

EXHIBIT 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AHMED ZAID SALEM ZUHAIR,

Petitioner,

v.

Civil Action No. 08-864 (EGS)

GEORGE W. BUSH, ROBERT GATES,
REAR ADM. MARK H. BUZBY, and
ARMY COL. BRUCE VARGO,

Respondents.

SEPTEMBER 4, 2008 DECLARATION OF RAMZI KASSEM

Pursuant to 28 U.S.C. § 1746, I certify that the following is true and correct to the best of my knowledge:

1. My name is Ramzi Kassem.
2. I am a Robert M. Cover Fellow and Clinical Lecturer in Law at Yale Law School and counsel to Petitioner in the above-captioned matter, Ahmed Zaid Salem Zuhair.
3. I traveled to Guantánamo and met with Mr. Zuhair on the 5th and 6th of August, 2008.
4. On August 26, 2008, the Privilege Review team faxed me my notes from those meetings after having unclassified them.

Mr. Zuhair's Treatment by the Guards in Cell Block H in Camp 6

5. Mr. Zuhair told me that, on or about May 11, 2008, he was transferred to Camp 6, where he is held in Block H.
6. Mr. Zuhair told me that seven other hunger strikers are held with him in Camp H.
7. Mr. Zuhair told me the names and Internment Serial Numbers of these seven men.

8. Mr. Zuhair told me that force-feeding of the hunger strikers occurs in a common area between the cells. Guards line restraint chairs in front of the cells.
9. Mr. Zuhair told me that the hunger strikers are force-fed four at a time. Mr. Zuhair and three other strikers are brought out between 9:30 and 11:30 AM and between 4:30 and 6:30 PM. The other four hunger strikers are fed on alternate shifts.
10. Mr. Zuhair told me that the two guards who threatened his life and read and removed his legal papers are stationed in Block H in Camp 6.
11. Mr. Zuhair told me that the guard who confiscated his privileged papers was a Non-Commissioned Officer. I refer to this guard hereinafter as Guard 1.
12. Mr. Zuhair described Guard 1 as a six foot tall white man, weighing over 200 pounds, with a shaved head, who is approximately 35 years old. Mr. Zuhair recalls this guard's insignia as being three inverted "v's." Guard 1 is a commanding officer in the cell block when on duty.
13. Mr. Zuhair stated that subordinates and Soldiers on Guard ("SOGs") have complained about Guard 1's behavior on a number of occasions.
14. Mr. Zuhair stated that the second guard's rank is that of a Navy seaman. He described him as white, with dark brown eyes and hair, his build as "skinny," and estimates that he is approximately 22 years-old. I refer to this guard hereinafter as Guard 2.

First Incident—Mid-June, 2008

15. Mr. Zuhair told me that, in mid-June, his wrist was swollen as a result of the guards' routine use of excessive force. He said that, after a session in the restraint chair, Guard 2 unrestrained Mr. Zuhair's left hand from the chair in order to shackle him for transportation a few steps back to his cell.
16. Mr. Zuhair told me that when Guard 2 shackled his left hand, Mr. Zuhair asked Guard 2 to loosen the cuff, as it was cutting into his swollen wrist.
17. Mr. Zuhair told me that Guard 2 then asked Mr. Zuhair whether he was refusing to be cuffed. Mr. Zuhair responded by repeating his request that the cuff on his wrist be loosened.
18. Mr. Zuhair told me that, in response, Guard 2 took off the cuff and tied Mr. Zuhair's left hand to the restraint on the chair. Guard 2 then went to complain to the SOG and filed a report stating falsely that Mr. Zuhair had attacked him

and hit him with his right hand. At no time were either of Mr. Zuhair's hands free to hit the guard.

19. Mr. Zuhair stated that, as a result of the report filed by Guard 2, Mr. Zuhair was placed on level 2 discipline status for eighteen days.

