

NATIONAL TRANSPORTATION SAFETY BOARD

Office of Aviation Safety
Washington, D.C. 20594

April 26, 2001

Human Performance

Human Performance Group Chairman's Factual Report

ADDENDUM #5

A. ACCIDENT

Operator: EgyptAir (Flight 990)
Location: Near Nantucket, MA
Date: October 31, 1999
Time: 0150 eastern standard time¹
Aircraft: Boeing 767-366ER, SU-GAP
NTSB Number: DCA-00-MA-006

B. ADDENDA

- A5-1. Transcript of interview of Captain Mohamed Badrawi conducted on February 12, 2001
- A5-2. Transcript of interview of Captain Gamal Arram conducted on February 12, 2001

NOTE: Investigation parties were given the opportunity to submit suggested corrections to statements in the original transcripts attributed to their respective party representatives. Certain statements misattributed to Special Agent Luizzi were corrected based upon a submittal from the Federal Bureau of Investigation. Upon review of the original transcript, certain statements misattributed to Dr. Elias and Dr. Brenner were also corrected. Also, certain non-pertinent names from a discussion of cockpit voice recording contents were deleted to protect the identity of those individuals. These changes are appropriately footnoted in the attached transcripts. Also,

¹ All times are eastern standard time based on a 24-hour clock, unless otherwise noted.


some minor corrections were made to correct misspellings of names and technical words. Comments on the interview transcripts were not received from EgyptAir or the ECAA. Consequently, all statements attributed to the EgyptAir and ECAA representatives and the interviewees are presented exactly as they were received by the NTSB from Executive Court Reporters, Inc.

Submitted By:



Bartholomew Elias, Ph.D.
Senior Human Performance Investigator

Date 4-26-2001


ACTING CHIEF 4/27/01

**A5-1:
Transcript of Interview of Captain Mohamed Badrawi
Conducted on February 12, 2001
(169 pages)**

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD

In the Matter of:
EGYPT AIR FLIGHT 990

Recorded Interview of MOHAMED BADRAWI

BEFORE:

BART ELIAS
MALCOLM BRENNER
ALAN C. BRANTLEY
GREG PHILLIPS
MICHAEL LUIZZI
HAROLD DONNER

ALSO PRESENT:

MOHSEN EL MISSIRY
SHAKER KELADA
PAUL MISENCIK
GAMAL ARRAM

February 12, 2001

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DR. ELIAS: Thank you, everybody. And just for your information, we're now on the record. We are recording this.

So again just to state your name for the record, could you please tell us your name?

MR. BADRAWI: Mohamed El Badrawi.

DR. ELIAS: Once again, thank you very much, Captain Badrawi, for being here. I know it was a long trip over.

I'd like to start with just a little bit of background. I know we got a lot of this information in Cairo, but there's some new faces here.

So just so they know who you are and know a little bit more about you, can you tell us a little bit about your experience with Egypt Air?

MR. BADRAWI: I joined Egypt Air in 1965. I was the 1st Officer. I was an Instructor in the Egypt Air Academy and I flew in different types.

I flew the 767 something like in 1984, the first time they were broken in. I moved in 1992 to 'Oceana' in South Korea for five years. I came back in 1997 for the 'Tempest 7', which is the thing I'm doing now. I've been there since 1997. That's in

1 `BelGriev'.

2 DR. ELIAS: What routes are you flying now?
3 What routes are you flying on the --

4 MR. BADRAWI: Well, we're flying to the
5 States and to Tokyo by our... in Manilla. That's our
6 basic route structure. And, occasionally, to London
7 and to `Rajadi'. In season on some... flights.

8 DR. ELIAS: And when we were in Cairo, you
9 indicated that you knew Gamil Batouty. Just going
10 back, when did you first meet Mr. Batouty?

11 MR. BADRAWI: 1961.

12 DR. ELIAS: Could you be specific in terms of
13 the nature of how you met?

14 MR. BADRAWI: We met as student pilots in the
15 Egypt Air Institute in... that was 1961. He comes from
16 the same region where I come from. We come from Lower
17 Egypt, on the east side of Lower Egypt.

18 We come from a very similar class, come from
19 the same class. Our families are very similar. So
20 there was a lot of background for us to become friends.
21 He was one and a half years elder to me.

22 And he joined the Egypt Air a year before me,
23 or something. And it was normal to become friends.
24 That's all.

25 DR. ELIAS: You say you came from the same

1 social class or same class?

2 MR. BADRAWI: Same social class. The same
3 Province...

4 DR. ELIAS: Is that like sort of an upper
5 middle class?

6 MR. BADRAWI: No. Wealthy farmers coming
7 from the region.

8 MR. KELADA: Let me. You're called upper
9 middle class.

10 DR. ELIAS: Upper middle. Equivalent to
11 upper middle class. But, you said farmers? It's a
12 sort of agricultural base?

13 MR. BADRAWI: Yes, agricultural base.

14 DR. ELIAS: And could you describe Mr.
15 Batouty when he was at the Academy? What was he like?

16 MR. BADRAWI: ... enthusiastic mind, doing
17 something new.

18 DR. ELIAS: From your statements, it seemed
19 like you both worked then at the same training academy
20 that you ultimately went on to work at?

21 Is that true?

22 MR. BADRAWI: Yes. He went six months
23 earlier than me to the Air Force Academy to get his
24 Instructor course. And he worked there.

25 But, he stayed there for eleven years. I

1 stayed there only for eight and a half.

2 DR. ELIAS: Now this is actually in the Air
3 Force? So this is like military service?

4 MR. BADRAWI: Yes. It's not military service
5 exactly. It's a sort of, uh, a requirement by the Air
6 Force. They needed Instructor Pilots at the time, and
7 he accepted to stay. I did not accept to stay.

8 So they let go of me and they kept him.

9 DR. ELIAS: And what position did he hold
10 there, or what position did he rise to?

11 MR. BADRAWI: He stayed there until he became
12 a Major in the Air Force. He got the -- what do you
13 call it? -- the rank of Major in the Air Force. And he
14 was an Instructor in the Air Academy all through the
15 eleven years.

16 I go first to Lieutenant and then I quit.

17 MR. KELADA: That's something to elaborate on
18 this point. Why?

19 (Laughter.)

20 MR. KELADA: That's something to elaborate.

21 DR. ELIAS: So you got to 1st Lieutenant and
22 then you quit the Air Force.

23 MR. BADRAWI: Yes, yes. I went back to Egypt
24 Air.

25 DR. ELIAS: So you started flying for Egypt

1 Air at that point.

2 MR. BADRAWI: Yes.

3 DR. ELIAS: That was back in --?

4 MR. BADRAWI: To the Egypt Air Academy first
5 and then to the Airline.

6 For him, he finished after eleven years. He
7 went back to the Egypt Air Academy for -- what? Three
8 or four years. Then, he joined the... it's all sort of
9 transferring. I mean it's a decision by the management
10 to move you from this place to this place.

11 You're not doing new contracts or anything of
12 the sort under the system in our country.

13 I mean we went to the Air Force sent by Egypt
14 Air to get our course. Then, the Air Force decided to
15 keep us. And Egypt Air had to pay for us while the Air
16 Force was keeping us.

17 DR. ELIAS: Oh, you say the management,
18 there's a common management then for Egypt Air and the
19 Air Force?

20 MR. BADRAWI: There is the chairman of Egypt
21 Air and there is the commander of the Air Force. And
22 somebody at that time --

23 MR. KELADA: At that time, the military, we
24 are in a state of war. They both then signed a peace
25 treaty. So the military put us, anybody, to do

1 anything for the military. That's the way it turned
2 out.

3 But, they needed instructors, so they took
4 everybody as instructors.

5 DR. ELIAS: Okay, so this was basically
6 during the war.

7 MR. BADRAWI: During the time when you're
8 preparing for the war. That was, all of that was in
9 1965. And he stayed until maybe '75, '76. Until we
10 finished the 1973 war.

11 DR. ELIAS: And what was Mr. Batouty's
12 position at the Egypt Air Training Academy?

13 MR. BADRAWI: He became the Chief Instructor
14 in the Training Academy.

15 DR. ELIAS: Instructor.

16 MR. BADRAWI: Chief Instructor of the
17 Training Academy.

18 DR. ELIAS: Does that mean he had oversight
19 over all instruction within the Academy?

20 MR. BADRAWI: The Chief Flying Instructor.

21 DR. ELIAS: Okay. So he would have been
22 responsible for all flying.

23 MR. BADRAWI: For all the instructors and all
24 the students. He ran the flying part of the Institute,
25 which is the main one.

1 DR. ELIAS: And he did that up until about
2 the mid-seventies then?

3 MR. KELADA: Close to, no, I think the
4 eighties, maybe.

5 MR. BADRAWI: The eighties. Up until the
6 eighties.

7 DR. ELIAS: I think we have that in our
8 documents inside, yes. It's late seventies to '80.

9 MR. BADRAWI: This is not very accurate but
10 it's --

11 DR. ELIAS: That's all right. We understand
12 that.

13 Okay, so then he became the Chief Instructor.
14 Now who -- you said sort of like the management just
15 decides that he's going to go back to Egypt Air now?
16 Or is that decision his?

17 MR. BADRAWI: Yes. I mean there was a change
18 of status for the Institute. It initially belonged to
19 "Japan" but due to some governmental decisions, it
20 became an independent body. And it was time for Egypt
21 Air to regain its personnel.

22 They had again in the context of a separation
23 between the Institute or -- we call it the Institute,
24 not the Academy, actually. And in the context of
25 separating the Institute from Egypt Air absolutely, we

1 had to regain our personnel.

2 So Egypt Air brought him back to where he
3 belongs in the first place.

4 DR. ELIAS: Now were you in the Academy at
5 any point when he was the Chief Instructor there?

6 MR. BADRAWI: No.

7 DR. ELIAS: No?

8 MR. BADRAWI: No.

9 DR. ELIAS: Did you ever hear anything about
10 how he was regarded?

11 MR. BADRAWI: Yes. He was highly regarded
12 and was very successful. He was very much liked by his
13 pilots, even the students. He was really doing a very
14 good job. He was doing a very good job there.

15 DR. ELIAS: And then about 1979, 190, that
16 time frame, he came back to Egypt Air, and what
17 happened then? Was he trained as a 1st Officer?

18 MR. BADRAWI: He was trained as a 1st Officer
19 on the 737.

20 MR. KELADA: Two hundred.

21 MR. BADRAWI: And later was the nineties --
22 '89, maybe something like that, '89, '90 -- he was
23 promoted to the 1st Officer of 767. In 1989.

24 MR. ELIAS: I just have one follow-up about
25 the Institute. What's the largest type of airplane

1 that you would have flown at the Institute?

2 MR. BADRAWI: Engine, I don't know.

3 MR. KELADA: I think it's a Beach Craft twin
4 engine.

5 MR. BADRAWI: A Beach Craft.

6 MR. KELADA: A Beach Craft and a Cessna. I'm
7 not sure.

8 MR. BADRAWI: Twin Beach. Beach Barron.

9 MR. ELIAS: Beach Barron. Okay. Very good.

10 And was he very active in flying then when he
11 was the chief, or is it more --

12 MR. BADRAWI: Yes, he was very active. He
13 did the checks of the solo releases, the finite checks.

14 MR. ELIAS: So, as Chief Pilot, he'd be
15 responsible for actually doing the final checks for
16 phasing --

17 MR. BADRAWI: Yes, and the solo. He took a
18 student for solo flights and so on. That was his main
19 engagement.

20 MR. ELIAS: And then we said '89 he started
21 to train to be a 737?

22 MR. BADRAWI: No, 767. In '89, it was the
23 transition to the 767 fleet, in 1989.

24 MR. ELIAS: Okay, and prior to that, he had
25 been on the 737 since about 1979?

1 MR. BADRAWI: No, no, since mid-eighties
2 because he flew a Cessna for the airline for a while.
3 We had one Cessna aircraft where we used to supplement
4 the solo hours for the pilots to issue licenses or
5 something like that.

6 And he was in the flight operations for two
7 or three years, maybe, something. So then he took the
8 737 around the mid-eighties, maybe '84. And then,
9 after five years, he transitioned to the 767.

10 MR. ELIAS: And during this time, do I recall
11 that you were also his neighbor?

12 MR. BADRAWI: Yes, we lived on the same
13 street. Just two buildings away. I live in 43 and he
14 lives at 34th, the opposite side. Just on the same
15 street. I can see him from my balcony, he can see me
16 from his balcony.

17 MR. BADRAWI: That wouldn't be my choice.

18 (Laughter.)

19 MR. ELIAS: How would you characterize his
20 career at Egypt Air?

21 MR. BADRAWI: He had a chance to have a
22 better career, but he was reluctant to do that. He
23 didn't want to do that because pilots coming from the
24 Academy side, from the Institute side... all enjoyed
25 very good status of their rank.

1 And his immediate colleagues were two pilots
2 who became instructors on the 767. And one of them is
3 still flying now as an instructor on the triple 7.

4 If he had his ATP, if he sat down for the ATP
5 examination, he would have become a captain and
6 eventually an instructor.

7 But, he preferred not to do that and we tried
8 very hard to convince him to do that, but he was
9 satisfied. I mean he didn't bother because he had
10 already established quite a good name in the aviation
11 circles in our country, being an instructor for about
12 seventeen, eighteen years.

13 He had a lot of credit and he had a lot of
14 students all over. Even our captains were his
15 students. The ... Air Force pilots were his students.

16 So he didn't feel like he would like to -- he
17 was satisfied doing what he was doing.

18 MR. ELIAS: Now when you said "we tried to
19 encourage him to upgrade," who else besides yourself?
20 Do you recall?

21 MR. BADRAWI: Close friends, like I mean
22 people outside of the industry but they knew about the
23 business. And it was my idea and I pressured him very
24 hard to get his ATP. But, he just wouldn't do it. He
25 didn't want to.

1 MR. ELIAS: Why do you suppose that was?

2 MR. BADRAWI: I think for him he worked a lot
3 as an instructor for many, many years. And he was
4 happy with living without extra responsibility.

5 I mean just flying as a 1st officer. I mean
6 I think it was enough for him to get to know the new
7 business without taking an extra load of extra
8 responsibility.

9 And he didn't need to, actually. He was
10 well-paid. And he didn't have the reason to do that.

11 MR. ELIAS: And do you think his normal
12 career progression, had he got the ATP, ultimately
13 would be to become an instructor pilot?

14 MR. BADRAWI: At least.

15 MR. ELIAS: And would that have meant giving
16 up some of his travel, perhaps?

17 MR. BADRAWI: Yes. I mean, normally, he
18 would get engaged more in management business, and so
19 on. And he might be required to become a Chief Pilot
20 or the department manager or something.

21 And he didn't want to do that any longer. He
22 had had enough in the beginning of his career. He was
23 happy to just enjoy life and enjoy the living and
24 looking after the kids, and that's it.

25 MR. ELIAS: And you said he was doing okay

1 financially. Could you describe his financial
2 situation in a little more detail?

3 MR. BADRAWI: He came from a wealthy family
4 in the first place. I mean his father was a land owner
5 and the Mayor of a small town. And they owned most of
6 the land in the Village or Town -- I don't know how you
7 call it here.

8 They were very well off. And he was getting
9 a relatively handsome payment in Egypt relative to the
10 price livings in our country. You can live at ease at
11 this payment. So it was okay.

12 He went into some very classic investment
13 ventures. He bought a house in near-by Cairo which he
14 invested some money in. And he bought another house in
15 the north of Egypt on the shore of the beach, which he
16 invested some money in. He was all right.

17 MR. ELIAS: So, as far as you know, his only
18 investments were really in real estate, the houses that
19 he bought?

20 MR. BADRAWI: Yes. Yes.

21 MR. ELIAS: Nothing else, like stocks?

22 MR. BADRAWI: No, no. We don't know anything
23 about this life. You don't find people of our age
24 group in this thing. You might find younger people
25 doing this sort of thing.

1 MR. KELADA: Only in the last three or four
2 years. Before that, they would --

3 MR. BADRAWI: But, for us, what does it mean?
4 You know, what's a stock? You're asking me --

5 MR. BADRAWI: We only know how to spend
6 money.

7 (Laughter.)

8 MR. BADRAWI: We have other uses of it. This
9 is a bit too sophisticated for us.

10 MR. ELIAS: So he was able to live
11 comfortably compared to the average Egyptian. But, how
12 do you upgrade it? What is the difference in pay that
13 he would have potentially made had he upgraded and got
14 his ATP?

15 MR. BADRAWI: He would have got something
16 like 25 percent more.

17 MR. KELADA: As I explained to you before, at
18 that time, we had a different pay scale than what we
19 have now. The main bulk of the income of the pilots
20 was from the per diems and night stops.

21 So to fly a type that kept him on night stops
22 would be more profitable than flying as a captain on
23 the --

24 MR. KELADA: Exactly. To transition to
25 captain, you have to be on the smaller types and then

1 upgrade to the bigger. So there's no per diem, which
2 is very bad.

3 MR. BADRAWI: I refer to it as income
4 negatively.

5 (Simultaneous voices.)

6 MR. BADRAWI: We changed it very recently.
7 We changed it in 1996.

8 MR. KELADA: Yes, four years.

9 MR. ELIAS: So it's very possible that a
10 junior captain might be making less than a --

11 MR. BADRAWI: Than a senior 1st. At that
12 time.

13 MR. KELADA: At that time, you would
14 definitely make less money as a captain than as a
15 senior 1st officer.

16 MR. BADRAWI: Definitely. As you promote to
17 captain, your income is actually being negatively.

18 MR. KELADA: The way we say it in Arabic is:

19 You go down to be a captain, which is
20 opposite, going to the opposite of what's happening.
21 You say "I'm going down to be a captain," because he's
22 leaving the big types and going to the smaller types to
23 become a captain.

24 MR. ELIAS: The added responsibility.

25 Now you indicated when we spoke in Cairo that

1 he had taken out some sort of a loan from the company
2 in order to deal with his daughter's medical situation?

3 MR. BADRAWI: Yes. He -- the youngest of his
4 children was a girl. And she was affected by Lupus,
5 which is a kind of blood disease, or something like
6 that.

7 And I mean we thought that it would be better
8 to keep her in the States. She was getting treated in
9 Egypt and she was not responding very well to the...

10 And we investigated what to do and so on and
11 finally it was decided to do that in Los Angeles. And
12 he seeks some support from the company and he was
13 granted some loan by our chairman, 'Barrick', and he
14 got some money from the union.

15 And his schedule was arranged to allow him to
16 stay there for over a month in L.A. And being very
17 close to him, I knew that he... and he was able to use
18 the money he had to take care of the expenses in L.A.
19 and return on some money.

20 MR. ELIAS: Did he ever discuss with you at
21 all what amounts of money this was costing?

22 MR. BADRAWI: I think it costs something like
23 \$4,500, something like that. In this vicinity. About
24 \$5,000.

25 MR. ELIAS: Five thousand U.S. dollars?

1 MR. BADRAWI: Yes.

2 MR. ELIAS: For the total treatment or for
3 each one?

4 MR. BADRAWI: For the treatment and living
5 expenses, something like, because he had the hotel on
6 Egypt Air. Egypt Air paid for the hotel. And
7 breakfast.

8 MR. KELADA: That took care of most of the
9 expenses.

10 MR. BADRAWI: Yes, that took care of most of
11 the expenses. Also, he had this friend at this Center
12 in L.A. who managed to cut down on the charges to
13 different specialists, the rates, something like that.

14 MR. ELIAS: How is his daughter doing now?
15 Is she doing okay?

16 MR. BADRAWI: She's all right. She's better.
17 I mean she had this -- she responded positively to the
18 treatment they gave her here, and she improved. She
19 improved.

20 MR. ELIAS: She's still --

21 MR. BADRAWI: She's still okay. She's still
22 okay.

23 MR. ELIAS: Glad to hear that.

24 MR. BADRAWI: And they're still in contact
25 with the Center in L.A. and I think they still follow

1 up with her.

2 MR. ELIAS: What was his family like?

3 MR. BADRAWI: Very classic, you know. He had
4 five children of whom the eldest daughter graduated
5 from the University. She became an accountant and she
6 got married. She bore two children and he became a
7 grandfather.

8 The elder son also graduated as an
9 accountant. Number three became a Police Officer. And
10 he had number four in the last year at the University.

11 He had only the young one, who was about
12 eight years, something like that. And he looked after
13 his children quite well. He educated them all.

14 I mean nothing much to tell you.

15 MR. ELIAS: When you said educated, he sent
16 them all to college?

17 MR. BADRAWI: Yes.

18 MR. ELIAS: Is that very expensive in Egypt?

19 MR. BADRAWI: Not very expensive. Not as
20 expensive as it is in the United States. But it's
21 costing. I mean, you have to be in a position to do
22 so.

23 It's not the education that costs but the
24 other expenses you have to keep a certain standard for
25 them to be in the normal class, I mean. They belong to

1 a family that has a name and they have to...

2 MR. KELADA: All the universities we have in
3 Egypt are paid by the government. You don't pay a
4 university tuition.

5 MR. ELIAS: You don't pay tuition but you
6 have to pay like their living expenses?

7 MR. KELADA: Their living expenses.

8 MR. BADRAWI: I mean it's different, it's
9 totally different than what is here. You don't leave
10 home and go to the university.

11 In Egypt, you stay home and go to university.
12 It's just that you're not getting any income, you see,
13 on your family's...

14 MR. ELIAS: Right, so they're still
15 supporting you.

16 What about socially? Did you socialize with
17 them?

18 MR. BADRAWI: Yes, yes, we are friends.
19 Friends.

20 MR. ELIAS: Would you use some words to
21 describe him? Some words that, you know...

22 MR. BADRAWI: You could say that to a great
23 extent he was very reliable. When you ask him to do
24 something, he will do it.

25 He needed a bit of guidance in his general

1 outlook to things. I mean you knew you had to correct
2 some of his -- some of his attitudes, some of his
3 concepts. You had to correct them from time to time.

4 But, apart from that, he was cheerful, and he
5 liked life very much. He was a lot of fun. You know,
6 he would defend you while you're not there. He would
7 do things for you if you asked him to do it.

8 MR. ELIAS: Could you perhaps give an example
9 of when you said you needed to guide him or correct
10 some of his attitudes?

11 MR. BADRAWI: Yes. Yes, for example, his
12 decision not to take the ATP, for example. It's
13 something his other two colleagues went through. You
14 know, they were all in the same boat.

15 They started from the same point but they
16 developed and took their ATP and became captains and
17 then became instructors, and then promoted to a bigger
18 type, which is a triple seven (777).

19 For him, it was very difficult to convince
20 him. You tried but you failed. Sometimes, he comes
21 for advice on his family matters - what is best for
22 this child? Which school is better than the other?
23 You know. Things of the nature, you know.

24 Like friends, you know, just consulting each
25 other about many things. And he would listen to some

1 things and some things he wouldn't listen to.

2 MR. ELIAS: Did he talk to you about his
3 upcoming retirement?

4 MR. BADRAWI: Regarding his upcoming
5 retirement, we had a common friend who has some
6 business in a plantation.

7 MR. KELADA: Agriculture.

8 MR. BADRAWI: Yes. An, you know, the
9 plantation, he's doing this indoor plants and, you
10 know, decoration plants. He was very close to both of
11 us and we were talking about the possibility of Batouty
12 to join with him doing some activity in the future.

13 MR. ELIAS: So he was going to join this
14 business?

15 MR. BADRAWI: Join this business and become a
16 partner and a co-manager, something like that.

17 MR. ELIAS: Is that something he had done as
18 a hobby before? Caring for plants?

19 MR. BADRAWI: No, he comes from an
20 agriculture family. That is his childhood by ground,
21 you know. He comes from. So it's not new to him, you
22 see. It was not new to him.

23 And this friend comes from the same Province
24 and they've been to school since they were very young.
25 They've been friends for fifty years, something like

1 that.

