

Exhibit 6

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

1 Dominica?
2 A. I entered on the day 25th January.
3 Q. What name did you use when you entered this
4 country, sir?
5 A. The official name -- my official name, Mohamed
6 Ahmed Ben Soud.
7 Q. Mr. Soud, how did you come to be known as
8 Abdul (sic) Kareem?
9 A. I did not understand the question.
10 Q. Did there come a time when you started using
11 the name Abdul Kareem?
12 A. Yes.
13 Q. When?
14 A. At different times.
15 Q. When did he first start using the name?
16 A. In 1995.
17 Q. And why did he start using that name in 1995?
18 A. I used these names, and Abdel Kareem is one of
19 them, to secure myself and to secure my
20 movement through or during my affiliation with
21 LFG (sic) and in fear of the chase of the
22 dictatorial Gaddafi regime for me.
23 MS. SHAMSI: Jim, just one more
24 thing, I think the words were "LIFG," or the

1 letters were "LIFG."
2 MR. SMITH: Did you get the whole
3 answer?
4 INTERPRETER: Yes.
5 MR. SMITH: Do we agree with LIFG?
6 INTERPRETER: Yes.
7 MR. SMITH: Okay. Thank you.
8 BY MR. SMITH:
9 Q. How did you get that name?
10 A. Personal choice.
11 Q. And did you have identification that actually
12 identified you by the name Abdul Kareem?
13 A. No.
14 Q. Do you have any official identification for
15 the person that you identified yourself on the
16 record as?
17 MS. SHAMSI: Objection. You may --
18 THE WITNESS: Yes.
19 MS. SHAMSI: -- answer.
20 I just want it to be clear that I
21 objected.
22 MR. SMITH: Do you speak Arabic?
23 MS. SHAMSI: No, I don't. I was
24 just -- it was just a formal objection.

1 And I'll just say that I objected
2 and so there should be time for me to object
3 just as a -- but you may still answer.
4 BY MR. SMITH:
5 Q. Mr. Soud, when did you start using the name
6 Mohamed Ahmed Al-Zabandar?
7 A. I used it in 2000.
8 Q. And why did you start using that name in 2000?
9 A. I used it to secure myself.
10 Q. And why was it necessary -- strike that.
11 Was this a false name?
12 A. Yes.
13 Q. And why was it necessary to use a false name
14 in 2000 to secure yourself?
15 A. We, I, through my affiliation with LIFG and my
16 opposition to the unjust regime of Gaddafi in
17 Libya, I had to do so to secure myself from
18 them -- from that regime following me.
19 That, for me, meant a matter of life
20 or death. That meant a matter of freedom or
21 to be kept in an unjust regime of Gaddafi's
22 prisons, that there is no human rights
23 connected with it, related to it or in it.
24 Q. Mr. Soud, who was following you in 2000?

1 A. The unjust dictatorial regime of Gaddafi.
2 Q. And why was Gaddafi following you in 2000, his
3 regime?
4 A. Through my affiliation with LIFG.
5 Q. What about your affiliation with LIFG caused
6 Gaddafi's regime to follow you?
7 A. It's a group that opposes the unjust regime of
8 Gaddafi and resisting the Gaddafi regime and
9 against injustice after the Gaddafi regime
10 confiscated freedoms and ruptured human
11 rights, kidnapping and torture, and trials
12 outside of the law frame, that was the reason
13 for setting up the LIFG and was a reason for
14 me to be affiliated with the LIFG, to
15 overthrow this unjust regime.
16 Q. Mr. Soud, when did you start using the name
17 Mohamed Ahmed Al-Shareaia?
18 A. This name, Al-Shareaia, I used since my --
19 since I was young, and that was the name that
20 my family had. My family was named
21 Al-Shareaia. And for family reasons that
22 could -- that I can explain, I changed that
23 name through the Libyan courts and -- already,
24 and a judgment was issued in that regard.

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<p>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</p>	<p>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?</p>
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<p>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</p>	<p>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 Afghans 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.</p>

1 A. The whole period, I stayed in Kabul.
 2 Q. Was it a year, a month?
 3 A. Months.
 4 Q. Okay. And then you left to go to where in
 5 Pakistan?
 6 A. I went to Karachi.
 7 Q. And where did you stay in Karachi?
 8 A. Karachi is a vast place and I was going from
 9 one place to the other.
 10 Q. With your wife?
 11 A. Yes.
 12 Q. And why were you going from one place to
 13 another?
 14 A. There, my wife was expecting. There was -- my
 15 wife and I was expecting a baby. I needed to
 16 move around, to move from one hospital to the
 17 other. I was moving from one place to the
 18 other and this is through the interest.
 19 Q. Why were you moving from one place to another?
 20 A. Of course, after the events of September, the
 21 security situation became very uptight in
 22 Karachi and there was -- you know, there was,
 23 you know, a problem for the Arab -- the Arab
 24 person in Karachi, being there.

1 Q. So you thought --
 2 A. I was obligated to protect myself and secure
 3 my wife and myself.
 4 Q. Mr. Soud, is it your testimony that after 9-11
 5 you thought that Pakistani authorities were
 6 looking for you?
 7 MS. SHAMSI: Objection.
 8 THE WITNESS: No, does not look for
 9 me.
 10 BY MR. SMITH:
 11 Q. Well, why -- who did you think was pursuing
 12 you in Pakistan after 9-11?
 13 MS. SHAMSI: Objection.
 14 THE WITNESS: There was a huge
 15 security, like watch, on the watch, in
 16 Pakistan, and Pakistan was targeting any Arab,
 17 any Arab person who would be there in
 18 Pakistan.
 19 BY MR. SMITH:
 20 Q. Well, why did you leave Afghanistan to go to
 21 Pakistan knowing that?
 22 MS. SHAMSI: Objection.
 23 THE WITNESS: I left Afghanistan to
 24 go to Pakistan because of the circumstances of

1 my wife who needed some medical attention
 2 because of pregnancy.
 3 BY MR. SMITH:
 4 Q. Did you think that Pakistani officials were
 5 seeking to arrest you following the events of
 6 September 11th, 2001?
 7 MS. SHAMSI: Objection.
 8 THE WITNESS: No.
 9 BY MR. SMITH:
 10 Q. Then, why were you jumping from place to
 11 place?
 12 A. To secure myself and for fear of a possible
 13 mistake.
 14 Q. I see.
 15 Now, how long did you continue
 16 moving from place to place?
 17 A. I stayed in Karachi till my wife delivered.
 18 Q. When was that?
 19 A. That was about -- in the seventh month of
 20 2002.
 21 Q. So that would be July of 2002?
 22 A. Yes.
 23 Q. And you left Karachi to go where?
 24 A. I left Karachi, went to Peshawar.

