

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION**

**UNITED STATES OF AMERICA**

**V.**

**MOKTAR HOSSAIN;  
AKA MUKTAR HUSSAIN;  
AKA MUSA;  
AKA MUSA BHAI;  
AKA BABU BHAI;  
AKA ASHRAF;  
AKA ASHRAB;  
AKA RICKY;  
AKA CARLOS**

**CRIMINAL NO. 5:18-cr-00912**

**GOVERNMENT’S RESPONSE TO  
DEFENDANT’S MOTION TO SUPPRESS**

The United States of America, Plaintiff, by and through the United States Department of Justice, Criminal Division, Human Rights and Special Prosecutions Section, files this response to Defendant Moktar Hossain's Motion to Suppress Statements and Evidence, ECF No. 40. At issue is the custodial interview of the Defendant conducted by HSI Special Agents following the Defendant's arrest. The record demonstrates that the Defendant knowingly, intelligently, and voluntarily waived his rights under *Miranda* before making incriminating statements to law enforcement, and that the Defendant's confession was in all other respects voluntary and not the product of coercion. This Court should accordingly deny the Defendant's motion.

## I. Anticipated Factual Background

On November 20, 2018, a federal grand jury sitting in the Laredo Division of the Southern District of Texas issued a sixteen-count indictment against the Defendant. The indictment alleges

that the Defendant was a member of a conspiracy to bring aliens to the United States between March 2017 and August 2018 in violation of 18 U.S.C. §§ 1324(a)(1)(A)(v)(I), 1324(a)(1)(A)(i), and 1324(a)(1)(B)(i); that he actually brought, or aided and abetted the bringing of, fourteen individual aliens to the United States during that time period in violation of 18 U.S.C. § 1324(a)(2)(B)(ii) and 18 U.S.C. § 2; and that he conspired to encourage and induce aliens to enter the United States illegally during the same time period in violation of 18 U.S.C. §§ 1324(a)(1)(A)(iv), 1324(a)(1)(A)(v)(I), and 1324(a)(1)(B)(i). That same day, United States Magistrate Judge Sam S. Sheldon signed a sealed warrant for the arrest of Hossain.

Subsequently, HSI Monterrey coordinated with Fuerza Civil (“FC”) (Nuevo Leon Police) and Instituto Nacional De Migracion (“INM”) (Mexican Immigration Officials) to locate and apprehend the Defendant. On November 29, 2018, FC and INM arrested the Defendant in Monterrey, Mexico and processed him for deportation to Bangladesh through Houston, Texas. Members of INM as well as agents of HSI Monterrey accompanied the Defendant on the plane to Houston, Texas. The plane landed in the Southern District of Texas at 8:09 p.m. CST. The Defendant was processed for entry into the United States by Customs and Border Patrol, and was taken by HSI agents to their office at the airport.

At 9:01 p.m. CST HSI Special Agents Ryan DiAndrea and Mohammed Rahman (who is a native Bengali speaker) began an audio recorded interview with the Defendant. *See* Attachments B and C.<sup>1</sup> The Defendant requested water and the agents provided it. Attachment B at 2. Agent

---

<sup>1</sup> There is no dispute that the Defendant was subjected to custodial interrogation as defined by *Miranda* and its progeny. *See United States v. Cavazos*, 668 F.3d 190, 193 (5th Cir. 2012); *United States v. Chavira*, 614 F.3d 127, 133 n.8 (5th Cir. 2010).

DiAndrea informed the Defendant that a warrant had been issued for the Defendant's arrest for human smuggling and, pursuant to the Defendant's request, Agent Rahman translated that information into Bengali, the Defendant's native tongue. *Id.* at 3-4. Over the course of the next several minutes, Agent Rahman attempted to establish rapport with the Defendant, discussing his background, family, and religion. *Id.* at 2-6. Agent Rahman admonished the Defendant that the United States is a nation with rules and one that gives people like the Defendant an opportunity to speak, and invited him to ask questions if there was something he did not understand. *Id.* at 6. Shortly after beginning the interview, the agents provided the Defendant with a written copy of the *Miranda* warnings translated into Bengali. *See* Attachment A; Attachment B at 7. Agent Rahman then read each of the warnings to the Defendant and stopped after each warning to confirm that the Defendant understood. Attachment B at 8. After receiving verbal confirmation from the Defendant that he understood the warnings, the Defendant signed the waiver form at 9:27 p.m. CST. *Id.*<sup>2</sup>

After the Defendant waived his *Miranda* rights, Agent Rahman inquired if the Defendant still wished to speak with the agents. *Id.* at 9. The Defendant asked if they were going to produce him in court and each confirmed that they were. *Id.* The Defendant asked for further explanation. *Id.* After Agent Rahman explained that this was the Defendant's opportunity to speak and that the Defendant would go to court the next day, the Defendant conveyed understanding by stating, "I

---

<sup>2</sup> The United States does not intend to introduce any statements made by the Defendant before his valid written waiver of the *Miranda* warnings.

wanted to say . . . . I wanted to say that I am not involved in the activities for which I am accused and arrested. My home is in Mexico City.” *Id.* at 9-10.

Over the course of the next two hours, Agents Rahman and DiAndrea questioned the Defendant. During the questioning, they encouraged the Defendant to be truthful because (1) they knew a lot about him; (2) he was facing a long time in prison; and (3) this was his opportunity to speak. *See, e.g., id.* at 9, 11, 16. Eventually, Hossain stated, “I am sorry, I trafficked people . . . . I trafficked people that way, I helped them. What I have done was motivated by money and what I have earned so far exceeds my qualification . . . . I did help people coming to this country; whatever I did I did it for money.” *Id.* at 17. The Defendant proceeded to admit he had helped 60-80 Bangladeshis over the last year-and-a-half to enter the country illegally. *Id.* at 18. He stated he was paid approximately \$200 for each alien he assisted. *Id.* at 25. At 10:51 p.m. CST the agents took a short break, and resumed the questioning at 11:01 p.m. CST. During the course of that questioning, which included additional admissions of guilt, the agents inquired about a ledger found in the house where the Defendant was living. *Id.* at 39. The Defendant stated the ledger was “an accounting of how many people entered the country. That accounting is there.” *Id.* The agents also inquired about other items in the Defendant’s possession including “The bank check book, deposit slips, [and] receipts.” *Id.* at 40. The Defendant stated, “All of those are mine.” *Id.* Finally, the Defendant admitted the three phones in his possession were his and gave the agents permission to search his phones, offering his passwords. *Id.* at 40-42. Agent Rahman explained the Defendant’s rights and the Defendant signed a written consent form giving agents permission to search his phones. *See* Attachment D.

## II. Discussion

In his motion to suppress, the Defendant contends that the post-*Miranda* statements he made to HSI agents should be suppressed because (1) he did not validly waive his *Miranda* rights before making such statements, and (2) his confession was otherwise not made voluntarily. The Defendant's arguments are belied by the fact that the Defendant made a knowing, intelligent, and voluntary waiver of his *Miranda* rights, and because the Defendant's statements were in all other respects voluntary and not the product of coercion. The Government addresses the Defendant's arguments regarding waiver and voluntariness in turn.

### A. The Defendant Knowingly, Intelligently, and Voluntarily Waived his *Miranda* Rights

“[S]tatements made by a defendant during custodial interrogation may not be used against him at trial unless procedural safeguards are employed to protect the defendant's Fifth Amendment privilege against self-incrimination.” *United States v. Andrews*, 22 F.3d 1328, 1337 (5th Cir. 1994). This requirement is most commonly satisfied by giving the defendant the customary *Miranda* warnings: that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that an attorney will be provided for him if he cannot afford to hire one. *Id.* However, the Supreme Court has never required that the warnings be given in any particular form or manner. *See, e.g., Missouri v. Seibert*, 542 U.S. 600, 611 (2004); *Duckworth v. Eagan*, 492 U.S. 195, 202 (1989); *California v. Prysock*, 453 U.S. 355, 359 (1981). “The inquiry is simply whether the warnings reasonably ‘conve[y] to [a suspect] his rights as required by *Miranda*.’” *Duckworth*, 492 U.S. at 203 (quoting *Prysock*, 453 U.S. at 361). Once the defendant validly waives these rights, statements made during a custodial

interrogation may be used by the Government at trial. *Andrews*, 22 F.3d at 1337; *United States v. Cardenas*, 410 F.3d 287, 292 (5th Cir. 2005).

The Government bears the burden of showing a valid *Miranda* waiver by a preponderance of the evidence. *See United States v. Garcia Abrego*, 141 F.3d 142, 171 (5th Cir. 1998). “The inquiry whether a valid waiver has occurred ‘has two distinct dimensions. First, the relinquishment of the right must have been voluntary in the sense that it was the product of a free and deliberate choice rather than intimidation, coercion, or deception. Second, the waiver must have been made with a full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it.’” *Andrews*, 22 F.3d at 1337 (quoting *Moran v. Burbine*, 475 U.S. 412, 421 (1986)).

The Defendant claims that his *Miranda* waiver was not valid because he did not understand his rights, and because he attempted to ask a question of Agent Rahman which was not answered. These assertions are faulty and do not entitle the Defendant to relief. First, it is uncontroverted that the HSI agents provided the Defendant with his *Miranda* rights written in his native language of Bengali, and that the Defendant signed it. *See Attachment A.*<sup>3</sup> HSI Agent Rahman also went

---

<sup>3</sup> The Government does note that the translation of item six on the *Miranda* waiver form is incorrect. Attachment A. Item six reads, “*If you do not want an attorney*, then one will be appointed for you before you are asked any questions.” *Id.* (emphasis added). The correct warning should have informed the Defendant that if the Defendant could not afford to hire an attorney, then one would be appointed for him. *See Andrews*, 22 F.3d at 1337. However, the fact that the HSI agent orally provided the correct version of all of the *Miranda* warnings to the Defendant sufficiently cured any defect in the form. Agent Rahman and the Defendant had the following exchange:

MR: The sixth line, if you can’t pay for the lawyer, the country will provide you with one, alright?

through the form line by line with the Defendant. Attachment B at 7-8. After each line, the Defendant said “Yes” or “Okay” to indicate that he understood. *Id.* These facts conclusively demonstrate a valid waiver. *See United States v. Venegas*, 594 Fed. Appx. 822, 828 (5th Cir. 2014) (not reported in Federal Reporter) (holding that a written warning alone is sufficient to apprise a defendant of his *Miranda* rights); *Duckworth v. Eagan*, 492 U.S. 195, 203 (1989) (holding that a warning is sufficient if it “touche[s] all of the bases required by *Miranda*,” and that that “no talismanic incantation” is required to satisfy *Miranda*).

Second, the questions that the Defendant asked the HSI agents were in fact answered, and do not indicate that the Defendant did not understand his rights. After the Defendant waived his *Miranda* rights, Agent Rahman asked him if, “after knowing the rules and regulations of this country,” he still wanted to talk with the HSI agents. Attachment B at 9. The Defendant asked if the agents were going to produce him in court. *Id.* The agents answered “Yes.” *Id.* The Defendant did not ask any follow up questions or otherwise indicate that he did not understand. *Id.* Nor did the Defendant at any point state that he did not wish to speak with the agents. *Id.*

Agent Rahman then informed the Defendant that this was the Defendant’s time to talk to them and that they would not be able to speak with the Defendant the following day. *Id.* The Defendant said, “It would be better if you explained it to me.” *Id.* Accordingly, Agent Rahman

---

MH: Sorry?