2 So this was the main thinking.

3 And this friend of ours, he has this nursery.

4 He owns a nursery. A -- you call it a nursery? Well,
5 anyway, he had it in the middle of the summer. We live
6 in Cairo just in the middle of the buildings.

7 So it was very easy to go. It takes about
8 seven or eight minutes drive to be there. So we spent
9 a lot of time there together, in-between flights, I
10 mean. If he's in Cairo and I'm in Cairo, and the other
11 guy is always in Cairo. And then we can meet there and
12 have some drinks together there.

13 You're sitting in a nice environment, you
14 know, where the weather is nice and you can have a nice
15 outdoor sitting. Sometimes, we do some barbecuing.

16 MR. ELIAS: Anything else they had planned?
17 Any other plans they had?

18 MR. BADRAWI: No, that was the basic plan
19 that they expand this business and they get into
20 contracting with some governmental new towns. The
21 governments in some new towns and they made these sort
22 of plans to decorate the estates, the gardens, and so
23 on.

24 And then you can get into contracts and do
25 some good business.

1 MR. ELIAS: I'm going to talk a little bit
2 now about the days before the accident, but do you want
3 to take a break before we do that?

4 MR. BADRAWI: No.

5 MR. ELIAS: You're okay? I want to make
6 sure.

7 So then you were present in New York in the
8 days before the crash. And what we want to do is
9 develop da little bit more of a sense of history of who
10 was there, who you interacted with.

11 So, if you could give me just a sense, first
12 of all, of when you arrived in New York and then going
13 from there just as best as you recall who you talked
14 to, when you talked to them.

15 MR. BADRAWI: I have to... on Friday evening
16 at the hotel, about 6 o'clock in the evening. And we
17 ate about an hour and a half or something, two hours.

18 And I was very tired so I checked in and I
19 went immediately to my room. I had quite a long nap.

20 I was awakened around 12 o'clock by a phone
21 call from Hadem Roushdy. And I went to see him in his
22 room. We had some drinks together and we stayed
23 talking until it was 4:20 a.m.

24 We left each other. He called me again,
25 Roushdy, around maybe 1 o'clock or something. And we

1 went down, we had lunch together, and he bought some
2 things for my young daughters, because he had this
3 special taste, you know.

4 And he invited me to the Pennsylvania. And I
5 went back to my room to put these things, and I
6 received a call from Batouty. And he was blaming me:

7 "You are here since yesterday and you did not
8 call me?"

9 I said, "Well, I never had time to do that.
10 Anyhow, I'm coming to see you. Welcome."

11 He came to sit with me. He stayed with me
12 around a couple of hours, talking about many things.

13 And during the course of the conversation, he
14 opened my fridge. It was empty. I bought nothing in.

15 He went to his room. He brought me a sort of a carton
16 of pineapple. We drank it together.

17 And during the course of the conversation, he
18 told me that Dr. `Swansoi', our common friend in New
19 Jersey, sent me some Viagra. He got out -- I don't
20 know how you --? What's that? Not yet.

21 (Laughter.)

22 (Simultaneous voices.)

23 MR. BADRAWI: Sheik, you call it?

24 UNIDENTIFIED²: I guess. This one is maybe

² The label UNIDENTIFIED was inserted in cases where the speaker

1 two, four, six, eight ten --

2 MR. BADRAWI: I'll check on it.

3 They have five of them in one of these --

4 (Simultaneous voices.)

5 MR. BADRAWI: And gave them to me. And I
6 said, "Well, now this is something incorrect, that if
7 our friend sends them here, definitely, he's sending me
8 the whole thing. Look, only two? You're keeping
9 three? There's something wrong."

10 He said, "No, because I need to give some
11 people in Cairo, and so on and so on."

12 So I said okay. Actually, up to that date, I
13 never tried Viagra. So I asked him how do I use it?
14 Shall I break it in two? I heard that people break it
15 into two.

16 He said, "No, this is 50 milligrams. And 50
17 milligrams at this age is the correct. Just try and it
18 and you will be very grateful. You will thank me very
19 much. Just try it and you will get excellent results.
20 You will thank me very much later on."

21 Okay, I put them in my pocket. And as we
22 were talking, I started to feel sleepy. And he told
23 me, "You're feeling sleepy?" I said, "How about you?"

that the statement was attributed to in the original transcript indicated that the statement was misattributed to them.

1 Aren't you going to get some sleep before your flight?"

2 He said, "Yes, it's time." And he left me
3 around maybe 20 to 4. Just past 3:30, and he went to
4 his room to rest because his pull time was 7:30.

5 We talked about some things to do in Cairo
6 later when he's there, and that's it.

7 MR. ELIAS: What things in specific did you
8 talk about?

9 MR. BADRAWI: We wanted to go and see some
10 friends in Cairo once we're there. That's all.

11 MR. ELIAS: Let me just get this straight.
12 Around midnight, you were called by Hadem Roushdy and
13 you went to his room.

14 Was anybody else present there at the time?

15 MR. BADRAWI: No, no, just me and Hadem.

16 MR. ELIAS: Just the two of you.

17 MR. BADRAWI: Yes.

18 MR. ELIAS: And you sat up, and what did you
19 have to drink?

20 MR. BADRAWI: Some whiskey.

21 MR. ELIAS: Some whiskey.

22 MR. BADRAWI: Yes.

23 MR. ELIAS: Okay. And what did you talk
24 about?

25 MR. BADRAWI: All sorts of things. We're

1 very good, close friends. I mean we were friends over
2 around forty years of friendship. And we had many
3 things to talk about.

4 We talked about his son because he had an
5 elder son who became a pilot. And we were talking
6 about which is best, to join Egypt Air, to join a
7 private company, and some things of that nature.

8 MR. ELIAS: And then you left his room around
9 4:20. Let's see. What did you do from there?

10 MR. BADRAWI: I went to sleep around 4:30.

11 MR. ELIAS: You went back to sleep again.

12 MR. BADRAWI: Yes, I went to sleep at 4:30
13 a.m.

14 MR. ELIAS: Okay. Then he called you again
15 at 1 p.m. or thereabouts?

16 MR. BADRAWI: Yes.

17 MR. ELIAS: And then you had lunch.

18 MR. BADRAWI: Yes, he called me and he said,
19 "Aren't you going to have breakfast?"

20 I said, "Okay." And we met down in the lobby
21 and I said, "Isn't that very late for breakfast? Let's
22 get lunch."

23 And we went to, we had lunch in the Manhattan
24 room just behind the hotel.

25 MR. ELIAS: And it was just the two of you

1 there?

2 MR. BADRAWI: Yes, it was me and Hadem.

3 MR. ELIAS: And then Gamil Batouty called you
4 around what time?

5 MR. BADRAWI: About 2 something.

6 MR. ELIAS: Two something. Okay.

7 MR. BADRAWI: As I went back to my room.

8 MR. ELIAS: Okay, so he called you or was
9 there a message waiting?

10 MR. BADRAWI: No, no, he called me on the
11 phone. And the phone rang. I answered. He said,
12 "You're here since yesterday and you didn't call me?"

13 I said, "I never had the time. I was very
14 tired and I had no time."

15 MR. ELIAS: So, really, you just saw him for
16 about an hour then?

17 MR. BADRAWI: Maybe, an hour, or an hour and
18 something. An hour and a half. An hour or an hour and
19 a half.

20 MR. ELIAS: And was that the only time that
21 you saw him?

22 MR. BADRAWI: Yes.

23 MR. ELIAS: What was his mood like when you
24 saw him?

25 MR. BADRAWI: Very normal. I mean he was

1 Batouty. To me, he was very talkative. I mean when he
2 ever sat with me, he used to talk a lot. I mean he did
3 most of his talking with his close friends.

4 I was a close friend, and he did most of the
5 talking. I did most of the listening. And he talked
6 about many things, about what he's been through in Los
7 Angeles. He was invited by Mr. so-and-so, and he had a
8 nice time. And, you know, and among the things he
9 told me, "Oh, you don't know Mr. So-and-So, a friend of
10 ours, the Judge, invite. Did you know?"

11 I said, "No, I did not."

12 "How did you know I was in Los Angeles. I
13 said, "I called my wife and she told me."

14 You know, things like that.

15 MR. ELIAS: Did he ever discuss with you at
16 all any problems that he was having with the Hotel
17 Pennsylvania?

18 MR. BADRAWI: Yes, that was earlier. That
19 was not on this flight. That was maybe a couple of
20 months ago or something. I was informed through their
21 office also.

22 I talked to Batouty. I talked to Batouty
23 about it and he said to me, "I clearly don't admit any
24 wrongdoing," or something like that.

25 I knew about the subject from the Egypt Air

1 office, I mean, on an personal basis, not officially.

2 MR. ELIAS: The office in New York?

3 MR. BADRAWI: The office in New York.

4 MR. ELIAS: What had they told you about it?

5 MR. BADRAWI: They told me we received a
6 verbal complaint from the hotel by phone. And they
7 alleged that Batouty did something wrong, or something.

8 And they were discussing with me how did he
9 become... I just said, "These people, they have to have
10 something to put to paper." I mean, just talking is
11 not good enough.

12 And, eventually, I learned that the hotel was
13 reluctant to put it on paper. They did not put it on
14 paper, as far as I recall.

15 So that was the end of the story for me
16 because it is easy to talk and harder to write.

17 MR. ELIAS: Knowing Batouty and knowing what
18 was said by the hotel about him, do you think there was
19 anything to what they were saying?

20 MR. BADRAWI: It can happen, yes, but I
21 don't, but it can happen. There can be some sort of
22 misinterpretation due to the culture difference.

23 But, finally, he was bold, you know. He had
24 that -- he was -- so he could do things of that nature.
25 I wouldn't be surprised if it was true. Let's put it

1 this way.

2 But, on the other hand, he can be
3 misinterpreted because his knowledge of the English
4 language was very limited, very, very limited.

5 So he can misunderstand what's told to him.
6 He can get the wrong indication from someone. He might
7 think that he's invited for something and the actual
8 fact is different.

9 That was a catch.

10 MR. ELIAS: You said you did speak to him.
11 He didn't of course admit any wrong-doing. But, what
12 type of advice did you give to him? Did you say
13 anything to him?

14 MR. BADRAWI: Yes, "Be careful because in
15 this country..." I don't know. I feel a bit
16 embarrassed. But, anyhow, in your country, I meant
17 don't feel offended, but your country is a bit fussy
18 about these issues.

19 I mean you can get into trouble in this
20 country for no reason. You are over-emphasizing this
21 sexual harassment issues, and so on. It's over-
22 emphasized in your country, you know.

23 I think it can reach even verbal, you know,
24 if you said to some lady something, she can consider it
25 to be an assault of sexual harassment. A sexual

1 offense or something.

2 So I told him to be careful in this country,
3 it's different. It's not like our country. However,
4 we have a lot of -- it's more permissible in our
5 country. Our country is more relaxed in these areas.

6 You can do something to a lady here and then
7 she can take you to court where if you tell the same
8 thing to a lady in Egypt, she will smile and feel happy
9 and love you.

10 (Laughter.)

11 MR. KELADA: She takes it as a compliment.

12 MR. BADRAWI: Yes, she takes it as sort of a
13 compliment. Where if you translate the same words into
14 English and you say to someone here, she can take you
15 to court for that.

16 So I had the sense that this kind of you have
17 to be careful in this country. It's a country where
18 you can go to court easily for anything.

19 MR. ELIAS: So you were aware of this one
20 incident that happened a few months before the
21 accident. Were you aware of anything going on where
22 there were allegations either before or after that?

23 MR. BADRAWI:

24 MR. BADRAWI: Say it again, please?

25 MR. ELIAS: You were aware of this one

1 incident. You said it was a couple of months before
2 the crash.

3 MR. BADRAWI: Yes.

4 MR. ELIAS: But, were you aware of any other
5 times or anything where he brought it up or someone at
6 Egypt Air brought up problems that were going on at the
7 hotel?

8 MR. BADRAWI: Not really. I mean not
9 specifically. But, it wouldn't surprise me. I mean
10 simply the man liked women. Which is something common
11 in our country. It's not very unusual. It's quite
12 common.

13 MR. KELADA: It's not unusual here.

14 MR. BADRAWI: It's common, I mean. It's not
15 very unusual.

16 MR. ELIAS: Are you aware of any other
17 members besides Mr. Batouty that had similar problems?

18 MR. BADRAWI: Many.

19 MR. ELIAS: Not naming any names here.

20 MR. BADRAWI: No. Many, many, many, many.
21 We would have even the, uh, people who are in court
22 already in this country because of such things.

23 That is -- I read this to the difference of
24 the -- the difference in cultures, and the language
25 barrier. Both of them. I mean a combination of this

1 culture where the problem with the language can lead
2 you to court in this country very easy. Very easy.

3 They can take you to court easy in this
4 country. So we do have some of these sort of things
5 going on because we're flying regularly to this
6 country. We're flying five times a week and with
7 different sets of people every now and then.

8 And there can be new commerce for the
9 country. And it will take them years to understand
10 what's going on here.

11 MR. ELIAS: Do you know if Hadem Roushdy was
12 aware of this situation with Batouty?

13 MR. BADRAWI: Of course he knew. But, he
14 pretended not to know, I think, because Hadem Roushdy
15 was the Chief Pilot.

16 And I think Hadem chose not to indicate to
17 Batouty that he had any idea of what was going on. As
18 a technique in management. I mean, as a manager, you
19 don't need to take action every and each situation.

20 Some situations you handle by pretending not
21 to know.

22 MR. ELIAS: Did you ever discuss it with
23 Hadem?

24 MR. BADRAWI: Yes.

25 MR. ELIAS: Do you remember that conversation

1 you're talking about?

2 MR. BADRAWI: I don't remember one exactly
3 but I remember what we said to each other. He told me,
4 "Do something about your friend. Explain to him my
5 decision and I'll pretend that I don't know," because
6 nothing officially came to us, you see.d

7 Nothing on paper came to us. So it was
8 handled all on a personal basis. And he said, "Explain
9 to him we don't want problems and I will pretend that I
10 don't know."

11 And this was an idea which was carried out.

12 MR. ELIAS: So he didn't feel he needed to
13 take any specific action other than --

14 MR. BADRAWI: Yes, just he wanted to leave
15 him alone. Just explain to him, to make him know that
16 this can lead to problems.

17 He depended on me to do that, which I did.

18 MR. ELIAS: So you talked to Batouty then
19 about that?

20 MR. BADRAWI: Yes, I talked to him about it
21 and I said -- and he denied. He said, "I did nothing
22 wrong."

23 I said, "We're not telling you that you did
24 something wrong but we just want you to be aware that
25 this country is a different country. That's all I

1 want. We want you to know that. This country, you can
2 get into trouble easily. You have to be aware of it
3 week after week."

4 I even gave the example about shoplifting,
5 for example. I said, "This country, supposing you went
6 in and you took something from the shelf and you missed
7 to pay for it for any reason. You just forget it's
8 just in your hand and you're walking about of the room,
9 and they can catch you. Even if you didn't hide it or
10 anything. You never had the intention to take it
11 without paying or anything, but maybe you just... and
12 they can catch you."

13 So I said, "You have to be very careful about
14 two things in this country: how to act during shopping
15 in a store and how to deal with ladies."

16 Because he didn't have the third problem,
17 which is smoking. We have the problem of smoking, so
18 it's coming up.

19 MR. ELIAS: But, the first part, I mean,
20 you've got women and smoking, and you said the
21 shopping.

22 MR. BADRAWI: Shop, yes. If you're not aware
23 of what you're doing in a shop in this country, you can
24 find yourself in an problem without having the
25 intention of stealing anything, because suddenly you

1 find yourself in a problem due to misinterpretation of
2 an act or something from you.

3 So that's what I told him: We have to be
4 aware of these two items. You can get into this kind
5 of a conflict with these people because they will never
6 understand who you are or what you want to do. They
7 will never understand.

8 MR. ELIAS: So, is it fair to say that your
9 advice to him was to avoid interacting with women and
10 getting into bad situations?

11 MR. BADRAWI: Yes, try to be very careful,
12 cautious with your dealings with different people in
13 this country because, luckily enough, we don't drive in
14 this country. If we drive in this country, we'll go to
15 jail --

16 (Laughter.)

17 MR. BADRAWI: So, luckily enough, we don't
18 drive in this country.

19 MR. ELIAS: I've seen driving in Cairo.
20 It's...

21 MR. BADRAWI: It is really difficult in Cairo
22 but also a lot of, you know, a lot of room for excuses.

23 In this country, no excuses. If you don't buckle, you
24 pay so and so. If you overspeed, you take a wrong
25 turn, but in our country, if you take a wrong -- if you

1 go opposite the traffic and somebody meets you from the
2 traffic officer and you say, "Oh, I'm sorry," then they
3 leave you.

4 And he is totally -- "sorry" is not good
5 enough in this country. Being sorry doesn't exempt you
6 of anything. It's different.

7 MR. ELIAS: So how did Mr. Batouty respond
8 after you talked to him? Was he okay with that?

9 MR. BADRAWI: I think that he definitely
10 considered what I told him, but it didn't definitely
11 change his nature. I mean, to be realistic, he would
12 take, of course, a lot of my advices and advice of
13 people our age and our group of people. He would take
14 our advice, of course.

15 But, it wouldn't change his nature. I mean
16 he wouldn't start to dislike women because I told him
17 that. He still likes women.

18 So he would take my advice but how far and to
19 what extent, I can't judge.

20 MR. ELIAS: But, you're not aware of anything
21 happening after you spoke to him?

22 MR. BADRAWI: Not really, no.

23 MR. ELIAS: Not really or no?

24 MR. BADRAWI: No, I'm not sure. No. Nothing
25 since that, no.

1 MR. ELIAS: And, again, you said that was
2 about a month or two?

3 MR. BADRAWI: Yes, maybe a couple of months
4 prior to the accident.

5 MR. ELIAS: That pretty much matches with
6 what we've had described. End of August, that time
7 frame? About the end of August?

8 MR. BADRAWI: Around. Around. Around.
9 Around.

10 MR. ELIAS: Do you know was Hadem Roushdy
11 originally supposed to be on flight 990?

12 MR. BADRAWI: No. Hadem was going as a
13 deadhead. He was deadheading back to Cairo after he
14 finished his duty. His initial duty was to check
15 another pilot on the New York/Los Angeles, Los
16 Angeles/New York -- which he did. And he was going
17 back as a passenger. A deadhead.

18 MR. ELIAS: So he wasn't checking anybody on
19 this particular flight?

20 MR. BADRAWI: On that particular flight, no.

21 MR. ELIAS: Strictly deadheading.

22 MR. ELIAS: I think that's all the questions
23 that I have. What I would like to do is go around the
24 room at this point and see if there's any follow-up
25 questions from the other group members.

1 MR. BRENNER: Would you like to take a break?
2 Do you need a break?

3 MR. BADRAWI: A break would be a break if you
4 take me to somewhere I can smoke without --

5 MR. BRENNER: We have the smoking outside.

6 MR. ELIAS: Maybe that would be nice. We've
7 been going for about an hour and a fifteen minutes. So
8 it's time for a break, I think.

9 MR. BADRAWI: Okay. It's up to you.

10 (Recess.)

11 MR. ELIAS: Like I said, we will just go
12 around the room. We'll start with Malcolm. He's got
13 some questions to follow up with.

14 MR. BADRAWI: Yes. I have a comment also
15 which I would say at the very end.

16 MR. ELIAS: Okay, that's fine. What we'll
17 do, at the very end, we'll say you can say anything we
18 haven't asked you that you feel is relevant. I'll let
19 you say it all at the end. Okay?

20 MR. ELIAS: Would you like to say it now?

21 MR. BADRAWI: Not really.

22 MR. BRENNER: Okay.

23 MR. BADRAWI: I don't want to distract you.

24 UNIDENTIFIED: He's going to ask you to
25 recount in Florida.

1 (Laughter.)

2 QUESTIONS BY MR. BRENNER

3 Q How did Mr. Batouty get interested in flying?
4 How did he start?

5 A At that time, we had the Nasser regime and
6 you had to achieve very high grades in -- what you call
7 it? high school certificate to join the university.

8 And he didn't really have much choice what to
9 study or not to study. I mean it went according to
10 grades.

11 So people who were as lively as Batouty, who
12 didn't have much time for study, had to find a career
13 doing something else away from the government's
14 arrangements, you know.

15 MR. MISSIRY: I would have a comment here
16 because all of the pilots are like this. We are pilots
17 not because we love to fly. We are pilots because the
18 university wouldn't accept us --

19 (Laughter.)

20 MR. BADRAWI: All pilots are like that
21 sometimes.

22 MR. ELIAS: I see.

23 MR. BADRAWI: Most of this generation.

24 MR. KELADA: It's the family that can afford
25 to, you let them fly.

1 MR. BADRAWI: And they can pay for your
2 flying expenses, which were relatively high at that
3 time relative to the general income in the country.

4 So, if you can afford it, you go to fly. If
5 you can't afford it, you don't fly.

6 MR. KELADA: You go to the university.

7 MR. BADRAWI: You go to the university.

8 BY MR. BRENNER:

9 Q Was there a history of pilots in his family?

10 A Pardon?

11 Q Was there a history of aviation in his --

12 A No, no.

13 Q So he was the first in his family.

14 A Yes.

15 Q And any of them since then? Any of his --

16 A No. No.

17 Q And then he went to the Institute after that?

18 Is that correct?

19 A As he graduated, the next day he was assigned
20 by the Institute to go to the Air Force Academy to get
21 his instructor training, as an instructor. An
22 instructor course.

23 Q Is that a particular sign of honor to do
24 that?

25 A It was the first time they did it. And they

1 had an interruption of about twenty years before they
2 sent new people to become instructors. They had an
3 interruption of about twenty years.

4 And once he went there, he graduated as the
5 first in his class. He was the first on this course.
6 There were about seven pilots and he got the highest
7 grades in this course, the instructor course.

8 And the honor was the very first Captain,
9 because the Air Force chose only three out of this to
10 keep. Sent back the other four.

11 Six months later, I followed him together
12 with another two people. And they wanted to keep us,
13 the three of us, which I managed to get around. And I
14 went back to the Institute.

15 Q You had second thoughts then.

16 A Yes. We didn't go along very well together.
17 I didn't like the environment. But, he accepted it
18 and he was happy with the job, I mean.

19 Q He liked the military?

20 A He liked the military. He was doing fine
21 there. He was very much liked there and he was doing a
22 good job.

23 He stayed eleven years.

24 Q For him to be selected to be instructor, is
25 that a sign that he was a very good pilot or a very bad

1 pilot?

2 (Laughter.)

3 A No, it could indicate that he was a good
4 pilot. It could indicate. It's not definite but it's
5 towards being of good standard rather than being of bad
6 standard.

7 Q I see. And when he went back, he was then
8 reassigned to the Institute after he became Major and
9 came back to the Institute?

10 A Yes. The needs of the Air Force --

11 Q -- changed at that time, yes.

12 A -- changed. And they let him go together
13 with his two colleagues. I thought that there were
14 three of them who stayed. The other two made up for
15 the -- by getting their ATP and joining the airline.

16 Q Oh, at that time.

17 A Yes. He went back to the Egypt Air Institute
18 where he stayed and became the Chief Instructor and
19 stayed for several years. And then he went to the
20 airline.

21 Q I see. So the best time for him to have
22 decided to do the ATP would have been --

23 A Would have been around '77, '78, around that.

24 Q How did he get to be the Chief Pilot at the
25 Institute?

1 A By seniority.

2 Q By seniority.

3 A By seniority.

4 And he had a very good record with the Air
5 Force. As an Institute, that stage was belonging to a
6 new identity, which is the National Institute. Not
7 belonging to Egypt Air any longer. And it was run by
8 Air Force officers. The big establishment was run --
9 even Egypt Air was run by the Air Force.

10 So he had his credit already with the Air
11 Force.

12 Q But, I mean, as an outsider, it seems to me
13 that being a pilot for Egypt Air is very glamorous. I
14 would think that would be a -- why did he choose the
15 one rather than the other? Is that fair?