1 Q. To Peshawar. To where?
 2 A. Peshawar.
 3 Q. And how long did you stay there?
 4 A. Till I was detained or captured in 2003.
 5 Q. Now, during the period -- well, strike that.
 6 When were you detained in 2003?
 7 A. 3-4, 2003.
 8 Q. 3-4, so March?
 9 A. April.
 10 Q. April. Now, between the period July of 2002
 11 until April 2003, what did you do in Peshawar?
 12 A. Repetition.
 13 MR. SMITH: Repeat it?
 14 INTERPRETER: Want me to repeat?
 15 MR. SMITH: Sure.
 16 (Translation.)
 17 THE WITNESS: I went to Peshawar
 18 because there was the remaining members of the
 19 LIFG, they were in Peshawar, and I was
 20 thinking with them about the way to get out of
 21 Pakistan.
 22 BY MR. SMITH:
 23 Q. Who supported you during that period of time?
 24 A. It was the LIFG.

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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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<p>1 Who is he?</p> <p>2 A. Yes.</p> <p>3 Yes, he was a person -- yes, he was</p> <p>4 a member, one of the members of the LIFG.</p> <p>5 MR. ALHALABI: Yes, he was a Libyan</p> <p>6 person.</p> <p>7 INTERPRETER: Yes, he was a Libyan</p> <p>8 person.</p> <p>9 BY MR. SMITH:</p> <p>10 Q. Okay. Was Abu Layth al-Libi a member of</p> <p>11 Al-Qaeda?</p> <p>12 A. Yes. He was one of the group, one member of</p> <p>13 the group LIFG, then after the war, after</p> <p>14 Afghanistan was invaded by America, the war of</p> <p>15 America in Afghanistan, he became a member for</p> <p>16 Al-Qaeda.</p> <p>17 MR. ALHALABI: He didn't say</p> <p>18 "member." He said he started working with</p> <p>19 Al-Qaeda.</p> <p>20 MR. SMITH: Excuse me for one</p> <p>21 second. I'm happy to have you assist in the</p> <p>22 translation, but let me just remind you,</p> <p>23 you're not an advocate here today.</p> <p>24 MR. ALHALABI: I'm not. I'm just --</p>	<p>1 THE INTERPRETER: Sure.</p> <p>2 MR. SMITH: Yeah. Because I know</p> <p>3 you're doing your best, and I know you are,</p> <p>4 and let's just make a record that looks that</p> <p>5 way.</p> <p>6 INTERPRETER: Yes, please.</p> <p>7 MR. SMITH: Okay. So what's the</p> <p>8 issue?</p> <p>9 INTERPRETER: Could the interpreter</p> <p>10 clarify from the witness the last segment</p> <p>11 concerning Abu Layth al-Libi?</p> <p>12 (Translation.)</p> <p>13 INTERPRETER: Exactly. He was</p> <p>14 correct. He became cooperative or cooperating</p> <p>15 with Al-Qaeda.</p> <p>16 BY MR. SMITH:</p> <p>17 Q. In what year did that occur?</p> <p>18 A. After September in 2001.</p> <p>19 Q. Okay. How many other members of the LIFG</p> <p>20 started cooperating with Al-Qaeda after</p> <p>21 September 11th, 2001?</p> <p>22 A. Some members have become cooperating --</p> <p>23 started cooperating with Al-Qaeda, I would say</p> <p>24 about four persons, that those have become</p>
<p>Page 115</p> <p>1 MR. SMITH: Okay.</p> <p>2 MR. ALHALABI: I'm just saying --</p> <p>3 MR. SMITH: I understand.</p> <p>4 MR. ALHALABI: -- exactly what he</p> <p>5 said.</p> <p>6 MR. SMITH: No, I understand. But,</p> <p>7 obviously, there is a dispute about what he</p> <p>8 said. And I don't know what he said and I</p> <p>9 want to make sure we get a hundred percent</p> <p>10 right, but let's just make sure that we do it</p> <p>11 in a way that --</p> <p>12 MS. SHAMSI: Jim, I totally agree</p> <p>13 with you that he's not speaking as an</p> <p>14 advocate.</p> <p>15 MR. SMITH: Yeah.</p> <p>16 MS. SHAMSI: As a translator, if</p> <p>17 there is an issue with --</p> <p>18 MR. SMITH: Absolutely.</p> <p>19 MS. SHAMSI: -- respect to "member"</p> <p>20 versus "working with," then that's something</p> <p>21 that you might want to clarify.</p> <p>22 INTERPRETER: Sure.</p> <p>23 MR. SMITH: And if there is an</p> <p>24 issue, let's just do it in a way that --</p>	<p>Page 117</p> <p>1 cooperating with Al-Qaeda. This is what I</p> <p>2 know.</p> <p>3 Q. And do you know their names?</p> <p>4 A. Yes.</p> <p>5 Q. What are their names?</p> <p>6 A. There is Seraj, S-E-R-A-J, Abu Sahl, A-B-U,</p> <p>7 S-A-H-L, Abdulla Saaid, A-B-D-U-L-A (sic),</p> <p>8 S-A-A-I-D. This is what I remember right now.</p> <p>9 Q. I thought you said there were four.</p> <p>10 A. Yes, but I forgot the fourth.</p> <p>11 Q. And when did you learn that these members of</p> <p>12 LIFG were cooperating with Al-Qaeda?</p> <p>13 A. In 2002.</p> <p>14 Q. And in 2002, I think you were back in</p> <p>15 Pakistan, right?</p> <p>16 A. Yes.</p> <p>17 Q. And how did you learn about these four and</p> <p>18 their cooperation?</p> <p>19 A. We were in Peshawar and I -- it came to my</p> <p>20 knowledge that there are persons from LIFG,</p> <p>21 that Abu Layth managed to convince them with</p> <p>22 his goals and his desire to help Al-Qaeda,</p> <p>23 that's -- and, thus, they joined him.</p> <p>24 Q. Now, do you know if these people from LIFG</p>

