

Faridi Declaration Ex. 7

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

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SUHAIL NAJIM ABDULLAH AL      :   Civil Action No.:
SHIMARI, et al.,             :   1:08-cv-827
      Plaintiffs,             :
versus                        :   Wednesday, April 17, 2024
      :                       :   Alexandria, Virginia
CACI PREMIER TECHNOLOGY,     :   Volume III - A.M. session
INC,                          :   Pages 1-91
      Defendant.             :
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The above-entitled jury trial was heard before the Honorable Leonie M. Brinkema, United States District Judge. This proceeding commenced at 9:34 a.m.

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COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

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P R O C E E D I N G S

1
2 THE DEPUTY CLERK: Civil Action Number
3 1:08-cv-827, Suhail Najim Abdullah Al Shimari, et al. versus
4 CACI Premier Technology, Inc.

5 Will counsel please note their appearance for the
6 record beginning with the plaintiff.

7 MR. FARIDI: Good morning, Your Honor.
8 Muhammad Faridi from Patterson Belknap on behalf of the
9 plaintiffs, joined by my colleagues Michael Buchanan and
10 Andrew Haddad.

11 THE COURT: Good morning.

12 MS. GINSBERG: Good morning, Your Honor.
13 Nina Ginsberg, John O'Connor, Linda Bailey for Mr. -- for
14 CACI.

15 THE COURT: Mr. CACI?

16 MS. GINSBERG: Mr. CACI. Actually, Ms. CACI.

17 THE COURT: Good morning.

18 Before we bring the jury in -- and they are all
19 here -- I just wanted to go over for the formal record,
20 there was email exchange last night about the exhibits, and
21 I want to, first of all, make sure I understand this
22 correctly.

23 As to Plaintiffs' Exhibit 206, so far only
24 subsections B, C and E and pages 2 and 10 have been formally
25 moved into evidence. And that came in during

1 Mr. Frederick's testimony.

2 Everybody agree with that?

3 MR. FARIDI: Your Honor, I think my understanding
4 is pages 2 to 10, or does the email state otherwise?

5 THE COURT: Two through ten?

6 MR. FARIDI: Yes.

7 THE COURT: Let's make sure, because it's an "and"
8 in the email. But these are part of -- are these part of
9 the Fay report?

10 MR. FARIDI: All of these pictures are going to
11 come in through the testimony --

12 THE COURT: Fine. So we'll clarify that then
13 later on today.

14 MR. O'CONNOR: Pages 1 through 22 are going to
15 come in through Fay.

16 THE COURT: One through 22. All right.

17 MR. FARIDI: And what we will propose, Your Honor,
18 is, we're only interested in pages 1 through 22, and then we
19 can revise Exhibit 206 to just take out pages 23 through 34
20 so there's no confusion whatsoever.

21 THE COURT: Is everybody in agreement with that?

22 MR. O'CONNOR: Certainly.

23 THE COURT: So my court staff then understands
24 that the official exhibits that stay in the record of the
25 case will only be pages 1 through 22 of Exhibit 206.

1 Everything else is out.

2 MR. O'CONNOR: Agreed.

3 THE COURT: And that covered subsections B, C, D.
4 In other words, 206 is just one exhibit. 206, pages 1
5 through 22. And we'll make sure that the books have been
6 corrected before they go to the jury. Okay.

7 And then the only other one was PX32. I'm not
8 sure that that was read into the record. It's my
9 understanding that that did come in through Mr. Al-Zuba'e
10 testimony; right? Nobody's disputing that?

11 MR. O'CONNOR: Plaintiffs' 32. What is
12 Plaintiffs' 32?

13 MR. FARIDI: Our understanding is it did come in
14 through the cross-examination of Mr. Al-Zuba'e. We're fine
15 with that.

16 THE COURT: All right. Somebody check to make
17 sure there's no problem with that.

18 MR. O'CONNOR: I think they offered it during --

19 MR. FARIDI: Your Honor, it's --

20 MR. O'CONNOR: I think it's in. I think it's in.

21 THE COURT: All right. So 32 -- Plaintiffs' 32 is
22 in, and Defense Exhibit 40 came in through the
23 cross-examination of Mr. Frederick.

24 Is there any objection to that?

25 MR. FARIDI: None, Your Honor.

1 THE COURT: So that is also in now; all right?

2 MR. O'CONNOR: Yes. Thank you.

3 THE COURT: All right. That takes care of the
4 exhibits.

5 (Plaintiffs' Exhibit Number 32 admitted into evidence.)

6 MR. O'CONNOR: That's right.

7 THE COURT: As of last night, all those exhibits
8 are in, and we go forward from today. All right.

9 The jury is all here. Do we have to take anything
10 up?

11 MR. FARIDI: A very minor issue, Your Honor.

12 THE COURT: Yeah.

13 MR. FARIDI: This will make your life easier, I
14 think. We are going to withdraw our war-crimes-related
15 claims, specifically the conspiracy to commit war crimes and
16 aiding and abetting war crimes. So we're going to -- just
17 letting Your Honor know. I assume they have no objections
18 to that.

19 THE COURT: Let me hear if there's any objection.

20 MR. O'CONNOR: No objection, Your Honor.

21 THE COURT: Fine. Again, I'm a great believer in
22 Occam's razor. The simplest explanation is usually the best
23 and the most accurate. So that's excellent.

24 MR. FARIDI: And one last thing. We heard your
25 admonition yesterday about the use of pictures. I just want

1 to let you know, Your Honor, there are only three pictures
2 that we intend to show Mr. Al Shimari. The first picture is
3 a picture of the hard site and the cellblocks, just to
4 orient him as to where he was.

5 THE COURT: All right.

6 MR. FARIDI: That's PTX13.

7 The second one is PTX195, which is not in evidence
8 yet. PTX13 is already in evidence. PTX195 not in evidence.
9 And this is a picture, Your Honor, of a prisoner who has his
10 hands cuffed behind his back and is tied to the bed.

11 THE COURT: All right.

12 MR. FARIDI: And the last one is PTX206G, which is
13 part of the first 22 pages of 206, which are already going
14 to come into evidence through Major General Fay.

15 THE COURT: You've done a great job of shortening
16 the case, everybody appreciates that, and that's -- there's
17 no problem there.

18 So let's bring the jury in.

19 THE CSO: Yes, Judge.

20 Rise for the jury.

21 (Jury present at 9:39 a.m.)

22 THE COURT: Good morning, ladies and gentlemen.
23 Thank you for being here on time. I can always tell when I
24 have a good jury because everybody is here on time, and we
25 appreciate that.

1 Just to check in with you all, did any of you have
2 any problems last night in terms of following my
3 instructions? You all behaved yourselves? Yes? Good.

4 All right. We're going to start now with the
5 video -- the live video testimony from our remaining
6 plaintiff, Mr. Al Shimari.

7 Are we ready with the equipment?

8 THE DEPUTY CLERK: Yes.

9 THE COURT: Okay.

10 MR. FARIDI: Your Honor, at this time, we would
11 like to read just three of the stipulated facts before the
12 witness takes the stand. And I'll be reading from
13 paragraphs 21 -- I'm sorry, paragraphs 5 through 8 of the
14 parties' joint stipulation.

15 Paragraph 5: Plaintiff Suhail Najim Abdullah Al
16 Shimari was taken into custody by the United States military
17 on or about November 7th, 2023 [sic].

18 Paragraph 6: Mr. Al Shimari was detained at Abu
19 Ghraib prison starting approximately December 1, 2023 [sic]
20 and was held there until October 11, 2004. He was released
21 from U.S. military custody on or about March 27, 2008.

22 Paragraph 7: Mr. Al Shimari was assigned ISN
23 Number 153913.

24 And paragraph 8: According to the United States,
25 Mr. Al Shimari was interrogated by a CACI employee, CACI

1 Interrogator A and Army Interrogator B on December 15, 2003.

2 Your Honor, we call Plaintiff Suhail Al Shimari.

3 THE COURT: All right.

4 MR. HADDAD: He should be up on that screen as
5 well.

6 THE COURT: Is he up on all screens?

7 THE DEPUTY CLERK: He's not up on that screen yet.

8 MR. HADDAD: Not up on that screen. Okay. I
9 thought that's what we did yesterday, so I was just
10 checking.

11 THE COURT: We'll turn it on. Hold on a second.

12 We'll have the witness affirmed.

13 THE CSO: It's on their screen.

14 THE COURT: If it's not there, as long as the
15 jurors can see, one screen is going to be all right, and
16 we'll just have to turn it on.

17 MR. HADDAD: It's fine if it doesn't work.

18 Thank you.

19 THE COURT: All right. We'll have the witness
20 affirmed.

21 **Thereupon,**

22 SUHAIL NAJIM ABDULLAH AL SHIMARI,
23 having been called as a witness on behalf of the plaintiffs
24 and having been first duly sworn by the Deputy Clerk, was
25 examined and testified as follows:

1 (Time noted: 9:42 a.m.)

2 THE COURT: Is the witness getting the signal? It
3 doesn't look that way.

4 THE INTERPRETER: Interpreter can repeat the oath.

5 THE COURT: Yes, please do.

6 Thereupon,

7 SUHAIL NAJIM ABDULLAH AL SHIMARI,
8 having been called as a witness on behalf of the plaintiffs
9 and having been first duly sworn by the Deputy Clerk, was
10 examined and testified as follows:

11 (Time noted: 9:43 a.m.)

12 DIRECT EXAMINATION

13 BY MR. HADDAD:

14 Q Hello, Suhail. Can you please say your full name for
15 the jury?

16 A Al Shimari. Abdulla Al Shimari. Correct.

17 Q How are you doing today, Suhail?

18 A I am well.

19 Q Suhail, how old are you?

20 A Sixty-five years old.

21 Q Where do you live right now?

22 A I live in Mahmoudiyah, an area near to the highway in
23 the Village of Abdullah (phonetic). Oh, Abdullah Alisha
24 (phonetic). In the village of Abdullah Alisha. So it's
25 near the highway. Okay.

1 THE INTERPRETER: Okay. Repeating the name of the
2 town, Abdullah Alisha.

3 BY MR. HADDAD:

4 Q Thank you, Suhail.

5 Suhail, are you married?

6 A Yes, I'm married.

7 Q For how long have you been married?

8 A I got married in 1981.

9 Q Do you have children?

10 A Six.

11 Q Where were you born? Where were you born?

12 A In the same village.

13 Q Can you describe your educational background?

14 A I have a bachelor's in mathematics.

15 Q And what do you do for a living?

16 A I am a school principal.

17 Q Okay. What type of school are you a principal at?

18 A I work as a school principal in the same village,

19 Abdullah Alisha (phonetic).

20 Q Are you a principal at a middle school?

21 A Yes. Middle school. Yes. Middle school.

22 Q Before you were the principal, what did you do?

23 A I was a teacher.

24 Q Were you a math teacher?

25 A Yes. Mathematics teacher.

1 Q Suhail, do you practice a particular religion?

2 A I am Muslim.

3 Q Suhail, I'd like to focus your attention on the fall of
4 2003.

5 A All right.

6 Q Did there come a time in late 2003 when you were
7 detained at Abu Ghraib prison?

8 A Yes. Yes.

9 Q When exactly were you detained at Abu Ghraib prison?

10 THE INTERPRETER: Interpreter will get a
11 clarification.

12 THE WITNESS: So I was detained in the cellblocks.

13 BY MR. HADDAD:

14 Q Were you first detained at Abu Ghraib around the
15 beginning of December 2003?

16 THE COURT: Well, there's a stipulation. Let's
17 move this along.

18 MR. HADDAD: Okay.

19 BY MR. HADDAD:

20 Q When you were first detained at Abu Ghraib, were you
21 held in the cellblocks you just mentioned?

22 A Yes.

23 MR. HADDAD: I'd like to show the witness
24 Plaintiffs' Exhibit 13, which is already in evidence.

25 THE WITNESS: Yes. This is the place where I was

1 detained. I was in Jail Cell Number 1.

