

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

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SULEIMAN ABDULLAH SALIM,
MOHAMED AHMED BEN SOUD, OBAID
ULLAH (as Personal
Representative of GUL RAHMAN),

Plaintiffs,

Civil Action No.

vs.

2:15-CV-286-JLQ

JAMES ELMER MITCHELL and
JOHN "BRUCE" JESSEN,

Defendants.

- - - - - x

DEPOSITION OF MOHAMED AHMED BEN SOUD

VOLUME I

January 31, 2017

Reported by:

Jane M. Borrowman, RPR, CSR

Job no: 17957

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DEPOSITION OF: MOHAMED AHMED BEN SOUD
LOCATION: Held at the Fort Young Hotel
Victoria Street
Roseau, Dominica, West Indies
DATE: January 31, 2017
TIME: 9:33 a.m.

1 APPEARANCES:

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1 ALSO PRESENT:

2 Ms. Nevine Ibrahim, Arabic Interpreter

3 Mr. Bashar Alhalabi, Arabic Interpreter

4 Mr. Bill Slater, Videographer

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WITNESS: MOHAMED AHMED BEN SOUD
Examination by Mr. Smith 8

EXHIBITS: None marked.

P R O C E E D I N G S

1
2 VIDEOGRAPHER: This is the video
3 operator speaking, Bill Slater, of
4 TransPerfect Legal Solutions. Today's date is
5 January 31st, 2017. The time is approximately
6 9:33 a.m.

7 We are here today at the Fort Young
8 Hotel, on the island of Dominica, to take the
9 videotaped deposition of Mohamed Ahmed Ben
10 Soud in the matter of Suleiman Abdullah Salim,
11 et al., versus James E. Mitchell and John
12 Jessen, in the United States District Court,
13 Eastern District of Washington, No.
14 CV-15-0286-JLQ.

15 Will counsel please voice identify
16 yourselves and state whom you represent.

17 MR. SMITH: Jim Smith for the
18 defendants.

19 THE DEFENDANT: Charisse Alexander
20 for the defendants.

21 MS. SHAMSI: Hina Shamsi for the
22 plaintiffs.

23 MR. WATT: Steven Watt for the
24 plaintiffs.

1 MR. FREY: Avram Frey for the
2 plaintiffs.

3 VIDEOGRAPHER: The court reporter
4 today is Jane Borrowman. She will swear in
5 the witness and interpreter and we can
6 proceed.

7 (Whereupon, NEVINE IBRAHIM was duly
8 sworn to interpret the questions from English
9 into Arabic, and the answers of the witness
10 from Arabic into English.)

11 (Witness sworn.)

12 MS. SHAMSI: I just want to put on
13 the record that we will also have here Bashar
14 Alhalabi, who is an interpreter, and you and I
15 have agreed that he can sit next to Mr. Ben
16 Soud and if there are issues that arise with
17 the interpretation, he will raise them.

18 MR. SMITH: Yes. Yes. We agreed to
19 that.

20 What I would ask, sir, is if you
21 will promptly raise them so we can sort them
22 out immediately so we have a complete record.

23 MR. ALHALABI: Absolutely.

24 MR. SMITH: Fair enough?

1 MR. ALHALABI: Yes, sir.

2 MOHAMED AHMED MOHAMED BEN SOUD,
3 a witness called for examination by counsel
4 for the Defendants, being first duly sworn,
5 was examined and testified as follows:

6 EXAMINATION

7 BY MR. SMITH:

8 Q. Would you state your name for the record,
9 please.

10 A. My name is Mohamed Ahmed Mohamed Ben Soud.

11 Q. Mr. Soud, my name is Jim Smith and I represent
12 the defendants in an action that's been
13 brought in the United States of America in a
14 federal district court in the state of
15 Washington.

16 Are you aware that you're a
17 plaintiff in that action, sir?

18 A. Yes.

19 Q. And you're aware that you're here to give a
20 deposition today?

21 A. Yes.

22 Q. Have you ever given a deposition before,
23 Mr. Soud?

24 A. Yes.

1 Q. Can you tell me when?

2 MR. ALHALABI: That was not right.

3 INTERPRETER: No?

4 MR. ALHALABI: No. It was no.

5 INTERPRETER: No. The interpreter,
6 correction for the record, the witness said
7 no.

8 BY MR. SMITH:

9 Q. Have you ever testified before under oath?

10 A. No.

11 Q. Has anyone explained to you the significance
12 of testifying under oath?

13 A. Yes.

14 INTERPRETER: The interpreter was
15 asking for raising his voice.

16 Q. And do you understand that you have an
17 obligation to testify completely and
18 truthfully?

19 A. Yes.

20 Q. And do you understand that there could be
21 penalties in the event that you do not?

22 INTERPRETER: The interpreter added
23 the sentence "where the penalty is to be
24 administered if the testimony is not complete

1 and truthful."

2 COURT REPORTER: What is the answer?

3 Did he say yes?

4 A. Yes.

5 Q. The witness said yes?

6 A. Yes.

7 Q. Okay.

8 MS. SHAMSI: Was that in addition to
9 what Mr. Smith said?

10 INTERPRETER: He just did not follow
11 the previous sentence. The previous sentence,
12 explained.

13 MS. SHAMSI: I see.

14 INTERPRETER: I will take a note not
15 to, sure.

16 BY MR. SMITH:

17 Q. Mr. Soud, today, I'm going to be asking you a
18 series of questions. From time to time, your
19 lawyers may be placing objections to my
20 questions on the record and, presumably,
21 you'll be giving answers.

22 Everything that everyone says while
23 we're on the record is taken down by the
24 official court reporter, who is the person

1 directly opposite to me at this table.

2 Do you understand that?

3 A. Yes.

4 Q. If I ask you a question that you don't
5 understand, please tell me and I will work
6 with you to rephrase the question to make sure
7 that the answer that you're giving is to the
8 question or a question that you fully
9 understand.

10 (Translation.)

11 Q. Did the witness answer?

12 A. Yes. Exactly.

13 Q. Thank you.

14 INTERPRETER: Attorney, would you
15 please try to make the statements in chunks?

16 MR. SMITH: Sure.

17 INTERPRETER: So the interpreter can
18 write.

19 MR. SMITH: Of course, yeah. Just
20 tell me if I'm going on too much.

21 INTERPRETER: Sure. Sure.

22 BY MR. SMITH:

23 Q. If I ask you a question that you don't hear,
24 just tell me and I'll have the court reporter

1 read it back.

2 (Translation.)

3 Q. Is there an answer?

4 A. All right.

5 Q. It's important that you give verbal responses
6 to the questions that I ask rather than
7 nonverbal forms of communication, such as nods
8 of the head. Fair enough?

9 A. Yes.

10 Q. Thank you.

11 If I ask you a question that you
12 perceive as being vague or ambiguous, just
13 tell me and I'll rephrase the question to
14 attempt to eliminate that vagueness or
15 ambiguity.

16 A. Okay.

17 Q. And, Mr. Soud, if at any time you need to take
18 a break, just tell me and we'll take a break,
19 as long as it's not in the middle of a pending
20 question. Fair enough?

21 A. Yes.

22 Q. Mr. Soud, are you taking any medication today
23 that would affect your ability to recall
24 events?

1 A. No.

2 Q. Mr. Soud, did you do anything to prepare for
3 today?

4 A. I did not understand the question.

5 Q. You're giving a deposition today. Did you
6 take any steps to prepare for today's
7 testimony?

8 A. I do not understand the question. I do not.

9 MR. SMITH: Okay. So maybe you guys
10 can help me.

11 Q. What I'm trying to understand is if, prior to
12 today or this morning, he read any documents
13 or did anything else to get himself ready to
14 testify.

15 A. Today?

16 Q. And leading up to today.

17 A. Yes.

18 MR. SMITH: Does he know about the
19 attorney/client privilege?

20 MS. SHAMSI: He does, but I think
21 that might be a little bit of what might be --

22 MR. SMITH: Okay.

23 MS. SHAMSI: -- confusing. So I
24 think --

1 (Translation.)

2 MR. SMITH: Well, why don't we go
3 off the record and you can give him guidance
4 on how to answer the question "what did he do
5 to prepare for today," so we don't have a
6 privilege issue.

7 Fair enough?

8 MS. SHAMSI: Yeah.

9 VIDEOGRAPHER: The time is 9:46.
10 We're off the record.

11 (Counsel conferring with deponent.)

12 VIDEOGRAPHER: We're back on the
13 record. The time is 9:51.

14 MR. SMITH: Madam court reporter,
15 could I ask you to read the question that was
16 pending.

17 (Whereupon, the following was read
18 by the court reporter as requested:

19 "QUESTION: What I'm trying to
20 understand is if, prior to today or
21 this morning, he read any documents
22 or did anything else to get himself
23 ready to testify.

24 "ANSWER: Today?

1 "QUESTION: And leading up to today.

2 "ANSWER: Yes.")

3 BY MR. SMITH:

4 Q. Could you explain to me what you did?

5 A. I met with the group of lawyers.

6 Q. When did you meet with the lawyers?

7 A. The past days, at the hotel.

8 Q. Which days did you meet?

9 A. On Thursday, Friday, Saturday and Sunday.

10 Q. And how long did you meet on Thursday with the
11 lawyers?

12 A. A few hours.

13 Q. And by a few, does that mean three or four or
14 five or more?

15 A. More than four hours.

16 Q. Okay. Can he be any more precise in terms of
17 the amount of hours on Thursday that he met?

18 A. Of course, I spent the time with them, it was
19 in intervals, hours, but not continuous hours.
20 There was some time for rest, some time for
21 lunch and some time for prayers.

22 Q. So what time did you start on Thursday and
23 what time did the meeting end?

24 A. I started about 9:30 -- excuse me -- ten

1 o'clock a.m.

2 Q. And what time did the meeting conclude?

3 A. About 5 p.m.

4 Q. And on Friday, what time did the meeting
5 start?

6 A. Nearly, about the same -- about the same time.

7 Q. And what time did the meeting conclude on
8 Friday?

9 A. About five o'clock, as well.

10 Q. Okay. And is the same true on Saturday and
11 Sunday, that you started around ten and
12 finished around five?

13 A. On Sunday, I had a meeting with a doctor here.

14 Q. So let me direct your attention to Saturday.
15 Did you meet with the lawyers on Saturday?

16 A. Yes. Yes. Yes.

17 Q. And did the meeting start at ten and end
18 around five?

19 A. Yes.

20 Q. And between ten and five, there were breaks
21 for food and for prayer?

22 A. Yes.

23 Q. And what time did the meeting start on Sunday
24 with the lawyers?

1 A. It started, I think, at one or two.

2 Q. And what time -- what time did the meeting
3 conclude?

4 A. About -- about five o'clock.

5 Q. Okay. And during the meetings on Thursday,
6 Friday, Saturday and Sunday, were you shown
7 any documents?

8 A. Yes. Some of the documents, yes.

9 Q. Can you identify for me the documents that you
10 were shown?

11 A. Like legal or federal documents the group of
12 lawyers had shown me.

13 Q. Can you identify those documents with any more
14 precision?

15 A. Documents that related to the interrogations
16 that the CIA took with me.

17 Q. Had you ever seen those documents before the
18 lawyers showed them to you?

19 A. No.

20 Q. Were you shown any other documents in addition
21 to the documents from the CIA?

22 A. No.

23 Q. Mr. Soud, I want to ask you some questions
24 about your background, now.

1 Are you known by any other names
2 other than the one that you've identified
3 yourself as today?

4 A. Yes.

5 Q. Can you tell me by what other names you're
6 known? And could I ask that you spell it,
7 spell those names for the court reporter.

8 A. Mohamed Ahmed Al-Shareaia.

9 MR. SMITH: Could I ask you to spell
10 that, madam, for the court reporter.

11 INTERPRETER: First, M-A-H-A-M-E-D.

12 MR. SMITH: M-A or M-O?

13 INTERPRETER: M-O-H-A-M-E-D.

14 Middle, A-H-M-E-D.

15 MR. SMITH: I'm sorry.

16 INTERPRETER: Last --

17 MR. SMITH: The middle is?

18 INTERPRETER: Ahmed, A-H-M-E-D.

19 Last, A-L-S-H-A-R-E-A-I-A.

20 MR. SMITH: Could I -- could I ask,
21 on the spelling of the last name, is it -- you
22 said S-H-A-R. Is it S-H-U-R or A-R?

23 MR. ALHALABI: A-R.

24 MR. SMITH: Oh, it is A-R. Okay.

1 Did she spell it right?

2 MR. ALHALABI: She did, but I mean,
3 in --

4 MR. SMITH: It's spelled wrong in my
5 outline, then, so I'll move on.

6 MR. ALHALABI: It's not necessarily
7 wrong, but when you translate from Arabic into
8 English, names --

9 MR. SMITH: Got it.

10 MR. ALHALABI: -- can change
11 somehow.

12 INTERPRETER: Yes.

13 MR. SMITH: Okay. Thank you. Thank
14 you. I just want to be as precise as we can.

15 BY MR. SMITH:

16 Q. And is Mr. Soud known by any other names?

17 A. Yes. Mohamed Ahmed Ben Soud.

18 Q. Could you spell that, please.

19 INTERPRETER: First and middle
20 spelling as previous.

21 MR. SMITH: Yes.

22 INTERPRETER: And Ben Soud, B-E-N,
23 space S-O-U-D.

24 MR. SMITH: What is the second name,

1 Mohamed?

2 INTERPRETER: Ahmed.

3 MR. SMITH: Spell it, please.

4 INTERPRETER: A-H-M-E-D.

5 MR. SMITH: Oh, okay. Okay.

6 BY MR. SMITH:

7 Q. Mr. Soud, are you known by any other names?

8 A. Yes. Mohamed Ahmed Al-Zabandar.

9 INTERPRETER: And first,

10 M-O-H-A-M-E-D. Middle, A-H-M-E-D. Last,

11 A-L-Z-A-B-A-N-D-A-R.

12 A. Abdel Kareem.

13 Q. Is that another name in addition to the three
14 names?

15 A. Abdel Kareem. A-B-D-E-L. K-A-R-E-E-M.

16 Q. Thank you.

17 Are you known by any other names?

18 A. Yes. Arbuie.

19 (Translation discussion.)

20 A. No A-L. It's just Arbuie. A-R-B-U-I-E.

21 (Translation discussion.)

22 INTERPRETER: There is no A-L.

23 Q. Okay. So the record's clear, is it just the
24 name A-R-B-U-I-E, Arbuie?

1 A. Arbuie.

2 (Translation discussion.)

3 INTERPRETER: Sorry. The
4 interpreter would -- further correction, it's
5 Rbuie.

6 MR. SMITH: Okay.

7 INTERPRETER: So it would be
8 R-B-U-I-E.

9 MS. SHAMSI: Jim, I wonder, if it
10 helps to clarify, sometimes the spellings
11 might differ from what the interpreter is
12 saying, not because there -- just because
13 spellings can change or differ.

14 MR. SMITH: I'm looking at my notes
15 and I'm listening to the interpreter and the
16 thought is crossing my mind, but let's do
17 this: You can feel free to pipe in on
18 background like this, and let's all agree on
19 the spelling.

20 MS. SHAMSI: Yes.

21 BY MR. SMITH:

22 Q. Any other names, Mr. Soud?

23 A. No.

24 Q. Mr. Soud, when did you enter the nation of

1 Dominica?

2 A. I entered on the day 25th January.

3 Q. What name did you use when you entered this
4 country, sir?

5 A. The official name -- my official name, Mohamed
6 Ahmed Ben Soud.

7 Q. Mr. Soud, how did you come to be known as
8 Abdul (sic) Kareem?

9 A. I did not understand the question.

10 Q. Did there come a time when you started using
11 the name Abdul Kareem?

12 A. Yes.

13 Q. When?

14 A. At different times.

15 Q. When did he first start using the name?

16 A. In 1995.

17 Q. And why did he start using that name in 1995?

18 A. I used these names, and Abdel Kareem is one of
19 them, to secure myself and to secure my
20 movement through or during my affiliation with
21 LFG (sic) and in fear of the chase of the
22 dictatorial Gaddafi regime for me.

23 MS. SHAMSI: Jim, just one more

24 thing, I think the words were "LIFG," or the

1 letters were "LIFG."

2 MR. SMITH: Did you get the whole
3 answer?

4 INTERPRETER: Yes.

5 MR. SMITH: Do we agree with LIFG?

6 INTERPRETER: Yes.

7 MR. SMITH: Okay. Thank you.

8 BY MR. SMITH:

9 Q. How did you get that name?

10 A. Personal choice.

11 Q. And did you have identification that actually
12 identified you by the name Abdul Kareem?

13 A. No.

14 Q. Do you have any official identification for
15 the person that you identified yourself on the
16 record as?

17 MS. SHAMSI: Objection. You may --

18 THE WITNESS: Yes.

19 MS. SHAMSI: -- answer.

20 I just want it to be clear that I
21 objected.

22 MR. SMITH: Do you speak Arabic?

23 MS. SHAMSI: No, I don't. I was
24 just -- it was just a formal objection.

1 And I'll just say that I objected
2 and so there should be time for me to object
3 just as a -- but you may still answer.

4 BY MR. SMITH:

5 Q. Mr. Soud, when did you start using the name
6 Mohamed Ahmed Al-Zabandar?

7 A. I used it in 2000.

8 Q. And why did you start using that name in 2000?

9 A. I used it to secure myself.

10 Q. And why was it necessary -- strike that.

11 Was this a false name?

12 A. Yes.

13 Q. And why was it necessary to use a false name
14 in 2000 to secure yourself?

15 A. We, I, through my affiliation with LIFG and my
16 opposition to the unjust regime of Gaddafi in
17 Libya, I had to do so to secure myself from
18 them -- from that regime following me.

19 That, for me, meant a matter of life
20 or death. That meant a matter of freedom or
21 to be kept in an unjust regime of Gaddafi's
22 prisons, that there is no human rights
23 connected with it, related to it or in it.

24 Q. Mr. Soud, who was following you in 2000?

1 A. The unjust dictatorial regime of Gaddafi.

2 Q. And why was Gaddafi following you in 2000, his
3 regime?

4 A. Through my affiliation with LIFG.

5 Q. What about your affiliation with LIFG caused
6 Gaddafi's regime to follow you?

7 A. It's a group that opposes the unjust regime of
8 Gaddafi and resisting the Gaddafi regime and
9 against injustice after the Gaddafi regime
10 confiscated freedoms and ruptured human
11 rights, kidnapping and torture, and trials
12 outside of the law frame, that was the reason
13 for setting up the LIFG and was a reason for
14 me to be affiliated with the LIFG, to
15 overthrow this unjust regime.