16 A Yes, but -- but he was successful as an
17 instructor. That was his experience.

18 Q So he enjoyed that.

19 A He enjoyed that. And he enjoyed the job of
20 the Chief. He was very good at it.

21 Q Well, you said that, yes, he did a very good
22 job at the Institute. Can you give me an example?

23 A Student pilots spent shorter time instead of
24 staying for years and year, when they graduated. At a
25 shorter pace, you know. Most serious. Aircrafts made

1 more flight time.

2 The whole certain barometers were you can
3 judge whether it's a successful operation or not when
4 your aircrafts are flying, your students are
5 graduating.

6 Also, a lot of the people who came from the
7 Institute at this time were of good standard and they
8 proved themselves better than the airline later on, the
9 name of our 340 Captains now. They are good students.

10 Q How many of the students work for the airline
11 now?

12 A Pardon?

13 Q How many of the students, how many of the
14 pilots working for the airline studied under Batouty?

15 A At that time, maybe 100 percent of them.

16 Q A hundred percent.

17 A A hundred, almost.

18 MR. KELADA: Everybody graduates from the
19 Institute, or now the Academy. But, over 90 percent
20 were...

21 BY MR. BRENNER:

22 Q And, for example, now in the 767 group, how
23 many of the pilots studied under Batouty?

24 A I think lately to the 777s, a lot of them,
25 maybe over 60-70 percent.

1 MR. KELADA: It's a question about when the
2 accident happened, how many of the 777 Captains were
3 his students.

4 MR. BRENNER: Yes, at that time. Yes.

5 MR. BADRAWI: Were his students. And not
6 only the Captains because the Captain is the senior
7 one, but the other one came from the Air Force.

8 So, the 1st Officers mainly were his group.

9 BY MR. BRENNER:

10 Q So, at the time of the accident, none of his
11 students would have made Captain?

12 A On other types. Not on --

13 Q Oh, on other types, but not -- none of them
14 had seniority for the --

15 A For the 767.

16 Q I see. How did he -- he came from the
17 military to the Institute. How did the pay compare to
18 the pay if he'd gone into the airline?

19 A To the airline?

20 Q Yes, how would the airline pay compare with
21 the Institute pay?

22 A No, by that time, the airline would have
23 doubled.

24 Q I see. So he actually made less money by
25 going to the Institute.

1 A Yes.

2 Q And did he talk about that, his thinking on
3 that?

4 A No. I mean you have to -- I don't know if it
5 came to your attention or not but in our country, we
6 view these things in a different way. We think what
7 we're getting is God's will. I mean it's not only what
8 you can do -- only related to your capabilities.

9 But, it's related to God's wish, even if you
10 are very capable but he wants you to live this much
11 only. We believe in that, we think -- all of us -- we
12 think that these are things which you cannot alter.

13 You can try but the decision is not yours.
14 It's made by God.

15 Q So he felt that this was the direction of
16 God.

17 A Yes. He was having a good living. What he
18 did really look forward later is the last flight. What
19 he envied was the last flight.

20 Q In what sense?

21 A Flying all over the world and going there,
22 going here and living in an environment full of women
23 instead of full of men. It was different.

24 Q So he envied that when he was in the
25 Institute or --?

1 A I mean he discovered it later. And when he
2 came to the airline, he said, "Oh, if I only knew all
3 these years I wasted my time."

4 Q I see. And if I understand, when he came to
5 the airline, it was because the Institute --

6 A It changed status.

7 MR. KELADA: Changed ownership. It no longer
8 belonged to Egypt Air.

9 BY MR. BRENNER:

10 Q So the decision was made for him because he
11 was reassigned, or did he have a choice?

12 A Yes, he was reassigned. We regained him,
13 actually. At a certain stage, we thought it's better
14 for him. And I talked him into it and --

15 Q He could have stayed?

16 A "You don't really know what we do so come and
17 have a look." And he found it was a better place to
18 stay.

19 Q Why is that?

20 A Less responsibility and better payment and
21 better lifestyle.

22 Q So, when he changed to the company, his pay
23 increased?

24 A His payment increased.

25 Q How much did it increase?

1 A I think it started by something like 50-60
2 percent. And then later it doubled and tripled. And
3 as the airline in all upgraded into new scales of
4 payment, it went around.

5 But, also by that time, the price index in
6 the country changed to the higher and you can say he
7 did it in the right time, because until '75 or '76,
8 we're in a different scale of prices in the country.
9 Very different.

10 And it jumped. Inflation increased.

11 Q I see. So what you could buy earlier, what
12 Batouty would buy earlier, before '75, '76, was not as
13 much after.

14 A It was very different.

15 Q So it's lucky that he changed over to the
16 airline then.

17 A Yes. Yes.

18 Q I understood that he had talked to the
19 company about the possibility of getting additional
20 back pay or additional seniority for his time at the
21 Institute?

22 A Yes. He had, from his point of view, some
23 rights. And you have to understand our company is a
24 public-owned one and a lot of the general rules in the
25 company apply to the employees.

1 There was a sort of different opinions about
2 this issue. He thought it was his right because the
3 time he spent in the military by law should not affect
4 him negatively according to a certain law, a certain
5 number, organizing the relationship between the
6 military and the civilian.

7 Q I see.

8 A And accordingly, he was entitled to consider
9 all the time he spent with the military. And the
10 administration and the company, the -- what do you call
11 it?

12 MR. KELADA: Administrative side.

13 MR. BADRAWI: The administrative side, the
14 employees affairs, you know, it's a sort of a
15 department looking after the promotions and the
16 vacations and, you know, this sort of administrative
17 thing, felt differently.

18 And we went to the legal department, which
19 said that he has the right.

20 BY MR. BRENNER:

21 Q When did he raise this issue? When did it
22 first come up?

23 A That was raised after 1996, after we
24 implemented the new system of the company, payment
25 system. And then it became an issue. Seniority

1 because an issue because the new system is very much
2 related to seniority rather than being related to types
3 or capacities.

4 It's very clearly related to overall
5 seniority. So, at that time, it was important for him
6 to consider his previous to improve him in the scale,
7 you know. Instead of putting him in, put him in.

8 And instead of getting, for example, X amount
9 of money for flying hour, for example, then you get X
10 plus something, because you're most senior.

11 Q So he contacted the company? He applied to
12 the company?

13 A He applied for this legal situation of
14 seniority. And they looked into it and there was a lot
15 of paperwork and a lot of letters coming and so on.
16 And when I came back from Korea, I found this
17 situation. I started to use my contact with the legal
18 department to help him out.

19 And, finally, they decided, yes, he has the
20 right to get this -- to regain his -- to consider his
21 seniority.

22 Q I see. Now, initially, the decision was not
23 to grant the seniority, if I understand.

24 A That was one department of the company.

25 Q When was that?

1 A That was around '97, maybe.

2 Q How long after he first applied for
3 consideration?

4 A Maybe, six, seven months later.

5 Q And then you say the legal department, and
6 you tried to help him with it, reconsidered it and
7 granted it?

8 A Yes.

9 Q When was that?

10 A That was about '98, '99. Late '98, early
11 '99, something like that.

12 Q And this is before the accident?

13 A That was a year before the accident.

14 Q How did he feel about that?

15 A I mean, he felt happy that he -- what he
16 requested was adequate for an income.

17 Q And did the Chief Pilot support him in his--

18 A The operation supported him. The Chief Pilot
19 supported him. The operations support him.

20 Q Good. Did he experience any emergencies as a
21 pilot?

22 A No. Nothing I can call. Nothing
23 outstanding.

24 Q Any emergency is outstanding though.

25 A Any pilot does meet some kind of a level.

1 There's nothing that was outstanding -- wing off or
2 landing gear.

3 Q Sure. What were his strengths as a pilot?

4 A Pardon?

5 Q What was his strengths as a pilot?

6 A He had the skill, I think, being an
7 instructor. But, he had to have the language.
8 Experience was not matching his age. I mean he was a
9 late-comer. He came at the late stage of his life. He
10 came around the forties.

11 Normally, people start in their twenties. So
12 he was something like sixteen, seventeen, eighteen
13 years behind, experience-wise.

14 Apart from that, I think he was average,
15 maybe low average, in the vicinity.

16 Q Why would you say low average?

17 A Because of the language. You can't really do
18 this job without being in better command of the English
19 language. You need the English language to do this job
20 more proficiently. I think you need the English
21 language.

22 MR. MISSIRY: With this part especially, this
23 record of the training, I did it myself. I make it
24 appear that he has a problem with language and it
25 doesn't help him out to read the menu and so he needs

1 some help.

2 But, as a skilled pilot, he was very skilled,
3 to fly. His qualities were...

4 BY MR. BRENNER:

5 Q How did he feel about traveling to the United
6 States?

7 A How did he feel?

8 Q Yes.

9 A He spent most of his life in the United
10 States. He spent most of the time in the United
11 States. He spent over twenty days a month in the
12 United States.

13 Q Did he enjoy the...

14 A Yes, of course, because he had a lot of
15 friends both in New York and ... he had a lot of
16 friends. And he enjoyed doing that because the more
17 you stay, the more money you get. The more you fly,
18 the more money you get.

19 And it was a change of life cycle. I mean,
20 instead of spending all your life in the Academy among
21 student pilots and soldiers, you are having a different
22 thing.

23 Q What did he do during --

24 A Chased women, basically.

25 Q How did he chase women?

1 A Like we all did.

2 (Laughter.)

3 Run after them in the streets.

4 Q Went after them in the streets?

5 (Laughter.)

6 Okay.

7 A Trying to introduce himself to both of them.

8 You know, he couldn't talk English but still he

9 depended on the common language.

10 (Laughter.)

11 That's the type. Visiting people.

12 Q What kind of success did he have in terms of
13 women? How much success did he have?

14 A Well, this is a very tricky question because
15 he claimed more sex than he actually had but --

16 (Laughter.)

17 -- don't we all?

18 (Laughter.)

19 I brag, too.

20 Q What kind of success did he claim?

21 A He had some relations with the crew members
22 from other airlines.

23 Q And you talked about the hotel, that you
24 heard something about the hotel and the disagreement
25 with them.

1 What did the hotel say?

2 A They said that he was chasing girls in the
3 quarters -- and knocking the doors and something else.
4 Uh...

5 MR. BRENNER: That's okay.

6 MR. BADRAWI: Are you okay?

7 THE REPORTER: I'm fine, thank you.

8 (Laughter.)

9 MR. BADRAWI: Okay. And I think he exposed
10 himself, something.

11 BY MR. BRENNER:

12 Q And what was the hotel's problem?

13 A And they thought that was inconvenient to
14 their guests. They thought that was something they
15 can't let happen.

16 They weren't very serious also because when
17 we requested a written report, they failed to submit
18 one.

19 Q What did they want the airline to do? Why
20 were they even telling the airline?

21 A To take some steps towards him, either to
22 warn him, to talk to him, to...

23 Q And who did they complain to in the company?

24 A Our office in New York, Mary.

25 Q I see. And what action did they take?

1 A She consulted with me. And I told her let's
2 have it on paper and then we can look into it. And
3 apart from that, we can do to him personally because I
4 can talk to him on a personal basis.

5 But we can't carry it on further than that
6 unless we have something on paper.

7 Q Was the Chief Pilot involved in these
8 discussions also?

9 A I discussed it with Roushdy myself.

10 Q When was that?

11 A It was maybe two, three months before this
12 accident.

13 Q But, I mean relative to when Mary told you
14 about it from your office?

15 MR. MISSIRY: Maybe, a week and a half.

16 MR. BADRAWI: Because we live in the same
17 area and we are very close, and we see each other a
18 lot. I mean if you have a flight and you're staying on
19 ground for two or three days in Cairo, what do you do?
20 You get to see your friends.

21 And this is when the issues come up, and this
22 was one of them.

23 BY MR. BRENNER:

24 Q What was the Chief Pilot's relation with
25 Captain Batouty?

1 A Well, to start with, they were friends
2 because they lived in the same neighborhood in Cairo,
3 which is a different place than the one we're living in
4 now. I'm talking about the time when we were students,
5 that we -- the early sixties.

6 And they were neighbors in this neighborhood.
7 And they are of the same age. They went to the Flying
8 Institute together.

9 Q I see.

10 A They had a good relationship.

11 Later, Batouty became 1st Officer on the same
12 fleet, on the 767, and Roushdy became in charge.

13 Q When did Roushdy become in charge?

14 A Maybe, one and a half years before the
15 accident. Two years.

16 Q Did that affect the relationship?

17 A It's likely but they corrected because
18 Roushdy was very help in regards of his daughter's
19 therapy in Los Angeles.

20 Q How was he helpful?

21 A He gave him the chance to stay over a month
22 in Los Angeles on Egypt Air's expense, with the hotel
23 and everything. This was done by Roushdy.

24 So this sort of support needed someone like
25 Roushdy to do. I mean Roushdy was very strong, you

1 know. He could do such things and nobody would
2 comment. They left him to run this type the way he
3 thought.

4 So he was very supportive and that, of
5 course, was appreciated by Batouty very much. He knew
6 what was done for him because it was getting out of the
7 normal pattern, you know.

8 Normally, you are crewed in Los Angeles for
9 five days. He left him for over a month. And he
10 arranged schedules to keep him there with paid per diem
11 and...

12 So it was --

13 Q Were they social friends?

14 A Yes, because we belong to the same group.
15 We're all one group. We're all one group. Even
16 Missiry, he comes from the same Province.

17 MR. MISSIRY: I'm surprised you're asking,
18 but go ahead, ask him.

19 (Laughter.)

20 MR. BADRAWI: Yes, we come from a very -- we
21 come from one of the most, the wealthiest places in
22 Egypt. The most... in Egypt. And we had the same --

23 MR. MISSIRY: The family names. El Batouty.
24 El Missiry.

25 MR. BADRAWI: "El" is the family of.

1 (Simultaneous voices.)

2 MR. BADRAWI: And there is intermarriages
3 between these families, a lot of intermarriages
4 between.

5 BY MR. BRENNER:

6 Q Between Hadem and Batouty?

7 A Well, no. I'm talking about Missiry, myself
8 and Batouty. We came from the same Province in Lower
9 Egypt. Hadem comes from south of Cairo just a little
10 bit further south of Cairo.

11 MR. MISSIRY: From Upper Egypt.

12 MR. BADRAWI: So it's a sort of -- it's a
13 relationship. We do differ sometimes but, in the end,
14 we are in the same one group and we can complain about
15 each other to each other.

16 If Batouty does something wrong, then Missiry
17 would come to talk to me. If he does something wrong,
18 I'll go to talk, you know, and this is -- we run lobby.

19 BY MR. BRENNER:

20 Q Did Hadem and Batouty get together during
21 layovers?

22 A Yes.

23 Q Did they get together during this layover
24 before the accident?

25 A On this one? No, no, I don't think so

1 because Batouty was coming from Los Angeles, a flight
2 before or something like that. And Hadem was doing
3 another flight. And they were not together on the same
4 flight. They were not together.

5 But, normally, we get together in Cairo.

6 Q Have they gotten together in Cairo, just the
7 two of them?

8 A Yes.

9 Q Before the accident, had they gotten
10 together?

11 A I'm not so sure about when but it wouldn't be
12 out of the -- I mean, for example, if I'm going to this
13 nursery that I'm talking about, it's normal if I take
14 Hadem with me. It's normal. And then we'll find
15 Batouty sitting there with his other friend. And we'll
16 spend some time together.

17 And through the years, we used to go to trips
18 together with the families and we'd go to the Pyramids,
19 for example, and spend the day in the sun there during
20 wintertime. Playing around and having lunch together.

21 Sometimes, they do a barbecue, or I'll be
22 invited. Another friend would give a party and we
23 found out that all of us -- so it's a sort of a long-
24 term friendship. We're talking about forty years.
25 We've been doing that for forty years.

1 So several different occasions. Sometimes,
2 it's the wedding of someone's daughter or someone's
3 son. For example, my brother's wedding, something like
4 twenty-five -- or twenty years ago, all of them were
5 there. It was in Alexandria.

6 Q When was that?

7 A More than twenty years ago. And there was
8 Batouty. There was Roushdy. All of us were there.

9 You know, social occasions. Sometimes, it's
10 somebody's birthday, for example, and he's given a
11 party and we're all invited with him.

12 Q Now you were telling me before the
13 disagreement between the hotel and Batouty that you
14 regard him as a friend and were informed of it and what
15 should you do. And you advised that see if they'll put
16 it in writing, basically.

17 A Yes.

18 Q And then you advised Hadem -- is that
19 correct?

20 A Yes, on a personal level, I mean.

21 Q And you talked a little bit about it before
22 but could you just walk me through that? What was his
23 reaction. Tell me. I know you talked a little bit.

24 A About Batouty?

25 Q No, about this whole situation with the

1 hotel.

2 A He denied. He called them "Sons of Bitches"
3 and denied it.

4 "They called me and she's the one who invited
5 me to her room," and so on and so on.

6 Q Oh, this is Batouty?

7 A Yes. Batouty.

8 Q When did you see Batouty after you were
9 informed of this situation? How soon after that?

10 A I couldn't say specifically. But, seeing
11 Batouty was something very normal in my life. I mean
12 he just lives opposite of me.

13 Q Sure. Was this in Cairo or in America?

14 A I think I talked to him about it in Cairo. I
15 think, as I remember. I talked to him in the context
16 of:

17 "You've... I mean, you'll never grow up and
18 you're giving us a bad time everywhere," and so on. I
19 was scolding him, actually.

20 And he reacted that "These sons of bitches,
21 they didn't understand. And I did nothing wrong. I
22 was called by this lady and she wanted me to go to see
23 her. And I did nothing wrong."

24 Q You said that he was giving you trouble,
25 giving the company trouble?

1 A No, I was talking about the group.

2 Q Oh, your group trouble all over.

3 A Yes.

4 Q Was there any other place besides New York?

5 A No, no, it was just, you know --

6 Q In general.

7 A -- over just to try to make him behave in a
8 better way. So, I was trying to be hard on him as "You
9 shouldn't do that."

10 He just simply denied any wrong-doing. He
11 said it was a misunderstanding. I mean, they
12 understood him wrongly. They thought he was chasing
13 the girl while he was not chasing the girl.

14 Q And you said you also talked to Hadem about
15 this?

16 A Yes.

17 Q When was that? Before or after Batouty?

18 A I really don't recall exactly but it came up
19 during the discussion between me and Hadem and he said
20 "This guy will never grow up. He shouldn't do this,
21 and why don't you talk to him. And it will relieve me
22 from the burden of talking because he might understand
23 me wrong. He might think that I'm doing this because
24 I'm the Chief Pilot now or something, so you do it."

25 I said, "Okay." I think he talked to me

1 before I talked to Batouty. I think so.

2 Q How did Hadem feel about it?

3 A Actually, he was laughing. He thought it was
4 funny. But, you know, a life operation, when you have
5 an operation running, you find the different things. I
6 mean every now and then something pops out to justify
7 the idea of having management.

8 I mean what do you have management for if you
9 don't have some problems coming up every now and then?

10 So this was a minor one, it wasn't that -- and we were
11 joking and we were taking it lightly.

12 But, Hadem wanted me to do the job on his
13 behalf because he didn't want the other guy to
14 misunderstand him: His attitude changed course because
15 he became the big boss or something.

16 So he wanted me to do it on a friendly basis,
17 not on an official one.

18 Q And so, in effect, you were acting in sort of
19 an official --

20 A A sort of mediator, you know. Just to relay
21 what Hadem wants to say. Basically, he wanted him to
22 know that we knew. That was our main objective really.
23 We wanted him just to know that somebody is thinking.

24 I mean being in America in the hotel does not
25 mean that nobody is monitoring you; even if you are not

1 present, we still get some feedback from some others.

2 So that was exactly the message.

3 Q And you said when you were describing it
4 before that that he should stop because it could lead
5 to some kinds of problems there.

6 What kind of problems could it lead to?

7 A As I told you before, you can find yourself
8 in legal problems with the society if you are not very
9 careful about what you do.

10 That's our concern -- that's my concern.
11 That you should be careful. Dealing with the people
12 here might seem on the surface quite easy, but
13 underneath it can carry some potential of legal
14 proceedings in this country here.

15 You can easily find yourself in court here.

16 Q Did Batouty pick up the message?

17 A I think so. I mean he definitely would
18 consider it. He, I mean, if you mean by this question
19 did he understand what I'm saying, well, definitely, he
20 did. And definitely he did understand.

21 Was he convinced absolutely? I don't know.
22 Was he convinced? I don't know. I don't know. But,
23 he indicated that it was groundless. That's what he
24 kept saying, that he was generally behaving in a good
25 way.

1 He was a good guy, by the way. I mean he was
2 a good guy. I mean he was honest. He was -- he had
3 all the good features.

4 Q Tell me some of the good features. Tell me
5 about them.

6 A He was honest. He was a good friend, would
7 get out of his way to do something for you if you asked
8 him to. He was a good guy. He was a good guy.

9 And he had a lot of amusing stories to tell
10 you, you know.

11 Q Good. Tell me some.

12 A He would sit, I mean you can spend a few
13 hours with Batouty with him talking, telling you
14 stories about things happening, and so on and so on and
15 so on. He was a pleasant kind of guy.

16 Q Tell me one of his stories.

17 A I have plenty of stories.

18 Q Tell me one of his stories. I want to hear
19 one of his stories.

20 A I can't really because this lady --

21 Q She has her ears covered. She has things
22 over her ears. So, tell me one.

23 MR. MISSIRY: Why don't you tell us a decent
24 story.

25 He doesn't have decent stories?

1 MR. BADRAWI: Mainly, no.

2 He'd tell me a story about what he did.

3 Anyway, he met this girl out of nowhere and they did
4 this and they did that and they weren't drinking,
5 something. Those sort of stories.

6 But, generally, he was a pleasant character.

7 You know, he liked to laugh a lot. He liked to --

8 BY MR. BRENNER:

9 Q Now we had evidence from the interviews that
10 were done that there was a problem with the maid, I
11 believe, in the hotel that weekend, the weekend of the
12 accident.

13 He offered her a hundred dollars to come to
14 his room. She claimed that.

15 A I heard the story. I heard the story. But,
16 that came to our attention after the accident. Nobody
17 told us anything of the story before the accident.

18 It didn't come on the verbal complaint by the
19 hotel. This was not mentioned. This was mentioned
20 after the accident. Not before the accident.

21 So it's hard to believe. It's a bit hard to
22 believe because it wasn't his way. I mean he wouldn't
23 pay money for sex.

24 MR. MISSIRY: Not a hundred dollars anyway.

25 MR. BADRAWI: What?

1 MR. MISSIRY: Not a hundred dollars anyway.

2 (Laughter.)

3 BY MR. BRENNER:

4 Q Did you know the maid involved in the story?

5 A Pardon?

6 Q Do you know the maid who's said this?

7 A No. I tell the truth. No, I don't even know
8 her name. This is sort of I would consider it sort of
9 rumors, gossip, which happens.

10 MR. MISSIRY: This is what you would call
11 hearsay, somebody told you that somebody said --

12 MR. BRENNER: That's why we're talking about
13 it and we want it on the record.

14 MR. BADRAWI: Yes, but that's what all this
15 was -- it came up after the accident. But, before the
16 accident, nobody told us about this incident at all.

17 BY MR. BRENNER:

18 Q What I have difficulty with this incident is
19 here's a man who is about to retire and he's been in
20 trouble before -- for two months, you know, just lay
21 off the Viagra, or whatever. Wait another two months
22 and there won't be a problem.

23 And this seems -- do you have any thoughts on
24 this?

25 A I don't understand the point clearly.

1 Q In other words, I would think that Batouty
2 would want to stay out of trouble after you talked with
3 him. And this rumor at least -- and we have it written
4 down. This is a number of people in the hotel who
5 reported this. If this did happen, I would suggest
6 that he hadn't -- he wasn't taking care of himself,
7 that he was still a little bit wild.

8 Why? Help me out on this. Help me
9 interpret.

10 A If it had happened, I wouldn't agree to the
11 idea of him offering a hundred dollars. I wouldn't
12 think this is true.

