

Exhibit 2

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

-----+
SULEIMAN ABDULLAH SALIM,
et al,

Plaintiffs,

vs.

JAMES E. MITCHELL and
JOHN JESSEN,

Defendants.
-----+

Case Number:

2:15-cv-286-JLQ

Videotaped Deposition of Jose Rodriguez

Washington, D.C.

Tuesday, March 7, 2017

10:00 a.m.

Job No. 302803

Reported by: Laurie Bangart, RPR, CRR

Page 6

1 EXAMINATION INDEX
 2 PAGE
 3 EXAMINATION BY MR. LUSTBERG 13, 224
 4 EXAMINATION BY MR. JAMES SMITH 144, 249
 5
 6
 7
 8
 9 EXHIBITS
 10 EXHIBIT DESCRIPTION PAGE
 11 Exhibit G-1 Classification Guidance, 000022 . 11
 12 Exhibit 36 Declaration of Jose Rodriguez . . 15
 13 Exhibit 37 Excerpts from the book Hard
 14 Measures by Jose Rodriguez . . . 35
 15 Exhibit 38 Cable dated January 31, 2003,
 16 Bates 001170 through 001174 . . . 70
 17 Exhibit 39 Cable, no date, Bates labeled
 18 001760 through 001765 118
 19 Exhibit 40 August 17, 2008 Memorandum for
 20 Record regarding Suleiman
 21 Abdullah 138
 22 Exhibit 41 Cable dated March 19, 2004,
 23 Bates 001542 through 001544 . . . 187
 24 Exhibit 42 Cable dated November 2002,
 25 Bates 001061 through 001063 . . . 194

Page 7

1 (Exhibits continued)
 2 EXHIBIT DESCRIPTION PAGE
 3 Exhibit 43 Cable, no date, Bates labeled
 4 001496 through 001500 207
 5 Exhibit 44 Document, Bates labeled
 6 001551 through 001587 226
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 8

1 PROCEEDINGS
 2 THE VIDEOGRAPHER: We are now on
 3 the record. This begins videotape number 1
 4 in the deposition of Jose Rodriguez in the
 5 matter of Salim versus James Elmer Mitchell
 6 and John Bruce Jessen, in the U.S. District
 7 Court for the Eastern District of Washington
 8 at Spokane, docket number 2:15-CV-286-JLP.
 9 Today is Tuesday, March 7, 2017.
 10 The time is 10:10 a.m. This deposition is
 11 being taken at Blank Rome in Washington, D.C.
 12 at the request of Gibbons P.C. I'm Jason
 13 Fifield, the videographer, with Magna Legal
 14 Services, and the court reporter is Laurie
 15 Bangart of Magna Legal Services.
 16 Will counsel and all parties
 17 present state their appearance and who they
 18 represent.
 19 MR. LUSTBERG: We'll start with
 20 plaintiffs. Lawrence S. Lustberg from
 21 Gibbons P.C. on behalf of plaintiffs.
 22 MS. JANUKOWICZ: Kate Janukowicz of
 23 Gibbons P.C. on behalf of plaintiffs.
 24 MS. SHAMSI: Hina Shamsi, the
 25 American Civil Liberties Union, on behalf of

Page 9

1 the plaintiffs.
 2 MR. LADIN: Dror Ladin, the
 3 American Civil Liberties Union, on behalf of
 4 plaintiffs.
 5 MR. MCGRADY: Daniel McGrady,
 6 Gibbons P.C. on behalf of plaintiffs.
 7 MR. FREY: Avram Frey of Gibbons
 8 P.C. on behalf of plaintiffs.
 9 MR. JAMES SMITH: Jim Smith on
 10 behalf of the defendants.
 11 MR. SCHUELKE: Hank Schuelke on
 12 behalf of Drs. Mitchell and Jessen.
 13 MS. QUERNS: Ann Querns on behalf
 14 of the defendants.
 15 MR. LUSTBERG: Why don't we do the
 16 government?
 17 MR. JOHNSON: Jim Johnson with the
 18 Department of Justice on behalf of the United
 19 States.
 20 MR. CODY SMITH: Cody Smith of the
 21 CIA on behalf of the government.
 22 MS. WALCOTT: Heather Walcott, CIA,
 23 on behalf of the government.
 24 MS. BECKMAN: Megan Beckman, CIA,
 25 on behalf of the government.