MR: That means that if you can’t afford a lawyer the country will give you one, alright?

MH: Okay.

Attachment B at 8. This explanation sufficiently apprised the Defendant of his right to an attorney. *See Duckworth v. Eagan*, 492 U.S. 195, 202-03 (1989).

explained that it was the Defendant's opportunity to speak with them, that he would be brought to court the next day. *Id.* The Defendant did not ask any further questions. The Defendant then stated that he wanted to explain that he was not involved in the activities for which he was arrested.<sup>4</sup> *Id.* at 9-10. At this point the conversation transitioned into a questioning of the Defendant about his activities in Monterrey. *Id.* at 10.

These facts demonstrate that, under the totality of the circumstances surrounding the interrogation, the Defendant made an uncoerced choice to waive his *Miranda* rights with the requisite level of comprehension. *Moran*, 475 U.S. at 421. The Defendant's waiver was therefore knowing and intelligent. Not only did the Defendant sign a *Miranda* waiver written in his native language, but he also said "Yes" to each line of the waiver when it was read to him. Further, the HSI agents answered the Defendant's questions about whether he would be produced in court, and the Defendant did not ask any further questions that went unanswered. There is simply no indication that the Defendant's waiver was anything but knowing and intelligent, because it was made with the "full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it." *Andrews*, 22 F.3d at 133 (quoting *Moran*, 475 U.S. at 421).<sup>5</sup>

---

<sup>4</sup> The Defendant's Motion to Suppress at page 12 quotes a portion of the interview to imply that the Defendant desired to say something which the agents did not permit him to finish. ("MH: I wanted to say that...") This implication is incorrect, as the transcript shows that the Defendant resumed his thought and stated, "I wanted to say that I am not involved in the activities for which I am accused and arrested." Attachment B at 10.

<sup>5</sup> The Defendant also implies, without alleging outright, that his *Miranda* waiver was not voluntary because he had not eaten in 24 hours. Def. Mot. to Suppress at 13. However, the fact that the Defendant never requested food undermines any contention that his hunger undermined his ability to make a voluntary waiver of his *Miranda* rights. See *United States v. Mitchell*, Crim. Action No. 3:13-CR-128-L-1, 2013 WL 5300687, at \*5 (N.D. Texas, September 20, 2013) (not



**B. The Defendant's Confession was Voluntary under the Totality of the Circumstances**

“When a defendant challenges the voluntariness of a confession, the government must prove its voluntariness by a preponderance of the evidence in order for the confession to be admissible as substantive evidence at the defendant's criminal trial.” *Garcia Abrego*, 141 F.3d at 170 (citing *Self v. Collins*, 973 F.2d 1198, 1205 (5th Cir. 1992)). The Government may satisfy its burden of proving voluntariness if it demonstrates that, “under the totality of the circumstances, the statement is the product of the accused’s free and rational choice.” *United States v. Broussard*, 80 F.3d 1025, 1033 (5th Cir. 1996). “[C]oercive police activity is a necessary predicate to the finding that a confession is not ‘voluntary’ within the meaning of the Due Process Clause of the Fourteenth Amendment.” *Colorado v. Connelly*, 479 U.S. 157, 167 (1986). Moreover, that coercive conduct must cause the confession. *Id.* at 164.

The Defendant claims that his post-*Miranda* statements were not voluntary for several reasons. First, he asserts that the HSI agents improperly promised him that he would not face any jail time if he spoke with them. Def. Mot. to Suppress at 17. To the contrary, the HSI agents never made explicit promises that the Defendant would receive leniency should he speak with them. The HSI agents told the Defendant that it was his opportunity to speak the truth and help himself, that

---

reported in F. Supp. 2d.) (rejecting the defendant’s allegation that his *Miranda* waiver was rendered involuntary by the defendant’s lack of sleep, lack of food, and medical condition, because, in part, the defendant never requested additional time to rest or requested food, never complained about his condition, and because the officers did not condition additional rest time or food on receiving a confession); *Muniz v. Johnson*, 132 F.3d 214, 219 n.9 (5th Cir. 1998) (defendant’s failure to request food, and the fact that officers did not condition access to food and drink on the defendant confessing, undermined his arguments that his confession was rendered involuntary by lack of food).

he was facing jail time, and that it was up to him if he wanted to help himself or not. *See* Attachment B at 16. Courts have routinely held that similar statements by law enforcement encouraging suspects to confess do not constitute gross intimidation or coercion. *See Cardenas*, 410 F.3d at 295 (officers’ statement to defendant that “the only way she could help herself now was to talk to the AUSA” did not render confession involuntary); *United States v. Ballard*, 586 F.2d 1060, 1063 (5th Cir. 1978) (concluding that a statement that the accused’s cooperation would be made known to the court was an insufficient inducement to render subsequent confession involuntary); *United States v. Ornelas-Rodriguez*, 12 F.3d 1339, 1348 (5th Cir. 1994) (advising accused that there are advantages to cooperating does not render confession involuntary); *United States v. Tatum*, 121 F. Supp. 2d 577, 587 (E.D. Tex. 2000) (“[E]ncouraging the defendant to be honest is not so coercive as to render the defendant’s incriminating statements involuntary.”). The statements made by the HSI agents were “at most an implication of leniency, and indirect promises do not have the potency of direct promises.” *Hawkins v. Lynaugh*, 844 F.2d 1132 (5th Cir. 1988) (citation and quotation marks omitted); *Hyde v. Branker*, 286 Fed. Appx. 822, 827 (4th Cir. 2008) (not reported in Federal Reporter) (statements by law enforcement that they would “take it lighter” on defendant if he spoke to them did not render statement involuntary).<sup>6</sup> And as the Fifth Circuit has noted, “there is nothing inherently wrong with efforts to create a favorable climate for confession.” *Hawkins v. Lynaugh*, 844 F.2d 1132, 1140 (5th Cir. 1988).

---

<sup>6</sup> Even assuming for the sake of argument that the HSI agents did make a promise to the Defendant, the existence of a promise constitutes but one factor in that determination and does not render a confession involuntary *per se*. *Hawkins*, 844 F.2d at 1140.

The Defendant also claims that his confession was involuntary because one of the HSI agents spoke with him about their shared religious background. Def. Mot. to Suppress at 17. However, invocations of religion are generally insufficient to render a statement involuntary. *Muniz v. Johnson*, 132 F.3d 214, 217 (5th Cir. 1998) (detective's appeal to the defendant's religion did not overpower the defendant's will or produce a confession that was not of the defendant's own free choice); *United States v. Scaggs*, 377 Fed. Appx. 653, 656 (9th Cir. 2010) (not reported in Federal Reporter) ("David also argues that his *Miranda* waiver was involuntary because the investigator asked if he was a religious man, and when he replied in the affirmative, the investigator said, 'Well, if you're a religious guy, now is the time to tell the truth.' We disagree. An appeal to a suspect's religious beliefs does not render a confession involuntary unless his will was overborne."); *United States v. Miller*, 984 F.2d 1028, 1031-32 (9th Cir. 1993) (finding no causal relationship between FBI agent's invocation of religion and defendant's confession). Because there is no evidence in the record that the HSI agent's invocation of religion was coercive or overbore the Defendant's will, the Defendant's arguments should be rejected.

Finally, the Defendant claims that his confession was involuntary because the HSI agents compared the treatment the Defendant received in the United States with the coercive tactics that could be employed against him if he were in Bangladesh or Mexico. Def. Mot. to Suppress at 17. However, these statements only served to reinforced to the Defendant that it was his choice to speak with the agents, and that no such coercive tactics would be used against him in the United States. If anything, these comments by the agents underscored for the Defendant that he was able

to make the free and rational choice whether to participate in the interview. *United States v. Broussard*, 80 F.3d 1025, 1033 (5th Cir. 1996).

In conclusion, courts have affirmed the voluntariness of confessions in circumstances which are arguably more concerning than the facts presented here. *See Andrews*, 22 F.3d at 1340 (confession still voluntary even though it was made only two hours after the defendant was arrested for a DUI and failed a roadside sobriety test); *United States v. Reynolds*, 367 F.3d 294, 297-99 (5th Cir. 2004) (defendant made a voluntary confession despite having taken methamphetamine an hour before he was arrested and not having slept for three days at the time of his arrest, because he was cooperative, listened to questions, responded appropriately, and did not appear to be under the influence of drugs or alcohol); *United States v. Solis*, 299 F.3d 420, 439-440 (5th Cir. 2002) (fact that defendant took speed one hour before arrest did not render his confession involuntary, as the defendant was alert, lucid, and articulate). Because there is no evidence in the record of any coercion by law enforcement, and because the Defendant's confession was the product of his "free and rational choice," *Broussard*, 80 F.3d at 1033, this Court should deny the Defendant's Motion to Suppress.<sup>7</sup>

### **III. Conclusion**

The Government respectfully requests that the Court deny Defendant's Motion to Suppress Statements and Evidence, ECF No. 40.

---

<sup>7</sup> For all of the reasons set out above, the Defendant also validly executed the consent form for HSI agents to search his cell phone. *See* Attachment D (Consent to Search Form); Attachment B at 41, 43.

Respectfully submitted this 8th day of May, 2019.

Respectfully submitted,

BRIAN BENCZKOWSKI  
Assistant Attorney General  
Department of Justice

By: /s/ Erin Cox  
Erin Cox – IL Bar No. 6308801  
James Hepburn – PA Bar No. 200051  
Trial Attorneys  
Human Rights and Special Prosecutions  
U.S. Department of Justice, Criminal Division  
1301 New York Ave. NW, 3<sup>rd</sup> Floor  
Washington, D.C. 20530  
202-598-2771  
erin.cox@usdoj.gov

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served on defense counsel via CM/ECF on May 8, 2019.

BRIAN BENCZKOWSKI  
Assistant Attorney General  
Department of Justice

By:       /s/ Erin Cox        
Erin Cox  
James Hepburn  
Trial Attorneys  
Human Rights and Special Prosecutions Section

Attachment A  
(Miranda Waiver)



DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**অধিকারের বিবৃতি**

আমাদের কাছে কোন প্রশ্ন করার আগে, আপনার অধিকার সম্পর্কে উপদেশ দেয়ার দায়িত্ব

আমার কর্তব্য: নীরব থাকার অধিকার আপনার আছে।

কোন কোন আইন বা অন্য কোন প্রক্রিয়ায় আপনার বিরুদ্ধে ব্যবহার করা যেতে পারে।

কোনো বিবৃতি দেওয়ার বা কোনো প্রশ্নের উত্তর দেওয়ার আগে আপনি একজন এটর্নি-এর সাথে পরামর্শ করার অধিকার রাখেন।

প্রশ্ন করার সময় আপনার সাথে একজন এটর্নি উপস্থিত থাকার অধিকার আপনার আছে।

যদি আপনি একজন অ্যাটর্নি (আ.) কে না চান, তাহলে তোমাদের জন্য কোন প্রশ্ন করার আগে আপনার জন্য নিযুক্ত করা হবে।

আপনি যদি এখন প্রশ্নের উত্তর দেওয়ার সিদ্ধান্ত নেন, তাহলে আপনি এখনও যে কোন সময় প্রশ্নটি থামানোর অধিকার রাখেন, অথবা কোন অ্যাটর্নিকে পরামর্শ দেয়ার জন্য প্রশ্ন করা বন্ধ করতে হবে।

**ওয়েভার**

আমি পড়েছি, অথবা কেউ আমার কাছে পড়তে গেছে, আমার অধিকারের এই উক্তি এবং আমি বুঝতে পারছি আমার অধিকার কি। এ সময় আমি একজন আইনজীবী উপস্থিত না থাকায় প্রশ্নের উত্তর দিতে হবে।

MUKTAR HOSSAIN

৭:২৭ PM

নাম মুদ্রণ করুন

[Signature]

11/29/2018

স্বাক্ষর

[Signature] SA Mohammed A.