16 Q. Mr. Soud, when did you start using the name
17 Mohamed Ahmed Al-Shareaia?

18 A. This name, Al-Shareaia, I used since my --
19 since I was young, and that was the name that
20 my family had. My family was named
21 Al-Shareaia. And for family reasons that
22 could -- that I can explain, I changed that
23 name through the Libyan courts and -- already,
24 and a judgment was issued in that regard.

1 Q. Do you still use that name, sir?

2 MS. SHAMSI: Objection.

3 THE WITNESS: I did not use this
4 name because the court abolished that family
5 name and so I used -- started to use the name
6 Ben Soud instead of Al-Shareaia.

7 BY MR. SMITH:

8 Q. And when did you start using the name Ben
9 Soud?

10 A. In the year 2013.

11 MS. SHAMSI: Jim, when you get to a
12 point where it makes sense, I'd like to just
13 take a quick break just to talk about some
14 translation and transcription --

15 MR. SMITH: Sure.

16 MS. SHAMSI: -- issues that I think
17 are arising.

18 MR. SMITH: Okay. So how about
19 right now?

20 MS. SHAMSI: Sure.

21 MR. SMITH: Since we're here all day
22 and night.

23 VIDEOGRAPHER: The time is 10:21.

24 We're off the record.

1 (Discussion held off the record.)

2 VIDEOGRAPHER: We're back on the
3 record. The time is 10:36 -- or 26. Sorry.

4 MS. SHAMSI: So I just wanted to
5 make clear that my concern was that what was
6 being interpreted was not Mr. Ben Soud's exact
7 words and, therefore, what was being
8 transcribed was not his exact words as opposed
9 to the interpreter getting to his exact words.
10 And so we have our interpreter sitting here
11 trying to make sure that it's his exact words
12 that are transcribed.

13 MR. SMITH: Sure. And just so we're
14 clear on the record, your interpreter, in
15 addition to ours, has been here since the
16 start of the deposition. And I've invited
17 your interpreter at any time, if he thinks
18 there's an issue about the correctness of the
19 interpretation, to speak up, and let's make
20 sure we get it down right in the record.

21 MS. SHAMSI: That's absolutely --

22 MR. SMITH: And just so we're clear,
23 Bashar, you haven't spoken up, so I'm assuming
24 there haven't been any issues.

1 MR. ALHALABI: No.

2 MR. SMITH: Okay. No, there have
3 been no issues?

4 MR. ALHALABI: There have been no
5 issues.

6 MR. SMITH: Okay.

7 MS. SHAMSI: And I appreciate that,
8 Jim, but what Bashar was not able to see was
9 the transcription and wouldn't know whether
10 there are issues because there's a difference
11 between what's being said and what's being
12 written and that was the concern I was trying
13 to address.

14 MR. SMITH: Okay. So the issue now,
15 so I understand it, is not the interpreter's
16 interpretation of what Mr. Soud is saying, but
17 the court reporter's placement in the record
18 of what the interpreter is saying, is that
19 correct?

20 MS. SHAMSI: Yes.

21 MR. SMITH: Okay.

22 MS. SHAMSI: Because it seemed
23 like --

24 MR. SMITH: Hundred percent. Okay.

1 So to accommodate that concern, I've asked the
2 court -- your court reporter (sic), who was
3 sitting next to me and the witness, to move
4 over and actually look at the -- at the laptop
5 as the testimony is being transcribed by the
6 court reporter. So, hopefully, that will
7 address everything.

8 MS. SHAMSI: Our interpreter. And,
9 yes, we appreciate that.

10 MR. SMITH: Okay. So is it time to
11 break for lunch?

12 BY MR. SMITH:

13 Q. Okay. So let me go back to the name Rbuie.
14 When did you start using that name, Mr. Soud?

15 A. I started using it while I was in Afghanistan
16 in 1991.

17 Q. And why were you in Afghanistan in 1991?

18 A. I was, in the year 1991, in Afghanistan
19 because I joined the LIFG and I was working
20 towards the resistance of the Russian
21 occupation to Afghanistan.

22 Q. And who -- who were you assisting in
23 connection with that resistance?

24 A. I was helping the Afghani resistance.

1 Q. Who from the Afghanis?

2 A. The Afghani resistance, in general, who was --
3 in general or generally, who was resisting the
4 occupation.

5 Q. Was there a particular group or groups of
6 Afghanis who were resisting and were they
7 known by any names?

8 MS. SHAMSI: Objection. You may
9 answer.

10 THE WITNESS: Groups like the group
11 of Professor Burhan Adeen Ratani (sic).

12 MR. SMITH: Could you spell that,
13 please?

14 Oh, did I interrupt your answer? I
15 apologize. Let me -- why don't you finish
16 your answer and, then, if you could spell the
17 names.

18 And could I just ask, on a
19 go-forward basis, any time there's a name,
20 just so we have the record correct, if you
21 could spell it, that would help.

22 INTERPRETER: Sure.

23 MR. SMITH: Thank you.

24 Sorry I interrupted.

1 INTERPRETER: Burhan, B-U-R-H-A-N,
2 A-L-D-E-E-N, G-E-E-D-A-N-I (sic). And the
3 group of Abdel Rassul Essyef, A-B-D-E-L,
4 R-A-S-S-U-L, A-S-S-E-E-F -- sorry, E-Y --
5 S-S-Y-E-F (sic). And the group of Sheikh Dr.
6 Mohamed Nabi, M-O-H-A-E-D (sic), N-A-B-I. And
7 the group of -- the group of Al-Sheikh
8 Ajeelani, A-J-E-E-L-A-N-I, all these groups
9 were resisting the Russian occupation.

10 MR. ALHALABI: I'm sorry. Excuse
11 me. Professor Burhanuddin Rabbani.

12 INTERPRETER: Rabbani.

13 THE WITNESS: Rabbani.

14 INTERPRETER: Rabbani.

15 MR. ALHALABI: I'm not sure that's
16 what was said or spelled.

17 INTERPRETER: I said Rabbani.

18 MR. ALHALABI: Yeah. Okay.

19 INTERPRETER: Correction for the
20 record, the group of Burhan Adeen (sic)
21 Rabbani. Rabbani is R-A-B-B-A-N-I.

22 MR. ALHALABI: And, also, one more
23 thing on the record, that said "shake," but
24 it's "sheikh."

1 COURT REPORTER: I'll make the
2 correction when we're finished.

3 MR. ALHALABI: Okay.

4 COURT REPORTER: I'll go through
5 this word for word.

6 MR. ALHALABI: No problem.

7 BY MR. SMITH:

8 Q. Why did you elect to use -- strike that.

9 The name Rbuie was a false name?

10 A. Yes.

11 Q. And why was it necessary in 1991 to use a
12 false name while you were in Afghanistan?

13 A. Yes, we were using the same false names the
14 same way, to secure ourselves from the
15 following up of the Gaddafi regime. This
16 chase happened everywhere, in the Sudan, in
17 Turkey, in Afghanistan -- in Afghanistan,
18 Sudan, Turkey and everywhere.

19 Q. So, Mr. Soud, the name that you go by today
20 became your official name in 2013?

21 A. Yes.

22 Q. In 2002, you were captured by Pakistani
23 forces, is that correct?

24 A. In 2003.

1 Q. I may have my year mixed up. Okay. So you
2 were captured in 2003?

3 A. Yes.

4 Q. And at that time, did you have identification
5 on you?

6 A. No.

7 Q. Were you asked by the Pakistani forces to
8 identify yourself?

9 A. Yes.

10 Q. And what name did you tell them was your name?

11 A. Mohamed Ahmed Al-Shareaia.

12 Q. And was that your real name at the time?

13 A. Yes.

14 Q. And you said that that name was abolished by a
15 court.

16 A. That name.

17 Q. Yes, has been abolished.

18 A. Yes. It was abolished by a decree or a
19 judgment from the court.

20 Q. Okay. Which court?

21 A. The criminal -- or the Circuit Court of
22 Misrata for criminal -- for the criminal
23 justice in Libya, Misrata, Libya.

24 Q. And why was the name abolished by the court?

1 A. Yes. Let me explain to you. My family was
2 known by the name Al-Shareaia and the tribe
3 that we belonged to is Ben Soud. So my uncles
4 and all my cousins are carrying that name, Ben
5 Soud. This difference, this name and the
6 difference, has caused me problems between
7 myself, my uncles and my cousins.

8 As a result of these problems,
9 because of these problems, I filed litigation
10 to change my name, to change my surname. I
11 produced the court with old documents and
12 these documents got the satisfaction of the
13 court, that led the court to change the name
14 from Al-Shareaia to Ben Soud.

15 MR. ALHALABI: Excuse me. And it's
16 "old" documents, not "all" documents.

17 BY MR. SMITH:

18 Q. Mr. Soud, when were you born?

19 A. I was born on the 22nd of the third month in
20 1969.

21 Q. So you're 47 years old?

22 A. Yes.

23 Q. And where were you born, sir?

24 A. In the city of Misrata, M-U-S-S-A-R-A-T-A

1 (sic), in Libya.

2 Q. And can you tell me, briefly, about your
3 educational background.

4 A. I was born in Misrata, in a rural area, and
5 had a simple upbringing. My father was the
6 imam, I-M-A-M, for one of the mosques of the
7 village, in a mosque in the village, and I
8 studied at the elementary school in that
9 village.

10 Q. And do you have any formal education past
11 elementary school?

12 A. I had my middle education in a nearby village,
13 as well, a secondary education, till I reached
14 the university stage in another city called
15 Sabha. S-A-B-A-H-A -- S-A-B-H-A.

16 Q. And did you get a degree from the university?

17 A. No.

18 Q. How many years did you attend the university?

19 A. Two years.

20 Q. And what was the name of the university?

21 A. Sabha University, the faculty of science, or
22 the school of science.

23 Q. Could you spell the name of the university,
24 please?

1 INTERPRETER: S-A-B-H-A University.

2 Q. And what were you trying to get a degree in?

3 A. In the faculty of science.

4 Q. Was that chemistry, biology?

5 A. Chemistry, the section of chemistry.

6 Q. And what -- during what two years did you
7 attend the university, sir?

8 A. '89 and '90.

9 Q. And why did you stop attending the university?

10 A. Because of the Gaddafi regime and the
11 oppressive apparatus of that regime who were
12 squashing freedoms and refusing to -- refusing
13 any opposition to that regime. I was not with
14 the Gaddafi regime and I had been living
15 within the university that was supervised by
16 this security apparatus, which led to cause me
17 a lot -- cause me trouble in the university,
18 that -- that's why I had to get out and flee
19 in fear of the oppression of those oppressive
20 apparatuses.

21 Q. Were you asked to leave the university?

22 A. No. I was not asked to leave the university,
23 but staying there and continuing there means
24 that, eventually, I would be -- I would be

1 detained and put in prison.

2 Some of my friends who stayed in the
3 university were detained and they had to leave
4 their studies. They were detained, they were
5 put in prison, and after that, they were
6 executed in a collective massacre that was
7 called the "massacre of Abu Salim,"
8 B-U-E-S-E-L-E-E-M (sic), in the year 1996,
9 where 1,200 individuals were executed in just
10 a few hours.

11 Q. Are you finished?

12 A. Yes.

13 MR. ALHALABI: If I may bring
14 something up. As to the previous question,
15 the translation was "security apparatus." I
16 would use "forces," instead.

17 Agreed?

18 INTERPRETER: Sure.

19 MR. ALHALABI: Yeah.

20 MR. SMITH: Is it necessary for me
21 to object and move to strike, nonresponsive,
22 or can we agree that all that's reserved?

23 MS. SHAMSI: I think we can agree.

24 I just want to make sure that the questions

1 are being understood, and I'm not sure about
2 that, so that's my only issue.

3 MR. SMITH: Yeah. This process is
4 going to take a long time, to begin with, and
5 adding to the record. I'm just trying to
6 streamline this.

7 Do we have a deal? If you want me
8 to just pipe up otherwise.

9 MS. SHAMSI: Why don't you just pipe
10 up.

11 MR. SMITH: All right. I will.

12 MS. SHAMSI: We'll do it that way.

13 MR. SMITH: So note my objection and
14 move to strike the nonresponsive part of the
15 answer.

16 And I'll continue to do that, unless
17 you tell me not to.

18 BY MR. SMITH:

19 Q. When you left the university in 1990, where
20 did you go?

21 A. I went to Algiers.

22 Q. And how long did you stay in Algiers?

23 A. One month.

24 Q. And why did you go to Algiers?

1 A. To prepare to go to Pakistan.

2 Q. And what did you need to do to prepare?

3 A. To obtain a visa.

4 Q. So you went to Algiers for the sole purpose of
5 getting a visa to go to Pakistan?

6 A. Yes.

7 Q. And why did you want to go to Pakistan?

8 A. First of all, to join the Afghani resistance
9 to the Russian occupation.

10 Q. And why did you want to do that?

11 A. For my personal conviction for helping the
12 Afghani resistance against the Russian
13 occupation. This resistance that we
14 contribute -- contributed to with the Afghani
15 resistance had the support, it had the
16 support, direct and blessed support, of the
17 USA.

18 Q. So did you leave Algiers for Pakistan a month
19 later?

20 A. Yes.

21 Q. And how long did you stay in Pakistan?

22 A. Few months. I moved between Pakistan and
23 Afghanistan.

24 Q. And for what period of time did you go between

1 Pakistan and Afghanistan, Mr. Soud?

2 A. In 1991 and '92.

3 Q. Okay. And was it in 1991 that you became
4 affiliated with the LIFG?

5 A. It was in the year 1992.

6 Q. 1992. Okay.

7 And in that period of time, in 1991
8 and 1992, what exactly were you doing in
9 Pakistan and in Afghanistan?

10 A. It was joining or contributing to helping the
11 Afghani resistance.

12 Q. And what exactly were you doing to help?

13 A. I contributed in the war and staying at
14 fronts.

15 Q. What exactly was your contribution?

16 A. Direct combatant.

17 Q. So you were involved in actual combat?

18 A. Yes. I joined the direct combat.

19 Q. Okay. And were you given a gun?

20 A. Yes.

21 Q. What kind of gun?

22 A. Kalashnikov.

23 MR. SMITH: Could you spell that,
24 please?

1 INTERPRETER: Maybe. I don't know.

2 MR. SMITH: Okay. All right. We'll
3 do our best.

4 INTERPRETER: The interpreter
5 doesn't know.

6 MR. SMITH: Can you help out?

7 MR. ALHALABI: The meaning of
8 Kalashnikov, it's an AK-47.

9 MR. SMITH: Okay.

10 BY MR. SMITH:

11 Q. Is a Kalashnikov an AK-47?

12 A. Yes.

13 Q. Now, during this period of time, 1991 and
14 1992, when you were in combat, did you have a
15 job?

16 A. No.

17 Q. Who paid to feed you?

18 A. Through the affiliation with the LIFG, that
19 group had took upon itself our daily expenses.

20 Q. Mr. Soud, I thought that you didn't join the
21 LIFG until 1992.

22 A. Yes.

23 Q. Was LIFG paying for your shelter and clothing
24 and food even before you joined?

1 A. That is because the LIFG is a Libyan group. I
2 was living within this group since my arrival
3 to Pakistan and Afghanistan, but my initial --
4 my principal affiliation was in 1992.

5 Q. Okay. Now, in the period 1991 and 1992, were
6 you involved in actual combat?

7 A. Yes.

8 Q. How many times?

9 A. Several times.

10 Q. Did you actually fire the AK-47?

11 A. Firing the Kalashnikov, I do not understand.
12 You mean --

13 Q. Did you shoot the gun?

14 A. -- using it?

15 Q. Yes.

16 A. Yes.

17 Q. How many times?

18 A. Several times.

19 Q. Who did you shoot at?

20 A. To the enemy, to the Russian occupation.

21 Q. Did you kill anyone?

22 A. It didn't come to my knowledge that I killed
23 anyone.

24 Q. Did you actually put bullets into other

1 people's bodies?

2 A. I don't know exactly.

3 Q. Did they shoot back?

4 A. Yes. There were confrontations, yes.

5 Q. Now, in 1992, you became affiliated with the
6 LIFG, correct?

7 A. Yes.

8 Q. And LIFG stands for Libyan Islamic Fighting
9 Group, is that correct?

10 A. Yes. The Islamic fighting group.

11 Q. The Libyan Islamic Fighting Group?

12 A. Yes.

13 Q. When was that group formed?

14 A. Initially, it was formed -- that group was
15 formed in 1989.

16 Q. Who formed it?

17 A. It was set up by a person called Awad Azouwi.

18 Awad, A-W-A-D. Azouwi, A-Z-O-U-Y or W-I.

19 (Sic.)

20 Q. Did you ever meet with Awad Azouwi?

21 A. No. No. I did not meet him because he was
22 killed previously in the Libyan prison.

23 Q. Now, I want to move forward from 1992, the
24 period 1992, so let's say through 2000, did

1 you continue to be a member of the LIFG?

2 A. Yes.

3 Q. And did that participation with LIFG continue
4 up until the time in 2003 when you were
5 arrested by the Pakistani government?

6 A. Yes.

7 Q. Now, during the period from 1992, when you
8 joined the LIFG, up until 2003, did you ever
9 have a job?

10 A. No. I did not have a job, only it was -- the
11 job was my affiliation with this group.

12 Q. Okay. So let's break that down, then.
13 Between 1992 and 1995, what were you doing for
14 the LIFG?

15 A. I was working with the military faction or
16 part of this group.

17 Q. So were you continuing to be in combat?

18 A. Yes.

19 Q. So you, essentially, were a soldier for the
20 LIFG?

21 A. Yes.

22 Q. So during that period from 1992 through 1995,
23 as a soldier for the LIFG, what were you
24 trying to accomplish?

1 A. Through joining this group, and the Gaddafi
2 regime had stopped political life and
3 abolishing the constitution, and showing
4 opposition as being demons, demonizing the
5 opposition, and considering that each one who
6 would oppose the Gaddafi regime is a traitor
7 who deserves to be killed within these
8 circumstances, the group decided that its goal
9 is the -- is opposing the Gaddafi regime and
10 making it fall down through armed opposition,
11 thus, there was the presence of LIFG to
12 prepare itself for this goal.

