

Exhibit I

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

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SULEIMAN ABDULLAH SALIM,
MOHAMED AHMED BEN SOUD, OBAID
ULLAH (as Personal
Representative of GUL RAHMAN),

Plaintiffs,

Civil Action No.

vs.

2:15-CV-286-JLQ

JAMES ELMER MITCHELL and
JOHN "BRUCE" JESSEN,

Defendants.

- - - - - x

DEPOSITION OF MOHAMED AHMED BEN SOUD

VOLUME I

January 31, 2017

Reported by:

Jane M. Borrowman, RPR, CSR

Job no: 17957

1 Q. And how is it that you know him?

2 A. During my stay in Afghanistan.

3 Q. Was he part of the LIFG?

4 A. No.

5 Q. Why did you -- why were you with him in
6 Afghanistan?

7 A. I was not with him. I came to know him over
8 there, but I belonged to the LIFG and he
9 belongs to Al-Qaeda.

10 Q. How did you come to meet him in Afghanistan?

11 A. This is because Abu Faraj al-Libi is a Libyan
12 national and the LIFG is considered a Libyan
13 group. He used to frequent us from time to
14 time, this is because of the acquaintance and
15 because he is a Libyan person.

16 Q. So he would frequent the camp in Afghanistan?

17 MS. SHAMSI: Objection. You may
18 answer.

19 THE WITNESS: No. He does not
20 frequent the camp.

21 BY MR. SMITH:

22 Q. Did he, during the period of time that you
23 were at the camp in Afghanistan, did he
24 frequent that camp?

1 A. No.

2 Q. Was he ever at the camp?

3 A. No, he did not visit the camp.

4 Q. Well, where did you meet him in Afghanistan?

5 A. We have a gathering place that we call the
6 house of receiving guests or visiting guests
7 and this is a place for the LIFG and it is
8 situated within the city, it's a house, a
9 rented house, that is occupied by people from
10 the LIFG who are not in the camp.

11 Q. What city?

12 A. Jalalabad.

13 Q. And why did Abu Faraj al-Libi have occasion to
14 visit that house?

15 A. There was no reason. It was a visit. It was
16 like haphazard chance for him to visit.

17 Q. And you knew that he was part of the group
18 Al-Qaeda?

19 A. Yes.

20 Q. And he was a welcome guest?

21 A. We are under the umbrella of the Libyan
22 nationals and he would be welcome as a Libyan
23 national. And we oppose his -- we oppose his
24 attitude, that when it comes to Al-Qaeda, we

1 have a vast difference when it comes to their
2 vision and the ideology, but still, we are
3 under the Islamic fraternity, umbrella, and
4 between us, that bond of being -- of being
5 Libyans.

6 Q. When did you learn that Abu Faraj al-Libi was
7 affiliated with Al-Qaeda?

8 A. About 1992.

9 Q. And how did you demonstrate to him that you
10 opposed his attitude toward the mission of
11 Al-Qaeda?

12 A. I would tell him you are Libyan, you are a
13 Libyan national, and you have got out of Libya
14 and you have left that Gaddafi regime that
15 would -- disregards the human rights and that
16 would kill, detain, and would confiscate the
17 civil liberties, why don't you think about the
18 way to change that. You are a Libyan and a
19 special responsibility or emphasis befalls on
20 you to change this situation.

21 Q. Mr. Soud, do you have an understanding of what
22 Al-Qaeda's mission was and is?

23 A. I know.

24 Q. Can you tell me your understanding?

1 A. What I know, and this is through my knowing
2 that -- the Qaeda organization, or Al-Qaeda,
3 there was a long period where -- within which
4 the Al-Qaeda organization had changed. That
5 changed was -- that change was from one idea
6 to another idea. The Al-Qaeda organization,
7 up till the events of September, were adopting
8 some ideas that differed after September.

9 Before September, Al-Qaeda was a
10 group that was supporting resistance, the
11 resistance movement. For example, in
12 Afghanistan, against the Russians, and the
13 resistance, as well, that happened by the
14 Chechens against the Russians, the Turkishstan
15 (sic), Turkishstan against the Russians, as
16 well, and the Al-Qaeda group was supporting
17 the Army or the Sudanese government against
18 the separatists in the southern Sudan.

