

# EXHIBIT A

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

DEPOSITION OF MOHAMED AHMED BEN SOUD

VOLUME I

January 31, 2017

Reported by:

Jane M. Borrowman, RPR, CSR

Job no: 17957

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1 PROCEEDINGS  
 2 VIDEOGRAPHER: This is the video  
 3 operator speaking, Bill Slater, of  
 4 TransPerfect Legal Solutions. Today's date is  
 5 January 31st, 2017. The time is approximately  
 6 9:33 a.m.  
 7 We are here today at the Fort Young  
 8 Hotel, on the island of Dominica, to take the  
 9 videotaped deposition of Mohamed Ahmed Ben  
 10 Soud in the matter of Suleiman Abdullah Salim,  
 11 et al., versus James E. Mitchell and John  
 12 Jessen, in the United States District Court,  
 13 Eastern District of Washington, No.  
 14 CV-15-0286-JLQ.  
 15 Will counsel please voice identify  
 16 yourselves and state whom you represent.  
 17 MR. SMITH: Jim Smith for the  
 18 defendants.  
 19 THE DEFENDANT: Charisse Alexander  
 20 for the defendants.  
 21 MS. SHAMSI: Hina Shamsi for the  
 22 plaintiffs.  
 23 MR. WATT: Steven Watt for the  
 24 plaintiffs.

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1 MR. FREY: Avram Frey for the  
 2 plaintiffs.  
 3 VIDEOGRAPHER: The court reporter  
 4 today is Jane Borrowman. She will swear in  
 5 the witness and interpreter and we can  
 6 proceed.  
 7 (Whereupon, NEVINE IBRAHIM was duly  
 8 sworn to interpret the questions from English  
 9 into Arabic, and the answers of the witness  
 10 from Arabic into English.)  
 11 (Witness sworn.)  
 12 MS. SHAMSI: I just want to put on  
 13 the record that we will also have here Bashar  
 14 Alhalabi, who is an interpreter, and you and I  
 15 have agreed that he can sit next to Mr. Ben  
 16 Soud and if there are issues that arise with  
 17 the interpretation, he will raise them.  
 18 MR. SMITH: Yes. Yes. We agreed to  
 19 that.  
 20 What I would ask, sir, is if you  
 21 will promptly raise them so we can sort them  
 22 out immediately so we have a complete record.  
 23 MR. ALHALABI: Absolutely.  
 24 MR. SMITH: Fair enough?

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1 MR. ALHALABI: Yes, sir.  
 2 MOHAMED AHMED MOHAMED BEN SOUD,  
 3 a witness called for examination by counsel  
 4 for the Defendants, being first duly sworn,  
 5 was examined and testified as follows:  
 6 EXAMINATION  
 7 BY MR. SMITH:  
 8 Q. Would you state your name for the record,  
 9 please.  
 10 A. My name is Mohamed Ahmed Mohamed Ben Soud.  
 11 Q. Mr. Soud, my name is Jim Smith and I represent  
 12 the defendants in an action that's been  
 13 brought in the United States of America in a  
 14 federal district court in the state of  
 15 Washington.  
 16 Are you aware that you're a  
 17 plaintiff in that action, sir?  
 18 A. Yes.  
 19 Q. And you're aware that you're here to give a  
 20 deposition today?  
 21 A. Yes.  
 22 Q. Have you ever given a deposition before,  
 23 Mr. Soud?  
 24 A. Yes.

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1 Q. Can you tell me when?  
 2 MR. ALHALABI: That was not right.  
 3 INTERPRETER: No?  
 4 MR. ALHALABI: No. It was no.  
 5 INTERPRETER: No. The interpreter,  
 6 correction for the record, the witness said  
 7 no.  
 8 BY MR. SMITH:  
 9 Q. Have you ever testified before under oath?  
 10 A. No.  
 11 Q. Has anyone explained to you the significance  
 12 of testifying under oath?  
 13 A. Yes.  
 14 INTERPRETER: The interpreter was  
 15 asking for raising his voice.  
 16 Q. And do you understand that you have an  
 17 obligation to testify completely and  
 18 truthfully?  
 19 A. Yes.  
 20 Q. And do you understand that there could be  
 21 penalties in the event that you do not?  
 22 INTERPRETER: The interpreter added  
 23 the sentence "where the penalty is to be  
 24 administered if the testimony is not complete

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1 A. That is because the LIFG is a Libyan group. I  
 2 was living within this group since my arrival  
 3 to Pakistan and Afghanistan, but my initial --  
 4 my principal affiliation was in 1992.  
 5 Q. Okay. Now, in the period 1991 and 1992, were  
 6 you involved in actual combat?  
 7 A. Yes.  
 8 Q. How many times?  
 9 A. Several times.  
 10 Q. Did you actually fire the AK-47?  
 11 A. Firing the Kalashnikov, I do not understand.  
 12 You mean --  
 13 Q. Did you shoot the gun?  
 14 A. -- using it?  
 15 Q. Yes.  
 16 A. Yes.  
 17 Q. How many times?  
 18 A. Several times.  
 19 Q. Who did you shoot at?  
 20 A. To the enemy, to the Russian occupation.  
 21 Q. Did you kill anyone?  
 22 A. It didn't come to my knowledge that I killed  
 23 anyone.  
 24 Q. Did you actually put bullets into other

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1 people's bodies?  
 2 A. I don't know exactly.  
 3 Q. Did they shoot back?  
 4 A. Yes. There were confrontations, yes.  
 5 Q. Now, in 1992, you became affiliated with the  
 6 LIFG, correct?  
 7 A. Yes.  
 8 Q. And LIFG stands for Libyan Islamic Fighting  
 9 Group, is that correct?  
 10 A. Yes. The Islamic fighting group.  
 11 Q. The Libyan Islamic Fighting Group?  
 12 A. Yes.  
 13 Q. When was that group formed?  
 14 A. Initially, it was formed -- that group was  
 15 formed in 1989.  
 16 Q. Who formed it?  
 17 A. It was set up by a person called Awad Azouwi.  
 18 Awad, A-W-A-D. Azouwi, A-Z-O-U-Y or W-I.  
 19 (Sic.)  
 20 Q. Did you ever meet with Awad Azouwi?  
 21 A. No. No. I did not meet him because he was  
 22 killed previously in the Libyan prison.  
 23 Q. Now, I want to move forward from 1992, the  
 24 period 1992, so let's say through 2000, did

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1 you continue to be a member of the LIFG?  
 2 A. Yes.  
 3 Q. And did that participation with LIFG continue  
 4 up until the time in 2003 when you were  
 5 arrested by the Pakistani government?  
 6 A. Yes.  
 7 Q. Now, during the period from 1992, when you  
 8 joined the LIFG, up until 2003, did you ever  
 9 have a job?  
 10 A. No. I did not have a job, only it was -- the  
 11 job was my affiliation with this group.  
 12 Q. Okay. So let's break that down, then.  
 13 Between 1992 and 1995, what were you doing for  
 14 the LIFG?  
 15 A. I was working with the military faction or  
 16 part of this group.  
 17 Q. So were you continuing to be in combat?  
 18 A. Yes.  
 19 Q. So you, essentially, were a soldier for the  
 20 LIFG?  
 21 A. Yes.  
 22 Q. So during that period from 1992 through 1995,  
 23 as a soldier for the LIFG, what were you  
 24 trying to accomplish?

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1 A. Through joining this group, and the Gaddafi  
 2 regime had stopped political life and  
 3 abolishing the constitution, and showing  
 4 opposition as being demons, demonizing the  
 5 opposition, and considering that each one who  
 6 would oppose the Gaddafi regime is a traitor  
 7 who deserves to be killed within these  
 8 circumstances, the group decided that its goal  
 9 is the -- is opposing the Gaddafi regime and  
 10 making it fall down through armed opposition,  
 11 thus, there was the presence of LIFG to  
 12 prepare itself for this goal.  
 13 Q. How did aiding the Afghanis against Russian  
 14 opposition further your goals in 1992 through  
 15 1995?  
 16 MS. SHAMSI: Objection. You may  
 17 answer.  
 18 THE WITNESS: Resisting the Russian  
 19 occupation, it was a personal conviction.  
 20 BY MR. SMITH:  
 21 Q. How did that relate, if at all, to your  
 22 opposition to Gaddafi?  
 23 A. I did not understand the question.  
 24 Q. I'm trying to understand why -- strike that.

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1 Let me start all over again.  
 2 In your mind, was there a connection  
 3 between aiding the Afghanis through your  
 4 participation in the LIFG and your opposition  
 5 to Gaddafi?  
 6 A. Through participating in -- I did not  
 7 understand the last word.  
 8 MR. SMITH: Could you read the  
 9 question back for the interpreter and, then,  
 10 we'll see if that corrects the problem.  
 11 (Whereupon, the record was read by  
 12 the court reporter as follows:  
 13 "In your mind, was there a  
 14 connection between aiding the  
 15 Afghanis through your participation  
 16 in the LIFG and your opposition to  
 17 Gaddafi?")  
 18 THE WITNESS: This period, where we  
 19 participated in resisting the occupation, was  
 20 to prepare and train and to adopt a military  
 21 way that we were going to take to -- in order  
 22 to put down the Gaddafi regime.  
 23 BY MR. SMITH:  
 24 Q. Now, during this period from '92 to '95, how

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1 many times were you in active combat,  
 2 Mr. Soud?  
 3 A. Which military resistance, the Libyan one or  
 4 the Afghani one?  
 5 Q. 1992 through '95 was the Afghani one, was it  
 6 not?  
 7 A. Yes.  
 8 Q. How many times were you in active combat  
 9 during that period of time?  
 10 A. At the end of '92 -- at the beginning of '92  
 11 to '95, I did not participate in killing  
 12 anyone.  
 13 Q. Why not?  
 14 A. Because of the end of the Russian occupation.  
 15 Q. Now, from 1995 -- strike that.  
 16 During that period of time between  
 17 '92 and '95, were you continuing to cross over  
 18 the border between Afghanistan and Pakistan?  
 19 A. Yes.  
 20 Q. And why were you doing that?  
 21 A. Sometimes to get a sort of -- or some medical  
 22 services that were not available in  
 23 Afghanistan; some other times, to get some  
 24 services that is not, as well, in Afghanistan;

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1 some other times, to get Sharia trainings.  
 2 Sharia, S-H --  
 3 (Translation.)  
 4 A. Sharia, yeah, Islamic Sharia training sessions  
 5 that is for the group LIFG, and these training  
 6 sessions were for the members.  
 7 Q. Mr. Soud, is it your testimony that you were  
 8 not in combat in 1993, not involved in combat?  
 9 A. Yes.  
 10 Q. Now, you sustained an injury to your right  
 11 hand in 1993, is that correct?  
 12 A. Yes.  
 13 Q. And is that on your right hand? I think your  
 14 thumb and a part of your right hand and your  
 15 -- your smallest finger, you lost both of  
 16 them?  
 17 A. Yes.  
 18 Q. And you were trying to detonate a bomb, if I  
 19 understand, is that right?  
 20 A. Yes.  
 21 Q. And where was that bomb at the time you were  
 22 trying to detonate it?  
 23 A. In Afghanistan, in the region of Jalalabad.  
 24 J-A-L-A-L-A-B-A-D.

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1 Q. And was that attempt by you to detonate the  
 2 bomb in connection with actual combat?  
 3 A. Yes.  
 4 Q. And tell me what the circumstances were that  
 5 caused you to be in a position where you  
 6 needed to detonate a bomb.  
 7 A. The bomb was there and because of the  
 8 requirement of safety and security, I did  
 9 that.  
 10 Q. Where was the bomb?  
 11 A. In Jalalabad.  
 12 Q. Was it in a house, in a car, on the roadside?  
 13 A. Roadside.  
 14 Q. And why were you selected to detonate the  
 15 bomb?  
 16 A. Because I have some idea about these things or  
 17 these matters.  
 18 Q. What kind of bomb was it?  
 19 MR. ALHALABI: I'm sorry. Before --  
 20 INTERPRETER: I'm sorry, I did  
 21 not --  
 22 MR. SMITH: Sure.  
 23 MR. ALHALABI: You keep saying  
 24 "detonate the bottom."

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1 recognize these bombs, how to defuse them and  
 2 how to rid people of their danger.  
 3 Q. Can you identify the names of these English or  
 4 British forces?  
 5 A. It's clear for me, I don't know.  
 6 MR. ALHALABI: It's not clear for  
 7 me.  
 8 INTERPRETER: It's not clear?  
 9 MR. ALHALABI: It's not clear for  
 10 me.  
 11 (Translation.)  
 12 THE WITNESS: But these are forces  
 13 that participate with the Libyan government in  
 14 its efforts attacking DAASH.  
 15 BY MR. SMITH:  
 16 Q. In what years did you get this training from  
 17 the British government?  
 18 A. 2016.  
 19 Q. 2016?  
 20 A. Yes.  
 21 Q. So, in 1993, when you were attempting to  
 22 defuse the roadside bomb that caused the  
 23 injuries to your hand, had you had any  
 24 training?

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1 A. Through our participation in the war, there  
 2 were general information about such issues and  
 3 there was no specific training pertaining to  
 4 that and, for that reason, it happened that  
 5 the bomb exploded in my hand.  
 6 Q. Do you know who put the bomb there?  
 7 A. I don't know.  
 8 Q. During this period of time, in the nine --  
 9 1992 through 1995, were you ever involved in  
 10 constructing bombs?  
 11 A. No.  
 12 Q. During that period from 1992 through 1995, did  
 13 you still possess an AK-47?  
 14 A. Yes.  
 15 Q. Did you possess any other weapons?  
 16 A. No.  
 17 Q. Where did you keep your AK-47?  
 18 A. In the -- in the place or the camp of the  
 19 LIFG.  
 20 Q. And where was the camp of the LIFG?  
 21 A. It was in Afghanistan, in the region of  
 22 Jalalabad.  
 23 Q. Were there other LIFG camps in Afghanistan in  
 24 addition to the one you were in?

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1 A. No.  
 2 Q. So that was the only LIFG camp in Afghanistan,  
 3 at least during that time?  
 4 A. Yes.  
 5 Q. How many people lived at that camp?  
 6 A. Twenty people.  
 7 Q. Twenty. And that would be during the period  
 8 from 1992 through 1995?  
 9 A. Yes.  
 10 Q. Was there a leader of the camp?  
 11 A. Yes.  
 12 Q. What was that person's name?  
 13 A. The names were varied about who was to lead  
 14 the camp. From the period '92 to '95, there  
 15 was a person named Abu Sufian. A-B-U,  
 16 S-U-F-I-A-N.  
 17 Q. Now, let me go from 1995 to 2000. You  
 18 continued to be a member of the LIFG?  
 19 A. Yes.  
 20 Q. And did you remain at the camp in Afghanistan?  
 21 A. Yes.  
 22 Q. And were you involved in combat during that  
 23 period of time?  
 24 A. No.

