

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

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

Plaintiffs,

vs.

JAMES ELMER MITCHELL and JOHN
"BRUCE" JESSEN,

Defendants.

-----)

DEPOSITION OF OBAIDULLAH

New York, New York

January 31, 2017

Reported by:

Linda Salzman, RPR

Job No. 17896

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January 31, 2017
12:19 p.m.

Deposition of OBAIDULLAH, the
witness herein, held at the offices
of American Civil Liberties Union,
125 Broad Street, New York, New
York, pursuant to Notice, before
Linda Salzman, a Notary Public of
the State of New York.

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A P P E A R A N C E S:

On Behalf of Plaintiffs:

Gibbons, PC
One Gateway Center
Newark, New Jersey 07102-5310
(973) 596-4731

BY: LAWRENCE S. LUSTBERG, ESQ.
llustberg@gibbonslaw.com

KATE JANUKOWICZ, ESQ.
kjanukowicz@gibbonslaw.com

DANIEL MCGRADY, ESQ.
dmcgrady@gibbonslaw.com

- and -

AMERICAN CIVIL LIBERTIES UNION
125 Broad Street
18th Floor
New York, New York 10004-2400

BY: DROR LADIN, ESQ.
dladin@aclu.org

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A P P E A R A N C E S: (Continued)

On Behalf of Defendants:

BLANK ROME LLP
One Logan Square
130 North 18th Street
Philadelphia, Pennsylvania 19103-6998
(215) 569-5791

BY: BRIAN S. PASZAMANT, ESQ.
paszamant@blankrome.com

Also Present:

ZARLASHT GHOLAM, Interpreter
LOU CHIODO, Videographer
KYCE SIDDIQI, ESQ.

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STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by and among counsel for the respective parties hereto, that the sealing and certification of the within deposition shall be and the same are hereby waived;

IT IS FURTHER STIPULATED AND AGREED all objections, except as to the form of the question, shall be reserved to the time of the trial;

IT IS FURTHER STIPULATED AND AGREED that the within deposition may be signed before any Notary Public with the same force and effect as if signed and sworn to before the Court.

1
2 THE VIDEOGRAPHER: This begins
3 media unit No. 1 in the video
4 deposition of Obaidullah, in the
5 matter of Suleiman Abdullah Salim, et
6 al., versus James Elmer Mitchell, et
7 al., before the United States District
8 Court for the Eastern District of
9 Washington, Civil Action No.
10 2:15-CV-286-JLQ.

11 This deposition is being held at
12 the American Civil Liberties Union
13 Foundation, New York, New York, on
14 Tuesday, January 31, 2017. The time
15 is approximately 12:19 p.m.

16 My name is Lou Chiodo, a
17 certified legal video specialist. The
18 court reporter is Linda Salzman. We
19 are both from the firm of TransPerfect
20 Legal Solutions.

21 Will counsel and all present
22 please state your name and whom you
23 represent, followed by the court
24 reporter swearing in the witness.

25 MR. PASZAMANT: I'll start. My

1
2 name is Brian Paszamant. I am with
3 the law firm of Blank Rome LLP. I
4 represent the defendants in this
5 action.

6 Good morning, Mr. Obaidullah.

7 THE WITNESS: My name is
8 Obaidullah, and I'm here representing
9 the family of Gul Rahman.

10 MR. LADIN: My name is Dror
11 Ladin, and I'm here representing
12 plaintiffs, and I'm with the American
13 Civil Liberties Union.

14 THE INTERPRETER: Do I have
15 to --

16 MR. LUSTBERG: Yeah, you should
17 interpret everything.

18 MR. LADIN: My name is Dror
19 Ladin. I represent the plaintiffs in
20 this matter.

21 THE INTERPRETER: I'm sorry. I
22 don't know what does it mean,
23 "plaintiffs." I don't want --

24 MR. LADIN: The party that is
25 suing.

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THE INTERPRETER: Okay.

MR. LADIN: Can you please translate what he said.

THE INTERPRETER: He said I know who you are and who you're representing me, too.

MR. LADIN: And I am with the American Civil Liberties Union.

MR. LUSTBERG: Lawrence S. Lustberg, from Gibbons PC, on behalf of plaintiff. Let me do it this way. With me are Daniel McGrady and Kate Janukowicz, also from Gibbons.

MR. SIDDIQI: My name is Kyce Siddiqi. I am actually not a party to any of this.

MR. PASZAMANT: It's my understanding that Mr. Siddiqi is an informal translator here today, and that's why he's in attendance.

THE INTERPRETER: He said I understand that Kyce is a translator.

Z A R L A S H T G H O L A M,
called as the interpreter in this

1
2 matter, was first duly sworn to
3 faithfully and accurately translate
4 the questions propounded to the
5 witness from English to Dari, and the
6 answers given by the witness from
7 Dari to English;

8 O B A I D U L L A H,

9 called as a witness, having been duly
10 sworn by a Notary Public, was examined
11 and testified through the Interpreter
12 as follows:

13 MR. PASZAMANT: May I begin?

14 COURT REPORTER: Of course.

15 EXAMINATION BY

16 MR. PASZAMANT:

17 Q. Good morning, Mr. Obaidullah.

18 My name is Brian Paszamant.

19 A. Thank you so much. Nice to meet
20 you, and good afternoon.

21 MR. PASZAMANT: Before we get
22 started, I'd like to put an
23 understanding, a stipulation on the
24 record. This morning we had an
25 inappropriate translator here for the

1 Obaidullah

2 commencement of the deposition. We
3 now have, as I understand it, an
4 appropriate translator, someone who
5 speaks Dari as opposed to Farsi. It
6 is my understanding that this
7 translator does not hold a court
8 certification as a court-certified
9 translator. But it is my
10 understanding that this individual is
11 properly qualified to translate what
12 is being said. In an effort to
13 proceed today with the deposition
14 without further delay, I have
15 discussed with opposing counsel our
16 willingness to proceed without a
17 court-certified translator, and
18 opposing counsel has so stipulated.

19 Is that acceptable, Mr. Ladin?

20 MR. LADIN: It is acceptable.

21 I would just state for the
22 record that my understanding is that
23 Farsi and Dari are terms that mean
24 different things to different people.
25 And so I believe that from my

1 Obaidullah
2 understanding, this can also be called
3 Farsi for people in Afghanistan.

4 THE WITNESS: There's a
5 difference between Farsi and Dari back
6 in Afghanistan, so, Farsi is from
7 Afghanistan, which is called Persian.
8 Farsi is Persian. Farsi is from Iran
9 and Dari is from Afghanistan.

10 MR. LADIN: Okay.

11 THE INTERPRETER: That is just
12 the difference of accent. That's it.
13 The accent is different.

14 BY MR. PASZAMANT:

15 Q. Sir, do you understand that you
16 are here today to give your deposition in
17 connection with the lawsuit Salim versus
18 Mitchell?

19 A. I understand that I'm here
20 because of the family -- I am representing
21 Gul Rahman's family here. This case is
22 Salim and Mitchell and Jessen.

23 Q. Thank you.

24 Sir, do you speak English?

25 A. I know English if I speak in

1 Obaidullah

2 Persian, that would be better, Farsi -- I
3 mean Dari.

4 Q. Very good.

5 A. I do understand what the parties
6 say and what I'm saying, but I want to
7 proceed in my own language.

8 Q. Very good.

9 Sir, have you ever had your
10 deposition taken before?

11 A. I have been -- back in
12 Afghanistan, the people are sitting in a
13 group and discussing stuff, so I have been
14 in those, we call it "Jerga," which means
15 tribes are coming together and sitting and
16 answering, but not a legal deposition like
17 this that I have sat and have been asking
18 questions and answering legally.

19 Q. He's never sat for a situation
20 where questions and answers were given
21 legally?

22 THE INTERPRETER: Yes.

23 A. I never sat in a legal situation
24 like this.

25 Q. Thank you.

1 Obaidullah

2 So you understand that I'll be
3 asking you questions and looking for you
4 to provide me answers today.

5 Yes?

6 A. Yes, I do understand, and
7 whatever question you're going to ask me,
8 I will definitely try to do my best to
9 give you the correct answer.

10 Q. And everything that you're
11 saying today, sir, is being taken by this
12 stenographer alongside of me and it's
13 being given under oath.

14 Do you understand that?

15 A. Whatever I say today, I know
16 that it's going to be typed and I know
17 it's going to be sealed in a case for me
18 today.

19 Q. Okay.

20 Are you currently under the
21 influence of any alcohol or drugs that
22 would prevent you from testifying
23 completely and truthfully here today?

24 A. I have never used any source of
25 drugs or alcohol or cigarette. Never used

1 Obaidullah

2 any of those stuff.

3 Q. Is there anything else that
4 might prevent you from testifying fully
5 and accurately here today?

6 A. No, never.

7 Q. Do you understand that the
8 answers you provided to my questions could
9 be used when this case goes to court, if
10 it ever does?

11 A. He said I know you are the
12 defenders and I would answer the questions
13 that you're asking me.

14 Q. I apologize, but my question is
15 a little different.

16 Do you understand that the
17 answers that you provide to me today could
18 be used in a court house if this case ever
19 goes to trial?

20 A. Yes. He understands.

21 Q. Sir, if at some point during the
22 deposition you don't understand a question
23 that I ask you, please feel free to ask me
24 to reask the question or to rephrase the
25 question so that you understand.

1 Obaidullah

2 A. Thank you. I will.

3 Q. If you answer one of my
4 questions, I will assume that you
5 understand it.

6 Is that fair?

7 A. How do you think --

8 THE INTERPRETER: I have to
9 repeat it for him. I'm sorry.

10 A. The questions that you're asking
11 me, how would I know that you would
12 understand me?

13 Q. Fair enough. I'm not asking
14 whether I would understand you.

15 What I'm asking is, or what I'm
16 telling you is that if you respond to my
17 question without asking for some sort of
18 clarification, then I will assume that you
19 understood the question that I asked you.

20 Is that fair?

21 A. If I understand your questions,
22 I will definitely answer you. If not,
23 I'll ask you again.

24 Q. Thank you. If you need to take
25 a break at any point during the course of

1 Obaidullah
2 this deposition, please ask, and assuming
3 that a question is not pending, I would be
4 more than happy to accommodate you.

5 A. That would be awesome.

6 Q. Very good.

7 MR. PASZAMANT: How's our
8 translation going so far?

9 MR. SIDDIQI: (Indicating thumbs
10 up.)

11 BY MR. PASZAMANT:

12 Q. Sir, can you please provide your
13 full name for the record?

14 A. My full name is Obaidullah.
15 Suleimankhel is a family name that we
16 don't usually use it. We use that name as
17 a family name and certain passports or
18 other identifications. It's not commonly
19 used.

20 Q. Do you have any aliases or
21 nicknames that you use?

22 THE INTERPRETER: He doesn't
23 have any names.

24 Q. No nicknames or aliases?

25 A. No. He has certain names that

1 Obaidullah

2 the family calls him, but that's family
3 names.

4 Q. Can you please provide me with
5 your home address?

6 A. In Kabul, Afghanistan. City of
7 Kabul, Afghanistan.

8 Q. Is there a street address and
9 number?

10 A. Since we are renting over there,
11 that's not our exact address or exact
12 place that I could give.

13 Q. Because you're renting, there is
14 no street address?

15 A. It is not maps back there. It's
16 all divided by districts, so we say
17 District of Kabul or District of Kabul,
18 Afghanistan. He is in District 8.

19 Q. He lives in District 8 in Kabul,
20 Afghanistan?

21 A. Yes.

22 Q. What is your date of birth, sir?

23 A. I don't know it fully what's my
24 date of birth, but I think it's 1991.

25 Q. You don't know the month of your

1 Obaidullah

2 birth, sir?

3 A. I don't remember it.

4 Q. How old are you, sir?

5 A. Maybe 25.

6 Q. How long has he lived in

7 District 8 in Kabul, Afghanistan?

8 A. District 8, approximately three
9 years I've been living.

10 Q. In the same location, same
11 house?

12 A. Not at the same place. As I
13 told, changed places so not in the same
14 place. Since we are renting, we change
15 place to place.

16 Q. Is it a house, sir, as opposed
17 to an apartment?

18 A. House.

19 Q. What country were you born in,
20 sir?

21 A. I was born in Afghanistan.

22 Q. And what country are you a
23 citizen of currently?

24 A. Afghanistan.

25 Q. Are you a citizen of any other

1 Obaidullah

2 countries?

3 A. No.

4 Q. With whom else do you currently

5 reside in District 8 in Kabul,

6 Afghanistan?

7 A. Since we are big family, my

8 uncles, my cousins and lots of other

9 people over there.

10 Q. How many people do you reside

11 with?

12 A. 15 people.

13 Q. It's a large home?

14 A. Yes.

15 Q. Do you reside with your father?

16 A. Yes.

17 Q. And your mother?

18 A. My father, my mom, everyone

19 else.

20 Q. How many siblings do you have?

21 A. I have four brothers and five

22 sisters.

23 Q. Are you the oldest?

24 A. Yes.

25 Q. Do all of your siblings reside

1 Obaidullah

2 with you, sir?

3 A. Yes, we are all together.

4 Q. How many uncles reside with you?

5 A. Only my uncle whose name is Gul
6 Rahman lives with me. Gul Rahman's family
7 is living with me.

8 Q. Do I understand that you're
9 living with an uncle with the name Gul
10 Rahman?

11 A. Gul Rahman's family is living
12 with us.

13 Q. I see. How many uncles are
14 living with you?

15 A. No uncles are living with me.

16 Q. Are any aunts living with you?

17 A. No.

18 Q. Where did you reside before you
19 began living in District 8 in Kabul,
20 Afghanistan?

21 A. We were in Peshawar camp.

22 THE INTERPRETER: P-E-S-H-W-A-R?

23 A. S-H-A-W-A-R.

24 THE INTERPRETER: S-H-A-W-A-R.

25 BY MR. PASZAMANT:

1 Obaidullah

2 Q. You know English.

3 Where is Peshawar camp located?

4 A. I was living in one of the
5 Peshawar camps. Peshawar is a city and
6 there is a camp that I used to live there.

7 Q. Okay.

8 Sir, the videographer has asked
9 if you could keep your voice up so that
10 the videotape has all of what you're
11 saying contained on it. Can you please
12 keep your voice up?

13 A. I will speak a little bit
14 louder.

15 Q. Thank you.

16 How long did you reside in one
17 of the Peshawar camps?

18 A. I've been in one of those
19 Peshawar camps I was living since I was --
20 since childhood.

21 Q. Why did you relocate from the
22 Peshawar camp to District 8 in Kabul?

23 A. Since we had a very simple life
24 in Peshawar camp, we could live on a very
25 less expenses there. I finished my

1 Obaidullah

2 studies. Back in Peshawar camp, the
3 situation was not good for us, so we moved
4 to Kabul, Afghanistan.

5 Q. Why was the situation not good
6 for you in the Peshawar camp?

7 THE INTERPRETER: Did you ask
8 why the situation got bad or got worse
9 on him only or -- what was the
10 question? Because I think he's kind
11 of --

12 BY MR. PASZAMANT:

13 Q. As I said to you, if you don't
14 understand my question, I'm happy to try
15 and rephrase it and give it another shot,
16 so thank you.

17 A. Okay.

18 Q. You said, as I understand it,
19 that the situation in the Peshawar camp
20 was not good.

21 What did you mean by that?

22 A. In Peshawar camp, the situation
23 was bad for Afghans. Since the situation
24 got bad and Peshawar camp from the
25 governments of Pakistan, all the Afghans

1 Obaidullah

2 had to leave and go back to Afghanistan.

3 And that is a common thing, that
4 we should go back to where we are, back to
5 our country one day, or somehow we had to
6 go back to our country.

7 Q. So the Peshawar camp is in
8 Pakistan?

9 A. Camp Peshawar is in Pakistan.

10 Q. I see.

11 And did you leave the Peshawar
12 camp voluntarily or were you forced to go?

13 A. The situation of Peshawar camp
14 got worse in general. That's why most of,
15 or a majority of Afghans wanted to go back
16 to their country.

17 Q. I see.

18 You were born in Afghanistan,
19 correct?

20 A. Yes.

21 Q. How was it that you came to be
22 in the Peshawar camp in Pakistan in the
23 first instance?

24 THE INTERPRETER: I can ask
25 again. I think he wants the question

1 Obaidullah

2 again because --

3 MR. LADIN: Sorry. Let me just
4 say if you want to take a break, we
5 can take a break, but you shouldn't
6 reach out to Kyce. Kyce is here to
7 let us know if there's a problem with
8 the translation. Can you please say
9 that?

10 THE INTERPRETER: (Translating.)

11 MR. LADIN: There is a question
12 currently pending which we will get
13 back to. If you want afterwards, we
14 can ask to take a break.

15 THE INTERPRETER: He says I'm
16 okay.

17 MR. PASZAMANT: He's apparently
18 not understanding something I'm asking
19 him, I think. Let me try again.

20 BY MR. PASZAMANT:

21 Q. If you were born in Afghanistan,
22 why was it that at some point you moved to
23 the Peshawar camp in Pakistan?

24 A. When we moved to Peshawar, I was
25 very young. And the reason was the civil

1 Obaidullah

2 war. There was war going on in
3 Afghanistan, so we had to move to
4 Peshawar, Pakistan.

5 Q. How old were you when you first
6 moved to Peshawar camp?

7 A. I don't approximately know. I
8 don't know it.

9 Q. Sir, did you do anything to
10 prepare yourself for your deposition here
11 today?

12 A. What do you mean by what do I
13 do?

14 Q. Did you speak to anyone in
15 advance of coming here today about the
16 fact that you would be sitting for a
17 deposition?

18 A. I have talked to my family and
19 to my attorneys.

20 Q. Were your attorneys present when
21 you spoke with your family about the fact
22 that you were going to sit for a
23 deposition today?

24 A. It was not necessary for my
25 family to be there.

1 Obaidullah

2 MR. PASZAMANT: Could you please
3 read the question and answer, back?

4 (Record was read back by the
5 court reporter as follows:

6 "QUESTION: Were your attorneys
7 present when you spoke with your
8 family about the fact that you were
9 going to sit for a deposition today?

10 "ANSWER: It was not necessary
11 for my family to be there.")

12 MR. PASZAMANT: Could you please
13 read the question back to the witness.

14 THE INTERPRETER: (Translating).

15 A. Whatever I do, I ask my family.

16 When I was coming, I told them that I'm
17 representing my family. Your question was
18 whether my lawyer has spoke to my family
19 or not?

20 So I spoke with the attorney and
21 I didn't see any necessary issues to speak
22 with the family. I have already -- I have
23 spoke with my family to represent my
24 family and as a representative I am
25 speaking with the attorney and others.

1 Obaidullah

2 Q. Okay. Let me attempt to parse
3 that out.

4 THE INTERPRETER: "Parse that
5 out" means?

6 MR. PASZAMANT: I will withdraw
7 the question.

8 THE INTERPRETER: I'm sorry.

9 BY MR. PASZAMANT:

10 Q. Did you speak to your lawyers
11 about the fact that you were going to be
12 sitting for a deposition here today, and
13 I'm not asking you what you said to those
14 lawyers?

15 A. Yes, as I told, I do everything
16 asking my lawyers and my family.

17 Q. So you spoke to your lawyers
18 about the fact that you would be sitting
19 for a deposition today, correct?

20 A. I spoke with my attorney and I
21 told whatever is the facts, the truth I
22 will say it.

23 Q. Okay. On how many occasions did
24 you speak to your attorney about the fact
25 that you would be deposed here today?

1 Obaidullah

2 A. Occasionally, I am in touch with
3 my attorney.

4 Q. Are you able to estimate the
5 number of times that you spoke with your
6 attorney, one of your attorneys, about the
7 fact that you were going to be sitting for
8 a deposition today?

9 THE INTERPRETER: Repeat it
10 back. I am so sorry.

11 A. Maybe I have spoke so many
12 times, and whatever they are doing for me,
13 they have to proceed with my ideas. And
14 then I proceed everything with the
15 opinions of my family, talking to my
16 family. So it looks like I'm talking with
17 my attorney most of the time.

