

EXHIBIT C

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

Case No.: 8:03-CR-77-T-30TBM

SAMI AMIN AL-ARIAN,

Defendant.

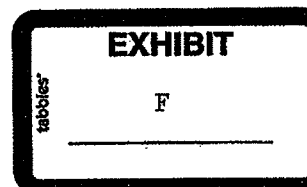
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DECLARATION OF JACK E. FERNANDEZ, ESQ.

STATE OF NEW YORK)
)
COUNTY OF NEW YORK)

I, JACK E. FERNANDEZ, Esq., do hereby declare:

1. My name is Jack Fernandez.
2. I am a resident of Tampa, Florida, and a member of the Bar of the State of Florida.
3. I, along with Lee Fugate, Esq., was requested by the District Court for the Middle District of Florida to assist the parties in determining whether a plea agreement could be reached in the above-referenced case.
4. On April 12, 2006, I attended a meeting at the U.S. Attorney's Office for the Middle District of Florida to discuss the upcoming plea hearing and Dr. Al-Arian's deportation from the United States. In attendance at the meeting was my colleague, Simon Gaugush, Esq.; and representatives of the U.S. Attorney's Office, including, Terence Zitek, Esq., Walter Furr, Esq, and Cherie Krigsman, Esq.; and representatives of the Department of Homeland Security appeared telephonically. During this meeting the



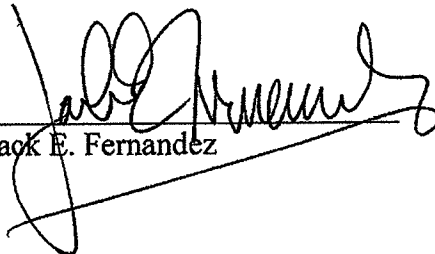
representatives of the U.S. Attorney's Office expressed their confidence that Dr. Al-Arian would be sentenced to the low end of the Guidelines and they calculated he would complete his term of incarceration by June 1, 2006 and be deported from the U.S. shortly thereafter.

5. On or about September 12, 2006, I had a discussion with AUSA Gordon Kromberg, who informed me he had obtained an immunity order for Dr. Al-Arian and intended to writ Dr. Al-Arian to the Eastern District of Virginia to testify before a federal grand jury. He also offered to meet informally with Dr. Al-Arian and defense counsel to discuss the subject matter of the grand jury's investigation. AUSA Kromberg told me that, before Dr. Al-Arian's arrest, Dr. Al-Arian had asked AUSA Kromberg to listen to Dr. Al-Arian's side, and that now AUSA Kromberg was giving Dr. Al-Arian his chance. AUSA Kromberg also told me he wished to inquire about IIIT financing and Dr. Al-Arian's role in the same. AUSA Kromberg also told me he felt Dr. Al-Arian's sentence had been "a bonanza" for Dr. Al-Arian in that it was far lower than the sentence he deserved. I commented to AUSA Kromberg that I feared Dr. Al-Arian was being called before the grand jury as a perjury or contempt trap. AUSA Kromberg denied that this was the reason for issuing the writ.
6. On or about September 18, 2006, AUSA Kromberg called to inform me he was going to writ Dr. Al-Arian to Virginia to testify before the grand jury empanelled there. AUSA Kromberg added that it would probably take ten (10) business days to effectuate Dr. Al-Arian's transfer. He further stated that he intended to call Dr. Al-Arian to testify in mid-October. AUSA Kromberg also confirmed that he had access to and reviewed the FISA wiretaps pertaining to Dr. Al-Arian's case.

7. That same day, after consulting with Dr. Al-Arian, and at his request, I asked AUSA Kromberg whether he would consider delaying Dr. Al-Arian's travel until after the end of Ramadan. In response to my client's request, AUSA Kromberg became agitated and responded that "they can kill each other during Ramadan, they can appear before the grand jury; all they can't do is eat before sunset." I understood "they" to mean Muslims. AUSA Kromberg went on to explain Dr. Al-Arian's request was "all part of the attempted Islamization of the American Justice System." AUSA Kromberg further told me he was not going to put off Dr. Al-Arian's grand jury appearance just to assist in the Islamization of America. I terminated the discussion at that point and contacted the Office of the U.S. Attorney for the Middle District of Florida to express my concern with AUSA Kromberg's motivation and apparent bias against Muslims.
8. Later that day, on September 18, I called back AUSA Kromberg to express to him my belief that comments such as the kind made earlier in the day called into question his ability to conduct an objective investigation of Dr. Al-Arian or his former associates and acquaintances.
9. On September 20, 2006, I called AUSA Kromberg to reiterate my feeling that, given his sentiment about the Islamic faith and its adherents, as well as his feeling that Dr. Al-Arian had received a bonanza at sentencing, I had serious concerns with his ability to be objective in this matter, and asked AUSA Kromberg to recuse himself. I made this call on speakerphone in the presence of Zuckerman Spaeder attorney Lee Fugate, and Dr. Al-Arian's former attorney Linda Moreno, and informed AUSA Kromberg of the presence of witnesses. AUSA Kromberg responded harshly, "We can do this the hard way or the easy way." I responded that in view of his sentiments he expressed to me, I believed Dr. Al-Arian was

being compelled to testify before the grand jury as either a perjury or contempt trap, especially in light of the fact I had confirmed with AUSA Krigsman that AUSA Kromberg had access to all of the FISA electronic surveillance of Dr. Al-Arian throughout the period in question. In support of this conclusion, I further noted that Dr. Al-Arian has been incarcerated since his encounter with AUSA Kromberg.

In conformity with 28 U.S.C. § 1746, I, Jack E. Fernandez, Esq., declare under penalty of perjury that the foregoing is true and correct. Executed on October 25, 2006.



Jack E. Fernandez