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1 Q. What were you doing?  
 2 A. I lived at the camp and I participated in  
 3 training.  
 4 Q. So for five years, you were in training?  
 5 A. Five years, how come?  
 6 Q. 1995 to 2000, you lived at the camp, and are  
 7 you saying that during those five years you  
 8 were in training?  
 9 A. Allow me to give you the details.  
 10 Q. Please do.  
 11 MR. ALHALABI: Excuse me. I didn't  
 12 say anything.  
 13 MR. SMITH: Oh, I thought you wanted  
 14 to say something.  
 15 MR. ALHALABI: No. No. Just  
 16 clearing my throat. I'm sorry.  
 17 MR. SMITH: You're allowed to do  
 18 that.  
 19 MR. ALHALABI: I'm sorry.  
 20 THE WITNESS: In 1995, I left  
 21 Pakistan and Afghanistan. I returned to  
 22 Afghanistan in 1997 and I stayed between  
 23 Pakistan and Afghanistan till 2000. I left  
 24 Pakistan and Afghanistan in 2000 and I



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1 A. No.  
 2 Q. During that period of time, did you hold any  
 3 leadership positions in the LIFG?  
 4 A. Yes. From the period from '98 to 2000, I was  
 5 a responsible about the management of -- or  
 6 the administration, administering the camp.  
 7 Q. Who put you in charge of that?  
 8 INTERPRETER: The -- the interpreter  
 9 is going to ask for a clarification.  
 10 (Translation.)  
 11 A. The responsible of the LIFG. (Sic.)  
 12 Q. Who is the person who put you in charge of the  
 13 administrative activities at the camp in  
 14 Afghanistan, what's that person's name?  
 15 A. It was Mr. Abdelhakim Belhadj. Abdelhakim,  
 16 A-B-D-A-L-H-A-K-E-E-D (sic), Belhadj,  
 17 B-L-H-A-J (sic), is responsible about LIFG, he  
 18 was the one who gave the order that I  
 19 administer or manage the camp, the training  
 20 camp. I received this appointment through  
 21 Khalid al-Sharif. K-H-A-L-E-D (sic).  
 22 A-S-H-A-R-E-E-F (sic).  
 23 MR. ALHALABI: Just a correction.  
 24 It should be an "M" at the end of the

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1 "Abdelhakim." It's not "Abdelhakeed." It's  
 2 "Abdelhakim."  
 3 INTERPRETER: Abdelhakim, yeah.  
 4 MR. SMITH: Do you -- just so we're  
 5 clear here, you're the official interpreter,  
 6 but we want to hear from the ACLU's  
 7 interpreter, but I want to make sure that you  
 8 accept what he's saying.  
 9 INTERPRETER: Yes. I accept what  
 10 he's saying.  
 11 MR. SMITH: Okay. And can you give  
 12 me the full name of that person, again, while  
 13 there's no question pending?  
 14 INTERPRETER: Abdelhakim Belhadj.  
 15 It's A-B-A-D-A-L-H-A-K-E-E-M (sic). B --  
 16 last, B-E-L-H-A-J (sic).  
 17 BY MR. SMITH:  
 18 Q. Okay. Now, Mr. Soud, was it Abdelhakim  
 19 Belhadj who put you in charge of the  
 20 administrative responsibilities?  
 21 MS. SHAMSI: Objection. You may  
 22 answer.  
 23 THE WITNESS: Yes. And that is  
 24 Khalid al-Sharif, from Abdelhakim to Khalid

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1 al-Sharif.  
 2 BY MR. SMITH:  
 3 Q. Okay. So Abdelhakim Belhadj advised Khalid  
 4 al-Sharif and Sharif told you that you're in  
 5 charge, is that how it went?  
 6 A. Yes.  
 7 Q. Okay. So who is Khalid al-Sharif?  
 8 A. Khalid al-Sharif, he is one of the leaders of  
 9 LIFG group and he is the second man in the  
 10 LIFG.  
 11 Q. Okay. Who --  
 12 A. And he is the military responsible person in  
 13 the LIFG.  
 14 Q. And was he on the camp with you or at the camp  
 15 with you?  
 16 A. He lived at Peshawar and he would come from  
 17 time to time.  
 18 Q. And who is Abdelhakim Belhadj?  
 19 A. Abdelhakim Belhadj, he is the person who is  
 20 responsible about the LIFG and he is the first  
 21 lead -- leader for the LIFG.  
 22 Q. And was he at the camp with you in  
 23 Afghanistan?  
 24 A. No.

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1 Q. Did you ever meet with him?  
 2 A. Yes, several times.  
 3 Q. Now, what were your duties and  
 4 responsibilities as the person in charge of  
 5 the administrative parts of the camp?  
 6 MS. SHAMSI: Objection. You may  
 7 answer.  
 8 THE WITNESS: My responsibility was  
 9 to administer the camp and to supervise the  
 10 training.  
 11 BY MR. SMITH:  
 12 Q. Tell me what you mean by administer the camp.  
 13 A. It means to oversee the logistics of the camp,  
 14 how -- to oversee about the personnel who are  
 15 there inside the camp.  
 16 Q. What logistics did you oversee?  
 17 A. To give training sessions and to supervise the  
 18 training sessions.  
 19 Q. We're going to get to training, but I want to  
 20 understand logistics. What logistics did you  
 21 oversee?  
 22 A. The meaning of the giving the logistics is to  
 23 supervise the daily life inside the camp,  
 24 whether in the presence of training or no

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1 Q. And how did they go about supporting you, did  
 2 they give you cash?  
 3 A. Yes.  
 4 Q. Who gave you the cash?  
 5 A. Khalid al-Sharif.  
 6 Q. Spell that, please.  
 7 A. K-A-H-A-L-E-D. A-L-S-H-A-R-E-E-F. (Sic.)  
 8 Q. And how much cash were you given by Sharif on  
 9 a monthly basis?  
 10 A. He took over the rent for the house and the  
 11 monthly expenses.  
 12 Q. How much cash would he give you on a monthly  
 13 basis?  
 14 A. Four thousand rupee, about, nearly.  
 15 Q. And what did you do, if anything, in exchange  
 16 for this cash?  
 17 A. I did not understand the question.  
 18 Q. So you were -- you were in Peshawar from July  
 19 of '02 through April '03, correct?  
 20 A. Yes.  
 21 Q. And the LIFG was paying all of your expenses  
 22 while you were there, correct?  
 23 A. Yes.  
 24 Q. What, if anything, did you do during that

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1 period of time for the LIFG?  
 2 A. We were being paid the -- these amount -- sums  
 3 of money and assistance not because of what we  
 4 were offering the LIFG, it was because we were  
 5 affiliated with the LIFG.  
 6 Q. Were you providing any services or assistance  
 7 to the LIFG during the period of time  
 8 July 2002 through April 2003?  
 9 A. At that time, I talked with Khalid al-Sharif  
 10 that I was going to leave Pakistan. And at  
 11 that time, the conditions of the travel did  
 12 not allow that and, in particular, the  
 13 situation of -- the health situation of my  
 14 wife did not allow for that. So the  
 15 circumstances were such that I didn't.  
 16 Q. Were you in hiding?  
 17 A. No.  
 18 Q. Did you walk the streets freely in Peshawar?  
 19 A. Yes.  
 20 Q. And did you apply for any jobs?  
 21 A. No.  
 22 Q. Why not?  
 23 A. I didn't want to do so. I was living in a --  
 24 normally and I was waiting for the -- the

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1 facilitating or the way that I can leave  
 2 Pakistan and travel.  
 3 Q. And where did you want to go if you could get  
 4 out of Pakistan?  
 5 A. I was thinking of going to Iran.  
 6 Q. Okay. And what did you intend to do in Iran?  
 7 A. Only to secure myself. And the group, LIFG,  
 8 asked me to do so.  
 9 Q. So did you intend to go to Iran to carry out  
 10 the causes of the LIFG?  
 11 MS. SHAMSI: Objection. You may  
 12 answer.  
 13 THE WITNESS: My goal was to join  
 14 some of the member of the LIFG who are there  
 15 in Iran.  
 16 BY MR. SMITH:  
 17 Q. To carry out their cause?  
 18 A. To continue our cause against the Gaddafi  
 19 regime.  
 20 Q. Mr. Soud, do you know the name Abu Faraj,  
 21 that's F-A-R-A-J, al-Libi, A-L hyphen L-I-B-I?  
 22 A. Yes.  
 23 Q. Who is that?  
 24 A. He is a Libyan national.

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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?



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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

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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?

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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 --

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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.")

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1 that the members of Al-Qaeda had an intention  
 2 to cause harm to citizens of the United States  
 3 of America, when did you learn that?  
 4 A. I did not know when Al-Qaeda had thought about  
 5 and guessed when it was to attack the United  
 6 -- the USA.  
 7 Q. I appreciate that, but I'm asking you a more  
 8 fundamental question. When did you learn that  
 9 the members of Al-Qaeda intended to cause harm  
 10 to citizens of the United States of America?  
 11 MS. SHAMSI: Objection.  
 12 (Translation.)  
 13 MS. SHAMSI: What did you ask of  
 14 him?  
 15 INTERPRETER: Can we proceed?  
 16 MS. SHAMSI: Yes.  
 17 INTERPRETER: Or objection and --  
 18 MS. SHAMSI: I just said objection.  
 19 INTERPRETER: Okay.  
 20 (Translation.)  
 21 THE WITNESS: I cannot say anything  
 22 about something that is just mere guessing,  
 23 but what I knew is that Al-Qaeda, when aimed  
 24 at American targets in 1998, it wanted the

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1 war, it wanted the war with the USA.  
 2 BY MR. SMITH:  
 3 Q. When you occasionally met with Mr. Abu Faraj  
 4 al-Libi at what you referred to as "the house  
 5 of receiving guests," were you aware that he  
 6 had the intention to harm Americans?  
 7 A. What I know is that Abu Al-Faraj is a member  
 8 of Al-Qaeda and that Al-Qaeda has a different  
 9 -- a doctrine that is different from ours,  
 10 from the LGIF (sic).  
 11 Q. Mr. Soud, when you --  
 12 A. LFIG (sic).  
 13 Q. When you met at the house of receiving guests  
 14 with Abu Faraj al-Libi, were you aware that  
 15 he, as a member of Al-Qaeda, intended to cause  
 16 harm to United States citizens? Were you  
 17 aware of that?  
 18 MS. SHAMSI: Objection.  
 19 THE WITNESS: I didn't know that  
 20 America was going to be targeted. I didn't  
 21 know. I did not know.  
 22 BY MR. SMITH:  
 23 Q. I understand that. I'm asking you a different  
 24 question. Were you aware that Al-Qaeda --

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1 well, let me start all over again. Strike  
 2 that.  
 3 Were you aware that Abu Faraj  
 4 al-Libi, a member of Al-Qaeda, intended to  
 5 cause harm to citizens of the United States,  
 6 even though you didn't know what the harm was,  
 7 were you aware of that?  
 8 MS. SHAMSI: Objection. You may  
 9 answer.  
 10 THE WITNESS: What I know is that he  
 11 belongs to Al-Qaeda and that Al-Qaeda had the  
 12 intention to target America.  
 13 BY MR. SMITH:  
 14 Q. Now, did you think that as a compatriot Libyan  
 15 citizen that you needed to protect that secret  
 16 with Mr. Abu Faraj al-Libi?  
 17 MS. SHAMSI: Objection.  
 18 THE WITNESS: No.  
 19 BY MR. SMITH:  
 20 Q. Did you ever tell any Americans about your  
 21 knowledge of Abu Faraj al-Libi?  
 22 A. No.  
 23 Q. Were you asked? Were you asked by Americans  
 24 about your knowledge?

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1 A. Yes. I was asked by the CIA about Abu Faraj.  
 2 Q. What did you tell them?  
 3 A. What I have just said. What I have just said,  
 4 that we don't have any affiliation with him  
 5 except that he is a Libyan national and we are  
 6 -- we belong to the Islamic fraternity. This  
 7 is all I know.  
 8 Q. Did you tell Americans that you and he would  
 9 visit together at the house of receiving  
 10 guests that you told me about earlier today?  
 11 Did you tell the Americans that?  
 12 A. Yes. I told that I have met him, yes.  
 13 Q. Did you tell the Americans where you met him?  
 14 A. At that visiting house.  
 15 Q. So your testimony is that you told Americans  
 16 about the visits that were made to the house  
 17 of receiving guests, is that correct?  
 18 MS. SHAMSI: Objection. You may  
 19 answer.  
 20 THE WITNESS: Yes.  
 21 BY MR. SMITH:  
 22 Q. Mr. Soud, do you know a person by the name of  
 23 Abu Layth, that's L-A-Y-T-H, al-Libi  
 24 (al-Libee) or Libi (Libuy)?

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1 Who is he?  
 2 A. Yes.  
 3 Yes, he was a person -- yes, he was  
 4 a member, one of the members of the LIFG.  
 5 MR. ALHALABI: Yes, he was a Libyan  
 6 person.  
 7 INTERPRETER: Yes, he was a Libyan  
 8 person.  
 9 BY MR. SMITH:  
 10 Q. Okay. Was Abu Layth al-Libi a member of  
 11 Al-Qaeda?  
 12 A. Yes. He was one of the group, one member of  
 13 the group LIFG, then after the war, after  
 14 Afghanistan was invaded by America, the war of  
 15 America in Afghanistan, he became a member for  
 16 Al-Qaeda.  
 17 MR. ALHALABI: He didn't say  
 18 "member." He said he started working with  
 19 Al-Qaeda.  
 20 MR. SMITH: Excuse me for one  
 21 second. I'm happy to have you assist in the  
 22 translation, but let me just remind you,  
 23 you're not an advocate here today.  
 24 MR. ALHALABI: I'm not. I'm just --

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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 --

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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

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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 MS. SHAMSI: Jim, do you think it  
 2 might be time to wrap up? And we can  
 3 definitely start up again. I think everyone  
 4 is getting tired with the translation and the  
 5 witness is getting tired.  
 6 BY MR. SMITH:  
 7 Q. Are you getting tired?  
 8 A. Yeah.  
 9 MR. SMITH: Okay. Let's stop.  
 10 VIDEOGRAPHER: This is the end of  
 11 the deposition for today. The time is 6:05.  
 12 We're off the record.  
 13 (Proceedings adjourned: 6:05 p.m.)  
 14  
 15  
 16  
 17  
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 19  
 20  
 21  
 22  
 23  
 24

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: JANUARY 31, 2017  
 7 WITNESS: MOHAMED AHMED BEN SOUD REF: 17957  
 8 PAGE LINE FROM TO  
 9 \_\_\_\_\_  
 10 \_\_\_\_\_  
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 18 \_\_\_\_\_  
 19 \_\_\_\_\_  
 20 \_\_\_\_\_  
 21 \_\_\_\_\_  
 22 MOHAMED AHMED BEN SOUD  
 23 Subscribed and sworn to before me  
 24 this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.  
 25 \_\_\_\_\_  
 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 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

# EXHIBIT B

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



Page 6

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, MARGARET ODANGA 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, Margaret,  
 11 your last name?  
 12 INTERPRETER ODANGA: O-D-A-N-G-A.  
 13 MR. SMITH: For the record, I'm just  
 14 going to refer to you as "Margaret." Is that  
 15 acceptable to you?  
 16 INTERPRETER ODANGA: That's fine.  
 17 MR. SMITH: Okay. So, Margaret, 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, Margaret,  
 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 ODANGA: 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 ODANGA: 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 ODANGA: 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?

