

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MAJID ABDULLA AL JOUDI, *et al.*

Civil Action No. 05-0301 (GK)

Petitioners/Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Respondents/Defendants.

DECLARATION BY JULIA TARVER, ESQ.

I, Julia Tarver, declare that the following statements are true to the best of my knowledge, information, and belief:

1. I am a member of the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, counsel for the *Al Joudi* Petitioners in the above-captioned action. I offer this Declaration in support of Petitioners' Motion to Compel Access to counsel and Information Related to Petitioners' Medical Treatment.

2. Based on our communications with them, we believe that the majority, if not all, of our clients are participants in the current hunger strike.

3. In July 2005, my colleagues and I visited with nine clients at Guantánamo.

4. During this visit, we learned that countless detainees – as media accounts had already revealed – were participating in a hunger strike to protest the inhumane conditions at Guantánamo.

5. Through our meetings, we learned that several, if not all, of our clients had been or were participating in the hunger strike. They confirmed media reports

that the reasons for the hunger strike included Respondents continued abusive, inhumane treatment, lack of clean water and adequate medical care, and a demand – one Petitioners have pursued in these proceedings – that the detainees be formally charged by the United States Government and told the reasons for their continued detention.

6. One of our clients who participated in this hunger strike was a juvenile at the time of his detention by the United States, and we believe he is one of the youngest detainees held at Guantánamo.

7. For approximately one month, our client refused food. For nine to ten days, he refused water.

8. Prior to our visit, our client had been hospitalized for several days. He was unconscious for at least four days' time, and fed intravenously. Indeed, he had to be transferred from the clinic in a medical van to meet with us. He was very weak and in a precarious medical condition that was obvious even to us as laypersons.

9. Our client told us that the day before our visit he ended his participation in the hunger strike because he had received repeated visits from individuals purporting to be high-level military officers. These individuals assured him that the Government had already agreed to his release, that authorizations of such release had already been signed in Washington, and that he was scheduled to leave Guantánamo in approximately three weeks' time.

10. As a result of this news, our client agreed to end his participation in the hunger strike.

11. As evidenced by the within application, our client has not been released, nor have Respondents provided any notice of such release.

12. Hence, because more than six weeks have passed since our last visit – and the Government has failed to provide the Court-ordered thirty-days’ notice of release – we have no choice but to assume that these were false promises that were made to him by the Government, most likely to save Respondents from the domestic and international shame and embarrassment that would result from a dead juvenile detainee at Guantanamo, who had starved himself to death because of the deplorable conditions there.

13. Undoubtedly, the realization that the Government deceived him has likely had a terrible impact on our young client.

14. We believe that our client has likely rejoined the current hunger strike, and, in light of his serious medical condition resulting from the last strike, we strongly believe his health is in grave danger.

15. In addition, we believe other clients have also chosen to participate in the hunger strike.

16. At least three of these clients have chronic medical conditions – including epilepsy – which will only be exacerbated by the refusal of food and water, and which require immediate medical attention.

17. The Government has failed to allow us any form of reliable access to our clients.

18. In the past, our mail to clients, sent via Respondents’ legal mail channels, has been delayed for well over six weeks.

19. Nor have we received mail from our clients in a timely fashion. In fact, just this afternoon, we learned that letters from clients, dating back to June 2005,

EXHIBIT B

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FILED WITH
COURT SECURITY OFFICER
10/13/05 [Signature]
DATE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MAJID ABDULLA AL JOUDI, *et al.*,

Civil Action No. 05-0301 (GK)

Petitioners/Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Respondents/Defendants.

SUPPLEMENTAL DECLARATION BY JULIA TARVER, ESQ.

I, Julia Tarver, declare that the following statements are true to the best of my knowledge, information, and belief:

1. I am a member of the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, counsel for Petitioners in the above-captioned action. I offer this Supplemental Declaration in further support of Petitioners' Motion to Compel Access to Counsel and Information Related to Medical Treatment.

2. From September 30 to October 2, 2005, my colleagues and I visited ten clients at Guantánamo on a previously-scheduled visit to the detention center. As soon as we arrived at the camp on Friday morning, we were informed by Lt. Commander De Alicante of the Staff Judge Advocate group, that, as we had feared, at least two of our clients were participating in the hunger strike, and both were currently being involuntarily force-fed through tubes inserted from their noses into their stomachs.