2 BY MR. HADDAD:

3 Q For how long?

4 A Thirty days. A full month.

5 Q Okay. So were you in the cellblock for the month of
6 December 2003?

7 A Yes.

8 Q You said that you were in Cell Number 1.

9 Can you describe what your cell looked like?

10 A The jail had two levels, ground level and a higher
11 level. It was quite cold, and it was tight.

12 MR. HADDAD: The photo can be taken down now.

13 THE WITNESS: What is the question?

14 BY MR. HADDAD:

15 Q There was no question.

16 So in the month that you were detained in the
17 cellblock, were you interrogated?

18 THE INTERPRETER: Asking for repetition. The
19 interpreter will repeat. Asking for repetition.

20 THE COURT: Did anyone ask you any questions while
21 you were in Abu Ghraib?

22 THE WITNESS: Yes. Yes. I was interrogated twice
23 or three times in that jail cell.

24 BY MR. HADDAD:

25 Q When you were interrogated at this cellblock, what type

1 of shirt was the person who was asking you questions
2 wearing?

3 THE INTERPRETER: What type of shirt was the
4 person --

5 MR. HADDAD: What type of shirt was the person
6 asking you questions wearing?

7 THE WITNESS: Okay. So the man would be wearing a
8 black T-shirt, camel color pants. Camel color pants.
9 That's it.

10 BY MR. HADDAD:

11 Q While you were being questioned, was something ever put
12 on your head?

13 A Yes. They would put the bag on my head. And it shows
14 in the pictures, they would put the black bag on my head.

15 Q What kind of bag was put on your head?

16 A A regular bag. A sandbag.

17 Q So I'd like to turn to how you were treated while you
18 were at the cellblock.

19 During the time you were at the cellblock, were
20 you abused?

21 A Yes. I would like to clarify a few matters.

22 As soon as I got to that place, they put me in the
23 jail cell. So the first day, they shaved my mustache, my
24 beard, my hair. And as you know, that's a form of
25 humiliation for a man to shave their mustache, their beard

1 and their hair. It's a form of humiliation.

2 After that, they took me to the shower. So a
3 female soldier took me, a female soldier. If it's a man, I
4 would be ashamed and embarrassed to be exposed in front of
5 the man. But, nevertheless, that was a female soldier. So
6 she gave me a small soap, and she told me to take a shower.
7 It was quite cold. And she would not let me stop -- finish
8 my shower until the bar of soap was consumed. After that,
9 they gave me a red jumpsuit. A red jumpsuit.

10 THE INTERPRETER: Interpreter will ask for
11 repetition.

12 THE WITNESS: So she dipped the red jumpsuit in
13 the water, got it wet, and then gave it to me to wear.
14 After that, they got me to strip naked, and they made me
15 hold my penis.

16 THE INTERPRETER: Interpreters will switch.

17 THE INTERPRETER: I asked him for a repeat.

18 THE WITNESS: While I was inside the cell, I was
19 attacked, and they were fingering me from behind. Yes.

20 THE COURT: Wait.

21 MR. HADDAD: Suhail.

22 THE COURT: Mr. Al Shimari, you're going to have
23 to speak a bit slower, and you have to leave time for the
24 interpreter to translate what you're saying into English.

25 THE WITNESS: God willing.

1 THE COURT: And also you need to let your lawyers
2 ask you the question, and just answer the question.

3 THE WITNESS: God willing.

4 THE COURT: Let's get a question now.

5 BY MR. HADDAD:

6 Q Suhail, I think you just mentioned that you were
7 fingered from behind when you were at the cellblock.

8 Do you mean that someone inserted a finger into
9 your rectum?

10 A Yes.

11 Q And did this happen more than once?

12 A Of course. Whenever I'm taken to the -- whenever I'm
13 taken for interrogation, I get bad treatment.

14 Q Suhail, I'm going to ask you more questions about what
15 you just said, but could you describe some of the other ways
16 that you were abused that you haven't mentioned yet first?

17 A Yes. Go ahead and ask me the question.

18 Q While you were being questioned, did you ever have to
19 kneel on anything?

20 THE INTERPRETER: I told him to slow down a bit.

21 THE WITNESS: They had me kneel over some sharp
22 rocks, and those rocks will cause you to get injured. And
23 the position they had me is where I had to get on my knees
24 and focus on the interrogator.

25 During the interrogation, the interrogator, what

1 he would do is he would draw a circle on the wall and place
2 a dot inside that circle, and he had -- he asked me -- he
3 would ask me to put my -- he would ask me to place my nose
4 on that dot.

5 BY MR. HADDAD:

6 Q So I want to ask you more about when you kneeled on
7 sharp stones.

8 Can you show the jury how big the stones were?

9 A Those stones were broken to pieces, and whenever you
10 put your knees on it, it will cause you an injury.

11 Q Suhail, can you use your hands to show the jury how big
12 the stones were?

13 A They were about the size of an egg, and it has the
14 sharp edges.

15 Also, I have another point that I would like to
16 bring up. So whenever I was interrogated, what the
17 interrogator would do is he would talk to me directly, and
18 behind him, they put a glass, and behind that glass, there
19 was a dog. And I was threatened every time if I do not
20 cooperate during the session of the interrogation.

21 Can I add some more?

22 Q Sure, Suhail, you can add some more.

23 A During that session when the dog was present -- so
24 whenever they do the interrogation session, they would bring
25 up the dog close to my face, and that caused me to have a

1 hernia in my stomach. And themselves, they operate -- they
2 had a surgery, and they operated themselves on me.

3 Q Suhail, I have a -- I have a question about what you
4 just said, Suhail.

5 Okay. So a minute ago you talked about how you
6 kneeled on sharp stones during an interrogation.

7 Did someone tell you to do that?

8 A Of course. I was forced. I did not have a choice.

9 Q Who forced you to do that?

10 A The same person who was wearing a black shirt, and
11 that's the one who was giving the commands.

12 Q A minute ago you also spoke about how someone drew a
13 circle on the wall and made you stand against it.

14 A Yes.

15 Q Did that happen after you were questioned?

16 A During the interrogation, it was a form of punishment.
17 When I don't cooperate, he would ask me to do that. I was
18 getting struck if I do not cooperate, and sometimes they
19 would reload the gun.

20 Q You just mentioned a gun.

21 Did someone have a gun while you were standing
22 against the wall?

23 A Yeah. There was a weapon present.

24 Q Okay. Did anyone point a gun at you while you were
25 standing against the wall?

1 A Yes.

2 Q And for how long did you have to stand against the wall
3 like that?

4 A We can say about three hours.

5 THE COURT: I'm sorry, about?

6 THE INTERPRETER: He said he can say about three
7 hours, Your Honor. Three hours.

8 THE COURT: One, two, three? Eight?

9 THE INTERPRETER: No. Just three hours.

10 THE COURT: Three?

11 THE INTERPRETER: Yes, Your Honor.

12 BY MR. HADDAD:

13 Q Did you try to move away from the wall?

14 A My feet were swollen, and I kept on trying not to fall,
15 but out of fear, I attempted to stand up.

16 Q What were you afraid of?

17 A I was afraid because a weapon was pointed at me.

18 Q Suhail, I'm going to ask you about other things that
19 may have happened to you while you were at the cellblock.

20 A God willing.

21 Q While you were at the cellblock, did anyone ever
22 intentionally touch your genitals?

23 A Yes. They tried -- they did, and they had me
24 handcuffed to the bed. And then --

25 Q Go ahead.

1 A And during the night, they will play -- they will play
2 loud music at night, and nobody was able to sleep.

3 Q You just mentioned that someone grabbed your genitals
4 while you were at the cellblock.

5 Did they say anything to you while they were doing
6 this?

7 A I was told that I would be raped, and also I was told
8 that my family will be brought here, not for you to see, but
9 for you to watch them being raped. And this is
10 unacceptable. Once or twice they poured cold water on me.

11 Q Where did they pour cold water?

12 A It was a form of punishment near the showers.

13 Q Okay. Did they pour cold water on you?

14 A No. There was a tub of cold water, and they picked me
15 up and placed me in that tub of cold water. And they
16 repeated that again. And they put me in a red jumpsuit.
17 What they would do is they will wet it, and then they asked
18 me to wear it.

19 Q Suhail, you mentioned loud music a minute ago.

20 When would loud music be played at the cellblock?

21 A From sunset until sunrise. Throughout the whole night.

22 Q Were you able to sleep while the loud music was being
23 played?

24 A It's impossible to go to sleep.

25 Q While you were at the cellblock, were you ever naked?

1 A Completely naked for 30 days. And the thing with the
2 red jumpsuit, I would prefer to stay naked and not put it on
3 because of how wet it was.

4 Q Were your arms ever chained to anything while you were
5 at the cellblock?

6 THE INTERPRETER: I'm going to ask him to repeat
7 the question. I don't think he understood the question.

8 BY MR. HADDAD:

9 Q All right. While you were at the cellblock, were your
10 arms ever chained to anything?

11 A Yes. What they did was they handcuffed me to the bed,
12 and while I was handcuffed, they started playing with my
13 penis, and they will bring the dog near me.

14 Q Okay. So you just said that you were handcuffed to a
15 bed.

16 Were your arms in front of you or behind you?

17 A Behind me.

18 THE INTERPRETER: In this position that he's
19 showing.

20 MR. HADDAD: Let the record show that the witness
21 put his arms behind his back and stood up.

22 THE COURT: All right.

23 MR. HADDAD: I'd like to show the witness
24 Plaintiffs' Exhibit 195. It's not in evidence yet, so it
25 should be shown only to the witness at this time.

1 THE COURT: Is there any objection to 195?

2 MS. GINSBERG: Judge, relevance. This is not
3 Mr. Al Shimari.

4 MR. HADDAD: Your Honor, I believe he's about to
5 testify --

6 THE COURT: We've permitted this type of sort of
7 demonstrative evidence, so over your objection, it's in.

8 MS. GINSBERG: I understand. Just so the jury
9 knows that this is not Mr. Al Shimari.

10 THE COURT: Right. This is not a picture of this
11 particular person. Yeah.

12 MR. HADDAD: We move to admit Plaintiffs'
13 Exhibit 195.

14 THE COURT: All right. It's in.

15 (Plaintiffs' Exhibit Number **195 admitted into evidence.**)

16 MR. HADDAD: Can you please publish Plaintiffs'
17 Exhibit 195 to the jury.

18 THE WITNESS: That's exactly how I was handcuffed.
19 Yes. Exactly like this photo.

20 BY MR. HADDAD:

21 Q Thank you, Suhail.

22 MR. HADDAD: We can take the photo down.

23 THE WITNESS: And as you are aware, I am a
24 principal of a school. I am a man.

25 MR. HADDAD: Can you say that one more time?

1 THE INTERPRETER: I am a man. A principal of a
2 school.

3 THE WITNESS: Is it possible for me to add on a
4 little bit more?

5 BY MR. HADDAD:

6 Q Suhail, I'll ask you a different question now.

7 You --

8 A God willing.

9 Q While you were at the cellblock, were you ever
10 electrically shocked?

11 A Yes. Whenever I was taken, they would place my hand
12 behind my back, and then upon arrival, there was wires that
13 they would connect to me.