13 But, if the situation itself happened again,
14 it would be a surprise. I mean I told you he would
15 consider what we're saying, but I don't think it is
16 reasonable that he would change his nature.

17 I mean he was approaching sixty. I mean to
18 think that if I talked to him for an hour or two this
19 would change him, this is being very narrow-minded. I
20 wouldn't think this would happen.

21 He liked women. It's so simple.

22 So I'm not saying that what is mentioned
23 didn't happen or did happen, but if it did happen, it
24 wouldn't surprise me.

25 Q And you say he had pineapple juice he brought

1 over when you met with him.

2 A Yes.

3 Q What did he usually eat when he was in New
4 York? How did he eat?

5 A He would go into a big restaurant near by.
6 He would invite some -- you know, some nice American
7 restaurants on the other side of the river on...

8 And there was a Turkish guy who he used to go
9 to eat there sometimes.

10 Q Did he like food?

11 A Yes. He did eat well.

12 Q In the CVR, the flight attendant asked about
13 his meal. He says, "Fantastic. Really fantastic."

14 A Yes.

15 Q He likes food.

16 A Yes. He used to eat. I mean he was not like
17 these kind of people who are very snobbish about the
18 food, you know. But, he would eat a normal main meal
19 every day.

20 Q Please walk me through again. When you met
21 with him, he called up and said, "You've been in New
22 York. You haven't called me."

23 A Yes.

24 Q He came over to your room and for an hour or
25 hour and a half, you sat and talked. Tell me some of

1 the things you talked about.

2 A He told me he met a nice girl in Los Angeles.

3 He was invited for dinner there. He asked me:

4 "Why you don't call Dr. Rafei, who was a
5 common friend in New Jersey. He's asking about you."

6 And he talked about this man who passed away,
7 the Judge we knew in Cairo.

8 Q Who was he? Who was the Judge?

9 A It was a Judge who was a legal advisor to our
10 chairman, but he was a Judge in one of the Courts in
11 Egypt.

12 And at a certain time, he looked into the
13 conflict, the legal conflict, between him and the
14 administration department. And we talked to this guy
15 and he said some things in the favor of Batouty.

16 And, later, this guy was sick and he came to
17 the States. And we looked after him on the way to New
18 York and the way back home and we gave him a good seat
19 on the flight, and so on. And we looked after him.

20 So he said, "You knew that this guy just died
21 three or four days ago?"

22 I said, "No, I didn't know. I was surprised.
23 But, how did you know?"

24 He said, "I called my wife from his layover,
25 and so on.

1 Q How did Batouty feel about it?

2 A Pardon?

3 Q How did he feel about it?

4 A Just news. It was just news. Just news. He
5 was not that close to us. I mean he was just -- but he
6 was someone who did us a favor sometimes.

7 Q And what else did you talk about?

8 A Pardon?

9 Q Did he talk about his layover in New York?

10 A Yes, he went to see Rafei. And he told me he
11 was invited to dinner by Rafei. And this is when this
12 Viagra thing came up.

13 He said, "He sent to you. Why don't you ask
14 about him? He's always asking about you and you never
15 call him," and so, so, so.

16 "Anyway, he sent you a present," and he
17 pulled out this thing. And then I found him, you know,
18 pushing two of these pills out. I said, "What the hell
19 are you doing?"

20 (Laughter.)

21 He said, "You take this...with Rafei sending
22 these things. Definitely, the whole thing is mine."

23 I said, "But I need to give to..." so-and-so
24 in Cairo, a police officer who is working in the
25 airport who is a friend of his and mine also.

1 And he said, "I let him know you would take
2 them and you'll not give to anybody." I said, "No, I
3 promised I would give them to..."

4 He's, you know, one of these special branch
5 officers who are in the airport.

6 So he said, "No, I swear I'm going to give it
7 to him," and so on. So I said, "Okay."

8 Q Is this the first time he had Viagra?

9 A For him, no. For me, it was the first time I
10 was offered Viagra by anybody. But, for him, no. I
11 think he took it before because I asked how to go about
12 it. Should I cut it into two and take it half and half
13 or what?

14 But, he said, "No, this is a 50-milligram.
15 It's not the 100. If it's the 100, you cut into two."

16 This is Egyptian experience which you don't
17 know about. This is what the Egyptians do. When
18 somebody asks for Viagra from the States, he always
19 asks for the 100-milligram. Why? Because they all
20 sell at the same price. The 100, the 50.

21 Q Sure. Of course.

22 A So you double your money when you -- you buy
23 one, you get one free.

24 Q Okay. And then, after the Viagra, what did
25 you talk about?

1 A Pardon?

2 Q After the Viagra. After you finally at least
3 got two of the Viagra, what did you talk about?

4 A He told me, "You take it all at one time.
5 You don't cut it. Use it so-so. And you will be very
6 grateful and you'll thank me for what good it will make
7 you," and so forth.

8 Q When did he use it?

9 A Pardon?

10 Q When did he use it? When he used Viagra?

11 A I don't know. I never asked him when. But,
12 he told me how to use it. He told me how to use it.
13 He said:

14 "You take it one hour earlier, and so on and
15 so on. And you'll see the difference and you will
16 thank me for what I've done."

17 Yes, that he gave me guidance in this area.
18 He said, "You'll be very grateful and you'll thank me."

19 Q So always the instructor.

20 A Pardon?

21 Q Still the instructor.

22 A He was the instructor. That is true.

23 Q And then what did you talk about after that?

24 MR. MISSIRY: Maybe you talked about this
25 Judge later on.

1 MR. BADRAWI: And then I started to feel
2 sleepy. And he said, "You look sleepy." And I told
3 him, "Aren't you going to sleep before your flight?"

4 I said, "That's okay. It's time. I'll see
5 you later." And he went to his room. We should have
6 met at 8:30, the pick up time. But, when I went down,
7 I found Roushdy.

8 I'll talk a great more about this part later
9 when I make my final comment.

10 Q Okay. Now, let's see. I believe you said in
11 your earlier interview that you also saw Batouty later.

12 A No. This is -- okay, just leave it now
13 because my comment here will be very nice but I don't
14 want to distract the other gentlemen if they have
15 questions. They can go ahead and do it.

16 Q So you will have comments about the --

17 A I will have a comment about quality control
18 of the interview which you did in Cairo.

19 Q Oh, okay.

20 A I mean it lacks quality control. So I'll be
21 very specific about that when I come to talk.

22 Q Okay, that's fine.

23 Now you saw Hadem the night before. He
24 called you up around midnight.

25 A Yes.

1 Q And said, "Come over, let's talk."

2 A Yes. "Where have you been? You come to New
3 York and you don't even..." you know, "I was very
4 tired. I fell in the bed."

5 And he said, "I've been calling you."

6 I said, "This was the first phone I hear."

7 He says, "Okay, come down. What are you
8 doing?" I said, "Okay." I jumped into a shirt and
9 trousers and I went to see.

10 Q What was his mood like?

11 A Happy. He was very 'long', a very, very long
12 mood. A very long mood. We were laughing, talking and
13 he had -- how do you? -- I would like to drink more
14 than Batouty.

15 So we had this bottle of whiskey and I got
16 two drinks, and we were talking about many, many, many,
17 many, many things.

18 Q What did you laugh about? What's an example?

19 A Laughing about stories, attitudes people
20 take. And we were also discussing -- I remember now --
21 we were also discussing the idea of a group of our
22 people going back to fly the 767. They had a shortage
23 of pilots in the 767 and he needed some of us to go and
24 help him.

25 MR. ELIAS: We have some pizza. Would this

1 be a fair time to stop for a little bit? What's your
2 sense?

3 MR. BADRAWI: It's up to you. We can
4 continue on. It will be all right.

5 MR. ELIAS: We're making progress.
6 Well, how many more questions do you have?

7 MR. BRENNER: Maybe, another fifteen minutes.

8 MR. ELIAS: Maybe, we should break here then.
9 (Discussion off the record.)

10 MR. ELIAS: Well, maybe we should continue
11 and eat the pizza as well. Let's continue.

12 BY MR. BRENNER:

13 Q And then you met again for lunch with Captain
14 Batouty?

15 A Yes.

16 Q What did you have for lunch? What did he
17 have for lunch?

18 A In Manhattan Mall.

19 Q I'm sorry? What?

20 A Manhattan Mall.

21 Q Manhattan Mall.

22 A Yes.

23 Q What did you have to eat?

24 A I took some Indian food. He took some
25 'Embolese' food. It's, you know, they have a...

1 upstairs and you can order different things.

2 Q And how was his mood?

3 A It was a good mood. I mean we were laughing
4 even when he went down. He insisted to pay for the
5 lunch. I was laughing and I think, "Come on, you're
6 broke. I stayed five years in pressure. I'm much
7 richer, you know."

8 (Laughter.)

9 So I thought, "Come on, let me pay." And he
10 said, "No."

11 And then when we went down, he wanted to buy
12 me a lighter. And I said, "No, I don't like these
13 lighters. I want the lighter you have."

14 He said, "Okay, the next time I see the same
15 lighter, I'll buy it for you."

16 Then I took him to a shop near by to buy some
17 decorations for the Christmas tree for my young
18 daughters, which he did. And he liked to shop
19 department. And after I finished what I needed, he
20 started to look into the shop and I said, "You're
21 delaying me." I finished what I wanted to do, so I
22 told him, "You're delaying me."

23 And he said, "It's your nature, Gamil. How
24 can I change you?" I said, "No, no, I come to this...
25 if you want to stay, you stay."

1 And I left him to go to the hotel. And that
2 is when Batouty called me up. He came. And I went
3 down to see them before they go at 8:30, but I found
4 Roushdy alone.

5 Now, in your report of my statement, you said
6 that I met Batouty, which is not true.

7 Q It's not true.

8 A It's not true. When I went down, it was
9 Roushdy by himself and no other crew member.

10 Q What did Roushdy say?

11 A And I told him, "Where is the crew?" I said,
12 "You know, the aircraft is delayed two hours and nobody
13 told me."

14 So he got into the...so on and so on and it
15 was down on time. He didn't receive a call. So I
16 assumed it was a mistake by the hotel and went ahead
17 and put the uniform on and went down.

18 And I found him by himself. I said, "Where
19 is the rest of the crew?" He said, their... is greater
20 hours. So I sat at the hotel and we stayed for an hour
21 talking and smoking, and so on.

22 I was with him for the hour and the area
23 manager in the States, he was passing by me to take me
24 to dinner. And I told Roushdy, "Okay, why don't you
25 come with us? Come and have dinner together."

1 He said, "I already packed my clothes." I
2 said, "Nobody bothers. You can come in uniform.
3 People here don't worry about that."

4 He said, "I understand, and so I'd rather go
5 and just lay down a little while." So he went to the
6 inside and I went to the... and that was that.

7 Q Okay, some questions, medical questions,
8 about Mr. Batouty. In the last period before the
9 accident, maybe a year before or any time that's
10 appropriate, did he ever complain of headaches?

11 A Headaches?

12 Q Headaches.

13 A No. Batouty had an exceptionally good
14 physical condition. Batouty was different than all of
15 us. For example, you can see a little gray around here
16 and here a lot of gray. He didn't have one single gray
17 hair. And this is something related to genetics.

18 His father was 90 years old and used to drink
19 the whiskey without water or ice or anything.

20 And, you know, I --

21 Q I'm fifty years old and I do the same thing.

22 A At the age of 85 and older, when he shook
23 hands with you, he can squeeze your hand. His father.
24 He was -- so this guy was the same. And I always
25 related it to the fact that he had no worries, you

1 know.

2 We were always talking about it. I said,
3 "You won't use your mind so why get older? You don't
4 use it."

5 He never had any problems. Never.

6 Q Indigestion?

7 A Not to my knowledge. Nothing which you can,
8 I mean, for example, the maximum Batouty would have is
9 a sort of flu or something two or three times a year.
10 But, apart from that, Batouty never complained.

11 He never -- he's never been to a doctor in
12 his life.

13 Q In the family history, you said how strong
14 his father was. Any family history of heart problems?

15 A No.

16 Q High blood pressure among his brothers or
17 sisters?

18 A No, nothing I heard of. They're all very
19 well built, this family. They're all very well built.

20 Q Cancer?

21 A No.

22 Q Any change in his behavior before the
23 accident?

24 A Not really, no.

25 Q Did his medical insurance help cover the

1 treatment in the United States for his daughter?

2 A Health insurance?

3 Q Yes.

4 A We don't have this system, what you talk
5 about, we don't have insurance. In case we get sick,
6 we are treated by the company. If it happens outside,
7 the company pays.

8 What arrangement the company has, not much
9 people know. But we have a doctor, a company doctor,
10 in New York. A Greek guy.

11 MR. MISSIRY: The major pilots are fully
12 taken care of.

13 BY MR. BRENNER:

14 Q On the tape, 1st Officer Abdel changes seats
15 with Batouty, but he complains about it. He says to
16 Habashy when Batouty leaves the cockpit, "Do you see
17 how he does whatever he pleases? Some days, he doesn't
18 work at all."

19 What's he talking about?

20 A Batouty was a different category of 1st
21 Officer. He was something like 25 years older than
22 them, and he was their instructor. Over most of them,
23 he was the instructor. And he had a special treatment.

24 He had a special schedule set by the
25 management, by Roushdy or whoever is in the position.

1 And he'd do the part of the flight he wants to do. And
2 maybe on the way back to Cairo he didn't work at all
3 because it's legal to fly with one crew on the way
4 back.

5 So he might sit on the... so maybe at that
6 hour's flight, he should do five, then he would do one
7 or two and the rest would be done with the other co-
8 pilot.

9 He was a much junior guy, much younger and
10 much junior and so on.

11 Q So he worked more directly with Roushdy in
12 his schedule; is that correct?

13 A Roushdy looked after him because of the fact
14 that he's getting older and he's on the way out. So it
15 is within our culture to treat him nicely. Because
16 also it is time. You know, it is only a few months and
17 he's out.

18 So why don't you make him happy the last few
19 months?

20 Q I see. What was he doing for him?

21 A Pardon?

22 Q What was he doing to make him happy? What
23 kinds of things?

24 A Giving him an assist most of the time.

25 Q Okay. You mentioned because of the daughter,

1 but that would have been earlier.

2 A Pardon?

3 Q So, even the last few -- when did he start
4 giving him better treatment?

5 A The past at least three years, he was getting
6 favorite, I mean, special treatment by everybody. By
7 the scheduler, by the chief pilot, by everybody.

8 Q I see.

9 A The last three years at least. At least.

10 Q From the cockpit voice recorder, he's talking
11 with Captain Habashy and he says:

12 "The word is that @³ is making trouble.

13 These guys are a bunch of...#⁴". It's taken out of our
14 transcript.

15 "They're forming a clique with each other
16 under the leadership of @. He has @'s ear. This kid
17 is clever and cunning."

18 What's he talking about?

19 A He is talking maybe about the 1st Officer?

20 He's talking about the younger 1st Officers,
21 who are people coming from the same class, from the
22 same seniority level. And they are led by this guy.

23 And, of course, there was a sort of conflict

³ Non-pertinent names heard on the cockpit voice recorder were replaced with @ to protect identities.

⁴ Explanatory heard on the cockpit voice recorder.

1 of interest between them and Batouty. But, they can
2 bear it. They can live with it because our talk to
3 them is:

4 "Don't you give much attention to Batouty
5 because Batouty is on the way out. It's a temporary
6 situation. You can tolerate him and with all the
7 privileges he's taking for a few more months. That's
8 no problem."

9 Q What was the conflict about it?

10 A The conflict is just taking most of the
11 schedule. He's taking more share of the schedule, more
12 time. So, if it wasn't for Batouty, what happens to
13 these flights, it goes to these young guys.

14 Q I see.

15 A So he's getting a bigger portion than he
16 should.

17 Q And these are desirable flights. Is that
18 right?

19 A Yes, they are desirable flights.

20 Q Why is that?

21 A Because of the payment system. Because of
22 the payment. You fly more, you get more money. You
23 stay abroad more, you get more money.

24 So, the other 1st Officer, although he's much
25 younger, but he was a strong competitor. He spent most

1 of his time also in the States.

2 But, through taking his colleagues'
3 schedules. I mean we schedule people equally and then
4 they do changes among them. So it takes -- some people
5 don't like the flight as much. So they give up their
6 flights to their colleagues.

7 So it is not a surprise, or it is
8 understandable to me if anyone would do what Batouty
9 wants but still complain behind his back...

10 Q I see.

11 I think he complained also about Roushdy,
12 that he had his ear, or he does what they want.

13 A Dissatisfaction is an Egyptian nature. This
14 satisfaction is part of our culture. We are never
15 satisfied with the management or the government.
16 That's our historical heritage. We always disapprove
17 of what's going on, but we comply.

18 Q In this case, the complaint would be that the
19 Chief Pilot -- what would the complaint be? I don't
20 quite understand it.

21 A Even though he's giving him that much, her
22 will always consider it not enough. And when he tries
23 to balance a little bit between him and the younger
24 ones, then he would feel that he's favoring them.

25 It's more of a day to day, so-called. But,

1 we all do the same, by the way, even senior ones. Yes.

2 MR. BRENNER: Me, too.

3 I'm done.

4 MR. ELIAS: Okay, do you want to try to get
5 some lunch real quick?

6 MR. BRENNER: Yes, why don't we do that.

7 MR. BADRAWI: Okay, may I make a statement?

8 MR. ELIAS: Okay. I think we still have a
9 couple more people, including both the...you can wait
10 until the end or you can make a statement now.

11 MR. BADRAWI: No, I'd rather make it at the
12 end, after all the American gentlemen talk.

13 MR. ELIAS: Very good. Okay.

14 (Whereupon, a lunch recess was taken, the
15 interview to continue after.)

16

1 Q I wanted to ask about him.

2 A About Wegden Fadeel?

3 Q Yes. Could you tell me about your
4 relationship with him?

5 A Oh, he's much younger. So it's just we're
6 sort of... of him. I mean we're more senior by far.

7 Q And he's a Captain also?

8 A He became a Captain but at one time he was a
9 1st Officer.

10 Q Okay.

11 A And you can't say that we have a sort of
12 friendship. You can't say that. But, he's a Pilot in
13 the airline. That's all.

14 Q Is he still at Egypt Air?

15 A Yes.

16 Q He is?

17 A He is, yes.

18 Q Do you talk with him or have you ever talked
19 with him?

20 A Yes, occasionally, he calls me at home to
21 discuss something, consult with me about anything.

22 Q Okay. In reference to Captain Roushdy, what
23 would you characterize as his duties? He was Chief of
24 Pilots. What exactly did that mean?

25 A Chief of Pilots of a type is a man who is

1 responsible to run the operation of this type as
2 smoothly as possible. He is sort of a mediator between
3 the pilots and the management.

4 Q Would you say that a problem with 1st Officer
5 Batouty would be something that he would be interested
6 in because it would reflect upon him?

7 A Because?

8 Q It would reflect upon him that someone under
9 his control was out of control? Is that a situation he
10 would be interested in?

11 A No, no, not in the sense because Roushdy was
12 too tough for that. I mean nothing would shake him.

13 Q Okay.

14 A I mean, but his attitude was always
15 supportive of his pilots. That's him. That's his
16 character. He wouldn't let down any of his pilots.
17 And, normally, if any... or any person would approach
18 him with a question or favor, he will do it.

19 And gets out of his way to do things for
20 other people, even if he didn't know them.

21 Batouty wouldn't do that. Batouty would do
22 things for friends only.

23 Q Oh, friends only?

24 A Yes. Batouty was different. Roushdy would
25 do it for anybody, even people he didn't know. He can

1 spend a lot of his time and his effort and, in
2 particular, his connections to sort out something for
3 anybody.

4 He had a very special status with the
5 chairman of the airline. The chairman would never,
6 ever refuse anything for him.

7 So, even if you applied for something and the
8 chairman refuses and you reach Roushdy and give him the
9 paper, he was back to the chairman, and the chairman
10 approves.

11 Q I see. So he had influence.

12 A He had influence on the chairman in
13 particular, and he had very good connections with the
14 rest of the country, with the rest of the government
15 agency.

16 Q Would you say he's respected?

17 A Very much. Very much respected.

18 So people would always go to him for favors.
19 Always.

20 Q I want to ask you if this is an important
21 quality in Egyptian culture:

22 Is maintaining one's honor important in your
23 culture?

24 A Very important. Very important. In our
25 country, it is very tricky. There's a very fine line

1 of thread between being respectable and unrespectable.

2 If you continue to act properly and moral
3 doings, you'll always be as a respectable man. But, no
4 matter how much you are respectable, if you make a
5 mistake, you can suddenly become unrespectable.

6 We're not a very forgiving nation. We seem
7 to be very loose but, actually, we are not. On the
8 surface here, people think this country can do
9 anything. It's true. You might be able to do many
10 things.

11 But, in the eyes of the people, you will be
12 degraded.

13 An example is if you are a pilot or crew
14 member and you are used to the idea of bringing things
15 from abroad to sell them inside the country for half
16 prices. Okay. You can get along with that with the
17 Customs, and get through the Customs doing that.

18 But, you can't be respectable in the eyes of
19 the people because all of us are watching each other.
20 Everybody is knowing exactly what the other is doing.

21 So people who do these things are degraded.
22 For example, these gentlemen here, they've never did
23 anything so... in their lives.

24 Other pilots who did this are much richer
25 but, socially, they are not in the same position.

1 Q I see.

2 A These guys have the upper hand there; they
3 are more respected.

4 Q Okay.

5 A So it's a deceiving country. If you don't
6 really, really understand the culture of the people,
7 you can do big mistakes.

8 To gain the respect of the people, you have
9 to be correct. You can't go ahead and do wrong things
10 and then through.. become respectable. You can't.

11 Q Was 1st Officer Batouty a stubborn man?
12 Would you call him a stubborn man?

13 A Not really.

14 Q No?

15 A Not really. Not really. But, he was a bit
16 conservative towards strangers. I mean he wouldn't mix
17 with strangers easily.

18 Q He'd have to know you first before he'd --

19 A Yes, before he starts to listen to you, you
20 must be someone he considers to be close. If you're
21 close, you can command, you can talk, you can
22 criticize. You can even insult him. No problem.

23 Q Right.

24 A But, if you are not, he gets aggressive. If
25 you are someone who is not well-connected to him, he

1 will not accept anything from you.

2 But, if you are close to him, he will accept
3 it.

4 Q Did you ever see him frustrated over
5 anything?

6 A Yes. Sure.

7 Q In the last year, have you seen him
8 frustrated?

9 A He was a bit... when the issue of his
10 daughter came up and he was talking, "What can I do
11 now? What should I do?"

12 I told him we have no problem. "What's your
13 problem? We have no problem. Is it the money?"

14 A "Oh, the money and that condition and the
15 time, and so on and so on."

16 "Don't worry. Everything will be arranged."

17 And we did. We arranged everything. And it
18 went very smooth.

19 Q So there was a support system in Egypt Air
20 that assisted him?

21 A Yes. It is not a system but it is something
22 which is there. I mean, you can't upgrade it to be a
23 system. But, it is something which is happening among
24 us, between us. And this sort of thing we'll do for
25 other people, not even be one of our group or one of

1 our friends or something.

2 We do to anybody -- if we get to know them.
3 If somebody comes up and says I need this and this, we
4 will help. That's our normal attitude. That's our
5 normal attitude.

6 Q You mentioned at one point that 1st Officer
7 Batouty owned land and he purchased additional homes.

8 Did he have any debt of any sort? Anything?
9 Did he owe money to people? No? Was he good with his
10 finances?

11 A No. Only maybe -- no, no, no, no. Maybe,
12 instead of buying a car, he bought two. So he had to
13 pay installments for the second one.

14 Something like that but he never took loans
15 from people, no.

16 Q Why is it he took the loan from Egypt Air for
17 his daughter's health?

18 A Because he wanted a sum of money to feel
19 confident on his way with his wife and daughter to the
20 States. He wanted to have extra money to help with.