18 Q. When you spoke with your
19 attorneys, is there anyone else present?

20 A. Who do you mean, like who?

21 Q. Anyone?

22 A. That depends on me.

23 Q. I'm sorry.

24 THE INTERPRETER: He doesn't
25 want to answer it. He said it depends

1 Obaidullah
2 on me. It's my personal --

3 MR. LADIN: Can I confer for
4 just a moment?

5 MR. PASZAMANT: Sure,
6 absolutely.

7 MR. LADIN: Can you please tell
8 him, he can say the people who are
9 present when he speaks with his
10 attorneys, but what we're not talking
11 about, what Brian has not asked about
12 is what was discussed.

13 A. I cannot -- I don't know who you
14 guys are talking about, who do you want --
15 like the questions that I'm asking maybe
16 there's nobody with me. Maybe there's
17 nobody with me when I am talking to my
18 attorneys.

19 MR. LADIN: For example, the
20 kind of person that I think is being
21 asked about is did we have a
22 translator present, for example?

23 THE WITNESS: Most of our
24 subjects or talks could go without a
25 translator. There are certain words

1 Obaidullah
2 that I don't understand. Then there
3 are people that they help me with and
4 their help I can proceed.

5 MR. LADIN: Okay. Maybe -- can
6 we just take a two-minute break?

7 MR. PASZAMANT: Sure.
8 Absolutely. We can go off the record.

9 THE VIDEOGRAPHER: We are going
10 off the record. The time is 1:06 p.m.

11 (Thereupon, a recess was taken,
12 and then the proceedings continued as
13 follows:)

14 THE VIDEOGRAPHER: We're now on
15 the record. The time is 1:12 p.m.

16 This begins media unit 2.

17 BY MR. PASZAMANT:

18 Q. Mr. Obaidullah, are you prepared
19 to proceed?

20 A. Yes, I'm ready to proceed.

21 Q. Okay. Thank you.

22 Sir, we were talking about
23 people you may have spoken with about the
24 fact that you were going to be deposed
25 today, correct?

1 Obaidullah

2 A. Yes, I spoke.

3 Q. And you told me that you spoke
4 with your attorneys about the fact that
5 you were going to be deposed here today,
6 correct?

7 A. Yes, it's right. I spoke with
8 my attorney.

9 Q. Okay. Which attorneys did you
10 speak with?

11 A. Do you want their names?

12 Q. Yes, please.

13 A. I spoke with ACLU. With Steven,
14 with Dror Ladin. Lawrence, Kate, Daniel.

15 Q. On how many occasions -- I will
16 withdraw that.

17 Were all of these attorneys
18 together when you spoke to them about your
19 deposition here today?

20 A. Since I told you we spoke, so
21 maybe sometimes they are together and
22 sometimes they were not together that I
23 spoke with them.

24 Q. How many different conversations
25 did you have with one or more of the

1 Obaidullah
2 attorneys you just mentioned to me about
3 the fact that you were going to be deposed
4 here today?

5 A. Majority of our talks like
6 talking was through Skype calls. And
7 also, I've sat with my attorneys, like
8 talking, sitting.

9 Q. On how many occasions have you
10 sat with your attorneys to talk about your
11 deposition here today?

12 THE INTERPRETER: "On how many
13 occasions" means?

14 MR. PASZAMANT: How many times?

15 THE INTERPRETER: Let me
16 clarify.

17 A. We usually have talked through
18 Skype and phone calls, and this is our
19 first time sitting down together like face
20 to face. Just past few days we have sat
21 down face to face.

22 Q. How many times did you sit down
23 face to face?

24 A. Since I'm here, I've been
25 sitting with them.

1 Obaidullah

2 Q. On how many occasions, how many
3 times? 1, 2, 3, 12?

4 MR. LADIN: And I'm just going
5 to object because it's not clear what
6 a time is, I don't understand how
7 these are broken up, but if you
8 understand, you can answer.

9 A. Since I'm here, I've been
10 sitting down with them more than sometimes
11 full time, ten minutes.

12 THE INTERPRETER: I'm sorry.

13 MR. LADIN: Let's try the
14 question again.

15 MR. SIDDIQI: Let's stop and try
16 the question. I think we should try
17 the question again.

18 MR. PASZAMANT: Okay. I'm happy
19 to try the question again.

20 BY MR. PASZAMANT:

21 Q. I'm not here to try to trick you
22 or fool you. I'm here to try to get an
23 understanding of what you know versus what
24 you don't know. I hope that's clear.

25 A. Yes, I know.

1 Obaidullah

2 Q. When you have said to me since
3 you have been here, do you mean since you
4 have been in the United States?

5 A. Since I am in New York, yes.

6 Q. How long have you been in New
7 York?

8 A. Maybe three or four days.

9 Q. And during those three or four
10 days, you've had opportunities to sit with
11 one or more of your attorneys, correct?

12 A. Yes, I sat down with my
13 attorneys and I have spoke with them fully
14 or completely.

15 Q. Have you spent more than one
16 hour speaking with your attorneys since
17 you've been here in New York?

18 A. Yes.

19 Q. Are you able to estimate for me
20 how many hours you have spent with your
21 attorneys sitting down since you've been
22 here in New York?

23 A. If I count up the days, two,
24 three days.

25 Q. You spent two or three days with

1 Obaidullah

2 your attorneys talking about your
3 deposition?

4 A. Yes.

5 Q. During these conversations where
6 you sat with your attorneys, was anyone
7 present who was not an attorney?

8 A. Yes, maybe the translator.

9 Q. Anybody besides the translator
10 who was not an attorney, to your
11 knowledge?

12 A. No, I don't think so.

13 Q. Okay. You said that you spoke
14 to your attorneys about this deposition by
15 way of Skype as well?

16 A. Yes, I did spoke.

17 Q. How many times?

18 A. I can't say how many times. I
19 spoke a lot. I can't count it. I spoke
20 too much or so many times.

21 Q. Was there anybody involved in
22 these Skype calls that you had with your
23 attorneys who was not an attorney?

24 A. No.

25 Q. No family members involved in

1 Obaidullah

2 these calls?

3 A. Maybe not.

4 Q. Maybe not or not?

5 A. There were not. When I was
6 talking, they were not there.

7 Q. Okay. Thank you.

8 You mentioned to me earlier, I
9 believe, that you spoke with your family
10 members about the fact that you would be
11 sitting here for a deposing today.

12 Correct?

13 A. Yes.

14 Q. Who were the family members
15 you're referring to?

16 A. Since my uncle's issue is a
17 family issue, because of this issue, my
18 uncle, my father, we are all sitting, and
19 my brothers, also.

20 Q. Is the uncle you're referring to
21 your father's brother?

22 A. He is Gul Rahman's brother.

23 Q. And what did you discuss with
24 these family members about your sitting
25 for a deposition today?

1 Obaidullah

2 A. There was different issues that
3 we speak. For example, reading the
4 records that what kind of violation had
5 happened on my uncle.

6 THE INTERPRETER: Let me
7 translate one at a time.

8 A. We have spoke the violation that
9 happened to my uncle, I spoke with the
10 family, his wife and his daughters. And
11 they told me to tell the government of
12 America what happened to us. Why they
13 have been killed that way.

14 THE INTERPRETER: Can I get help
15 translating that part or no?

16 MR. PASZAMANT: No.

17 A. Just why they have been killed
18 with too much violations. They have been
19 violated the way they have been killed.
20 And then what effect it has put on the
21 family.

22 Q. This discussion that you had
23 with your uncle and your father and other
24 family members, did that happen once or on
25 more than one occasion in preparation for

1 Obaidullah

2 today's deposition?

3 A. We have done it so many times, a
4 lot.

5 Q. Okay. And you mentioned to me a
6 moment ago about reading records. Do you
7 recall that?

8 A. The records, depending on my
9 uncle, I read all of those reports -- the
10 records that related, the reports that
11 were of my uncle, I read them. And in
12 that report, it was written how much
13 violation, restlessness, beating, and
14 everything -- I read everything
15 completely.

16 Q. What records specifically are
17 you speaking of, sir?

18 A. The records that have been
19 established on the internet as much or too
20 much, and one of them it's called Senate
21 Committee Report.

22 MR. PASZAMANT: The U.S. Senate
23 Committee Report I think is what he's
24 speaking --

25 A. The Senate Committee, the

1 Obaidullah
2 reports of Senate Committee. U.S. Senate
3 Committee Report. Also the reports from
4 the CIA questioning and answers. What the
5 question and answer from the CIA or the
6 reports from the CIA research, CIA
7 research, 2013. And other different
8 reports.

9 Q. Okay. Thank you.

10 You read the United States
11 Senate Committee Report?

12 A. Yes, I read it. I tried to read
13 a lot of them.

14 Q. I want to stick with the U.S.
15 Senate Committee Report for a moment. We
16 will get to the other records in just a
17 moment, please.

18 Did you read that report cover
19 to cover?

20 A. Maybe I didn't read it page by
21 page or cover by cover. But the reports
22 that was my uncle's name was mentioned, I
23 read them.

24 Q. When did you first read the
25 portions of the Senate Committee Report

1 Obaidullah
2 relating to your uncle?

3 THE INTERPRETER: I'm sorry. I
4 made a mistake here. I need to fix
5 myself.

6 (Interpreter translating.)

7 A. The first report that was
8 established was 660 pages. I don't know
9 the exact date or the time when it was
10 established. On the internet, most of the
11 place was scratched. And I found out the
12 software of that report and I read it.
13 And after that, most of the journalist
14 brought the hard copy of that in my house.

15 Q. Thank you.

16 MR. PASZAMANT: Let's mark this
17 as Exhibit 1, Obaidullah Exhibit 1.

18 (Obaidullah Exhibit 1, Senate
19 Committee Report, marked for
20 identification, as of this date.)

21 BY MR. PASZAMANT:

22 Q. Please take a moment to look at
23 what I put in front of you and marked as
24 Exhibit Obaidullah 1, please.

25 Do you recognize this document?

1 Obaidullah

2 A. Yes, this is the report that I
3 read and some of the places where it's
4 scratched.

5 Q. This is the Senate Committee
6 Report that you were speaking of a moment
7 ago, sir?

8 A. Yes, this is the report.

9 Q. And you've read the portions of
10 this report relating to your uncle,
11 correct?

12 A. Yes.

13 Q. And for the record, the uncle
14 that you're speaking of, that's Gul
15 Rahman, correct?

16 A. Yes, his name is Gul Rahman.

17 Q. And when did you first come to
18 see this report?

19 A. When it was first published, but
20 I don't remember. I just remembered that
21 somebody called me there is a report
22 published. You can check it on the
23 internet. And then I checked it on the
24 internet.

25 Q. Who is this person that called

1 Obaidullah

2 you and told you that something had been
3 published on the internet?

4 A. One of my friends.

5 Q. What is his or her name?

6 A. I have a lot of connection with
7 the internet. When you're on the internet
8 a lot of people are coming. I can't
9 remember who was that.

10 Q. Why did this individual bring
11 this report to your attention?

12 MR. LADIN: I'm going to object.
13 You can answer.

14 A. Since I told you my uncle was so
15 famous and everybody knew him, everybody
16 knew that there was violation going on or
17 had happened on Gul Rahman's family. The
18 report that was established before by the
19 journalist whose named is Adam Goldman.

20 Then we were waiting to find out
21 whether it is correct or not. Then there
22 was more reports established, and then the
23 committee, the Senate Committee was
24 established, too. This report was very
25 necessary or important for us. Because it

1 Obaidullah
2 was very important source and impact for
3 us.

4 Q. Were you personally involved in
5 any of the activities that are discussed
6 in that report with regard to your uncle,
7 Gul Rahman?

8 MR. LADIN: I'm also going to
9 object.

10 You can answer.

11 A. Gul Rahman was captured. I was
12 too young.

13 Q. Sir, sitting here today, you
14 don't know whether anything within that
15 report is accurate, do you?

16 A. Since the committee, the Senate
17 Committee has established it, then I'm
18 sure it's all the facts and the truth.

19 Q. Sir, my question is a little
20 different. My question to you, sir, is do
21 you personally know whether any of the
22 information contained within that report
23 relating to your uncle, Gul Rahman, is
24 accurate?

25 A. Since the report from the

1 Obaidullah
2 committee, Senate Committee, I'm sure it
3 is accurate.

4 Q. Do you have any personal
5 knowledge of the accuracy of any of the
6 statements contained in that report
7 relating to your uncle, Gul Rahman?

8 THE INTERPRETER: I need to
9 understand myself. I'm so sorry. I
10 don't want to translate it. Can you
11 repeat your question for me?

12 MR. PASZAMANT: Sure.

13 BY MR. PASZAMANT:

14 Q. Does he know himself personally
15 about the accuracy, or lack thereof, of
16 any of the statements set forth in that
17 report with regard to Gul Rahman, as
18 opposed to simply saying it says it in the
19 report so it must be accurate?

20 That's my question.

21 MR. LADIN: And I'm going to
22 object for just a moment and say it is
23 his right if it wants to in order to
24 answer that question to go and look at
25 -- you're asking about every statement

1 Obaidullah
2 about Gul Rahman in the report?

3 MR. PASZAMANT: We can start
4 with the more basic proposition, which
5 is does he know whether any of the
6 statements relating to Gul Rahman set
7 forth in that report is accurate.

8 MR. LADIN: Okay.

9 A. I talked based on the report.
10 Personally, I don't know. I can't answer.

11 Q. He has no personal knowledge of
12 the accuracy of any of the statements in
13 that report, correct?

14 A. No.

15 Q. Thank you.

16 Sir, you spoke a moment ago
17 about violations, correct?

18 A. Yes, I did.

19 Q. What violations are you speaking
20 about?

21 A. The first violation was beating
22 him up. Making him restless, like not
23 letting him sleep. Not feeding him water
24 and food. And then keeping him in a cold
25 place, showering him with cold water. And

1 Obaidullah
2 torturing him mentally and physically.
3 Then putting the loudest music
4 to his ear and making him deaf. Then
5 lighting inside his eyes. It was all
6 physically and mentally tortured until he
7 was deceased or dead.

8 Q. Thank you.
9 Sitting here today, you have no
10 personal knowledge that any of these
11 things you've just mentioned to me
12 happened to your uncle, Gul Rahman,
13 correct?

14 MR. LADIN: I'm going to object
15 again.

16 You can answer.

17 MR. PASZAMANT: What's the basis
18 of the objection?

19 MR. LADIN: I want to clarify
20 what "personal knowledge" means. So
21 if you want to explain what personal
22 knowledge is, then I think he can
23 answer.

24 MR. PASZAMANT: Okay.

25 BY MR. PASZAMANT:

1 Obaidullah

2 Q. Do you know what I mean by
3 "personal knowledge"?

4 A. Personally, I don't know because
5 I was not there. When they killed him, I
6 was not there.

7 Q. Right.

8 So you, sir, understand when I
9 say "personal knowledge," I'm referring to
10 you, yourself. You know that something
11 happened because you were there, correct?

12 THE INTERPRETER: I'm lost. I'm
13 sorry. What was the question again
14 once more? Or I'll read it here.

15 MR. PASZAMANT: There is no
16 reason to apologize. We will work our
17 way through. Let me try again.

18 BY MR. PASZAMANT:

19 Q. Sir, when I'm asking you about
20 personal knowledge and using the term
21 "personal knowledge," do you understand
22 that what I'm asking you is whether you,
23 yourself, has direct knowledge that these
24 things happened or that this thing
25 happened as opposed to reading it

1 Obaidullah

2 somewhere or having somebody else tell
3 you?

4 A. I was not there. I don't know
5 it.

6 Q. Okay. So just to make sure
7 we're not talking past each other, when I
8 say "personal knowledge," that's what I'm
9 talking about. Are we clear?

10 A. Yes, I understand.

11 Q. Thank you, sir.

12 So getting back to my earlier
13 question, you mentioned to me violations.
14 Do you recall that?

15 THE INTERPRETER: Hold on a
16 second, I'm sorry. The violation he
17 say -- I'm lost. I'm sorry.

18 MR. PASZAMANT: Let me try
19 again.

20 BY MR. PASZAMANT:

21 Q. You listed for me earlier
22 several things that you identified as
23 violations, including keep your uncle in
24 the cold, subject him to loud music,
25 bright lights, and things like that.

1 Obaidullah

2 Do you recall telling me that?

3 THE INTERPRETER: "Recall" means
4 to?

5 MR. PASZAMANT: To remember.

6 A. Yes.

7 Q. Do you have personal knowledge
8 that any of the violations that you
9 mentioned to me actually happened to your
10 uncle, Gul Rahman?

11 A. I want to explain two things. I
12 have two things to mention. One is that
13 you find it out from the books like, for
14 example, that book that is right in front
15 of me. This is a personal knowledge.

16 Second, if you're asking me that
17 I was there, I was not there. I cannot
18 say it.

19 Q. So you are not able to tell me,
20 sitting here today, that any of these
21 violations occurred with respect to your
22 uncle because you were not with your uncle
23 when these things supposedly occurred,
24 correct?

25 A. Right. I was not there.

1 Obaidullah

2 Q. To the extent that you have
3 knowledge of what you believe occurred to
4 your uncle, it's because you read it
5 either in that Senate Committee Report or
6 in some other book or article or
7 literature, correct?

8 A. Yes.

9 Q. Thank you.
10 You call these things
11 violations, correct?

12 A. Yes.

13 Q. Violations of what?

14 A. How I explain violation is
15 putting something in a place that is not
16 related to that place. That means that
17 stuff or the violation that happened on my
18 uncle is more than violation on him. It's
19 not only violation. It's more than a
20 violation.

21 Q. When you say "violation," sir,
22 do you mean that it is against the law?

23 A. I don't know. I will speak with
24 my attorneys.

25 Q. Okay.

1 Obaidullah

2 A. I don't know about the laws.

3 Q. Just so I'm clear, in terms of
4 what you mean by the word "violations,"
5 you're not suggesting that these things
6 that you've mentioned to me, loud music,
7 bright lights, cold, that these things, to
8 your knowledge, somehow violate some law,
9 correct?

10 MR. LADIN: I would object to
11 that.

12 MR. PASZAMANT: Based on what?

13 MR. LADIN: Based on are you
14 asking him for his legal conclusion
15 about whether he has violated the law.

16 MR. PASZAMANT: I'm asking for
17 what he believes to be the case.

18 MR. LADIN: What he believes on
19 the basis?

20 MR. PASZAMANT: He's used the
21 term "violation." I'm trying to
22 understand what it is that he thinks
23 was violated to understand what he
24 means by the use of that term.

25 MR. LADIN: Okay. As long as

1 Obaidullah

2 we're limited to -- he's not a
3 lawyer.

4 MR. PASZAMANT: That's fair.

5 MR. LADIN: His use of the term.

6 A. I would speak with my attorneys
7 about all those laws. I don't know about
8 it.

9 Q. Okay. So sitting here today,
10 when you use the term "violation," you are
11 not trying to tell me that these things
12 were against some law, correct?

13 A. I can't answer. I don't know
14 about the law.

15 Q. Okay. Why do you choose to call
16 these things "violations"?

17 A. You tell me, how do you explain
18 the violation? Because violation where we
19 are coming from is something that you're a
20 person and you're not related to something
21 and it's forcing on you. Somebody is
22 doing it on you.

23 So you tell me what you mean by
24 violation or tortures.

25 Q. Okay.

1 Obaidullah

2 So his understanding of the term
3 "violations" as he's using it today is
4 that something is being done to someone,
5 is that correct?

6 THE INTERPRETER: I need to
7 clarify.

8 MR. LADIN: Can I actually --

9 MR. SIDDIQI: I think the word
10 that is being used is "violation."
11 Now, the word that is being
12 translated is Zulm, Z-U-L-M. It's
13 actually a word in Dari, but it's also
14 rooted in arabic. It's a very common
15 word.