Page 18

1 start?  
 2 MR. SMITH: Start, yeah.  
 3 MR. HOFFMAN: Objection. You can  
 4 answer.  
 5 (Discussion held off the record.)  
 6 MR. SMITH: Let's ask. Do you want  
 7 the objection translated, Mr. Hoffman?  
 8 MR. HOFFMAN: I don't think we need  
 9 to, just to move through.  
 10 MR. SMITH: You don't need to  
 11 translate the objection.  
 12 Did you translate the question, when  
 13 did he start using the name Ngaka?  
 14 (Translating.)  
 15 THE WITNESS: People used to call me  
 16 with that name. I was not using that name.  
 17 BY MR. SMITH:  
 18 Q. When did people start calling you that name?  
 19 A. I can't remember very well, but it is around  
 20 1986.  
 21 Q. And who gave you that name?  
 22 A. '86, '87.  
 23 Q. Okay. Who gave you that name?  
 24 A. Just the young men, the men.

Page 19

1 Q. Where were these young men from?  
 2 A. Dar es Salaam.  
 3 MR. SMITH: Could you spell that,  
 4 please.  
 5 INTERPRETER ODANGA: I'm not very  
 6 sure of the spelling, but it's a city in  
 7 Tanzania. I'll just try my best.  
 8 MR. SMITH: Sure.  
 9 INTERPRETER ODANGA: It's D for  
 10 David, A for apple, R for Robert, E for  
 11 Edward, S for Sam, A for apple, L for Laurie,  
 12 A for apple, M for Mary.  
 13 BY MR. SMITH:  
 14 Q. Okay. And do you recall the circumstances  
 15 under which these young men from Dar es Salaam  
 16 gave you this name?  
 17 MR. HOFFMAN: Objection. Go ahead.  
 18 THE WITNESS: Yes.  
 19 BY MR. SMITH:  
 20 Q. Can you explain?  
 21 INTERPRETER ODANGA: He's asking me  
 22 if I know something.  
 23 A. So there is a game and the way it's described  
 24 is like a box and it has holes and you try to

Page 20

1 -- it's like a table. There's a hole here  
 2 (gesturing), at the corners, and then you --  
 3 you play. There's some sticks that you play  
 4 with. So that thing is called "carom," the  
 5 game. So we would play this game.  
 6 One person would be at the other end  
 7 and another person at this end, the other  
 8 person on the other end and another person at  
 9 this end. So I would tell the person facing  
 10 me that "I will close on you."  
 11 So there is an insect that is called  
 12 "Ngaka," and this insect, when it goes to  
 13 water, it sinks. So they use the term, like  
 14 if I "close on you," like I'm sinking on you.  
 15 (Witness speaking to interpreter.)  
 16 INTERPRETER ODANGA: I think I  
 17 misunderstood that a little bit.  
 18 (Witness speaking to interpreter.)  
 19 INTERPRETER ODANGA: Okay. I think  
 20 I got it.  
 21 A. So this insect that is called "Ngaka," it's --  
 22 like it comes with good luck. So like let's  
 23 say we have rice, we have water, we have  
 24 different types of food, so if it choose -- if

Page 21

1 it choose to go to water, then we'll have a  
 2 lot of rain.  
 3 So if we are playing the game and I  
 4 close on somebody, then it's like everybody is  
 5 going to be closed on, and then they call me  
 6 "Ngaka."  
 7 Q. Okay. Thank you.  
 8 And when were you known by the name  
 9 Issa Tanzania?  
 10 A. Around '94, '95.  
 11 Q. And who gave you that name?  
 12 A. In my identification card --  
 13 INTERPRETER ODANGA: Okay. Can I  
 14 just ask for a clarification?  
 15 MR. SMITH: As an interpreter, you  
 16 need a clarification from me?  
 17 INTERPRETER ODANGA: From  
 18 Mr. Suleiman.  
 19 MR. SMITH: You want something that  
 20 he said clarified just so --  
 21 INTERPRETER ODANGA: Yeah.  
 22 MR. SMITH: -- the record's clear,  
 23 so you want to talk to Samuel?  
 24 INTERPRETER ODANGA: Did you get

Page 22	Page 24
<p>1 what he said?</p> <p>2 INTERPRETER KENDAGOR: Yeah.</p> <p>3 INTERPRETER ODANGA: Okay.</p> <p>4 INTERPRETER KENDAGOR: And he picked</p> <p>5 an identity card for Kenya.</p> <p>6 COURT REPORTER: I'm having trouble</p> <p>7 hearing you.</p> <p>8 INTERPRETER KENDAGOR: Okay. He</p> <p>9 picked up an identification card in Kenya. In</p> <p>10 that identification card, it asked what the</p> <p>11 name. Issa. But no picture, no photo. So he</p> <p>12 used that identity card with the name Issa.</p> <p>13 INTERPRETER ODANGA: Okay. Yeah.</p> <p>14 So he picked up an ID card that had the name</p> <p>15 Issa. The ID card had no picture, but he was</p> <p>16 a Tanzanian.</p> <p>17 THE WITNESS: Uh-huh.</p> <p>18 (Witness speaking to interpreter.)</p> <p>19 INTERPRETER ODANGA: If somebody</p> <p>20 asked me "where you from," I tell them "I am</p> <p>21 from Tanzania."</p> <p>22 MR. HOFFMAN: Can I just suggest</p> <p>23 that we're going to go a lot faster if you</p> <p>24 focus on answering the specific question</p>	<p>1 identification in Kenya?</p> <p>2 MR. HOFFMAN: Objection. You can</p> <p>3 answer.</p> <p>4 BY MR. SMITH:</p> <p>5 Q. Mr. Salim.</p> <p>6 A. Huh?</p> <p>7 Q. Do you understand the question?</p> <p>8 A. I understand.</p> <p>9 Q. Okay. Who issued the identification?</p> <p>10 A. Fahid.</p> <p>11 Q. Who is Fahid?</p> <p>12 A. My friend.</p> <p>13 Q. And how is it that you got to know this man,</p> <p>14 Fahid?</p> <p>15 A. I knew him because he had a store.</p> <p>16 Q. What kind of store?</p> <p>17 A. Clothing store.</p> <p>18 Q. And why is it that he issued this</p> <p>19 identification to you?</p> <p>20 A. So while I was in Kenya, the police were</p> <p>21 searching. If you didn't have identification,</p> <p>22 then you'd be in trouble. So I would show</p> <p>23 that identification, that I have ID card.</p> <p>24 Q. Was it a false identification?</p>
<p>Page 23</p> <p>1 that's asked you, rather than give a long</p> <p>2 explanation.</p> <p>3 (Translating.)</p> <p>4 MR. HOFFMAN: You don't need to</p> <p>5 answer anything. Just wait for a question.</p> <p>6 BY MR. SMITH:</p> <p>7 Q. Mr. Salim, do you speak English?</p> <p>8 A. A little.</p> <p>9 Q. Well, did he say "a little" or did he say</p> <p>10 "yes"?</p> <p>11 MR. HOFFMAN: He just said "yes, a</p> <p>12 little."</p> <p>13 INTERPRETER ODANGA: He said</p> <p>14 "yesse," (phonetic) it means more.</p> <p>15 MR. SMITH: Oh, okay. I heard</p> <p>16 "yes," so that's why you're here. Okay.</p> <p>17 INTERPRETER ODANGA: Yesse.</p> <p>18 (Phonetic.)</p> <p>19 MR. SMITH: Okay.</p> <p>20 BY MR. SMITH:</p> <p>21 Q. When did you start speaking English?</p> <p>22 A. When I was in jail, at the jail.</p> <p>23 Q. Okay. Now, let's go back to this</p> <p>24 identification from Kenya. Who issued the</p>	<p>Page 25</p> <p>1 MR. HOFFMAN: Objection. You can</p> <p>2 answer.</p> <p>3 THE WITNESS: It was a valid one.</p> <p>4 It was not false.</p> <p>5 BY MR. SMITH:</p> <p>6 Q. Tell me why it wasn't false.</p> <p>7 MR. HOFFMAN: Objection. You can</p> <p>8 answer.</p> <p>9 INTERPRETER ODANGA: He's asking,</p> <p>10 can he -- can I clarify? He's trying to</p> <p>11 understand, when you say "objection," does</p> <p>12 that mean that he's not supposed to talk or...</p> <p>13 MR. HOFFMAN: You translate. If I</p> <p>14 say "objection," he can still answer the</p> <p>15 question.</p> <p>16 INTERPRETER ODANGA: Okay.</p> <p>17 MR. HOFFMAN: Unless I instruct him</p> <p>18 not to answer.</p> <p>19 INTERPRETER ODANGA: Okay.</p> <p>20 (Translating.)</p> <p>21 THE WITNESS: Can you ask your</p> <p>22 question again?</p> <p>23 BY MR. SMITH:</p> <p>24 Q. Let me ask a different question. Did you</p>

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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.

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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

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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

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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 ODANGA: 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 ODANGA: 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

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1 answer the question.  
 2 (Translating.)  
 3 THE WITNESS: Fine.  
 4 BY MR. SMITH:  
 5 Q. Okay. Mr. Salim, presently, where do you  
 6 live?  
 7 A. In Zanzibar.  
 8 Q. What is your address?  
 9 A. I don't use any address, it's just Zanzibar.  
 10 Q. Does he have a home address?  
 11 A. No.  
 12 Q. Do you live in a home in Zanzibar?  
 13 A. Yes.  
 14 Q. Who owns the home?  
 15 A. My mom.  
 16 Q. Okay. And how long have you lived there?  
 17 A. I'm with my mom.  
 18 MR. SMITH: Could I ask the question  
 19 be read back to the witness.  
 20 (Whereupon, the last question was  
 21 read back by the court reporter as  
 22 follows: "And how long have you  
 23 lived there?")  
 24 MR. HOFFMAN: Objection. You can

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1 answer.  
 2 BY MR. SMITH:  
 3 Q. Do you understand that question, Mr. Salim?  
 4 A. Yes, I understand it.  
 5 Q. How long have you lived at this home in  
 6 Zanzibar?  
 7 A. I can't remember. Since I came from jail.  
 8 Q. Okay. And do you know the address but you  
 9 don't want to tell me?  
 10 A. In Zanzibar, we don't have addresses at homes  
 11 like you do in America.  
 12 Q. Okay.  
 13 A. Or in Europe.  
 14 Q. Okay. All right. And what is your date of  
 15 birth, sir?  
 16 A. September 25th, 1971.  
 17 Q. And where were you born, in what country?  
 18 A. The country is Tanzania, in Zanzibar, in  
 19 Zanzibar.  
 20 Q. And what is your present country of  
 21 citizenship?  
 22 A. Tanzania.  
 23 Q. And has that always been the case?  
 24 A. Yes.

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1 Q. Are you married?  
 2 A. Yes.  
 3 Q. And what is your wife's name?  
 4 A. Sharifa.  
 5 Q. Can you spell that for me, please.  
 6 A. It's S-H-A, R for Robert, I for India, F for  
 7 Frank, A for apple.  
 8 Q. And how long have you been married?  
 9 A. Around six years. I'm not very sure.  
 10 Q. Approximately, six years?  
 11 A. Something like that.  
 12 Q. Okay. Do you have any children?  
 13 A. One.  
 14 Q. And what is your child's name?  
 15 A. Mariam.  
 16 Q. And do you live with your wife and your child?  
 17 A. I don't live with my child, but my wife, yes.  
 18 Q. And where is your child, presently?  
 19 A. At the grandparents.  
 20 Q. Okay. Have you ever been married before?  
 21 A. Yes.  
 22 Q. Okay. And when were you married previously?  
 23 A. 2003.  
 24 Q. And for how long were you married?

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1 A. Like two weeks.  
 2 Q. And what was your previous wife's name?  
 3 A. Magida. M for Mary, A for apple, G for Greg,  
 4 I for India, D for David, A for apple.  
 5 Q. Do you have any children with Magida?  
 6 A. No.  
 7 Q. And how long had you been with Magida, dating,  
 8 before you were married?  
 9 MR. HOFFMAN: Objection, but you can  
 10 answer.  
 11 THE WITNESS: I can't remember.  
 12 BY MR. SMITH:  
 13 Q. Was it more than a year?  
 14 A. I can't remember.  
 15 Q. When is the last time he spoke with Magida?  
 16 A. The day I was arrested.  
 17 Q. And do you know where Magida is now?  
 18 A. I don't know.  
 19 Q. Have you attempted to find her since you were  
 20 released from prison?  
 21 A. Yes.  
 22 Q. I want to ask you about your educational  
 23 background.  
 24 A. Fine.



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1 Q. Okay. And then you would bring back this  
 2 merchandise and sell it in Zanzibar?  
 3 A. Some in Zanzibar, some in Dar es Salaam.  
 4 Q. Okay. And for how long, what period of time  
 5 did you engage in this activity?  
 6 A. It was a very short time.  
 7 Q. More than a year?  
 8 A. Something like that.  
 9 Q. Okay. And what was your next job after that?  
 10 A. After that, I would go to Mombasa and come  
 11 back to Dar es Salaam. I would get bed covers  
 12 from Mombasa and bring to Dar es Salaam.  
 13 Q. And during what period of time did you do  
 14 that?  
 15 A. I'm not really sure, but around 1991.  
 16 Q. Okay. And what did you do after that?  
 17 A. So after that is when I lived in Mombasa,  
 18 working in a boat from Malindi to Lamu and  
 19 sometimes Somalia.  
 20 Q. So that started in 1992, approximately?  
 21 A. 1994, 1995.  
 22 Q. Okay. 1994, '95. Okay.  
 23 And you say you lived on a boat or  
 24 you worked on a boat?

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1 A. Worked.  
 2 Q. Worked on a boat?  
 3 A. Yeah.  
 4 Q. And you were living where?  
 5 A. When I'm transporting, I will just sleep in  
 6 the boat.  
 7 Q. Okay. And when he wasn't transporting, where  
 8 were you living?  
 9 A. I would operate between Malindi and Lamu.  
 10 Did you ask, also, when I started  
 11 working?  
 12 INTERPRETER ODANGA: He wants to go  
 13 back a little bit.  
 14 MR. SMITH: The witness wants to go  
 15 back?  
 16 INTERPRETER ODANGA: Yes.  
 17 BY MR. SMITH:  
 18 Q. Okay. Mr. Salim, is there something you want  
 19 to say for the record?  
 20 A. Yes.  
 21 Q. Okay. Go ahead.  
 22 A. When you asked me when I started working, it's  
 23 a little confusing because, as a young person,  
 24 as a young man, I was fishing. I started

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1 fishing.  
 2 Q. Okay.  
 3 A. So that's what I wanted to clarify.  
 4 Q. Okay. So I asked you do you recall about your  
 5 work experience, and you started, I think,  
 6 when you were 16 or 17 years old and you  
 7 described it.  
 8 Do you remember that?  
 9 A. Yeah, around 16 or 17.  
 10 Q. And do you recall the various jobs that you  
 11 told me about from 16 or 17 up through the  
 12 years 1994 and '95?  
 13 MR. HOFFMAN: Objection. You can  
 14 answer.  
 15 THE WITNESS: Yes.  
 16 BY MR. SMITH:  
 17 Q. Okay. And is there anything that you told me  
 18 that's incorrect?  
 19 MR. HOFFMAN: Object.  
 20 THE WITNESS: I say it's correct.  
 21 BY MR. SMITH:  
 22 Q. It is correct?  
 23 A. Correct.  
 24 Q. So I want to go, now, to 1994, 1995.