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<p>1 thinking if it's the same --</p> <p>2 MR. SMITH: Okay. Take your time.</p> <p>3 THE INTERPRETER: -- by rephrasing</p> <p>4 it, the wording. This is what the interpreter</p> <p>5 has said, that he did not hear about it, he</p> <p>6 was living in prison.</p> <p>7 MR. SMITH: We're good. Okay.</p> <p>8 BY MR. SMITH:</p> <p>9 Q. Mr. Soud, you were captured in April of 2003,</p> <p>10 is that right?</p> <p>11 A. Yes.</p> <p>12 Q. And you were detained for how long?</p> <p>13 MS. SHAMSI: Objection, but you may</p> <p>14 answer.</p> <p>15 THE WITNESS: For a period of a year</p> <p>16 and four months, I was detained. I was</p> <p>17 detained.</p> <p>18 BY MR. SMITH:</p> <p>19 Q. Okay. And the -- I think you were captured on</p> <p>20 April 3rd, 2002. Does that sound right?</p> <p>21 A. Yes, I was captured on April 3rd, 2003.</p> <p>22 Q. And you were held until August of 2003?</p> <p>23 A. I was detained till August of 2004.</p> <p>24 Q. 2004, okay.</p>	<p>1 Libya?</p> <p>2 MS. SHAMSI: Objection, form.</p> <p>3 THE WITNESS: Yes, I was turned over</p> <p>4 directly to the Libyan government.</p> <p>5 BY MR. SMITH:</p> <p>6 Q. Now, at the time you were turned over to the</p> <p>7 Libyan government, was there a warrant</p> <p>8 outstanding for your arrest?</p> <p>9 A. No. There wasn't a warrant for my arrest</p> <p>10 because the Gaddafi regime does not need a</p> <p>11 warrant to arrest me.</p> <p>12 THE INTERPRETER: And just an</p> <p>13 addition, the interpreter would add: Because</p> <p>14 of me being a member of IL -- LIFG, there was</p> <p>15 no need for a warrant to arrest.</p> <p>16 MR. SMITH: Okay.</p> <p>17 MS. SHAMSI: Can I just ask for a</p> <p>18 clarification on the record?</p> <p>19 MR. SMITH: Sure.</p> <p>20 MS. SHAMSI: When the interpreter</p> <p>21 said "the interpreter would add," is that the</p> <p>22 interpreter's addition or --</p> <p>23 INTERPRETER: No. Whatever he said.</p> <p>24 The interpreter just did not carry that</p>
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<p>1 And when were you -- when in August?</p> <p>2 A. The 22nd of August of 2004.</p> <p>3 Q. All right. And on August 22nd, 2004, what</p> <p>4 happened to you?</p> <p>5 A. I was taken from the prison that I was in to</p> <p>6 the prison that I was in that was the CIA</p> <p>7 prison and I was dispatched to some unknown</p> <p>8 place, and when I arrived there, to that</p> <p>9 place, I was handed over to the Gaddafi</p> <p>10 regime.</p> <p>11 Q. So were you -- when you were handed over to</p> <p>12 the Gaddafi regime, were you in Libya?</p> <p>13 A. Yes. I mean Libya, I mean handing me over to</p> <p>14 Libya.</p> <p>15 Q. Were you actually handed over in Libya or some</p> <p>16 other country?</p> <p>17 A. I was in another country and, then, I was</p> <p>18 handed to Libya.</p> <p>19 Q. So you were turned over to Libyan officials</p> <p>20 but in another country?</p> <p>21 A. Directly, directly through the CIA and the</p> <p>22 Gaddafi regime in Libya.</p> <p>23 Q. Okay. So just so we're clear on the record,</p> <p>24 he was turned over to the Gaddafi regime in</p>	<p>1 "because I was a member of the LIFG" within</p> <p>2 that reply. It's his words.</p> <p>3 Maybe I -- maybe the interpreter</p> <p>4 shall say again.</p> <p>5 No, because of the Gaddafi regime,</p> <p>6 and I were a member of LIFG, there was no need</p> <p>7 for a warrant to arrest me.</p> <p>8 MR. SMITH: Are you good with that,</p> <p>9 Bashar?</p> <p>10 MR. ALHALABI: Good enough.</p> <p>11 BY MR. SMITH:</p> <p>12 Q. Mr. Soud, at the time you were turned over to</p> <p>13 the Libyan government, was it still your</p> <p>14 intention to kill Gaddafi and the members of</p> <p>15 his regime?</p> <p>16 A. Definitely, yes.</p> <p>17 Q. And how long -- you were -- strike that.</p> <p>18 When you were turned over to the</p> <p>19 Libyan government, you were in prison?</p> <p>20 A. Yes.</p> <p>21 Q. And how long did you remain in prison?</p> <p>22 A. To the year 2011, till January of 2011.</p> <p>23 Q. When was Gaddafi killed in 2011, do you know?</p> <p>24 A. August 20, yes.</p>