16 It could be defined as
17 oppression, misconduct, violation.
18 It's a broad word that actually could
19 mean just something, some kind of
20 misconduct. That needs to be
21 emphasized.

22 MR. LUSTBERG: Is there some
23 other word you would use for
24 violation?

25 MR. SIDDIQI: I would say

1 Obaidullah
2 oppression or misconduct. That would
3 be the -- because it's a very, very
4 broad word.

5 MR. PASZAMANT: And I appreciate
6 that. I think we're all trying to go
7 in the same direction. I'm simply
8 trying, and perhaps it was in the
9 translation, violation comes back to
10 me. I'm trying to understand what
11 that means. You're telling me it may
12 not really mean violation. It may
13 mean lots of different things.

14 MR. SIDDIQI: It's a very
15 expansive word. Violation could fall
16 under it. Oppression could fall under
17 it. Misconduct could fall under it.
18 The word misconduct could be a
19 violation in New York. Misconduct
20 could also be a misdemeanor.
21 Misconduct is such a big word.

22 MR. PASZAMANT: I understand,
23 and it wasn't my choice, so I'm sort
24 of trying to climb my way out of this
25 box I was put in.

1 Obaidullah

2 MR. LUSTBERG: Is there a word
3 that could be used for violation?

4 MR. PASZAMANT: Larry, I think
5 the problem is that it came back as
6 his word, and maybe that was
7 inappropriate, and so I'm not sure how
8 we quite scale that, and that's why I
9 chased it in terms of what law and it
10 turns out it may not be a law. It
11 just means something that was done to
12 somebody.

13 MR. LADIN: I think we've
14 gotten a good way towards
15 establishing that. You can certainly
16 keep going.

17 MR. PASZAMANT: I'm not trying
18 to waste anybody's time. I'm just
19 trying to understand what the guy
20 knows and what he's saying what he's
21 saying. It's that simple.

22 Well, first off, it's 2:00 and
23 it would be completely discourteous if
24 I didn't ask the court reporter and
25 the videographer whether you folks

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Obaidullah
need a break or a sandwich.
THE VIDEOGRAPHER: We're now
going off the record, and the time is
2:01 p.m.
(Whereupon, a luncheon recess
was taken at 2:01 p.m.)

* * *

1 Obaidullah

2 A F T E R N O O N S E S S I O N

3 (Time noted: 2:28 p.m.)

4

5 O B A I D U L L A H,

6 resumed and testified as follows:

7 THE VIDEOGRAPHER: We are now on

8 the record. The time is 2:28 p.m.

9 This begins media unit 3.

10 BY MR. PASZAMANT:

11 Q. Mr. Obaidullah, welcome back.

12 A. Thank you.

13 Q. Are you able to proceed?

14 MR. LADIN: Wait for the
15 translation.

16 A. Yes, I am ready.

17 Q. Very good.

18 Before we took a break, sir, you
19 mentioned to me that you had read some
20 internet records relating to your uncle,
21 Gul Rahman.

22 Am I recalling that correctly?

23 A. Yes.

24 Q. Okay. What specific internet
25 records are you referring to, sir?

1 Obaidullah

2 A. One of the internet reports, the
3 Senate Committee. The second is the CIA
4 report that was established. And the
5 other reports that I checked on Google.

6 Q. Okay. You mentioned the CIA
7 report. Are you able to tell me
8 specifically what you mean by the CIA
9 report?

10 A. The report, the CIA report that
11 they had answered regarding --

12 THE INTERPRETER: Hold on. Let
13 me put it into words. I'm so sorry.

14 A. Regarding the talks, regarding
15 the conversation that had happened.

16 MR. SIDDIQI: (Conferring with
17 counsel.)

18 MR. LADIN: Is it possible that
19 it's "investigation," not
20 "conversation"?

21 THE INTERPRETER: Yes,
22 investigation. I'm sorry. I was
23 trying to find a word for it. Thank
24 you.

25 A. I don't know the exact name, but

1 Obaidullah

2 I've searched it on Google.

3 MR. PASZAMANT: Okay. Let's try
4 this. Could we please mark this as
5 Obaidullah No. 2?

6 (Obaidullah Exhibit 2, CIA
7 investigation report, marked for
8 identification, as of this date.)

9 BY MR. PASZAMANT:

10 Q. Mr. Obaidullah, could you please
11 take a moment to look at the document that
12 I've put in front of you and had marked as
13 Exhibit No. 2? Is this document familiar
14 to you?

15 A. Somehow it looks familiar, but
16 I've never read a report like this.

17 Q. Is this it the CIA investigation
18 report you were just telling me about?

19 A. I've read -- the CIA report that
20 I read was in an article. Not in this
21 thick folder.

22 Q. When you speak of an article,
23 sir, are you speaking of a newspaper
24 article?

25 A. Yes, I'm talking about a

1 Obaidullah

2 newspaper. I never read the CIA report.

3 Q. Okay.

4 A. And not the CIA complete report.

5 Q. Okay.

6 But when you speak of a CIA
7 report, you're not speaking of that
8 document that I've now put in front of you
9 and marked as Exhibit 2, correct?

10 A. Maybe it is the one but I never
11 read it in this size or this size of the
12 folder or this thickness.

13 Q. Sitting here today, you don't
14 know, one way or another, whether that's
15 the CIA report, is that accurate?

16 A. It's written there, it is the
17 CIA report. I can see it. It says the
18 CIA report.

19 THE INTERPRETER: Can I clarify
20 myself a little bit with the
21 translation? I'm so sorry.

22 MR. PASZAMANT: Sure.

23 THE INTERPRETER: He says I read
24 the CIA report on the news articles,
25 but I don't -- not the thickness of

1 Obaidullah

2 this folder. Could be this one or
3 not. I'm not sure about it.

4 BY MR. PASZAMANT:

5 Q. But sitting here today, you have
6 no recollection of reading the document
7 that I now put in front of you as Exhibit
8 2, correct?

9 MR. LADIN: I'm going to object
10 because I'm not sure what's that he
11 said.

12 MR. PASZAMANT: Well, he can
13 respond.

14 MR. LADIN: You can respond.

15 A. I'm not sure because I read it
16 before.

17 Q. Okay. This CIA report that
18 you're speaking about, do you have any
19 personal knowledge of the accuracy of the
20 contents of that report?

21 A. I can't say about the accuracy.
22 I can't say anything because I was not
23 there. That's why I cannot say.

24 Q. Thank you.

25 A. Since it's an investigation, I

1 Obaidullah

2 can say it's an accurate report.

3 Q. How do you have personal
4 knowledge of the accuracy of the content
5 of the CIA report that you're speaking of?

6 A. I was not there personally
7 regarding the investigation that has been
8 done. I'm sure it is accurate.

9 Q. And you're sure that it's
10 accurate, simply because it pertains to an
11 investigation, is that correct?

12 A. Yes.

13 Q. And this report you're speaking
14 of, this CIA report, what is contained
15 within that report to your recollection?

16 THE INTERPRETER: "Contained"
17 means?

18 Q. What is within that report?

19 A. Contained about the killing of
20 the death of my uncle.

21 Q. The defendant of his uncle, yes?

22 A. Yes.

23 Q. Can you tell me anything else
24 that was contained within this CIA report
25 that you're speaking of?

1 Obaidullah

2 A. The CIA report that was
3 established, I can't remember all of it.
4 I just remember when and how my uncle was
5 killed. And who were working or who were
6 involved in that case. And how they
7 killed him.

8 Q. Thank you.

9 To your recollection, how did
10 this report identify that your uncle was
11 killed?

12 A. Regarding to this report as I
13 can see, he has been killed or tortured --
14 he was helpless when he was killed.

15 Q. My question is more specific.
16 Do you recall how this report identified,
17 if at all, how exactly your uncle was
18 killed?

19 A. This report says they're beating
20 up my uncle. After beating him up, they
21 have organized a program how to torture
22 him.

23 Q. Okay.

24 A. They have developed so many
25 stages to beat him up and torture him.

1 Obaidullah

2 Q. Are you telling me, sir, that
3 your memory of this report was that this
4 report determined that your uncle died
5 because he was beaten up?

6 A. Not only beating up. Also by
7 torturing, mentally tortured and
8 physically tortured.

9 Q. Okay. He died from mental
10 torture?

11 A. I don't know. It was not only
12 mentally. It was physically tortured,
13 too.

14 Q. Okay. What specifically did
15 this report say killed your uncle?

16 MR. LADIN: Objection. Are you
17 saying to the best of his
18 recollection?

19 MR. PASZAMANT: Yes. That's
20 right, whatever report it may be.

21 A. Give me some time so I could
22 start one at a time and let you know what
23 happened. I'll start from the beginning.

24 Q. Sir, I apologize. I'm not
25 looking for you to tell me everything that

1 Obaidullah
2 may or may not have happened to your uncle
3 as you can recall it from this report. I
4 am interested in knowing if you have any
5 memory of what this report said, if
6 anything, about what specific thing,
7 action, whatever, killed your uncle?

8 A. You want me to say specifically
9 what happened? I could specify they
10 didn't give him water. Kept him naked in
11 a very cold weather. Just to -- it's all
12 about physically and mentally tortured.

13 Q. Are you familiar with the term
14 "hypothermia"?

15 MR. LADIN: The translator says
16 that the question was asked as
17 hypothermia and then with a
18 description of what hypothermia is,
19 which is different from the question
20 you asked, I believe.

21 MR. PASZAMANT: Again, we are
22 trying to work our way through this so
23 I appreciate that.

24 BY MR. PASZAMANT:

25 Q. My first question is are you

1 Obaidullah
2 familiar with the term "hypothermia" and
3 what that means?

4 THE INTERPRETER: I can't
5 translate it in Farsi, I am so sorry.
6 In Dari.

7 A. I don't know what exactly
8 "hypothermia" means. From the Google
9 search and stuff I know hypothermia is
10 when you don't feed the person water and
11 keep him in a cold weather.

12 Q. Do you recall whether this CIA
13 report that you're telling me about
14 concluded that your uncle died from
15 hypothermia?

16 A. Yes, they mentioned hypothermia
17 in one part.

18 Q. Okay. And it mentioned
19 hypothermia as being the reason that your
20 uncle died, correct?

21 A. I think it was one of the
22 condition that he died.

23 Q. And do you have any memory of
24 what the report said in terms of what
25 caused the hypothermia?

1 Obaidullah

2 A. I don't remember. Maybe it was.

3 Q. Do you recall that this report
4 that you're speaking of mentioning that
5 your uncle was short chained?

6 THE INTERPRETER: What's "short
7 chained"? Simple words. I'm sorry.
8 You got it?

9 THE WITNESS: (Nodding.)

10 THE INTERPRETER: He got it.
11 I'm sorry.

12 MR. PASZAMANT: It's a term of
13 art.

14 A. I remember that my uncle was
15 chained with a metal chain. I remember
16 that I read it in the report that my uncle
17 was chained with a metal chain. He was
18 tied up.

19 Q. Okay. And do you recall reading
20 in the report that your uncle was without
21 clothes from the waist down?

22 A. From the report, I remember it
23 was saying that he had only an underwear.

24 Q. And do you recall this report
25 saying that he was forced to sit on the

1 Obaidullah

2 cold concrete floor?

3 A. I can't say it. I don't
4 remember.

5 Q. Do you remember what this report
6 said, if anything, in terms of the
7 position that your uncle was in when they
8 found him dead?

9 A. According to the report, he
10 wouldn't -- when they found him dead, he
11 was chained, tied up, had no other clothes
12 except undergarments.

13 Q. And it was the chaining with no
14 other clothes that this report determined
15 caused him to die of hypothermia, correct?

16 MR. LADIN: Objection.

17 You can answer.

18 A. Maybe. It could be.

19 Q. You used the term torture a
20 little while back. Do you recall that?

21 A. Yes.

22 Q. Could you please explain to me
23 what you mean when you tell me the word
24 torture?

25 A. Before I say the violation or

1 Obaidullah
2 torture is a big word that you can bring a
3 lot of stuff in it. It has big meanings.
4 And in our place where I am, if they are
5 forcing you to do something that's not
6 related to you, and they would force you
7 to torture, beating and killing. This is
8 a torture of violation.

9 Q. Okay. Thank you.

10 I'm simply trying to understand
11 when you say to me "torture," what you
12 mean by using that term. Do you mean,
13 sir, that when you say torture, you mean
14 doing to somebody something that that
15 person does not want? Is that what you
16 mean by torture? I think that torture
17 means, or the torture is when somebody is
18 lower than their level people are forcing
19 them to do stuff that they don't want to.

20 THE INTERPRETER: Am I -- I'm
21 just trying to say whatever you're
22 saying specifically. He's saying that
23 the torture means that if somebody is
24 doing something that you don't want it
25 but you are forced to do it.

1 Obaidullah

2 MR. LADIN: Sorry. Obviously
3 this is your deposition. I think it
4 might be helpful to take a moment. It
5 seems like he wants to ask a question.

6 MR. PASZAMANT: No. I would
7 like to finish up with this before you
8 do it, but I appreciate what you're
9 saying.

10 BY MR. PASZAMANT:

11 Q. Am I correct that when you use
12 the word "torture" in response to my
13 questions, what you mean, sir, is that
14 somebody is doing something to someone
15 else that that someone else does not want
16 to have done to them, is that what you
17 mean by torture?

18 A. Torture has a lot of meaning.
19 An example is that people that are
20 captured was kept in airport the other
21 day, that is a kind of torture.

22 If I talk about my uncle, they
23 took him, they forced him, they tortured
24 him and they killed him. This is a
25 torture.

1 Obaidullah

2 Q. Sir, I'm not trying to spar with
3 you over this. I'm not asking for
4 examples of torture. You have repeatedly
5 told me that your uncle was tortured. I
6 simply am trying to understand what you
7 mean when you use the word torture. Not
8 examples.

9 The word torture, what do you
10 mean by that?

11 A. They forced him, they arrested
12 him by force. They beat him, whatever
13 plan they had, they tortured him, they
14 beat him, they give him cold shower, they
15 didn't give him water, food, until he was
16 killed. This is a torture.

17 Q. Thank you.

18 The arrest of your uncle is
19 torture in your eyes?

20 MR. LADIN: Brian, just so
21 you're clear, the translator did not
22 use the word "arrest."

23 MR. SIDDIQI: Let's rewind and
24 let's use the right word.

25 MR. PASZAMANT: Sounds right.

1 Obaidullah

2 THE INTERPRETER: What was the
3 question? Let me go back to it.

4 BY MR. PASZAMANT:

5 Q. Was the arrest torture? Let's
6 go with that one.

7 A. From arrest to killing him was
8 all torture.

9 Q. Did you mention to me a moment
10 ago that there was a plan with regard to
11 your uncle?

12 A. I didn't say plan, but they made
13 a stage, like a scenery for torturing.
14 For torturing him, they had made up a
15 whole program.

16 Q. Do you have any personal
17 knowledge of what was part of the program
18 that you just mentioned to me?

19 A. They have programmed three, four
20 stage for torturing the detainees. Every
21 stage was their way of torturing or -- and
22 on my uncle, all three, four stage were --
23 actually happened on him.

24 Q. How did you obtain personal
25 knowledge, personal knowledge, of this

1 Obaidullah

2 four-stage program that you're telling me
3 about?

4 A. I read reports, and all three
5 stages were established and it was,
6 actually it happened on my uncle.

7 MR. PASZAMANT: I'm sorry. Were
8 you through?

9 THE INTERPRETER: Yes.

10 BY MR. PASZAMANT:

11 Q. Your knowledge of the program
12 and the program's stages is based upon
13 things that you've read exclusively,
14 correct?

15 A. Yes, I have read about it.

16 Q. And you don't have knowledge of
17 what happened to your uncle or of the
18 program from someplace other than what
19 you've read, correct?

20 A. No, I don't have.

21 MR. PASZAMANT: Could you read
22 that question and answer back to me,
23 please?

24 (Record was read back by the
25 court reporter as follows:

1 Obaidullah

2 "QUESTION: And you don't have
3 knowledge of what happened to your
4 uncle or of the program from someplace
5 other than what you've read, correct?

6 "ANSWER: No, I don't have.")

7 BY MR. PASZAMANT:

8 Q. Sir, beside the Senate Committee
9 Report and the CIA response that we've
10 been talking about, can you recall any
11 other internet records that you read
12 relating to what its claimed to have
13 occurred to your uncle?

14 MR. LADIN: Brian, can I just
15 clarify, you mean the CIA
16 investigation report, not the
17 response, right? The response is the
18 response to the Senate Committee.
19 There's a separate document called the
20 CIA response.

21 MR. PASZAMANT: Let me try that
22 again. It's because I couldn't get
23 him to commit --

24 THE INTERPRETER: The question
25 was?

1 Obaidullah

2 MR. PASZAMANT: There will be a
3 new question.

4 THE INTERPRETER: Okay.

5 BY MR. PASZAMANT:

6 Q. You've read the Senate Committee
7 Report that I marked as Exhibit 1 earlier
8 today, correct?

9 A. Majority of it.

10 Q. And you've --

11 THE INTERPRETER: Not majority.
12 Some of them.

13 BY MR. PASZAMANT:

14 Q. And you told me you have read a
15 report of a CIA investigation relating to
16 your uncle, that was part of an article,
17 correct?

18 A. Yes, I did.

19 Q. Can you tell me whether there
20 were any other documents on the internet
21 that you recall reading which pertained to
22 your uncle's capture, detention or death?

23 A. Yes. I cannot name all of them
24 because I read so many of them. If I
25 search on Google who have killed Gul

1 Obaidullah

2 Rahman, I have read that article who have
3 killed Gul Rahman on Google. And there's
4 -- I've read the first, the article of
5 Associated Press.

6 Q. With respect to any of these
7 things that you've read on the internet,
8 is it safe to say that you have no
9 personal knowledge of the accuracy of
10 anything said in those reports?

11 A. I don't have anything.

12 Q. You don't have any personal
13 knowledge, correct?

14 A. I don't have personal
15 information.

16 Q. How old were you when you last
17 saw your uncle, Gul Rahman?

18 A. Maybe 10 or 11.

19 Q. These reports on the internet
20 that you've been telling me about, did you
21 read these reports to prepare for your
22 deposition here today?

23 A. I didn't read any articles for
24 this deposition today.

25 Q. Besides speaking with your

1 Obaidullah

2 attorneys and with your family, did you do
3 anything else to prepare yourself for your
4 deposition here today?

5 A. No.

6 Q. So you didn't read any documents
7 for preparation of your deposition today,
8 correct?

9 A. Since I had a lot of the stuff
10 in my brain already, so I didn't read
11 anything else again.

12 Q. Do you recall reading any
13 documents that were secured by virtue of
14 the existence of this lawsuit?

15 THE INTERPRETER: I need help
16 with "by virtue."

17 MR. PASZAMANT: Because of the
18 existence of this lawsuit.

19 THE INTERPRETER: I'm trying to
20 put it in proper Farsi words for him.

21 A. No, I didn't do nothing.

22 Q. And is it fair to say that your
23 family members that you spoke with about
24 the deposition here today have no personal
25 knowledge of what happened with the

1 Obaidullah

2 capture, the detention and the death of
3 your uncle, Gul Rahman?

4 A. My family doesn't know because
5 we were not there.

6 Q. Sir, are you married?

7 A. Yes.

8 Q. For how long?

9 A. I got married in 2012, almost
10 five years.

11 Q. And what is your wife's name,
12 sir?

13 A. Hajira, H-A-J-I-R-A.

14 Q. Does your wife have any personal
15 knowledge of what happened with regard to
16 the capture, detention or death of your
17 uncle, Gul Rahman?