তারিখ

11/29/2018

সাক্ষী

[Signature] SA Ryan DiAndrea

Date

11/29/2018

Witness

Date



DEPARTMENT OF HOMELAND SECURITY  
US Immigration and Customs Enforcement

Statement of Rights

1. Before asking any questions to us, I am responsible for giving advice about your rights.
  2. My duty: You have the right to remain silent.
  3. It can be used against you in different laws or in any other process.
  4. Before giving a statement or answering any questions, you have the right to consult with an attorney.
  5. During the questioning, you have the right to have an attorney present with you.
  6. If you do not want an attorney, then one will be appointed for you before you are asked any questions.
  7. If you decide to answer the question now, you still have the right to stop the questioning at any time, or to stop asking questions to advise an attorney.
- 

Waiver

I have read, or someone read it to me, this statement of my rights and I understand what my rights are. At this time, I will be answering the questions because I do not have a lawyer.

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

Attachment B  
(Transcript of Interview)

**Moktar Hossain Interview (CD 1)**

Today is November 29<sup>th</sup> 2018, time 21.01, special agent Ryan DiAndrea, along with special agent Mohammed Rahman, at the HIS Houston Airport office, conducting interview of a Bangladeshi national Moktar Hossain.

**Ryan DiAndrea - RD**

**Mohammed Rahman - MR**

**Moktar Hossain – MH**

MR: As-salamualaikum

MH: Walaikumussalam

MR: He serves as an agent in America. Alright? My name is Mohammed. What's your formal name?

MH: I didn't understand.

MR: What is your official or real name?

MH: My name?

MR: Yes

MH: Moktar Hossain

MR: Okay, do you have a nickname?

MH: I would like to drink some water.

MR: Do you want some water? Okay, have some water here. So, what name do you go by?

MH: Moktar.

MR: So, it is Moktar? How old are you?

MH: It is around 31.

MR: Okay, you are 31 years old. I work with him. So, what's up? How do you feel here?

MH: I feel bad. I still don't understand what is going on.

MR: Yes, it has been a long day today. It is going a bit rough, right? It is normal. When you went to sleep last night you probably didn't think it was going to be something like this, this morning. You probably had a plan for today, right? May be you thought you would roam around or do something. You probably didn't think that this would happen today, right?

MH: Yes, of course.

MR: Do you offer prayers (*namaz*)?

MH: Yes, I do.

MR: All five times a day?

MH: Yes, around 7 in morning....

MR: Alright, alright, did you sleep well last night?

MH: I didn't sleep. My mother went to perform *omrah* (informal pilgrimage to Mecca and Medina). I was speaking with my mother.

MR: Okay, alright, alright. Let me lift this. Then it won't hit your head.

MH: No problem.

MR: Okay, you can drink water as much as you want. No problem. What will happen happens, right? Many times many things happen. Many people do many things. That's alright. I am a human being, you are a human being, he is a human being too, right? We come from many different places. Many people can commit mistakes. What can I say? Nobody is looking at you as a bad person. Isn't that right? You have come here to talk. He wants to figure out what you have to say, alright? Many people do many things, right? You said that you are not following what is going on, right? What do you think might happen? You are 31 years old, right? You must be thinking something about what might happen. What is your opinion?

MH: Brother, I still don't understand anything. When I was taken to the immigration office/room, they checked my papers. After that they said that my papers weren't proper. Then they asked what I was doing there. I told them that I sell clothing. They asked me where I sold clothing. I told them that I sold brand-name clothing in the city.

Special Agent Ryan DiAndrea: You are here today because a warrant is issued for your arrest for human smuggling, bringing people to the United States illegally.

MR: Did you understand?

MH: I didn't understand.

MR: Okay, your English is not that good. He said that you have been arrested because you smuggled many people into this country illegally. The US government filed a case against you. The Mexican government helped the US government to bring you to the US. Do you have any questions?

MH: I didn't do it.

MR: Where were you born?

MH: In Sylhet.

MR: When were you in Sylhet last time?

MH: 2010

MR: Is your mother in Sylhet?

MH: Yes.

MR: What is your mother's name?

MH: Razia Begum.

MR: Can you spell the name?

MH: R-A-Z-I-A B-E-G-U-M

MR: What is your father's name?

MH: Shirajul Islam.

MR: Could you spell it?

MH: S-H-I-R-A-J-U-L I-S-L-A-M

MR: Both of them live in Sylhet? Are they alive? Did you talk to your mother last night?

MH:??//

MR: Do you have a wife and children? Are they back home? Or, in Mexico?

MH: They are not back home.

MR: Are they in Mexico?

MH: In Mexico.

MR: What is your wife's name?

**MH: Mildre. Mildre Deselia Aquila.**

MR: Is your wife Mexican or Bangladeshi?

MH: Mexican.

MR: What is the spelling?

MH: M-I-L-D-R-E

MR: Last name?

**MH: B-I-L-A-Q-L**

MR: Do you have children?

MH: No, no children.

MR: When did you get married?

MH: Two years ago.

MR: Did you serve in the army back home?

MH: No.

MR: Okay, many things happen many times. Not all things are appropriate for all times. Sometimes some people do something. But who can say what is right and what is wrong, right? Each country has its own rules, right? But there is a difference. You know that, even though you never lived in the USA. You came to the USA for the first time, right?

MH: Yes.

MR: You had to come this time like this but nobody wants to come like this, right? But what I was saying is that everybody is doing his work, right? Nobody knew you here before, right? Nobody is forcing you here. We all understand that there are miseries in many countries. That is why many people can do many things. Everybody understands this. You understand that nobody is yelling at you here. This thing could happen differently in Bangladesh. They may have pushed you or locked you up anywhere. You can see that in this country it doesn't work that way. This may have happened in Mexico through police. But it is different in this country, right? We are talking here nicely. Nobody here knew each other before today, right?

MH: Yes.

MR: I have come to talk to you. Everybody here wants one thing that you would speak the truth. It will help you in many ways, alright? Many times many people emphasize this. He didn't come here wearing a suit. He came here wearing a regular outfit. He is respecting you, do you understand? He is not showing off that he is a high official. You understand that you are not being disrespected. You understand that.

MH: Yes.

MR: The main thing is that this is not Bangladesh. This is not Mexico. This is America.

MH: Yes.

MR: America is a different country and it has its own rules. You can say that this is a great country of the world. After a little while we will talk about all these matters. I am just trying to convey this, alright?

MH: Yes.

MR: Many things happen in America many times. When in situations like this American officers ask you questions they already know the answers but they give you an opportunity to speak. Again I am telling you that they are giving you an opportunity. It is actually an opportunity. Moktar, this country is now giving you an opportunity, alright? I want to know from you what you know. I am only telling you that we are giving you an opportunity. I am saying again that you were speaking with your mother over the phone and suddenly he went to your house. What time did he go there in Mexico?

MH: Around 8 in the morning.

MR: Didn't you sleep last night? What were you doing?

MH: Last night after talking with my mother I was speaking with somebody back home (Bangladesh). My mother isn't in Bangladesh. She went to perform Omrah in Mecca.

MR: Okay, you didn't sleep at night, right? But you thought what had happened suddenly? You thought you were going to Bangladesh, right? In any case, we are giving you an opportunity, okay? Now we are going to talk about this, alright?

MH: Okay.

MR: You can drink water as you wish. We are going to talk but there are many rules in this country. When you were in Mexico you must have heard about this country, right?

MH: Yes.

MR: This country is run by many rules. This is what it is. I am going to tell you something, understand? Before anything could happen, this is the rule in this country. We are going to talk about this, right? Do you know what you are going to say, do you understand? Do you understand what we are going to talk about? When I am going to read something for you, don't ask me questions, try to understand. Ask me questions only if you don't understand, right?

MH: Yes.

MR: Before I start reading, I want to say one thing that this is your opportunity, alright? This is your opportunity to speak the truth. Whatever has happened you must say that, alright? If you speak the truth that is one situation but if you don't that is another situation, alright?

MR: ENGLISH TRANSLATION TO SPECIAL AGENT RYAN DIANDREA.

MR: You have the Bangla version with you. You can see that there are lines. I am beginning at the top, alright?

MH: Yes.

MR: I will read a line and want to know that you understand, alright? Before I ask you questions I will tell you that even though you are not a citizen of this country, everybody gets an opportunity in this country, alright?

MH: Yes.

MR: You are given an opportunity to ask questions, following the rule of this country, alright? Do you understand?

MH: Sorry?

MR: Before I ask you questions, see the number on the top. Can I see the paper? I will mark it for you. We'll go by numbers, alright?

MH: Okay.



MR: I begin with number one, is that alright? Before the questions, your rights are written in the paper. In the second line, this country gives you the right to remain silent, alright?

MH: Yes.

MR: The third line says, whatever you say might be used against you in the court. You know that. You are 31 years old. The fourth line mentions that this country gives you the right to get a lawyer before answering any questions. Alright?

MH: Yes.

MR: The fifth line, you can retain a lawyer before answering any questions, alright?

MH: Yes.

MR: The sixth line, if you can't pay for the lawyer, the country will provide you with one, alright?

MH: Sorry?

MR: That means that if you can't afford a lawyer the country will give you one, alright?

MH: Okay.

MR: The last line states that even after beginning to answer a question or two, if you don't want to continue you can stop answering questions. They will stop there, alright?

MH: Yes.

MR: Once you have read all of this, you should state you have read and understood what is written there. And your name is written at the bottom and there is space for you to sign, alright? Did you see your name in print?

MH: Yes.

MR: Write your name very clearly here and sign here.

+++++++English conversation with DiAndrea

MR: You understand everything, right? If you don't want to talk, you can stop talking, alright? Also, keep in mind that I told you before, this is your opportunity.

MH: Yes.

MR: After knowing the rules and regulations of this country, do you still want to talk to us? Do you agree to talk to us?

MH: Are you going to produce me in the court?

ENGLISH+++++

Special Agent Ryan DiAndrea: Yes.

MR: Yes.

RD: This is your time to talk to us. I won't be able to talk to you tomorrow. I am here today to hear your side of the story, to have us to tel

MR: Did you understand?

