

EXHIBIT C

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SAEED HATIM, <i>et al.</i> ,)	
)	
Petitioners,)	
v.)	Civ. No. 05-1429 (RCL)
)	
BARACK OBAMA, <i>et al.</i> ,)	
)	
Respondents.)	

**DECLARATION OF ERIN THOMAS IN SUPPORT OF MOTION
TO COMPEL JOINT TASK FORCE–GUANTÁNAMO TO PERMIT
PETITIONER TO MEET WITH HIS ATTORNEYS IN HIS CAMP**

I, ERIN THOMAS, DECLARE:

1. I am an associate at Allen & Overy LLP (“A&O”) and a member of the bar of the State of New York. I submit this Declaration in support of the above-titled motion.

2. I am counsel to Petitioner Bisheer al Marwalah (ISN 837), whom respondents, through the Joint Task Force—Guantánamo (“JTF”), have held at Guantánamo since October 2002. I have represented Mr. al Marwalah since May 2011. I am also counsel to two other Guantánamo detainees.

3. My colleagues at A&O began visiting detainee clients in Guantánamo in late 2004 and have made dozen of visits since, including to meet with Mr. al Marwalah. I personally met with Mr. al Marwalah during four separate visits, beginning in 2011.

4. Mr. al Marwalah is currently housed in Camp 6. Mr. al Marwalah has consistently requested that his attorneys schedule all attorney-client meetings in Camp 6 rather than in another facility, Camp Echo. According to Mr. al Marwalah, meetings in Camp Echo are burdensome for him, because he must be transported to the meeting, while shackled, in a van.

5. In the past, Mr. al Marwalah's counsel's requests for meetings in Camp 6 were honored. However, during my last two visits to Guantánamo, in July 2012 and March 2013, these requests were denied.

6. Detainees also have telephone calls with their lawyers and their families in Camp Delta, which also requires transport of detainees, while shackled, in a van to Camp Delta from Camp 6.

7. On May 16, 2013, I received two letters from Mr. al Marwalah. In the first letter, dated April 30, 2013, Mr. al Marwalah informed me that "today in the afternoon, a soldier came along with an interpreter, and said that a new rule will be implemented starting tomorrow May 1st, 2013. At any time there is an appointment outside of Camp 6, or any transfer outside of Camp 6, there will be a complete human body search by hand. (The guards are the ones to conduct it.)"

8. Mr. al Marwalah wrote further that he was not willing to undergo a search of his private parts, and accordingly would refuse all appointments that required him to be transported outside of Camp 6. This would include meetings with his attorneys and phone calls with his family. Specifically, Mr. al Marwalah informed us that he would refuse to be transported out of Camp 6 in order to participate in a phone call with his family that was scheduled later in the week of April 29, 2013.

9. The second letter from Mr. al Marwalah was dated May 8, 2013. In this letter Mr. al Marwalah wrote:

I would like to inform you that our situation is very tough, extremely bad, and deteriorating. They started sexual inspections, in which they search the genitals, even though they know that the private area is a restricted area in our Islamic religion. We have been here in Guantánamo for 11 years, and during these 11 years, thank God, they have had three things that were red lines: prayer, the Qur'an, and the genital areas. ... They are attempting to cut off our

communications with our attorneys, as well as our families, since they know that detainees will refuse this search, which violates our religion, as well as our dignity, and accordingly we won't be attending any appointments [outside of Camp 6]!

10. Mr. al Marwalah wrote further that as a result of the new search policy, "I will not be able to speak with you on the phone, or be able to meet with you, because of this restriction. The letters will be left for us as the only way to communicate, until the restriction is lifted."

11. Prior to the implementation of the new search policy by the JTF's current command, Mr. al Marwalah's ability to communicate with his attorneys and his family was already heavily constrained by the procedures imposed by the Department of Defense and the JTF. This new policy has further eroded our ability to communicate with and provide legal representation to Mr. al Marwalah. We are no longer able to have a simple conversation with our client, much less engage in any nuanced or substantive discussion of his legal strategy. Our only option is to communicate with him by exchange of letters, which take weeks to send and receive.

12. The new search policy is also having a serious psychological and emotional impact on our client. In his April 30, 2013 letter, Mr. al Marwalah described the loss of telephone contact with his family as "heavy deprivation of the soul. ... My choice will be rejecting all appointments outside the camp, where my heart will be bleeding for my family." "The reality is," Mr. al Marwalah wrote further on May 8, 2013, "that things are very hard in the extreme. We no longer have any respect in this prison. They don't respect our life, our dignity; they don't respect our religious feelings. ... As for tomorrow—we have no idea what it will bring."

I declare that the foregoing is true and correct to the best of my knowledge and belief.

By: /s/ Erin E. Thomas

Erin E. Thomas

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Admitted *pro hac vice*

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