19 Q. Let me make sure I understand, Mr. Soud. Are
20 you saying that Al-Qaeda, to your
21 understanding, was supporting the Afghanis
22 against the Russians prior to 9-11?

23 A. Yes.

24 Q. And the --

1 MR. ALHALABI: I'm sorry. I'm
2 sorry. Your question was prior to 9-11. The
3 translation was prior to 2011.

4 MR. SMITH: Okay. So let's correct
5 that, then.

6 INTERPRETER: September 11.
7 Correction for the record, the interpreter
8 would like to add before September 11.

9 MR. SMITH: The same answer?

10 INTERPRETER: I'm sorry. I didn't
11 catch the -- the interpreter did not catch the
12 question.

13 MR. SMITH: Let's have the question
14 read back.

15 (Whereupon, the record was read
16 back by the court reporter as
17 follows:

18 QUESTION: "Let me make sure I
19 understand, Mr. Soud. Are you
20 saying that Al-Qaeda, to your
21 understanding, was supporting the
22 Afghanis against the Russians prior
23 to 9-11?

24 "ANSWER: Yes.")

1 MR. SMITH: Okay.

2 MR. ALHALABI: I'm just saying --

3 MR. SMITH: I understand.

4 MR. ALHALABI: -- exactly what he
5 said.

6 MR. SMITH: No, I understand. But,
7 obviously, there is a dispute about what he
8 said. And I don't know what he said and I
9 want to make sure we get a hundred percent
10 right, but let's just make sure that we do it
11 in a way that --

12 MS. SHAMSI: Jim, I totally agree
13 with you that he's not speaking as an
14 advocate.

15 MR. SMITH: Yeah.

16 MS. SHAMSI: As a translator, if
17 there is an issue with --

18 MR. SMITH: Absolutely.

19 MS. SHAMSI: -- respect to "member"
20 versus "working with," then that's something
21 that you might want to clarify.

22 INTERPRETER: Sure.

23 MR. SMITH: And if there is an
24 issue, let's just do it in a way that --

1 THE INTERPRETER: Sure.

2 MR. SMITH: Yeah. Because I know
3 you're doing your best, and I know you are,
4 and let's just make a record that looks that
5 way.

6 INTERPRETER: Yes, please.

7 MR. SMITH: Okay. So what's the
8 issue?

9 INTERPRETER: Could the interpreter
10 clarify from the witness the last segment
11 concerning Abu Layth al-Libi?

12 (Translation.)

13 INTERPRETER: Exactly. He was
14 correct. He became cooperative or cooperating
15 with Al-Qaeda.

16 BY MR. SMITH:

17 Q. In what year did that occur?

18 A. After September in 2001.

19 Q. Okay. How many other members of the LIFG
20 started cooperating with Al-Qaeda after
21 September 11th, 2001?

22 A. Some members have become cooperating --
23 started cooperating with Al-Qaeda, I would say
24 about four persons, that those have become

1 cooperating with Al-Qaeda. This is what I
2 know.

3 Q. And do you know their names?

4 A. Yes.

5 Q. What are their names?

6 A. There is Seraj, S-E-R-A-J, Abu Sahl, A-B-U,
7 S-A-H-L, Abdulla Saaid, A-B-D-U-L-A (sic),
8 S-A-A-I-D. This is what I remember right now.

9 Q. I thought you said there were four.

10 A. Yes, but I forgot the fourth.

11 Q. And when did you learn that these members of
12 LIFG were cooperating with Al-Qaeda?

13 A. In 2002.

14 Q. And in 2002, I think you were back in
15 Pakistan, right?

16 A. Yes.

17 Q. And how did you learn about these four and
18 their cooperation?

19 A. We were in Peshawar and I -- it came to my
20 knowledge that there are persons from LIFG,
21 that Abu Layth managed to convince them with
22 his goals and his desire to help Al-Qaeda,
23 that's -- and, thus, they joined him.