21 MR. KELADA: I think we have that in writing.
22 How this loan. This is something that every employee
23 of Egypt Air has the right.

24 I can apply for a loan for any reason,
25 especially if it's medical and family. It's a standard

1 procedure. So, even if I'm very rich, I do that
2 because this is one of the benefits of working for --

3 MR. LUIZZI: I see. A benefit of the
4 airline.

5 MR. KELADA: Yes. Excuse me, but if you
6 would ask questions about Egypt Air, then the right
7 person to ask is myself because I represent Egypt Air.

8 Now, if it's for Batouty, which is why we're
9 here, I had a relation with him, I understand that.
10 Because, as a matter of fact, I did not know that the
11 FBI was going to be here reviewing all questioning.

12 This is not what you had asked me. You said
13 you wanted to continue and get some clarification on
14 what... now if it's going to go on a different line, I
15 may have to defer to my superiors. I don't know.

16 So what --

17 MR. LUIZZI: Well, in my mind, it's
18 intertwined. It's intertwined in my mind. And I had
19 some questions that --

20 MR. KELADA: Well, if it is, then we'd have
21 to have it in writing and I'd have to ask my superiors,
22 because if it goes out of the area of this first
23 interview and more clarification -- that's what your
24 request to me was.

25 MR. BRENNER: Keep us advised then. Yes,

1 this is still -- the FBI is part of our investigation.

2 MR. KELADA: Right. If it's part of what
3 Captain Badrawi has already stated, I don't have a
4 problem with that. But, if we're going to go to
5 different areas, then you are a government agency as
6 far as I'm concerned.

7 We are working here with the NTSB together.
8 Now, if it's in the context of the NTSB stuff due to
9 the accident investigation, that's fine with me.

10 But, if it gets to a government agency, I'd
11 have to get -- I don't say they'd refuse but I'd have
12 to inform the government agency.

13 MR. BRENNER: The FBI worked with us in Cairo
14 also. They've been a part. They've been assisting us.

15 MR. KELADA: That was before the team was
16 sent. You know what I mean.

17 MR. BRENNER: Okay.

18 MR. KELADA: When you came, we were informed
19 who was who. We informed government agencies; we got
20 clearance. These are official things that we have to
21 do.

22 So, if it's in the context of what we were
23 talking about, that's fine with me. I don't have a
24 problem. We'll just clarify points.

25 But, if the line of questioning is what

1 happens with Egypt Air and what happens with the
2 culture of Egypt, that's a different area that we have
3 to get clearance.

4 MR. LUIZZI: Okay, I understand.

5 MR. KELADA: You might talk to the people who
6 should respond to that.

7 MR. LUIZZI: Okay.

8 MR. KELADA: You know what I mean.

9 MR. BRANTLEY: I'm a little confused. You
10 know, you indicated you had responded about the loans,
11 and that's public information. It's already been made
12 public.

13 MR. KELADA: It's in writing.

14 MR. BRANTLEY: Exactly. So I mean I'm not
15 sure I understand. I know the question was kind of a
16 follow-up about the loan.

17 MR. KELADA: No, I'm not talking about the
18 loan itself. I was clarifying the loan because I know
19 about it more than anyone else.

20 Captain Badrawi is here because he knows
21 Captain Batouty well, and he met him the day of the
22 accident.

23 MR. BRANTLEY: Right, and that's fine. If
24 you want to respond about the information on the loan,
25 then that's fine.

1 MR. KELADA: I'd make an appointment to come
2 especially if we have to. We have Captain Badrawi here
3 to respond to what Captain Badrawi knows.

4 MR. BRANTLEY: All right. Well, you let us
5 know. Anything that's a problem for you, whether it's
6 the loan --

7 MR. KELADA: You know, I mean you know better
8 than I.

9 MR. BRANTLEY: I understand.

10 MR. KELADA: Where we draw the line is if
11 it's something Captain Badrawi knows the day of the
12 accident or prior to the accident or whatever that
13 relates to Captain Batouty, who is the person
14 questioned.

15 We're more than willing. We have no problem
16 with that. But, when it gets to the conscience of the
17 Egyptian people, I mean you can ask the Embassy. Fine.
18 They'll respond to you immediately.

19 MR. BRANTLEY: Well, let's continue then.
20 Anything else that you want --

21 MR. KELADA: What I mean, I just want to be
22 careful because we have superiors. We have certain ---

23 MR. BRANTLEY: I understand. Well, let us
24 know then.

25 MR. LUIZZI: I understand.

1 BY MR. LUIZZI:

2 Q Captain, was Captain Roushdy trying to keep
3 1st Officer Batouty from coming to the United States
4 because of his womanizing?

5 A He never tried to do that.

6 Q At any time, do you know if he ever did?

7 A No. No. Maybe, at a certain time but that
8 was far earlier. He slowed down his flying a little
9 bit because of the complaints of other 1st Officers.
10 He slowed down.

11 Q What were they complaining about?

12 A He's taking too many of the schedule, too
13 much of the schedule.

14 Q Oh, I see. Okay.

15 A So maybe he slowed him down for a while.
16 But, the abnormal he hadn't set up for him. I mean he
17 returned back to normal scheduling patterns for a
18 while, then back to the privileged status he had.

19 Q At any time after the crash, did you say the
20 words, "The Son of a Dog ate me"?

21 A What?

22 Q "The Son of the Dog ate me." Do you know
23 what that means?

24 A Ate?

25 Q Ate me.

1 A What does it mean?

2 Q Have you ever heard that statement before?

3 A No. Not in English.

4 Q Maybe, it was translated wrong to me, but
5 that's what it was translated.

6 A What does it mean? What's the meaning?

7 Q In the context of the crash, it comes out in
8 relation to 1st Officer Batouty, your interaction with
9 him prior to the crash, maybe a month, two months
10 before, and the involvement, possible involvement, of
11 Captain Roushdy in talking with 1st Officer Batouty.

12 Let me just back up one step from that. At
13 any time, did Captain Roushdy, yourself and 1st Officer
14 Batouty meet and discuss 1st Officer Batouty's
15 activities at the Hotel Pennsylvania?

16 A No, this never happened.

17 Q Did that happen on October 29, October 30?

18 A No, no, no, it didn't happen. I told you.

19 Q Didn't happen at all?

20 A No. The three of us together?

21 Q Yes, the three of you together.

22 A No, it didn't happen.

23 Q Did you ever say those words, "The Son of a
24 Dog ate me"? And I'm sorry. I don't know how it would
25 be translated.

1 A What's the meaning of "ate me", "he ate me"?

2 MR. KELADA: That's a literate translation?

3 MR. BADRAWI: Are you translating from Arabic
4 to English?

5 MR. LUIZZI: Yes, I apologize. I was just
6 given the English translation. I don't know what it is
7 in Arabic.

8 MR. BADRAWI: I don't recall. No, I don't
9 think so.

10 If I gathered the meaning, you mean he
11 deceived me, something like that?

12 MR. LUIZZI: Yes.

13 BY MR. LUIZZI:

14 Q At any time, did 1st Officer Batouty tell you
15 that he would not travel back to the United States?

16 A He would not travel back to the United
17 States?

18 Q Did he ever say that to you, that he would
19 not do that?

20 A No. Never.

21 Q Did he feel at any time he was causing an
22 embarrassment to Egypt Air? Did he ever voice that to
23 you?

24 A No.

25 Q Because of his activities at the

1 Pennsylvania?

2 A No, no, no, he denied.

3 Q He denied?

4 A He denied that he did anything wrong. He
5 said that "These son-of-a-bitches, they don't
6 understand anything. He was invited."

7 That's what he said. That this girl invited
8 him. She asked him to go to her room. That's why he
9 went to the floor.

10 Q The housekeeper --

11 A The incident which was reported to Egypt Air
12 did not involve any housekeepers.

13 Q Okay.

14 A The hotel was complaining that he was
15 knocking at a guest's room.

16 Q And he stated to you that that woman invited
17 him back?

18 A Yes. He said, "I don't know what the fuss is
19 about."

20 Q Had you ever flown with 1st Officer Batouty
21 before on any flights for Egypt Air?

22 A Yes. I flew with him on the 767 before '92.
23 Maybe, in 1991, something like that, yes.

24 Q In your professional estimation, how was his
25 fitness as a 1st Officer?

1 A Low average.

2 Q Oh, I'm sorry. Low average.

3 A Low average.

4 Q Why would you say that?

5 A I would say that because of the poor English.

6 Basically.

7 Q Was 1st Officer Batouty a religious man?

8 A This is a very tricky question. He was
9 religious in heart but not in deeds. He would pray,
10 for example. He would pray once a week, for example.
11 We have a very important prayer on Friday at noon. He
12 might go to this prayer.

13 But, other than that -- we usually pray five
14 times a day in our --

15 MR. KELADA: And I would say do you know the
16 tradition of the Islamic?

17 MR. LUIZZI: Yes.

18 MR. BADRAWI: You pray five times a day, for
19 example. So Batouty would go for the Friday prayer.

20 He believes inside his heart in God and the
21 different concepts relating to religion and everything.

22 But, practicing, no.

23 He would have a drink. You're forbidden to
24 have drinks. He would go after women, and you
25 shouldn't go after women, and so on.

1 I am on paper, officially. I mean,
2 theoretically, at least, you shouldn't. But, he would
3 do things of that nature.

4 MR. KELADA: You're allowed to go after women
5 and marry them. You can marry.

6 MR. BADRAWI: Yes, you can but he, I mean,
7 religion is something very complicated in our culture.
8 It's there. Everybody believes it. But, Egyptians in
9 general are not conservative, are not fanatic.

10 MR. KELADA: That's the better word, I think.

11 MR. BADRAWI: They are not fanatics.

12 MR. LUIZZI: They're not fanatics.

13 MR. BADRAWI: So he was not a fanatic. He
14 was not that guy. He was normal, a normal Muslim man.

15 MR. KELADA: In the Islamic religion, lately,
16 we have seen the birth of fanatics.

17 MR. LUIZZI: Extremists.

18 MR. KELADA: But this is not Islam. This is
19 not the Muslim religion. The Muslim religion is --

20 MR. BADRAWI: It's not our version. It's not
21 the Egyptian version.

22 MR. KELADA: I mean not everybody that
23 doesn't go to church on Sunday is not religious.

24 MR. LUIZZI: Oh, yes. Sure. Right.

25 MR. KELADA: It's the same thing. But, some

1 people are. And some in Christianity found we
2 shouldn't do this. Right. We go to the Book. But,
3 most people do.

4 So I stress if you're talking about
5 fanaticism --

6 MR. LUIZZI: No, I didn't intimate it was
7 fanaticism.

8 MR. KELADA: No. I mean this is what you're
9 after. No, he was not what we would consider a
10 fanatic.

11 MR. LUIZZI: Right.

12 MR. BADRAWI: Absolutely. Absolutely.

13 MR. KELADA: But, he was a normal guy.

14 MR. BADRAWI: But, he knew the common
15 knowledge. He asked one day, you know, a normal guy.
16 He believes in what is common, what the layman would
17 believe in. Just the normal people, the laymen.
18 What's the layman, yes?

19 MR. LUIZZI: Yes.

20 MR. BADRAWI: He's a simple layman when it
21 comes to religion. He knows all the basic things. He
22 has them in mind and he might believe them, but he
23 wouldn't act necessarily upon...

24 BY MR. LUIZZI:

25 Q What was your impression when news reported

1 the cockpit voice recorder had him chanting a prayer,
2 or over and over saying it?

3 A Normal, normal, normal, normal.

4 Q You think that was normal?

5 A Very normal, normal, normal, normal because
6 earlier when we were in the Air Academy, Air Force
7 Academy doing a lot of flying, people would call each
8 other, I mean, during operations, some religious words.
9 "Allah".

10 MR. KELADA: I need to interject here that at
11 no place in this investigation was a chant of a prayer
12 mentioned. The CVR, not the chant of a prayer. There
13 is no prayer.

14 MR. LUIZZI: I apologize. What does that
15 refer to?

16 MR. KELADA: It's just one of those
17 statements. It's a phrase.

18 MR. LUIZZI: It's a phrase?

19 MR. KELADA: It's a phrase. It just has
20 different contexts. It's not a prayer, it's not a
21 chant. It's something that is used in the Middle East
22 area, in the Islamic world. Less the Christian world
23 in the Middle East.

24 I am a Christian. I use it all the time.

25 MR. LUIZZI: So it's a phrase.

1 MR. KELADA: It's a phrase that is used
2 whenever you are about to start doing anything. I
3 mean, if you're going to drive your car, you say
4 "`Tawkalat ala Allah", which is this is the conscience,
5 of the people that they believe in, they extract and
6 they get strength from God everything they do in life.

7 So whenever they're about to do something,
8 whatever it is, start something, they say "Tkilalah".
9 It's not a chant.

10 MR. LUIZZI: So, technically, could he have
11 been starting to put the plane down and he started
12 saying that phrase?

13 MR. KELADA: No. You don't chant Tawkalat
14 ala Allah because Allah would not approve you to put
15 this thing down. How can you depend on Him?

16 MR. LUIZZI: Well, in the scheme of things,
17 not thinking that it was a suicide, but if people at
18 Egypt Air were trying to keep him from flying to the
19 United States --

20 MR. KELADA: No, no, no.

21 MR. LUIZZI: -- and he was trying to get
22 back, he was trying to get back --

23 MR. KELADA: No, no, no, that's not the case.
24 Where did you get this?

25 MR. LUIZZI: No, I want to ask you if that's

1 a possibility. Is that a possible scenario?

2 MR. KELADA: No, no, no. Where did you get
3 this from?

4 MR. LUIZZI: No. I want to ask you if that's
5 a possibility. Is that a possible scenario?

6 MR. KELADA: Nothing of the sort was
7 mentioned at all. There was nothing of the sort.
8 Nobody ever had the idea of not bringing him back to
9 the States because this is the only destination of this
10 aircraft.

11 MR. MISSIRY: Gentlemen, there's something
12 very strange here. It seems that you are the first one
13 to use this. I see that you're wondering about what we
14 are listening to.

15 We went through this hundreds of times
16 before. This was a lot of... what we are trying to do
17 now in this session, are we discussing the Tawkalat ala
18 Allah?

19 Again, we have done that about 1,500 times.
20 If you like a complete session concerning Tawkalat ala
21 Allah prayers in the cockpit, we can make another
22 appointment and discuss this.

23 I'm here. I've covered all this distance
24 from Cairo to here to listen, to attend Captain
25 Badrawi, for you to interview him.

1 If you want to discuss Tawkalat --

2 MR. LUIZZI: No, I'm asking his impressions.

3 MR. MISSIRY: No, Tawkalalt --

4 MR. LUIZZI: He was a good friend of 1st
5 Officer Batouty.

6 MR. MISSIRY: What does it have anything to
7 do if he is his friend or not because the word
8 "Tawkalat" I say, he says, anybody can say.

9 And I assume that you did read the --
10 everything concerning this in the docket on which we
11 have done a lot of work, one and a half years working
12 on this issue. I assume that everybody read about it.

13 MR. KELADA: Part of what was requested by
14 the NTSB was some explanation of what this means. And
15 we have the highest Islamic authority in the world, who
16 wrote a certificate and letter explaining that. And it
17 was sent to the Egyptian Embassy.

18 And the Egyptian Embassy translated it and it
19 was officially removed to the State Department and was
20 put in the docket.

21 MR. BADRAWI: I'll give you a smooth example
22 from another. For example, if I see or Shaker puts his
23 hand in his pocket and comes up with something which
24 looks nice, what will be my reaction?

25 I would say "Allah Tawkalat". And so it's a

1 judicious word. Okay? But it is a common word and it
2 is exactly -- let me give you the exact equal to it in
3 English.

4 In what context do you use "Oh, my God"?
5 Fifty? Sixty?

6 MR. LUIZZI: Any number of things.

7 MR. BADRAWI: But, none of them is "Oh, my
8 God, I'm going to kill somebody," or "Oh, my God, I'm
9 going to kill myself."

10 That's what we talked about and that's what
11 he is saying. We have discussed that over and over and
12 we have written documents about it.

13 MR. LUIZZI: Right.

14 MR. BRANTLEY: Can I ask it in maybe a little
15 different way? I think the same question but a little
16 different way and I think more appropriate for what
17 you're trying to use this witness for.

18 In just trying to establish baseline for
19 Batouty, did you ever hear him use that phrase --

20 MR. BADRAWI: Yes.

21 MR. BRANTLEY: -- or in the aircraft before
22 when you flew with him?

23 MR. BADRAWI: I can't recall. I am going to
24 say something I'm not sure about.

25 MR. BRANTLEY: Well, that's fair.

1 MR. BADRAWI: I don't recall. But, for sure,
2 I heard him in the cockpit during the Air Academy
3 period from another --

4 MR. BRANTLEY: From some other.

5 MR. BADRAWI: From another company, on the
6 Altia and the frequency.

7 MR. BRANTLEY: But, Batouty, you never recall
8 hearing him use it?

9 MR. BADRAWI: No. Batouty. I'm talking
10 about Batouty. He would say during the ride "Ala
11 Tawkalat". And everybody else would answer him "Ala
12 Tawkalat", just, you know, sort of notification that we
13 are all on the same frequency. We're all using the
14 same frequency.

15 And he comes up with this word "Balawat", for
16 example. And everybody checks in saying "Balawat".
17 It's a religious word. Okay? It doesn't have a
18 significant -- it means "God is great."

19 MR. PHILLIPS: Let me jump in here. Captain
20 Missiry asked me to say something here.

21 I'm sitting and listening, taking everything
22 in. We asked Captain Badrawi to come here
23 specifically to get more information based on the
24 original interviews that were done in Cairo.

25 Those interviews, to my understanding, were

1 done shortly after the accident. There's been a lot of
2 work done. We've studied the phrase.

3 There's been a lot of discussions made over
4 the last year and a half. And we realize, talking here
5 with Malcolm and Bart, that probably the person who
6 best knew the 1st Officer Batouty was Captain Badrawi.

7 And we would miss a really good opportunity
8 to sit down and talk to someone who knew him very well.

9 MR. BADRAWI: I'm in perfect agreement with
10 that.

11 MR. PHILLIPS: Yes, and our intent in asking
12 you to come here today, sir, and sitting here this
13 morning I realized for the first time, we were really
14 listening to someone, you know, who knew him for forty
15 years and who flew with him and watched his life
16 evolve.

17 We're hearing firsthand information that we
18 can't get somewhere else. You know, we can't read
19 about it. So, believe me, our intent was to get that
20 information out.

21 Now, if some of the questions go back over
22 some of the material we already have, forgive us for
23 that because it may be catching us all up to where we
24 need to be.

25 But, the intent is to get an understanding of

1 the 1st Officer, that we may not have had before. And
2 you're doing a great job of that. I appreciate your
3 input.

4 So to answer your -- for me to say something,
5 I'm learning a lot. And I hope we can continue, and I
6 hope we can get to Captain Arram because I'm interested
7 to hear what he has to say today, too. It's important
8 for us.

9 MR. BADRAWI: That was the first. This will
10 coincide with that.

11 MR. PHILLIPS: I understand and we'll leave
12 it there.

13 BY MR. LUIZZI:

14 Q I would ask you, Captain, how many wives did
15 1st Officer Batouty have? He had one?

16 At any other time, was he married?

17 A No.

18 Q And at any other time, was he married?

19 A No, no. I have three. He had only one.
20 Roushdy had two. He had only one.

21 Q So you're saying four is the maximum?

22 A Yes, the maximum. At the time. At one time.

23 Q Oh, at one time. Okay. Did 1st Officer
24 Batouty have girlfriends? Did he have mistresses?

25 A No, no, not steady ones, no. No steady ones.

1 Q What was Captain -- I'm sorry -- 1st Officer
2 Batouty's --

3 A No, no, when you say Captain Batouty, it is
4 normal to us because, to us, he is Captain Batouty.

5 Q Okay.

6 A It's not something which -- when you say 1st
7 Officer Batouty, it takes a while to recognize who
8 you're talking about.

9 Q I wanted to refer to his appropriate title.
10 I'm sorry.

11 A Yes. Nobody was -- he was called "Captain
12 Batouty" all the time.

13 Q What was Captain Batouty's relationship with
14 Dr. Gaffar?

15 A Dr. Gaffar?

16 Q Yes.

17 A He had no relationship, nothing special.
18 Nothing special. He was the head of the medical board.
19 We would see him occasionally, every six months. He
20 would go to make a medical check.

21 MR. KELADA: He was head of the Medical Board
22 the last three years.

23 MR. BADRAWI: Yes, the last three years.

24 So you might see him on one day or you might
25 not see him at all. He didn't have any special

1 relation with him.

2 MR. LUIZZI: Forgive me. There's just one
3 thing I wanted to get at.

4 BY MR. LUIZZI:

5 Q You mentioned at one point, Captain, that
6 there was a problem with other Egypt Air employees
7 fooling around with women. You didn't use those words.
8 Those are my words. I'm trying to interpret.

9 And you said that some of them were in Court.
10 You mentioned other problems with women? You had
11 mentioned that other employees had problems.

12 A Yes, the stewards.

13 Q The stewards. Okay. And is that in the
14 United States, basically?

15 A Yes.

16 Q How did the airline deal with that?

17 MR. KELADA: With respect to that, I
18 represent the airline.

19 MR. LUIZZI: Okay, how did the airline deal
20 with that?

21 MR. KELADA: They wait for the Court's
22 decision and they act accordingly. And if it's
23 something that's way out or if it's a repetitive thing,
24 they may even fire him.

25 Otherwise, they recommend that he goes back

1 to...

2 MR. LUIZZI: Okay. In terms of the
3 reflection on the airline though, I understand it's
4 owned by the government but it's a business also, it
5 seems.

6 So I would imagine -- this is my assumption -
7 - that one has to keep up appearances for the public.

8 MR. KELADA: Yes. Something that hurts the
9 appearance of the airline, the airline takes a very
10 tough stand.

11 MR. BADRAWI: Yes, but in this country, how
12 can you do that? A guy is a layover. He's on a night
13 stop, in New York for two or three days. And he goes
14 to a place and he is charged with sexual harassment.

15 MR. KELADA: It's different. This goes to
16 the Egyptian Court, he would not have -- nothing would
17 be against him.

18 MR. LUIZZI: I see. There's a difference.

19 MR. BADRAWI: Yes. And in this case, he's
20 not in uniform, he's not on duty, on guard duty. I
21 mean he's not on the flight. He's not on anything.

22 So how do you want to -- how can you relate
23 this to the airline?

24 It's one of the problems of this sort right
25 now, you know. We have one lady who filed a sexual

1 harassment. We have two of these. They're not even
2 flying members, who work in our office in New York.
3 And they have a sexual harassment case filed against
4 them in Court.

5 And to our astonishment, we find that the
6 lady has sued Egypt Air. Now how can we comprehend
7 this? How can we understand it?

8 They work for Egypt Air. Yes?

9 MR. KELADA: And so does the lady.

10 MR. BADRAWI: And the lady works for Egypt
11 Air.

12 MR. KELADA: The lady was fired from Egypt
13 Air.

14 MR. BADRAWI: They're working in the same
15 office, and he starts to be rude to her. How can I
16 control him? What can I do to control him?

17 MR. LUIZZI: Oh, you as an employee?

18 MR. BADRAWI: No, no. We're talking about
19 management. What would management do to control the
20 attitude of the employees?

21 MR. LUIZZI: Well, I don't want to comment on
22 that. I mean that's --

23 MR. KELADA: Who's at fault? Because the
24 lady did not work very well and she was fired.

25 MR. BADRAWI: So we don't really know is she

1 lying, is she not lying? Shall we hurt the guy and
2 terminate his mission to the States where he's getting
3 better money because this lady filed a complaint?

4 Is she honest? Is she saying the truth? Is
5 she playing a game?

6 I mean you have to put yourself in the shoes
7 of our management to know that to run such an operation
8 to many, many, many different parts of the world, it is
9 not surprising to find some problems.