13 Q. How did aiding the Afghanis against Russian
14 opposition further your goals in 1992 through
15 1995?

16 MS. SHAMSI: Objection. You may
17 answer.

18 THE WITNESS: Resisting the Russian
19 occupation, it was a personal conviction.

20 BY MR. SMITH:

21 Q. How did that relate, if at all, to your
22 opposition to Gaddafi?

23 A. I did not understand the question.

24 Q. I'm trying to understand why -- strike that.

1 Let me start all over again.

2 In your mind, was there a connection
3 between aiding the Afghanis through your
4 participation in the LIFG and your opposition
5 to Gaddafi?

6 A. Through participating in -- I did not
7 understand the last word.

8 MR. SMITH: Could you read the
9 question back for the interpreter and, then,
10 we'll see if that corrects the problem.

11 (Whereupon, the record was read by
12 the court reporter as follows:
13 "In your mind, was there a
14 connection between aiding the
15 Afghanis through your participation
16 in the LIFG and your opposition to
17 Gaddafi?")

18 THE WITNESS: This period, where we
19 participated in resisting the occupation, was
20 to prepare and train and to adopt a military
21 way that we were going to take to -- in order
22 to put down the Gaddafi regime.

23 BY MR. SMITH:

24 Q. Now, during this period from '92 to '95, how

1 many times were you in active combat,
2 Mr. Soud?

3 A. Which military resistance, the Libyan one or
4 the Afghani one?

5 Q. 1992 through '95 was the Afghani one, was it
6 not?

7 A. Yes.

8 Q. How many times were you in active combat
9 during that period of time?

10 A. At the end of '92 -- at the beginning of '92
11 to '95, I did not participate in killing
12 anyone.

13 Q. Why not?

14 A. Because of the end of the Russian occupation.

15 Q. Now, from 1995 -- strike that.

16 During that period of time between
17 '92 and '95, were you continuing to cross over
18 the border between Afghanistan and Pakistan?

19 A. Yes.

20 Q. And why were you doing that?

21 A. Sometimes to get a sort of -- or some medical
22 services that were not available in
23 Afghanistan; some other times, to get some
24 services that is not, as well, in Afghanistan;

1 some other times, to get Sharia trainings.

2 Sharia, S-H --

3 (Translation.)

4 A. Sharia, yeah, Islamic Sharia training sessions
5 that is for the group LIFG, and these training
6 sessions were for the members.

7 Q. Mr. Soud, is it your testimony that you were
8 not in combat in 1993, not involved in combat?

9 A. Yes.

10 Q. Now, you sustained an injury to your right
11 hand in 1993, is that correct?

12 A. Yes.

13 Q. And is that on your right hand? I think your
14 thumb and a part of your right hand and your
15 -- your smallest finger, you lost both of
16 them?

17 A. Yes.

18 Q. And you were trying to detonate a bomb, if I
19 understand, is that right?

20 A. Yes.

21 Q. And where was that bomb at the time you were
22 trying to detonate it?

23 A. In Afghanistan, in the region of Jalalabad.

24 J-A-L-A-L-A-B-A-D.

1 Q. And was that attempt by you to detonate the
2 bomb in connection with actual combat?

3 A. Yes.

4 Q. And tell me what the circumstances were that
5 caused you to be in a position where you
6 needed to detonate a bomb.

7 A. The bomb was there and because of the
8 requirement of safety and security, I did
9 that.

10 Q. Where was the bomb?

11 A. In Jalalabad.

12 Q. Was it in a house, in a car, on the roadside?

13 A. Roadside.

14 Q. And why were you selected to detonate the
15 bomb?

16 A. Because I have some idea about these things or
17 these matters.

18 Q. What kind of bomb was it?

19 MR. ALHALABI: I'm sorry. Before --

20 INTERPRETER: I'm sorry, I did

21 not --

22 MR. SMITH: Sure.

23 MR. ALHALABI: You keep saying

24 "detonate the bottom."

1 MR. SMITH: Yes.

2 MR. ALHALABI: Do you mean disabling
3 the bomb, because that's what she's
4 translating.

5 MR. SMITH: Okay. So we'll go with
6 disabling.

7 INTERPRETER: Detonating is
8 disabling.

9 MR. ALHALABI: No. Sometimes, it
10 can mean (speaking in Arabic) --

11 INTERPRETER: (Speaking in Arabic.)

12 MR. ALHALABI: No. Sometimes, it
13 can mean blowing it up.

14 Am I right?

15 MR. SMITH: I don't think so.

16 MR. ALHALABI: I believe so.

17 MR. SMITH: All right. We'll check
18 it at the break. All right.

19 MS. SHAMSI: It does seem like you
20 want to clarify the difference between
21 defusing and detonating.

22 BY MR. SMITH:

23 Q. Okay. So let's make sure we're all on the
24 same page. When I -- when we use the word

1 "detonate," which we won't use anymore, but up
2 until now we mean defusing the bomb, disarming
3 it.

4 Can you explain that to the witness
5 and see if it changes any of his answers?

6 INTERPRETER: The interpreter would
7 explain the differences in using (Arabic) for
8 detonating a bomb and defusing a bomb.

9 (Translation.)

10 THE WITNESS: To stop it from
11 working.

12 BY MR. SMITH:

13 Q. Yes.

14 A. So.

15 Q. Okay. We're all on the same page.

16 A. Yes.

17 Q. Now, have you been trained by the LIFG about
18 bombs?

19 A. No, that was not the way, but it was through
20 what we have learned in the Afghani war,
21 during the Afghani war.

22 Q. Did you receive any training from anyone at
23 any time about matters pertaining to bombs?

24 A. Yes.

1 Q. Can you explain what training you received?

2 A. I received training from the Red Cross and I
3 received training from the English forces in
4 Libya.

5 Q. Tell me about the training you received from
6 the English forces in Libya.

7 A. When I was participating in the war in Libya
8 against DAASH, ISIL.

9 Q. Sorry. Can you -- can you repeat?

10 INTERPRETER: Spell DAASH.

11 MR. ALHALABI: It's ISIL. She means
12 ISIS. I'm sorry. I'm trying to clarify.
13 DAASH is ISIS or ISIL, for clarification.

14 INTERPRETER: DASH, D-A-S-H.

15 D-A-A-S-H, DAASH, which is, as my colleague
16 said, ISIL or ISIS.

17 MR. SMITH: Have you finished your
18 answer?

19 INTERPRETER: Yes.

20 MR. SMITH: Can you repeat the
21 answer?

22 (Whereupon, the last answer was read
23 back as follows: "DAASH, D-A-A-S-H,
24 DAASH, which is, as my colleague

1 said, ISIL or ISIS.")

2 BY MR. SMITH:

3 Q. I want to make sure we're clear here. What
4 training did Mr. Soud -- or, Mr. Soud, did you
5 receive from the English forces in Libya with
6 respect to bombs?

7 A. Yes.

8 Q. Can you explain to me the training you
9 received from the English forces?

10 A. Through the participation -- our participation
11 against the organization DAASH. Of course,
12 this training was using different methods when
13 they plant bombs and mines.

14 And after the Libyan government
15 decided to attack the city Sirte, S-E-R-T
16 (sic), to liberate, to liberate Sirte, sorry,
17 to liberate Sirte, I participated personally
18 in these troops, and because of the simple
19 background that these forces, these attacking
20 forces, were using against DAASH, I -- we
21 received -- I received within these groups
22 special training from the British forces.

23 Q. What -- go ahead.

24 A. This training, in essence, is about how to

1 recognize these bombs, how to defuse them and
2 how to rid people of their danger.

3 Q. Can you identify the names of these English or
4 British forces?

5 A. It's clear for me, I don't know.

6 MR. ALHALABI: It's not clear for
7 me.

8 INTERPRETER: It's not clear?

9 MR. ALHALABI: It's not clear for
10 me.

11 (Translation.)

12 THE WITNESS: But these are forces
13 that participate with the Libyan government in
14 its efforts attacking DAASH.

15 BY MR. SMITH:

16 Q. In what years did you get this training from
17 the British government?

18 A. 2016.

19 Q. 2016?

20 A. Yes.

21 Q. So, in 1993, when you were attempting to
22 defuse the roadside bomb that caused the
23 injuries to your hand, had you had any
24 training?

1 A. Through our participation in the war, there
2 were general information about such issues and
3 there was no specific training pertaining to
4 that and, for that reason, it happened that
5 the bomb exploded in my hand.

6 Q. Do you know who put the bomb there?

7 A. I don't know.

8 Q. During this period of time, in the nine --
9 1992 through 1995, were you ever involved in
10 constructing bombs?

11 A. No.

12 Q. During that period from 1992 through 1995, did
13 you still possess an AK-47?

14 A. Yes.

15 Q. Did you possess any other weapons?

16 A. No.

17 Q. Where did you keep your AK-47?

18 A. In the -- in the place or the camp of the
19 LIFG.

20 Q. And where was the camp of the LIFG?

21 A. It was in Afghanistan, in the region of
22 Jalalabad.

23 Q. Were there other LIFG camps in Afghanistan in
24 addition to the one you were in?

1 A. No.

2 Q. So that was the only LIFG camp in Afghanistan,
3 at least during that time?

4 A. Yes.

5 Q. How many people lived at that camp?

6 A. Twenty people.

7 Q. Twenty. And that would be during the period
8 from 1992 through 1995?

9 A. Yes.

10 Q. Was there a leader of the camp?

11 A. Yes.

12 Q. What was that person's name?

13 A. The names were varied about who was to lead
14 the camp. From the period '92 to '95, there
15 was a person named Abu Sufian. A-B-U,
16 S-U-F-I-A-N.

17 Q. Now, let me go from 1995 to 2000. You
18 continued to be a member of the LIFG?

19 A. Yes.

20 Q. And did you remain at the camp in Afghanistan?

21 A. Yes.

22 Q. And were you involved in combat during that
23 period of time?

24 A. No.

1 Q. What were you doing?

2 A. I lived at the camp and I participated in
3 training.

4 Q. So for five years, you were in training?

5 A. Five years, how come?

6 Q. 1995 to 2000, you lived at the camp, and are
7 you saying that during those five years you
8 were in training?

9 A. Allow me to give you the details.

10 Q. Please do.

11 MR. ALHALABI: Excuse me. I didn't
12 say anything.

13 MR. SMITH: Oh, I thought you wanted
14 to say something.

15 MR. ALHALABI: No. No. Just
16 clearing my throat. I'm sorry.

17 MR. SMITH: You're allowed to do
18 that.

19 MR. ALHALABI: I'm sorry.

20 THE WITNESS: In 1995, I left
21 Pakistan and Afghanistan. I returned to
22 Afghanistan in 1997 and I stayed between
23 Pakistan and Afghanistan till 2000. I left
24 Pakistan and Afghanistan in 2000 and I

1 returned to Pakistan and Afghanistan at the
2 end of 2000. I stayed there till I was
3 captured.

4 MR. SMITH: Okay. So --

5 INTERPRETER: Just a correction for
6 the record.

7 MR. SMITH: Sure.

8 INTERPRETER: The interpretation
9 could bear two words, either captured or
10 detained.

11 MR. ALHALABI: We're good.

12 BY MR. SMITH:

13 Q. So let me focus, Mr. Soud, on the years 1995
14 to 1997. You said that you left Pakistan and
15 Afghanistan, to go where?

16 A. I left to the Sudan. S-U-D-A-N.

17 Q. And why did you do that?

18 A. Because the group LIFG moved to the Sudan.

19 Q. And why did the group move to the Sudan?

20 A. To start in the actual direct confrontation
21 with the Gaddafi regime and because the Sudan,
22 geographically, is close to Libya.

23 Q. Okay. And the entire camp left?

24 A. Yes, all the camp, all the camp.

1 Q. And at the time --

2 A. As persons. All the members of LIFG moved to
3 the Sudan.

4 Q. And at the time, were there still 20 members?

5 A. Of course, I am talking about the whole group
6 that has moved to the Sudan, the persons that
7 have moved to the Sudan.

8 Q. At the time you left Afghanistan, the camp in
9 Afghanistan, I think you said there were 20
10 members of the LIFG there, is that correct?

11 A. Yes.

12 MS. SHAMSI: Objection. You may
13 answer.

14 BY MR. SMITH:

15 Q. And all 20 of you left for the Sudan?

16 A. Yes.

17 Q. And where did you go in the Sudan?

18 A. To Khartoum.

19 Q. Spell that, please.

20 A. K-H-A-R-T-O-U-M.

21 Q. And what type of living facility did you have
22 in Khartoum?

23 A. I lived in one of the houses, rental houses,
24 that was rented by LFG -- LIFG.

1 Q. Okay. And were there other members of the
2 LIFG who joined the 20 of you in Khartoum?

3 A. Yes.

4 Q. How many?

5 A. I don't know exactly.

6 Q. Was it more than a hundred?

7 A. I don't know exactly. Tens. Tens. Tens of
8 them.

9 Q. Okay. And during this period of time, what
10 exactly did you do in Khartoum?

11 A. We were bringing people to the Sudan, the LIFG
12 was bringing people to the Sudan -- to Libya.

13 Q. So you were recruiting additional members?

14 A. The present group were entering inside Libya
15 to start the actual movement against
16 Al-Gaddafi regime and to make that regime
17 drop.

18 Q. And this was in 1995?

19 A. Yes. Yes.

20 Q. Okay. So between 1995 and 1997, what exactly
21 did you do for the LIFG?

22 A. At that time, I passed through a period of
23 illness or sickness. We were encouraging
24 people to resist Gaddafi and to direct them

1 for fighting against Al-Gaddafi and what they
2 have to be doing.

3 Q. Were you involved in combat during that
4 period, 1995 through '97?

5 A. No. Directly, no.

6 Q. What about indirectly?

7 A. In the support and encouragement or invoking
8 and enlightenment.

9 Q. Now, you said during this period of time, the
10 LIFG was paying for your expenses, for housing
11 and clothing and food and the like?

12 A. Yes.

13 Q. Where did the LIFG get its money?

14 A. From charities and the Zakah. Z-A-K-A-H.

15 Q. What were the names of the charities?

16 A. I do not understand.

17 Q. Okay. I think, Mr. Soud, you said that the
18 LIFG received its money from charities and the
19 Zakah, is that correct?

20 A. No, not from charities. I did not mention
21 charities. What I mentioned is Sadaqt.

22 Q. Spell that, please.

23 A. S-A-D-A-Q-T.

24 Q. And what is Sadaqt?

1 A. I mean that there are individuals who have
2 convictions, they are convinced that the
3 Gaddafi regime is an unjust regime, and have a
4 conviction that that regime is a dictatorial
5 one and that it's a must to get rid of the
6 regime of Gaddafi. Those individuals are
7 totally convinced that the LIFG is doing this
8 task.

9 Q. Do you know the names of those individuals?

10 A. No.

11 Q. Do you know the names of any of them?

12 A. No. This is none of my business and within
13 the group this is not my business to know and
14 I don't know.

15 Q. Now, during this period of time, did you get
16 any form of salary from the LIFG?

17 A. Not as salaried, but it's like they take over
18 the daily -- my daily living, and I obtained
19 assistance to get married.

20 Q. Any cash? Were you given cash periodically?

21 A. Yes. The cash was at the time where I was
22 assisted to get married, for like assistance
23 to be married.

24 Q. And when did you get married?

1 A. I married in 2000.

2 Q. 2000?

3 A. I got married in 2000.

4 Q. So let me just cover the period 1997 through
5 2000. You left the Sudan and returned to
6 Afghanistan?

7 A. And Pakistan.

8 Q. Why did you do that?

9 A. Because of the noticeable activity that the
10 group adopted towards the regime of Gaddafi.

11 Q. Did the entire LIFG camp leave the Sudan and
12 return to Afghanistan and Pakistan?

13 MS. SHAMSI: Objection. You may
14 answer.

15 THE WITNESS: No.

16 BY MR. SMITH:

17 Q. So some people stayed in Khartoum?

18 A. For a period of time, yes.

19 Q. How many people left Khartoum with you to
20 return to Afghanistan and Pakistan?

21 A. About from 20 to 25.

22 Q. Okay. And why is it that 20 to 25 people
23 left?

24 A. They left, as I mentioned to you, because of

1 the actual activity against the Gaddafi
2 regime, and the LFG (sic) was adopting several
3 activities aiming at the person Al-Gaddafi.
4 Because of this activities, a lot -- a big
5 pressure was imposed by Gaddafi upon the
6 Sudanese government to expel all the Libyans
7 from Sudan, the Sudan. That was the reason
8 for me, personally, to move to Pakistan and
9 Afghanistan.

10 Q. Were you expelled from the Sudan?

11 A. Yes. Correct. Yes.

12 Q. And the other 20 or 25 people that left with
13 you, were they expelled, also?

14 A. Yes.

15 Q. And what was the name that you were using when
16 you were expelled from the Sudan?

17 A. Abdel Kareem.

18 Q. When you left the Sudan, did you go to
19 Pakistan or Afghanistan?

20 A. Initially, I went to Pakistan and I stayed
21 there for a period of time. After that, I was
22 moving between Pakistan and Afghanistan.

23 Q. And were you moving with the 20 or 25 other
24 people?

1 A. No. No. Alone.

2 Q. Why were you alone at that point?

3 A. I was moving alone and without the rest of the
4 group because I traveled there on my own and I
5 was moving on my own between these two
6 countries, Pakistan and Afghanistan.

7 Q. Why were you moving alone?

8 A. That suited me. I was going, I knew the way,
9 I knew how to move from one place to the
10 other. I did not need anybody to accompany
11 me.

12 Q. And do you know what the other members of that
13 20 to 25 person group that left the Sudan,
14 what they were doing?

15 A. Not exactly I knew what they were doing, but I
16 know that some of them were -- were studying
17 the Sharia studies in Pakistan.

18 Q. Where in Pakistan were you?

19 A. In Peshawar.

20 Q. And when you would go back and forth from
21 Pakistan to Afghanistan, where would you go in
22 Afghanistan?

23 A. To Jalalabad and Kabul.

24 Q. And why did you go there?

1 INTERPRETER: The interpreter would
2 just like to clarify something.

3 (Translation.)

4 THE WITNESS: Some of the LIFG, the
5 Libyan group, was there in Jalalabad.

6 BY MR. SMITH:

7 Q. Now, during what period of time did you
8 continue to move from Pakistan to Afghanistan
9 during this '97 through 2000 period?