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<p>1 were moving place to place? 2 A. No. 3 Q. Where were your weapons? 4 A. I did not have a weapon. 5 Q. Where were they? 6 A. I do not have a weapon. 7 Q. No, but when you were at the camp, you had 8 weapons, right? 9 A. Weapons do not belong to me. Weapons belong 10 to LIFG. 11 Q. When you left Afghanistan to go to Karachi, 12 did you take weapons with you? 13 A. No. 14 Q. Why? 15 A. I did not need. 16 Q. Why? 17 A. I did not go to Karachi to fight with someone 18 or to kill someone. I went for treatment. 19 Q. Okay. All right. Now, on April 3rd, 2002, 20 you were taken into custody, were you not? 21 MS. SHAMSI: Objection. I think you 22 want to check your date there. 23 MR. SMITH: What date is it? And he 24 can say whatever the date is.</p>	<p>1 Q. Who is Halid al-Sharif? 2 A. He is one of the leaders of LIFG and he's a 3 Libyan. 4 Q. What were you doing with him? 5 A. He came to visit. 6 Q. So describe for me, as best you can recall, 7 the circumstances under which you were taken 8 into custody. 9 A. I was with my family and my daughter in my 10 house and some of -- some persons from the 11 group. We were living in Peshawar. And at 12 that time, the raid happened on me. 13 Q. Who were you with from the group? 14 A. Khalid al-Sharif, Ayoub -- 15 Q. You gotta go a little slower. Go ahead. 16 A. Ayoub. 17 Q. How do you spell that? 18 A. A-Y-O-U-B, Majed, M-A-J-E-D, Lutfi, 19 L-U-F-T-I -- L-U-T-F-I. 20 Q. And were all of these members of the LIFG? 21 A. Yes. 22 Q. Were any of them assisting Al-Qaeda in any 23 way? 24 A. I do not know, no.</p>
<p>Page 131</p> <p>1 Oh, I keep saying two. I don't know 2 why I keep saying that. I'm confusing them. 3 BY MR. SMITH: 4 Q. Let me just withdraw the question and say, on 5 April 3rd, 2003, Mr. Soud, you were taken into 6 custody, were you not? 7 A. Yes. 8 Q. What time of day were you taken into custody? 9 A. Noon-ish. 10 Q. Noon-ish? 11 A. One o'clock, midday. 12 Q. What were you doing? 13 A. I was -- I were at home and with Khalid 14 al-Sharif. 15 Q. I'm sorry. Can you repeat the witness's 16 answer? 17 A. I were at home and I was with Khalid 18 al-Sharif. 19 MR. SMITH: He was at home? 20 INTERPRETER: At home. 21 MR. SMITH: Oh, okay. And he was 22 with? 23 INTERPRETER: Khalid al-Sharif. 24 BY MR. SMITH:</p>	<p>Page 133</p> <p>1 Q. Do you know an individual named Khalid? 2 A. Yes. 3 Q. Who is Khalid? 4 A. Khalid al-Sharif. 5 Q. Okay. So it's not Haleed (phonetic), it's 6 Khalid? 7 INTERPRETER: Khalid. Khalid. 8 MR. SMITH: Got it. Okay. 9 MS. SHAMSI: While there's no 10 question pending, there's an issue with the 11 translation. 12 MR. ALHALABI: Yeah. 13 MR. SMITH: Okay. 14 MR. ALHALABI: I gotta go back to 15 the question, when -- you asked if any of the 16 members that were in the home or the house 17 or -- 18 MR. SMITH: Yes. 19 MR. ALHALABI: -- the place with 20 him, if he knew if they were -- any of them 21 was a member of Al-Qaeda. The answer -- the 22 correct answer was "I do not think so, no." 23 The translation was "I don't know, no." So I 24 just...</p>

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1 MR. SMITH: Okay. Acceptable to
 2 you?
 3 INTERPRETER: Yes.
 4 MR. SMITH: Okay. The record will
 5 so reflect. Okay.
 6 BY MR. SMITH:
 7 Q. So you were in your home with four other
 8 members of the LIFG when people appeared in a
 9 raid, is that right?
 10 A. No.
 11 Q. Oh. How many people were in your home with
 12 you when this raid occurred?
 13 A. Only one person, that was Khalid al-Sharif,
 14 and my family.
 15 Q. Okay. Tell me what happened.
 16 A. At the time of midday, I heard the sound or
 17 the noise of a pushing the door and a banging
 18 on the door, strongly. So I came out from the
 19 window and I saw that the house was besieged
 20 entirely and that the police cars were all
 21 over the place, so I knew that the Pakistani
 22 police has besieged the home and started to
 23 break into it.
 24 Q. Did you lean out the window or jump out the

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1 window?
 2 A. I leaned from the window so I have seen that
 3 scenery.
 4 Q. And was that from the first floor or the
 5 second floor?
 6 A. Second floor.
 7 Q. And what happened next?
 8 A. I realized that the Pakistani intelligence had
 9 besieged the home. Khalid al-Sharif jumped
 10 from the rear part to the house and me, too, I
 11 joined him and jumped.
 12 Q. So you tried to escape?
 13 A. Yes. I tried to flee.
 14 Q. Now, at that point, these were Pakistani
 15 police who you believed were trying to take
 16 you, I guess to arrest you, was that your
 17 understanding?
 18 MS. SHAMSI: Objection.
 19 THE WITNESS: Yes, (speaking
 20 Arabic).
 21 BY MR. SMITH:
 22 Q. Now, do you remember you told me earlier today
 23 that when you were living there, you would
 24 walk the streets freely, without any concern?

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1 A. Yes.
 2 Q. Why would you run?
 3 A. I got scared about myself.
 4 Q. Okay. What were you -- oh.
 5 A. We have an enemy, Al-Gaddafi.
 6 Q. Do you think that by April of 2003 the Gaddafi
 7 regime knew that you were part of a group that
 8 wanted to kill him and -- and his regime?
 9 MS. SHAMSI: Objection.
 10 THE WITNESS: Al-Gaddafi knew that
 11 the LIFG wanted to kill him and that was all
 12 the time, and this was the base of LIFG.
 13 BY MR. SMITH:
 14 Q. What was the basis for you to believe that the
 15 Pakistani police were somehow aligned with
 16 Gaddafi and his regime at that time?
 17 MS. SHAMSI: Objection. You may
 18 answer.
 19 THE WITNESS: It happened previously
 20 that the Pakistani police has captured Libyan
 21 persons and handed them over to the Gaddafi
 22 regime.
 23 BY MR. SMITH:
 24 Q. So, when you jumped out the window, where did

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1 you run to?
 2 A. To the back street or back road or back alley.
 3 Q. And were there police back there, Pakistani
 4 police?
 5 A. Yes. They were surrounding the place and shot
 6 at me and I was hit in my foot.
 7 Q. So you were shot by the Pakistani police
 8 trying to flee?
 9 A. Yes.
 10 Q. And was Sharif, was he being shot at, too?
 11 A. Yes.
 12 Q. Was he hit?
 13 A. Yes. He suffered a broken leg.
 14 Q. And did the Pakistani police give you any
 15 warning before they started to shoot at you?
 16 A. No.
 17 Q. They didn't tell you to stop running?
 18 A. No. (In Arabic.)
 19 Q. Where were you going to go --
 20 MS. SHAMSI: I'm sorry. Just for
 21 the record, that wasn't translated, it was
 22 still in Arabic.
 23 MR. SMITH: Okay. You want to
 24 translate it?

