

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON  
Civil Action No. 2:15-CV-286-JLQ

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SULEIMAN ABDULLAH SALIM, MOHAMED  
AHMED BEN SOUD, OBAID ULLAH (AS  
PERSONAL REPRESENTATIVE OF GUL  
RAHMAN),

Plaintiffs,

vs.

JAMES ELMER MITCHELL and JOHN  
"BRUCE" JESSEN,

Defendants.

-----)

DEPOSITION OF OBAIDULLAH

New York, New York

January 31, 2017

Reported by:

Linda Salzman, RPR

Job No. 17896

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1 Obaidullah  
 2 Dr. Baheer prior to working for him as his  
 3 driver?  
 4 A. Since he was the bodyguard for  
 5 Hekmatyar, they found each other or they  
 6 got introduced or they know each other  
 7 since then, they knew each other since  
 8 then.  
 9 Q. Do you know when your uncle was  
 10 first introduced to Dr. Baheer?  
 11 A. I don't know.  
 12 Q. Do you know the circumstances of  
 13 the introduction?  
 14 A. I don't know.  
 15 Q. So is it fair to say then you  
 16 don't know how it is that your uncle knew  
 17 Dr. Baheer?  
 18 A. Yes.  
 19 Q. Was your uncle Gul Rahman  
 20 involved in any organized clubs, groups or  
 21 activities, to your knowledge?  
 22 A. No, I know he was not doing  
 23 anything like that.  
 24 Q. Not involved in any clubs that  
 25 you recall?

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1 Obaidullah  
 2 A. No.  
 3 Q. Did your uncle serve in the  
 4 military?  
 5 A. No.  
 6 Q. Did he serve with any resistance  
 7 faction?  
 8 THE INTERPRETER: What's  
 9 "resistance faction"?  
 10 MR. PASZAMANT: Let me think  
 11 that one through for a second.  
 12 BY MR. PASZAMANT:  
 13 Q. Was he involved with any  
 14 paramilitary group?  
 15 A. No, he was not.  
 16 Q. Was he involved with any gangs,  
 17 to your knowledge?  
 18 A. No.  
 19 Q. Okay.  
 20 Sir, was your uncle Gul Rahman,  
 21 to your knowledge, involved with Al Qaeda?  
 22 A. No.  
 23 Q. Would you know if he was  
 24 involved with Al Qaeda?  
 25 A. I don't think so. He would

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1 Obaidullah  
 2 spend all of the time with us.  
 3 Q. So you would know in your mind  
 4 if he was involved with Al Qaeda?  
 5 A. I knew that he was not involved.  
 6 Q. And when you last saw your  
 7 uncle, you were how old?  
 8 A. Maybe 11.  
 9 Q. And how is it that you would  
 10 know for a fact that he was not involved  
 11 with Al Qaeda?  
 12 A. Because I was taking him lunch  
 13 or bread or food every day when he was  
 14 wood breaking and we were at the same  
 15 camp. There is no question that he would  
 16 be related to Al Qaeda from there.  
 17 Q. When he worked as the bodyguard  
 18 for Hekmatyar, were you always with him?  
 19 A. No.  
 20 Q. Do you know whether Hekmatyar  
 21 was involved with Al Qaeda?  
 22 A. I don't know.  
 23 Q. So it's possible that your uncle  
 24 while he worked with Hekmatyar was  
 25 involved with Al Qaeda, correct?

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1 Obaidullah  
 2 MR. LADIN: Object.  
 3 You can answer.  
 4 A. He was not. It's impossible.  
 5 Hekmatyar was in Iran and he didn't have  
 6 any connection with Hekmatyar.  
 7 Q. There was a time Hekmatyar was  
 8 in Afghanistan, correct?  
 9 A. When was that?  
 10 Q. Was there any point in time, to  
 11 your knowledge, that Hekmatyar was in  
 12 Afghanistan?  
 13 A. I don't know. I have never  
 14 spent time with him.  
 15 Q. When your uncle worked as  
 16 Hekmatyar's bodyguard, where did he work?  
 17 When your uncle, Gul Rahman, worked as  
 18 Hekmatyar's bodyguard, where did he work?  
 19 A. In Afghanistan.  
 20 Q. Exactly.  
 21 So during that period of time,  
 22 you never met Hekmatyar, correct?  
 23 A. No.  
 24 Q. And you didn't know what  
 25 Hekmatyar was doing during that period of

