

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SALEH ABDULLA AL-OSHAN, *et al.*,)
)
)
 Petitioners,)
)
) **Civil Action No. 05-0520 (RMU)**
 v.)
)
)
 BARACK H. OBAMA, *et al.*,)
)
)
 Respondents.)
_____)

SUPPLEMENTAL DECLARATION OF DR. EMILY A. KERAM

Pursuant to 28 U.S.C. § 1746, I hereby declare the following:

1. I submit this Supplemental Declaration in support of Petitioner’s Reply in Further Support of His Emergency Motion for Relief.
2. I have reviewed the Declaration of Captain David G. Wright (“Wright Decl.”), filed in this case. I have also reviewed Mr. Shalabi’s medical records on a weekly basis as they are produced. Finally, I have reviewed a letter from Mr. Shalabi to his counsel, dated September 26, 2009.
3. During my meetings with Mr. Shalabi in July 2009, I evaluated his mental health using a diagnostic interview, direct review of symptoms specific to psychiatric diagnoses suggested by the diagnostic interview, direct observation, review of medical and custodial records, and interviews of internists involved in his care. In addition, I requested interviews with custodial personnel and mental health clinicians familiar with Mr. Shalabi, but was not provided access to these. This is the standard approach for evaluating the mental health of an individual in a custodial setting.

4. The Wright Decl. states, "There is no evidence that ISN 042 has reported, presented with, or suffered from symptoms of either illness [Posttraumatic Stress Disorder or Major Depression]." (Wright Decl. ¶ 25.)

5. Mr. Shalabi's medical records do not indicate that Mr. Shalabi's mental health has ever been adequately evaluated by JMG personnel. I saw no evidence in the record that any mental health clinician has ever even asked Mr. Shalabi whether he experienced or continues to experience the symptoms of either PTSD or Major Depression. It is my opinion that, in order to opine that there is no evidence that a particular psychiatric diagnosis exists, the record must reflect whether an adequate assessment of the symptoms of that diagnosis was even performed.

6. Additionally, of the records that I have reviewed, dating from January 1, 2009 to October 29, 2009, there are no indications that Mr. Shalabi has been evaluated by the Behavioral Health Services staff described in Captain Wright's Declaration.

7. As set forth in my original declaration, my July 2009 evaluation of Mr. Shalabi's mental health led me to the conclusion that Mr. Shalabi suffers from both Posttraumatic Stress Disorder (PTSD) and symptoms of Major Depression.

8. Additionally, there are indications that Mr. Shalabi continues to suffer from these disorders. For example, in his September 26, 2009 letter, he exhibits symptoms of PTSD and Major Depression, including sadness, insomnia, nihilism, helplessness, hopelessness, and irritability.

9. Captain Wright declares in paragraph 15 that there is no evidence in the medical records that Mr. Shalabi was "restrained in the feeding chair for periods much longer than necessary, that the feeding tubes were often inserted in a rough manner that

was painful, [or] that he was given a medically inappropriate amount of formula, up to 30 cans of Ensure at a time.” (Wright Decl. ¶ 15.) Captain Wright is correct to the extent that that the medical records I have reviewed (from January 1, 2009 through October 29, 2009) do not include evidence of this. Mr. Shalabi, however, indicated that the majority, although not all, of this mistreatment occurred before January 1, 2009, and therefore would not be reflected in the medical records submitted in this case.

10. Mr. Shalabi exhibits symptoms and disorders consistent with his reports of coercive interrogations and other mistreatment. There is nothing in the medical records or in Captain Wright’s Declaration that contradicts Mr. Shalabi’s reports or symptoms. It is my experience in working on other Guantanamo detainee cases, that evidence of coercive interrogations and mistreatment was not usually noted in the medical record. Only one detainee medical record I reviewed contained such evidence. Rather this evidence was kept in the detainee’s classified interrogation records. I have not had an opportunity to review the classified interrogation records in this matter.

11. The medical records do indicate that Mr. Shalabi was subjected to Forced Cell Extraction in connection with his feeding multiple times per day through the months of January and February. Mr. Shalabi’s psychological symptoms are consistent with the distress he reported experiencing as a result of these extractions.

12. The facts set forth herein are based on my personal knowledge or have been verified by me after appropriate inquiry.

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

Executed on November 2, 2009.


EMILY A. KERAM, M.D.