MH: It would be better if you explained it to me.

MR: Alright, no problem. This is your time. He said what I told you before. This is your opportunity, didn't I say that? This is your opportunity. This is the main thing, alright?

MH: Yes.

MR: Yes, you will go to the court tomorrow.

ENGLISH.....

MR: Okay, don't worry, what happened has happened. The main point is I don't know this but you may know if there were any worse day in the 31 years of your life. But my point is that American has brought you here after arresting you. We will talk to you about this now. Alright, you can talk first. You have tried to say something a number of times before. Now you can talk about yourself. No Problem.

MH: I wanted to say that....

MR: If you don't mind, I will stop you now and then and explain to him what you said, alright?

MH: Yes, that is good.

MR: Yes, this is good everybody.

MH: I wanted to say that I am not involved in the activities for which I am accused and arrested. My home is in Mexico City.

**MR explained the conversation to RD.**

RD: What are you doing in Monterey?

MR: What do you do in Monterey?

MH: My home is in Mexico City. I go to Monterey every week. Sometimes I go after ten days or sometimes three days. This is the month of December. I need to go more often now. Because I sell clothing. In every big city, I deliver samples of brand-name clothing to big stores. I ask first and if they like it they place order for supply. I search and bring the clothing for them.

MR: No need to worry. When you are talking for a long time, I don't want to stop you. I am writing it down so that I can explain it to them.

MH: No problem.

MR: Keep speaking. Sometimes you....

MH: I need to go more frequently in November and December. Not only in Monterey, but also Moklova, Bebuchid, Burgelboni....I need to go to other cities more.

MR: How many days do you stay there? Do you go every now and then?

MH: Sometimes I go to Monterey every week. Sometimes I need to go after 12/14 days. I go to some cities twice a week. It seems today I am in Monterey and I took an order and then left. Later I brought the supply of clothing. May be they needed some clothing. I took the order and delivered. Sometimes I need to stay there for a week. It was possible that I left today but would return the following day. Then I might have stayed for a week. It is like this, kind of sporadic.

**MR and RD conversed in English. MR explained it to RD.**

MR: Where were you when you were arrested this morning?

MH: I was in the hotel. I don't have a house there.

MR: Don't you have a house there? Do you stay in the same hotel? Or you stay in different hotels every time?

MH: I used to stay in one hotel. In that hotel some of my stuff was lost. Then I thought there was no security. I couldn't recover the lost item even after complaining about it at the reception. They stole my stuff. Then I changed the hotel.

**MR explained it to RD.**

MR: What is the name of the hotel that you stayed in today?

MH: The name of the hotel I stayed in is Madero.

MR: Which other hotels did you stay in?

MH: I used to stay in a hotel named Reforma.

**MR explained it to RD.**

MR: In which hotel was your stuff stolen?

MH: In that hotel, Reforma.

**MR explained it to RD.**

MR: What is the spelling of the hotel that you stayed in today?

MH: M-A-D-E-R-O

MR: So....

MH: I don't have any house there. I go there and receive orders and return the following day.

MR: Do your wife and children live in Mexico City?

MH: My wife lives in Mexico City. I don't have children.

MR: Does your wife work?

MH: She used to work but not anymore.

MR: So, what do you think about why we are here? Moktar, keep it in mind that we don't have much age difference. I am a few years older than you are, understand? Anyways, we are both Bangladeshis. We may be from different cities and we may talk differently. At the end of the day, we are Bangladeshis. How long we stay in this country, whatever we do, wherever we are, we are Bangladeshis. And, we are Muslims. Alright?

MH: Yes.

MR: I am saying this again, I said it already, many people say that this is the best country in the world. We have been hearing from our childhood that this is the dream country, isn't it?

MH: Yes, may I have some water?

MR: Of course, of course. We don't have much food here. You can eat later. For the time being I can offer you water. Do you need more water?

**MR explained the conversation to RD.**

MR: At what age did you leave Bangladesh?

MH: When I was about 23/24 years old.

MR: What other countries have you been to?

MH: I was in South Africa and Brazil.

**MR explained the conversation to RD.**

MR: Did you come to Mexico after Brazil or you went to other countries?

MH: I came to Mexico.

**MR explained the conversation to RD.**

MR: How long did you stay in South Africa?

MH: I stayed for one or two years.

MR: Then Brazil?

MH: I stayed in Brazil for four years.

MR: I am listening. How many years in Mexico?

MH: Almost three years.

MR: Anyways, did you have a wish to come to this country? It is a dream country, isn't it? I don't know if you wanted to come to this country. The main thing is many people do many things for a variety of reasons. It is also true that back home it is very difficult to make a living, to eat, isn't it? We have seen since birth that naked kids are roaming around the city, no sandals, they are begging, they are crying for food. I don't know if you want to say something about this. I don't know if you came from such a background, where you came from. You were born in that country. The main thing is ... I don't know ... how long ago were you in Bangladesh?

MH: I didn't return home since I left.

MR: Do you have siblings?

MH: Yes.

MR: Are you the eldest or youngest?

MH: I am the middle.

MR: Are you the eldest?

MH: I am number two.

MR: Who is older? Brother or sister?

MH: Brother.

MR: How old is he?

MH: He is about 38/40.

MR: Approximately?

MH: Yes.

**MR explained it to RD.**

MR: In all of this, I don't know if your brother is in good condition or bad. May be he thinks that you are lucky. He may think you are in Mexico. It is Mexico but many places in this country are like those of Bangladesh. We can say that, right? But many places back home are really advanced, isn't it? The main thing is that this is your opportunity, right? You can see the behavior of everybody here. Everybody is treating you well. I am here to talk to you. This country is giving you an opportunity to speak the truth right now, alright? Well, I understand that you are sticking to your point, you don't want to move from there. But, remember, this country knows a lot about you. I told you at least ten times that this is your opportunity. How can I convince you more? Still I am telling you to help you that you should speak the truth. You will get the opportunity here.

**MR explained it to RD.**

MR: What do you want? Do you want to speak more or we ask you questions?

MH: Ask questions.

MR: Alright.

RD: Have you ever helped anyone to come to the USA?

MR: Did you help anybody to come to this country? Think about whether you have helped anybody to come here legally or illegally? That is what we are asking.

MH: Two years ago, I helped a friend of mine. I used to come and go, others helped move people from Mexico.

MR: I didn't understand the last thing you said. Who did you help? Bangladeshi or Mexican?

MH: Bangladeshi.

**MR explained it to RD.**

MH: I helped buy bus tickets. He didn't know Spanish. I purchased a bus ticket. He went by bus.

**MR explained it to RD.**

MR: Why did you purchase the bus ticket? Where did the bus leave from and where to?

MH: He said that he wanted to go the USA. He wasn't able to buy the bus ticket. He wanted to go the border. He didn't know how much was the fare. That is why I purchased his ticket. He doesn't know Spanish.

MR: Where does the bus leave from?

MH: The bus leaves from Monterey.

MR: Where did he go?

MH: He went to Lareda, on the Mexican side.

**MR explained it to RD.**

RD: We are not going to spend the whole night here.

MR: Did he come from Lareda? You have heard him that he didn't want to spend the whole night here. Now tell us whether you want to tell the truth or not.

RD: We know a lot about you. Musa, Ashraf, Babu. Now is the time to tell us the truth.

MR: He told you a few names. Did you understand?

MH: He said two or three names. I understood. I have a few names in my document. They are same names.

MR: This is what he said, alright? He called you Moktar. You are Moktar, speaking. He said these three names for a reason. You are 31 years old. You are giving you respect here, right? Whether or not you will speak the truth is an opportunity. I don't know how else I can explain to you?

MH: But I didn't do this work.

MR: What didn't you do?

MH: That I trafficked people to the USA. I didn't do it. I helped a person two years ago. My friend. I just purchased the bus ticket for him. He got off from the bus in front of the Loreda Bridge. Then he crossed the bridge.

**MR explained it to RD.**

RD: We know that you helped people.

MR: Did you understand what he said? Listen to this carefully, Moktar. It is good to speak the truth. This is up to you. You are 31 years old. You are not a child. Is it up to whether you wish to help yourself or not? It is totally your wish. Now answer this, do you know this hotel?

MH: I know this hotel.

MR: Yes, he knows the hotel (spoke to RD).

RD: How do you know the hotel?

MR: How do you know the hotel?

MH: This is the center. I live at the center of Monterey. I roam around there when I am free. I have seen that hotel there.

MR: What do you mean you roam around? Explain more.

MH: Just like that. When I don't have work, I walk around. I just walk around.

**MR explained it to RD.**

MR: Do you see him? He doesn't agree.

RD: This is your only time to tell us the truth or you are looking at a lot of time in prison.



MR: This is your time to tell the truth. You need to help yourself. Or else, you will spend a lot of time in the jail. If you don't speak the truth right now, this country may not help you anymore.

RD: If you don't start telling us the truth, we can't help you.

MH: I didn't understand.

MR: If you don't speak the truth, this country will not be able to help you anymore. Then this country knows a lot. This is not Bangladesh, right? I mentioned the questions to you, I don't know if you remember, I told you multiple times. Sometimes we ask the question but we already know the answer. But we want to know the truth from you. This is your opportunity. He doesn't want to hear lies. Because time has come for you. Well, I have tried by best to make you understand, alright? If you don't want to help yourself, I can't do much. So, I want to begin again.

MR to RD: Give him another opportunity.

RD: Now this is the time. We know that you are responsible. We have done a lot of interview of people. I have talked probably to hundreds of Bangladeshis. A lot of people know you. Now is your time.

MR: He has spoken with at least 100 Bangladeshis. He knows a lot. Everything is known to him. He knows that you are involved. He just wants to hear it from you now. But only the truth. We don't want here anything other than the truth. This won't waste our time or your time. It won't help unless you speak the truth. He is giving you an opportunity to speak the truth now, okay? After this, I can't help you anymore. After this, I won't be here for you. This is the time. I feel this will help you.

**MR explained it to RD.**

MR: It seems to me that the opportunity that we are giving you will help you. Let me ask a straight question. You answer it straight, yes or now. Let's start like this. May be you will slowly overcome the fear. And you may agree to speak the truth. Let's try this again, alright?

MH: Okay.

RD: So the only business that you are engaged in, the only thing you are doing for money to selling clothing, is that correct?

MR: Is it true that the only thing you do for a living is sell clothing?

MH: I sell clothing, yes.

RD: That's all you do? You don't have any other source of income?

MR: You don't have any other source of income? Keep in mind that the question is easy, yes or no. We know the answer. We will ask the question again. It's the same question but we are asking it differently. Think and answer. Don't you have any other source of income? Don't you earn Taka or Peso or dollar from other sources? Any other sources?

MH: I only sell clothing.

**MR explained it to RD.**

MR: Do you understand that when you say this to him, he may think that you are lying, don't you think?

#### CONVERSATION-2 IN CD

MR: Don't you understand that we know the answers to the questions that we are asking you? Do you understand that we are giving you an opportunity to speak the truth, are you mindful of that?

MR to RD: I let him know that we know the answers already.

MR: Moktar, listen, we know all the answer. Answers are already known.

MH: Let me tell you brother...