3. De Alicante told us that Yousef Al Shehri – our client who was taken prisoner by the American military while still a juvenile – was imprisoned in a

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regular military cell, where he was being fed in the morning and in the afternoon through the tube in his nose. When I inquired as to why he was not hospitalized, De Alicante informed me that he is able to receive his daily feedings while he is in his cell.

4. De Alicante told us that another client, Abdul-Rahman Shalabi, was being involuntarily fed through his nose, as well, but that his condition had deteriorated to the point that he was being held in the camp hospital. Later that day, De Alicante told us that he had spoken to the doctor at the camp hospital, and the doctor thought that by Sunday Abdul-Rahman would be able to be brought over by ambulance to Camp Echo, where all attorney-client visits take place. When we inquired as to whether such a transfer would be in Abdul-Rahman's best interest, and whether we could instead meet with our client in the hospital where he was being treated, De Alicante emphatically refused, stating that if Abdul-Rahman was not well enough to come to Camp Echo, we would not be permitted to see him.

Yousef Al-Shehri

5. On Saturday, October 1, we were permitted to see our young client, Yousef Al-Shehri, for the first time since our visit in late July. His condition -- physically, mentally, and emotionally -- had drastically deteriorated in the interim.

6. As indicated in my previous Declaration in support of this motion, Yousef had ended his previous hunger strike in July because he was told by high-level military officers that he would be released in no less than three weeks' time and that conditions in the camp would be improved for all detainees. When these promises were broken, Yousef, along with many other prisoners, reinstated his hunger strike in an act of obvious desperation.

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7. When we saw him on Saturday morning, Yousef was emaciated and had lost a disturbing amount of weight (even when compared with our last visit, when we had seen him only the day after he had discontinued his first hunger strike). This twenty-one year-old client was visibly weak and frail, and was seated in a chair behind a walker, on which he frequently leaned for balance during the interview. He had difficulty speaking because of lesions in his throat that were a result of the involuntary force-feeding he had been receiving through his nose and throat. He held the nasal-gastric ("NG") tube away from his mouth in order to speak, and he winced with pain on more than one occasion as we talked with him. His speech was slow and labored – a drastic difference from the young boy we first met in May of this year.

8. Yousef told us that the second hunger strike began on August 8, shortly after we had last seen him. After approximately seven days without any food or water, Yousef and four other prisoners were taken to a special detainee wing at Guantánamo's military/civilian hospital, away from the detainee camp. At the hospital, he and the other detainees were verbally abused and insulted and were restrained from head to toe. They had shackles or other restraints on their arms, legs, waist, chest, knees and head. With these restraints in place, they were given intravenous medication (often quite painfully as inexperienced medical professionals seemed incapable of locating appropriate veins). Their arms were swollen from the multiple attempts to stick them with IV needles. Yousef told us that if the detainees moved, they were hit in the chest/heart. He said that one detainee fainted after such treatment, and that the doctors gave him a shot and he woke up in an hour.

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9. After some time in the hospital, a medical team from the United States mainland arrived and informed the detainees they were going to be fed involuntarily. The detainees were told that the Court had ordered such forced-feeding.¹

10. Yousef was the second detainee to have an NG tube inserted into his nose and pushed all the way down his throat and into his stomach, a procedure which caused him great pain. Yousef was given no anesthesia or sedative for the procedure; instead, two soldier restrained him – one holding his chin while the other held him back by his hair, and a medical staff member forcefully inserted the tube in his nose and down his throat. Much blood came out of his nose. Yousef said he could not speak for two days after the procedure; he said he felt like a piece of metal was inside of him. He said he could not sleep because of the severe pain.

11. After two or three days, Yousef was given large amounts of Ensure (a liquid nutrition supplement) through the tube in his nose. Yousef told the doctors that it was too much food, but the doctors gave it to him anyway, and it made him vomit repeatedly. He and other prisoners were vomiting up substantial amounts of blood. When they vomited up blood, the soldiers mocked and cursed at them, and taunted them with statements like “look what your religion has brought you.”

¹ Yousef was greatly disturbed to hear from us that there was no such court order of which we were aware. While we explained that there may be other orders of which we were unaware, Yousef said that he and the others were only complying with the nasal tube feeding because they believed it had been ordered by this Court. While, for the reasons subsequently explained, we were not able to meet with Yousef a second time on our visit, we were told by the staff at Guantanamo that shortly after our meeting with Yousef, he removed his NG tube and encouraged fellow detainees to do the same because they had been lied to about the presence of an order requiring their force-feeding.