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1 Obaidullah  
 2 time, correct?  
 3 A. No, I don't know.  
 4 Q. And other than knowing that your  
 5 uncle, Gul Rahman, was Hekmatyar's  
 6 bodyguard, you don't know what they did on  
 7 a daily basis, correct?  
 8 A. Yes, I don't know.  
 9 Q. So you would have no idea  
 10 whether one of the things that they did  
 11 while your uncle served as Hekmatyar's  
 12 bodyguard was to serve Al Qaeda, correct?  
 13 MR. LADIN: We are going to  
 14 object again.  
 15 You can answer.  
 16 A. When Hekmatyar was in  
 17 Afghanistan, my uncle was his bodyguard.  
 18 Whatever they are doing, it was the  
 19 Russian war there. Al Qaeda was when my  
 20 uncle was no longer working with him, with  
 21 Hekmatyar. When my uncle was with  
 22 Hekmatyar, they were working with America  
 23 as a friend at that time, at that period  
 24 of time.  
 25 America was helping Mujihideen

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1 Obaidullah  
 2 at that time because it was the war of  
 3 Soviet Union, so America was with the  
 4 government of Afghanistan. My uncle was  
 5 working at that time. There was no Al  
 6 Qaeda at that time.  
 7 Q. How do you know whether there  
 8 was an Al Qaeda at the time you're  
 9 speaking of?  
 10 A. The history tells me.  
 11 Q. Oh, things that you've read, is  
 12 that the basis of your statement?  
 13 A. Yes.  
 14 Q. Okay. Because you were just a  
 15 young child at that time, correct?  
 16 A. Yes.  
 17 MR. LADIN: Just wait for the  
 18 translation.  
 19 BY MR. PASZAMANT:  
 20 Q. When did the Soviet war in  
 21 Afghanistan end, to your recollection?  
 22 A. I don't know.  
 23 Q. But it was exclusively during  
 24 this war with Afghanistan that your uncle,  
 25 Gul Rahman, worked as the bodyguard for

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1 Obaidullah  
 2 Hekmatyar, correct?  
 3 A. Yes.  
 4 Q. For how many years did your  
 5 uncle work as a driver for Dr. Baheer?  
 6 A. It was so many years, I cannot  
 7 remember the dates or the years, exact  
 8 years.  
 9 Q. Okay. Sitting here, do you have  
 10 any knowledge as to whether Dr. Baheer was  
 11 affiliated with Al Qaeda?  
 12 A. I don't know.  
 13 Q. Okay. And so while your uncle  
 14 was driving for Dr. Baheer, you don't know  
 15 whether they together were involved with  
 16 Al Qaeda, correct?  
 17 A. According to my personal  
 18 knowledge, they were not working together.  
 19 Q. Okay.  
 20 A. With Al Qaeda.  
 21 Q. Okay.  
 22 A. Since we were very poor family,  
 23 he was just working to earn money, nothing  
 24 else. His intention was nothing but  
 25 earning money. He was not director or the

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1 Obaidullah  
 2 commander of Hekmatyar.  
 3 Q. Okay.  
 4 You were in school during the  
 5 time that your uncle was the driver for  
 6 Dr. Baheer, correct?  
 7 A. Yes.  
 8 Q. So you don't know what they did  
 9 during the day when you weren't with them,  
 10 correct?  
 11 A. No, I don't.  
 12 Q. Okay.  
 13 You told me earlier that you've  
 14 read various documents on the internet  
 15 relating to your uncle, correct?  
 16 A. Yes.  
 17 Q. Do you recall reading any  
 18 documents that said that the U.S.  
 19 government thought that your uncle was  
 20 involved with Al Qaeda?  
 21 A. No.  
 22 MR. PASZAMANT: Let's mark this  
 23 as Obaidullah 5.  
 24 (Obaidullah Exhibit 5, Document,  
 25 marked for identification, as of this

