

DECLARATION OF ZACHARY PHILIP KATZNELSON

1. My name is Zachary Katznelson. I am a member of the Bar of the State of California, Bar Number 209489.
2. I have represented prisoners on death row and in other maximum security facilities since 1999.
3. I represent habeas petitioner Shaker Aamer in Deghayes v. Bush, 04-cv-2215-RMC.
4. Mr. Aamer has been a prisoner in Guantanamo Bay since February 2002, more than four and a half years. Apparently because he speaks fluent English, is outspoken, and has therefore been an interlocutor between the U.S. military and the prisoners, he has been treated incredibly poorly.
5. Mr. Aamer's situation also has the appearance of hopelessness: He has no prospect either of a trial or of a date certain when he might be released. He has not been charged with any crime.
6. All the information in this declaration is unclassified and comes from discussions I personally had with Mr. Aamer.
7. On August 9, 2005, Mr. Aamer was brought to isolation for punishment based on his role in a widespread hunger strike. Since roughly July 26, 2005, Mr. Aamer had been working extensively with Colonel Mike Bumgarner to put an end to the hunger strike, which had reached a life-threatening stage for a number of men. At Colonel Bumgarner's request, Mr. Aamer, a leader among the prisoners, personally persuaded many of the hunger strikers to end their fast. Mr. Aamer then brought together a six-man prisoners' council that attempted to negotiate improved conditions in the camp, while also advocating that the prisoners be charged and tried or sent home. A settlement was reached to better conditions; however, when the settlement collapsed,

Mr. Aamer was sent to solitary confinement. He and Colonel Bumgarner never spoke again.

8. On September 8, 2005, Mr. Aamer was removed from isolation. This is consistent with my understanding of camp rules, which permit isolation only for a period of up to 30 days.
9. On September 24, 2005, Mr. Aamer was returned to isolation in Camp Echo. Despite the 30-day rule, Mr. Aamer has remained there ever since. As of the date of this declaration, he has been in Camp Echo for 360 consecutive days.
10. Mr. Aamer informed me that on June 9th, 2006, he was beaten for two and a half hours straight. Seven naval military police participated in his beating. Mr. Aamer stated he had refused to provide a retina scan and fingerprints. He reported to me that he was strapped to a chair, fully restrained at the head, arms and legs. The MPs inflicted so much pain, Mr. Aamer said he thought he was going to die. The MPs pressed on pressure points all over his body: his temples, just under his jawline, in the hollow beneath his ears. They choked him. They bent his nose repeatedly so hard to the side he thought it would break. They pinched his thighs and feet constantly. They gouged his eyes. They held his eyes open and shined a mag-lite in them for minutes on end, generating intense heat. They bent his fingers until he screamed. When he screamed, they cut off his airway, then put a mask on him so he could not cry out. This whole time the officer in charge of the camp was outside the cell, but did not intervene.
11. Mr. Aamer stated that on June 10, 2005, a 5-person riot squad, also known as an Emergency Reaction Force ("ERF team"), arrived at Mr. Aamer's cell. Mr. Aamer was beaten and forceably moved to a different cell.

12. Mr. Aamer reported that for the next three days, he was kept only in his shorts, a t-shirt and a pair of socks. There was absolutely nothing else in his 6 foot by 8 foot cell but a steel bunk, steel toilet, steel sink, and the-Qur'an. The air conditioning was kept on at all times, at full blast. The exhaust fan was run constantly, exacerbating the ringing Mr. Aamer suffers in his ears. Mr. Aamer had to sleep on the steel bunk. They took his flip-flops.
13. The next day, Mr. Aamer reported, the guards came for his socks. He refused to give them up, as he has rheumatism and arthritis. The ERF team was called. Mr. Aamer was beaten and his socks taken.
14. Mr. Aamer reported that on the night of June 11th, he was given a sheet. As he tried to sleep that night, he was constantly woken; guards stated not enough of his body was showing outside the sheet. At 5 AM he was woken again. The guards demanded the sheet back. Mr. Aamer, freezing, refused. The ERF team was called again and again Mr. Aamer was beaten.
15. Over these days, Mr. Aamer's door was kept closed, preventing the flow of fresh air. A generator right outside the door was kept running 24 hours a day, making a very loud noise and disrupting his sleep.
16. On June 13th, Mr. Aamer was brought to his current cell. It was filthy. The ceiling was moldy, the walls stained. It took him 5 hours to scrub the cell.
17. For a few days after June 13th, Mr. Aamer was given a blue foam mattress, several inches thick. While he had the mattress, the International Red Cross visited. A couple of days later, the guards came and beat Mr. Aamer until he relinquished the mattress. He states he has not had a proper mattress ever since.
18. Mr. Aamer reported that since the beginning of June, he has not had any contact with fellow prisoners. He is not permitted phone calls or visits with family. His only

contact has been with guards and with me, when I visited him on August 8 and August 16.

