

1 Emily Chiang, WSBA No. 50517
2 echiang@aclu-wa.org
3 AMERICAN CIVIL LIBERTIES UNION
4 OF WASHINGTON FOUNDATION
5 901 Fifth Avenue, Suite 630
6 Seattle, WA 98164
7 Phone: 206-624-2184

8 Dror Ladin (admitted *pro hac vice*)
9 Steven M. Watt (admitted *pro hac vice*)
10 Hina Shamsi (admitted *pro hac vice*)
11 AMERICAN CIVIL LIBERTIES UNION FOUNDATION

12 Lawrence S. Lustberg (admitted *pro hac vice*)
13 Kate E. Janukowicz (admitted *pro hac vice*)
14 Daniel J. McGrady (admitted *pro hac vice*)
15 Avram D. Frey (admitted *pro hac vice*)
16 GIBBONS P.C.

17 *Attorneys for Plaintiffs*

18 UNITED STATES DISTRICT COURT
19 FOR THE EASTERN DISTRICT OF WASHINGTON

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

24 Plaintiffs,

25 v.

26 JAMES ELMER MITCHELL and JOHN
"BRUCE" JESSEN

Defendants.

2:15-CV-286-JLQ

DECLARATION OF DROR
LADIN IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PARTIAL SUMMARY
JUDGMENT

Oral Argument Requested
NOTE ON MOTION
CALENDAR:

JULY 28, 2017,
9:30 A.M., AT
SPOKANE, WASHINGTON

1 I, Dror Ladin, a member of the Bar of the State of New York and admitted
2 *pro hac vice* to the Bar of this Court, declare under penalty of perjury as follows:
3

4 1. I am an attorney with the American Civil Liberties Union Foundation,
5 and represent Plaintiffs in this matter. I submit this declaration in support of
6 Plaintiffs' Motion for Partial Summary Judgment.
7

8 2. Attached hereto as Exhibit A is a true and correct copy of excerpts of
9 the deposition transcript of James Elmer Mitchell, dated January 16, 2017.
10

11 3. Attached hereto as Exhibit B is a true and correct copy of excerpts of
12 the deposition transcript of Jose Rodriguez, dated March 7, 2017.

13 4. Attached hereto as Exhibit C is a true and correct copy of excerpts of
14 the deposition transcript of John "Bruce" Jessen, dated January 20, 2017.
15

16 5. Attached hereto as Exhibit D is a true and correct copy of a document
17 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY –
18 INTERROGATION PLAN [REDACTED]" and labelled with U.S. Bates
19 numbers 001825-001828.
20

21 6. Attached hereto as Exhibit E is a true and correct copy of excerpts of a
22 draft manuscript produced by Defendant Mitchell pursuant to Plaintiffs'
23 discovery request, titled "Interrogating the Enemy" and labelled with Bates
24 numbers MJ00022577, MJ00022604, MJ00022631–32 MJ00022666,
25
26

1 MJ00022668, MJ00022671, MJ00022857, and MJ00022862.

2 7. Attached hereto as Exhibit F is a true and correct copy of a document
3 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY –
4 BEHAVIORAL INTERROGATION TEAM SIT REPORT" and labelled with
5 U.S. Bates numbers 001999-002000.
6

7
8 8. Attached hereto as Exhibit G is a true and correct copy of a document
9 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY –
10 UPDATED INTERROGATION PLAN FOR ABU ZUBAYDAH" and labelled
11 with U.S. Bates numbers 002144-002147.
12

13 9. Attached hereto as Exhibit H is a true and correct copy of a document
14 produced by the CIA pursuant to Defendants' subpoena, titled "Description of
15 Physical Pressures" and labelled with U.S. Bates numbers 001109-001111.
16

17 10. Attached hereto as Exhibit I is a true and correct copy of excerpts of
18 the Senate Committee on Armed Services, 110th Cong., 2d Sess., Report on
19 Inquiry into the Treatment of Detainees in U.S. Custody (Comm. Print 2008).
20

21 11. Attached hereto as Exhibit J is a true and correct copy of a document
22 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY –
23 DETAILS OF 11 AUGUST 2002 CYCLE OF INTERROGATIONS OF ABU
24 ZUBAYDAH" and labelled with U.S. Bates numbers 001957-001960.
25
26

1 12. Attached hereto as Exhibit K is a true and correct copy of excerpts of
2 a document produced by the CIA pursuant to Defendants' subpoena, titled
3 "[REDACTED] COUNTERTERRORISM DETENTION AND
4 INTERROGATION ACTIVITIES (SEPTEMBER 2001-OCTOBER 2003)
5 (2003-7123-IG)" and labelled with U.S. Bates numbers 001335, 001376,
6
7 001423-24.
8