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12. After two weeks of this treatment, with little nutrition and virtually no sleep, the prisoners were transferred back to Camp Delta and placed in solitary cells on the [REDACTED] Block. According to Yousef, they stayed there for five days *without any food or water*, including without any involuntary feeding through the NG tubes. During this time, they were subjected to various forms of psychological torture: soldiers laughed and made fun of them, rattled the metal bars on their cells at all times of the day and night, interrupted their prayers, and refused to allow the ill detainees sleep, all in an effort to get them to stop the hunger strike.

13. Finally, after five days, the detainees were transferred to a location they described as being for the mentally disturbed. In this area, the walls were made of foam, and there were strange lights and a hole in the floor in which to urinate. It was in this location that the guards first began to insert larger, thicker tubes into the detainees' noses.

14. These large tubes – the thickness of a finger, he estimated – were viewed by the detainees as objects of torture. They were forcibly shoved up the detainees' noses and down into their stomachs. Again, no anesthesia or sedative was provided to alleviate the obvious trauma of the procedure. Yousef said that he could not breathe with this thick tube inserted into his nose (which, when inserted, was so large it caused his nostril to distend). When the tube was removed, it was even more painful, and blood came gushing out of him. He fainted, and several of the other detainees also lost consciousness. The detainees were told by the guards: "we did this on purpose to make you stop the hunger strike." They were told that this tube would be inserted and removed

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twice a day every day until the hunger strike ended. Yousef described the pain as "unbearable."

15. Yousef explained that doctors were present as the riot guards at Guantánamo (called the Initial Reaction Force ("IRF")) forcibly removed these NG tubes by placing a foot on one end of the tube and yanking the detainee's head back by his hair, causing the tube to be painfully ejected from the detainee's nose. When the detainees saw this happening, they begged to have the tubes remain, but the guards refused and continued to forcibly remove the tubes.

16. Then, in front of the Guantánamo physicians -- including the head of the detainee hospital -- the guards took NG tubes from one detainee, and *with no sanitization whatsoever*, re-inserted it into the nose of a different detainee. When these tubes were re-inserted, the detainees could see the blood and stomach bile from other detainees remaining on the tubes. A person the detainees only know as "Dr. ●"² stood by and watched these procedures, doing nothing to intervene.

17. Yousef's psychological and mental condition is commensurate with his rapidly failing health. He has an absolute determination to die, and feels greatly betrayed by the false promises given to him by the American government, acting through the military. Yousef explained: "after the first strike, they gave us promises. They said we will respect you and your religion and we will give you your rights. They promised me I would be freed. They promised many detainees they would be released. We

² Yousef described "Dr. ●" as the "head of the torture team." He estimated that Dr. ● was approximately [REDACTED] tall, with [REDACTED] hair. He said he appeared to be in his [REDACTED], and wore a [REDACTED] and a [REDACTED]. Yousef believed he was a member of the [REDACTED], with a [REDACTED] on his uniform. A similar description of Dr. ● was provided by another client.

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waited, but they did not deliver. Instead, they disrespected us and our religion, they threw the Koran on the floor and stripped us naked." Young Yousef asked us more than once to try to explain to him why America would do this to him. "What did I do wrong to America?" he cried.³

18. Yousef can no longer walk. He has lost some of his vision, and he is vomiting every day, including the day we visited him. He has severe headaches, and great pain in his ear. He is only able to urinate once every few days (raising serious questions about his level of hydration). He is being held in a regular camp cell block, with no medical supervision, except for the brief period(s) during the day when a medic comes by and hooks his NG tube up to a feeding bag for a short time. He has given us his last will and testament, as he fully anticipates that he is going to die.

19. On October 1, the day that we saw Yousef, he had been on the hunger strike for a staggering 55 days. As of October 14, his hunger strike will likely have reached 68 days. Yousef told us that he knew of at least 21 individuals who were being fed through their noses by the U.S. military. He stated that "another 15 were on the way."

