

## **Exhibit 2**



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____	)	
AHMED ZAID SALEM ZUHAIR, <i>et al.</i>	)	
	)	
Petitioners,	)	
	)	
v.	)	Civil Action No. 08 CV-0864 (EGS)
	)	
BUSH, <i>et al.</i> ,	)	
	)	
Respondents.	)	
_____	)	

Pursuant to 28 U.S.C. § 1746, I, [REDACTED], hereby declare that to the best of my knowledge, information and belief, the following is true, accurate, and correct:

1. I am a Petty Officer First Class in the United States Navy with over seven years of active duty service. I currently serve as a guard with the Joint Detention Group for the Joint Task Force-Guantanamo, Guantanamo Bay, Cuba (JTF-GTMO). I have served in this position since November 2007 and have never been disciplined for any inappropriate or improper conduct towards detainees at Guantanamo. My guard identification number is 04087.
2. I have personal knowledge of the matters stated in this declaration. This declaration is provided in response to allegations made by ISN 669 (Ahmed Zaid Salem Zuhair) through his lawyer.

**Training and Procedures**

3. Prior to beginning my duties as a guard at Guantanamo, I received extensive training and instruction on the Joint Detention Group's Standard Operating Procedures ("SOPs"), which must



[REDACTED]

be followed by personnel working in the detention facility at JTF-GTMO. I also receive follow-up instruction and guidance during the course of my duties as a guard.

4. Guards at JTF-GTMO are required to follow established procedures for their interactions with detainees. We are specifically trained and directed on how to handle detainees who are uncooperative or who show escalating agitation in a manner that is designed to protect the detainee and the guard staff. Guards are not permitted to intervene in any manner that is contrary to our established procedures. Any guard personnel or supervisors who witness misconduct by another member of the guard staff are required to promptly report that misconduct to the chain of command for appropriate action. I have been trained to immediately report detainee noncompliance and agitation to my supervisors.

5. Detention personnel are not allowed to threaten detainees with harm. Likewise, detention personnel are not allowed to threaten detainees with a disciplinary infraction. For instance, if a detainee does not comply with the instruction of a guard, the guard may not tell the detainee he will receive a disciplinary infraction for non-compliance.

**Allegation Regarding Incident on 17 July 2008**

6. I have been informed that ISN 669 claims I was involved in an incident on 17 July 2008 where his shackles were fastened too tightly, a body search of his person was conducted in a "brutal and demeaning" manner, he was threatened with death and bodily harm by myself and another guard and his legal paperwork was seized and reviewed. These allegations are untrue.

7. At this time, I was assigned as the Pod Non-Commissioned Officer (NCO) of H pod, the pod where ISN 669 and all other detainees on hunger strike are detained. As the Pod NCO, I was responsible for the supervision and management of all detainees in H pod.

[REDACTED]

8. On 17 July 2008, when Guard 04266, Guard 04396, and I started our watch, three detainees, including ISN 669, were in the process of being enterally feed. Guard 04266 and Guard 04396 were assigned to remove ISN 669 from the restraint chair following his enteral feeding and to return him to his cell. We are required to place a detainee in shackles for movement between feeding sessions and the detainee's cell. As the guards began the shackling process, ISN 669 refused to cooperate and follow their instructions. ISN 669 was moving his legs and moving the restraint chair from its position. Despite being told not to, after the restraint device was attached to ISN 669's wrists, ISN 669 held his hands out in front of him so that Guard 04266 could not secure the belly chain to ISN 669's wrists. ISN 669 refused our instructions to put his hands in the position so he could be secured.

9. Following the SOP when such incidents happen, Guard 04396 notified me of ISN 669's noncompliance. I informed the Block NCO of the situation and instructed Guard 04396 to guide ISN 669's hands down to his waist so they could be shackled there, using the minimal force necessary to do this, which Guard 04396 did.

10. At this time, ISN 669 was cursing at Guard 04396 and Guard 04266 in English but neither I nor the other guards reacted or verbally responded to that.