9 13. Attached hereto as Exhibit L is a true and correct copy of a document
10 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY –
11 STATUS OF THE AGGRESSIVE INTERROGATION PHASE; TRANSITION
12 INTO MAINTENANCE AND LONG TERM DEBRIEFING" and labelled with
13 U.S. Bates numbers 002382-002384.
14
15

16 14. Attached hereto as Exhibit M is a true and correct copy of a document
17 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY –
18 STATUS OF THE INTERROGATION PHASE" and labelled with U.S. Bates
19 numbers 002019-002023.
20

21 15. Attached hereto as Exhibit N is a true and correct copy of a document
22 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY –
23 DETAILS RE INITIAL CYCLE OF INTERROGATIONS OF" and labelled
24 with U.S. Bates numbers 001755-001759.
25
26

1 16. Attached hereto as Exhibit O is a true and correct copy of a document
2 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY –
3 DETAILS RE 05 AUGUST 02 CYCLE OF INTERROGATIONS OF ABU
4 ZUBAYDAH" and labelled with U.S. Bates numbers 001799-001802.
5

6 17. Attached hereto as Exhibit P is a true and correct copy of a document
7 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY –
8 DETAILS RE 06 AUGUST 02 CYCLE OF INTERROGATIONS OF ABU
9 ZUBAYDAH" and labelled with U.S. Bates numbers 001803-001806.
10
11

12 18. Attached hereto as Exhibit Q is a true and correct copy of a document
13 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY –
14 DETAILS RE 07 AUGUST 2002 CYCLE OF INTERROGATIONS OF ABU
15 ZUBAYDAH" and labelled with U.S. Bates numbers 001942-001944.
16

17 19. Attached hereto as Exhibit R is a true and correct copy of a document
18 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY –
19 DETAILS RE 8 AUGUST 2002 CYCLE OF INTERROGATIONS OF ABU
20 ZUBAYDAH" and labelled with U.S. Bates numbers 001945-001948.
21

22 20. Attached hereto as Exhibit S is a true and correct copy of a document
23 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY –
24 [REDACTED] TEAM ASSESSMENT OF CURRENT STATUS OF
25
26

1 AGGRESSIVE INTERROGATION STRATEGY OF ABU ZUBAYDAH” and
2 labelled with U.S. Bates numbers 002340-002342.
3

4 21. Attached hereto as Exhibit T is a true and correct copy of a document
5 produced by the CIA pursuant to Defendants’ subpoena, titled “EYES ONLY –
6 [REDACTED] ON ABU ZUBAYDAH AS OF 2300 HOURS (LOCAL TIME)
7 10 AUGUST 2002” and labelled with U.S. Bates numbers 001955-001956.
8

9 22. Attached hereto as Exhibit U is a true and correct copy of a document
10 produced by the CIA pursuant to Defendants’ subpoena, titled “EYES ONLY
11 COMMENTS ON PROGRESS WITH ABU ZUBAYDAH
12 INTERROGATION: LET’S STAY THE COURSE” and labelled with U.S.
13 Bates numbers 002345-002347.
14
15

16 23. Attached hereto as Exhibit V is a true and correct copy of a document
17 produced by the CIA pursuant to Defendants’ subpoena, titled “EYES ONLY –
18 SITREP ON ABU ZUBAYDAH AS OF [REDACTED] 14 AUGUST 2002”
19 and labelled with U.S. Bates numbers 002363-002365.
20

21 24. Attached hereto as Exhibit W is a true and correct copy of a document
22 produced by the CIA pursuant to Defendants’ subpoena, titled “EYES ONLY –
23 [REDACTED] ON ABU ZUBAYDAH AS OF 2000 HOURS (LOCAL TIME)
24 14 AUGUST 2002” and labelled with U.S. Bates numbers 001807-001808.
25
26

1 25. Attached hereto as Exhibit X is a true and correct copy of a document
2 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY –
3 SITREP ON ABU ZUBAYDAH [REDACTED] 19 AUGUST 2002" and
4 labelled with U.S. Bates numbers 002379-002381.
5

6 26. Attached hereto as Exhibit Y is a true and correct copy of a document
7 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY -
8 COMMENTS ON PROPOSED ENHANCED INTERROGATION PROCESS"
9 and labelled with U.S. Bates numbers 001770-001772.
10

11 27. Attached hereto as Exhibit Z is a true and correct copy of a document
12 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY –
13 STATUS OF THE INTERROGATIONS" and labelled with U.S. Bates numbers
14 002388-002390.
15