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1 Obaidullah  
 2 date.)  
 3 BY MR. PASZAMANT:  
 4 Q. Please take a moment to look at  
 5 what I marked as Exhibit No. 5. Is this  
 6 one of the documents you recall reading  
 7 regarding your uncle?  
 8 A. I don't think so.  
 9 Q. Turn, if you would, to the page  
 10 bearing Bates label 1007.  
 11 MR. LADIN: Bates label is this  
 12 at the bottom.  
 13 BY MR. PASZAMANT:  
 14 Q. Paragraph 22, sir. Could you  
 15 read that to me, please? Well, actually,  
 16 let's do this differently. I apologize  
 17 because of the translator. It reads:  
 18 "Gul Rahman was a Hezb Islami  
 19 official from Logar Province, Afghanistan,  
 20 who was known to interact with and support  
 21 Al Qaeda."  
 22 A. Gul Rahman is not from Wardak.  
 23 He was from Logar.  
 24 Q. This document was produced to me  
 25 by the United States Central Intelligence

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1 Obaidullah  
 2 Agency.  
 3 MR. LADIN: Brian, for the  
 4 record, I think there's actually a  
 5 version of it that came from the  
 6 Freedom of Information Act because it  
 7 has the freedom of -- this was  
 8 produced by us.  
 9 MR. PASZAMANT: I've got it 58  
 10 different ways. I'm mistaken, and  
 11 your counsel properly corrected me.  
 12 BY MR. PASZAMANT:  
 13 Q. This document was produced by  
 14 your attorneys to me in connection with  
 15 this lawsuit. And you'll see at the top  
 16 of the page it says, "Death Investigation  
 17 Gul Rahman," correct?  
 18 You told me earlier today that  
 19 you thought things contained in  
 20 investigations were correct and accurate,  
 21 am I right?  
 22 A. Yes.  
 23 Q. And here it says that your uncle  
 24 was a Hezb Islami official from Wardak  
 25 Province, Afghanistan, who was known to

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1 Obaidullah  
 2 interact with and support Al Qaeda.  
 3 Correct?  
 4 A. He was not from Wardak.  
 5 Q. I understand. But the rest of  
 6 it says that he was known to interact with  
 7 and support Al Qaeda.  
 8 Do you see that?  
 9 A. Yes, I can see the documents.  
 10 Q. Then it says in the next  
 11 sentence:  
 12 "He was known to be a close  
 13 associate of Gulbuddin Hekmatyar and Abd  
 14 Al-Rahman Al-Nadji."  
 15 Did I read that correctly?  
 16 THE INTERPRETER: I can't  
 17 remember the other name.  
 18 MR. PASZAMANT: Al Nadji.  
 19 A. I don't know. It's just saying  
 20 in the report, but I don't know.  
 21 Q. Exactly.  
 22 But investigations in your mind  
 23 are accurate, correct?  
 24 A. I can't accept that my uncle  
 25 would work with Al Qaeda.

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1 Obaidullah  
 2 Q. So this part of this  
 3 investigation is not accurate in your  
 4 mind?  
 5 A. No, no ways.  
 6 Q. What other investigations aren't  
 7 accurate?  
 8 MR. LADIN: Object. Wait, wait.  
 9 Do you note the objections?  
 10 COURT REPORTER: Of course.  
 11 A. You should ask the questions  
 12 from the CIA people that made the  
 13 investigation.  
 14 Q. But earlier you told me that the  
 15 CIA investigations are accurate, as you  
 16 understand it, correct?  
 17 A. I didn't say regarding this. I  
 18 was talking about how he was tortured and  
 19 violated, not this part. I was talking  
 20 about his tortures.  
 21 Q. I see.  
 22 So when the CIA investigation  
 23 says that your uncle was tortured, that  
 24 you accept. But when it says that he was  
 25 known to interact with and support Al

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1 Obaidullah  
 2 Qaeda, that you don't accept.  
 3 Do I have that right?  
 4 A. I can't accept it because they  
 5 says he's from Wardak Province. He's not  
 6 from Wardak. Maybe they have mistake on  
 7 that one, on that part.  
 8 Q. Okay.  
 9 So the mistake is that he's not  
 10 from Wardak Province and the rest of it is  
 11 accurate in your mind, correct?  
 12 MR. LADIN: Objection.  
 13 You can answer.  
 14 A. My opinion is my uncle was not  
 15 involved with Al Qaeda. He was working,  
 16 that's correct, he was working with  
 17 Hekmatyar. He was the bodyguard. I  
 18 accept that he was working --  
 19 Q. Turn to 2, please, turn to the  
 20 page labeled "United States 1279" on the  
 21 bottom right.  
 22 Exhibit 2 is a report from an  
 23 investigation by the Central Intelligence  
 24 Agency Inspector General. Correct?  
 25 THE INTERPRETER: I'm sorry. I