10 MS. SHAMSI: Objection. You may
11 answer.

12 THE WITNESS: May I have a
13 repetition for the question?

14 BY MR. SMITH:

15 Q. I'm sorry?

16 A. May I have a repetition of the question?

17 Q. Does the witness want it read back?

18 A. A repetition.

19 Q. Do you want me to rephrase it?

20 Let me do this, I'll withdraw the
21 question. Let's try this.

22 A. No. No.

23 Q. You left the Sudan in 1997, correct?

24 A. Yes.

1 Q. And then you returned to Pakistan, and then
2 for some period of time went from Pakistan to
3 Afghanistan and back and forth, correct?

4 A. Yes.

5 Q. And how long did that go on?

6 A. It continued for the lengths of this period.

7 Q. Up until I think you left in 2000?

8 A. Yes.

9 Q. Now, what were you doing with yourself in
10 Pakistan and Afghanistan during this time?

11 A. I frequented the camp belonging to LIFG.

12 Q. And was that the camp in Afghanistan?

13 A. Yes.

14 Q. And was there a camp in Kabul and a camp in
15 Jaleel (sic)?

16 A. No. It was a camp in Jalalabad that moved to
17 Kabul.

18 Q. Okay. And when you were in Pakistan, were you
19 at a camp in Pakistan?

20 MS. SHAMSI: Objection. You may
21 answer.

22 THE WITNESS: No. No.

23 BY MR. SMITH:

24 Q. No. Okay.

1 Where did you stay in Pakistan?

2 A. In rented houses by the LIFG.

3 Q. In which towns?

4 A. In Peshawar.

5 MR. SMITH: Could you spell that,
6 please?

7 INTERPRETER: P-I-S-H-A-W-E-R.

8 MS. SHAMSI: Let me just -- this one
9 I know. Let me correct that. It's
10 P-E-S-H-A-W-A-R.

11 MR. SMITH: Thank you.

12 Do you agree with that? Everybody?

13 (All nodding.)

14 MR. SMITH: Okay.

15 BY MR. SMITH:

16 Q. When you were in Peshawar, what would you do?

17 A. It was only for visiting the others, for
18 buying private things or personal things for
19 me, receiving treatment.

20 Q. And then you would return from Peshawar back
21 to the camp at either Jalalabad or Kabul, is
22 that right?

23 A. Yes.

24 MR. SMITH: Okay. Now, I think we

1 need to stop.

2 MS. SHAMSI: Yes.

3 MR. SMITH: Yeah. So let's go off
4 the record.

5 VIDEOGRAPHER: The time is 12:14.
6 We're off the record.

7 (Break: 12:14 p.m.)

8 * * * * *

9 AFTERNOON SESSION

10 * * * * *

11 VIDEOGRAPHER: Back on the record.
12 The time is 1:22.

13 BY MR. SMITH:

14 Q. Mr. Soud, are you ready to proceed?

15 A. Yes.

16 Q. Are you feeling okay? Are you able to go
17 forward?

18 A. Yes.

19 Q. Now, just before the lunch break, we were
20 talking about that period of time between 1997
21 and 2000. Do you remember that?

22 A. Yes.

23 Q. Now, during that period of time, did you
24 participate in any combat?

1 A. No.

2 Q. During that period of time, did you hold any
3 leadership positions in the LIFG?

4 A. Yes. From the period from '98 to 2000, I was
5 a responsible about the management of -- or
6 the administration, administering the camp.

7 Q. Who put you in charge of that?

8 INTERPRETER: The -- the interpreter
9 is going to ask for a clarification.

10 (Translation.)

11 A. The responsible of the LIFG. (Sic.)

12 Q. Who is the person who put you in charge of the
13 administrative activities at the camp in
14 Afghanistan, what's that person's name?

15 A. It was Mr. Abdelhakim Belhadj. Abdelhakim,
16 A-B-D-A-L-H-A-K-E-E-D (sic), Belhadj,
17 B-L-H-A-J (sic), is responsible about LIFG, he
18 was the one who gave the order that I
19 administer or manage the camp, the training
20 camp. I received this appointment through
21 Khalid al-Sharif. K-H-A-L-E-D (sic).
22 A-S-H-A-R-E-E-F (sic).

23 MR. ALHALABI: Just a correction.

24 It should be an "M" at the end of the

1 "Abdelhakim." It's not "Abdelhakeed." It's
2 "Abdelhakim."

3 INTERPRETER: Abdelhakim, yeah.

4 MR. SMITH: Do you -- just so we're
5 clear here, you're the official interpreter,
6 but we want to hear from the ACLU's
7 interpreter, but I want to make sure that you
8 accept what he's saying.

9 INTERPRETER: Yes. I accept what
10 he's saying.

11 MR. SMITH: Okay. And can you give
12 me the full name of that person, again, while
13 there's no question pending?

14 INTERPRETER: Abdelhakim Belhadj.
15 It's A-B-A-D-A-L-H-A-K-E-E-M (sic). B --
16 last, B-E-L-H-A-J (sic).

17 BY MR. SMITH:

18 Q. Okay. Now, Mr. Soud, was it Abdelhakim
19 Belhadj who put you in charge of the
20 administrative responsibilities?

21 MS. SHAMSI: Objection. You may
22 answer.

23 THE WITNESS: Yes. And that is
24 Khalid al-Sharif, from Abdelhakim to Khalid

1 al-Sharif.

2 BY MR. SMITH:

3 Q. Okay. So Abdelhakim Belhadj advised Khalid
4 al-Sharif and Sharif told you that you're in
5 charge, is that how it went?

6 A. Yes.

7 Q. Okay. So who is Khalid al-Sharif?

8 A. Khalid al-Sharif, he is one of the leaders of
9 LIFG group and he is the second man in the
10 LIFG.

11 Q. Okay. Who --

12 A. And he is the military responsible person in
13 the LIFG.

14 Q. And was he on the camp with you or at the camp
15 with you?

16 A. He lived at Peshawar and he would come from
17 time to time.

18 Q. And who is Abdelhakim Belhadj?

19 A. Abdelhakim Belhadj, he is the person who is
20 responsible about the LIFG and he is the first
21 lead -- leader for the LIFG.

22 Q. And was he at the camp with you in
23 Afghanistan?

24 A. No.

1 Q. Did you ever meet with him?

2 A. Yes, several times.

3 Q. Now, what were your duties and
4 responsibilities as the person in charge of
5 the administrative parts of the camp?

6 MS. SHAMSI: Objection. You may
7 answer.

8 THE WITNESS: My responsibility was
9 to administer the camp and to supervise the
10 training.

11 BY MR. SMITH:

12 Q. Tell me what you mean by administer the camp.

13 A. It means to oversee the logistics of the camp,
14 how -- to oversee about the personnel who are
15 there inside the camp.

16 Q. What logistics did you oversee?

17 A. To give training sessions and to supervise the
18 training sessions.

19 Q. We're going to get to training, but I want to
20 understand logistics. What logistics did you
21 oversee?

22 A. The meaning of the giving the logistics is to
23 supervise the daily life inside the camp,
24 whether in the presence of training or no

1 training.

2 Q. During this period of time, 1998 to 2000, was
3 there anyone who had more authority at the
4 camp than you?

5 MS. SHAMSI: Objection. You may
6 answer.

7 THE WITNESS: From the period of '98
8 to ninety -- to the end of '99, I was the
9 responsible person about managing or
10 administering the camp.

11 BY MR. SMITH:

12 Q. Was there anyone between the period 1998
13 through 2000 who had more authority at the
14 camp than you?

15 MS. SHAMSI: Objection. You may
16 answer.

17 THE WITNESS: No. I was the
18 responsible one.

19 BY MR. SMITH:

20 Q. Now, did part of your oversight of logistics
21 include planned attacks?

22 INTERPRETER: The interpreter didn't
23 get the last word.

24 MR. SMITH: Okay. Could you repeat

1 the question, madam court reporter, and I'll
2 rephrase it, if I need to.

3 (Whereupon, the last question was
4 read back by the court reporter as
5 requested.)

6 THE WITNESS: No.

7 BY MR. SMITH:

8 Q. You said that you supervised training. What
9 kind of training did you supervise?

10 A. The training at the camp was for LI -- the
11 camp of LIFG, it was representing the virtual
12 reality that personnel would work in at the
13 LIFG. We were training using weapons, using
14 weapons, the sports-like training how to
15 defend oneself.

16 INTERPRETER: And the interpreter
17 would like to make a correction. We were
18 training concerning the types of weapons --

19 MR. SMITH: I'm sorry. The types?

20 INTERPRETER: The types of weapons.
21 We were training about how to use the weapons
22 and sports activities that enable us to
23 protect ourselves.

24 MR. ALHALABI: Also, if I may add,

1 I'm sorry, I don't know about virtual reality.
2 He didn't say that. He said it's about
3 reality and circumstances.

4 INTERPRETER: No. He said (speaking
5 in Arabic.)

6 (Conversation between interpreters
7 in Arabic.)

8 INTERPRETER: I couldn't -- it could
9 be a mistake, but this is what he had uttered.

10 MR. ALHALABI: Okay.

11 INTERPRETER: There was a
12 clarification about the interpreter mentioning
13 the virtual reality that personnel are working
14 in in the LFG (sic) camp.

15 BY MR. SMITH:

16 Q. How many people were you training, Mr. Soud,
17 during this period of time?

18 A. At the period that I was responsible about
19 this camp, about 30 persons.

20 Q. And where did these people come from?

21 A. Those persons, some were from the Sudan and
22 some came from Libya.

23 Q. And what types of weapons were you training
24 these individuals?

1 A. Light weaponry and in personal weapon.

2 Q. Can you identify the weapons for the record?

3 A. Probably, it's possible that one trains to use
4 a pistol or a handgun. We are talking about
5 the Kalashnikov, which is the AK-47.

6 Q. What kind of pistols were you training these
7 individuals with?

8 A. I used the general knowledge about these
9 weapons and I teach -- or I trained how to aim
10 and how to use these weapons.

11 Q. Can you identify what types of pistols you
12 trained these individuals with?

13 A. Russian-made pistols.

14 Q. Can you be for specific?

15 A. A pistol, Tokarev, a Makarov.

16 Q. Can you spell these, please?

17 A. A .9 millimeter.

18 Q. Nine millimeter?

19 A. Yes.

20 Q. Okay.

21 INTERPRETER: Tokarev, Makarov, the
22 interpreter has no idea how to spell that
23 except that how it's pronounced.

24 MR. SMITH: Maybe our other

1 interpreter could help us out.

2 MR. ALHALABI: Possibly, how it's
3 pronounced. I'm not familiar with the
4 spelling.

5 MR. SMITH: I'll take whatever one
6 either one of you want to give me.

7 (Conversation between interpreters.)

8 THE INTERPRETER: Makarov and
9 Tokarev.

10 BY MR. SMITH:

11 Q. Can you give us your best spelling on the
12 record, please?

13 A. A-M-A-R-A-O-O-F and T-A-C-R-O-O-F (sic),
14 Makarov, Tokarev.

15 Q. Who supplied these pistols to you?

16 A. These pistols are provided by the Libyan
17 group, the fighting Libyan group, the LIFG.

18 Q. And where did the LIFG acquire these guns?

19 A. They buy it from the market, buy it from
20 Pakistan.

21 Q. Did you ever buy guns from Pakistan?

22 A. No.

23 Q. Did you ever buy guns in the market?

24 A. No.

1 Q. Are you familiar with the term "black market"?

2 A. There is a region in Pakistan where weaponry
3 would be sold there in a usual and normal
4 fashion.

5 Q. Is that part of the black market?

6 MS. SHAMSI: Objection. You may
7 answer.

8 THE WITNESS: Nearly.

9 BY MR. SMITH:

10 Q. Can you explain, Mr. Soud, what you understand
11 the black market to be?

12 A. Would you repeat the question?

13 MR. SMITH: Could you read back,
14 please.

15 (Whereupon, the last question was
16 read back by the court reporter as
17 requested.)

18 THE WITNESS: I do not know the
19 exact meaning of the word "black market," but
20 what was there in Pakistan, that there were
21 some market -- markets outside of the -- or
22 not under the control of the government and
23 that is within the tribal areas where weaponry
24 was sold.

1 BY MR. SMITH:

2 Q. And where is that in Pakistan?

3 A. In Peshawar.

4 Q. And what form of currency was used to pay for
5 the weapons?

6 A. The Pakistani currency.

7 Q. Did the training that you supplied during the
8 years 1998 through 2000 involve anything in
9 addition to training with weaponry?

10 MS. SHAMSI: Objection. You may
11 answer.

12 THE WITNESS: There was the written
13 side of it and the -- it's like to invoke the
14 efforts, that's what we used to do in the
15 training camp, and that is to direct the
16 personnel for the real goals of the LIFG,
17 which is, per se, the only thing that was
18 directed towards, was to topple off the
19 Gaddafi regime.

20 BY MR. SMITH:

21 Q. Was there any training related to bombs?

22 A. There was a training on how to use hand
23 grenades.

24 Q. Who supplied the hand grenades?

1 A. They're from market, from the market.

2 Q. The same market where you purchased the
3 weaponry in Pakistan?

4 MS. SHAMSI: Objection.

5 THE WITNESS: Yes.

6 BY MR. SMITH:

7 Q. Were these -- what country was the manufacture
8 of these grenades?

9 A. Russia. Russia.

10 Q. Now, was part of the purpose of the training
11 to teach people how to kill people?

12 A. We were being trained as to how to kill
13 Gaddafi because Gaddafi is our first and last
14 enemy.

15 Q. And did you also train these people to kill
16 anyone associated with Gaddafi?

17 A. Gaddafi was a person who had a regime, who had
18 security establishments or security
19 departments through which he -- they would
20 kill, torture, abduct people, and we aimed to
21 kill him, that was our aim, and those who
22 would obstruct our way to do that. There is
23 no differentiation for us between Gaddafi and
24 his oppressive practice that aim at killing

1 and maiming and torturing people.

2 Q. So you trained these people to kill anyone
3 associated with Gaddafi, as well?

4 MS. SHAMSI: Objection.

5 THE WITNESS: No.

6 MS. SHAMSI: You may answer.

7 BY MR. SMITH:

8 Q. Well, who were they trained to kill in
9 addition to Gaddafi?

10 A. His oppressive entourage that are protecting
11 him, defending him, and who are killing and
12 torturing people, who are responsible about
13 killing and torturing people. There are
14 persons within the Gaddafi regime we do not
15 consider them our enemy because Gaddafi does
16 not use them in killing people.

17 Q. Mr. Soud, have you ever killed a man?

18 A. No.

19 Q. Now, in 2000, you left Afghanistan for about
20 ten months, is that correct?

21 A. Correct.

22 Q. Where did you go?

23 A. I went to Turkey.

24 Q. Why did you do that?

1 A. I went to Turkey for the purpose of getting
2 married.

3 Q. Any other purpose?

4 A. No other purpose.

5 Q. Okay. And you were in Turkey for about ten
6 months?

7 A. About, yes.

8 Q. And why did you go to Turkey to get married?

9 A. Because my wife, I could not meet my wife
10 except in Turkey.

11 Q. When did you meet your wife?

12 A. At the beginning of 2000.

13 Q. And where did you meet?

14 A. In Istanbul, Turkey.

15 Q. And how long were you together before you got
16 married?

17 MS. SHAMSI: Objection. You may
18 answer.

19 THE WITNESS: We married right away.

20 BY MR. SMITH:

21 Q. So I understand, you went to Turkey, you met
22 your wife, and then you got married almost at
23 the same time?

24 A. Yes.

1 Q. And did you know her before you met her in
2 Turkey?

3 A. It was through one of the acquaintances, he
4 was the one who has helped me to get in
5 contact with this family and that helped me to
6 get to marry her.

7 Q. And you stayed in Turkey for about ten months?

8 A. Yes.

9 Q. What did you do while you were there?

10 A. Nothing.

11 Q. No job?

12 A. No.

13 Q. And how did --

14 A. There is no work.

15 Q. How were you able to support yourself and your
16 new wife?

17 A. That was -- that was done through the LIFG.

18 Q. And how was it done through the LIFG?

19 A. That was by giving me a sum of money that I
20 got married using and I spent -- I was
21 spending it over -- for -- for my like daily
22 life for the period that I stayed over there.

23 Q. And where were you living in Turkey?

24 A. Istanbul.

1 Q. So the entire ten months, you were in
2 Istanbul?

3 A. Yes.

4 Q. And did you remain in communication with
5 representatives from the LIFG while you were
6 in Istanbul?

7 A. Yes.

8 Q. Who were you in communication with?

9 A. With Abdelhakim Belhadj.

10 Q. Anyone else?

11 THE INTERPRETER: Anybody else?

12 MR. SMITH: I think you need a
13 translation. It's all right.

14 I looked up that name over lunch.

15 MR. ALHALABI: Was I right or was I
16 right?

17 MR. SMITH: You were right.

18 THE WITNESS: Abdel Saber.

19 A-B-D-E-L. S-A-B-E-R. And Abu Mohamed.

20 A-B-U. M-O-H-A-D (sic.) Zoubeer,

21 Z-O-U-B-E-E-R.

22 BY MR. SMITH:

23 Q. And what were you and Mr. Belhadj talking
24 about during this period of time?

1 A. Personal matters, because at that time I was
2 in a period of marriage and the LIFG have
3 considered that I am at this particular
4 specific period, marriage period, so they were
5 asking me about my marriage, how things are
6 going, and that after the end of that period,
7 I have to go back to Afghanistan.

8 Q. Now, how did you communicate with Mr. Belhadj?

9 A. He was there in Turkey with me.

10 Q. So you had face-to-face meetings with him?

11 A. Yes.

12 Q. Did you have a cell phone at that point in
13 time?

14 A. No.

15 Q. Who is Abdel Saber?

16 A. He was a person from the group of LIFG and he
17 was there, he resided in Istanbul.

18 Q. And what was his position with the LIFG?

19 A. He was a person, he was a member of the LIFG,
20 he was a normal person. He did not have any
21 responsibilities within the LIFG.

22 Q. And who is Abdul Mohamed?

23 A. Abu Mohamed and Abu Zoubeer were also members
24 in the LIFG.

1 Q. What did they do for the LIFG?

2 A. I did not know about the responsibilities they
3 were asked to carry. All I -- what I know is
4 that they have been captured and were
5 delivered to the Gaddafi regime. I knew,
6 later, that one of them was executed.