20. When we left Yousef on Saturday, we were supposed to see him again the following day, on Sunday, October 2, in part so that we could allow him to listen to an audio DVD of a message from his mother encouraging him to work with us on his legal case and not to lose hope. However, on Sunday morning, we were told that,

³ Yousef also told us that just five days before our visit -- at the same time he was receiving supposedly life-saving forced feeding through his nose -- he was subjected to an Administrative Review Board proceeding, designed to determine what, if any, level of threat he posed to the United States. We were not provided any notice of

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despite the exigent circumstances, we would not be able to play this message for Yousef because while the Government had no problem with the accuracy of the transcription we provided, they were concerned that there might be hidden messages or other material embedded in this tape from Yousef's mother (much of which consists merely of the sound of a weeping mother's voice).

21. In addition, once we arrived at the Echo camp on Sunday, the military officials told us that Yousef had "refused our visit." We asked permission to see Yousef to understand why he was refusing our visit, given that he had always met with us before and we had left the previous day with the understanding we would see him again on Sunday. Permission was denied. We were simply told that we would not be able to see him again.

22. This denial is especially troubling in light of a fact that we learned on this same visit from another client, Majid Al Joudi, who told us that when we visited in July, he was on a hunger strike and was never even notified that we had come to see him, as we had promised. He said that, contrary to what we had been told by the Staff Judge Advocate's office when we were at Guantánamo in July, he had *never* refused our visits or refused our mail. We also learned from numerous clients that the detainees are often not even told why they are being moved when they are brought to Camp Echo for an attorney-client visit, and the military confirmed that no Arabic interpreters are present when the guards remove the prisoners and bring them to Echo. In light of all of this, we are deeply troubled that we were denied a second opportunity to meet with Yousef, as

such a proceeding, and certainly object to its being conducted at a time when our client is clearly in poor mental and physical condition.

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requested.

Majid Al Joudi

23. On September 30, 2005, we met with Petitioner Majid Al Joudi. He had previously participated in the hunger strike in July to the point where he was fed intravenously and was, at the time we saw him in September, just beginning to participate in the second hunger strike. He said he had taken a pledge to die, and that many others were joining him in the strike. He, too, gave us his last will and testament.

Abdul-Rahman Shalabi

24. On October 2, 2005, we met with another Paul, Weiss client, Abdul-Rahman Shalabi, whose habeas case is currently before Judge Urbina of this Court. Like Yousef, Abdul-Rahman appeared gaunt and emaciated. He had an NG tube inserted in his nose and was seated in a wheelchair when we arrived. Abdul-Rahman is 5' 8" tall, and prior to his participation in the hunger strike, he weighed approximately 143 pounds. He told us that two weeks prior to our meeting, his weight had already dropped to 111 pounds.

25. Abdul-Rahman was brought over to Camp Echo for our meeting in an ambulance, where he was carried across the gravel camp on a stretcher, and then brought inside the cell and transferred to a wheelchair (with handcuffs). There was a purplish/reddish hue to his forehead and he appeared incredibly weak. His speech was also slow and labored.

26. Virtually everything Yousef described to us about his treatment was independently confirmed by Abdul-Rahman's description of his own treatment by

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the military. Each described the use of medical intervention as a form of torture, perpetrated by medical and other personnel at Guantánamo.

27. Abdul-Rahman, too, told us of tubes bigger than his finger being forced into his nose, so that he could not breathe and ultimately passed out. He, too, told us of wounds in his throat and nose from the repeated forcible insertion and removal of these tubes by, among others, riot team guards. He told us of begging for anesthesia or sedatives that were denied. He told us the guards would deliberately stick the tubes in the wrong way in order to torment the detainees and hopefully persuade them to discontinue their hunger strike. He described excessive bleeding from his nose and mouth. He, too, described Dr. [REDACTED] and told us of Dr. [REDACTED]'s participation in, and supervision of, these practices.

28. In addition, Abdul-Rahman told us that one Navy doctor came and put the tube in his nose and down his throat and then just kept moving the tube up and down, until finally Abdul-Rahman started violently throwing up blood. Abdul-Rahman tried to resist the "torture" from this physician, but he could not breathe. He was suffocating, and when the tube that had been jabbing him internally was finally removed, it was full of blood. The guards told Abdul-Rahman to rest for two minutes, and then a female nurse was brought in to re-insert the tube. The next day, the guards brought tubes that clearly had been used, and were filled with blood and bile. According to Abdul-Rahman, the guards laughed at their horror and said simply "it's your stomach."