24 Q. Now, do you know if these people from LIFG

1 were on the payroll for LIFG, like you were?

2 MS. SHAMSI: Objection. You can
3 answer.

4 THE WITNESS: I don't know.

5 BY MR. SMITH:

6 Q. Well, do you have any reason to believe they
7 were treated any differently than you?

8 A. Repeat the question.

9 Q. Do you have any reason to believe they were
10 treated any differently by the LIFG than you
11 were treated by the LIFG?

12 MS. SHAMSI: Objection.

13 THE WITNESS: I don't know. I don't
14 know.

15 BY MR. SMITH:

16 Q. Do you know what the cooperation was that
17 these men were giving to Al-Qaeda?

18 A. I don't know.

19 Q. Did you ever learn, sir, after September 11th,
20 2001, that there was another attack that was
21 planned on the United States?

22 A. I don't know.

23 Q. What was your reaction when you learned about
24 the attack on the United States on

1 September 11th, 2001?

2 A. I opposed, I opposed that vehemently, or
3 strongly.

4 Q. And when you learned that the LIFG members who
5 you've identified by name were participating
6 with or cooperating with Al-Qaeda, did you
7 report them to the authorities?

8 A. No.

9 Q. Is that because they were Libyan brothers?

10 MS. SHAMSI: Objection. You may
11 answer.

12 THE WITNESS: I did not have the
13 clear means or the methods to say about or to
14 tell about these and I did not know any
15 American to tell them that these are who did
16 that or -- or tell them about those, tell them
17 about those.

18 BY MR. SMITH:

19 Q. Do you know the name, Mr. Soud, Abu Yahya,
20 that's Y-A-H-Y-A, al-Libi, L-I-V-Y (sic)?

21 A. I know -- I know it's the fourth person that I
22 missed.

23 Q. Okay. And isn't it true that he occupied a
24 senior position in Al-Qaeda?

1 A. I did not know that he had joined Al-Qaeda. I
2 know that he has joined.

3 Q. Well, you knew he was cooperating following
4 the events of September 11th, 2001, with
5 Al-Qaeda, correct?

6 A. Yes.

7 Q. Who is Abu al-Laith (sic), L-A-I-T-H, al-Libi,
8 L-I-B-Y (sic)?

9 MS. SHAMSI: Objection. Asked and
10 answered, but you can answer.

11 BY MR. SMITH:

12 Q. Abu Laith, is that the same person?

13 A. Yes.

14 Q. Are you still a member of the LIFG?

15 A. Yes. The LIFG has turned into a political
16 party after the killing of Gaddafi in 2011.

17 Q. Is it true that on November 3rd, 2007, the
18 LIFG merged with Al-Qaeda?

19 A. It's not true, no.

20 Q. Have you seen the video clips produced by
21 Al-Qaeda announcing that merger?

22 A. I saw Abdelhakim Belhadj when we were together
23 in the prison in Libya and he was confirming
24 that he did not join Al-Qaeda.

1 leg and there was no -- there wasn't any of
2 those that were at the first stage.

3 Q. And what about stage three at Cobalt, were you
4 subjected to any of the conditions that you
5 described as stage three at Cobalt while you
6 were detained for these four months?

7 A. It was the loud music that continued,
8 shackling, darkness, a continuous
9 interrogation, that continued.

10 Q. And is it your contention that the conditions
11 that you were exposed to during these four
12 months were part of this program prepared by
13 Drs. Mitchell and Jessen?

14 A. I don't think.

15 Q. Why don't you think?

16 A. Because I did not suffer -- I was not exposed
17 to those methods of torture that I was exposed
18 to in Cobalt.

19 Q. So who do you think was making the decisions
20 about your treatment while you were at this
21 facility for four months?

22 A. It's those with whom I was detained. I was
23 detained by the CIA.

24 Q. So at least during this period of four months,

1 you think that the CIA was making decisions
2 without any input from Drs. Mitchell and
3 Jessen, is that correct?