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1 A. Fine.  
 2 Q. That was the year you took a job on a boat?  
 3 A. Yes.  
 4 Q. Who owned the boat?  
 5 A. Fahid.  
 6 Q. Was that the same Fahid that gave you the  
 7 identification from Kenya?  
 8 A. Yes.  
 9 Q. Do you know if Fahid was affiliated with any  
 10 Al-Qaeda activities?  
 11 A. No.  
 12 Q. So let's go back, then. You were working on  
 13 Fahid's boat. How long did you work on the  
 14 boat?  
 15 A. Until 1998.  
 16 Q. Okay. How many other people worked on the  
 17 boat?  
 18 A. Just me, we were two, but we were coming and  
 19 going, so on and off.  
 20 Q. Was there one boat or more than one boat?  
 21 A. One.  
 22 Q. Okay. How big was the boat?  
 23 A. I don't recall very -- I don't remember very  
 24 well, but it was about 8 to 9 meters.



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1 Q. So approximately 27, 28 feet?  
 2 A. I don't understand these numbers with the  
 3 feet.  
 4 Q. Okay. What kind of merchandise were you  
 5 transporting on this boat?  
 6 MR. HOFFMAN: Objection. You can  
 7 answer.  
 8 THE WITNESS: I would carry things  
 9 like soap, rice, sugar, and sometimes  
 10 transport people.  
 11 BY MR. SMITH:  
 12 Q. And where would you pick up this -- this soap  
 13 and rice and sugar?  
 14 A. I would pick them from Malindi and take them  
 15 to Lamu.  
 16 Q. Where is Malindi?  
 17 A. Malindi's in Kenya.  
 18 Q. And where is La-mee (phonetic)?  
 19 INTERPRETER ODANGA: La-moo.  
 20 (Phonetic.)  
 21 MR. SMITH: Or Lamu.  
 22 INTERPRETER: L-A-M-U.  
 23 THE WITNESS: In Kenya.  
 24 BY MR. SMITH:

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1 Q. And did you also say that you transported to  
 2 Somalia?  
 3 A. Sometimes I would go to Somali to get dry fish  
 4 and, then, I bring it to Malindi.  
 5 Q. What is Fahid's full name?  
 6 A. I can't remember.  
 7 Q. Does the -- do you know if his -- Fahid's full  
 8 name is Fahid Mohamed Ally Msalam?  
 9 A. I can remember Fahid Mohamed, but not the  
 10 other one.  
 11 Q. Okay. And you stopped transporting this fish  
 12 and other materials in 1998, is that right?  
 13 A. Yes.  
 14 Q. Why?  
 15 A. The boat was taken away from me.  
 16 Q. Who took the boat away from you?  
 17 A. The Somali people.  
 18 Q. Can you describe the circumstances under which  
 19 the boat was taken away?  
 20 A. I was just on my daily business and the people  
 21 came, the Somali came, they had guns and they  
 22 said they were taking my boat away.  
 23 Q. Okay. Do you know who these Somali people  
 24 were?

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1 A. I didn't know them.  
 2 Q. Did they shoot at you?  
 3 A. No, they did not shoot.  
 4 Q. Okay. And after that, what was your next job?  
 5 INTERPRETER ODANGA: Can I ask him  
 6 to repeat?  
 7 MR. SMITH: Sure.  
 8 (Translating.)  
 9 A. So, up till that, I was doing fishing and,  
 10 also, I was working at the port. So like when  
 11 the ship came, we would help to pack them.  
 12 Q. How long did you do that?  
 13 A. It was just a few months.  
 14 Q. Okay. Who issued a paycheck to you for doing  
 15 the work at the port?  
 16 MR. HOFFMAN: Objection. You can  
 17 answer.  
 18 THE WITNESS: The Somali.  
 19 BY MR. SMITH:  
 20 Q. Okay. And where were you living at the time  
 21 when you were doing this employment?  
 22 A. Kismayu.  
 23 Q. I'm sorry?  
 24 A. Kismayu.

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1 Q. Can you spell it, please.  
 2 A. K-I-S-M-A-Y-U.  
 3 Q. And where is that located?  
 4 A. Somalia.  
 5 Q. Okay. And you said you did that job for a few  
 6 months?  
 7 A. Yes.  
 8 Q. And why did you stop that job?  
 9 A. Because I was not getting -- I was not being  
 10 paid well.  
 11 INTERPRETER ODANGA: And he said  
 12 something about the guns, so.  
 13 (Translating.)  
 14 THE WITNESS: All the time, they  
 15 would put the gun on me to go get the ship and  
 16 come and pack.  
 17 MR. SMITH: I'm sorry. Go get the  
 18 sheep?  
 19 MR. HOFFMAN: Ship.  
 20 MR. SMITH: Ship.  
 21 INTERPRETER ODANGA: Ship, yeah.  
 22 BY MR. SMITH:  
 23 Q. Okay. Okay. All right. So that's why you  
 24 left that job?

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<p>1 the deposition, I said if there's a time when 2 you don't understand the question, just tell 3 me and I'll repeat it or rephrase it? 4 A. Yes. 5 Q. Why didn't you ask me to repeat it or rephrase 6 it? 7 MR. HOFFMAN: Objection. You can 8 answer. 9 THE WITNESS: I've told you right 10 now. 11 BY MR. SMITH: 12 Q. Okay. So tell me, you were interviewed two 13 times by US officials in connection with 14 getting a visa? 15 A. Yes. 16 Q. When was the first time? 17 A. I can't remember. 18 Q. Was it this year? 19 A. I think it was last year, but I'm not sure. 20 Q. And where did the interview take place? 21 A. Inside American embassy. 22 Q. Okay. Where, what country? 23 A. In Tanzania. 24 Q. Okay. And you were trying to get a visa to</p>	<p>1 BY MR. SMITH: 2 Q. The second time. Okay. 3 So the first time was sometime last 4 year, right? 5 MR. HOFFMAN: Objection. You can 6 answer. 7 THE WITNESS: For sure, I don't 8 remember the year. I -- and I remember going 9 twice. 10 BY MR. SMITH: 11 Q. Okay. The second time, did the United States 12 embassy issue a visa? 13 A. They did not. 14 Q. Do you know why? 15 A. I don't know. 16 Q. Okay. So sitting here today, do you have any 17 understanding why you can't get a visa into 18 the United States? 19 MR. HOFFMAN: Okay. And I'll object 20 to that to the extent that it asks you to 21 testify about anything that your lawyers have 22 told you. So you can only testify about 23 things that your lawyers did not tell you on 24 that subject.</p>
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<p>1 come where? 2 A. To come to America. 3 Q. Okay. And did the US officials at the 4 American embassy issue a visa? 5 A. I did not get a visa. 6 Q. Did they tell you why? 7 A. They said they were going to talk to my 8 lawyer. 9 Q. Okay. Did they tell you why they wouldn't 10 issue a visa to you? 11 A. They did not tell me. 12 Q. Okay. And then you tried again at the same 13 American embassy in Tanzania? 14 A. Yes. 15 Q. And was that this year? 16 A. I can't remember. 17 Q. Okay. So it was either this year or last 18 year? 19 MR. HOFFMAN: Objection. 20 THE WITNESS: I don't remember the 21 year, but it didn't -- it didn't take long 22 from the first time I asked for the visa. I 23 just -- it didn't take long before I went back 24 to look for the second time.</p>	<p>1 THE WITNESS: Fine. 2 BY MR. SMITH: 3 Q. Are you unable to answer the question? 4 A. I've already answered the question. 5 Q. Do you have any understanding, other than 6 through communications with your lawyers, why 7 you couldn't get into the United States with a 8 visa the second time you applied? 9 A. No. 10 Q. Now, you said you were arrested in 2003? 11 A. Yes. 12 Q. Who arrested you? 13 A. The Somali. 14 Q. Can you identify who from Somalia arrested 15 you? 16 A. They were just Somali. 17 Q. Were they Somali police? 18 A. But then, there were no policemen in Somalia. 19 Q. Okay. Were they warlords? 20 INTERPRETER: Warlords? 21 Q. Let me withdraw the question. 22 Do you know the identity of the 23 people who arrested you in Somalia, who these 24 Somalians were?</p>

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1 MR. HOFFMAN: Objection. You can  
 2 answer.  
 3 THE WITNESS: I was arrested by  
 4 Somali.  
 5 BY MR. SMITH:  
 6 Q. I understand. Do you know who these Somalians  
 7 were, their identities?  
 8 MR. HOFFMAN: Objection. You can  
 9 answer.  
 10 THE WITNESS: I was just kidnapped  
 11 on the road and they were just Somali. I  
 12 didn't know who.  
 13 BY MR. SMITH:  
 14 Q. Okay. You say you were kidnapped on the road.  
 15 Can you explain to me the circumstances under  
 16 which you were kidnapped?  
 17 A. Yes.  
 18 Q. Tell me what happened.  
 19 A. I was driving. People came and put -- drew a  
 20 gun and point it at me. I came out and they  
 21 took me.  
 22 Q. Okay. Where were you taken?  
 23 A. In the hospital.  
 24 Q. To a hospital?

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1 A. (Nodding.)  
 2 Q. Do you know the name of the hospital?  
 3 A. I don't remember.  
 4 Q. Okay. And do you know why you were taken to a  
 5 hospital?  
 6 A. Yes.  
 7 Q. Can you tell me?  
 8 A. Yes. I was beaten. They beat me a lot.  
 9 Q. So they beat you when they pulled you over on  
 10 the side of the road?  
 11 A. Yes.  
 12 Q. And you were beaten to the point where you  
 13 needed to be taken to the hospital?  
 14 A. Yes.  
 15 Q. And the same people that beat you took you to  
 16 the hospital?  
 17 A. Yes.  
 18 Q. When did this happen in 2003?  
 19 A. I don't remember the month, but it was in  
 20 2003.  
 21 Q. Okay. Do you remember what time of the year  
 22 it was?  
 23 A. I don't remember.  
 24 Q. Was anyone with you in that car when you were

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1 pulled over by these Somalis?  
 2 A. Yes.  
 3 Q. Who was with you?  
 4 A. Abdul Salam.  
 5 Q. And where were the two of you going?  
 6 A. I was taking him to his job.  
 7 Q. And was he taken into captivity, too?  
 8 A. No.  
 9 Q. He was not?  
 10 A. No.  
 11 Q. So you were the driver of the car and he was  
 12 the passenger?  
 13 A. He's the owner of the car.  
 14 Q. Yes. He was a passenger in the car when you  
 15 were pulled over by these Somalis?  
 16 A. Yes.  
 17 Q. And then these Somalis pulled the car over,  
 18 dragged you out and beat you, but left him in  
 19 the car?  
 20 MR. HOFFMAN: Objection, but you can  
 21 answer.  
 22 THE WITNESS: Yes.  
 23 BY MR. SMITH:  
 24 Q. And the Somalis, then, put you into their car

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1 and took you to the hospital?  
 2 A. Yes.  
 3 Q. And they left Abdul Salim (sic) behind with  
 4 his car?  
 5 A. Yes.  
 6 Q. Did you ever see Abdul Salim again?  
 7 A. I saw him at the hospital.  
 8 Q. Okay. Is that the hospital that the Somalis  
 9 took you to, is that where you saw him?  
 10 A. Yes.  
 11 Q. And you don't remember the name of the  
 12 hospital?  
 13 A. I don't.  
 14 Q. Okay. Did you receive medical treatment at  
 15 the hospital?  
 16 A. A little.  
 17 Q. Okay. How long were you in the hospital?  
 18 A. I can't remember very well, but it was from  
 19 the time I was arrested in the morning up till  
 20 night.  
 21 Q. Okay. And during that period of time, Abdul  
 22 Salim came and saw you, he visited you?  
 23 A. Yes.  
 24 Q. Did you ever see him again after that?

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1 A. No.  
 2 Q. Okay. And can you describe for me what  
 3 injuries you were treated for while you were  
 4 at the hospital for that day?  
 5 A. Say it again.  
 6 Q. You were taken to the hospital for -- until  
 7 that evening. Do you recall you told me that?  
 8 A. Yes.  
 9 Q. And during that period of time at the  
 10 hospital, you received treatment for injuries?  
 11 A. It was not really treatment. I remember they  
 12 put two tubes in my nose and one tooth was  
 13 removed.  
 14 Q. Okay. Did you have any other injuries that  
 15 you received no treatment?  
 16 A. Yes.  
 17 Q. What were the injuries for which you received  
 18 no treatment?  
 19 A. My fingers.  
 20 Q. Okay. Which fingers?  
 21 A. On the right-hand side.  
 22 Q. Okay. Were your fingers broken?  
 23 A. Yes.  
 24 Q. And you received no treatment?

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1 A. No.  
 2 Q. Did you ask for treatment?  
 3 A. They couldn't treat me.  
 4 Q. Do you know why they couldn't treat you?  
 5 A. I don't know.  
 6 Q. Okay. Were there medical doctors at the  
 7 hospital available to treat you?  
 8 A. Maybe there was.  
 9 Q. Do you recall interacting with any medical  
 10 doctors while you were at the hospital that  
 11 day?  
 12 A. I don't remember.  
 13 Q. Okay. Were you free to leave the hospital  
 14 that day?  
 15 A. No.  
 16 Q. Who was holding you in captivity?  
 17 A. The Somali.  
 18 Q. At gun point?  
 19 A. They did not put the -- point the gun at me,  
 20 but they were just around.  
 21 Q. Okay. All right. Were there any other  
 22 injuries that you sustained from that beating  
 23 for which you didn't receive medical  
 24 treatment?

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1 A. Yes.  
 2 Q. What were the other injuries?  
 3 A. My nose.  
 4 Q. Okay. What happened to your nose?  
 5 A. This side, it got fractured here.  
 6 (Gesturing.)  
 7 Q. Okay. Did you ever receive treatment for a  
 8 fractured nose?  
 9 A. No.  
 10 Q. Any other injuries?  
 11 A. My jaws.  
 12 Q. Was your jaw broken?  
 13 A. It was just hurting so, a lot.  
 14 Q. I'm sorry. It was?  
 15 A. It was hurting a lot.  
 16 Q. You mean swollen?  
 17 A. No. Painful.  
 18 Q. Painful. Okay.  
 19 Any other injuries?  
 20 A. My ears.  
 21 Q. What happened to your ears?  
 22 A. It was bleeding.  
 23 Q. Okay. Any other injuries?  
 24 A. I don't remember right now. If I remember,

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1 I'll let you know.  
 2 Q. Okay. And did you ask to be treated for these  
 3 other injuries?  
 4 A. I want to tell you, there was no means of  
 5 treating me at this hospital because they took  
 6 me -- they took me away to another place.  
 7 Q. Okay. All right. But my question, I guess,  
 8 is did you ask to be treated while you were at  
 9 the hospital for these other injuries?  
 10 A. I can't remember.  
 11 Q. Okay.  
 12 MR. HOFFMAN: Is there a --  
 13 (Interpreter discussion.)  
 14 INTERPRETER KENDAGOR: Meaning they  
 15 -- they didn't have any intention of treating  
 16 in that hospital. There was no intention --  
 17 the doctor didn't have the intention to treat  
 18 him in the hospital.  
 19 INTERPRETER ODANGA: They didn't  
 20 have intention to treat me.  
 21 MR. SMITH: They did not have an  
 22 intention?  
 23 INTERPRETER ODANGA: Uh-huh.  
 24 BY MR. SMITH:

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1 THE WITNESS: Repeat the question.  
 2 BY MR. SMITH:  
 3 Q. Who told you that you were not free to leave?  
 4 MR. HOFFMAN: Objection. You can  
 5 answer, if you can.  
 6 THE WITNESS: I was under the  
 7 police. If I was in my -- in a room, if I  
 8 left the room, I was going to the bathroom,  
 9 and I was under them.  
 10 BY MR. SMITH:  
 11 Q. While you were there for the seven or eight  
 12 days, were you held in a cell?  
 13 A. Yes.  
 14 Q. And who controlled the cell, was it Kenyans or  
 15 Americans?  
 16 MR. HOFFMAN: Objection. You can  
 17 answer, if you can.  
 18 THE WITNESS: Kenyans.  
 19 BY MR. SMITH:  
 20 Q. Okay. And you're saying that while you were  
 21 held during these seven or eight days, you  
 22 were also questioned by Americans?  
 23 A. Yes.  
 24 Q. How many times?