1 Osama bin Laden eventually led us to him from the
2 courier, so all of this as a result mostly from
3 this program. That's how valuable it was.

4 Q Mr. Rodriguez, is there any doubt in
5 your mind that this country would have been
6 attacked but for the program that was put in place
7 by the CIA?

8 MR. LUSTBERG: Objection for the
9 record. Go ahead.

10 THE WITNESS: I have no doubt that
11 we would have been whacked again had it not
12 been for this program.

13 BY MR. JAMES SMITH:

14 Q Now, during the period of time that this
15 program was in place -- and by "the program,"
16 again, I want to make sure we're crystal clear.
17 It's the enhanced interrogation techniques for
18 high-value detainees, utilizing procedures and at
19 the direction of the CIA.

20 Are you with me?

21 A Yes.

22 Q Was there ever a question in your mind
23 about what you were doing and whether or not it
24 was legal?

25 A There was never a question in my mind.

1 Q And why was there never a question in
2 your mind?

3 A Because we had received the proper
4 authorities from the Justice Department. Those
5 authorities, by the way -- they had given us
6 verbal authorities. We said no, we want a written
7 authority, and we got those. We thought that
8 legally we were covered, and we went to work, so I
9 never had any issue with it.

10 Q And was there ever any question in your
11 mind that the direction that you gave to
12 Drs. Mitchell and Jessen was legal at all material
13 times?

14 A It was, it was legal, and we were basing
15 this legality on binding legal opinions from our
16 own Justice Department.

17 This was not just the CIA lawyers
18 telling us. This was, you know, our government.
19 The OLC, as you know, is the organization in
20 government that provides this type of opinion, and
21 that's what we got. Some people have asked me,
22 well, did you feel like you needed to consult
23 other people? I said, you know, are we supposed
24 to go hire a lawyer to get a different point of
25 view? We are operators. We're clandestine

1 operators. We rely on the government to tell us
2 what's legal and what's not. When we got the
3 opinion that it was legal, we went to work.

4 MR. JAMES SMITH: Thank you,
5 Mr. Rodriguez. We have no further questions
6 of you at this time.

7 THE WITNESS: Thank you.

8 MR. LUSTBERG: I have just a few
9 questions. Can I get the mic back?

10 MR. JAMES SMITH: You can't have it
11 back. You don't need it.

12 FURTHER EXAMINATION BY COUNSEL FOR PLAINTIFFS
13 BY MR. LUSTBERG:

14 Q Okay. Just a few questions for you,
15 Mr. Rodriguez, and then we'll be finished.

16 First, mostly what I'm going to ask you
17 about is the individual plaintiffs here.

18 A Okay.

19 Q With regard to Mr. Salim --

20 A Okay.

21 Q -- do you have any personal knowledge of
22 what his activities were prior to his being
23 captured?

24 A No.

25 Q Do you have any personal knowledge

1 regarding the circumstances of his capture?

2 A No.

3 Q Do you have any personal knowledge
4 regarding his treatment in captivity?

5 A No.

6 Q Second, with respect to plaintiff Ben
7 Soud, do you have any personal knowledge of his
8 activities prior to capture?

