

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

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

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

17 *Attorneys for Plaintiffs*

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

20 JAMES ELMER MITCHELL and JOHN
21 "BRUCE" JESSEN

22 Petitioners

23 v.

24 UNITED STATES OF AMERICA,

25 Respondent.
26

No. 16-MC-0036-JLQ

DECLARATION OF DROR LADIN REGARDING DEFENDANTS' THIRD AND FOURTH MOTIONS TO COMPEL

Motion Hearing:
To Be Scheduled At Court's Discretion

1 **Related Case:**

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

6 Plaintiffs,

7 v.

8 JAMES ELMER MITCHELL and JOHN
9 "BRUCE" JESSEN

10 Defendants.
11

Related Case: No. CV-15-
0286-JLQ

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

4 1. I am an attorney with the American Civil Liberties Union Foundation,
5 and represent Plaintiffs in this matter. I submit this declaration in support of
6 Plaintiffs' Brief Regarding Defendants' Motions to Compel.
7

8 2. Attached hereto as Exhibit A are true and correct copies of excerpts
9 from Plaintiffs' Responses to Defendant Jessen's Requests for Admission, dated
10 February 13, 2017.
11

12 3. Attached hereto as Exhibit B is a true and correct copy of a document
13 produced by the CIA pursuant to Defendants' subpoena, titled MJA (Mitchell,
14 Jessen & Associates) and labelled with U.S. Bates numbers 001908–001910.
15

16 4. Attached hereto as Exhibit C is a true and correct copy of a document
17 produced by the CIA pursuant to Defendants' subpoena. It is titled "Description
18 of Physical Pressures," signed by Jim Mitchell, and labelled with U.S. Bates
19 numbers 001109–001111.
20

21 5. Attached hereto as Exhibit D is a true and correct copy of a document
22 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY -
23 SITREP ON ABU ZUBAYDAH" and labelled with U.S. Bates numbers
24 002379–002381.
25
26

1 6. Attached hereto as Exhibit E is a true and correct copy of a document
2 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY -
3 STATUS OF THE AGGRESSIVE INTERROGATION PHASE; TRANSITION
4 INTO MAINTENANCE AND LONG TERM DEBRIEFING" and labelled with
5 U.S. Bates numbers 002382-002384.
6

7
8 7. Attached hereto as Exhibit F is a true and correct copy of a document
9 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY -
10 INTERROGATION SUPPORT" and labelled with U.S. Bates numbers 001891-
11 001892.
12

13 8. Attached hereto as Exhibit G is a true and correct copy of a document
14 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY -
15 DCI GUIDELINES FOR THE CONDUCT OF INTERROGATIONS" and
16 labelled with U.S. Bates numbers 001170-001174.
17

18 9. Attached hereto as Exhibit H is a true and correct copy of a page
19 produced by the CIA pursuant to Defendants' subpoena, titled "EITs USED
20 WITH CIA DETAINEES" and labelled with U.S. Bates number 001609.
21

22 10. Attached hereto as Exhibit I is a true and correct copy of a document
23 produced by the CIA pursuant to Defendants' subpoena, titled "EIT briefing for
24 SECSTATE" and labelled with U.S. Bates numbers 001175-001177.
25
26

1 11. Attached hereto as Exhibit J is a true and correct copy of a document
2 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY -
3 GUL RAHMAN ADMITS HIS IDENTITY" and labelled with U.S. Bates
4 numbers 001075-001077.
5

6 12. Attached hereto as Exhibit K is a true and correct copy of a document
7 produced by the CIA pursuant to Defendants' subpoena, titled "RAHMAN
8 DEATH INVESTIGATION - INTERVIEW OF JOHN B. JESSEN" and
9 labelled with U.S. Bates numbers 001047-001053.
10

11 13. Attached hereto as Exhibit L is a true and correct copy of a document
12 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY -
13 NON- COMPLIANCE OF GUL RAHMAN" and labelled with U.S. Bates
14 numbers 001072-001074.
15

16 14. Attached hereto as Exhibit M is a true and correct copy of a document
17 produced by the CIA pursuant to Defendants' subpoena, titled "EYES ONLY -
18 FOR CTC/UBL - MENTAL STATUS EXAMINATION AND
19 RECOMMENDED INTERROGATION PLAN FOR GUL RAHMAN" and
20 labelled with U.S. Bates numbers 001056-001058.
21
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1 15. Attached hereto as Exhibit N is a true and correct copy of an excerpt
2 of a declaration provided by Jose Rodriguez to Defendants in this matter, dated
3
4 January 24, 2017.

5 16. Attached hereto as Exhibit O is a true and correct copy of an excerpt
6 of a declaration provided by John Rizzo to Defendants in this matter, dated
7
8 January 23, 2017.


9 17. On March 20, 2017, the Parties deposed John Rizzo. A certified
10 transcript is not yet available, but based on my review of the rough transcript
11 and my memory of the deposition I attest to the following exchange:
12

13 Q [Defendants' counsel]: so, is it fair to say that every decision about
14 when and how and to whom these techniques were going to be utilized
15 was made by headquarters?

16 A [Mr. Rizzo]: That is fair to say, yes.

17 * * *

18 I declare under penalty of perjury that the foregoing is true and correct.
19

20
21 
22 Dror Ladin

23 Dated: March 27, 2017
24 New York, New York
25
26