1 question.
 2 Q. Now, during that period of time when you were
 3 held at the Pakistani police station, were you
 4 able to walk?
 5 A. No.
 6 Q. Were you able to stand?
 7 A. On my own, no.
 8 Q. And why is it that you were unable to walk?
 9 A. My -- my -- my limb was broken and it was
 10 impossible to walk.
 11 Q. What was broken?
 12 A. My foot.
 13 Q. And that was from the rubber bullet?
 14 A. Yes.
 15 Q. And how long did you stay at the police
 16 station?
 17 A. Ten days.
 18 Q. And what happened on the tenth day?
 19 A. I was shackled. I was taken in a Pakistani
 20 police car and I was transferred to another
 21 place.
 22 Q. Who shackled you?
 23 A. The Pakistani police.
 24 Q. And where were you taken to?

1 A. I learned later that this place is Islamabad.
 2 Q. How long was the drive in the police car?
 3 A. I don't know exactly, but more than an hour.
 4 Q. Who was in the police car with you?
 5 A. Khalid al-Sharif.
 6 Q. Anyone else?
 7 A. No.
 8 Q. Well, were there Pakistani police in the
 9 police car, too?
 10 A. We were detained at the back side of the car,
 11 the back chamber of the car, which was locked
 12 with an iron door.
 13 Q. So you couldn't see how many other people were
 14 in the car?
 15 A. Yes.
 16 Q. Okay. And, at the time, you didn't know
 17 exactly where you were taken from -- or taken
 18 to, is that correct?
 19 A. Yes.
 20 Q. And describe for me the place that you were
 21 taken to.
 22 A. That place, it was away, about an hour by car.
 23 I was taken to a place and I found myself
 24 inside a prison, in a room, and that place

1 contained several solitary rooms.
 2 Q. Can you give me a further description of that
 3 place?
 4 A. I entered this place and I was fold-blinded
 5 (sic) and they have placed a -- placed a hood
 6 over my head.
 7 Q. Who put the hood over your head?
 8 A. The Pakistani police.
 9 Q. And when was the hood put over your head?
 10 A. When I were at the first prison.
 11 Q. Okay. And, then, so you arrived at this next
 12 place, in what you think is Islamabad, with a
 13 hood over your head?
 14 A. Yes.
 15 Q. And you were taken to a cell?
 16 A. Yes.
 17 Q. And how long did you remain there?
 18 A. One week, about.
 19 Q. And who controlled this facility?
 20 MS. SHAMSI: Objection.
 21 THE WITNESS: I don't know. What I
 22 see were Pakistani people or persons.
 23 BY MR. SMITH:
 24 Q. Did you communicate with any Americans while

1 you were at that facility?
 2 A. Yes.
 3 Q. Do you remember how many Americans you
 4 communicated with?
 5 A. Almost -- about three people.
 6 Q. And were they different people than the
 7 person, the American, you had talked to at the
 8 Pakistani police station?
 9 A. Yes.
 10 Q. And were you interrogated by these three
 11 people?
 12 A. Yes.
 13 Q. By all three, or one, or two, or...
 14 A. The three -- three of them were sitting down
 15 and one person was posing questions.
 16 Q. How many times were you questioned by these
 17 people?
 18 A. I do not remember exactly, but almost every
 19 day.
 20 Q. For how long each day?
 21 A. Nearly hours.
 22 Q. How many hours?
 23 A. I cannot remember exactly.
 24 Q. And what were you questioned about?

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<p>1 A. The same questions that had been asked before.</p> <p>2 Q. Okay. Did anyone hit you?</p> <p>3 A. No. No.</p> <p>4 Q. Now, while you were held at that Pakistani</p> <p>5 location, did any Pakistani officials beat you</p> <p>6 in any way?</p> <p>7 A. No. (In Arabic.)</p> <p>8 Q. While you were there -- I'm sorry.</p> <p>9 A. No.</p> <p>10 Q. While you were at that facility, did you get</p> <p>11 any treatment for your foot?</p> <p>12 A. Yes.</p> <p>13 Q. Who treated your foot?</p> <p>14 A. Pakistani police.</p> <p>15 Q. Did you see a doctor?</p> <p>16 A. Yes. I was taken to the hospital and I saw a</p> <p>17 doctor.</p> <p>18 Q. Okay. And did you get treatment for your</p> <p>19 broken foot?</p> <p>20 A. Yes. I was put into a plaster.</p> <p>21 Q. A cast?</p> <p>22 A. Cast.</p> <p>23 Q. Did you get any other --</p> <p>24 MS. SHAMSI: Sorry. Is that what --</p>	<p>1 A. I didn't have the chance to do so.</p> <p>2 Q. Did you confer with a lawyer about the</p> <p>3 possibility of doing it?</p> <p>4 A. No.</p> <p>5 Q. Now, you would agree with me that my clients</p> <p>6 had nothing to do with your foot?</p> <p>7 MS. SHAMSI: Objection. You may</p> <p>8 answer.</p> <p>9 THE WITNESS: What I know is that I</p> <p>10 have been detained and I have been put into --</p> <p>11 I have been detained and this is for -- on</p> <p>12 behalf of the American CIA.</p> <p>13 BY MR. SMITH:</p> <p>14 Q. So, I'm asking you something different,</p> <p>15 though, Mr. Soud, which is the Pakistanis shot</p> <p>16 you in the foot, right?</p> <p>17 A. Yes.</p> <p>18 Q. And that was at a time when they were trying</p> <p>19 to arrest you and you were trying to evade</p> <p>20 being captured, right?</p> <p>21 MS. SHAMSI: Objection.</p> <p>22 THE WITNESS: Correct.</p> <p>23 BY MR. SMITH:</p> <p>24 Q. And you're not trying to hold my clients</p>
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<p>1 what Mr. Ben Soud said?</p> <p>2 THE WITNESS: My foot was put into a</p> <p>3 cast.</p> <p>4 BY MR. SMITH:</p> <p>5 Q. What other medical treatment did you get?</p> <p>6 A. I was given painkiller.</p> <p>7 Q. Okay. So, at least at that time, was there</p> <p>8 any other medical treatment that you needed?</p> <p>9 A. No.</p> <p>10 Q. Do you suffer any permanent damage as a result</p> <p>11 of being shot in the foot?</p> <p>12 A. I did not understand the question.</p> <p>13 Q. Do you suffer any permanent damage as a result</p> <p>14 of being shot in the foot?</p> <p>15 A. Yes.</p> <p>16 Q. What is the damage?</p> <p>17 A. When I walk for a long distance, when I eat</p> <p>18 breakfast, some of the activities, my foot</p> <p>19 hurts me and it recurs.</p> <p>20 Q. Mr. Soud, have you sued the Pakistani</p> <p>21 government as a result of the officer shooting</p> <p>22 you in the foot?</p> <p>23 A. No.</p> <p>24 Q. Why?</p>	<p>1 responsible for anything relating to your</p> <p>2 foot, right?</p> <p>3 A. The responsible one is who detained me and</p> <p>4 that was on behalf of the CIA and the</p> <p>5 interrogation, interrogating me, was going in</p> <p>6 that way.</p> <p>7 Q. I'm going to move to strike the answer as</p> <p>8 nonresponsive.</p> <p>9 Mr. Soud, let me ask you --</p> <p>10 MS. SHAMSI: Can you let her</p> <p>11 translate what you just said?</p> <p>12 MR. SMITH: Oh, sure.</p> <p>13 (Translation.)</p> <p>14 BY MR. SMITH:</p> <p>15 Q. Let me just ask one more time. To the extent</p> <p>16 that you have injuries resulting from being</p> <p>17 shot in the foot by the Pakistani police, are</p> <p>18 you attempting to hold my client responsible</p> <p>19 for those injuries? Yes or no.</p> <p>20 A. No.</p> <p>21 Q. Now, you stayed at that facility for about a</p> <p>22 week, is that right, in Islamabad?</p> <p>23 A. Yes.</p> <p>24 Q. And then were you taken somewhere else?</p>