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1 A. I don't remember.  
 2 Q. Was it more than once?  
 3 A. Yes.  
 4 Q. Do you remember how many Americans?  
 5 A. The one that asked -- interrogated me?  
 6 Q. Yes.  
 7 A. I don't remember. Maybe one.  
 8 Q. Okay. Can you describe that person for the  
 9 record?  
 10 A. I don't remember.  
 11 Q. Was the person dressed in a military outfit?  
 12 A. No.  
 13 Q. Do you remember any questions that the  
 14 American asked you?  
 15 A. Yes.  
 16 Q. Was it a man or a woman who was asking you  
 17 questions?  
 18 A. A man.  
 19 Q. Okay. Tell me what you recall about the  
 20 questions that were asked and the answers that  
 21 you gave.  
 22 MR. HOFFMAN: Objection. You can  
 23 answer, if you can.  
 24 THE WITNESS: It's more the

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1 questions that you asked me, where I was born,  
 2 what I did, from where to -- things like that.  
 3 BY MR. SMITH:  
 4 Q. Okay. Now, during the period of time that you  
 5 were held in captivity for those seven or  
 6 eight days, were you subjected to any beatings  
 7 by anyone?  
 8 A. I don't remember being beaten.  
 9 Q. Okay. Did you sustain any injuries while you  
 10 were held in captivity during those seven or  
 11 eight days?  
 12 A. Yes.  
 13 Q. What injuries did you sustain?  
 14 A. I was having the pain due to the initial  
 15 injury.  
 16 Q. Okay. So you were still suffering from the  
 17 injuries from the beating that you got from  
 18 the Somalis?  
 19 A. Yes.  
 20 (Whereupon, Salim Exhibit Nos. 1 and  
 21 8 were marked for identification.)  
 22 Q. Okay. Now, I'm going to hand to you what I've  
 23 marked as Exhibit No. 8. Let me just state  
 24 for the record that my exhibit numbers are

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1 tied to an outline, so I'll get back to 1  
 2 through 7, but here is Exhibit No. 1, Exhibit  
 3 No. 8.  
 4 For the record, let me identify  
 5 Exhibit No. 8 as a copy of the complaint that  
 6 was filed in the United States District Court  
 7 for the Eastern District of Washington.  
 8 Mr. Salim, have you seen this  
 9 document before?  
 10 A. I can't remember.  
 11 Q. Okay. Have you ever seen a version of this  
 12 document in Swahili?  
 13 A. I can't remember.  
 14 Q. Can't remember.  
 15 Turn, if you would, to the page  
 16 that's marked as exhibit -- or page No. 32.  
 17 Does the witness have page 32 before  
 18 him?  
 19 A. No.  
 20 Q. He does not have page 32 in front of him?  
 21 MR. HOFFMAN: No, he does. He does.  
 22 INTERPRETER ODANGA: Oh, I think I  
 23 -- I thought you were asking me if he had seen  
 24 it before.



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1 MR. SMITH: Okay. No.  
 2 INTERPRETER ODANGA: Sorry.  
 3 BY MR. SMITH:  
 4 Q. So I want to read paragraph No. 72. I'm going  
 5 to read the first two sentences, the first two  
 6 sentences into the record.  
 7 Do you see where it says: "On or  
 8 about March 15, 2003, agents from the CIA and  
 9 the Kenyan National Intelligence Service  
 10 abducted Mr. Salim in Mogadishu," do you see  
 11 that?  
 12 A. I see it.  
 13 Q. So is it your testimony, sir, that agents from  
 14 the CIA abducted you on or about March 15,  
 15 2003?  
 16 A. I said the Somali people.  
 17 Q. The Somali people. Okay.  
 18 But let me -- let me move to the  
 19 next sentence in paragraph 72. Do you see  
 20 where it says, quote: "He was rendered to  
 21 Nairobi, Kenya, where he was secretly detained  
 22 and interrogated on a daily basis for some  
 23 eight days by Kenyan authorities." Do you see  
 24 that?

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1 A. (Translating.)  
 2 Q. Do you see that, sir?  
 3 A. Yes.  
 4 Q. Is that true?  
 5 A. That's what I told you.  
 6 Q. Well, this, in your complaint here, it says  
 7 that you were interrogated by Kenyan  
 8 authorities. Do you see that?  
 9 MR. HOFFMAN: There's not a  
 10 question.  
 11 BY MR. SMITH:  
 12 Q. Do you see that?  
 13 MR. HOFFMAN: Objection, but you can  
 14 answer.  
 15 THE WITNESS: My response to this is  
 16 that I was asked -- I was interrogated by  
 17 Kenyans and Americans.  
 18 BY MR. SMITH:  
 19 Q. Okay. So when you were being detained for  
 20 those seven or eight days, is it true that you  
 21 were being detained by the Kenyan National  
 22 Intelligence Service?  
 23 MR. HOFFMAN: Objection.  
 24 THE WITNESS: I don't know.

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1 BY MR. SMITH:  
 2 Q. All right. Okay. Now, during this period of  
 3 time that you were questioned by both the  
 4 Kenyan authorities and the CIA  
 5 representatives, were you asked about any  
 6 affiliations that you had with Al-Qaeda?  
 7 A. They did not mention any Al-Qaeda, but they  
 8 were asking me if I knew certain people.  
 9 Q. Were you ever interrogated by American  
 10 officials about any affiliations that you had  
 11 with Al-Qaeda?  
 12 MR. HOFFMAN: Objection, but you can  
 13 answer.  
 14 THE WITNESS: They never mention --  
 15 asked me anything about Al-Qaeda. They just  
 16 asked me question about me.  
 17 BY MR. SMITH:  
 18 Q. After seven or eight days, you were released  
 19 from that facility, is that right?  
 20 MR. HOFFMAN: Objection, but you can  
 21 answer.  
 22 THE WITNESS: Yes. I remember.  
 23 BY MR. SMITH:  
 24 Q. Okay. What happened next?

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1 A. I remember the Americans came, they took me to  
 2 the airport.  
 3 Q. And these Americans, do you know where they  
 4 were from?  
 5 A. They told me they were from the embassy.  
 6 Q. From the embassy. Do you know if they were  
 7 Army officials?  
 8 A. I don't know.  
 9 Q. Were they CIA agents?  
 10 A. They didn't tell me.  
 11 Q. They said they were from the US embassy?  
 12 A. Yes.  
 13 Q. From which country?  
 14 A. Kenya.  
 15 Q. And you're saying they took you to an airport?  
 16 A. Yes.  
 17 Q. And then what happened when you got to the  
 18 airport?  
 19 A. I was taken from Kenyan airport -- I was taken  
 20 from the Kenyan airport to Somali by the  
 21 American, the first -- the first one that  
 22 interrogated me are the ones that took me.  
 23 Q. The Americans who interrogated you when?  
 24 A. When I was in Somali, the ones that



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1 interrogated me when I was in Somali.  
 2 Q. At the airport?  
 3 A. Yes, at the airport.  
 4 Q. And that's -- those same individuals took you  
 5 to the airport in Kenya?  
 6 A. They are the one that handed me to Kenyans  
 7 and, then, the Kenyans handed me to the same  
 8 people that handed me back to Kenyans.  
 9 Q. Okay. So when you got to the Kenyan airport,  
 10 were you taken back to Somalia?  
 11 A. Yes.  
 12 Q. Okay. And who took you back to Somalia?  
 13 A. The Americans.  
 14 Q. Okay. And what happened to you after you got  
 15 back to Somalia?  
 16 A. I remember being interrogated by one Somali.  
 17 Q. Where did that interrogation take place?  
 18 A. It was just like a house.  
 19 Q. Where in Somalia?  
 20 A. Bossasso.  
 21 Q. Okay. So you were -- the Americans brought  
 22 you to a house where you were interrogated by  
 23 Somali officials?  
 24 MR. HOFFMAN: Objection. You can

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1 answer, if you can.  
 2 THE WITNESS: Yes.  
 3 BY MR. SMITH:  
 4 Q. Okay. How long did that interrogation last?  
 5 A. It was just a short period.  
 6 Q. Okay. And during that interrogation by the  
 7 Somalis, were you beaten?  
 8 A. No.  
 9 Q. And what happened after that interrogation?  
 10 A. I was taken to Djibouti.  
 11 Q. By whom?  
 12 A. The Americans.  
 13 Q. And what happened at Djibouti?  
 14 Let me withdraw the question.  
 15 Mr. Salim, when you were taken to  
 16 Djibouti, were you turned over -- you were  
 17 taken there by Americans, correct?  
 18 A. Yes.  
 19 Q. And were you turned over to others?  
 20 A. No.  
 21 Q. How long did you stay in Djibouti?  
 22 A. It was just hours.  
 23 Q. Hours. Okay.  
 24 And you were in custody by the US

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1 while you were in Djibouti?  
 2 A. Yes.  
 3 Q. Okay. And you stayed there for some hours?  
 4 A. Yes.  
 5 Q. Where did you stay?  
 6 A. I think it was just within the airport.  
 7 Q. Okay. Where within the airport?  
 8 A. It was just at the airport.  
 9 Q. Okay. But was it at a hotel at an airport,  
 10 was it in a conference room at an airport, do  
 11 you remember?  
 12 A. I was not seeing anything. I was tied.  
 13 Q. Okay. All right. Did anything happen to you  
 14 while you were at this airport?  
 15 A. Yes.  
 16 Q. Do you have a memory of what happened to you?  
 17 A. Yes.  
 18 Q. What happened?  
 19 A. I was raped.  
 20 Q. And who raped you?  
 21 A. The Americans.  
 22 Q. Were these American soldiers?  
 23 A. I don't know.  
 24 Q. How do you know they were Americans?

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1 A. They were the people who got me from Kenya to  
 2 Somali and their voices were just the same.  
 3 Q. Did you ever see their faces?  
 4 A. I saw one.  
 5 Q. Okay. And was it more than one of these  
 6 Americans who raped you?  
 7 A. I think it was just one.  
 8 Q. Okay. Do you know if this American was a CIA  
 9 agent?  
 10 A. I don't know.  
 11 Q. And can you describe this individual who raped  
 12 you?  
 13 A. I don't remember.  
 14 Q. Okay. Did anyone observe this?  
 15 MR. HOFFMAN: Objection, but you can  
 16 answer.  
 17 THE WITNESS: I don't know.  
 18 BY MR. SMITH:  
 19 Q. Okay. And you were taken from that airport to  
 20 where?  
 21 A. Afghanistan.  
 22 Q. Where in Afghanistan?  
 23 A. I don't know.  
 24 Q. Who took you there?

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1 national suspected of involvement in  
 2 Al-Qaeda's East Africa cell."  
 3 Let me stop right there.  
 4 A. (Translating.)  
 5 INTERPRETER ODANGA: Sorry. Can you  
 6 just repeat that again?  
 7 MR. SMITH: Which part do you want  
 8 me to repeat?  
 9 INTERPRETER ODANGA: Just after he  
 10 was captured.  
 11 BY MR. SMITH:  
 12 Q. "Abdullah is a Tanzanian national suspected of  
 13 involvement in Al-Qaeda's East Africa cell" is  
 14 what I read.  
 15 A. (Translating.)  
 16 Q. Did the United States government ever tell you  
 17 that you were suspected of involvement in  
 18 Al-Qaeda's East Africa cell?  
 19 MR. HOFFMAN: Objection. You can  
 20 answer.  
 21 THE WITNESS: They've never told me.  
 22 BY MR. SMITH:  
 23 Q. Reading on, it says: "Specifically as a  
 24 facilitator of Al-Qaeda's 1998 attacks against

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1 the US embassies in Nairobi, Nairobi, Kenya,  
 2 and Dar es Salaam, Tanzania."  
 3 Do you see that?  
 4 MR. HOFFMAN: Is there a question?  
 5 MR. SMITH: The question is the  
 6 question that was asked, Mr. Hoffman. If you  
 7 don't remember it, you can --  
 8 MR. HOFFMAN: I don't.  
 9 MR. SMITH: -- ask the court  
 10 reporter to read it back.  
 11 MR. HOFFMAN: Okay. Could you read  
 12 it back. Thanks.  
 13 (Whereupon, the record was read back  
 14 by the court reporter as follows:  
 15 "Reading on, it says: 'Specifically  
 16 as a facilitator of Al-Qaeda's 1998  
 17 attacks against the US embassies in  
 18 Nairobi, Nairobi, Kenya, and  
 19 Dar es Salaam, Tanzania.'  
 20 "Do you see that?")  
 21 MR. HOFFMAN: Do you see that, okay.  
 22 (Translating.)  
 23 THE WITNESS: Are you telling me  
 24 that I was involved?

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1 BY MR. SMITH:  
 2 Q. No. What I'm asking you is -- I'll ask the  
 3 question differently.  
 4 Were you ever asked by United States  
 5 government officials whether or not you were a  
 6 facilitator of Al-Qaeda's 1998 attacks against  
 7 US embassies in Nairobi, Kenya, and  
 8 Dar es Salaam, Tanzania? Did they ever ask  
 9 you that?  
 10 MR. HOFFMAN: Objection.  
 11 THE WITNESS: They never asked me.  
 12 BY MR. SMITH:  
 13 Q. Reading on in that same paragraph, it says:  
 14 "Abdullah denied having detailed prior  
 15 knowledge of the 1998 embassy attacks." Let  
 16 me stop right there.  
 17 A. (Translating.)  
 18 Q. Did you ever deny to United States government  
 19 officials that you had detailed prior  
 20 knowledge of the 1998 embassy attacks?  
 21 MR. HOFFMAN: Objection, but you can  
 22 answer.  
 23 THE WITNESS: Repeat, again, the  
 24 question.

