

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 II

March 15, 2017

Reported by:
Jane M. Borrowman, RPR, CSR
Job no: 18304

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DEPOSITION OF: SULEIMAN ABDULLAH SALIM

LOCATION: Hogan Lovells
22 Fredman Drive
Sandton, Johananesburg, South Africa

DATE: March 15, 2017

TIME: 8:59 a.m.

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1 ALSO PRESENT:

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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 2

Continued Examination by Mr. Smith 203

E X H I B I T S

NO.	DESCRIPTION	PAGE
2	Report of Dr. Sondra Crosby, M.D.	251
6	Plaintiff Suleiman Abdullah Salim's Objections and Responses to Defendants' Interrogatories	206
8	Complaint and Demand for Jury Trial (Marked in 3/14/17 deposition.)	232
15	Senate Select Committee on Intelligence Finding and Conclusions Executive Summary - Approved 12/13/12	233
16	Injruies for which Plaintiffs Claim Damages	246
18	New York Times Article "After Torture, Ex-Detainee Is Still Captive of "The Darkness"	237

P R O C E E D I N G S

1
2 MR. SMITH: So, Mr. Hoffman, good
3 morning. Yesterday, at the end of day one of
4 Mr. Salim's deposition, we provided to you
5 authorities and asked you to consider them
6 over the night and to give us any authority
7 that you thought was contrary to the authority
8 we were providing to you with respect to my
9 questioning about the factual basis for the
10 allegations in paragraph 74 of the complaint,
11 that defendant's Mitchell and Jessen subjected
12 Mr. Salim "to a regimen of torture and cruel,
13 inhuman, and degrading treatment in accordance
14 with the phased torture program that [they]
15 designed, supervised, and implemented."

16 And you may recall that you
17 instructed the witness not to answer based
18 upon the attorney/client privilege.

19 I objected to that. I provided
20 authorities to you by the end of the -- or by
21 the close of the deposition, indicating that
22 we had a right to understand the factual basis
23 for the allegations and the attorney/client
24 privilege cannot be invoked to stop that. In

1 substance, that's what the authority said.

2 You said that you were going to
3 consider those authorities and give us
4 contrary authorities and, perhaps, a
5 stipulation. We expected to get that based
6 upon what you said last evening. We didn't.
7 But we did speak off the record this morning,
8 just moments ago.

9 I still haven't been provided any
10 authorities, however, you did propose a
11 stipulation. So what I ask is that you would
12 put the stipulation on the record.

13 My intention is to discuss it with
14 my colleagues back on -- in the United States.
15 It's three o'clock in the morning there so
16 we'll have to wait a couple hours before I get
17 them out of bed, but at least let's get the
18 stipulation on the record so that we can
19 advise our colleague exactly what you have in
20 mind and, then, we'll see where that takes us.

21 Is that fair?

22 MR. HOFFMAN: Yes. And let me say,
23 before I put the stipulation on the record, in
24 response to what you're saying, I did review

1 the two cases that you sent to me.

2 I don't think that they -- that they
3 exactly state that you're entitled to the kind
4 of information that you're -- that you're
5 requiring because I think what -- what is fair
6 is that you're entitled to know facts that he
7 has. You are not entitled to know how those
8 facts are being used in a legal sense or -- or
9 any communications between lawyers and
10 clients.

11 But in order not to -- to advance
12 the deposition and not to get into fights
13 about all this, we would propose the following
14 stipulation which we hope would be acceptable
15 and would -- would make it easier to get
16 through this part of the deposition, and that
17 is: No. 1, that Mr. Salim has no independent
18 knowledge of facts beyond his own personal
19 experience relating to the claims in this
20 case; that any facts that he might remember or
21 be asked about, to the extent that he has
22 them, have come from his attorneys and their
23 investigation; and that all such facts have
24 been disclosed by the plaintiffs already in

1 response to defendant's discovery requests.

2 MR. SMITH: Just so we're clear, I
3 do take exception to -- and I want to put it
4 on the record, and I may be doing a little bit
5 more than that following this deposition, I do
6 take issue with whether or not we have a right
7 to know the factual basis for the core
8 allegation that links our client, or clients,
9 into this alleged wrongdoing, particularly
10 that they designed, supervised and implemented
11 a phased torture program relating to
12 Mr. Salim, but I can't go beyond where we are
13 right now.

14 But I will tell you I struggle, and
15 I'm just telling you right now on the record,
16 I struggle to understand the good faith basis
17 on which you can continue that allegation in
18 light of what's been learned in the
19 depositions in this case. I struggle to. But
20 that's for another day.

21 So why don't we just get going with
22 day two of Mr. Salim's deposition and, then,
23 we'll see where we go from there.

24 Mr. Salim, good morning.

1 VIDEOGRAPHER: You want to go on the
2 record?

3 MR. SMITH: Oh, yeah, we should.

4 VIDEOGRAPHER: Here begins day No. 2
5 in the video deposition of Suleiman Abdullah
6 Salim. We are back on the record. The time
7 is 9:06 a.m.

8 SULEIMAN ABDULLAH SALIM,
9 a witness called for examination by counsel
10 for the defendant, having been previously duly
11 sworn, was examined and testified as follows:

12 CONTINUED EXAMINATION

13 BY MR. SMITH:

14 Q. Mr. Salim, good morning.

15 A. Good.

16 Q. Are you ready to proceed today, sir?

17 A. I'm ready.

18 Q. Are you feeling well and believing that you
19 can continue to give your deposition?

20 A. I think I can.

21 Q. Okay. Mr. Salim, between the time we left
22 last evening and the time now that we're
23 starting day 2 of your deposition, have you
24 discussed your testimony with anyone?

1 A. I think nobody.

2 Q. Are you not sure?

3 A. Nobody.

4 Q. All right. Mr. Salim, while you were held at
5 the facility that you refer to as "darkness,"
6 did you attempt to commit suicide?

7 A. Yes.

8 Q. Can you tell me what happened?

9 A. Yes, I can. You know, I had a lot of pain in
10 my fingers, so they were giving me ibuprofen
11 800 grams, so I decided to hide them under my
12 pants. And then, one day, I decided that,
13 today, I can take all of them. That's what I
14 did.

15 Q. How many pills did you take, Mr. Salim?

16 A. I can't remember, but they were many.

17 Q. Who gave you these pills?

18 A. I don't know the person, but that person is
19 the one that was bringing food.

20 Q. Mr. Salim, do you have any factual basis to
21 claim that my clients, Drs. Mitchell and
22 Jessen, were in any way involved in this
23 activity?

24 Let me withdraw that question.

1 Mr. Salim, is it your contention
2 that Drs. Mitchell and Jessen are responsible
3 in any way for providing those pills to you or
4 what followed?

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

7 THE WITNESS: I can't tell who was
8 responsible for telling them to give me this
9 medication.

10 BY MR. SMITH:

11 Q. Mr. Salim, do you know what an interrogatory
12 is?

13 INTERPRETER XXXXXX: For the
14 interpreter, can you just break the word a
15 little bit, in layman term? To interrogate,
16 is that what you said?

17 MR. SMITH: I asked Mr. Salim if he
18 knows what an interrogatory is, XXXXXX.

19 INTERPRETER XXXXXX: Yeah, but I'm
20 saying can you break the word for me.

21 MR. SMITH: Break the word?

22 INTERPRETER XXXXXX: Interrogatory.

23 MR. SMITH: Oh. An interrogatory is
24 a formal question in --

1 INTERPRETER XXXXXX: Like
2 interrogate?

3 MR. SMITH: -- America that needs to
4 be answered under oath.

5 INTERPRETER XXXXXX: Okay.
6 (Translating.)

7 THE WITNESS: No, I don't. I don't.

8 INTERPRETER XXXXXX: He said he
9 doesn't understand.

10 MR. SMITH: Okay. Let me show you
11 what we're going to mark in the case as
12 Exhibit No. 6.

13 (Whereupon, Salim Exhibit No. 6 was
14 marked for identification.)

15 BY MR. SMITH:

16 Q. Mr. Salim, do you recognize what's been marked
17 as Exhibit No. 6?

18 A. I don't recognize.

19 Q. Turn, if you would -- let me just identify
20 Exhibit No. 6 as "Plaintiff Suleiman Abdullah
21 Salim's Objections and Responses to
22 Defendants' Interrogatories."

23 Have you ever seen this document
24 before today, Mr. Salim?

1 A. Never.

2 Q. Did you ever see this document in Swahili?

3 A. No.

4 Q. Turn, if you would, to the last page of
5 Exhibit No. 6. I'm sorry. The second to the
6 last page, page 36 of Exhibit No. 6.

7 Can you put it before the witness,
8 please.

9 Mr. Salim, page 36 purports to be a
10 certification bearing your signature. Do you
11 see that?

12 A. Yes.

13 Q. Did you sign this document?

14 A. Yes.

15 Q. Did you sign the document on November 28th,
16 2016?

17 A. I can't remember that.

18 Q. Did you review the information on pages 1
19 through 35 before you signed the certification
20 on page 36?

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

23 THE WITNESS: I did not.

24 BY MR. SMITH:

1 Q. Did you review any information before you
2 signed this certification?

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

5 THE WITNESS: I looked at them, but
6 I did not know what it was.

7 BY MR. SMITH:

8 Q. When you say you looked at them, what did you
9 look at?

10 A. Like just going through.

11 Q. Who showed you this information on pages 1
12 through 35?

13 A. Nobody showed me. I was given the paper and
14 nobody showed me.

15 Q. Who gave you the paper?

16 A. My lawyer.

17 Q. What's the name of your lawyer?

18 A. Steven.

19 Q. And was he present when he handed you the
20 paper?

21 A. No.

22 Q. Did it come in the mail?

23 A. No.

24 Q. How was it delivered to you?

1 A. I think through the email.

2 Q. Okay. And was the paper that was sent to you
3 by email in the English language or in
4 Swahili?

5 A. English.

6 Q. Did you have any idea what you were reading
7 before you signed the certification?

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

10 THE WITNESS: I just signed it.

11 BY MR. SMITH:

12 Q. Did you have any understanding of what you
13 were reading before you signed it?

14 A. I did not read it.

15 Q. And did you have any understanding when you
16 signed the certification that you were signing
17 it subject to the potential punishments if
18 information in there was willfully false?

19 MR. HOFFMAN: Objection.

20 THE WITNESS: Yes.

21 BY MR. SMITH:

22 Q. Who told you that?

23 A. My lawyer.

24 Q. Turn, if you would, to subpart G.

1 MR. HOFFMAN: Do you have a page
2 number?

3 MR. SMITH: Page 26.

4 BY MR. SMITH:

5 Q. Do you have it before you, sir?

6 A. Yes.

7 (The following portion has been deemed
8 confidential and bound under separate cover)

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13 (Non-confidential testimony resumes.)

14 BY MR. SMITH:

15 Q. Were your eyes covered the entire period of
16 time that you were in the room, Mr. Salim?

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

19 THE WITNESS: I'm responding to you
20 again, it was not a cloth that was tied, but
21 it was a dark glass that was put on my face.

22 BY MR. SMITH:

23 Q. When was the dark glass put on your face?

24 A. Since we left Bossasso heading to Djibouti.

1 Q. And did those dark glasses remain on your face
2 the entire time you were in Djibouti?

3 A. Yes.

4 Q. And were your hands in handcuffs or otherwise
5 shackled the entire time that you were in
6 Djibouti?

7 A. Yes.

8 MR. HOFFMAN: Objection. Okay. You
9 answered. You have to just wait, give me a
10 chance to object.

11 BY MR. SMITH:

12 Q. If I recall your testimony yesterday, you were
13 transported from Somalia to Djibouti, is that
14 right?

15 A. Yes.

16 Q. And you were in Djibouti for approximately one
17 day, if I recall your testimony from
18 yesterday.

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

21 THE WITNESS: It was not a whole day
22 because I left at night. It wasn't until the
23 next morning. It was in between nighttime.

24 BY MR. SMITH:

1 Q. Okay. Thank you.

2 Mr. Salim, during the period of time
3 that you were wearing these dark glasses, were
4 you able to see through the glasses to any
5 images of people or things?

6 A. I wasn't able to.

7 Q. Now, is it your testimony that there were
8 people taking photographs while you were being
9 raped by this person?

10 A. I don't remember saying that.

11 Q. Did you ever tell your lawyers that
12 photographs were being taken?

13 MR. HOFFMAN: Objection. And --

14 THE WITNESS: Yes.

15 BY MR. SMITH:

16 Q. You did?

17 A. Yes.

18 MR. HOFFMAN: I move to strike and
19 instruct him not to answer any attorney/client
20 communications.

21 BY MR. SMITH:

22 Q. Do you have any memory that photographs were
23 taken?

24 A. Yes.

1 Q. So your testimony is that photographs were
2 taken?

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

5 THE WITNESS: Yes.

6 BY MR. SMITH:

7 Q. Who took photographs?

8 A. I don't know the person.

9 Q. How do you know that photographs were taken?

10 A. I could see the flash.

11 Q. How many flashes did you see?

12 A. I can't remember.

13 Q. Was it more than one?

14 A. I don't recall.

15 Q. Turn, if you would, to page 20. Do you see in
16 footnote 1 on page 20, it says, quote:

17 "Though Mr. Salim identifies rectal injury as
18 occurring during his rendition, detention,
19 torture and other cruel, inhuman, and
20 degrading treatment as a result of his
21 inclusion in the program, and includes this
22 injury in his answers to interrogatories."

23 MR. SMITH: Should I stop there and
24 give you a chance to catch up, XXXXXX, or

1 should I keep going?

2 INTERPRETER XXXXXX: Sure.

3 MR. SMITH: Go ahead.

4 (Translating.)

5 BY MR. SMITH:

6 Q. "He is unaware of any facts that would
7 establish the defendants' responsibility for
8 that injury and, accordingly, does not here
9 pursue damages for this injury."

10 A. I don't know. I just know that I was
11 persecuted. I don't know if they were
12 involved in it. My lawyers can answer that.
13 Through my lawyers investigation, they can
14 know.

15 Q. So are you aware, Mr. Salim, that you have
16 conceded that there are no facts that
17 establish the defendants' responsibility for
18 this rape that you contend?

19 A. I can't, myself, I can't know who was
20 responsible. My lawyers, through their
21 investigation, can answer that.

22 Q. I understand, but I'm asking the witness if he
23 is aware that his lawyers have conceded that
24 there are no facts to establish the

1 defendants' responsibility.

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

4 THE WITNESS: I don't know.

5 BY MR. SMITH:

6 Q. Is today the first day you're hearing about
7 it?

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

10 THE WITNESS: Yes.

11 BY MR. SMITH:

12 Q. Okay. And is -- well, strike that.

13 Mr. Salim, I want to change subject
14 matters. After you left the salt pit, where
15 were you taken to?

16 A. Bagram.

17 Q. Who sent you to Bagram?

18 INTERPRETER XXXXXX: Who sent?

19 MR. SMITH: You to Bagram.

20 A. I don't know him.

21 Q. How were you taken there?

22 A. Through a helicopter or airplane.

23 Q. Did you see the people who actually took you
24 on the helicopter or the airplane?

1 A. I did not.

2 Q. Were you able to hear anything while you were
3 taken from the salt pit to Bagram?

4 A. I did not.

5 Q. Do you remember the conditions under which you
6 were transported?

7 A. Yes.

8 Q. Can you describe them for me?

9 A. Two people came into the room where I was and
10 they first took my pictures when I was naked.
11 After that, I was able -- I put on my clothes
12 and then some people came to the room, very
13 forceful, they handcuffed me and also my legs.
14 They covered my face. I had some speakers,
15 they put some speakers and glasses, then they
16 took me.

