

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SUHAIL ABDOH ANAM, <i>et al.</i> ,)	
)	
Petitioners,)	Civil Action No. 04-1194 (TFH)
)	
v.)	Honorable Judge Thomas F. Hogan
)	
BARACK OBAMA, <i>et al.</i> ,)	
)	
Respondents.)	

DECLARATION OF DEREK A. POTEET

I, Derek A. Poteet, swear that the following is true and correct to the best of my knowledge and information:

I, Derek A. Poteet, declare:

1. I have been asked to provide this declaration by Mari Newman of Killmer, Lane & Newman, LLP, for use in the above captioned habeas case. I understand that her client is a Yemeni citizen currently held at Guantánamo Bay detention facility.
2. I am a Major in the United States Marine Corps. I am a judge advocate assigned since 2010 to the Office of the Chief Defense Counsel, which office provides military commissions defense counsel to some of the Guantánamo detainees. I have been a member of the Virginia State Bar since 1997.
3. As part of my regular military duties in my current assignment, I frequently travel to U.S. Naval Base Guantánamo Bay, Cuba. My most recent visit was last month, February 2013.
4. When I am at the base at Guantánamo Bay, I primarily work in offices in the “Camp Justice” area of the base and make visits to the detention facility. My lodging has been either at “Camp Justice” or in hard housing on another part of the base.
5. In our office spaces in building AV-29 a sign near the sink warns that the tap water is not safe to drink including to make coffee.
6. In the housing at “Camp Justice,” there are signs located near the sinks warning that the water is non-potable, and that the water is for hygiene purposes only.

7. I also have been verbally warned not to drink the water at Camp Justice.

8. Free unlabeled bottled water for drinking is provided by the command and kept available in and around "Camp Justice" including in all the housing units there.

9. While meeting with clients at the Guantánamo Bay detention facility, I have observed the tap water on base at Guantánamo Bay to be yellowish-brown at times. I have sometimes mistakenly thought that someone forgot to flush a toilet because the water in the bowl was yellow, only to flush it and see that the "clean" water in the bowl was yellow even after flushing. This does not happen all the time, but I have witnessed it multiple times and in different locations on the base including the detention facility.

10. During each of my visits to the detention facility, unlabeled bottled water has been available and has been offered to me by the guard force, and to detainees.

11. I have never observed any military, civilian, or detainee drink water out of a tap inside the Guantánamo Bay detention facility.

12. I and other servicemembers with whom I have discussed this subject seek for health reasons to not drink the tap water on base at Guantánamo Bay.

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

DATED this 27th day of March 2013.



Derek A. Poteet