

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

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

Plaintiffs,

Civil Action No.

vs.

2:15-CV-286-JLQ

JAMES ELMER MITCHELL and
JOHN "BRUCE" JESSEN,

Defendants.

- - - - - x

VIDEOTAPED DEPOSITION OF SULEIMAN ABDULLAH SALIM

VOLUME I

March 14, 2017

Reported by:
Jane M. Borrowman, RPR, CSR
Job no: 18303

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DEPOSITION OF: SULEIMAN ABDULLAH SALIM
LOCATION: Hogan Lovells
22 Fredman Drive
Sandton, Johananesburg, South Africa
DATE: March 14, 2017
TIME: 10:08 a.m.

1 APPEARANCES:

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1 ALSO PRESENT:

2 xxxxxxxxxxxxxxxxxxxxxxxx, Swahili Interpreter

3 Mr. Samuel Kendagor, Swahili Interpreter

4 Mr. Bill Slater, Videographer

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I N D E X

WITNESS: SULEIMAN ABDULLAH SALIM - VOLUME 1

Examination by Mr. Smith 8

E X H I B I T S

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P R O C E E D I N G S

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

9 This deposition is being held at the
10 offices of Hogan Lovells, 22 Fredman Drive, in
11 Johannesburg, South Africa, on March 14th,
12 2017. The time is approximately 10:08 a.m.

13 My name is Bill Slater from the firm
14 of TransPerfect. I am the legal video
15 specialist. The court reporter is Jane
16 Borrowman in association with TransPerfect
17 Legal Solutions.

18 Will counsel please voice identify
19 themselves for the record.

20 MR. SMITH: Jim Smith for the
21 defendants, here with Charrise Alexander.

22 MR. HOFFMAN: Paul Hoffman for the
23 plaintiff.

24 MR. WATT: Steven Watt for the

1 plaintiff.

2 VIDEOGRAPHER: Will the court
3 reporter please swear in the witness and the
4 interpreter.

5 (Whereupon, XXXXXXXX XXXXXX was duly
6 sworn to interpret the questions from English
7 into Swahili, and the answers of the witness
8 from Swahili into English.)

9 (Witness sworn.)

10 MR. SMITH: Okay. So, xxxxxxxx,
11 your last name?

12 INTERPRETER XXXXXX: X-X-X-X-X-X.

13 MR. SMITH: For the record, I'm just
14 going to refer to you as "xxxxxxx." Is that
15 acceptable to you?

16 INTERPRETER XXXXXX: That's fine.

17 MR. SMITH: Okay. So, xxxxxxxx, as
18 you know, you are the official interpreter for
19 this proceeding, but prior to going on the
20 record, I just want to put it on the record
21 the ACLU has also brought an interpreter,
22 Samuel.

23 Samuel, what is your last name?

24 INTERPRETER KENDAGOR: Kendagor.

1 K-E-N-D-A-G-O-R.

2 MR. SMITH: And may I call you
3 "Samuel" on the record?

4 INTERPRETER KENDAGOR: Yes.

5 MR. SMITH: Thank you.

6 We have an understanding, xxxxxxxx,
7 that if there is some dispute about the
8 interpretation that you're giving to the
9 witness, either of my questions or the
10 witness's answers, Samuel will just simply
11 raise his hand, which means everybody pauses
12 until we determine if we have an issue and how
13 we're going to work it out.

14 Fair enough?

15 INTERPRETER XXXXXX: Sure.

16 MR. SMITH: Okay.

17 SULEIMAN ABDULLAH SALIM,
18 a witness called for examination by counsel
19 for the Defendants, being first duly sworn,
20 was examined and testified as follows:

21 EXAMINATION

22 BY MR. SMITH:

23 Q. Could you state your name for the record,
24 please, sir.

1 A. Suleiman Abdullah Salim.

2 Q. Mr. Salim, good morning. My name is Jim Smith
3 and I represent the defendants who have been
4 named in a lawsuit pending in the United
5 States District Court for the Eastern District
6 of Washington in which you are a plaintiff.

7 INTERPRETER XXXXXX: This is the
8 interpreter. I would like to request that you
9 talk in short segments.

10 MR. SMITH: Yes. Absolutely. Shall
11 we start all over again?

12 INTERPRETER XXXXXX: Please.

13 BY MR. SMITH:

14 Q. Mr. Salim, good morning. My name is Mr. Jim
15 Smith and I represent defendants Mitchell and
16 Jessen in a lawsuit pending in the United
17 States District Court for the Eastern District
18 of Washington in which you are a plaintiff.

19 A. Fine.

20 Q. You're aware of that, is that correct, sir?

21 A. You know my lawyer.

22 Q. Okay. But is he aware that he is a plaintiff
23 in a lawsuit pending in the United States of
24 America?

1 A. Yes.

2 Q. Okay. Have you ever given a deposition
3 before?

4 A. How?

5 Q. Has he ever given sworn testimony under oath
6 before?

7 A. Like now?

8 Q. Yes.

9 A. Yes.

10 Q. Okay. In what proceedings?

11 A. Now.

12 Q. Okay. Prior to today, has he ever done it
13 before?

14 A. No.

15 Q. Has anyone explained to you the significance
16 of testifying under oath?

17 A. Yes.

18 Q. Okay. And you understand that you have an
19 absolute obligation to tell the whole truth
20 and nothing but the truth?

21 A. Yes.

22 Q. And you understand that you could be subjected
23 to penalties if you don't tell the truth?

24 A. Yes.

1 Q. And do you intend to tell the truth today,
2 sir?

3 A. Yes.

4 Q. Have you ever been known by any other names
5 other than Suleiman Abdullah Salim?

6 A. Yes.

7 Q. Can you tell me what other names you've been
8 known by?

9 A. Maurice Ngaka.

10 Q. Could you spell that for the record, please.

11 A. N for Nancy, G for Greg, A for apple, K for
12 kilo, A for apple.

13 Q. Any other names?

14 A. Issa Tanzania.

15 Q. Will you spell that for the record, please.

16 A. I-S-S-A, then Tanzania.

17 Q. Any other names?

18 A. No.

19 Q. Okay. Do you presently go by the name
20 Suleiman Abdullah Salim?

21 A. Yes.

22 Q. And do you presently use any of those other
23 names?

24 A. No.

1 Q. Now, Mr. Salim, I want to just talk about
2 procedure during this deposition. I'm going
3 to be asking you a series of questions.

4 From time to time, your lawyers may
5 be placing objections on the record, and then
6 you will be answering the questions, unless
7 instructed not to.

8 Everything that everyone says while
9 we're on the record is taken down by the
10 official court reporter, which is the person
11 two people to your left.

12 You understand that the videographer
13 is not the official court reporter?

14 A. Okay.

15 Q. It's important that only one of us speak at a
16 time. It's also important that you give
17 verbal responses to my questions.

18 A. Fine.

19 Q. The court reporter cannot transcribe nonverbal
20 forms of communication. Do you understand
21 that?

22 A. Fine.

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

1 reporter read it back.

2 A. Fine.

3 Q. And if I ask you a question that you don't
4 understand, just tell me and I'll rephrase the
5 question to make sure that the answer you give
6 is to a question you fully understand.

7 A. Fine.

8 Q. Okay. And if at any time during the
9 proceeding you need to take a break, just tell
10 me and I will do everything I can to
11 accommodate that request.

12 A. Yes.

13 Q. Okay. Mr. Salim, are you taking any
14 medication that would affect your ability to
15 recall events?

16 A. I don't.

17 Q. Okay. Did you do anything to prepare for your
18 deposition today?

19 A. No.

20 Q. Did you meet with your lawyers prior to your
21 deposition? Just answer the question yes or
22 no.

23 A. Yes.

24 Q. When did you meet with your lawyers?

1 A. Are you asking for today or?

2 Q. Prior to this deposition, how many times did
3 you meet with your lawyers?

4 A. We were together.

5 Q. Were you together yesterday?

6 A. Yes.

7 Q. For how many hours?

8 A. I can't know how many hours.

9 Q. Why can't you tell me how many hours?

10 A. Because I don't know.

11 Q. Was it more than three hours?

12 A. We were together, we ate together. I can't
13 know how many hours.

14 Q. Okay. Was the purpose of being together with
15 your lawyers to prepare for your deposition?

16 A. Yes.

17 Q. And I don't want to know what you said, but
18 did you discuss your anticipated testimony?

19 A. Yes.

20 Q. And how many days before that did you meet
21 with your lawyers to get ready for your
22 deposition?

23 A. Like four days.

24 Q. Four days in a row?

1 A. Yes.

2 Q. And how many hours did you spend with your
3 lawyers on each of those days getting ready
4 for your deposition?

5 A. I can't really remember, either it was two or
6 three hours. Not really sure.

7 Q. And did you -- did you review any documents
8 during the course of the preparation?

9 A. No.

10 Q. Who was present when you were getting
11 prepared?

12 A. Paul.

13 Q. Paul. Was Samuel present?

14 A. Yes.

15 Q. Anyone else?

16 A. Steven.

17 Q. Anyone else?

18 A. Just those.

19 MR. SMITH: The videographer is
20 having a technical issue and he's asking to go
21 off the record.

22 INTERPRETER: The time is 10:23.
23 We're off the record.

24 (Brief pause.)

1 INTERPRETER: We're back on the
2 record. The time is 10:24.

3 BY MR. SMITH:

4 Q. Mr. Salim, when is the first time that you met
5 Mr. Paul Hoffman?

6 A. I can't remember the day.

7 Q. Can you approximate?

8 A. Maybe on the 3rd or the 2nd. I'm not really
9 sure.

10 Q. I'm sorry. What was the answer?

11 A. Maybe on the 3rd or on the 2nd, but I'm not
12 really sure of the date.

13 Q. The 3rd or the 2nd of what?

14 A. This month.

15 Q. Okay. Had you ever met Mr. Hoffman before
16 then?

17 A. No.

18 Q. Had you ever talked to him?

19 A. No.

20 Q. When did you meet Mr. Watt, Steven Watt, for
21 the first time?

22 A. I can't remember the day.

23 Q. Can you approximate?

24 A. Are you talking of the day or where we met?

1 Q. Either one, or both.

2 A. I can't remember the date, but the place was
3 in Dubai.

4 Q. And how long ago was it?

5 A. I don't know.

6 Q. Was it this year?

7 A. Not this year.

8 Q. When did you stop using the name Maurice?

9 A. That has been my name since I was young.

10 Q. When did you stop using it?

11 A. I've not stopped using it. Some people still
12 calls me that name.

13 Q. I thought you testified earlier today that you
14 stopped using that name.

15 A. Maybe I did not understand the question.

16 Q. Okay. But you presently still go by the name
17 Maurice?

18 A. Yes.

19 Q. When did you stop using the name Ngaka?

20 A. I can't say that I stopped using it because
21 there are some people that still calls me that
22 name.

23 Q. When did you start using the name Ngaka?

24 INTERPRETER XXXXXX: Did you say

1 start?

2 MR. SMITH: Start, yeah.

3 MR. HOFFMAN: Objection. You can
4 answer.

5 (Discussion held off the record.)

6 MR. SMITH: Let's ask. Do you want
7 the objection translated, Mr. Hoffman?

8 MR. HOFFMAN: I don't think we need
9 to, just to move through.

10 MR. SMITH: You don't need to
11 translate the objection.

12 Did you translate the question, when
13 did he start using the name Ngaka?

14 (Translating.)

15 THE WITNESS: People used to call me
16 with that name. I was not using that name.

17 BY MR. SMITH:

18 Q. When did people start calling you that name?

19 A. I can't remember very well, but it is around
20 1986.

21 Q. And who gave you that name?

22 A. '86, '87.

23 Q. Okay. Who gave you that name?

24 A. Just the young men, the men.

1 Q. Where were these young men from?

2 A. Dar es Salaam.

3 MR. SMITH: Could you spell that,
4 please.

5 INTERPRETER XXXXXX: I'm not very
6 sure of the spelling, but it's a city in
7 Tanzania. I'll just try my best.

8 MR. SMITH: Sure.

9 INTERPRETER XXXXXX: It's D for
10 David, A for apple, R for Robert, E for
11 Edward, S for Sam, A for apple, L for Laurie,
12 A for apple, M for Mary.

13 BY MR. SMITH:

14 Q. Okay. And do you recall the circumstances
15 under which these young men from Dar es Salaam
16 gave you this name?

17 MR. HOFFMAN: Objection. Go ahead.

18 THE WITNESS: Yes.

19 BY MR. SMITH:

20 Q. Can you explain?

21 INTERPRETER XXXXXX: He's asking me
22 if I know something.

23 A. So there is a game and the way it's described
24 is like a box and it has holes and you try to

1 -- it's like a table. There's a hole here
2 (gesturing), at the corners, and then you --
3 you play. There's some sticks that you play
4 with. So that thing is called "carom," the
5 game. So we would play this game.

6 One person would be at the other end
7 and another person at this end, the other
8 person on the other end and another person at
9 this end. So I would tell the person facing
10 me that "I will close on you."

11 So there is an insect that is called
12 "Ngaka," and this insect, when it goes to
13 water, it sinks. So they use the term, like
14 if I "close on you," like I'm sinking on you.

15 (Witness speaking to interpreter.)

16 INTERPRETER XXXXXX: I think I
17 misunderstood that a little bit.

18 (Witness speaking to interpreter.)

19 INTERPRETER XXXXXX: Okay. I think
20 I got it.

21 A. So this insect that is called "Ngaka," it's --
22 like it comes with good luck. So like let's
23 say we have rice, we have water, we have
24 different types of food, so if it choose -- if

1 it choose to go to water, then we'll have a
2 lot of rain.

3 So if we are playing the game and I
4 close on somebody, then it's like everybody is
5 going to be closed on, and then they call me
6 "Ngaka."

7 Q. Okay. Thank you.

8 And when were you known by the name
9 Issa Tanzania?

10 A. Around '94, '95.

11 Q. And who gave you that name?

12 A. In my identification card --

13 INTERPRETER XXXXXX: Okay. Can I
14 just ask for a clarification?

15 MR. SMITH: As an interpreter, you
16 need a clarification from me?

17 INTERPRETER XXXXXX: From
18 Mr. Suleiman.

19 MR. SMITH: You want something that
20 he said clarified just so --

21 INTERPRETER XXXXXX: Yeah.

22 MR. SMITH: -- the record's clear,
23 so you want to talk to Samuel?

24 INTERPRETER XXXXXX: Did you get

1 what he said?

2 INTERPRETER KENDAGOR: Yeah.

3 INTERPRETER XXXXXX: Okay.

4 INTERPRETER KENDAGOR: And he picked
5 an identity card for Kenya.

6 COURT REPORTER: I'm having trouble
7 hearing you.

8 INTERPRETER KENDAGOR: Okay. He
9 picked up an identification card in Kenya. In
10 that identification card, it asked what the
11 name. Issa. But no picture, no photo. So he
12 used that identity card with the name Issa.

13 INTERPRETER XXXXXX: Okay. Yeah.
14 So he picked up an ID card that had the name
15 Issa. The ID card had no picture, but he was
16 a Tanzanian.

17 THE WITNESS: Uh-huh.

18 (Witness speaking to interpreter.)

19 INTERPRETER XXXXXX: If somebody
20 asked me "where you from," I tell them "I am
21 from Tanzania."

22 MR. HOFFMAN: Can I just suggest
23 that we're going to go a lot faster if you
24 focus on answering the specific question

1 that's asked you, rather than give a long
2 explanation.

3 (Translating.)

4 MR. HOFFMAN: You don't need to
5 answer anything. Just wait for a question.

6 BY MR. SMITH:

7 Q. Mr. Salim, do you speak English?

8 A. A little.

9 Q. Well, did he say "a little" or did he say
10 "yes"?

11 MR. HOFFMAN: He just said "yes, a
12 little."

13 INTERPRETER XXXXXX: He said
14 "yesse," (phonetic) it means more.

15 MR. SMITH: Oh, okay. I heard
16 "yes," so that's why you're here. Okay.

17 INTERPRETER XXXXXX: Yesse.
18 (Phonetic.)

19 MR. SMITH: Okay.

20 BY MR. SMITH:

21 Q. When did you start speaking English?

22 A. When I was in jail, at the jail.

23 Q. Okay. Now, let's go back to this
24 identification from Kenya. Who issued the

1 identification in Kenya?

2 MR. HOFFMAN: Objection. You can
3 answer.

4 BY MR. SMITH:

5 Q. Mr. Salim.

6 A. Huh?

7 Q. Do you understand the question?

8 A. I understand.

9 Q. Okay. Who issued the identification?

10 A. Fahid.

11 Q. Who is Fahid?

12 A. My friend.

13 Q. And how is it that you got to know this man,
14 Fahid?

15 A. I knew him because he had a store.

16 Q. What kind of store?

17 A. Clothing store.

18 Q. And why is it that he issued this
19 identification to you?

20 A. So while I was in Kenya, the police were
21 searching. If you didn't have identification,
22 then you'd be in trouble. So I would show
23 that identification, that I have ID card.

24 Q. Was it a false identification?

1 MR. HOFFMAN: Objection. You can
2 answer.

3 THE WITNESS: It was a valid one.
4 It was not false.

5 BY MR. SMITH:

6 Q. Tell me why it wasn't false.

7 MR. HOFFMAN: Objection. You can
8 answer.

9 INTERPRETER XXXXXX: He's asking,
10 can he -- can I clarify? He's trying to
11 understand, when you say "objection," does
12 that mean that he's not supposed to talk or...

13 MR. HOFFMAN: You translate. If I
14 say "objection," he can still answer the
15 question.

16 INTERPRETER XXXXXX: Okay.

17 MR. HOFFMAN: Unless I instruct him
18 not to answer.

19 INTERPRETER XXXXXX: Okay.

20 (Translating.)

21 THE WITNESS: Can you ask your
22 question again?

23 BY MR. SMITH:

24 Q. Let me ask a different question. Did you

1 understand what Mr. Hoffman said just now,
2 before the interpreter translated it,
3 Mr. Salim?

4 A. Yes.

5 MR. SMITH: Okay. So let me just
6 ask if, maybe, we could go off the record for
7 a second.

8 VIDEOGRAPHER: The time is 10:40.
9 We're off the record.

10 (Brief pause.)

11 VIDEOGRAPHER: Back on the record.
12 The time is 10:41.

13 MR. SMITH: Just for the record, I
14 took a quick break and asked Mr. Hoffman if he
15 would consider just using an interpreter when
16 the witness asks for an interpretation, but he
17 said that he didn't believe Mr. Salim's
18 English was good enough. So I'll accept that
19 and we'll just keep marching on.

20 BY MR. SMITH:

21 Q. Mr. Salim, did you ever present this
22 identification to Kenyan police or other
23 officials using the name Issa Tanzania?

24 A. No.

1 Q. That wasn't your real name, is that correct?

2 A. Yes.

3 Q. Yes, that's correct, it was not his real name?

4 A. It wasn't a real name.

5 Q. And why were you in Kenya?

6 MR. HOFFMAN: Objection as to -- as
7 to time, actually.

8 When are you asking him?

9 MR. SMITH: That doesn't work,
10 Mr. Hoffman. You say "objection" and, then, I
11 can --

12 MR. HOFFMAN: Well, but it's going
13 to be a --

14 MR. SMITH: Speaking objections
15 don't work, Mr. Hoffman. Okay? If you want
16 to go off the record and ask the witness to
17 leave the room to put a speaking objection on
18 the record, you can. So please don't do it.

