

# **EXHIBIT 9**

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

- - - - - x

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

VIDEOTAPED DEPOSITION OF SULEIMAN ABDULLAH SALIM

VOLUME I

March 14, 2017

Reported by:  
Jane M. Borrowman, RPR, CSR  
Job no: 18303

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1 PROCEEDINGS  
 2 VIDEOGRAPHER: This is media No. 1  
 3 in the video deposition of Suleiman Abdullah  
 4 Salim in the matter of Suleiman Abdullah  
 5 Salim, et al. versus James Mitchell, et al.,  
 6 United States District Court for the Eastern  
 7 District of Washington, Civil Action No.  
 8 2:15-CV-286-JLQ.  
 9 This deposition is being held at the  
 10 offices of Hogan Lovells, 22 Fredman Drive, in  
 11 Johannesburg, South Africa, on March 14th,  
 12 2017. The time is approximately 10:08 a.m.  
 13 My name is Bill Slater from the firm  
 14 of TransPerfect. I am the legal video  
 15 specialist. The court reporter is Jane  
 16 Borrowman in association with TransPerfect  
 17 Legal Solutions.  
 18 Will counsel please voice identify  
 19 themselves for the record.  
 20 MR. SMITH: Jim Smith for the  
 21 defendants, here with Charrise Alexander.  
 22 MR. HOFFMAN: Paul Hoffman for the  
 23 plaintiff.  
 24 MR. WATT: Steven Watt for the

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1 plaintiff.  
 2 VIDEOGRAPHER: Will the court  
 3 reporter please swear in the witness and the  
 4 interpreter.  
 5 (Whereupon, [REDACTED] was duly  
 6 sworn to interpret the questions from English  
 7 into Swahili, and the answers of the witness  
 8 from Swahili into English.)  
 9 (Witness sworn.)  
 10 MR. SMITH: Okay. So, [REDACTED]  
 11 your last name?  
 12 INTERPRETER [REDACTED].  
 13 MR. SMITH: For the record, I'm just  
 14 going to refer to you as [REDACTED] Is that  
 15 acceptable to you?  
 16 INTERPRETER [REDACTED] That's fine.  
 17 MR. SMITH: Okay. So, [REDACTED] as  
 18 you know, you are the official interpreter for  
 19 this proceeding, but prior to going on the  
 20 record, I just want to put it on the record  
 21 the ACLU has also brought an interpreter,  
 22 Samuel.  
 23 Samuel, what is your last name?  
 24 INTERPRETER KENDAGOR: Kendagor.

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1 K-E-N-D-A-G-O-R.  
 2 MR. SMITH: And may I call you  
 3 "Samuel" on the record?  
 4 INTERPRETER KENDAGOR: Yes.  
 5 MR. SMITH: Thank you.  
 6 We have an understanding, [REDACTED]  
 7 that if there is some dispute about the  
 8 interpretation that you're giving to the  
 9 witness, either of my questions or the  
 10 witness's answers, Samuel will just simply  
 11 raise his hand, which means everybody pauses  
 12 until we determine if we have an issue and how  
 13 we're going to work it out.  
 14 Fair enough?  
 15 INTERPRETER [REDACTED] Sure.  
 16 MR. SMITH: Okay.  
 17 SULEIMAN ABDULLAH SALIM,  
 18 a witness called for examination by counsel  
 19 for the Defendants, being first duly sworn,  
 20 was examined and testified as follows:  
 21 EXAMINATION  
 22 BY MR. SMITH:  
 23 Q. Could you state your name for the record,  
 24 please, sir.

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1 A. Suleiman Abdullah Salim.  
 2 Q. Mr. Salim, good morning. My name is Jim Smith  
 3 and I represent the defendants who have been  
 4 named in a lawsuit pending in the United  
 5 States District Court for the Eastern District  
 6 of Washington in which you are a plaintiff.  
 7 INTERPRETER [REDACTED] This is the  
 8 interpreter. I would like to request that you  
 9 talk in short segments.  
 10 MR. SMITH: Yes. Absolutely. Shall  
 11 we start all over again?  
 12 INTERPRETER [REDACTED] Please.  
 13 BY MR. SMITH:  
 14 Q. Mr. Salim, good morning. My name is Mr. Jim  
 15 Smith and I represent defendants Mitchell and  
 16 Jessen in a lawsuit pending in the United  
 17 States District Court for the Eastern District  
 18 of Washington in which you are a plaintiff.  
 19 A. Fine.  
 20 Q. You're aware of that, is that correct, sir?  
 21 A. You know my lawyer.  
 22 Q. Okay. But is he aware that he is a plaintiff  
 23 in a lawsuit pending in the United States of  
 24 America?

1 understand what Mr. Hoffman said just now,  
2 before the interpreter translated it,  
3 Mr. Salim?  
4 A. Yes.  
5 MR. SMITH: Okay. So let me just  
6 ask if, maybe, we could go off the record for  
7 a second.  
8 VIDEOGRAPHER: The time is 10:40.  
9 We're off the record.  
10 (Brief pause.)  
11 VIDEOGRAPHER: Back on the record.  
12 The time is 10:41.  
13 MR. SMITH: Just for the record, I  
14 took a quick break and asked Mr. Hoffman if he  
15 would consider just using an interpreter when  
16 the witness asks for an interpretation, but he  
17 said that he didn't believe Mr. Salim's  
18 English was good enough. So I'll accept that  
19 and we'll just keep marching on.  
20 BY MR. SMITH:  
21 Q. Mr. Salim, did you ever present this  
22 identification to Kenyan police or other  
23 officials using the name Issa Tanzania?  
24 A. No.