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<p>1 A. Yes. (In Arabic.) 2 Q. Where were you taken to? 3 INTERPRETER: Where or when? Where 4 or when? 5 Q. Where. Where were you taken to? 6 A. To a place unknown to me. 7 Q. So let me understand. Do you remember how you 8 were transported to that place? 9 A. Yes. 10 Q. Tell me what you recall. 11 A. What I know is that -- what I remember is that 12 one of those -- one of the days I was 13 shackled, my eyes were blindfolded, and I was 14 transferred to a place that I don't know, and 15 I found myself underneath a huge plane and I 16 was handed by the Pakistani police to the CIA. 17 Q. So let me make sure. You were taken out of 18 the prison in shackles, yes? 19 A. Yes. 20 Q. And you were blindfolded at the time you left 21 the prison? 22 A. Yes. 23 Q. And you were put into a Pakistani police car? 24 A. Yes.</p>	<p>1 A. I knew that I was detained by the CIA. 2 Q. So you're saying that at this airport or 3 airstrip, there was some handoff from the 4 Pakistani police to the CIA? 5 MS. SHAMSI: Objection. You may 6 answer. 7 THE WITNESS: Yes. 8 BY MR. SMITH: 9 Q. And then were you put into the underbelly of 10 an airplane and flown somewhere? 11 A. They received me and they started some 12 procedures with me which were violent, which 13 were severe, which were bad, before they put 14 me inside the plane. 15 Q. Okay. So tell me what happened with respect 16 to these procedures before you were put in the 17 plane. 18 A. First of all, I was handed with -- I was 19 handed over in a very, very severe way, and 20 took off -- off the hood from my head and the 21 thing that was holding my eyes and pointed a 22 very strong high light on my eyes, and they 23 pulled violently on my clothes, till I became 24 stark naked. They cut the cast that was on my</p>
<p>Page 163</p> <p>1 Q. And was al-Sharif with you? 2 A. Yes. 3 Q. And he was shackled and blindfolded, too? 4 A. I think so. 5 Q. Okay. And you were taken to a -- an airport 6 of some sort, or an airstrip? 7 A. Yes. 8 Q. And you were put into an airplane? 9 A. No, I was not put into a plane. 10 Q. Okay. So you were taken to an airport, and 11 what happened? 12 A. I was taken to the airport and underneath the 13 airplane there was another group that received 14 me. 15 Q. Okay. Now, at that time, did you think that 16 that group may be the Gaddafi regime? 17 A. No. 18 Q. Why? 19 A. Because the American interrogator told me that 20 I will be transferred to a bad place and that 21 I will be interrogated in that place in a 22 severe manner. 23 Q. How do you know that place wasn't controlled 24 by the Gaddafi regime?</p>	<p>Page 165</p> <p>1 leg and threw it away. They started 2 inspecting or examining my eyes and my mouth 3 and my nose and they carried ways that are 4 degrading to the human dignity and placed a 5 diaper or a nappy on me, a diaper. 6 MR. ALHALABI: He only said diaper. 7 INTERPRETER: Diaper. 8 THE WITNESS: And put a shirt, a 9 top, like a kameez, a kameez -- 10 MR. ALHALABI: A T-shirt. 11 THE WITNESS: -- a short one on me. 12 INTERPRETER: A shirt? 13 MR. ALHALABI: T-shirt. 14 INTERPRETER: T-shirt. 15 (Translation.) 16 THE WITNESS: And shackled my feet 17 and my hands, and brought my hands, my legs, 18 towards my belly and bound -- bind that. 19 They put earplugs into my ears. 20 They closed my eyes with cotton pieces. They 21 put a tape around my eyes and put the hood on 22 top of my head and put headphones on my ears 23 and took me by force, forcibly, took me 24 forcibly and made me climb the plane stairs,</p>

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.)
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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
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 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

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 II

February 1, 2017

Reported by:

Jane M. Borrowman, RPR, CSR

Job no: 17958

Page 182

1 A. (Translation.)
 2 Q. Did anyone explain --
 3 A. Yes.
 4 Q. -- to you why you were taken to that facility?
 5 A. No.
 6 Q. Did anyone from the CIA ever advise you that
 7 because of your affiliation with the Libyan
 8 Islamic Fighting Group, the United States
 9 believed that you were affiliated with
 10 Al-Qaeda?
 11 MS. SHAMSI: Objection. You may
 12 answer.
 13 THE WITNESS: No.
 14 BY MR. SMITH:
 15 Q. What were you told?
 16 A. The first meeting where I knew that I was at
 17 the grasp of the CIA and that the place I was
 18 in was -- belongs to that -- this institution
 19 belonged to the CIA, that short encounter,
 20 which took place as soon as I arrived to the
 21 prison Cobalt, she told me, that interrogator,
 22 now you are in the grasp of the USA and that
 23 you do not have any rights in this place.
 24 Q. What else did she say?