MR: Okay, tell me ...

MH: I am sorry, I trafficked people.

MR: What did you say after sorry ...

MH: I trafficked people that way, I helped them. What I have done was motivated by money and what I have earned so far exceeds my qualification.

MR to RD: I did help people coming to this country; whatever I did I did it for money.

MH: I sell clothing, alright? I help people, but I didn't realize, I didn't know that this whole thing would bring me here for what I did.

MR to RD: He helped people to come to this country but he didn't realize that it would bring him here today. That he never understood.

RD: How many people did you help?

MR: I want to say this first.

MR to RD: I want to congratulate him first.

MR: You may be happy about this or congratulate yourself that, I am saying this again, we do this a lot. Nobody sits on the other side of the table unless we know him really well, alright? It is very difficult to tell the truth. Because you are feeling bad here. This is normal. There is no person in the world who would be happy when he is arrested. The reality is that it may help you. Well, you should be happy a little bit that you could put one step forward. Well, we'll talk more truthfully about this, alright?

MR to RD: We are gonna talk more truthfully.

RD: How many people did you help?

MR: How many people did you help?

MH: Until now?

MR: Yes

MH: May be it is between 60 to 80 people.

MR: Only this many?

MH: Yes, that is range.

MR: 60 to 80 people?

MH: Yes.

MR: Within what time?

MR to RD: I just asked how much time?

RD: Okay.

MH: May be one year and a half.

MR to RD: He thinks it is last year and a half.

MR: All Bangladeshis or also other countries?

MH: All Bangladeshis.

RD: Only 60 to 80?

MR: Only 60 to 80?

MH: Above 60 and below 80. This would be something like this.

MR: You have done it for a while. How many people? This is a big number, isn't it?

**MR translated it for RD.**

MH: Do you think it could be over 80? Could it be 90? 81?

MH: It will be under 80. It could be 81 or not.

MR translated it for RD.

RD: How did you help those people? What did you help them with?

MR: How did you help those people?

MH: They used to come to the bus terminal. They wouldn't know the house here.

MR to RD: They come by bus but they wouldn't know the house in Monterey.

MR: Where and whose house did they not know?

MH: They didn't know the house in Mexico.

MR: In which city?

MH: They didn't know the house in Monterey.

MR to RD: They come by bus, but they, the Bangalees wouldn't know where the house was in Monterey.

MR: Okay.

MH: Well, I came across people from my area, basically people I know.

MR: Who? Who is known to whom?

MH: People from the same village, next area, same union. Somehow they collected my number and came to me, they asked for my help.

MR: They came to you?

MH: Their family used to call from home ... please help my son.

**MR to RD: People from Bangladesh used to call him for help, "Hi Moktar, help me."**

MR: How did they know to call you?

MH: Back home people just get to know who helped whom to travel. It is something like this: Somebody lives in that village who can help you and I'll manage his number.

MR explained this to RD.

MR: How did they know your number and address?

MH: People who came from my area or union or next thana or USA, they found out. If I helped somebody today, he left; he communicated with others. Somebody lives in that village and I'll give you his number; contact him.

MR: You can help people to come to this country.

MH: This is after they arrive in Tapachula.

MR: Did they know that this was an illegal traveling?

MH: Yes, they knew that it was illegal.

MR explained it to RD.

MR: I am a bangali and I came to Mexico somehow. So, after I came here, I knew somebody in the USA, and I called him. That person told me about you.

MH: Yes.

MR: So, I don't understand how the person living in America knows about you.

MH: It is like this: a guy received help through me, he traveled safely; that guy now lives in the USA, so, his friends then also wanted to come to the USA. They asked around how he went to the USA and through whose help. If he knew, he provided the information to them or they communicated with his family. Or, they managed to collect the mobile number or they inquired about who lived in Mexico and who could help them. It works something like this.

**MR explains this to RD.**

MR: How did the first person who traveled know about you? For example, 80 or 85 went to the USA; but the first person who went there didn't know that you could help. How did he know that you might help?

MH: This person lives in Monterey, from my own *thana*.

MR: Is this what you were saying earlier that you helped a friend two years ago?

MH: Yes.

MR: Did you know him in Monterey or from back home?

MH: I knew him from home.

MR: Are your homes in the same area? In Sylhet?

MH: Yes, in Sylhet.

MR: Do you miss the tea in Sylhet?

**MR explained this to RD.**

MR: Did he know that you live in Mexico?

MH: No.

MR: How did you two meet?

MH: He knew I used to live in Brazil. When he was moving from Brazil to Mexico, he received the message that I had moved to Mexico.

**MR explained this to RD.**

MR: Did he call you after arriving in Mexico?

MH: Yes, he called me.

MR: Did he call in Mexico?

MH: When he arrived in Brazil he inquired where I was. Then he learned that I had left. He collected my number from them. Then he called me and informed me that he was coming; he wanted to go the USA.

MR: Did he call you from Brazil?

MH: Yes. I told him, alright. The place is dangerous. Come with preparation. After arriving in Mexico, he told me, "my friend, I am here. I have my papers and would like to go to the USA. I live in Mexico City now and I would like to stay in your place." But I told him that I live in Monterey. Then he told me that Monterey was near the US border. I don't know the language. Buy me the ticket.

MR explained this to RD.

MR: But how would he enter Laredo by bus because he isn't a citizen of this country. How would he enter the country? How did you help him?

MH: He told me that he would go to the bus station to buy the bus ticket; he would go there by taxi. Then I called a taxi driver and told him that he was going to the

USA. Taxi driver dropped him off at the bridge, where the US Immigration office was.

MR: So, did he go to Mexico's Larego side by bus?

MH: No, he took a taxi.

MR: What did you ask him to do when he would arrive on the bridge?

MH: He crossed the bridge by walking.

MR: Toward America?

MH: Yes, toward America, over the bridge.

RD: That is how he came to the US, over the bridge?

MH: American immigration officer caught him.

**MR tells RD:** That's how the immigration officers got him.

RD: That was the first person, right?

MH: Yes, that was the first person.

RD: Okay, all the other people...how did you help them?

MR: How did you help all the other people?

MH: Other people...there are many people in Monterey, many taxis. I ask the taxi driver to take them over there.

RD: How does the taxi driver know where to go?

MR: The taxi driver from Monterey drops off them at the US border, right? How does the taxi driver know where to drop them off?

MH: Bangalees, who go to the USA from here, are usually fearful of crossing over the bridge. They prefer crossing the river. They know a little bit of English. They ask to get dropped off near the river.

RD: You don't talk to the driver where to take them?

MR: Don't you ask the driver exactly where to go?

MH: Other people .... There are many taxis in the bus station. I ask the taxi driver to take them near the river. They go there by taxi. There are many taxis in the Monterey bus station.

MR: Yes, near the bus terminal.

MH: Yes, there are many taxis near the bus terminal.

MR: Did you meet with the Bangladeshis in that hotel?

MH: I used to go if they came.

RD: You gave them food, so they can eat and bring them water, right?

MR: Did you give them food?

MH: They took care of their own food.

MR to RD: He said that he never gave them food. They brought their own food.

RD: You never brought them food?

MR: Did they take food from you?

MR to RD: They bought their own food.

MR: You must have gone to meet with them at least once, right? Why would you meet them?

MR to RD: Why did you go to meet them at least once?

MH: They used to call me and tell me, "brother, we have come, wouldn't we meet at least once as Bangladeshis brothers?"

MR explains this to RD.

MR: So, you met with them? What name would you use to introduce yourself?

MH: I used to ask them not to use my real name. Any other name would do.

MR: What name did they use to call you?

MH: They used to call me Ashraf. Sometimes they called me Moktar, Shaheen Hossain.

MR explained this to RD.

MR: Your real name is Moktar, right? How did they know the other names?

MR translated this question for RD.

MH: I asked them to call me Ashraf Hossain.

MR: He will ask them to use other names.



RD: Musa, you never used Musa?

MR: You may not have told them but didn't you mention yourself as Musa? Nobody called you Musa?

MH: There are other people here. There are Indians and Bangladeshis.

MR: Moktar, that's what I am saying .... It doesn't have to be only Bangladeshis. Did anybody ever call you by the name of Musa? Or, did you ever introduce yourself as Musa?

MH: Hossain, Moktar, Ashraf.

MR: Did anybody ever call you Musa in your life? Nobody ever called you Musa?

MH: Do you understand .... People know me mostly as Ashraf or Hossain. Very few people know me as Moktar.

MR: Why did they call you Ashraf? Was it your nickname?

MH: Many people came here. They called me Hossain. They may call me Hossain or not. It is often the case that they would call me Ashraf.

MR: Why? Why?

MH: Just like that. There is no reason.

MR: So, they won't say anything? They didn't know the name.

MH: I asked them to use less my name Moktar or Hossain. I asked them to call me Ashraf.

**MR explained this to RD.**

MR: You talked about Indians meanwhile, why?

MH: There is a large number of Indians here. I know two Indians. I have a message that there are Indians.

MR: Where?

MH: In Monterey. There are more Bangladeshis but I haven't met them.

**MR explained this to RD.**

MH: The Mexicans are saying that there are more Indians.

MR: I don't understand .... Why did you talk about them?

MH: I am saying this because you repeatedly said that I used Musa as my name. I wanted to say what I said was very different from what he had said.

MR: How so?

MH: He (RD) said that it must have been about 200, 150 people. But I said it was between 60 to 80. Here the name Musa came in. I have news that there are two Indians here. Actually they may have used this name Musa.

**MR explained this in English to RD.**

RD: Look, we really appreciate that you are telling us the truth.

MR: We are appreciating you telling us the truth.

RD: I believe that you are telling us some of the truth.

MR: We now believe that you are telling us some truths.

RD: You are holding back some stuff.

MH: I am telling the truth, please tell him.

MR: You are telling the truth, but you are not telling us all the truth.

MH: Whatever I am saying is the truth.

MR explained it to RD.

RD: I will show you some pictures that we have. That's you, right, Musa? You Musa, Ashraf, Ashraf, Musa, Musa, Ashraf, Musa. I can keep going, okay? These are the people who identify you the name you went by.

MR: They called you Ashraf, not Musa, is that right?

MR explained this to RD.

MR: You never heard before that they used to call you Musa?

MH: No, I haven't heard it.

MR to RD: Before today he never knew that somebody called him Musa.

RD: So, how much money did you get paid?

MR: How much money did you get for one person?

MH: 200 US dollar.

RD: That's it, 200 US dollars?

MR: So, you worked so hard for only 200 dollars?

MH: I didn't know that this thing would come this far. If I knew I would not have done this work.

**MR explained this to RD.**

MR: That's we all understand. The main thing is no person in this world is like our Prophet. That is fine. But that is before. But you are here today. What will happen to you in the future that will depend on you. Everybody likes to hear the truth. They know all about you. But nobody likes it when you don't speak the truth.

**MH explained this to RD.**

RD: So, you got 200 US dollars for each person.

MR: Only 200 US dollars for each person?

MH: Yes, not more. Sometimes it could be even less.

MR to RD: Never more, sometime less.

**RD: Is that US dollars, peso, Taka.....**

MR: So, who did you employ to take them to the border?

