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15	UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WASHINGTON	
16	AT SPOKANE	
17		
18	SULEIMAN ABDULLAH SALIM,	NO. 2:15-CV-286-JLQ
	MOHAMED AHMED BEN SOUD, OBAID ULLAH (as personal	DECLARATION OF JAMES
19	representative of GUL RAHMAN),	ELMER MITCHELL IN SUPPORT
20		OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
21	Plaintiffs,	SUMMART JUDGIMENT
22	vs.	2 - a
23	JAMES ELMER MITCHELL and	
24	JOHN "BRUCE" JESSEN,	*
	Defendents	
25	Defendants.	
		Betts Patterson
	DECLARATION OF JAMES ELMER MITCHELL IN SUPPORT OF	Mines One Convention Place

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DEFENDANTS' MOTION FOR

SUMMARY JUDGMENT

Mines One Convention Place Suite 1400 701 Pike Street Seattle, Washington 98101-3927 (206) 292-9988

- I, James Elmer Mitchell, hereby certify under penalty of perjury, that the following is true and correct and within my personal knowledge:
- 1. I am over the age of 18, have personal knowledge of all facts contained in this declaration, and am competent to testify as a witness to those facts.
 - 2. I am one of the Defendants in the above captioned case.
- 3. I was an independent contractor for the CIA. In this role, I was present at the CIA's black-site referred to as GREEN for the interrogation of Abu Zubaydah. While I was at GREEN in April, May, and June 2002, another psychologist who had a background with the United States' Survival Evasion Resistance and Escape ("SERE") program was also present. This other psychologist was not Dr. John "Bruce" Jessen ("Dr. Jessen").
- 4. I was also present at GREEN for some time in July and August 2002. During this time, others were also present at GREEN, including Dr. Jessen and other medical professionals familiar with the SERE program, which at times was a third SERE psychologist.
- 5. Some of these individuals had undergone SERE training that was conducted by the CIA when the CIA had its own SERE program. I was not involved in the CIA's SERE program, which was discontinued before I began working for the CIA.
- 6. Through my presence at GREEN for the interrogation of Zubaydah, I became familiar with the titles used for CIA personnel. At GREEN, the Chief of

DECLARATION OF JAMES ELMER MITCHELL IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

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Base reported to the Station Representative, who reported to the Chief of Station, who reported back to personnel at CIA Headquarters.

- 7. At GREEN, I reported to the Chief of Base and/or the Station Representative.
- 8. The abbreviation "CTC/LGL" was used for the CIA's Counterterrorism Center's legal department.
- 9. From April 2002 through January 2003, of the time I spent working for the CIA, I spent 80% of my time deployed at locations outside the United States.
- 10. Through my work as an independent contractor for the CIA, I understood that Dr. Jessen and I were the sole individuals authorized to apply EITs up until December 2002.
- 11. I visited the CIA's detention cite named COBALT only one time in November 2002. During the visit, I had very limited interaction with Medium-Value Detainees. I had no other contact with Medium-Value Detainees.
- 12. I was not aware that the Director of the CIA's Guidelines on Interrogations, a copy of which is attached here as **Exhibit 1**, was sent to COBALT in January 2003.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED this 19 day of May, 2017.

James Elmer Mitchell

DECLARATION OF JAMES ELMER MITCHELL IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of May, 2017, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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By s/Shane Kangas

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DECLARATION OF JAMES ELMER MITCHELL IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

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