17 Q. Okay. And how did you know that you were
18 taken to Bagram?

19 A. I didn't know where I was going. So, because
20 up till living there, that's when I became
21 aware that I was in Bagram.

22 Q. Okay. Now, when you arrived at Bagram, where
23 were you taken?

24 A. It was like a room.

1 Q. Can you describe the room?

2 A. So the room was like from here to here to the
3 wall. (Gesturing.)

4 Q. And would you say it was 3 meters by 3 meters?

5 A. I don't know anything about meters.

6 Q. Okay. How long were you kept in that room?

7 A. I'm not very sure, but I think it was between
8 one and a half week to two weeks.

9 Q. Okay. And while you were in the room for
10 those one and a half to two weeks, were you
11 permitted to go outside?

12 A. Maybe when I'm going to brush, and that's it.

13 Q. Was there light in the room?

14 A. Yes.

15 Q. Now, during that period of time that you were
16 in this room for one and a half to two weeks,
17 were you interrogated by anyone?

18 A. They would come and take me to another place
19 for when they were asking me questions.

20 Q. How many times did that happen while you were
21 in that room?

22 A. I don't recall.

23 Q. And were these Americans who would come and
24 take you?

1 A. Yes.

2 Q. Do you know if they were from the CIA?

3 A. I don't know.

4 Q. Do you know if they were from the United
5 States Army?

6 A. The people that were taking me from the room
7 were from the Army, but the ones that were
8 asking questions, I didn't know where they
9 were from.

10 Q. Now, during the period of time that you were
11 asked these questions, can you describe for me
12 what occurred?

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

15 THE WITNESS: Just normal questions.

16 BY MR. SMITH:

17 Q. What kind of questions did they ask you?

18 A. The same questions that they asked me from the
19 beginning to the end.

20 Q. Have you told me about those questions?

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

23 THE WITNESS: Yes.

24 BY MR. SMITH:

1 Q. Now, during that period for the first one and
2 a half to two weeks, did anyone beat you?

3 A. No.

4 Q. Did anyone subject you to any of the things
5 that you testified occurred at darkness?

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

8 THE WITNESS: No.

9 BY MR. SMITH:

10 Q. After you were taken out of that room a week
11 and a half or two weeks later, where did you
12 go next?

13 A. I was taken to another cell that was bigger.

14 Q. How much bigger was it?

15 A. Like this room.

16 Q. Okay. And were you the only one that was in
17 the cell?

18 A. Other people.

19 Q. How many other people?

20 A. It depends. There are times there would be 10
21 people, sometimes 15.

22 Q. Okay. Where did you sleep?

23 A. They gave us like things like blankets to
24 sleep on.

1 Q. And how long were you kept in this cell?

2 A. That's where I was until I was released.

3 Q. Okay. Now, during the period of time that you
4 were in this cell, were you interrogated?

5 A. Yes.

6 Q. How frequently were you interrogated?

7 A. I can't estimate because there would -- it
8 would be -- there would -- it would take a
9 long time before they come to inter -- to ask
10 me questions and there are times that they
11 would do it more often.

12 Q. And you don't recall the frequency or
13 infrequency in which you were interrogated
14 while you were in this cell?

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

17 THE WITNESS: I can't recall.

18 MR. HOFFMAN: You have to give me a
19 chance to object.

20 BY MR. SMITH:

21 Q. Now, when you were interrogated, were you
22 taken to another room or did it occur in the
23 cell?

24 A. I was taken to another room.

1 Q. And was that the same room you were taken to
2 when you were interrogated during that week
3 and a half to two weeks?

4 A. No, they kept on changing.

5 Q. Okay. Now, during the interrogations, during
6 that period that you were in the larger cell,
7 did anyone beat you?

8 A. Like soldiers or...

9 Q. Well, I don't want to -- the people that were
10 interrogating you. So let me ask the question
11 again. I'll withdraw that one.

12 During the period of time that you
13 were in the larger cell, you testified that
14 you were interrogated, correct?

15 A. Yes.

16 Q. And those interrogations would take place
17 after you were taken to another room for the
18 interrogation, correct?

19 A. Yes.

20 Q. And during those interrogations, did anyone
21 beat you or injure you in any way?

22 A. No.

23 Q. During the course of those interrogations, did
24 you sustain any injuries of any kind?

1 A. No.

2 Q. And can you tell me what kinds of questions
3 were asked of you during those interrogations?

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

6 THE WITNESS: The same questions.

7 BY MR. SMITH:

8 Q. You were released from Bagram in August of
9 2008, sir, is that correct?

10 A. I don't know the month, but I know it was in
11 2008.

12 Q. Now, during the period of time that you were
13 in Bagram, you learned to speak English?

14 A. It's not like I was in a class, I trained for
15 it, but just because the -- the guards that
16 were talking to us were talking to us, were
17 communicating in English, so that's how I
18 picked up.

19 Q. How did you learn about your release from
20 Bagram?

21 A. Rephrase your question.

22 Q. How did you learn about your release from
23 Bagram?

24 A. Before I was discharged, the Red Cross people

1 came.

2 Q. Had you ever been in contact with the Red
3 Cross people before that?

4 A. Yes.

5 Q. When were you first in communication with
6 someone from the Red Cross?

7 A. I can't remember.

8 Q. How many times were you in communication with
9 someone from the Red Cross?

10 A. I think about two times.

11 Q. Okay. Do you remember what you talked about?

12 A. They wanted to -- me to write a letter that
13 was being taken home.

14 Q. To whom? A letter to whom?

15 A. My moms, my mothers.

16 Q. Now, Mr. Salim, am I to understand correctly
17 that the only -- strike that -- that the
18 damages you're seeking in this case concern
19 the treatment that you were subjected to at
20 darkness?

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

23 THE WITNESS: Yes.

24 BY MR. SMITH:

1 Q. Have you ever heard the expression "big boss"?

2 A. No.

3 Q. Had you ever heard of Dr. Mitchell's name
4 before you met the lawyers from the ACLU?

5 A. No.

6 Q. Had you ever heard of Dr. Jessen's name before
7 you met the lawyers from the ACLU?

8 A. No.

9 Q. Mr. Salim, when did you first learn about the
10 possibility of bringing this lawsuit?

11 A. I can't remember the year.

12 Q. How did you learn?

13 A. Through a Tanzanian lawyer.

14 Q. What was the name of the Tanzanian lawyer?

15 A. M for Mary, K for kilo, O for orange, N for
16 Nancy, O for orange.

17 MR. SMITH: Could you spell that
18 again for me, Mary (sic)?

19 INTERPRETER XXXXXX: M for Mary.

20 MR. SMITH: You can skip the Mary
21 stuff. Just M-K.

22 INTERPRETER XXXXXX: M-K-O-N-O.

23 BY MR. SMITH:

24 Q. Did you know this lawyer M-K-O-N-O?

1 A. Yes.

2 Q. How did you know him?

3 Was it a him or a her?

4 A. Him.

5 Q. It's a man. Okay. How did you know this
6 lawyer?

7 A. He's somebody that is known. He's known as a
8 lawyer.

9 Q. How did you know him?

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

12 THE WITNESS: He's just known as a
13 lawyer.

14 BY MR. SMITH:

15 Q. He's known as a lawyer where?

16 A. In Tanzania.

17 Q. And did he contact you or did you contact him?

18 A. I am the one who went to him.

19 Q. And why did you go to him?

20 A. I wanted to get to have my rights.

21 Q. And what action did he take on your behalf?

22 A. He got another lawyer.

23 Q. And what lawyer did he get?

24 A. Clara.

1 Q. Who is Clara?

2 A. A she.

3 Q. No, who is she?

4 A. The lawyer.

5 Q. What is her full name?

6 A. I just know Clara.

7 Q. Okay. And where is she from?

8 A. England.

9 Q. And what action did Clara take on your behalf?

10 A. She helped look for other attorneys.

11 Q. Okay. And did she find another attorney for
12 you?

13 A. Yes.

14 Q. Who did she find?

15 A. ACLU.

16 Q. When were you first in contact with the ACLU?

17 A. I don't remember the date.

18 Q. Okay. You filed this lawsuit in October of
19 2015. Are you aware of that?

20 A. No.

21 Q. You don't know when the lawsuit was filed?

22 A. No.

23 Q. How many times had you met with
24 representatives of the ACLU before October

1 2015?

2 A. I can't remember how many times.

3 Q. Did you ever meet with any representatives
4 from the ACLU before October 2015?

5 A. I don't know the year, but I know I -- I met
6 them, but I don't know the year.

7 Q. Do you know if that meeting took place before
8 or after the lawsuit was filed?

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

11 THE WITNESS: I can't recall.

12 BY MR. SMITH:

13 Q. Where did the meeting take place?

14 A. Dubai.

15 MR. HOFFMAN: Object. Just give me
16 a chance.

17 INTERPRETER XXXXXX: Okay.

18 MR. HOFFMAN: I'm going to object to
19 the prior question, but he can answer, so
20 that's fine.

21 BY MR. SMITH:

22 Q. Who was present at this meeting?

23 A. Steven.

24 Q. Anyone else?

1 A. Clara.

2 Q. Anyone else?

3 A. I don't remember.

4 Q. Was there an interpreter present?

5 A. No.

6 Q. Does Clara speak Swahili?

7 A. No.

8 Q. When you met with Clara and Steven in Dubai,
9 did everyone speak English at the meeting?

10 A. Yes.

11 Q. How long did you meet for?

12 A. I can't remember. It was just a few days.

13 Q. Now, during the meeting -- are you saying the
14 meeting went on for several days?

15 A. Something like that.

16 Q. Now, over the course of two days, did you have
17 any difficulty understanding them?

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

20 THE WITNESS: Yes.

21 BY MR. SMITH:

22 Q. Who paid for you to go to Dubai?

23 A. I remember it was Clara.

24 Q. Can you place the witness -- before the

1 witness Exhibit No. 8.

2 Mr. Salim, did you authorize the
3 American Civil Liberties Union to file this
4 document on your behalf?

5 A. I don't know.

6 Q. Did you ever review this document at any time
7 prior to when I showed it to you yesterday,
8 this document being Exhibit 8?

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

11 THE WITNESS: No.

12 BY MR. SMITH:

13 Q. Why don't we take a -- well, let me just cover
14 one other subject and we'll take a break.

15 Mr. Salim, have you ever heard of
16 the Senate Select Committee on Intelligence
17 report that was prepared in connection with
18 matters that are embodied in your complaint?

19 A. Yes.

20 Q. When did you hear about it?

21 A. I don't remember the date.

22 Q. Let me show you what we're going to mark in
23 the case as Exhibit No. 15.

24

1 (Whereupon, Salim Exhibit No. 15 was
2 marked for identification.)

3 Q. Have you seen Exhibit 15 before today?

4 A. No.

5 Q. Do you know if Exhibit No. 15 is the Senate
6 Select Committee on Intelligence report?

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

9 THE WITNESS: I don't know.

10 BY MR. SMITH:

11 Q. No one has ever shown this document to you in
12 any language, English or Swahili?

13 A. I don't remember.

14 Q. Were you ever interviewed by anyone following
15 your release from Bagram about the
16 circumstances of your captivity?

17 A. No.

18 MR. HOFFMAN: Do you think a break
19 would be okay right now?

20 MR. SMITH: Sure.

21 VIDEOGRAPHER: The time is 10:04.

22 We're off the record.

23 (Brief pause.)

24 VIDEOGRAPHER: We're back on the

1 record. The time is 10:24.

2 BY MR. SMITH:

3 Q. Mr. Salim, I understand from your lawyers that
4 there's something you'd like to say for the
5 record.

6 A. Yes.

7 Q. What would you like to say?

8 A. You asked me if I have ever interviewed ever
9 since I left. (Translating.) You said -- you
10 asked me if anybody interviewed me after this
11 report came out?

12 Q. What -- Mr. Salim, whatever you'd like to say
13 for the record, I'm giving you an opportunity
14 to say it. What would you like to say, sir?

15 MR. HOFFMAN: Could you have the
16 last question that you asked reread? I think
17 he asked for that before. And that may be the
18 easiest way to get at this.

19 MR. SMITH: Why don't we read back
20 the question for the witness.

21 (Whereupon, the record was read back
22 by the court reporter as follows:

23 "QUESTION: Were you ever

24 interviewed by anyone following your

1 release from Bagram about the
2 circumstances of your captivity?

3 "ANSWER: No.")

4 THE WITNESS: Yes, I've ever been
5 interviewed, based on...

6 COURT REPORTER: I'm sorry, yes?

7 INTERPRETER XXXXXX: The answer is
8 yes.

9 BY MR. SMITH:

10 Q. Who interviewed you?

11 A. I remember the name James.

12 Q. Spell it, please.

13 A. J-A-M-E-S.

14 Q. Oh, James. Do you remember James's last name?

15 A. No.

16 Q. And just so I'm not assuming anything, was
17 James this person's first name?

18 A. I just know a James from New York Times.

19 Q. Now, did you forget about this interview when
20 you originally answered my question "no"?

21 A. Yes.

22 Q. And who reminded you about this interview?

23 A. Myself.

24 Q. Oh. So your lawyers didn't remind you of this

1 interview during the last break?

2 A. They reminded me.

3 Q. They reminded you. Okay.

4 When did this interview take place?

5 A. In Dubai.

6 Q. But when did it take place?

7 A. I don't know.

8 Q. Who was present for the interview?

9 A. My lawyer.

10 Q. Which lawyer?

11 A. Steven.

12 Q. Did this interview take place in Dubai during
13 the same trip in which you met Steven and
14 Clara?

15 A. I don't remember.

16 Q. How many times have you been to Dubai in
17 connection with this case?

18 A. I don't remember.

19 Q. Do you know if following the interview the
20 New York Times had a report? Let me strike
21 that. Start all over again.

22 Do you know if following this
23 interview with this person named James that an
24 article appeared in the New York Times?

1 A. Yes.

2 Q. Did you see the article?

3 A. Yes.

4 Q. Who showed you the article?

5 A. My lawyer.

6 Q. Was the article shown to you in English or in
7 Swahili?

8 A. English.

9 Q. And did you read the article in English?

10 A. I did not read it.

11 Q. Let me hand to you what we're going to mark as
12 Exhibit No. 18.

13 (Whereupon, Salim Exhibit No. 18 was
14 marked for identification.)

15 Q. Do you recognize what's been marked as Exhibit
16 No. 18 as an article that appeared in the
17 New York Times on October 12th, 2016, entitled
18 "After Torture, Ex-Detainee Still Captive of
19 'The Darkness' "?

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

22 THE WITNESS: Yes.

23 BY MR. SMITH:

24 Q. And the James that you made reference to from

1 the New York Times, was it James Risen?

2 A. I only know James. I don't know Risen.

3 Q. And do you recall now, looking at Exhibit
4 No. 18, if you met with James and your lawyer,
5 Mr. Steven Watt, in Dubai in October of 2016?