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1 Obaidullah  
 2 need help with that. Explaining this  
 3 situation.  
 4 MR. LADIN: Do you know how to  
 5 say "central intelligence"?  
 6 MR. SIDDIQI: (Translating.)  
 7 A. Yes.  
 8 Q. Do you see on page bearing Bates  
 9 label 1279, second line, it says:  
 10 "Rahman was considered an Al  
 11 Qaeda operative."  
 12 A. Yes.  
 13 Q. Here do you believe that this  
 14 investigation concluded that he was an Al  
 15 Qaeda operative?  
 16 MR. LADIN: I object for the  
 17 record.  
 18 You can answer.  
 19 MR. PASZAMANT: Are we at an  
 20 impasse? I don't know what just  
 21 transpired here other than your  
 22 objection.  
 23 A. My uncle worked with Hezb  
 24 Islami, but he was not working with Al  
 25 Qaeda.

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1 Obaidullah  
 2 Q. So this portion of this  
 3 investigation in your mind is inaccurate?  
 4 A. My question is if they are  
 5 writing the documents or the reports, they  
 6 must have a reason writing that reason. I  
 7 want that reason why they are writing it.  
 8 Q. Okay.  
 9 But you would acknowledge that  
 10 they wrote it because they had a reason,  
 11 correct?  
 12 MR. LADIN: Objection.  
 13 You can continue.  
 14 A. What are the reason? What are  
 15 the causes or reasons that they have  
 16 investigated that he was Al Qaeda?  
 17 Q. So in your mind this statement  
 18 that Rahman was involved with Al Qaeda,  
 19 that's inaccurate in your mind, correct?  
 20 MR. LADIN: Wait, wait. Sorry.  
 21 Hold on. What statement are you  
 22 reading from?  
 23 MR. PASZAMANT: I'm still on  
 24 that same statement, "Rahman was  
 25 considered an Al Qaeda operative."

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1 Obaidullah  
 2 I'm asking whether in his mind that's  
 3 inaccurate.  
 4 A. Yes.  
 5 Q. So there's portions of this  
 6 report, this investigation that in your  
 7 mind are wrong, correct?  
 8 A. When you are using the Al Qaeda  
 9 word, this is wrong.  
 10 Q. I see.  
 11 So how do we know what other  
 12 part of this investigation, which bears  
 13 Exhibit No. 2, is also wrong?  
 14 MR. LADIN: Objection. He can  
 15 answer.  
 16 A. I want to speak in details.  
 17 When you're saying that my uncle was Al  
 18 Qaeda, I'm sure you have a reason for it.  
 19 But I want that reason. You should have  
 20 to present that reason for me. If this  
 21 report has been written, it's been written  
 22 for a reason. Everything has a reason.  
 23 They don't write something wrong. My  
 24 uncle was working with Hekmatyar. There  
 25 is a misunderstanding. He was not working

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1 Obaidullah  
 2 with Al Qaeda.  
 3 Q. I have two exhibits, Exhibit 2  
 4 and Exhibit 5. Both of them are in front  
 5 of you. Each of them says your uncle  
 6 supported or was affiliated with Al Qaeda,  
 7 correct?  
 8 A. Yes.  
 9 Q. And you told me earlier that you  
 10 believe that when an investigation is  
 11 performed, what's said in the  
 12 investigation report is accurate, correct?  
 13 A. I didn't say that my uncle is Al  
 14 Qaeda. I agreed that this report was  
 15 arranged or created by CIA and might be  
 16 accurate.  
 17 Q. So my question to you, sir,  
 18 is --  
 19 MR. LADIN: He says the  
 20 translation was mostly accurate.  
 21 THE INTERPRETER: Mostly, yeah.  
 22 BY MR. PASZAMANT:  
 23 Q. How do we know what's accurate  
 24 and what's not in these two investigative  
 25 reports that I showed you?

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1 Obaidullah  
 2 MR. LADIN: I'm going to object.  
 3 You can answer.  
 4 A. When they arrested my uncle or  
 5 when they are writing report, they must  
 6 have a reason, that's why they have  
 7 created this report. If they're writing  
 8 that he was from Al Qaeda, I want to find  
 9 out which part of Al Qaeda. Which group  
 10 of Al Qaeda he was related to.  
 11 Second, I say that he was  
 12 Hekmatyar's bodyguard. I was somehow,  
 13 most of the people in Afghanistan was  
 14 working in different groups or Hesbs in  
 15 Afghanistan.  
 16 MR. SIDDIQI: At that time.  
 17 THE INTERPRETER: At that time,  
 18 yeah.  
 19 A. It cannot be the reason that CIA  
 20 could kill him. It cannot -- it can't be  
 21 the reason, it cannot be the reason that  
 22 they can come and kill the whole people  
 23 back there in the country.  
 24 Q. Are you done?  
 25 A. Yes.