19 MR. HOFFMAN: Well, then, maybe
20 we'll just -- we'll just make objections that
21 -- with -- with real objections rather than
22 just put it on the record.

23 MR. SMITH: If you want to use time
24 to put an explanation for your objection. All

1 of your arguments are preserved if you say
2 "objection." So there's no reason to do it.

3 BY MR. SMITH:

4 Q. Do you understand my question, sir?

5 A. Repeat the question.

6 MR. SMITH: Sure. Could I ask the
7 court reporter to read it back.

8 (Whereupon, the question was read
9 back by the court reporter as
10 follows: "And why were you in
11 Kenya?")

12 MR. HOFFMAN: Objection.

13 THE WITNESS: I was working.

14 BY MR. SMITH:

15 Q. He was walking?

16 A. Working. Working. (Phonetic: Walking.)

17 MR. HOFFMAN: Working.

18 MR. SMITH: Working. Oh, working.

19 BY MR. SMITH:

20 Q. When did you start working in Kenya?

21 A. I can't really recall, but it was in the '90s,
22 maybe '91.

23 Q. Okay. Now, I think you said you started using
24 the name Issa Tanzania in 1994, 1995, is that

1 right?

2 A. Yes.

3 Q. But, yet, you started working in Kenya in, you
4 think, 1991?

5 A. Yes.

6 Q. So why did you wait three years or so to get
7 this identification?

8 MR. HOFFMAN: Objection. You can
9 answer.

10 INTERPRETER XXXXXX: Did you say he
11 can answer?

12 MR. HOFFMAN: Yes. Yes.

13 THE WITNESS: In '94, that's when I
14 was now living in Kenya and working in Kenya.
15 '91, I was operating from Dar es Salaam to
16 Kenya, Kenya to Dar es Salaam.

17 MR. SMITH: Okay. Got it. Thank
18 you.

19 INTERPRETER XXXXXX: Thank you.

20 MR. SMITH: And just so we're clear
21 while there's no question pending, would you
22 tell the witness that unless his lawyer
23 instructs him not to answer the question, that
24 even though there's an objection, he should

1 answer the question.

2 (Translating.)

3 THE WITNESS: Fine.

4 BY MR. SMITH:

5 Q. Okay. Mr. Salim, presently, where do you
6 live?

7 A. In Zanzibar.

8 Q. What is your address?

9 A. I don't use any address, it's just Zanzibar.

10 Q. Does he have a home address?

11 A. No.

12 Q. Do you live in a home in Zanzibar?

13 A. Yes.

14 Q. Who owns the home?

15 A. My mom.

16 Q. Okay. And how long have you lived there?

17 A. I'm with my mom.

18 MR. SMITH: Could I ask the question
19 be read back to the witness.

20 (Whereupon, the last question was
21 read back by the court reporter as
22 follows: "And how long have you
23 lived there?")

24 MR. HOFFMAN: Objection. You can

1 answer.

2 BY MR. SMITH:

3 Q. Do you understand that question, Mr. Salim?

4 A. Yes, I understand it.

5 Q. How long have you lived at this home in
6 Zanzibar?

7 A. I can't remember. Since I came from jail.

8 Q. Okay. And do you know the address but you
9 don't want to tell me?

10 A. In Zanzibar, we don't have addresses at homes
11 like you do in America.

12 Q. Okay.

13 A. Or in Europe.

14 Q. Okay. All right. And what is your date of
15 birth, sir?

16 A. September 25th, 1971.

17 Q. And where were you born, in what country?

18 A. The country is Tanzania, in Zanzibar, in
19 Zanzibar.

20 Q. And what is your present country of
21 citizenship?

22 A. Tanzania.

23 Q. And has that always been the case?

24 A. Yes.

1 Q. Are you married?

2 A. Yes.

3 Q. And what is your wife's name?

4 A. Sharifa.

5 Q. Can you spell that for me, please.

6 A. It's S-H-A, R for Robert, I for India, F for
7 Frank, A for apple.

8 Q. And how long have you been married?

9 A. Around six years. I'm not very sure.

10 Q. Approximately, six years?

11 A. Something like that.

12 Q. Okay. Do you have any children?

13 A. One.

14 Q. And what is your child's name?

15 A. Mariam.

16 Q. And do you live with your wife and your child?

17 A. I don't live with my child, but my wife, yes.

18 Q. And where is your child, presently?

19 A. At the grandparents.

20 Q. Okay. Have you ever been married before?

21 A. Yes.

22 Q. Okay. And when were you married previously?

23 A. 2003.

24 Q. And for how long were you married?

1 A. Like two weeks.

2 Q. And what was your previous wife's name?

3 A. Magida. M for Mary, A for apple, G for Greg,

4 I for India, D for David, A for apple.

5 Q. Do you have any children with Magida?

6 A. No.

7 Q. And how long had you been with Magida, dating,

8 before you were married?

9 MR. HOFFMAN: Objection, but you can

10 answer.

11 THE WITNESS: I can't remember.

12 BY MR. SMITH:

13 Q. Was it more than a year?

14 A. I can't remember.

15 Q. When is the last time he spoke with Magida?

16 A. The day I was arrested.

17 Q. And do you know where Magida is now?

18 A. I don't know.

19 Q. Have you attempted to find her since you were

20 released from prison?

21 A. Yes.

22 Q. I want to ask you about your educational

23 background.

24 A. Fine.

1 Q. So let's just go through your schooling first.

2 Did you graduate from high school or an
3 equivalent?

4 A. I don't know how to differentiate schooling.
5 I just know school.

6 Q. Okay. So let's just start with when did you
7 start going to school?

8 A. I don't remember the year.

9 Q. Well, you were born in 1971.

10 A. Yeah.

11 Q. So, obviously, sometime thereafter, you
12 started going to school, correct?

13 A. Yes.

14 Q. For how many years did you go to school?

15 A. I can't remember, but I can say maybe eighth
16 grade.

17 Q. Eighth grade. Okay.

18 And did you have any formal
19 education beyond the eighth grade?

20 A. No.

21 Q. Now, I want to ask you about your employment
22 background and I want to try to do it
23 chronologically.

24 Are you with me?

1 A. Yes.

2 Q. When is the first job that you remember you
3 had?

4 INTERPRETER: When?

5 MR. SMITH: Yes.

6 (Translating.)

7 THE WITNESS: When, I can't tell.

8 BY MR. SMITH:

9 Q. Okay. Can you approximate?

10 A. If you say "when," it's a little confusing.

11 Q. Sure.

12 A. If you ask which year, then I can tell you the
13 year.

14 Q. Well, when I -- could you explain when I say
15 "when," he can tell me which year.

16 A. Okay.

17 Q. So let's go to your first employment. Do you
18 remember your job?

19 A. I remember.

20 Q. Okay. Can you tell me what the job was?

21 A. I was working in a store.

22 Q. How old were you?

23 A. I'm not sure, but around 16 or 17.

24 Q. Okay. And what kind of store was it?

1 A. Clothing store.

2 Q. Okay. And how long did you work there?

3 A. I can't remember.

4 Q. Can you approximate?

5 A. I think up to around the ninety -- around '90.

6 Q. Around 1990?

7 A. Yeah, 1990. I'm just estimating, but I'm not
8 sure.

9 Q. Okay. Estimates are fine.

10 And what did you do for the clothing
11 store?

12 A. I was selling.

13 Q. Okay. And where was this store located?

14 A. In Dar es Salaam.

15 Q. And why did you leave?

16 A. The owner of the store got rid of the store,
17 he sold the store.

18 Q. Okay. So what was your next job after --
19 strike that.

20 What was the name of the store?

21 A. It did not have any name.

22 Q. Okay. What was your next job after that?

23 A. Business.

24 Q. What do you mean by that?

1 A. I was doing transportation, picking up like
2 luggages and taking it to other places.

3 Q. And so you were transporting luggage from one
4 place to another?

5 A. Like from Dubai to Zanzibar.

6 Q. Was there a company that you worked for?

7 A. No.

8 Q. Who owned the business?

9 A. Me.

10 Q. Okay. What was the name of the business?

11 A. I did not give it a name.

12 Q. And can you tell me who your customers were?

13 A. I didn't have any specified customers. I
14 would just go to the stores and showed them
15 what I have to see if they like.

16 Q. Mr. Salim, I thought you said that you were
17 transporting luggage from Dubai to Zanzibar.
18 Did I hear you correctly?

19 A. I did not transport. I would go to Dubai to
20 buy like pants, shirts, and then I bring back
21 to Zanzibar.

22 Q. And how would you travel to Dubai to get these
23 pants and shirts?

24 A. By plane.

1 Q. Okay. And then you would bring back this
2 merchandise and sell it in Zanzibar?

3 A. Some in Zanzibar, some in Dar es Salaam.

4 Q. Okay. And for how long, what period of time
5 did you engage in this activity?

6 A. It was a very short time.

7 Q. More than a year?

8 A. Something like that.

9 Q. Okay. And what was your next job after that?

10 A. After that, I would go to Mombasa and come
11 back to Dar es Salaam. I would get bed covers
12 from Mombasa and bring to Dar es Salaam.

13 Q. And during what period of time did you do
14 that?

15 A. I'm not really sure, but around 1991.

16 Q. Okay. And what did you do after that?

17 A. So after that is when I lived in Mombasa,
18 working in a boat from Malindi to Lamu and
19 sometimes Somalia.

20 Q. So that started in 1992, approximately?

21 A. 1994, 1995.

22 Q. Okay. 1994, '95. Okay.

23 And you say you lived on a boat or
24 you worked on a boat?

1 A. Worked.

2 Q. Worked on a boat?

3 A. Yeah.

4 Q. And you were living where?

5 A. When I'm transporting, I will just sleep in
6 the boat.

7 Q. Okay. And when he wasn't transporting, where
8 were you living?

9 A. I would operate between Malindi and Lamu.

10 Did you ask, also, when I started
11 working?

12 INTERPRETER XXXXXX: He wants to go
13 back a little bit.

14 MR. SMITH: The witness wants to go
15 back?

16 INTERPRETER XXXXXX: Yes.

17 BY MR. SMITH:

18 Q. Okay. Mr. Salim, is there something you want
19 to say for the record?

20 A. Yes.

21 Q. Okay. Go ahead.

22 A. When you asked me when I started working, it's
23 a little confusing because, as a young person,
24 as a young man, I was fishing. I started

1 fishing.

2 Q. Okay.

3 A. So that's what I wanted to clarify.

4 Q. Okay. So I asked you do you recall about your
5 work experience, and you started, I think,
6 when you were 16 or 17 years old and you
7 described it.

8 Do you remember that?

9 A. Yeah, around 16 or 17.

10 Q. And do you recall the various jobs that you
11 told me about from 16 or 17 up through the
12 years 1994 and '95?

13 MR. HOFFMAN: Objection. You can
14 answer.

15 THE WITNESS: Yes.

16 BY MR. SMITH:

17 Q. Okay. And is there anything that you told me
18 that's incorrect?

19 MR. HOFFMAN: Object.

20 THE WITNESS: I say it's correct.

21 BY MR. SMITH:

22 Q. It is correct?

23 A. Correct.

24 Q. So I want to go, now, to 1994, 1995.

1 A. Fine.

2 Q. That was the year you took a job on a boat?

3 A. Yes.

4 Q. Who owned the boat?

5 A. Fahid.

6 Q. Was that the same Fahid that gave you the
7 identification from Kenya?

8 A. Yes.

9 Q. Do you know if Fahid was affiliated with any
10 Al-Qaeda activities?

11 A. No.

12 Q. So let's go back, then. You were working on
13 Fahid's boat. How long did you work on the
14 boat?

15 A. Until 1998.

16 Q. Okay. How many other people worked on the
17 boat?

18 A. Just me, we were two, but we were coming and
19 going, so on and off.

20 Q. Was there one boat or more than one boat?

21 A. One.

22 Q. Okay. How big was the boat?

23 A. I don't recall very -- I don't remember very
24 well, but it was about 8 to 9 meters.

1 Q. So approximately 27, 28 feet?

2 A. I don't understand these numbers with the
3 feet.

4 Q. Okay. What kind of merchandise were you
5 transporting on this boat?

6 MR. HOFFMAN: Objection. You can
7 answer.

8 THE WITNESS: I would carry things
9 like soap, rice, sugar, and sometimes
10 transport people.

11 BY MR. SMITH:

12 Q. And where would you pick up this -- this soap
13 and rice and sugar?

14 A. I would pick them from Malindi and take them
15 to Lamu.

16 Q. Where is Malindi?

17 A. Malindi's in Kenya.

18 Q. And where is La-mee (phonetic)?

19 INTERPRETER XXXXXX: La-moo.
20 (Phonetic.)

21 MR. SMITH: Or Lamu.

22 INTERPRETER: L-A-M-U.

23 THE WITNESS: In Kenya.

24 BY MR. SMITH:

1 Q. And did you also say that you transported to
2 Somalia?

3 A. Sometimes I would go to Somali to get dry fish
4 and, then, I bring it to Malindi.

5 Q. What is Fahid's full name?

6 A. I can't remember.

7 Q. Does the -- do you know if his -- Fahid's full
8 name is Fahid Mohamed Ally Msalam?

9 A. I can remember Fahid Mohamed, but not the
10 other one.

11 Q. Okay. And you stopped transporting this fish
12 and other materials in 1998, is that right?

13 A. Yes.

14 Q. Why?

15 A. The boat was taken away from me.

16 Q. Who took the boat away from you?

17 A. The Somali people.

18 Q. Can you describe the circumstances under which
19 the boat was taken away?

20 A. I was just on my daily business and the people
21 came, the Somali came, they had guns and they
22 said they were taking my boat away.

23 Q. Okay. Do you know who these Somali people
24 were?

1 A. I didn't know them.

2 Q. Did they shoot at you?

3 A. No, they did not shoot.

4 Q. Okay. And after that, what was your next job?

5 INTERPRETER XXXXXX: Can I ask him
6 to repeat?

7 MR. SMITH: Sure.

8 (Translating.)

9 A. So, up till that, I was doing fishing and,
10 also, I was working at the port. So like when
11 the ship came, we would help to pack them.

12 Q. How long did you do that?

13 A. It was just a few months.

14 Q. Okay. Who issued a paycheck to you for doing
15 the work at the port?

16 MR. HOFFMAN: Objection. You can
17 answer.

18 THE WITNESS: The Somali.

19 BY MR. SMITH:

20 Q. Okay. And where were you living at the time
21 when you were doing this employment?

22 A. Kismayu.

23 Q. I'm sorry?

24 A. Kismayu.

1 Q. Can you spell it, please.

2 A. K-I-S-M-A-Y-U.

3 Q. And where is that located?

4 A. Somalia.

5 Q. Okay. And you said you did that job for a few
6 months?

7 A. Yes.

8 Q. And why did you stop that job?

9 A. Because I was not getting -- I was not being
10 paid well.

11 INTERPRETER XXXXXX: And he said
12 something about the guns, so.

13 (Translating.)

14 THE WITNESS: All the time, they
15 would put the gun on me to go get the ship and
16 come and pack.

17 MR. SMITH: I'm sorry. Go get the
18 sheep?

19 MR. HOFFMAN: Ship.

20 MR. SMITH: Ship.

21 INTERPRETER XXXXXX: Ship, yeah.

22 BY MR. SMITH:

23 Q. Okay. Okay. All right. So that's why you
24 left that job?

1 A. Yes.

2 Q. So what was your next job after that?

3 A. Driver.

4 Q. A driver. Where?

5 A. In Mogadishu.

6 Q. What did you drive?

7 A. A car.

8 Q. Okay. For what purpose?

9 A. Someone would employ me to be a driver, like I
10 take the kids to school and pick them up from
11 school and go buy them stuff.

12 Q. And during what period of time did you engage
13 in this employment?

14 A. It was around '98.

15 Q. '98. And how long did you do this job as a
16 driver?

17 A. Until I was arrested in 2003.

18 Q. So your testimony is that from 1998,
19 approximately, until you were arrested in
20 2003, you were employed as a driver?

21 MR. HOFFMAN: Objection and you can
22 answer.

23 THE WITNESS: Yes. It was driver,
24 but still I would do some other side jobs,

1 like work for somebody in the store.

2 BY MR. SMITH:

3 Q. Any other side jobs?

4 A. I was working with polio people.

5 Q. Polio?

6 A. Polio.

7 (Translating.)

8 A. Yes, polio.

9 Q. Okay. Any others?

10 A. No.

11 Q. What was the name of the company that employed
12 you as a driver?

13 A. It wasn't a company.

14 Q. Who owned the automobile that you drove?

15 A. Abdul Salam.

16 Q. Who was Abdul Salam?

17 A. He's a Somali.

18 Q. And how did you meet him?

19 A. So in Mogadishu, I was just asking for help.

20 And then he asked me "are you asking for help,
21 you don't have a job?" So that's how he gave
22 me the job.

23 Q. Okay. So you were living in Somalia?

24 A. Yes.

1 Q. Was your first wife from Somalia?

2 A. Yes.

3 Q. Were you employed as a fisherman at any time
4 between 1998 and 2003?

5 MR. HOFFMAN: Objection. You can
6 answer.

7 THE WITNESS: I don't remember.

8 BY MR. SMITH:

9 Q. Mr. Salim, do you have any difficulties
10 recalling events from the late '90s or early
11 2000s?

12 A. I am very forgetful. Even things that
13 happened yesterday, I can forget.

14 Q. Okay. Mr. Salim, are you permitted to enter
15 the United States of America?

16 MR. HOFFMAN: Objection. You can
17 answer.

18 THE WITNESS: I don't understand.
19 How?

20 BY MR. SMITH:

21 Q. Are you permitted to go to the United States
22 of America?

23 MR. HOFFMAN: Same objection. You
24 can answer.

1 THE WITNESS: Like asking for a
2 visa?

3 BY MR. SMITH:

4 Q. Well, however you would get there, do you know
5 if you are permitted to enter the United
6 States of America?

7 MR. HOFFMAN: Same objection.

8 THE WITNESS: I don't know.

9 BY MR. SMITH:

10 Q. Have you tried to enter the United States of
11 America in the last two years?

12 A. I was trying -- I tried to look for a visa.

13 Q. Okay. And tell me what you did to try to
14 enter the United States of America through
15 acquiring a visa.

16 MR. HOFFMAN: I'm going to object
17 and ask him only to answer if he can do so
18 without disclosing attorney/client
19 communications.

20 (Translating.)

21 THE WITNESS: Say it again.

22 MR. HOFFMAN: I said -- I'm sorry
23 it's confusing, but I don't want you to give
24 any information that was given to you by your

1 lawyers, only if you personally know what was
2 done to get a visa.

3 (Translating.)

4 THE WITNESS: Fine.

5 BY MR. SMITH:

6 Q. Mr. Salim, let me ask you again, are you
7 permitted to enter the United States of
8 America?

9 MR. HOFFMAN: Objection. You can
10 answer.

11 THE WITNESS: I don't know.

12 BY MR. SMITH:

13 Q. Isn't it true that you tried to enter the
14 United States of America and you were denied
15 acceptance -- or entry, rather, denied entry?