7 Q. Okay. Why did you return to Afghanistan at
8 the end of 2000?

9 A. Abdelhakim Belhadj asked me to go back.

10 Q. Were you in charge of the camp when you
11 returned?

12 A. No. I was not responsible.

13 Q. Who was responsible for the camp when you
14 returned?

15 A. It was another person who was called Abu
16 Sahel. A-B-U. S-A-H-E-L.

17 Q. What was your position when you returned?

18 A. I was still -- I was still like on -- at my
19 level in the camp without any -- without
20 responsibility for this place.

21 Q. What was your understanding about why you were
22 sent back to the camp?

23 A. Because of the bad situation in Turkey
24 concerning security and capturing some of the

1 personnel -- or the members from LIFG and
2 giving -- handing them over to Gaddafi,
3 Abdelhakim Belhadj asked me to go back to
4 Afghanistan to secure myself.

5 Q. Did you believe you were at risk if you stayed
6 in Istanbul?

7 A. Yes, a big danger.

8 Q. And why did you think you were at risk?

9 A. The Gaddafi regime assumed going after members
10 of LIFG who are outside, or outside Libya,
11 because of all those activities that the LIFG
12 assumed, targeting, toppling Gaddafi, and he
13 dealt with a lot of countries to help him, in
14 a way, to obtain information in how to get us
15 and how to get us back to him.

16 When the two persons -- or the two
17 members of LIFG were captured in Turkey,
18 Al-Gaddafi intelligence made a deal with the
19 head of the prison outside the boundary of law
20 and in exchange of monetary sums. The
21 custodian of the prison delivered those -- or
22 handed over these persons to Gaddafi. For
23 this, I had to get out and secure myself.

24 Q. So you thought that the Turkish officials

1 would take you into custody if you stayed in
2 Turkey?

3 A. Who detains me or who captures me, it would be
4 the Gaddafi intelligence or those who are
5 collaborating with the Gaddafi and this is to
6 hand me over to them.

7 Q. And did you have any knowledge that Turkish
8 officials were collaborating with Gaddafi?

9 A. Yes, through the deal that was effected and
10 that which resulted in handing of the two
11 persons, the two members.

12 Q. Now, when you left Turkey to return to
13 Afghanistan, did your wife go with you?

14 A. Yes.

15 Q. And, at that time, did you have a child?

16 A. No. Later --

17 Q. Okay.

18 A. -- on.

19 Q. And how long did you stay in Afghanistan once
20 you arrived at the camp?

21 A. Till sometime before the events of September.

22 Q. September, being 9-11?

23 A. Yes.

24 Q. Now, when you returned to Afghanistan with

1 your wife in the end of 2000, was she aware of
2 your participation in the LIFG?

3 MS. SHAMSI: Objection. You may
4 answer.

5 THE WITNESS: Semi or partial
6 knowledge. She knows that I am opposing the
7 Gaddafi regime and that I am amongst those who
8 are opposing this regime.

9 BY MR. SMITH:

10 Q. Did she know that you were a part of an armed
11 Islamic group designed to overthrow Gaddafi
12 since you had left college?

13 A. Yes.

14 Q. During the period of time that you were back
15 in Afghanistan on the camp, what -- what were
16 your duties and responsibilities?

17 A. There were no big responsibilities and that is
18 because I was consumed with my marital life
19 more than before, only administering some
20 training sessions at the camp.

21 Q. And this is training with weaponry?

22 A. Yes.

23 Q. And the training, was it how to shoot the gun?

24 A. How to use the pistol and how to use the

1 weapon.

2 Q. And you said that you left the camp in
3 Afghanistan sometime before September 11,
4 2001, is that right?

5 A. Yes.

6 Q. Why did you leave?

7 A. That is because my wife wanted to move to --
8 wanted to move and to live in Pakistan to
9 receive some medical care related to her.

10 Q. Did you need to get permission from the LIFG
11 to leave Afghanistan?

12 A. They were not objecting to these personal
13 matters, that I would receive medical care.

14 Q. Who did you ask?

15 A. I told them. I told them that I would go to
16 Pakistan to receive some medical attention. I
17 told Khalid al-Sharif about this.

18 Q. I'm sorry. Who did he tell?

19 A. Khalid al-Sharif.

20 Q. Where was Sharif when you told him?

21 A. He was with us in Afghanistan.

22 Q. Did you communicate with Belhadj your
23 intention to leave Afghanistan?

24 A. No.

1 Q. So you left Pakistan -- strike that.

2 You left Afghanistan when?

3 A. Before the events of 11 (sic). I cannot
4 recall exactly when, but about that time, I
5 left.

6 Q. Was it several days, several weeks before
7 9-11?

8 A. You can say weeks.

9 Q. Okay. And who in addition to you and your
10 wife left the camp to go to Pakistan?

11 A. I don't know about anyone, they were there in
12 Pakistan.

13 Q. No, but when you left the camp in Afghanistan,
14 was it just the two of you who left or were
15 there people in addition to the two of you?

16 A. Repeat the question, please.

17 MR. SMITH: Could you read it back,
18 please.

19 (Whereupon, the last question was
20 read back by the court reporter as
21 requested.)

22 THE WITNESS: Okay. When I got
23 married, I did not live on camp. I had my
24 separate residency in Kabul, and I left from

1 Kabul to Pakistan, myself and my wife.

2 BY MR. SMITH:

3 Q. How did you travel from Istanbul to Kabul?

4 A. By land, through Tehran.

5 Q. Was it in an automobile?

6 A. Yes, in a bus.

7 Q. Okay. And who supplied the bus?

8 A. Public transportation.

9 Q. And when you were traveling from Istanbul to
10 Kabul, were you carrying your weapons?

11 A. No.

12 Q. No. Okay.

13 When you traveled from -- so you
14 went -- you left Istanbul, through Tehran, to
15 Kabul and you didn't go to the camp. Why?

16 A. I left from Istanbul to Kabul and I told you
17 that I went to the camp.

18 Q. Oh. How long did you stay at the camp?

19 A. Weeks.

20 Q. And then you left the camp for your own
21 private residence in Kabul?

22 A. Yes.

23 Q. And how long did you stay at that private
24 residence?

1 A. The whole period, I stayed in Kabul.

2 Q. Was it a year, a month?

3 A. Months.

4 Q. Okay. And then you left to go to where in
5 Pakistan?

6 A. I went to Karachi.

7 Q. And where did you stay in Karachi?

8 A. Karachi is a vast place and I was going from
9 one place to the other.

10 Q. With your wife?

11 A. Yes.

12 Q. And why were you going from one place to
13 another?

14 A. There, my wife was expecting. There was -- my
15 wife and I was expecting a baby. I needed to
16 move around, to move from one hospital to the
17 other. I was moving from one place to the
18 other and this is through the interest.

19 Q. Why were you moving from one place to another?

20 A. Of course, after the events of September, the
21 security situation became very uptight in
22 Karachi and there was -- you know, there was,
23 you know, a problem for the Arab -- the Arab
24 person in Karachi, being there.

1 Q. So you thought --

2 A. I was obligated to protect myself and secure
3 my wife and myself.

4 Q. Mr. Soud, is it your testimony that after 9-11
5 you thought that Pakistani authorities were
6 looking for you?

7 MS. SHAMSI: Objection.

8 THE WITNESS: No, does not look for
9 me.

10 BY MR. SMITH:

11 Q. Well, why -- who did you think was pursuing
12 you in Pakistan after 9-11?

13 MS. SHAMSI: Objection.

14 THE WITNESS: There was a huge
15 security, like watch, on the watch, in
16 Pakistan, and Pakistan was targeting any Arab,
17 any Arab person who would be there in
18 Pakistan.

19 BY MR. SMITH:

20 Q. Well, why did you leave Afghanistan to go to
21 Pakistan knowing that?

22 MS. SHAMSI: Objection.

23 THE WITNESS: I left Afghanistan to
24 go to Pakistan because of the circumstances of

1 my wife who needed some medical attention
2 because of pregnancy.

3 BY MR. SMITH:

4 Q. Did you think that Pakistani officials were
5 seeking to arrest you following the events of
6 September 11th, 2001?

7 MS. SHAMSI: Objection.

8 THE WITNESS: No.

9 BY MR. SMITH:

10 Q. Then, why were you jumping from place to
11 place?

12 A. To secure myself and for fear of a possible
13 mistake.

14 Q. I see.

15 Now, how long did you continue
16 moving from place to place?

17 A. I stayed in Karachi till my wife delivered.

18 Q. When was that?

19 A. That was about -- in the seventh month of
20 2002.

21 Q. So that would be July of 2002?

22 A. Yes.

23 Q. And you left Karachi to go where?

24 A. I left Karachi, went to Peshawar.

1 Q. To Peshawar. To where?

2 A. Peshawar.

3 Q. And how long did you stay there?

4 A. Till I was detained or captured in 2003.

5 Q. Now, during the period -- well, strike that.

6 When were you detained in 2003?

7 A. 3-4, 2003.

8 Q. 3-4, so March?

9 A. April.

10 Q. April. Now, between the period July of 2002
11 until April 2003, what did you do in Peshawar?

12 A. Repetition.

13 MR. SMITH: Repeat it?

14 INTERPRETER: Want me to repeat?

15 MR. SMITH: Sure.

16 (Translation.)

17 THE WITNESS: I went to Peshawar
18 because there was the remaining members of the
19 LIFG, they were in Peshawar, and I was
20 thinking with them about the way to get out of
21 Pakistan.

22 BY MR. SMITH:

23 Q. Who supported you during that period of time?

24 A. It was the LIFG.

1 Q. And how did they go about supporting you, did
2 they give you cash?

3 A. Yes.

4 Q. Who gave you the cash?

5 A. Khalid al-Sharif.

6 Q. Spell that, please.

7 A. K-A-H-A-L-E-D. A-L-S-H-A-R-E-E-F. (Sic.)

8 Q. And how much cash were you given by Sharif on
9 a monthly basis?

10 A. He took over the rent for the house and the
11 monthly expenses.

12 Q. How much cash would he give you on a monthly
13 basis?

14 A. Four thousand rupee, about, nearly.

15 Q. And what did you do, if anything, in exchange
16 for this cash?

17 A. I did not understand the question.

18 Q. So you were -- you were in Peshawar from July
19 of '02 through April '03, correct?

20 A. Yes.

21 Q. And the LIFG was paying all of your expenses
22 while you were there, correct?

23 A. Yes.

24 Q. What, if anything, did you do during that

1 period of time for the LIFG?

2 A. We were being paid the -- these amount -- sums
3 of money and assistance not because of what we
4 were offering the LIFG, it was because we were
5 affiliated with the LIFG.

6 Q. Were you providing any services or assistance
7 to the LIFG during the period of time
8 July 2002 through April 2003?

9 A. At that time, I talked with Khalid al-Sharif
10 that I was going to leave Pakistan. And at
11 that time, the conditions of the travel did
12 not allow that and, in particular, the
13 situation of -- the health situation of my
14 wife did not allow for that. So the
15 circumstances were such that I didn't.

16 Q. Were you in hiding?

17 A. No.

18 Q. Did you walk the streets freely in Peshawar?

19 A. Yes.

20 Q. And did you apply for any jobs?

21 A. No.

22 Q. Why not?

23 A. I didn't want to do so. I was living in a --
24 normally and I was waiting for the -- the

1 facilitating or the way that I can leave
2 Pakistan and travel.

3 Q. And where did you want to go if you could get
4 out of Pakistan?

5 A. I was thinking of going to Iran.

6 Q. Okay. And what did you intend to do in Iran?

7 A. Only to secure myself. And the group, LIFG,
8 asked me to do so.

9 Q. So did you intend to go to Iran to carry out
10 the causes of the LIFG?

11 MS. SHAMSI: Objection. You may
12 answer.

13 THE WITNESS: My goal was to join
14 some of the member of the LIFG who are there
15 in Iran.

16 BY MR. SMITH:

17 Q. To carry out their cause?

18 A. To continue our cause against the Gaddafi
19 regime.

20 Q. Mr. Soud, do you know the name Abu Faraj,
21 that's F-A-R-A-J, al-Libi, A-L hyphen L-I-B-I?

22 A. Yes.

23 Q. Who is that?

24 A. He is a Libyan national.

1 Q. And how is it that you know him?

2 A. During my stay in Afghanistan.

3 Q. Was he part of the LIFG?

4 A. No.

5 Q. Why did you -- why were you with him in
6 Afghanistan?

7 A. I was not with him. I came to know him over
8 there, but I belonged to the LIFG and he
9 belongs to Al-Qaeda.

10 Q. How did you come to meet him in Afghanistan?

11 A. This is because Abu Faraj al-Libi is a Libyan
12 national and the LIFG is considered a Libyan
13 group. He used to frequent us from time to
14 time, this is because of the acquaintance and
15 because he is a Libyan person.

16 Q. So he would frequent the camp in Afghanistan?

17 MS. SHAMSI: Objection. You may
18 answer.

19 THE WITNESS: No. He does not
20 frequent the camp.

21 BY MR. SMITH:

22 Q. Did he, during the period of time that you
23 were at the camp in Afghanistan, did he
24 frequent that camp?

1 A. No.

2 Q. Was he ever at the camp?

3 A. No, he did not visit the camp.

4 Q. Well, where did you meet him in Afghanistan?

5 A. We have a gathering place that we call the
6 house of receiving guests or visiting guests
7 and this is a place for the LIFG and it is
8 situated within the city, it's a house, a
9 rented house, that is occupied by people from
10 the LIFG who are not in the camp.

11 Q. What city?

12 A. Jalalabad.

13 Q. And why did Abu Faraj al-Libi have occasion to
14 visit that house?

15 A. There was no reason. It was a visit. It was
16 like haphazard chance for him to visit.

17 Q. And you knew that he was part of the group
18 Al-Qaeda?

19 A. Yes.

20 Q. And he was a welcome guest?

21 A. We are under the umbrella of the Libyan
22 nationals and he would be welcome as a Libyan
23 national. And we oppose his -- we oppose his
24 attitude, that when it comes to Al-Qaeda, we

1 have a vast difference when it comes to their
2 vision and the ideology, but still, we are
3 under the Islamic fraternity, umbrella, and
4 between us, that bond of being -- of being
5 Libyans.

6 Q. When did you learn that Abu Faraj al-Libi was
7 affiliated with Al-Qaeda?

8 A. About 1992.

9 Q. And how did you demonstrate to him that you
10 opposed his attitude toward the mission of
11 Al-Qaeda?

12 A. I would tell him you are Libyan, you are a
13 Libyan national, and you have got out of Libya
14 and you have left that Gaddafi regime that
15 would -- disregards the human rights and that
16 would kill, detain, and would confiscate the
17 civil liberties, why don't you think about the
18 way to change that. You are a Libyan and a
19 special responsibility or emphasis befalls on
20 you to change this situation.

21 Q. Mr. Soud, do you have an understanding of what
22 Al-Qaeda's mission was and is?

23 A. I know.

24 Q. Can you tell me your understanding?

1 A. What I know, and this is through my knowing
2 that -- the Qaeda organization, or Al-Qaeda,
3 there was a long period where -- within which
4 the Al-Qaeda organization had changed. That
5 changed was -- that change was from one idea
6 to another idea. The Al-Qaeda organization,
7 up till the events of September, were adopting
8 some ideas that differed after September.

9 Before September, Al-Qaeda was a
10 group that was supporting resistance, the
11 resistance movement. For example, in
12 Afghanistan, against the Russians, and the
13 resistance, as well, that happened by the
14 Chechens against the Russians, the Turkishstan
15 (sic), Turkishstan against the Russians, as
16 well, and the Al-Qaeda group was supporting
17 the Army or the Sudanese government against
18 the separatists in the southern Sudan.

19 Q. Let me make sure I understand, Mr. Soud. Are
20 you saying that Al-Qaeda, to your
21 understanding, was supporting the Afghanis
22 against the Russians prior to 9-11?

23 A. Yes.

24 Q. And the --

1 MR. ALHALABI: I'm sorry. I'm
2 sorry. Your question was prior to 9-11. The
3 translation was prior to 2011.

4 MR. SMITH: Okay. So let's correct
5 that, then.

6 INTERPRETER: September 11.
7 Correction for the record, the interpreter
8 would like to add before September 11.

9 MR. SMITH: The same answer?

10 INTERPRETER: I'm sorry. I didn't
11 catch the -- the interpreter did not catch the
12 question.

13 MR. SMITH: Let's have the question
14 read back.

15 (Whereupon, the record was read
16 back by the court reporter as
17 follows:

18 QUESTION: "Let me make sure I
19 understand, Mr. Soud. Are you
20 saying that Al-Qaeda, to your
21 understanding, was supporting the
22 Afghanis against the Russians prior
23 to 9-11?

24 "ANSWER: Yes.")

1 BY MR. SMITH:

2 Q. Is that your answer?

3 (Translation.)

4 INTERPRETER: 2011, right? 9/11.

5 MR. ALHALABI: 9/11 is not 2011.

6 9/11 is 2001.

7 INTERPRETER: Oh.

8 (Translation.)

9 THE WITNESS: What I know is that
10 the Afghani resistance, it was supported by
11 Al-Qaeda in its war against Russia.

12 BY MR. SMITH:

13 Q. So, when you were fighting in the '90s with
14 the LIFG, Al-Qaeda was fighting on the same
15 side against the Russians, is that right?

16 A. I have fought against the Russians, that was
17 in 1991 and 1992, and that was supported by
18 the American government. The American
19 government was supporting the resistance over
20 there in a direct manner, and politically,
21 literally, and was supplying the resistance,
22 the Afghani resistance, with weapons,
23 necessary weapons, to carry that fight. I did
24 not participate in combat against any other

1 groups except only three times.

2 MS. SHAMSI: Maybe we should take a
3 break because I think everybody's getting
4 tired, but I'm happy for you to go longer if
5 you want.

6 MR. SMITH: Let me just ask a couple
7 follow-up questions, then we'll take a break.

8 BY MR. SMITH:

9 Q. Who is Brock Chisholm?

10 INTERPRETER: Brock Chisholm?

11 MR. SMITH: Yes.

12 (Translation.)

13 A. I don't know.

14 Q. Did you ever tell Brock Chisholm that you were
15 involved in 20 to 30 fire fights while in
16 Afghanistan?

17 MS. SHAMSI: Sorry to interrupt, but
18 I think accents are getting in the way of
19 communication here. So I think, why don't you
20 just start off, if you don't mind, by asking
21 who Brock Chisholm is, Dr. Brock Chisholm.