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1 Obaidullah  
 2 MR. PASZAMANT: I will move to  
 3 strike that answer as nonresponsive.  
 4 Can you please read my question  
 5 back?  
 6 MR. LUSTBERG: What do you mean,  
 7 strike the answer as not responsive?  
 8 It's part of the record. You can't  
 9 just strike it.  
 10 For the record, he could do  
 11 that.  
 12 (Whereupon, the requested  
 13 portion was read back by the court  
 14 reporter.)  
 15 MR. LADIN: I'm going to object  
 16 again. He can answer.  
 17 A. As I said earlier, this report  
 18 has been written for a reason. I say that  
 19 most of this reports are correct,  
 20 accurate. When they are saying my uncle  
 21 was related to Al Qaeda, do they have a  
 22 reason. Do they have a proof I could say  
 23 he was involved in Al Qaeda? But if they  
 24 do not have any proof, that's a  
 25 misunderstanding of them that they had

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1 Obaidullah  
 2 wrote it there.  
 3 Q. Sir, my question is a little  
 4 different. My question to you is simple.  
 5 How do we know what within these  
 6 reports that I've showed you marked as  
 7 Exhibits 2 and 5, we should accept as  
 8 true, versus what we don't think is true,  
 9 how should we know?  
 10 MR. LADIN: Objection.  
 11 You can answer.  
 12 A. Majority of the report is based  
 13 on the facts that my uncle was working  
 14 with Gulbidin, G-U-L-B-I-D-I-N. I accept  
 15 he was working. I can't accept that he  
 16 was working with Al Qaeda.  
 17 Q. But you have no idea, one way or  
 18 another, sitting here today, do you?  
 19 MR. LADIN: I will object.  
 20 You can answer.  
 21 A. No, I don't.  
 22 Q. Okay.  
 23 MR. PASZAMANT: The court  
 24 reporter asked for a break. Now would  
 25 be a good time.

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1 Obaidullah  
 2 MR. LUSTBERG: Now would be a  
 3 good time.  
 4 THE VIDEOGRAPHER: We are going  
 5 off the record. The time is 5:14 p.m.  
 6 (Thereupon, a recess was taken,  
 7 and then the proceedings continued as  
 8 follows:)  
 9 THE VIDEOGRAPHER: We are now on  
 10 the record. The time is 5:28 p.m.  
 11 This begins media unit 5.  
 12 BY MR. PASZAMANT:  
 13 Q. Sir, are you ready to proceed?  
 14 A. Yes.  
 15 Q. Okay. Could you tell me, sir,  
 16 what Hezb Islami is?  
 17 A. It's a group. It's a party.  
 18 Q. A political party, sir?  
 19 A. Yes.  
 20 Q. How are you familiar with this  
 21 particular political party?  
 22 A. Because in Afghanistan, two  
 23 political parties are working because they  
 24 are so famous. They are a big group.  
 25 Q. Was your uncle, Gul Rahman,

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1 Obaidullah  
 2 associated with Hezb Islami?  
 3 A. He was working with Gulbuddin,  
 4 yes.  
 5 Q. And Gulbuddin Hekmatyar was  
 6 involved with Hezbi Islami?  
 7 A. He was the head of this group.  
 8 Q. Do you know Abd Al-Rahman  
 9 Al-Nadji?  
 10 A. No, I don't know.  
 11 Q. That's not a name that's  
 12 familiar to you.  
 13 A. No.  
 14 Q. Do you know if your uncle had  
 15 had any sort of a relationship with this  
 16 individual?  
 17 A. No.  
 18 Q. Do you know whether your uncle  
 19 served as a conduit or a go-between  
 20 between this individual and Hekmatyar?  
 21 A. I don't know.  
 22 Q. So if these investigations that  
 23 we were talking about before the break  
 24 suggested there was a relationship between  
 25 Abd Al-Rahman Al-Nadji and Hekmatyar, you