MH: Monterey to the USA?

MR: Yes.

MH: There are many taxies in the bust station. I would ask the taxi driver if he would go or not.

MR to RD: He will ask the person whether he would go or not.

MR: Not anybody particular?

MH: No, nobody in particular.

RD: You never use the same person?

MR: Didn't you use one person more than one time?

MH: May be one driver went for two consecutive days or three days or went again for a day after a week or went today and never again.

MR translated it to RD:

RD: The taxi driver knows that they were coming to the USA illegally.

MR: So, did the taxi driver know that they were going to the USA illegally?

MH: The taxi drivers don't know. They go and drop them off somewhere. I ask them if they know the canal and ask them to drop them off on the bank of the river.

MR: So, don't they have common sense ... they are not kids!

MH: They didn't tell me how they will go across the river or that they didn't have visas.

MR: What is your opinion whether taxi drivers know what was going on? What is your common-sense opinion about it?

MH: My idea is that they know but we don't talk about it. I never spoke about it because I took \$800 from 4 guys. If I spoke extra, many things would come out. How do you bring people here? How do you send them over there? Or, how much money...I don't talk about these things. I just ask whether somebody wants to go over there. And if he said yes, I ask how much.

MR: Which language did you speak?

MH: Spanish. After fixing the fare I would give the fare to the guys.

MR translates this to RD.

MH: I would give the fare money that the driver asked for to the guys. When they get off the car at the destination, they hand out the fare to the taxi driver.

MR: How much did they pay the taxi driver?

MH: Sometimes 3000 taka, sometimes 2500.

MR: What do you mean by 3000 taka?

MH: Mexican 4000 taka.

MR: Did each of them pay 3000/4000 peso or every together paid that amount?

MH: They paid it together.

**MR translates this to RD.**

RD: You never pay them ... you didn't pay the driver.

MR: Didn't you pay them .... they can't speak Spanish! Didn't you negotiate?

MH: I would make an agreement that when the guys would get off the car they would pay the driver. Because there are many drivers that I don't know.

MR: So, you would give the fare money to the Bangalees.

MH: Yes, Bangalees. There are many drivers that I don't know. If I give him the money in advance, he would drop them off half-an-hour prior to reaching the destination. If the driver doesn't go all the way to their destination and leave them early ... for that reason I ask the guys to pay when they get off. I tell the driver that they will pay him they get off your taxi.

**MR translates this to RD.**

MR: What did you do with the drivers that you knew? Did you pay him directly?

MH: At the beginning I used to pay them. I found out that money was lost 2 or 3 times. After losing money 2/3 times, I never gave the money directly to the taxi driver.

MR translates this to RD:

RD: Did you ever talk to the driver about where specifically to take them?

MR: Did you talk with the driver about where he would drop them off.

MH: Yes, we talk during departure.

MR: Where?

MH On the bank of the river.

RD: Did you ever use landmarks? Did you say by the red house; by big tree' by a bus station? How do they know where to stop by the river?

MR: How did they know exactly what spot on the river bank?

MH: There was no fixed spot. I only said where the river has less water.

MR: How did you say specifically where was less water in the river? The river is huge.

MH: Consider this car that is moving ... the bridge is really far, may be half a kilometer, sometimes 1 kilometer, sometimes 2100 yards far.

MR: Didn't you ask the driver to drop them off around the same place?

MH: At first I thought they dropped them off at the same place. When those guys get out in the US, from the US jail, then sometimes a few speak with me, "brother, we got

out.” So, my idea is that the drivers don’t drop them off at the right place. I ask if they faced any inconvenience. They say, no, there was no problem.

MR: You told the taxi driver to drop them off next to the bridge but you didn’t realize that they dropped them off before or after the bridge. Alright, I understand.

**MR translates this to RD.**

RD: How does the driver decide where to drop them off?

MR: Why did they drop off the guys in different places?

MH: There were Mexican police over the bridge. That’s why outside.

**MR translates this to RD.**

RD: So, you use a lot of different drivers that you said.

MR: You use different drives.

MH: I can’t say the exact number of drivers.

MR: Guess how many drivers did you use in a year and a half?

MH: I can’t say the exact number. May by 40 or 50.

**MR translates this to RD.**

MR: Nobody is believing this.

MH: I can’t guess. It was seen that a driver may have gone 2 or 3 times; another diver may be one time. I can’ give you an exact number.

MR: See, what I said earlier. You are telling us some truth, some lies. Know that I will not be at the court tomorrow. He will be there. How much you are speaking the truth he will note it down, alright? We know the answers to the questions. You are 31 years old. You are not a kid. So, I am going to ask you a question. Answer with proper understanding. Did any driver go with you to the hotel? Was he with you?

MH: These four guys went to the bus terminal. There is a market next to the bus station. It is seen sometimes that there is taxi next to the market. Sometimes it is next to the bus terminal. Sometimes they didn’t go to the bus terminal. Taxi is parked next to the road.

**MR translates this to RD.**

MR: But I didn't ask this question. Listen to my question very carefully, alright? I am speaking with you respectfully. I am speaking like your elder brother. You are not a kid. I am also not a kid, right? I am maintaining civility while I am speaking, you agree with that, right? You didn't know me before today but as a human being, as a person, or as a Bangladeshi, I am speaking with gentleness. Moktar, listen to my question carefully. Did you ever go to that hotel with any driver?

MH: Yes, I did but very few times.

MR: So the answer is you went.

MR to RD: Yes, he went.

**RD: ++++++**

MR: You took this driver to that hotel but why did you take him there?

MH: If it were 11 or 12 midnight, I am scared. I am afraid of walking alone. Somebody would rob the mobile, some money. That's when I would take a taxi.

MR: So, you went there alone during the day and hired a taxi to go at night.

MR translated this to RD.

RD: What is the driver's name?

MR: What was the name of that driver?

MH: I don't know the name.

MR: I am asking you again, Moktar. ++++++

MH: I remember the Bangla name if I hear it once, I remember it, I don't forget it. I usually don't remember the names of Mexican drivers or other countries, even after hearing them 4/5 times. It is not like I am using the same taxi every day. I usually find a taxi in front of the hotel. I call it and ask if the driver would go or not. I don't ask the name of the taxi driver. It is something like this.

**RD: ++++++**

MR: So, if you are shown a picture of a driver then what?

MH: Yes, show me the picture. If I see the picture, may be I will recognize.

MR: Come forward a bit with your chair.

**RD: 20 T0 40**

MR: Did you recognize anybody?

MH: I haven't seen anybody during the last year and a half or two years.

MR: May be you have seen but you can't recall, that's possible, right?

MH: No, I haven't seen them.

MR: May be you have seen them.

RD: Do you recognize anyone, may be there were not drivers?

MR: You don't recognize anybody at all?

MH: No, I haven't seen anyone. I know a lot of people in Mexico City but there is no understanding here.

MR: That was not the question.

MH: I want to say that there is no understanding in Monterey. I haven't seen those people in the photos. If I knew them I would have said so.

MR: It may be possible that you have seen them but you can't recall them. That is also possible, isn't it?

MH: I don't understand the question.

MR: It is possible that you have seen them but don't remember.

MH: It is possible but I don't recall. It is possible. If I knew those people in the photos I would have said so.

**MR translates this to RD.**

RD: Moktar, right now I am telling you, you are looking at a lot of time in jail. You are the only person we have. You are the only person we have to blame. In Loreto there were 677 Bangladeshis that came through and a lot of them recognize you and a lot of them recognize the driver.

MR: 677 Bangladeshis. Not Indians, not Pakistanis. We are talking about only Bangladeshis. I am telling you again that we have spoken with 677 Bangladeshis, many of whom know you and their pictures are here. One of them was seen with you many times. Many times we think that, because we are talking very gently, you can tell the truth a little bit and some you hold back. I am reminding you that everybody can get mad. You are not a kid. You are 31 years old. You can help yourself or not.

MH: Now 677 people are entering ....



MR: That topic is not now. We will talk about it later. Nobody is making up things here. There are much formalities here, right?

**Moktar Hossain Interview (CD 2)**

Today is November 29th 2018, time 21.01, special agent Ryan DiAndrea, along with special agent Mohammed Rahman, at the HIS Houston Airport office, conducting interview of a Bangladeshi national Moktar Hossain.

**Ryan DiAndrea - RD**

**Mohammed Rahman - MR**

**Moktar Hossain – MH**

MR: If it were in Bangladesh they would have beaten you and left you somewhere. They wouldn't have given you food. I have given you whatever I could, right? You can see the tone, alright? You will stay in the jail for a long time ... to use an expression from back home ... eating the rice in jail ... your future in the jail may be a long time, alright? But if you don't help me, everything will depend on you. We are asking the question again: do you recognize anybody here?

MH: I have told you many times here ...

MR: Moktar, it seems to me that you understand that we are not doing this for the first time here. We do this, alright? If you need more time, you can take it. We are asking you a question because we know who you know. But we would like to know it from you. You will not find me after today. Things will turn toward another direction. That is your wish. This is the opportunity.

MH: I can't recall. I have seen the pictures. May be I have sent somebody 8/9 months ago, 10 months ago, 5 months ago, I may have sent somebody or I have brought somebody with me. I can't recall this now. Many things may not be in my memory because I might forget.

MR: That's fine. Whether it is one year ago, 8 months ago, it doesn't matter. The face changes, right? How old are you?

MH: It may be 29.

MR: So, your age is 30.

MH: 31.

MR: When were you born?

MH: [REDACTED]

MR: [REDACTED]. Is it your right birthday?

MH: Yes.

MR: You know that back home people reduce their age by a year or two. That is a different issue. You are 30 years old and will be 31. Do you recognize anybody here? Use your common sense. May be the face was a bit different five months ago, may be it had beard, may be the hair was shorter, may be the face had glasses. According to this, do you recognize anybody?

MH: The problem I am facing here today ... I can't accept myself here ... if I knew if this work would bring me here, I wouldn't have done this. What I have said, I can't recall many things. Things are not in my memory.

MR translates this RD.

MH: I can't figure out the problem that is happening today. I am not being able to give you accurate answers to the questions you are asking. I don't understand what I am saying.

MR: You sit down for some time. Push back your chair. Do you need help or you can do it yourself?

MH: No, I can do it.

RD: Time is 22:51. We are going to take a few minute break.

MR: Now sit down for some time. You are now being given an opportunity to think with cool head, alright? If necessary, lean back and close your eyes. No problem. But sit down over there. He will stay with you. We'll give you a little bit of time to think, alright? Do you need more water?

MH: Yes.

MR: Think a little bit. What you will say or won't say. Think clearly.

++++++

RD: Alright, time is 23:06, we are resuming the interview.

RD: Are you sure you don't recognize anyone?

MR: Do you recall?

MH: I don't recall anybody here.

RD: So, we know how many people travel through South and Central America and how they come to the United States and there is a lot of different *dalali* (broker) along the way. Do you know anybody that you work with and know their name?

MR: So, we know how people come to this country, alright? We know how people arrive after leaving from Dhaka airport through mountains and jungles ... we know all this. The question is not that. Everybody knows this. The question is, do you know anybody else who help with this type of travels? You have come like this but you are not alone, right? Today many people are in many places. This begins from back home, right? So, who else do you know?