16 28. Attached hereto as Exhibit AA is a true and correct copy of a
17 document produced by the CIA pursuant to Defendants' subpoena, titled "Re:
18 Jim and Bruce" and labelled with U.S. Bates numbers 002581-002582.
19

20 29. Attached hereto as Exhibit BB is a true and correct copy of a
21 document produced by the CIA pursuant to Defendants' subpoena, titled "EYES
22 ONLY – LESSONS FOR THE FUTURE" and labelled with U.S. Bates
23 numbers 001610-001615.
24
25
26

1 30. Attached hereto as Exhibit CC is a true and correct copy of a
2 document produced by the CIA pursuant to Defendants’ subpoena, titled
3 “INDEPENDENT CONTRACTOR (IC) CONTRACT” and labelled with U.S.
4 Bates numbers 000086-000094.
5

6 31. Attached hereto as Exhibit DD is a true and correct copy of a
7 document produced by the CIA pursuant to Defendants’ subpoena, titled “EYES
8 ONLY – INTERROGATION SUPPORT” and labelled with U.S. Bates numbers
9 001891-001892.
10

11 32. Attached hereto as Exhibit EE is a true and correct copy of excerpts of
12 the deposition transcript of John Rizzo, dated March 20, 2017.
13

14 33. Attached hereto as Exhibit FF is a true and correct copy of a document
15 produced by the CIA pursuant to Defendants’ subpoena, titled “EYES ONLY –
16 DCI GUIDELINES FOR THE CONDUCT OF INTERROGATIONS” and
17 labelled with U.S. Bates numbers 001170-001174.
18

19 34. Attached hereto as Exhibit GG is a true and correct copy of excerpts
20 of a document produced by the DOJ pursuant to the Freedom of Information
21 Act, titled “Office of Professional Responsibility, Rep. on Investigation into the
22 OLC’s Memoranda Concerning Issues Relating to the CIA’s Use of ‘Enhanced
23 Interrogation Techniques’ on Suspected Terrorists (2009)” and labelled with
24
25
26

1 U.S. Bates numbers 000602, 000643, and 000733.

2 35. Attached hereto as Exhibit HH is a true and correct copy of excerpts
3 of a document produced by the CIA pursuant to Defendants’ subpoena, titled
4 “Death Investigation - Gul RAHMAN” and labelled with U.S. Bates numbers
5 001112, 001124, 001126–27, and 001133.
6
7

8 36. Attached hereto as Exhibit II is a true and correct copy of a document
9 produced by the CIA pursuant to Defendants’ subpoena, titled “EYES ONLY –
10 GUL RAHMAN ADMITS HIS IDENTITY” and labelled with U.S. Bates
11 numbers 001075-001077.
12

13 37. Attached hereto as Exhibit JJ is a true and correct copy of a document
14 produced by the CIA pursuant to Defendants’ subpoena, titled “RAHMAN
15 DEATH INVESTIGATION – INTERVIEW OF JOHN B. JESSEN” and
16 labelled with U.S. Bates numbers 001047-001053.
17

18 38. Attached hereto as Exhibit KK is a true and correct copy of a
19 document produced by the CIA pursuant to Defendants’ subpoena, titled
20 “CHRONOLOGY OF SIGNIFICANT EVENTS” and labelled with U.S. Bates
21 numbers 001547-001549.
22

23 39. Attached hereto as Exhibit LL is a true and correct copy of a
24 document produced by the CIA pursuant to Defendants’ subpoena, titled “EYES
25
26

1 ONLY – NON-COMPLIANCE OF GUL RAHMAN COBALT” and labelled
2 with U.S. Bates numbers 001072-001074.
3

4 40. Attached hereto as Exhibit MM is a true and correct copy of excerpts
5 of a document produced by the CIA pursuant to Defendants’ subpoena, titled
6 “DEATH OF A DETAINEE IN [REDACTED]” and labelled with U.S. Bates
7 numbers 001267, 001272-001312.
8

9 41. Attached hereto as Exhibit NN is a true and correct copy of a
10 document produced by the CIA pursuant to Defendants’ subpoena, titled “EYES
11 ONLY – FOR CTC/UBL – MENTAL STATUS EXAMINATION AND
12 RECOMMENDED INTERROGATION PLAN FOR GUL RAHMAN” and
13 labelled with U.S. Bates numbers 001056-001058.
14
15

16 42. Attached hereto as Exhibit OO is a true and correct copy of excerpts
17 of the deposition transcript of Suleiman Abdullah Salim, dated March 14 and 15,
18 2017.
19