22 MR. SMITH: I think I already asked
23 that question.

24 MS. SHAMSI: But I think that the

1 accent was misunderstood, the --

2 INTERPRETER: Chisholm.

3 MS. SHAMSI: The way that the name
4 is pronounced didn't come across.

5 MR. SMITH: Well, I'm happy to have
6 you repeat it again.

7 INTERPRETER: Sure.

8 (Translation.)

9 THE WITNESS: I did not participate
10 20 or 30 times, did not.

11 BY MR. SMITH:

12 Q. Does the name Brock Chisholm mean anything to
13 you?

14 A. Dr. Brock Chisholm, I met him in Turkey and I
15 talked with him about my psychological
16 condition. I only dealt with Dr. Brock, I
17 only knew his first name, and I dealt with
18 him, but the last name or the second name, I
19 did not recognize. I didn't know.

20 MR. SMITH: All right. So why don't
21 we take a break, give your hands a rest.

22 VIDEOGRAPHER: The time is 3:06.

23 MR. SMITH: Give your voice a rest.

24 VIDEOGRAPHER: We're off the record.

1 (Brief pause.)

2 VIDEOGRAPHER: Back on the record.

3 The time is 3:24.

4 BY MR. SMITH:

5 Q. Mr. Soud, are you able to go forward?

6 A. Yes.

7 Q. Mr. Soud, when did you learn that one of
8 Al-Qaeda's missions was to cause harm to the
9 citizens of the United States of America?

10 A. From the events of September.

11 Q. So you're saying that you had no
12 understanding, prior to September 11th, 2001,
13 that Al-Qaeda had intentions to harm citizens
14 of the United States of America, is that your
15 testimony?

16 A. I did not realize that Al-Qaeda had adopted
17 the work against the USA in a particular way
18 but after the events of 9-11.

19 Q. So we're clear, Mr. Soud, I'm not asking you
20 if you had knowledge about what the intention
21 was on September 11th, 2001. I'll stop there
22 and let you translate.

23 (Translation.)

24 Q. What I am asking you is when did you learn

1 that the members of Al-Qaeda had an intention
2 to cause harm to citizens of the United States
3 of America, when did you learn that?

4 A. I did not know when Al-Qaeda had thought about
5 and guessed when it was to attack the United
6 -- the USA.

7 Q. I appreciate that, but I'm asking you a more
8 fundamental question. When did you learn that
9 the members of Al-Qaeda intended to cause harm
10 to citizens of the United States of America?

11 MS. SHAMSI: Objection.

12 (Translation.)

13 MS. SHAMSI: What did you ask of
14 him?

15 INTERPRETER: Can we proceed?

16 MS. SHAMSI: Yes.

17 INTERPRETER: Or objection and --

18 MS. SHAMSI: I just said objection.

19 INTERPRETER: Okay.

20 (Translation.)

21 THE WITNESS: I cannot say anything
22 about something that is just mere guessing,
23 but what I knew is that Al-Qaeda, when aimed
24 at American targets in 1998, it wanted the

1 war, it wanted the war with the USA.

2 BY MR. SMITH:

3 Q. When you occasionally met with Mr. Abu Faraj
4 al-Libi at what you referred to as "the house
5 of receiving guests," were you aware that he
6 had the intention to harm Americans?

7 A. What I know is that Abu Al-Faraj is a member
8 of Al-Qaeda and that Al-Qaeda has a different
9 -- a doctrine that is different from ours,
10 from the LGIF (sic).

11 Q. Mr. Soud, when you --

12 A. LFIG (sic).

13 Q. When you met at the house of receiving guests
14 with Abu Faraj al-Libi, were you aware that
15 he, as a member of Al-Qaeda, intended to cause
16 harm to United States citizens? Were you
17 aware of that?

18 MS. SHAMSI: Objection.

19 THE WITNESS: I didn't know that
20 America was going to be targeted. I didn't
21 know. I did not know.

22 BY MR. SMITH:

23 Q. I understand that. I'm asking you a different
24 question. Were you aware that Al-Qaeda --

1 well, let me start all over again. Strike
2 that.

3 Were you aware that Abu Faraj
4 al-Libi, a member of Al-Qaeda, intended to
5 cause harm to citizens of the United States,
6 even though you didn't know what the harm was,
7 were you aware of that?

8 MS. SHAMSI: Objection. You may
9 answer.

10 THE WITNESS: What I know is that he
11 belongs to Al-Qaeda and that Al-Qaeda had the
12 intention to target America.

13 BY MR. SMITH:

14 Q. Now, did you think that as a compatriot Libyan
15 citizen that you needed to protect that secret
16 with Mr. Abu Faraj al-Libi?

17 MS. SHAMSI: Objection.

18 THE WITNESS: No.

19 BY MR. SMITH:

20 Q. Did you ever tell any Americans about your
21 knowledge of Abu Faraj al-Libi?

22 A. No.

23 Q. Were you asked? Were you asked by Americans
24 about your knowledge?

1 A. Yes. I was asked by the CIA about Abu Faraj.

2 Q. What did you tell them?

3 A. What I have just said. What I have just said,
4 that we don't have any affiliation with him
5 except that he is a Libyan national and we are
6 -- we belong to the Islamic fraternity. This
7 is all I know.

8 Q. Did you tell Americans that you and he would
9 visit together at the house of receiving
10 guests that you told me about earlier today?
11 Did you tell the Americans that?

12 A. Yes. I told that I have met him, yes.

13 Q. Did you tell the Americans where you met him?

14 A. At that visiting house.

15 Q. So your testimony is that you told Americans
16 about the visits that were made to the house
17 of receiving guests, is that correct?

18 MS. SHAMSI: Objection. You may
19 answer.

20 THE WITNESS: Yes.

21 BY MR. SMITH:

22 Q. Mr. Soud, do you know a person by the name of
23 Abu Layth, that's L-A-Y-T-H, al-Libi
24 (al-Libee) or Libi (Libuy)?

1 Who is he?

2 A. Yes.

3 Yes, he was a person -- yes, he was
4 a member, one of the members of the LIFG.

5 MR. ALHALABI: Yes, he was a Libyan
6 person.

7 INTERPRETER: Yes, he was a Libyan
8 person.

9 BY MR. SMITH:

10 Q. Okay. Was Abu Layth al-Libi a member of
11 Al-Qaeda?

12 A. Yes. He was one of the group, one member of
13 the group LIFG, then after the war, after
14 Afghanistan was invaded by America, the war of
15 America in Afghanistan, he became a member for
16 Al-Qaeda.

17 MR. ALHALABI: He didn't say
18 "member." He said he started working with
19 Al-Qaeda.

20 MR. SMITH: Excuse me for one
21 second. I'm happy to have you assist in the
22 translation, but let me just remind you,
23 you're not an advocate here today.

24 MR. ALHALABI: I'm not. I'm just --

1 MR. SMITH: Okay.

2 MR. ALHALABI: I'm just saying --

3 MR. SMITH: I understand.

4 MR. ALHALABI: -- exactly what he
5 said.

6 MR. SMITH: No, I understand. But,
7 obviously, there is a dispute about what he
8 said. And I don't know what he said and I
9 want to make sure we get a hundred percent
10 right, but let's just make sure that we do it
11 in a way that --

12 MS. SHAMSI: Jim, I totally agree
13 with you that he's not speaking as an
14 advocate.

15 MR. SMITH: Yeah.

16 MS. SHAMSI: As a translator, if
17 there is an issue with --

18 MR. SMITH: Absolutely.

19 MS. SHAMSI: -- respect to "member"
20 versus "working with," then that's something
21 that you might want to clarify.

22 INTERPRETER: Sure.

23 MR. SMITH: And if there is an
24 issue, let's just do it in a way that --

1 THE INTERPRETER: Sure.

2 MR. SMITH: Yeah. Because I know
3 you're doing your best, and I know you are,
4 and let's just make a record that looks that
5 way.

6 INTERPRETER: Yes, please.

7 MR. SMITH: Okay. So what's the
8 issue?

9 INTERPRETER: Could the interpreter
10 clarify from the witness the last segment
11 concerning Abu Layth al-Libi?

12 (Translation.)

13 INTERPRETER: Exactly. He was
14 correct. He became cooperative or cooperating
15 with Al-Qaeda.

16 BY MR. SMITH:

17 Q. In what year did that occur?

18 A. After September in 2001.

19 Q. Okay. How many other members of the LIFG
20 started cooperating with Al-Qaeda after
21 September 11th, 2001?

22 A. Some members have become cooperating --
23 started cooperating with Al-Qaeda, I would say
24 about four persons, that those have become

1 cooperating with Al-Qaeda. This is what I
2 know.

3 Q. And do you know their names?

4 A. Yes.

5 Q. What are their names?

6 A. There is Seraj, S-E-R-A-J, Abu Sahl, A-B-U,
7 S-A-H-L, Abdulla Saaid, A-B-D-U-L-A (sic),
8 S-A-A-I-D. This is what I remember right now.

9 Q. I thought you said there were four.

10 A. Yes, but I forgot the fourth.

11 Q. And when did you learn that these members of
12 LIFG were cooperating with Al-Qaeda?

13 A. In 2002.

14 Q. And in 2002, I think you were back in
15 Pakistan, right?

16 A. Yes.

17 Q. And how did you learn about these four and
18 their cooperation?

19 A. We were in Peshawar and I -- it came to my
20 knowledge that there are persons from LIFG,
21 that Abu Layth managed to convince them with
22 his goals and his desire to help Al-Qaeda,
23 that's -- and, thus, they joined him.

24 Q. Now, do you know if these people from LIFG

1 were on the payroll for LIFG, like you were?

2 MS. SHAMSI: Objection. You can
3 answer.

4 THE WITNESS: I don't know.

5 BY MR. SMITH:

6 Q. Well, do you have any reason to believe they
7 were treated any differently than you?

8 A. Repeat the question.

9 Q. Do you have any reason to believe they were
10 treated any differently by the LIFG than you
11 were treated by the LIFG?

12 MS. SHAMSI: Objection.

13 THE WITNESS: I don't know. I don't
14 know.

15 BY MR. SMITH:

16 Q. Do you know what the cooperation was that
17 these men were giving to Al-Qaeda?

18 A. I don't know.

19 Q. Did you ever learn, sir, after September 11th,
20 2001, that there was another attack that was
21 planned on the United States?

22 A. I don't know.

23 Q. What was your reaction when you learned about
24 the attack on the United States on

1 September 11th, 2001?

2 A. I opposed, I opposed that vehemently, or
3 strongly.

4 Q. And when you learned that the LIFG members who
5 you've identified by name were participating
6 with or cooperating with Al-Qaeda, did you
7 report them to the authorities?

8 A. No.

9 Q. Is that because they were Libyan brothers?

10 MS. SHAMSI: Objection. You may
11 answer.

12 THE WITNESS: I did not have the
13 clear means or the methods to say about or to
14 tell about these and I did not know any
15 American to tell them that these are who did
16 that or -- or tell them about those, tell them
17 about those.

18 BY MR. SMITH:

19 Q. Do you know the name, Mr. Soud, Abu Yahya,
20 that's Y-A-H-Y-A, al-Libi, L-I-V-Y (sic)?

21 A. I know -- I know it's the fourth person that I
22 missed.

23 Q. Okay. And isn't it true that he occupied a
24 senior position in Al-Qaeda?

1 A. I did not know that he had joined Al-Qaeda. I
2 know that he has joined.

3 Q. Well, you knew he was cooperating following
4 the events of September 11th, 2001, with
5 Al-Qaeda, correct?

6 A. Yes.

7 Q. Who is Abu al-Laith (sic), L-A-I-T-H, al-Libi,
8 L-I-B-Y (sic)?

9 MS. SHAMSI: Objection. Asked and
10 answered, but you can answer.

11 BY MR. SMITH:

12 Q. Abu Laith, is that the same person?

13 A. Yes.

14 Q. Are you still a member of the LIFG?

15 A. Yes. The LIFG has turned into a political
16 party after the killing of Gaddafi in 2011.

17 Q. Is it true that on November 3rd, 2007, the
18 LIFG merged with Al-Qaeda?

19 A. It's not true, no.

20 Q. Have you seen the video clips produced by
21 Al-Qaeda announcing that merger?

22 A. I saw Abdelhakim Belhadj when we were together
23 in the prison in Libya and he was confirming
24 that he did not join Al-Qaeda.

1 MR. SMITH: Could you repeat the
2 question?

3 (Whereupon, the last question was
4 read back by the court reporter as
5 requested.)

6 MR. SMITH: I'm going to move to
7 strike the answer as nonresponsive.

8 BY MR. SMITH:

9 Q. Have you seen the video clips produced by
10 Al-Qaeda or released by Al-Qaeda announcing
11 the merger of Al-Qaeda and the LPIG? I'm
12 sorry, LIFG. I misspoke.

13 A. No, I did not see it.

14 Q. Have you heard about it?

15 A. No. I was not living in prison and I did not
16 hear about it.

17 Q. So, Mr. Soud, you were --

18 MR. ALHALABI: The answer was, no, I
19 did not. I was living in prison and I did not
20 hear about it.

21 And that's not what he said. Sorry.

22 MR. SMITH: You good with that? Do
23 you accept that interpretation?

24 INTERPRETER: Yeah, I'm just

1 thinking if it's the same --

2 MR. SMITH: Okay. Take your time.

3 THE INTERPRETER: -- by rephrasing
4 it, the wording. This is what the interpreter
5 has said, that he did not hear about it, he
6 was living in prison.

7 MR. SMITH: We're good. Okay.

8 BY MR. SMITH:

9 Q. Mr. Soud, you were captured in April of 2003,
10 is that right?

11 A. Yes.

12 Q. And you were detained for how long?

13 MS. SHAMSI: Objection, but you may
14 answer.

15 THE WITNESS: For a period of a year
16 and four months, I was detained. I was
17 detained.

18 BY MR. SMITH:

19 Q. Okay. And the -- I think you were captured on
20 April 3rd, 2002. Does that sound right?

21 A. Yes, I was captured on April 3rd, 2003.

22 Q. And you were held until August of 2003?

23 A. I was detained till August of 2004.

24 Q. 2004, okay.

1 And when were you -- when in August?

2 A. The 22nd of August of 2004.

3 Q. All right. And on August 22nd, 2004, what
4 happened to you?

5 A. I was taken from the prison that I was in to
6 the prison that I was in that was the CIA
7 prison and I was dispatched to some unknown
8 place, and when I arrived there, to that
9 place, I was handed over to the Gaddafi
10 regime.

11 Q. So were you -- when you were handed over to
12 the Gaddafi regime, were you in Libya?

13 A. Yes. I mean Libya, I mean handing me over to
14 Libya.

15 Q. Were you actually handed over in Libya or some
16 other country?

17 A. I was in another country and, then, I was
18 handed to Libya.

19 Q. So you were turned over to Libyan officials
20 but in another country?

21 A. Directly, directly through the CIA and the
22 Gaddafi regime in Libya.

23 Q. Okay. So just so we're clear on the record,
24 he was turned over to the Gaddafi regime in

1 Libya?

2 MS. SHAMSI: Objection, form.

3 THE WITNESS: Yes, I was turned over
4 directly to the Libyan government.

5 BY MR. SMITH:

6 Q. Now, at the time you were turned over to the
7 Libyan government, was there a warrant
8 outstanding for your arrest?

9 A. No. There wasn't a warrant for my arrest
10 because the Gaddafi regime does not need a
11 warrant to arrest me.

12 THE INTERPRETER: And just an
13 addition, the interpreter would add: Because
14 of me being a member of IL -- LIFG, there was
15 no need for a warrant to arrest.

16 MR. SMITH: Okay.

17 MS. SHAMSI: Can I just ask for a
18 clarification on the record?

19 MR. SMITH: Sure.

20 MS. SHAMSI: When the interpreter
21 said "the interpreter would add," is that the
22 interpreter's addition or --

23 INTERPRETER: No. Whatever he said.

24 The interpreter just did not carry that

1 "because I was a member of the LIFG" within
2 that reply. It's his words.

3 Maybe I -- maybe the interpreter
4 shall say again.

5 No, because of the Gaddafi regime,
6 and I were a member of LIFG, there was no need
7 for a warrant to arrest me.

8 MR. SMITH: Are you good with that,
9 Bashar?

10 MR. ALHALABI: Good enough.

11 BY MR. SMITH:

12 Q. Mr. Soud, at the time you were turned over to
13 the Libyan government, was it still your
14 intention to kill Gaddafi and the members of
15 his regime?

16 A. Definitely, yes.

17 Q. And how long -- you were -- strike that.

18 When you were turned over to the
19 Libyan government, you were in prison?

20 A. Yes.

21 Q. And how long did you remain in prison?

22 A. To the year 2011, till January of 2011.

23 Q. When was Gaddafi killed in 2011, do you know?

24 A. August 20, yes.

1 Q. So you were released from prison while he was
2 still alive?

3 A. Yes.

4 Q. While you were in prison in Libya from 2004
5 through 2011, were there ever any charges that
6 were brought against you?

7 A. Yes.

8 Q. What were the charges?

9 A. A coup to end the ruling regime.

10 Q. And did you plead guilty to those charges?

11 A. I wasn't given -- I was not given the chance
12 to defend myself, I was not, and even I was
13 prevented from retaining an attorney.

14 Q. Now, were you sentenced in connection with
15 those proceedings?

16 A. Yes.

17 Q. And what was your sentence?

18 A. It was life imprisonment, that was the
19 judgment, or the sentencing.

20 Q. And then you were released from the prison in
21 2011, in January of 2011, right?

22 A. Yes.

23 Q. And what did you do after you got out of
24 prison?

1 A. I participated in the Libyan revolution that
2 overturned the Gaddafi regime.

3 Q. Were you fighting?

4 A. I have received training sessions from the Red
5 Cross about collecting whatever is left from
6 the war, like bombs, and securing the people.

7 Q. After you got out of prison, did you go back
8 to the LIFG?

9 A. The LIFG continued up till the day that
10 Gaddafi was killed and since -- and since the
11 LIFG assumed -- considered that its target had
12 been achieved and announced that it has
13 dissolved itself and giving up or leaving the
14 armed activities and participation in the
15 political life.

16 MR. SMITH: So the question that was
17 asked was?

18 (Whereupon, the last question was
19 read back by the court reporter as
20 requested.)

21 MR. SMITH: So I'm going to move to
22 strike your answer as nonresponsive.

23 Let me ask the question again. When
24 you were released from prison, Mr. Soud, did

1 you return to the LIFG?