Second Incident—On or About the 10th or 11th of July, 2008

20. Mr. Zuhair told me that, at the end of the eighteen day period of punishment, he was again strapped to the feeding chair when Guard 2 approached him and said, "Shut up! Don't speak!"
21. Mr. Zuhair told me that he had not said anything to the guard and that he then asked the guard "What did I do wrong? What did I say?"
22. Mr. Zuhair told me that Guard 2 again told him to "shut up."
23. Mr. Zuhair told me that he lost his temper, and in anger called Guard 2 an "animal."
24. Mr. Zuhair said that Guard 2 then returned the other three hunger strikers to their cells, but left Mr. Zuhair strapped to the restraint chair.
25. Mr. Zuhair told me that he could see a clock on the wall from where the restraint chair was placed.
26. Mr. Zuhair stated that, after forty minutes, he asked a nurse "why am I still here?"
27. Mr. Zuhair described the nurse was a black female, approximately thirty years old. Her insignia had two inverted "v"s.
28. Mr. Zuhair told me that the nurse then instructed Guard 2 to return him to his cell but Guard 2 ignored the nurse.
29. Mr. Zuhair told me that he then asked the NCO on duty at the time to return him to his cell. He described the NCO as a white female in her 30s whose insignia was 2 inverted "v"s.
30. Mr. Zuhair told me that Guard 2 told the NCO that Mr. Zuhair was on punishment.
31. Mr. Zuhair told me that the NCO then went to the Soldier on Guard, who stands outside the cell block.

32. Mr. Zuhair told me that when she returned, the NCO told Guard 2 that the SOG ordered that Mr. Zuhair should be returned to his cell, but that Guard 2 refused to do so. The NCO found two other guards to move Mr. Zuhair back to his cell.
33. Mr. Zuhair told me that by the time he was returned to his cell, he had been strapped into the restraint chair for two hours and forty minutes.

Third Incident, July 17, 2008

34. Mr. Zuhair told me that on July 17th, at 6:30 PM – the end of Mr. Zuhair’s evening feeding – three guards came to release him from the restraint chair: Guard 1 (the Non-Commissioned Officer), Guard 2, and an unidentified seaman.
35. Mr. Zuhair told me that the third seaman cuffed Mr. Zuhair properly, leaving the width of one finger between the cuff and his wrist so as to not cut off circulation.
36. Mr. Zuhair told me that Guard 1 told the third seaman to tighten the cuff, but the seaman refused to tighten the cuff on his left hand.
37. Mr. Zuhair told me that Guard 2 tightened the cuff on Mr. Zuhair’s right hand and then tightened the buckle tying Mr. Zuhair’s cuffed hands to his waist.
38. Mr. Zuhair told me that Guard 2 made the buckle so tight that Mr. Zuhair felt like he was going to vomit and screamed out in pain.
39. Mr. Zuhair told me that Guard 1 yelled that Mr. Zuhair was refusing, called for an Initial Reaction Force (“IRF”) team, and went to speak to the SOG outside.
40. Mr. Zuhair told me that no IRF team appeared, but instead Guard 1 returned and told Guard 2 to tighten Mr. Zuhair’s cuffs and return him to his cell.
41. Mr. Zuhair told me that he was angered by his treatment and addressed Guard 1 in English.
42. Mr. Zuhair told me that he stated to Guard 1, “We are prisoners. Do you think you are Rambo? If you are Rambo, go to Iraq. We are prisoners. We cannot hurt you.”
43. Mr. Zuhair told me that Guard 1 laughed in response.
44. Mr. Zuhair told me that the three guards took Mr. Zuhair to his cell.

