes, I do.

21 Q. What class did Jahar wrestle in when he first started
22 wrestling for you?

23 A. I would say 112.

24 Q. And where is that on the scale of the 11 [sic] weight
25 classes?

1 A. It's at the beginning, the lower weight.

2 Q. As the years went on, did he move up in classes?

3 A. Yes, he did.

4 Q. What was the highest class you remember him wrestling in?

5 A. 135.

6 Q. How many years did Jahar Tsarnaev wrestle for you?

7 A. Three years.

8 Q. And do you know what years of his high school career that
9 was?

10 A. It would be sophomore, junior and senior year.

11 Q. What are some of the descriptions you would -- what are
12 some of the words you would use to describe Jahar Tsarnaev?

13 A. Quiet, hard worker.

14 MR. WATKINS: I'd like to show Mr. Howard Exhibit
15 3280.

16 THE COURT: Is there any objection to this?

17 THE WITNESS: Where am I looking?

18 MR. CHAKRAVARTY: Again, your Honor, I'm not sure I've
19 seen this one.

20 No objection, your Honor.

21 THE COURT: No? Okay.

22 (Defense Exhibit No. 3280 received into evidence.)

23 BY MR. WATKINS:

24 Q. Mr. Howard, do you see that picture that's on the screen?

25 A. Yes, I do.

1 Q. Do you see Jahar in that picture?

2 A. Yes, I do.

3 Q. First, this is a montage of various wrestlers. And can
4 you point out by tapping on the screen which ones include
5 Jahar?

6 A. (Witness complies.)

7 Q. So you've tapped on at least a couple. Do you
8 recall -- can you tell when these pictures were taken?

9 A. It will be January, I would say 3rd, around there.
10 January 3rd.

11 Q. Of what year?

12 A. Of, I would say, senior year.

13 Q. And Mr. Tsarnaev graduated in 2011, so January 3rd of
14 2011?

15 A. Correct.

16 Q. Showing you what's already been admitted as Exhibit 3285,
17 do you recognize what year this picture was taken from?

18 A. This would be his first year wrestling. It would be
19 sophomore year.

20 Q. And where's Jahar Tsarnaev in this photograph? You can
21 circle it with your finger, if that helps.

22 A. (Witness complies.)

23 Q. Now, did Jahar Tsarnaev become co-captain of the wrestling
24 team?

25 A. His junior year, yes.

1 Q. And how did he rise to that title?

2 A. He showed leadership and he showed hard work, dedication,
3 to his peers.

4 Q. You talked about some of the -- well, you talked about
5 some of the nutrition and some of the very difficult physical
6 conditioning that's involved. Do you reach out to family
7 members in preparation for the wrestling season?

8 A. Yes, I do.

9 Q. And why do you do that?

10 A. To let their parents know what their kids are getting into
11 and if they come home, say, "Mom, Dad, I've got to change my
12 eating habits," the reasons why.

13 Q. So are there -- during the wrestling season, it sounds
14 like there are everyday demands outside of wrestling?

15 A. Yes.

16 Q. And so what do you do to try and get in touch with
17 families?

18 A. We usually have a meeting at the end of the year -- I
19 mean -- sorry -- at the beginning of the year to meet all
20 parents.

21 Q. Did you ever meet Jahar Tsarnaev's parents?

22 A. No.

23 Q. Were you ever able to talk to them about the demands of
24 the wrestling season?

25 A. No, sir.

1 Q. Did you ever see his parents at any of the meets or
2 tournaments?

3 A. No.

4 Q. Any of the practices?

5 A. No, sir.

6 Q. Is there a -- well, tell us what Senior Day is.

7 A. Senior Day is the last home wrestling match of the
8 seniors.

9 Q. And for Jahar Tsarnaev's Senior Day, he was captain of the
10 wrestling team -- co-captain of the wrestling team by that
11 point, correct?

12 A. Correct.

13 Q. And what is involved? What happens on Senior Day before
14 the match?

15 A. Senior Day, all the seniors invite their parents, we hand
16 flowers out to the senior to give to their parents.

17 Q. Were Jahar Tsarnaev's parents at Senior Day?

18 A. No, they wasn't.

19 Q. Wrestling practice runs right through Christmas vacation
20 and on into January?

21 A. Yes, it does.

22 Q. And that's during the break that a lot of college students
23 have?

24 A. Correct.

25 Q. Do some of your former wrestlers come back to attend

1 practices?

2 A. Yes, they do.

3 Q. Did Jahar Tsarnaev do that in 2012?

4 A. Yes, he did.

5 Q. How many times did he come back?

6 A. Twice, I think.

7 Q. Did he also come back in 2013?

8 A. Is that the year of the bombing?

9 Q. Yes.

10 A. Yes.

11 Q. And what do -- when they come back, what do your former
12 wrestlers do at practice?

13 A. They either practice with the kids and just tell them to
14 listen to Coach. And then I asked him how college was going.

15 Q. But they actually help with practices or they stand around
16 and gab?

17 A. No, they help with practice.

18 Q. After that, those times that you saw Jahar Tsarnaev back
19 at practice in 2013, did you see him again before today?

20 A. No, I haven't.

21 Q. You learned that Jahar Tsarnaev was involved in the Boston
22 Marathon bombing?

23 A. What was the question?

24 Q. You've since learned that Jahar Tsarnaev was involved in
25 the Boston Marathon bombing?

1 A. Yes, sir.

2 Q. Was his participation there consistent with what you saw
3 as the boy you coached for three years?

4 A. Was what?

5 Q. Was it consistent? Was it the same? Was that the same
6 Jahar?

7 A. No, sir.

8 MR. WATKINS: That's all I have, your Honor.

9 MR. CHAKRAVARTY: No questions, your Honor.

10 THE COURT: No questions? All right, sir. Thank you.
11 You may step down.

12 (The witness is excused.)

13 THE COURT: Unless you have somebody very short, I
14 think we'll break until tomorrow. So we'll resume the regular
15 schedule tomorrow and continue with the evidence. Have a good
16 evening.

17 THE CLERK: All rise for the Court and the jury.
18 Court will be in recess.

19 (The Court and jury exit the courtroom and the
20 proceedings adjourned at 2:50 p.m.)

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C E R T I F I C A T E

We, Marcia G. Patrisso, RMR, CRR, and Cheryl Dahlstrom, RMR, CRR, Official Reporters of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of our skill and ability, a true and accurate transcription of our stenotype notes taken in the matter of Criminal Action No. 13-10200-GAO, United States of America v. Dzhokhar A. Tsarnaev.

/s/ Marcia G. Patrisso
MARCIA G. PATRISSE, RMR, CRR
Official Court Reporter

/s/ Cheryl Dahlstrom
CHERYL DAHLSTROM, RMR, CRR
Official Court Reporter

Date: 5/5/15