18 A. No.

19 Q. Have you been married previously
20 to anyone else?

21 A. No.

22 Q. Do you have any children, sir?

23 A. Yes.

24 Q. How many?

25 A. Two.

1 Obaidullah

2 Q. How old?

3 A. Three years old and a new baby.

4 Q. Congratulations.

5 Could you please provide me with
6 their names?

7 A. Yes. Abdul Rahman and Suraya,
8 S-U-R-A-Y-A.

9 Q. Sir, did you attend college?

10 A. Yes.

11 Q. Where did you attend college?

12 A. In Peshawar.

13 Q. Did you secure a degree?

14 A. A B.A. and master's.

15 Q. What subject matter is your B.A.
16 in?

17 A. B.A. in computer science and
18 master's in software engineering.

19 Q. Were both of those degrees
20 secured in Peshawar?

21 A. B.A. was obtained in Peshawar
22 and master's was secured in Kabul.

23 Q. Is there a particular school in
24 Kabul where you secured your master's in
25 software engineering?

1 Obaidullah

2 A. Kabul University.

3 Q. I see. And when did you get
4 your bachelor's degree?

5 A. End of 2013.

6 Q. And when did you secure your
7 master's degree, sir?

8 A. Just now.

9 Q. While we were sitting here?

10 A. I just recently got it. 2016.

11 Q. Do you currently hold any
12 licenses or certifications in any subject
13 matter?

14 A. What kind of license are you
15 talking about?

16 Q. Do you have a license to be a
17 software engineer?

18 A. Back in Afghanistan, if you have
19 the degree, you just work according to
20 that degree. You don't need to license
21 for everything.

22 Q. Are you currently employed, sir?

23 A. Yes.

24 Q. Where?

25 A. Ministry of Education.

1 Obaidullah

2 THE INTERPRETER: He's working
3 there.

4 BY MR. PASZAMANT:

5 Q. For how long have you worked for
6 the Ministry of Education?

7 A. Two years.

8 Q. And is that the Ministry of
9 Education for Kabul, Afghanistan or some
10 other location?

11 A. Completely for Afghanistan.

12 Q. And what is your position with
13 the Ministry of Education?

14 A. Programmer.

15 Q. Have you held the same position
16 with the Ministry of Education for the two
17 years that you've worked there?

18 A. Yes.

19 Q. And generally speaking, what are
20 your job responsibilities as a programmer
21 for the Ministry of Education?

22 A. We are controlling the software
23 and we are controlling the schools around.
24 We give access to internet. If we develop
25 any website, we are letting them to have

1 Obaidullah
2 an access in it. We have a database. We
3 are collecting database. We are
4 collecting database, data collection, we
5 are republishing their reports.

6 Q. Prior to taking your job, your
7 current job with the Ministry of
8 Education, were you employed elsewhere?

9 A. Yes.

10 Q. Where, sir?

11 A. I was a private company.

12 Q. Could you please provide me with
13 the name of the company and your position
14 with the company?

15 A. The name was Blue. Data
16 manager, I was a data manager.

17 Q. And how long did you work at
18 Blue as a data manager?

19 A. Maybe a few months. A little
20 while.

21 Q. Did you hold any other positions
22 with Blue beside data manager?

23 A. No.

24 Q. Were you employed elsewhere
25 prior to your employment with Blue?

1 Obaidullah

2 A. No.

3 Q. Sir, are you currently involved
4 with any groups or clubs, organized groups
5 or clubs?

6 A. No.

7 Q. Have you previously been
8 involved with any organized or recognized
9 groups or clubs?

10 A. No, I have never worked.

11 Q. Sir, am I correct that you're
12 appearing here today as the personal
13 representative of the estate of Gul
14 Rahman?

15 A. Yes.

16 Q. When did you secure approval to
17 serve as the representative of the estate
18 of Gul Rahman?

19 A. Because I'm the representative
20 of the family and I'm the one who is
21 supporting the family. That's why I am
22 representing this case.

23 Q. I should have asked you earlier,
24 sir, have you ever been convicted of a
25 crime?

1 Obaidullah

2 A. No.

3 Q. Sir, did you receive some
4 paperwork that acknowledges that you can
5 serve in the capacity as the
6 representative of the estate of Gul
7 Rahman?

8 A. Yes.

9 Q. When did you receive that
10 paperwork?

11 A. When I start working with ACLU,
12 I signed the paper.

13 Q. So you received the paperwork to
14 serve as the representative when you
15 commenced working with ACLU?

16 A. I didn't get the paper, but I
17 signed the paper.

18 Q. Have you received any official
19 paperwork from a government entity that
20 identifies you as the personal
21 representative of the estate of Gul
22 Rahman?

23 A. Back in Afghanistan, once you
24 signed the paper, went to the Department
25 of Justice in Afghanistan, you are there

1 Obaidullah
2 allowing you to take that deposition to
3 represent the family that you want to
4 represent.

5 Q. And when did you sign the paper
6 that you're referring to that was
7 submitted to the government in Afghanistan
8 that allowed you to become the personal
9 representative?

10 A. I can't remember the exact
11 dates, but it was the beginning of when I
12 started this case.

13 Q. Do you recall when this case was
14 started?

15 A. I can't remember. I can't
16 specifically say.

17 Q. You're currently being
18 represented by attorneys from ACLU,
19 correct?

20 A. Yes.

21 Q. When did you first become
22 involved with the ACLU?

23 A. I can't specifically remember
24 the dates, but I have the documents on my
25 laptop.

1 Obaidullah

2 Q. Can you give me an estimation as
3 to when you became involved with the ACLU
4 in the first instance?

5 A. I think that was the beginning
6 of 2000 -- end of 2015 and beginning of
7 2016.

8 Q. How was it that you came into
9 contact with the ACLU?

10 A. When first Associated Press
11 established a lot of foreigners and
12 journalists were in touch with us, they
13 were in contact with us. And then I start
14 trying to find somebody, and fortunately I
15 found out ACLU office.

16 Q. How did you find the ACLU
17 office, sir?

18 A. I can't remember exactly. I can
19 say I found it out or through journalists
20 and reporters.

21 Q. Sir, how did you as opposed to
22 somebody else, become the personal
23 representative of the estate of Gul
24 Rahman?

25 A. Gul Rahman doesn't have any son.

1 Obaidullah

2 And I'm also the oldest son-in-law of Gul
3 Rahman. And the culture in Afghanistan is
4 if the family doesn't have a son, the
5 older son-in-law becomes the
6 representative of the family. And also I
7 am his nephew. And I take control, I
8 proceed everything in the family.

9 Q. Is your father Gul Rahman's
10 brother?

11 A. Yes.

12 Q. So is your wife Gul Rahman's
13 daughter?

14 A. Yes.

15 Q. Given that your father is alive
16 and he's Gul Rahman's brother, why was he
17 not chosen to be the personal
18 representative of the estate of his
19 brother, Gul Rahman?

20 A. The representative becomes the
21 person who's supporting the family, and
22 also I'm married to his older daughter.
23 That's why.

24 Q. Was there consideration given to
25 having your father serve as the personal

1 Obaidullah
2 representative of Gul Rahman?

3 A. I don't think so.

4 Q. Why not?

5 A. When he was killed, we didn't
6 know that he was killed that way. When I
7 found out that he was killed that way, my
8 dad was so old, so I begin to represent
9 the family.

10 Q. I see.

11 A. The family came together and
12 chose me to become the representative.

13 Q. Did your father state a desire
14 to be the personal representative of the
15 estate of his brother?

16 A. If, at the beginning, my father
17 knew about it, I'm pretty sure he would,
18 because I was young. Now, since I know
19 about everything, I'm the representative
20 of the household of the Gul Rahman, I'll
21 proceed with everything.

22 Q. How old is your father?

23 A. I don't know.

24 Q. Is your father of sound mind?

25 Let me withdraw that.

1 Obaidullah

2 A. Yes.

3 Q. And just so I have this right,
4 you married your first cousin?

5 A. Yes.

6 Q. So ACLU currently serves as your
7 attorneys, correct?

8 A. Yes.

9 Q. Did you have any attorneys prior
10 to ACLU?

11 A. No.

12 Q. And you don't recall exactly how
13 it was that you first came in contact with
14 the ACLU, correct?

15 A. No.

16 Q. Are you paying for your lawyers?

17 A. I don't want to answer it.

18 Q. That's not an option. Are you
19 paying for your lawyers?

20 A. That depends on me, the
21 settlement with the lawyer.

22 Q. I'm sorry. I'm not sure I even
23 understood.

24 MR. PASZAMANT: Let me try
25 slightly different way.

1 Obaidullah

2 Q. Have you paid any money to your
3 lawyers?

4 A. It depends on me. I haven't
5 said anything whether I am going to pay
6 them or not yet.

7 THE INTERPRETER: He doesn't
8 want to be questioned on that.

9 A. I don't want to be questioned on
10 that.

11 Q. Sir, I understand you don't want
12 to be questioned about that. But
13 respectfully, unless they tell you not to
14 answer a question, I'm entitled to an
15 answer to my question.

16 So my question to you is have
17 you paid any money, any money to your
18 lawyers for their representation of you in
19 connection with this lawsuit?

20 A. No, I didn't give them.

21 Q. Okay. Did you pay for your
22 plane ticket to come here today for your
23 deposition?

24 A. Somebody helped me.

25 Q. Who?

1 Obaidullah

2 A. Somebody.

3 Q. Does this somebody have a name?

4 A. What kind of question is this?

5 MR. LUSTBERG: Why don't we take
6 a break and talk to him.

7 MR. PASZAMANT: That's fine.

8 THE VIDEOGRAPHER: We are going
9 off the record. The time is 3:42 p.m.

10 (Thereupon, a recess was taken,
11 and then the proceedings continued as
12 follows:)

13 THE VIDEOGRAPHER: We are now on
14 the record. The time is 3:53 p.m.
15 This begins media unit 4.

16 MR. LADIN: Obaidullah, did you
17 review any documents to prepare for
18 this deposition?

19 THE WITNESS: I never -- as I
20 told before, I didn't read extra
21 reports on it. There are reports of
22 questions and the reports of that
23 hundred pages. I've read those ones.
24 Complaint -- the Complaint reports or
25 the reports of complaints.

1 Obaidullah

2 MR. LADIN: To clarify, and I
3 understand there's not a Farsi word
4 for this, but did you read the
5 interrogatories and their response?

6 THE WITNESS: I did read the
7 interrogatories and all of the
8 questions and the answers.

9 MR. PASZAMANT: Are you
10 satisfied? Is that what you wanted to
11 cover with him?

12 MR. LADIN: Uh-huh.

13 MR. PASZAMANT: Okay. Thank
14 you.

15 BY MR. PASZAMANT:

16 Q. Sir, with regard to the
17 interrogatories and the answers that
18 you're speaking of, are you referring to
19 the interrogatories that Drs. Mitchell and
20 Jessen served upon you and you provided
21 the answers?

22 THE INTERPRETER: I need the
23 word for interrogatory.

24 MR. LADIN: He's calling it
25 question and answer, to just be clear

1 Obaidullah

2 for the record.

3 MR. PASZAMANT: Oh, I see.

4 Okay.

5 BY MR. PASZAMANT:

6 Q. So these questions and answers
7 that you're speaking of, sir, are you
8 referring to questions that were given to
9 you in writing by Dr. Jessen and
10 Dr. Mitchell and answers that you provided
11 in writing to Dr. Mitchell and Dr. Jessen?

12 A. Yes.

13 MR. PASZAMANT: Let's mark this
14 as No. 3.

15 (Obaidullah Exhibit 3,
16 Interrogatory Responses, marked for
17 identification, as of this date.)

18 BY MR. PASZAMANT:

19 Q. Sir, what I've just put in front
20 of you and marked as Exhibit 3, is that
21 the questions and answers that you're
22 referring to that you reviewed in advance
23 of this deposition?

24 A. Yes.

25 Q. Sir, turn if you would, to page

1 Obaidullah

2 27 of this document. Is that your
3 signature?

4 A. Yes.

5 Q. And in signing this document,
6 did you understand that what you were
7 saying was that what's contained in this
8 document is accurate, to the best of your
9 knowledge?

10 A. Yes.

11 Q. Okay. Thank you.

12 Let's set this aside for a
13 moment.

14 MR. PASZAMANT: While we're at
15 it, let's mark this as No. 4, please.

16 (Obaidullah Exhibit 4, Document,
17 marked for identification, as of this
18 date.)

19 BY MR. PASZAMANT:

20 Q. Sir, please take a moment to
21 look at what I marked as Exhibit No. 4,
22 and my question to you is: Do you
23 recognize this document?

24 A. Yes, totally. I read it this
25 morning.

1 Obaidullah

2 Q. Have you read it prior to this
3 morning?

4 A. I think I've reviewed it.

5 Q. Okay. And so this is another
6 document that you read in preparation for
7 your deposition here today?

8 A. I just reviewed it.

9 Q. Okay. Sir, prior to the break,
10 I asked you who paid for your travel to
11 come here for your deposition today.

12 Can you tell me who paid for
13 your travel?

14 A. ACLU company.

15 Q. And do you have an agreement to
16 pay ACLU back for your travel?

17 A. I think I've signed one paper at
18 the beginning. I've signed a document at
19 the beginning.

20 Q. And this document said that you
21 would pay ACLU back for your travel and
22 costs?

23 A. I can't remember, but maybe
24 that's what it is.

25 Q. And does this document also say

1 Obaidullah

2 that you will pay ACLU any attorneys' fees
3 at some point in the future?

4 A. I signed the papers at the very
5 beginning. To be honest, I don't want to
6 lie about it, I can't remember what I
7 signed. I can't remember anything about
8 it.

9 Q. Sitting here today, do you have
10 any belief that you will have to pay ACLU
11 any monies at some point in the future?

12 A. If I won the case, I might pay
13 some of the expenses.

14 Q. Okay.

15 Are you obligated to pay the
16 expenses, or is that something voluntary
17 on your part?

18 A. If I win the case, I might give
19 them money.

20 Q. So it's voluntary?

21 THE INTERPRETER: Can I repeat
22 my question?

23 A. I don't remember the agreement,
24 but if I win the case, I have to pay them.

25 Q. I see.

1 Obaidullah

2 And do you recall how much you
3 will have to pay them?

4 A. I don't know.

5 RQ MR. PASZAMANT: I'm going to
6 request a copy of that engagement
7 letter or whatever it is that he's
8 referring to and that it be produced
9 to us.

10 MR. LADIN: Okay.

11 MR. PASZAMANT: Thank you.

12 BY MR. PASZAMANT:

13 Q. Do you recall separately
14 engaging Mr. Lustberg and the Gibbons law
15 firm?

16 A. I don't have any agreement with
17 them. I just have agreement with ACLU.

18 Q. So you are Gul Rahman's nephew,
19 correct?

20 A. Yes.

21 Q. And you last -- how old were you
22 when you last saw Mr. Rahman?

23 A. Maybe 10 or 11.

24 Q. And did you tell me earlier that
25 one of the reasons that you became the

1 Obaidullah
2 personal representative of Mr. Rahman's
3 estate is because you provide for the
4 family?

5 A. Yes.

6 Q. And when you say "provide,"
7 provide in what way, sir?

8 A. The whole family is living with
9 me. It is very common in Afghanistan that
10 a man shall have to represent the family.

11 Q. You said you lived with
12 approximately 15 people in Kabul
13 currently, correct?

14 A. Yes.

15 Q. Are you the only one of the 15
16 that currently works?

17 A. Yes.

18 Q. Are the others that live with
19 you physically unable to work?

20 A. In Afghanistan, the womens are
21 not working. We are four brothers. My
22 brothers are younger and they're all
23 studying.

24 Q. I see. You mentioned to me
25 earlier that your uncle was famous. Do

1 Obaidullah

2 you recall that?

3 A. He was famous for being nice, a
4 nice person.

5 Q. So when you told me famous, you
6 meant that he was nice, that's what you
7 meant by using that term "famous"?

8 A. Yes.

9 MR. LADIN: Okay. I don't think
10 that's fair --

11 MR. LUSTBERG: We can clean it
12 up later.

13 BY MR. PASZAMANT:

14 Q. Can you please tell me your
15 uncle's full name?

16 A. Gul Rahman and Abdul Manan.

17 Q. Did your uncle have any -- was
18 he known by any other names?

19 A. Without these two names, he
20 didn't have any other names.

21 Q. Where did your uncle reside
22 prior to him being captured?

23 A. Shamshatoo camp.

24 Q. Do you know your uncle's date of
25 birth?

1 Obaidullah

2 A. No, I don't.

3 Q. Do you know what country he was
4 born in?

5 A. Afghanistan.

6 Q. Was he a citizen of Afghanistan
7 at the time he was captured, to your
8 knowledge?

9 A. Yes.

10 Q. How old was your uncle when he
11 was captured?

12 A. I don't know.

13 Q. Your uncle was married at the
14 time he was captured?

15 A. Yes.

16 Q. Does his wife currently live
17 with you?

18 A. Yes.

19 Q. How many children does he have
20 or did he have?

21 A. He have four kids.

22 Q. Could you give me their names,
23 please?

24 A. Hajira, H-A-J-I-R-A. Abida,
25 A-B-I-D-A. Fawzia, F-A-W-Z-I-A. Asma,

1 Obaidullah

2 A-S-M-A.

3 Q. Are those all women?

4 A. They are girls.

5 Q. And how old are they

6 approximately?

7 A. Estimating. Hajira is 23.

8 Abida may be 18 or 19. Fawzia might be --

9 would be 16. And Asma could be 14 or 15.

10 Q. Are you able to tell me, did

11 your uncle secure a college degree?

12 A. No.

13 Q. Did your uncle attend high

14 school?

15 A. I think he have done it up to

16 tenth grade. And then the war started.

17 We had to migrate and he left the country.

18 Q. Was your uncle employed at the

19 time that he left the country?

20 A. I can't remember what he was

21 doing.

22 Q. He was attending school,

23 correct?

24 A. He went up to tenth grade and

25 then he left school. It was the Soviet

1 Obaidullah

2 Union time when everybody left their
3 schools. The war started.

4 Q. Do you have any recollection of
5 your uncle, Gul Rahman, being employed
6 anywhere?

7 A. Yes, I remember.

8 Q. Okay. Tell me what you remember
9 in terms of your uncle being employed
10 somewhere.

11 A. He was Hekmatyar's bodyguard.

12 Q. Do you have any recollection of
13 your uncle having any employment besides
14 being the bodyguard for Hekmatyar?

15 A. When Hekmatyar left for Iran, my
16 uncle was the driver for Dr. Baheer,
17 B-A-H-E-E-R.

18 Q. Do you recall your uncle being
19 employed in any other capacity beside his
20 work for Dr. Baheer or for Hekmatyar?

21 A. When he left, Dr. Baheer and
22 Hekmatyar, he was self-employed, wood
23 breaker, breaking woods.

24 Q. During what period of time did
25 your uncle serve as the bodyguard for

1 Obaidullah

2 Hekmatyar?

3 A. I can't remember, but I think
4 when Hekmatyar left for Iran, and then he
5 left the work.

6 Q. So sitting here today, you don't
7 know what timeframe your uncle Gul Rahman
8 worked for Hekmatyar? Do I have that
9 right?

10 A. I can't remember it.
11 Because Gulbuddin's time as --
12 it's there that when he left for Iran
13 there's a specific time for it, but I can
14 find it on Google, internet.

15 Q. Do you know how much your uncle
16 was paid to work as the bodyguard for
17 Hekmatyar?

18 A. I can't remember, but the wages
19 were very low at that time period. But I
20 think it was around 900 to 2,000 Rupees,
21 Pakistani Rupee.

22 Q. 900 to 2,000 Pakistani Rupee,
23 correct?

24 A. Yeah.

25 Q. For how much time worked?

1 Obaidullah

2 A. I can't remember.

3 Q. So you don't know if that's for
4 a year, or for a week, or a day, correct?

5 A. He was receiving monthly
6 payments but he had worked for a long
7 period of time with Hekmatyar.

8 Q. So when you tell me 900 to 2,000
9 Pakistani Rupee, that's for your uncle
10 working for a one-month period for
11 Hekmatyar?

