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THE COURTS

In Terror Inquiry, Student Is Charged With Perjury

By BENJAMIN WEISER and CHRISTOPHER DREW

A Jordanian student was charged yesterday in Manhattan with lying before a federal grand jury investigating the Sept. 11 terror attacks. Federal prosecutors said that the student, Osama Awadallah, had lied about his associations with Khalid al-Midhar, one of the suspected hijackers who helped crash a jetliner into the Pentagon.

In court yesterday, a federal magistrate judge, Gabriel W. Gorenstein, ordered Mr. Awadallah, 21, held without bond on two counts of perjury. He could face a total of 10 years in prison if convicted. The judge acted after a prosecutor, Robin L. Baker, said that Mr. Awadallah's lies "promoted terrorism" and that if he were released on bail, he might flee.

There were no allegations that Mr. Awadallah had any role in the hijackings, and in court, one of his lawyers, Jesse Berman, contended that Mr. Awadallah was exhausted and confused when questioned before the grand jury. "He had nothing to do with the terrible events of Sept. 11," Mr. Berman told the judge.

After the hearing, Mr. Berman assailed the government's decision to charge his client, saying it was trying to justify the arrests of hundreds of Arabs and Muslims. "The Justice Department has to come up with defendants," Mr. Berman said. "It's been five weeks since the hijackings. The public wants someone to be drawn and quartered. We've got 6,000 bodies. They've got to justify doing their job."

Mr. Awadallah had been held as a material witness in Manhattan since his arrest about a month ago in San Diego, where he attended college.

The United States attorney in Manhattan, Mary Jo White, said yesterday: "Every witness brought before a grand jury as part of the investigation of the horrific attacks on Sept. 11 — indeed, as part of any investigation — has an absolute obligation to tell the truth throughout his or her testimony." Her office had no comment on Mr. Berman's criticism.

It was not clear yesterday whether the charges were intended to pressure Mr. Awadallah into cooperating with investigators. Mr. Berman said his client had answered every question and had nothing more to tell.

In a criminal complaint made public yesterday, Mr. Awadallah was accused of lying before the grand jury on Oct. 10, when he denied knowing Mr. Midhar. The authorities suspect Mr. Awadallah knew him and even wrote about him in a college exam, the complaint says.

Mr. Midhar has become a major focus of the terror investigation because investigators suspect he also had roles in two previous acts of terrorism tied to Osama bin Laden, the 1998 bombings of two American Embassies and the 2000 bombing of the American destroyer Cole.

The complaint says that Mr. Awadallah acknowledged knowing another suspected hijacker on the jet that hit the Pentagon, Nawaf Alhazmi, and that he saw him 35 to 40 times last year in San Diego. Mr. Awadallah said he was sometimes with another man. That man, prosecutors say, was Mr. Midhar.

Mr. Awadallah's lawyer, Mr. Berman, said his client was a Jordanian citizen living legally in the United States who has never had any trouble with the law.

The complaint, which is signed by Thomas D. Rosato Jr., a special agent with the F.B.I., says Mr. Awadallah was studying English as a second language at Grossmont College in El Cajon, Calif., near San Diego, where the authorities say he wrote about Mr. Midhar in a class.

The complaint quotes directly from Mr. Awadallah's exam book, complete with misspellings. He wrote: "I have been in S.D. since 1998. I have always wanted to meet as much people as much as I can. I have met many people from many countries. One of the quitest people I have met is Nawaf. Another one his name Khalid. They have stayed in S.D. for six months."

Prosecutors say Nawaf is Mr. Alhazmi, and Khalid is Mr. Midhar.

In the Oct. 10 grand jury appearance, Mr. Awadallah denied knowing anyone named Khalid, or that the handwriting in the book was his. But in a second grand jury appearance on Oct. 15, he admitted that he had written the passage, according to the complaint, and also recalled that the person with Nawaf Alhazmi was named Khalid.

"How sure or not sure are you that the man who you sometimes saw with Nawaf was named Khalid?" he was asked, the complaint says. "I'm sure," he replied.

Mr. Berman said that one of Mr. Awadallah's teachers found the exam book, and gave it to another school official, who called the F.B.I.

Mr. Awadallah is one of three Mid-

Some writings suggest knowledge of a hijacking suspect.

dle Eastern men attending colleges in San Diego who were detained in secret court hearings in Manhattan late last month as material witnesses in the terrorism investigation. One of the other men, Yazeed Al-Salmi, was released last week after testifying before the grand jury.

Ms. Baker said in court yesterday that prosecutors were concerned that Mr. Awadallah might be dangerous. She said his phone number was found in a car that the hijacking suspect Mr. Alhazmi left in the parking lot at Dulles International Airport and that a razor blade attached to a handle was found in his car in San Diego. She likened it to the box cutters carried by the hijackers. She said Mr. Awadallah said he used it to cut carpets.

He was the second man to face criminal charges this week of lying in the federal investigation.

The first, Mohammad Aslam Pervez, has been held on a sealed material witness warrant since he was taken into custody when the F.B.I. raided his Jersey City apartment after the attack. In a complaint unsealed on Tuesday, Mr. Pervez was charged with lying to federal agents about more than $51,000 in checks he wrote in 1996 and nearly $63,000 in checks and money orders deposited into his account in 1995, 1996 and this year. It was unclear whether these transactions had any connection to the investigation.

His roommates, Ayub Ali Khan and Mohammed Azmath, have also been held on material witness warrants since they were arrested on an Amtrak train in Texas on Sept. 12.

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