2 MS. SHAMSI: Objection.

3 THE WITNESS: Yes.

4 BY MR. SMITH:

5 Q. And did you remain on the payroll or did you
6 go back on the payroll for the LIFG?

7 A. No.

8 Q. How were you able to take care of yourself and
9 your family?

10 A. I took a private job.

11 Q. Where did you take a job?

12 A. It was in a company, import and export of
13 alabaster and granite.

14 Q. When did you start working there?

15 A. Nearly, I started working there about a year
16 and a half ago.

17 Q. So that would be sometime in 2015?

18 A. Yes.

19 Q. And between the time you left prison until you
20 took that job in 2015, who supported you?

21 A. I was working amongst the Libyan
22 revolutionaries in Misrata. M-U-S-R-A-T-A
23 (sic).

24 Q. And did these Libyan revolutionaries pay you

1 money to sustain yourself?

2 A. Yes.

3 Q. And are you presently working for this granite
4 company that you identified?

5 A. Yes.

6 Q. And what's your position with the company?

7 A. My position in the company is that I am the
8 administer responsible about the human
9 resources department.

10 Q. And but for this case, do you go to work every
11 day?

12 A. Yes.

13 Q. Now, I want to go back to April 3rd of 2002.
14 You were in Peshawar, right?

15 A. Yes.

16 Q. And you were in a --

17 MS. SHAMSI: Objection. Keep going.

18 BY MR. SMITH:

19 Q. And you were in a rental house that was being
20 paid for at the time by the LIFG, correct?

21 A. Yes.

22 Q. And you were moving from place to place?

23 A. Yes.

24 Q. Did you have your weapons with you when you

1 were moving place to place?

2 A. No.

3 Q. Where were your weapons?

4 A. I did not have a weapon.

5 Q. Where were they?

6 A. I do not have a weapon.

7 Q. No, but when you were at the camp, you had
8 weapons, right?

9 A. Weapons do not belong to me. Weapons belong
10 to LIFG.

11 Q. When you left Afghanistan to go to Karachi,
12 did you take weapons with you?

13 A. No.

14 Q. Why?

15 A. I did not need.

16 Q. Why?

17 A. I did not go to Karachi to fight with someone
18 or to kill someone. I went for treatment.

19 Q. Okay. All right. Now, on April 3rd, 2002,
20 you were taken into custody, were you not?

21 MS. SHAMSI: Objection. I think you
22 want to check your date there.

23 MR. SMITH: What date is it? And he
24 can say whatever the date is.

1 Oh, I keep saying two. I don't know
2 why I keep saying that. I'm confusing them.

3 BY MR. SMITH:

4 Q. Let me just withdraw the question and say, on
5 April 3rd, 2003, Mr. Soud, you were taken into
6 custody, were you not?

7 A. Yes.

8 Q. What time of day were you taken into custody?

9 A. Noon-ish.

10 Q. Noon-ish?

11 A. One o'clock, midday.

12 Q. What were you doing?

13 A. I was -- I were at home and with Khalid
14 al-Sharif.

15 Q. I'm sorry. Can you repeat the witness's
16 answer?

17 A. I were at home and I was with Khalid
18 al-Sharif.

19 MR. SMITH: He was at home?

20 INTERPRETER: At home.

21 MR. SMITH: Oh, okay. And he was
22 with?

23 INTERPRETER: Khalid al-Sharif.

24 BY MR. SMITH:

1 Q. Who is Halid al-Sharif?

2 A. He is one of the leaders of LIFG and he's a
3 Libyan.

4 Q. What were you doing with him?

5 A. He came to visit.

6 Q. So describe for me, as best you can recall,
7 the circumstances under which you were taken
8 into custody.

9 A. I was with my family and my daughter in my
10 house and some of -- some persons from the
11 group. We were living in Peshawar. And at
12 that time, the raid happened on me.

13 Q. Who were you with from the group?

14 A. Khalid al-Sharif, Ayoub --

15 Q. You gotta go a little slower. Go ahead.

16 A. Ayoub.

17 Q. How do you spell that?

18 A. A-Y-O-U-B, Majed, M-A-J-E-D, Lutfi,
19 L-U-F-T-I -- L-U-T-F-I.

20 Q. And were all of these members of the LIFG?

21 A. Yes.

22 Q. Were any of them assisting Al-Qaeda in any
23 way?

24 A. I do not know, no.

1 Q. Do you know an individual named Khalid?

2 A. Yes.

3 Q. Who is Khalid?

4 A. Khalid al-Sharif.

5 Q. Okay. So it's not Haleed (phonetic), it's
6 Khalid?

7 INTERPRETER: Khalid. Khalid.

8 MR. SMITH: Got it. Okay.

9 MS. SHAMSI: While there's no
10 question pending, there's an issue with the
11 translation.

12 MR. ALHALABI: Yeah.

13 MR. SMITH: Okay.

14 MR. ALHALABI: I gotta go back to
15 the question, when -- you asked if any of the
16 members that were in the home or the house
17 or --

18 MR. SMITH: Yes.

19 MR. ALHALABI: -- the place with
20 him, if he knew if they were -- any of them
21 was a member of Al-Qaeda. The answer -- the
22 correct answer was "I do not think so, no."
23 The translation was "I don't know, no." So I
24 just...

1 MR. SMITH: Okay. Acceptable to
2 you?

3 INTERPRETER: Yes.

4 MR. SMITH: Okay. The record will
5 so reflect. Okay.

6 BY MR. SMITH:

7 Q. So you were in your home with four other
8 members of the LIFG when people appeared in a
9 raid, is that right?

10 A. No.

11 Q. Oh. How many people were in your home with
12 you when this raid occurred?

13 A. Only one person, that was Khalid al-Sharif,
14 and my family.

15 Q. Okay. Tell me what happened.

16 A. At the time of midday, I heard the sound or
17 the noise of a pushing the door and a banging
18 on the door, strongly. So I came out from the
19 window and I saw that the house was besieged
20 entirely and that the police cars were all
21 over the place, so I knew that the Pakistani
22 police has besieged the home and started to
23 break into it.

24 Q. Did you lean out the window or jump out the

1 window?

2 A. I leaned from the window so I have seen that
3 scenery.

4 Q. And was that from the first floor or the
5 second floor?

6 A. Second floor.

7 Q. And what happened next?

8 A. I realized that the Pakistani intelligence had
9 besieged the home. Khalid al-Sharif jumped
10 from the rear part to the house and me, too, I
11 joined him and jumped.

12 Q. So you tried to escape?

13 A. Yes. I tried to flee.

14 Q. Now, at that point, these were Pakistani
15 police who you believed were trying to take
16 you, I guess to arrest you, was that your
17 understanding?

18 MS. SHAMSI: Objection.

19 THE WITNESS: Yes, (speaking
20 Arabic).

21 BY MR. SMITH:

22 Q. Now, do you remember you told me earlier today
23 that when you were living there, you would
24 walk the streets freely, without any concern?

1 A. Yes.

2 Q. Why would you run?

3 A. I got scared about myself.

4 Q. Okay. What were you -- oh.

5 A. We have an enemy, Al-Gaddafi.

6 Q. Do you think that by April of 2003 the Gaddafi
7 regime knew that you were part of a group that
8 wanted to kill him and -- and his regime?

9 MS. SHAMSI: Objection.

10 THE WITNESS: Al-Gaddafi knew that
11 the LIFG wanted to kill him and that was all
12 the time, and this was the base of LIFG.

13 BY MR. SMITH:

14 Q. What was the basis for you to believe that the
15 Pakistani police were somehow aligned with
16 Gaddafi and his regime at that time?

17 MS. SHAMSI: Objection. You may
18 answer.

19 THE WITNESS: It happened previously
20 that the Pakistani police has captured Libyan
21 persons and handed them over to the Gaddafi
22 regime.

23 BY MR. SMITH:

24 Q. So, when you jumped out the window, where did

1 you run to?

2 A. To the back street or back road or back alley.

3 Q. And were there police back there, Pakistani
4 police?

5 A. Yes. They were surrounding the place and shot
6 at me and I was hit in my foot.

7 Q. So you were shot by the Pakistani police
8 trying to flee?

9 A. Yes.

10 Q. And was Sharif, was he being shot at, too?

11 A. Yes.

12 Q. Was he hit?

13 A. Yes. He suffered a broken leg.

14 Q. And did the Pakistani police give you any
15 warning before they started to shoot at you?

16 A. No.

17 Q. They didn't tell you to stop running?

18 A. No. (In Arabic.)

19 Q. Where were you going to go --

20 MS. SHAMSI: I'm sorry. Just for
21 the record, that wasn't translated, it was
22 still in Arabic.

23 MR. SMITH: Okay. You want to
24 translate it?

1 (Translation.)

2 MS. SHAMSI: Let me just interrupt.

3 I think he gave his answer and you said the

4 Arabic word instead of the English word.

5 That's what I'm saying.

6 MR. SMITH: I think you want to say

7 "no." I think that's where we're going with

8 all of this.

9 MR. ALHALABI: That's it, yeah.

10 INTERPRETER: No.

11 MR. SMITH: I'm even catching onto

12 Arabic.

13 INTERPRETER: No.

14 MR. SMITH: I may just need partial

15 translations going forward.

16 MS. SHAMSI: Do you -- do you want

17 to take a break?

18 INTERPRETER: No. No. No. That's

19 fine.

20 MS. SHAMSI: All right.

21 MR. SMITH: Madam court reporter, do

22 you want to take a break?

23 COURT REPORTER: I'm fine.

24 MR. SMITH: I don't know how you

1 could be, but you are?

2 COURT REPORTER: Oh, yeah.

3 MR. SMITH: All right. Good. Good.

4 BY MR. SMITH:

5 Q. Okay. So where were you going to go if you
6 got away?

7 A. I don't know.

8 Q. Okay. So you were shot in the foot by the
9 Pakistani police.

10 A. (Translation.)

11 Q. Yes?

12 A. Yes.

13 Q. Was there any evidence that any Americans were
14 involved in this?

15 A. I don't know.

16 Q. Did you see any Americans among the Pakistani
17 police?

18 A. There were cars overseeing the capture or the
19 raid and there were Americans in these cars.

20 Q. Describe for me what the Americans looked
21 like.

22 A. There was a car and there was an American man
23 in it and that car was beside the car that I
24 was put in and me being transferred to the

1 police station.

2 Q. So you saw one American in one car on the day
3 you were taken into captivity by the Pakistani
4 police?

5 A. When I went to the detention facility, an
6 American person interrogated me.

7 Q. Okay. We're going to get to that. But at the
8 scene, when you were taken into custody, you
9 saw one American in -- in his car?

10 A. This is what I envisaged.

11 Q. This is what I?

12 A. Envisaged or seen. This is what I have seen
13 or envisaged.

14 MR. ALHALABI: Envisioned.

15 INTERPRETER: Envisaged.

16 BY MR. SMITH:

17 Q. Are you sure you saw an American that day?

18 A. It seemed to me that I have seen an American
19 person, yes.

20 Q. Okay. Do you have any evidence that the
21 Americans were involved in the decision to
22 take you into custody that day?

23 MS. SHAMSI: Objection.

24 THE WITNESS: I don't know.

1 BY MR. SMITH:

2 Q. Okay. Now, you were -- after you got shot in
3 the foot, it was with a rubber bullet?

4 A. Yes, I think so.

5 Q. Okay. I take it you fell to the ground after
6 you were shot in the foot, right?

7 A. Yes.

8 Q. And you were put into a Pakistani police car?

9 A. I was taken to the police -- the Pakistani
10 police car.

11 Q. Okay. And the Pakistani police car took you
12 to where, sir?

13 A. To the police station.

14 Q. Okay. And what -- Mr. al-Sharif, was he also
15 taken to the police station?

16 A. Yes.

17 Q. In the same car?

18 A. Yes.

19 Q. So tell me what happened to you when you got
20 to the police station.

21 A. I was shackled, put inside the Pakistani --
22 the Pakistani police car, the car of the
23 Pakistani police, and I was driv -- taken to
24 the police station and I was placed inside a

1 solitary cell or confinement cell.

2 MR. ALHALABI: Solitary.

3 BY MR. SMITH:

4 Q. And how long did you remain at that facility,
5 that police station?

6 A. About ten days.

7 Q. And during that period of time, were you
8 questioned by the police?

9 A. I was questioned by persons from the CIA.

10 Q. Were you questioned by Pakistani police while
11 you were there for ten days?

12 A. Only to get to know my name, only.

13 Q. So the Pakistani police only wanted to know
14 your name?

15 A. Only about my name and my affiliation and
16 asked about my house and my family and that
17 this is my house.

18 Q. That's what the Pakistani police asked you?

19 A. Yes.

20 Q. All right. Now, were you also questioned by
21 Americans?

22 A. Yes.

23 Q. Okay. How do you know they were Americans?

24 A. He introduced himself by being so.

1 Q. Okay. What did he say?

2 A. He said "I am from the CIA," and interrogated
3 me based on that.

4 Q. Okay. This was one person?

5 A. Four people.

6 Q. Four people. And did they all identify
7 themselves as being from the CIA?

8 A. The one who was talking with me, it was only
9 one person.

10 Q. And what were the other three doing?

11 A. Sitting only and listening to what he was
12 saying.

13 Q. Did they identify themselves?

14 A. No.

15 Q. Do you know if they were members of the CIA?

16 A. I did not know. They did not introduce
17 themselves being such.

18 Q. Do you know if they were Americans?

19 A. No.

20 Q. How many times were you interrogated by this
21 person from the CIA while you were at this
22 facility?

23 A. All the questioning that took place were
24 conducted by this person, several times.

1 Q. How many times?

2 A. Several times, I do not recall exactly.

3 Q. Okay. How long did the sessions last where
4 the CIA person asked you questions?

5 A. Long hours. I do not know exactly. Long
6 hours.

7 Q. Can you approximate?

8 A. I don't know. I can't, cannot.

9 Q. Okay. And do you have a memory of what
10 questions you were asked during the
11 interrogation?

12 A. Getting to know my name, a lot of questions
13 getting to know my affiliation.

14 MS. SHAMSI: Jim --

15 MR. SMITH: Mr. Soud --

16 MS. SHAMSI: -- does it make sense
17 to take a few minutes break because we've been
18 going for quite a while and I need to use the
19 restroom. I'm happy to go until six or
20 whenever you want to.

21 MR. SMITH: Yeah. Let me just --
22 let me just -- we'll take a break in a second.

23 BY MR. SMITH:

24 Q. Mr. Soud, had you been trained to resist

1 interrogation techniques prior to the time
2 that you were taken into custody by the
3 Pakistani police?

4 A. No. I don't know this thing, no.

5 Q. So at no time prior to being taken into
6 custody in April of 2003 had you received any
7 training about how to resist interrogation
8 techniques, is that correct?

9 A. Yes, I did not take.

10 MR. SMITH: Okay. So let's take
11 break.

12 VIDEOGRAPHER: The time is 4:50.
13 We're off the record.

14 (Brief pause.)

15 VIDEOGRAPHER: Back on the record.
16 The time is 5:06.

17 BY MR. SMITH:

18 Q. Mr. Soud, are you able to go forward?

19 A. Yes.

20 Q. And let me just remind you, if there comes a
21 point where you get tired, just tell me and we
22 can break for today and we'll pick it up
23 tomorrow morning. Okay?

24 A. Thank you.

1 MS. SHAMSI: Jim, before you go on,
2 I think we were going to correct the record,
3 where there was a translation issue.

4 MR. SMITH: Yes.

5 INTERPRETER: The interpreter would
6 like to make a correction for the record.
7 There was a mention for jumping to the back
8 road. It was interpreted as it was uttered,
9 as jumping to the back side of the house. The
10 interpreter interpreted it as jumping to the
11 back road or back street or back alley. So it
12 could be just the back street or the street at
13 the back.

14 MR. SMITH: Is that acceptable?

15 MR. ALHALABI: Acceptable.

16 MR. SMITH: All right.

17 MS. SHAMSI: Could we -- I just
18 wanted to let Mr. Ben Soud know that we
19 clarified the interpretation issue.

20 (Translation.)

21 INTERPRETER: It's correct, the back
22 street.

23 BY MR. SMITH:

24 Q. Okay. Mr. Soud, I want to go back to the

1 period of time that you were held at that
2 Pakistani jail.

3 How many times were you questioned
4 by the Pakistani police?

5 A. About once or twice.

6 Q. And you were questioned by the Americans or
7 that CIA official how many times?

8 MS. SHAMSI: Objection. Asked and
9 answered.

10 THE WITNESS: I don't know. Several
11 times.

12 BY MR. SMITH:

13 Q. And do you have a memory of what the CIA
14 person asked you during the interrogation?

15 A. What I remember is that he asked me about my
16 name, about the names that I used -- or are
17 used, about my organization and affiliation,
18 and the reason of being in Peshawar.

19 Q. Okay. And do you remember the answers that
20 you gave?

21 A. I answered him. To an extent I remember, I
22 answered him.

23 Q. Okay. What did you tell him about your
24 reasons for being in Peshawar?

1 A. I told him about my reasons for being in
2 Peshawar, that I want to travel outside
3 Pakistan, and that now I am there in Pakistan
4 waiting for the chance till I can get out.

5 Q. And did you tell him why you wanted to get
6 out?

7 A. To secure myself, get out to secure myself.

8 Q. Did you tell him that you were a member of the
9 LIFG?

10 A. Yes.

11 Q. Did you tell him that you, for some period --
12 strike that -- that you had been a member of
13 that organization for approximately, I guess,
14 the last 13 or so years?

15 A. Yes.

16 Q. Did you tell him that you were, as part of
17 your duties and responsibilities, in charge of
18 running a camp, an LIFG camp, in Afghanistan
19 during that period of time?

20 MS. SHAMSI: Objection. You can
21 answer.

22 THE WITNESS: I cannot remember
23 exactly.

24 BY MR. SMITH:

1 Q. Did you tell him, in words or substance, that
2 during your affiliation with the LIFG, you
3 were in communication with other LIFG members
4 who were associated with Al-Qaeda?

5 MS. SHAMSI: Objection.

6 THE WITNESS: I told him that I am a
7 member of the LIFG and that I communicate with
8 the other members of the LIFG.

9 BY MR. SMITH:

10 Q. Did you tell him, in words or substance, that
11 some of those members were also associated
12 with Al-Qaeda?

13 MS. SHAMSI: Objection. You may
14 answer.

15 THE WITNESS: I told him that I know
16 Abu Faraj al-Libi and that I had a previous
17 acquaintance with him and that I was visiting,
18 meeting him in the visiting house.