12 A. Yes, that was the minimum wage
13 back then.

14 Q. And that's not a lot of money in
15 your mind?

16 A. Comparing to now, it looks too
17 nothing right now, the money.

18 THE INTERPRETER: He's trying to
19 compare the money from that time and
20 this time, it was nothing.

21 BY MR. PASZAMANT:

22 Q. Do you know how it was that your
23 uncle secured a job as the bodyguard for
24 Hekmatyar?

25 A. I can't remember. I was too

1 Obaidullah

2 young.

3 Q. Do you know what qualifications,
4 if any, your uncle had to serve as
5 Hekmatyar's bodyguard?

6 A. I think he was so honest, he was
7 not, you know, a harmful person. He would
8 just do surrounded by himself, that's why
9 he was accepted there.

10 Q. I see.

11 So he became Hekmatyar's
12 bodyguard because he was honest, an honest
13 person?

14 A. This could be one reason. But
15 that depends on Hekmatyar, how he is
16 choosing his employees. It could be a
17 reason. It was very common back then, a
18 majority of people were working either
19 with Jamiat and then -- there were two
20 parties, Jamiat party and Hez. Islami
21 party and Hez Islami.

22 Q. What business was Hekmatyar in?

23 A. I don't know.

24 Q. Do you know Hekmatyar?

25 A. Personally, I have never seen

1 Obaidullah

2 Hekmatyar.

3 Q. Does he still reside in and
4 around Kabul Afghanistan?

5 A. I can't say. I don't know.
6 Nobody knows. He's just disappeared.
7 Nobody knows where he is.

8 Q. When did he disappear?

9 A. When he came back from Iran, he
10 disappeared. Nobody knows where he is.

11 Q. And when did he come back from
12 Iran, if you recall?

13 A. I don't know.

14 Q. Do you know why Hekmatyar would
15 require a bodyguard?

16 A. He was representing a big party
17 back there. Hekmatyar was representing or
18 running a big party back in Afghanistan.
19 That's why he needed a bodyguard.

20 Q. Let me give you an instruction
21 that I should have probably given you at
22 the beginning of the deposition. If you
23 don't know the answer to one of my
24 questions, you are free to tell me that
25 you don't know.

1 Obaidullah

2 I don't want you to guess at
3 answers to my questions during today's
4 deposition. If you can give me an
5 estimate or a reasonable answer based upon
6 different things that you do know, I'm
7 entitled to that. But based upon the last
8 answer you gave me where you used the word
9 "maybe" a couple of times, I felt
10 compelled to tell you that if you're
11 simply guessing, please just tell me you
12 don't know and we will move on.

13 And I apologize for not giving
14 you that instruction at the beginning of
15 the deposition.

16 MR. SIDDIQI: In the
17 translation, it should be if he
18 doesn't know it, he just says "I don't
19 know." Not "yes" or "no." If he
20 doesn't know it, "I don't know."

21 MR. PASZAMANT: Thank you.

22 THE INTERPRETER: Thank you.

23 MR. SIDDIQI: Can you --

24 MR. LADIN: Can you please
25 clarify that?

1 Obaidullah

2 THE INTERPRETER: (Translating.)

3 A. Thank you.

4 Q. Are we clear, sir?

5 A. Yes.

6 Q. Thank you.

7 So once again, do you have any

8 knowledge as to why Hekmatyar would

9 require or want a bodyguard?

10 A. I don't know.

11 Q. Thank you.

12 After your uncle worked for

13 Hekmatyar, you told me that he worked as a

14 driver for a Dr. Baheer, is that correct?

15 A. Yes.

16 Q. And how did your uncle secure a

17 job with Dr. Baheer?

18 A. I don't know.

19 Q. Do you know how much your uncle

20 was paid to serve as a driver for

21 Dr. Baheer?

22 A. 4,000 Pakistani Rupee.

23 Q. For what period of time would

24 your uncle have worked to be paid 4,000

25 Pakistani Rupee?

1 Obaidullah

2 A. I can't remember exactly that
3 years, how long he worked there.

4 Q. So you do not know during what
5 period of time your uncle served as
6 Dr. Baheer's driver, correct?

7 A. Yeah I don't remember.

8 Q. Do you know whether your uncle
9 was paid 4,000 Pakistani Rupee for a day,
10 a week, a month, a year, or some other
11 period of time?

12 A. Monthly.

13 Q. And after he worked as the
14 driver for Dr. Baheer, your uncle was
15 self-employed in the wood cutting
16 business?

17 A. Yes.

18 Q. And do you know how much money
19 he earned in connection with working in
20 the wood chopping business?

21 A. I don't know.

22 Q. Do you know how your uncle knew
23 Hekmatyar prior to working for him?

24 A. I don't know.

25 Q. Do you know how your uncle knew

1 Obaidullah

2 Dr. Baheer prior to working for him as his
3 driver?

4 A. Since he was the bodyguard for
5 Hekmatyar, they found each other or they
6 got introduced or they know each other
7 since then, they knew each other since
8 then.

9 Q. Do you know when your uncle was
10 first introduced to Dr. Baheer?

11 A. I don't know.

12 Q. Do you know the circumstances of
13 the introduction?

14 A. I don't know.

15 Q. So is it fair to say then you
16 don't know how it is that your uncle knew
17 Dr. Baheer?

18 A. Yes.

19 Q. Was your uncle Gul Rahman
20 involved in any organized clubs, groups or
21 activities, to your knowledge?

22 A. No, I know he was not doing
23 anything like that.

24 Q. Not involved in any clubs that
25 you recall?

1 Obaidullah

2 A. No.

3 Q. Did your uncle serve in the
4 military?

5 A. No.

6 Q. Did he serve with any resistance
7 faction?

8 THE INTERPRETER: What's
9 "resistance faction"?

10 MR. PASZAMANT: Let me think
11 that one through for a second.

12 BY MR. PASZAMANT:

13 Q. Was he involved with any
14 paramilitary group?

15 A. No, he was not.

16 Q. Was he involved with any gangs,
17 to your knowledge?

18 A. No.

19 Q. Okay.

20 Sir, was your uncle Gul Rahman,
21 to your knowledge, involved with Al Qaeda?

22 A. No.

23 Q. Would you know if he was
24 involved with Al Qaeda?

25 A. I don't think so. He would

1 Obaidullah

2 spend all of the time with us.

3 Q. So you would know in your mind
4 if he was involved with Al Qaeda?

5 A. I knew that he was not involved.

6 Q. And when you last saw your
7 uncle, you were how old?

8 A. Maybe 11.

9 Q. And how is it that you would
10 know for a fact that he was not involved
11 with Al Qaeda?

12 A. Because I was taking him lunch
13 or bread or food every day when he was
14 wood breaking and we were at the same
15 camp. There is no question that he would
16 be related to Al Qaeda from there.

17 Q. When he worked as the bodyguard
18 for Hekmatyar, were you always with him?

19 A. No.

20 Q. Do you know whether Hekmatyar
21 was involved with Al Qaeda?

22 A. I don't know.

23 Q. So it's possible that your uncle
24 while he worked with Hekmatyar was
25 involved with Al Qaeda, correct?

1 Obaidullah

2 MR. LADIN: Object.

3 You can answer.

4 A. He was not. It's impossible.
5 Hekmatyar was in Iran and he didn't have
6 any connection with Hekmatyar.

7 Q. There was a time Hekmatyar was
8 in Afghanistan, correct?

9 A. When was that?

10 Q. Was there any point in time, to
11 your knowledge, that Hekmatyar was in
12 Afghanistan?

13 A. I don't know. I have never
14 spent time with him.

15 Q. When your uncle worked as
16 Hekmatyar's bodyguard, where did he work?
17 When your uncle, Gul Rahman, worked as
18 Hekmatyar's bodyguard, where did he work?

19 A. In Afghanistan.

20 Q. Exactly.

21 So during that period of time,
22 you never met Hekmatyar, correct?

23 A. No.

24 Q. And you didn't know what
25 Hekmatyar was doing during that period of

1 Obaidullah

2 time, correct?

3 A. No, I don't know.

4 Q. And other than knowing that your
5 uncle, Gul Rahman, was Hekmatyar's
6 bodyguard, you don't know what they did on
7 a daily basis, correct?

8 A. Yes, I don't know.

9 Q. So you would have no idea
10 whether one of the things that they did
11 while your uncle served as Hekmatyar's
12 bodyguard was to serve Al Qaeda, correct?

13 MR. LADIN: We are going to
14 object again.

15 You can answer.

16 A. When Hekmatyar was in
17 Afghanistan, my uncle was his bodyguard.
18 Whatever they are doing, it was the
19 Russian war there. Al Qaeda was when my
20 uncle was no longer working with him, with
21 Hekmatyar. When my uncle was with
22 Hekmatyar, they were working with America
23 as a friend at that time, at that period
24 of time.

25 America was helping Mujihideen

1 Obaidullah
2 at that time because it was the war of
3 Soviet Union, so America was with the
4 government of Afghanistan. My uncle was
5 working at that time. There was no Al
6 Qaeda at that time.

7 Q. How do you know whether there
8 was an Al Qaeda at the time you're
9 speaking of?

10 A. The history tells me.

11 Q. Oh, things that you've read, is
12 that the basis of your statement?

13 A. Yes.

14 Q. Okay. Because you were just a
15 young child at that time, correct?

16 A. Yes.

17 MR. LADIN: Just wait for the
18 translation.

19 BY MR. PASZAMANT:

20 Q. When did the Soviet war in
21 Afghanistan end, to your recollection?

22 A. I don't know.

23 Q. But it was exclusively during
24 this war with Afghanistan that your uncle,
25 Gul Rahman, worked as the bodyguard for

1 Obaidullah

2 Hekmatyar, correct?

3 A. Yes.

4 Q. For how many years did your
5 uncle work as a driver for Dr. Baheer?

6 A. It was so many years, I cannot
7 remember the dates or the years, exact
8 years.

9 Q. Okay. Sitting here, do you have
10 any knowledge as to whether Dr. Baheer was
11 affiliated with Al Qaeda?

12 A. I don't know.

13 Q. Okay. And so while your uncle
14 was driving for Dr. Baheer, you don't know
15 whether they together were involved with
16 Al Qaeda, correct?

17 A. According to my personal
18 knowledge, they were not working together.

19 Q. Okay.

20 A. With Al Qaeda.

21 Q. Okay.

22 A. Since we were very poor family,
23 he was just working to earn money, nothing
24 else. His intention was nothing but
25 earning money. He was not director or the

1 Obaidullah

2 commander of Hekmatyar.

3 Q. Okay.

4 You were in school during the

5 time that your uncle was the driver for

6 Dr. Baheer, correct?

7 A. Yes.

8 Q. So you don't know what they did

9 during the day when you weren't with them,

10 correct?

11 A. No, I don't.

12 Q. Okay.

13 You told me earlier that you've

14 read various documents on the internet

15 relating to your uncle, correct?

16 A. Yes.

17 Q. Do you recall reading any

18 documents that said that the U.S.

19 government thought that your uncle was

20 involved with Al Qaeda?

21 A. No.

22 MR. PASZAMANT: Let's mark this

23 as Obaidullah 5.

24 (Obaidullah Exhibit 5, Document,

25 marked for identification, as of this

1 Obaidullah

2 date.)

3 BY MR. PASZAMANT:

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

8 A. I don't think so.

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

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

13 BY MR. PASZAMANT:

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

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

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

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

1 Obaidullah

2 Agency.

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

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

12 BY MR. PASZAMANT:

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

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

22 A. Yes.

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

1 Obaidullah

2 interact with and support Al Qaeda.

3 Correct?

4 A. He was not from Wardak.

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

8 Do you see that?

9 A. Yes, I can see the documents.

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

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

15 Did I read that correctly?

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

18 MR. PASZAMANT: Al Nadji.

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

21 Q. Exactly.

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

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

1 Obaidullah

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

5 A. No, no ways.

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

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

10 COURT REPORTER: Of course.

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

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

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

21 Q. I see.

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

1 Obaidullah

2 Qaeda, that you don't accept.

3 Do I have that right?

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

8 Q. Okay.

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

12 MR. LADIN: Objection.

13 You can answer.

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

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

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

25 THE INTERPRETER: I'm sorry. I

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

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

6 MR. SIDDIQI: (Translating.)

7 A. Yes.

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

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

12 A. Yes.

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

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

18 You can answer.

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

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

1 Obaidullah

2 Q. So this portion of this
3 investigation in your mind is inaccurate?

4 A. My question is if they are
5 writing the documents or the reports, they
6 must have a reason writing that reason. I
7 want that reason why they are writing it.

8 Q. Okay.

9 But you would acknowledge that
10 they wrote it because they had a reason,
11 correct?

12 MR. LADIN: Objection.

13 You can continue.

14 A. What are the reason? What are
15 the causes or reasons that they have
16 investigated that he was Al Qaeda?

17 Q. So in your mind this statement
18 that Rahman was involved with Al Qaeda,
19 that's inaccurate in your mind, correct?

20 MR. LADIN: Wait, wait. Sorry.
21 Hold on. What statement are you
22 reading from?

23 MR. PASZAMANT: I'm still on
24 that same statement, "Rahman was
25 considered an Al Qaeda operative."

1 Obaidullah

2 I'm asking whether in his mind that's
3 inaccurate.

4 A. Yes.

5 Q. So there's portions of this
6 report, this investigation that in your
7 mind are wrong, correct?

8 A. When you are using the Al Qaeda
9 word, this is wrong.

10 Q. I see.

11 So how do we know what other
12 part of this investigation, which bears
13 Exhibit No. 2, is also wrong?

14 MR. LADIN: Objection. He can
15 answer.

16 A. I want to speak in details.
17 When you're saying that my uncle was Al
18 Qaeda, I'm sure you have a reason for it.
19 But I want that reason. You should have
20 to present that reason for me. If this
21 report has been written, it's been written
22 for a reason. Everything has a reason.
23 They don't write something wrong. My
24 uncle was working with Hekmatyar. There
25 is a misunderstanding. He was not working

1 Obaidullah

2 with Al Qaeda.

3 Q. I have two exhibits, Exhibit 2
4 and Exhibit 5. Both of them are in front
5 of you. Each of them says your uncle
6 supported or was affiliated with Al Qaeda,
7 correct?

8 A. Yes.

9 Q. And you told me earlier that you
10 believe that when an investigation is
11 performed, what's said in the
12 investigation report is accurate, correct?

13 A. I didn't say that my uncle is Al
14 Qaeda. I agreed that this report was
15 arranged or created by CIA and might be
16 accurate.

17 Q. So my question to you, sir,
18 is --

19 MR. LADIN: He says the
20 translation was mostly accurate.

21 THE INTERPRETER: Mostly, yeah.

22 BY MR. PASZAMANT:

23 Q. How do we know what's accurate
24 and what's not in these two investigative
25 reports that I showed you?

1 Obaidullah

2 MR. LADIN: I'm going to object.

3 You can answer.

4 A. When they arrested my uncle or
5 when they are writing report, they must
6 have a reason, that's why they have
7 created this report. If they're writing
8 that he was from Al Qaeda, I want to find
9 out which part of Al Qaeda. Which group
10 of Al Qaeda he was related to.

11 Second, I say that he was
12 Hekmatyar's bodyguard. I was somehow,
13 most of the people in Afghanistan was
14 working in different groups or Hesbs in
15 Afghanistan.

16 MR. SIDDIQI: At that time.

17 THE INTERPRETER: At that time,
18 yeah.

19 A. It cannot be the reason that CIA
20 could kill him. It cannot -- it can't be
21 the reason, it cannot be the reason that
22 they can come and kill the whole people
23 back there in the country.

24 Q. Are you done?

25 A. Yes.

1 Obaidullah

2 MR. PASZAMANT: I will move to
3 strike that answer as nonresponsive.

4 Can you please read my question
5 back?

6 MR. LUSTBERG: What do you mean,
7 strike the answer as not responsive?
8 It's part of the record. You can't
9 just strike it.

10 For the record, he could do
11 that.

12 (Whereupon, the requested
13 portion was read back by the court
14 reporter.)

15 MR. LADIN: I'm going to object
16 again. He can answer.

17 A. As I said earlier, this report
18 has been written for a reason. I say that
19 most of this reports are correct,
20 accurate. When they are saying my uncle
21 was related to Al Qaeda, do they have a
22 reason. Do they have a proof I could say
23 he was involved in Al Qaeda? But if they
24 do not have any proof, that's a
25 misunderstanding of them that they had

1 Obaidullah

2 wrote it there.

3 Q. Sir, my question is a little
4 different. My question to you is simple.

5 How do we know what within these
6 reports that I've showed you marked as
7 Exhibits 2 and 5, we should accept as
8 true, versus what we don't think is true,
9 how should we know?

10 MR. LADIN: Objection.

11 You can answer.

12 A. Majority of the report is based
13 on the facts that my uncle was working
14 with Gulbidin, G-U-L-B-I-D-I-N. I accept
15 he was working. I can't accept that he
16 was working with Al Qaeda.

17 Q. But you have no idea, one way or
18 another, sitting here today, do you?

19 MR. LADIN: I will object.

20 You can answer.

21 A. No, I don't.

22 Q. Okay.

23 MR. PASZAMANT: The court
24 reporter asked for a break. Now would
25 be a good time.

1 Obaidullah

2 MR. LUSTBERG: Now would be a
3 good time.

4 THE VIDEOGRAPHER: We are going
5 off the record. The time is 5:14 p.m.

6 (Thereupon, a recess was taken,
7 and then the proceedings continued as
8 follows:)

9 THE VIDEOGRAPHER: We are now on
10 the record. The time is 5:28 p.m.
11 This begins media unit 5.

12 BY MR. PASZAMANT:

13 Q. Sir, are you ready to proceed?

14 A. Yes.

15 Q. Okay. Could you tell me, sir,
16 what Hezb Islami is?

17 A. It's a group. It's a party.

18 Q. A political party, sir?

19 A. Yes.

20 Q. How are you familiar with this
21 particular political party?

22 A. Because in Afghanistan, two
23 political parties are working because they
24 are so famous. They are a big group.

25 Q. Was your uncle, Gul Rahman,

1 Obaidullah

2 associated with Hezb Islami?

3 A. He was working with Gulbuddin,
4 yes.

5 Q. And Gulbuddin Hekmatyar was
6 involved with Hezbi Islami?

7 A. He was the head of this group.

8 Q. Do you know Abd Al-Rahman
9 Al-Nadji?

10 A. No, I don't know.

11 Q. That's not a name that's
12 familiar to you.

13 A. No.

14 Q. Do you know if your uncle had
15 had any sort of a relationship with this
16 individual?

17 A. No.

18 Q. Do you know whether your uncle
19 served as a conduit or a go-between
20 between this individual and Hekmatyar?

21 A. I don't know.

22 Q. So if these investigations that
23 we were talking about before the break
24 suggested there was a relationship between
25 Abd Al-Rahman Al-Nadji and Hekmatyar, you

1 Obaidullah
2 wouldn't know whether that's accurate or
3 not, correct?

4 A. I don't know this name, and I
5 don't remember this name. I don't know
6 him.

7 MR. PASZAMANT: Could you read
8 the question back, please.

9 (Record was read back by the
10 court reporter as follows:

11 "QUESTION: How do we know
12 what's accurate and what's not in
13 these two investigative reports that I
14 showed you?")

15 A. I don't know.

16 Q. I want to talk about your
17 uncle's health before he was captured. Do
18 you recall your uncle having any medical
19 conditions or health issues prior to his
20 capture?

21 A. My uncle was in good health
22 condition. He had only allergies.

23 Q. Sir, you weren't with your uncle
24 when he was captured, were you?

25 A. No, I was not.

1 Obaidullah

2 Q. And you have no personal
3 knowledge as to what occurred when he was
4 captured or how he was captured, correct?

5 A. No.

6 Q. You mentioned allergies to me a
7 moment ago, do you recall?

8 A. Yes.

9 Q. What was your uncle allergic to?

10 A. I don't exactly know what
11 allergies, but I knew he has allergies.

12 Q. How did you know he had
13 allergies, sir?

14 A. They were mentioning it at home.

15 Q. And what symptoms did your uncle
16 have as a result of these allergies that
17 they were mentioning at home?

18 A. Nothing that I remember, but he
19 was occasionally getting very cold or
20 getting cold.

21 Q. Sir, when you say that they were
22 mentioning your uncle's allergies at home,
23 is this a conversation that was had prior
24 to your uncle's capture or after your
25 uncle's capture?