19. Mr. Aamer stated he has not been outside since June 13, 2006, a total of 64 days as of the date of my latter August visit.
20. Mr. Aamer lives in a 6' by 8' cell which contains a steel bunk, steel toilet, steel sink, a Qur'an and an isomat (an approximately inch-thin mattress). As the bed, toilet and sink are built-in, the actual floor area of the cell is only about 3' by 4'.
21. Mr. Aamer stated the florescent lights in the cell are never turned off or even dimmed, preventing him from sleeping properly.
22. Mr. Aamer wears thin cotton orange trousers, a thin cotton orange shirt and flip-flops. Mr. Aamer stated he is not permitted any other items whatsoever. Mr. Aamer is denied a toothbrush or even a cup.
23. According to Muslim tradition, Mr. Aamer is meant to wash himself after using the toilet, rather than use toilet paper. However, without a cup, he is forced to use his hand to wash his anus.
24. For ten minutes per day, Mr. Aamer is allowed into an adjoining 6' by 8' cell, where he is permitted to shower.
25. The cell in which he lives and the adjoining shower cell are contained entirely within a wooden shack. The living and shower cells are the only cells in the shack. The shack also contains an interrogation area roughly the same size as the two cells combine; however, Mr. Aamer is kept at all times in the cells, except when counsel or interrogators visit. The inside of the shack is constantly monitored by a video camera, even when Mr. Aamer uses the bathroom.
26. The door to the shack is kept closed except for when guards enter and leave. Mr. Aamer reported that on many days, even though Mr. Aamer is on video at all times,

the guards open and close the door to his shack every 15 minutes to check on Mr. Aamer. This prevents him from sleeping.

27. Mr. Aamer stated that the air conditioner is often turned off, leaving the cell sweltering in the Cuban heat. At other times, it is kept on maximum so the cell is freezing cold. Mr. Aamer is not permitted a blanket.
28. Mr. Aamer reported that he suffers from a multitude of medical problems, including: asthma, edema, arthritis in his knees and ankles, kidney pain, tinnitus, constant constipation, stomach pains. Since the beating he received on June 9th, the ringing in his ears is worse than ever.
29. As of August 16, 2006, Mr. Aamer had not seen the sun for 79 days.
30. Mr. Aamer believes that the US military is attempting to break him down physically and mentally. Mr. Aamer stated that: "at any moment, they can strip you naked. They will put your head in the toilet in the name of security. It is all about humiliation. They are trying to break me."
31. Mr. Aamer stated he will never do anything to harm anyone. He has no desire for revenge at all for the injustices he has suffered. He will never fight anyone. When he leaves GTMO, he will do nothing but care for his family.
32. Mr. Aamer has repeatedly undertaken hunger strikes, as he stated "this is the only language they [the prison authorities] understand." In July 2005, he did not eat for 27 days. The last 10 days of the hunger strike, he refused to drink either.
33. When I visited on August 8, 2006, Mr. Aamer had been on hunger strike for 8 days. He stopped his strike that day, but it is quite likely Mr. Aamer has resumed his hunger strike.
34. Mr. Aamer reported that his only consistent contact with living beings beside his captors is with the ants in his cell. He feeds them and considers them his friends.

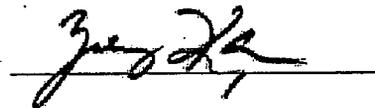
35. Based on everything I have learned about Mr. Aamer, I am very impressed with his efforts to hold himself together under extraordinarily harsh and intolerable conditions. However, in my opinion, his extended isolation is causing him severe mental distress and may have a lasting negative psychological impact.

36. Immediately after I met with Mr. Aamer on both August 8 and August 16, 2006, I raised the situation with Lt. Colonel [REDACTED] one of the commanders on the base. I provided him with full details as I knew them, and requested that Mr. Aamer be removed from isolation immediately.

37. I declare under penalty of perjury under the laws of the United States that the foregoing is true to the best of my knowledge and belief.

Austin, Texas

DATE: September 19, 2006



ZACHARY PHILIP KATZNELSON