4 MS. SHAMSI: Objection. You may
5 answer.

6 THE WITNESS: I don't know whether
7 there was any communication between the CIA
8 and Dr. Mitchell or there was any
9 coordination, I don't know.

10 BY MR. SMITH:

11 Q. You have no evidence of any communication or
12 coordination, isn't that correct?

13 MS. SHAMSI: Objection. You may
14 answer.

15 THE WITNESS: I don't know.

16 BY MR. SMITH:

17 Q. Okay. Now, after these four months, sometime
18 in August of 2004, you were moved from this
19 facility, is that correct?

20 A. Yes.

21 Q. And you were turned over to Libyan
22 authorities?

23 A. Yes. I was handed over to the Gaddafi regime,
24 yes.

1 Q. And that was in August of 2004?

2 A. Yes.

3 Q. Who made the decision to release you to the
4 Libyan authorities?

5 A. I was not released. I was handed over to the
6 Gaddafi regime to go into Gaddafi prisons and
7 I don't know who took the decision.

8 Q. Do you have any evidence that Dr. Jessen or
9 Dr. Mitchell was in any way involved in the
10 decision to hand you over to the Libyan
11 authorities?

12 A. I don't know.

13 Q. Do you have any evidence that Dr. Mitchell or
14 Dr. Jessen even knew that you had been turned
15 over to the Gaddafi regime?

16 A. I don't know.

17 Q. So what happened to you after you were turned
18 over to the Libyan officials?

19 A. One of the days, someone who were -- who was
20 there in that place came and the guards took
21 me forcibly and very cruelly and they started
22 to -- they started the proceed -- the process
23 where they cut, ripped my clothes, till I
24 became naked, totally naked, and they dressed

1 me in other clothes and took me to a car.

2 The car started to move erratically,
3 very quickly, very fast, then stopped, then
4 very fast, then stopped, till I got dizzy and
5 I threw up.

6 Then, I was taken to what we call a
7 container. Then, the proceeds for travel
8 started with ripping my clothes till I became
9 completely bare, and shackles were put to my
10 hands and my legs, and my eyes were blinded
11 and my ears, and I was hooded.

12 I was forcibly shoved to the plane
13 ladder, steps. They made me sit on one of the
14 seats in the plane, then the plane took off,
15 and after a long time, the duration of the
16 journey, we reached another place.

17 MS. SHAMSI: Jim, Bashar is raising
18 his hand.

19 MR. ALHALABI: Jim.

20 MR. SMITH: Yes.

21 MR. ALHALABI: Also, I was shackled
22 to the seat.

23 INTERPRETER: Okay. Omission by the
24 interpreter for "I was shackled to the seat on

1 the plane."

2 (Translation.)

3 BY MR. SMITH:

4 Q. Where did the plane land?

5 A. The plane landed in an airport. After that,
6 after a short while of that, I learned that
7 this place was one of the Libyan airports.

8 Q. And then what happened when you got off the
9 plane?

10 A. We were handed over to the Libyan intelligence
11 and immediately myself and two others were
12 shoved in a car, in the back hatch, the back
13 hatch of a car, and -- of one of the cars.
14 After that, I was transferred to another
15 place. I learned after that that this was the
16 prison of Tajora.

17 Q. Spell that, please.

18 INTERPRETER: T-A-J-O-R-A. Tajora.

19 THE WITNESS: Tajora.

20 INTERPRETER: Tajora. T-A-J-O-R-A.

21 BY MR. SMITH:

22 Q. Mr. Soud, at the time that you landed on that
23 plane in Libya, did you still have the present
24 intention and desire to kill Gaddafi and

1 anyone associated with his regime?

2 MS. SHAMSI: Objection. You may
3 answer.

4 THE WITNESS: Up till that time, the
5 moment that I stepped down in Libya, and still
6 my affiliation is to the LIFG, which aims at
7 overturning Gaddafi and his regime.

8 BY MR. SMITH:

9 Q. Mr. Soud, did you still have the present
10 intention when you landed that day in Libya to
11 kill Gaddafi and members of his regime?