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1 Obaidullah  
 2 wouldn't know whether that's accurate or  
 3 not, correct?  
 4 A. I don't know this name, and I  
 5 don't remember this name. I don't know  
 6 him.  
 7 MR. PASZAMANT: Could you read  
 8 the question back, please.  
 9 (Record was read back by the  
 10 court reporter as follows:  
 11 "QUESTION: How do we know  
 12 what's accurate and what's not in  
 13 these two investigative reports that I  
 14 showed you?")  
 15 A. I don't know.  
 16 Q. I want to talk about your  
 17 uncle's health before he was captured. Do  
 18 you recall your uncle having any medical  
 19 conditions or health issues prior to his  
 20 capture?  
 21 A. My uncle was in good health  
 22 condition. He had only allergies.  
 23 Q. Sir, you weren't with your uncle  
 24 when he was captured, were you?  
 25 A. No, I was not.

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1 Obaidullah  
 2 Q. And you have no personal  
 3 knowledge as to what occurred when he was  
 4 captured or how he was captured, correct?  
 5 A. No.  
 6 Q. You mentioned allergies to me a  
 7 moment ago, do you recall?  
 8 A. Yes.  
 9 Q. What was your uncle allergic to?  
 10 A. I don't exactly know what  
 11 allergies, but I knew he has allergies.  
 12 Q. How did you know he had  
 13 allergies, sir?  
 14 A. They were mentioning it at home.  
 15 Q. And what symptoms did your uncle  
 16 have as a result of these allergies that  
 17 they were mentioning at home?  
 18 A. Nothing that I remember, but he  
 19 was occasionally getting very cold or  
 20 getting cold.  
 21 Q. Sir, when you say that they were  
 22 mentioning your uncle's allergies at home,  
 23 is this a conversation that was had prior  
 24 to your uncle's capture or after your  
 25 uncle's capture?

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1 Obaidullah  
 2 give you an apology?  
 3 A. I haven't thought about that  
 4 yet.  
 5 Q. Are you looking for the United  
 6 States Department of Justice to give you  
 7 an apology?  
 8 A. Yes.  
 9 Q. What would you like the  
 10 Department of Justice to tell you?  
 11 A. I haven't thought of those yet.  
 12 MR. PASZAMANT: I have nothing  
 13 further.  
 14 MR. LADIN: Okay. Thank you. I  
 15 have three very short questions, I  
 16 hope.  
 17 EXAMINATION BY  
 18 MR. LADIN:  
 19 Q. So we will just try to go  
 20 through them. Earlier I think you said  
 21 that Gul Rahman was famous and nice.  
 22 Do you remember that?  
 23 A. Yes.  
 24 Q. Did you mean that he had a  
 25 reputation for being nice?

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1 Obaidullah  
 2 A. There's things when you call a  
 3 person in Afghanistan famous, whether he  
 4 has reputation or whether he is a kind and  
 5 nice person, that everybody knows him as  
 6 that kind and gentleman person. He didn't  
 7 have any reputation or chair or money.  
 8 THE INTERPRETER: He didn't have  
 9 any rank.  
 10 A. He was the one who was always  
 11 helping people. He was doing good to  
 12 people. I remember so many stuff, if I  
 13 start talking it's going to be too much.  
 14 Q. I won't ask you right now to  
 15 start talking about that at all. Thank  
 16 you.  
 17 The second thing I wanted to ask  
 18 you is, do you remember saying earlier  
 19 that Adam Goldman was the first person to  
 20 inform your family of what happened to Gul  
 21 Rahman?  
 22 A. I remember Goldman was the first  
 23 person who established or published a  
 24 report. The report was established in  
 25 2013.

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1 Obaidullah  
 2 But up to that time, my family  
 3 would not believe what happened to my  
 4 uncle. If I would say -- if somebody was  
 5 saying Gul Rahman was dead, everybody  
 6 would start arguing that he's not. Once  
 7 we found out from the Senate Committee  
 8 that he was deceased or dead, then we did  
 9 family gathering, a religious gathering of  
 10 funeral type after that.  
 11 Q. So before the Senate Committee  
 12 Report came out, you never had a funeral  
 13 gathering for Gul Rahman?  
 14 A. No, we did not have a religious  
 15 gathering because we didn't believe that  
 16 he died.  
 17 Q. Last question.  
 18 Why don't you believe that Gul  
 19 Rahman was a member of Al Qaeda?  
 20 A. If someone is -- if a person  
 21 that is in poverty, very poor person, how  
 22 could he go that far to be a member of Al  
 23 Qaeda. He was working day and night,  
 24 breaking woods. I was taking him food.  
 25 From there, how could he get involved and

