

# **Exhibit 1**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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Ahmed Zaid Salem Zuhair, <i>et al.</i>		)	
		)	
Petitioner		)	Civil Action No. 08-CV-0864 (EGS)
v.		)	
		)	
Bush, <i>et al.</i> ,		)	
		)	
Respondents.		)	
_____		)	

Pursuant to 28 U.S.C. § 1746, I, [REDACTED] hereby declare that to the best of my knowledge, information and belief, the following is true, accurate and correct:

1. I am a Lieutenant in the United States Navy with over 21 years of active duty service. In August 2008, I served as the Officer in Charge (OIC) of Camp VI at the Joint Task Force-Guantanamo Bay, Cuba (JTF-GTMO) and served in that position for 2 months. I have never been disciplined for any inappropriate or improper conduct towards detainees.
2. This declaration is based on my first-hand knowledge and observations. Through information made available to me through my official duties, I am aware of the procedures and protocols which govern the operations and use of Forced Cell Extraction (FCEs) Teams, as explained in the declaration of Colonel Bruce Vargo.
3. In my position as OIC of Camp VI, I was responsible for, among other things, supervising FCEs, to include ensuring the FCE Teams do not use excessive force and that the Teams and the guard staff comply with the standard operating procedures for the Joint Detention Group at JTF-GTMO. My priority is to ensure that FCEs and other detainee-guard interactions are conducted in a way that ensures the safety of guard personnel and detainees.

**Treatment of ISN 669 on Afternoon of 14 August 2008**

4. I have been informed that ISN 669 has made various allegations about the actions of the FCE Team that participated in the FCE of ISN 669 and another detainee on 14 August 2008, including claiming that he and another detainee were strangled during the process. I witnessed the FCEs that occurred during the afternoon on that day, including that of ISN 669, and the following is a description of what I observed.

5. ISN 669 refused to leave his cell for his afternoon feeding on 14 August 2008. Guard staff repeatedly directed him to do so but he refused. Following our standard operating procedures for such incidents, the guard staff notified the Detainee Operations Center (DOC) and informed them of the situation. The guard staff asked for permission to use an FCE Team to remove ISN 669 from his cell, consistent with our standard operating procedures. Permission to do so was granted by Colonel Bruce E. Vargo, Commander, Joint Detention Group, JTF-GTMO.

6. After the FCE Team arrived, they approached ISN 669's cell. He was standing in the doorway of the cell, in a combative manner, and refused to comply with the FCE Team's instructions to move to the back of the cell. Consistent with our standard operating procedures when this happens, the food tray slot (the small opening in the front of the cell) was opened and a 1-second burst of OC spray was sprayed through the hole.

7. After the FCE Team entered the cell, ISN 669 was taken down to the floor, consistent with our standard operating procedures. He was combative and fought briefly before the FCE Team was able to place him on his stomach and shackle him.

8. I have been informed that ISN 669 claims he was beaten while on the floor of his cell. That is not true. I have been informed that ISN 669 claims he was grabbed by his "private parts." That is also untrue. FCE Teams are taught that they must avoid touching or grabbing a detainee's genitals

or genital area and that the detainee's head and neck also are "off limits" and not to be grabbed or twisted during a FCE with the exception of the number one team member. The number one team member is responsible for securing the detainee's head during the FCE. I did not see any members of the FCE Team or any guard staff touching or grabbing ISN 669 in either area through out this FCE. Any touching of ISN 669's head by the number one team member was consistent with the standard operating procedures.

9. Once he was shackled, ISN 669 was carried from the cell by the FCE Team. He began singing in Arabic and other detainees began to do so too. After he was searched for contraband, he was placed in the restraint chair for his enteral feeding session. As the FCE Team attempted to secure him into the chair, he actively resisted them by moving his body around. After he was placed in the chair, ISN 669 used profanity towards the guards, including saying "f\*\*k you," and "s\*\*k my d\*\*k." He also said "go to Iraq and you will see."

10. I have been informed that ISN 669 claims the FCE Team or guards tied him tightly to the chair by his head, put restraints on his throat, covered his eyes and mouth tightly with ties, and that the guards "pressed" hard on his head, throat and neck until he thought he would die. The restraint chair has seven restraint points—one for each ankle and wrist, one for the shoulders, one for the waist and a padded one for the forehead. Detainees, including ISN 669 during this feeding, are not blindfolded, restrained by the neck or throat or choked by guards or FCE Teams during the transfer or restraint process. All seven restraint points were used on ISN 669.

11. During his afternoon enteral feeding, I observed ISN 669 being fastened into the restraint chair in the manner required by our standard operating procedures, including having the restraints be loose enough to allow a guard's index finger to fit between the detainee's body and his shackles. At

that point, medical personnel took over and began the enteral feeding process. The FCE Team left the area.

12. I have been informed that ISN 669 claims that following his enteral feeding, guards threw him on the floor of his cell. That is not true. The medical personnel advised the guard staff that ISN 669's enteral feeding was complete but ISN 669 refused to follow the guard personnel's order that he return voluntarily to his cell. Consistent with the standard operating procedures, the FCE Team returned to the pod and removed ISN 669 from the restraint chair. They then carried him to his cell and placed him on the floor, consistent with our standard operating procedures. During this transport, ISN 669 sang and chanted in Arabic.

13. The FCE Team then began to exit the cell. With his shackles now removed, ISN 669 jumped up from the floor and got to the cell door before it was completely closed. He was able to get his hands out of the still open door. Consistent with our standard operating procedures for such an incident, ISN 669 was sprayed in the face with OC, ISN 669 withdrew his hands and the FCE Team was able to shut the door of his cell. Consistent with our standard operating procedures, ISN 669 was given the opportunity to decontaminate himself, medical personnel monitored him to ensure he did not have an adverse reaction to the spray and ISN 669 was also monitored by the guard staff for 20 minutes following the use of OC spray.

14. I have been informed that ISN 669 claims another detainee was treated in a similarly abusive fashion by an FCE Team during the same time frame as the incident described above involving ISN 669. That is untrue. FCE Teams were employed to conduct two FCEs on two other detainees during this same time frame and I observed those FCEs as well. Throughout both of these FCEs, the FCE Teams acted consistently with our standard operating procedures. I did not observe any

detainees bleeding as a result of their enteral feeding or vomiting during their enteral feeding on this day.

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

Dated 27 September 2008



Lieutenant, USN  
Joint Detention Group  
Joint Task Force-Guantanamo