20 43. Attached hereto as Exhibit PP is a true and correct copy of a document
21 produced by the CIA pursuant to Defendants’ subpoena, titled “BIOS
22 [REDACTED]” and labelled with U.S. Bates numbers 001551-001581.
23

24 44. Attached hereto as Exhibit QQ is a true and correct copy of excerpts
25 of a document produced by the CIA pursuant to Defendants’ subpoena, titled
26

1 “Chronology of CIA High-Value Detainee Interrogation Technique” and
2 labelled with U.S. Bates numbers 00001595-1609.
3

4 45. Attached hereto as Exhibit RR is a true and correct copy of a
5 document produced by the CIA pursuant to Defendants’ subpoena, titled
6 “CONFIRMATION THAT USMIL HAS RECLASSIFIED TANZANIAN
7
8 DETAINEE ABDULLAH SULEIMAN AS NLEC, SCHEDULED FOR
9 TRANSFER IN NEAR FUTURE” and labelled with U.S. Bates numbers
10 001528-001529.
11

12 46. Attached hereto as Exhibit SS is a true and correct copy of the August
13 17, 2008 Certificate for Release of Suleiman ((ABDULLAH)), S/O FNU
14 ((ABDULLAH)), provided by the United States to Mr. Salim.
15

16 47. Attached hereto as Exhibit TT is a true and correct copy of excerpts of
17 the deposition transcript of Mohamed Ahmed Ben Soud, dated January 31 and
18 February 1, 2017.
19

20 48. Attached hereto as Exhibit UU is a true and correct copy of the
21 document “Remarks by the President on the Death of Muammar Qaddafi, Oct.
22 20, 2011,” [https://obamawhitehouse.archives.gov/the-press-](https://obamawhitehouse.archives.gov/the-press-office/2011/10/20/remarks-president-death-muammar-qaddafi)
23 [office/2011/10/20/remarks-president-death-muammar-qaddafi.](https://obamawhitehouse.archives.gov/the-press-office/2011/10/20/remarks-president-death-muammar-qaddafi)
24

25 49. Attached hereto as Exhibit VV is a true and correct copy of excerpts
26

1 of a document produced by the CIA pursuant to Defendants’ subpoena, titled
2 “DCI’S COUNTERTERRORIST CENTER (CTC) ELICITATION AND
3 TRAINING FOR CTC ‘ETC [REDACTED] PROJECT [REDACTED]” and
4 labelled with U.S. Bates numbers 001583, 001585–86.
5

6 50. Attached hereto as Exhibit WW is a true and correct copy of a
7 document produced by the CIA pursuant to Defendants’ subpoena, titled “Role
8 of Mitchell, Jessen, and Associates in CTC [REDACTED] RDG program” and
9 labelled with U.S. Bates numbers 001629-001630.
10

11 51. Attached hereto as Exhibit XX is a true and correct copy of a
12 document produced by the CIA pursuant to Defendants’ subpoena, titled “1.
13 How Much has the CIA paid Mitchell and Jessen since 2002?” and labelled with
14 U.S. Bates numbers 001906-001907.
15

16 52. Attached hereto as Exhibit YY is a true and correct copy of a
17 document produced by the CIA pursuant to Defendants’ subpoena, titled “EIT
18 Briefing for SECSTATE” and labelled with U.S. Bates numbers 001175-
19 001177.
20

21 53. Attached hereto as Exhibit ZZ is a true and correct copy of a
22 document produced by the CIA pursuant to Defendants’ subpoena, titled “MJA
23 (Mitchell, Jessen & Associates)” and labelled with U.S. Bates numbers 001908-
24
25
26

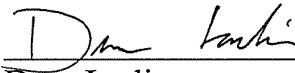
1 001910.

2 54. Attached hereto as Exhibit AAA is a true and correct copy of a
3 document produced by the CIA pursuant to Plaintiffs' subpoena, titled
4 "Interrogation and Coercive Physical Pressures: A Quick Overview" and
5 labelled with U.S. Bates numbers 002285-002291.
6

7
8 55. Attached hereto as Exhibit BBB is a true and correct copy of a
9 document, titled "CIA Comments on the Senate Select Committee on
10 Intelligence Report on the Rendition, Detention, and Interrogation Program,"
11 https://www.cia.gov/library/reports/CIAs_June2013_Response_to_the_SSCI_Study_on_the_Former_Detention_and_Interrogation_Program.pdf.
12
13

14 * * *

15
16 I declare under penalty of perjury that the foregoing is true and correct.
17

18 
19 _____
20 Dror Ladin

21 Dated: May 22, 2017
22 New York, New York
23
24
25
26