1 Obaidullah

2 A. I don't remember that they were
3 mentioning before he was captured, but
4 after he was captured, I remember they
5 were mentioning that he was allergic.

6 Q. So to the extent that you're
7 aware that your uncle had allergies, it's
8 because of what somebody told you
9 following his capture, correct?

10 A. Yes, that's what exactly it is.

11 Q. Do you know what treatments, if
12 any, your uncle received for his
13 allergies?

14 A. No.

15 Q. Do you know whether your uncle
16 broke any bones prior to his capture?

17 A. He was injured.

18 Q. Injured when?

19 A. He was injured during the Soviet
20 Union's war.

21 Q. What type of injury did he
22 suffer or injuries?

23 A. He was shot.

24 Q. Shot where?

25 A. Shot by a bullet. I think it

1 Obaidullah

2 was either in his leg or his hand --

3 THE INTERPRETER: Feet or hand?

4 A. It was either on his wrist or
5 the thigh.

6 Q. Do you have personal knowledge
7 of your uncle having been shot during the
8 war with the Soviet Union?

9 A. No, I don't.

10 Q. Do you know whether he had
11 surgery to address being shot?

12 A. Yes.

13 Q. Do you know whether the bullet
14 was removed?

15 A. I don't know.

16 Q. Do you know whether he suffered
17 in any way following the surgery as a
18 result of having been shot?

19 A. I don't know.

20 Q. Do you know whether your uncle
21 was hindered in doing anything as a result
22 of having been shot during the war?

23 THE INTERPRETER: What's
24 hindered?

25 MR. PASZAMANT: Limited.

1 Obaidullah

2 Instructed.

3 A. No, he was not. He was in good
4 health.

5 Q. Do you know any other injuries
6 that your uncle had suffered prior to
7 being captured?

8 A. No, no, he was not.

9 Q. Did your uncle ever tell you any
10 stories of what happened during his fight
11 in the war?

12 A. No, he didn't say.

13 Q. On whose behalf was he fighting?

14 A. He was Hekmatyar's bodyguard,
15 yes.

16 Q. And so as Hekmatyar's bodyguard,
17 he fought against the Soviets in the war?

18 A. I don't know.

19 Q. Do you know who shot him?

20 A. No, I don't know.

21 Q. Do you know whether your uncle
22 was traumatized as a result of fighting in
23 the war with the Soviets?

24 A. No, he didn't have any -- he was
25 not traumatized.

1 Obaidullah

2 Q. Do you know whether your uncle
3 was seeing any medical providers, doctors,
4 nurses, at or around the time of his
5 capture?

6 A. I think he went to Islamabad and
7 it was because of a doctor, to see a
8 doctor.

9 Q. Do you have any information as
10 to who the doctor was or what the ailment
11 was that this doctor was being sought out
12 to treat?

13 A. I don't know who the doctor is.
14 All I know is that he had allergies. I
15 don't know anything else.

16 Q. So this doctor in Islamabad,
17 your uncle sought him out to treat the
18 allergies?

19 A. I don't know.

20 Q. Sir, do you know my client,
21 Dr. James Mitchell?

22 A. Regarding to this reports, I
23 know him.

24 Q. Have you ever met Dr. Mitchell?

25 A. No, I don't.

1 Obaidullah

2 Q. Do you know the name Dr. John
3 Bruce Jessen?

4 A. I have heard his name, yes.

5 Q. From whom did you hear his name
6 and when?

7 A. I think for the first time I
8 heard it from the internet reports.

9 Q. The internet reports that you
10 told me about earlier today?

11 A. Yes.

12 Q. You've never met Dr. Jessen,
13 correct?

14 A. No.

15 Q. Sir, do you have any personal
16 knowledge, personal knowledge as opposed
17 to what you've read in the reports, about
18 what Dr. Mitchell or Dr. Jessen did for
19 the United States CIA?

20 A. Personally, I don't know, but
21 I've seen it on the reports.

22 Q. So any knowledge that you have
23 about what Dr. Mitchell or Dr. Jessen did
24 for or in connection with the CIA is based
25 upon something that you've read, correct?

1 Obaidullah

2 THE INTERPRETER: I need to
3 correct my Farsi. I'm so sorry.

4 A. All I know, it's regarding the
5 reports --

6 Q. Let me try it again.

7 THE INTERPRETER: Sorry.

8 BY MR. PASZAMANT:

9 Q. You've told me, sir, that you've
10 read reports that talk about what
11 Dr. Mitchell or Dr. Jessen did for or with
12 the CIA, correct?

13 A. Yes, only regarding the reports.

14 Q. And any information that you
15 have sitting here today in terms of what
16 Dr. Mitchell or Dr. Jessen supposedly did
17 in connection with or for the CIA is based
18 upon what you've read in those reports,
19 correct?

20 THE INTERPRETER: I'm lost. I'm
21 sorry. I can't put it in Persian. In
22 Farsi. I'm trying to put this one in
23 correct Farsi. The words are not --

24 BY MR. PASZAMANT:

25 Q. Your knowledge or your beliefs

1 Obaidullah
2 about what Dr. Jessen and Dr. Mitchell
3 did, either with or for the CIA, is based
4 only on what you've read in the reports
5 that we've been talking about, correct?

6 A. Yes. That's only what I have
7 read about them in reports.

8 Q. Sitting here today, is it fair
9 to say you don't know what is contained
10 within those reports is accurate or
11 inaccurate?

12 MR. LADIN: I'm going to object.
13 You can answer.

14 A. These questions needed to be
15 asked from CIA. If it's wrong, it needs
16 to be removed.

17 Q. I'm asking you, sir, sitting
18 here today, you have no personal knowledge
19 that anything contained within those
20 reports you're talking about is accurate;
21 is that correct?

22 MR. LADIN: I'm going to object.
23 You can answer.

24 A. Personally, I don't know. But
25 if it is CIA's report, that it's correct

1 Obaidullah

2 or not, CIA should answer it.

3 Q. So only in your mind the CIA
4 knows whether what's in those reports is
5 accurate or not, correct?

6 MR. LADIN: I'm going to object
7 again.

8 You can answer.

9 A. Yes.

10 Q. Take out, if you would, Exhibit
11 No. 3.

12 MR. LADIN: Which one is 3,
13 Brian?

14 MR. PASZAMANT: It's the
15 interrogatory responses.

16 BY MR. PASZAMANT:

17 Q. Sir, turn, if you would, to page
18 8, Interrogatory No. 2. Are you with me,
19 sir?

20 A. Yes.

21 Q. Do you recall reading this
22 interrogatory at some point in the past?

23 A. Yes.

24 Q. Okay. This interrogatory, sir,
25 asks you to identify the facts upon which

1 Obaidullah
2 you rely to support your contention that
3 defendants, and the defendants are
4 Dr. Mitchell and Dr. Jessen, laid the
5 foundations for the program and/or
6 supervised and oversaw the implementation
7 of the program.

8 Is that correct?

9 THE INTERPRETER: Because it is
10 legal documents, I don't want to
11 translate something wrong. I need to
12 read it.

13 MR. PASZAMANT: (Handing.)

14 MR. LADIN: Let's pause here.
15 Brian, it seems like we're going
16 through strictly legalese here in a
17 foreign language, contentions, we can
18 do this, and I'm happy to do it
19 however you want. We can have Kyce
20 give her words. We can muddle through
21 this. However you want.

22 I'm saying this is probably
23 going to take forever to get through.

24 MR. PASZAMANT: I hear what
25 you're saying, Dror. I don't

1 Obaidullah
2 necessarily view this as legalese. I
3 view this as we asked a question and
4 he gave a response. And ultimately
5 where I'm going with this is what's
6 the basis for the information that you
7 provided in your response.

8 Now, I suppose we could skip the
9 interrogatory and jump right into the
10 response and go from there. I didn't
11 anticipate we'd have a problem on the
12 question end of this.

13 MR. LADIN: We can go either
14 way, but I think that might be
15 quicker.

16 MR. PASZAMANT: Well, I'm game,
17 given the hour and given what we're
18 trying to accomplish.

19 BY MR. PASZAMANT:

20 Q. Sir, turn, if you would, to page
21 9, the following page. Sir, about a third
22 or a quarter of the way down the page, you
23 answered that:

24 "Defendants produced a paper,
25 recognizing and developing countermeasures

1 Obaidullah
2 to Al Qaeda resistance to interrogation
3 techniques, a resistance training
4 perspective."

5 Do you see that?

6 THE INTERPRETER: I wouldn't be
7 able to translate, because it's only
8 legal terms. I would need help with
9 translating this part.

10 MR. PASZAMANT: If I were to
11 show you the document, would that make
12 things better, because I'm not quite
13 sure I'm understanding the legal terms
14 you're referring to.

15 THE INTERPRETER: Is it this
16 page, this part?

17 MR. PASZAMANT: Correct. I
18 started reading right here.
19 Defendants produced a paper.

20 MR. SIDDIQI: He's not the
21 defendant. That's Mitchell and
22 Jessen. He's not the defendant.

23 MR. PASZAMANT: Let me try it
24 maybe another way.

25 MR. LUSTBERG: Let's me try

1 Obaidullah
2 something else. Let's just confer off
3 the record.

4 MR. PASZAMANT: That's fine.

5 THE VIDEOGRAPHER: We are going
6 off the record. The time is 5:58 p.m.

7 (Thereupon, a recess was taken,
8 and then the proceedings continued as
9 follows:)

10 (Mr. Lawrence Lustberg left the
11 deposition.)

12 THE VIDEOGRAPHER: We're now
13 back on the record. The time is 6:06
14 p.m.

15 MR. PASZAMANT: During our brief
16 break, a discussion was had between me
17 and plaintiffs' counsel with the hope
18 that we could streamline some of this
19 examination, particularly with respect
20 to Mr. Obaidullah's responses to the
21 interrogatories served upon him by
22 Defendant Mitchell and marked as a
23 portion of Exhibit No. 3.

24 I now conferred with counsel and
25 I believe that plaintiffs' counsel is

1 Obaidullah

2 willing to stipulate that the factual
3 statements made in response to
4 Interrogatory No. 2 of
5 Mr. Obaidullah's responses to
6 Defendant Mitchell's interrogatories,
7 Interrogatory No. 3, Interrogatory No.
8 4, Interrogatory No. 5, Interrogatory
9 No. 7, Interrogatory No. 8,
10 Interrogatory No. 9, and Interrogatory
11 No. 10.

12 Again, the responses to
13 Dr. Mitchell's interrogatories that
14 plaintiffs' counsel is willing to
15 stipulate that any factual response
16 that's provided is not based upon
17 Mr. Obaidullah's personal knowledge,
18 but is instead gleaned from other
19 sources.

20 MR. LADIN: Yes, we will
21 stipulate.

22 MR. PASZAMANT: And, hence, I
23 don't feel compelled to go through
24 these things with the deponent here
25 today.

1 Obaidullah

2 BY MR. PASZAMANT:

3 Q. Once again, sir, you have no
4 personal knowledge of your uncle's
5 capture, correct?

6 A. I say at the beginning I don't
7 have.

8 Q. Turn -- actually, pull out
9 Exhibit No. 4, if you would, sir, and turn
10 to page 68, paragraph 157, please.

11 MR. PASZAMANT: Maybe the best
12 way to do this is, Madam Translator,
13 could you read to him paragraph No.
14 157?

15 Q. Do you have any personal
16 knowledge of any of the facts that's set
17 forth in paragraph 157 of Exhibit 4 of the
18 Complaint?

19 A. I don't have, no.

20 Q. Could you read to him, please,
21 paragraph 158?

22 (Interpreter translating.)

23 Q. Do you have any personal
24 knowledge of any of what is written within
25 paragraph of 158 of paragraph 4 of the

1 Obaidullah

2 Complaint?

3 A. No, I don't have.

4 Q. Sir, when the term COBALT is
5 used, do you know what I'm referring to?

6 A. I just heard the name.

7 Q. You've never heard that name
8 before today?

9 MR. LADIN: I don't think that's
10 what he said.

11 A. I just have heard the name. I
12 didn't say right now or today.

13 Q. When you say you just heard the
14 name, sir, when did you first hear the
15 word COBALT?

16 A. The first time I've heard it,
17 from Associated Press reports.

18 Q. And what do you understand
19 COBALT to be?

20 A. I don't know.

21 Q. So sitting here today, you have
22 no understanding of what the term COBALT
23 means, is that correct?

24 A. Personally, I don't know, but
25 from the reports, I know that it's a

1 Obaidullah

2 prison.

3 Q. Do you have any personal
4 knowledge of what, if anything, happened
5 between the time that your uncle Gul
6 Rahman was captured and the time that he
7 was sent to COBALT?

8 A. No, I don't.

9 Q. Do you have any personal
10 knowledge as to how your uncle, Gul
11 Rahman, was taken to COBALT?

12 A. No, I don't have.

13 Q. So is it fair to say that any
14 knowledge that you have of your uncle's
15 transport to COBALT is knowledge that you
16 secured from documents or from speaking
17 with your lawyers?

18 A. All of my information is
19 regarding the reports. I don't have any
20 personal knowledge of it.

21 Q. Okay. Sitting here today, do
22 you have any personal knowledge of what
23 occurred with regard to your uncle while
24 he was detained at COBALT?

25 A. No, I don't have.

1 Obaidullah

2 MR. PASZAMANT: Read to him,
3 please, paragraph 159 of the
4 Complaint.

5 MR. LADIN: Brian, just so I
6 understand, are we going paragraph by
7 paragraph through all the Rahman
8 allegations, when he just told you he
9 has no knowledge of anything that
10 happened at COBALT?

11 MR. PASZAMANT: I would like to
12 know where the information contained
13 in the Complaint that filed on his
14 behalf came from. If we can achieve a
15 stipulation on that point that he has
16 no personal knowledge of the factual
17 contents of paragraph 159, 160, 161,
18 162, and 163, I am willing to explore
19 that possibility.

20 MR. LADIN: We can totally -- I
21 view that as basically already
22 stipulated to. I'm happy to stipulate
23 to it again.

24 MR. PASZAMANT: Okay. Well,
25 look, I don't know that we stipulated

1 Obaidullah
2 to this in particular, but I'm happy
3 to try and craft something right here.

4 May I have this, please?

5 THE INTERPRETER: (Handing.)

6 MR. LADIN: Paragraph 159,
7 through which paragraph?

8 MR. PASZAMANT: 163.

9 Q. So a discussion was just had on
10 the record about paragraphs 159 through
11 163 of Plaintiff Obaidullah's Complaint,
12 and a discussion was had with plaintiffs'
13 counsel as to whether or not there was a
14 willingness to stipulate that this
15 deponent has no personal knowledge with
16 regard to any of the information contained
17 within those paragraphs of the Complaint.

18 And my understanding is that
19 plaintiffs' counsel is prepared to
20 stipulate to that; is that correct?

21 MR. LADIN: That is correct.

22 MR. PASZAMANT: Thank you.

23 BY MR. PASZAMANT:

24 Q. Sir, look, if you would, at
25 Exhibit No. 1 that we marked earlier

1 Obaidullah
2 today. It's the big thick one. This is
3 the Senate Committee Report we spoke of
4 earlier today.

5 Is my understanding correct that
6 you had no personal knowledge as to the
7 accuracy of the contents of this document?

8 A. Yes.

9 MR. PASZAMANT: Could you read
10 back the question and answer, please.

11 (Record was read back by the
12 court reporter as follows:

13 "QUESTION: Sir, look, if you
14 would, at Exhibit No. 1 that we marked
15 earlier today. It's the big thick
16 one. This is the Senate Committee
17 Report we spoke of earlier today.

18 Is my understanding correct that
19 you had no personal knowledge as to
20 the accuracy of the contents of this
21 document?

22 "ANSWER: Yes.")

23 MR. PASZAMANT: We might start
24 moving fast here.

25 MR. LADIN: If it's this

1 Obaidullah
2 personal knowledge issue, I think we
3 can cut it pretty short.

4 MR. PASZAMANT: That would be
5 great. He's only able to give me that
6 he which he knows.

7 MR. LADIN: That's exactly
8 right.

9 BY MR. PASZAMANT:

10 Q. Turn, if you would, to Exhibit 3
11 that I put in front of you -- excuse me,
12 five, I'm sorry. Five.

13 Fair to say that you have no
14 personal knowledge of any of the substance
15 of this document that I've put in front of
16 you and marked as Exhibit No. 5?

17 MR. LADIN: And I'm going to
18 object to the extent that you had an
19 extended discussion about one
20 paragraph that he told you had
21 statements that he thought were
22 inaccurate.

23 MR. PASZAMANT: Okay.

24 BY MR. PASZAMANT:

25 Q. You may answer.

1 Obaidullah

2 MR. LADIN: You can answer.

3 A. Yes, it's correct.

4 MR. PASZAMANT: Could you read
5 back the question and answer.

6 (Record was read back by the
7 court reporter as follows:

8 "QUESTION: Fair to say that you
9 have no personal knowledge of any of
10 the substance of this document that
11 I've put in front of you and marked as
12 Exhibit No. 5?

13 "ANSWER: Yes, it's correct.")

14 BY MR. PASZAMANT:

15 Q. And so to the extent that there
16 is any conclusions in terms of what
17 happened to your uncle or how he died
18 contained within this document, sitting
19 here today, you don't know whether they're
20 accurate or not, correct?

21 A. Yes.

22 Q. Please put Exhibit No. 2 in
23 front of yourself.

24 A. If you could please finish one
25 at a time, it would be better.

1 Obaidullah

2 Q. We all have wants in this world,
3 sir. We don't always get them.

4 This document that we put in
5 front of you, Exhibit No. 2, fair to say
6 that to the extent that this document
7 speaks about things that are claimed to
8 have occurred with regard to your uncle,
9 Gul Rahman, or how it was that he died,
10 you wouldn't know if those statements are
11 accurate or not, sitting here today,
12 correct?

13 MR. LADIN: I'm going to object.
14 You can answer.

15 A. I don't have personal knowledge.

16 Q. As to the accuracy of anything
17 said in Document No. 2, correct?

18 MR. LADIN: Objection. Again,
19 there was an extensive back and forth
20 about a sentence in the document.

21 You can answer.

22 A. I don't personally know about
23 it.

24 Q. Okay.

25 MR. PASZAMANT: Could we go off

1 Obaidullah
2 the record for just a second?

3 MR. LADIN: Sure.

4 THE VIDEOGRAPHER: We are now
5 going off the record. The time is
6 6:26 p.m.

7 (Thereupon, a recess was taken,
8 and then the proceedings continued as
9 follows:)

10 THE VIDEOGRAPHER: We are now on
11 the record. The time is 6:39 p.m.
12 This begins media unit 6.

13 MR. PASZAMANT: During the
14 break, I chatted with plaintiffs'
15 counsel about whether we could achieve
16 another stipulation relating to this
17 deponent's lack of personal knowledge.
18 This time with regard to paragraphs
19 164 and 165 of Exhibit 4, which is the
20 plaintiffs' Complaint.

21 It's my understanding that
22 plaintiffs' counsel is prepared to
23 stipulate that this deponent lacks
24 personal knowledge to support the
25 allegations contained within these

1 Obaidullah
2 particular paragraphs of the
3 Complaint, and therefore I will
4 refrain from asking him about it if
5 counsel is so willing to stipulate.