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1 BY MR. SMITH:  
 2 Q. Did you ever deny to United States government  
 3 officials that you had any detailed prior  
 4 knowledge of the 1998 embassy attacks?  
 5 MR. HOFFMAN: Objection. You can  
 6 answer.  
 7 THE WITNESS: They did not tell me  
 8 directly that I was involved.  
 9 BY MR. SMITH:  
 10 Q. I'm not asking that. I'm asking, did you ever  
 11 deny to the United States government officials  
 12 that you had any detailed prior knowledge of  
 13 the 1998 embassy attacks? Yes or no.  
 14 MR. HOFFMAN: Objection. You can  
 15 answer.  
 16 Is there an issue?  
 17 INTERPRETER KENDAGOR: I just wanted  
 18 to, maybe, use another phrase to -- to clarify  
 19 to him what the question was.  
 20 MR. SMITH: Samuel, let me ask, your  
 21 job, at least as I appreciate it, is to make  
 22 sure that the interpretation that Margaret is  
 23 giving, you believe, is an accurate one.  
 24 INTERPRETER KENDAGOR: No. She's

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<p>1 Q. Okay. Reading on in the document produced by 2 the government, it says: "And admitted that 3 he was recruited as a facilitator by Al-Qaeda 4 operatives." 5 Let me stop right there. 6 INTERPRETER ODANGA: I didn't get 7 that quite. 8 BY MR. SMITH: 9 Q. Sure. Reading on in this document produced by 10 the government, it says: "And admitted that 11 he was recruited as a facilitator by Al-Qaeda 12 operatives." 13 A. No. 14 Q. You never admitted that to the government, US 15 government? 16 MR. HOFFMAN: Objection. 17 THE WITNESS: No. 18 BY MR. SMITH: 19 Q. In this document, it says that he was -- or 20 that he "admitted that he was recruited as a 21 facilitator by Al-Qaeda operatives for his 22 local knowledge, language skills and 23 boat-driving ability." 24 Did you ever admit those things to</p>	<p>1 Q. Okay. Let me ask if he has a memory of 2 stating the following to US officials who 3 interrogated him. 4 A. Okay. 5 Q. Did you ever tell US officials, quote: 6 "Abdullah is a Tanzanian national born 7 September 24, 1971 in Unguja, Zanzibar"? 8 MR. HOFFMAN: Objection. You can 9 answer. 10 THE WITNESS: Yes. 11 BY MR. SMITH: 12 Q. Did you ever tell US officials when you were 13 in custody, quote: "He previously traveled on 14 Tanzanian Passport No. AI -- I'm sorry -- 15 A0173854, issued 27 June 1997, which expired 16 26 June 2002." Let me stop right there. 17 (Translating.) 18 MR. SMITH: Oh, you can't see 19 without your glasses. 20 (Translating.) 21 THE WITNESS: I never told them. 22 BY MR. SMITH: 23 Q. Okay. Did you ever tell American officials 24 that you, quote: "First came to Kenya in 1993</p>
<p>Page 111</p> <p>1 the United States government? 2 MR. HOFFMAN: Objection, but you 3 can -- 4 THE WITNESS: No. 5 MR. HOFFMAN: No, okay. 6 BY MR. SMITH: 7 Q. You never admitted that? 8 A. No. 9 Q. Reading on in the next paragraph, it says, 10 paragraph 4: "Evidence: Custodial debriefing 11 sessions of Abdullah revealed the following 12 information." 13 INTERPRETER ODANGA: Can you just 14 explain custodial? 15 MR. SMITH: I'm just reading from 16 the document. It says "custodial briefing 17 sessions." Custodial means you're in custody. 18 INTERPRETER ODANGA: Oh. 19 (Translating.) 20 BY MR. SMITH: 21 Q. Do you have any memory of the custodial 22 interrogations, the questions that you were 23 asked and the answers that you gave, sir? 24 A. I remember some, but not all.</p>	<p>Page 113</p> <p>1 and stayed in Mombasa with 1998 East African 2 embassy bombing fugitive Fahid Mohamed Ally 3 Msalam, with whom he trained in Afghanistan"? 4 MR. HOFFMAN: Objection, but you can 5 answer. 6 THE WITNESS: Repeat the question 7 again. 8 MR. SMITH: I'm going to have the 9 court reporter read it back. 10 (Whereupon, the record was read 11 back by the reporter as follows: 12 "Did you ever tell American 13 officials that you, quote: 'First 14 came to Kenya in 1993 and stayed in 15 Mombasa with 1998 East African 16 embassy bombing fugitive Fahid 17 Mohamed Ally Msalam, with whom he 18 trained in Afghanistan'") 19 MR. HOFFMAN: Objection, but you can 20 answer. 21 THE WITNESS: No. 22 BY MR. SMITH: 23 Q. Okay. Did you train in Afghanistan with Fahid 24 Mohamed Ally Msalam?</p>

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1 MR. HOFFMAN: Objection. You can  
 2 answer.  
 3 THE WITNESS: I went to Afghanistan,  
 4 but I want to tell you how I went.  
 5 BY MR. SMITH:  
 6 Q. I'm going to get to that, but my question is,  
 7 did you train in Afghanistan with Fahid  
 8 Mohamed Ally Msalam, as it says in this  
 9 government document?  
 10 MR. HOFFMAN: Same objection. You  
 11 can answer, if you can.  
 12 INTERPRETER ODANGA: He never  
 13 trained with him.  
 14 BY MR. SMITH:  
 15 Q. Did you ever train in Afghanistan?  
 16 MR. HOFFMAN: Same objection.  
 17 THE WITNESS: Yes.  
 18 BY MR. SMITH:  
 19 Q. When did you train in Afghanistan?  
 20 A. I'm not sure, but it was between 1993 or 1994.  
 21 Q. And how long did you train in Afghanistan?  
 22 MR. HOFFMAN: Same objection. He  
 23 can answer.  
 24 THE WITNESS: I got trained only

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1 once.  
 2 BY MR. SMITH:  
 3 Q. How long did you train in Afghanistan?  
 4 MR. HOFFMAN: Same objection. You  
 5 can answer.  
 6 THE WITNESS: Training or the whole  
 7 stay?  
 8 BY MR. SMITH:  
 9 Q. Mr. Salim, you testified that you trained in  
 10 Afghanistan. Do you recall that?  
 11 MR. HOFFMAN: Objection.  
 12 THE WITNESS: But I told you I got  
 13 trained one time.  
 14 BY MR. SMITH:  
 15 Q. Okay. But let's stay with my questions.  
 16 How long did you train in  
 17 Afghanistan?  
 18 INTERPRETER ODANGA: How long did  
 19 you stay in Afghanistan?  
 20 MR. SMITH: Did you train in  
 21 Afghanistan.  
 22 MR. HOFFMAN: Objection, again.  
 23 THE WITNESS: One time.  
 24 BY MR. SMITH:

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1 Q. For how long?  
 2 A. About six months.  
 3 Q. And that was in 1993 or 1994?  
 4 A. I'm not sure. It's around '93 or '94.  
 5 Q. Okay. How did you get to Afghanistan?  
 6 A. I left Tanzania, I went to India. From India,  
 7 I went to Pakistan. Then, from Pakistan, I  
 8 went to Afghanistan.  
 9 Q. Who paid for you to fly to -- or to travel to  
 10 Afghanistan?  
 11 A. Myself.  
 12 Q. Okay. And where did this training take place?  
 13 MR. HOFFMAN: Objection, again, but  
 14 you can answer.  
 15 THE WITNESS: Afghanistan.  
 16 BY MR. SMITH:  
 17 Q. Where in Afghanistan?  
 18 A. I don't know the place.  
 19 Q. Well, you traveled to the place, didn't you?  
 20 A. Yes.  
 21 Q. Did you travel by automobile, by plane? How  
 22 did you get to this place?  
 23 MR. HOFFMAN: Objection.  
 24 THE WITNESS: By car.

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1 BY MR. SMITH:  
 2 Q. Who drove the car?  
 3 A. The driver.  
 4 Q. What was the driver's name?  
 5 A. I don't remember name.  
 6 Q. Okay. How did you come in contact with the  
 7 driver?  
 8 A. I don't know him.  
 9 Q. How did you come in contact with him to enable  
 10 you to get into his car?  
 11 A. It was a passenger car.  
 12 Q. Okay. How did you come in contact with this  
 13 driver such that he could take you to this  
 14 place?  
 15 A. I wasn't by myself, I was with other people.  
 16 We would go to take by public means and, then,  
 17 we go to where we were going.  
 18 Q. Who were the other people that you were with?  
 19 A. I don't know the other ones, I only know one.  
 20 Q. What's that person's name?  
 21 A. Al-Fani.  
 22 Q. And did these people travel with you from, I  
 23 guess, Zanzibar to Afghanistan?  
 24 MR. HOFFMAN: Objection.

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1 THE WITNESS: One person came with  
 2 me from Dar es Salaam, but not Zanzibar.  
 3 BY MR. SMITH:  
 4 Q. From Jerusalem. Okay.  
 5 And you departed from where?  
 6 INTERPRETER ODANGA: Dar es Salaam.  
 7 MR. HOFFMAN: Dar es Salaam.  
 8 MR. SMITH: I'm sorry?  
 9 MR. HOFFMAN: Dar es Salaam.  
 10 INTERPRETER ODANGA: Dar es Salaam.  
 11 MR. SMITH: Oh, Dar es Salaam.  
 12 Thank you.  
 13 BY MR. SMITH:  
 14 Q. You departed from where to Afghanistan?  
 15 A. Dar es Salaam.  
 16 Q. Okay. Okay. Now, when you got to this  
 17 training facility, your testimony is you don't  
 18 know where it was located in Afghanistan?  
 19 MR. HOFFMAN: Objection. You can  
 20 answer.  
 21 THE WITNESS: I didn't know.  
 22 BY MR. SMITH:  
 23 Q. Okay. And you were there at this place for  
 24 six months?

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1 A. Something like that, I think.  
 2 Q. Describe this place for me.  
 3 A. I remember a big place, a big hilly place.  
 4 Q. Where did you sleep?  
 5 A. We had -- we would sleep in the bushes  
 6 sometimes and sometimes in the -- in the  
 7 tents.  
 8 (Witness speaking.)  
 9 INTERPRETER ODANGA: Oh, sorry.  
 10 Like the mosque. They would sleep on a  
 11 mosque, not bushes, mosques or tents.  
 12 BY MR. SMITH:  
 13 Q. And what were you training to do while you  
 14 were there?  
 15 A. The training was how to do -- how to exercise.  
 16 We were exercising, we were learning how to  
 17 shoot, and that's...  
 18 Q. I'm sorry?  
 19 INTERPRETER ODANGA: He said  
 20 "that's." He was learning how to shoot and  
 21 just doing exercises.  
 22 BY MR. SMITH:  
 23 Q. Okay. Who sponsored this training?  
 24 MR. HOFFMAN: Objection. You can

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1 answer.  
 2 THE WITNESS: I don't know him.  
 3 BY MR. SMITH:  
 4 Q. Well, was there an organization that sponsored  
 5 this training?  
 6 MR. HOFFMAN: Same objection. You  
 7 can answer.  
 8 THE WITNESS: I know it was a group.  
 9 BY MR. SMITH:  
 10 Q. What was the name of the group?  
 11 A. Harakati Ansari.  
 12 Q. Can you spell that, please.  
 13 A. H-A-R-A-K-A-T-I. Then, the other one is  
 14 A-N-S-A-R-I.  
 15 (Discussion between Interpreter  
 16 Odanga and witness.)  
 17 INTERPRETER ODANGA: Oh, there's no  
 18 "I" at the end. It's just "R" at the end.  
 19 Q. Is that one person or two people?  
 20 A. What?  
 21 Q. Harakati Ansar, is that the name of a person  
 22 or a group?  
 23 A. Group.  
 24 Q. And what was the purpose of this group?

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1 MR. HOFFMAN: Objection. You can  
 2 answer.  
 3 THE WITNESS: All I knew was that we  
 4 were going to fight Kashmir.  
 5 MR. HOFFMAN: There may be a  
 6 translation issue here.  
 7 INTERPRETER KENDAGOR: I think what  
 8 -- what...  
 9 (Translation discussion by  
 10 Interpreter Kendagor.)  
 11 INTERPRETER KENDAGOR: Yeah. What  
 12 he means is that that group was going to fight  
 13 in Kashmir, but he didn't know that the group  
 14 was going to fight in Kashmir.  
 15 COURT REPORTER: I'm having trouble  
 16 hearing you.  
 17 INTERPRETER ODANGA: I did not hear  
 18 where he said he didn't know, so I don't know  
 19 where you got he didn't know --  
 20 INTERPRETER KENDAGOR: Okay. Maybe  
 21 explain --  
 22 INTERPRETER ODANGA: -- but I heard  
 23 you asking if he knew.  
 24 MR. SMITH: Wait a minute. Wait a



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1 Q. Okay. What were the other types of weapons  
 2 that you learned to shoot?  
 3 A. None.  
 4 Q. Just the AK-47s?  
 5 A. Yes.  
 6 Q. Were you also trained in hand-to-hand combat?  
 7 INTERPRETER ODANGA: Hand-to-hand?  
 8 MR. SMITH: Hand-to-hand combat.  
 9 A. No.  
 10 Q. What else were you trained in by way of  
 11 warfare at this camp in addition to learning  
 12 how to shoot AK-47s?  
 13 A. None.  
 14 Q. Let's just jump to -- that's okay.  
 15 Why did you go to this camp?  
 16 A. I want to clarify something. I was using  
 17 illicit drugs. Fahidi -- Fahid told me that  
 18 the only way I can quit using drugs, I can go  
 19 to Afghanistan -- Pakistan and, then, I can  
 20 learn other ways and I will also learn some  
 21 Muslim prayers and that will help me to quit  
 22 drug, using drug.  
 23 Q. So you're saying you went to this camp where  
 24 you were trained on how to shoot an AK-47 so

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1 that you could try to overcome your illicit  
 2 drug problem?  
 3 MR. HOFFMAN: Objection and you can  
 4 answer.  
 5 THE WITNESS: I'll say it again. He  
 6 told me that we were going to go to Pakistan  
 7 -- he told me I was going to Pakistan to get  
 8 some education. He didn't tell me I was going  
 9 to Afghanistan.  
 10 BY MR. SMITH:  
 11 Q. So why did you go to this camp to be trained  
 12 to shoot AK-47s?  
 13 MR. HOFFMAN: Objection. You can  
 14 answer.  
 15 THE WITNESS: When we arrived to  
 16 Pakistan, they told me that the school is not  
 17 there, it's in Afghanistan.  
 18 BY MR. SMITH:  
 19 Q. Okay. What was the school that you were  
 20 looking for in Pakistan?  
 21 A. He gave me somebody's name that, when I  
 22 arrived there, that would be the mosque and  
 23 that I was supposed to get my education at  
 24 that mosque.

Page 128

1 Q. Who gave you this information?  
 2 A. Fahid.  
 3 Q. The same Fahid that we've been talking about  
 4 since we started your deposition?  
 5 A. Yes.  
 6 Q. So when you left Pakistan for Afghanistan, did  
 7 you know that you were going to be trained to  
 8 shoot an AK-47?  
 9 A. I did not know.  
 10 Q. So when you got there, why didn't you leave  
 11 when you found out?  
 12 A. When I told him, it was a lot of back and  
 13 forth fighting. I had no ticket to come back.  
 14 He told me to wait for the ticket.  
 15 Q. Let's go back to Exhibit No. 1. I'm directing  
 16 your attention to paragraph 4, item 6, where  
 17 it says, in this government document, quote:  
 18 "Abdullah had obtained a fake Kenyan  
 19 identification card which indicated that his  
 20 name was Issa Abdikadir Mohamed."  
 21 Do you see where it says that?  
 22 MR. HOFFMAN: There's no question.  
 23 BY MR. SMITH:  
 24 Q. The question is, do you see that?