12 MS. SHAMSI: Objection. You may
13 answer.

14 THE WITNESS: Yes.

15 BY MR. SMITH:

16 Q. Would you have killed him that day if you had
17 the opportunity?

18 A. Gaddafi, yes.

19 Q. Now, how long did you remain in the prison
20 Tajora?

21 A. Several months.

22 Q. Several months?

23 A. Several months.

24 Q. Okay. When were you moved from Tajora?

1 Q. Can someone tell me what the witness is
2 saying?

3 A. As well, a mark about the -- it caused me an
4 injury to my leg or foot. It could be a cut.
5 Then, there was an addition that caused blood
6 to gush out of my foot. So it's a cut.

7 Q. So the bodily injury that you told us about at
8 Cobalt was a cut to your foot, Mr. Soud?

9 A. It was because of the iron shackle. So when
10 the guard stood over the iron shackle that was
11 on my foot, I suffered from an injury. It was
12 not a cut, it was an internal injury.

13 MR. ALHALABI: Did not say
14 "internal."

15 INTERPRETER: Yeah. I mean --

16 MR. ALHALABI: Okay. When you say
17 -- I'm sorry. Can I explain? When you say "a
18 cut," it was perceived as a complete cut, like
19 when you cut something.

20 Now, in English, a cut is when you,
21 basically, cut your skin. The skin broke, if
22 you would. So I believe that's what's going
23 on.

24 You may clarify.

1 INTERPRETER: The interpreter
2 understood that it was not an apparent cut,
3 but it was like a dig into the flesh of the
4 skin. We can ask the -- the interpreter would
5 like to ask for a clarification, please.

6 MR. SMITH: Sure.

7 (Translation discussion.)

8 THE WITNESS: It was a cut that
9 blood gushed out of it.

10 BY MR. SMITH:

11 Q. All right. Did you sustain any bodily
12 injuries while you were maintained as a
13 prisoner in the other facility after you left
14 Cobalt?

15 A. No.

16 Q. Now, in 2006, April of 2006, you were
17 transferred to another prison in Libya called
18 "Abu Salim"?

19 A. Yes.

20 Q. How long did you stay there?

21 A. Till I was released from prison in 2011.

22 Q. When in 2011 were you released?

23 A. January.

24 Q. So you were a prisoner for almost five years

1 at Abu Salim?

2 A. Yes.

3 Q. Before we break, where do you live presently,
4 Mr. Soud?

5 A. In the city of Misrata.

6 Q. Could you spell that, please.

7 INTERPRETER: M-O-U-S-T-R-A-T-A.

8 (Sic.)

9 Q. And where is that?

10 A. It is a city, Misrata is a city that is
11 located in the western/northern part, and it's
12 by the seaside, which is a way, 200 kilometers
13 to the west -- no, to the east from Tripoli.

14 Q. How long have you lived there?

15 A. I lived since I was released up till today.

16 Q. And who pays for your -- your expenses
17 associated with living there?

18 A. I live in a house with my mother and I work.
19 As I have mentioned to you, I work at one of
20 the companies.

21 Q. Okay. What's the name of the company that you
22 work at?

23 A. Tibisti Company for alabaster and granite.

24 Q. Spell it, please.

1 COMMONWEALTH OF MASSACHUSETTS)
2 SUFFOLK, SS:)

3

4 I, JANE M. BORROWMAN, Registered
5 Professional Reporter and Notary Public in and
6 for the Commonwealth of Massachusetts, do
7 hereby certify that on January 31, 2017,
8 Mohamed Ahmed Ben Soud, the witness whose
9 deposition is hereinbefore set forth, was duly
10 sworn by me and that such deposition is a true
11 record of the testimony given by the witness.

12 I further certify that I am neither
13 related to or employed by any of the parties
14 in or counsel to this action, nor am I
15 financially interested in the action.

16 In witness whereof, I have hereunto
17 set my hand and seal this 12th day of February
18 2017.

19

20 Notary Public
21 RPR No. 001420

22

23 My commission expires:

24 7 December 2023