10 MR. LUIZZI: Yes. Oh, yes. I imagine.

11 MR. BADRAWI: It's no surprise. It's no
12 surprise. Now, in this country, what is normal is to
13 talk about sexual harassment and shoplifting and
14 traffic violations. And smoking in closed positions.

15 MR. BRANTLEY: Does Egypt Air have -- in the
16 company of Egypt Air, does it have the capability of
17 reassigning an employee to another area if he has
18 problems?

19 MR. BADRAWI: Yes. You can call him back to
20 base.

21 MR. BRANTLEY: And has that happened before
22 where an employee has come over to this country, that
23 has problems in, say, another country, and has problems
24 similar to these, and has been called back?

25 MR. KELADA: Yes. Yes. Just like any

1 organization.

2 MR. BRANTLEY: All right, so that's happened.

3 MR. KELADA: We have management that takes
4 care of maintaining the image of the --

5 MR. BRANTLEY: Can you give us an example of
6 a similar situation maybe to this that happened in
7 another country where you brought back the employee?

8 MR. BADRAWI: We had a new person in
9 Copenhagen whom we returned back to Egypt.

10 MR. BRANTLEY: And what was that employee
11 doing?

12 MR. BADRAWI: He was -- it was over
13 embezzlement, taking some money.

14 MR. KELADA: I just remembered. We had a
15 manager in Canada who had some story going on with one
16 of the ladies who worked for Egypt Air in our Toronto
17 office.

18 And he came with a big noise and fled to the
19 police, and I think this started a Court case. So
20 they...

21 MR. BADRAWI: We had this happen in Manilla.

22 MR. BRANTLEY: So that's common practice for
23 that to happen.

24 MR. KELADA: Just like any other
25 organization. Something is going on that hurts the

1 image, they recall them and if it's something that's
2 proved to be shameful, they can fire him.

3 MR. BRANTLEY: I see.

4 BY MR. LUIZZI:

5 Q Captain, I want to ask you, in Captain
6 Batouty's household, who would you say was in charge --
7 he or his wife?

8 A His wife.

9 Q His wife was in charge?

10 A Yes.

11 Q I was just curious. How did she feel about
12 the fact that he liked other women? Did she know about
13 this? Did she know about his ways?

14 A Yes, she did. Yes, she did. What did she
15 know from Batouty?

16 Q I'm sorry?

17 A What did she know from him? How did she
18 know?

19 Q Oh, he told her?

20 A He told her. He couldn't keep his tongue.
21 He talked too much.

22 Q All right. And did that bother her, do you
23 know? Did he ever talk about it? Or did you talk with
24 her about it?

25 A Only that she was worried that he imitates us

1 and gets married, a second marriage.

2 Q I see.

3 A We assured her this would never happen, so it
4 was all right. She was not very happy about the fact
5 because of the Islamic religion. A man can marry more
6 than one wife at the same time.

7 Q Yes.

8 A We find that women tend to accept more than a
9 Western woman would because they want to keep their
10 husbands. So, if he has a girlfriend and has a fling
11 here and there, they all make the rounds, and an
12 American wife would break with her husband.

13 Because if he has a fling and he comes back
14 home without another wife, it's much better than if he
15 comes back with another wife.

16 So he compromised her.

17 Especially when very close people like me or
18 Roushdy, we're very bad examples.

19 MR. KELADA: We're very bad examples.

20 MR. BADRAWI: So she was right. When we got
21 started to do this, she was aware that he follows.

22 Since he did not follow us, he plays around
23 and... she wouldn't say it was all right but the actual
24 fact, it was all right.

25 BY MR. LUIZZI:

1 Q Was Captain Batouty a man who liked to take
2 care of himself, that was concerned about himself? Was
3 he worried about himself at all ever?

4 A Not really. No.

5 Q His health? He never worried about his
6 health?

7 A Not really. He never had health problems.
8 Never, ever. But, his main concern was his family. He
9 looked very well after his children. Very, very well,
10 and with very good results because now, I mean a few
11 months after his death, the number four graduated. So
12 he has four graduates and they're all okay.

13 They all have their own homes. They have
14 spouses and they have their children now. They have
15 their cars. They have all they need -- with his
16 support, out of his pocket.

17 Q When Captain Batouty was in New York, did he
18 ever see a doctor that you know of? Did he go to a
19 clinic?

20 A No, no, no. For himself?

21 Q Yes.

22 A Never. Never.

23 Q You mentioned the doctor that treated Egypt
24 Air employees are treated in New York?

25 A Yes, Dr. `Costurious', something like that.

1 He never went to see him.

2 Q He never went to see him?

3 A Never, ever. Never, ever. He never needed
4 him. When it came to the girl, we consulted with Dr.
5 Rafei, although he's a psychiatrist, but because he's
6 been here for thirty-five years and has very good
7 contacts with our doctors, so we use him as a
8 consultant.

9 What do we do? Where to take the girl? What
10 is best for us? And so on.

11 Q So he was very helpful then, Dr. Rafei?

12 A Very, very, very helpful. He's a very, very,
13 very nice guy. Very helpful. And very respectable and
14 very decent. Soon we went to him as a consultant.
15 But, neither Batouty nor myself needed anything
16 personally.

17 Until now sometimes I call Rafei to ask
18 support in a case for a friend or a friend's daughter
19 or a friend's son, or something.

20 Sometimes, we bring in some x-rays or some,
21 you know, analysis from Egypt and ask him to check it
22 for us, who is the best guy who will pick up this case,
23 something like that.

24 Q Help with the medicine, I guess.

25 A Yes, help with the management of the

1 treatment. That's what we go to him for. Apart from
2 being a friend, I mean.

3 Q Did Captain Batouty, was he friendly with a
4 Captain named Captain `Hamdy'? I have his full name.
5 Hanofy Taha Mahmoud Hamdy?

6 A No, no, no, no. The one who went to London?

7 Q Right.

8 A No. This guy wasn't a real pilot. I mean he
9 was an intruder. He came in out of the Air Force at
10 old age. He was not in our league actually. I mean we
11 started together this group of people -- this
12 Captain... is my classmate, by the way, and we started
13 1961.

14 And this guy came in in the eighties.
15 Eighty-one, '82, something like that.

16 Q How old is he though? Is he your age?

17 A I think much younger.

18 MR. KELADA: Not much younger but --

19 MR. BADRAWI: Maybe, about two or three
20 years.

21 MR. LUIZZI: I don't know his age. I know
22 that he went to England, yes.

23 (Simultaneous voices.)

24 MR. BADRAWI: Yes, two or three years --

25 MR. KELADA: He started off by being an

1 aircraft controller in the military Air Force. And
2 then he learned how to fly at a very later age.

3 And then with some influence from some people
4 at the Air Force, he set foot into Egypt Air.

5 MR. BADRAWI: And on the other hand, he was a
6 fanatic.

7 MR. LUIZZI: Oh, he was?

8 MR. BADRAWI: Yes. He was not our kind. He
9 was not our kind. Because he's a Christian.

10 MR. KELADA: Samir won't shake hands with me
11 because I'm a Christian.

12 MR. LUIZZI: Oh, yes, he was a Muslim.

13 MR. BADRAWI: Yes, and he was a fanatic. Now
14 that was what you call a fanatic.

15 I'll go to 'Shepherd School' for drinks so I
16 should go to hell in Mr. Taha's opinion.

17 MR. LUIZZI: I see.

18 MR. BADRAWI: I should go to hell.

19 MR. KELADA: I think you're going to go
20 anyway but --

21 (Laughter.)

22 MR. BADRAWI: So that's the case. I mean,
23 no, he never had a relationship with him.

24 BY MR. LUIZZI:

25 Q So Captain Batouty did not know him?

1 A No, no, no. Not at all.

2 Q Knowing Captain Batouty for all the time that
3 you did know him, and you sound like you were close
4 with him and his family, do you know anything that
5 would have caused him to be very, very upset and to
6 have caused such a horrible act as to put that plane
7 down?

8 A No, no. Look, without pulling my leg, I, I
9 mean, if you want to put it on record, or go off
10 record, it makes no difference, I'm certain that he did
11 not do this. I am dead sure.

12 He had no reason whatsoever. Whatsoever.
13 Why? Why? Why? So simply, you do things when you
14 want to do them. You have to have a motive. Yes?
15 Why? What for?

16 Not five children. Three are already
17 graduates. The third one is in the last few months of
18 his study and he's doing well, is about to graduate.
19 And you have a young daughter.

20 So, if you've succeeded in raising up four
21 out of five, would you worry about the fifth one?

22 And, actually, the mother did this; he only
23 supported the family financially.

24 Q So the mother was in charge of the household?

25 A Of the household. She was doing everything.

1 And, eventually, she became in charge of him. When I
2 called her and I asked her how are the children, and
3 the answer, "How is the big child?"

4 Yes, that's the language even between us.
5 "Where is your elder son?"

6 He had -- I'll tell you, he didn't have one
7 gray --

8 Q No gray hair?

9 A No gray. Not one. He never -- he was this -
10 - he was seldom there.

11 Q You described him as a man who loved women.

12 A Yes.

13 Q Was he reckless in his behavior? In his
14 sexual behavior? Do you think he was reckless? Or do
15 you know if he was reckless?

16 A What do you mean, reckless?

17 Q I'll be very blunt. Reckless in terms of the
18 women he slept with, or possibly slept with? Do you
19 think there might have been a problem? Do you think he
20 might have been sick?

21 A No, I don't think so. No, I don't.

22 Q Do you know what I'm referring to?

23 A Yes. He would have told me. I don't think
24 so. He would have told me. He would go to...
25 immediately to consult of his medical.

1 The problem, what can I do, I get him out.

2 MR. BRANTLEY: Did he use protection? I mean
3 he talked to you about the Viagra and the pills. It
4 would seem to me that if he was protecting himself in
5 having sex, he may talk about that as well?

6 MR. BADRAWI: He doesn't mention.

7 MR. BRANTLEY: He never mentioned it.

8 MR. BADRAWI: No, it wasn't mentioned.

9 But, if he had any sort of problem that he
10 was aware of, we would have talked. He would have told
11 me immediately.

12 MR. KELADA: Do you know if he used Viagra
13 away or he used it at home or for his...?

14 MR. BRANTLEY: It's a good question.

15 MR. LUIZZI: Yes, it's a good question.

16 MR. BADRAWI: I knew that he was getting
17 regular in distributing it to some of our friends in
18 Cairo. The first time he gave it to me was that day
19 when he got out this thing and said, "Mr. Rafei is
20 sending you a present."

21 And we quarreled about it because he had them
22 in his hand, so he wanted --he took two out of three.

23 BY MR. LUIZZI:

24 Q How did Captain Batouty get along with
25 Captain El Habashy? Were they friendly?

1 A The two are coming from the same class and
2 the same year. You know, they joined the Institute
3 together. Something like six months before us.

4 And we all knew Habashy. Habashy was a very
5 civil man, was a very passive man. Very, very, very
6 passive. And nobody can feel upset about Habashy
7 because he never hurt anybody.

8 He's very civil, you know, the word "civil"?

9 Q Yes.

10 A Very decent. Very peaceful. Very peaceful
11 guy. Very, very peaceful guy. No... always saying
12 good words, you know. No opinion about anything. Very
13 passive and very moderate in all his life.

14 So there was nothing really that could happen
15 between him and Batouty. There is not sort of any kind
16 of conflict between them.

17 Batouty would run after the girls. "Habashy,
18 you never run after girls." There is no conflict.
19 They never have any conflict together.

20 There is no competition. Habashy is flying
21 as a captain, Gamil is flying as 1st Officer. They're
22 not taking each other schedules, there is no problem.

23 MR. KELADA: Have you heard the cockpit voice
24 report?

25 MR. LUIZZI: I've heard excerpts of it. And

1 I've seen a transcript. Yes. I have not heard it
2 though.

3 MR. KELADA: If you hear the tape, especially
4 if you know Arabic --

5 MR. LUIZZI: I don't.

6 MR. KELADA: -- there's a very friendly
7 conversation. Very, very friendly.

8 MR. LUIZZI: I appreciate though historically
9 though. It's helpful. It's very helpful.

10 BY MR. LUIZZI:

11 Q I wanted to ask you did Captain Batouty have
12 any views towards the military? And I'll add to that
13 there were thirty-three members of the Egyptian
14 military on that flight.

15 Did he have views about the military?

16 A News?

17 Q No. Views. His perspectives. Did he
18 support the military? Did he have problems with people
19 in the military?

20 A He really went along better than us with
21 them.

22 Q Did he?

23 A Yes. He stayed with them eleven years. And,
24 mind you, it was mutual. They wanted him to stay and
25 he wanted to stay. He enjoyed being an Air Force

1 pilot. He enjoyed doing that.

2 And they wanted him to stay. For me, for
3 example, they wanted me to stay. I didn't want to
4 stay. So they told me to go to hell, go on my way.

5 But, Batouty, he went along with them very
6 well. And as time went by, our very close friends
7 became the big bosses in the Air Force. Chief-of-
8 Staff, for instance, of the Air Force was a very, very
9 close friend of Batouty.

10 Q What was his name?

11 A Samir Abdelsalam. He left office maybe a
12 year ago. After the accident back a few months. And
13 he's now the head of one of the government-owned
14 airlines.

15 Q I see.

16 A It's called Petroleum Air Services. So, he
17 was the Chief of Staff of the Air Force, which is a
18 very good position. And he was very, very intimate
19 with Batouty.

20 Q So, in your mind, would Captain Batouty have
21 had any problem with having those military people on
22 his flight?

23 A On the contrary. It would delight him
24 because they were pilots. Most, probably some of them
25 were students in the Academy. Most probably. Because

1 he stayed eleven years. At that time, we had a compact
2 training course in the Air Academy because we wanted to
3 produce a lot of pilots.

4 So every six months, we have a new class.

5 Q A turnover. I see, yes.

6 A So he has hundreds of students in the Air
7 Force. And at this stage, they became Generals and
8 they are responsible about the Air Force, most of them.

9 I mean in different departments.

10 So he went along very well with them. And
11 everybody knew him in the Air Force. He had a very
12 good name there.

13 MR. LUIZZI: Did you have something, Al?

14 MR. BRANTLEY: Just a couple of questions and
15 follow-up.

16 QUESTIONS BY MR. BRANTLEY

17 BY MR. BRANTLEY:

18 Q With Batouty, on a scale of 1 to 10, when you
19 consider his interest in sex, 5 being kind of the
20 average, 1 being the lowest interest and 10 being the
21 highest interest, of all the pilots that you've known
22 over the years and worked with, how would you place
23 Captain Batouty?

24 A A 9. The 9 out of 10.

25 Q Nine out of ten?

1 A Yes, if that's the question, he places a good
2 degree of interest in sex; it's 9 out of 10...

3 (Simultaneous voices.)

4 MR. BADRAWI: Yes, if you exclude Captain ...
5 and Captain Shekkart'.

6 (Laughter.)

7 When you exclude these two gentlemen, these
8 two, then Batouty comes first.

9 (Laughter.)

10 A VOICE: I would like to make this
11 statement. No one has recorded it and given it to my
12 wife?

13 (Laughter.)

14 BY MR. BRANTLEY:

15 Q So very interested then?

16 A Yeah. Yeah. His main interest. His main
17 interest.

18 Q His main interest. Okay.

19 A His main interest.

20 Q Would you call him, would you say he would be
21 preoccupied with sex? I mean did he really just -- do
22 you understand that word "preoccupied"?

23 A Preoccupied? Yes, continuously occupied.

24 MR. KELADA: You understand this. Would he
25 not be concentrating on his work thinking about sex?

1 Did he not come to work because he has a date?

2 MR. BRANTLEY: No, no, that's not necessarily
3 what I meant. But, you're getting in that same
4 direction. But, I mean just where it was really on his
5 mind all the time.

6 But, I mean he could still function. He
7 could still fly.

8 MR. BADRAWI: Oh, yes. Yes. Yes.

9 But, it's his daily breakfast when we go
10 outside of the hotel to eat, we come across many women
11 walking on the sidewalk.

12 MR. BRANTLEY: Always looking, always
13 commenting.

14 MR. BADRAWI: Yes, and sometimes trying to
15 catch and to bring --

16 MR. BRANTLEY: Reach out.

17 MR. BADRAWI: Yes. And "You look at this.
18 Look at this." I beg him, "Batouty, please, this can
19 take us to trouble. Don't touch them."

20 MR. BRANTLEY: Yes, calm down.

21 MR. BADRAWI: Just talk if you want but don't
22 touch them.

23 MR. BRANTLEY: Okay. And that went on for as
24 long as you've known him?

25 MR. BADRAWI: Yes. Yes, since I very first

1 knew him.

2 BY MR. BRANTLEY:

3 Q How about in the last year before the
4 accident? Did you notice a change? Did he start doing
5 that more often that last year?

6 A No, no, no, no. That was Batouty since I
7 very first knew him in the sixties. Nothing changed.
8 Nothing changed.

9 Q Something a little different.
10 Did you ever loan Batouty money? Did he ever
11 ask you for a loan?

12 A That was sometime ago. Yes.

13 Q How much?

14 A Not very much.

15 Q How much did he --

16 A No, no, not very much. Something like a
17 thousand dollars.

18 Q A thousand dollars. Okay. Did he pay that
19 back to you?

20 A Yes.

21 Q Now that's a loan and sometimes there's a
22 distinction between a loan and a gift. Did you ever
23 give him any money?

24 A That was a loan, not a gift. Never. It was
25 a loan.

1 Q Were you aware or did you ever know him to
2 borrow money from others?

3 A No.

4 Q You think it was just you?

5 A Yes, because we were very close.

6 Q I see. And, again, back to the question
7 probably the company can answer, and I don't remember
8 it. I know you responded to these questions.

9 But, Egypt Air, they have loaned money to
10 employees in the past, you said. Not just Captain
11 Batouty. He's not --

12 A Standard practice.

13 Q All right, standard practice to loan money to
14 employees.

15 MR. KELADA: When you apply for a loan --

16 MR. BADRAWI: And you have good reasons.

17 MR. KELADA: And you give reasons, they give
18 you a loan with low interest because it comes out of
19 the union.

20 MR. BRANTLEY: All right, it is lower
21 interest than you can get elsewhere.

22 MR. BADRAWI: For Batouty, there was no
23 interest.

24 MR. BRANTLEY: No interest.

25 MR. BADRAWI: No interest.

1 MR. BRANTLEY: Okay, no interest loan.
2 That's even better.

3 MR. KELADA: It was the chairman that
4 intervened and said this is for him and give him the
5 maximum and no interest.

6 BY MR. BRANTLEY:

7 Q And how long ago did that loan take place? A
8 long time?

9 A It was a couple of years ago.

10 Q All right, did he pay that loan back?

11 A Yes. In installments.

12 Q Deductions out of his paycheck. All right.

13 MR. KELADA: In installments. And it was all
14 prepared so that by the time he comes to his
15 retirement, it will be completely paid.

16 Q I see. Good.

17 One other question about the retirement.
18 That reminded me. I know that in the agency that I
19 work for and other federal agencies in the United
20 States, your retirement benefits or pension is
21 calculated on the last three years of your salary.
22 They call it the high three.

23 And I know if Captain Batouty -- he was
24 petitioning to have some seniority rights granted. In
25 other words, to increase his salary and have his

1 military time count towards his time in Egypt Air.

2 And that was ruled on in his favor I think in
3 1999.

4 A Something like that.

5 Q And he was scheduled to retire I think the
6 year 2000; is that correct?

7 A Yes.

8 Q Would that have allowed him to get extra
9 money in retirement, or would he have fallen short?

10 A No, no, we have a maximum. We have a
11 maximum. And he had achieved already.

12 Q He did? So he had maxed out already.

13 A Yes. We achieved, all of us, this years ago.
14 So nothing will change. We'll get the maximum
15 governed by the government, because we're a government
16 company.

17 Q Yes.

18 A So the government is paying a price to us,
19 but pilots are highly paid.

20 Q I see.

21 A So you're aware of the maximum, the pension?

22 Q Certainly.

23 A There's a ceiling. You're already there.

24 Q Same way in this country. So then it really
25 didn't make any difference. When he received that

1 favorable ruling --

2 A No, no, no, it wouldn't impact on his
3 pension.

4 Q It wouldn't impact on his pension. That was
5 what I wanted to know. Good. All right. Let's see.

6 If you had known about the activities in the
7 hotel in New York where he was doing the things that
8 they alleged and had been going on for six months or a
9 year, what would you have done?

10 A I would have talked to him.

11 Q You would have talked to him?

12 A Yes.

13 Q The same way as you did.

14 A Yes. If I knew of this, I would have talked
15 to him again. And I had already talked to him. I can
16 use some harsh words. But, still, we never break up.
17 We never have some sort of friction or something.

18 Q So you would go to him as a friend. You
19 would say, "Look, as a friend and as a neighbor, I'm
20 telling you...?"

21 A Yes. Yes.

22 Q --... you need this --

23 A Yes. I don't want this to get on the report.

24

25

1 (Record paused.)

2 BY MR. BRANTLEY:

3 Q You would do that as many times as you felt
4 was necessary?

5 A Yes.

6 Q So I mean if it took six times --

7 A Yes. And he would laugh.

8 Q He would laugh.

9 A If he's guilty, he would laugh.

10 Q Okay. Did he laugh at you when you did that?

11 A Yes. He said, "Ohhh, I did something wrong?
12 I was invited."

13 I tell him, "How the hell do you know you're
14 invited. You don't even know how --"

15 Q Good point. So he would make light of it and
16 he would laugh it off.

17 A Yes.

18 Q All right. And each and every time you went
19 to him and talked to him about that, he would do the
20 same thing. Laugh it off?

21 A Yes. Each time.

22 MR. KELADA: How many times did you talk to
23 him?

24 MR. BADRAWI: No, I talked about the New York
25 thing just the one time.

1 BY MR. BRANTLEY:

2 Q Just the one time then. All right.

3 Do you know if anyone else as a friend or as
4 a co-worker had talked to him in a similar way?

5 A No. I was closer to him. I was closer to
6 him than other people.

7 Q I see. You could do that then because of
8 your relationship.

9 A Yes.

10 Q So you could get in -- in this country, we
11 say "Get in your face." You could --

12 A Yes.

13 Q -- emphasize that you were serious and that
14 he needed to listen to you.

15 A Yes, yes, yes.

16 Q And if he didn't listen to you, what did you
17 tell him was going to happen? What did you think was
18 going to happen if he continued to mess up?

19 A Nothing much really because, you know, he was
20 on his way out. So we normally don't touch people when
21 they're approaching sixty. We say we'll have some
22 patience and then he's out.

23 A Allow them to retire gracefully.

24 A Yes. I mean this was when I talked to
25 Roushdy, by the way. I talked to Roushdy, "Are you out

1 of your mind? We've been in the Air Force for forty
2 years. And all we need is a few months..."

3 Q And now we're going to get him fired or we're
4 going to get him in trouble?

5 MR. KELADA: Nobody is fired.

6 MR. BADRAWI: No one is fired, generally.

7 But--

8 MR. KELADA: To fire somebody in Egypt is...

9 MR. BADRAWI: When you do that for years and
10 years and years so when there's two or three or four
11 months remaining, there's no point in taking any
12 action.

13 BY MR. BRANTLEY:

14 Q And that was kind of your idea, your
15 attitude? Do you know whether he saw it the same way?
16 Do you think that he -- I mean Batouty. Did he think
17 that he was going to be disciplined because of what
18 happened in New York?

19 A No, no.

20 Q He didn't think that?

21 A No, no, he knew. He knew. He's an Egyptian
22 also. He knows. What discipline? I mean what can you
23 do to him?

24 Q What can you do to me is the --

25 MR. KELADA: For the Egyptian culture, it is

1 not a big deal for a man to be interested in women.

2 MR. BRANTLEY: I see.

3 MR. KELADA: That's a fact. It is the
4 general practice. And so people who are not our guys,
5 so I mean to ask your question, you should have asked
6 how many pilots within the 600 pilots of Egypt Air,
7 take nine out of ten, I would say 500.

