

EXHIBIT B

DECLARATION OF JENNIFER R. COWAN, ESQ.

I, Jennifer R. Cowan, hereby declare as follows:

1. I am counsel at the law firm of Debevoise & Plimpton LLP, which represents Hayil Aziz Ahmed Al-Mithali (ISN 840), who has been a detainee at the U.S. Naval Base in Guantanamo Bay, Cuba (“Guantanamo”) since October 2002.

2. I am licensed to practice law in the State of New York and was admitted to practice *pro hac vice* before the United States District Court for the District of Columbia for the purpose of representing Mr. al-Mithali in *habeas* proceedings.

3. On Friday, May 20, 2013, with assistance from a translator, two colleagues and I spoke for ninety minutes with Mr. al-Mithali on an unclassified telephone call.

4. I set forth below information that Mr. al-Mithali provided on that call, based on my contemporaneous notes of the call, which I believe are accurate. However, I have not been able to confirm the contents of this declaration with Mr. al-Mithali.

5. I have represented Mr. al-Mithali for more than seven years, and in that time, he has rarely refused meetings or telephone calls with me or my colleagues. On May 10, 2013, I had a call scheduled with Mr. al-Mithali to, *inter alia*, inquire on the status of his health, as he has been on a hunger strike since the beginning of February 2013. Mr. al-Mithali refused to take that call.

6. During our call on May 20, 2013, Mr. al-Mithali explained why he had refused the call on May 10, 2013.

7. Approximately a month ago, the guards at Guantanamo announced to detainees, including Mr. al-Mithali, that detainees who left their cell blocks for a call with their lawyer or family or a meeting with their attorney would be subject to a full body search including a genital search, which the guards demonstrated for the detainees.

8. The guards warned the detainees that they would be subject to the search four times on every trip: (i) when they left their cell block, (ii) when they arrived at the place of the meeting or phone call; (iii) when they left the place of the meeting or phone call; and (iv) when they returned to their cell block.

9. Mr. al-Mithali and the other detainees were shocked by this announcement because for many years, as a sign of respect for the detainees' cultural sensitivity regarding their genitals being touched, the guards had found it sufficient to pat down detainees above the belly button and below the knee and used what Mr. al-Mithali described as a handheld electronic device (and I believe to be a metal detector wand) to scan the midsection of the body without touching it.

10. Mr. al-Mithali and other detainees initially did not believe that the guards would actually perform a search of their genitals because it was so disrespectful, but then one detainee went to a meeting with his lawyer and was subject to the genital search.

11. After that, according to Mr. al-Mithali, detainees began to decline telephone calls and meetings with their lawyers rather than subject themselves to what he described as a demeaning search, and detainees also asked their lawyers to explain to their families why they were declining phone calls with them.

12. Mr. al-Mithali said that when guards came to his cell to inform that of his scheduled calls with his attorneys on May 10 and May 20, they reminded him that he has the right to refuse the telephone call and reminded him that if he left his cell block for the phone call, he would be subject to the genital search four times.

13. Mr. al-Mithali told me that he refused to take the May 10, 2013 call in part because he did not want to subject himself to the genital search.

14. Mr. al-Mithali said that after praying on the subject, he decided on May 20, 2013 to make the “sacrifice” of subjecting himself to the genital search so that he could speak with us because, among other things, he wanted us to know that he is being force fed, that his health had deteriorated significantly in the past ten days, and that he had spent several days in the hospital at Guantanamo. Mr. al-Mithali said that he was only semi-conscious when he was taken to the hospital and he could not remember whether he was searched then but that he was subject to a genital search when he returned to his cell block after his stay in the hospital.

15. Mr. al-Mithali said that in his experience, the genital search involves the guards touching the detainee’s penis, testicles and buttocks over their clothing. Mr. al-Mithali said that this search procedure was particularly offensive to him and the other detainees in light of their religious beliefs. He also expressed skepticism about the need for the search, pointing out that he was accompanied by guards during the trip from his cell block to the room where the telephone call with me took place, that he was being watched through a camera while he was in the room, and that he would be accompanied

by guards on his trip back to his cell block, but nonetheless, he had already been searched twice and he expected to be searched twice more during the return trip.

16. Mr. al-Mithali told us that he was not sure if he would be willing to endure the demeaning genital searches in order to speak with us on the telephone in the future.

17. Mr. al-Mithali also told us that other detainees held the same view and that he did and that some would continue to refuse telephone calls and meetings with their attorneys and telephone calls with their families rather than undergo the genital search. He also said that he believed some detainees have refused to go to the hospital because they do not want to undergo genital searches.

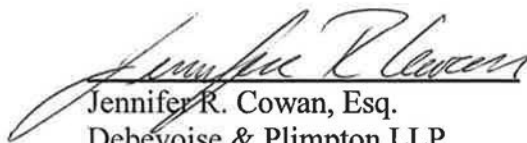
18. Mr. al-Mithali said that being deprived of contact with attorneys and families was particularly hard right now because the detainees have been isolated in solitary confinement for many weeks. He said that they have no access to newspapers or television, so the only way that they receive news of the outside world is through their attorneys and families.

19. Mr. al-Mithali also said that they have been deprived of soap, toothpaste, and comfort items for the past month, and that when he asked the guards why they are being punished, he was told that “the colonel” is angry that they are on the hunger strike

and that if they stop the hunger strike, things will get back to normal again.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 21, 2013 in New York, New York.


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