6 MR. LADIN: So stipulated.

7 MR. PASZAMANT: Thank you.

8 BY MR. PASZAMANT:

9 Q. Has your family received any
10 compensation as a result or stemming from
11 your uncle's death?

12 A. No, they don't.

13 Q. How did you learn of your
14 uncle's death?

15 A. From the first report of Adam
16 Goldman, I found out when it was
17 established.

18 Q. And do you recall when that was,
19 sir, from a time perspective?

20 A. I think it was 2010.

21 Q. And what did Mr. Goldman tell
22 you?

23 A. Goldman has established report
24 on Associate Press. And they say that
25 this person was killed in COBALT.

1 Obaidullah

2 Q. Did Mr. Goldman tell you
3 anything else during this -- well, was it
4 a telephone conversation when you spoke
5 with Mr. Goldman?

6 A. We just saw the report.

7 Q. Did you ever speak with
8 Mr. Goldman?

9 A. Yes.

10 Q. When did you speak with
11 Mr. Goldman?

12 A. I think it was after this
13 report. But after 2010.

14 Q. On how many occasions did you
15 speak with Mr. Goldman?

16 A. One time.

17 Q. Did you speak with Mr. Goldman
18 in person?

19 A. Yes.

20 Q. Where were you when you spoke in
21 person with Mr. Goldman?

22 A. In Islamabad.

23 Q. Was anybody else present when
24 you spoke with Mr. Goldman?

25 A. Dr. Baheer was there.

1 Obaidullah

2 Q. Dr. Baheer , this is the Dr.
3 Baheer that your uncle drove for years
4 ago?

5 A. Yes.

6 Q. And what did Mr. Goldman tell
7 you during this conversation you're
8 relaying to me?

9 A. We asked Goldman what are the
10 witness that you have that he was deceased
11 or killed in COBALT. I think Goldman
12 didn't answer correctly. Most of his
13 question was how is my life situation. I
14 was asking about the life situation of Gul
15 Rahman, family of Gul Rahman.

16 Q. I see.

17 So this conversation with
18 Mr. Goldman that you're telling me about,
19 your recollection of this conversation was
20 that Mr. Goldman was asking you about how
21 your or the Rahman's family situation was
22 primarily?

23 A. Was asking me the questions
24 regarding that life situations.

25 Q. And a moment ago you mentioned

1 Obaidullah
2 to me, if I heard you correctly, that you
3 thought that Mr. Goldman was wrong with
4 regard to certain information he gave you
5 during this conversation relating to your
6 uncle's death.

7 Did I hear you correctly?

8 A. I didn't say that the
9 information he give me was incorrect. I
10 said, or I asked him where did you collect
11 all these information. Where this
12 information is coming from. But they
13 didn't give us a correct reference.

14 Q. I see.

15 Sir, sitting here today, do you
16 have any personal knowledge of any
17 injuries that your uncle suffered while in
18 detention at COBALT?

19 A. No, I don't have any personal
20 information.

21 Q. And the information that you
22 have regarding the injuries that are
23 claimed to have occurred to your uncle
24 while he was detained, is that information
25 gleaned only from documents that you've

1 Obaidullah

2 read and communications that you've had
3 with your attorneys?

4 A. Yes.

5 Q. Sir, sitting here today, do you
6 have any personal knowledge that anything
7 that Dr. Jessen or Dr. Mitchell did,
8 either with or for the CIA, was not
9 authorized by the CIA?

10 A. I don't have any personal
11 information.

12 Q. Okay.

13 Sir, do you have any personal
14 knowledge that anything that Dr. Mitchell
15 or Dr. Jessen did, either with or for the
16 CIA, was against any law?

17 MR. LADIN: I'm going to object.

18 You may answer.

19 A. I don't have information.

20 Q. Sir, do you have any personal
21 knowledge that Dr. Jessen spent any time
22 with your uncle, Gul Rahman, at any point
23 in time?

24 A. No, I don't have.

25 Q. Same question we regard to

1 Obaidullah

2 Dr. Mitchell?

3 A. No, I don't have.

4 Q. Sir, do you believe that
5 Dr. Mitchell or Dr. Jessen is responsible
6 for any of the injuries that occurred to
7 your uncle, Gul Rahman?

8 A. Yes, I do.

9 Q. Why do you believe, sir, that
10 Dr. Mitchell is in any way responsible for
11 any injuries that occurred to your uncle
12 or your uncle's death?

13 A. Because they were the people,
14 they were establishing or organizing these
15 interrogation phases was organized by
16 these doctors.

17 Q. And we established earlier that
18 you have no personal knowledge as to what
19 phases, if any, these doctors helped
20 establish, correct?

21 A. I don't have personal
22 information.

23 Q. Do you contend, sir, do you
24 believe, that Dr. Mitchell and Dr. Jessen
25 are the only ones responsible for the

1 Obaidullah
2 injuries to your uncle and his death?

3 A. I do believe, but was it a
4 repeated question?

5 MR. LADIN: I think he wanted to
6 know if it's the same question you
7 asked here, does he believe they were
8 responsible.

9 MR. PASZAMANT: I did. Could
10 you read back the question to him,
11 please?

12 May I see the question I asked?

13 Q. Sir, do you believe that anybody
14 besides Dr. Mitchell and Dr. Jessen is
15 responsible for the injuries that you
16 claim occurred to your uncle during his
17 detention?

18 A. I don't know.

19 Q. Do you believe that the CIA is
20 responsible for any injuries that occurred
21 to your uncle?

22 A. Maybe they are. I don't know.

23 Q. Do you know whether the CIA
24 operated COBALT?

25 A. I don't know whether CIA or who

1 Obaidullah

2 else have made it or operated.

3 Q. So sitting here today, you don't
4 know if Drs. Mitchell and Jessen operated
5 COBALT, is that accurate?

6 A. Personally, I don't know.

7 Q. Okay. Do you know, sitting here
8 today, whether the CIA had any involvement
9 in your uncle's death?

10 A. I don't have any personal
11 information.

12 Q. Sir, what are you hoping to
13 achieve by being a plaintiff in this
14 litigation?

15 A. I want justice and I want those
16 people who were involved.

17 THE INTERPRETER: I need to find
18 a word for it. I'm sorry.

19 A. I want judgment and I want
20 justice and I want those people who are
21 involved in it, it needs to be justified.

22 MR. LADIN: I understood the
23 word "to be brought to justice." Not
24 "justified."

25 MR. SIDDIQI: "Brought to

1 Obaidullah

2 justice."

3 THE INTERPRETER: I think I

4 corrected myself.

5 BY MR. PASZAMANT:

6 Q. When you say that you want

7 people responsible to be brought to

8 justice, what do you mean, sir?

9 A. I believe that America has more
10 attention to human rights. I want to know
11 why this happened to my uncle. He was a
12 simple person. He was just living his
13 simple life. He was not a commander or a
14 fighter.

15 As you know, war is going in
16 Afghanistan. Everywhere is the war. They
17 arrested my uncle. They killed him and
18 they didn't even let us know. For ten
19 years we didn't even know about it. After
20 ten years, we found out from the reports
21 that he was killed. Until today, we don't
22 know what happened to him, but all we know
23 is, according to the report, where is his
24 grave site and what happened to him. If
25 they killed him, I wish they would let us

1 Obaidullah

2 know: Here is your dead body. Hold it
3 up. At least present the dead body to us.

4 MR. SIDDIQI: "If you've killed
5 my uncle, at least then present the
6 dead body. At least you could do
7 that."

8 THE INTERPRETER: Thank you.

9 A. My family was never informed
10 that my uncle was dead. They kill and
11 then they report again. They killed him
12 and then after ten years they established
13 a report that he is killed or dead.

14 Q. Who do you want brought to
15 justice?

16 A. If I could do anything on CIA,
17 that's a separate issue. Or if I could or
18 not do anything regarding our own CIA, the
19 two doctors, why would they do such a
20 thing, such an act. The two doctors,
21 they're doctors. They know about human
22 rights. Why would they do such a thing?

23 MR. PASZAMANT: Are you guys on
24 the same page, translators?

25 MR. SIDDIQI: Yes.

1 Obaidullah

2 THE INTERPRETER: Thank you.

3 BY MR. PASZAMANT:

4 Q. You believe the CIA is
5 responsible for what happened to your
6 uncle?

7 A. Maybe. I don't know anything
8 about it.

9 Q. You haven't sued the CIA in this
10 lawsuit, correct?

11 A. Yes.

12 Q. Why not?

13 MR. LADIN: I am just going to
14 instruct him to not answer as to
15 anything that involves conversations
16 with his attorneys.

17 MR. PASZAMANT: Okay.

18 A. Okay.

19 Q. So you can't answer that
20 question, because that you answer would
21 require you to tell me about conversations
22 that you had with your attorneys?

23 A. I don't have information what to
24 do.

25 Q. When I asked you earlier about

1 Obaidullah

2 securing justice or bringing somebody to
3 justice, you mentioned to me that your
4 uncle's body was never provided to the
5 family, correct?

6 A. Yes.

7 Q. Is it your position that
8 Dr. Mitchell or Dr. Jessen should have
9 given you or your family your uncle's
10 body?

11 A. No.

12 Q. Who should have given you the
13 body?

14 A. I don't have any information who
15 have to provide it. I would speak with my
16 attorneys.

17 Q. Sir, you believe that the
18 American government is responsible for
19 what occurred to your uncle, correct?

20 A. Yes.

21 Q. But you have not sued the
22 American government, correct?

23 A. Yes.

24 Q. Why not?

25 MR. LADIN: He wants a break.

1 Obaidullah

2 THE VIDEOGRAPHER: We're going
3 off the record. The time is 7:09 p.m.

4 (Thereupon, a recess was taken,
5 and then the proceedings continued as
6 follows:)

7 MR. PASZAMANT: Read back the
8 last question and answer.

9 (Record was read back by the
10 court reporter as follows:

11 "QUESTION: But you have not
12 sued the American government, correct?

13 "ANSWER: Yes.

14 "QUESTION: Why not?")

15 THE VIDEOGRAPHER: We are now
16 back on the record. The time is 7:15
17 p.m.

18 BY MR. PASZAMANT:

19 Q. Sir, do you remember my
20 question?

21 A. Yes, I do.

22 Q. May I have an answer, please?

23 A. You said why didn't I sue U.S.
24 government. I said I haven't thought
25 regarding this issue.

1 Obaidullah

2 MR. LADIN: Answer through the
3 translator. Can you just say "answer
4 through the translator" to him?

5 A. I don't have -- I haven't
6 collected any information and I don't have
7 any information how to do it.

8 Q. These documents that you've
9 read, these reports, fair to say that they
10 talk about the actions of the U.S.
11 government when it comes to your uncle's
12 capture and detention and his injuries and
13 his death?

14 A. Yes.

15 Q. But yet you haven't thought
16 about suing the U.S. government; is that
17 correct?

18 A. No.

19 Q. Just didn't occur to you?

20 A. I haven't thought about it.

21 Q. Okay.

22 Sir, tell me the impact of your
23 uncle's death on your family.

24 A. My uncle was a provider of the
25 house. He was healthy. He was working

1 Obaidullah

2 hard. He was providing for the family.

3 When my uncle disappeared, since then his

4 wife is still waiting for him.

5 Q. Since then his wife is waiting

6 for him?

7 A. Since he disappeared, his wife

8 is still waiting for him.

9 Q. Okay.

10 MR. SIDDIQI: It's more like

11 "his wife is in agony from that."

12 A. His wife is still thinking about

13 him, that she has mental issues now. If I

14 could request that Kyce translate some of

15 the words for me here.

16 Q. Sir, it's about what you're

17 telling me in response to the questions

18 that I'm asking you. If there are words,

19 let's see if the translator can understand

20 what it is that you're saying. That's why

21 she's here. If she cannot, she will tell

22 us as she has throughout the course of

23 this deposition.

24 A. Okay. We can proceed.

25 Q. Okay.

1 Obaidullah

2 A. I wanted to finish about his
3 family. His family is still in hope that
4 from 2002 until now that some day their
5 father would unite the family again
6 sometime somewhere.

7 MR. SIDDIQI: Father would
8 somehow return. They yearn for his
9 return. That's what he meant.

10 A. After the reports and after we
11 found out on the reports, his mom has a
12 mental issue that she's not able to talk
13 anymore.

14 MR. SIDDIQI: She's developed
15 mental problems since this incident.

16 A. We had to work, and then I had
17 to work and make sure to provide for the
18 family. The effect was on everybody.
19 Everybody in the family. He was a great
20 person. He was helping everyone. Since
21 2002, all these years we have been waiting
22 and looking.

23 MR. SIDDIQI: "We've been
24 agonizing."

25 A. Agonizing for the family what

1 Obaidullah
2 happened to him, whether he's deceased, if
3 he's going to come back.

4 THE INTERPRETER: Am I good?

5 THE WITNESS: Yeah.

6 BY MR. PASZAMANT:

7 Q. Thank you.

8 You mention a mom has mental
9 issues. Did I hear you correctly?

10 A. I didn't say she has a mental
11 issue. I said she developed mental
12 issues.

13 Q. Okay. Thank you for the
14 clarification.

15 Who is the "she" that you're
16 referring to? Is this your uncle's wife?

17 A. It's both the mom and the wife.
18 The mom had developed something, one of
19 her veins inside was ruptured. And the
20 wife also have developed mental issues.

21 Q. Okay. Thank you.

22 So when you speak of the mom,
23 you're speaking of Gul Rahman's mother?

24 A. Yes.

25 Q. Okay. And your mother had a --

1 Obaidullah

2 Gul Rahman's mother had a ruptured vein or
3 artery in her head?

4 THE INTERPRETER: That's what I
5 heard.

6 MR. LADIN: You can translate
7 the question.

8 MR. PASZAMANT: Okay, please do.

9 A. Yes, that was Gul Rahman's mom
10 that had two ruptured arteries.

11 Q. When were his mother's arteries
12 ruptured?

13 A. In 2015.

14 Q. And as a result of these
15 ruptured arteries, she has developed
16 mental issues?

17 A. Yes.

18 Q. Now I'd like to speak about your
19 aunt, Gul Rahman's wife. Am I to
20 understand that she has developed mental
21 issues?

22 A. Yes.

23 Q. When did your aunt develop
24 mental issues?

25 A. After capture of my uncle, she

1 Obaidullah

2 developed the mental issues.

3 Q. Can you estimate for me what
4 year she began to develop mental issues?

5 A. In 2013, and 2010 and '13
6 when --

7 MR. SIDDIQI: Not 2010. 2013.

8 THE INTERPRETER: I heard '10,
9 too. Sorry.

10 A. 2013, after we saw the reports,
11 she developed the mental issues. Because
12 I'm told in 2013 they were still waiting
13 for the uncle to come back. Because she's
14 a mom, of course she would wait that her
15 child would return back.

16 Q. Let me try this a different way.
17 I'm speaking of Gul Rahman's wife. I
18 understand that you're telling me that Gul
19 Rahman's wife developed mental issues,
20 correct?

21 A. The difference between mental
22 issue and psychological issues, which of
23 them are you asking?

24 Q. Very good. Let's start with the
25 mental issues.

1 Obaidullah

2 When did Gul Rahman's wife begin
3 to develop mental issues?

4 A. After 2013.

5 Q. When did Gul Rahman's wife begin
6 to develop psychological issues?

7 A. After 2013.

8 Q. When you're speaking of mental
9 issues, can you please tell me what you're
10 talking about?

11 A. For example, her blood pressure
12 was going up and she was fainting.

13 Q. Okay. Any other mental issues
14 that you're referring to when you use the
15 term that she suffers from mental issues?

16 A. High blood pressure,
17 hypertension leading to head issues. Very
18 little depression or stress, she would
19 faint because of high blood pressure.

20 Q. So when you're speaking of
21 mental issues with regard to Gul Rahman's
22 wife, what you're referring to is high
23 blood pressure, which on occasion has
24 resulted in fainting, is that what we're
25 speaking about?

1 Obaidullah

2 A. Yes.

3 Q. And what are the psychological
4 issues you're speaking of?

5 A. When I'm talking about
6 psychological problems, she fights over
7 very little stuff around the house. If
8 the kids are messing up the house, she is
9 trying to fight back with the kids. She
10 doesn't know that they are kids. She
11 starts stressing out over tiny bit stuff
12 inside the house.

13 If I ask her a very, you know,
14 little issues, why would you do that, she
15 would reply back to me and start fighting
16 back with me. Most of the time she sits
17 down by herself and she just cries and she
18 doesn't say anything about it. She's just
19 so quiet about everything.

20 Q. Has Gul Rahman's wife received
21 any medical care for these mental issues
22 as you've described them to me?

23 A. Yes. Most of the time we take
24 prescriptions for her and treat her.

25 Q. What doctor or doctors has she

1 Obaidullah

2 seen for her mental issues?

3 A. There are local hospitals and
4 doctors that I take them. I can't
5 remember the name of the doctors.

6 Q. And has any doctor diagnosed the
7 cause of her mental issues?

8 A. The doctors say it's mental
9 issues. Back in Afghanistan, nobody has a
10 primary doctor to go and visit always.
11 There is only one doctor and everybody
12 goes to him.

13 Q. My question is a little
14 different. Has any doctor diagnosed the
15 cause of Gul Rahman's wife's mental
16 issues?

17 A. The cause is stress.

18 MR. LADIN: Why don't you ask it
19 again?

20 BY MR. PASZAMANT:

21 Q. Has any doctor in Afghanistan,
22 Pakistan, anywhere, diagnosed, determined
23 the cause of the mental issues that are
24 being experienced by Gul Rahman's wife?

25 MR. SIDDIQI: Unfortunately,

1 Obaidullah

2 he's asking did any, did any doctor in
3 Afghanistan or Pakistan.

4 MR. PASZAMANT: Or anywhere.

5 MR. SIDDIQI: Did any. He's
6 asking did any doctor -- so this is a
7 yes or no.

8 A. The doctor would not say. They
9 would just prescribe you.

10 Q. I see. Thank you.

11 Has any doctor ever determined
12 the cause of Gul Rahman's wife's
13 psychological issues as you've explained
14 them to me?

15 A. The doctors are only prescribing
16 medicine. They don't say anything else.

17 Q. You mentioned to me earlier that
18 your uncle's disappearance caused people
19 in your family to work. Am I remembering
20 that correctly?

21 A. Yes.

22 Q. Which members of the family were
23 caused to work as a result of your uncle's
24 absence?

25 A. Me, my brothers, my mom,

1 Obaidullah

2 especially Gul Rahman's family, sisters
3 and everyone.

4 Q. Do these people currently work
5 outside of the home?

6 A. They were not working before.
7 They are not working right now. They were
8 not working out of the house, and they are
9 not working out of the house. They were
10 not working outside the house. They are
11 not working inside the house. They are
12 not working. They were not working not
13 inside, not outside.

14 Q. So when you are telling me that
15 your uncle's absence caused family members
16 to work, what you're referring to is work
17 within the home?

18 A. For the womens, yes, inside the
19 house. But for us, the men, we had to
20 start working.

21 Q. When did your brothers begin
22 working outside the home?

23 A. When my uncle disappeared, me
24 personally, myself, I start working
25 outside. After a few years, my other

1 Obaidullah

2 brothers start working. After a while
3 everybody, once at a time start working
4 and now everybody is working.

5 Q. I see. So I thought you told me
6 earlier that your brothers are currently
7 in school?

8 A. Yes.

9 Q. And they're working in addition
10 to being in school?

11 A. Since I came to Kabul, one of my
12 brothers works and the rest are all
13 studying.

14 Q. And you came to Kabul, was it
15 three years ago?

16 A. Yes.

17 Q. Okay. And prior to your coming
18 to Kabul, did your brothers work outside
19 the home?

20 A. Yes.

21 Q. In what capacity?

22 A. Sort of cashiering or working in
23 the stores.

24 MR. PASZAMANT: Let's mark
25 these. These are the documents you

1 Obaidullah

2 sent me yesterday. This is 6.

3 (Obaidullah Exhibit 6, Document,
4 marked for identification, as of this
5 date.)

6 MR. PASZAMANT: Mark this

7 Obaidullah 7.

8 (Obaidullah Exhibit 7, Document,
9 marked for identification, as of this
10 date.)