45. Mr. Zuhair told me that when they arrived at the cell, Guard 1 stood outside the cell while Guard 2 and the other seaman patted Mr. Zuhair down.
46. Mr. Zuhair told me that while the seaman performed the body search normally, Guard 2 did it in a matter that was deliberately brutal and demeaning, which made the seaman shake his head disapprovingly.
47. Mr. Zuhair told me that at that point, Guard 1 asked Mr. Zuhair, "I should go to Iraq?"
48. Mr. Zuhair told me that he told Guard 1, "Yes."
49. Mr. Zuhair told me that Guard 1 then told Mr. Zuhair that he would kill him and chop his body into pieces and Guard 2 said that they should cut off Mr. Zuhair's nose and ears instead.
50. Mr. Zuhair told me that, on that night, at around 11 PM or midnight, Guard 1 removed Mr. Zuhair's box of personal and legal papers from the separate cell where it is kept. Hunger strikers are not permitted to keep their papers in their cells. Mr. Zuhair told me the guard took his box of legal materials and papers to the common area outside Mr. Zuhair's cell and read through them.
51. Mr. Zuhair told me that Guard 1 was in full sight of Guard 2, the other guards on duty that night, and the other prisoners in the block who could observe what was happening through the windows in their cell doors.
52. Mr. Zuhair told me that, from 11 PM or midnight on, Guard 1 shook and banged on Mr. Zuhair's door every 30 minutes until dawn, at about 4 or 5 AM.
53. Mr. Zuhair told me Guard 1 banged on his door in full sight of Guard 2, the other guards on duty that night, and the other prisoners in the block who could observe what was happening through the windows in their cell doors.
54. Mr. Zuhair told me that he saw Guard 1 read through his papers page by page. Guard 1 read everything that was in English, including papers marked attorney-client privileged.
55. Mr. Zuhair told me that Guard 1 pulled all handwritten papers and notes and took them with him.
56. Mr. Zuhair told me that the next day, on July 18th, a Navy mental health doctor from the PHU toured the cell block and that he told the doctor about the threats. Mr. Zuhair believes that the doctor noted his complaints, but does not know if he ever reported them to his superiors.

57. Mr. Zuhair told me that on July 18th, he asked an interpreter for the SOG, a tall black man with three inverted superposed "v"'s to lodge a formal complaint. That man told Mr. Zuhair that he had complained about Guard 1 himself at a prior time and said he'd write a report about the incident. Two days later, Mr. Zuhair said he complained to another SOG, a white male of the same rank as the aforementioned SOG, and that he responded to Mr. Zuhair in the exact same manner.
58. Mr. Zuhair told me that approximately one week after the threat, on the Wednesday of the following week, a Navy captain, who was dark-skinned and larger than Guard 1 came to tour Block H.
59. Mr. Zuhair told me that he knocked on the window of his cell door to ask to speak with the captain but that Guard 1 tried to dissuade the captain from coming to speak to Mr. Zuhair.
60. Mr. Zuhair told me that the captain went over to his cell anyway. Mr. Zuhair asked him for some water.
61. Mr. Zuhair told me that the captain ordered Guard 1 to give him some water but that Guard 1 refused.
62. Mr. Zuhair told me that he turned to the captain and pointed to his (Mr. Zuhair's) dark skin and said "it's because of this," meaning that Guard 1 was disobeying his commanding officer because Guard 1 was white and the captain was black.
63. Mr. Zuhair told me that the captain ordered Guard 1 to get water again and that, this time, Guard 1 complied, uttering a curse word in English which Mr. Zuhair did not understand.

Mr. Zuhair's Medical Condition

64. During my August 5-6, 2008 meetings with Mr. Zuhair, his ongoing health problems remained unabated.
65. Mr. Zuhair told me that he developed a serious stomach infection in mid-June and that, during his twice-daily force-feeding sessions, he experiences an intense spreading pain, "like a fire lighting up" in his stomach as soon as the nutrient mixture flows out of the feeding tube.
66. Mr. Zuhair told me that he was not permitted to see a physician about this problem until August 4, the day before his meeting with counsel. The physician told him that he has a stomach infection.

67. Mr. Zuhair told me that he believes the infection is caused by unsanitary procedures in his force-feeding process. He has observed Guantánamo personnel washing feeding tubes for all the hunger strikers simultaneously in the same bucket. He said that the same feeding tubes are used for 15 days and are only replaced at detainees' request.
68. Mr. Zuhair told me that he described the handling of feeding tubes to another physician, and that the doctor expressed surprise and told him that staff "are supposed to remove fresh tubes from the packaging before detainees' eyes at every feeding session."
69. Mr. Zuhair told me that has also observed Guantánamo medical personnel playing with feeding tubes with their bare hands before placing them in boxes to dust, iguanas, and various rodents without subsequently cleaning or purifying them. He told me the clinic has doors and windows open at all times.
70. Mr. Zuhair told me that he also believes that he and other hunger-strikers are being surreptitiously drugged to render them more compliant.
71. Mr. Zuhair told me that he would be willing to be interviewed, in the presence of his counsel, by the Department of Defense Inspector General's office in any investigation concerning the role of medical personnel in abuses at Guantánamo.

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

New Haven, CT

Executed on this 4th day of September, 2008



RAMZI KASSEM