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Perjury Trial With Links to 9/11 Begins

By [JULIA PRESTON](#)

More than four years after charges were first filed, a federal trial opened today for a Jordanian college student accused of lying to a grand jury that was investigating the attacks of Sept. 11, 2001, in a case that tests the government's prolonged detention of witnesses in terror investigations.

The student, Osama Awadallah, is accused of misleading the grand jury about his dealings with two Sept. 11 hijackers, Nawaf Alhazmi and Khalid al-Midhar, who were aboard American Airlines Flight 77, which crashed into the Pentagon. When he first testified under oath before a grand jury in New York in October 2001, Mr. Awadallah said he did not know the name of Mr. Midhar and denied having written it in a school notebook.

"He made a choice: he decided not to honor his oath and he lied," a prosecutor, Assistant United States Attorney Brendan McGuire, said in his opening argument today.

In part, what is on trial in Federal District Court in Manhattan is the government's treatment of Mr. Awadallah. He was detained as a material witness in San Diego on Sept. 21, 2001, and held incommunicado for 20 days in maximum-security solitary confinement, although he was not charged with a crime. Mr. Awadallah has said he was terrified and disoriented by the long, severe detention.

Mr. Awadallah was also handcuffed to his chair during his grand jury testimony, a practice generally reserved for potentially dangerous witnesses. His defense lawyers have argued that the shackling impeded him from consulting during his testimony with his lawyers, who were not allowed inside the grand jury room but were waiting outside.

The trial also tests whether jurors can remain focused on the narrow perjury charges against Mr. Awadallah in a case the government will illustrate with images of Sept. 11 hijackers and evocations of the attacks, in a courthouse just blocks from ground zero. Mr. Awadallah has never been charged with any role in the attacks.

After initially denying that he knew Mr. Midhar, Mr. Awadallah returned to testify before the grand jury five days later and said he did recognize photographs of the hijacker and recalled his name. He also acknowledged his handwriting in the notebook, which referred to "Khalid."

Mr. Awadallah "was just so confused and exhausted and embarrassed and shackled" during his first grand jury appearance, one of his lawyers, Jesse Berman, said in an opening statement. "He just got it wrong, and he corrected it right away."

If convicted, Mr. Awadallah, 25, is facing a maximum sentence of five years on each of two counts of perjury, as well as deportation. He has waited — out on bail for much of the time — as his fiercely contested case made an odyssey through the courts. It was dismissed once by the

judge, [Shira A. Scheindlin](#), then reinstated by the appeals court. With a jury chosen and ready to sit last May, the prosecution held up the trial, bringing an appeal that accused Judge Scheindlin of bias and attempted to oust her from the case. That appeal was rejected.

The same jurors were recalled this week, and some new ones were substituted for those who persuaded the judge they could no longer serve.

The case harks back to the tumultuous days of the Sept. 11 attacks. At the time Mr. Awadallah, a devout Muslim from a Palestinian family that raised him in Jordan, was studying English language at a community college near San Diego. He has testified that he met Mr. Nawaf in 2000 when they both briefly worked together at a San Diego gas station. Mr. Awadallah said he had seen Mr. Nawaf on several occasions accompanied by a friend, who turned out to be Mr. Midhar.

A phone number marked with the name "Osama" was found on a scrap of paper in the car that Mr. Alhazmi parked at Dulles International Airport in Northern Virginia before he boarded Flight 77. Also found in the car was a document belonging to Mr. Midhar.

Mr. Berman said Mr. Awadallah had used the telephone for only three months in 2000, then it was reassigned to an office of the San Diego city government. He said the last time Mr. Awadallah had seen Mr. Midhar was in August 2000 and his last encounter with Mr. Nawaf was in early 2001.

After an initial interview with [F.B.I.](#) agents, Mr. Awadallah was detained as a material witness on Sept. 21. Barred from communicating with his family, Mr. Awadallah was held in solitary confinement where, Mr. Berman said, he was not fed according to his Muslim diet. Over the next three weeks, he was taken from San Diego through a county jail in San Bernardino, to Oklahoma City and then to the federal detention center in Manhattan.

He was shackled, Mr. Berman said, in a "three-piece suit," the marshals' nickname for chains that bind a prisoner's ankles, wrists and waist. Mr. Awadallah complained of bruises from his handling by guards.

"This is the type of torture, for lack of a better word, that he had to endure for 20 days," Mr. Berman said.

In his first grand jury appearance, Mr. Awadallah repeatedly denied knowing anyone named Khalid. Prosecutors showed him an examination booklet they discovered at the college where he was studying. In it was written: "One of the quietest people I have met is Nawaf. Another one, his name is Khalid."

Mr. Awadallah at first said that some of the handwriting was not his. When he returned to the grand jury on Oct. 15, he recognized he had written the sentence, and said he did know a friend of Mr. Nawaf's named Khalid.

Mr. Berman said Mr. Awadallah had written the sentence in response to a grammar question on an English examination, with the hijackers' names in mind because of the news about the Sept.

11 attacks. The defense lawyer said Mr. Awadallah, already shaken by his detention, was further confused because the prosecutors first showed him a fax copy of the examination booklet, not the original.

Mr. McGuire, the prosecutor, recalled the frantic efforts to piece together any information about the Sept. 11 attacks, amid fears that terrorists could strike again. "Every detail mattered," Mr. McGuire said of the grand jury's investigation.

In recent years Mr. Awadallah has been a student at San Diego State University, where he will graduate with a B.S. degree in May.

The first image that prosecutors showed the jury as they began their case was a mug shot of [Mohamed Atta](#), the lead 9/11 hijacker.