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1 A. She didn't say anything.
 2 Q. Now, you used the word "Cobalt." When did you
 3 learn about the word "Cobalt"?
 4 A. Later on and through me following the media
 5 during -- through the days, it came to my
 6 knowledge that the place I had been in was
 7 called "Cobalt."
 8 Q. At the time that you were taken to the
 9 facility and while you were there, did you
 10 know what the name of the facility was?
 11 A. No.
 12 Q. Did you know what country the facility was
 13 located in?
 14 A. I did not know. At that time, I did not know.
 15 Q. Do you know now?
 16 A. I knew through following up the media and the
 17 news that that place was called Afghanistan.
 18 Q. Now, when did you find out that this place
 19 called "Cobalt" was located in Afghanistan?
 20 MS. SHAMSI: Objection. You may
 21 answer.
 22 THE WITNESS: I don't know exactly,
 23 but through following the media.
 24 BY MR. SMITH:

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1 Q. Do you know what source you relied upon to
 2 come to the conclusion that Cobalt was in
 3 Afghanistan?
 4 A. Through interrogations and the media.
 5 Q. Are you telling me that the interrogators told
 6 you that Cobalt was in Afghanistan?
 7 MS. SHAMSI: Objection. You may
 8 answer.
 9 THE WITNESS: No. Interrogations
 10 did not tell me that. If what you mean is
 11 reports from the media and the news told me
 12 about that, yes, while I was following, I knew
 13 that that -- that the place was in
 14 Afghanistan.
 15 BY MR. SMITH:
 16 Q. How long were you at Cobalt?
 17 A. A year and few days.
 18 Q. So you arrived there sometime in September of
 19 '03?
 20 A. I arrived at the prison Cobalt in April of
 21 2003.
 22 Q. Okay. And you remained at Cobalt until April
 23 of '04?
 24 A. Yes.

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1 Q. And how many other people were detained with
 2 you at Cobalt during that time?
 3 A. I don't know exactly.
 4 Q. Can you tell me the names of any other people
 5 that were detained there with you?
 6 A. Khalid al-Sharif was there. Ayoub was there.
 7 Q. You gotta go a little slower. Spell the
 8 names, please.
 9 A. K-H-L-E-D (sic), A-S-H-A-R-E-E-F. Ayoub was
 10 there. Ayoub, A-Y-O-U-B. Majed was there.
 11 M-A-J-E-D. Saleh Al-Driki was there. S-L --
 12 S-A-L-E-H. A-L-D-R-I-K-I.
 13 Q. Do you recall the names of anyone else that
 14 was detained at Cobalt during the period of
 15 time that you were detained?
 16 A. Now, this is all what I recall.
 17 Q. During the period of time that you were at
 18 Cobalt, did you have any contact with a
 19 Suleiman Abdullah Salim?
 20 A. I didn't know that this person was there.
 21 INTERPRETER: The interpreter would
 22 ask -- the interpreter would ask the counsel
 23 to repeat the last name of Suleiman.
 24 MR. SMITH: Sure. It's Salim,

Page 214	Page 216
<p>1 advice on how detainees should be treated at 2 Cobalt? 3 A. I do not know precisely. 4 Q. Is it your testimony, sir, that hanging you by 5 your hands for long periods of time was part 6 of Dr. Mitchell's and Dr. Jessen's program? 7 A. Yes. I knew later from -- that it was the 8 program of -- it was from the program of 9 Dr. Mitchell. 10 Q. Who told you that? 11 A. I knew this through following with the media. 12 Q. And what particular article or news report 13 were you relying upon to come to this 14 conclusion? 15 A. Through following the BBC and Al Jazeera, I -- 16 I -- it was mentioned that this program was -- 17 it was mentioned about the program that was 18 prepared by Dr. Mitchell which has been 19 applied on the prisoners, and I have 20 discovered that this is the same program that 21 has been applied on me. 22 Q. Now, let me go back to -- you said there were 23 three stages while you were at Cobalt. Can 24 you describe for me stage two?</p>	<p>1 A. I don't know. 2 Q. Now, can you describe for me, sir, the third 3 stage? 4 A. The third stage, I -- which continued during 5 all the period I have stayed in the prison, 6 shackling was decreased. There was light, a 7 faint light in the room, in the cell. Then, I 8 was allowed to shower and to change my 9 clothes. And the interrogations continued 10 continuously. And shackling was only 11 administered to one hand and attached to the 12 wall. And loud music continued. And 13 disruption, continuous disruption, continued 14 from the guards, on the hour. 15 Q. Can you describe for me the disruption that 16 you made reference to? 17 A. Disruption meaning banging on the door to wake 18 me up and I have to stand up and I was forced 19 to do so so they can make sure that I have 20 already been awake, and that continued for -- 21 on the top -- on the top of each hour, nearly 22 on the top of each hour. 23 Q. And how long did that continue? 24 A. That condition continued all the time that I</p>
<p>Page 215</p> <p>1 A. After the end of the first stage, the head of 2 interrogators came and told me that there 3 would be a new interrogation and adopting 4 methods more severe and more hard and in -- 5 and, actually, the second group adopted that 6 for three weeks, and it was more cruel and 7 more fierce. 8 Q. What was done to you during these three weeks? 9 A. During these three weeks that were the worst 10 of all in Cobalt, I was shackled, hands and 11 legs. I was being chained to a ring in the 12 wall. The loud music, the very loud music 13 continued. Food deprivation. No care for 14 cleanliness. I was -- the darkness. 15 They started to use new methods, 16 including throwing me against the wall, 17 torture by pouring icy water, slamming, 18 punching, holding the jaw forcibly, insults, 19 throwing insults, forcing me to walk, to walk 20 on my -- using my leg, and being hanged by the 21 hands. 22 Q. Do you have any evidence that either 23 Dr. Jessen or Dr. Mitchell was aware of these 24 events when they occurred?</p>	<p>Page 217</p> <p>1 had been there. 2 Q. Now, during the period of time that you 3 experienced these conditions in what you refer 4 to as stage three, do you have any evidence 5 that Dr. Mitchell or Dr. Jessen knew anything 6 about it? 7 A. As I have mentioned and I told you, that all 8 these that I have gone through, which I named 9 stage three, all that was prepared by 10 Dr. Mitchell and his companion. 11 Q. I'm going to move to strike your answer as 12 nonresponsive. 13 Do you have any evidence that 14 Dr. Mitchell or Dr. Jessen was aware of the 15 conditions that you experienced during stage 16 three, as you described it? 17 A. I don't know. 18 Q. Now, what happened after stage three? 19 A. I was transferred to another place. I was 20 transferred on April the 25th with -- or after 21 very degrading and humiliating procedures, 22 including being naked, manipulation of sexual 23 organs and degrading to my pride and dignity, 24 being forced to be naked and putting a diaper</p>