19 BY MR. SMITH:

20 Q. What else did you tell him?

21 A. I told him that I know Abu Layth, Abu Layth,
22 L-A-Y-T-H, Abu, A-B-U, and that I had a
23 relationship or a connection with him because
24 he was a member of the FLIG (sic) and I told

1 him.

2 Q. What else did you tell him?

3 A. This is what I remember.

4 Q. Okay. Now, during that period of time, other
5 than the several interrogations by that one
6 CIA agent, did you have any other
7 communication or contact with any Americans
8 while you were in that prison -- or I'm
9 sorry -- in that police station?

10 A. No, except the simple interrogations by the
11 Pakistanis.

12 Q. Now, at the time that you were arrested and
13 taken into the Pakistani police at your house,
14 did they beat you?

15 MS. SHAMSI: Objection. He may
16 answer.

17 THE WITNESS: Yes. Yes.

18 BY MR. SMITH:

19 Q. Were they Pakistani police who beat you?

20 A. Yes.

21 Q. Tell me what you recall about that.

22 A. When I was in the interrogation room, while I
23 was interrogated by the CIA, sometimes the
24 interrogating officer, the American

1 interrogating officer, would come out and the
2 intelligence Pakistani officers would come and
3 beat me.

4 Q. So I'm going to get to that in a sec. Let me
5 focus, first, on at the time you were arrested
6 by your house and put into a Pakistani police
7 car, did anybody beat you during that period
8 of time?

9 MS. SHAMSI: Objection. You may
10 answer.

11 THE WITNESS: Yes.

12 BY MR. SMITH:

13 Q. Tell me what happened.

14 A. When I fell down and Pakistani police came to
15 arrest me, they took me to the police car,
16 they slapped me several times.

17 Q. Did that cause any injuries?

18 A. No.

19 Q. Now, when you were held at the detention
20 facility, how many times did the Pakistani
21 police beat you in the facility?

22 A. About twice.

23 Q. Two times. Okay.

24 A. Two times.

1 Q. Let's go through each one. Tell me what
2 happened the first time.

3 A. In the same way the American interrogator came
4 out of -- out to the room -- came out from the
5 room or went out of the room, and the
6 Pakistani police started beating me and
7 slapping me and beating me on the shoulder, on
8 both shoulders.

9 Q. What did they do to your shoulders?

10 A. Beating with hands.

11 Q. Were they punching your shoulders?

12 A. Yes.

13 Q. And where else did they hit you other than on
14 your shoulders?

15 A. Slapping.

16 Q. Where did they slap you?

17 A. On the face.

18 Q. And how many times did they slap you on the
19 face?

20 A. Each time, about three to four times or slaps.

21 Q. And how many times did they slap you on your
22 shoulders?

23 A. About three times.

24 Q. Now, this happened two times?

1 A. Yes.

2 Q. And each time, it was the same, some slaps on
3 the face and some slaps on the shoulders?

4 A. Yes.

5 Q. Did either time cause any injuries to you?

6 A. No.

7 Q. And these two times when you were slapped on
8 your shoulders and on your face, there were no
9 Americans present?

10 A. Yes.

11 Q. Yes, there were no Americans present?

12 A. Yes.

13 Q. Okay. Now, you had been shot with that rubber
14 bullet in your foot. Were you getting medical
15 treatment for that?

16 A. At that time, no.

17 Q. And did you ask for medical treatment?

18 A. Yes.

19 Q. Who did you ask?

20 A. I asked for a painkiller.

21 Q. Who did you ask, a Pakistani official?

22 A. Yes.

23 Q. And what were you told?

24 A. He rejected my demand and did not answer my

1 question.

2 Q. Now, during that period of time when you were
3 held at the Pakistani police station, were you
4 able to walk?

5 A. No.

6 Q. Were you able to stand?

7 A. On my own, no.

8 Q. And why is it that you were unable to walk?

9 A. My -- my -- my limb was broken and it was
10 impossible to walk.

11 Q. What was broken?

12 A. My foot.

13 Q. And that was from the rubber bullet?

14 A. Yes.

15 Q. And how long did you stay at the police
16 station?

17 A. Ten days.

18 Q. And what happened on the tenth day?

19 A. I was shackled. I was taken in a Pakistani
20 police car and I was transferred to another
21 place.

22 Q. Who shackled you?

23 A. The Pakistani police.

24 Q. And where were you taken to?

1 A. I learned later that this place is Islamabad.

2 Q. How long was the drive in the police car?

3 A. I don't know exactly, but more than an hour.

4 Q. Who was in the police car with you?

5 A. Khalid al-Sharif.

6 Q. Anyone else?

7 A. No.

8 Q. Well, were there Pakistani police in the
9 police car, too?

10 A. We were detained at the back side of the car,
11 the back chamber of the car, which was locked
12 with an iron door.

13 Q. So you couldn't see how many other people were
14 in the car?

15 A. Yes.

16 Q. Okay. And, at the time, you didn't know
17 exactly where you were taken from -- or taken
18 to, is that correct?

19 A. Yes.

20 Q. And describe for me the place that you were
21 taken to.

22 A. That place, it was away, about an hour by car.
23 I was taken to a place and I found myself
24 inside a prison, in a room, and that place

1 contained several solitary rooms.

2 Q. Can you give me a further description of that
3 place?

4 A. I entered this place and I was fold-blinded
5 (sic) and they have placed a -- placed a hood
6 over my head.

7 Q. Who put the hood over your head?

8 A. The Pakistani police.

9 Q. And when was the hood put over your head?

10 A. When I were at the first prison.

11 Q. Okay. And, then, so you arrived at this next
12 place, in what you think is Islamabad, with a
13 hood over your head?

14 A. Yes.

15 Q. And you were taken to a cell?

16 A. Yes.

17 Q. And how long did you remain there?

18 A. One week, about.

19 Q. And who controlled this facility?

20 MS. SHAMSI: Objection.

21 THE WITNESS: I don't know. What I
22 see were Pakistani people or persons.

23 BY MR. SMITH:

24 Q. Did you communicate with any Americans while

1 you were at that facility?

2 A. Yes.

3 Q. Do you remember how many Americans you
4 communicated with?

5 A. Almost -- about three people.

6 Q. And were they different people than the
7 person, the American, you had talked to at the
8 Pakistani police station?

9 A. Yes.

10 Q. And were you interrogated by these three
11 people?

12 A. Yes.

13 Q. By all three, or one, or two, or...

14 A. The three -- three of them were sitting down
15 and one person was posing questions.

16 Q. How many times were you questioned by these
17 people?

18 A. I do not remember exactly, but almost every
19 day.

20 Q. For how long each day?

21 A. Nearly hours.

22 Q. How many hours?

23 A. I cannot remember exactly.

24 Q. And what were you questioned about?

1 A. The same questions that had been asked before.

2 Q. Okay. Did anyone hit you?

3 A. No. No.

4 Q. Now, while you were held at that Pakistani
5 location, did any Pakistani officials beat you
6 in any way?

7 A. No. (In Arabic.)

8 Q. While you were there -- I'm sorry.

9 A. No.

10 Q. While you were at that facility, did you get
11 any treatment for your foot?

12 A. Yes.

13 Q. Who treated your foot?

14 A. Pakistani police.

15 Q. Did you see a doctor?

16 A. Yes. I was taken to the hospital and I saw a
17 doctor.

18 Q. Okay. And did you get treatment for your
19 broken foot?

20 A. Yes. I was put into a plaster.

21 Q. A cast?

22 A. Cast.

23 Q. Did you get any other --

24 MS. SHAMSI: Sorry. Is that what --

1 what Mr. Ben Soud said?

2 THE WITNESS: My foot was put into a
3 cast.

4 BY MR. SMITH:

5 Q. What other medical treatment did you get?

6 A. I was given painkiller.

7 Q. Okay. So, at least at that time, was there
8 any other medical treatment that you needed?

9 A. No.

10 Q. Do you suffer any permanent damage as a result
11 of being shot in the foot?

12 A. I did not understand the question.

13 Q. Do you suffer any permanent damage as a result
14 of being shot in the foot?

15 A. Yes.

16 Q. What is the damage?

17 A. When I walk for a long distance, when I eat
18 breakfast, some of the activities, my foot
19 hurts me and it recurs.

20 Q. Mr. Soud, have you sued the Pakistani
21 government as a result of the officer shooting
22 you in the foot?

23 A. No.

24 Q. Why?

1 A. I didn't have the chance to do so.

2 Q. Did you confer with a lawyer about the
3 possibility of doing it?

4 A. No.

5 Q. Now, you would agree with me that my clients
6 had nothing to do with your foot?

7 MS. SHAMSI: Objection. You may
8 answer.

9 THE WITNESS: What I know is that I
10 have been detained and I have been put into --
11 I have been detained and this is for -- on
12 behalf of the American CIA.

13 BY MR. SMITH:

14 Q. So, I'm asking you something different,
15 though, Mr. Soud, which is the Pakistanis shot
16 you in the foot, right?

17 A. Yes.

18 Q. And that was at a time when they were trying
19 to arrest you and you were trying to evade
20 being captured, right?

21 MS. SHAMSI: Objection.

22 THE WITNESS: Correct.

23 BY MR. SMITH:

24 Q. And you're not trying to hold my clients

1 responsible for anything relating to your
2 foot, right?

3 A. The responsible one is who detained me and
4 that was on behalf of the CIA and the
5 interrogation, interrogating me, was going in
6 that way.

7 Q. I'm going to move to strike the answer as
8 nonresponsive.

9 Mr. Soud, let me ask you --

10 MS. SHAMSI: Can you let her
11 translate what you just said?

12 MR. SMITH: Oh, sure.

13 (Translation.)

14 BY MR. SMITH:

15 Q. Let me just ask one more time. To the extent
16 that you have injuries resulting from being
17 shot in the foot by the Pakistani police, are
18 you attempting to hold my client responsible
19 for those injuries? Yes or no.

20 A. No.

21 Q. Now, you stayed at that facility for about a
22 week, is that right, in Islamabad?

23 A. Yes.

24 Q. And then were you taken somewhere else?

1 A. Yes. (In Arabic.)

2 Q. Where were you taken to?

3 INTERPRETER: Where or when? Where
4 or when?

5 Q. Where. Where were you taken to?

6 A. To a place unknown to me.

7 Q. So let me understand. Do you remember how you
8 were transported to that place?

9 A. Yes.

10 Q. Tell me what you recall.

11 A. What I know is that -- what I remember is that
12 one of those -- one of the days I was
13 shackled, my eyes were blindfolded, and I was
14 transferred to a place that I don't know, and
15 I found myself underneath a huge plane and I
16 was handed by the Pakistani police to the CIA.

17 Q. So let me make sure. You were taken out of
18 the prison in shackles, yes?

19 A. Yes.

20 Q. And you were blindfolded at the time you left
21 the prison?

22 A. Yes.

23 Q. And you were put into a Pakistani police car?

24 A. Yes.

1 Q. And was al-Sharif with you?

2 A. Yes.

3 Q. And he was shackled and blindfolded, too?

4 A. I think so.

5 Q. Okay. And you were taken to a -- an airport
6 of some sort, or an airstrip?

7 A. Yes.

8 Q. And you were put into an airplane?

9 A. No, I was not put into a plane.

10 Q. Okay. So you were taken to an airport, and
11 what happened?

12 A. I was taken to the airport and underneath the
13 airplane there was another group that received
14 me.

15 Q. Okay. Now, at that time, did you think that
16 that group may be the Gaddafi regime?

17 A. No.

18 Q. Why?

19 A. Because the American interrogator told me that
20 I will be transferred to a bad place and that
21 I will be interrogated in that place in a
22 severe manner.

23 Q. How do you know that place wasn't controlled
24 by the Gaddafi regime?

1 A. I knew that I was detained by the CIA.

2 Q. So you're saying that at this airport or
3 airstrip, there was some handoff from the
4 Pakistani police to the CIA?

5 MS. SHAMSI: Objection. You may
6 answer.

7 THE WITNESS: Yes.

8 BY MR. SMITH:

9 Q. And then were you put into the underbelly of
10 an airplane and flown somewhere?

11 A. They received me and they started some
12 procedures with me which were violent, which
13 were severe, which were bad, before they put
14 me inside the plane.

15 Q. Okay. So tell me what happened with respect
16 to these procedures before you were put in the
17 plane.

18 A. First of all, I was handed with -- I was
19 handed over in a very, very severe way, and
20 took off -- off the hood from my head and the
21 thing that was holding my eyes and pointed a
22 very strong high light on my eyes, and they
23 pulled violently on my clothes, till I became
24 stark naked. They cut the cast that was on my

1 leg and threw it away. They started
2 inspecting or examining my eyes and my mouth
3 and my nose and they carried ways that are
4 degrading to the human dignity and placed a
5 diaper or a nappy on me, a diaper.

6 MR. ALHALABI: He only said diaper.

7 INTERPRETER: Diaper.

8 THE WITNESS: And put a shirt, a
9 top, like a kameez, a kameez --

10 MR. ALHALABI: A T-shirt.

11 THE WITNESS: -- a short one on me.

12 INTERPRETER: A shirt?

13 MR. ALHALABI: T-shirt.

14 INTERPRETER: T-shirt.

15 (Translation.)

16 THE WITNESS: And shackled my feet
17 and my hands, and brought my hands, my legs,
18 towards my belly and bound -- bind that.

19 They put earplugs into my ears.

20 They closed my eyes with cotton pieces. They
21 put a tape around my eyes and put the hood on
22 top of my head and put headphones on my ears
23 and took me by force, forcibly, took me
24 forcibly and made me climb the plane stairs,

1 steps, and threw me on the plane seat and
2 shackled me on the -- to the seat. That was
3 among -- between the proceed -- very
4 frightening procedures.

5 BY MR. SMITH:

6 Q. Who did these things to you?

7 MS. SHAMSI: Jim, I'm sorry, you
8 might think about -- because we're heading to
9 six o'clock.

10 MR. SMITH: Yeah. I've got about
11 five, six of, so yeah.

12 BY MR. SMITH:

13 Q. Who did these things to you, Mr. Soud?

14 A. I think they were the CIA.

15 Q. And why do you believe it was the CIA who did
16 this?

17 A. Because I was detained on behalf of the CIA.

18 Q. Now, do you understand that I represent two
19 doctors, Dr. Mitchell and Dr. Jessen?

20 A. Yes.

21 Q. Do you understand I don't represent the CIA?

22 A. Yes.

23 Q. What evidence do you have that either

24 Dr. Jessen or Dr. Mitchell was in any way

1 involved in what you just described?

2 MS. SHAMSI: Objection.

3 BY MR. SMITH:

4 Q. You may answer.

5 A. I believe that they, Dr. Mitchell and his
6 companion, have devised a torture program and
7 this program were one of those that it has
8 been applied on, that program has been applied
9 on, and Dr. Mitchell and his companion shall
10 bear some of the responsibility, as well as
11 the CIA.

12 Q. I'm going to move to strike your answer as
13 nonresponsive, and let me ask you again.

14 MS. SHAMSI: Will you let her
15 translate that.

16 (Translation.)

17 BY MR. SMITH:

18 Q. Mr. Soud, you just described some moments ago
19 what occurred to you prior to you being put
20 onto an airplane. Do you recall that?

21 A. Yes.

22 Q. What evidence do you have, if any, that either
23 Dr. Mitchell or Dr. Jessen had anything to do
24 with the events that you described?

1 MS. SHAMSI: Objection.

2 THE WITNESS: I do not have
3 knowledge about these -- such evidence and
4 these details.

5 BY MR. SMITH:

6 Q. Mr. Soud, do you know or do you have any
7 evidence that at the time you were put in that
8 airplane either Dr. Mitchell or Dr. Jessen
9 even knew that you were being detained by the
10 CIA?

11 MS. SHAMSI: Objection.

12 THE WITNESS: I don't know.

13 BY MR. SMITH:

14 Q. Okay. Now, did you suffer any damages as a
15 result of what happened to you at the time
16 before and during that plane ride?

17 MS. SHAMSI: Objection.

18 MR. ALHALABI: And correction. The
19 question was "during that plane ride." The
20 translation was "before that plane ride,
21 before he got on the plane."

22 MR. SMITH: Well, I think, actually,
23 it was intended to be before and during the
24 plane ride.

1 MR. ALHALABI: I see "during" on the
2 screen.

3 MR. SMITH: I'm sorry?

4 MR. ALHALABI: I see "during" on the
5 screen. I --

6 MR. SMITH: Okay. So let me -- let
7 me just make sure I'm clear.

8 BY MR. SMITH:

9 Q. Mr. Soud, just -- we're going to wrap up in a
10 couple minutes, all right, but I just want to
11 -- one more subject to cover.

12 You described for us the events that
13 took place before you were put onto the plane
14 and then the plane ride. Do you remember
15 that?

16 A. Yes.

17 Q. Did you suffer any permanent damage as a
18 result of what happened to you?

19 MS. SHAMSI: Objection.

20 THE WITNESS: The damage that
21 happened to my leg, my foot.

22 BY MR. SMITH:

23 Q. Anything else?

24 A. No.

1 MS. SHAMSI: Jim, do you think it
2 might be time to wrap up? And we can
3 definitely start up again. I think everyone
4 is getting tired with the translation and the
5 witness is getting tired.

6 BY MR. SMITH:

7 Q. Are you getting tired?

8 A. Yeah.

9 MR. SMITH: Okay. Let's stop.

10 VIDEOGRAPHER: This is the end of
11 the deposition for today. The time is 6:05.
12 We're off the record.

13 (Proceedings adjourned: 6:05 p.m.)

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1 COMMONWEALTH OF MASSACHUSETTS)

2 SUFFOLK, SS:)

3

4 I, JANE M. BORROWMAN, Registered
5 Professional Reporter and Notary Public in and
6 for the Commonwealth of Massachusetts, do
7 hereby certify that on January 31, 2017,
8 Mohamed Ahmed Ben Soud, the witness whose
9 deposition is hereinbefore set forth, was duly
10 sworn by me and that such deposition is a true
11 record of the testimony given by the witness.

12 I further certify that I am neither
13 related to or employed by any of the parties
14 in or counsel to this action, nor am I
15 financially interested in the action.

16 In witness whereof, I have hereunto
17 set my hand and seal this 12th day of February
18 2017.

19

20 Notary Public
21 RPR No. 001420

22

23 My commission expires:

24 7 December 2023

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