Page 129

1 MR. HOFFMAN: Do you see it.  
 2 THE WITNESS: I told you in the  
 3 beginning and the other -- the name was Issa.  
 4 It wasn't my I.D., identification card, it's  
 5 just something that I picked up.  
 6 BY MR. SMITH:  
 7 Q. Mr. Salim, did you ever tell an official from  
 8 the United States government, in connection  
 9 with an interrogation, that you had obtained a  
 10 fake Kenyan identification card which  
 11 indicated your name as Issa Abdikadir Mohamed?  
 12 Did you ever tell anyone that?  
 13 MR. HOFFMAN: Objection. You can  
 14 answer.  
 15 INTERPRETER ODANGA: I just want to  
 16 clarify something. Did you ever tell Kenyan  
 17 or anybody?  
 18 MR. SMITH: Read the question back.  
 19 (Whereupon, the record was read back  
 20 by the court reporter as follows:  
 21 "Did you ever tell an official from  
 22 the United States government.")  
 23 INTERPRETER ODANGA: Okay. Thank  
 24 you.

Page 130

1 (Translating.)  
 2 MR. HOFFMAN: Objection. He can  
 3 answer.  
 4 THE WITNESS: I told them that I had  
 5 the identification card that was not mine and  
 6 I told them it was in the name "Issa." I  
 7 don't remember telling them the other names.  
 8 BY MR. SMITH:  
 9 Q. Did you tell them that it was a fake  
 10 identification card?  
 11 A. Yes.  
 12 Q. Okay. And is it your testimony that you don't  
 13 remember one way or the other if this fake  
 14 identification card bore the name "Issa  
 15 Abdikadir Mohamed"?  
 16 A. I remember Issa, but I'm not sure -- I can't  
 17 remember if I said the other names.  
 18 Q. Okay. And why did you have this fake  
 19 identification card?  
 20 MR. HOFFMAN: Objection. You can  
 21 answer, again, if you want.  
 22 THE WITNESS: I said before that  
 23 this identification card, I just picked it.  
 24 It was just something that I picked. And, in

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1 Kenya, people had trouble that they don't have  
 2 identification card.  
 3 BY MR. SMITH:  
 4 Q. So are you saying that you had a fake  
 5 identification card to stay out of trouble  
 6 with Kenyan officials?  
 7 MR. HOFFMAN: Objection. You can  
 8 answer.  
 9 THE WITNESS: It wasn't fake  
 10 identification, it was just -- it was a real  
 11 identification, it's just that it wasn't mine.  
 12 BY MR. SMITH:  
 13 Q. Well, did you hold yourself out through that  
 14 identification card as being a person named  
 15 "Issa"? I'll stop right there.  
 16 MR. HOFFMAN: Objection.  
 17 THE WITNESS: No.  
 18 BY MR. SMITH:  
 19 Q. Well, what was the purpose of having the card,  
 20 then?  
 21 MR. HOFFMAN: Objection.  
 22 THE WITNESS: Only when I -- if I'm  
 23 stopped by the police, then I can show the  
 24 identification card.

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1 BY MR. SMITH:  
 2 Q. So it was your intention if you were stopped  
 3 by the Kenyan police to show them this fake  
 4 identification, is that right?  
 5 A. Yes.  
 6 Q. And when you were taken into custody by the  
 7 Kenyan intelligence police officers, did you  
 8 show them the fake identification?  
 9 A. Ever since I left the boat, I never used -- I  
 10 never used that identification card. I did  
 11 have it.  
 12 Q. Why did you tell the American officials who  
 13 were interrogating you about this fake  
 14 identification?  
 15 A. They asked me why I was also called Issa.  
 16 Q. Okay. Now, turn, if you would, to paragraph  
 17 4D. I'm looking at the second sentence. And  
 18 my question is, did you ever tell American  
 19 officials during interrogation that you "and  
 20 other compatriots proceeded to Karachi,  
 21 Pakistan, and were received by Al-Qaeda leader  
 22 Mufti Iqbal"?  
 23 Let's stop right there. Did you  
 24 ever tell government officials that?

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1 A. I've never said that.  
 2 Q. Do you know who Mufti Iqbal is?  
 3 A. Yes.  
 4 Q. Who is he?  
 5 A. That is -- he was at the mosque where I  
 6 arrived to.  
 7 Q. In Pakistan?  
 8 A. Yes.  
 9 Q. Had you ever met him before you met him at the  
 10 mosque in Pakistan?  
 11 A. No.  
 12 Q. Okay. Did you ever tell American officials,  
 13 as it appears in Exhibit No. 1, that Iqbal  
 14 took you and the others to Harakati Ansar  
 15 terrorist training camp in Afghanistan?  
 16 MR. HOFFMAN: Objection. You can  
 17 answer.  
 18 THE WITNESS: No.  
 19 BY MR. SMITH:  
 20 Q. Did Iqbal take you to Harakati Ansar camp?  
 21 A. No.  
 22 Q. Who took you?  
 23 A. We went with other people.  
 24 Q. Yeah. Who -- who were the people?

1 A. I already told you that I only knew one.  
 2 Q. Okay. Well, sometimes when you look at a  
 3 document, it helps refresh your recollection.  
 4 MR. HOFFMAN: There's no question.  
 5 BY MR. SMITH:  
 6 Q. Do you know who Fazul Rahman is?  
 7 A. I remember him.  
 8 Q. Who is Fazul Rahman?  
 9 A. It was -- he was like the owner of Harakati  
 10 Ansar.  
 11 Q. And do you know a person named Abu Walid?  
 12 A. No.  
 13 Q. Did you ever tell American officials in  
 14 connection with an interrogation, or  
 15 questioning, rather, that the Harkati Ansar  
 16 camp was run by Pakistani national Fazul  
 17 Rahman?  
 18 A. Yes.  
 19 Q. Reading on in the document marked as  
 20 Exhibit 1, it states, quote: "In Afghanistan,  
 21 Abdullah received six months of training on  
 22 assault rifles, explosives and fighting  
 23 techniques."  
 24 Did you ever tell American officials

1 Q. What did you tell the government officials  
 2 when you were interviewed about this?  
 3 MR. HOFFMAN: Objection. You can  
 4 answer.  
 5 THE WITNESS: They asked me "there  
 6 was many people there?" And I said "yes."  
 7 BY MR. SMITH:  
 8 Q. Did they ask how many people?  
 9 A. Yes.  
 10 Q. What was his answer?  
 11 A. I remember I said "a lot of people," but I've  
 12 forgotten what I told -- the number that I  
 13 told them.  
 14 Q. Turn, if you would, to paragraph H in  
 15 Exhibit 1. Were you shown a photograph during  
 16 this interview or interrogation of an Afghani  
 17 national who was taking photographs of the  
 18 Paradise Hotel three months prior to the 28  
 19 November 2002 bombing?  
 20 A. No.  
 21 MR. HOFFMAN: Whenever you reach a  
 22 stopping point soon, we could take a break.  
 23 BY MR. SMITH:  
 24 Q. Turn, if you would, to the next page, sir.

1 that?  
 2 A. No, I did not.  
 3 Q. Did you tell them that you -- or tell American  
 4 officials that you received six months of  
 5 training on assault rifles?  
 6 A. I told them it was six month training, but I  
 7 only use the -- there for one time.  
 8 Q. One time. Did you ever tell American  
 9 officials that while you were at this camp,  
 10 you were trained for using explosives?  
 11 A. No.  
 12 Q. Did you ever receive training to use  
 13 explosives?  
 14 A. No.  
 15 Q. Were you -- did you ever tell American  
 16 officials that you received training at this  
 17 camp for fighting techniques?  
 18 A. No.  
 19 Q. Did you ever tell American officials that  
 20 while you were at this camp, there were  
 21 approximately 600 other trainees at the camp?  
 22 A. I remember something like that.  
 23 Q. Tell me what you remember.  
 24 A. There were a lot of people at the camp.

1 Paragraph No. 5 says, quote: "Outcome:  
 2 Bagram/Gitmo, detain as a low level enemy  
 3 combatant."  
 4 Were you ever told you were being  
 5 detained as a low level enemy combatant?  
 6 MR. HOFFMAN: Objection. Asked and  
 7 answered.  
 8 THE WITNESS: Never.  
 9 BY MR. SMITH:  
 10 Q. And you would remember that if you were told?  
 11 A. I would have remembered that.  
 12 Q. Your testimony is that while you were at this  
 13 camp, you were training with some 600 other  
 14 people, is that right?  
 15 MR. HOFFMAN: Objection. You can  
 16 answer.  
 17 THE WITNESS: I didn't go there to  
 18 train. I found those people there. It's not  
 19 that I came with them there.  
 20 BY MR. SMITH:  
 21 Q. Did you train with 600 other people while you  
 22 were at this camp?  
 23 A. No. They come and go. It's not that we are  
 24 there all the time, all of us.

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1 by the court reporter as follows:  
 2 "Do you have any factual information  
 3 that Drs. Jessen or Mitchell had  
 4 anything to do with the  
 5 interrogations that occurred while  
 6 you were at salt pit?")  
 7 THE WITNESS: My lawyer will answer  
 8 that question.  
 9 BY MR. SMITH:  
 10 Q. And what does that mean, your lawyer relies  
 11 (sic) on that question?  
 12 A. Because I don't know when it comes to -- I  
 13 don't -- I don't know -- I don't know more  
 14 about the law. They do know.  
 15 Q. And, Mr. Salim, do you understand I'm not  
 16 asking you about the law. I'm just asking you  
 17 about the factual information. Do you  
 18 understand that?  
 19 A. And that's why I answered you that my lawyer  
 20 will answer the question.  
 21 Q. Mr. Salim, let's go back to Exhibit No. 8 for  
 22 a second. Am I to understand, sir, that you  
 23 have never looked at this document before  
 24 today?

Page 191

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.)

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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

Page 193

1 \*\*\* ERRATA SHEET \*\*\*  
 2 TRANSPERFECT DEPOSITION SERVICES  
 3 216 E. 45th Street, Suite #903  
 4 NEW YORK, NEW YORK 10017  
 5 (212) 400-8845  
 6 CASE: SULEIMAN ABDULLAH SALIM et al. v. MITCHELL  
 7 DATE: MARCH 14, 2017  
 8 WITNESS: SULEIMAN ABDULLAH SALIM REF: 18303  
 9 PAGE LINE FROM TO  
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SULEIMAN ABDULLAH SALIM  
 Subscribed and sworn to before me  
 this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 Notary Public

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 II

March 15, 2017

Reported by:  
Jane M. Borrowman, RPR, CSR  
Job no: 18304



Page 207

1 A. Never.  
 2 Q. Did you ever see this document in Swahili?  
 3 A. No.  
 4 Q. Turn, if you would, to the last page of  
 5 Exhibit No. 6. I'm sorry. The second to the  
 6 last page, page 36 of Exhibit No. 6.  
 7 Can you put it before the witness,  
 8 please.  
 9 Mr. Salim, page 36 purports to be a  
 10 certification bearing your signature. Do you  
 11 see that?  
 12 A. Yes.  
 13 Q. Did you sign this document?  
 14 A. Yes.  
 15 Q. Did you sign the document on November 28th,  
 16 2016?  
 17 A. I can't remember that.  
 18 Q. Did you review the information on pages 1  
 19 through 35 before you signed the certification  
 20 on page 36?  
 21 MR. HOFFMAN: Objection. And you  
 22 can answer.  
 23 THE WITNESS: I did not.  
 24 BY MR. SMITH:

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1 Q. Did you review any information before you  
 2 signed this certification?  
 3 MR. HOFFMAN: Same objection. You  
 4 can answer.  
 5 THE WITNESS: I looked at them, but  
 6 I did not know what it was.  
 7 BY MR. SMITH:  
 8 Q. When you say you looked at them, what did you  
 9 look at?  
 10 A. Like just going through.  
 11 Q. Who showed you this information on pages 1  
 12 through 35?  
 13 A. Nobody showed me. I was given the paper and  
 14 nobody showed me.  
 15 Q. Who gave you the paper?  
 16 A. My lawyer.  
 17 Q. What's the name of your lawyer?  
 18 A. Steven.  
 19 Q. And was he present when he handed you the  
 20 paper?  
 21 A. No.  
 22 Q. Did it come in the mail?  
 23 A. No.  
 24 Q. How was it delivered to you?

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1 A. I think through the email.  
 2 Q. Okay. And was the paper that was sent to you  
 3 by email in the English language or in  
 4 Swahili?  
 5 A. English.  
 6 Q. Did you have any idea what you were reading  
 7 before you signed the certification?  
 8 MR. HOFFMAN: Objection. You can  
 9 answer.  
 10 THE WITNESS: I just signed it.  
 11 BY MR. SMITH:  
 12 Q. Did you have any understanding of what you  
 13 were reading before you signed it?  
 14 A. I did not read it.  
 15 Q. And did you have any understanding when you  
 16 signed the certification that you were signing  
 17 it subject to the potential punishments if  
 18 information in there was willfully false?  
 19 MR. HOFFMAN: Objection.  
 20 THE WITNESS: Yes.  
 21 BY MR. SMITH:  
 22 Q. Who told you that?  
 23 A. My lawyer.  
 24 Q. Turn, if you would, to subpart G.

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1 MR. HOFFMAN: Do you have a page  
 2 number?  
 3 MR. SMITH: Page 26.  
 4 BY MR. SMITH:  
 5 Q. Do you have it before you, sir?  
 6 A. Yes.  
 [REDACTED]

[REDACTED]

[REDACTED]

14 BY MR. SMITH:  
 15 Q. Were your eyes covered the entire period of  
 16 time that you were in the room, Mr. Salim?  
 17 MR. HOFFMAN: Objection. You can  
 18 answer.  
 19 THE WITNESS: I'm responding to you  
 20 again, it was not a cloth that was tied, but  
 21 it was a dark glass that was put on my face.  
 22 BY MR. SMITH:  
 23 Q. When was the dark glass put on your face?  
 24 A. Since we left Bossasso heading to Djibouti.