11 BY MR. PASZAMANT:

12 Q. Sir, could you please take a
13 look at Exhibit in 7 that I put in front
14 of you.

15 A. Yes.

16 Q. Could you tell me what this is?

17 A. This is what we wrote to
18 Sibghatullah Mojeddi, who was the head of
19 peace consul in Afghanistan.

20 Q. Could you read this to me,
21 please, maybe sentence by sentence?

22 THE INTERPRETER: Do you want
23 him to read it or do you want me to?

24 MR. PASZAMANT: Yes, please.

25 A. The kindest leader, the most

1 Obaidullah
2 kindest leader, Sibghatullah Mojeddi.

3 MR. SIDDIQI:

4 S-I-B-G-H-A-T-U-L-L-A-H,
5 M-O-J-E-D-D-I.

6 A. Peace be on you. Wish you a
7 long life from God. Muslims are
8 suffering. To benefit from your kindness
9 at this time. Your target will be only
10 for the sake of Allah, your God.

11 Dear Sir or Mr. Leader, in the
12 year 2002, my brother Gul Rahman from
13 Province Logar and the office of Hezb
14 Islami Islamabad as a driver with the
15 gangmen and the people from Dr. Baheer's
16 office --

17 MR. PASZAMANT: Sentence by
18 sentence, and we really can't do it by
19 committee. We've let it go a bit but
20 it's --

21 MR. SIDDIQI: Convey thought.

22 A. He was captured --

23 THE INTERPRETER: I am so sorry.
24 I need help.

25 MR. LADIN: Would it help to

1 Obaidullah

2 have a document in front of her? Is
3 there another copy?

4 MR. PASZAMANT: Actually, there
5 is. But it's important that you take
6 what he's telling you it says as
7 opposed to you reading it and forming
8 your own impressions.

9 We're not trying to be critical.
10 And you needn't apologize.

11 Could you show me where on this
12 document we are, just for my own
13 edification?

14 THE INTERPRETER: Somewhere over
15 here.

16 BY MR. PASZAMANT:

17 Q. Sir, I appreciate what you're
18 trying to do here and I would like you to
19 continue to try to do it.

20 THE INTERPRETER: It's right
21 here.

22 MR. PASZAMANT: Okay. I would
23 like him to read to me one sentence
24 and then for you to, if you're
25 capable, translate that sentence and

1 Obaidullah

2 then we move to the next one so we can
3 all get out of here.

4 THE INTERPRETER: We are going
5 to start from --

6 MR. PASZAMANT: Wherever it is,
7 we got off the tracks. I would like
8 to get back on the tracks and move
9 forward. I'm not looking for dearest
10 leader and that other stuff any
11 longer. Thank you.

12 A. My brother, Gul Rahman, from the
13 province of Logar was --

14 THE INTERPRETER: I can't. I'm
15 sorry. I need a break.

16 MR. PASZAMANT: Okay. That's
17 fine. If you can't, you can't.
18 That's okay. And we will give you a
19 break. I'm almost done. I hoped to
20 be done.

21 MR. SIDDIQI: Do you want me to
22 translate? Do you want me to finish
23 this?

24 MR. PASZAMANT: That would be
25 great for this document, and then

1 Obaidullah
2 maybe I have a little bit more
3 elsewhere and we will flip it back
4 over to her for that. What a strange
5 situation we find ourselves in.

6 (Mr. Siddiqui begins
7 translating.)

8 A. My brother, Gul Rahman, who is
9 from the Province of Logar, has been
10 arrested with Dr. Baheer, and this is
11 actually representatives of his Hezb
12 Islami Afghanistan. And these are
13 representatives of Hezb Islami
14 Afghanistan.

15 MR. PASZAMANT: That's what's in
16 the document he's reading?

17 MR. SIDDIQI: What he just told
18 me, I'm translating.

19 A. Gul Rahman, who is from the
20 Province of Logar, was arrested with
21 Dr. Baheer at the office of the Hezb
22 Islami Afghanistan.

23 Q. Please continue.

24 A. And it appears that they were
25 taken to a place, an unknown location. It

1 Obaidullah
2 appears that Dr. Baheer is likely in
3 Bagram in a prison. We do not have any
4 information concerning my brother.
5 Specifically, we don't have any
6 information, despite that we have tried to
7 identify his whereabouts. We have tried
8 to work with the Red Crescent, with Red
9 Cross and other investigative
10 organizations and we could not find
11 anything.

12 Consequently, I would
13 respectfully ask for your assistance in
14 this particular matter. That you
15 understand the arrest as well as the
16 incarceration and the death of the
17 situation.

18 Q. The --

19 A. Of the death of this person.

20 Q. Okay.

21 MR. SIDDIQI: Death and the life
22 of this person.

23 Q. Is that all?

24 A. Yeah.

25 (Zarlasht Gholam continues)

1 Obaidullah

2 translating.)

3 Q. This letter is from 2006,

4 correct?

5 MR. SIDDIQI: Do you want me to

6 continue?

7 MR. PASZAMANT: No. Let's

8 continue.

9 Q. This letter is from 2006,

10 correct?

11 A. Yes.

12 Q. And in 2006, you didn't know

13 that your uncle had passed away, correct?

14 A. Yes.

15 Q. So did I just hear a moment ago

16 that this letter speaks about the death of

17 your uncle?

18 A. The letter says to find out

19 whether he is alive or he is dead.

20 Q. Thank you.

21 Who is the author of this

22 letter?

23 A. Habib Rahman, brother of Gul

24 Rahman.

25 Q. This is your father?

1 Obaidullah

2 A. Yes.

3 Q. Take a look at Exhibit 6 if you
4 would. Is this document known to you?

5 A. Yes.

6 Q. When did you come into
7 possession of this document?

8 A. I think it was 2004.

9 Q. And how was it that you came
10 into possession of this document?

11 A. Someone by the name of Akbar
12 Lala. My father was trying to search for
13 my uncle. While his dad was searching for
14 his uncle, Akbar was working with
15 Americans. We asked Akbar Lala to write
16 down to ISAF to find out if my uncle is
17 alive or dead. Akbar Lala told us to tell
18 your story to one of the people who was
19 from Denmark, who was working with ISAF.
20 Then ISAF sent us this letter that there's
21 nobody under Gul Rahman's name, by Gul
22 Rahman's name.

23 Q. Nobody by Gul Rahman's name
24 located where?

25 A. ISAF told that he was not with

1 Obaidullah

2 us.

3 Q. Earlier today you told me you
4 had a discussion with Mr. Goldman,
5 correct?

6 A. Yes.

7 Q. Do you recall speaking with any
8 other journalists about your uncle's
9 treatment in detention or death?

10 A. No, I didn't speak about the
11 torturing or anything with any other
12 journalists. But with other journalists,
13 I've spoke about the situation or whatever
14 the family of Gul Rahman -- I've spoke
15 with other journalists regarding the
16 situation of the family of Gul Rahman.

17 Q. Can you please identify for me
18 the names of the journalists that you
19 recall speaking with about the situation
20 concerning Gul Rahman's family?

21 A. I don't remember all of them.
22 But I do remember two of them. Singeli
23 from Al Jezera. Sebastian,
24 S-E-B-A-S-T-I-A-N.

25 One more journalist from Der

1 Obaidullah

2 Spiegel.

3 Q. Two journalists beside
4 Mr. Goldman you recall speaking to about
5 the situation with Gul Rahman's family?

6 A. I think a lot of them contacted
7 me. But I remember recently these two
8 contacted me that I remember their name.
9 The rest of them I don't remember their
10 names.

11 MR. PASZAMANT: Okay. Let's
12 mark this No. 8.

13 (Obaidullah Exhibit 8, Article
14 dated 9/5/16, marked for
15 identification, as of this date.)

16 BY MR. PASZAMANT:

17 Q. Sir, I've put in front of you an
18 exhibit that I marked as in 8. It's a
19 September 5th, 2016 article from Al
20 Jazeera entitled, "The Dark Prisoners
21 Inside the CIA's Torture Program."

22 Sir, I'd like you to draw your
23 attention to the page that's marked on the
24 bottom 6 of 10.

25 A. Okay.

1 Obaidullah

2 Q. There is a quote attributable to
3 you at the bottom of that page.

4 Do you see that?

5 A. Yes.

6 Q. Do you recall providing this
7 quote to the journalist from Al Jazeera
8 Singeli?

9 A. Yes.

10 Q. Is this an accurate quote?

11 A. Yes.

12 Q. You say here:

13 "That was the first time that we
14 understood the Americans had used these
15 methods to intimidate him."

16 Do you see that?

17 A. Yes.

18 Q. Who were the Americans that
19 you're referring to here?

20 A. Whoever is involved in this.

21 Q. So you don't know who was
22 involved?

23 A. No, I don't know.

24 Q. How do you know they were
25 American?

1 Obaidullah

2 A. According to reports, that's
3 what I'm saying. The report says it.

4 Q. The reports that we spoke of
5 earlier?

6 A. Yes.

7 MR. PASZAMANT: Let's go off the
8 record for a moment.

9 THE VIDEOGRAPHER: We are now
10 going off the record. The time is
11 8:11 p.m.

12 (Thereupon, a recess was taken,
13 and then the proceedings continued as
14 follows:)

15 THE VIDEOGRAPHER: We are now on
16 the record. The time is 8:18 p.m.

17 This begins media unit 7.

18 BY MR. PASZAMANT:

19 Q. Sir, turn, if you would, to page
20 7 of 10 of this document that I've
21 identified as Exhibit No. 8. At the top
22 of the page it reads:

23 "The psychologist - I think he's
24 responsible for all these things that were
25 done."

1 Obaidullah

2 Did I read that correctly?

3 A. Yes.

4 Q. Do you recall saying this to the
5 journalist from Al Jazeera?

6 A. Yes. I do.

7 Q. It goes on to say:

8 "He's the one that was leading
9 the interrogation process. He was a
10 psychologist, not an official CIA man. He
11 was controlling, ordering and doing all
12 those cruelty techniques to my uncle."

13 Did I read that correctly?

14 A. Yes.

15 Q. Yes, I read that correctly?

16 A. Yes, you did.

17 Q. Do you recall telling this to
18 the Al Jazeera journalist?

19 A. Yes.

20 Q. Earlier today we established
21 that you don't know the role played by the
22 psychologist in the interrogation program,
23 correct?

24 MR. LADIN: You mean personal
25 knowledge, right?

1 Obaidullah

2 MR. PASZAMANT: Yes.

3 A. I never said over here I have
4 personal knowledge.

5 Q. So these statements that you
6 made to the Al Jazeera reporter that we
7 just read, those are statements based upon
8 things that you've read?

9 A. Yes.

10 Q. In the next paragraph you say
11 that you would ask the Americans are you
12 human; is that correct?

13 A. I said those who were involved
14 with the case, I'm asking those people
15 were they human that they have done this
16 to my uncle.

17 Q. And sitting here today, fair to
18 say you don't know from personal knowledge
19 who was involved with doing anything to
20 your uncle, correct?

21 A. Yes, I don't know. When I read
22 the report, when they brought the report
23 and I read the report, those are the
24 things that I say.

25 Singeli, the reporter, the

1 Obaidullah
2 reporters brought the documents and they
3 read it to me. That's the hard copy of
4 documents. That's where I said those
5 things.

6 Q. Thank you.

7 Do you recall having a
8 discussion with a reporter from Der
9 Spiegel? Yes or no?

10 A. I want to hear the name again.

11 Q. Der Spiegel?

12 A. Where was he from?

13 Q. It's not an individual. It's a
14 publication.

15 A. If they're from Germany, yeah, I
16 spoke with them.

17 Q. On how many occasions?

18 A. I think one time.

19 Q. Do you recall in sum and
20 substance what you discussed?

21 A. The discussion about the family
22 of Gul Rahman. The discussion was like
23 how many kids Gul Rahman has, who's
24 working, all those issues.

25 Q. Do you recall having a

1 Obaidullah
2 discussion with a reporter by the name of
3 Susanne Koelbl?

4 A. I don't remember.

5 MR. PASZAMANT: Madam Court
6 Reporter, as I understand it, it's
7 K-O-E-L-B-L, S-U-S-A-N-N-E.

8 Q. No recollection?

9 A. No.

10 Q. Sir, are you hoping to secure
11 money in connection with this lawsuit?

12 A. Yes, I do.

13 Q. How much?

14 A. I would talk to my lawyers,
15 attorneys about it.

16 Q. Sitting here today, you don't
17 have any figure in mind?

18 A. I haven't thought about it.

19 Q. Are you looking for an apology,
20 sir?

21 A. Yes, I do.

22 Q. Are you looking for the United
23 States government to give you an apology?

24 A. If it happens, yes.

25 Q. Are you looking for the CIA to

1 Obaidullah

2 give you an apology?

3 A. I haven't thought about that
4 yet.

5 Q. Are you looking for the United
6 States Department of Justice to give you
7 an apology?

8 A. Yes.

9 Q. What would you like the
10 Department of Justice to tell you?

11 A. I haven't thought of those yet.

12 MR. PASZAMANT: I have nothing
13 further.

14 MR. LADIN: Okay. Thank you. I
15 have three very short questions, I
16 hope.

17 EXAMINATION BY

18 MR. LADIN:

19 Q. So we will just try to go
20 through them. Earlier I think you said
21 that Gul Rahman was famous and nice.

22 Do you remember that?

23 A. Yes.

24 Q. Did you mean that he had a
25 reputation for being nice?

1 Obaidullah

2 A. There's things when you call a
3 person in Afghanistan famous, whether he
4 has reputation or whether he is a kind and
5 nice person, that everybody knows him as
6 that kind and gentleman person. He didn't
7 have any reputation or chair or money.

8 THE INTERPRETER: He didn't have
9 any rank.

10 A. He was the one who was always
11 helping people. He was doing good to
12 people. I remember so many stuff, if I
13 start talking it's going to be too much.

14 Q. I won't ask you right now to
15 start talking about that at all. Thank
16 you.

17 The second thing I wanted to ask
18 you is, do you remember saying earlier
19 that Adam Goldman was the first person to
20 inform your family of what happened to Gul
21 Rahman?

22 A. I remember Goldman was the first
23 person who established or published a
24 report. The report was established in
25 2013.

1 Obaidullah

2 But up to that time, my family
3 would not believe what happened to my
4 uncle. If I would say -- if somebody was
5 saying Gul Rahman was dead, everybody
6 would start arguing that he's not. Once
7 we found out from the Senate Committee
8 that he was deceased or dead, then we did
9 family gathering, a religious gathering of
10 funeral type after that.

11 Q. So before the Senate Committee
12 Report came out, you never had a funeral
13 gathering for Gul Rahman?

14 A. No, we did not have a religious
15 gathering because we didn't believe that
16 he died.

17 Q. Last question.

18 Why don't you believe that Gul
19 Rahman was a member of Al Qaeda?

20 A. If someone is -- if a person
21 that is in poverty, very poor person, how
22 could he go that far to be a member of Al
23 Qaeda. He was working day and night,
24 breaking woods. I was taking him food.
25 From there, how could he get involved and

1 Obaidullah
2 attached with Al Qaeda. He was providing
3 for his family. There was no sign of Al
4 Qaeda. It's a very small camp, refugee
5 camp that he was working hard to provide
6 for his family. He was the head of the
7 household. There is no question that he
8 wouldn't be in touch or get involved with
9 Al Qaeda. We were all living together,
10 me, my father, everybody, the whole family
11 was living together. He was with us. My
12 uncle was with me there.

13 MR. LADIN: That's all I have to
14 ask.

15 MR. PASZAMANT: Okay. I have a
16 few follow-ups. Thank you, sir.

17 FURTHER EXAMINATION

18 BY MR. PASZAMANT:

19 Q. For how long a period of time
20 was your uncle breaking wood, as you've
21 explained it to us?

22 THE INTERPRETER: You are
23 talking about daily basis?

24 MR. PASZAMANT: No.

25 Q. Was it for years that he was

1 Obaidullah

2 breaking wood?

3 A. Up to 2000, he was still a wood
4 breaker. I can't remember the exact
5 years.

6 Q. Was he breaking wood when he was
7 captured?

8 A. Yes, he was.

9 Q. And you can't tell me how many
10 years he broke wood before he was
11 captured?

12 A. I can't specifically say.

13 Q. Why does his occupation as wood
14 breaker mean that he could not have been
15 part of Al Qaeda?

16 A. I think since you asked me the
17 question and why I think about it, if
18 somebody like him was involved in breaking
19 woods and working hard, how could Al Qaeda
20 ask him to get involved in any sources or
21 any activities while he was always working
22 hard to provide for the family. What do
23 you think, was it something Al Qaeda would
24 ask him, to go break the woods?

25 Q. Sir I don't know what it is that

1 Obaidullah

2 Al Qaeda wants people to do or doesn't
3 want people to do. What I heard from --

4 THE INTERPRETER: I need more
5 clarification on that.

6 MR. SIDDIQI: He said well, you
7 asked me for my opinion, and in my
8 opinion, a person who is cutting wood
9 is not going to be also an Al Qaeda
10 member.

11 MR. LADIN: Just wait for a
12 question before you answer.

13 MR. PASZAMANT: Okay.

14 BY MR. PASZAMANT:

15 Q. So whether or not your uncle was
16 a member of Al Qaeda, you're simply giving
17 us your opinion. You don't know one way
18 or another. Correct?

19 MR. LADIN: I object.

20 You can answer.

21 A. I just said because he was with
22 us and from what I observed, that's why I
23 say he was not.

24 Q. What do you know about the inner
25 workings of Al Qaeda?

1 Obaidullah

2 A. I don't know anything.

3 Q. Fair to say that you have no
4 idea what the higher-ups in Al Qaeda want
5 or desire in anyone that could be
6 affiliated with the organization?

7 A. I don't know anything.

8 Q. Did you tell your counsel a few
9 minutes ago that your uncle had a
10 reputation for being a kind person?

11 A. Yes, I said he was a kind
12 person.

13 Q. And who in the community was it
14 that held this reputation of your uncle
15 being a kind individual?

16 A. All of the family members.
17 Uncles, my uncles, my aunts, everybody.

18 Q. Anybody outside the family?

19 A. I don't have any information
20 about that.

21 MR. PASZAMANT: I have no
22 further questions.

23 MR. LADIN: All right.

24 MR. PASZAMANT: Thank you.

25 THE VIDEOGRAPHER: We're now

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Obaidullah
going off the record. This concludes
today's deposition. The time is 8:44
p.m.

(Time noted: 8:44 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

COUNTY OF NEW YORK)

I, Linda Salzman, a Notary
Public within and for the State of
New York, do hereby certify:

That OBAIDULLAH, the witness
whose deposition is hereinbefore set
forth, was duly sworn by me and that
such deposition is a true record of
the testimony given by the witness.

I further certify that I am not
related to any of the parties to
this action by blood or marriage,
and that I am in no way interested
in the outcome of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 7th day of
February, 2017.

Linda Salzman

1

2 ----- I N D E X -----

3 WITNESS EXAMINATION BY PAGE

4 OBAIDULLAH MR. PASZAMANT 9, 201

5 MR. LADIN 198

6

7 DOCUMENT REQUEST: PAGE

8 1) Engagement letter 97

9

10 ----- EXHIBITS -----

11 OBAIDULLAH FOR ID.

12 Exhibit 1 Senate Committee Report 40

13 Exhibit 2 CIA investigation report 59

14 Exhibit 3 Interrogatory Responses 93

15 Exhibit 4 Document 94

16 Exhibit 5 Document 117

17 Exhibit 6 Document 182

18 Exhibit 7 Document 182

19 Exhibit 8 Article dated 9/5/16 191

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INSTRUCTIONS TO WITNESS

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

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

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

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

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ERRATA SHEET FOR THE TRANSCRIPT OF:

Case Name: Salim v. Mitchel

Dep. Date: January 31, 2017

Deponent: OBAIDULLAH

Pg.	Ln.	Now Reads	Should Read	Reason

Signature of Deponent

SUBSCRIBED AND SWORN BEFORE ME

THIS DAY OF , 2017.

(Notary Public) MY COMMISSION

EXPIRES: _____

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