MH: They also work in another state.

MR: Which country?

MH: Tapachula, Mexico.

MR: What's his name?

MH: 4 people work there.

MR: Are they all Bangladeshi?

MH: Bangali.

MR: What are their names?

MH: One of them is called Sadek, one of them is Mohammad Imal.

RD: Mohammad Imad?

MR: Spell the name.

MH: I-M-A-D.

MR: O, Imad!

MH: One of them is Mustafa Kamal, and another is Milon Mia.

MR: Milon Mia is not his real name. People call him with that name, right?

MH: Milon Mia is his real name.

MR translates this to RD:

RD: Where do they live?

MH: Tapachula.

RD: All of them?

MR: Is there anybody else in Mexico?

MH: There are people in Monterey, I got this message. There are people in Mexico, right? He said he was Indian because they don't know Bangladeshis. They said they had seen my Indian friend. For a long time. But I never asked the name, nor where he lived.

**MR translates this to RD:**

RD: What about other countries?

MR: Do you know if anybody else is in another country?

MH: I don't know if there is anybody. There is one in Costa Rica.

MR: There is a Banglalee in Costa Rica?

MH: There is a Bangalee in Costa Rica.

MR: What is the name of the Bangalee in Costa Rica?

MH: Abdul Rahman.

MR: Anybody else?

MH: I don't know anybody else.

MR translates this for RD:

MR: You said earlier that you had a friend in Brazil. Was he in Sylhet? He was looking for you in Brazil. Your friends said this. Don't you know anybody in Brazil?

MH: There are many people in Brazil. Over 100.

MR translated this for RD:

MR: But we expect that, just the way you were helping Bangalees, was somebody also helping others in Brazil?

MH: I don't know.

**MR translates this for RD:**

RD: Did you work with those 4 people or you just know them?

MR: Did you ever work with the 4 people who you mentioned living in Tapachula? How do you know those 4 people?

MH: When I first came to Tapachula, they came before me, two years ago. Mustafa Kamal, Mohammad Emad, Milan Mia—these three came before me. I met them when I arrived.

MR: What did they do over there?

MH: They were doing the same task.

MR translates this for RD:

MR: They help people to come to America?

MH: Yes.

MR: When did Milan Mia come? How do you know him?

MH: It has been a year and a half or two years since he came.

MR translates this for RD:

MR: How is he known to you?

MH: He came there. He established a restaurant in Tapachula. I went there. There is a state called Chiapas. I went to Chiapas for clothing because there are Bangalees. The distance between Chiapas and Chaptula is 2 hours.

**MR translates this for RD:**

MR: So, how did you know that he lived in Chiapas?

MH: I came to Tapachula. After finishing work, I thought I would go and meet with him. I stayed there 2/3 days. I met him.

MR: So, how did you know that there were Bangalees?

MH: That is, we used to communicate ... Sadek is there. I used to talk to them sometimes. I heard from them that a new Bangalee arrived and established a restaurant this way.

**MR translates this for RD:**

MR: How did you get money? Didn't they give you money, how did you receive money?

MH: Sometimes they gave me money by hand.

MR: What do you mean, by hand? Was there dollar?

MH: Dollar wasn't there all the time. Sometimes dollar, sometimes peso.

MR: When they gave you money, how would you get it?

MH: They would bring it here.

MR: Did they give you money always by hand? Did they give you money in Monterey?

MH: Yes, they used to give me money in Monterey.

**MR translates this for RD:**

MH: They used to bring money from home. They would bring money from anywhere.

MR: They never paid you in taka?

MH: They never paid back home.

MR: No, no, did they pay you in Bangladeshi taka? Only peso and dollar?

**MR translates this for RD:**

RD: Did you ever help out Milon with moving people or Milon sent people to you or anyone else, any other people, did Mostafa, Mohammad ....

MR: So, Milon Mia, Sadek, Mostafe, Mohammad Emad, did they ever send people to you? Did they communicate with you?

MH: They would send people directly.

MR: Meaning?

MH: They would send people directly through Renaissance to Migel Aleman ... there is a site ... they sent people through Renaissance.

**MR translates this for RD:**

MR: Another site next to Laredo?

MH: Yes, another site of Laredo.

**MR translates this for RD:**

MH: Through the Matamoros state.

MR: Through Matamoros ... I didn't understand.

MH: Matamoros is another state. Like Monterey.

MR: Okay.

RD: Is there anything else you want to tell us?

MR: We'll ask something else.

MR: Do you have any sign on your body, something like a tattoo?

MH: No sign.

MR: There is no sign on the body?

MH: None.

MR: Do you want to tell us anything else?

MH: I don't understand.

MR: Do you want to tell us anything else? Do you want to say something more?  
Something else? Do you want to add anything?

MH: I don't have anything else to say. I have sinned and I have to repent. I don't have anything else to say. What I have done, I have to bear it.

MR: Okay, we found a ledger in the house that you were living in. So, what else is there in that ledger?

MH: There are a few numbers. And, there is an accounting of how many people entered the country. That accounting is there.

MR: I understand that there is the estimation of how many people entered the country. There are numbers. But number of what? Phone number?

MH: Mobile number.

MR: Whose number?

MH: It has my mobile number or those of my friends.

**MR translates this for RD:**

MR: That means, the people you sent to this country and then transaction of money. Are those there?

MH: Like that.

**MR translates this for RD:**



RD: Is this yours?

MR: Is this yours?

MH: Hmm, this is mine.

MR: There is something else. The bank check book, deposit slips, receipts...are those yours?

MH: All of those are mine.

MR: Are these three phones yours?

MH: One phone doesn't work. The white one doesn't work.

MR to RD: All these phones are his but the white one doesn't work.

MR: It doesn't work for a long time, is that the case?

MH: I don't use this.

MR: Does it have pictures?

MH: No, I just kept it empty.

MR: You have never used it?

MH: It is a used phone. My friend gifted it to me. I never used it.

MR: Okay, alright, it was given to you but you never used it.

**MR translated this for RD:**

MR: What are the number of these phones?

MH: One number has 80 at the end.

MR: Tell me one number first.

MH: I haven't memorized the number.

MR: You don't remember the number but how do you know the number?

**MR translated this for RD:**

MR: According to the regulations of this country, many thanks to you today ... you want to provide the phone number but in this country they don't want to do anything. Do you agree that we can take a look at your phone? Can you give us permission?

MH: I give you permission.

MR: We can see everything in the phone, as we wish?

MH: Everything.

**MR translated this for RD:**

MR: Haven't you memorized a single phone number?

MH: No, I haven't memorized any number.

MR: These are all Mexican numbers?

MH: All of them.

MR: What's the difference? Is one phone for back home? Is one for this country? Is anyone of the phone for any particular reason?

MH: One phone for friends ... many people call me. Another one for family.

MR: Which one is for the family?

MH: There is a black one.

MR translated this for RD:

MR: All family members are back home?

MH: Hmm, yes, back home.

MR: Do you agree to give us the password of this phone?

MH: Hmm.

MR: Is there one password for all phones?

MH: Yes, the same.

MR: What is the password of the white one?

MH: That's the same.

MR: 7891, right?

MH: Yes.

**MR translated this for RD:**

MR: So, we have talked a lot, isn't it? Sitting in my chair I understand how it feels to be sitting in that chair. It won't be fair to say that, right? I won't say this but I understand that this situation has turned everything upside down. Everybody understand this. So, how are your brother, parents back home?

MH: All family members went to Omrah.

MR: O, there went to perform Omra, yes, you said that before. So, how long have they been to Saudi Arabia.

MH: It has been eight days.

MR: Does that mean they left permanently?

MH: No, they went for 15 days. It has been 8 days.

MR: O, I understand now. I took a bit long to understand this.

MH: They went to Omrah to perform Hajj.

MR: Have you gone yourself? Do you wish to go?

MH: I wished to go but there is no chance of going now. I wished to go home, wanted to perform Omrah and then go home.

MR: Did all three of them go... parents and brother?

MH: Mother, father, brother, sister-in-law, and niece.

MR: It requires a lot of money. Do you send money back home? Do you help your family?

MH: I help my family. I have a brother in Brazil.

MR: Is this another brother, not related by blood? You are two brothers ... didn't you say before ...

MH: There are five brothers. I am the second. Five brothers, two sisters.

MR: How many brothers are there in Brazil?

MH: One.

MR: What number is that brother?

MH: The third.

MR: How old is he?

MH: He might be 21/22.

MR: What's his name?

MH: Kamil Ahmed.

MR: Did you go to Brazil together? Or, he came after you went there?

MH: He came after I went there.

MR: How many years has he been there?

MH: Almost two years.

MR translates this for RD:

MH: What may happen tomorrow?

MR: Tomorrow, as I said earlier, I won't be there. This was an opportunity. Before I forget, this is the stuff for your phone. This is where your name is, Moktar Hossain, Immigration Enforcement Agent and his name, my name, and your willing permission to inspect your phone as we wished. Whatever happens, what is where, you gave us permission to see your phone. It is also written what other phones you have. We are telling you that if we find anything in your phone after searching it, that information could be used against you, alright? You agreed. I don't work on this, but people who work on this, they would look at your phone. The main point is they will examine whatever they may find in your phone. Do you understand?

MH: There are some photos of my family? Could they be deleted?

MR: The people who will examine them, they won't say anything, right?

MR: They do this work. We keep quiet. It is their work. Your pictures are your secret in the phone. They are also secret here. You need to sign another paper, like the one before. You have to provide your name and sign again. You said that you allowed the inspection of your phone by your own willingness. Nobody threatened you. It was not said like this that you must provide the permission to inspect the phone. It is your wish. You have been asked whether you know your phone numbers, whether you agree to give us permission, ...you gave us permission and you agree that you were not threatened. The last thing states that you have read what I have said and understood. If you want to read, you can read. I don't know if you would understand this but you can read if you wish. This means that you have read this and you have rights. You can write your name above and then sign below.

MR: Print your name and then sign it.

MR: All your phone?

MH: Yes.

MR: So, many things are said here and many things were not said. To tell the truth, much has been said and, on the other hand, not a lot was said. This is the truth. We haven't learned much, we haven't done much, we haven't talked much ... how do I say this, we talked a lot about basic things here. There is a lot to talk about internal matters....we haven't covered those today. Do you have any objection to working with us in the future?

MH: What type of work?

MR: That means more conversation.

MH: If I knew that this thing would come this far .....

MH: I can work. It is not like people won't survive without being in this type of work. If I knew first that the situation will come this far, then I would have never done this work. After leaving from here, I pray that I won't have to return to this path again. I ask for God's forgiveness.

MR translated this for RD.

MR: Anyways, it may be for money or helping people back home .... Whatever it is, the main point is nobody can change what has happened, right? If you want to speak with us in the future, there will be a lawyer for you exclusively, alright? It will start from tomorrow. Then the situation will be a bit different. That's why we helped you today, alright?

MR translated this for RD.

MH: How long will the lawyer be with me?

RD: The attorney will be with you throughout the entire time.

MR: Somebody will always be there for you.