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

8 THE WITNESS: I don't remember the
9 year, but we were in Dubai.

10 BY MR. SMITH:

11 Q. So you can't tell me if you met with James and
12 Mr. Watt last October, is that your testimony?

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

15 THE WITNESS: I met them, but I
16 don't know the man.

17 BY MR. SMITH:

18 Q. You met them last year?

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

21 THE WITNESS: I don't know.

22 BY MR. SMITH:

23 Q. So you don't know the month or the year in
24 which you met with James from the New York

1 Times in Dubai, is that your testimony?

2 MR. HOFFMAN: Objection.

3 (Translating.)

4 MR. HOFFMAN: Objection.

5 (Translating.)

6 MR. HOFFMAN: Objection, but you can
7 answer.

8 THE WITNESS: Yes.

9 BY MR. SMITH:

10 Q. Now, during the -- strike that.

11 Who set this meeting up with James
12 from the New York Times?

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

15 THE WITNESS: I don't know.

16 BY MR. SMITH:

17 Q. Who told you about it?

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

20 THE WITNESS: About what?

21 BY MR. SMITH:

22 Q. About the meeting.

23 A. Repeat your question.

24 Q. Who told you about the meeting with James in

1 Dubai?

2 A. My lawyer.

3 Q. And who paid for you to come to Dubai to be
4 interviewed by James?

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

7 THE WITNESS: I don't remember.

8 BY MR. SMITH:

9 Q. You didn't pay for it, did you?

10 A. No.

11 Q. Now, during the course of this interview, do
12 you recall if you were asked questions about
13 my clients, Drs. Mitchell and Jessen?

14 A. I don't remember.

15 Q. Turn, if you would, to the last page of
16 Exhibit No. 18. Do you see where it says on
17 the top of the page, first paragraph, quote:
18 "He is now a plaintiff in a lawsuit against
19 two CIA contractors who helped devise and run
20 the brutal interrogation program of which he
21 was a part."

22 Do you see that, sir?

23 MR. HOFFMAN: Well, I'll object to
24 that, it's not a quote.

1 MR. SMITH: No. I'm quoting from
2 the document.

3 MR. HOFFMAN: Oh. Well, but the way
4 you asked it, it made it sound like that was a
5 quote.

6 MR. SMITH: Maybe it sounded that
7 way to you, but that's not what I said. I
8 said "do you see where it says, quote."

9 THE WITNESS: I don't remember
10 saying it.

11 BY MR. SMITH:

12 Q. So that was going to be my next question. Did
13 you tell Mr. Risen, Mr. James Risen, that you
14 were "a plaintiff in a lawsuit against two CIA
15 contractors who helped devise and run the
16 brutal interrogation program" for which you
17 were a part, did you say that to him?

18 A. I don't remember.

19 Q. Who were the two CIA contractors that are
20 referenced there, do you know?

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

23 THE WITNESS: I don't know them.

24 BY MR. SMITH:

1 Q. Do you have any factual basis for the
2 proposition that two CIA contractors helped
3 devise and run the interrogation program that
4 you were subjected to?

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

7 THE WITNESS: No.

8 BY MR. SMITH:

9 Q. Do you know if it was your lawyers who set up
10 this interview with you with Mr. Risen, James
11 Risen?

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

14 THE WITNESS: I don't know.

15 BY MR. SMITH:

16 Q. Do you know if the purpose of this interview
17 was to generate publicity about the lawsuit
18 that had been filed against my clients?

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

21 THE WITNESS: I don't know.

22 BY MR. SMITH:

23 Q. Did you ever speak to James again after the
24 meeting in Dubai?

1 A. No. No.

2 Q. Did you ever speak to anyone from the New York
3 Times other than or in addition to James?

4 A. None.

5 Q. So I want to go back, now, to Exhibit No. 15,
6 sir. Let me ask you, have you ever heard the
7 name Abu Talha al-Pakistani?

8 A. Never.

9 Q. Did you ever use that name as an alias?

10 A. No.

11 Q. Let me direct your attention to page 374 of
12 Exhibit No. 15.

13 Mr. Salim, do you know a man named
14 Hassan Ghul?

15 A. I don't know him.

16 Q. Did you ever meet a person named Hassan Ghul?

17 A. No.

18 Q. Do you know an individual who uses the
19 initials "KSM"?

20 A. No.

21 Q. Did you ever hear the name Khaled Sheikh
22 Mohamed?

23 A. I've never heard.

24 Q. Do you know an individual by name of Ammar

1 al-Baluchi? Al, B-A-L-U-C-H-I.

2 A. No.

3 Q. Do you know an individual by the name of Hamza
4 Rabi? R-A-B-I.

5 A. No.

6 Q. Sir, I want you to direct -- I want to direct
7 your attention to footnote No. 2110 on page
8 374 of Exhibit No. 15.

9 Do you see where it says "Hassan
10 Ghul stated that he knew Talha al-Pakistani,
11 a/k/a Suleiman"? Do you see that?

12 A. I can see here.

13 Q. Okay. Let me ask you again, did you ever use
14 the alias Talha al-Pakistani?

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

17 THE WITNESS: I've never.

18 BY MR. SMITH:

19 Q. Reading on, it says -- strike that.

20 Let me ask you, Mr. Salim, is there
21 something you find humorous about that?

22 MR. HOFFMAN: Objection. Instruct
23 you not to answer. It's argumentative.

24 MR. SMITH: No, it's not. I'm just

1 curious to know what the witness would find
2 humorous in that. He was just laughing on the
3 record.

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

6 THE WITNESS: Because it's just
7 shocking to me.

8 BY MR. SMITH:

9 Q. Shocking. Mr. Salim, do you understand that
10 this document --

11 A. (Interrupting in Swahili.)

12 Q. Mr. Salim, do you understand this document,
13 Exhibit 15, is a document that your lawyers
14 are relying upon, in part, in connection with
15 this lawsuit?

16 A. No.

17 Q. And what you're saying is that the suggestion
18 in this report that you were known, in fact it
19 is you, as an alias "Talha al-Pakistani" is
20 just false, is that right?

21 MR. HOFFMAN: And I'll object
22 that -- object, but he can answer.

23 THE WITNESS: Not true.

24 BY MR. SMITH:

1 Q. Okay. Just go back to 2110 for a second,
2 where it says Ghul -- second sentence: "Ghul
3 last saw Talha in Shkai around
4 October/November 2003."

5 Let me stop right there. Do you see
6 that?

7 A. (Translating.)

8 Q. Do you see it?

9 A. I see it.

10 Q. Where is Shkai?

11 A. I don't know.

12 Q. Have you ever been there?

13 A. I don't know anybody there. I've never been
14 there.

15 Q. Okay. Were you ever at the residence of Hamza
16 Rabi? R-A-B-I.

17 A. I don't know him.

18 (Whereupon, Salim Exhibit No. 16 was
19 marked for identification.)

20 Q. Mr. Salim, I'm going to hand you what we've
21 marked as Exhibit No. 16 for the record.

22 Have you ever seen this document
23 before today?

24 A. No.

1 Q. I want to -- do you see your name appears in
2 the middle of the page?

3 A. I see.

4 Q. Are you seeking to recover damages for pain
5 related to the digits on your right hand with
6 resulting contractures?

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

9 THE WITNESS: Yes.

10 BY MR. SMITH:

11 Q. And your right hand, I think you told us
12 yesterday, was broken by the Somalis?

13 A. Yes.

14 Q. And you received treatment for your hand while
15 you were in captivity by the United States, is
16 that right?

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

19 THE WITNESS: There was no
20 treatment. In fact, it was even -- they even
21 made it more painful.

22 BY MR. SMITH:

23 Q. And how did the Americans make it more
24 painful?

1 A. While I was at "The Darkness," when they were
2 beating me, when they were hanging me, it was
3 just making these pains more painful.

4 Q. Now, do you presently experience pain in your
5 hands, presently?

6 A. No.

7 Q. Are you presently receiving any medical
8 treatment?

9 A. I just use traditional herbs at home.

10 Q. Okay. When is the last time you received
11 treatment for your hand injuries on your right
12 hand?

13 A. I never received any treatment.

14 Q. Do you know a person by the name of Sondra
15 Crosby?

16 A. Yes.

17 Q. Who is Sondra Crosby?

18 A. A doctor.

19 Q. What kind of doctor?

20 A. I don't know. I just know her as a doctor.

21 Q. How did you come to know her?

22 A. She came with Clara.

23 Q. Came where with Clara?

24 A. In Zanzibar.

1 Q. When did you meet with Clara and Sondra Crosby
2 in Zanzibar?

3 A. I don't remember.

4 Q. Who else was present?

5 A. I don't remember who. I remember they came
6 with the lawyer. I have forgotten.

7 Q. And your testimony is that you never received
8 any medical treatment for the injuries to your
9 right hand, is that correct?

10 A. Let me tell you something, when I was at "The
11 Darkness," when my fingers were hurting so
12 bad, they wrapped something hard around my
13 fingers.

14 When they were beating me, there was
15 some water that was coming out of it and then
16 my hands were hurting so bad. When I told
17 them to treat me, they didn't do it.

18 I went on strike and so they came
19 and they removed the hard thing and, by then,
20 my hand was stinking and there was a cut from
21 here going down. (Gesturing.)

22 So they brought some -- a bowl with
23 water and they told me to put my hand -- to
24 put my hand in it. So that is what made the

1 wound close and so if there's any treatment
2 that I can say, it was that.

3 Q. Okay. Well, when you met with Sondra Crosby,
4 what did you talk about?

5 A. I don't remember.

6 Q. How many times did you meet with Sondra
7 Crosby?

8 A. I think twice.

9 Q. So one time in Zanzibar?

10 A. And one time in Dar es Salaam. Dar es Salaam.

11 Q. Oh, Dar es Salaam.

12 When did you meet with her in
13 Dar es Salaam?

14 A. I don't remember.

15 Q. How long did you meet with her in Zanzibar?

16 A. Like how many days?

17 Q. Yes.

18 A. I don't remember.

19 Q. Same question with respect to Dar es Salaam.

20 A. About four days.

21 Q. Who else was present during that meeting?

22 A. Nobody else.

23 Q. Do you remember what you talked about?

24 A. I remember she was just asking me how I was

1 doing.

2 Q. Do you remember anything else you talked
3 about?

4 A. I don't remember.

5 (Whereupon, Salim Exhibit No. 2 was
6 marked for identification.)

7 Q. I'm going to hand to you what's been marked
8 for identification purposes as Exhibit No. 2.

9 Have you ever seen this document
10 before today?

11 A. No.

12 Q. For the record, I'll identify it as a "Report
13 of Dr. Sondra Crosby, MD." The report does
14 not have a date.

15 You've never seen it before?

16 A. No.

17 Q. Do you have any memory of meeting with
18 Dr. Crosby and Dr. Joan Nyanyuki,
19 N-Y-A-N-Y-U-K-I, on May 16 and 17, 2010?

20 A. I don't remember.

21 Q. Do you have any memory of meeting with
22 Dr. Crosby on October 7 through 10 of 2016?

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

1 THE WITNESS: I remember meeting
2 him, but I don't remember the date.

3 BY MR. SMITH:

4 Q. Okay. Meeting him or her?

5 INTERPRETER XXXXXX: That is my --

6 MR. SMITH: Okay.

7 INTERPRETER XXXXXX: -- mistake.

8 MR. SMITH: Meeting her. Okay.

9 INTERPRETER XXXXXX: Right. Yeah.

10 BY MR. SMITH:

11 Q. Turn, if you would, to page 8 of Exhibit
12 No. 2. Do you see toward the top of the page,
13 it says: "Afghanistan: "The Darkness."
14 Do you see that?

15 A. I see.

16 Q. Do you see in paragraph 41, it says, quote:
17 "Mr. Salim was blindfolded and taken to see a
18 doctor"?

19 INTERPRETER XXXXXX: Which
20 paragraph?

21 MR. SMITH: Forty-one.

22 INTERPRETER XXXXXX: Oh, okay.

23 (Translating.)

24 THE WITNESS: Where?

1 BY MR. SMITH:

2 Q. Page 41 -- or paragraph 41 on page 8, do you
3 see where it says "Mr. Salim was blindfolded
4 and taken to see a doctor"?

5 A. I see, but in which jail?

6 Q. Well, I don't know. It says "Afghanistan:
7 "The Darkness" in her report.

8 MR. HOFFMAN: The only question was
9 "did you see it." That's all, right now.

10 THE WITNESS: Sorry.

11 MR. HOFFMAN: The only question that
12 he was asked is did he see it, then he's going
13 to ask more questions.

14 THE WITNESS: I see it.

15 BY MR. SMITH:

16 Q. Did you tell Dr. Crosby that while you were
17 being held in captivity at "The Darkness" that
18 you were taken to see a doctor?

19 A. Yes.

20 Q. Were you taken to see a doctor?

21 A. Yes.

22 Q. Did you tell Dr. Crosby that when you saw that
23 doctor, that the doctor x-rayed your fingers?

24 A. It wasn't like a big x-ray machine, it was

1 something like a laptop that I put my finger
2 on.

3 Q. Did you understand it to be an x-ray?

4 A. They told me.

5 Q. So did you tell Dr. Crosby that when you were
6 taken to see this doctor that this doctor at
7 the facility that you refer to as "The
8 Darkness" did an x-ray on your hand?

9 A. Something like that.

10 Q. And did you tell Dr. Crosby that the doctor
11 had told you, following the x-ray, that your
12 fingers were fractured?

13 A. I remember, yes.

14 Q. And did you tell -- in fact, the doctor did
15 tell you that your fingers were fractured,
16 isn't that right?

17 A. Something like that, I remember.

18 Q. And the doctor then placed your hand in a
19 cast, or your fingers, isn't that right?

20 A. Yes.

21 Q. And you told Dr. Crosby that, right, when she
22 interviewed you, right?

23 A. Yes.

24 Q. And this was during the same period of time

1 that you were being given medicine for -- to
2 help deal with the pain in your hand, correct?

3 A. Yes.

4 Q. Now, am I to understand, sir, that after you
5 saw this doctor, whoever these people were at
6 the facility continued to subject you to
7 beatings and shackles and the things that you
8 described yesterday?

9 MR. HOFFMAN: Objection, but he can
10 answer.

11 THE WITNESS: Yes.

12 BY MR. SMITH:

13 Q. Did the doctor have anything to do with the
14 decision to continue -- let me finish the
15 question. Let me strike that and start all
16 over again.

17 Mr. Salim, do you know if the doctor
18 was in any way involved in the decision to
19 expose you to those conditions or put you
20 through those conditions?

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

23 THE WITNESS: Yes.

24 BY MR. SMITH:

1 Q. Tell me what factual information you have that
2 the doctor was involved.

3 A. After the x-ray and after wrapping the thing
4 on my hand, that's when the beatings started.

5 Q. Okay. But how do you know that the doctor had
6 anything to do with the decision to beat you
7 or do any of the other things that happened to
8 you?

9 A. After examining me and like examining my body,
10 the doctor said "take him."

11 Q. Okay. Are you saying that the doctor gave
12 orders to beat you and engage in the other
13 activities that you were subjected to?

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

16 THE WITNESS: He said "take him."
17 He didn't say they do it.

18 BY MR. SMITH:

19 Q. Okay. Take him back to your cell, is that
20 what he said?

21 A. I don't know.

22 Q. Okay. Let's go back to Exhibit No. 16. Do
23 you see the second item under your name
24 "musculoskeletal pain of the arms, shoulders

1 and upper back," do you see that?

2 A. Yes.

3 Q. Are you presently experiencing any pain in
4 your arms, shoulders or upper back?

5 A. Yes.

6 Q. How frequently?

7 A. All the time.

8 Q. In your arms, shoulders and upper back?

9 A. Yes.

10 Q. Are you presently experiencing pain as we
11 speak?

12 A. I have.

13 Q. Can you -- can you describe for me the pain
14 that you're experiencing in your arms?

15 A. It's bad pain.

16 Q. Can you show me where in your arms it hurts
17 and describe the pain?

18 A. On the back, here. (Gesturing.)

19 Q. In your back. Okay.

20 Is there pain in your arms,

21 Mr. Salim?

22 A. No.

23 Q. Are you presently experiencing pain in your
24 jaw?

1 A. No. Right now, no, but I do experience it
2 sometimes.

3 Q. When was the last time you experienced pain in
4 your jaw?

5 A. I can't remember, but anytime I laugh, I get
6 the pain, or if I chew something, the pain
7 comes.

8 Q. Are you presently experiencing any pain in
9 your knees?

10 A. Right now?

11 Q. Yes.

12 A. Not now.

13 Q. When is the last time you experienced pain in
14 your knees?

15 A. I can't remember.

16 Q. Do you -- for the pain that you describe in
17 your back, are you receiving any medical
18 treatment?

19 A. Herbal medication, like the traditional herbs.

20 Q. What are herbs?

21 MR. HOFFMAN: Herbs.

22 MR. SMITH: Oh, herbs.

23 MR. HOFFMAN: Herbs.

24 MR. SMITH: Okay.

1 BY MR. SMITH:

2 Q. What kind of herbal medication are you taking
3 for your back?

4 A. You can't know, they are just some leaves,
5 traditional leaves that she -- I put on my
6 back.

7 Q. Are you presently having any issues with your
8 nose or sinuses?

9 A. I have problem with my nose.

10 Q. I'm sorry?

11 A. I have problem with my nose.

12 Q. Are you getting any medical treatment for your
13 nose?

14 A. No.

15 Q. Are you experiencing any difficulties with
16 your sinuses?

17 A. Mostly, when my head is hurting, then I get
18 pain in my nose.

19 Q. Okay. How frequently do you get the pain in
20 your nose?

21 A. Not so frequent.

22 Q. When is the last time you had it?

23 A. I can't remember.

24 Q. And you mentioned headaches. Do you -- are

1 you experiencing problems with headaches?

2 A. Yes.

3 Q. How frequently are you experiencing this
4 problem?

5 A. Many times.

6 Q. Can you be more specific about the frequency
7 of these headaches?

8 A. I can't tell you the frequency, but I feel
9 pain. Like last night, I had headache. This
10 morning, I had headache. But sometimes it
11 hurts a lot, sometimes it doesn't.

12 Q. Do you have a headache now?

13 A. Yes.

14 Q. And do you know what tends to bring on these
15 headaches?

16 A. Sometimes it just comes by itself.

17 Q. Okay. Are you getting any medical treatment
18 for the headaches?

19 A. No.

20 Q. Are you taking anything for the headaches, any
21 medications?

22 A. No.

23 Q. Last night, when you had a headache, did you
24 take some aspirin?

1 A. No.

2 Q. Is there a reason why you don't take any
3 aspirin?

4 A. I just don't want, myself.

5 Q. You mentioned yesterday that you experience
6 episodes of dizziness. Do you recall that,
7 Mr. Salim?

8 A. Yes.

9 Q. How frequently are you experiencing these
10 episodes of dizziness?

11 A. Many times.

12 Q. Is it -- does it occur on a daily basis?

13 A. Mostly, if I bend a lot --

14 Q. Sorry, if I?

15 A. I bend --

16 Q. Okay.

17 A. -- a lot, when I try to stand up, I get
18 dizziness. Like when I'm fishing, it forces
19 me to bend. And now, when I want to stand up,
20 I have to hold like this. (Gesturing.)

21 Q. Okay.

22 A. Before I stand.

23 Q. Are you getting any medical treatment for this
24 condition?

1 A. No.

2 Q. Are you taking any medication?

3 A. No.

4 Q. Is there a reason why you don't see a doctor
5 about these dizzy episodes?

6 A. There's no doctor. If you go to the doctor,
7 they just give you Panadol. Panadol is like
8 Tylenol.

9 Q. Okay.

10 MR. HOFFMAN: Have you reached a
11 stopping point or...

12 MR. SMITH: You mean you want to
13 take a break?

14 MR. HOFFMAN: Well, I mean, I don't
15 want to interrupt if you're in the middle of
16 something.

17 MR. SMITH: We can take a break.

18 MR. HOFFMAN: Okay.

19 VIDEOGRAPHER: The time is 11:20.
20 We're off the record.

21 (Brief pause.)

22 VIDEOGRAPHER: Back on the record.
23 The time is 11:36.

24 BY MR. SMITH:

1 Q. Mr. Salim, are you seeking, as part of your
2 damages in this case, to recover for symptoms
3 relating to weakness and fatigue?

4 A. Yes.

5 Q. Are you presently experiencing symptoms
6 relating to weakness and fatigue?

7 A. Yes.

8 Q. Can you describe for me those symptoms?

9 A. I just feel like I'm so tired and the whole
10 body is painful.

11 Q. And are you getting any medical treatment for
12 this condition?

13 A. Traditional herbs.

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

15 A. Traditional medicine.

16 Q. What kind of medicine?

17 A. Just like herbs.

18 Q. Herbs?

19 A. Yeah.

20 Q. Okay. Have you sought any medical advice
21 related to this condition?

22 A. No.

23 Q. Mr. Salim, I want to ask you about your eating
24 habits. Do you eat regular meals every day?

1 A. I eat every day.

2 Q. Okay. For example, today, did you have any
3 meals?

4 A. Yes.

5 Q. Okay. And can you describe for me what your
6 -- how many meals a day you have?

7 A. Most of the time, twice.

8 Q. Okay.

9 A. A day.

10 Q. And is that breakfast and dinner?

11 A. Yes.

12 Q. May I ask you, what did you have for breakfast
13 today?

14 A. Fine.

15 Q. What did you have?

16 A. Banana.

17 Q. One banana?

18 A. They brought bananas that were cut in pieces,
19 so I don't know whether they were -- the
20 number.

21 Q. Okay. And is that, typically, what you have
22 for breakfast?

23 A. Ever since I came here, I've been having that.

24 Q. Okay. How about back home?

1 A. I eat fish and soup in the morning.

2 Q. And how about for dinner?

3 A. It depends. Sometimes fish and bread or fish
4 with something else.

5 Q. Okay. And do you drink water?

6 A. Sometimes I drink, sometimes just a little.

7 Q. And what other types of beverages do you drink
8 in addition to water?

9 A. I don't really drink that much. Sometimes I
10 drink juice, but just sometimes.

11 Q. Mr. Suleiman, have you ever asked your -- a
12 doctor whether or not some of these
13 conditions, like dizziness and headaches and
14 fatigue, were related to your diet?

15 A. Which doctor?

16 Q. Any doctor.

17 A. I've never.

18 Q. You never asked?

19 A. I don't remember.

20 Q. Do you know what a flashback is?

21 A. Yes.

22 Q. What is a flashback?

23 A. Like thinking of something that happened
24 before.

1 Q. Okay. Do you experience flashbacks?

2 A. Yes.

3 Q. And what do you flash back to?

4 A. It depends.

5 Q. What does it depend upon?

6 A. Depends with what I'm -- what I'm thinking at
7 that time.

8 Q. But do you tend to flash back to one
9 particular thing or many things?

10 A. Most of the time, one thing.

11 Q. Okay. And what is that thing?

12 A. Tortured, being tortured.

13 Q. So what happened to you at darkness?

14 A. Most of the time, yes.

15 Q. And what -- if it's not a flashback to
16 darkness, what is the flashback to?

17 A. Bagram and salt pit.

18 Q. Okay. When is the last time you had a
19 flashback to Bagram?

20 A. Today.

21 Q. Can you describe for me what happened?

22 A. I -- (translating.) I was seeing myself like
23 I'm in a cell in Bagram. I was seeing myself
24 like I was in a cell in Bagram.

1 Q. And how long did that flashback last?

2 A. It comes and goes. It comes and goes.

3 Q. How many times did it happen today?

4 A. One or two times.

5 Q. How long did the flashback last?

6 A. I don't know like how long it took.

7 Q. And do you experience any physical symptoms
8 during this flashback?

9 A. It depends with what I'm remembering or
10 thinking.

11 Q. Okay. And when is the last time you had a
12 flashback to darkness?

13 A. Right now.

14 Q. And are the flashbacks to darkness different
15 than the flashbacks to Bagram or salt pit?

16 A. Yes.

17 Q. Mr. Salim, you were taken out of darkness 13
18 years ago. Does that sound right?

19 A. I don't know how to count those years.

20 Q. Okay. So I think you were taken into
21 captivity in 2003. I think that's what you
22 told me yesterday.

23 Do you remember that?

24 A. Yes.

1 Q. And you were kept in that darkness, as you
2 refer to it, for approximately two months?

3 A. Yes.

4 Q. And that was some 13 or 14 years ago, right?

5 A. I don't know about the years.

6 Q. Now, these flashbacks, how long have you been
7 experiencing them?

8 A. I have answered you that it depends with what
9 I'm thinking.

10 Q. Okay. Have you been experiencing flashbacks
11 for the last 13 or 14 years?

12 A. Ever since I was in jail, I get those
13 flashbacks.

14 Q. Okay. And has the frequency of the flashbacks
15 increased or decreased with the passage of
16 time?

17 A. It depends.

18 Q. What does it depend upon?

19 A. If I am working, like I'm doing something, I
20 don't get flashback that much as compared to
21 when I'm not doing anything.

22 Q. Okay. And are you receiving any medical
23 treatment for these flashbacks?

24 A. No.

1 Q. Are you taking any medication for the
2 flashbacks?

3 A. No.

4 Q. Is there a reason why you're not getting
5 medical treatment for the flashbacks?

6 A. I see like it's going to make me crazy so
7 there's no need of taking me -- taking
8 medication, like it's going to have some
9 mental effect.

10 Q. The medication will?

11 A. That's what I'm thinking.

12 Q. Well, do you think if you go see a doctor that
13 you may get better?

14 A. There's no doctor in Zanzibar that can tell me
15 that.

16 Q. Did you ever try to find a doctor in Zanzibar
17 to treat you?

18 A. No doctor.

19 Q. Did you try -- did you try to find a doctor in
20 Zanzibar to treat you?

21 MR. HOFFMAN: Objection. He can
22 answer.

23 THE WITNESS: None.

24 BY MR. SMITH:

1 Q. Does that mean he looked and he couldn't find
2 one or does that mean he never looked?

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

5 THE WITNESS: I never looked.

6 BY MR. SMITH:

7 Q. Why didn't you look?

8 A. I don't know.

9 Q. Do you contend that you suffer a brain injury
10 as a result of what happened to you in
11 captivity?

12 MR. HOFFMAN: Object, but he can
13 answer.

14 THE WITNESS: Yes.

15 BY MR. SMITH:

16 Q. What is the brain injury?

17 A. A lot of headaches.

18 Q. Who diagnosed, if anyone, that you have a
19 brain injury?

20 A. Nobody.

21 Q. But you think these headaches that you're
22 experiencing are related to some sort of
23 injury to your brain?

24 A. Yes.

1 Q. But a doctor has never told you that?

2 A. No.

3 Q. And you never saw a doctor to seek treatment
4 for these headaches, correct?

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

7 THE WITNESS: No.

8 BY MR. SMITH:

9 Q. Are you suffering, presently, from a condition
10 related to ringing in your ears?

11 A. Yes.

12 Q. Can you describe for me that condition?

13 A. Yes.

14 Q. Please do.

15 A. At times, I feel noise, like something just --
16 a sound like (making inaudible noise) and then
17 sometimes it's like something just going like
18 pop, pop, pop, pop, pop in my ear.

19 Q. Okay. How frequently do you experience that
20 condition?

21 A. The one that gives me the sounds of pop, pop,
22 pop doesn't happen more frequently, but the
23 sound, many times.

24 Q. Many times a day?

1 A. I'm not very sure, but I can say like in a
2 day, maybe one time.

3 Q. Are you seeking any treatment for this
4 condition?

5 A. No.

6 Q. Have you seen a doctor?

7 A. For that condition, no.

8 Q. Are you taking any medication?

9 A. No.

10 Q. Has a doctor ever diagnosed what the cause is
11 of the ringing in the ears?

12 A. No.

13 Q. Do you know what post-traumatic stress
14 disorder is?

15 A. No.

16 Q. Has a doctor ever advised you that you are
17 suffering from post-traumatic stress disorder?

18 MR. HOFFMAN: Objection, but he can
19 answer.

20 THE WITNESS: I don't know.

21 BY MR. SMITH:

22 Q. Have you ever seen a doctor for treatment for
23 symptoms related to post-traumatic stress
24 disorder?

1 MR. HOFFMAN: Objection, but he can
2 answer.

3 THE WITNESS: I don't know what that
4 is.

5 BY MR. SMITH:

6 Q. Are you presently experiencing any feelings of
7 isolation?

8 A. Yes.

9 Q. Can you describe them?

10 A. I don't feel like being with people, I like
11 being with myself, and I don't like walking
12 around to see people.

13 Q. And when did you start experiencing that
14 feeling?

15 A. Ever since I came from jail.

16 Q. And prior to the time that you were taken into
17 captivity, arrested in 2003, I guess, were you
18 experiencing that feeling?

19 A. No.

20 Q. Are you seeking any medical advice or
21 treatment related to this condition?

22 A. No.

23 Q. Do you know, are you familiar with the concept
24 of depression?

1 A. No.

2 Q. Have you ever heard of the medical condition
3 depression?

4 A. No.

5 Q. Are you familiar with the concept of
6 hopelessness?

7 A. How?

8 Q. Well, are you presently experiencing feelings
9 of hopelessness?

10 A. Yes.

11 Q. Can you describe them for the record?

12 A. I feel like I'm so weak and I can't do
13 anything.

14 Q. Are you seeking any treatment for that
15 condition?

16 A. No.

17 Q. Are you presently experiencing any difficulty
18 with your sleeping habits?

19 A. Yes.

20 Q. Can you describe it?

21 A. Sometimes I can go to bed and I sleep about
22 two or three hours, then I wake up and I don't
23 go back to sleep.

24 Q. How frequently does that occur?

1 A. It's almost every day.

2 Q. Are you saying that you only sleep two to
3 three hours a day?

4 A. Most of the time, but when I go fishing, when
5 I come back, I sleep well.

6 Q. Have you -- have you attempted to get any
7 medical treatment for this sleeping disorder?

8 A. No.

9 Q. Why not?

10 A. I don't know why.

11 Q. Mr. Salim, when is the last time you went to a
12 doctor for a checkup, a physical checkup?

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

15 THE WITNESS: I don't remember.

16 BY MR. SMITH:

17 Q. When is the last time you went to a doctor for
18 treatment of any kind?

19 A. I don't remember, but I went for my ears.

20 Q. When was that?

21 A. I don't remember. It was -- my eyes -- I had
22 eyes problem and I went for the ears, also,
23 and it was also for my legs.

24 Q. And you don't remember when?

1 A. I don't remember.

2 Q. Do you remember the name of the doctor?

3 A. I don't.

4 Q. Was it five or more years ago that you went
5 and saw this doctor?

6 A. Not that much, but long.

7 Q. Where was the doctor located?

8 A. In Zanzibar.

9 Q. What was the doctor's name?

10 A. I don't know.

11 Q. And did the doctor give you any medical
12 advice?

13 A. For which condition?

14 Q. For any and all of the conditions.

15 MR. HOFFMAN: Objection. He can
16 answer.

17 THE WITNESS: For the ears, they
18 gave me medication.

19 BY MR. SMITH:

20 Q. Okay.

21 A. For my eyes, they gave me glasses and I was
22 given medication, too. For my knees, they did
23 some injection and they took out fluid.

24 Q. Anything else?

1 A. I don't remember.

2 Q. Do you remember the medication you were given
3 for your ears?

4 A. No.

5 Q. Did you take the medication?

6 A. Yes.

7 Q. For how long did you take the medication?

8 A. I don't remember for how long, but I never
9 finished the dose.

10 Q. And do you know why you didn't finish the
11 dose?

12 A. When I started feeling better, I left it.

13 Q. So the medication was helping your ear
14 condition?

15 A. I didn't see -- it was pointless for me so I
16 just decided to quit.

17 Q. Well, Mr. Salim, I thought you said that the
18 medication was helping the condition with your
19 ears.

20 A. It's not that the pain went away, but it
21 reduced.

22 Q. Okay. So why didn't you keep taking the
23 medication if the pain was reduced?

24 A. I just don't want it.

1 Q. And were you given medication with your -- for
2 your eye condition?

3 A. Yes.

4 Q. Did you take that medication?

5 A. Yeah, it was like an ointment and I used it.

6 Q. Did you continue to use it?

7 A. I used a little -- a little of it.

8 Q. Okay. Did you use up the whole prescription?

9 A. I don't remember.

10 Q. Are you taking that medication presently?

11 A. No.

12 Q. Why did you stop taking it?

13 A. I just don't want it.

14 Q. Were you given medication for your knees?

15 A. Yes.

16 Q. Did you take that medication?

17 A. A little.

18 Q. Why did you stop?

19 A. I just didn't want it.

20 Q. Was the medication helping the condition of
21 your knees?

22 A. It did not help.

23 Q. Well, do you think if you would have kept
24 taking it that it may have helped?

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

3 THE WITNESS: It can't help me.

4 BY MR. SMITH:

5 Q. Did the doctor tell you to stop taking the
6 medication or was that your decision?

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

9 THE WITNESS: Myself.

10 BY MR. SMITH:

11 Q. Did the doctor want you to continue taking the
12 medication?

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

15 THE WITNESS: I didn't go to the
16 doctor.

17 BY MR. SMITH:

18 Q. Who gave you the medication for your knees?

19 A. Doctor.

20 Q. A doctor?

21 A. Yes.

22 Q. Do you remember the doctor's name?

23 MR. HOFFMAN: Objection.

24 THE WITNESS: I don't.

1 BY MR. SMITH:

2 Q. Do you remember any of the doctors' names who
3 gave you any treatment that you've described
4 here today?

5 MR. HOFFMAN: Objection, but he can
6 answer.

7 THE WITNESS: No.

8 BY MR. SMITH:

9 Q. So that I understand, the doctor who treated
10 you for your knees recommended to you to take
11 medication, but you decided not to take it, is
12 that right?

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

15 THE WITNESS: Yes.

16 BY MR. SMITH:

17 Q. Do you have any memory of any of the
18 discussions you had with Dr. Crosby?

19 A. No, I don't.

20 Q. Do you have any memory of any of the
21 discussions you had with Dr. Nyanyuki? That's
22 N-Y-A-N-Y-U-K-I.

23 MR. HOFFMAN: Object, but you can
24 answer.

1 THE WITNESS: I don't remember. I

2 don't remember.

3 BY MR. SMITH:

4 Q. Were you ever treated by a doctor from

5 Nairobi?

6 A. Yes.

7 Q. Do you remember the doctor's name?

8 A. Yes.

9 Q. What is the doctor's name?

10 A. I remember her name was Dinah.

11 Q. Dinah. Was that her first name or her last
12 name?

13 A. I don't know whether it was the first name,
14 last name, I don't know.

15 Q. Okay. And how did you get to Dr. Dinah?

16 A. She was brought by Dr. Sondra.

17 Q. Okay. And for what conditions were you
18 treated for by Dr. Dinah?

19 A. Mostly about the flashback and my weakness.

20 Q. How many times did you see Dr. Dinah?

21 A. I don't remember.

22 Q. Was it more than once?

23 A. Yes.

24 Q. And did Dr. Dinah prescribe any medications?

1 A. I don't remember.

2 Q. Do you have any memory of any diagnosis that
3 was made by Dr. Dinah about any of your
4 medical conditions?

5 A. I don't remember.

6 Q. Mr. Salim, do you think you'd be feeling
7 better and getting well if you would take the
8 medications that the doctors are recommending?

9 MR. HOFFMAN: Objection, but he can
10 answer.

11 THE WITNESS: I don't think they
12 would have helped me.

13 BY MR. SMITH:

14 Q. And why do you think that the doctors are
15 prescribing medications for you if you don't
16 think they're going to help?

17 MR. HOFFMAN: Objection, but he can
18 answer.

19 THE WITNESS: So if the doctor give
20 you the medication, you're going to be healed?

21 BY MR. SMITH:

22 Q. No. What I'm trying to understand is if you
23 go see a doctor and they prescribe medication,
24 why is it that you think that what they're

1 prescribing isn't going to help you?

2 A. I just know, by myself, that they will not
3 help me.

4 Q. Did you tell any of the doctors that?

5 A. No.

6 Q. Do you know a man named Matthew Friedman?

7 A. I don't know him.

8 Q. Do you know a man named Allen Keller?

9 A. I don't know him.

10 Q. Did you ever speak with journalists from BBC
11 Radio?

12 A. Yes.

13 Q. Do you remember who you spoke to?

14 A. I don't.

15 Q. Do you remember what you talked about?

16 A. I remember.

17 Q. What did you talk about?

18 A. Yes, I remember.

19 Q. What did you talk about?

20 A. Just the way I was at jail and how things were
21 at jail.

22 Q. At which jail?

23 A. All of them.

24 Q. Okay. Who put you in touch with the

1 journalists from BBC Radio?

2 A. They came to me.

3 Q. Do you know how they found you?

4 A. They came to my home.

5 Q. Do you know how they found you?

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

8 THE WITNESS: I don't know.

9 BY MR. SMITH:

10 Q. Did you speak with any other journalists other
11 than the BBC Radio people and James we've
12 talked about earlier?

13 A. Yes.

14 Q. Who else did you talk to?

15 A. The Germans.

16 Q. Germans?

17 A. Uh-huh.

18 Q. Was that from Radio Deutsche Welle and
19 Panorama in Germany?

20 A. I just knew this, it was German.

21 Q. Who put you in touch with the Germans?

22 A. They just came to me.

23 Q. Okay. Do you know an individual by the name
24 of Brock Chisholm?

1 A. I know the name Brock, but I don't know
2 Chisholm.

3 Q. And who is this person?

4 A. Dr. Brock.

5 Q. Who is Dr. Brock?

6 A. It's a doctor.

7 Q. Okay. Is Dr. Brock a doctor treating you?

8 A. Yes.

9 Q. And what is Dr. Brock treating you for?

10 A. Just like if you are -- you have thoughts or
11 if you're trying to think of many things, you
12 need to do this, things like that.

13 MR. SMITH: Jane, could you repeat
14 the witness's answer.

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

17 BY MR. SMITH:

18 Q. What kind of doctor is Dr. Brock?

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

21 THE WITNESS: I don't know.

22 BY MR. SMITH:

23 Q. When did Dr. Brock start treating you?

24 A. I don't remember.

1 Q. Is Dr. Brock presently treating you?

2 A. No.

3 Q. When did the treatment stop?

4 A. I don't remember.

5 Q. Why did the treatment stop?

6 A. I don't know.

7 Q. Did Dr. Brock prescribe any medications?

8 A. No.

9 Q. Mr. Salim, are you aware that there's a trial
10 scheduled to take place in this case?

11 A. Yes.

12 Q. And is it your intention to testify in the
13 case?

14 A. How?

15 Q. Well, let's get to how later. Let's just get
16 to, is it your intention to testify?

17 A. I don't understand. What testimony?

18 MR. SMITH: Let's go off the record.

19 VIDEOGRAPHER: The time is 12:21.

20 We're off the record.

21 (Brief pause.)

22 VIDEOGRAPHER: Back on the record.

23 The time is 12:24.

24 MR. SMITH: I have no further

1 questions of the witness.

2 MR. HOFFMAN: Okay. Do we have a
3 protocol for signing and time and all that
4 stuff? I assume the usual stipulations.

5 MS. ALEXANDER: No, we didn't have
6 them previously. I mean...

7 MR. SMITH: You guys have been
8 reading and signing, haven't you?

9 MR. WATT: Yeah. We have.

10 (All parties speaking at once.)

11 MR. SMITH: No, but we're not --
12 there's no waiving reading, signing?

13 MR. HOFFMAN: No. No. No.

14 COURT REPORTER: Are we off the
15 record? Are we off the record here?

16 MR. SMITH: Sorry, we're off the
17 record.

18 VIDEOGRAPHER: The time is 12:25.
19 We're off the record.

20 (End of proceedings: 12:25 p.m.)

21

22

23

24

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 15, 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

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CASE: SULEIMAN ABDULLAH SALIM et al. v. MITCHELL
DATE: MARCH 15, 2017
WITNESS: SULEIMAN ABDULLAH SALIM REF: 18304

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SULEIMAN ABDULLAH SALIM
Subscribed and sworn to before me
this ____ day of _____, 20__.

Notary Public

A

a.m 195:6 203:7
a/k/a 244:11
Abdullah 194:5,15
 195:2 198:2,9
 203:5,8 206:20
 288:8 289:4,5,21
able 215:4,6 219:2
 219:11
Abu 243:7
acceptable 201:14
ACLU 227:4,7
 229:15,16,24
 230:4
action 194:9
 228:21 229:9
 288:14,15
activities 256:13
activity 204:23
addition 243:3
 265:8
advance 201:11
advice 263:20
 273:20 276:12
advise 200:19
advised 272:16
Afghanistan
 252:13 253:6
Africa 195:4
ago 200:8 267:18
 268:4 276:4
ahead 217:3
AHMED 194:6
airplane 218:22,24
al 244:1 289:4
al-Baluchi 244:1
al-Pakistani 243:7
 244:10,14 245:19
Alexander 196:19
 287:5
alias 243:9 244:14
 245:19
allegation 202:8,17
allegations 199:10
 199:23
alleged 202:9

Allen 283:8
America 206:3
American 196:11
 232:3
Americans 220:23
 247:23
Ammar 243:24
answer 199:17
 205:6 207:22
 208:4 209:9
 213:18 214:20
 215:19 216:4
 217:12,21 218:3
 218:9 221:14,22
 222:7 223:16
 225:5 226:22
 228:11 230:10,19
 231:19 232:10
 233:8 235:3,7
 237:21 238:7,14
 238:20 239:7,14
 239:19 240:6
 241:22 242:6,13
 242:20 244:16,23
 245:5,22 247:8
 247:18 251:24
 255:10,22 256:15
 269:22 270:4,13
 271:6 272:19
 273:2 275:14
 276:16 279:2,8
 279:14 280:6,14
 280:24 282:10,18
 284:7 285:14,15
 285:20
answered 206:4
 214:9 235:20
 268:8
answers 216:22
anybody 234:10
 246:13
anytime 258:5
APPEARANCES
 196:1
appeared 236:24
 237:16

appears 247:1
Approved 198:14
approximately
 214:16 268:2
argumentative
 244:23
arms 256:24 257:4
 257:8,14,16,20
Army 221:5,7
arrested 273:17
arrived 219:22
article 198:16
 236:24 237:2,4,6
 237:9,16
asked 199:5
 201:21 205:17
 221:11,18 225:3
 234:8,10,16,17
 240:12 241:4
 253:12 265:11,18
asking 217:22
 220:19 221:8
 250:24
aspirin 260:24
 261:3
assume 287:4
assuming 235:16
attempt 204:6
attempted 275:6
attention 243:11
 244:7
attorney 229:11
attorney/client
 199:18,23 215:19
attorneys 201:22
 229:10
August 225:8
authorities 199:5
 199:20 200:3,4
 200:10
authority 199:6,7
 200:1
authorize 232:2
Avenue 196:5
aware 217:15,23
 219:21 229:19

286:9

B

B 198:6
B-A-L-U-C-H-I
 244:1
back 200:14 203:6
 233:24 234:19,21
 243:5 246:1
 256:19,22 257:1
 257:4,8,18,19
 258:17 259:3,6
 262:22 264:24
 266:3,8 274:23
 275:5 285:15
 286:22
bad 249:12,16
 257:15
Bagram 218:16,17
 218:19 219:3,18
 219:21,22 225:8
 225:13,20,23
 233:15 235:1
 266:17,19,23,24
 267:15
banana 264:16,17
bananas 264:18
based 199:17
 200:5 235:5
basis 199:9,22
 202:7,16 204:20
 242:1 261:12
BBC 283:10 284:1
 284:11
Beach 196:6
bearing 207:10
beat 222:2 224:7
 224:21 256:6,12
beating 248:2
 249:14
beatings 255:7
 256:4
bed 200:17 274:21
beginning 221:19
begins 203:4
behalf 196:2,17
 228:21 229:9
 232:4
believing 203:18
BEN 194:6
bend 261:13,15,19
better 269:13
 277:12 282:7
beverages 265:7
beyond 201:18
 202:12
big 227:1 253:24
bigger 222:13,14
Bill 197:4
bit 202:4 205:15
BLANK 196:20
blankets 222:23
blindfolded 252:17
 253:3
body 256:9 263:10
Borrowman
 194:23 288:4
boss 227:1
Bossasso 213:24
bound 210:8
bowl 249:22
brain 270:9,16,19
 270:23
bread 265:3
break 205:14,20
 205:21 232:14
 233:18 236:1
 262:13,17
breakfast 264:10
 264:12,22
Brief 233:23
 262:21 286:21
bring 260:14
bringing 204:19
 227:10
Broad 196:12
Brock 284:24
 285:1,4,5,7,9,18
 285:23 286:1,7
broken 247:12
brought 249:22
 264:18 281:16

BRUCE 194:12
brush 220:12
brutal 240:20
 241:16

C

C 199:1
Calexander@Bl...
 196:24
California 196:6
called 203:9
Captive 198:17
 237:18
captivity 233:16
 235:2 247:15
 253:17 267:21
 270:11 273:17
case 201:20 202:19
 206:11 226:18
 232:23 236:17
 263:2 286:10,13
 289:4
cases 201:1
cast 254:19
catch 216:24
cause 272:10
cell 222:13,17
 223:1,4,14,23
 224:6,13 256:19
 266:23,24
certification
 207:10,19 208:2
 209:7,16
certify 288:7,12
chance 214:10
 216:24 223:19
 230:16
change 218:13
changing 224:4
Charrise 196:19
checkup 275:12,12
chew 258:6
Chisholm 284:24
 285:2
CIA 221:2 240:19
 241:14,19 242:2

circumstances
 233:16 235:2
Civil 194:9 196:11
 232:3
claim 198:15
 204:21
claims 201:19
Clara 228:24
 229:1,6,9 231:1,6
 231:8,23 236:14
 248:22,23 249:1
class 225:14
clear 202:2
client 202:8
clients 201:10
 202:8 204:21
 240:13 242:18
close 199:21 250:1
cloth 213:20
clothes 219:11
colleague 200:19
colleagues 200:14
come 201:22
 208:22 220:18,23
 223:9 240:3
 248:21 275:5
comes 258:7
 260:16 267:2,2
coming 249:15
commission
 288:23
commit 204:6
Committee 198:13
 232:16 233:6
Commonwealth
 288:1,6
communicating
 225:17
communication
 226:5,8
communications
 201:9 215:20
compared 268:20
complaint 198:11
 199:10 232:18
conceded 217:16

217:23
concept 273:23
 274:5
concern 226:18
Conclusions
 198:13
condition 261:24
 263:12,21 271:9
 271:12,20 272:4
 272:7 273:21
 274:2,15 276:13
 277:14,18 278:2
 278:20
conditions 219:5
 255:19,20 265:13
 276:14 281:17
 282:4
confidential 210:8
connection 232:17
 236:17 245:14
consider 199:5
 200:3
contact 226:2
 228:17,17 229:16
contend 217:18
 270:9
contention 205:1
continue 202:17
 203:19 255:14
 278:6 279:11
continued 198:3
 203:12 255:6
contractors 240:19
 241:15,19 242:2
contractures 247:6
contrary 199:7
 200:4
core 202:7
correct 224:14,18
 225:9 249:9
 255:2 271:4
correctly 226:16
counsel 203:9
 288:14
count 267:19
couple 200:16

course 224:23
 231:16 240:11
court 194:1 234:22
 235:6 285:16
 287:14
cover 210:8 232:13
covered 213:15
 219:14
crazy 269:6
Crosby 198:8
 248:15,17 249:1
 250:3,7 251:13
 251:18,22 253:16
 253:22 254:5,10
 254:21 280:18
Cross 225:24
 226:3,6,9
cruel 199:12
 216:19
CSR 194:23
curious 245:1
cut 249:20 264:18

D

D 198:1 199:1
daily 261:12
damages 198:15
 217:9 226:18
 247:4 263:2
Dar 250:10,10,11
 250:13,19
dark 213:21,23
 214:1 215:3
darkness 198:17
 204:5 222:5
 226:20 248:1
 249:11 252:13
 253:7,17 254:8
 266:13,16 267:12
 267:14,17 268:1
Darkness' 237:19
date 195:5 229:17
 232:21 251:14
 252:2 289:4
day 199:3 202:20
 202:22 203:4,23

204:12 214:17,21
 218:6 263:24
 264:1,6,9 271:24
 272:2 275:1,3
 288:17 289:22
days 231:12,14,16
 250:16,20
DC 196:22
deal 255:2
December 288:24
decided 204:11,12
 277:16 280:11
decision 255:14,18
 256:6 279:6
decreased 268:15
deemed 210:7
defendant 203:10
defendant's
 199:11 202:1
Defendants 194:13
 196:17
defendants'
 198:10 206:22
 217:7,17 218:1
degrading 199:13
 216:20
delivered 208:24
Demand 198:11
depend 266:5
 268:18
depends 222:20
 265:3 266:4,6
 267:9 268:8,17
deposition 194:15
 195:2 198:12
 199:4,21 201:12
 201:16 202:5,22
 203:5,19,23
 288:9,10 289:1
depositions 202:19
depression 273:24
 274:3
describe 219:8
 220:1 221:11
 257:13,17 258:16
 263:8 264:5

266:21 271:12
 273:9 274:11,20
described 255:8
 280:3
DESCRIPTION
 198:7
designed 199:15
 202:10
detention 216:18
Deutsche 284:18
devise 240:19
 241:15 242:3
diagnosed 270:18
 272:10
diagnosis 282:2
diet 265:14
different 267:14
difficulties 259:15
difficulty 231:17
 274:17
digits 247:5
Dinah 281:10,11
 281:15,18,20,24
 282:3
dinner 264:10
 265:2
direct 243:11
 244:6,6
discharged 225:24
disclosed 201:24
discovery 202:1
discuss 200:13
discussed 203:24
discussions 280:18
 280:21
disorder 272:14,17
 272:24 275:7
DISTRICT 194:1
 194:2
dizziness 261:6,10
 261:18 265:13
dizzy 262:5
Djibouti 213:24
 214:2,6,13,16
doctor 248:18,19
 248:20 252:18

253:4,18,20,23
 253:23 254:6,6
 254:10,14,18
 255:5,13,17
 256:2,5,10,11
 262:4,6,6 265:12
 265:15,16 269:12
 269:14,16,18,19
 271:1,3 272:6,10
 272:16,22 275:12
 275:17 276:2,5,7
 276:11 279:5,11
 279:16,19,20
 280:9 281:4
 282:19,23 285:6
 285:7,18
doctor's 276:9
 279:22 281:7,9
doctors 282:8,14
 283:4
doctors' 280:2
document 206:23
 207:2,13,15
 232:4,6,8 233:11
 241:2 245:10,12
 245:13 246:22
 251:9
doing 202:4 251:1
 268:19,21
dose 277:9,11
Dr 198:8 227:3,6
 251:13,18,18,22
 253:16,22 254:5
 254:10,21 280:18
 280:21 281:15,16
 281:18,20,24
 282:3 285:4,5,7,9
 285:18,23 286:1
 286:7
drink 265:5,6,7,9
 265:10
Drive 195:3
Drs 204:21 205:2
 240:13
Dubai 230:14
 231:8,22 236:5

236:12,16 238:5
 238:9 239:1
 240:1,3 242:24
duly 203:10 288:9

E

E 198:1,6 199:1,1
 289:2
ear 271:18 277:13
earlier 284:12
ears 271:10 272:11
 275:19,22 276:17
 277:3,19
easier 201:15
easiest 234:18
EASTERN 194:2
eat 263:24 264:1
 265:1
eating 263:23
effect 269:9
ELMER 194:11
email 209:1,3
embodied 232:18
employed 288:13
engage 256:12
England 229:8
English 209:3,5
 225:13,17 231:9
 233:12 237:6,8,9
entire 213:15
 214:2,5
entitled 201:3,6,7
 237:17
episodes 261:6,10
 262:5
ERRATA 289:1
es 250:10,10,11,13
 250:19
Esq 196:3,10,18,19
establish 217:7,17
 217:24
estimate 223:7
et 289:4
evening 200:6
 203:22
Ex-Detainee

198:17 237:18
exactly 200:19
 201:3
examination 198:3
 203:9,12
examined 203:11
examining 256:9,9
example 264:2
exception 202:3
Executive 198:14
Exhibit 206:12,13
 206:17,20 207:5
 207:6 232:1,8,23
 233:1,3,5 237:12
 237:13,15 238:3
 240:16 243:5,12
 244:8 245:13
 246:18,21 251:5
 251:8 252:11
 256:22
expected 200:5
experience 201:19
 248:4 258:1
 261:5 266:1
 267:7 271:19
experienced 258:3
 258:13
experiencing
 257:3,10,14,23
 258:8 259:15
 260:1,3 261:9
 263:5 268:7,10
 270:22 273:6,13
 273:18 274:8,17
expires 288:23
expose 255:19
expression 227:1
extent 201:21
eye 196:21 278:2
eyes 213:15 275:21
 275:22 276:21

F

face 213:21,23
 214:1 219:14
facility 204:5

254:7 255:6
fact 245:18 247:20
 254:14
facts 201:6,8,18,20
 201:23 217:6,16
 217:24
factual 199:9,22
 202:7 204:20
 242:1 256:1
fair 200:21 201:5
faith 202:16
false 209:18
 245:20
familiar 273:23
 274:5
fatigue 263:3,6
 265:14
feel 260:8 263:9
 271:15 273:10
 274:12
feeling 203:18
 273:14,18 277:12
 282:6
feelings 273:6
 274:8
fight 201:12
file 232:3
filed 229:18,21
 230:8 242:18
financially 288:15
find 229:11,14
 244:21 245:1
 269:16,19 270:1
Finding 198:13
fine 230:20 264:14
finger 254:1
fingers 204:10
 249:11,13 253:23
 254:12,15,19
finish 255:14
 277:10
finished 277:9
first 218:6 219:10
 222:1 226:5
 227:9 229:16
 235:17 240:17

281:11,13
fish 265:1,3,3
fishing 261:18
 275:4
five 276:4
flash 216:10 266:3
 266:8
flashback 265:20
 265:22 266:15,16
 266:19 267:1,5,8
 267:12 268:20
 281:19
flashbacks 266:1
 267:14,15 268:6
 268:10,13,14,23
 269:2,5
flashes 216:11
Floor 196:12
fluid 276:23
followed 205:4
following 201:13
 202:5 210:7
 233:14 234:24
 236:19,22 254:11
follows 203:11
 234:22
food 204:19
footnote 216:16
 244:7
forceful 219:13
forces 261:18
forget 235:19
forgotten 249:6
formal 205:24
forth 288:9
Forty-one 252:21
found 284:3,5
FOUNDATION
 196:11
four 250:20
fractured 254:12
 254:15
Fredman 195:3
frequency 223:12
 260:6,8 268:14
frequent 259:21

frequently 223:6
 257:6 259:19
 260:3 261:9
 271:19,22 274:24
Friedman 283:6
full 229:5
further 286:24
 288:12

G

G 199:1 209:24
generate 242:17
German 284:20
Germans 284:15
 284:16,21
Germany 284:19
Gesturing 220:3
 249:21 257:18
 261:20
getting 259:12
 260:17 261:23
 263:11 269:4
 282:7
Ghul 243:14,16
 244:10 246:2,2
give 199:6 200:3
 203:19 205:8
 214:9 216:24
 223:18 230:15
 262:7 276:11
 282:19
given 208:13 255:1
 276:22 277:2
 278:1,14 288:11
gives 271:21
giving 204:10
 234:13
glass 213:21,23
glasses 214:1 215:3
 215:4 219:15
 276:21
go 202:12,23 203:1
 217:3 220:11
 222:12 228:19
 231:22 243:5
 246:1 256:22

262:6 269:12
 274:21,23 275:4
 279:15 282:23
 286:18
goes 267:2,2
going 200:2 202:21
 206:11 208:10
 217:1 219:19
 220:12 230:18
 232:22 237:11
 241:12 246:20
 249:21 251:7
 253:12 269:6,8
 271:17 282:16,20
 283:1
good 199:2 202:16
 202:24 203:14,15
grams 204:11
guards 225:15
guess 273:17
GUL 194:8
guys 287:7

H

H 198:6
habits 263:24
 274:18
half 220:8,10,16
 222:2,11 224:3
Hamza 244:3
 246:15
hand 237:11
 246:20 247:5,11
 247:14 248:11,12
 249:9,20,23,24
 251:7 254:8,18
 255:2 256:4
 288:17
handcuffed 219:13
handcuffs 214:4
handed 208:19
hands 214:4 248:5
 249:16
hanging 248:2
happen 220:20
 267:3 271:22

happened 204:8
 256:7 265:23
 266:13,21 270:10
hard 249:12,19
HARRIS 196:4
Hassan 243:14,16
 244:9
head 259:17
headache 260:9,10
 260:12,23
headaches 259:24
 260:1,7,15,18,20
 265:13 270:17,21
 271:4
heading 213:24
healed 282:20
hear 219:2 232:20
 243:21
heard 227:1,3,6
 232:15 243:6,23
 274:2
hearing 218:6
held 204:4 253:17
helicopter 218:22
 218:24
help 255:2 278:22
 279:3 282:16
 283:1,3
helped 229:10
 240:19 241:15
 242:2 278:24
 282:12
helping 277:13,18
 278:20
herbal 258:19
 259:2
herbs 248:9 258:19
 258:20,21,22,23
 263:13,17,18
hereinbefore
 288:9
hereunto 288:16
Hermosa 196:6
hide 204:11
Hoffman 196:3,4
 199:2 200:22

205:5 207:21
 208:3 209:8,19
 210:1 213:17
 214:8,19 215:13
 215:18 216:3
 218:2,8 221:13
 221:21 222:6
 223:15,18 225:4
 226:21 228:10
 230:9,15,18
 231:18 232:9
 233:7,18 234:15
 237:20 238:6,13
 238:19 239:2,4,6
 239:13,18 240:5
 240:23 241:3,21
 242:5,12,19
 244:15,22 245:4
 245:21 247:7,17
 251:23 253:8,11
 255:9,21 256:14
 258:21,23 262:10
 262:14,18 269:21
 270:3,12 271:5
 272:18 273:1
 275:13 276:15
 279:1,7,13,23
 280:5,13,23
 282:9,17 284:6
 285:19 287:2,13
HoffPaul@aol.c...
 196:8
Hogan 195:3
hold 261:20
home 226:13 248:9
 264:24 284:4
hope 201:14
hopelessness 274:6
 274:9
hours 200:16
 274:22 275:3
humorous 244:21
 245:2
hurting 249:11,16
 259:17
hurts 257:16

260:11	198:13 232:16 233:6	invoked 199:24	278:23	knowledge 201:18
I	intention 200:13	involved 204:22 217:12 255:18 256:2	Khaled 243:21	known 228:7,7,12 228:15 245:18
ibuprofen 204:10	286:12,16	isolation 273:7	kilo 227:15	knows 205:18
idea 209:6	inter 223:9	issue 202:6	kind 201:3 221:17 224:24 248:19 259:2 263:16 275:18 285:18	KSM 243:19
identification	interested 288:15	issues 259:7	kinds 225:2	L
206:14 233:2	interpreter 197:2	item 256:23	knees 258:9,14 276:22 278:14,21 279:18 280:10	L 196:3,19
237:14 246:19	197:3 205:13,14 205:19,22 206:1		knew 244:10 284:20	language 209:3 233:12
251:6,8	206:5,8 217:2	J	know 201:6,7 202:7 204:9,18 205:11 208:6 216:8,9 217:10 217:10,11,14,19 218:4,20 219:17 219:19 220:5 221:2,3,4,8 225:10,10 227:24 228:2,5,9 229:6 229:21 230:5,5,6 230:7 232:5 233:5,9 235:18 236:7,19,22 238:2,2,16,21,23 239:15 241:20,23 242:9,14,16,21 243:13,15,18,24 244:3 245:1 246:11,13,17 248:14,20,20,21 253:6 255:17 256:5,21 259:4 260:14 264:19 265:20 267:6,19 268:5 270:8 272:13,20 273:3 273:23 275:10 276:10 277:10 281:13,14 283:2 283:6,7,8,9 284:3 284:5,8,23 285:1 285:1,21 286:6	laptop 254:1
identifies 216:17	218:18 227:19,22 230:17 231:4 235:7 252:5,7,9 252:19,22	J-A-M-E-S 235:13		larger 224:6,13
identify 206:19 251:12	interrogate 205:15 206:2	jail 253:5 268:12 273:15 283:20,21 283:22		laugh 258:5
II 194:16	interrogated	James 194:11 196:18 235:11,14 235:17,18 236:23 237:24 238:1,2,4 238:11,24 239:11 239:24 240:4 241:13 242:10,23 243:3 284:11		laughing 245:2
images 215:5	220:17 223:4,6 223:13,21 224:2 224:14	James's 235:14		lawsuit 227:10 229:18,21 230:8 240:18 241:14 242:17 245:15
implemented	interrogations	Jane 194:23 285:13 288:4		lawyer 208:16,17 209:23 227:13,14 227:24 228:6,8 228:13,15,22,23 229:4 236:9,10 237:5 238:4 240:2 249:6
199:15 202:10	224:5,16,20,23 225:3	jaw 257:24 258:4		lawyers 201:9 215:11 217:12,13 217:20,23 227:4 227:7 234:3 235:24 242:9 245:13
inaudible 271:16	interrogatories	Jessen 194:12 199:11 204:22 205:2 240:13		layman 205:15
includes 216:21	198:10 206:22 216:22	Jessen's 227:6		learn 225:19,22 227:9,12
inclusion 216:21	interrogating	Joan 251:18		learned 202:18 225:13
increased 268:15	224:10	Job 194:24		leaves 259:4,5
independent	interrogation	Johananesburg		left 203:21 213:24 214:22 218:14 234:9 277:12
201:17	224:18 240:20 241:16 242:3	195:4		legal 201:8
indicating 199:21	interrogations	JOHN 194:12		legs 219:13 275:23
individual 243:18 243:24 244:3 284:23	224:5,16,20,23 225:3	journalists 283:10 284:1,10		let's 200:17 256:22 286:15,15,18
information 201:4 207:18 208:1,11 209:18 256:1	interrogatory	Jury 198:11		letter 226:12,14
infrequency	205:11,18,22,23			Liberties 196:11
223:13	interrupt 262:15			
inhuman 199:13 216:19	Interrupting			
initials 243:19	245:11			
injection 276:23	interview 235:19 235:22 236:1,4,8 236:12,19,23 240:11 242:10,16			
Injuries 198:15	interviewed			
injure 224:21	233:14 234:8,10 234:24 235:5,10 240:4 254:22			
injuries 224:24 248:11 249:8	investigation			
injury 216:17,22 217:8,9 270:9,16 270:19,23	201:23 217:13,21			
instruct 215:19 244:22				
instructed 199:17				
Intelligence				
		K		
		K 227:15		
		keep 217:1 277:22		
		Keller 283:8		
		Kendagor 197:3		
		kept 220:6 223:1 224:4 268:1		

232:3
light 202:18
 220:13
LINE 289:6
links 202:8
little 202:4 205:15
 265:6 278:7,7,17
living 219:20
LLP 196:4,20
located 276:7
LOCATION
 195:3
long 220:6 223:1,9
 231:11 250:15
 267:1,5,6 268:6
 276:6 277:7,8
look 208:9 229:10
 270:7
looked 208:5,8
 270:1,2,5
looking 238:3
lot 204:9 260:11
 261:13,17 270:17
Lovells 195:3

M

M 194:23 196:10
 227:15,19 288:4
M-K 227:21
M-K-O-N-O
 227:22,24
M.D 198:8
machine 253:24
mail 208:22
making 248:3
 271:16
man 228:5 238:16
 243:13 283:6,8
March 194:17
 195:5 288:7,17
 289:4
mark 206:11
 232:22 237:11
marked 198:12
 206:14,16 233:2
 237:14,15 246:19

246:21 251:6,7
Mary 227:15,18,19
 227:20
Massachusetts
 288:1,6
matters 218:14
 232:18
Matthew 283:6
MD 251:13
meals 263:24
 264:3,6
mean 262:12,14
 263:14 270:1,2
 287:6
medical 248:7
 249:8 258:17
 259:12 260:17
 261:23 263:11,20
 268:22 269:5
 273:20 274:2
 275:7 276:11
 282:4

medication 205:9
 258:19 259:2
 262:2 269:1,8,10
 272:8 276:18,22
 277:2,5,7,13,18
 277:23 278:1,4
 278:10,14,16,20
 279:6,12,18
 280:11 282:20,23
medications
 260:21 281:24
 282:8,15 286:7
medicine 255:1
 263:15,16

meet 230:3 231:11
 243:16 249:1
 250:6,12,15
meeting 230:7,13
 230:22 231:9,13
 231:14 239:11,22
 239:24 242:24
 250:21 251:17,21
 252:1,4,8
memory 215:22

251:17,21 280:17
 280:20 282:2
mental 269:9
mentioned 259:24
 261:5
met 227:4,7 229:23
 230:5 231:8
 236:13 238:4,11
 238:15,18,24
 250:3

meters 220:4,4,5
middle 247:2
 262:15
mind 200:20
mistake 252:7
Mitchell 194:11
 199:11 204:21
 205:2 240:13
 289:4

Mitchell's 227:3
Mohamed 194:6
 243:22

moments 200:8
moms 226:15
month 225:10
 238:23
months 268:2
morning 199:3
 200:7,15 202:24
 203:14 214:23
 260:10 265:1
mothers 226:15
move 215:18
musculoskeletal
 256:24

N

N 198:1 199:1
 227:15
N-Y-A-N-Y-U-K-I
 251:19 280:22
Nairobi 281:5
naked 219:10
name 208:17 227:3
 227:6,14 229:5
 235:11,14,17

243:7,9,21,24
 244:3 247:1
 248:14 256:23
 276:2,9 279:22
 281:7,9,10,11,12
 281:13,14 284:23
 285:1
named 236:23
 243:13,16 283:6
 283:8

names 280:2
Nancy 227:16
need 269:7 285:12
needs 206:3
neither 288:12
never 207:1 243:8
 243:23 244:17
 246:13 248:13
 249:7 251:15
 265:17,18 270:2
 270:5 271:1,3
 277:8

New 196:13,13
 198:16 235:18
 236:20,24 237:17
 238:1,24 239:12
 243:2 289:2,2
night 199:6 214:22
 260:9,23
nighttime 214:23
noise 271:15,16
Non-confidential
 213:13
normal 221:15
nose 259:8,9,11,13
 259:18,20

Notary 288:5,20
 289:24
November 207:15
number 210:2
 264:20
NW 196:21
Nyanyuki 251:18
 280:21

O

O 199:1 227:15,16
o'clock 200:15
oath 206:4
OBAID 194:6
object 214:10
 223:19 230:15,18
 240:23 245:21,22
 270:12 280:23
objected 199:19
objection 205:5
 207:21 208:3
 209:8,19 213:17
 214:8,19 215:13
 216:3 218:2,8
 221:13,21 222:6
 223:15 225:4
 226:21 228:10
 230:9 231:18
 232:9 233:7
 237:20 238:6,13
 238:19 239:2,4,6
 239:13,18 240:5
 241:21 242:5,12
 242:19 244:15,22
 245:4 247:7,17
 251:23 255:9,21
 256:14 269:21
 270:3 271:5
 272:18 273:1
 275:13 276:15
 279:1,7,13,23
 280:5,13 282:9
 282:17 284:6
 285:19
Objections 198:10
 206:21
occur 223:22
 261:12 274:24
occurred 221:12
 222:5
occurring 216:18
October 229:18,24
 230:4 237:17
 238:5,12 251:22
October/Novem...
 246:4

Oh 203:3 205:23 235:14,24 241:3 250:11 252:22 258:22	page 198:7 207:4,6 207:6,9,20 210:1 210:3 216:15,16 240:15,17 243:11 244:7 247:2 252:11,12 253:2 253:2 289:6	255:5 273:10,12 284:11	pop 271:18,18,18 271:18,18,21,21 271:22	provided 199:4,19 200:9
ointment 278:5	pages 207:18 208:11	period 213:15 215:2 220:15 221:10 222:1 223:3 224:6,12 225:12 254:24	portion 210:7	providing 199:8 205:3
okay 203:21 206:5 206:10 209:2 214:8 215:1 218:12 219:17,22 220:6,9 222:16 222:22 223:3 224:5 226:11 228:5 229:7,11 229:18 230:17 233:19 236:3 244:13 246:1,15 248:10 250:3 252:4,6,8,22 256:5,11,19,22 257:19 258:24 259:19 260:17 261:16,21 262:9 262:18 263:20 264:2,5,8,21,24 265:5 266:1,11 266:18 267:11,20 268:10,14,22 271:19 276:20 277:22 278:8 281:15,17 283:24 284:23 285:7 287:2	paid 231:22 240:3	permitted 220:11	possibility 227:10	Public 288:5,20 289:24
once 281:22 287:10	pain 204:9 247:4 248:4 255:2 256:24 257:3,10 257:13,15,17,20 257:23 258:3,6,6 258:8,13,16 259:18,19 260:9 277:20,23	person 204:18,18 215:9 216:8 236:23 243:16 248:14 285:3	post-traumatic 272:13,17,23	publicity 242:17
ones 221:7	pains 248:3	person's 235:17	potential 209:17	punishments 209:17
opportunity 234:13	Panadol 262:7,7	personal 194:7 201:18	prepared 232:17	purports 207:9
orange 227:15,16	Panorama 284:19	phased 199:14 202:11	prescribe 281:24 282:23 286:7	purpose 242:16
order 201:11	pants 204:12	photographs 215:8 215:12,22 216:1 216:7,9	prescribing 282:15 283:1	purposes 251:8
orders 256:12	paper 208:13,15 208:20 209:2	physical 267:7 275:12	presently 248:4,5 248:7 257:3,10 257:23 258:8 259:7 263:5 271:9 273:6 274:8,17 278:10 286:1	pursue 217:9
originally 235:20	paragraph 199:10 240:17 252:16,20 253:2	picked 225:18	present 197:1 208:19 230:22 231:4 236:8 249:4 250:21	put 200:12,23 202:3 207:7 213:21,23 219:11 219:15 249:23,24 254:1 255:19 259:5 283:24 284:21
outside 220:11	part 201:16 240:21 241:17 245:14 263:1	pieces 264:18	presently 248:4,5 248:7 257:3,10 257:23 258:8 259:7 263:5 271:9 273:6 274:8,17 278:10 286:1	<hr/> Q <hr/>
<hr/> P <hr/>	particular 266:9	Pier 196:5	previously 203:10 287:6	question 204:24 205:24 224:10 225:21 230:19 234:16,20,23 235:20 239:23 241:12 250:19 253:8,11 255:15
P 199:1	particularly 202:9	pill 204:15,17 205:3	prior 230:19 232:7 273:16	questioning 199:9
p.m 287:20	parties 287:10 288:13	pit 218:14 219:3 266:17 267:15	privilege 199:18 199:24	questions 220:19 221:8,11,15,17 221:18,20 223:10 225:2,6 240:12 253:13 287:1
	passage 268:15	place 220:18 224:16 230:7,13 231:24 236:4,6 236:12 286:10	problem 259:9,11 260:4 275:22	quit 277:16
	Paul 196:3	placed 254:18	problems 260:1	quote 216:16 240:17,24 241:5 241:8 252:16
	pause 233:23 262:21 286:21	plaintiff 198:9 206:20 240:18 241:14	proceed 203:16	quoting 241:1
	pay 240:9	plaintiffs 194:9 196:2 198:15 201:24	proceedings 287:20	<hr/> R <hr/>
	people 215:5,8 218:23 219:9,12 221:6 222:18,19 222:21 224:9 225:24 226:3	please 207:8 235:12 271:14	Professional 288:5	R 199:1
		point 262:11	program 199:14 202:11 216:21 240:20 241:16 242:3	R-A-B-I 244:4 246:16
		pointless 277:15	propose 200:10 201:13	Rabi 244:4 246:16
			proposition 242:2	Radio 283:11
			protocol 287:3	

284:1,11,18
RAHMAN 194:8
rape 217:18
raped 215:9
reached 262:10
read 209:14
234:19,21 237:9
237:10 285:15
reading 209:6,13
244:19 287:8,12
ready 203:16,17
really 265:9
reason 261:2 262:4
269:4
recall 199:16
214:12,17 216:14
220:22 223:12,17
230:11 238:3
240:12 261:6
received 247:14
248:10,13 249:7
receiving 248:7
258:17 268:22
recognize 206:16
206:18 237:15
recommended
280:10
recommending
282:8
record 200:7,12,18
200:23 202:4,15
203:2,6 233:22
234:1,5,13,21
245:3 246:21
251:12 262:20,22
274:11 286:18,20
286:22 287:15,15
287:17,19 288:11
recover 247:4
263:2
rectal 216:17
Red 225:24 226:2
226:6,9
reduced 277:21,23
REF 289:5
refer 204:5 254:7

268:2
reference 237:24
referenced 241:20
regimen 199:12
Registered 288:4
regular 263:24
related 247:5
263:21 265:14
270:22 271:10
272:23 273:21
288:13
relating 201:19
202:11 263:3,6
release 225:19,22
233:15 235:1
released 223:2
225:8
relying 245:14
remain 214:1
remember 201:20
204:16 207:17
215:10 216:12
219:5 226:7,11
227:11 229:17
230:2 231:3,12
231:23 232:21
233:13 235:11,14
236:15,18 238:8
240:7,14 241:9
241:18 249:3,5,5
250:5,14,18,23
250:24 251:2,4
251:20 252:1,2
254:13,17 258:5
258:15 259:23
265:19 267:23
275:15,19,21,24
276:1,2 277:1,2,8
278:9 279:22
280:2 281:1,2,7
281:10,21 282:1
282:5 283:13,15
283:16,18 285:24
286:4
remembering
267:9

remind 235:24
reminded 235:22
236:2,3
removed 249:19
rendition 216:18
repeat 239:23
285:13
Rephrase 225:21
report 198:8
232:17 233:6
234:11 236:20
245:18 251:12,13
253:7
Reported 194:23
reporter 234:22
235:6 285:16
287:14 288:5
Representative
194:8
representatives
229:24 230:3
requested 285:16
requests 202:1
requiring 201:5
reread 234:16
residence 246:15
respect 199:8
250:19
responding 213:19
response 200:24
202:1
Responses 198:10
206:21
responsibility
217:7,17 218:1
responsible 205:2
205:8 217:20
result 216:20
270:10
resulting 247:6
resumes 213:13
review 200:24
207:18 208:1
232:6
right 199:22 202:6
202:13,15 204:4

214:14 233:19
245:20 246:5
247:5,11,16
248:11 249:9
252:9 253:9
254:16,19,21,22
258:1,10 267:13
267:18 268:4
280:12
rights 228:20
ringing 271:10
272:11
Risen 238:1,2
241:13,13 242:10
242:11
ROME 196:20
room 213:16 219:9
219:12,24 220:1
220:2,6,9,13,16
220:21 221:6
222:10,15 223:22
223:24 224:1,17
RPR 194:23
288:21
run 240:19 241:15
242:3

S

S 198:6 199:1
Salaam 250:10,10
250:11,13,19
Salim 194:5,15
195:2 198:2
199:12 201:17
202:12,24 203:6
203:8,14,21
204:4,15,20
205:1,11,17
206:13,16,24
207:9 213:16
215:2 216:17
217:15 218:13
226:16 227:9
232:2,15 233:1
234:3,12 237:13
243:13 244:20

245:9,12 246:18
246:20 251:5
252:17 253:3
255:17 257:21
261:7 263:1,23
267:17 275:11
277:17 282:6
286:9 288:8
289:4,5,21
Salim's 198:9
199:4 202:22
206:21
salt 218:14 219:3
266:17 267:15
Samuel 197:3
Sandton 195:4
saw 246:3 253:22
255:5 271:3
276:5
saying 200:24
205:20 215:10
231:13 241:10
245:17 256:11
275:2
says 216:16 240:16
241:8 244:9,19
246:2 252:13,16
253:3,6
scheduled 286:10
SCHONBRUN
196:4
seal 288:17
second 207:5 246:1
246:2 256:23
see 200:20 202:23
207:2,11 215:4
216:10,11,15
218:23 237:2
240:16,22 241:8
244:9,11,12
246:5,8,9 247:1,3
252:12,14,15,16
252:17 253:3,4,5
253:9,12,14,18
253:20 254:6
256:23 257:1

262:4 269:6,12
 273:12 277:15
 281:20 282:23
seeing 266:22,23
seek 271:3
seeking 226:18
 247:4 263:1
 272:3 273:20
 274:14
seen 206:23 233:3
 246:22 251:9,15
 272:6,22
Select 198:13
 232:16 233:6
Senate 198:13
 232:16 233:5
sense 201:8
sent 201:1 209:2
 218:17,18
sentence 246:2
separate 210:8
SEPLOW 196:4
SERVICES 289:1
set 239:11 242:9
 288:9,17
shackled 214:5
shackles 255:7
SHEET 289:1
Sheikh 243:21
Shkai 246:3,10
shocking 245:7,9
shoulders 256:24
 257:4,8
show 206:10
 232:22 257:16
showed 208:11,13
 208:14 232:7
 237:4
shown 233:11
 237:6
sic 227:18
sign 207:13,15
signature 207:10
signed 207:19
 208:2 209:7,10
 209:13,16

signing 209:16
 287:3,8,12
sinuses 259:8,16
sir 203:16 210:5
 225:9 234:14
 240:22 243:6
 244:6 255:4
skip 227:20
Slater 197:4
sleep 222:22,24
 274:21,23 275:2
 275:5
sleeping 274:18
 275:7
Smith 196:18
 198:3 199:2
 202:2 203:3,13
 205:10,17,21,23
 206:3,10,15
 207:24 208:7
 209:11,21 210:3
 210:4 213:14,22
 214:11,24 215:15
 215:21 216:6,23
 217:3,5 218:5,11
 218:19 221:16,24
 222:9 223:20
 225:7 226:24
 227:17,20,23
 228:14 230:12,21
 231:21 232:12
 233:10,20 234:2
 234:19 235:9
 237:23 238:10,17
 238:22 239:9,16
 239:21 240:8
 241:1,6,11,24
 242:8,15,22
 244:18,24 245:8
 245:24 247:10,22
 252:3,6,8,10,21
 253:1,15 255:12
 255:24 256:18
 258:22,24 259:1
 262:12,17,24
 269:24 270:6,15

271:8 272:21
 273:5 275:16
 276:19 279:4,10
 279:17 280:1,8
 280:16 281:3
 282:13,21 284:9
 285:13,17,22
 286:18,24 287:7
 287:11,16
Smith-JT@Blan...
 196:23
soldiers 224:8
Somalia 214:13
Somalis 247:12
somebody 228:7
Sondra 198:8
 248:14,17 249:1
 250:3,6 251:13
 281:16
sorry 207:5 235:6
 253:10 259:10
 261:14 287:16
sort 270:22
SOULD 194:6
sought 263:20
sound 241:4
 267:18 271:16,23
sounded 241:6
sounds 271:21
soup 265:1
South 195:4
speak 200:7
 225:13 231:6,9
 242:23 243:2
 257:11 283:10
 284:10
speakers 219:14
 219:15
speaking 287:10
specific 260:6
spell 227:17
 235:12
spoke 283:13
SS 288:2
stand 261:17,19,22
start 236:21

255:15 273:13
 285:23
started 256:4
 277:12
starting 203:23
state 201:3
stated 244:10
States 194:1
 200:14 221:5
 247:15
Steven 196:10
 208:18 230:23
 231:8 236:11,13
 238:5
stinking 249:20
stipulation 200:5
 200:11,12,18,23
 201:14
stipulations 287:4
stop 199:24 216:23
 246:5 278:12,18
 279:5 286:3,5
stopping 262:11
Street 196:12,21
 289:2
stress 272:13,17,23
strike 215:18
 218:12 226:17
 236:20 239:10
 244:19 249:18
 255:15
struggle 202:14,16
 202:19
stuff 227:21 287:4
subject 209:17
 218:13 222:4
 232:14 255:6
subjected 199:11
 226:19 242:4
 256:13
subpart 209:24
Subscribed 289:21
substance 200:1
suffer 270:9
suffering 271:9
 272:17

SUFFOLK 288:2
suggestion 245:17
suicide 204:6
Suite 289:2
Suleiman 194:5,15
 195:2 198:2,9
 203:5,8 206:20
 244:11 265:11
 288:8 289:4,5,21
Summary 198:14
supervised 199:15
 202:10
sure 204:2 217:2
 220:7 233:20
 272:1
sustain 224:24
Swahili 197:2,3
 207:2 209:4
 231:6 233:12
 237:7 245:11
Swatt@aclu.org
 196:15
sworn 203:11
 288:10 289:21
symptoms 263:2,5
 263:8 267:7
 272:23

T

T 196:18 198:6
take 202:3,6
 204:13,15 220:18
 220:24 223:8
 224:16 228:21
 229:9 230:13
 232:13,14 236:4
 236:6,12 256:10
 256:16,19 260:24
 261:2 262:13,17
 277:5,7 278:4,16
 280:10,11 282:7
 286:10
taken 215:12,23
 216:2,9 218:15
 218:21 219:3,18
 219:23 222:10,13

223:22,24 224:1
 224:17 226:13
 252:17 253:4,18
 253:20 254:6
 267:17,20 273:16
takes 200:20
Talha 243:7
 244:10,14 245:19
 246:3
talk 250:4 283:17
 283:19 284:14
talked 226:11
 250:23 251:2
 283:15 284:12
talking 225:16,16
Tanzania 228:16
Tanzanian 227:13
 227:14
tell 202:14 204:8
 205:7 215:11
 225:2 238:11
 241:13 249:10
 253:16,22 254:5
 254:10,14,15
 256:1 260:8
 263:14 269:14
 279:5 283:4
telling 202:15
 205:8
tend 266:8
tends 260:14
term 205:15
testified 203:11
 222:5 224:13
testify 286:12,16
testimony 203:24
 213:13 214:12,17
 215:7 216:1
 238:12 239:1
 249:7 286:17
 288:11
Thank 215:1
thing 249:19 256:3
 266:9,10,11
things 215:5 222:4
 222:23 255:7

256:7 266:9
 283:20 285:11,12
think 201:2,5
 203:20 204:1
 209:1 220:7
 226:10 233:18
 234:16 247:11
 250:8 267:20,21
 269:12 270:21
 278:23 282:6,11
 282:14,16,24
 285:11
thinking 265:23
 266:6 267:10
 268:9 269:11
thought 199:7
 277:17
thoughts 285:10
three 200:15
 274:22 275:3
tied 213:20
till 219:20
time 195:6 203:6
 203:21,22 213:16
 214:2,5 215:2
 220:15 221:10
 223:3,9 224:12
 225:12 232:6
 233:21 234:1
 248:10 250:9,10
 254:24 257:7
 258:3,13 259:22
 262:19,23 264:7
 266:7,10,14,18
 267:11 268:16
 272:2 273:16
 275:4,11,17
 286:19,23 287:3
 287:18
times 198:16
 220:20 222:20
 223:10 226:8,10
 229:23 230:2
 235:18 236:16,20
 236:24 237:17
 238:1 239:1,12

243:3 250:6
 260:5 261:11
 267:3,4 271:15
 271:23,24 281:20
tired 263:9
today 203:16
 204:13 206:24
 218:6 233:3
 246:23 251:10
 264:2,13 266:20
 267:3 280:4
told 209:22 221:20
 239:17,24 247:11
 249:16,23 254:4
 254:11,21 267:22
 271:1
top 240:17 252:12
torture 198:16
 199:12,14 202:11
 216:19 237:18
tortured 266:12,12
touch 283:24
 284:21
traditional 248:9
 258:19 259:5
 263:13,15
trained 225:14
translating 206:6
 217:4 234:9
 239:3,5 246:7
 252:23 266:22
TRANSPERFE...
 289:1
transported
 214:13 219:6
treat 249:17
 269:17,20
treated 280:9
 281:4,18
treating 285:7,9,23
 286:1
treatment 199:13
 216:20 226:19
 247:14,20 248:8
 248:11,13 249:8
 250:1 258:18

259:12 260:17
 261:23 263:11
 268:23 269:5
 271:3 272:3,22
 273:21 274:14
 275:7,18 280:3
 286:3,5
trial 198:11 286:9
trip 236:13
true 245:23 288:10
try 261:17 269:16
 269:19,19
trying 282:22
 285:11
Turn 206:19 207:4
 209:24 216:15
 240:15 252:11
twice 250:8 264:7
two 201:1 202:22
 219:9 220:8,10
 220:16 222:2,11
 224:3 226:10
 231:16 240:19
 241:14,19 242:2
 267:4 268:2
 274:22 275:2
Tylenol 262:8
types 265:7
typically 264:21

U

Uh-huh 284:17
ULLAH 194:7
unaware 217:6
understand 199:22
 202:16 206:9
 217:22 226:16
 234:3 245:9,12
 254:3 255:4
 280:9 282:22
 286:17
understanding
 209:12,15 231:17
Union 196:11
 232:3
United 194:1

200:14 221:4
 247:15
upper 257:1,4,8
use 243:9 244:13
 248:9 278:6,8
uses 243:18
usual 287:4

V

v 289:4
video 203:5
Videographer
 197:4 203:1,4
 233:21,24 262:19
 262:22 286:19,22
 287:18
VIDEOTAPED
 194:15
VOLUME 194:16
 198:2
vs 194:10

W

wait 200:16 214:9
waiving 287:12
wake 274:22
walking 273:11
wall 220:3
want 202:3 203:1
 218:13 224:9
 243:5 244:6,6
 247:1 261:4,19
 262:12,15 263:23
 277:24 278:13,19
 279:11
wanted 226:12
 228:20
Washington 194:2
 196:22
wasn't 214:22
 215:6 253:24
water 249:15,23
 265:5,8
Watt 196:10 238:5
 238:12 287:9
way 204:22 205:3
 224:21 234:18

241:3,7 255:18
283:20
we'll 200:16,20
202:23 232:14
we're 202:2 203:22
206:11 232:22
233:22,24 237:11
262:20 286:20
287:11,16,19
we've 246:20
284:11
weak 274:12
weakness 263:3,6
281:19
wearing 215:3
week 220:8 222:10
224:2
weeks 220:8,10,16
222:2,11 224:3
Welle 284:18
went 228:18
231:14 249:18
275:11,17,19,22
276:4 277:20
whereof 288:16
willfully 209:18
withdraw 204:24
224:11
witness 198:2
199:17 203:9
205:7 206:7
207:7,23 208:5
209:10,20 213:19
214:21 215:14
216:5 217:22
218:4,10 221:15
221:23 222:8
223:17 225:6
226:23 228:12
230:11 231:20,24
232:1,11 233:9
234:20 235:4
237:22 238:8,15
238:21 239:8,15
239:20 240:7
241:9,23 242:7

242:14,21 244:17
245:1,6,23 247:9
247:19 252:1,24
253:10,14 255:11
255:23 256:16
269:23 270:5,14
271:7 272:20
273:3 275:15
276:17 279:3,9
279:15,24 280:7
280:15 281:1
282:11,19 284:8
285:21 287:1
288:8,11,16
289:5

witness's 285:14
word 205:14,20,21
working 268:19
wound 250:1
wrapped 249:12
wrapping 256:3
write 226:12
wrongdoing 202:9

X

x 194:4,14 198:1,6
x-ray 253:24 254:3
254:8,11 256:3
x-rayed 253:23
XXXXXX 205:13
205:18,19,22
206:1,5,8 216:24
217:2 218:18
227:19,22 230:17
235:7 252:5,7,9
252:19,22
XXXXXXXXXXXXXXXXXX...
197:2

Y

yeah 203:3 205:19
252:9 263:19
278:5 287:9
year 227:11 230:5
230:6 238:9,18
238:23
years 267:18,19

268:4,5,11 276:4
yesterday 199:3
214:12,18 232:7
247:12 255:8
261:5 267:22
York 196:13,13
198:16 235:18
236:20,24 237:17
238:1,24 239:12
243:2 289:2,2

Z

Zanzibar 248:24
249:2 250:9,15
269:14,16,20
276:8

0

001420 288:21

1

1 201:17 207:18
208:11 216:16
10 222:20 251:22
10:04 233:21
10:24 234:1
10004 196:13
10017 289:2
11:20 262:19
11:36 262:23
12/13/12 198:14
12:21 286:19
12:24 286:23
12:25 287:18,20
125 196:12
12th 237:17
13 267:17 268:4,11
14 268:4,11
15 194:17 195:5
198:13 222:21
232:23 233:1,3,5
243:5,12 244:8
245:13 288:7
289:4
16 198:15 246:18
246:21 251:19
256:22

17 251:19
18 198:16 237:12
237:13,16 238:4
240:16
1825 196:21
18304 194:24
289:5
18th 196:12

2

2 198:2,8 203:4,23
251:5,8 252:12
2:15-CV-286-JLQ
194:10
20 216:15,16
289:22
200 196:5
20006-5403 196:22
2003 246:4 267:21
273:17
2008 225:9,11
2010 251:19
2015 229:19 230:1
230:4
2016 207:16
237:17 238:5
251:22
2017 194:17 195:5
288:7,18 289:4
2023 288:24
203 198:3
206 198:10
2110 244:7 246:1
212 289:3
212-284-7321
196:14
216 289:2
22 195:3
232 198:12
233 198:14
237 198:17
246 198:15
251 198:8
26 210:3
28th 207:15 288:17

3

3 220:4,4
3/14/17 198:12
310-396-0731
196:7
35 207:19 208:12
36 207:6,9,20
374 243:11 244:8

4

400-8845 289:3
41 252:16 253:2,2
45th 289:2

5

6

6 198:9 206:12,13
206:17,20 207:5
207:6

7

7 251:22 288:24
74 199:10

8

8 198:11 232:1,8
252:11 253:2
8:59 195:6
800 204:11

9

9:06 203:7
90254 196:6
903 289:2