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1 Obaidullah  
 2 attached with Al Qaeda. He was providing  
 3 for his family. There was no sign of Al  
 4 Qaeda. It's a very small camp, refugee  
 5 camp that he was working hard to provide  
 6 for his family. He was the head of the  
 7 household. There is no question that he  
 8 wouldn't be in touch or get involved with  
 9 Al Qaeda. We were all living together,  
 10 me, my father, everybody, the whole family  
 11 was living together. He was with us. My  
 12 uncle was with me there.  
 13 MR. LADIN: That's all I have to  
 14 ask.  
 15 MR. PASZAMANT: Okay. I have a  
 16 few follow-ups. Thank you, sir.  
 17 FURTHER EXAMINATION  
 18 BY MR. PASZAMANT:  
 19 Q. For how long a period of time  
 20 was your uncle breaking wood, as you've  
 21 explained it to us?  
 22 THE INTERPRETER: You are  
 23 talking about daily basis?  
 24 MR. PASZAMANT: No.  
 25 Q. Was it for years that he was



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1 Obaidullah  
 2 breaking wood?  
 3 A. Up to 2000, he was still a wood  
 4 breaker. I can't remember the exact  
 5 years.  
 6 Q. Was he breaking wood when he was  
 7 captured?  
 8 A. Yes, he was.  
 9 Q. And you can't tell me how many  
 10 years he broke wood before he was  
 11 captured?  
 12 A. I can't specifically say.  
 13 Q. Why does his occupation as wood  
 14 breaker mean that he could not have been  
 15 part of Al Qaeda?  
 16 A. I think since you asked me the  
 17 question and why I think about it, if  
 18 somebody like him was involved in breaking  
 19 woods and working hard, how could Al Qaeda  
 20 ask him to get involved in any sources or  
 21 any activities while he was always working  
 22 hard to provide for the family. What do  
 23 you think, was it something Al Qaeda would  
 24 ask him, to go break the woods?  
 25 Q. Sir I don't know what it is that

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1 Obaidullah  
 2 Al Qaeda wants people to do or doesn't  
 3 want people to do. What I heard from --  
 4 THE INTERPRETER: I need more  
 5 clarification on that.  
 6 MR. SIDDIQI: He said well, you  
 7 asked me for my opinion, and in my  
 8 opinion, a person who is cutting wood  
 9 is not going to be also an Al Qaeda  
 10 member.  
 11 MR. LADIN: Just wait for a  
 12 question before you answer.  
 13 MR. PASZAMANT: Okay.  
 14 BY MR. PASZAMANT:  
 15 Q. So whether or not your uncle was  
 16 a member of Al Qaeda, you're simply giving  
 17 us your opinion. You don't know one way  
 18 or another. Correct?  
 19 MR. LADIN: I object.  
 20 You can answer.  
 21 A. I just said because he was with  
 22 us and from what I observed, that's why I  
 23 say he was not.  
 24 Q. What do you know about the inner  
 25 workings of Al Qaeda?

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1 Obaidullah  
 2 A. I don't know anything.  
 3 Q. Fair to say that you have no  
 4 idea what the higher-ups in Al Qaeda want  
 5 or desire in anyone that could be  
 6 affiliated with the organization?  
 7 A. I don't know anything.  
 8 Q. Did you tell your counsel a few  
 9 minutes ago that your uncle had a  
 10 reputation for being a kind person?  
 11 A. Yes, I said he was a kind  
 12 person.  
 13 Q. And who in the community was it  
 14 that held this reputation of your uncle  
 15 being a kind individual?  
 16 A. All of the family members.  
 17 Uncles, my uncles, my aunts, everybody.  
 18 Q. Anybody outside the family?  
 19 A. I don't have any information  
 20 about that.  
 21 MR. PASZAMANT: I have no  
 22 further questions.  
 23 MR. LADIN: All right.  
 24 MR. PASZAMANT: Thank you.  
 25 THE VIDEOGRAPHER: We're now

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1 Obaidullah  
 2 going off the record. This concludes  
 3 today's deposition. The time is 8:44  
 4 p.m.  
 5 (Time noted: 8:44 p.m.)  
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