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1 -- strike that.
 2 During the period of time that you
 3 were detained at Cobalt, did you ever see
 4 Dr. Mitchell?
 5 A. No.
 6 Q. Did you ever talk to anyone that you believed
 7 to be Dr. Mitchell?
 8 A. Yes, I talked with the lawyers that I have
 9 seen Dr. Mitchell in prison.
 10 MS. SHAMSI: I'm going to caution
 11 you in terms of revealing any subject matter
 12 of our -- revealing the content of our
 13 conversations on the basis of privilege.
 14 Please answer.
 15 BY MR. SMITH:
 16 Q. Mr. Soud, I don't want to know what you talked
 17 to your lawyers about. Okay. Here's what I
 18 do want to know: At any time that you were at
 19 Cobalt, did you ever see Dr. Mitchell at
 20 Cobalt?
 21 A. No.
 22 Q. Did you ever talk to Dr. Mitchell at Cobalt?
 23 A. No.
 24 Q. How about at the other facility, did you ever

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1 see or talk to him?
 2 A. No.
 3 Q. Now, Dr. Jessen, when you were at Cobalt,
 4 detained at Cobalt, did you ever see or talk
 5 to Dr. Jessen?
 6 A. No.
 7 Q. When you were at the other facility, did you
 8 ever see or talk to Dr. Jessen?
 9 A. No.
 10 Q. Now, as I appreciate it, you believe that the
 11 people that did those things to you at Cobalt
 12 and at the other place were doing it based
 13 upon a program that was established by
 14 Mitchell and Jessen, correct?
 15 A. Yes.
 16 Q. And that's based upon your personal opinion?
 17 A. Yes.
 18 Q. And you think that everything that happened to
 19 you at Cobalt and the other facility, when you
 20 were detained, was part of that program?
 21 A. What I believe in is that what I have
 22 experienced from torture methods was -- in
 23 Cobalt, was from a program designed by these
 24 doctors.

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1 Q. And is it your belief that Drs. Jessen and
 2 Mitchell ordered those people who were at
 3 Cobalt to do those things to you?
 4 A. Yes.
 5 Q. And you believe that the basis of giving that
 6 order was your review of the Senate Select
 7 report that's marked as Exhibit 1?
 8 MS. SHAMSI: Objection. You may
 9 answer.
 10 THE WITNESS: What I believe in was
 11 through my personal experience at the prison
 12 of Cobalt and what was assured by this report.
 13 BY MR. SMITH:
 14 Q. Is there any basis, factual basis, that you
 15 have that Drs. Jessen and Mitchell ordered the
 16 things that happened to you at Cobalt other
 17 than what's been marked as Exhibit 1, which is
 18 the Senate Select Committee on Intelligence
 19 report, any other basis?
 20 MS. SHAMSI: Objection. You may
 21 answer.
 22 THE WITNESS: I don't know.
 23 BY MR. SMITH:
 24 Q. Okay. Did any person, any human being, ever

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1 tell you that Drs. Jessen and Mitchell ordered
 2 the things that happened to you while you were
 3 at Cobalt, anybody ever tell you that?
 4 MS. SHAMSI: Objection. You may
 5 answer.
 6 THE WITNESS: I don't know.
 7 BY MR. SMITH:
 8 Q. Are you aware that Drs. Jessen and Mitchell
 9 have offered sworn testimony in this lawsuit?
 10 A. I heard that.
 11 Q. Okay. Are you aware that they testified that
 12 they played no role in anything that happened
 13 to you at Cobalt?
 14 A. I don't know.
 15 Q. Well, what, if anything, were you told about
 16 their testimony as it pertains to you?
 17 MS. SHAMSI: Objection. It calls
 18 for privileged information and I'm going to
 19 instruct him not to answer that.
 20 MR. SMITH: Okay.
 21 (Translation.)
 22 BY MR. SMITH:
 23 Q. Is the sole basis for your understanding of
 24 the testimony that was offered by

1 Drs. Mitchell and Jessen what your lawyers
 2 told you?
 3 A. I did not understand the question.
 4 Q. Okay. Do you have an understanding of what
 5 Drs. Jessen and Mitchell testified at their
 6 depositions?
 7 A. I heard about this.
 8 Q. And did you hear about it from your lawyers?
 9 A. Yes.
 10 Q. Did you hear about it from any source other
 11 than your lawyers?
 12 A. No.
 13 MR. SMITH: Okay. We have no
 14 further questions of the witness.
 15 MS. SHAMSI: Thanks. I want to take
 16 just a few minutes to go through my notes to
 17 see whether I have any questions to pose.
 18 MR. SMITH: You'll let us know when
 19 you're ready.
 20 THE COURT: The time is 5:27. We're
 21 off the record.
 22 (Brief pause.)
 23 VIDEOGRAPHER: Back on the record.
 24 The time is 5:38.

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 February 1, 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 13th day of February
 18 2017.
 19
 20 Notary Public
 21 RPR No. 001420
 22
 23 My commission expires:
 24 7 December 2023

1 EXAMINATION
 2 BY MS. SHAMSI:
 3 Q. Mr. Ben Soud, Mr. Smith was asking you
 4 questions about your visa applications. Did
 5 you make those applications directly or did
 6 your lawyers make them on your behalf?
 7 A. The lawyers did that on my behalf.
 8 MS. SHAMSI: That's it. I have no
 9 further questions.
 10 MR. SMITH: Mr. Soud, thank you. I
 11 have no further questions.
 12 VIDEOGRAPHER: This is the end of
 13 the deposition for today, Volume 2, and the
 14 time is 5:39. We're off the record.
 15 (End of deposition: 5:39 p.m.)
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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: FEBRUARY 1, 2017
 8 WITNESS: MOHAMED AHMED BEN SOUD REF: 17958
 9 PAGE LINE FROM TO
 10 _____
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 21 _____
 22 MOHAMED AHMED BEN SOUD
 23 Subscribed and sworn to before me
 24 this ____ day of _____, 20__.
 25 _____
 Notary Public