[REDACTED]

1 Q. And did those dark glasses remain on your face  
 2 the entire time you were in Djibouti?  
 3 A. Yes.  
 4 Q. And were your hands in handcuffs or otherwise  
 5 shackled the entire time that you were in  
 6 Djibouti?  
 7 A. Yes.  
 8 MR. HOFFMAN: Objection. Okay. You  
 9 answered. You have to just wait, give me a  
 10 chance to object.  
 11 BY MR. SMITH:  
 12 Q. If I recall your testimony yesterday, you were  
 13 transported from Somalia to Djibouti, is that  
 14 right?  
 15 A. Yes.  
 16 Q. And you were in Djibouti for approximately one  
 17 day, if I recall your testimony from  
 18 yesterday.  
 19 MR. HOFFMAN: Objection. You can  
 20 answer.  
 21 THE WITNESS: It was not a whole day  
 22 because I left at night. It wasn't until the  
 23 next morning. It was in between nighttime.  
 24 BY MR. SMITH:

1 questions of the witness.  
 2 MR. HOFFMAN: Okay. Do we have a  
 3 protocol for signing and time and all that  
 4 stuff? I assume the usual stipulations.  
 5 MS. ALEXANDER: No, we didn't have  
 6 them previously. I mean...  
 7 MR. SMITH: You guys have been  
 8 reading and signing, haven't you?  
 9 MR. WATT: Yeah. We have.  
 10 (All parties speaking at once.)  
 11 MR. SMITH: No, but we're not --  
 12 there's no waiving reading, signing?  
 13 MR. HOFFMAN: No. No. No.  
 14 COURT REPORTER: Are we off the  
 15 record? Are we off the record here?  
 16 MR. SMITH: Sorry, we're off the  
 17 record.  
 18 VIDEOGRAPHER: The time is 12:25.  
 19 We're off the record.  
 20 (End of proceedings: 12:25 p.m.)

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 2 TRANSPERFECT DEPOSITION SERVICES  
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 19 \_\_\_\_\_  
 20 \_\_\_\_\_  
 21 \_\_\_\_\_  
 22 SULEIMAN ABDULLAH SALIM  
 23 Subscribed and sworn to before me  
 24 this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 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 15, 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

# EXHIBIT C

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

-----)

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



Page 6

1  
2 THE VIDEOGRAPHER: This begins  
3 media unit No. 1 in the video  
4 deposition of Obaidullah, in the  
5 matter of Suleiman Abdullah Salim, et  
6 al., versus James Elmer Mitchell, et  
7 al., before the United States District  
8 Court for the Eastern District of  
9 Washington, Civil Action No.  
10 2:15-CV-286-JLQ.  
11 This deposition is being held at  
12 the American Civil Liberties Union  
13 Foundation, New York, New York, on  
14 Tuesday, January 31, 2017. The time  
15 is approximately 12:19 p.m.  
16 My name is Lou Chiodo, a  
17 certified legal video specialist. The  
18 court reporter is Linda Salzman. We  
19 are both from the firm of TransPerfect  
20 Legal Solutions.  
21 Will counsel and all present  
22 please state your name and whom you  
23 represent, followed by the court  
24 reporter swearing in the witness.  
25 MR. PASZAMANT: I'll start. My

Page 7

1  
2 name is Brian Paszamant. I am with  
3 the law firm of Blank Rome LLP. I  
4 represent the defendants in this  
5 action.  
6 Good morning, Mr. Obaidullah.  
7 THE WITNESS: My name is  
8 Obaidullah, and I'm here representing  
9 the family of Gul Rahman.  
10 MR. LADIN: My name is Dror  
11 Ladin, and I'm here representing  
12 plaintiffs, and I'm with the American  
13 Civil Liberties Union.  
14 THE INTERPRETER: Do I have  
15 to --  
16 MR. LUSTBERG: Yeah, you should  
17 interpret everything.  
18 MR. LADIN: My name is Dror  
19 Ladin. I represent the plaintiffs in  
20 this matter.  
21 THE INTERPRETER: I'm sorry. I  
22 don't know what does it mean,  
23 "plaintiffs." I don't want --  
24 MR. LADIN: The party that is  
25 suing.

Page 8

1  
2 THE INTERPRETER: Okay.  
3 MR. LADIN: Can you please  
4 translate what he said.  
5 THE INTERPRETER: He said I know  
6 who you are and who you're  
7 representing me, too.  
8 MR. LADIN: And I am with the  
9 American Civil Liberties Union.  
10 MR. LUSTBERG: Lawrence S.  
11 Lustberg, from Gibbons PC, on behalf  
12 of plaintiff. Let me do it this way.  
13 With me are Daniel McGrady and Kate  
14 Janukowicz, also from Gibbons.  
15 MR. SIDDIQI: My name is Kyce  
16 Siddiqi. I am actually not a party to  
17 any of this.  
18 MR. PASZAMANT: It's my  
19 understanding that Mr. Siddiqi is an  
20 informal translator here today, and  
21 that's why he's in attendance.  
22 THE INTERPRETER: He said I  
23 understand that Kyce is a translator.  
24 Z A R L A S H T G H O L A M,  
25 called as the interpreter in this

Page 9

1  
2 matter, was first duly sworn to  
3 faithfully and accurately translate  
4 the questions propounded to the  
5 witness from English to Dari, and the  
6 answers given by the witness from  
7 Dari to English;  
8 O B A I D U L L A H,  
9 called as a witness, having been duly  
10 sworn by a Notary Public, was examined  
11 and testified through the Interpreter  
12 as follows:  
13 MR. PASZAMANT: May I begin?  
14 COURT REPORTER: Of course.  
15 EXAMINATION BY  
16 MR. PASZAMANT:  
17 Q. Good morning, Mr. Obaidullah.  
18 My name is Brian Paszamant.  
19 A. Thank you so much. Nice to meet  
20 you, and good afternoon.  
21 MR. PASZAMANT: Before we get  
22 started, I'd like to put an  
23 understanding, a stipulation on the  
24 record. This morning we had an  
25 inappropriate translator here for the

1 Obaidullah  
 2 personal representative of Mr. Rahman's  
 3 estate is because you provide for the  
 4 family?  
 5 A. Yes.  
 6 Q. And when you say "provide,"  
 7 provide in what way, sir?  
 8 A. The whole family is living with  
 9 me. It is very common in Afghanistan that  
 10 a man shall have to represent the family.  
 11 Q. You said you lived with  
 12 approximately 15 people in Kabul  
 13 currently, correct?  
 14 A. Yes.  
 15 Q. Are you the only one of the 15  
 16 that currently works?  
 17 A. Yes.  
 18 Q. Are the others that live with  
 19 you physically unable to work?  
 20 A. In Afghanistan, the womens are  
 21 not working. We are four brothers. My  
 22 brothers are younger and they're all  
 23 studying.  
 24 Q. I see. You mentioned to me  
 25 earlier that your uncle was famous. Do

1 Obaidullah  
 2 you recall that?  
 3 A. He was famous for being nice, a  
 4 nice person.  
 5 Q. So when you told me famous, you  
 6 meant that he was nice, that's what you  
 7 meant by using that term "famous"?  
 8 A. Yes.  
 9 MR. LADIN: Okay. I don't think  
 10 that's fair --  
 11 MR. LUSTBERG: We can clean it  
 12 up later.  
 13 BY MR. PASZAMANT:  
 14 Q. Can you please tell me your  
 15 uncle's full name?  
 16 A. Gul Rahman and Abdul Manan.  
 17 Q. Did your uncle have any -- was  
 18 he known by any other names?  
 19 A. Without these two names, he  
 20 didn't have any other names.  
 21 Q. Where did your uncle reside  
 22 prior to him being captured?  
 23 A. Shamshatoo camp.  
 24 Q. Do you know your uncle's date of  
 25 birth?

1 Obaidullah  
 2 A. No, I don't.  
 3 Q. Do you know what country he was  
 4 born in?  
 5 A. Afghanistan.  
 6 Q. Was he a citizen of Afghanistan  
 7 at the time he was captured, to your  
 8 knowledge?  
 9 A. Yes.  
 10 Q. How old was your uncle when he  
 11 was captured?  
 12 A. I don't know.  
 13 Q. Your uncle was married at the  
 14 time he was captured?  
 15 A. Yes.  
 16 Q. Does his wife currently live  
 17 with you?  
 18 A. Yes.  
 19 Q. How many children does he have  
 20 or did he have?  
 21 A. He have four kids.  
 22 Q. Could you give me their names,  
 23 please?  
 24 A. Hajira, H-A-J-I-R-A. Abida,  
 25 A-B-I-D-A. Fawzia, F-A-W-Z-I-A. Asma,

1 Obaidullah  
 2 A-S-M-A.  
 3 Q. Are those all women?  
 4 A. They are girls.  
 5 Q. And how old are they  
 6 approximately?  
 7 A. Estimating. Hajira is 23.  
 8 Abida may be 18 or 19. Fawzia might be --  
 9 would be 16. And Asma could be 14 or 15.  
 10 Q. Are you able to tell me, did  
 11 your uncle secure a college degree?  
 12 A. No.  
 13 Q. Did your uncle attend high  
 14 school?  
 15 A. I think he have done it up to  
 16 tenth grade. And then the war started.  
 17 We had to migrate and he left the country.  
 18 Q. Was your uncle employed at the  
 19 time that he left the country?  
 20 A. I can't remember what he was  
 21 doing.  
 22 Q. He was attending school,  
 23 correct?  
 24 A. He went up to tenth grade and  
 25 then he left school. It was the Soviet

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<p>1 Obaidullah 2 Union time when everybody left their 3 schools. The war started. 4 Q. Do you have any recollection of 5 your uncle, Gul Rahman, being employed 6 anywhere? 7 A. Yes, I remember. 8 Q. Okay. Tell me what you remember 9 in terms of your uncle being employed 10 somewhere. 11 A. He was Hekmatyar's bodyguard. 12 Q. Do you have any recollection of 13 your uncle having any employment besides 14 being the bodyguard for Hekmatyar? 15 A. When Hekmatyar left for Iran, my 16 uncle was the driver for Dr. Baheer, 17 B-A-H-E-E-R. 18 Q. Do you recall your uncle being 19 employed in any other capacity beside his 20 work for Dr. Baheer or for Hekmatyar? 21 A. When he left, Dr. Baheer and 22 Hekmatyar, he was self-employed, wood 23 breaker, breaking woods. 24 Q. During what period of time did 25 your uncle serve as the bodyguard for</p>	<p>1 Obaidullah 2 A. I can't remember. 3 Q. So you don't know if that's for 4 a year, or for a week, or a day, correct? 5 A. He was receiving monthly 6 payments but he had worked for a long 7 period of time with Hekmatyar. 8 Q. So when you tell me 900 to 2,000 9 Pakistani Rupee, that's for your uncle 10 working for a one-month period for 11 Hekmatyar? 12 A. Yes, that was the minimum wage 13 back then. 14 Q. And that's not a lot of money in 15 your mind? 16 A. Comparing to now, it looks too 17 nothing right now, the money. 18 THE INTERPRETER: He's trying to 19 compare the money from that time and 20 this time, it was nothing. 21 BY MR. PASZAMANT: 22 Q. Do you know how it was that your 23 uncle secured a job as the bodyguard for 24 Hekmatyar? 25 A. I can't remember. I was too</p>
Page 103	Page 105
<p>1 Obaidullah 2 Hekmatyar? 3 A. I can't remember, but I think 4 when Hekmatyar left for Iran, and then he 5 left the work. 6 Q. So sitting here today, you don't 7 know what timeframe your uncle Gul Rahman 8 worked for Hekmatyar? Do I have that 9 right? 10 A. I can't remember it. 11 Because Gulbuddin's time as -- 12 it's there that when he left for Iran 13 there's a specific time for it, but I can 14 find it on Google, internet. 15 Q. Do you know how much your uncle 16 was paid to work as the bodyguard for 17 Hekmatyar? 18 A. I can't remember, but the wages 19 were very low at that time period. But I 20 think it was around 900 to 2,000 Rupees, 21 Pakistani Rupee. 22 Q. 900 to 2,000 Pakistani Rupee, 23 correct? 24 A. Yeah. 25 Q. For how much time worked?</p>	<p>1 Obaidullah 2 young. 3 Q. Do you know what qualifications, 4 if any, your uncle had to serve as 5 Hekmatyar's bodyguard? 6 A. I think he was so honest, he was 7 not, you know, a harmful person. He would 8 just do surrounded by himself, that's why 9 he was accepted there. 10 Q. I see. 11 So he became Hekmatyar's 12 bodyguard because he was honest, an honest 13 person? 14 A. This could be one reason. But 15 that depends on Hekmatyar, how he is 16 choosing his employees. It could be a 17 reason. It was very common back then, a 18 majority of people were working either 19 with Jamiat and then -- there were two 20 parties, Jamiat party and Hez. Islami 21 party and Hez Islami. 22 Q. What business was Hekmatyar in? 23 A. I don't know. 24 Q. Do you know Hekmatyar? 25 A. Personally, I have never seen</p>

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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  
2 STATE OF \_\_\_\_\_ )  
3 ) :ss  
4 COUNTY OF \_\_\_\_\_ )  
5  
6  
7 I, OBAIDULLAH, the witness  
8 herein, having read the foregoing  
9 testimony of the pages of this deposition,  
10 do hereby certify it to be a true and  
11 correct transcript, subject to the  
12 corrections, if any, shown on the attached  
13 page.  
14  
15  
16  
17 \_\_\_\_\_  
18 OBAIDULLAH  
19  
20  
21  
22  
23  
24  
25

Page 207

1  
2 C E R T I F I C A T E  
3 STATE OF NEW YORK )  
4 : ss.  
5 COUNTY OF NEW YORK )  
6  
7 I, Linda Salzman, a Notary  
8 Public within and for the State of  
9 New York, do hereby certify:  
10 That OBAIDULLAH, the witness  
11 whose deposition is hereinbefore set  
12 forth, was duly sworn by me and that  
13 such deposition is a true record of  
14 the testimony given by the witness.  
15 I further certify that I am not  
16 related to any of the parties to  
17 this action by blood or marriage,  
18 and that I am in no way interested  
19 in the outcome of this matter.  
20 IN WITNESS WHEREOF, I have  
21 hereunto set my hand this 7th day of  
22 February, 2017.  
23  
24 \_\_\_\_\_  
25 Linda Salzman

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1  
2 ----- I N D E X -----  
3 WITNESS EXAMINATION BY PAGE  
4 OBAIDULLAH MR. PASZAMANT 9, 201  
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8 1) Engagement letter 97  
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10 ----- EXHIBITS -----  
11 OBAIDULLAH FOR ID.  
12 Exhibit 1 Senate Committee Report 40  
13 Exhibit 2 CIA investigation report 59  
14 Exhibit 3 Interrogatory Responses 93  
15 Exhibit 4 Document 94  
16 Exhibit 5 Document 117  
17 Exhibit 6 Document 182  
18 Exhibit 7 Document 182  
19 Exhibit 8 Article dated 9/5/16 191  
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1  
2 I N S T R U C T I O N S T O W I T N E S S  
3 Please read your deposition over  
4 carefully and make any necessary  
5 corrections. You should state the reason  
6 in the appropriate space on the errata  
7 sheet for any corrections that are made.  
8 After doing so, please sign the  
9 errata sheet and date it.  
10 You are signing same subject to  
11 the changes you have noted on the errata  
12 sheet, which will be attached to your  
13 deposition.  
14 It is imperative that you return  
15 the original errata sheet to the deposing  
16 attorney within thirty (30) days of  
17 receipt of the deposition transcript by  
18 you. If you fail to do so, the deposition  
19 transcript may be deemed to be accurate  
20 and may be used in court.  
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ERRATA SHEET FOR THE TRANSCRIPT OF:

Case Name: Salim v. Mitchel

Dep. Date: January 31, 2017

Deponent: OBAIDULLAH

Pg. Ln. Now Reads Should Read Reason


\_\_\_\_\_  
Signature of Deponent

SUBSCRIBED AND SWORN BEFORE ME

THIS DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
(Notary Public) MY COMMISSION

EXPIRES: \_\_\_\_\_