8 MR. BRANTLEY: You would say but Captain...

9 MR. MISSIRY: If you permit me, I have ha
10 comment as well. I'm in management so I know all about
11 it. If I wanted to grade the Egypt Air pilots, I would
12 say a good 90 percent of the pilots rate 9 out of 10.
13 It's a standard practice.

14 MR. BRANTLEY: Out of the 90 percent of
15 pilots that you say would rate that way, how many of
16 them have had problems in the United States when
17 they've flown here, similar to this?

18 MR. KELADA: I don't know because they may
19 have had something that didn't create a problem. I
20 mean that's the same thing. And that's what I think
21 Batouty's comment to Badrawi was:

22 "What the hell? What did I do that's so
23 strange? It's being done all the time."

24 MR. BRANTLEY: Okay.

25 MR. KELADA: And there's nothing that's out

1 of the law.

2 MR. BRANTLEY: Well, of the ones I understand
3 that you wouldn't necessarily know if no one reported,
4 but of all those pilots that you described that had
5 those kinds of interests, how often do you get reports
6 back at headquarters, at your company, that they're
7 having problems?

8 MR. KELADA: The headquarters or --

9 MR. BRANTLEY: For you?

10 MR. KELADA: I could get a report from a
11 friend, say one of the station managers would call and
12 say "We had a slight problem. A pilot had a problem
13 with one of the girls at the office," for instance.

14 MR. BRANTLEY: All right. Informally.

15 MR. KELADA: I'd say, "Fine, I'll talk to
16 him. And then I bring him to the office and say, "What
17 the hell were you doing?"

18 MR. BRANTLEY: How often does that happen?

19 MR. KELADA: That that would possibly,
20 they'll do that --

21 MR. MISSIRY: If you will permit me, I have a
22 comment here as well.

23 In the Pennsylvania Hotel, we have the
24 statement that Batouty has some affairs in
25 Pennsylvania. If you come back to the statement of the

1 people in Los Angeles -- what's the name of that
2 building?

3 MR. KELADA: The Round Tree.

4 MR. MISSIRY: They are saying -- nobody
5 complains about Batouty at all. On the contrary, they
6 are talking nice about him.

7 MR. KELADA: Pennsylvania is not a reliable
8 source. It's a lousy place anyway.

9 MR. BRANTLEY: Well, why do you say they're
10 not reliable?

11 MR. KELADA: Because there is no management.
12 There is no management there.

13 MR. MISSIRY: Tell them about yesterday.

14 MR. KELADA: Yesterday -- I am a vice
15 president of Egypt Air and there was a booking for me
16 and I should find a suite waiting for me.

17 It took me two and a half hours to get into
18 my room, which is a filthy, small room surrounded by a
19 dog show. There's a dog show there.

20 The last thing, it took them over an hour to
21 find my reservation. It took them over thirty minutes
22 to give me a key. And when I went to the room, it took
23 about twenty minutes to get into an elevator because
24 they had half of the elevators out of service.

25 MR. BRANTLEY: I see.

1 MR. KELADA: And when I did get to the floor,
2 to open the door, they were car keys. It wouldn't
3 open. And there was no way to allow me to go down
4 again because the elevators did say an hour going down
5 and up, so I called back and said, "The key is not
6 working."

7 They said, "We'll send one right away."

8 They didn't. I called the Egypt Air manager,
9 and he called them and was very harsh to them.

10 With all of that, it took an hour for them to
11 get me a card. So this is the kind -- it's an amazing
12 place. It's what? How many -- 4,700 rooms.

13 It's very similar to the Pennsylvania Station
14 on the -- very close to Penn Station.

15 MR. BRANTLEY: How often do you get that kind
16 of feedback in your job where something like you
17 described is going on? It's an informal report that,
18 "Hey, we've got a problem"?

19 MR. KELADA: I'd say every couple of months.

20 MR. BRANTLEY: Every couple of months. About
21 sexual things, or just a wide variety?

22 MR. KELADA: You know, wild behavior.
23 Misbehavior.

24 MR. BRANTLEY: Not necessarily sexual?

25 MR. KELADA: It all boils down to sex.

1 That's just life. I mean I'll tell you of a personal
2 experience I have had just a couple of months ago.

3 MR. BRANTLEY: All right.

4 MR. KELADA: I was in a simulator session
5 in... and there were about three crews there having
6 simulator sessions. And there was an active crew
7 flying flights in and out.

8 So they were having a break. And, you know,
9 the... are... so at 3 in the morning, they decided it
10 was a perfect time to go for a swim.

11 Now that's not allowed in the hotel because
12 we don't have somebody attending the pool.

13 MR. BRANTLEY: I see.

14 MR. KELADA: But, they walked in and they
15 jumped in jeans and clothes, jumped into the pool.

16 MR. BRANTLEY: All right.

17 MR. KELADA: So there was a problem with the
18 manager, who I know very well. He talked to me the
19 next day. Said, "Well, you know, they're going to get
20 the tourist police and all that because of residents
21 dropping into the pool at night."

22 And I told him not to do that. He said,
23 "Please tell the guys, I mean, not to push it too far."

24 And I talked to the guys, I said, "Hey, guys,
25 don't go too far." That's the end of it. We get these

1 things happening on and off. Sexual misbehavior.

2 MR. BRANTLEY: How about where someone would
3 consider it serious enough where they would send a
4 written complaint to you or to Egypt Air? I mean, like
5 you say, a lot of what you're describing is word of
6 mouth. To say, "Look, you've got a little bit of a
7 problem. Calm them down and everything will be fine."

8 But, when it gets to the point where they
9 either send a written request or they threaten to send
10 a written request, how often does that happen?

11 MR. KELADA: Not too often. And I must tell
12 you the action is very, very slow to management because
13 this is a culture problem. And we take it and we
14 probably to be discreet about it because we don't to..
15 family-wise, if it was a pilot or a steward or
16 whatever.

17 MR. BRANTLEY: You don't want the family to
18 find out -- you don't want his family to find out.

19 MR. KELADA: Yes. His manager would call him
20 in and say:

21 "Now we have to take care you shouldn't do
22 this again. And if you have a problem... you will go
23 to the... for a while until things quiet down."

24 If it gets to the point of being very noisy,
25 if there's a great problem, now then it would be

1 different. It would have to go to high level.

2 But, we haven't had that...

3 MR. BRANTLEY: I see.

4 MR. KELADA: But, yeah, guys go around
5 kidding around with women here and there, joking,
6 making a pass here and there. This is the culture.

7 MR. BRANTLEY: Sure. And as you said, it
8 would make sense to us, you know, you want to also
9 protect the family because not all families, not all
10 wives, even in Egypt, are going to necessarily take
11 that as being like... be serious.

12 MR. KELADA: Sure. I mean that's unethical
13 to do otherwise.

14 MR. BRANTLEY: Yes. Okay, and again I think
15 you all talked earlier about honor being very important
16 and respect in the culture.

17 MR. KELADA: We all maintain that... I would
18 be afraid for anything to dishonor me. At the same
19 time, my boss would have the same -- because it's a
20 culture thing -- will not do anything to dishonor me
21 unless it's something very, very great. He will always
22 choose to speak very kindly.

23 MR. BRANTLEY: I understand, yes.

24 MR. BADRAWI: But, running after women does
25 not dishonor anybody.

1 MR. KELADA: It's a natural thing.

2 MR. BADRAWI: This all comes from stealing
3 things, smuggling things. Things of that nature.

4 But, running after a woman? That has nothing
5 to do with it.

6 MR. KELADA: By the way, in the Middle East,
7 he's Middle East culture. If you don't run after women
8 or if you're slightly gay, now that is a problem.

9 MR. BRANTLEY: That's a problem.

10 MR. KELADA: That becomes a real problem.

11 MR. BRANTLEY: Definitions are important, I
12 think, and perceptions, but running after women, as you
13 described, in my view means something. It may mean
14 something else to you.

15 Certainly, legally, there are definitions.
16 Harassing women is kind of running after women to you.

17 MR. BADRAWI: Yes. Harassing women? It has
18 nothing to do with it.

19 MR. BADRAWI: What if you forced yourself on
20 a woman against her will? How would you describe that?

21 MR. BADRAWI: I would have nothing to do with
22 that.

23 MR. BRANTLEY: That would be something other
24 than running after women?

25 MR. BADRAWI: Oh, yes, forcing himself.

1 MR. BRANTLEY: Well, either way --

2 MR. BADRAWI: It's definitely unacceptable.

3 But, being heavier and throwing your weight around,
4 he's just validating his...

5 MR. KELADA: It does not dishonor him.

6 MR. BRANTLEY: Yes, I can see where there
7 would be a disconnect, you know, with a woman going to
8 her room in a hotel, someone coming to that door,
9 trying to gain entry, would scare -- especially in New
10 York -- could scare someone quite a lot.

11 MR. KELADA: Yes. Quite understandable. Of
12 course.

13 MR. BADRAWI: When you're as big as Batouty,
14 she should be scared.

15 MR. BRANTLEY: I see.

16 MR. BADRAWI: He was so big.

17 MR. BRANTLEY: Did you ever know him to force
18 himself that way on anyone? They would describe that
19 to you.

20 MR. BADRAWI: Yes, yes, he can do that. I
21 believe he can do that, yes. But, because he related
22 to --

23 MR. KELADA: And her acceptance.

24 MR. BADRAWI: I heard him even say "I thought
25 she wants."

1 MR. BRANTLEY: She wanted it.

2 MR. BADRAWI: Yes.

3 MR. KELADA: But, did he use physical force?

4 MR. BADRAWI: No. Not to the extent to --

5 MR. KELADA: He might throw his weight around
6 but not use physical force.

7 MR. BRANTLEY: Not hit or slap but he might
8 just push.

9 MR. BADRAWI: Over-persistent.

10 MR. KELADA: Yes.

11 MR. BRANTLEY: All right.

12 Any other questions on follow-up?

13 MR. ELIAS: I just had a quick follow-up
14 question.

15 QUESTIONS BY MR. ELIAS

16 BY MR. ELIAS:

17 Q I think the security at Pennsylvania Hotel
18 wrote up an incident report about this incident we've
19 been discussing. And, in it, they took a statement
20 from Captain Batouty, and he said that he was
21 intoxicated. That's why he did it.

22 Is that consistent with Mr. Batouty as you
23 knew him?

24 A He might have found an excuse. Maybe, he
25 said "I took too much to drink," or something?

1 Q Right.

2 MR. KELADA: We'll go back to that statement
3 I made. They say they've taken a statement. Where is
4 the statement?

5 UNIDENTIFIED: That's in our docket.

6 MR. KELADA: We never got the statement to
7 Egypt Air.

8 UNIDENTIFIED: Yes. Yes, I have to be clear.
9 It was not a statement given to Egypt Air. That was a
10 statement --

11 MR. KELADA: After the accident happened,
12 they will have a statement? I can give you 500
13 statements saying that Batouty was a very religious man
14 who never --

15 UNIDENTIFIED: This was a statement that the
16 FBI had, a statement in their records.

17 MR. KELADA: A statement would be something
18 that was reported to us, to somebody. The statement
19 that they say they questioned him and he said after he
20 died, "I'm sorry..."

21 That's one of my comments on...

22 (Simultaneous voices.)

23 MR. KELADA: They asked it and he said --

24 MR. BADRAWI: Why didn't they report him to
25 his -- I mean this contract is made by the airline. We

1 never check into this hotel on our own expense. We go
2 there via the airline.

3 So the airline is the contracting party. Why
4 don't they report it to his airline?

5 MR. KELADA: They have a statement saying
6 that and they took it in writing. The only thing it
7 would be that they sent it to airline.

8 MR. LUIZZI: Let me tell you what happens,
9 Captain. Usually, the security, if something happens,
10 they write an incident report. And then the next step
11 would be -- and my understanding of it is that the
12 hotel has a contract with Egypt Air.

13 It's probably a contract they do not want to
14 lose. So, at that point, the incident report is put
15 forward to the management of the Hotel Pennsylvania.

16 They have to make a decision as to whether or
17 not they're going to contact Egypt Air.

18 MR. KELADA: That's one explanation.

19 (Simultaneous voices.)

20 MR. KELADA: We would suppose that they would
21 do that.

22 MR. LUIZZI: Well, I know that's what they do.

23 MR. BADRAWI: Yes, that's all... but the
24 point is if this act he committed was so grief, they
25 would go ahead and send it to Egypt Air.

1 MR. LUIZZI: That's a point. That's a point.
2 That's possible.

3 MR. BADRAWI: But, if they wait and think
4 it's not that grief, it's not that important, then they
5 would try to sort it out within --

6 MR. KELADA: Just to invite him and scare him
7 off.

8 MR. LUIZZI: I don't know either way. I
9 can't comment either way, so I don't know.

10 MR. BRENNER: Do you have any questions?

11 UNIDENTIFIED: No, just a closing comment.

12 MR. BRENNER: Do you have any questions?

13 MR. BADRAWI: Okay, my final comment.

14 MR. BRENNER: Oh, I'm sorry.

15 MR. ELIAS: Just a few quick follow-ups,
16 things that I have heard.

17 QUESTIONS BY MR. ELIAS:

18 BY MR. ELIAS:

19 Q Do you have any knowledge of Mr. Batouty
20 carrying tires back to Egypt on an airflight?

21 A I've heard, yes, I knew that he was buying
22 tires for one of the cars. But I'm not very sure did
23 he carry all of them or he sent some with someone on a
24 prior flight or something.

25 I'm not sure because, normally, we are not

1 allowed to carry so many things past the Customs. So,
2 if you are an honest case, which was the case in
3 Batouty's, they would not give him local allowances in
4 the Customs.

5 If you are a smuggler, you can carry many
6 things because you have the deal with the customer.

7 MR. KELADA: I think we all know that he did
8 have tires because it was reported from the people at
9 the airport, that they had put the tires in the belly
10 of the aircraft for him. And this is part of the
11 report that you have.

12 MR. ELIAS: I don't recall it specifically.

13 MR. BADRAWI: I knew that he bought tires but
14 how many of them did he carry, I'm not sure.

15 MR. ELIAS: And then the very last question I
16 had, we talked a little bit about a Wegden Fadeel?

17 MR. BADRAWI: Fadeel.

18 MR. ELIAS: I think we talked about him a
19 little bit but I never caught what position he held in
20 Egypt Air.

21 MR. BADRAWI: He was no positions. He's just
22 a pilot.

23 MR. ELIAS: Just a pilot. What type of
24 airplane does he fly?

25 MR. KELADA: At the time of the accident, he

1 was flying an A600.

2 MR. BADRAWI: An A600.

3 MR. ELIAS: Did he know Batouty then?

4 MR. BADRAWI: Yes.

5 MR. KELADA: Just like any other pilot.

6 MR. BADRAWI: Well, not anybody. I mean...

7 MR. KELADA: Well, then Wegden is a pilot, or
8 who was very, very, very fond of Roushdy and trying to
9 imitate him, but he never had the capabilities that
10 Roushdy had.

11 He wanted to become the second... but that
12 wasn't possible because he doesn't have what it takes.

13 Roushdy was very well-respected, very well-liked.
14 Why? Because he did all he can for the people.

15 He sacrificed his time, the time assigned to
16 his family. He would put money out of his pocket and
17 do anything for the people.

18 I mean imitating Roushdy is not to put on the
19 same eyeglasses Roushdy puts on. Sunglasses, I mean.
20 That is not, I mean, if you put the sunglasses, you
21 will become Roushdy -- to become Roushdy, you need to
22 do what Roushdy is doing for the people. Wegden
23 doesn't have this thing.

24 So he tried to have a role as the assistant
25 or the second man to Roushdy, and he...

1 MR. ELIAS: But that was never an official
2 position?

3 MR. BADRAWI: No. No, no, no. I personally
4 don't hold any sort of position in the company.

5 MR. KELADA: I would know because I've been
6 in management for the last sixteen years. He is
7 promoted as a captain maybe in the last six, seven
8 years.

9 MR. BADRAWI: Yes, he's very junior.

10 MR. KELADA: He's very junior there. And he
11 has no position. He's not holding any position. Not
12 in management, not in any type of --

13 MR. BADRAWI: To make it very clear, for
14 example, I don't hold any office of any kind. I don't.
15 But I have my say in the management. If I think
16 things should be done, I know how to talk to people to
17 make it come through.

18 If I want to help someone, I know how to talk
19 to -- why? Because the rest of the management is my
20 friends, my colleagues. I've been in... since forty
21 years. Now he's the head of a department and the vice
22 president.

23 Supposing I need something to be done within
24 his department? It's very easy for me to call him and
25 say "Shaker, please, I want this and this." He will do

1 it, because I know what to ask for and what not to ask.

2 I would never ask him to do something illegal
3 or something dishonest. All I can do, I have a
4 recommendation. Okay, this friend has to, needs a job
5 for his son and he's opening new jobs in his
6 department.

7 So I call him, "Shaker, I send you a couple
8 of people. Take them." "Okay."

9 Now you can compare this to Wegden because
10 if Shaker is busy and Wegden needs to see him, he will
11 not see him.

12 But, for me, I can go to Shaker's room
13 without permission, without a date, without anything.
14 Any time, I can go because we're very close. We're old
15 friends. So you cannot compare Roushdy and Wegden.
16 It's two different particular people.

17 Someone who is very senior and very well-
18 respected and very well-liked and doing everything for
19 the people, and someone who is very selfish and doing
20 things only for himself, you can't compare them. You
21 can't.

22 We have are a very intelligent nation, after
23 all. They are very smart. They can see everybody.

24 MR. ELIAS: One last question just to clear
25 this up.

1 Even though he didn't hold any position in
2 Egypt Air, was Wegden Fadeel a part of any board of
3 inquiry into this accident, or anything?

4 MR. BADRAWI: No, no, no, no.

5 MR. KELADA: Any inquiry in this accident was
6 headed by me.

7 MR. BADRAWI: No, no, no, these might be
8 illusions in Wegden's mind. He has to find a way. He
9 has to be important. He wants to take the position of
10 Roushdy.

11 Even if he achieves the same seniority of
12 Roushdy, let's talk ten, fifteen years down the road,
13 then will Wegden then become a second Roushdy? Never.
14 Never.

15 MR. BRENNER: Any other follow-ups?

16 UNIDENTIFIED: Just one final comment, I
17 think.

18 Did Captain Batouty, did he ever give you
19 anything to take back to his family when you traveled
20 with him?

21 MR. BADRAWI: No.

22 UNIDENTIFIED: All right, so he would always
23 just bring it back himself if he had --

24 MR. BADRAWI: Ah, sometimes. Sometimes, he
25 would give me things to take back. Yes, of course.

1 UNIDENTIFIED: What would he give you?

2 MR. BADRAWI: Some items for the house. Some
3 clothes for the children.

4 UNIDENTIFIED: I see.

5 MR. BADRAWI: Because in the Customs, you're
6 not allowed that much.

7 UNIDENTIFIED: I see.

8 MR. BADRAWI: So let's say he bought six
9 pieces of something.

10 UNIDENTIFIED: All right, yes.

11 MR. BADRAWI: Give me three and take three.

12 UNIDENTIFIED: All right, just to get past
13 Customs.

14 MR. BADRAWI: Yes.

15 UNIDENTIFIED: Would that be when you would
16 be flying in close proximity on the same flight?

17 MR. BADRAWI: Yes, yes, or if I'm going ahead
18 of him.

19 UNIDENTIFIED: All right.

20 MR. BADRAWI: Or if I'm going one day or two
21 days later than him.

22 UNIDENTIFIED: All right.

23 MR. BADRAWI: We break it down.

24 Let's assume some man asks from me some
25 vitamins. And simultaneously, another one asks for the

1 same vitamin. How would I look in the eyes of the
2 customers going only with so much vitamins.

3 I'm selling vitamins? No.

4 UNIDENTIFIED: Do you ever get cash to take
5 back, a small amount of cash to take back to his family
6 when he was coming out of another State or something?

7 MR. BADRAWI: No, I don't think so. I don't
8 recall this. But I remember very well on more than one
9 occasion, we split the things. If I'm getting from one
10 item more than one, okay, "Batouty, you carry this for
11 me."

12 UNIDENTIFIED: And when he gave that to you
13 to carry, did he ever -- I don't know how he would ask
14 you, but did he ever say something to the effect of,
15 "If anything happens to me, make sure this gets to my
16 family"?

17 Did he ever make statements like that?

18 MR. BADRAWI: No, no, no, no. He knows that
19 it will go to the family anyway.

20 UNIDENTIFIED: Okay. And that's all that was
21 necessary to say.

22 MR. BADRAWI: Yes. "Okay, take this to
23 Egypt." I take them to the house and my wife sends
24 them to his house. I don't take them myself to the
25 house.

1 UNIDENTIFIED: Okay, very good.

2 Thank you.

3 MR. BRENNER: Any other follow-ups?

4 (No response.)

5 MR. BRENNER: Okay, you had something you
6 wanted to say.

7 MR. BADRAWI: Okay, my last comment.

8 MR. BRENNER: Yes, please.

9 STATEMENT BY

10 MOHAMED BADRAWI

11 MR. BADRAWI: I've come across my first
12 statement with you while we were in Egypt. And I can
13 detect a sort of lack of quality control, for two
14 reasons -- two immediate reasons, which I recognized
15 immediately.

16 Number one, you wrote my name wrong for no
17 reason. That is true. Okay?

18 Secondly, you said that I stated that at
19 8:30, the day of the accident, I went down to the...
20 and I met with Batouty.

21 I've never said so. I said I did go at 8:30
22 down to the... but I met with Roushdy, who was the one
23 who was there.

24 And this is right. Batouty's name was
25 substituted for by Roushdy's name. Again, lack of

1 quality.

2 MR. BRENNER: Thank you.

3 MR. BADRAWI: Thank you very much.

4 MR. BRENNER: I appreciate your changing.

5 And that's why we used the court reporter

6 here. It's much more accurate when we do.

7 Thank you, Captain. You've been very

8 patient. We're off the record.

9 MR. BADRAWI: I want to help as much as I can
10 because it would be...

11 (Whereupon, the interview was concluded.)

**A5-2:
Transcript of Interview of Captain Gamal Arram
Conducted on February 12, 2001
(28 pages)**

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD

In the Matter of:
EGYPT AIR FLIGHT 990

Recorded Interview of GAMAL ARRAM

BEFORE:

BART ELIAS
MALCOLM BRENNER
ALAN C. BRANTLEY
GREG PHILLIPS
MICHAEL LUIZZI
HAROLD DONNER

ALSO PRESENT:

MOHSEN EL MISSIRY
SHAKER KELADA
PAUL MISENCIK
MOHAMED BADRAWI

February 12, 2001

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MR. BRENNER: Captain Arram, we appreciate very much your coming into the United States to help us. We appreciate your patience. Things went much longer than we thought.

So, if you'd like, perhaps you could just start and tell us some little thoughts you had that you wanted to present to us during the last questions.

MR. ARRAM: What I'd like to say today is about the flight. I flew from New York to Los Angeles.

MR. KELADA: What happened? How are you? I have to say, Hi, long time no see.

MR. ARRAM: ...As soon as the accident happened, I had been in Los Angeles and I had been into entry twice. The first day, Sunday, and Monday, early morning. Every time, it was about two hours, two hours and a half.

And I did explain to the people who interviewed me everything from the time I think I take the bus from the hotel to the airport, and we divert to the other airport duty... and all of the flight until I arrived to Los Angeles.

And when I did read the statement for the ... report, I didn't find all the things I had said, which

1 may be vital for you to come up with any vital action
2 or whatever in the investigation.

3 What I did say here, it's about three, four,
4 five statements, which was a very, very brief
5 statement. The part which it was not for me to just a
6 story, it's in the auto pilot and the bad behavior
7 which did it to me while I approached in L.A.