16 MR. HOFFMAN: Objection. You can
17 answer.

18 THE WITNESS: I tried to look for a
19 visa, to ask for a visa.

20 BY MR. SMITH:

21 Q. Do you have any understanding why you are not
22 permitted to enter the United States of
23 America?

24 MR. HOFFMAN: I'll object and

1 instruct him not to answer on that if he was
2 -- got that information from his lawyers.

3 MR. SMITH: Well, that's not legal
4 advice, Mr. Hoffman.

5 MR. HOFFMAN: Sure, it is.

6 MR. SMITH: No, it's not. If you're
7 repeating what you were told by --

8 MR. HOFFMAN: It's a confidential
9 communication between his lawyer and -- a
10 lawyer and client.

11 MR. SMITH: All right. I can't
12 change your mind on that, so.

13 BY MR. SMITH:

14 Q. Is it your testimony, sir, that you have no
15 understanding, other than through your
16 lawyers, why you're not permitted to enter the
17 United States of America?

18 A. Yes.

19 Q. Did you personally attempt to acquire a visa
20 to come to the United States of America?

21 A. No.

22 Q. Did someone on your behalf attempt to acquire
23 a visa?

24 A. No.

1 Q. Well, let me make sure I got this right. Do
2 you know if you or anyone on your behalf ever
3 attempted to acquire a visa to come into the
4 United States in connection with this case?

5 A. Yes.

6 Q. Okay. Who?

7 A. My lawyer.

8 Q. Okay. All right. Were you ever personally
9 interviewed by anyone in connection with
10 attempting to get a visa to the United States
11 for this case?

12 A. No.

13 Q. Did you ever attempt to travel to the nation
14 of Dominica?

15 A. Yes.

16 Q. And why is it that you were attempting to
17 travel to Dominica?

18 A. This case.

19 Q. And were you able to get to Dominica?

20 A. No.

21 Q. Can you tell me why?

22 A. Yes.

23 Q. Please tell me.

24 A. I tried twice. The first time, I went to

1 Dar es Salaam. They told me that I can't go
2 because, first of all, I will pass through
3 many countries that doesn't give Tanzania --
4 any Tanzanian any visa.

5 I tried the second time. I got up
6 to Abu Dhabi. The people in Abu Dhabi told me
7 that I cannot proceed to Dominica because I'll
8 pass through so many countries in transit.

9 Q. And did they tell you why you couldn't get
10 through those countries?

11 A. They told me that I can't go in transit
12 through -- from Dar es Salaam to Oman to
13 Abu Dhabi to France, there is another country
14 I can't remember, to Dominica. I can't go.

15 Q. Did they tell you why you couldn't go?

16 MR. HOFFMAN: Objection. You can
17 answer.

18 THE WITNESS: They told me I can't
19 go through transit in these countries.

20 BY MR. SMITH:

21 Q. Did they tell you why you couldn't go through
22 transit in these countries?

23 MR. HOFFMAN: Objection. He can
24 answer.

1 THE WITNESS: I have -- I have
2 answered your question. They told me I cannot
3 go to -- through this because I'm passing
4 through these countries.

5 BY MR. SMITH:

6 Q. Did they tell you why you couldn't pass
7 through those countries?

8 MR. HOFFMAN: I'll -- I'll object to
9 that on the grounds this, now, has been asked
10 four times and I'll instruct you not to answer
11 it. Move on. He's just given you the answer.
12 You may not like it, but that's the answer.

13 MR. SMITH: Okay, Mr. Hoffman, you
14 know what, those kind of comments don't help
15 at all. Tell me why the witness -- what his
16 answer was when he explained why he --

17 MR. HOFFMAN: His answer is he
18 was --

19 MR. SMITH: -- couldn't go through
20 those countries.

21 MR. HOFFMAN: His answer was that he
22 was told that he couldn't go because of the
23 number of countries he had to go through, as
24 in Tanzania.

1 MR. SMITH: And my question was "did
2 they tell you why you couldn't pass through
3 those countries."

4 And if the answer is, "no, they
5 didn't," I'll accept that answer.

6 And you and I both know that he
7 hasn't answered that question. So why you
8 would instruct the witness not to answer after
9 I've flown all these miles to take this
10 witness's deposition really annoys me. Okay.
11 And I'll -- look, let me ask the question one
12 more time.

13 BY MR. SMITH:

14 Q. Did those officials tell you why you couldn't
15 pass through those countries? Yes or no.

16 MR. HOFFMAN: Same objection. He
17 can answer, if he can.

18 MR. SMITH: Maybe you should tell
19 the witness to answer the question.

20 MR. HOFFMAN: Why don't you just
21 stop it. Don't badger the witness.

22 MR. SMITH: I'm not badgering --

23 MR. HOFFMAN: He's trying to do it.

24 MR. SMITH: -- the witness.

1 MR. HOFFMAN: Yeah, you are.

2 MR. SMITH: The answer is just yes
3 or no, they either told me or they didn't tell
4 me.

5 (Translating.)

6 THE WITNESS: I want to ask you one
7 question.

8 BY MR. SMITH:

9 Q. You want to ask me a question?

10 INTERPRETER XXXXXX: He want to give
11 you -- say something.

12 A. I want to give you my view.

13 Q. Well, the witness can certainly say whatever
14 he wants to say. I'll strike it if it's not
15 responsive to the question, but if the witness
16 would just answer my question, we could move
17 this along more quickly.

18 MR. HOFFMAN: Same objection. You
19 can answer, if you can.

20 THE WITNESS: Don't be so harsh on
21 me, like the other people that asked me
22 question. Just be -- go slow and I'll answer
23 the questions.

24 BY MR. SMITH:

1 Q. Fair enough. So, Mr. Salim, let me -- let me
2 just ask you, you were told, I guess at
3 Abu Dhabi, that you couldn't pass through
4 other countries by officials at Abu Dhabi.

5 Do you remember you said that to me?

6 A. I don't know how to answer this. I got to
7 Abu Dhabi, they asked me where I was going. I
8 told them I was going to Dominica.

9 They asked me where is the visa for
10 France -- Dominica. I said there's no --
11 there's no visa. I showed them the paper
12 showing that, as a Tanzanian, I don't need a
13 visa to go to Dominica.

14 They refused. You can't go -- they
15 said you can't go to -- you can't go to
16 Dominica because you pass through many
17 transits.

18 Q. Okay.

19 A. That was the answer.

20 Q. And did they explain to you, in words or
21 substance, why you wouldn't be permitted to
22 pass through those transits?

23 MR. HOFFMAN: Objection. He can
24 answer.

1 INTERPRETER KENDAGOR: I think he
2 said something. He said he was -- he was --
3 he was -- he was told you don't have visa for
4 France, and since he's passing France, that he
5 cannot go.

6 MR. SMITH: Okay.

7 (Interpreters discussing.)

8 INTERPRETER XXXXXX: Okay. He just
9 said that he was told he couldn't go because
10 he's passing many transits.

11 MR. SMITH: Okay.

12 INTERPRETER XXXXXX: He didn't say
13 France in particular.

14 BY MR. SMITH:

15 Q. So let me make sure I got it clear. When you
16 were in Abu Dhabi, did they tell you you
17 couldn't get through France without a visa,
18 and you didn't have a visa to get through
19 France, was that the problem?

20 MR. HOFFMAN: Objection. You can
21 answer.

22 THE WITNESS: I'm saying it again.
23 I got to Abu Dhabi. I was told at Abu Dhabi
24 that I can't go to Dominica because I'm

1 passing many transits. This idea of having
2 France visa, I was told when I was in
3 Dar es Salaam.

4 MR. SMITH: Okay.

5 MR. HOFFMAN: Is it appropriate to
6 have a short break?

7 MR. SMITH: Do you need to take a
8 break?

9 THE WITNESS: Yes.

10 MR. SMITH: Okay. Let's take a
11 break.

12 VIDEOGRAPHER: The time is 11:32.
13 We're off the record.

14 (Brief pause.)

15 VIDEOGRAPHER: We're back on the
16 record. The time is 11:44.

17 MR. SMITH: Mr. Hoffman, there's
18 something you want to say?

19 MR. HOFFMAN: Yes. There was a
20 question that you asked and I'm not sure I got
21 it down exactly, but I think it called for
22 whether he had been interviewed by American
23 officials, and I think he answered no at the
24 time.

1 And I don't know if that's because
2 he misunderstood it, but there were two times
3 when he was interviewed by embassy officials,
4 and I just wanted you to know that so you
5 could ask him questions about that in
6 connection with getting an American visa.

7 You should -- can you -- can you
8 translate that for him? Or you weren't trying
9 to get that. Shall I say it again or...

10 (Translation.)

11 COURT REPORTER: You can read it
12 here.

13 MR. HOFFMAN: You want to read it or
14 maybe --

15 COURT REPORTER: She can read it.

16 MR. HOFFMAN: Oh, she can read it.
17 Okay. Why don't you do that. That would be
18 the easiest, probably.

19 (Interpreter reading to the witness
20 from court reporter's laptop.)

21 MR. HOFFMAN: There's no -- she's
22 just reading what I said and, then, he'll ask
23 the questions of you.

24 (Translating.)

1 BY MR. SMITH:

2 Q. Mr. Salim, would you like to, in any way,
3 supplement answers that you've given me?

4 A. About what?

5 Q. Well, about the subject matter that was just
6 brought to my attention by your lawyer.

7 A. Yes.

8 Q. Okay. So is it your testimony that you
9 actually were interviewed by officials in
10 connection with attempting to get a visa?

11 A. Yes.

12 Q. Were these American officials?

13 A. Yes.

14 Q. Okay. How many times?

15 A. Two times.

16 Q. And did you forget to tell me about those when
17 I asked you earlier today?

18 MR. HOFFMAN: Objection. You can
19 answer.

20 THE WITNESS: I didn't understand
21 the question.

22 BY MR. SMITH:

23 Q. You didn't understand. Okay.

24 So do you remember, when we started

1 the deposition, I said if there's a time when
2 you don't understand the question, just tell
3 me and I'll repeat it or rephrase it?

4 A. Yes.

5 Q. Why didn't you ask me to repeat it or rephrase
6 it?

7 MR. HOFFMAN: Objection. You can
8 answer.

9 THE WITNESS: I've told you right
10 now.

11 BY MR. SMITH:

12 Q. Okay. So tell me, you were interviewed two
13 times by US officials in connection with
14 getting a visa?

15 A. Yes.

16 Q. When was the first time?

17 A. I can't remember.

18 Q. Was it this year?

19 A. I think it was last year, but I'm not sure.

20 Q. And where did the interview take place?

21 A. Inside American embassy.

22 Q. Okay. Where, what country?

23 A. In Tanzania.

24 Q. Okay. And you were trying to get a visa to

1 come where?

2 A. To come to America.

3 Q. Okay. And did the US officials at the
4 American embassy issue a visa?

5 A. I did not get a visa.

6 Q. Did they tell you why?

7 A. They said they were going to talk to my
8 lawyer.

9 Q. Okay. Did they tell you why they wouldn't
10 issue a visa to you?

11 A. They did not tell me.

12 Q. Okay. And then you tried again at the same
13 American embassy in Tanzania?

14 A. Yes.

15 Q. And was that this year?

16 A. I can't remember.

17 Q. Okay. So it was either this year or last
18 year?

19 MR. HOFFMAN: Objection.

20 THE WITNESS: I don't remember the
21 year, but it didn't -- it didn't take long
22 from the first time I asked for the visa. I
23 just -- it didn't take long before I went back
24 to look for the second time.

1 BY MR. SMITH:

2 Q. The second time. Okay.

3 So the first time was sometime last
4 year, right?

5 MR. HOFFMAN: Objection. You can
6 answer.

7 THE WITNESS: For sure, I don't
8 remember the year. I -- and I remember going
9 twice.

10 BY MR. SMITH:

11 Q. Okay. The second time, did the United States
12 embassy issue a visa?

13 A. They did not.

14 Q. Do you know why?

15 A. I don't know.

16 Q. Okay. So sitting here today, do you have any
17 understanding why you can't get a visa into
18 the United States?

19 MR. HOFFMAN: Okay. And I'll object
20 to that to the extent that it asks you to
21 testify about anything that your lawyers have
22 told you. So you can only testify about
23 things that your lawyers did not tell you on
24 that subject.

1 THE WITNESS: Fine.

2 BY MR. SMITH:

3 Q. Are you unable to answer the question?

4 A. I've already answered the question.

5 Q. Do you have any understanding, other than
6 through communications with your lawyers, why
7 you couldn't get into the United States with a
8 visa the second time you applied?

9 A. No.

10 Q. Now, you said you were arrested in 2003?

11 A. Yes.

12 Q. Who arrested you?

13 A. The Somali.

14 Q. Can you identify who from Somalia arrested
15 you?

16 A. They were just Somali.

17 Q. Were they Somali police?

18 A. But then, there were no policemen in Somalia.

19 Q. Okay. Were they warlords?

20 INTERPRETER: Warlords?

21 Q. Let me withdraw the question.

22 Do you know the identity of the
23 people who arrested you in Somalia, who these
24 Somalians were?

1 MR. HOFFMAN: Objection. You can
2 answer.

3 THE WITNESS: I was arrested by
4 Somali.

5 BY MR. SMITH:

6 Q. I understand. Do you know who these Somalians
7 were, their identities?

8 MR. HOFFMAN: Objection. You can
9 answer.

10 THE WITNESS: I was just kidnapped
11 on the road and they were just Somali. I
12 didn't know who.

13 BY MR. SMITH:

14 Q. Okay. You say you were kidnapped on the road.
15 Can you explain to me the circumstances under
16 which you were kidnapped?

17 A. Yes.

18 Q. Tell me what happened.

19 A. I was driving. People came and put -- drew a
20 gun and point it at me. I came out and they
21 took me.

22 Q. Okay. Where were you taken?

23 A. In the hospital.

24 Q. To a hospital?

1 A. (Nodding.)

2 Q. Do you know the name of the hospital?

3 A. I don't remember.

4 Q. Okay. And do you know why you were taken to a
5 hospital?

6 A. Yes.

7 Q. Can you tell me?

8 A. Yes. I was beaten. They beat me a lot.

9 Q. So they beat you when they pulled you over on
10 the side of the road?

11 A. Yes.

12 Q. And you were beaten to the point where you
13 needed to be taken to the hospital?

14 A. Yes.

15 Q. And the same people that beat you took you to
16 the hospital?

17 A. Yes.

18 Q. When did this happen in 2003?

19 A. I don't remember the month, but it was in
20 2003.

21 Q. Okay. Do you remember what time of the year
22 it was?

23 A. I don't remember.

24 Q. Was anyone with you in that car when you were

1 pulled over by these Somalis?

2 A. Yes.

3 Q. Who was with you?

4 A. Abdul Salam.

5 Q. And where were the two of you going?

6 A. I was taking him to his job.

7 Q. And was he taken into captivity, too?

8 A. No.

9 Q. He was not?

10 A. No.

11 Q. So you were the driver of the car and he was
12 the passenger?

13 A. He's the owner of the car.

14 Q. Yes. He was a passenger in the car when you
15 were pulled over by these Somalis?

16 A. Yes.

17 Q. And then these Somalis pulled the car over,
18 dragged you out and beat you, but left him in
19 the car?

20 MR. HOFFMAN: Objection, but you can
21 answer.

22 THE WITNESS: Yes.

23 BY MR. SMITH:

24 Q. And the Somalis, then, put you into their car

1 and took you to the hospital?

2 A. Yes.

3 Q. And they left Abdul Salim (sic) behind with
4 his car?

5 A. Yes.

6 Q. Did you ever see Abdul Salim again?

7 A. I saw him at the hospital.

8 Q. Okay. Is that the hospital that the Somalis
9 took you to, is that where you saw him?

10 A. Yes.

11 Q. And you don't remember the name of the
12 hospital?

13 A. I don't.

14 Q. Okay. Did you receive medical treatment at
15 the hospital?

16 A. A little.

17 Q. Okay. How long were you in the hospital?

18 A. I can't remember very well, but it was from
19 the time I was arrested in the morning up till
20 night.

21 Q. Okay. And during that period of time, Abdul
22 Salim came and saw you, he visited you?

23 A. Yes.

24 Q. Did you ever see him again after that?

1 A. No.

2 Q. Okay. And can you describe for me what
3 injuries you were treated for while you were
4 at the hospital for that day?

5 A. Say it again.

6 Q. You were taken to the hospital for -- until
7 that evening. Do you recall you told me that?

8 A. Yes.

9 Q. And during that period of time at the
10 hospital, you received treatment for injuries?

11 A. It was not really treatment. I remember they
12 put two tubes in my nose and one tooth was
13 removed.

14 Q. Okay. Did you have any other injuries that
15 you received no treatment?

16 A. Yes.

17 Q. What were the injuries for which you received
18 no treatment?

19 A. My fingers.

20 Q. Okay. Which fingers?

21 A. On the right-hand side.

22 Q. Okay. Were your fingers broken?

23 A. Yes.

24 Q. And you received no treatment?

1 A. No.

2 Q. Did you ask for treatment?

3 A. They couldn't treat me.

4 Q. Do you know why they couldn't treat you?

5 A. I don't know.

6 Q. Okay. Were there medical doctors at the
7 hospital available to treat you?

8 A. Maybe there was.

9 Q. Do you recall interacting with any medical
10 doctors while you were at the hospital that
11 day?

12 A. I don't remember.

13 Q. Okay. Were you free to leave the hospital
14 that day?

15 A. No.

16 Q. Who was holding you in captivity?

17 A. The Somali.

18 Q. At gun point?

19 A. They did not put the -- point the gun at me,
20 but they were just around.

21 Q. Okay. All right. Were there any other
22 injuries that you sustained from that beating
23 for which you didn't receive medical
24 treatment?

1 A. Yes.

2 Q. What were the other injuries?

3 A. My nose.

4 Q. Okay. What happened to your nose?

5 A. This side, it got fractured here.

6 (Gesturing.)

7 Q. Okay. Did you ever receive treatment for a
8 fractured nose?

9 A. No.

10 Q. Any other injuries?

11 A. My jaws.

12 Q. Was your jaw broken?

13 A. It was just hurting so, a lot.

14 Q. I'm sorry. It was?

15 A. It was hurting a lot.

16 Q. You mean swollen?

17 A. No. Painful.

18 Q. Painful. Okay.

19 Any other injuries?

20 A. My ears.

21 Q. What happened to your ears?

22 A. It was bleeding.

23 Q. Okay. Any other injuries?

24 A. I don't remember right now. If I remember,

1 I'll let you know.

2 Q. Okay. And did you ask to be treated for these
3 other injuries?

4 A. I want to tell you, there was no means of
5 treating me at this hospital because they took
6 me -- they took me away to another place.

7 Q. Okay. All right. But my question, I guess,
8 is did you ask to be treated while you were at
9 the hospital for these other injuries?

10 A. I can't remember.

11 Q. Okay.

12 MR. HOFFMAN: Is there a --

13 (Interpreter discussion.)

14 INTERPRETER KENDAGOR: Meaning they
15 -- they didn't have any intention of treating
16 in that hospital. There was no intention --
17 the doctor didn't have the intention to treat
18 him in the hospital.

19 INTERPRETER XXXXXX: They didn't
20 have intention to treat me.

21 MR. SMITH: They did not have an
22 intention?

23 INTERPRETER XXXXXX: Uh-huh.

24 BY MR. SMITH:

1 Q. Okay. So did you receive any medical
2 treatment while you were at the hospital?

3 A. The only thing I remember is them inserting
4 the pipe.

5 Q. Okay. All right. And then you left the
6 hospital that evening?

7 A. At night.

8 Q. Okay. And you were taken away by the same
9 Somalis who took you into captivity?

10 A. Yes.

11 Q. Did you ever find out the identity of the
12 Somalis that took you into captivity?

13 A. I remember one was called Mohamed Deere, he
14 was kind of like the boss.

15 Q. How do you spell his last name?

16 A. D-E-E-R-E.

17 Q. Did you ever learn the identity of any of the
18 other Somalis?

19 A. They were just Somalians.

20 Q. Okay. Where did they take you that night?

21 A. The airport.

22 Q. Where?

23 A. Mogadishu.

24 Q. And it was Mohamed Deere and his people that

1 took you to the airport?

2 A. I remember something like that.

3 Q. Was anyone else taken with you?

4 A. No.

5 Q. And when you got to the airport, what
6 happened?

7 A. Some Americans came.

8 Q. And what happened?

9 A. They took my fingerprint.

10 Q. Anything else?

11 A. They asked me questions. They told me that
12 I've changed my appearance, I'm not Suleiman.

13 Q. Anything else?

14 A. Just that.

15 Q. Okay. Did you tell them -- strike that.

16 Did they ask you for your name?

17 A. Yes.

18 Q. What name did you give them?

19 A. Suleiman Abdullah Salim.

20 Q. Okay. How many Americans were there that
21 interviewed you?

22 A. I don't recall very well. Could be four or
23 five.

24 Q. And how long did this questioning last?

1 A. Not too long.

2 Q. Okay. And what happened after the
3 questioning?

4 A. They took me by their own plane to another
5 airport.

6 Q. Who took you?

7 A. The Americans.

8 Q. So the Somalians turned you over to Americans?

9 A. I'm not sure if they turned me, but I was
10 taken by American from there.

11 Q. Were the Somalians still with you when you got
12 in the airport?

13 A. No.

14 Q. Okay. And where were you taken to?

15 A. Another airport.

16 Q. And you were taken there by the same Americans
17 who interviewed you?

18 A. Yes.

19 Q. Okay. And what happened at the next airport?

20 A. Another plane came --

21 Q. Okay.

22 A. -- to take me.

23 Q. Tell me what happened.

24 A. Took me to Kenya.

1 Q. And were these Americans who took you on this
2 plane?

3 A. Kenyans.

4 Q. So the Americans turned you over to Kenyan
5 officials?

6 A. Yes.

7 Q. And do you know where this airport was
8 located?

9 A. Mogadishu.

10 Q. And where were you taken to by the Kenyans?

11 A. To the police.

12 Q. To the police station?

13 A. Something like that.

14 Q. Okay. In Mogadishu?

15 A. In Kenya.

16 Q. Kenya, okay.

17 And how long were you kept at the
18 police station?

19 A. I don't remember very well, but it's between
20 seven and eight days.

21 Q. Okay. Were any Americans involved during
22 these seven or eight days?

23 A. Yes.

24 Q. So there were Americans at the Kenyan police

1 station?

2 A. I want to clarify that. I was in Kenya, they
3 asked me questions, then Americans also came
4 and asked me questions.

5 Q. At the police station?

6 A. Yes.

7 Q. Okay. All right. And you were held there for
8 seven to eight days?

9 A. Yes, something like that.

10 Q. And you were being held by Kenyan officials,
11 correct?

12 MR. HOFFMAN: Objection. You can
13 answer.

14 THE WITNESS: I was in Kenya, but I
15 didn't know who I was under now, whether I was
16 under America or Kenya. I only know I was in
17 Kenya.

18 BY MR. SMITH:

19 Q. Do you know, now, whether you were being held
20 by Kenyan officials during those seven to
21 eight days?

22 MR. HOFFMAN: I'll object to that to
23 the extent that it asks for attorney/client
24 communications. So if you can answer without

1 that, that's fine.

2 (Translating.)

3 BY MR. SMITH:

4 Q. Are you able to answer the question, sir?

5 A. Yes.

6 Q. What is your answer?

7 A. Can you ask the question again?

8 Q. Sure. I'll have the court reporter read it
9 back.

10 (Whereupon, the record was read back
11 by the court reporter as follows:

12 "Do you know, now, whether you were
13 being held by Kenyan officials
14 during those seven or eight days?")

15 (Translating.)

16 MR. HOFFMAN: Is there a problem?

17 INTERPRETER KENDAGOR: No. I --
18 there was a word, maybe, she should have used.

19 (Interpreter Kendagor discussing.)

20 INTERPRETER XXXXXX: Okay. He
21 wanted me to say it, so I'll just go ahead and
22 say what I said.

23 (Interpreter XXXXXX translating
24 question again.)

1 THE WITNESS: I can't know who was
2 holding me, but the Kenyan police told me that
3 I did not -- I was not -- I did not do
4 anything wrong, but because I was injured, the
5 American people are going to take me to treat
6 me because I was -- just to give me my rights.

7 BY MR. SMITH:

8 Q. You were told that while you were being held
9 at this station?

10 A. Yes.

11 Q. Okay. Do you know the name of that Kenyan
12 police officer?

13 A. No.

14 Q. Now, while you were held during these seven or
15 eight days in this station, were you
16 interrogated by anyone?

17 A. Yes.

18 Q. By whom?

19 A. Both Kenyans and Americans.

20 Q. Do you have any memory of the interrogations
21 by the Kenyan officials?

22 A. They asked me questions like where were you
23 born, where you from, and then they told me I
24 was innocent.

1 Q. Innocent of what?

2 A. I don't know. They arrested me and they told
3 me I didn't have -- I didn't do anything.

4 Q. Who arrested you?

5 A. The Somali.

6 Q. But did the Kenyans arrest you?

7 MR. HOFFMAN: Objection, but he can
8 answer.

9 THE WITNESS: The Somalians arrested
10 me, they handed me over to Americans, the
11 Americans handed me over to Kenyans.

12 BY MR. SMITH:

13 Q. Okay. Were you under arrest by the Kenyans?

14 MR. HOFFMAN: Objection. You can
15 answer.

16 THE WITNESS: Yes, with Kenyans and
17 Americans.

18 BY MR. SMITH:

19 Q. Okay. Now, were you free to leave this
20 facility where you were being held?

21 A. No.

22 Q. Who told you that you were not free to leave?

23 MR. HOFFMAN: Objection. You can
24 answer.

1 THE WITNESS: Repeat the question.

2 BY MR. SMITH:

3 Q. Who told you that you were not free to leave?

4 MR. HOFFMAN: Objection. You can
5 answer, if you can.

6 THE WITNESS: I was under the
7 police. If I was in my -- in a room, if I
8 left the room, I was going to the bathroom,
9 and I was under them.

10 BY MR. SMITH:

11 Q. While you were there for the seven or eight
12 days, were you held in a cell?

13 A. Yes.

14 Q. And who controlled the cell, was it Kenyans or
15 Americans?

16 MR. HOFFMAN: Objection. You can
17 answer, if you can.

18 THE WITNESS: Kenyans.

19 BY MR. SMITH:

20 Q. Okay. And you're saying that while you were
21 held during these seven or eight days, you
22 were also questioned by Americans?

23 A. Yes.

24 Q. How many times?

1 A. I don't remember.

2 Q. Was it more than once?

3 A. Yes.

4 Q. Do you remember how many Americans?

5 A. The one that asked -- interrogated me?

6 Q. Yes.

7 A. I don't remember. Maybe one.

8 Q. Okay. Can you describe that person for the
9 record?

10 A. I don't remember.

11 Q. Was the person dressed in a military outfit?

12 A. No.

13 Q. Do you remember any questions that the
14 American asked you?

15 A. Yes.

16 Q. Was it a man or a woman who was asking you
17 questions?

18 A. A man.

19 Q. Okay. Tell me what you recall about the
20 questions that were asked and the answers that
21 you gave.

22 MR. HOFFMAN: Objection. You can
23 answer, if you can.

24 THE WITNESS: It's more the

1 questions that you asked me, where I was born,
2 what I did, from where to -- things like that.

3 BY MR. SMITH:

4 Q. Okay. Now, during the period of time that you
5 were held in captivity for those seven or
6 eight days, were you subjected to any beatings
7 by anyone?

8 A. I don't remember being beaten.

9 Q. Okay. Did you sustain any injuries while you
10 were held in captivity during those seven or
11 eight days?

12 A. Yes.

13 Q. What injuries did you sustain?

14 A. I was having the pain due to the initial
15 injury.

16 Q. Okay. So you were still suffering from the
17 injuries from the beating that you got from
18 the Somalis?

19 A. Yes.

20 (Whereupon, Salim Exhibit Nos. 1 and
21 8 were marked for identification.)

22 Q. Okay. Now, I'm going to hand to you what I've
23 marked as Exhibit No. 8. Let me just state
24 for the record that my exhibit numbers are

1 tied to an outline, so I'll get back to 1
2 through 7, but here is Exhibit No. 1, Exhibit
3 No. 8.

4 For the record, let me identify
5 Exhibit No. 8 as a copy of the complaint that
6 was filed in the United States District Court
7 for the Eastern District of Washington.

8 Mr. Salim, have you seen this
9 document before?

10 A. I can't remember.

11 Q. Okay. Have you ever seen a version of this
12 document in Swahili?

13 A. I can't remember.

14 Q. Can't remember.

15 Turn, if you would, to the page
16 that's marked as exhibit -- or page No. 32.

17 Does the witness have page 32 before
18 him?

19 A. No.

20 Q. He does not have page 32 in front of him?

21 MR. HOFFMAN: No, he does. He does.

22 INTERPRETER XXXXXX: Oh, I think I
23 -- I thought you were asking me if he had seen
24 it before.

1 MR. SMITH: Okay. No.

2 INTERPRETER XXXXXX: Sorry.

3 BY MR. SMITH:

4 Q. So I want to read paragraph No. 72. I'm going
5 to read the first two sentences, the first two
6 sentences into the record.

7 Do you see where it says: "On or
8 about March 15, 2003, agents from the CIA and
9 the Kenyan National Intelligence Service
10 abducted Mr. Salim in Mogadishu," do you see
11 that?

12 A. I see it.

13 Q. So is it your testimony, sir, that agents from
14 the CIA abducted you on or about March 15,
15 2003?

16 A. I said the Somali people.

17 Q. The Somali people. Okay.

18 But let me -- let me move to the
19 next sentence in paragraph 72. Do you see
20 where it says, quote: "He was rendered to
21 Nairobi, Kenya, where he was secretly detained
22 and interrogated on a daily basis for some
23 eight days by Kenyan authorities." Do you see
24 that?

1 A. (Translating.)

2 Q. Do you see that, sir?

3 A. Yes.

4 Q. Is that true?

5 A. That's what I told you.

6 Q. Well, this, in your complaint here, it says
7 that you were interrogated by Kenyan
8 authorities. Do you see that?

9 MR. HOFFMAN: There's not a
10 question.

11 BY MR. SMITH:

12 Q. Do you see that?

13 MR. HOFFMAN: Objection, but you can
14 answer.

15 THE WITNESS: My response to this is
16 that I was asked -- I was interrogated by
17 Kenyans and Americans.

18 BY MR. SMITH:

19 Q. Okay. So when you were being detained for
20 those seven or eight days, is it true that you
21 were being detained by the Kenyan National
22 Intelligence Service?

23 MR. HOFFMAN: Objection.

24 THE WITNESS: I don't know.

1 BY MR. SMITH:

2 Q. All right. Okay. Now, during this period of
3 time that you were questioned by both the
4 Kenyan authorities and the CIA
5 representatives, were you asked about any
6 affiliations that you had with Al-Qaeda?

7 A. They did not mention any Al-Qaeda, but they
8 were asking me if I knew certain people.

9 Q. Were you ever interrogated by American
10 officials about any affiliations that you had
11 with Al-Qaeda?

12 MR. HOFFMAN: Objection, but you can
13 answer.

14 THE WITNESS: They never mention --
15 asked me anything about Al-Qaeda. They just
16 asked me question about me.

17 BY MR. SMITH:

18 Q. After seven or eight days, you were released
19 from that facility, is that right?

20 MR. HOFFMAN: Objection, but you can
21 answer.

22 THE WITNESS: Yes. I remember.

23 BY MR. SMITH:

24 Q. Okay. What happened next?

1 A. I remember the Americans came, they took me to
2 the airport.

3 Q. And these Americans, do you know where they
4 were from?

5 A. They told me they were from the embassy.

6 Q. From the embassy. Do you know if they were
7 Army officials?

8 A. I don't know.

9 Q. Were they CIA agents?

10 A. They didn't tell me.

11 Q. They said they were from the US embassy?

12 A. Yes.

13 Q. From which country?

14 A. Kenya.

15 Q. And you're saying they took you to an airport?

16 A. Yes.

17 Q. And then what happened when you got to the
18 airport?

19 A. I was taken from Kenyan airport -- I was taken
20 from the Kenyan airport to Somali by the
21 American, the first -- the first one that
22 interrogated me are the ones that took me.

23 Q. The Americans who interrogated you when?

24 A. When I was in Somali, the ones that

1 interrogated me when I was in Somali.

2 Q. At the airport?

3 A. Yes, at the airport.

4 Q. And that's -- those same individuals took you
5 to the airport in Kenya?

6 A. They are the one that handed me to Kenyans
7 and, then, the Kenyans handed me to the same
8 people that handed me back to Kenyans.

9 Q. Okay. So when you got to the Kenyan airport,
10 were you taken back to Somalia?

11 A. Yes.

12 Q. Okay. And who took you back to Somalia?

13 A. The Americans.

14 Q. Okay. And what happened to you after you got
15 back to Somalia?

16 A. I remember being interrogated by one Somali.

17 Q. Where did that interrogation take place?

18 A. It was just like a house.

19 Q. Where in Somalia?

20 A. Bossasso.

21 Q. Okay. So you were -- the Americans brought
22 you to a house where you were interrogated by
23 Somali officials?

24 MR. HOFFMAN: Objection. You can

1 answer, if you can.

2 THE WITNESS: Yes.

3 BY MR. SMITH:

4 Q. Okay. How long did that interrogation last?

5 A. It was just a short period.

6 Q. Okay. And during that interrogation by the
7 Somalis, were you beaten?

8 A. No.

9 Q. And what happened after that interrogation?

10 A. I was taken to Djibouti.

11 Q. By whom?

12 A. The Americans.

13 Q. And what happened at Djibouti?

14 Let me withdraw the question.

15 Mr. Salim, when you were taken to
16 Djibouti, were you turned over -- you were
17 taken there by Americans, correct?

18 A. Yes.

19 Q. And were you turned over to others?

20 A. No.

21 Q. How long did you stay in Djibouti?

22 A. It was just hours.

23 Q. Hours. Okay.

24 And you were in custody by the US

1 while you were in Djibouti?

2 A. Yes.

3 Q. Okay. And you stayed there for some hours?

4 A. Yes.

5 Q. Where did you stay?

6 A. I think it was just within the airport.

7 Q. Okay. Where within the airport?

8 A. It was just at the airport.

9 Q. Okay. But was it at a hotel at an airport,
10 was it in a conference room at an airport, do
11 you remember?

12 A. I was not seeing anything. I was tied.

13 Q. Okay. All right. Did anything happen to you
14 while you were at this airport?

15 A. Yes.

16 Q. Do you have a memory of what happened to you?

17 A. Yes.

18 Q. What happened?

19 A. I was raped.

20 Q. And who raped you?

21 A. The Americans.

22 Q. Were these American soldiers?

23 A. I don't know.

24 Q. How do you know they were Americans?

1 A. They were the people who got me from Kenya to
2 Somali and their voices were just the same.

3 Q. Did you ever see their faces?

4 A. I saw one.

5 Q. Okay. And was it more than one of these
6 Americans who raped you?

7 A. I think it was just one.

8 Q. Okay. Do you know if this American was a CIA
9 agent?

10 A. I don't know.

11 Q. And can you describe this individual who raped
12 you?

13 A. I don't remember.

14 Q. Okay. Did anyone observe this?

15 MR. HOFFMAN: Objection, but you can
16 answer.

17 THE WITNESS: I don't know.

18 BY MR. SMITH:

19 Q. Okay. And you were taken from that airport to
20 where?

21 A. Afghanistan.

22 Q. Where in Afghanistan?

23 A. I don't know.

24 Q. Who took you there?

1 A. The same people.

2 Q. Okay. And when you got to Afghanistan, where
3 did you go?

4 A. "The Darkness."

5 Q. Can you tell me what you mean by that?

6 A. It's a jail, darkness jail.

7 Q. Okay.

8 A. Yeah.

9 Q. In Afghanistan?

10 A. Yes.

11 Q. How do you know that you were in Afghanistan,
12 did someone tell you?

13 A. At the end, I knew.

14 Q. So, originally, when you got there, you didn't
15 know where you were?

16 A. Yes.

17 Q. Okay. And did you -- do you have a memory of
18 when you arrived at this place in Afghanistan?

19 A. No, I don't remember.

20 Q. But it was in 2003?

21 A. Yes.

22 Q. Okay.

23 MR. HOFFMAN: Is this a good time to
24 break?

1 MR. SMITH: Sure. We're going to
2 break for lunch. Go off the record.

3 VIDEOGRAPHER: Time is 12:41. We're
4 off the record.

5 (Lunch break.)

6 VIDEOGRAPHER: We're back on the
7 record. The time is 1:29.

8 BY MR. SMITH:

9 Q. Mr. Salim, are you ready to proceed?

10 A. I'm ready.

11 Q. Okay. Mr. Salim, just before the lunch break,
12 you testified about being transferred to what
13 you later came to know as Afghanistan.

14 Do you remember that?

15 A. Yes.

16 Q. And you were taken to a place that you refer
17 to as darkness. Do you remember that?

18 A. Yes.

19 Q. And, Mr. Salim, do you now know that place to
20 be also referred to as Cobalt?

21 A. No, I don't.

22 Q. How long were you kept at this place that you
23 refer to as darkness?

24 A. Not very sure, but I think about two months.

1 Q. Two months.

2 And where were you taken to after
3 that?

4 A. From there, I was taken to a place known as
5 "salt pit."

6 Q. Do you know where this salt pit was located?

7 A. I don't know exactly, but it was not too far
8 away from "The Darkness."

9 Q. Okay. Do you think salt pit was also located
10 in Afghanistan?

11 A. I think so.

12 Q. And how were you transferred from darkness to
13 salt pit?

14 A. By car.

15 Q. Okay. And how long were you kept at salt pit?

16 A. About a year and something.

17 Q. A year and several months?

18 A. One year and several months.

19 Q. Okay. And after salt pit, where were you
20 taken to?

21 A. Bagram.

22 Q. And what did you understand Bagram to be?

23 A. Can you ask again?

24 Q. You said that you were taken to Bagram.

1 A. Yeah.

2 Q. Where is that located?

3 A. In Afghanistan.

4 Q. And did you understand this to be a prison of
5 some sort?

6 A. It's like prison.

7 Q. Okay. And how long were you kept there?

8 A. I think four years and some months.

9 Q. And you were released from Bagram when?

10 A. About 2008.

11 Q. Okay. And what did you do when you were
12 released from Bagram?

13 A. I went home.

14 Q. And where was home then?

15 A. Zanzibar.

16 Q. Okay. And have you left -- well, strike that.

17 Do you have any memory of being
18 interrogated by either American military
19 officials or CIA agents, or both, while you
20 were being detained?

21 A. Yes.

22 Q. I'm going to hand to you what we've marked in
23 the case as Salim Exhibit No. 1.

24 Have you seen this document before

1 today?

2 A. No.

3 Q. I want to direct your attention -- well, let
4 me identify it for the record. This is a
5 document that was produced by the United
6 States government, it bears Bates labels
7 001530 through 1538.

8 I want to direct your attention,
9 sir, to the first page of Exhibit No. 1. Do
10 you have it before you?

11 A. Fine.

12 MR. SMITH: xxxxxxxx, do you have
13 the document before you?

14 INTERPRETER XXXXXX: I was going to
15 take it, but Paul, you --

16 MR. HOFFMAN: What do you need?
17 It's there.

18 BY MR. SMITH:

19 Q. Okay. I want to read from first paragraph.
20 Do you see where it says "Action Required,"
21 and then there's redacted information.
22 "Candidates qualify to be transferred to the
23 joint interrogation facility provided," then
24 there's a space that's been redacted by the

1 government, "agrees to, one, provide more
2 capture data as stated below prior to transfer
3 of enemy combatants."

4 Let me stop right there.

5 A. (Translating.)

6 INTERPRETER XXXXXX: Can you just
7 say it, then I translate it, because I have
8 trouble reading small writing.

9 MR. SMITH: Sure.

10 INTERPRETER XXXXXX: Like just say
11 it and, then, I'll translate it.

12 MR. SMITH: I'm sorry, xxxxxxxx, I'm
13 not understanding what you're asking me to do.

14 INTERPRETER: I'm saying I don't
15 have my glasses to read.

16 MR. SMITH: Oh.

17 INTERPRETER XXXXXX: So I'm having
18 trouble reading.

19 MR. SMITH: Okay.

20 INTERPRETER XXXXXX: So if you could
21 just read it and you pause, I'll translate it
22 for him what you're saying here.

23 MR. SMITH: Okay.

24 INTERPRETER XXXXXX: Yeah.

1 MR. SMITH: Do you have your glasses
2 that you can get them or...

3 INTERPRETER XXXXXX: No. No. No.
4 I don't have them.

5 MR. SMITH: Oh, okay. All right.

6 BY MR. SMITH:

7 Q. Do you see -- does the witness see and
8 understand the first sentence that we've read
9 so far?

10 MR. HOFFMAN: Objection.

11 THE WITNESS: I don't understand.

12 BY MR. SMITH:

13 Q. He doesn't understand the first sentence?

14 MR. HOFFMAN: Objection.

15 THE WITNESS: I don't understand.

16 BY MR. SMITH:

17 Q. Were you ever told by anyone from the United
18 States government that you were being held as
19 an enemy combatant?

20 A. Never.

21 Q. Read on in the same paragraph, the next
22 sentence, it says: "Present the candidates to
23 the Detainee Review Board for low level enemy
24 combatant (LLEC) status."

1 Let me stop right there. Do you see
2 that?

3 A. I don't understand it.

4 Q. Okay. Were you ever told that you would
5 appear before the Detainee Review Board for
6 low level enemy combatant status?

7 A. Never.

8 Q. Did you ever appear before the Detainee Review
9 Board?

10 A. I don't understand.

11 Q. Did you ever appear before the Detainee Review
12 Board while you were held captive by the
13 United States government?

14 MR. HOFFMAN: Objection, but he can
15 answer.

16 THE WITNESS: No.

17 BY MR. SMITH:

18 Q. Turn, if you would, to Bates page last four
19 digits 1534 of Exhibit 1.

20 MR. HOFFMAN: It's two pages in.

21 BY MR. SMITH:

22 Q. Do you see where it says in paragraph 3:
23 "Suleiman Abdullah was captured," and then
24 there's a space, "Abdullah is a Tanzanian

1 national suspected of involvement in
2 Al-Qaeda's East Africa cell."

3 Let me stop right there.

4 A. (Translating.)

5 INTERPRETER XXXXXX: Sorry. Can you
6 just repeat that again?

7 MR. SMITH: Which part do you want
8 me to repeat?

9 INTERPRETER XXXXXX: Just after he
10 was captured.

11 BY MR. SMITH:

12 Q. "Abdullah is a Tanzanian national suspected of
13 involvement in Al-Qaeda's East Africa cell" is
14 what I read.

15 A. (Translating.)

16 Q. Did the United States government ever tell you
17 that you were suspected of involvement in
18 Al-Qaeda's East Africa cell?

19 MR. HOFFMAN: Objection. You can
20 answer.

21 THE WITNESS: They've never told me.

22 BY MR. SMITH:

23 Q. Reading on, it says: "Specifically as a
24 facilitator of Al-Qaeda's 1998 attacks against

1 the US embassies in Nairobi, Nairobi, Kenya,
2 and Dar es Salaam, Tanzania."

3 Do you see that?

4 MR. HOFFMAN: Is there a question?

5 MR. SMITH: The question is the
6 question that was asked, Mr. Hoffman. If you
7 don't remember it, you can --

8 MR. HOFFMAN: I don't.

9 MR. SMITH: -- ask the court
10 reporter to read it back.

11 MR. HOFFMAN: Okay. Could you read
12 it back. Thanks.

13 (Whereupon, the record was read back
14 by the court reporter as follows:

15 "Reading on, it says: 'Specifically
16 as a facilitator of Al-Qaeda's 1998
17 attacks against the US embassies in
18 Nairobi, Nairobi, Kenya, and
19 Dar es Salaam, Tanzania.'

20 "Do you see that?")

21 MR. HOFFMAN: Do you see that, okay.

22 (Translating.)

23 THE WITNESS: Are you telling me
24 that I was involved?

1 BY MR. SMITH:

2 Q. No. What I'm asking you is -- I'll ask the
3 question differently.

4 Were you ever asked by United States
5 government officials whether or not you were a
6 facilitator of Al-Qaeda's 1998 attacks against
7 US embassies in Nairobi, Kenya, and
8 Dar es Salaam, Tanzania? Did they ever ask
9 you that?

10 MR. HOFFMAN: Objection.

11 THE WITNESS: They never asked me.

12 BY MR. SMITH:

13 Q. Reading on in that same paragraph, it says:
14 "Abdullah denied having detailed prior
15 knowledge of the 1998 embassy attacks." Let
16 me stop right there.

17 A. (Translating.)

18 Q. Did you ever deny to United States government
19 officials that you had detailed prior
20 knowledge of the 1998 embassy attacks?

21 MR. HOFFMAN: Objection, but you can
22 answer.

23 THE WITNESS: Repeat, again, the
24 question.

1 BY MR. SMITH:

2 Q. Did you ever deny to United States government
3 officials that you had any detailed prior
4 knowledge of the 1998 embassy attacks?

5 MR. HOFFMAN: Objection. You can
6 answer.

7 THE WITNESS: They did not tell me
8 directly that I was involved.

9 BY MR. SMITH:

10 Q. I'm not asking that. I'm asking, did you ever
11 deny to the United States government officials
12 that you had any detailed prior knowledge of
13 the 1998 embassy attacks? Yes or no.

14 MR. HOFFMAN: Objection. You can
15 answer.

16 Is there an issue?

17 INTERPRETER KENDAGOR: I just wanted
18 to, maybe, use another phrase to -- to clarify
19 to him what the question was.

20 MR. SMITH: Samuel, let me ask, your
21 job, at least as I appreciate it, is to make
22 sure that the interpretation that xxxxxxxx is
23 giving, you believe, is an accurate one.

24 INTERPRETER KENDAGOR: No. She's

1 asking it correctly.

2 MR. SMITH: Okay.

3 INTERPRETER KENDAGOR: But --

4 MR. SMITH: Then, I think we

5 should --

6 INTERPRETER KENDAGOR: -- there were

7 some --

8 MR. SMITH: Yeah. I can't comment

9 on that, but my job is to make sure that she

10 asks the questions in what we all believe to

11 be an accurate translation.

12 I don't know if it's accurate or

13 not, but you do. If you have a problem with

14 it, raise your hand; if you don't, if she did

15 it accurately, then I want her to ask my

16 question exactly the way I asked it.

17 INTERPRETER KENDAGOR: Okay.

18 MR. SMITH: And if we need to go off

19 the record, I'm happy to do that, if there's

20 some better way to do this, but I don't want

21 there to be any translation in between so that

22 the question the witness is answering isn't

23 exactly the one that I asked him, if you

24 follow what I'm saying.

1 INTERPRETER KENDAGOR: Yes.

2 BY MR. SMITH:

3 Q. Okay. Now, having said all that, does the
4 witness remember the question?

5 A. I have never been asked any question regarding
6 my involvement with attack.

7 Q. Okay. So you never denied having detailed
8 knowledge of the 1998 embassy attacks to any
9 United States officials?

10 MR. HOFFMAN: Objection. You can
11 answer.

12 THE WITNESS: Reframe the question.

13 MR. SMITH: Well, let me have the
14 court reporter read it back.

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

17 BY MR. SMITH:

18 Q. Let me ask you, sir, what about that question
19 don't you understand?

20 A. Your question is you want to know if I've ever
21 denied involvement in the attack?

22 Q. No. If he ever denied having detailed prior
23 knowledge of the attacks in 1998 on the
24 embassy facilities mentioned in that

1 paragraph.

2 MR. HOFFMAN: Objection. You can
3 answer.

4 THE WITNESS: I refuse.

5 MR. SMITH: I'm sorry?

6 INTERPRETER XXXXXX: He said "I
7 refuse."

8 MR. SMITH: He refuses to answer the
9 question?

10 (Translating.)

11 THE WITNESS: So I answered the
12 question when you asked me if I was involved
13 in the attack of the embassy.

14 BY MR. SMITH:

15 Q. That wasn't my question. Mr. Salim, listen
16 very carefully to my question, please.

17 A. That's why I've asked twice.

18 Q. Okay. So listen carefully. This document
19 that was produced by the United States
20 government says that you denied having
21 detailed prior knowledge of the 1998 embassy
22 attacks.

23 A. (Translating.)

24 Q. Did you deny to American officials that you

1 had detailed prior knowledge of the 1998
2 embassy attacks, as it states in this
3 document?

4 MR. HOFFMAN: Objection. Objection.
5 You can answer.

6 THE WITNESS: Yes.

7 BY MR. SMITH:

8 Q. Okay. So you were questioned about whether or
9 not you had knowledge of the attacks in
10 Nairobi and in Dar es Salaam by US officials,
11 isn't that correct?

12 A. I don't remember that question.

13 Q. Reading on in this document produced by the
14 government, it says, quote: "But admitted
15 that he was aware of impending attacks."

16 Let me stop right there. Did you
17 admit to the United States government rep --
18 or to United States government representatives
19 that you were aware of impending attacks?

20 MR. HOFFMAN: Objection.

21 THE WITNESS: No.

22 BY MR. SMITH:

23 Q. What's his answer?

24 A. No.

1 Q. Okay. Reading on in the document produced by
2 the government, it says: "And admitted that
3 he was recruited as a facilitator by Al-Qaeda
4 operatives."

5 Let me stop right there.

6 INTERPRETER XXXXXX: I didn't get
7 that quite.

8 BY MR. SMITH:

9 Q. Sure. Reading on in this document produced by
10 the government, it says: "And admitted that
11 he was recruited as a facilitator by Al-Qaeda
12 operatives."

13 A. No.

14 Q. You never admitted that to the government, US
15 government?

16 MR. HOFFMAN: Objection.

17 THE WITNESS: No.

18 BY MR. SMITH:

19 Q. In this document, it says that he was -- or
20 that he "admitted that he was recruited as a
21 facilitator by Al-Qaeda operatives for his
22 local knowledge, language skills and
23 boat-driving ability."

24 Did you ever admit those things to

1 the United States government?

2 MR. HOFFMAN: Objection, but you

3 can --

4 THE WITNESS: No.

5 MR. HOFFMAN: No, okay.

6 BY MR. SMITH:

7 Q. You never admitted that?

8 A. No.

9 Q. Reading on in the next paragraph, it says,
10 paragraph 4: "Evidence: Custodial debriefing
11 sessions of Abdullah revealed the following
12 information."

13 INTERPRETER XXXXXX: Can you just
14 explain custodial?

15 MR. SMITH: I'm just reading from
16 the document. It says "custodial briefing
17 sessions." Custodial means you're in custody.

18 INTERPRETER XXXXXX: Oh.

19 (Translating.)

20 BY MR. SMITH:

21 Q. Do you have any memory of the custodial
22 interrogations, the questions that you were
23 asked and the answers that you gave, sir?

24 A. I remember some, but not all.

1 Q. Okay. Let me ask if he has a memory of
2 stating the following to US officials who
3 interrogated him.

4 A. Okay.

5 Q. Did you ever tell US officials, quote:
6 "Abdullah is a Tanzanian national born
7 September 24, 1971 in Unguja, Zanzibar"?

8 MR. HOFFMAN: Objection. You can
9 answer.

10 THE WITNESS: Yes.

11 BY MR. SMITH:

12 Q. Did you ever tell US officials when you were
13 in custody, quote: "He previously traveled on
14 Tanzanian Passport No. AI -- I'm sorry --
15 A0173854, issued 27 June 1997, which expired
16 26 June 2002." Let me stop right there.

17 (Translating.)

18 MR. SMITH: Oh, you can't see
19 without your glasses.

20 (Translating.)

21 THE WITNESS: I never told them.

22 BY MR. SMITH:

23 Q. Okay. Did you ever tell American officials
24 that you, quote: "First came to Kenya in 1993

1 and stayed in Mombasa with 1998 East African
2 embassy bombing fugitive Fahid Mohamed Ally
3 Msalam, with whom he trained in Afghanistan"?

4 MR. HOFFMAN: Objection, but you can
5 answer.

6 THE WITNESS: Repeat the question
7 again.

8 MR. SMITH: I'm going to have the
9 court reporter read it back.

10 (Whereupon, the record was read
11 back by the reporter as follows:
12 "Did you ever tell American
13 officials that you, quote: 'First
14 came to Kenya in 1993 and stayed in
15 Mombasa with 1998 East African
16 embassy bombing fugitive Fahid
17 Mohamed Ally Msalam, with whom he
18 trained in Afghanistan'")

19 MR. HOFFMAN: Objection, but you can
20 answer.

21 THE WITNESS: No.

22 BY MR. SMITH:

23 Q. Okay. Did you train in Afghanistan with Fahid
24 Mohamed Ally Msalam?

1 MR. HOFFMAN: Objection. You can
2 answer.

3 THE WITNESS: I went to Afghanistan,
4 but I want to tell you how I went.

5 BY MR. SMITH:

6 Q. I'm going to get to that, but my question is,
7 did you train in Afghanistan with Fahid
8 Mohamed Ally Msalam, as it says in this
9 government document?

10 MR. HOFFMAN: Same objection. You
11 can answer, if you can.

12 INTERPRETER XXXXXX: He never
13 trained with him.

14 BY MR. SMITH:

15 Q. Did you ever train in Afghanistan?

16 MR. HOFFMAN: Same objection.

17 THE WITNESS: Yes.

18 BY MR. SMITH:

19 Q. When did you train in Afghanistan?

20 A. I'm not sure, but it was between 1993 or 1994.

21 Q. And how long did you train in Afghanistan?

22 MR. HOFFMAN: Same objection. He
23 can answer.

24 THE WITNESS: I got trained only

1 once.

2 BY MR. SMITH:

3 Q. How long did you train in Afghanistan?

4 MR. HOFFMAN: Same objection. You
5 can answer.

6 THE WITNESS: Training or the whole
7 stay?

8 BY MR. SMITH:

9 Q. Mr. Salim, you testified that you trained in
10 Afghanistan. Do you recall that?

11 MR. HOFFMAN: Objection.

12 THE WITNESS: But I told you I got
13 trained one time.

14 BY MR. SMITH:

15 Q. Okay. But let's stay with my questions.

16 How long did you train in
17 Afghanistan?

18 INTERPRETER XXXXXX: How long did
19 you stay in Afghanistan?

20 MR. SMITH: Did you train in
21 Afghanistan.

22 MR. HOFFMAN: Objection, again.

23 THE WITNESS: One time.

24 BY MR. SMITH:

1 Q. For how long?

2 A. About six months.

3 Q. And that was in 1993 or 1994?

4 A. I'm not sure. It's around '93 or '94.

5 Q. Okay. How did you get to Afghanistan?

6 A. I left Tanzania, I went to India. From India,
7 I went to Pakistan. Then, from Pakistan, I
8 went to Afghanistan.

9 Q. Who paid for you to fly to -- or to travel to
10 Afghanistan?

11 A. Myself.

12 Q. Okay. And where did this training take place?

13 MR. HOFFMAN: Objection, again, but
14 you can answer.

15 THE WITNESS: Afghanistan.

16 BY MR. SMITH:

17 Q. Where in Afghanistan?

18 A. I don't know the place.

19 Q. Well, you traveled to the place, didn't you?

20 A. Yes.

21 Q. Did you travel by automobile, by plane? How
22 did you get to this place?

23 MR. HOFFMAN: Objection.

24 THE WITNESS: By car.

1 BY MR. SMITH:

2 Q. Who drove the car?

3 A. The driver.

4 Q. What was the driver's name?

5 A. I don't remember name.

6 Q. Okay. How did you come in contact with the
7 driver?

8 A. I don't know him.

9 Q. How did you come in contact with him to enable
10 you to get into his car?

11 A. It was a passenger car.

12 Q. Okay. How did you come in contact with this
13 driver such that he could take you to this
14 place?

15 A. I wasn't by myself, I was with other people.
16 We would go to take by public means and, then,
17 we go to where we were going.

18 Q. Who were the other people that you were with?

19 A. I don't know the other ones, I only know one.

20 Q. What's that person's name?

21 A. Al-Fani.

22 Q. And did these people travel with you from, I
23 guess, Zanzibar to Afghanistan?

24 MR. HOFFMAN: Objection.

1 THE WITNESS: One person came with
2 me from Dar es Salaam, but not Zanzibar.

3 BY MR. SMITH:

4 Q. From Jerusalem. Okay.

5 And you departed from where?

6 INTERPRETER XXXXXX: Dar es Salaam.

7 MR. HOFFMAN: Dar es Salaam.

8 MR. SMITH: I'm sorry?

9 MR. HOFFMAN: Dar es Salaam.

10 INTERPRETER XXXXXX: Dar es Salaam.

11 MR. SMITH: Oh, Dar es Salaam.

12 Thank you.

13 BY MR. SMITH:

14 Q. You departed from where to Afghanistan?

15 A. Dar es Salaam.

16 Q. Okay. Okay. Now, when you got to this
17 training facility, your testimony is you don't
18 know where it was located in Afghanistan?

19 MR. HOFFMAN: Objection. You can
20 answer.

21 THE WITNESS: I didn't know.

22 BY MR. SMITH:

23 Q. Okay. And you were there at this place for
24 six months?

1 A. Something like that, I think.

2 Q. Describe this place for me.

3 A. I remember a big place, a big hilly place.

4 Q. Where did you sleep?

5 A. We had -- we would sleep in the bushes
6 sometimes and sometimes in the -- in the
7 tents.

8 (Witness speaking.)

9 INTERPRETER XXXXXX: Oh, sorry.

10 Like the mosque. They would sleep on a
11 mosque, not bushes, mosques or tents.

12 BY MR. SMITH:

13 Q. And what were you training to do while you
14 were there?

15 A. The training was how to do -- how to exercise.
16 We were exercising, we were learning how to
17 shoot, and that's...

18 Q. I'm sorry?

19 INTERPRETER XXXXXX: He said
20 "that's." He was learning how to shoot and
21 just doing exercises.

22 BY MR. SMITH:

23 Q. Okay. Who sponsored this training?

24 MR. HOFFMAN: Objection. You can

1 answer.

2 THE WITNESS: I don't know him.

3 BY MR. SMITH:

4 Q. Well, was there an organization that sponsored
5 this training?

6 MR. HOFFMAN: Same objection. You
7 can answer.

8 THE WITNESS: I know it was a group.

9 BY MR. SMITH:

10 Q. What was the name of the group?

11 A. Harakati Ansari.

12 Q. Can you spell that, please.

13 A. H-A-R-A-K-A-T-I. Then, the other one is
14 A-N-S-A-R-I.

15 (Discussion between Interpreter
16 XXXXXX and witness.)

17 INTERPRETER XXXXXX: Oh, there's no
18 "I" at the end. It's just "R" at the end.

19 Q. Is that one person or two people?

20 A. What?

21 Q. Harakati Ansar, is that the name of a person
22 or a group?

23 A. Group.

24 Q. And what was the purpose of this group?

1 MR. HOFFMAN: Objection. You can
2 answer.

3 THE WITNESS: All I knew was that we
4 were going to fight Kashmir.

5 MR. HOFFMAN: There may be a
6 translation issue here.

7 INTERPRETER KENDAGOR: I think what
8 -- what...

9 (Translation discussion by
10 Interpreter Kendagor.)

11 INTERPRETER KENDAGOR: Yeah. What
12 he means is that that group was going to fight
13 in Kashmir, but he didn't know that the group
14 was going to fight in Kashmir.

15 COURT REPORTER: I'm having trouble
16 hearing you.

17 INTERPRETER XXXXXX: I did not hear
18 where he said he didn't know, so I don't know
19 where you got he didn't know --

20 INTERPRETER KENDAGOR: Okay. Maybe
21 explain --

22 INTERPRETER XXXXXX: -- but I heard
23 you asking if he knew.

24 MR. SMITH: Wait a minute. Wait a

1 minute. Wait a minute.

2 Samuel, let me just say that I don't
3 know Swahili. Okay. So I have my interpreter
4 here and my interpreter is under, I think, a
5 legal obligation as an interpreter to
6 translate exactly what I say and exactly what
7 the witness says.

8 And she's just -- whatever comes out
9 of my mouth, she needs to translate into
10 Swahili, and whatever comes out of the
11 witness's mouth, she needs to translate it
12 into English. That's her job. She's not to
13 interpret it, try to figure out what it means,
14 et cetera.

15 As I appreciate your job is to make
16 sure that her interpretation, you agree with
17 or disagree with, but it can't be to add
18 things that -- anything other than exactly
19 what came out of my mouth and exactly what
20 came out of the witness's mouth.

21 So if you have a concern, it has to
22 be because you disagree with exactly my
23 interpretation as through the interpreter or
24 exactly what the witness said as through the

1 interpretation of the interpreter.

2 Are you with me?

3 INTERPRETER KENDAGOR: Yes.

4 MR. SMITH: Okay.

5 INTERPRETER KENDAGOR: Yes, sir.

6 MR. SMITH: And so if my interpreter
7 says "the witness never said that," then you
8 can't -- I'm not saying that you are or you
9 aren't, it's just that it's not helpful to any
10 of us unless you say I disagree with the
11 interpretation because exactly what this
12 witness said in Swahili was not interpreted
13 into English.

14 Are you with me?

15 INTERPRETER KENDAGOR: The way I
16 understood is that what he was saying is not
17 exactly what she was --

18 MR. HOFFMAN: What she said.

19 MR. SMITH: Okay. And you're saying
20 that what -- madam interpreter, what you said,
21 your interpretation was exactly what the
22 witness said?

23 INTERPRETER XXXXXX: I interp --

24 INTERPRETER KENDAGOR: Maybe --

1 INTERPRETER XXXXXX: I interpreted

2 what --

3 INTERPRETER KENDAGOR: Maybe --

4 INTERPRETER XXXXXX: -- Mr. Salim

5 said.

6 MR. SMITH: I'm sorry. We can't

7 talk over each other.

8 INTERPRETER XXXXXX: I interpreted

9 what Mr. Salim said.

10 MR. SMITH: You interpreted what he

11 said. Okay.

12 Let's go back to the question and

13 the answer that was given.

14 INTERPRETER XXXXXX: Sure.

15 MR. SMITH: And let's see if we can

16 all agree what the witness said.

17 INTERPRETER XXXXXX: Yes.

18 MR. SMITH: Probably easier said

19 than done by the court reporter.

20 COURT REPORTER: It's going to take

21 a minute.

22 MR. SMITH: Take a minute.

23

24 (Whereupon, the record was read back

1 by the court reporter as follows:

2 "THE WITNESS: All I knew was that
3 we were going to fight Kashmir.")

4 INTERPRETER XXXXXX: You want me to
5 ask the question again?

6 MR. SMITH: No.

7 Are you saying that you disagree
8 with that?

9 INTERPRETER KENDAGOR: No. I -- I
10 -- I think what he -- what I heard him say, he
11 didn't say that we were going to fight the
12 Kashmir. He said that group was going to
13 fight the --

14 MR. SMITH: Let me see if I can
15 clean this up.

16 BY MR. SMITH:

17 Q. Mr. Salim, you were at a training camp
18 learning, among other things, how to shoot
19 weapons, right?

20 A. Yes.

21 Q. And those weapons were AK-47s, right?

22 A. Yes.

23 Q. And .9 millimeters, right?

24 A. I don't know.

1 Q. Okay. What were the other types of weapons
2 that you learned to shoot?

3 A. None.

4 Q. Just the AK-47s?

5 A. Yes.

6 Q. Were you also trained in hand-to-hand combat?

7 INTERPRETER XXXXXX: Hand-to-hand?

8 MR. SMITH: Hand-to-hand combat.

9 A. No.

10 Q. What else were you trained in by way of
11 warfare at this camp in addition to learning
12 how to shoot AK-47s?

13 A. None.

14 Q. Let's just jump to -- that's okay.

15 Why did you go to this camp?

16 A. I want to clarify something. I was using
17 illicit drugs. Fahidi -- Fahid told me that
18 the only way I can quit using drugs, I can go
19 to Afghanistan -- Pakistan and, then, I can
20 learn other ways and I will also learn some
21 Muslim prayers and that will help me to quit
22 drug, using drug.

23 Q. So you're saying you went to this camp where
24 you were trained on how to shoot an AK-47 so

1 that you could try to overcome your illicit
2 drug problem?

3 MR. HOFFMAN: Objection and you can
4 answer.

5 THE WITNESS: I'll say it again. He
6 told me that we were going to go to Pakistan
7 -- he told me I was going to Pakistan to get
8 some education. He didn't tell me I was going
9 to Afghanistan.

10 BY MR. SMITH:

11 Q. So why did you go to this camp to be trained
12 to shoot AK-47s?

13 MR. HOFFMAN: Objection. You can
14 answer.

15 THE WITNESS: When we arrived to
16 Pakistan, they told me that the school is not
17 there, it's in Afghanistan.

18 BY MR. SMITH:

19 Q. Okay. What was the school that you were
20 looking for in Pakistan?

21 A. He gave me somebody's name that, when I
22 arrived there, that would be the mosque and
23 that I was supposed to get my education at
24 that mosque.

1 Q. Who gave you this information?

2 A. Fahid.

3 Q. The same Fahid that we've been talking about
4 since we started your deposition?

5 A. Yes.

6 Q. So when you left Pakistan for Afghanistan, did
7 you know that you were going to be trained to
8 shoot an AK-47?

9 A. I did not know.

10 Q. So when you got there, why didn't you leave
11 when you found out?

12 A. When I told him, it was a lot of back and
13 forth fighting. I had no ticket to come back.
14 He told me to wait for the ticket.

15 Q. Let's go back to Exhibit No. 1. I'm directing
16 your attention to paragraph 4, item 6, where
17 it says, in this government document, quote:
18 "Abdullah had obtained a fake Kenyan
19 identification card which indicated that his
20 name was Issa Abdikadir Mohamed."

21 Do you see where it says that?

22 MR. HOFFMAN: There's no question.

23 BY MR. SMITH:

24 Q. The question is, do you see that?

1 MR. HOFFMAN: Do you see it.

2 THE WITNESS: I told you in the
3 beginning and the other -- the name was Issa.
4 It wasn't my I.D., identification card, it's
5 just something that I picked up.

6 BY MR. SMITH:

7 Q. Mr. Salim, did you ever tell an official from
8 the United States government, in connection
9 with an interrogation, that you had obtained a
10 fake Kenyan identification card which
11 indicated your name as Issa Abdikadir Mohamed?
12 Did you ever tell anyone that?

13 MR. HOFFMAN: Objection. You can
14 answer.

15 INTERPRETER XXXXXX: I just want to
16 clarify something. Did you ever tell Kenyan
17 or anybody?

18 MR. SMITH: Read the question back.
19 (Whereupon, the record was read back
20 by the court reporter as follows:
21 "Did you ever tell an official from
22 the United States government.")

23 INTERPRETER XXXXXX: Okay. Thank
24 you.

1 (Translating.)

2 MR. HOFFMAN: Objection. He can
3 answer.

4 THE WITNESS: I told them that I had
5 the identification card that was not mine and
6 I told them it was in the name "Issa." I
7 don't remember telling them the other names.

8 BY MR. SMITH:

9 Q. Did you tell them that it was a fake
10 identification card?

11 A. Yes.

12 Q. Okay. And is it your testimony that you don't
13 remember one way or the other if this fake
14 identification card bore the name "Issa
15 Abdikadir Mohamed"?

16 A. I remember Issa, but I'm not sure -- I can't
17 remember if I said the other names.

18 Q. Okay. And why did you have this fake
19 identification card?

20 MR. HOFFMAN: Objection. You can
21 answer, again, if you want.

22 THE WITNESS: I said before that
23 this identification card, I just picked it.
24 It was just something that I picked. And, in

1 Kenya, people had trouble that they don't have
2 identification card.

3 BY MR. SMITH:

4 Q. So are you saying that you had a fake
5 identification card to stay out of trouble
6 with Kenyan officials?

7 MR. HOFFMAN: Objection. You can
8 answer.

9 THE WITNESS: It wasn't fake
10 identification, it was just -- it was a real
11 identification, it's just that it wasn't mine.

12 BY MR. SMITH:

13 Q. Well, did you hold yourself out through that
14 identification card as being a person named
15 "Issa"? I'll stop right there.

16 MR. HOFFMAN: Objection.

17 THE WITNESS: No.

18 BY MR. SMITH:

19 Q. Well, what was the purpose of having the card,
20 then?

21 MR. HOFFMAN: Objection.

22 THE WITNESS: Only when I -- if I'm
23 stopped by the police, then I can show the
24 identification card.

1 BY MR. SMITH:

2 Q. So it was your intention if you were stopped
3 by the Kenyan police to show them this fake
4 identification, is that right?

5 A. Yes.

6 Q. And when you were taken into custody by the
7 Kenyan intelligence police officers, did you
8 show them the fake identification?

9 A. Ever since I left the boat, I never used -- I
10 never used that identification card. I did
11 have it.

12 Q. Why did you tell the American officials who
13 were interrogating you about this fake
14 identification?

15 A. They asked me why I was also called Issa.

16 Q. Okay. Now, turn, if you would, to paragraph
17 4D. I'm looking at the second sentence. And
18 my question is, did you ever tell American
19 officials during interrogation that you "and
20 other compatriots proceeded to Karachi,
21 Pakistan, and were received by Al-Qaeda leader
22 Mufti Iqbal"?

23 Let's stop right there. Did you
24 ever tell government officials that?

1 A. I've never said that.

2 Q. Do you know who Mufti Iqbal is?

3 A. Yes.

4 Q. Who is he?

5 A. That is -- he was at the mosque where I
6 arrived to.

7 Q. In Pakistan?

8 A. Yes.

9 Q. Had you ever met him before you met him at the
10 mosque in Pakistan?

11 A. No.

12 Q. Okay. Did you ever tell American officials,
13 as it appears in Exhibit No. 1, that Iqbal
14 took you and the others to Harakati Ansar
15 terrorist training camp in Afghanistan?

16 MR. HOFFMAN: Objection. You can
17 answer.

18 THE WITNESS: No.

19 BY MR. SMITH:

20 Q. Did Iqbal take you to Harakati Ansar camp?

21 A. No.

22 Q. Who took you?

23 A. We went with other people.

24 Q. Yeah. Who -- who were the people?

1 A. I already told you that I only knew one.

2 Q. Okay. Well, sometimes when you look at a
3 document, it helps refresh your recollection.

4 MR. HOFFMAN: There's no question.

5 BY MR. SMITH:

6 Q. Do you know who Fazul Rahman is?

7 A. I remember him.

8 Q. Who is Fazul Rahman?

9 A. It was -- he was like the owner of Harakati
10 Ansar.

11 Q. And do you know a person named Abu Walid?

12 A. No.

13 Q. Did you ever tell American officials in
14 connection with an interrogation, or
15 questioning, rather, that the Harkati Ansar
16 camp was run by Pakistani national Fazul
17 Rahman?

18 A. Yes.

19 Q. Reading on in the document marked as
20 Exhibit 1, it states, quote: "In Afghanistan,
21 Abdullah received six months of training on
22 assault rifles, explosives and fighting
23 techniques."

24 Did you ever tell American officials

1 that?

2 A. No, I did not.

3 Q. Did you tell them that you -- or tell American
4 officials that you received six months of
5 training on assault rifles?

6 A. I told them it was six month training, but I
7 only use the -- there for one time.

8 Q. One time. Did you ever tell American
9 officials that while you were at this camp,
10 you were trained for using explosives?

11 A. No.

12 Q. Did you ever receive training to use
13 explosives?

14 A. No.

15 Q. Were you -- did you ever tell American
16 officials that you received training at this
17 camp for fighting techniques?

18 A. No.

19 Q. Did you ever tell American officials that
20 while you were at this camp, there were
21 approximately 600 other trainees at the camp?

22 A. I remember something like that.

23 Q. Tell me what you remember.

24 A. There were a lot of people at the camp.

1 Q. What did you tell the government officials
2 when you were interviewed about this?

3 MR. HOFFMAN: Objection. You can
4 answer.

5 THE WITNESS: They asked me "there
6 was many people there?" And I said "yes."

7 BY MR. SMITH:

8 Q. Did they ask how many people?

9 A. Yes.

10 Q. What was his answer?

11 A. I remember I said "a lot of people," but I've
12 forgotten what I told -- the number that I
13 told them.

14 Q. Turn, if you would, to paragraph H in
15 Exhibit 1. Were you shown a photograph during
16 this interview or interrogation of an Afghani
17 national who was taking photographs of the
18 Paradise Hotel three months prior to the 28
19 November 2002 bombing?

20 A. No.

21 MR. HOFFMAN: Whenever you reach a
22 stopping point soon, we could take a break.

23 BY MR. SMITH:

24 Q. Turn, if you would, to the next page, sir.

1 Paragraph No. 5 says, quote: "Outcome:
2 Bagram/Gitmo, detain as a low level enemy
3 combatant."

4 Were you ever told you were being
5 detained as a low level enemy combatant?

6 MR. HOFFMAN: Objection. Asked and
7 answered.

8 THE WITNESS: Never.

9 BY MR. SMITH:

10 Q. And you would remember that if you were told?

11 A. I would have remembered that.

12 Q. Your testimony is that while you were at this
13 camp, you were training with some 600 other
14 people, is that right?

15 MR. HOFFMAN: Objection. You can
16 answer.

17 THE WITNESS: I didn't go there to
18 train. I found those people there. It's not
19 that I came with them there.

20 BY MR. SMITH:

21 Q. Did you train with 600 other people while you
22 were at this camp?

23 A. No. They come and go. It's not that we are
24 there all the time, all of us.

1 Q. How many people were there while you were
2 there?

3 A. I don't know.

4 Q. Was it more than a hundred?

5 A. I can't know.

6 Q. Okay. And your testimony is that you either
7 slept in a mosque or you slept outside?

8 MR. HOFFMAN: Objection.

9 THE WITNESS: In a mosque or tent.

10 BY MR. SMITH:

11 Q. In a tent, okay.

12 And who fed you?

13 A. We were being fed by the people there.

14 Q. Who paid for the food?

15 A. I don't know.

16 Q. Did you receive any form of compensation for
17 this training?

18 A. No.

19 Q. So how were you able to pay your bills while
20 you were off at this camp for six months?

21 MR. HOFFMAN: Objection. You can
22 answer.

23 THE WITNESS: There are no bills.

24 BY MR. SMITH:

1 Q. So you had no expenses in your life at this
2 time?

3 MR. HOFFMAN: Objection. You can
4 answer.

5 THE WITNESS: No.

6 BY MR. SMITH:

7 Q. Who paid for your clothing?

8 MR. HOFFMAN: Objection.

9 THE WITNESS: The same clothes that
10 I came with.

11 BY MR. SMITH:

12 Q. I see.

13 And did you have any understanding
14 of who was paying for the food that was going
15 to all the trainees?

16 A. I don't know.

17 Q. And why did the training end after six months?

18 MR. HOFFMAN: Objection. You can
19 answer.

20 THE WITNESS: I -- I did not train
21 for six months, but I stayed there for six
22 months.

23 BY MR. SMITH:

24 Q. How long did you train?

1 A. One time.

2 Q. What does that mean, for one day?

3 A. Yes.

4 Q. And then did you refuse to train thereafter?

5 A. I refused.

6 Q. And how did you get out of the camp?

7 A. There's a car that came and took me, then I
8 went to -- I got the plane and then I went to
9 Tanzania.

10 Q. Who paid for the car?

11 A. Fahid.

12 Q. Who paid for the plane?

13 A. Fahid.

14 Q. Why did you refuse to train after one day?

15 A. I didn't want to stay there. Fahid kept on
16 telling me to keep on staying there, but after
17 training that one day, I didn't want to do it.

18 Q. And how were you in communication with Fahid?

19 A. Where?

20 Q. While you were at the camp.

21 A. Sometimes I would see him sometimes at the
22 mosque, sometimes we were not seeing each
23 other.

24 Q. So he was at the camp, too?

1 A. Yes.

2 Q. And did you arrive together at the camp?

3 A. No.

4 Q. Was he there before you?

5 A. Yes.

6 Q. How much before you did he arrive?

7 MR. HOFFMAN: Objection. You can
8 answer.

9 THE WITNESS: I don't know.

10 BY MR. SMITH:

11 Q. And did he train during the period of time
12 that you were at the camp?

13 MR. HOFFMAN: Objection.

14 THE WITNESS: I never saw him.

15 BY MR. SMITH:

16 Q. You have no understanding if he was getting
17 trained to shoot weapons and learn how to deal
18 with explosives while you were at the camp?

19 MR. HOFFMAN: Objection. You can
20 answer.

21 THE WITNESS: I don't know.

22 BY MR. SMITH:

23 Q. Did you ever ask him at any time thereafter
24 about his training?

1 A. No.

2 Q. Never discussed it with him?

3 A. Never.

4 Q. And when you left the camp, you returned to
5 Tanzania?

6 A. Yes.

7 Q. To do what?

8 A. That's my home.

9 Q. Okay. What did you do there?

10 A. I did not have any job. I was just sitting at
11 my friend's store.

12 Q. Friend's?

13 INTERPRETER XXXXXX: The friend had
14 a store so he would just sit at the store.

15 Q. Okay. And how long did you sit at the store
16 in Tanzania before you got a job?

17 A. Not too long.

18 Q. And did you ever have any other training other
19 than what you've told me about so far?

20 MR. HOFFMAN: Objection. You can
21 answer.

22 THE WITNESS: Never.

23 BY MR. SMITH:

24 Q. Mr. Salim, what is your understanding of

1 Al-Qaeda?

2 A. I don't -- I don't understand anything.

3 Q. Your testimony is that you have no
4 understanding of Al-Qaeda, is that correct?

5 MR. HOFFMAN: Objection. You can
6 answer.

7 THE WITNESS: Like what?

8 BY MR. SMITH:

9 Q. Like your understanding.

10 MR. HOFFMAN: Objection. You can
11 answer.

12 THE WITNESS: I know they are bad
13 people. They bomb. That's what I understand.

14 BY MR. SMITH:

15 Q. Do you understand that it's a group that is
16 committed to trying to do injury to the United
17 States?

18 A. That one, I don't understand.

19 Q. You don't. Do you know anyone that's
20 affiliated with Al-Qaeda?

21 A. I don't know.

22 Q. Did you ever?

23 A. No.

24 Q. Did you ever admit to US officials that you

1 knew two Al-Qaeda operatives in Mogadishu?

2 MR. HOFFMAN: Objection. You can
3 answer.

4 THE WITNESS: No.

5 BY MR. SMITH:

6 Q. Mr. Salim, have you reviewed any of the
7 documents that have been turned over by the
8 United States government in connection with
9 this case?

10 A. I have not.

11 Q. Are you aware that there are documents that
12 have been produced in this case that indicate
13 that you had direct or indirect links to
14 members of Al-Qaeda?

15 MR. HOFFMAN: I'll object to that
16 question to the extent that it asks him to
17 respond based on attorney/client
18 communications. So you can only answer that
19 question if you have information other than
20 what you got from your lawyers.

21 THE WITNESS: I don't know.

22 MR. SMITH: Okay. So your lawyer
23 has requested that we take a break, so why
24 don't we take a break. It's about 11 minutes

1 till three. What time would you like to
2 resume?

3 MR. HOFFMAN: Just 10 minutes or 15
4 minutes.

5 MR. SMITH: Okay.

6 VIDEOGRAPHER: The time is 2:49.
7 We're off record.

8 (Brief pause.)

9 VIDEOGRAPHER: Back on the record.
10 The time is 3:02.

11 BY MR. SMITH:

12 Q. Mr. Salim, are you ready to go forward?

13 A. Fine.

14 (The following portion has been deemed
15 confidential and bound under separate cover)

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(Non-confidential testimony resumes.)

24

Q. I want to direct your attention, sir, back to

1 the period of time that you were taken to what
2 you refer to as darkness.

3 A. Okay.

4 Q. You were held there, at this facility that you
5 call darkness, for approximately two months?

6 INTERPRETER XXXXXX: I'm sorry. I
7 translated years instead of months. I'm
8 sorry.

9 (Translating.)

10 A. Yeah. Yes. I'm not very sure, but it was
11 around two months.

12 Q. Okay. Now, during that period of time, who
13 controlled this facility that you refer to as
14 darkness?

15 MR. HOFFMAN: Objection. You can
16 answer.

17 THE WITNESS: Americans.

18 BY MR. SMITH:

19 Q. Okay. And what's the basis for you to make
20 that statement?

21 A. They told me.

22 Q. Okay. So the people who you communicated with
23 said that they were Americans?

24 A. Yes.

1 Q. And did they tell you whether or not they were
2 -- these Americans were affiliated with the
3 United States government?

4 A. No, they didn't tell me.

5 Q. Did you have any understanding of whether or
6 not these Americans who ran this facility that
7 you call darkness were affiliated with the
8 United States government?

9 A. Yes.

10 MR. SMITH: Could you read back the
11 question, madam court reporter.

12 (Whereupon, the last question was
13 read back by the court reporter.)

14 BY MR. SMITH:

15 Q. What was your understanding?

16 INTERPRETER XXXXXX: He's just
17 asking that I repeat the whole question.

18 MR. SMITH: Sure.

19 INTERPRETER XXXXXX: Okay. Let me
20 read.

21 (Translating.)

22 THE WITNESS: I knew them as CIAs.

23 BY MR. SMITH:

24 Q. And what was the basis for your belief that

1 they were CIA agents?

2 A. They told me.

3 Q. Did any of them tell you their names?

4 A. No.

5 Q. Now, during the period of time that you were
6 held at this facility called darkness, were
7 you interrogated by the CIA agents?

8 A. Yes.

9 Q. And do you have any memory of those
10 interrogations?

11 A. Questions like where are you from, where were
12 you born, things like that.

13 Q. Anything else that you remember?

14 A. I don't remember.

15 Q. How many times do you think you were
16 interrogated during the period of time that
17 you were held at the facility that you call
18 darkness?

19 A. I cannot recall how many times, but it was
20 almost for two months.

21 Q. Almost for two months?

22 A. All the days that I was in there, they
23 interrogated me.

24 Q. So your memory is every day or almost every

1 day, you were interrogated?

2 A. It was almost every day.

3 Q. Okay. And can you describe for me what would
4 happen during these interrogations?

5 MR. HOFFMAN: Objection, but you can
6 answer.

7 THE WITNESS: How?

8 BY MR. SMITH:

9 Q. Well, you were taken into a room, I take it,
10 right?

11 MR. HOFFMAN: Objection. You can
12 answer.

13 THE WITNESS: Which room?

14 BY MR. SMITH:

15 Q. When you were in darkness, were you kept in a
16 cell?

17 A. Like a room.

18 Q. Okay. Were other people kept in the room,
19 too, or were you kept there alone?

20 A. Myself.

21 Q. Okay. And when these CIA people would come to
22 interrogate you, did they interrogate you in
23 that room or in another room?

24 MR. HOFFMAN: Objection. You can

1 answer.

2 THE WITNESS: Another room.

3 BY MR. SMITH:

4 Q. Okay. So they would escort you into another
5 room?

6 A. Yes.

7 Q. Do you know what the room looked like?

8 A. I can remember one, it was just a big place
9 like this.

10 Q. Okay. And were there lights, no lights?

11 MR. HOFFMAN: Objection. You can
12 answer.

13 THE WITNESS: Not too much light.

14 BY MR. SMITH:

15 Q. Okay. And how many people would be in there
16 in addition to yourself?

17 A. I don't understand.

18 Q. Well, you would go into this room to be
19 interrogated, how many people in addition to
20 yourself were in the room?

21 MR. HOFFMAN: Objection. You can
22 answer.

23 THE WITNESS: There were a lot of
24 people.

1 BY MR. SMITH:

2 Q. A lot of people.

3 A. Sometimes just one person.

4 Q. Okay. So it would depend upon which day it
5 was?

6 A. Yeah, it depends.

7 Q. Okay. So can you describe for me, when you
8 were taken into the room, what occurred during
9 the interrogation?

10 MR. HOFFMAN: Objection. You can
11 answer.

12 THE WITNESS: So many things
13 happened, so I don't know where to start.

14 BY MR. SMITH:

15 Q. Okay. So tell me what your best recollection
16 is. And if different things happened on
17 different days, then just describe for me what
18 you remember on any given day.

19 MR. HOFFMAN: Objection. You can
20 answer.

21 THE WITNESS: I remember being put
22 in a box. I remember being hanged.

23 (Gesturing.)

24 I remember being naked and a big

1 light -- they put a light on my face.

2 I remember being put on the ground
3 in a plastic bag and water is being poured on
4 me. And there was a plastic jug, plastic
5 water jug being put -- they were knocking my
6 rectal area with it.

7 I remember being put on a table and,
8 then, I was tied around while being taken
9 around.

10 I remember there were two boxes,
11 they were -- there's one that was being put on
12 the ground and there was one that was also
13 standing position.

14 I remember being tied on the wall,
15 handcuffed to the wall. I couldn't go up or
16 come down. I also remember being handcuffed
17 and naked in the room with not any clothes on.

18 I remember being put on something
19 like a hospital bed, my -- my hands tied to
20 both sides of bed. They put something like an
21 injection on me and I lost my conscious.

22 I remember, also, them putting a
23 cloth around -- tying a cloth around my neck
24 and, then, they were punching me on the wall,

1 punching.

2 At the present time, I can't recall
3 anything; if I do, I will let you know.

4 BY MR. SMITH:

5 Q. Okay. Now, what you just described, did these
6 occur in the interrogation room or in the cell
7 that you were being detained or both?

8 MR. HOFFMAN: Objection, but you can
9 answer.

10 THE WITNESS: Being tied on the wall
11 was at the dark room, the room where I was
12 staying. The other ones, it was different
13 places, but the same place, another room.

14 BY MR. SMITH:

15 Q. Where the interrogations took place?

16 A. They were doing it in different rooms. At the
17 interrogation place was where they were
18 putting lights on my face.

19 Q. Okay. And where did these other things happen
20 to you, sir?

21 A. Different rooms.

22 Q. How many times were you injected?

23 A. I can't remember whether it was once or twice.

24 Q. And when you recovered, when you regained your

1 consciousness, did you suffer any effects from
2 the injection?

3 A. I can't remember.

4 Q. And did you ever learn what you were injected
5 with?

6 A. No.

7 Q. How many times were you put on plastic and
8 water was poured on you?

9 A. Can't remember.

10 Q. Was it more than once?

11 A. Yes.

12 Q. Okay. But you just don't know beyond that?

13 A. Yes.

14 Q. Okay. And did you suffer any injuries from
15 being put on the ground in this plastic and
16 this water poured on you?

17 A. Yes.

18 Q. What injuries did you suffer?

19 A. My chest was -- my chest, my heart was beating
20 so fast, my jaws were shaking, and that was
21 causing a lot of pain.

22 Q. Okay.

23 A. My -- I had -- I already had a fracture on my
24 finger, but because of the torture that they

1 were doing, it made it more painful.

2 Q. Did you suffer any long-term injuries as a
3 result of being put in this plastic with water
4 poured on you?

5 A. I don't know.

6 Q. Did you suffer any injuries as a result of the
7 injections?

8 A. I don't know.

9 Q. Sir, you said that you were put on a table and
10 tied to a table and spun around. Do you
11 remember that?

12 A. Yes.

13 Q. How many times did that happen?

14 A. Just one time.

15 Q. Okay.

16 A. But it was just for a little time.

17 Q. Okay.

18 A. For a short time.

19 Q. And did you suffer any injuries as a result of
20 that?

21 A. Yes.

22 Q. What injuries did you suffer?

23 A. Dizziness.

24 Q. Okay. And did you suffer any long-term

1 injuries as a result of that dizziness?

2 A. Yes.

3 Q. What are the long-term injuries?

4 A. I still have dizziness.

5 Q. And what is the basis for you to believe that
6 your dizziness, presently, is as a result of
7 being spun on that table?

8 A. Because they had tortured me a lot, I was very
9 weak and I had no strength. I could not -- I
10 didn't have any strength. I did not eat
11 anything. And ever since that happened, I've
12 been experiencing the dizziness.

13 Q. Tell me about the dizziness.

14 A. Like what?

15 Q. Were you dizzy today?

16 A. No.

17 Q. When is the last time you experienced a dizzy
18 event?

19 A. I can't remember.

20 Q. Now, you said that you were put in a box. Do
21 you remember that?

22 A. Yes.

23 Q. And as I appreciate what you said, sir, one
24 box was vertical and one box was horizontal,

1 is that right?

2 A. Yes.

3 Q. How many times were you put in a box and laid
4 in the box horizontally?

5 INTERPRETER XXXXXX: Horizontal is
6 this? (Gesturing.)

7 MR. SMITH: Horizontal would be that
8 way, yeah.

9 A. I can't remember.

10 Q. Was it more than once?

11 A. I can't remember.

12 Q. How many times were you put in a box where you
13 stood up vertically?

14 A. I can't remember.

15 Q. How long did you stay in the box where you
16 were put in vertically?

17 A. I'm just thinking that it was about 30
18 minutes.

19 Q. And how long did you stay in the box when you
20 were in a horizontal position?

21 A. It was a little more, but I can't remember.

22 Q. Less than an hour?

23 A. At times, they would put me there, then they'd
24 go and beat me, and then they'd come and put

1 me there and sometimes they just leave me
2 there.

3 Q. So you're saying that the CIA agents beat you,
4 as well?

5 A. When they were interrogating me, I don't know
6 if they are the one that were interrogating me
7 or not.

8 Q. Who beat you?

9 A. Somebody.

10 Q. Was it an American?

11 A. Yes.

12 Q. Okay. Was it a CIA agent?

13 A. I don't know.

14 Q. How many times were you beaten?

15 A. Ever since I was there, it was totally.

16 Q. But I'm trying to understand in greater
17 detail. We're on your -- the period that you
18 were in this what you call darkness for two
19 months. Are you with me?

20 A. Yes.

21 Q. And is it your testimony that you were beaten
22 on a daily basis?

23 A. Not every day.

24 Q. Okay. But, periodically, you were beaten by

1 whoever these people were?

2 MR. HOFFMAN: Objection, but you can
3 answer.

4 THE WITNESS: Yes.

5 BY MR. SMITH:

6 Q. Okay. Can you describe for me what you
7 endured in these beatings?

8 A. I already told you.

9 Q. I don't think you did.

10 A. I told you that they tied a cloth on my neck
11 and they were punching me.

12 Q. Okay.

13 A. They were putting me down and -- they were
14 putting me down and kicking me.

15 Q. Okay. And you don't remember how many times
16 this happened while you were in darkness?

17 MR. HOFFMAN: Objection. You can
18 answer.

19 THE WITNESS: I don't remember.

20 BY MR. SMITH:

21 Q. And where did they punch you?

22 MR. HOFFMAN: Objection.

23 (Witness gesturing.)

24 BY MR. SMITH:

1 Q. In the chest?

2 A. (Gesturing.)

3 MR. HOFFMAN: He's pointing at the
4 stomach.

5 BY MR. SMITH:

6 Q. Where did they kick you, sir?

7 A. Tummy.

8 Q. Okay. Same place that they punched you?

9 A. The kicking was more on the lower abdomen.

10 Q. Okay. All right. Now, you also said that
11 during this period you were hanged.

12 Do you remember that?

13 A. Yes.

14 Q. Was that in your cell?

15 A. No.

16 Q. It was in the interrogation room?

17 A. No.

18 Q. Where were you hanged?

19 A. Another room.

20 Q. Okay. And can you describe for me how you
21 were hanged?

22 A. (Gesturing.) There was like a pipe up there,
23 then I was handcuffed, and then it was tied
24 there and I was standing.

1 Q. Okay. And how long -- strike that.

2 How many times were you hanged like
3 that by the pipe?

4 A. I can't remember.

5 Q. Okay. Was it more than once?

6 A. Yes.

7 Q. Okay. And what happened to you while you were
8 hanging by the pipe?

9 A. A lot of pain in my arms, a lot of pains in my
10 back and around my waist.

11 Q. And did anyone beat you while you were hanging
12 from that pipe?

13 A. I can't remember.

14 Q. Okay. And did you suffer any permanent damage
15 as a result of being hanged by that pipe,
16 permanent injury?

17 A. Yes.

18 Q. Can you describe for me what the injuries are?

19 A. My back. My waist.

20 Q. Now, you said that you were also tied to a
21 wall. Do you remember that?

22 A. Yes.

23 Q. Was this a wall in your cell where you were
24 kept or some other place?

1 A. The cell where I was kept.

2 Q. Okay. And can you describe for me how you
3 were shackled or tied to the wall?

4 A. So this is the wall. (Gesturing.)

5 Q. Yes.

6 A. There's something tied to it, like a ring.

7 Q. Yes.

8 A. My hand is handcuffed.

9 Q. Yes.

10 A. They come and tie it to that ring.

11 (Gesturing.) It's something that would not
12 let me sit down or cannot let me stand.

13 Q. How many times, while you were in this
14 facility that you call darkness, were you tied
15 to the wall like that?

16 A. I can't recall how many times.

17 Q. Did you suffer any injuries as a result of it?

18 A. Yes.

19 Q. Can you tell me what those injuries are?

20 A. My waist. My -- the pain in my fingers
21 intensified.

22 Q. Anything else?

23 A. I can't remember.

24 Q. Do you presently have any injuries to your

1 waist as a result of being tied to the wall,
2 as you described?

3 A. Yes.

4 Q. And what are those injuries?

5 A. It's painful.

6 Q. Can you describe for me the pain?

7 A. I can't describe how painful it was.

8 Q. Do you presently experience the pain?

9 A. Yes.

10 Q. Can you describe for me the pain that you feel
11 presently?

12 A. Maybe I need to tie you here so that -- for
13 one hour so you can feel the pain, if you want
14 to know the pain.

15 MR. HOFFMAN: Can we take a break?

16 MR. SMITH: We can take a break.

17 VIDEOGRAPHER: The time is 3:45.

18 We're off the record.

19 (Brief pause.)

20 VIDEOGRAPHER: We're back on the
21 record. The time is 4:01.

22 BY MR. SMITH:

23 Q. Mr. Salim, are you able to go forward?

24 A. I'm fine.

1 Q. Okay. And as I said to you off the record,
2 sir, I don't mean to be insensitive and I hope
3 you understand I have a job to do.

4 And if you find yourself moving to a
5 point where you want to take a break, just
6 wave your hands or tell me, we'll go off the
7 record and we'll figure out how to avoid these
8 moments for you, if we can. All right?

9 A. Fine.

10 Q. Okay. Now, Mr. Salim, before we went off the
11 record, I was trying to understand if you have
12 any present injuries as a result of being
13 shackled to the wall, as you describe.

14 A. Yes.

15 Q. Okay. Can you describe for me what the
16 present injuries are?

17 A. I feel like we should not go too much into
18 that because it's going to remind me of other
19 things.

20 Q. Okay. So why don't we see if there's a time
21 later today or tomorrow that we can pick that
22 up.

23 A. That is good.

24 Q. Okay. Mr. Salim, the other matter that you

1 described during the period of time that you
2 were at darkness was that you were brought
3 into an interrogation facility naked and a
4 light was shined in your face while you were
5 asked questions.

6 Do you remember you told me about
7 that?

8 A. Yes.

9 Q. How many times did that happen?

10 A. The one with the light was once.

11 Q. And did you sustain any injuries as a result
12 of that?

13 A. I have eye problem.

14 Q. Okay. And did anyone ever tell you that the
15 eye problem that you have is related to that
16 event that occurred to you that you described
17 in darkness?

18 A. Nobody.

19 Q. Okay. Did you ever seek treatment from a
20 doctor for this eye problem?

21 A. Yes.

22 Q. And did the doctor tell you what exactly your
23 problem is with your eyes?

24 A. I did not know English that very well, but I

1 remember they gave me the eyeglasses in
2 Bagram.

3 Q. And do you have any memory of a doctor telling
4 you what exactly your problem was with your
5 eye?

6 Is it one eye or both eyes, by the
7 way?

8 A. Both.

9 Q. And do you remember what the doctor telling
10 you the problem was with both eyes?

11 A. I don't remember.

12 Q. Okay. Do you presently wear eyeglasses?

13 A. I don't.

14 Q. Why did you stop wearing them?

15 A. I don't want to.

16 Q. Why not?

17 A. I don't want to.

18 Q. Is it because you don't like them on your
19 face? What's the reason why you don't want to
20 wear them?

21 A. I just think it will make the problem, it will
22 worsen the problem.

23 Q. Did anyone tell you that wearing eyeglasses
24 would worsen the problem with your eyes?

1 A. Nobody.

2 Q. Okay. Now, have you told me about all of the
3 things that happened to you while you were in
4 custody at this place that you call darkness
5 for approximately two months?

6 MR. HOFFMAN: Objection, but you can
7 answer.

8 THE WITNESS: Yes.

9 BY MR. SMITH:

10 Q. Now, do you know a man named Dr. James
11 Mitchell?

12 A. I don't know him.

13 Q. Have you ever heard that name before?

14 A. I don't remember.

15 Q. Do you know a man named Dr. Bruce Jessen?

16 A. I don't know him.

17 Q. Had you ever heard that name before today?

18 A. I don't remember.

19 Q. Did anyone ever tell you, in words or
20 substance, that Dr. Mitchell or Dr. Jessen had
21 anything to do or were in any way responsible
22 for the conditions and the circumstances that
23 you confronted while you were being held in
24 custody in the facility that you identified as

1 darkness?

2 MR. HOFFMAN: I'm going to instruct
3 him not to answer on the grounds that it
4 invades the attorney/client privilege.

5 (Translating.)

6 THE WITNESS: I didn't understand
7 what Mister --

8 MR. HOFFMAN: You don't -- you don't
9 have to answer.

10 BY MR. SMITH:

11 Q. Turn, if you would, to exhibit marked as
12 Exhibit 8. I'm going to ask you if you would
13 turn to paragraph 74 of the complaint that was
14 filed in this action.

15 A. Fine.

16 Q. Do you have 74 before you? I think you
17 want...

18 INTERPRETER XXXXXX: Oh.

19 Q. Mr. Salim, in paragraph 74 of the complaint
20 that you brought in this matter, the first
21 sentence states as follows, quote: "During
22 Mr. Salim's custody by the CIA, he was
23 experimented upon and subjected to a regimen
24 of torture and cruel, inhuman, and degrading

1 treatment in accordance with the phased
2 torture program that defendant's Mitchell and
3 Jessen designed, supervised and implemented."

4 Can you tell me what the factual
5 basis is for that allegation?

6 MR. HOFFMAN: I will object to that
7 and instruct him not to answer on the grounds
8 that he can only answer that by revealing
9 attorney/client communications.

10 MR. SMITH: Well, then, he should
11 reveal it because this goes to the heart of
12 your claim and this is factual information
13 that we're entitled to.

14 MR. HOFFMAN: Not from him, on this.
15 You want to ask him facts, you can ask him
16 facts.

17 MR. SMITH: I'm asking him what the
18 factual basis is for him to sue my clients
19 claiming that they designed, supervised and
20 implemented a phased torture program.

21 What facts does he have?

22 MR. HOFFMAN: I instruct him not to
23 answer. Go on.

24 MR. SMITH: I'm telling you right

1 now, I'm going to move for sanctions unless
2 you withdraw that instruction, because the law
3 is clear, to the extent that there are factual
4 allegations, even if they come from a lawyer,
5 I'm allowed to know them.

6 And I traveled I don't know how many
7 thousand miles to get this witness because
8 this was the only place we could get to take
9 his deposition. So I'm asking you,
10 Mr. Hoffman, to reconsider that.

11 Let's take a break for two minutes.
12 If you want me to get you authority to show
13 you I have a right to know it, I will.

14 MR. HOFFMAN: Yeah. Get me
15 authority. That'll be good.

16 MR. SMITH: And you get me authority
17 to tell me that you have a basis to instruct
18 him not to answer a factual basis for an
19 allegation in a complaint.

20 MR. HOFFMAN: Okay.

21 MR. SMITH: Okay. Let's go off the
22 record for a second.

23 VIDEOGRAPHER: The time is 4:13.

24 We're off the record.

1 (Brief pause.)

2 VIDEOGRAPHER: We're back on the
3 record. The time is 4:14.

4 MR. SMITH: So, Mr. Hoffman and I
5 have agreed to discuss this further, but we
6 want to use our time wisely here with the
7 witness and we're going to stop in 45 minutes.

8 BY MR. SMITH:

9 Q. Mr. Salim, other than information that you may
10 have learned from your lawyers, which I'm not
11 asking you to tell me about right now, do you
12 have any factual information that either
13 Dr. Mitchell or Dr. Jessen were in any way
14 involved in the circumstances that you were
15 confronted with while you were in custody in
16 the facility that you call darkness?

17 A. My lawyer will answer that.

18 Q. Do you know what an enhanced interrogation
19 technique is?

20 A. I don't understand the question.

21 Q. Have you ever heard of something called an
22 "enhanced interrogation technique"?

23 A. What is the meaning?

24 Q. Okay. My question, sir, is prior to today,

1 have you ever heard of something or things
2 called "enhanced interrogation techniques"?

3 A. I've never.

4 Q. Are you familiar with a torture program that
5 was allegedly devised by Drs. Mitchell and
6 Jessen?

7 MR. HOFFMAN: Objection. You can
8 answer, though.

9 THE WITNESS: My lawyer will answer
10 that.

11 BY MR. SMITH:

12 Q. Do you have any information about such thing?

13 A. My lawyer will answer that.

14 Q. Okay. I understand that answer, sir, but my
15 question is a different one. Do you have any
16 factual information about an alleged torture
17 program that was designed by Drs. Mitchell and
18 Jessen?

19 A. My lawyer will answer that.

20 Q. Do you not want to answer my question?

21 A. I already answered you.

22 Q. Do you have information? Yes or no.

23 MR. HOFFMAN: Objection.

24 THE WITNESS: My lawyer will answer

1 that.

2 BY MR. SMITH:

3 Q. I see. Okay.

4 You were in this facility that you
5 refer to as darkness for approximately two
6 months, and then transferred to, I think you
7 called it the "salt pit."

8 Does that sound right?

9 A. Yes.

10 Q. Now, you were kept at the salt pit, I think,
11 for a year and several months. Is that right,
12 sir?

13 A. Yes.

14 Q. And during the period of time that you were at
15 the salt pit, you were held in custody?

16 A. Yes.

17 Q. Who held you in custody?

18 A. Americans.

19 Q. And do you know, were they Americans from the
20 CIA?

21 A. Some of them were telling me they were from
22 CIA, some of them were saying they're from
23 FBI.

24 Q. Okay. Now, during the period of time that you

1 were -- oops.

2 MR. SMITH: You need two minutes?

3 Let's go off the record.

4 VIDEOGRAPHER: The time is 4:21.

5 We're off the record.

6 (Brief pause.)

7 VIDEOGRAPHER: We're back on the

8 record. The time is 4:29.

9 BY MR. SMITH:

10 Q. Mr. Salim, are you able to go forward?

11 A. Yes.

12 Q. Okay. Mr. Salim, during the period of time
13 that you were in custody at salt pit, or what
14 you refer to as salt pit, were you
15 interrogated?

16 A. Yes.

17 Q. And who interrogated you?

18 A. Americans.

19 Q. And do you know who these Americans -- well,
20 let's strike that.

21 Do you know if these Americans were
22 FBI agents, CIA agents, military personnel?

23 MR. HOFFMAN: Objection. You can
24 answer.

1 THE WITNESS: Some of them were
2 telling me they were FBI, some of them were
3 telling me they were CIA.

4 BY MR. SMITH:

5 Q. Okay. And you were there for some 14 months
6 or so, is that right?

7 A. I only know it was a year and some months.

8 Q. Okay. I thought you approximated it at a year
9 and two months, is that correct, or am I
10 wrong?

11 A. I didn't say the correct one, but I just said
12 it was one year and some months.

13 Q. Okay. All right. Now, during that period
14 that you were at salt pit, were you kept in a
15 -- in some sort of a cell?

16 A. It was a room.

17 Q. It was a room?

18 A. Uh-huh.

19 Q. Okay. Were any other detainees kept with you
20 in the room?

21 A. In one room?

22 Q. Yes.

23 A. One time.

24 Q. So one night, he shared the room?

1 A. I remember like three or four days.

2 Q. Okay. And other than that, you were kept
3 alone in this room?

4 A. Yes.

5 Q. Can you describe the room for the record?

6 A. I can recall a little.

7 Q. I'm sorry?

8 A. I can recall a little bit.

9 Q. Tell me what you recall.

10 A. It was a room like from this wall up to the
11 table there, up to there. (Gesturing.)

12 Q. Okay. So can we approximate to say 10 feet by
13 8 feet, does that sound right?

14 A. I don't know anything to do with feet.

15 Q. Okay. What about 4 centimeters by 2-1/2
16 centimeters?

17 I'm sorry. I said centimeters. I
18 meant meters. Four meters by 2-1/2 meters.
19 Sorry about that.

20 MR. HOFFMAN: That's very small.

21 MR. SMITH: See if you guys were all
22 paying attention.

23 THE WITNESS: I don't know about
24 meters. I can just estimate what I've shown

1 you.

2 BY MR. SMITH:

3 Q. Okay. All right. Now, did the room have
4 lights?

5 A. Yes.

6 Q. And did the room have a window?

7 A. But it was high.

8 Q. The window was high. Okay.

9 And was there a door or bars or
10 both?

11 A. There was one door, it was like a steel door,
12 but it was one.

13 Q. Okay. And do you know in what kind of
14 structure this room was located?

15 A. It was like there are people upstairs, could
16 hear people talking upstairs.

17 Q. During the period that you were in the salt
18 pit, did you ever go outside?

19 A. No.

20 Q. Now, can you describe for me -- let's pick the
21 first month that you were there. Can you
22 describe for me the interrogations that took
23 place the first month that you were there?

24 A. I can't remember exactly what happened in the

1 first month, I just know it was just
2 interrogation, the same things.

3 Q. Well, that's what I want to understand. So
4 during the period that you were there a year
5 and several months or some months, were the
6 interrogations always the same or did they
7 differ?

8 MR. HOFFMAN: Objection, but you can
9 answer.

10 THE WITNESS: Same. Same.

11 BY MR. SMITH:

12 Q. So describe for me the conditions that you
13 were confronted with and exposed to while you
14 were interrogated while at salt pit.

15 A. Like what?

16 Q. Well, when you were at darkness, you described
17 a whole series of conditions, including being
18 chained to the wall, being hung from a pipe
19 and the like.

20 Do you recall that you said those
21 things?

22 A. Yes.

23 Q. What happened to you when you were at salt
24 pit?

1 A. At salt pit, I was not being handcuffed.

2 Q. I'm sorry. Not being handcuffed?

3 A. Yes.

4 Q. Okay.

5 A. Not being -- I was not, also, being tied on my
6 legs, but when they were going to interrogate
7 me, they would handcuff me.

8 Q. Okay. Now, were you hanged from a pipe like
9 you were, at least as you've testified --
10 strike that. Let me start all over again.

11 When you were at salt pit for that
12 year and several months, were you hanged from
13 a pipe like you were in darkness?

14 A. No.

15 Q. Were you beaten by either the CIA or FBI
16 agents?

17 A. No.

18 Q. Were you tied to the wall as you described for
19 me when you were at darkness? Strike that.
20 Let me start all over again.

21 Were you tied to a wall like you
22 were at darkness when you were at salt pit?

23 A. No.

24 Q. Were you interrogated -- strike that.

1 Were you stripped naked and
2 interrogated with lights shining in your face
3 as you had described to me you experienced at
4 darkness?

5 A. No.

6 Q. Is it fair to say that none of the things that
7 you experienced at darkness, other than your
8 hands being shackled, you experienced at salt
9 pit?

10 A. Yes.

11 Q. So tell me, when you were interrogated, other
12 than shackling your hands during the
13 interrogation, what else happened to you?

14 A. Nothing else.

15 Q. Okay. Did you sustain any injuries while you
16 were in custody at salt pit?

17 A. Yes.

18 Q. What injuries?

19 A. I had pain in my hands, my back, hand, waist.

20 Q. Is the witness finished?

21 A. Yes.

22 Q. Okay. Did anyone, while you were at salt pit,
23 do anything to you that caused you to
24 experience pain in your hands?

1 A. No.

2 Q. Did anyone do anything to you while you were
3 detained at salt pit to cause the pain in your
4 back?

5 A. No.

6 Q. Did anyone do anything to you while you were
7 detained at salt pit to cause the pain in your
8 waist?

9 A. No.

10 Q. What was the frequency in which you were
11 interrogated while you were detained at salt
12 pit?

13 A. I can't recall.

14 Q. Was it on a frequent basis or an infrequent
15 basis?

16 MR. HOFFMAN: Objection. You can
17 answer.

18 THE WITNESS: There's a time they
19 would do it more often and there's a time it
20 would last for some times before they do it.

21 BY MR. SMITH:

22 Q. And did you ever have any understanding about
23 why you were interrogated with greater
24 frequency?

1 A. No.

2 Q. No. And when they would interrogate you, what
3 kinds of questions were they asking you?

4 A. Just the same questions, where are you from,
5 where have you been, where are you going,
6 things like that.

7 Q. Are you saying, sir, that the subject matters
8 of the interrogation never changed during the
9 entire period you were held at salt pit?

10 A. Never changed.

11 Q. And why were you taken from salt pit, do you
12 know?

13 A. Come up again.

14 Q. I'm sorry?

15 A. He said "come up again." Say it again.

16 Q. Oh, you want me to repeat?

17 INTERPRETER XXXXXX: That's what he
18 said, but I have to interpret it as what he
19 said.

20 MR. SMITH: Oh. Why don't I have
21 the court reporter read the question back.

22 INTERPRETER XXXXXX: I know the
23 question. Can I just ask it?

24 MR. SMITH: Sure.

1 INTERPRETER XXXXXX: Okay.

2 (Translating.)

3 A. Bagram.

4 Q. Do you know why you were moved from salt pit
5 to Bagram?

6 A. I don't know.

7 Q. Do you have any factual information that
8 Drs. Jessen or Mitchell had anything to do
9 with the interrogations that occurred while
10 you were at salt pit?

11 MR. HOFFMAN: Just while we deal
12 with the other issues, I'd ask him to answer
13 based on any information that he personally
14 has as opposed to what his lawyers have told
15 him.

16 So do you have personal knowledge?

17 THE WITNESS: Fine.

18 BY MR. SMITH:

19 Q. What's the answer to my question?

20 A. Repeat it.

21 MR. HOFFMAN: What was the answer?

22 INTERPRETER XXXXXX: He said repeat
23 the question.

24 (Whereupon, the record was read back

1 by the court reporter as follows:
2 "Do you have any factual information
3 that Drs. Jessen or Mitchell had
4 anything to do with the
5 interrogations that occurred while
6 you were at salt pit?")

7 THE WITNESS: My lawyer will answer
8 that question.

9 BY MR. SMITH:

10 Q. And what does that mean, your lawyer relies
11 (sic) on that question?

12 A. Because I don't know when it comes to -- I
13 don't -- I don't know -- I don't know more
14 about the law. They do know.

15 Q. And, Mr. Salim, do you understand I'm not
16 asking you about the law. I'm just asking you
17 about the factual information. Do you
18 understand that?

19 A. And that's why I answered you that my lawyer
20 will answer the question.

21 Q. Mr. Salim, let's go back to Exhibit No. 8 for
22 a second. Am I to understand, sir, that you
23 have never looked at this document before
24 today?

1 MR. HOFFMAN: Objection.

2 THE WITNESS: Yes.

3 BY MR. SMITH:

4 Q. Have you ever looked at any parts of this
5 document?

6 A. I don't remember.

7 Q. Have you ever -- I'm going to direct your
8 attention to starting on page 32, paragraph 71
9 through 116. Have you ever looked at any
10 document that contained this information?

11 A. I've never.

12 Q. Did you ever tell your lawyers that the
13 information in paragraph 71 through 116 was
14 true?

15 A. I don't know what it's saying.

16 Q. All right. Mr. Salim, what do you say we quit
17 for today and we'll start tomorrow morning.

18 A. What you think is okay.

19 MR. SMITH: Okay. Go get some rest.
20 We'll start tomorrow morning. Let's go off
21 the record.

22 VIDEOGRAPHER: The time is 4:51.
23 We're off the record in the deposition.

24 (Time: 4:51 p.m.)

1 COMMONWEALTH OF MASSACHUSETTS.)

2 SUFFOLK, SS:)

3

4 I, JANE M. BORROWMAN, Registered
5 Professional Reporter and Notary Public in and
6 for the Commonwealth of Massachusetts, do
7 hereby certify that on March 14, 2017,
8 Suleiman Abdullah Salim, the witness whose
9 deposition is hereinbefore set forth, was duly
10 sworn by me and that such deposition is a true
11 record of the testimony given by the witness.

12 I further certify that I am neither
13 related to or employed by any of the parties
14 in or counsel to this action, nor am I
15 financially interested in the action.

16 In witness whereof, I have hereunto
17 set my hand and seal this 28th day of March
18 2017.

19

20 Notary Public

21 RPR No. 001420

22

23 My commission expires:

24 7 December 2023

*** ERRATA SHEET ***
TRANSPERFECT DEPOSITION SERVICES
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CASE: SULEIMAN ABDULLAH SALIM et al. v. MITCHELL
DATE: MARCH 14, 2017
WITNESS: SULEIMAN ABDULLAH SALIM REF: 18303

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SULEIMAN ABDULLAH SALIM
Subscribed and sworn to before me
this ____ day of _____, 20__.

Notary Public

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