9 A No.

10 Q Do you have any personal knowledge about
11 the circumstances of his capture and/or rendition?

12 A No.

13 Q Do you have any personal knowledge at
14 all with regard to the way he was treated in
15 captivity?

16 A No.

17 Q With regard to Rahman, you said you've
18 read materials with regard to that?

19 A Correct.

20 Q You have no personal knowledge, however,
21 with regard to it; is that correct?

22 A I was not there. I was -- I was not
23 there.

24 Q Right. You didn't observe anything
25 yourself?

1 Q And does that strike you as odd?
 2 A It's crazy.
 3 Q One other thing, because I want to make
 4 sure the record is clear here.
 5 My adversary, my worthy adversary, I
 6 should say, Mr. Lustberg, said that during the
 7 period of time that Drs. Mitchell and Jessen were
 8 involved, that they consulted continuously.
 9 Do you remember that?
 10 A Yes.
 11 Q Okay. Just so we're clear, anytime they
 12 were involved in an enhanced interrogation
 13 technique, the US government picked the person,
 14 picked the procedures that would be used, picked
 15 the number of times it would be done, everything
 16 about it, correct?
 17 A That is correct.
 18 Q Okay, and they simply followed orders?
 19 A That is correct.
 20 MR. JAMES SMITH: Okay. No further
 21 questions.
 22 THE VIDEOGRAPHER: 4:44 p.m. This
 23 concludes the deposition.
 24 THE REPORTER: Who wants a copy of
 25 the transcript?

1
 2
 3
 4
 5
 6 ACKNOWLEDGEMENT OF WITNESS
 7 I, Jose Rodriguez, do hereby
 8 acknowledge that I have read and examined the
 9 foregoing testimony, and the same is a true,
 10 correct and complete transcription of the
 11 testimony given by me, and any corrections
 12 appear on the attached Errata sheet signed by
 13 me.
 14
 15
 16
 17 _____
 18 (DATE) (SIGNATURE)
 19
 20
 21
 22
 23
 24
 25

1 MR. LUSTBERG: Yeah, the original.
 2 MR. JAMES SMITH: Of course.
 3 MR. JOHNSON: I don't know yet. I
 4 have to ask the higher-ups.
 5 (Signature having not been
 6 waived, the video deposition
 7 of JOSE RODRIGUEZ was concluded
 8 at 4:44 p.m.)
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 ERRATA SHEET
 2 IN RE: SALIM, ET AL, VS. MITCHELL AND JESSEN
 3 RETURN BY:
 4 PAGE LINE CORRECTION AND REASON
 5 _____
 6 _____
 7 _____
 8 _____
 9 _____
 10 _____
 11 _____
 12 _____
 13 _____
 14 _____
 15 _____
 16 _____
 17 _____
 18 _____
 19 _____
 20 _____
 21 _____
 22 _____
 23 _____
 24 _____
 25 (DATE) (SIGNATURE)

1 ERRATA SHEET
 2 IN RE: SALIM, ET AL, VS. MITCHELL AND JESSEN
 3 RETURN BY:
 4 PAGE LINE CORRECTION AND REASON
 5 _____
 6 _____
 7 _____
 8 _____
 9 _____
 10 _____
 11 _____
 12 _____
 13 _____
 14 _____
 15 _____
 16 _____
 17 _____
 18 _____
 19 _____
 20 _____
 21 _____
 22 _____
 23 _____
 24 _____
 25 (DATE) (SIGNATURE)

1
 2
 3
 4
 5 CERTIFICATE OF SHORTHAND REPORTER -- NOTARY PUBLIC
 6 I, Laurie Bangart, Registered
 7 Professional Reporter, Certified Realtime
 8 Reporter, the officer before whom the
 9 foregoing deposition was taken, do hereby
 10 certify that the foregoing transcript is a
 11 true and correct record of the testimony
 12 given; that said testimony was taken by me
 13 stenographically and thereafter reduced to
 14 typewriting under my supervision; and that I
 15 am neither counsel for, related to, nor
 16 employed by any of the parties to this case
 17 and have no interest, financial or otherwise,
 18 in its outcome.
 19 IN WITNESS WHEREOF, I have hereunto
 20 set my hand and affixed my notarial seal this
 21 18th day of March, 2017.
 22 My commission expires: March 14th, 2021
 23
 24
 25

 LAURIE BANGART
 NOTARY PUBLIC IN AND FOR
 THE DISTRICT OF COLUMBIA