

Exhibit BB

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

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

Plaintiffs,

vs.

JAMES ELMER MITCHELL and JOHN
"BRUCE" JESSEN,

Defendants.

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DEPOSITION OF OBAIDULLAH

New York, New York

January 31, 2017

Reported by:

Linda Salzman, RPR

Job No. 17896

1 Obaidullah
2 commander of Hekmatyar.

3 Q. Okay.

4 You were in school during the
5 time that your uncle was the driver for
6 Dr. Baheer, correct?

7 A. Yes.

8 Q. So you don't know what they did
9 during the day when you weren't with them,
10 correct?

11 A. No, I don't.

12 Q. Okay.

13 You told me earlier that you've
14 read various documents on the internet
15 relating to your uncle, correct?

16 A. Yes.

17 Q. Do you recall reading any
18 documents that said that the U.S.
19 government thought that your uncle was
20 involved with Al Qaeda?

21 A. No.

22 MR. PASZAMANT: Let's mark this
23 as Obaidullah 5.

24 (Obaidullah Exhibit 5, Document,
25 marked for identification, as of this

1 Obaidullah

2 date.)

3 BY MR. PASZAMANT:

4 Q. Please take a moment to look at
5 what I marked as Exhibit No. 5. Is this
6 one of the documents you recall reading
7 regarding your uncle?

8 A. I don't think so.

9 Q. Turn, if you would, to the page
10 bearing Bates label 1007.

11 MR. LADIN: Bates label is this
12 at the bottom.

13 BY MR. PASZAMANT:

14 Q. Paragraph 22, sir. Could you
15 read that to me, please? Well, actually,
16 let's do this differently. I apologize
17 because of the translator. It reads:

18 "Gul Rahman was a Hezb Islami
19 official from Logar Province, Afghanistan,
20 who was known to interact with and support
21 Al Qaeda."

22 A. Gul Rahman is not from Wardak.
23 He was from Logar.

24 Q. This document was produced to me
25 by the United States Central Intelligence

1 Obaidullah

2 Agency.

3 MR. LADIN: Brian, for the
4 record, I think there's actually a
5 version of it that came from the
6 Freedom of Information Act because it
7 has the freedom of -- this was
8 produced by us.

9 MR. PASZAMANT: I've got it 58
10 different ways. I'm mistaken, and
11 your counsel properly corrected me.

12 BY MR. PASZAMANT:

13 Q. This document was produced by
14 your attorneys to me in connection with
15 this lawsuit. And you'll see at the top
16 of the page it says, "Death Investigation
17 Gul Rahman," correct?

18 You told me earlier today that
19 you thought things contained in
20 investigations were correct and accurate,
21 am I right?

22 A. Yes.

23 Q. And here it says that your uncle
24 was a Hezb Islami official from Wardak
25 Province, Afghanistan, who was known to

1 Obaidullah

2 interact with and support Al Qaeda.

3 Correct?

4 A. He was not from Wardak.

5 Q. I understand. But the rest of
6 it says that he was known to interact with
7 and support Al Qaeda.

8 Do you see that?

9 A. Yes, I can see the documents.

10 Q. Then it says in the next
11 sentence:

12 "He was known to be a close
13 associate of Gulbuddin Hekmatyar and Abd
14 Al-Rahman Al-Nadji."

15 Did I read that correctly?

16 THE INTERPRETER: I can't
17 remember the other name.

18 MR. PASZAMANT: Al Nadji.

19 A. I don't know. It's just saying
20 in the report, but I don't know.

21 Q. Exactly.

22 But investigations in your mind
23 are accurate, correct?

24 A. I can't accept that my uncle
25 would work with Al Qaeda.

1 Obaidullah

2 Q. So this part of this
3 investigation is not accurate in your
4 mind?

5 A. No, no ways.

6 Q. What other investigations aren't
7 accurate?

8 MR. LADIN: Object. Wait, wait.
9 Do you note the objections?

10 COURT REPORTER: Of course.

11 A. You should ask the questions
12 from the CIA people that made the
13 investigation.

14 Q. But earlier you told me that the
15 CIA investigations are accurate, as you
16 understand it, correct?

17 A. I didn't say regarding this. I
18 was talking about how he was tortured and
19 violated, not this part. I was talking
20 about his tortures.

21 Q. I see.

22 So when the CIA investigation
23 says that your uncle was tortured, that
24 you accept. But when it says that he was
25 known to interact with and support Al

1 Obaidullah

2 Qaeda, that you don't accept.

3 Do I have that right?

4 A. I can't accept it because they
5 says he's from Wardak Province. He's not
6 from Wardak. Maybe they have mistake on
7 that one, on that part.

8 Q. Okay.

9 So the mistake is that he's not
10 from Wardak Province and the rest of it is
11 accurate in your mind, correct?

12 MR. LADIN: Objection.

13 You can answer.

14 A. My opinion is my uncle was not
15 involved with Al Qaeda. He was working,
16 that's correct, he was working with
17 Hekmatyar. He was the bodyguard. I
18 accept that he was working --

19 Q. Turn to 2, please, turn to the
20 page labeled "United States 1279" on the
21 bottom right.

22 Exhibit 2 is a report from an
23 investigation by the Central Intelligence
24 Agency Inspector General. Correct?

25 THE INTERPRETER: I'm sorry. I

1 Obaidullah
2 need help with that. Explaining this
3 situation.

4 MR. LADIN: Do you know how to
5 say "central intelligence"?

6 MR. SIDDIQI: (Translating.)

7 A. Yes.

8 Q. Do you see on page bearing Bates
9 label 1279, second line, it says:

10 "Rahman was considered an Al
11 Qaeda operative."

12 A. Yes.

13 Q. Here do you believe that this
14 investigation concluded that he was an Al
15 Qaeda operative?

16 MR. LADIN: I object for the
17 record.

18 You can answer.

19 MR. PASZAMANT: Are we at an
20 impasse? I don't know what just
21 transpired here other than your
22 objection.

23 A. My uncle worked with Hezb
24 Islami, but he was not working with Al
25 Qaeda.