14 Q Okay. And while you were being questioned, were you
15 ever electrically shocked?

16 A Yes.

17 Q While you were at the cellblock, were you ever beaten?

18 A I was beaten, and I had -- during that beating, I lost
19 my teeth. And if you would like me to show you, I don't
20 mind.

21 Q I don't think you need to show us.

22 A I was struck on my head, my hand, my back.

23 Q Okay. While you were at the cellblock, were you ever
24 choked?

25 A Yes. Yes. I was choked. And while I was choked, they

1 will bring up the dog, and they will put a blanket on the
2 dog, and whenever the dog attempt to bite me, they will pull
3 the dog back.

4 MR. HADDAD: I'd like to show the witness
5 Plaintiffs' Exhibit 206G. It's in evidence through 206
6 already, but this is just a subpart of just that photograph.

7 I move to admit 206G into evidence.

8 MS. GINSBERG: Same objection.

9 THE COURT: All right. It's in.

10 (Plaintiffs' Exhibit Number 206G admitted into evidence.)

11 MR. HADDAD: Can you please publish it to the jury
12 and to Suhail.

13 BY MR. HADDAD:

14 Q Suhail, do you recognize the individual on the right in
15 this photograph?

16 A Yes. This is one of the people that were -- who were
17 present there, and they were with us.

18 Q Suhail, you mentioned earlier that you had a hernia.

19 Where on your body was the hernia?

20 A Right about my belly button.

21 MR. HADDAD: You can take down this photo.

22 THE WITNESS: And also if you would like me to
23 show you that, I will show you that.

24 BY MR. HADDAD:

25 Q That's okay, Suhail. You don't need to show us.

1 Did you ever have a surgery to address the hernia?

2 A Yes, I did.

3 Q Do you still suffer from stomach pain?

4 A No. I'm better now.

5 Q Getting better now. All right.

6 A But my whole body is hurting me.

7 Q Okay. Do you suffer from headaches?

8 A Yes, I do. I also hallucinate sometimes to the point
9 where my relationship with my family is deteriorating. And
10 what happened to me is very humiliating.

11 Q How often do you have headaches?

12 A It depends. Every week, every five days. Not any
13 specific time.

14 Q Did you have headaches this often before you were
15 detained at Abu Ghraib?

16 A No, I did not have anything prior to that.

17 Q You mentioned earlier that you have pain in other parts
18 of your body.

19 What other parts of your body do you have pain?

20 A Around my wrist from where they placed the handcuffs.
21 And also my shoulder from beatings, and my neck as well.
22 Yes.

23 Q Did your memory get worse after Abu Ghraib?

24 A Of course.

25 Q And I didn't mean to interrupt you.

1 Do you have pain in any other parts of your body
2 aside from what you just told us?

3 A Sometimes my feet get swollen, I have back pain, and
4 it's to the point it causes me not being able to fall
5 asleep.

6 Q Did you have this back pain before you were detained at
7 Abu Ghraib?

8 A No.

9 Q Did your ability to concentrate change after you left
10 Abu Ghraib?

11 A Of course. I started forgetting a lot and not being
12 able to gather everything.

13 Q Did you change emotionally after Abu Ghraib?

14 A As a principal and someone who is -- had to adhere to
15 assaulting and beatings, what do you think? I am ashamed to
16 even tell my own family.

17 Q You mentioned earlier that this has affected the
18 relationship with your family.

19 Can you talk about how this has affected your
20 relationship with your family?

21 A No -- before -- before that, I had no problem listening
22 to my family. But now I have -- I don't have the patience
23 for anything. As soon as they tell me something, I'll get
24 angry.

25 Q Since being at Abu Ghraib, do you sleep differently

1 than you did before?

2 A Yes, it is different. Dealing with my family became
3 different, and my whole life is different.

4 Q Do you have nightmares after Abu Ghraib?

5 A Yes, I do have nightmares to the point where I imagine
6 things that is about to happen to me.

7 MR. HADDAD: Thank you, Suhail. No further
8 questions.

9 THE COURT: Ms. Ginsberg.

10 MS. GINSBERG: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MS. GINSBERG:

13 Q Good afternoon, Mr. Al Shimari. My name is
14 Nina Ginsberg. I represent CACI. That's the company that
15 you -- in Virginia, here in Virginia that you sued.

16 I'm sorry, but would you pronounce your name for
17 me? I'm afraid I've been pronouncing it incorrectly.

18 A Suhail Najim Abdullah Al Shimari.

19 Q Al Shimari; is that correct?

20 A Yes.

21 Q Thank you.

22 Mr. Al Shimari, we've never meant before; is that
23 right?

24 A Yes.

25 Q And, Mr. Al Shimari, did you hear at the very beginning

1 the statement that one of your lawyers read about your
2 interrogations at Abu Ghraib?

3 MR. HADDAD: I'm just going to object because I
4 don't think it was read in Arabic.

5 THE COURT: Why don't you just read it to him if
6 you have a question.

7 BY MS. GINSBERG:

8 Q Mr. Al Shimari, the United States and your lawyers and
9 CACI have agreed that on December 15th, 2003, CACI
10 Interrogator A served as the lead interrogator, and Army
11 Interrogator B served as the assistant interrogator analyst
12 in the intelligence interrogation of Mr. Al Shimari.

13 According to the interrogators' reports and notes,
14 the interrogation lasted two hours and 55 minutes.

15 Do you agree with that?

16 THE INTERPRETER: I couldn't keep up. I'm sorry.

17 THE WITNESS: I don't understand your question.
18 Can you repeat the question?

19 BY MS. GINSBERG:

20 Q Let me ask a different way.

21 The United States and your lawyers and CACI have
22 agreed that you were only interrogated one time at Abu
23 Ghraib.

24 MR. HADDAD: Objection. Mischaracterizes the
25 stipulation.

1 THE COURT: The stipulation, as I understand it,
2 only goes to one particular interrogation, that is the one
3 occurring on December 15 where the interrogator has been
4 identified as CACI Interrogator A and the MP is, what, G or
5 some other letter. That's my understanding. I don't think
6 it says that this was the only interrogation.

7 Am I reading the stipulation correctly?

8 MR. HADDAD: You're reading it correctly in our
9 view, Your Honor.

10 MS. GINSBERG: Your Honor, the stipulation
11 represents the results of the investigation conducted by the
12 United States and the notes and the reports that were
13 examined, and this is the only evidence of any interrogation
14 that was discovered.

15 MR. HADDAD: Your Honor, nowhere in the
16 stipulation does it say this was the only interrogation that
17 was --

18 THE COURT: I'm going to sustain the objection.

19 MS. GINSBERG: All right.

20 BY MS. GINSBERG:

21 Q Well, Mr. Al Shimari, do you dispute that you were
22 interrogated only one time at Abu Ghraib?

23 A Only one time? No. More than three times.

24 Q Okay. All right. Do you agree that the mistreatment
25 that you suffered while you were detained for almost five

1 years at Abu Ghraib was not the first time that you
2 experienced traumatic events that had a significant effect
3 on your life?

4 A No. I was interrogated more than one time.

5 Q Okay. Well, Mr. Al Shimari, I'm going to ask you, you
6 lived through three wars in Iraq; is that correct?

7 A Yes.

8 Q Yes. The Iran-Iraq War that lasted from 1980 to 1988?

9 A Yes.

10 Q Yeah. And the Gulf War where the multiple -- there was
11 a military coalition that -- to librate -- that invited Iraq
12 to librate Kuwait?

13 A Yes.

14 Q Yes. And that was from August of 1990 to about
15 February of 1991?

16 A Yes.

17 Q Yes.

18 And you actually served in the military during
19 both of those wars; correct?

20 A Yes.

21 Q You were a captain in the field artillery regiment?

22 A Yes.

23 Q And while you were in the Army, you sought action, you
24 were involved in fighting during those wars?

25 A Yes.

1 Q And you watched other people who you commanded, you
2 watched them die; is that right?

3 A Yes.

4 Q Yes. And, in fact, you, yourself, came very close to
5 death at least one time?

6 A Correct.

7 Q Yeah. You received a shrapnel wound to your abdomen
8 that went through your body?

9 A Yes.

10 Q And that was in 1987?

11 A Yes.

12 Q And as a result of that, you were actually hospitalized
13 for three or four months?

14 THE INTERPRETER: Could you repeat?

15 BY MS. GINSBERG:

16 Q You were hospitalized because of this wound for three
17 or four months?

18 A Correct.

19 Q Yes. And then you recuperated at home for another six
20 or seven months?

21 A Yes.

22 Q So this had a -- this had a big effect on you?

23 A Not in the same way where I had to endure injustice,
24 assault and -- while being detained.

25 Q Okay.

1 A Nobody had shaved my beard, my mustache, and I was not
2 told that they would bring my wife for them to rape.

3 Q I understand.

4 Mr. Al Shimari, you're not wearing a beard; right?

5 A No. I'm talking about my mustache, my head being
6 shaved, the way they grabbed my penis, the way they fingered
7 me.

8 Q Yes. But you said shaving your beard was a
9 humiliation, and you haven't worn a beard for many, many
10 years; is that correct?

11 A I am a Muslim, and I was wearing a beard at the time.

12 Q All right. In March of 2003, the United States invaded
13 Iraq again; is that right?

14 THE INTERPRETER: You said March?

15 BY MS. GINSBERG:

16 Q March. They came to capture Saddam Hussein?

17 A Yes.

18 Q Yes. And --

19 A I was -- at that time, I was in Abu Ghraib.

20 Q Yes. Well, you were arrested in November -- on
21 November 7th, 2003 while the United States was occupying
22 Iraq?

23 A Correct. 7 of November 2003.

24 Q Okay. Now I'm going to ask you about some of the
25 things that happened to you before you got to Abu Ghraib.

1 A Yes.

2 Q Okay. So you were arrested in your home when three
3 Army vehicles full of soldiers came to your home and took
4 you?

5 MR. HADDAD: Objection. Relevance.

6 THE COURT: I've ruled preliminarily on some of
7 these issues, and I expect you're not going to go into that.

8 MS. GINSBERG: Well, Your Honor, what I am going
9 to go into --

10 THE COURT: Approach the bench.

11 (Bench conference.)

12 THE COURT: Yeah.

13 MS. GINSBERG: I'm not going into any of the
14 reasons why he was arrested. But he has testified at his
15 deposition that he was interrogated two times at two other
16 Army camps before he ever got to Abu Ghraib. He's testified
17 here that he was interrogated three times at Abu Ghraib.

18 His prior testimony is very clear that he was
19 interrogated twice at an Army camp called Mujahideen, which
20 was the third place he was taken after he was arrested, and
21 that that occurred before he got to Abu Ghraib, and it
22 was -- all of that conduct, and there was some abuse that he
23 alleged, was done by soldiers. His testimony that he was
24 interrogated three times at Abu Ghraib is just not
25 consistent.

1 THE COURT: All right. Go. All right.

2 MS. GINSBERG: Okay. Thank you.

3 (Open court.)

4 BY MS. GINSBERG:

5 Q Mr. Al Shimari.

6 A Yes.

7 Q A large number of soldiers came to your house and
8 arrested you on November 7th; correct?

9 A Yes.

10 Q Yes. And they didn't only take you, they took other --
11 maybe four other members of your family?

12 A Yes.

13 Q And there were no civilian people who were there when
14 you and your family were arrested; right?

15 MR. HADDAD: Objection to relevance.

16 THE COURT: Overruled.

17 THE WITNESS: Where did -- what do you mean by
18 civilian?

19 BY MS. GINSBERG:

20 Q When you were first arrested on November 7th, you
21 didn't see any people wearing civilian clothes, everybody
22 was a soldier?

23 A Yes. When I was arrested at that time, there was no --
24 it was a military force that came in.

25 Q Okay. And after you were arrested, you were held at --

1 before you got to Abu Ghraib, you were held at three
2 different American military bases; is that also correct?

3 A Correct.

4 Q And you were held at those bases between November 7th
5 and December 1st, which is the date that we understand you
6 arrived at Abu Ghraib?

7 A Yes.

8 Q Okay. And at some -- at least one and maybe more of
9 those prisons during those three weeks, you were hit on the
10 head by American soldiers; is that correct?

11 A No. All the torture was being done at Abu Ghraib.

12 Q Okay. And you weren't -- you were not put in cells
13 with animals?

14 A Yes. In Abu Ghraib, I was attacked by a dog.

15 Q No. I'm asking you at one -- at the different American
16 military camps before you got to Abu Ghraib.

17 A No. No. There was nothing.

18 Q And you were hit in your stomach by American soldiers
19 before you got to Abu Ghraib?

20 A No. What they would do is they would handcuff me and
21 just transfer me from one location to another until I
22 arrived to Abu Ghraib.

23 Q Okay. And when they did that, they put a bag over your
24 head that was filled with soil so that you couldn't breathe
25 well when you were being transported?

1 A Yes. Don't forget, it's been a while. I do not
2 remember everything.

3 Q I understand that.

4 THE INTERPRETER: I asked him to repeat.

5 THE WITNESS: I only remember the worst place,
6 which is Abu Ghraib.

7 BY MS. GINSBERG:

8 Q Well, I'm going to ask you some questions.

9 You remember that you answered questions under
10 oath at a deposition in 2017, I think; is that right?

11 A Answering questions in 2017, yes.

12 Q Yes. And you were under oath at that deposition, you
13 swore to tell the truth at that deposition; is that right?

14 A And I'm still telling the truth.

15 Q Yes. And at the deposition, you also had a -- one of
16 your lawyers there with you?

17 A Where?

18 Q At the deposition in 2017.

19 A Yes.

20 Q And I'm sorry --

21 A It has been a while, and whenever somebody asks me a
22 question, I will give them an answer.

23 Q Okay. And just -- my last question about that.

24 There was an interpreter there at the deposition,
25 and you were able to understand the questions and give your

1 answers?

2 A Yes.

3 Q Okay. All right. So I'm going to ask you questions
4 now about three different military camps that you were taken
5 to before Abu Ghraib; okay?

6 A Yes.

7 Q Okay. So the first place you were taken was an
8 American military base called Camp Mursalat; correct?

9 A Correct.

10 Q And on your way to Camp Mursalat, you were stacked up
11 in a truck with other prisoners and kept together tight like
12 head to -- head to foot with other soldiers; correct?

13 A Yes.

14 Q And --

15 THE INTERPRETER: Hold on.

16 THE WITNESS: Correct. Yeah. There was many of
17 us, and that's why we were placed in a confined place.

18 BY MS. GINSBERG:

19 Q Okay. And the soldiers -- I'm sorry. Go ahead.

20 A Yeah. It is clear I was transferred from one camp to
21 another in a vehicle.

22 Q Okay. And --

23 A What is the issue with me being transferred from one
24 location to another?

25 Q I'm going to keep asking some questions; all right?

1 A Yes.

2 Q When you were transferred, the soldiers put a bag on
3 your head, on everyone's heads?

4 A Yes.

5 Q And you stayed at Camp Mursalat for two days; correct?

6 A Correct.

7 Q And while you were there at Camp Mursalat, you were put
8 in a very small cage with four or five other people;
9 correct?

10 A Correct.

11 Q Okay. And you were also asked questions, interrogated
12 while you were at Camp Mursalat; correct?

13 A Correct.

14 Q And the people who interrogated you at Camp Mursalat
15 were soldiers; correct?

16 A But they did not mistreat me.

17 Q Okay. Well, did they -- they put a bag on your head
18 when they were interrogating you; correct?

19 A Yes.

20 Q Okay. And then after -- while you were at Camp
21 Mursalat, the only people you came in contact with were
22 American soldiers; correct?

23 A Yes.

24 Q Okay. So you saw nobody wearing civilian clothes?

25 A At that place, it was a temporary held place. We were

1 held there for two days, and they conducted one
2 interrogation with us, and that was it.

3 Q Okay. And while you were there, you had no contact
4 with anyone that you believe was working for CACI while you
5 were at Camp Mursalat?

6 A I didn't even know what CACI is.

7 Q Okay. So then the next -- after those two days, you
8 were taken to Camp Luhoom; correct?

9 THE INTERPRETER: Could you repeat that location
10 name again?

11 MS. GINSBERG: Camp Luhoom.

12 THE WITNESS: Correct. It's Luhoom.

13 BY MS. GINSBERG:

14 Q And you were taken by soldiers to -- Camp Luhoom is a
15 military base; correct?

16 A Yes. Military.

17 Q And, again, you were taken in a military car with other
18 prisoners with a bag over your head when you were taken
19 there?

20 A Yes. Correct.

21 Q And you were held at Camp Luhoom in a small tent for
22 about a week; is that right?

23 A Yes.

24 Q And there were also interrogations by U.S. soldiers
25 that -- U.S. soldiers interrogated you while you were at

1 Camp Luhoom; right?

2 A One time.

3 Q Okay. And the only people that you saw at Camp Luhoom
4 were American soldiers; correct?

5 A Correct.

6 Q And no one that you saw there was wearing civilian
7 clothes; correct?

8 A As I have told you, it was a temporary time.

9 Q Okay. And then the last place you were taken before
10 you got to Abu Ghraib was Camp Mujahideen; correct?

11 A Correct.

12 Q And you were transported to Camp Mujahideen the same
13 way, in a truck with other prisoners with a bag over your
14 head?

15 A Yes.

16 Q All right. But this time, the prisoners, they were
17 pushed very close to each other, the head next to the foot
18 of the other person?

19 A Correct.

20 Q And it was painful?

21 A Very.

22 Q Very painful.

23 And also very difficult to breathe?

24 A Yes. Being transferred with a bag over the head in a
25 car, yes.

1 Q Okay. And you've previously said that you think you
2 may have some of the weakness in your side -- on your left
3 side was caused by being stacked head to foot in this truck
4 when you were being taken?

5 A What kind of weakness?

6 Q You now have weakness in your side?

7 A No, I did not have anything like that.

8 Q All right. I must be mistaken.

9 Then you were detained at Camp Mujahideen for
10 maybe 15 days?

11 A Approximately.

12 Q Okay. And while you were at --

13 A It has been -- don't forget, it has been 20 years. I
14 don't remember very well.

15 Q I understand.

16 You were interrogated at Camp Mujahideen two
17 times; correct?

18 A Approximately.

19 Q Okay.

20 A Correct.

21 Q And the person who interrogated you was an American
22 soldier?

23 A I don't know whether it was an American or CII or -- I
24 don't know. I don't know who they are.

25 Q But someone in a military uniform?

1 A Correct.

2 Q All right. I'm going to --

3 A But we did not see the same treatment where we were
4 getting humiliated.

5 Q All right. I'm going to ask you some questions about
6 that first -- the first of the two interrogations.

7 A What place?

8 Q That Camp Mujahideen.

9 Okay. So when you were at Camp Mujahideen, you
10 were abused; correct?

11 A Every time I was being interrogated, it was abuse.

12 Q Okay. And they put a bag over your head?

13 A Yes.

14 Q And that bag, again, was full of soil?

15 A Yes.

16 Q And it made it very hard for you to breathe?

17 A Same thing.

18 Q Yes. And also very difficult to talk. All right.

19 And there were some other things that happened to
20 you during that interrogation; correct?

21 A Like?

22 Q All right. That they put -- you were put in a position
23 where your feet were higher than your head?

24 A No. That was only at Abu Ghraib.

25 Q Okay. Sir, do you remember at your deposition you were

1 asked about the first interrogation that you had, which was
2 at Camp Mujahideen? And do you remember answering a
3 question about what happened to you there, saying that my --

4 THE COURT: Wait. Wait. Wait. Wait. Do you
5 have a copy of the deposition?

6 MS. GINSBERG: Yes.

7 THE COURT: All right. Let's have a copy.

8 MS. GINSBERG: Page -- the binders are up there,
9 Your Honor.

10 THE COURT: What exhibit is it in here?

11 MS. GINSBERG: It's Exhibit 47.

12 THE COURT: I'm sorry?

13 MS. GINSBERG: Forty-seven.

14 THE COURT: What page?

15 MS. GINSBERG: Also page 47. Lines 3 to 5.

16 THE COURT: Well, read the question. Hold on.

17 MS. GINSBERG: The question begins on page 46.

18 THE COURT: All right. Read the question first to
19 the witness.

20 MS. GINSBERG: All right.

21 BY MS. GINSBERG:

22 Q Mr. Al Shimari, do you remember being asked at your
23 deposition: Did anything happen during the first
24 interrogation that you viewed as mistreatment other than
25 having --

1 A At what location?

2 Q At Camp -- the first -- your first interrogation.

3 A What -- at Abu Ghraib or what? What interrogation?

4 Q No. At Camp Mujahideen.

5 A Yes. At Camp Mujahideen I was interrogated twice, but
6 it did not affect me like Abu Ghraib.

7 MR. HADDAD: Your Honor, I'm going to object to
8 this line of --

9 THE COURT: Wait. Hold on.

10 I'm concerned, as I skim very quickly through
11 these pages, as to whether or not it is clear that you were
12 questioning this witness about Camp Mujahideen because of
13 other things that are in that answer which appear to be
14 related to what he testified to as happening at Abu Ghraib.

15 MS. GINSBERG: And, Your Honor, maybe we should
16 approach the bench.

17 THE COURT: All right.

18 (Bench conference.)

19 MR. HADDAD: Your Honor, these questions are --

20 THE COURT: Wait. Wait.

21 MS. GINSBERG: Your Honor, the deposition was very
22 confused -- confusing.

23 THE COURT: As is his testimony, yes.

24 MS. GINSBERG: But he does -- he eventually agrees
25 there were two interrogations at Camp Mujahideen that

1 occurred before he went to Abu Ghraib.

2 THE COURT: Okay.

3 MS. GINSBERG: And it's -- I admit, it's very
4 confusing. I think everyone was confused, including
5 Mr. O'Connor, who was asking the questions, because he was
6 conflating what happened at one location with another. But
7 there does come a time where he admits that there were two
8 interrogations. He says -- he's asked the question: Did
9 the second interrogation --

10 THE COURT: Wait. I can't hear you.

11 MS. GINSBERG: I'm sorry.

12 MR. HADDAD: What page is this on?

13 MS. GINSBERG: On page 51, lines 7 to 9. He's
14 asked the question: Did the second -- and he's talking
15 about Camp Mujahideen. Did the second interrogation take
16 place before or after you were moved to the hard site at Abu
17 Ghraib?

18 MR. HADDAD: Your Honor, I think I can clarify
19 this.

20 MS. GINSBERG: Just let me finish.

21 MR. HADDAD: All right.

22 MS. GINSBERG: And then there's some discussion at
23 the bottom of the page at line 21. He says: Before. And
24 then he talks about an interrogator with a ponytail during
25 the second interrogation. Then he says before --

1 THE COURT: Well, the problem is I doubt military
2 folks are wearing ponytails. So that's overly confusing.

3 But this is too confusing to do it this way. All
4 right. You're going to have to back it up if you're going
5 to -- I have to be satisfied -- because it's talking around
6 here -- page 43 is saying -- page 43 is Mr. -- when you --
7 were you punched on all sides of your face during your first
8 time at Abu Ghraib? And he answers that. All right. And
9 then he's talking -- on page 44 he's talking about Abu
10 Ghraib. And then it goes to page 45: Who interrogated you
11 during first interrogation? It's too confused.

12 MS. GINSBERG: But he -- I understand it's
13 confused, but he does -- he does say that he was
14 interrogated two times, and he describes a man with a
15 ponytail during the second --

16 THE COURT: Well, go back and try to reset it.

17 People are making too much noise out there.

18 MR. HADDAD: Your Honor, I can clarify one thing
19 that I think might be causing confusion.

20 I think at times his understanding of the term
21 "hard site" refers to camps, the tents at Abu Ghraib, and
22 not the cellblock. That's why we used the term "cellblock,"
23 because "hard site" doesn't translate well, apparently. So
24 I think when he says before hard site, he means before he's
25 transferred to the tents, is my understanding.

1 THE COURT: Go back and get him started back about
2 Camp Mujahideen. All right. See if you can lay a proper
3 foundation.

4 MS. GINSBERG: I think he's going to say that all
5 these things happened at Abu Ghraib.

6 THE COURT: Then that's what he's saying.

7 MR. HADDAD: That's what he said in his
8 deposition.

9 MS. GINSBERG: He also said that these other forms
10 of mistreatment --

11 THE COURT: We have to move this along; it's not
12 getting anywhere.

13 MR. HADDAD: Thank you, Your Honor.

14 (Open court.)

15 BY MS. GINSBERG:

16 Q All right. Mr. Al Shimari, you agree you were
17 interrogated two times at Camp Mujahideen; correct?

18 A Correct.

19 Q And the second time you were interrogated there, it was
20 by a man that you described as wearing a ponytail; correct?

21 THE INTERPRETER: I'm not asking -- I'm going to
22 ask him to repeat.

23 THE WITNESS: The person with the ponytail was at
24 Abu Ghraib.

25 BY MS. GINSBERG:

1 Q All right. Do you agree that --

2 A It has been a long time. I don't remember all the
3 details.

4 Q All right. And do you agree, though, that the second
5 interrogation that you had took place before you were moved
6 to the cellblocks at Abu Ghraib?

7 A Yes.

8 Q All right. And do you also recall at page 50, lines 3
9 to 6, being asked: Mr. Al Shimari, you said a bit ago that
10 your second interrogation had an interrogator with a
11 ponytail; is that right?

12 A Yes. One of the interrogators had long hair.

13 Q Okay. And do you recall answering the question about
14 your second interrogation with the man with the ponytail
15 answering yes?

16 A And I still do say yes to that question, but I do not
17 remember exactly at what location it was. It has been over
18 20 years.

19 Q Okay. And do you remember that someone in one of those
20 interrogations at Camp Mujahideen was pushing and pulling
21 you and pushed you and -- pushed you around in the room, the
22 interrogation room?

23 A We were more than ten people in one room, and there was
24 one interrogator, and he was interrogating one at a time.

25 Q All right. And during one of those interrogations,

1 they had your hands tied so hard that you were afraid that
2 your hand or your wrist was going to be broken?

3 A No, not at that location. That was at Abu Ghraib.

4 Q All right. Do you recall during your deposition being
5 asked: Are there any other things that happened during the
6 first interrogation that you would call mistreatment?

7 Page 47, lines 19 to 21. And do you recall answering: He
8 was pulling me all the way. They almost broke my hands.
9 They were tied hard -- they were tied so hard, my hands,
10 they almost got broken. Lines -- page 48, lines 6 to 8.

11 And do you also recall the man with the ponytail ordering
12 you to stand on your toes with your nose on the wall?

13 A Yes. It has been a while. It has been a long time. I
14 only remember the torture that I went through at Abu Ghraib.

15 Q And do you also remember, during the interrogation with
16 the man with the ponytail, that you were losing your balance
17 because you were standing with your nose on the wall?

18 A I remember the extreme mistreatment that I went through
19 while I was at Abu Ghraib.

20 Q All right. But I'm asking you about Camp Mujahideen
21 with the man with the ponytail.

22 A I don't remember all the camps, but I remember the one
23 location that I went through the most mistreatment.

24 Q All right. Well, you haven't sued anybody --

25 A It has been 20 years.

1 Q All right. Well, you haven't sued anybody -- sir,
2 please let me ask my question.

3 You haven't sued anybody -- you haven't sued
4 anybody for any of the mistreatment that you suffered at any
5 one of these three camps; correct?

6 A I do not know who was committing the mistreatment,
7 whether it was a CII or other people. Exactly.

8 Q Okay. And just one or two more questions about Camp
9 Mujahideen.

10 When you had your nose to the wall and lost your
11 balance --

12 MR. HADDAD: Objection, Your Honor. Misstates the
13 deposition testimony.

14 THE COURT: I'm going to stop this line of
15 questioning. I'm going to find that this deposition is so
16 confusing as to exactly where things were happening, this is
17 not a fair line of questioning. You need to move on to
18 something else.

19 MS. GINSBERG: Okay.

20 BY MS. GINSBERG:

21 Q Okay. All right. After you left Camp Mujahideen, you
22 were taken to Abu Ghraib; is that correct?

23 A Correct.

24 Q And before you got to Abu Ghraib, you didn't see any
25 person dressed in civilian clothes; is that correct?

1 THE INTERPRETER: I'm repeating it.

2 BY MS. GINSBERG:

3 Q Yes. Before --

4 A Yes. All of them were military.

5 Q Okay. And you were -- you testified on direct
6 examination that when you were first taken to Abu Ghraib,
7 you were taken directly to the cellblock; is that correct?

8 A Correct.

9 Q Okay. And you said also that you were interrogated two
10 or three times in the jail cellblock; is that correct?

11 A Correct.

12 Q Okay. So you were not taken anyplace outside the
13 cellblock to be interrogated; is that your testimony?

14 A No. They take me to a different place, and I would be
15 punished. All the interrogation was done outside of the
16 cell -- of the jail cell.

17 THE COURT: I'm sorry. Repeat that.

18 THE INTERPRETER: All the --

19 THE COURT: Wait. When the interpreter -- when
20 the interpreter is speaking, please do not speak because
21 then we can't hear the two of you at the same time.

22 What was the -- what was the answer?

23 THE INTERPRETER: The answer, Your Honor, was:
24 All the interrogation was done outside of the jail cell.

25 THE COURT: All right. At this point we're going

1 to take a 15-minute break. Actually, I'm going to give the
2 jury until 25 of for the morning break.

3 (Jury not present at 11:20 a.m.)

4 (A brief recess was taken.)

5 THE COURT: All right. Ms. Ginsberg, how much
6 longer do you anticipate this taking?

7 MS. GINSBERG: At least another hour.

8 THE COURT: I think you should shorten it. You're
9 not getting very far with it. Shorten it.

10 All right. Let's bring the jury in.

11 THE CSO: Yes, Judge.

12 (Jury present at 11:37 a.m.)

13 THE COURT: All right. Go ahead.

14 BY MS. GINSBERG:

15 Q Mr. Al Shimari, you testified that after you were
16 brought to the cellblock, soldiers took you to the showers?

17 A Initially when I -- when they brought me, they shaved
18 my head, mustache, my beard, and then they took me to the
19 shower.

20 Q Okay. And that was soldiers that did that to you;
21 right?

22 A Of course, but after a while, I learned that the
23 soldiers, they would not do anything --

24 MS. GINSBERG: Okay. Your Honor, I'd ask him to
25 answer the question.

1 THE COURT: Sustained. Yes.

2 BY MS. GINSBERG:

3 Q And it was soldiers who made you get stripped naked?

4 A Like I said, it was after --

5 MS. GINSBERG: Your Honor, could the witness be
6 instructed to just answer the question yes or no?

7 THE COURT: Well, I can't tell because he's not
8 speaking in English. All right. Let me hear. This should
9 be a short answer, though.

10 THE WITNESS: God willing.

11 THE COURT: Ask your question again.

12 BY MS. GINSBERG:

13 Q All right. It was the soldiers who made you strip
14 naked in the shower?

15 A Yes. Soldiers did.

16 Q Yes. And soldiers made you hold your penis?

17 A No. They held my -- they held my penis.

18 Q They held your penis.

19 And they attacked you in the shower?

20 A Yes. A female soldier who attacked me in the shower.

21 Q Okay. And was the female soldier that put her finger
22 in your rectum?

23 A No. The soldier.

24 Q It was a man -- a male soldier?

25 A Yes.

1 Q Okay. And then you said you were taken back to your
2 cell with the wet jumpsuit; correct?

3 A Correct.

4 Q Okay. And then at some point you were taken for an
5 interrogation; is that correct?

6 A Correct.

7 Q And the soldiers took you from your cell and brought
8 you to where the interrogation was?

9 A Yes.

10 Q And that was somewhere inside the building where the
11 cellblock was?

12 A Close to it.

13 Q Okay. And the room where you were interrogated, it
14 had -- it was a room with concrete walls?

15 A Yes.

16 Q And a concrete floor?

17 A No. The floor had the broken stones.

18 Q All right. But the floor was concrete; was it?

19 A It was close to the -- to my jail cell.

20 Q Okay. And it was in that room that you claim -- that
21 concrete room that you claim that there were rocks on the
22 ground and -- rocks on the floor and they made you kneel?

23 A Yes. That's where the interrogation took place.

24 Q Okay. And was it the -- there were two people who were
25 interrogators in that room; correct?

1 A No. There was one interrogator and one guard. There
2 was an interrogator and a military member.

3 Q Okay. And the military member was also telling you
4 what to do; correct?

5 A Yes.

6 Q Okay. And you said -- you testified that during every
7 one of your interrogations, they had a dog behind a window;
8 is that right?

9 A Yes. Very close to us during the interrogation.

10 Q All right. But outside the interrogation room?

11 A Very close to the interrogation room.

12 Q All right. But you're testifying it was behind a
13 window, is that right, so you could see that there was a dog
14 there?

15 A Yeah. There was a glass window, and at any given
16 moment, the window could be open and the dog can attack me.

17 Q All right. But the cell that you -- the room that you
18 were in when you were interrogated, it was a concrete -- had
19 concrete walls and a concrete door -- or a door that was
20 closed; correct?

21 A Yeah. The room that I was in, it had a window, it had
22 a door that made up -- like a safe door.

23 Q And you testified that at some point they brought the
24 dog close to your face?

25 A Yes.

1 Q And that's what caused you to have a hernia?

2 A Yes.

3 Q Okay. And you also testified that someone had a gun
4 pointed at you during the interrogation?

5 A Yes.

6 Q Yes. And --

7 A It was a form of punishment whenever -- what he does,
8 he would reload the weapon.

9 Q All right. And who in the interrogation room was the
10 person that had the gun?

11 A The guard who was -- the guard who was taking orders
12 from the interrogator.

13 Q The guard was outside the interrogation room; correct?

14 A Very close to the interrogator.

15 Q All right. Well, there were three people in the
16 interrogation room; correct?

17 A No. It was not three; it was just the interrogator,
18 interpreter and the guard.

19 Q Okay. And after the interrogation, you said that while
20 you were at the cellblock, you testified that -- you said
21 they touched your genitals.

22 You meant the soldiers; correct?

23 A Yes. Correct.

24 Q And it was the soldiers who said that you would be
25 raped and they would bring your family there to be raped;

1 correct?

2 A Yes -- no. That was -- I was told that by the
3 interrogator, not them. The interrogator told me that he
4 was going to bring my family, not the soldier.

5 Q All right. Do you recall being asked when one of your
6 lawyers asked you questions this morning: While you were at
7 the cellblock, were you -- did they threaten to rape you?
8 And you said: Yes, I was told --

9 A When?

10 Q This morning your lawyer asked you about things that
11 happened to you in the cellblock; do you remember that?

12 A A little bit -- a while ago my attorney asked me about
13 what happened inside the cell?

14 Q No. Inside the cellblock.

15 A Yes, I was just asked that question during the court
16 session.

17 Q Yes. And one of the things that you told your lawyer
18 that happened to you in the cellblock, not the interrogation
19 room, in the cellblock, is I was --

20 A When they -- when I was mentioning about how I was
21 handcuffed and then you guys showed me the picture and all
22 that?

23 Q Yes. All right.

24 And one of the things you said happened to you in
25 the cellblock is I was told I would be raped and my family

1 would be brought here and my wife would be raped.

2 A Yes.

3 Q Okay. And it was soldiers that said that to you?

4 A No. The interrogator told me that he was going to do
5 that to my wife, not the soldiers.

6 Q Okay. And is it your testimony that you were held
7 completely naked for the whole 30 days that you were at Abu
8 Ghraib?

9 A Yes. With a red wet jumpsuit. And that was the only
10 thing that was available.

11 Q Okay. But you weren't naked during the interrogation
12 that you had on December 15th; were you?

13 A Whenever I was brought up for the interrogation, they
14 put -- I would go in the red jumpsuit.

15 Q Okay. And you testified that at the cellblock, you
16 were electrically shocked; do you remember that?

17 A Whenever I get back from the cellblock, that's when
18 that happens.

19 Q When you --

20 A There is a room where it is dark and it had -- does not
21 have any light to it.

22 Q Okay. And you were taken by soldiers to that room
23 where you were shocked?

24 A The soldiers brought me to the interrogator, and the
25 interrogator did that.

1 Q Okay. And it's your testimony -- you were shocked on
2 your hands; is that right? They put wires on your hands?

3 A Yes. Right here and here.

4 Q And on your hands also?

5 A Over my arms.

6 Q Okay. And after -- after the interrogation, you were
7 at Abu Ghraib for about 30 days, you were at the hard site,
8 and then you were taken to some tents; correct?

9 A Correct.

10 Q Okay. And at the tents, did you see your family once
11 you were moved to the tents?

12 A After more than a month and a half, I was able to see
13 them.

14 Q All right. And that's when you learned that four days
15 after you were arrested, your house was bombed and it was
16 made to rubble?

17 MR. HADDAD: Objection. Relevance.

18 THE COURT: Irrelevant. Sustained. Sustained.

19 MS. GINSBERG: Your Honor --

20 THE COURT: It's sustained. Let's move on.

21 BY MS. GINSBERG:

22 Q All right. You were seen -- you were -- after you
23 stayed at the -- well, let me ask you this --

24 MS. GINSBERG: Could we -- could you display
25 Plaintiffs' Exhibit 206G, the one that was previously ...

1 BY MS. GINSBERG:

2 Q All right. And the man on the left wearing the brown
3 shirt, is that one of the men that was the soldier -- one of
4 the soldiers who did these things to you?

5 THE COURT: Wait. I'm sorry.

6 MS. GINSBERG: I'm sorry, the right.

7 THE COURT: Yeah.

8 THE WITNESS: One of them. I have seen this
9 person before.

10 BY MS. GINSBERG:

11 Q All right. And was he -- was he the soldier?

12 A But -- it's one of them, but he has other, also, people
13 were with him.

14 Q Okay.

15 A But this one, I'm very sure of him.

16 Q Okay. But you're not sure about the man on the left
17 wearing the whole camouflage?

18 A Yeah, I'm not sure.

19 Q Okay. All right. Do you remember sometime, it may be
20 in April of 2004, you were moved to Camp Bucca; correct?

21 A Correct.

22 THE COURT: There's no question pending.

23 MS. GINSBERG: Yes. I ...

24 BY MS. GINSBERG:

25 Q All right. And you stayed at Camp Bucca for almost

1 four years?

2 A Yes. Yes.

3 Q And while you were at Camp Bucca, is that where you had
4 the hernia operation?

5 A Yes.

6 Q All right. Exhibit 29, Defendant's Exhibit 29 --

7 MS. GINSBERG: Would you display for the witness
8 and the Court page 202.

9 THE COURT: Which of the many numbers that are on
10 this are we going by? The Bates stamp or the --

11 MS. GINSBERG: The Bates stamp number.

12 THE COURT: All right. What's the number?

13 MS. GINSBERG: Page 202.

14 THE COURT: No. That's not going to work.

15 Exhibit 29 --

16 MS. GINSBERG: Exhibit 29, page -- the one in the
17 middle of the -- at the bottom of the page.

18 THE COURT: Now, again, we're going to need to
19 clean up these exhibits because this is over 100 pages, many
20 of which are pure black.

21 MS. GINSBERG: And I'm going to offer only the
22 pages that I ask Mr. Al Shimari.

23 THE COURT: Is there any objection to this
24 exhibit?

25 MR. HADDAD: No objection, Your Honor.

1 THE COURT: All right.

2 (Defense Exhibit Number 29, page 202 admitted into
3 evidence.)

4 THE COURT: Just so the jury has an understanding
5 of what this is -- tell the jury.

6 MS. GINSBERG: This is the detainee file that was
7 maintained while Mr. Al Shimari was in U.S. military
8 custody.

9 THE COURT: This is a U.S. government document?

10 MS. GINSBERG: It's a U.S. government document.

11 THE COURT: All right. It's not a CACI document?

12 MS. GINSBERG: Correct.

13 BY MS. GINSBERG:

14 Q Mr. Al Shimari, if you would look at the picture that's
15 on the page that's in front of you.

16 Is that what you looked like when you were
17 arrested?

18 A Can you zoom in?

19 MS. GINSBERG: No, that's not the right page. We
20 will get back to that page.

21 That page.

22 BY MS. GINSBERG:

23 Q There. Is that better?

24 A Yes, that was my number.

25 Q But is that how -- is that what you looked like when

1 you were arrested in November of 2003?

2 A Yes. I also had a wristband on my hand with the number
3 and the picture in it.

4 MS. GINSBERG: And then if we could have page 3 of
5 the same exhibit, Defense Exhibit 29, displayed.

6 BY MS. GINSBERG:

7 Q Do you see the picture on that page, Mr. Al Shimari?

8 A Yes, I do.

9 Q Okay. And is that the way you looked when you were
10 taken to Camp Bucca?

11 A Yes, that's me. But --

12 Q Okay.

13 A -- I had a long beard.

14 Q I'm sorry. You had?

15 A I had a long beard. Yes. I had a long beard.

16 Q All right. But is a picture that is the way you
17 looked? Did you remember that a picture of you was taken
18 where you looked like this?

19 MR. HADDAD: Objection. Asked and answered.

20 THE COURT: Sustained.

21 BY MS. GINSBERG:

22 Q All right. Now, do you remember that you -- when you
23 were at Camp Bucca, you were -- you were taken for two days
24 to a medical facility?

25 A Yes. I went there twice. They operated on the hernia

1 and something else.

2 Q All right. And you were also -- you were there in
3 2005; right?

4 And while you were there, you had the opportunity
5 to tell them about any medical or physical complaints that
6 you had; correct?

7 MR. HADDAD: Objection. Speculative.

8 THE COURT: No. It's a question. Overruled.

9 THE WITNESS: Of course I was in extreme pain
10 after the hernia surgery.

11 BY MS. GINSBERG:

12 Q No. But at the other -- you saw doctors at the medical
13 facilities at additional different times while you were at
14 Camp Bucca; correct?

15 A Yes.

16 Q Yes.

17 MS. GINSBERG: And if we could display page 39.

18 MR. HADDAD: Objection. Why is this being shown
19 to the jury?

20 THE COURT: I understand where this is going.
21 There's no objection at this point.

22 MS. GINSBERG: Thank you.

23 THE COURT: Go ahead.

24 BY MS. GINSBERG:

25 Q All right. And do you remember that --

1 MS. GINSBERG: Well, if the interpreter would --

2 THE COURT: Well, just ask the question.

3 MS. GINSBERG: I'll just ask the question.

4 THE COURT: Did you ever complain to any medical
5 people at Camp Bucca that you had medical problems other
6 than the hernia?

7 THE WITNESS: I did mention -- I did mention that
8 I was having pain in my hands, my legs, and also my teeth
9 were removed.

10 THE COURT: All right.

11 BY MS. GINSBERG:

12 Q Okay. And do you remember that you had an examination
13 of your eyes because you were having trouble reading?

14 A Where? At Bucca?

15 Q Yes. At Camp Bucca.

16 A Yes, I did.

17 Q Okay. And do you remember that you were examined
18 because -- for your teeth because you complained that you
19 had a loose tooth and it was causing you some pain?

20 A Yes.

21 Q And at that time, you had all of your teeth; correct?

22 A No. They started falling out one after another.

23 Q Are you testifying they started falling out while you
24 were at Camp Bucca?

25 A Initially at Abu Ghraib, and then at Bucca they started

1 falling out.

2 Q So if there was a --

3 MS. GINSBERG: If you would display page 48 and
4 49.

5 BY MS. GINSBERG:

6 Q Do you see -- on page 48, do you see there at the top
7 right -- well, on the top part of the page, there are
8 pictures of teeth; do you see that?

9 A Yes, I see.

10 Q Okay. And on page 49, if you would --

11 MS. GINSBERG: If the interpreter would read the
12 words next to "medie assessment." Translate that for
13 Mr. Al Shimari.

14 MR. HADDAD: I'm just going to object. I'm not
15 even sure what that says in English after the first word.

16 BY MS. GINSBERG:

17 Q Can you see that it says: Patient's teeth are loose
18 and causing pain when eating?

19 MR. HADDAD: Objection. It doesn't say "patient"
20 on this document.

21 MS. GINSBERG: It says PT.

22 THE COURT: PT. I'm going to -- yes. Frankly, it
23 confirms him. I'm not sure why you're objecting.

24 MS. GINSBERG: He said all of his teeth --

25 THE COURT: Let's move this along.

1 BY MS. GINSBERG:

2 Q And do you remember also being examined on -- in
3 November of 2006 because you believed you had worms in your
4 stool?

5 A No.

6 THE COURT: Now that is beyond the scope.

7 THE WITNESS: I do not remember.

8 MS. GINSBERG: Your Honor, the point is that he
9 was seen many times for minor complaints and never made --

10 THE COURT: Ask the general question.

11 THE WITNESS: It's been a long time. I don't
12 remember.

13 BY MS. GINSBERG:

14 Q All right. Mr. Al Shimari, do you remember that you
15 were seen many times by these doctors for minor complaints
16 but never told them that you had been injured and were
17 suffering from things -- from pain that you incurred when
18 you were at the cellblock in Abu Ghraib?

19 A I was under punishment, and I did not have the chance
20 to talk about it.

21 MS. GINSBERG: Okay. Your Honor, at this point I
22 would move the admission of additional pages, pages 39, 48,
23 49.

24 THE COURT: Hold on a second. Is there any
25 objection to 39?

1 MR. HADDAD: No objection, Your Honor.

2 THE COURT: Thirty-nine is in.

3 (Defense Exhibit Number 29, page 39 admitted into evidence.)

4 MS. GINSBERG: Forty-eight?

5 THE COURT: Yes. It's in.

6 (Defense Exhibit Number 29, page 48 admitted into evidence.)

7 MS. GINSBERG: Forty-nine?

8 THE COURT: It's in.

9 (Defense Exhibit Number 29, page 49 admitted into evidence.)

10 MS. GINSBERG: Fifty?

11 MR. HADDAD: One moment, Your Honor. I don't
12 think 50 was shown to the witness.

13 MS. GINSBERG: I would have, but --

14 MR. HADDAD: I don't think 50 was shown to the
15 witness.

16 THE COURT: Fifty is irrelevant.

17 MS. GINSBERG: Your Honor, these pages are being
18 admitted for other medical exams that he had where
19 nothing -- where -- they were really for --

20 THE COURT: But it's not inconsistent. He's
21 testified that he did not report any of the conditions. We
22 don't need to add all this.

23 MS. GINSBERG: Okay.

24 THE COURT: So those three pages are in, as well
25 as pages 3 and 202. All right. That's it.

1 (Defense Exhibit Number 29, page 3 admitted into evidence.)

2 MS. GINSBERG: All right. So just --

3 BY MS. GINSBERG:

4 Q All right. So, Mr. Al Shimari, do you remember that
5 you were also subject to interrogation during the time that
6 you spent in the tent camps at Abu Ghraib?

7 A What do you -- I'm not understanding the question.

8 Q I'm asking do you remember that you were also -- after
9 you were moved from the cellblock to the tent camp, that
10 during the time you were at the tent camp, you were also
11 interrogated?

12 A Yes.

13 Q Yes. And you were also subject to additional
14 mistreatment at the tent camps; correct?

15 A Of course.

16 Q Okay. And some of that was -- well, when you -- some
17 of the things that was mistreatment was being forced to
18 sleep on the floor; right?

19 A Yes.

20 Q And you had insufficient toilet facilities; is that
21 right?

22 A Very little.

23 Q Is that right?

24 A Yeah. There were only a few of them.

25 Q The one Porta John for 1,000 men; is that right?

1 A Where?

2 Q In the tent camps.

3 A Yeah. There were only a few.

4 Q Okay. And do you remember being examined by a medical
5 expert who was hired by your lawyers named Dr. Xenakis in
6 January of 2013?

7 A Where was this at?

8 Q In Erbil.

9 A Yes.

10 MS. GINSBERG: Your Honor, I think the lighting
11 has gone out in the room.

12 THE COURT: Well, we'll continue. Can you --
13 there you go.

14 MS. GINSBERG: I can continue. I just don't know
15 if the Court wants to --

16 THE COURT: Keep going.

17 MS. GINSBERG: Okay.

18 BY MS. GINSBERG:

19 Q Do you also know that Dr. Xenakis examined the two
20 other plaintiffs in this case?

21 A Yeah. He -- I was checked by him. I don't know about
22 the other two.

23 Q Okay. And do you remember telling Dr. Xenakis that you
24 endured repeated harsh treatments during your interrogations
25 at Abu Ghraib and suffered extreme stress for another

1 four years?

2 A Yes.

3 Q And that was the four years when you were held at Camp
4 Bucca; correct?

5 A I was asked that question, and I answered that
6 question.

7 Q Okay. And do you remember telling Dr. Xenakis that you
8 endured very stressful and abusive interrogation sessions
9 that continued during the whole first year of your detention
10 at Abu Ghraib?

11 A I was only -- I only spent one month in the cellblock.

12 Q No. But what I'm asking you is if you remember telling
13 Dr. Xenakis that you endured very stressful and abusive
14 interrogation sessions during the first year of your
15 detention at Abu Ghraib?

16 A Yes. He asked me the question, he asked me how long
17 was I -- I was at Abu Ghraib. I told him one year. How
18 long was I in the cellblock, and I told him one month.

19 Q Okay. And do you remember telling him that you were
20 interrogated three to four times after you were moved to the
21 first tent camp?

22 THE INTERPRETER: How many times? I'm sorry. How
23 many times, ma'am?

24 THE COURT: Ms. Ginsberg, you said three to four
25 times?

1 MS. GINSBERG: Three to four times, yes. Sorry.

2 THE WITNESS: Yes.

3 BY MS. GINSBERG:

4 Q Okay.

5 A But I don't know the dates. It has been a while.

6 Q I understand. So I'm almost finished, Mr. Al Shimari.

7 Now, you testified about how all the abuse that
8 you suffered has affected you; is that right?

9 A Yes.

10 Q Okay. And during the time since you were released, you
11 were a teacher in middle school; is that right?

12 A Correct.

13 Q All right. And while you were a teacher, you
14 interacted every day with students, what, ages 8, 9, 10,
15 11 years old?

16 A No. I'm a teacher who deals with students who are
17 13 years and over.

18 Q Okay. Thirteen years and older. Okay.

19 And you were able to interact with those students
20 without losing your temper or screaming at them or any other
21 inappropriate types of behavior; is that right?

22 A Correct. I have no choice. I have to go to do what I
23 do in order to support myself.

24 Q I understand.

25 And you also were able to -- even though you said

1 you had headaches, frequent headaches, you were still able
2 to teach your classes; correct?

3 A And I am still going through the headaches.

4 Q Yes. And you were actually -- you were so -- you were
5 successful enough at your job that you were promoted to
6 being a principal of the school; is that right?

7 A Of course.

8 Q And you've been able to do that job successfully since
9 you were promoted to being a principal?

10 THE INTERPRETER: I asked him to repeat.

11 THE WITNESS: Most of the people that I teach are
12 very close to me. Most of them are my cousins and close
13 family.

14 BY MS. GINSBERG:

15 Q Well, now you're a principal; correct?

16 A Correct.

17 Q Okay. And your memory, your worst memory, that has not
18 interfered with your being able to be a principal of the
19 school; correct?

20 A Oh, of course it affected me. It did affect me. But
21 as a principal, I do have my deputy who helps me with
22 school.

23 Q Okay. And your ability -- your ability to -- your
24 decreased ability to concentrate, that also has not
25 interfered with your ability to perform your

1 responsibilities as the principal; correct?

2 A I wasn't able to teach anymore, and that's why I was
3 promoted as a principal because I don't have to teach.

4 Ever since I left -- ever since I was released
5 from 2013 until now, I have been a principal.

6 Q Well, you -- from 2013 until now, you've been a
7 principal?

8 A Yes.

9 Q All right. And before that, you were -- after you were
10 released in 2008 until 2013, you were a teacher?

11 A Yes.

12 Q And you taught 13-year-olds and that --

13 THE COURT: That's repetitive.

14 BY MS. GINSBERG:

15 Q Mr. Al Shimari, you haven't seen a doctor to receive
16 treatment for any of the injuries or the pains that you now
17 have told us you suffered since you were released from Camp
18 Bucca; is that correct?

19 A So far, I have diabetes, I've been dealing with
20 headaches.

21 Q But you haven't been treated by a doctor for the
22 injuries that you claim you suffered while you were at
23 either Abu Ghraib or Camp Bucca?

24 A No. I was treated.

25 MS. GINSBERG: Your Honor, I --

1 THE WITNESS: And now I have high blood pressure,
2 diabetes.

3 MS. GINSBERG: Your Honor --

4 THE COURT: Let's move this along.

5 MS. GINSBERG: I have no other questions.

6 THE COURT: Redirect?

7 MR. HADDAD: A brief redirect.

8 REDIRECT EXAMINATION

9 BY MR. HADDAD:

10 Q Suhail, we're almost done. I just have a few
11 questions.

12 Suhail, earlier you spoke about being forced to
13 kneel on sharp stones during an interrogation?

14 A Yes.

15 Q And the interrogator in that interrogation had a
16 ponytail?

17 MS. GINSBERG: Your Honor --

18 MR. HADDAD: I can rephrase.

19 MS. GINSBERG: Your Honor, he's leading.

20 MR. HADDAD: I can rephrase --

21 THE COURT: Sustained.

22 MR. HADDAD: -- before it was translated.

23 BY MR. HADDAD:

24 Q Earlier did you testify that the interrogator in the
25 interrogation where you kneeled on sharp stones had a

1 ponytail?

2 A Yes.

3 Q Did that interrogation happen at the cellblock in Abu
4 Ghraib?

5 A In the same location close to the cellblock.

6 Q Okay. I'll show you.

7 A The interrogation room outside of the cellblock.

8 Q You also -- did you also testify about how you had to
9 stand against a wall while someone pointed a gun at you?

10 A Yes.

11 Q Did that happen at the cellblock in Abu Ghraib?

12 A No. Inside the cellblock I was only handcuffed. The
13 other things were done outside the cellblock inside the
14 interrogation room where the dog was brought and I was -- I
15 had to stand up against a wall.

16 Q Did all of that happen at Abu Ghraib prison?

17 A Yes.

18 Q Before you were detained at Abu Ghraib prison, did
19 anyone ever grab your genitals?

20 A Not at all.

21 Q Before you were held at Abu Ghraib, did anyone insert
22 fingers in your rectum?

23 A No, of course not.

24 Q Did anybody chain your arms to a bed behind you while
25 you were naked before you were at Abu Ghraib?

1 A No. The -- no.

2 Q Before you were detained at Abu Ghraib, were you ever
3 threatened with dogs?

4 A No. Not even a dog.

5 MR. HADDAD: I have no further questions.

6 THE COURT: Was there any recross on that?

7 MS. GINSBERG: No, Your Honor.

8 THE COURT: All right. Mr. Al Shimari, thank you
9 very much for your testimony that is now complete. You may
10 now go home. And we'll -- thank you to the interpreters.

11 We'll move on to the next witness.

12 THE WITNESS: Thank you very much.

13 (Witness excused at 12:31 p.m.)

14 MR. FARIDI: Your Honor, before we call the next
15 witness, I want to read paragraphs 21 through 27 from the
16 stipulation reached by the parties.

17 THE COURT: All right.

18 MR. FARIDI: Paragraph 21 from the parties' joint
19 stipulation of facts: CACI PT is an indirect wholly-owned
20 subsidiary of CACI International, Inc.

21 Paragraph 22: CACI PT is a Delaware corporation
22 with its principal place of business in Reston, Virginia.

23 Paragraph 23: CACI International, Inc.
24 incorporated CACI PT in March 2003 in order to acquire most
25 of the assets of Premier Technology Group, PTG.

1 Paragraph 24: In September 1998, the Army
2 directorate of contracting awarded a blanket purchase
3 agreement (BPA) for information technology to PTG. In
4 January 2001, the Army directorate of contracting
5 transferred the BPA to the Department of Interior's National
6 Business Center (NBC). NBC modified the BPA in July 2003 to
7 reflect the acquisition of PTG's assets.

8 Paragraph 25: CACI PT provided interrogation
9 services under two delivery orders, Delivery Order 35
10 (DO35), and Delivery Order 71 (DO71). Delivery orders are
11 sometimes also referred to as work orders or task orders.

12 Paragraph 26: These delivery orders were issued
13 and administered by the Department of Interior (DOI) under a
14 General Services Administration (GSA) schedule contract for
15 information technology services.

16 Paragraph 27: Pursuant to these delivery orders,
17 CACI interrogators and screeners began arriving in Iraq on
18 or about September 28, 2003.

19 Your Honor, at this time, plaintiffs call Amy
20 Monahan, formerly known as Amy Jenson, via deposition
21 transcript.

22 THE COURT: All right.

23 MR. FARIDI: And along with this particular
24 reading of the deposition transcript, Your Honor, we will be
25 moving into evidence PTX115.

1 THE COURT: And there's no objection to 115; is
2 that correct?

3 MR. FARIDI: That is my understanding, Your Honor.

4 THE COURT: All right. Then it's in.

5 (Plaintiffs' Exhibit Number 115 admitted into evidence.)

6 THE COURT: Now, ladies and gentlemen, this is the
7 first time we've done this technique. We don't have a video
8 of this deposition, so what's going to happen is one of my
9 law clerks is going to basically play the role of this
10 witness, who is a female, so don't get confused. All right.
11 And what we're going to do is, this was a deposition that
12 was taken under oath just the way live testimony is taken
13 under oath. The attorneys for both sides were present, and
14 so there will be, as I understand it, questions asked by
15 both sides; is that right?

16 MR. O'CONNOR: No, Your Honor. We're presenting
17 clips from Ms. Monahan in our case. There are some
18 counter-designations that they will read when they're
19 putting them in. But we won't overlap other than saying her
20 name.

21 THE COURT: So, in other words, you're just going
22 to hear the questions that were asked by plaintiffs' counsel
23 and the answers that Ms. Monahan provided during the
24 deposition. All right.

25 DIRECT EXAMINATION

1 BY MR. HADDAD:

2 Q Would you please state your full name for the record.

3 A Amy Elizabeth Monahan.

4 Q Did you go by another name previously, Ms. Monahan?

5 A Amy Jenson.

6 Q When CACI bought PTG, you then became a CACI employee?

7 A Correct.

8 Q And that was in 2002?

9 A '3.

10 Q 2003.

11 And, I'm sorry, what month was that?

12 A May.

13 Q At that time when the -- when you were turning into a
14 CACI employee, what contracts were you managing?

15 A The C2 contract. Biometrics contract. Let me think.
16 I can't honestly remember. I've managed four contracts back
17 and forth, and I can't remember which ones actually were
18 under my responsibility when the acquisition occurred.

19 Q Which are the contracts that provided people to
20 interrogate prisoners in Iraq?

21 A The Iraq C2 contract.

22 Q Is that how you referred to it as, the Iraq C2
23 contract?

24 A The C2 contract. Yes.

25 Q Now, as part of staff augmentation contracts, did CACI

1 provide a structure to supervise the CACI people?

2 A Yes.

3 Q And what was that structure?

4 A We had a site lead at the various locations where our
5 personnel would be located, and an overarching in-country
6 manager, and then project managers located back in the
7 States.

8 Q And you were such a project manager; right?

9 A Correct.

10 Q And what -- did the in-country manager actually report
11 to you?

12 A He -- technically, yes.

13 Q And what type of communication did you have with the
14 in-country manager on the C2 Iraq contract?

15 A Almost daily communication. If we weren't
16 communicating daily, it might have been because
17 communication initially was extremely difficult.

18 Q And was this predominately telephonic?

19 A No. Predominantly email.

20 Q Now, when -- when the -- when the C2 contract in Iraq
21 started, who was the in-country manager?

22 A Dan Porvaznik.

23 Q Now, who supervised the CACI employs in Iraq?

24 A The military.

25 Q Does CACI supervise its employees at all in any way,

1 shape or form?

2 A CACI's site leads would make sure that the employees
3 were adhering to the military standards of the unit that
4 they were supporting.

5 Q So as CACI, the CACI site leads were supposed to make
6 sure that the CACI employees were doing what the military
7 wanted them to do?

8 A Correct.

9 Q So they were supervising them in that regard?

10 A Yes.

11 Q And were you personally also aware of what it was the
12 military wanted the CACI employees to be doing?

13 A No. Not anything other than the statement of work.

14 Q So, for example, you did not see the memorandums of
15 understanding that were -- that were disseminated by the
16 military in Iraq?

17 A That's correct.

18 Q Now, you said you had almost daily communications with
19 the in-country manager.

20 Did you also have similarly frequent
21 communications with your site leads?

22 A Yes.

23 Q Did most of the -- did most of the discussion about
24 personnel focus on people that were having difficulties
25 performing?

1 A Most of the discussion regarding personnel at that
2 point in time focused on pay and benefits and leave.

3 Q Getting people paid and making sure they had time off?

4 A Correct.

5 Q Was your purpose to try and get people to join CACI,
6 though?

7 A The purpose was to hire people in support of that
8 contract.

9 Q And you and your colleagues had some significant
10 concern that you might be able to perform -- you might not
11 be able to get enough people?

12 A There was concern about the number of personnel that
13 were able to get -- to go over to Iraq, yes.

14 Q And what about the CACI code of conduct, do the CACI
15 employees in Iraq have to abide by the CACI code of conduct?

16 A Yes.

17 Q Are they given any exceptions to that code of conduct
18 because they are serving in Iraq?

19 A No.

20 Q In an instance when a CACI employee is asked to do
21 something by the military that's inconsistent with the CACI
22 code of conduct, what is the employee supposed to do?

23 A They're supposed to bring it up to management within
24 CACI.

25 Q Now, did -- when -- I take it when somebody resigned,

1 they were -- CACI then made arrangements for them to travel
2 out of Iraq?

3 A Correct.

4 Q And they didn't require that employees continue to
5 serve after they resigned, they didn't --

6 A We don't require that, no.

7 Q So CACI -- for example, a CACI interrogator can -- you
8 can quit on a Friday and then leave the country immediately?

9 A Not necessarily. They can resign, have their
10 resignation be effective immediately, but when they are able
11 to leave the country is dependent upon flight availability.

12 Q But CACI does not prevent people from quitting
13 immediately?

14 A That's true. It's an at-will employment.

15 Q And either -- and CACI can fire them, or they can quit
16 with no notice on either side; correct?

17 A Correct.

18 MR. HADDAD: Thereafter, Exhibit 6 was marked for
19 identification.

20 THE COURT: But this, for the purposes of this
21 trial, is Plaintiffs' Exhibit 115. All right. So 115 is
22 now in evidence.

23 BY MR. HADDAD:

24 Q You just let me know when you're finished reading it.

25 A Okay.

1 Q Ms. Monahan, this is an email that you received from
2 Mr. Arrant in the regular course of business?

3 A Yes.

4 THE COURT: All right. Ask your question.

5 MR. HADDAD: Sorry.

6 BY MR. HADDAD:

7 Q And when you received this email from Mr. Arrant and
8 learned that he, in fact, had not reported this and had not
9 consulted a military officer, did you consider, yourself,
10 reporting the violations?

11 A No.

12 Q And why not?

13 A Because at the time I read this email, I did not
14 interpret the email to be telling me unequivocally that
15 there were abuses ongoing at the prison that he witnessed.

16 Q Well, you know he was quitting over what he had seen;
17 right?

18 A Yes.

19 Q And you knew this was a man who is experienced with a
20 military background; correct?

21 A Yes.

22 Q Well, I'm trying to understand.

23 Mr. Arrant has raised a concern about what's going
24 on in the prison; correct?

25 A Yes.

1 Q And one of his concerns is about the fact that
2 interrogations are being done without any supervision;
3 correct?

4 A Yes.

5 Q And I take it that you actually didn't do anything to
6 find out whether or not his concerns were well-founded?

7 A Personally, no.

8 Q And to the best of your knowledge, none of your
9 colleagues did anything to find out whether his concerns
10 were well-founded?

11 A I do not know.

12 Q From your point of view, you kept sending people to
13 work over in that prison without knowing whether or not
14 there were violations of the law?

15 A I did continue to hire personnel.

16 Q And you did continue to send them over without trying
17 to inform yourself as to whether there were any ongoing
18 violations of the law?

19 A Yes.

20 Q Well, when the abuse photographs were made public, did
21 you, at that point, make any inquiry as to whether CACI had
22 done anything back in October of 2003 to prevent its
23 employees from participating in the abuse?

24 A No, I personally did not.

25 Q And as you sit here today, you just don't know whether

1 or not CACI ever took any steps to prevent its employees
2 from participating in the abuse?

3 A That's correct.

4 Q Are CACI employees given any training as to what
5 they're supposed to do when they observe violations of the
6 law at the prison?

7 A Not that I'm aware of.

8 Q Well, what am I to understand from your testimony?

9 A You're to understand that I did receive this email,
10 that I did relay this email and the contents thereof to
11 Mark Billings, and I do not remember the courses of action
12 that transpired after that regarding this matter.

13 Q And yet, although you had managerial-level
14 responsibility for those persons any Iraq, you took
15 absolutely no steps to make sure that they weren't
16 participating in violations?

17 A They had signed code of ethics paperwork when joining
18 CACI. I had no reason to think that there was anything
19 other than professional legal methods that they used to
20 carry out the responsibility of their jobs.

21 Q And when you say you had no reason to think there was
22 anything other than professional legal methods being used,
23 you don't think Mr. Arrant had told you that anything other
24 than professional methods had been used?

25 A Not by CACI employees.

1 Q And so if -- so in a sense then, you thought it didn't
2 matter whether or not the military was using professional
3 legal methods or not; it only mattered to you whether CACI
4 employees were using professional legal methods?

5 A My primary concern was CACI personnel, as I have no
6 authority over military personnel.

7 MR. HADDAD: That's the end of the transcript.

8 THE COURT: All right.

9 (Witness excused at 12:44 p.m.)

10 THE COURT: Mr. O'Connor, would you want to play
11 your counter-designations at this time?

12 MR. O'CONNOR: They read our counter-designations.

13 THE COURT: Oh, they did?

14 MR. O'CONNOR: But we have our own presentation.

15 THE COURT: That's fine. That's fine. All right.

16 Then call your next witness.

17 MR. FARIDI: Your Honor, at this time, plaintiffs
18 call Major General George Fay via a de bene esse deposition.

19 And we will also, Your Honor, at this moment, introduce the
20 exhibits that were put into evidence at his deposition, and

21 those are PTX23, PTX27, PTX75, PTX76, PTX161A. PTX180A.

22 PTX196, PTX197. PTX198. PTX199, PTX200, PTX201 and

23 PTX201A.

24 (Plaintiffs' Exhibit Numbers 23, 27, 75, 76, 161A, 180A,
25 196, 197, 198, 199, 200, 201 admitted into evidence.)

1 MR. FARIDI: Your Honor, the run time for
2 plaintiffs' direct examination is an hour and 17 minutes and
3 20 seconds. The run time for defendant's cross-examination
4 is 31 minutes and 1 second. And the run time for
5 plaintiffs' redirect examination is 3 minutes and
6 20 seconds.

7 THE COURT: All right. Well, we don't really need
8 that, but we're going to get it started, and we'll take the
9 break at 1:00.

10 MR. FARIDI: Your Honor, may I pass up the
11 binders?

12 THE COURT: Yes.

13 MR. FARIDI: Your Honor, just for clarity of the
14 record, I think I said 206A, but it's actually
15 Exhibit PTX206. That's the exhibit that we talked about
16 this morning.

17 THE COURT: I'm sorry. So -- I'm sorry. 206?

18 MR. FARIDI: Yes.

19 THE COURT: Those portions of 206?

20 MR. FARIDI: Yes.

21 THE COURT: All right.

22 (Plaintiff Exhibit Number 206, portions admitted into
23 evidence.)

24 (Video deposition of George Fay played.)

25 THE COURT: All right. This is a good time to

1 stop. You can just go back and repeat that at the lunch
2 break.

3 We'll take the one-hour lunch break now, ladies
4 and gentlemen. Please remember we still do have other
5 trials going ongoing, so there could be a line at the front
6 door when going out. I don't know if it's raining out there
7 or not.

8 We'll see you back here at 2:00. Thank you.

9 (Jury not present at 1:01 p.m.)

10

11 I certify that the foregoing is a true and accurate
12 transcription of my stenographic notes.

13

14

Stephanie Austin

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Stephanie M. Austin, RPR, CRR

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