8 And have entered three times. I tried to
9 engage and it refused until I did the `lag-in'.

10 This is the essential part if you want to ask
11 about.

12 MR. BRENNER: Yes, Captain.

13 QUESTIONS BY MALCOLM BRENNER

14 BY MR. BRENNER:

15 Q Please describe when you first tried to use
16 the auto pilot.

17 A The auto pilot was operating normal, and it
18 did some `hunting' while I'm cruising, which it happens
19 several flights before on other planes, whatever. We
20 have three planes. I don't remember which of them.

21 The hunt, it was just in the `yok' like that.
22 Just hunt.

23 While I'm descending, it was little bit not
24 comfortable. And hunt, to catch number 5 for the L.A.
25 approach, I disconnect and I go my area.

1 I tried to reconnect it three times. It
2 refused. And it give me a... bar on the grass look,
3 which is the Beach Barron, and it refused to engage
4 until the touch down.

5 ... I trim it. Trim the touch down. After I
6 did the landing and I go out to the... I check the auto
7 pilot. It works. It engaged.

8 I informed the engineer about that, to make
9 an auto pilot check on ground because it had a bad
10 behavior with me. That's exactly what happened with
11 me.

12 Q Have you ever had difficulties like this
13 before?

14 A Yes.

15 Q On other airplanes?

16 A After a flight, I cannot remember which
17 plane, which... or... or whatever. It's finished. The
18 flight's finished.

19 But, it happened before, which is for me it
20 was like auto pilot is bad and maybe they do some
21 directing, it will work normally.

22 Exactly this.

23 Q Did you write up the difficulties?

24 A No, I didn't.

25 Q The auto pilot, it's a go item to New York.

1 And as I told you before, I tried it after the landing.

2 It works. And I informed the engineer about that:

3 "Please try to check the auto pilot, complete
4 check."

5 And he told me, "Okay, I will check it."

6 Q What do you think caused the difficulties?

7 A I don't know.

8 MR. BRENNER: Do you have questions?

9 QUESTIONS BY MR. MISENCIK

10 BY MR. MISENCIK:

11 Q How many auto pilots are there? Are there
12 two auto pilots on the --

13 A Three.

14 Q Three auto pilots. Did you try switching
15 auto pilots?

16 A No. I approach it and the three auto pilots
17 will go automatically in that... the center auto pilot,
18 we use it.

19 Q So when the first auto pilot was doing a
20 little bit of hunting, did you have the option of
21 selecting a different auto pilot?

22 A No.

23 Q No? It's impossible?

24 A Not impossible. The one which I did, it
25 would approach face... whenever you switch auto pilot,

1 the field pilot goes to my crew.

2 Q Okay, but if that auto pilot would have --

3 A I didn't try any other one.

4 Q You did not try any other one. Okay.

5 MR. KELADA: ...you can't do that. If you
6 select one by one, then you can't get an auto pilot
7 except if you have to ask the auto pilots engage and
8 say that...

9 MR. MISENCIK: I see. And, basically, you
10 were making an auto approach and the Los Angeles
11 weather required an automatic approach?

12 MR. KELADA: No, that's standard procedure.

13 MR. MISENCIK: Oh, I see. Okay.

14 MR. KELADA: We use the auto pilot. Once you
15 use auto pilot on an approach, you go into the auto...
16 you disconnect the auto pilot to land any time he sees
17 fit. This is our company procedure. This is our
18 company training. This is how we do company training
19 on all types.

20 That you have an auto approach, you go on
21 auto pilot. And once you feel less wind, we have the
22 runway in sight, and you're comfortable anywhere about
23 the... you disconnect the auto pilot and go on manual
24 then.

25 BY MR. MISENCIK:

1 Q Just maybe I want to just clarify something.
2 Who is being interviewed here? Are we
3 interviewing Captain Kelada or Captain Arram?

4 MR. KELADA: But I was talking about company
5 procedures.

6 MR. MISENCIK: Okay. All right, Captain
7 Arram is a Captain, I think.

8 MR. KELADA: Any company procedures, you must
9 -- as a matter of fact, we have a complaint. That's
10 why we were talking.

11 MR. MISENCIK: Okay.

12 MR. KELADA: Do you understand our complaint?

13 MR. MISENCIK: I understand your complaint
14 but I would also like to hear what Captain Arram has to
15 say.

16 MR. KELADA: That's right. But, you have to
17 understand our complaint. Our complaint is somebody's
18 been interviewed for five hours and this is what we get
19 introduced into the docket.

20 And half of what is said is not there. This
21 is our complaint.

22 Now we're here to tell you the rest of what
23 he has to say, yes. That he has to say.

24 BY MR. MISENCIK:

25 Q Was the auto pilot -- when did you first

1 notice the hunting? Or the auto pilot malfunctioning?

2 A When I went in the approach phase, 8,000
3 feet, it was down nose a little bit aggressively.

4 Q Eight thousand feet in the descent?

5 A Yes, ten to eight thousand, something like
6 that, in the approach. I disconnected the auto pilot
7 and I... I tried to connect it again, three times. It
8 refused. Until the touchdown.

9 Q And was there any alerts? Did you have any
10 alerts or --

11 A Yes. Yes.

12 Q -- or ICAS messages or anything like that?

13 A They give me alert and give me a ... and a...
14 and a localizer and a ..., which means the... out of
15 the ... didn't take it out of pilot sequence.

16 Q And then when you got that, then you
17 disconnected?

18 A Exactly. I should fly my route, not comment.
19 Have the plane on...

20 Q Okay. In cruising altitude, was the auto
21 pilot operating normally?

22 A Yes. Just a little bit hunt like in the
23 'yok'. Not so serious yet. You consider it light,
24 light into the yok.

25 Q Did you disconnect the auto pilot during

1 cruise?

2 A No. Never.

3 Q No? So, basically, the auto pilot was
4 connected --

5 A Up to 10,000.

6 Q Okay, all the way -- it's only 8,000 feet in
7 the descent.

8 A Yes.

9 Q When you have an anomaly like that, you said
10 you told the engineer. Was that the maintenance
11 engineer in Los Angeles?

12 A Yes. In L.A., yes.

13 Q Do you know if he was interviewed, too?

14 A I don't know.

15 Q We don't know?

16 MR. KELADA: I do.

17 MR. MISENCIK: Was he interviewed?

18 MR. KELADA: Yes.

19 MR. MISENCIK: Did he make any corrective
20 maintenance --

21 MR. KELADA: No, because his interview is not
22 part of what we have been presented. It's not in the
23 docket.

24 That's another thing. The interview, he did
25 a maintenance in Los Angeles for Egypt Air that day was

1 somebody from from Delta Airlines because an Italian
2 guy was on board the flight traveling from New York to
3 L.A. He's the guy who we have his interview recorded
4 in the docket.

5 But, the actual man who made the maintenance
6 check was also interviewed. We don't have his
7 interview with the docket.

8 MR. MISENCIK: According to Egypt Air
9 procedures, is that standard procedures just to
10 verbally give maintenance discrepancies?

11 MR. ARRAM: Yes. I want to note, as I go, I
12 think the plane is going to go back to New York, I
13 couldn't say to the engineer to check it.

14 And he will note anything of abnormality when
15 we say the aircraft is fit to fly. I don't have any
16 sort of things to say. The auto pilot worked on the
17 landing.

18 BY MR. MISENCIK:

19 Q But, the auto pilot, you were unable to
20 connect the auto pilot during the descent. Did you
21 feel that wasn't remarkable?

22 A No. It happens. It sometimes happens.
23 Localizer beam or whatever. And after touch down, I
24 did check it. It works. What can I say?

25 Q Did you mention that to the outbound crew

1 that --

2 A We didn't meet at L.A.

3 Q You didn't?

4 A No.

5 Q The --

6 MR. PHILLIPS: Can I jump in here? Can you
7 hear me?

8 When this auto pilot wouldn't accept --
9 disengage, before you disengaged it, did you have any -
10 - when you took the controls, did you feel anything
11 unusual? When you went in the manual mode, did the
12 airplane feel normal at that time?

13 Or could you comment on what the airplane
14 felt like when you took control?

15 MR. ARRAM: It was normal. Normally, when
16 you fly, you trim it. If you feel a little bit heavier
17 or whatever, you trim it.

18 MR. PHILLIPS: Did you have to trim when you
19 took manual control? Do you remember?

20 MR. ARRAM: I remember, of course. But, you
21 know, you trim it, by habit. If it's a little bit
22 heavy, you trim it.

23 QUESTIONS BY MR. PHILLIPS

24 BY MR. PHILLIPS:

25 Q Would the airplane -- is this a CAT-3

1 airplane, category three airplane?

2 A Yes.

3 Q And it's maintained and you're category three
4 qualified to --

5 A No.

6 Q No, you're not. Okay.

7 MR. KELADA: The procedure is at any auto
8 pilot, it goes into the cat 3 mode on the auto pilot.

9 MR. MISENCIK: Okay.

10 MR. KELADA: But, what defines a cat 3 is
11 where you cut off. Do you make an auto end or do you
12 cut off before the -- this is the procedures, the
13 company procedures.

14 MR. MISENCIK: So you use an auto cat 3
15 equipment without cat 3 ... memos or the certification
16 for --

17 MR. MISSIRY: Yes.

18 I want to mention about the case of Tehran
19 that when we went back in the 25 hours of the FER, we
20 found out that the pilot in landing in Los Angeles said
21 that he disconnected the auto pilot and is flying
22 manual from 7,000 feet to the ground.

23 And this is something very uncommon for
24 pilots, especially in Los Angeles, very high traffic.
25 We have to keep the airplane on auto pilot because he

1 gives you a certain speed and a certain heading and you
2 have to use that auto pilot all the way.

3 We said, "This guy must be crazy to fly from
4 7,000 feet until the ground manually.:

5 It's not common for any pilot. So that's why
6 we did call Captain Arram, "What happened that day?"

7 And he told us, "I have told everything to
8 the people who interviewed me -- the NTSB, the Boeing
9 people, the FBI people, and the dates.

10 So when we saw that doc here and we found
11 these few lines out of five hours interview and we were
12 sure he had told them about everything, we said, "No,
13 this is not correct. The man has said much more than
14 that."

15 And that's why we wanted you gentlemen, that
16 this guy, he comes here and tells you about what he
17 said before.

18 And I did ask him a question. I said, "Did
19 you sign the statement?" So he said, "No, I didn't
20 sign any paper."

21 MR. ARRAM: And I was for two days, Thursday
22 plus Sunday. Nobody has any idea what's happened to
23 the... but I tell them exactly what happened with me.

24 Even with auto pilot, I didn't hear anything
25 yet what happened. Monday morning, early morning from

1 9 to 12, I've been interviewed another time.

2 The same things I repeated again, six guys.
3 Say two from the NTSB and two from the FBI. And even
4 the NTSB guys as to the Boeing representative what
5 rules did -- what rules a -- exactly I remember what
6 happens.

7 MR. MISSIRY: I want to object in that the
8 statement of this guy has to be there in this docket.
9 That's why we brought him.

10 MR. PHILLIPS: Absolutely. And that's why we
11 would like for you to write a written statement once
12 again and give us to the best of your recollection what
13 you told that day.

14 MR. MISSIRY: We have done that without
15 getting him. You have his reporting here and he speaks
16 English. So you can take his response.

17 MR. PHILLIPS: That's fine. That's fine. We
18 can use that from the transcript. But, we want to
19 understand what it was because I've been back through
20 those records after it was brought to my attention.

21 I went back to the people who conducted the
22 interviews. And they recall the interviews. They
23 recall the discussions. And I was aware that a Delta
24 crew had worked on the airplane, or had been asked to
25 look at the airplane.

1 MR. MISSIRY: The Italia.

2 MR. PHILLIPS: El Italia is your dispatch
3 agent. But, Delta was handling the dispatch. So we're
4 aware of that. And we're particularly interested in
5 your observations of what was happening with that
6 airplane.

7 MR. MISSIRY: So why is it not in the docket?

8 MR. PHILLIPS: Why it's not in the docket?
9 It wasn't written down. Or, if it was written down, it
10 wasn't given to us to put in the docket.

11 MR. MISSIRY: It's something very, very, very
12 important.

13 MR. BRENNER: Can we go around the table just
14 to see if there's any comments?

15 MR. BRANTLEY: Sure.

16 MR. BRENNER: Any questions, Al?

17 MR. BRANTLEY: I don't.

18 MR. BRENNER: Mike? Bart?

19 MR. ELIAS: No questions.

20 MR. BRENNER: Bud?

21 BUD: Just a couple.

22 QUESTIONS BY "BUD" DONNER

23 Q What load was the auto pilot in when it
24 started pitch oscillating? Was it in the --

25 A You're talking about approach?

1 Q Well, you said it was between eight and ten
2 thousand feet.

3 A Yes. Yes.

4 Q In the approach mode.

5 A Yes, to catch the localizer.

6 Q At 10,000 feet.

7 A Yes.

8 (Simultaneous voices.)

9 MR. KELADA: That's why you didn't try to
10 pick up -- is the question.

11 BY MR. MISENCIK:

12 Q And I missed your comment on the auto pilot
13 being required or not required between L.A. and JFK.

14 A No, the auto pilot is not required between
15 L.A. and JFK. It's not a --

16 BUD: It's an MEL item but not a note item.
17 Okay.

18 Thank you.

19 MR. BRENNER: Mr. Kelada?

20 MR. KELADA: Just my question is why do we
21 have the missing interview? Let's put it in the docket
22 as the interview.

23 MR. BRENNER: We'll address that after.

24 Okay. Good. Captain Missiry.

25 MR. KELADA: Another thing. Did the mechanic

1 really check the airplane as part of the docket because
2 it should be there.

3 MR. PHILLIPS: Those are good questions that
4 I can't answer why they're not in there.

5 Let me tell you how --

6 MR. KELADA: I'm not talking now I mean just
7 as a procedure. These things should be there.

8 MR. PHILLIPS: Should be there, right.

9 MR. KELADA: If you have an investigation,
10 these things should be there.

11 MR. PHILLIPS: And we take your point.

12 MR. KELADA: I'm not indicating whether this
13 has a dire course of the accident or anything.

14 MR. PHILLIPS: Understand.

15 MR. KELADA: It's just as a procedure these
16 things should be there.

17 MR. PHILLIPS: What I'll do is I'll make a
18 call again and ask the people involved in the
19 interviews to give me all the notes they have and we'll
20 work back through those.

21 Now the way I understand these notes that we
22 have on this, they were taken by the L.A. office with
23 some FBI agents there. And we were given those in a
24 packet. And I think they were appended to one of
25 Bort's reports as an appendix.

1 MR. ELIAS: Yes. I had asked the L.A.
2 office:

3 "Is this everything you have? Is this an
4 accurate reflection of the interviews?" Sent a memo to
5 them, and they concurred with that and said, "Yes, this
6 is what we have."

7 And I subsequently put it in my docket with
8 my factual report. Later on, the thing had some
9 handwritten notes that were augmented. Some of the
10 typewritten notes they had. I thought the typewritten
11 notes were just a mirror image of the handwritten
12 notes. That they just took their handwritten notes and
13 typed them in.

14 But, apparently, there was other information,
15 including the information about failure to capture the
16 localizer that was sent.

17 MR. KELADA: The handwritten report?

18 MR. ELIAS: It's on the handwritten notes,
19 yes, that I got later.

20 MR. PHILLIPS: Do we have a copy of those
21 now?

22 MR. ELIAS: I do have a copy of the
23 handwritten notes, yes. But I don't know if I have
24 that maintenance personnel.

25 MR. PHILLIPS: Okay, we'll add that

1 information if we don't have it, and we'll put it in
2 the docket.

3 MR. BRENNER: Captain Missiry?

4 MR. MISSIRY: Yes, I have just an addition,
5 just an addition about this very good question that you
6 asked: why didn't you write down this defect?

7 As most of the people here, they know that
8 all the modern airplanes, they have -- the defects
9 comes and goes. I mean, you have a defect. You have
10 lights. And then, after a while, it disappears.

11 Most of the defects, it's like that in the
12 electronics and the technology area.

13 So the pilots, what they do, they don't write
14 down these defects if it's corrected later on. They
15 don't write it down. Just tell the engineer when they
16 go down, they tell him that such and such happened with
17 me, but the aircraft is working normal now.

18 So Captain Arram, he did try that on the
19 ground and he engaged normally, so that's why he told
20 the man.

21 Besides that, this item, usually, we don't
22 write down. In order to not delay the aircraft, we
23 don't write down the things that the MEL permits that
24 we go back.

25 So if it's something major... we have to

1 write it down, and we have to have an answer about it.

2 But, if it's something like that, we don't
3 have to write it down.

4 MR. ARRAM: Could I add something?

5 Yes, we have here the back switch flickering
6 all times. And it's in a repeated snag for two months.
7 I didn't even write it down because everybody knows
8 that back switch is flickering.

9 So if I should write it down, I should write
10 the back switch, I should write the thrust, I should
11 write the auto pilot.

12 So this is the procedure. I don't write down
13 something which I'm not sure of it. Some of the pilots
14 and me, myself, I feel...and said check for -- and I
15 said, "The electronic had bad behavior with me."

16 Unless I have a solid defect, I'm not writing
17 down.

18 MR. PHILLIPS: Let me ask another question.
19 When you ground checked the auto pilot again and you
20 saw that it actually --

21 MR. ARRAM: It engaged. Exactly, it engaged.

22 MR. PHILLIPS: -- did you think at that time
23 it was okay? That it was corrected, and the problem
24 had gone away.

25 MR. ARRAM: Yes. It engaged and I

1 disconnect. It engaged and I disconnect. So I tell
2 the engineer, "Please check it."

3 MR. MISSIRY: And this is recorded in the
4 AVR.

5 MR. PHILLIPS: Okay.

6 MR. MISSIRY: After landing, that he did try
7 and it was engaged.

8 BUD: But it didn't engage in approaching.

9 MR. ARRAM: No.

10 MR. KELADA: May I add one more thing? That
11 it is general practice of pilots on many sector flights
12 that they have these kind of bogus snags. What they
13 will do is that they will pass it on to each other, and
14 it will be recorded in the last leg coming into base,
15 where they will have a complete check of there.

16 But during transit checks, unless it's
17 something that needs immediate action or has to be
18 acted upon, they will try to keep it going until the
19 last leg.

20 They're backing up to the standard practice,
21 as you know. Standard practice.

22 MR. ARRAM: What I want to be sure, I want to
23 say the truth, what happened to me exactly.

24 MR. BRENNER: Captain, was there any other
25 problem with the airplane?

1 MR. ARRAM: No. Just the facts which I had
2 been informed before.

3 MR. BRENNER: Okay. And any other thoughts
4 that might help us in the investigation? Anything else
5 that you'd like to tell us that might assist us?

6 MR. MISENCIK: I have another question.

7 On the final from 8,000 when you were in the
8 approach mode, were there other airplanes in front of
9 you between you and the airport at that time?

10 MR. ARRAM: Of course. There's a lot of
11 planes.

12 MR. MISENCIK: Have you ever experienced that
13 before when you had airplanes in front contaminating
14 the glide slope transmission, giving you pitch
15 oscillations?

16 MR. ARRAM: They tap in with the localizer
17 sometimes.

18 MR. MISENCIK: With the localizer?

19 MR. ARRAM: Yes. It happens. The plate
20 moves right and left. Okay? If it's something moving
21 in the dark but didn't disengage or didn't do a
22 hunting. What happened to me was it started to hunt,
23 auto pilot hunt.

24 Then, when I disconnected, it refused to
25 engage and give me the evidence on both speech and

1 first localizer and then the glass slope.

2 I tried three times and didn't approach
3 phase.

4 MR. MISENCIK: The only other thing I want to
5 say about the not writing it up, maybe I've got the
6 wrong idea here, but I thought that was the whole
7 purpose of MEL was to be able to continue a flight with
8 a defective item.

9 But, what it does, it makes sure that it gets
10 corrected somewhere down the line or that people are
11 aware of a potential discrepancy.

12 But it's different procedures that we do over
13 here, I guess.

14 MR. KELADA: No, it's the same thing. In
15 this case and in similar cases, we don't have an actual
16 defect. We have something that acts up and goes off.

17 So the action to be taken is just to monitor
18 it until it's either gone or stays. We informed the
19 maintenance to make a check on ground to see if they
20 can detect anything that causes this to come on and
21 off, say, a bad switch that comes on one time and goes
22 off the next time.

23 That's the first step. Now, if it keeps
24 recurring, it would be written down and it will be
25 followed up when it comes back to base..

1 But if it was something that's off all the
2 time, at any airline it will be reported and the
3 auto... is an MEL item and it will be carried forward
4 back to base according to the MEL requirement.

5 MR. MISENCIK: I understand.

6 MR. KELADA: If we have, for example, let's
7 say, a view... it's ...comes off. It's aaa go item.
8 You can't fly with one view on. But, you write it down
9 because this is finished. I mean it's not working.

10 But, when you get a flag intermittent and it
11 goes off again, then you make a check. Maybe, you have
12 a dirty switch or something.

13 And then, if it keeps recurring, it will be
14 reported and it goes back into maintenance. This is
15 what we do.

16 MR. MISENCIK: Sure. But, like Captain
17 Missiry said, this was so remarkable that it caught
18 your attention by looking at the FDR. So it seemed
19 like it may have been remarkable.

20 MR. KELADA: I was reading the FDR and see a
21 pilot flying from 10,000 manually.

22 MR. MISENCIK: Yes, yes. And he said, "We
23 looked at him like is he crazy or something." Yes.

24 MR. KELADA: This is abnormal.

25 MR. MISSIRY: No pilot can do that. He just

1 said he never did that, especially in Los Angeles. I
2 mean.

3 MR. MISENCIK: Yes, but the point I'm asking
4 now is the airplane was going to go to another crew.
5 So these, the new crew that took the airplane had no
6 suspicion that you had difficulties with the auto
7 pilot.

8 MR. MISSIRY: He informed the engineer. He
9 should inform the other crew.

10 BUD: Did he? We don't have his report.

11 MR. KELADA: I don't know. He told the
12 engineer. And the engineer was supposed to check and
13 inform the crew that he did carry out the check, or
14 write it down or log it or whatever.

15 MR. MISSIRY: Not on all the flights. Like
16 New York flight, for example, we arrive in the early
17 morning and we leave in the evening, and we never meet
18 then.

19 But everything will be either with the
20 engineer, any verbal effects or effects with... but we
21 never meet each other. In many stations, we don't meet
22 each other.

23 MR. BRENNER: Can we go off the record?

24 (Discussion off the record.)

25 MR. PHILLIPS: I guess just one follow-up

1 question, and forgive me if I've asked this before.
2 I've been listening and not thinking.

3 Did you do a flight controls check on the
4 airplane before you left New York for Los Angeles?

5 MR. ARRAM: Yes. I left New York -- yes, the
6 procedure, yes.

7 MR. PHILLIPS: The procedure but you moved
8 the controls and watched the control movements. Did
9 you notice anything unusual or feel anything unusual?

10 MR. ARRAM: No.

11 MR. PHILLIPS: Thank you.

12 MR. LUIZZI: Captain, I just have one thing.
13 Is it part in your training in any way that
14 any time when you're in the air to shut off the
15 engines?

16 MR. ARRAM: Shut off the engines?

17 MR. LUIZZI: Yes.

18 MR. ARRAM: There's kind of a procedure like
19 engine failure or engine fire.

20 MR. LUIZZI: Okay, if there's an engine fire.
21 Would there be any other reasons to shut off the
22 engines when you're in mid-air?

23 MR. KELADA: Engine failure.

24 MR. LUIZZI: Those are the two. Okay. Thank
25 you.

1 MR. BRENNER: Captain, I want to thank you
2 for coming. I think it's another example of the very
3 good cooperation we've had with the Egyptian
4 authorities.

5 We appreciate your correcting our record and
6 adding to it because we want to keep the thing... I
7 appreciate your patience. The earlier interview took
8 longer than we thought.

9 MR. ARRAM: That's okay. Yes, thank you.

10 MR. BRENNER: And, again, thank you. Thank
11 you all for making the interviews possible.

12 MR. ARRAM: Thank you.

13 (Interview concluded.)

14