29. Abdul-Rahman indicated that some of the detainees being forced were on the verge of death, weighing only eighty to eighty-five pounds and still losing weight, even with medical intervention. He said he believed approximately 25

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individuals were currently being force-fed by the military and that they all would die in time because the NG tubes the military is using are inadequate to sustain life.

30. Abdul-Rahman also told us of the psychological torment that is taking place at Guantánamo. He told us of his determination to die and said that "now, after four years in captivity, life and death are the same."

31. Abdul-Rahman -- who, at age 31 is older than most of our clients -- described his perspective on what has caused the despondency at Guantánamo to peak to such a level that detainees are willing to die: "These [detainees] are young. They are innocent. The United States thought they had information. These people don't have information. Now, the situation is more severe. It has been four years now. People on this island have lost trust in any human being. In the beginning the interrogators used to say 'trust us'. Delegations from other countries said 'trust us'. All the promises we've been given are lies. We lost trust." He echoed the sentiment we heard from all of our desperate and despondent clients: "there is no law here, only injustice."

32. I declare, under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 13th day of October 2005
New York, New York

/s/
Julia Tarver

EXHIBIT C

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JARALLAH AL-MARRI,	.	Docket No. CA 04-2035
	.	
Plaintiff,	.	
	.	
vs.	.	Washington, D.C.
	.	October 14, 2005
GEORGE W. BUSH, ET AL,	.	
	.	
Defendants.	.	

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MAHAMMED AL-ADAHI, ET AL,	.	Docket No. CA 05-280
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Plaintiffs,	.	
	.	
vs.	.	
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GEORGE W. BUSH, ET AL,	.	
	.	
Defendants.	.	

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MAJID ABDULLA AL JOUDI,	.	Docket No. CA 05-301
	.	
vs.	.	
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GEORGE W. BUSH, ET AL,	.	
	.	
Defendants.	.	

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HAMID AL RAZAK, ET AL,	.	Docket No. CA 05-1601
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Plaintiffs,	.	
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vs.	.	
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GEORGE W. BUSH, ET AL,	.	
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Defendants.	.	
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TRANSCRIPT OF MOTIONS HEARING
BEFORE THE HONORABLE GLADYS KESSLER
A UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFF:

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HAMID AL RAZAK

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Computer aided transcript prepared with the aid of
SpeechCAT.

1 detail about how treatment would be administered.

2 I want to focus on what is truly before me and
3 what you are really asking. I make no bones about the fact
4 that the allegations are very serious, and certainly
5 describe treatment that is needlessly painful, abusive, and
6 extremely inappropriate in terms of needlessly causing
7 further deterioration certainly of the mental conditions of
8 the detainees involved.

9 However, this is a court of law. We all know
10 that. You came in requesting three specific remedies. You
11 came in in the papers asking for access to your clients.
12 You at least, and of course we are going to go through the
13 cases one by one, you at least have received that access to
14 your clients.

15 Number two, you are asking for access to their
16 medical records. I don't think you have gotten that,
17 because you did not refer to it, and you can clarify the
18 record on that.

19 MS. TARVER: No, Your Honor, we have not received
20 any records.

21 THE COURT: All right. And number three, you were
22 -- and I'm truly not clear what you are asking for in number
23 three, but number three, you are asking for the government
24 in some way to help you make connections with the
25 petitioners' families so that they could talk to the

1 have Doctor Edmondson's declaration concerning the medical
2 care generally that is provided to the detainees, you know,
3 and his discussions of, you know, there's a staff of at
4 least 70 folks, medical folks involved. There's a detainee
5 hospital. They do surgeries. They do prosthetics. They
6 bring in specialists when it is required for the care of
7 detainees.

8 The allegations that you hear, Your Honor,
9 basically I would characterize it as detainee storytelling,
10 exaggeration, misunderstanding, miscomprehension of what is
11 going on.

12 THE COURT: Either people are getting pain pills
13 and sedation or they are not. That does not seem to me to
14 be subject to misunderstanding. You're in pain or you are
15 not.

16 Also, I am going to ask you a related question
17 that you may or may not know the answer to, but isn't it
18 fair to say that when analogous procedures are used in
19 American hospitals and doctor's offices that they are always
20 accompanied by some form of sedation? And I don't mean
21 anesthesia that puts you completely out, but some form of
22 medication that reduces the tremendous discomfort that
23 accompanies these procedures?

24 MR. HENRY: Your Honor, I do not believe that is
25 the case. I do not know for sure. But based on the fact