RD: America is great, you don't have to pay for it, you don't have to give him money.

MR: No need to pay. No Bangladeshi money.

MH: Won't I return to Bangladesh?

MR to RD: He is asking, am I not going back to Bangladesh?

RD: Eventually you will but you have to face trial in the United States.

MR: Yes, you will return to Bangladesh. That will happen after a while. But before that you have to go through the court of this country, alright? Do you understand that there is a system in this country?

MH: I don't know that. I wanted to know one thing. How long will it take? How many days?

MR: It doesn't depend on us alone.

MR translates this for RD:

RD: We don't know. It all depends.

MR: We don't know how long it will take.

RD: If you tell us the truth, we can make it faster.

MR: Although we know all the answers, but you helped yourself, okay? It will help you one way or the other. But nobody here can do it. There is a system here, okay? Everything is done through a system. Anyways, poor, rich, doesn't matter in this country. Everybody is under the law, alright? This is good. There is a judge in the court. The procedure will begin from tomorrow and will go on until all things are taken care of. How long will it take, we can't say. You will know eventually, okay?

MH: 15 days, 20 days, one month.

MR: We can't say this.

RD: Your attorney will explain all this to you tomorrow. Your attorney will probably talk to you in Spanish because he won't speak Bangla.

MR: The attorney that you will get tomorrow will be Spanish. There are not many Bangalee attorneys. He will speak in Spanish and conduct his work in English, understand?

RD: If you can't communicate with your attorney, they will provide you with an interpreter.

MR: Do you understand Spanish well?

MH: I understand 60%.

MR: If you don't understand well, they will give you a Bangalee interpreter, okay? Like I am doing for you.

RD: Does he have any other question?

MR: Do you have any other question for us?

RD: Moktar, thank you. Thank you very much. Thank you for being honest with us.

Ok, time is 11:44 pm, 23:44. We are concluding interview with Mokrar Hossain.

MH: Can I call home?

MR: Not from here. Not at this time. You will go to the court tomorrow. Then they will allow you to call, of course. You will be able to call over there, of course.

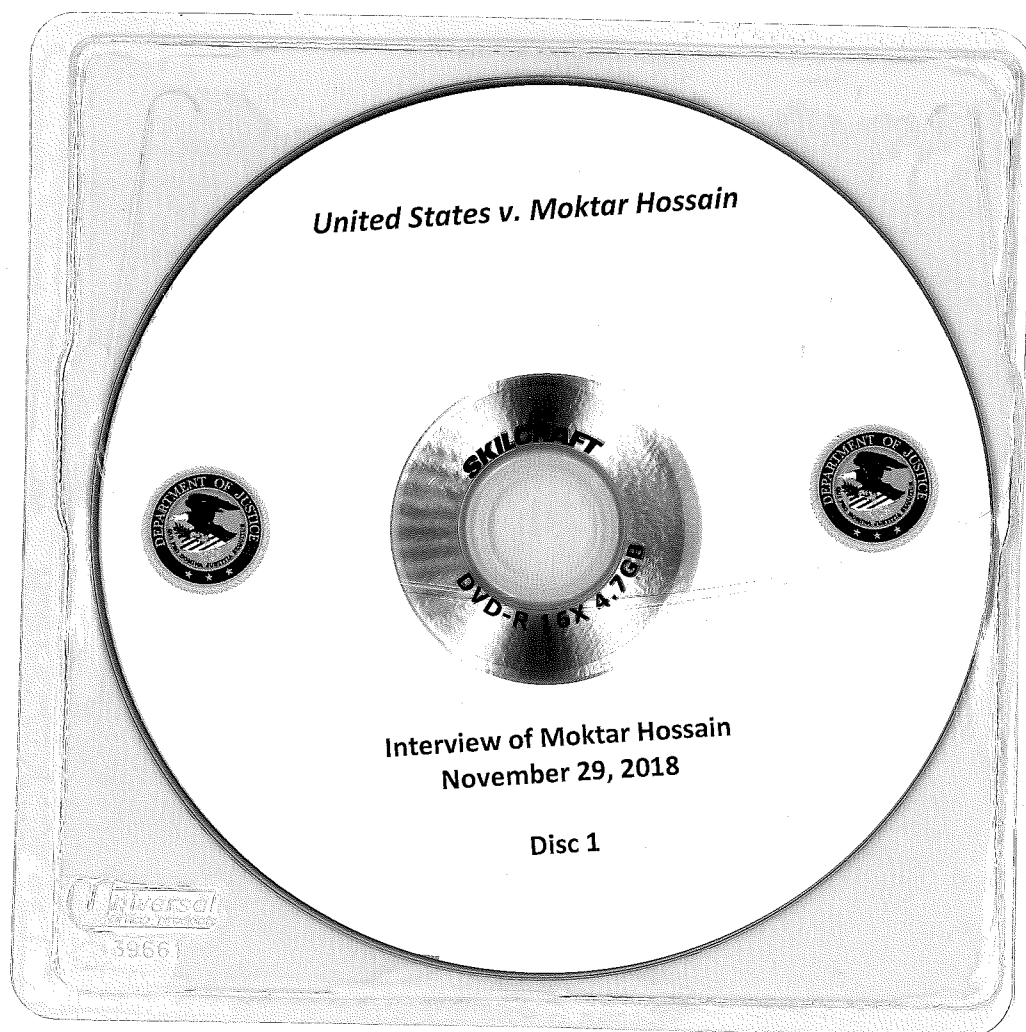
MR: He wants to call Bangladesh.

RD: Yes, they will set you a call tonight or tomorrow morning.

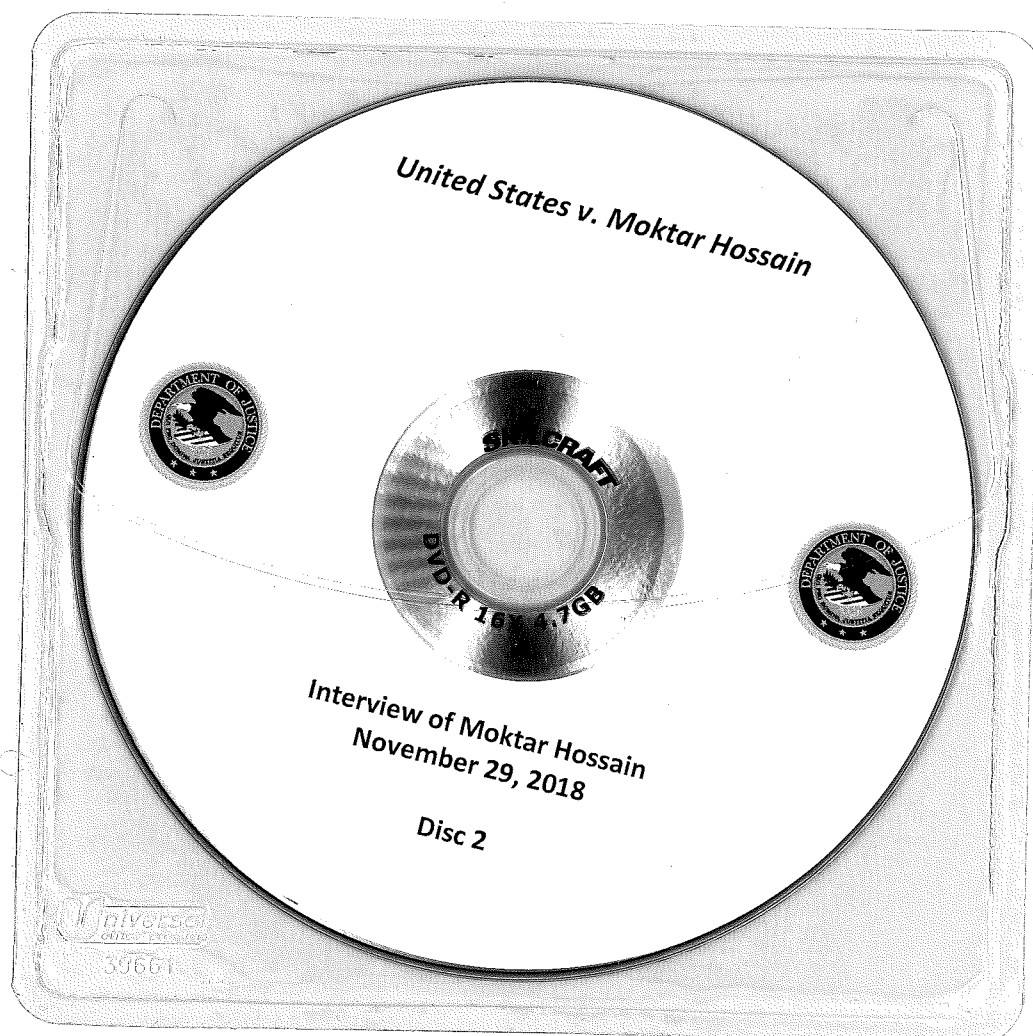
Attachment C  
(Discs of Interview)



Attachment C  
(Interview of Moktar Hossain)  
(Disc 1)



Attachment C  
(Interview of Moktar Hossain)  
(Disc 2)



**Attachment D**  
**(Consent Forms for Phones)**

White oppo +  
Blk Samsung PW

Blue PW

7891



DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

CONSENT TO SEARCH

I, Moktar HOSSAIN, have been informed by U.S. Immigration and Customs Enforcement (ICE) Special Agent Ryan DiAndrea + Mohamed Rahm of my right to refuse to consent to a search of my property, described as: (item, place, things to be searched, location, etc.)

1 Samsung Black Phone

1 Blue + Black Phone oppo

1 White + Rose gold oppo Phone

I have also been advised by ICE Special Agent Ryan DiAndrea + Mohammed Rahm that, if I voluntarily consent to a search of this property, anything discovered during this search may be used against me in any criminal, civil, or administrative proceedings.

I have decided to allow ICE Special Agents Ryan DiAndrea + Mohammed Rahm and any other needed agents to conduct a complete search of my Phones, located at HS + Custody.

These ICE Special Agents are authorized by me to take any letters, papers, materials, or other property which they may desire to examine.

I hereby voluntarily and intentionally consent to allow ICE to search my property. My consent is freely given and not the result of any promises, threats, coercion, or other intimidation. **I have read the above statement and understand my rights.**

Name (Please Print) MOKTAR HOSSAIN

Signature: X [Signature]

Date/Time: 04/29/2018 2336

Witnesses:

[Signature] SA Mohammed Rahm  
[Signature] SA Ryan DiAndrea

Attachment E  
(Proposed Order)

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**MOKTAR HOSSAIN;  
AKA MUKTAR HUSSAIN;  
AKA MUSA;  
AKA MUSA BHAI;  
AKA BABU BHAI;  
AKA ASHRAF;  
AKA ASHRAB;  
AKA RICKY;  
AKA CARLOS**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**CRIMINAL NO. 5:18-cr-00912**

**[PROPOSED] ORDER**

Before the Court is the Defendant's Motion to Suppress Statements and Evidence, ECF No. 40. Upon consideration of the motion, and for good cause, it is hereby ordered that the motion is DENIED.

SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
HON. DIANA SALDAÑA  
UNITED STATES DISTRICT JUDGE  
UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS