

1 BETTS, PATTERSON & MINES P.S.
2 Christopher W. Tompkins (WSBA #11686)
3 CTompkins@bpmlaw.com
4 701 Pike Street, Suite 1400
Seattle, WA 98101-3927

5 BLANK ROME LLP
6 Henry F. Schuelke III (admitted pro hac vice)
7 HSchuelke@blankrome.com
8 1825 Eye St. NW
Washington, DC 20006

9 James T. Smith (admitted pro hac vice)
10 Smith-jt@blankrome.com
11 Brian S. Paszamant (admitted pro hac vice)
12 Paszamant@blankrome.com
13 One Logan Square, 130 N. 18th Street
Philadelphia, PA 19103

14 Attorneys for Defendants

15 **UNITED STATES DISTRICT COURT**
16 **FOR THE EASTERN DISTRICT OF WASHINGTON**
17 **AT SPOKANE**

18 SULEIMAN ABDULLAH SALIM,
19 MOHAMED AHMED BEN SOUD,
20 OBAID ULLAH (as personal
representative of GUL RAHMAN),

21 Plaintiffs,

22 vs.

23 JAMES ELMER MITCHELL and
24 JOHN "BRUCE" JESSEN,

25 Defendants.

NO. 2:15-CV-286-JLQ

DECLARATION OF BRIAN S.
PASZAMANT IN SUPPORT OF
DEFENDANTS' RESPONSE IN
OPPOSITION TO PLAINTIFFS'
MOTION FOR PARTIAL
SUMMARY JUDGMENT

DECLARATION OF BRIAN S.
PASZAMANT IN SUPPORT OF
DEFENDANTS' RESPONSE IN
OPPOSITION TO PLAINTIFFS' MOTION
FOR PARTIAL SUMMARY JUDGMENT

Betts
Patterson
Mines
One Convention Place
Suite 1400
701 Pike Street
Seattle, Washington 98101-3927
(206) 292-9988

1 I, Brian S. Paszamant, hereby certify under penalty of perjury, that the
2 following is true and correct and within my personal knowledge:

3 1. I am over the age of 18, have personal knowledge of all facts
4 contained in this declaration, and am competent to testify as a witness to those
5 facts.
6

7 2. I am one of the attorneys representing Defendants James Elmer
8 Mitchell and John "Bruce" Jessen (collectively, "Defendants") in the above-
9 captioned action.

10 3. Attached hereto as **Exhibit 1** is a true and correct copy of testimony
11 excerpts taken from the deposition of John "Bruce" Jessen dated January 20,
12 2017.

13 4. Attached hereto as **Exhibit 2** is a true and correct copy of testimony
14 excerpts taken from the deposition of James Elmer Mitchell dated January 16,
15 2017.

16 5. Attached hereto as **Exhibit 3** is a true and correct copy of testimony
17 excerpts taken from the deposition of John Rizzo dated March 20, 2017.
18

19 6. Attached hereto as **Exhibit 4** is a true and correct copy of testimony
20 excerpts taken from Volume II of the deposition of Suleiman Abdullah Salim
21 dated March 15, 2017.

22 7. Attached hereto as **Exhibit 5** is a true and correct copy of testimony
23 excerpts taken from Volume II of the deposition of Mohamed Ahmed Ben Soud
24 dated February 1, 2017.
25

DECLARATION OF BRIAN S.
PASZAMANT IN SUPPORT OF
DEFENDANTS' RESPONSE IN
OPPOSITION TO PLAINTIFFS' MOTION
FOR PARTIAL SUMMARY JUDGMENT

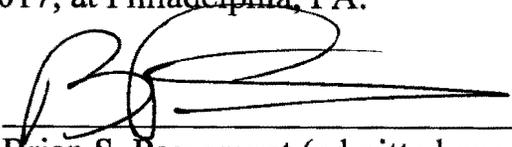
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

8. Attached hereto as **Exhibit 6** is a true and correct copy of Defendant Soud's Response to Plaintiff Jessen's Request for Admissions No. 7.

9. Attached hereto as **Exhibit 7** is a true and correct copy of documents produced by the CIA in response to subpoenas issued by Defendants pursuant to 5 U.S.C. § 301 and the procedures outlined in *United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951), with the identifier US Bates 001629-30.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 12th day of June, 2017, at Philadelphia, PA.



Brian S. Paszamant (admitted *pro hac vice*)

DECLARATION OF BRIAN S. PASZAMANT IN SUPPORT OF DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Betts
Patterson
Mines
One Convention Place
Suite 1400
701 Pike Street
Seattle, Washington 98101-3927
(206) 292-9988

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of June, 2017, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

<p>Emily Chiang echiang@aclu-wa.org ACLU of Washington Foundation 901 Fifth Ave, Suite 630 Seattle, WA 98164</p>	<p>Paul Hoffman hoffpaul@aol.com Schonbrun Seplow Harris & Hoffman, LLP 723 Ocean Front Walk, Suite 100 Venice, CA 90291</p>
<p>Andrew I. Warden Andrew.Warden@usdoj.gov Senior Trial Counsel Timothy A. Johnson Timothy.Johnson4@usdoj.gov Trial Attorney United States Department of Justice Civil Division, Federal Programs Branch 20 Massachusetts Ave NW Washington, DC 20530</p>	<p>Steven M. Watt, admitted <i>pro hac vice</i> swatt@aclu.org Dror Ladin, admitted <i>pro hac vice</i> dladin@aclu.org Hina Shamsi, admitted <i>pro hac vice</i> hshamsi@aclu.org ACLU Foundation 125 Broad Street, 18th Floor New York, NY 10007</p>
<p>Avram D. Frey, admitted <i>pro hac vice</i> afrey@gibbonslaw.com Daniel J. McGrady, admitted <i>pro hac vice</i> dmcgrady@gibbonslaw.com Kate E. Janukowicz, admitted <i>pro hac vice</i> kjanukowicz@gibbonslaw.com Lawrence S. Lustberg, admitted <i>pro hac vice</i> llustberg@gibbonslaw.com Gibbons PC One Gateway Center Newark, NJ 07102</p>	<p>Anthony DiCaprio, admitted <i>pro hac vice</i> ad@humanrightslawyers.com Law Office of Anthony DiCaprio 64 Purchase Street Rye, NY 10580</p>

By s/ Karen L. Pritchard
Karen L. Pritchard
kpritchard@bpmlaw.com
Betts, Patterson & Mines, P.S.

DECLARATION OF BRIAN
PASZAMANT ISO DEFS.’
RESPONSE TO PLTFS.’ MPSJ
NO. 2:15-CV-286-JLQ

Betts
Patterson
Mines
One Convention Place
Suite 1400
701 Pike Street
Seattle, Washington 98101-3927
(206) 292-9988

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

- - -

SULEIMAN ABDULLAH :
SALIM, MOHOMED AHMED : DOCKET NO.
BEN SOUD, OBAID ULLAH :
(as personal : 2:15-CV-286-JLQ
representative of GUL :
RAHMAN), :

Plaintiffs, :

v. :

JAMES ELMER MITCHELL :
and JOHN "BRUCE" :
JESSEN, :

Defendants. :

- - -

Friday, January 20, 2017

- - -

Videotaped deposition of JOHN
BRUCE JESSEN, taken pursuant to notice,
was held at the law offices of Blank
Rome, 130 N. 18th Street, Philadelphia,
Pennsylvania 19103, beginning at 10:07
AM, on the above date, before Constance
S. Kent, a Registered Professional
Reporter and Notary Public in and for the
Commonwealth of Pennsylvania.

* * *

MAGNA LEGAL SERVICES

(866) 624-6221

www.MagnaLS.com

Page 6

1	NO.	DESCRIPTION	NO.
2	Exhibit 23	Email dated 5/28/03, Bates USA 1588	248
3	Exhibit 35	Email, Subject: EIT	260
4		briefing for Sec State, labeled US Bates 1175	
5	Exhibit 21	CIA Comments on the	274
6		Senate Select Committee on Intelligence Report on the Rendition, Detention and Interrogation Program	
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			

Page 8

1 THE VIDEOGRAPHER: We are
2 now on the record.
3 This begins DVD No. 1 in the
4 deposition of John Bruce Jessen in
5 the matter of Salim versus James
6 Elmer Mitchell and John Bruce
7 Jessen in the United States
8 District Court, Eastern District
9 of Washington.
10 Today is January 20th, 2017,
11 and the time is 10:07 AM.
12 This deposition is being
13 taken at 130 North 18th Street,
14 Philadelphia, Pennsylvania, at the
15 request of Gibbons, PC.
16 The videographer is Benjamin
17 Neate of Magna Legal Services, and
18 the court reporter is Connie Kent
19 of Magna Legal Services.
20 All counsel and parties
21 present will be noted on the
22 stenographic record.
23 Will the court reporter
24 please swear in the witness.

Page 7

1	- - -
2	DEPOSITION SUPPORT INDEX
3	- - -
4	
5	Direction to Witness Not to Answer
6	Page Line Page Line Page Line
7	None
8	
9	
10	Request for Production of Documents
11	Page Line Page Line Page Line
12	None
13	
14	
15	Stipulations
16	Page Line Page Line Page Line
17	None
18	
19	
20	Question Marked
21	Page Line Page Line Page Line
22	None
23	
24	

Page 9

1 JOHN BRUCE JESSEN, having
2 been first duly sworn, was
3 examined and testified as follows:
4 MR. WARDEN: Good morning,
5 I'm Andrew Warden from the US
6 Department of Justice and I
7 represent the United States
8 Government.
9 On behalf of the United
10 States Government, I have with me
11 here today Joseph Sweeney,
12 attorney with the CIA Office of
13 General Counsel, Cody Smith, an
14 attorney with the CIA Office of
15 General Counsel, Heather Walcott,
16 an attorney with the CIA Office of
17 General Counsel, Megan Beckman,
18 paralegal with the CIA Office of
19 the General Counsel, Antoinette
20 Shiner, Information Review Officer
21 with the CIA.
22 And on behalf of the
23 Department of Defense, Richard
24 Hatch, an attorney with the DOD,

1 government and themselves.

2 BY MR. LAVIN:

3 Q. And if you can answer, do
4 you run different scenarios for different
5 types of captors?

6 A. There are -- there are
7 different scenarios, there are different
8 courses, there are different threats that
9 are addressed in the different courses.
10 In the more advanced courses,
11 particularly related to counterterrorism,
12 we had to prepare scenarios that were
13 consistent and accurate to various
14 terrorist groups, their modus operandi,
15 how they would treat captives, what their
16 weaknesses were, what their beliefs were,
17 what their vulnerabilities were, condense
18 that into a package so that if one of
19 these high-risk operators were captured,
20 sometimes they're specific to a mission.
21 If they go into a particular place and
22 there's a particular terrorist group and
23 the risk of capture is high, then you
24 tailor it in that way. Those are fewer

1 in number, but higher in risk of capture.

2 The general school is for --
3 in the Air Force anyway, is for anyone on
4 flying status and anyone who would be
5 stationed in high-risk of capture zones.
6 They receive scenario training also, but
7 it's more generic, and it is more
8 consistent with the Code of Conduct. So
9 it's not as specific, but it's designed
10 to prepare them for a different
11 environment.

12 Q. You said that you would
13 monitor the comportment of the people who
14 were instructing these scenarios, do I
15 have that right?

16 A. Yes.

17 Q. And what would be sort of an
18 improper comportment for an individual
19 monitoring a scenario -- sorry, let me
20 rephrase that.

21 What would be an improper
22 comportment for an individual who was
23 training in that scenario?

24 A. There is a phenomenon that

1 those of us who work in this area
2 identify as abusive drift, and without
3 proper oversight and independent eyes on
4 authorities, people can start to push the
5 limits of what they're authorized to do,
6 and part of my role was to make sure that
7 I identified that and stopped it.

8 Q. And that -- that would
9 happen even in training?

10 A. It does happen sometimes in
11 training or the emergence of it is
12 evident.

13 Q. Do you think it happens more
14 in training or in real world-type
15 scenarios?

16 A. I think it happens more in
17 real world.

18 Q. And in the course of your
19 monitoring of these scenarios -- these
20 training scenarios, did you ever have to
21 stop a trainer from doing something that
22 he or she was doing?

23 A. Rarely.

24 Q. But it happens sometimes?

1 A. Yes.

2 Q. So you monitored these
3 scenarios for about four years as the
4 Chief of Psychological Services; is that
5 correct?

6 A. I think that's correct.

7 Q. And then how did your role
8 change when you became deputy director?

9 A. I went into a different
10 classified program.

11 Q. It says here: Deputy
12 Director, Code of Conduct SERE Training
13 Directorate, Joint Personnel Recovery
14 Agency.

15 Without saying anything
16 that's classified, it looks like at least
17 the name of this agency, the Joint
18 Personnel Recovery Agency, and of the
19 Code of Conduct SERE Training Directorate
20 are unclassified.

21 Is there anything you can
22 say about your role there?

23 A. Yes.

24 Q. Could you tell me in

1 is 15 years ago, so I don't remember a
2 lot of details. I'll tell you everything
3 I remember.

4 I remember arriving there, I
5 remember being met by Dr. Mitchell and
6 some CIA officers. I remember going into
7 a room and being told that there was a
8 specific detainee that had been captured.
9 They informed me that efforts to
10 interrogate that individual had proved
11 less than fruitful, and in fact, had come
12 to a standstill, that they had credible
13 evidence that Al-Qaeda had fissionable
14 nuclear material and were about to launch
15 a nuclear attack on the United States and
16 that this man had the information that
17 could unlock that threat, that
18 Dr. Mitchell had been asked to help
19 interrogate this person using techniques
20 that we had -- that we were familiar with
21 and that he had told them about that were
22 used in the SERE schools and would I
23 help.

24 I think I made a phone call

1 to my wife and my family and talked to
2 them, in terms that I could about this,
3 and I thought about it. This all took
4 place in about 20 minutes because they
5 were ready to leave the country, and I
6 said, If that's what my country wants me
7 to do, I'll do it.

8 I was told that everything
9 that we did would be under the auspices
10 of the Justice Department and the CIA and
11 that we would work directly for the CTC
12 Unit within the CIA and we would take
13 orders from them, that we would be
14 deployed and that we would -- we would
15 wait, and while we were waiting, prepare
16 ourselves with intel briefings and other
17 preparation, and if the Justice
18 Department approved the plan that the CIA
19 was going to put together, that we would
20 implement that plan.

21 I agreed to do that. And
22 they took us to the contracting office
23 and we sat there while someone hammered
24 out a contract. We were -- I, at least,

1 I can't speak for Jim, but I hadn't done
2 this before so I was unfamiliar with it.
3 And there was a psychologist who works
4 for the CIA there with us, and I turned
5 to him and I said, I'm not sure, you
6 know, how this is done, and he said,
7 These are standard contracts, you know.
8 And they said, How much are you going to
9 change? And I said, I have no idea.
10 This guy said, This is the standard rate
11 for somebody like you. I said, Okay.
12 They said, Hurry, hurry, we finished the
13 contract. I signed it.

14 I talked to the military
15 liaison that was in the CIA and he told
16 me that he would call JPRA and have me
17 detailed there until such time as I would
18 be -- because I had to give up my
19 position in the Department of Defense to
20 do this.

21 And then we went into a
22 series of a bunch more meetings, and
23 then, I don't remember exactly when, but
24 we were on a plane leaving the country

1 shortly after that.

2 That's what I remember.

3 Q. And --

4 MR. SMITH: Hold that
5 thought one second.

6 THE VIDEOGRAPHER: Excuse
7 me, Counsel, there's less than a
8 minute on the tape.

9 MR. LAVIN: Let's go off the
10 record.

11 THE VIDEOGRAPHER: The time
12 is 12:17 PM. We are now off the
13 video record.

14 This ends Disk No. 1.

15 (Recess.)

16 THE VIDEOGRAPHER: We are
17 now back on the video record. The
18 time is 12:21 PM.

19 This begins Disk No. 2.

20 MR. SMITH: Let me just
21 state for the record that while we
22 were off the record, the witness
23 asked for permission, directed the
24 question to Mr. Warden, to

1 start talking or you can get some more
2 physical pressure.
3 The pressure is designed to
4 be used in a way that it doesn't harm but
5 it makes someone uncomfortable, you know,
6 it's more irritating than painful, but
7 nonetheless, not something that you want
8 happening. So if the detainee finds
9 something to talk about, the physical
10 pressure stops and if they start to
11 obfuscate and refuse to give useful
12 information again, you can reapply the
13 pressure. Eventually, it doesn't take
14 long to learn that if you don't want that
15 to happen, you can talk or cooperate in
16 some way.

17 So the discomfort or the
18 helplessness, the applied state of
19 helplessness that you feel at the time is
20 a -- is a temporary feeling of, you know,
21 how am I going to get out of this, I
22 don't like this, I want this to stop.

23 As I said, that's the way
24 it's described and recommended for use in

1 the Army Field Manual.
2 But the scientific state of
3 learned helplessness is something that,
4 as you have already pointed out, Jim and
5 I strived hard to prevent in the SERE
6 schools. We also spent a great deal of
7 time talking to CIA officers about this
8 because it was a concept that they --
9 they used the term, but they didn't use
10 the term correctly. Many of them would
11 write cables and reports and say, We're
12 going to use learned helplessness. They
13 didn't understand the difference between
14 Seligman's classic helpless state, which
15 you don't want because then no one is
16 going to cooperate in that state, as
17 opposed to a temporary feeling of
18 helplessness.

19 So that was one of many
20 emotions or feelings that you tried to
21 manipulate in a detainee to encourage
22 them to be cooperative.

23 Q. Okay. Do you recall sort of
24 in what ways you tried to communicate to

1 the CIA that they were misusing the term
2 learned helplessness?

3 A. Yes.

4 Q. How -- how did you
5 communicate that?

6 A. If I saw it used
7 inappropriately or heard it used
8 inappropriately, I would explain the
9 difference. I -- I did that many times.

10 Q. And is there -- I think you
11 mentioned the Army Field Manual. Is that
12 sort of the origin of the way -- let
13 me -- let me rephrase that.

14 When you and Dr. Mitchell
15 used the term helplessness in a way
16 that's different, as you're saying, from
17 the learned helplessness that was used by
18 Dr. Seligman, is the document that
19 describes helplessness in the way that
20 you and Dr. Mitchell use it, is that the
21 Army Field Manual?

22 A. It's described that way in
23 the Army Field Manual.

24 Q. And are there other sort of

1 research papers or psychological manuals
2 or any other literature that you're
3 familiar with that uses learned
4 helplessness in a way that's distinct
5 from Dr. Seligman's learned helplessness?

6 A. I don't know.

7 MR. SMITH: Are you on a new
8 subject matter here? When we
9 transition, let me know. I just
10 want to take a quick break.

11 MR. LAVIN: Sure. Yeah.
12 We're -- we're almost there. Just
13 one more thing on this and then
14 we'll move.

15 MR. SMITH: Okay.

16 MR. LAVIN: If we can pull
17 Exhibit 20 from Dr. Mitchell's
18 deposition, which is tab 18.

19 BY MR. LAVIN:

20 Q. And I'm just going to ask
21 you about the very first page there, and
22 then we can take the break.

23 A. The cover page?

24 Q. I'm sorry. That's a good

1 Q. Was there anyone else?
 2 A. No, I don't remember anybody
 3 else.
 4 Q. So you can turn to tab 26.
 5 MR. LAVIN: Is this 33?
 6 THE WITNESS: I'll take
 7 better care of this one.
 8 (Exhibit No. 33, Cable,
 9 Subject: Eyes only - Gul Rahman
 10 admits his identity, was marked
 11 for identification.)
 12 BY MR. LAVIN:
 13 Q. It's labeled 33, which is a
 14 cable, Subject: Eyes only - Gul Rahman
 15 admits his identity.
 16 A. Okay.
 17 Q. Did you perform an
 18 assessment after Gul Rahman admitted his
 19 identity?
 20 A. An assessment?
 21 Q. An assessment of Gul
 22 Rahman's resistance posture.
 23 A. I don't know. I don't know
 24 when he admitted his identity. I've

1 never seen this cable before. I don't
 2 know.
 3 Q. Do you recall there being a
 4 time in your interrogation of Gul Rahman
 5 where he admitted his identity?
 6 A. I don't remember that. He
 7 didn't do it to me.
 8 Q. If you look at the end of
 9 the cable, under paragraph 4, there's a
 10 paragraph labeled Assessment. The last
 11 couple of sentences read:
 12 "It is difficult to know
 13 precisely how much of this behavior was
 14 feigned and how much was the result of
 15 his physical/psychological condition;
 16 however, IC," and your name has been
 17 inserted over a redaction, "IC Jessen's
 18 impression was that he continues to use
 19 health and welfare behaviors and
 20 complaints as a major part of his
 21 resistance posture."
 22 Do you have any recollection
 23 of being involved in the writing of this
 24 cable?

1 A. No.
 2 Q. Do you think it's possible
 3 that the Chief of Base wrote about this
 4 assessment without consulting you?
 5 MR. SMITH: Objection.
 6 THE WITNESS: Could have.
 7 BY MR. LAVIN:
 8 Q. Do you think that's likely?
 9 A. I don't know.
 10 Q. Do you recall ever assessing
 11 that Gul Rahman was using health and
 12 welfare behaviors as a resistance
 13 technique?
 14 A. No.
 15 Q. Does it seem possible to you
 16 that you would have made that kind of
 17 assessment?
 18 MR. SMITH: Objection.
 19 THE WITNESS: That I would
 20 have made that kind of assessment?
 21 I have no idea. I don't -- I
 22 mean, I don't know what you're
 23 asking.
 24 BY MR. LAVIN:

1 Q. What I'm asking is, we have
 2 here a cable that has your name on it.
 3 A. Yeah.
 4 Q. And says that you --
 5 A. It wasn't written me by.
 6 Q. I understand that. But I
 7 understand that your role was to convey
 8 your impressions to the Chief of Base.
 9 A. It was.
 10 Q. And the Chief of Base would
 11 then write them up in cables.
 12 A. That's correct.
 13 Q. And generally, was it your
 14 impression that the Chief of Base would
 15 write accurately the information that you
 16 conveyed to him?
 17 MR. SMITH: Objection.
 18 THE WITNESS: I didn't -- I
 19 didn't see the cables. I don't
 20 know.
 21 BY MR. LAVIN:
 22 Q. Did you have a reason to
 23 suspect that the Chief of Base would
 24 misrepresent what you conveyed?

CERTIFICATE

I HEREBY CERTIFY that the witness was duly sworn by me and that the deposition is a true record of the testimony given by the witness.

It was requested before completion of the deposition that the witness, JOHN BRUCE JESSEN, have the opportunity to read and sign the deposition transcript.



Constance S. Kent

Constance S. Kent, CCR, RPR, CLR
Certified Court Reporter
Registered Professional Reporter
Certified LiveNote Reporter
and Notary Public in and for the
Commonwealth of Pennsylvania
Dated: January 23, 2017

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

ACKNOWLEDGMENT OF DEPONENT

I, _____, do hereby certify that I have read the foregoing pages, 1 - 294, and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

JOHN BRUCE JESSEN DATE

Subscribed and sworn to before me this _____ day of _____, 20____.
My commission expires: _____

Notary Public

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

- - -

SULEIMAN ABDULLAH :
SALIM, MOHOMED AHMED : DOCKET NO.
BEN SOUD, OBAID ULLAH :
(as personal : 2:15-CV-286-JLQ
representative of GUL :
RAHMAN), :

Plaintiffs, :

v. :

JAMES ELMER MITCHELL :
and JOHN "BRUCE" :
JESSEN, :

Defendants. :

- - -

Monday, January 16, 2017

- - -

Videotaped deposition of JAMES E. MITCHELL taken pursuant to notice, was held at the law offices of Blank Rome, 130 N. 18th Street, Philadelphia, Pennsylvania 19103, beginning at 10:13 AM, on the above date, before Constance S. Kent, a Registered Professional Reporter and Notary Public in and for the Commonwealth of Pennsylvania.

* * *

MAGNA LEGAL SERVICES

(866) 624-6221

www.MagnaLS.com



Page 6

1	NO.	DESCRIPTION	PAGE
2	Exhibit 20	Fax, Generic Description of the Process, Bates DOJ OLC 1126 through 1144	321
3			
4	Exhibit 21	CIA Comments on the Senate Select Committee on Intelligence Report on the Rendition, Detention and Interrogation Program	323
5			
6	Exhibit 22	Document, Bates USA 1629 through 1630	335
7			
8	Exhibit 23	Email dated 5/28/03, Bates USA 1588	348
9			
10	Exhibit 24	Independent Review Relating to APA Ethics Guidelines, National Security Interrogations, and Torture	361
11			
12	Exhibit 25	Request for formal declination of prosecution	394
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			

Page 7

1	- - -
2	DEPOSITION SUPPORT INDEX
3	- - -
4	
5	Direction to Witness Not to Answer
6	Page Line Page Line Page Line
7	59 1 86 23 166 18
8	306 17
9	
10	
11	Request for Production of Documents
12	Page Line Page Line Page Line
13	None
14	
15	
16	Stipulations
17	Page Line Page Line Page Line
18	None
19	
20	
21	Question Marked
22	Page Line Page Line Page Line
23	None
24	

Page 8

1 THE VIDEOGRAPHER: We are
 2 now on the record.
 3 This begins DVD No. 1 in the
 4 deposition of James Elmer Mitchell
 5 in the matter of Salim versus
 6 James Elmer Mitchell and Bruce --
 7 John Bruce Jessen in the United
 8 States District Court for the
 9 Eastern District of Washington.
 10 Today is January 16th, 2017,
 11 and the time is 10:19 AM.
 12 This deposition is being
 13 taken at 130 North 18th Street,
 14 Philadelphia, Pennsylvania, at the
 15 request of Gibbons, PC.
 16 The videographer is Benjamin
 17 Neate of Magna Legal Services and
 18 the court reporter is Connie Kent
 19 of Magna Legal Services.
 20 All counsel and parties
 21 present will be noted on the
 22 stenographic record.
 23 Will the court reporter
 24 please swear in the witness.

Page 9

1 JAMES E. MITCHELL, having
 2 been first duly sworn, was
 3 examined and testified as follows:
 4 MR. WARDEN: Thank you. At
 5 the outset I'd like to say that
 6 I'm Andrew Warden from the United
 7 States Department of Justice and I
 8 represent the United States
 9 government in this case.
 10 On behalf of the United
 11 States Government, I have here
 12 with me today Joseph Sweeney,
 13 attorney for CIA Office of General
 14 Counsel, Cody Smith, an attorney
 15 for the CIA Office of General
 16 Counsel, Heather Walcott, an
 17 attorney for the CIA Office of
 18 General Counsel, Megan Beckman,
 19 paralegal with the CIA Office of
 20 General Counsel, Antoinette
 21 Shiner, Information Review Officer
 22 from the CIA.
 23 On behalf of the Department
 24 of Defense, have Richard Hatch, an

1 that case I would say
2 approximately 65 percent of the
3 time.

4 MR. SMITH: Approximations
5 are acceptable.

6 BY MR. LUSTBERG:

7 Q. Any experimentation while
8 you were at Wilford Hall?

9 A. Where we did that study on
10 HIV.

11 Q. Oh, that was there?

12 A. Uh-huh.

13 Q. Any others?

14 A. I think I applied for a --
15 human subjects to do a study of the
16 psychological effects of finding out that
17 you're HIV positive, but we never did the
18 actual study. But it really wasn't an
19 experiment. And again, it was one of
20 those things -- when I think of
21 experiment, to me that's different than
22 research. Research is where you look to
23 see what is there, and an experiment is
24 where you manipulate variables, which you

1 resistance and escape.

2 Q. What was your -- what were
3 your responsibilities at the SERE school?

4 A. They were very varied. One
5 of -- one of the primary things that I
6 did was work in the resistance training
7 laboratory. I had two primary jobs
8 there: One was to make sure that the
9 instructors didn't engage in what we
10 called abusive drift, all right, and the
11 other one was to work with the students
12 to be sure that as many of them got
13 through their training as possible. But
14 I had other duties there as well.

15 Sometimes with JPRA, I would
16 help them when they wanted to debrief
17 returning POWs. Sometimes I would work
18 with their advanced training unit to help
19 them provide advanced SERE training to
20 groups who are at higher risk of capture
21 than ordinary military people.

22 Sometimes I would engage in
23 special projects that my commander
24 required me to do. Like, for example, I

1 end up -- when you do that sort of
2 collective stuff that I'm talking about
3 where you correlate things, you don't
4 actually manipulate the variables in
5 real-life, you do it statistically. So
6 it's a -- you know, so it's a different
7 sort of thing.

8 Q. So you saw a distinction
9 between experimentation on one hand and
10 study on the other?

11 A. Research study, yeah.

12 Q. Okay. How long did you stay
13 at Wilford Hall?

14 A. Including my residency?

15 Q. Sure.

16 A. Four years.

17 Q. And what was your next
18 position after that?

19 A. I went to the Air Force
20 Survival School.

21 Q. And the -- you refer to that
22 as the SERE School? And just so the
23 record is clear, SERE stands for?

24 A. Survival, evasion,

1 helped them -- they asked me to study the
2 injury rates when they were restructuring
3 the school after the first desert war,
4 and so I got with JPRA, I don't know if
5 it was called that, and contacted the
6 other schools and asked about the
7 individual techniques in terms of their
8 injuries rates and what they expected.

9 He -- I mean, they
10 redeployed me to hurricane zones to do
11 things. They -- I mean, they asked me to
12 do a variety of different things. Like
13 for example, I was there when that B52
14 crashed. It crashed about 100 yards from
15 my office. We responded to the crash and
16 did the critical incident debriefing
17 stuff from all the families that were
18 there.

19 Because -- I responded
20 immediately after the shooting that was
21 there because that shooter killed a
22 psychiatric and psychologist and a bunch
23 of other people. And that person -- all
24 of their psychiatric patients were in

1 Q. What do you mean by that?

2 A. Meaning I'm there, I watch,
3 I'm there the whole time. They can't
4 distinguish me from another person in the
5 group, but if they have a problem, they
6 become aware of me.

7 Q. Okay. You talked about
8 abusive drift, and I've seen some other
9 writings that you've done on that.
10 Abusive -- if you could, just for the
11 record, explain what you mean by that.

12 A. Okay. In some instances
13 what happens is that people who are --
14 who are -- take on the roles of
15 interrogators in the case of the SERE
16 program forget what it was like to be a
17 student and they escalate the amount of
18 coercion they use, and that happens over
19 time, and the thing that the psychologist
20 that's present there is supposed to do,
21 along with the supervisors, is monitor
22 that and intervene in real time, and to
23 do annual assessments and to do special
24 assessments if that person's boss or the

1 wing commander or someone else wanted you
2 to do that.

3 And also to do some training
4 with them so that they understood what
5 the mechanisms were that would likely to
6 impact them, and I think that was -- that
7 was probably it.

8 Q. Uh-huh.

9 A. I mean, there's more, but I
10 can't remember it offhand.

11 Q. There's more?

12 A. With respect to what you do
13 to prevent abusive drift.

14 Q. One thing that you also
15 mentioned is that you would brief
16 returning POWs.

17 A. I didn't say brief.

18 Q. Okay. What did you --
19 debrief?

20 A. I said I would help JPRA
21 debrief some returning POWs.

22 Q. Debrief is what I meant to
23 say. Okay. And what was that? Explain
24 what that means?

1 A. Well, the time that came to
2 mind when you mentioned that was right
3 after the first desert war, there was a
4 brouhaha that occurred among the POWs and
5 they were unhappy with each other because
6 of some of the stuff that had occurred
7 inside of their holding cells and they
8 got me and Dr. Jessen and the SERE
9 psychologist from the Tier 1 units to
10 meet with those folks and to discuss --
11 you know, to take their story and to
12 discuss what was going on and try to get
13 rid of some of the tension that was among
14 them. That sort of stuff.

15 Q. Okay. Did you assist them
16 to overcome the trauma that being a POW
17 must have had?

18 A. I don't know if I assisted
19 those particular people in that
20 particular issue. Some of them -- they
21 were pretty hardy. I don't remember them
22 expressing a lot of -- you know, PTSD
23 symptoms. I don't remember that.

24 I do -- I do remember that,

1 you know, that there was a lot of
2 emotional distress and we certainly
3 talked about that. There was some
4 feelings of betrayal, and we certainly
5 talked about that.

6 I don't remember -- and that
7 would not have been something that I did
8 anyway, so...

9 Q. Who -- why is that not
10 something that you would do you?

11 A. Because I was on loan from
12 the Air Force SERE school, like the other
13 SERE psychologists were, to JPRA, and
14 JPRA has its own psychological --
15 director of psychology, and if they had
16 asked me to help with something like that
17 I would, but if they didn't ask, I
18 wouldn't.

19 Q. So if there had been issues
20 of trauma, then the JPRA psychologists
21 would have dealt with that, is that
22 what --

23 A. It really depends on the
24 service, doesn't it? So I don't recall.

1 was changing, but that the special
2 mission unit that he had deployed, that
3 they were routinely deploying people with
4 were no longer able to use psychologists
5 and they were pulling them out and
6 depriving the military of the use of
7 them.

8 Q. Uh-huh. Okay.

9 A. Do you want to have a
10 conversation?

11 MR. SMITH: No. Put that
12 down and wait for the next
13 question.

14 THE WITNESS: Okay.

15 BY MR. LUSTBERG:

16 Q. Okay. Let's -- let's talk
17 about your involvement -- I'm sorry.

18 Okay. Before the -- just to
19 turn to the period before the -- you
20 begin the -- your involvement in
21 observing and then interrogating Abu
22 Zubaydah.

23 A. That was the beginning --

24 Q. Well, you know, I don't

1 think these dates will be particularly --
2 we'll get to dates.

3 So first, starting in
4 August 2001, do you recall that you had a
5 professional services arrangement to
6 consult with the CIA?

7 A. Yes.

8 Q. Okay. And what was the
9 purpose of that arrangement? What did
10 you do for them? And don't discuss any
11 particular assets or anything, just, you
12 know, generally what did you do?

13 A. They were asking me to help
14 them revise the strategies they were
15 using for surreptitious validation of
16 potential assets.

17 Q. For surreptitious
18 validation? Does that mean just
19 assessing assets?

20 A. Without them necessarily
21 knowing.

22 Q. Got it. So then after 9/11,
23 I think you mentioned earlier that you
24 were commissioned to review the

1 Manchester manual?

2 A. Yes, sir.

3 Q. Is that right? Why were you
4 chosen for that, if you know?

5 A. Because of my background in
6 resistance training.

7 Q. Uh-huh. And in that
8 capacity, you worked with Mr. Hubbard?

9 A. I worked with Dr. Jessen.

10 Q. Uh-huh. Did you -- were you
11 approached by Mr. Hubbard to take that
12 position?

13 A. He was my contract manager.

14 Q. Which meant he did what?

15 A. Which means he was in OTS
16 and he managed my contract, he told me
17 what to do.

18 Q. And that's the same
19 Mr. Hubbard that worked for you
20 afterwards?

21 A. He eventually came to work
22 for us, yes.

23 Q. And you produced in
24 December 2009, a paper entitled

1 "Recognizing and Developing Counter-
2 measures to Al-Qaeda Resistance to
3 Interrogation Techniques, a Resistance
4 Training Perspective," right?

5 A. Sure.

6 Q. Do you remember that?

7 A. Yes, sir.

8 Q. And actually --

9 A. We have the document.

10 Q. I'm about to show it to you.
11 So if you could get that.

12 MR. LUSTBERG: So this is
13 Exhibit 9.

14 (Exhibit No. 9, Article
15 entitled Recognizing and
16 Developing Countermeasures to
17 Al-Qaeda Resistance to
18 Interrogation Techniques: A
19 Resistance Training Perspective,
20 was marked for identification.)

21 BY MR. LUSTBERG:

22 Q. Let me know when you're
23 ready. It's quite heavily redacted.

24 A. Yes.

1 yourself?

2 A. No. In fact -- never mind.

3 Q. Go ahead, you can finish.

4 You were saying in fact something else?

5 A. You didn't ask me a
6 question. I was just trying to be a
7 good --

8 Q. Well, my question is: What
9 were you going to say after you said in
10 fact? That's my question.

11 A. Well, I know people have
12 quibbled about this \$1,800 a day. But in
13 fact, that was less than they were paying
14 other psychologist to deploy to do
15 behavioral -- behavioral consultation on
16 interrogations like at Gitmo.

17 So when this \$1,800 a day
18 was established, it wasn't for me to be
19 an interrogator, it was for me to provide
20 psychological consultation, you know, to
21 the interrogation team, and it's based on
22 what they paid other psychologists, not
23 based on a number that I pulled out of
24 the air.

1 Q. Okay. So these numbers were
2 the numbers that were basically told to
3 you by somebody at the CIA?

4 A. I asked other contract
5 psychologists what they were -- I mean, I
6 just wanted to know.

7 Q. I can understand. And some
8 of them were making even more than that,
9 you say?

10 A. Yes. Several of them were
11 making a couple thousand dollars. But
12 this was not -- this is not a lot of
13 money to a guy like me. I mean, some of
14 the contracts that I had, you could
15 easily make \$3,000 a day. I mean, there
16 was only five or six SERE psychologists
17 and they were in pretty high demand as
18 subcontractors. So \$1,800 is --

19 Q. So why did you agree to such
20 a low number?

21 A. Because it was -- we were in
22 the midst -- we were a couple of months
23 after 9/11, there had been a catastrophic
24 attack and the CIA when they brought me

1 into that room and asked me if I would do
2 it, Jennifer Matthews gave me a briefing
3 on the threat index, and she told me that
4 they had credible evidence that Al-Qaeda
5 was planning another catastrophic attack
6 and that could potentially involve a
7 nuclear weapon and that the country
8 needed me to go, so I went.

9 Q. So you charged \$1,800 a day,
10 which was less really as a matter of
11 patriotism, right?

12 A. Yes. I mean, I don't know
13 that it was a matter of patriotism, but
14 that's what I charged.

15 Q. So when you arrived, the FBI
16 was interrogating -- I mean, not
17 specifically at that moment, but they
18 were in the -- it was in the course of
19 the FBI interrogations of Abu Zubaydah,
20 correct?

21 MR. SMITH: Objection.

22 THE WITNESS: I don't know
23 what the FBI was doing at the time
24 when I arrived. You know, he

1 was -- I -- I rode over with an
2 contingent of people who included
3 a hospitalist. Abu Zubaydah was
4 dying. They were not conducting
5 routine interrogations of Abu
6 Zubaydah, they were snatching one
7 or two words while he was
8 conscious.

9 BY MR. LUSTBERG:

10 Q. So --

11 A. Because what you're
12 suggesting is -- here's what you're
13 suggesting: You're suggesting that the
14 FBI was interrogating a dying man.

15 Q. I wasn't suggesting
16 anything, I was just asking.

17 A. Okay.

18 Q. So you're saying that there
19 was no -- there was no real interrogation
20 going on at that time?

21 A. I think he was drifting in
22 and out of consciousness and it was very
23 difficult to ask him questions.

24 Q. Okay.

1 meeting?

2 A. Jose Rodriguez asked me to
3 accompany him to a meeting in the
4 director the CIA's office. In that
5 meeting, he laid out to the director of
6 the CIA that -- that they felt that it
7 was -- the CIA felt it was necessary to
8 increase the pressure. He told him that
9 I was going to help them put together
10 some techniques, I think he might have
11 even told him -- I don't remember whether
12 he told I was -- I think he must have
13 told him I was going to do it, so it
14 would have been after that point when he
15 asked me to.

16 Several days passed after he
17 asked me to do it and Bruce Jessen was
18 allowed to come onboard. So -- and then
19 he described the techniques or had me
20 describe the techniques, and they were
21 waiting for his approval to go ahead
22 before they did anything else on
23 determining the legality or doing the
24 other things that they were going to do

1 to check out whether or not they wanted
2 to go forward with it.

3 Q. Okay. During that meeting,
4 did you tell him that these techniques
5 were based upon techniques that had been
6 used in the SERE program?

7 A. Yes.

8 Q. Okay. And did he ask any
9 questions about that?

10 A. He asked me what they were
11 and I demonstrated what they were. I
12 think I demonstrated a couple of stress
13 positions, I demonstrated an attention
14 grab. I think -- I don't recall what --
15 I don't recall what some of the other
16 techniques were. Maybe it will refresh
17 my memory if I look at them.

18 Yeah, I think I showed him
19 what a facial hold was. I'm sure they
20 went over -- he clearly had been briefed
21 before as to specifically what they were
22 because he seemed to know.

23 Q. Okay. Is it -- during the
24 course of -- so let me just go back and

1 make sure I understand.

2 Was there a discussion in
3 that meeting of the fact that these were
4 SERE program techniques?

5 A. I believe so. I mean, I
6 don't know that I said it, but it was the
7 sort of thing that Jose or somebody else
8 would have said if I didn't.

9 Q. Was there any discussion in
10 the meeting about whether the use of
11 these SERE techniques -- strike that.

12 Was there any discussion
13 about whether they could be used safely,
14 whether the idea of this -- in other
15 words, what was the relevance of the fact
16 that they were SERE techniques, why was
17 that important?

18 A. Okay. That's two questions.

19 Q. Okay. Either one. Take
20 either one. What was the significance of
21 the fact that they were SERE techniques?
22 Why is that -- again, why is that an
23 important fact?

24 A. I think it's important

1 because they had been used for years
2 without, you know, producing significant
3 problems.

4 Q. Was there any discussion
5 about whether the application of SERE
6 techniques, which had been able to be
7 used for many years without producing
8 problems, might nonetheless produce
9 problems in a different setting where the
10 subject is not there voluntarily?

11 A. I don't recall that
12 discussion.

13 Q. Did you -- did you mention
14 that?

15 A. I don't recall mentioning
16 that.

17 Q. How about -- just going back
18 to the SERE techniques for a moment.

19 A. Are we still talking about
20 the meeting with Director Tenent?

21 Q. If you want to it be.

22 A. No, I'm just asking you,
23 when you say go back to the SERE
24 techniques.

1 A. I disagree with the -- the
2 suggestion that we were architects
3 because we weren't breaking new ground,
4 you know, in the sense that architects
5 do.

6 What we did, regardless of
7 what phrase somebody else decides to use
8 to describe it, is we provided them with
9 a list of techniques that they should
10 consider in our view using if they were
11 going to use coercive techniques.

12 And then I'll just run
13 through the whole thing, they eventually
14 asked us if we would do them, we did
15 them, and then they wanted to replicate
16 that program.

17 So if that's what Mr. Rizzo
18 thinks is the original architect, he'll
19 have to explain why he thinks that label
20 applies, not me.

21 Q. When you -- if you just go a
22 little bit further down in that paragraph
23 we were just looking at.

24 A. Which one is that?

1 correct?

2 A. After 2005 it is.

3 Q. Okay. What did you do after
4 2005?

5 A. After 2005 when the chief
6 interrogator for RDG got fired, for once
7 again using an unapproved technique, the
8 Chief of Special Missions came to me and
9 Bruce and asked us if we would help them
10 with their training program. So we
11 helped them with their training program.

12 You have a document that I
13 produced called something like Five
14 Things Interrogators Need to Know About
15 Memory. So -- interrogators and
16 debriefers I think it's called. They
17 produced it for us the last time they had
18 a big document dump.

19 And in that I go over some
20 of the key things that interrogators and
21 debriefers can expect, and that's the
22 sort of stuff we taught in the class with
23 the debriefers. You know, essentially
24 we -- by that point we were used to doing

1 Q. This is the third
2 paragraph --

3 A. Is this Exhibit 22 still?

4 Q. Yes, sir.

5 A. Okay.

6 Q. So the -- we read through
7 where it talks about in the manner that
8 does not violate and so forth. The next
9 sentence says:

10 "They have been instrumental
11 in training and mentoring other CIA
12 interrogators and debriefers, and many of
13 the current successes in obtaining
14 information from detainees who are
15 actively trying to withhold or distort
16 it, but due to the interrogations
17 conducted by Drs. Mitchell and Jessen."

18 Do you see that?

19 A. Yes.

20 Q. So let's take the first part
21 of that sentence where it says:

22 "They have been instrumental
23 in training and mentoring other CIA
24 interrogators and debriefers; is that

1 custodial -- well, debriefings of the
2 detainees.

3 Like even with Abu Zubaydah,
4 under the worst case -- condition, he was
5 subjected to EITs for I think 14 days. I
6 know the document says 17, but they don't
7 take into account the days in the middle
8 that we weren't doing those.

9 And then for another
10 1,609 days, he was debriefed using the
11 social influence skills that we taught
12 their -- well, actually, it wouldn't have
13 been until after 2004, but you know,
14 using the social influence skills,
15 initially with our help sitting in there
16 with the debriefers.

17 And I think that's what they
18 mean by mentoring because each of these
19 detainees, these high value detainees
20 that I -- that I either interrogated or
21 helped in the debriefing of, all had
22 different personalities, they all had
23 different ways you had to approach them,
24 and the debriefers turned over and turned

1 Q. Abdominal slap, that was on
2 the list?
3 A. I'd have to look at the
4 list, but okay.
5 Q. Well, I mean, you don't --
6 you're not sure whether that was -- these
7 were on the list?
8 A. I think abdominal slap was
9 on the list, yeah.
10 Q. Facial slap, that was on the
11 list. We talked about that before.
12 A. Right.
13 Q. Stress positions, that was
14 on the list?
15 A. Yes.
16 Q. Cramped confinement, that
17 was on the list?
18 A. Yes.
19 Q. Water dousing, that was on
20 the list?
21 A. No.
22 Q. Okay. Water dousing was not
23 on the list?
24 A. No.

1 Q. Are you sure?
2 A. Absolutely.
3 Q. What -- walling, that was on
4 the list?
5 A. Yes.
6 Q. And waterboard, that was on
7 the list?
8 A. Yes.
9 Q. Okay. And -- and the Xs
10 show which of those enhanced
11 interrogation techniques were used with
12 each of these two -- two men, right?
13 MR. SMITH: Objection.
14 THE WITNESS: Yes.
15 BY MR. LUSTBERG:
16 Q. So --
17 MR. LUSTBERG: Did you get
18 the answer? Okay. Thank you.
19 BY MR. LUSTBERG:
20 Q. And you're saying that with
21 the -- with the exception of water
22 dousing, all of these other things were
23 on your list, right?
24 A. They were on the list that

1 we provided.
2 Q. That's what I mean. When I
3 say your list, you know that I'm
4 referring to the list that you provided
5 to the --
6 A. I actually don't know what
7 you're referring to.
8 Q. Okay. Well -- okay. I want
9 to -- just a couple other areas we want
10 to cover and then we'll be -- we'll be
11 done.
12 You mentioned earlier in our
13 conversation about a document that you --
14 was taken from your home and that you
15 wanted to provide but you haven't been
16 able to, right?
17 A. There's several of those
18 documents.
19 Q. Uh-huh. The documents, as a
20 general matter, don't -- nothing specific
21 because we haven't seen them, what types
22 of documents did you have at your home?
23 A. I had documents that were
24 unclassified if not associated with the

1 program, but might be classified if they
2 were.
3 Q. And what -- and how could
4 you have had documents that might be
5 classified in your home?
6 A. Well, they're unclassified
7 because I put them together from open --
8 open source material, and they didn't
9 mention the CIA, so by themselves, a
10 non-coercive interrogation manual
11 wouldn't be classified. But if you say,
12 this is the interrogation manual that was
13 provided the CIA, then they get to choose
14 whether or not it's classified.
15 Q. Uh-huh. Now, when did
16 they -- when did they come and get these
17 from your home?
18 A. Months ago. It's been
19 weeks.
20 Q. Mid-October?
21 MR. SCHUELKE: Two months.
22 THE WITNESS: Is it two
23 months? Yeah.
24 BY MR. LUSTBERG:

CERTIFICATE

I HEREBY CERTIFY that the witness was duly sworn by me and that the deposition is a true record of the testimony given by the witness.

It was requested before completion of the deposition that the witness, JAMES E. MITCHELL, have the opportunity to read and sign the deposition transcript.

Constance S. Kent, CCR, RPR, CLM
Certified Court Reporter
Registered Professional Reporter
Certified LiveNote Reporter
and Notary Public in and for the
Commonwealth of Pennsylvania
Dated: January 18, 2017



(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

ERRATA
PAGE LINE CHANGE

Table with 24 rows for recording page and line changes. Each row contains three horizontal lines for text entry.

ACKNOWLEDGMENT OF DEPONENT

I, _____, do hereby certify that I have read the foregoing pages, 1 - 426, and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

JAMES E. MITCHELL DATE

Subscribed and sworn to before me this _____ day of _____, 20____.
My commission expires: _____

Notary Public

EXHIBIT 3

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

SULEIMAN ABDULLAH SALIM,)
 et al.,)
)
 Plaintiffs,)
)No. 2:15-cv-286-JLQ
 v.)
)
 JAMES E MITCHELL and)
 JOHN JESSEN,)
)
 Defendants.)

~~~~~

VIDEOTAPED DEPOSITION OF JOHN RIZZO

March 20, 2017

10:06 a.m.

Blank Rome LLP  
 1825 Eye Street, Northwest  
 Washington, D.C. 20006

Reported by: Lori J. Goodin, RPR, CLR, CRR  
 Realtime Systems Administrator  
 Assignment Number: 305772

1 from the Department of Justice, and I  
2 represent the United States government in  
3 connection with this case. On behalf of the  
4 United States government, I have with me here  
5 today Joseph Sweeney, Cody Smith, Heather  
6 Walcott and Meagan Beckman.

7 Although the United States  
8 government is not a party to this case. We  
9 are here today in order to represent the  
10 interests of the United States.

11 We understand the questions in this  
12 deposition will cover topics related to  
13 Mr. Rizzo's career as an attorney with the  
14 Central Intelligence Agency.

15 Given the sensitive nature of the  
16 positions Mr. Rizzo held while with the CIA  
17 and the information he acquired while in  
18 those positions, we are here today to protect  
19 against the unauthorized disclosure of the  
20 classified, protected, or privileged  
21 government information.

22 To guide the parties in the  
23 deposition, we provided the parties with  
24 classification guidance from the CIA, which  
25 we premarked as Exhibit 1.

1 THE VIDEOGRAPHER: Okay. Will the  
2 court reporter please swear in the witness.

3 JOHN RIZZO,  
4 a witness called for examination, having been  
5 first duly sworn, was examined and testified as  
6 follows:

7 (United States Exhibit Number 1  
8 premarked for identification.)

9 MR. WARDEN: What I have disclosed  
10 is, marked as Exhibit 1, classification  
11 guidance from the Central Intelligence Agency  
12 that provides a list of categories of  
13 information about the CIA's detention and  
14 interrogation program that remains  
15 classified, and a list of categories of  
16 information that is now unclassified.

17 The government would issue a  
18 continuing instruction at the outset of this  
19 deposition that in response to any questions,  
20 the government instructs the witness,  
21 Mr. Rizzo, not to answer with reference to  
22 any of the information identified as  
23 classified in the guidance.

24 And we reserve the right to object  
25 to any questions posed to Mr. Rizzo

1 consistent with his nondisclosure agreements  
2 with the government, and instruct Mr. Rizzo  
3 not to answer any questions that would tend  
4 to call for the disclosure of classified,  
5 protected, or privileged government  
6 information.

7 MR. SMITH: Just as a point of  
8 order, Mr. Warden, in the past with these  
9 depositions, we had an understanding that if  
10 the government had any concern about the  
11 question that was asked, and the anticipated  
12 answer, to just simply raise your hand. That  
13 will signal to the witness that the  
14 government may have a concern, and until you  
15 tell us how you want to proceed, the room  
16 will be quiet.

17 MR. WARDEN: We appreciate that,  
18 Mr. Smith. Thank you.

19 MR. SMITH: Great.

20 EXAMINATION

21 BY MR. LADIN:

22 Q. All right. Good morning, Mr. Rizzo.

23 A. Good morning.

24 Q. My name is Dror Ladin. I am an  
25 attorney with the ACLU. Here with me are my

1 colleagues, Mr. Frey, Mr. Lustberg, Ms. Shamsi  
2 and Mr. Watt. And we represent the plaintiffs in  
3 the matter Salim v. Mitchell.

4 You are represented by counsel  
5 today. And I'm sure you have been prepared, but  
6 just so we are clear, I'm going to go through  
7 some of the instructions on the deposition.

8 Have you ever been deposed before?

9 A. No, not at deposition, no.

10 Q. Okay. As you see, we have a  
11 stenographer here, and she will transcribe  
12 everything that is said today.

13 We also have a videographer, who  
14 will be recording your testimony. If this case  
15 goes to trial in the future, it is possible that  
16 your testimony could be introduced through the  
17 transcript or video.

18 Do you understand that?

19 A. Yes.

20 Q. And, I'm going to be asking you  
21 questions today. And you will be providing  
22 responses. Your responses are under oath, and  
23 you should treat it just as if you were  
24 testifying in court. It is the same solemn oath  
25 that would apply, even though we are in a less

1 BY MR. SMITH:  
 2 Q. Mr. Rizzo, stay with me on this.  
 3 A. Okay.  
 4 Q. You were presented this memo in  
 5 connection with Abu Zubaydah, correct?  
 6 A. Yes.  
 7 Q. And Abu Zubaydah was -- what was his  
 8 category of detainee?  
 9 A. He was a high value detainee.  
 10 Q. And these, these 12 techniques were  
 11 related to what kind of detainees?  
 12 A. High value detainees.  
 13 Q. And initially when you first looked  
 14 at them and you were asked to opine on the  
 15 legality of them, it was solely for Abu Zubaydah;  
 16 isn't that right?  
 17 A. That's correct.  
 18 Q. And then I think you testified that  
 19 you went to the Justice Department because you  
 20 wanted to get an opinion from the Justice  
 21 Department to protect people within the CIA about  
 22 the legality, right?  
 23 A. Yes, yes.  
 24 Q. And you ultimately got that Bybee  
 25 memo, right?

1 A. I did.  
 2 Q. And then thereafter, the, these  
 3 techniques were expanded to be used on other high  
 4 value detainees; is that correct?  
 5 A. Correct.  
 6 Q. During the period of time that you  
 7 were at the CIA and acting as counsel, were these  
 8 techniques that are set forth in Exhibit  
 9 Number 17, ever expanded to be used on any  
 10 detainees other than high value detainees?  
 11 A. No.  
 12 Q. Okay.  
 13 A. I should note that Number 12 was a  
 14 mock burial. That --  
 15 Q. Right. And that was eliminated.  
 16 And I think that was on the record.  
 17 And I want to go to, I want to go to  
 18 Exhibit Number 38.  
 19 A. Okay.  
 20 Q. And I want to talk about process.  
 21 Okay.  
 22 MR. BENNETT: What is 38?  
 23 MR. SMITH: 38 is, lays out the road  
 24 map for, if we are going to use enhanced  
 25 interrogation techniques and other standard

1 techniques, this is what the CIA wants  
 2 everybody to do after.  
 3 BY MR. SMITH:  
 4 Q. Do you have that exhibit before you?  
 5 A. I'm looking. Is this the  
 6 January '03?  
 7 MR. HANNER: Yes, it is Exhibit N to  
 8 your declaration.  
 9 MR. BENNETT: N.  
 10 THE WITNESS: Okay, I have that.  
 11 BY MR. SMITH:  
 12 Q. And you are familiar with this  
 13 document.  
 14 A. Yes.  
 15 Q. And the reason you are familiar with  
 16 it in your capacity as Counsel for the CIA during  
 17 the time in question?  
 18 A. Yes.  
 19 Q. Mr. Rizzo, I want to just make a  
 20 couple of points here. First I want to talk  
 21 about is architect. You, I think in your book  
 22 said you are the legal architect of the enhanced  
 23 interrogation program?  
 24 A. I think, yes, I think that is --  
 25 yes.

1 Q. Can you tell me what you meant by  
 2 that?  
 3 A. Well, I was the, yeah, I was the,  
 4 certainly the primary lawyer at CIA in the  
 5 position of leadership, frankly, the only lawyer  
 6 who was involved in the program from its  
 7 inception to its conclusion, seven years later.  
 8 Q. So, let me ask you.  
 9 When you went to the Justice  
 10 Department to get their view on the legality of  
 11 these enhanced interrogation techniques, if they  
 12 would have said no, they are illegal, what would  
 13 you have done?  
 14 A. I would have said thank you very  
 15 much, and that would have been the end of that.  
 16 We wouldn't be sitting here.  
 17 Q. Who was the architect then, them or  
 18 you?  
 19 A. Well, I think I referred to myself  
 20 as the CIA's legal architect.  
 21 Obviously the Justice Department is  
 22 the ultimate legal arbiter.  
 23 Q. Okay. Now I want to talk about your  
 24 understanding of process.  
 25 By January of 2003, obviously there

1 were procedures that were now in writing as  
 2 embodiments in Exhibit 38; is that right?  
 3 A. Correct.  
 4 Q. Were these procedures actually being  
 5 followed prior to the preparation of Exhibit  
 6 Number 38?  
 7 A. Yes.  
 8 Q. Okay.  
 9 A. Yes.  
 10 Q. But someone made the decision to  
 11 memorialize them in a document?  
 12 A. Yes, that's correct.  
 13 Q. Who made that decision?  
 14 A. I believe actually it was made by  
 15 January 2003, we did have a new General Counsel,  
 16 Mr. Moller.  
 17 Q. Okay.  
 18 A. I believe, to give him credit, he  
 19 was the one, he had arrived shortly before that  
 20 in November. He said we should get all of this,  
 21 get the existing procedures down in writing.  
 22 Q. I see. So, it wasn't Dr. Mitchell  
 23 who made this decision?  
 24 A. No.  
 25 Q. I see. So, let's go to the second

1 page of Exhibit Number 38.  
 2 Do you see where it talks about  
 3 permissible interrogation techniques?  
 4 A. Right.  
 5 Q. And it says, "Unless otherwise  
 6 approved by headquarters, CIA officer and other  
 7 personnel acting on behalf of CIA may use only  
 8 permissible interrogation techniques."  
 9 Do you see that?  
 10 A. Yes.  
 11 Q. Was Dr. Mitchell part of this  
 12 approval process?  
 13 A. The approval process for the --  
 14 Q. Where it says, unless otherwise  
 15 approved by headquarters, CIA officers, or other  
 16 personnel acting on behalf of the CIA -- well  
 17 actually I misread that. Let me start again.  
 18 "Unless otherwise approved by  
 19 headquarters, CIA officers and other personnel  
 20 acting on behalf of the CIA may use only  
 21 permissible interrogation techniques."  
 22 Do you see that?  
 23 A. I do.  
 24 Q. So, headquarters had to approve the  
 25 techniques, right?

1 A. That's correct.  
 2 Q. Okay. Dr. Mitchell didn't approve  
 3 the techniques, right?  
 4 A. No.  
 5 Q. Dr. Jessen didn't approve the  
 6 techniques, right?  
 7 A. No.  
 8 Q. Okay. And then if you read on, it  
 9 says what the permissible techniques are. Do you  
 10 see that?  
 11 A. I see that.  
 12 Q. Now, who decided what the standard  
 13 techniques were that were permissible within the  
 14 meaning of this memo?  
 15 A. Well, CTC did.  
 16 Q. Headquarters did, right?  
 17 A. Headquarters, CTC.  
 18 Q. Correct. Not Dr. Mitchell, right?  
 19 A. No, CTC.  
 20 Q. Right. When you say CTC, you mean  
 21 that people that were responsible for running the  
 22 day-to-day affairs of the Counter Terrorism  
 23 Center, right?  
 24 A. Staff officers in the Counter  
 25 Terrorism Center.

1 Q. And so the record is crystal clear,  
 2 not Dr. Mitchell, right?  
 3 A. Correct.  
 4 Q. And not Dr. Jessen?  
 5 A. That's correct.  
 6 Q. Okay. And then if you look at the  
 7 standard techniques, there are a series of them  
 8 called out.  
 9 And I will mention some. Isolation,  
 10 sleep deprivation, not to exceed 72 hours,  
 11 reduced caloric intake, so long as the amount is  
 12 calculated to maintain the general health of the  
 13 detainee, deprivation of reading material, use of  
 14 loud music or white noise. Let me stop right  
 15 there.  
 16 You can read them as well as I can,  
 17 right?  
 18 A. Right.  
 19 Q. Who determined that these techniques  
 20 were the techniques that would be used as  
 21 standard techniques?  
 22 Is this headquarters again?  
 23 A. It was headquarters. It wasn't me.  
 24 But it was headquarters, yes.  
 25 Q. And who from headquarters can you

1 were given to me by my counsel. I assume they  
2 came out of the litigation.

3 Q. And do you have any knowledge of  
4 whether Dr. Mitchell and Dr. Jessen's lawyers  
5 were part of the process of crafting your  
6 declaration, even if you didn't speak with them  
7 personally?

8 A. No. I mean, I relied on the  
9 guidance from my attorneys.

10 Q. Okay. So you don't know whether  
11 they were consulted?

12 A. No, I don't.

13 MR. LADIN: Okay. That is all.

14 MR. BENNETT: I very much  
15 appreciate.

16 THE VIDEOGRAPHER: This concludes  
17 the video deposition of John Rizzo. The time  
18 now is 3:04 p.m.

19 (Whereupon, signature having been waived,  
20 the deposition concluded at 3:04 p.m.)

21 \* \* \*

1 CERTIFICATE OF COURT REPORTER

2  
3 UNITED STATES OF AMERICA )  
4 DISTRICT OF COLUMBIA )

5 I, LORI J. GOODIN, the reporter before  
6 whom the foregoing deposition was taken, do  
7 hereby certify that the witness whose testimony  
8 appears in the foregoing deposition was sworn by  
9 me; that the testimony of said witness was taken  
10 by me in machine shorthand and thereafter  
11 transcribed by computer-aided transcription; that  
12 said deposition is a true record of the testimony  
13 given by said witness; that I am neither counsel  
14 for, related to, nor employed by any of the  
15 parties to the action in which this deposition  
16 was taken; and, further, that I am not a relative  
17 or employee of any attorney or counsel employed by  
18 the parties hereto, or financially or otherwise  
19 interested in the outcome of this action.

20  
21 \_\_\_\_\_  
22 LORI J. GOODIN  
23 Notary Public in and for the  
24 District of Columbia

25 My Commission expires: May 14, 2021

# **EXHIBIT 4**

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 203

1 VIDEOGRAPHER: You want to go on the  
 2 record?  
 3 MR. SMITH: Oh, yeah, we should.  
 4 VIDEOGRAPHER: Here begins day No. 2  
 5 in the video deposition of Suleiman Abdullah  
 6 Salim. We are back on the record. The time  
 7 is 9:06 a.m.  
 8 SULEIMAN ABDULLAH SALIM,  
 9 a witness called for examination by counsel  
 10 for the defendant, having been previously duly  
 11 sworn, was examined and testified as follows:  
 12 CONTINUED EXAMINATION  
 13 BY MR. SMITH:  
 14 Q. Mr. Salim, good morning.  
 15 A. Good.  
 16 Q. Are you ready to proceed today, sir?  
 17 A. I'm ready.  
 18 Q. Are you feeling well and believing that you  
 19 can continue to give your deposition?  
 20 A. I think I can.  
 21 Q. Okay. Mr. Salim, between the time we left  
 22 last evening and the time now that we're  
 23 starting day 2 of your deposition, have you  
 24 discussed your testimony with anyone?

Page 204

1 A. I think nobody.  
 2 Q. Are you not sure?  
 3 A. Nobody.  
 4 Q. All right. Mr. Salim, while you were held at  
 5 the facility that you refer to as "darkness,"  
 6 did you attempt to commit suicide?  
 7 A. Yes.  
 8 Q. Can you tell me what happened?  
 9 A. Yes, I can. You know, I had a lot of pain in  
 10 my fingers, so they were giving me ibuprofen  
 11 800 grams, so I decided to hide them under my  
 12 pants. And then, one day, I decided that,  
 13 today, I can take all of them. That's what I  
 14 did.  
 15 Q. How many pills did you take, Mr. Salim?  
 16 A. I can't remember, but they were many.  
 17 Q. Who gave you these pills?  
 18 A. I don't know the person, but that person is  
 19 the one that was bringing food.  
 20 Q. Mr. Salim, do you have any factual basis to  
 21 claim that my clients, Drs. Mitchell and  
 22 Jessen, were in any way involved in this  
 23 activity?  
 24 Let me withdraw that question.

Page 205

1 Mr. Salim, is it your contention  
 2 that Drs. Mitchell and Jessen are responsible  
 3 in any way for providing those pills to you or  
 4 what followed?  
 5 MR. HOFFMAN: Objection. You can  
 6 answer it.  
 7 THE WITNESS: I can't tell who was  
 8 responsible for telling them to give me this  
 9 medication.  
 10 BY MR. SMITH:  
 11 Q. Mr. Salim, do you know what an interrogatory  
 12 is?  
 13 INTERPRETER ODANGA: For the  
 14 interpreter, can you just break the word a  
 15 little bit, in layman term? To interrogate,  
 16 is that what you said?  
 17 MR. SMITH: I asked Mr. Salim if he  
 18 knows what an interrogatory is, Margaret.  
 19 INTERPRETER ODANGA: Yeah, but I'm  
 20 saying can you break the word for me.  
 21 MR. SMITH: Break the word?  
 22 INTERPRETER ODANGA: Interrogatory.  
 23 MR. SMITH: Oh. An interrogatory is  
 24 a formal question in --

Page 206

1 INTERPRETER ODANGA: Like  
 2 interrogate?  
 3 MR. SMITH: -- America that needs to  
 4 be answered under oath.  
 5 INTERPRETER ODANGA: Okay.  
 6 (Translating.)  
 7 THE WITNESS: No, I don't. I don't.  
 8 INTERPRETER ODANGA: He said he  
 9 doesn't understand.  
 10 MR. SMITH: Okay. Let me show you  
 11 what we're going to mark in the case as  
 12 Exhibit No. 6.  
 13 (Whereupon, Salim Exhibit No. 6 was  
 14 marked for identification.)  
 15 BY MR. SMITH:  
 16 Q. Mr. Salim, do you recognize what's been marked  
 17 as Exhibit No. 6?  
 18 A. I don't recognize.  
 19 Q. Turn, if you would -- let me just identify  
 20 Exhibit No. 6 as "Plaintiff Suleiman Abdullah  
 21 Salim's Objections and Responses to  
 22 Defendants' Interrogatories."  
 23 Have you ever seen this document  
 24 before today, Mr. Salim?

| Page 263                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Page 265                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 Q. Mr. Salim, are you seeking, as part of your<br/>2 damages in this case, to recover for symptoms<br/>3 relating to weakness and fatigue?<br/>4 A. Yes.<br/>5 Q. Are you presently experiencing symptoms<br/>6 relating to weakness and fatigue?<br/>7 A. Yes.<br/>8 Q. Can you describe for me those symptoms?<br/>9 A. I just feel like I'm so tired and the whole<br/>10 body is painful.<br/>11 Q. And are you getting any medical treatment for<br/>12 this condition?<br/>13 A. Traditional herbs.<br/>14 Q. Can you tell me what you mean by that?<br/>15 A. Traditional medicine.<br/>16 Q. What kind of medicine?<br/>17 A. Just like herbs.<br/>18 Q. Herbs?<br/>19 A. Yeah.<br/>20 Q. Okay. Have you sought any medical advice<br/>21 related to this condition?<br/>22 A. No.<br/>23 Q. Mr. Salim, I want to ask you about your eating<br/>24 habits. Do you eat regular meals every day?</p> | <p>1 A. I eat fish and soup in the morning.<br/>2 Q. And how about for dinner?<br/>3 A. It depends. Sometimes fish and bread or fish<br/>4 with something else.<br/>5 Q. Okay. And do you drink water?<br/>6 A. Sometimes I drink, sometimes just a little.<br/>7 Q. And what other types of beverages do you drink<br/>8 in addition to water?<br/>9 A. I don't really drink that much. Sometimes I<br/>10 drink juice, but just sometimes.<br/>11 Q. Mr. Suleiman, have you ever asked your -- a<br/>12 doctor whether or not some of these<br/>13 conditions, like dizziness and headaches and<br/>14 fatigue, were related to your diet?<br/>15 A. Which doctor?<br/>16 Q. Any doctor.<br/>17 A. I've never.<br/>18 Q. You never asked?<br/>19 A. I don't remember.<br/>20 Q. Do you know what a flashback is?<br/>21 A. Yes.<br/>22 Q. What is a flashback?<br/>23 A. Like thinking of something that happened<br/>24 before.</p>                   |
| Page 264                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Page 266                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p>1 A. I eat every day.<br/>2 Q. Okay. For example, today, did you have any<br/>3 meals?<br/>4 A. Yes.<br/>5 Q. Okay. And can you describe for me what your<br/>6 -- how many meals a day you have?<br/>7 A. Most of the time, twice.<br/>8 Q. Okay.<br/>9 A. A day.<br/>10 Q. And is that breakfast and dinner?<br/>11 A. Yes.<br/>12 Q. May I ask you, what did you have for breakfast<br/>13 today?<br/>14 A. Fine.<br/>15 Q. What did you have?<br/>16 A. Banana.<br/>17 Q. One banana?<br/>18 A. They brought bananas that were cut in pieces,<br/>19 so I don't know whether they were -- the<br/>20 number.<br/>21 Q. Okay. And is that, typically, what you have<br/>22 for breakfast?<br/>23 A. Ever since I came here, I've been having that.<br/>24 Q. Okay. How about back home?</p>                                                                                                               | <p>1 Q. Okay. Do you experience flashbacks?<br/>2 A. Yes.<br/>3 Q. And what do you flash back to?<br/>4 A. It depends.<br/>5 Q. What does it depend upon?<br/>6 A. Depends with what I'm -- what I'm thinking at<br/>7 that time.<br/>8 Q. But do you tend to flash back to one<br/>9 particular thing or many things?<br/>10 A. Most of the time, one thing.<br/>11 Q. Okay. And what is that thing?<br/>12 A. Tortured, being tortured.<br/>13 Q. So what happened to you at darkness?<br/>14 A. Most of the time, yes.<br/>15 Q. And what -- if it's not a flashback to<br/>16 darkness, what is the flashback to?<br/>17 A. Bagram and salt pit.<br/>18 Q. Okay. When is the last time you had a<br/>19 flashback to Bagram?<br/>20 A. Today.<br/>21 Q. Can you describe for me what happened?<br/>22 A. I -- (translating.) I was seeing myself like<br/>23 I'm in a cell in Bagram. I was seeing myself<br/>24 like I was in a cell in Bagram.</p> |

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.)  
 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: MARCH 15, 2017  
 7 WITNESS: SULEIMAN ABDULLAH SALIM REF: 18304  
 8 PAGE LINE FROM TO  
 9 \_\_\_\_\_  
 10 \_\_\_\_\_  
 11 \_\_\_\_\_  
 12 \_\_\_\_\_  
 13 \_\_\_\_\_  
 14 \_\_\_\_\_  
 15 \_\_\_\_\_  
 16 \_\_\_\_\_  
 17 \_\_\_\_\_  
 18 \_\_\_\_\_  
 19 \_\_\_\_\_  
 20 \_\_\_\_\_  
 21 \_\_\_\_\_  
 22 SULEIMAN ABDULLAH SALIM  
 23 Subscribed and sworn to before me  
 24 this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

25 (Pages 287 to 289)

# **EXHIBIT 5**

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

## 1 PROCEEDINGS

2 VIDEOGRAPHER: Here begins day two  
3 in the deposition of Mohamed Ahmed Ben Soud.  
4 We're back on the record. The time is 8:59.

5 MS. SHAMSI: I wanted to just put on  
6 the record a proposal that I have made to  
7 Mr. Smith, which is that in the interest of  
8 both accuracy and moving things along fairly,  
9 that he consider using our interpreter or at  
10 least trying out our interpreter for part of  
11 the day. And Mr. Smith is considering the  
12 proposal.

13 MR. SMITH: Yeah. Let me -- let me  
14 just state for the record that there are two  
15 interpreters here. And as the record will  
16 demonstrate from yesterday, any time that the  
17 interpreter for the ACLU thought that there  
18 may be some question about the accuracy of the  
19 interpretation, I urged him to speak up, and  
20 he did.

21 I don't know how many times he spoke  
22 up, but I don't think it was very many,  
23 counsel, and so I'm struggling to understand  
24 your concerns about accuracy, but I'm mindful.

1 I want the record to be accurate.

2 Again, I'll urge you, sir, if you  
3 think that something is being inaccurately  
4 interpreted, please speak up.

5 And what I would ask is that the two  
6 interpreters at the next break confer and see  
7 if the two of you agree that if we substituted  
8 you into my interpreter's chair and her into  
9 your chair, if that would make things proceed  
10 more quickly. If you two can agree on that,  
11 then that's something that I would certainly  
12 consider, because we want to get this  
13 completed as quickly as we can.

14 So, with that, why don't we march on  
15 and we'll see where that takes us.

16 MS. SHAMSI: I appreciate that, Jim,  
17 and I think the interest factor of seeing it  
18 move along are ones we all share.

19 MR. SMITH: Yeah, but I -- I want to  
20 make clear, I don't think there's anything  
21 about the record that's inaccurate so far.

22 MS. SHAMSI: I think there were a  
23 couple of things where it was sort of -- and  
24 an interpretation can be hard, I very much

1 understand and respect that, but I think that  
2 precise words that Mr. Ben Soud was using, may  
3 have been using, were not reflected because  
4 the interpreter was, perhaps, thinking out  
5 loud on the way to arriving at the final word,  
6 which is what got reflected in the -- in the  
7 transcript or the record.

8 And I can go back a little bit later  
9 on today, I don't want to hold it up, but  
10 later on today when I would like to do some  
11 clean-up of the transcript and sort of iron  
12 out those issues.

13 MR. SMITH: Okay. Do you speak  
14 Arabic?

15 MS. SHAMSI: I do not.

16 MR. SMITH: Okay. And I don't  
17 either. And it would seem to me that if  
18 you're aware of that, it's because it was  
19 brought to your attention by the interpreter,  
20 your interpreter.

21 MS. SHAMSI: That's correct.

22 MR. SMITH: And I've urged your  
23 interpreter to bring these types of concerns  
24 promptly to everyone's attention, and I

1 thought that he did.

2 So why don't we just leave it at  
3 that, for now, and we'll see where all this  
4 takes us. Fair enough?

5 MS. SHAMSI: Fair enough for now,  
6 yes.

7 (Witness previously sworn.)

8 MOHAMED AHMED BEN SOUD,  
9 a witness called for examination by counsel  
10 for the defendants, having been previously  
11 duly sworn, was examined and testified as  
12 follows:

13 CONTINUED EXAMINATION

14 BY MR. SMITH:

15 Q. Mr. Soud, good morning.

16 A. Good morning.

17 Q. Did you get a good night's rest?

18 A. Yes. (In Arabic.)

19 Q. So I want to pick up --

20 A. Yes.

21 Q. I want to pick up where we left yesterday,  
22 left off yesterday. You were taken to a  
23 facility sometime, I guess, in September of  
24 2003 by the CIA?

| Page 250                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Page 252                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 within the context of laughter and making<br/>2 jokes.<br/>3 Q. Do you know the names of those doctors?<br/>4 A. No.<br/>5 Q. Was there any ailment that you had from the<br/>6 time you left prison in 2011 up through 2016<br/>7 in which you thought you needed to see a<br/>8 doctor?<br/>9 A. I had pain in my back, in my legs,<br/>10 inflammation in my sinus, and headache.<br/>11 Q. When did you have this pain in your back?<br/>12 A. At intervals.<br/>13 Q. During what years?<br/>14 A. In all the years.<br/>15 Q. How frequently do you have this pain in your<br/>16 back?<br/>17 A. On average, the light pain is a continuous<br/>18 pain, but the stronger fits, on average, like<br/>19 every three months.<br/>20 Q. And where in your back does it hurt?<br/>21 A. The lower back of the -- the lower back.<br/>22 Q. Have you ever considered going to see a doctor<br/>23 to find out what, if anything, is wrong with<br/>24 your back?</p>                                                | <p>1 A. Yes, it happens to me periodically.<br/>2 Q. Now, you said that you also experience pain in<br/>3 your legs?<br/>4 A. Yes.<br/>5 Q. Both legs?<br/>6 A. Yes.<br/>7 Q. Where in your legs?<br/>8 A. Pain in the knees and pain in the left leg,<br/>9 the area of the foot.<br/>10 Q. So pain where you were shot in your foot?<br/>11 A. Yes.<br/>12 Q. And is it pain in both knees?<br/>13 A. Yes. And the left one, more so.<br/>14 Q. And when did you start experiencing this pain<br/>15 in your knees?<br/>16 A. Since the prison of Cobalt.<br/>17 Q. And has the pain continued since Cobalt?<br/>18 A. Yes.<br/>19 Q. And how frequently do you experience pain in<br/>20 your knees?<br/>21 A. Pain in my left knee recur when I got exposed<br/>22 to the cold or performing the prayer, and the<br/>23 left knee would pain me sometimes.<br/>24 Q. What about your right knee?</p>                                                           |
| Page 251                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Page 253                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>1 A. No. Never.<br/>2 Q. When did your -- when did you start to<br/>3 experience this pain in your back?<br/>4 A. It was continuous.<br/>5 Q. Starting when?<br/>6 A. It -- it was when I were in prison in Cobalt,<br/>7 the hanging, the continuous shackling with a<br/>8 position of squatting, shackled to the wall,<br/>9 and the cold icy water.<br/>10 Q. So you're saying that cold icy water caused<br/>11 you to have pain in your back?<br/>12 A. I think so.<br/>13 Q. And did this back pain continue when you went<br/>14 to -- when you left Cobalt?<br/>15 A. Up till -- up till now, it's continuous.<br/>16 Q. And has it always been the same periodically?<br/>17 A. It became a little bit less.<br/>18 Q. When did it become less?<br/>19 A. When I went out and I was able to obtain a<br/>20 good system of heating to protect myself from<br/>21 cold, the cold.<br/>22 Q. And, presently, is it fair to say that this<br/>23 back pain that you experience is on a periodic<br/>24 basis?</p> | <p>1 A. My right knee, as well. When I am exposed to<br/>2 the cold, it recurs from time to time.<br/>3 Q. How frequently do you experience pain in your<br/>4 knees?<br/>5 A. My left one, I have a constant pain and it<br/>6 would increase when I pray, when I do -- when<br/>7 I perform the movements of the praying or when<br/>8 I am exposed to the cold.<br/>9 MS. SHAMSI: Jim, before you ask<br/>10 your next question, when it gets loud again,<br/>11 would you just speak up a little bit, because<br/>12 I can't hear you.<br/>13 MR. SMITH: Sure.<br/>14 BY MR. SMITH:<br/>15 Q. Did you experience pain in your left knee<br/>16 today?<br/>17 A. Yes. At the times of praying, I feel the pain<br/>18 when praying.<br/>19 Q. Do you participate in any sporting activities?<br/>20 A. No.<br/>21 Q. Do you play any sporting activities with your<br/>22 children?<br/>23 A. Light sports at home, but I do not join in any<br/>24 sports.</p> |

Page 302

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.

Page 303

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.)  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24

Page 304

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

Page 305

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 \_\_\_\_\_  
 11 \_\_\_\_\_  
 12 \_\_\_\_\_  
 13 \_\_\_\_\_  
 14 \_\_\_\_\_  
 15 \_\_\_\_\_  
 16 \_\_\_\_\_  
 17 \_\_\_\_\_  
 18 \_\_\_\_\_  
 19 \_\_\_\_\_  
 20 \_\_\_\_\_  
 21 \_\_\_\_\_  
 22 MOHAMED AHMED BEN SOUD  
 23 Subscribed and sworn to before me  
 24 this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.  
 25 \_\_\_\_\_  
 Notary Public

# **EXHIBIT 6**

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

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

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

*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

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.

No. 2:15-CV-286-JLQ

**PLAINTIFF MOHAMED AHMED BEN  
SOUD'S RESPONSES TO DEFENDANT  
JESSEN'S REQUESTS FOR ADMISSION**

Pursuant to Federal Rules of Civil Procedure 26 and 36, Plaintiff Mohamed Ahmed Ben Soud ("Plaintiff") hereby submits the following responses and objections to the Requests for Admission ("the Requests") served by Defendant John "Bruce" Jessen ("Defendant"). These responses are made within the limits of, and subject to, the general and specific objections set forth below.

Subject to and without waiving these objections, Plaintiff denies this request, because Defendants made decisions about how and when and upon whom to apply particular techniques.

**REQUEST FOR ADMISSION NO. 4:** Admit that neither Defendant participated in any of Your interrogations while You were in detention.

**RESPONSE:** Plaintiff objects to this Request on the ground that the term “participated” is ambiguous and undefined. Subject to and without waiving this objection, this request is admitted, with the qualification that Defendants designed and implemented the EIT Program that was applied to Plaintiff.

**REQUEST FOR ADMISSION NO. 5:** Admit that aside from the Defendants, You have not sought to hold anyone else liable for any potential injuries You may have suffered as a result of Your rendition, detention, or interrogation.

**RESPONSE:** Admitted.

**REQUEST FOR ADMISSION NO. 6:** Admit that neither Defendant has been indicted, charged, or otherwise convicted with any crime in connection with Your rendition, detention, or interrogation.

**RESPONSE:** Plaintiff objects to this Request on the ground that it seeks an admission of matters that are irrelevant and outside the scope of Rule 26(b)(1). *See* Fed. R. Civ. P. 36(a)(1).

Subject to and without waiving this objection, this Request is admitted.

**REQUEST FOR ADMISSION NO. 7:** Admit that the CIA authorized all techniques utilized during any of Your interrogation(s).

**RESPONSE:** Plaintiff objects to this Request on the ground that it seeks an admission of a legal conclusion as to whether the referenced techniques were authorized. Plaintiff further objects to this Request on the ground that it is vague, as the term “technique” is undefined.

Subject to and without waiving these objections, Plaintiff denies this Request. For example, Plaintiff was strapped to a waterboard and threatened, which was not an authorized technique.

**REQUEST FOR ADMISSION NO. 8:** Admit that the DOJ authorized all techniques utilized during any of Your interrogation(s).

**RESPONSE:** Plaintiff objects to this Request on the ground that it seeks a legal conclusion as to whether the referenced techniques were authorized. Plaintiff further objects to this Request on the ground that it is vague, as the term “technique” is undefined.

Subject to and without waiving these objections, Plaintiff denies this Request. For example, Plaintiff was strapped to a waterboard and threatened, which was not an authorized technique.

**REQUEST FOR ADMISSION NO. 9:** Admit that the SSCI Report represents the opinions of a non-party to this matter.

**RESPONSE:** Admitted in part and denied in part. Plaintiff admits that the SSCI is a non-party, but denies that the Report represents an opinion.

**REQUEST FOR ADMISSION NO. 10:** Admit that when the SSCI Report was prepared information related to the CIA’s EIT Program remained classified.

**REQUEST FOR ADMISSION NO. 14:** Admit that Your capture, rendition, detention and interrogation took place outside of the United States.

**RESPONSE:** Admitted.

**REQUEST FOR ADMISSION NO. 15:** Admit that names that remain completely redacted in documents produced by the government in discovery in this case do not refer to either Defendant.

**RESPONSE:** Plaintiff has made reasonable inquiry into the information he knows or can readily obtain, including the documents produced in discovery in this matter, but without access to the original unredacted documents produced by the government in discovery, Plaintiff cannot be certain which names were redacted. Therefore, he and lacks sufficient knowledge to admit or deny this Request.

Emily Chiang, WSBA No. 50517  
echiang@aclu-wa.org  
AMERICAN CIVIL LIBERTIES UNION OF  
WASHINGTON FOUNDATION  
901 Fifth Avenue, Suite 630  
Seattle, WA 98164

/s Lawrence S. Lustberg  
Lawrence S. Lustberg, admitted *pro hac vice*  
llustberg@gibbonslaw.com  
GIBBONS P.C.  
One Gateway Center  
Newark, NJ 07102

*Attorneys for Plaintiffs*

Dated: February 13, 2017

# **EXHIBIT 7**

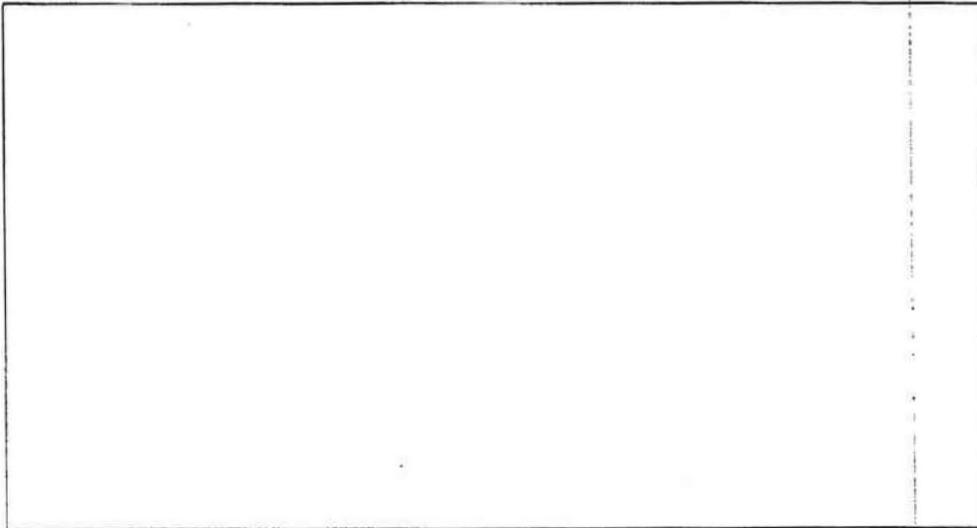
TOP SECRET [redacted] NF

(TS/[redacted]/NF) Role of Mitchell, Jessen, and Associates in CTC [redacted] RDG program

(TS/[redacted]/NF) Background: A/OGC requested background information on the role of Mitchell, Jessen, and Associates in the CTC [redacted] RDG program, in anticipation of a briefing for Senator Levin on 20 June. CTC [redacted] RDG provides the following information for A/OGC's review.

(TS/[redacted]/NF) CTC [redacted] RDG determined the need to contract an outside source of professional expertise in the area of human exploitation, interrogation, and management of terrorist High Value Detainees (HVDs) in ways that facilitate intelligence collection. Trained and experienced pools of experts necessary to carry out the exploitation mission do not reside in CIA, nor is it considered part of CIA's core mission. Mitchell, Jessen, and Associates (MJA), established in March 2005 by Drs. James E. Mitchell and J. Bruce Jessen, was granted a sole source contract to support CTC's rendition, detention, and interrogation program.

(TS/[redacted]/NF) CTC [redacted] RDG has primarily relied since its inception on contract interrogators to provide the necessary skills in human influence and exploitation to elicit information from resistant HVD's. Ph.D psychologists, Drs. Mitchell and Jessen played a significant and formative role in the development of CTC's detention and interrogation program and continue to lead in the development of additional psychologically-based strategies to collect threat and actionable intelligence from HVDs in a manner that does not violate any federal law, the US Constitution, or any US treaty obligation. They have been instrumental in training and mentoring other CIA interrogators and debriefers, and many of the current successes in obtaining information from detainees who are actively trying to withhold or distort it, are due to the interrogations conducted by Drs. Mitchell and Jessen.



TOP SECRET [redacted] NF

Exhibit No. 22  
Date 1/14/17 CSK

UNCLASSIFIED // FOR PUBLIC RELEASE

TOP SECRET [REDACTED] /NF

(TS/[REDACTED]/NF) CTC/[REDACTED] therefore sought a sole source contract with MJA to provide the critical interrogation, and security exploitation skills necessary to perform this mission. To date, MJA provides 100 percent of the security exploitation personnel operating at CIA's Blacksites, and approximately 80 percent of CIA's interrogators [REDACTED] of the [REDACTED] current interrogators do not work for MJA). Most of the current security exploitation specialists now working for MJA on this contract are former [REDACTED] officers who had experience working CTC/RDG's program when [REDACTED] provided the security support. Finally, MJA is also contracted to provide security support to RDG rendition missions, which is separate from the exploitation security specialist role.

(TS/[REDACTED]/NF) Drawing on their complete understanding of this compartmented program, as well as their unique background, experiences, practices, and continued covert influence strategy research, MJA is also responsible for developing and providing, as directed by RDG, [REDACTED]

[REDACTED]

(TS/[REDACTED]/NF) MJA provides approximately [REDACTED] personnel in direct support of the RDG mission. This includes [REDACTED] interrogators, [REDACTED] security exploitation specialists, [REDACTED] training officers [REDACTED] operating out of RDG Hqs spaces, and [REDACTED] specialists (who work primarily for [REDACTED] vice RDG.) RDG currently employs [REDACTED] staff officers; 1 who serves as a Blacksite manager, and the rest in Hqs management, support, facilities, or desk officer positions. RDG also employs other, non-MJA contract assistance at both Hqs and Blacksites, which are limited to support and debriefer roles.

(TS/[REDACTED]/NF) MJA, on this contract, also provides interrogation resistance training at their Spokane facility to other [REDACTED] components such as CTC [REDACTED]

(TS/[REDACTED]/NF) Bottomline: MJA is critical to the continued success of RDG's rendition, detention and interrogation program. MJA provides the vast majority of interrogators, provides all/all the security exploitation specialists responsible for handling detainees at Blacksites, in consultation with RDG develops and conducts the necessary training to ensure both interrogators and exploitation specialists are properly trained, and prepared to effectively operate in the field, and is responsible for continuing to research and develop new influence strategies as interrogation tools, to help obviate the need for physical pressures. They also play a significant role in providing resistance training to other [REDACTED] [REDACTED] MJA is a cornerstone for the success of the RDG mission.

TOP SECRET/[REDACTED]/NF