1 Q. That wasn't your real name, is that correct?  
2 A. Yes.  
3 Q. Yes, that's correct, it was not his real name?  
4 A. It wasn't a real name.  
5 Q. And why were you in Kenya?  
6 MR. HOFFMAN: Objection as to -- as  
7 to time, actually.  
8 When are you asking him?  
9 MR. SMITH: That doesn't work,  
10 Mr. Hoffman. You say "objection" and, then, I  
11 can --  
12 MR. HOFFMAN: Well, but it's going  
13 to be a --  
14 MR. SMITH: Speaking objections  
15 don't work, Mr. Hoffman. Okay? If you want  
16 to go off the record and ask the witness to  
17 leave the room to put a speaking objection on  
18 the record, you can. So please don't do it.  
19 MR. HOFFMAN: Well, then, maybe  
20 we'll just -- we'll just make objections that  
21 -- with -- with real objections rather than  
22 just put it on the record.  
23 MR. SMITH: If you want to use time  
24 to put an explanation for your objection. All

1 of your arguments are preserved if you say  
2 "objection." So there's no reason to do it.  
3 BY MR. SMITH:  
4 Q. Do you understand my question, sir?  
5 A. Repeat the question.  
6 MR. SMITH: Sure. Could I ask the  
7 court reporter to read it back.  
8 (Whereupon, the question was read  
9 back by the court reporter as  
10 follows: "And why were you in  
11 Kenya?")  
12 MR. HOFFMAN: Objection.  
13 THE WITNESS: I was working.  
14 BY MR. SMITH:  
15 Q. He was walking?  
16 A. Working. Working. (Phonetic: Walking.)  
17 MR. HOFFMAN: Working.  
18 MR. SMITH: Working. Oh, working.  
19 BY MR. SMITH:  
20 Q. When did you start working in Kenya?  
21 A. I can't really recall, but it was in the '90s,  
22 maybe '91.  
23 Q. Okay. Now, I think you said you started using  
24 the name Issa Tanzania in 1994, 1995, is that

1 right?  
2 A. Yes.  
3 Q. But, yet, you started working in Kenya in, you  
4 think, 1991?  
5 A. Yes.  
6 Q. So why did you wait three years or so to get  
7 this identification?  
8 MR. HOFFMAN: Objection. You can  
9 answer.  
10 INTERPRETER [REDACTED] Did you say he  
11 can answer?  
12 MR. HOFFMAN: Yes. Yes.  
13 THE WITNESS: In '94, that's when I  
14 was now living in Kenya and working in Kenya.  
15 '91, I was operating from Dar es Salaam to  
16 Kenya, Kenya to Dar es Salaam.  
17 MR. SMITH: Okay. Got it. Thank  
18 you.  
19 INTERPRETER [REDACTED] Thank you.  
20 MR. SMITH: And just so we're clear  
21 while there's no question pending, would you  
22 tell the witness that unless his lawyer  
23 instructs him not to answer the question, that  
24 even though there's an objection, he should

1 MR. HOFFMAN: Objection.  
 2 THE WITNESS: Yes.  
 3 BY MR. SMITH:  
 4 Q. Have you ever looked at any parts of this  
 5 document?  
 6 A. I don't remember.  
 7 Q. Have you ever -- I'm going to direct your  
 8 attention to starting on page 32, paragraph 71  
 9 through 116. Have you ever looked at any  
 10 document that contained this information?  
 11 A. I've never.  
 12 Q. Did you ever tell your lawyers that the  
 13 information in paragraph 71 through 116 was  
 14 true?  
 15 A. I don't know what it's saying.  
 16 Q. All right. Mr. Salim, what do you say we quit  
 17 for today and we'll start tomorrow morning.  
 18 A. What you think is okay.  
 19 MR. SMITH: Okay. Go get some rest.  
 20 We'll start tomorrow morning. Let's go off  
 21 the record.  
 22 VIDEOGRAPHER: The time is 4:51.  
 23 We're off the record in the deposition.  
 24 (Time: 4:51 p.m.)

1 \*\*\* ERRATA SHEET \*\*\*  
 2 TRANSPERFECT DEPOSITION SERVICES  
 216 E. 45th Street, Suite #903  
 3 NEW YORK, NEW YORK 10017  
 4 (212) 400-8845  
 5 CASE: SULEIMAN ABDULLAH SALIM et al. v. MITCHELL  
 6 DATE: MARCH 14, 2017  
 7 WITNESS: SULEIMAN ABDULLAH SALIM REF: 18303  
 8 PAGE LINE FROM TO  
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 22 \_\_\_\_\_  
 23 \_\_\_\_\_  
 24 \_\_\_\_\_

21 SULEIMAN ABDULLAH SALIM  
 22 Subscribed and sworn to before me  
 23 this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.  
 24 \_\_\_\_\_  
 Notary Public

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 March 14, 2017,  
 8 Suleiman Abdullah Salim, 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 28th day of March  
 18 2017.  
 19  
 20 Notary Public  
 21 RPR No. 001420  
 22  
 23 My commission expires:  
 24 7 December 2023