11. After the shackles were on ISN 669's wrists, he said they were too tight. Under our SOPs, shackles and other restraints must be loose enough that a guard's index finger can fit between the restraint and the detainee's body. When he said his shackle was too tight, Guard 04266 checked the tightness of the shackles by putting his index finger inside the shackle between the metal and ISN 669's wrist. After Guard 04266 did this, I did the same to confirm the shackles were properly applied. Because there was room for my finger, the shackles were not too tight. ISN

[REDACTED]

669 had sufficient movement to lift his arms and remove his spit mask. Contrary to ISN669's allegations, I did not tell Guard 04266 to tighten the shackles.

12. Contrary to ISN 669's allegations, neither I, Guard 04396 nor Guard 04266 called or requested an Initial Response Force (IRF) team. As the Pod NCO, I cannot authorize an IRF team. Only the Joint Detention Group Commander can authorize an IRF team.

13. After ISN 669 went inside his cell, he began to threaten Guard 04396 and Guard 04266 by telling us to come into his cell so he could cut off their heads and he also used profanity, speaking in English. Consistent with their training, the guards did not respond to his profanity or threats other than to tell him to cease making the threats.

14. Contrary to ISN 669's allegations, at no time did I threaten ISN 669 with death or injury and at no time did I observe any other guard make such threats. I did not say that we would kill him or that we would chop his body up or that we would cut off his ears or nose or any similar words, nor did I observe any other guard make such threats. I have never at any time threatened to kill, harm or discipline ISN 669 or any other detainee.

15. I have been informed that ISN 669 claims that I "shook and banged" on his cell door every 30 minutes between midnight until 0400-0500. Under our SOP, guards are not allowed to bang or shake detainees' doors to antagonize or harass them. I have not done so and have not observed other guards doing so. If I knocked on ISN 669's door on that evening or at any other time, it was for official purposes as allowed by the JTF-GTMO SOPs, which allow guards to knock on cell doors if the detainee inside has his head covered by a blanket or clothing, or if the detainee is scheduled to leave his cell for a medical appointment or if the guard is delivering a meal to the detainee who has been fasting for religious purposes.

[REDACTED]

16. Each detainee, including ISN 669, has a metal or plastic bin where he can keep personal items, to include legal mail and documents. Camp guards are not permitted to read a detainee's legal mail and we receive regular training on the proper handling of legal mail and other detainee property. When guards conduct routine cell searches or searches of a detainee's bin, the guards are authorized to look for physical contraband in open envelopes containing any type of mail. During these searches, loose written material (including mail) stored outside of an envelope can be leafed through as part of a search for physical contraband. During these searches, I do not read written materials. I review the document to ensure it is material the detainee is authorized to have. When I see documents that are properly marked as attorney-client privileged, I set those documents aside and do not read or otherwise look through these documents. I have been trained by my supervisors on legal mail handling procedures and my supervisors continually emphasize the importance of this issue.

17. During the morning of 18 July 2008, I conducted routine contraband searches of the storage bins of all detainees in H pod, including ISN 669. Under our SOP, bin searches are required daily to look for contraband. ISN 669's storage bin is stored outside of his cell. In ISN 669's bin, I found several items of contraband, including outdated prayer schedules and documents that were not marked in one of the ways that shows they have been approved for delivery to the detainee. None of these documents were marked or stored as legal mail or attorney-client privileged material. Thus, in accordance with our SOP, I seized the contraband written materials and passed them to the Block NCO for processing at the Detention Operations Center.

**Allegations Regarding Water**

18. I have been informed that ISN 669 claims that, about a week after 17 July 2008, I refused to give him water and refused to obey the order of a military officer. These allegations are untrue.

[REDACTED]

19. On July 23, 2008, I was again assigned to ISN 669's pod. During my guard shift, ISN 669 requested a new (full) water bottle. Under JTF-GTMO's SOPs, a detainee is required to stand behind a black line on the floor of his cell (approximately an arms length away from the cell door) facing the cell door in order to exchange his empty water bottle for a full one. A detainee may not hold anything in his hands other than the water bottle he wants to swap. All detainees, including ISN 669, are told these procedures.

20. On this day, ISN 669 was standing next to the door and would not follow my instructions to move step away from the door, so I did not provide him with a new water bottle. ISN 669 started kicking his cell door. About this time, a Lieutenant (Junior Grade) who was the AOIC (Assistant Officer in Charge of Camp VI) visited the pod where ISN 669 was detained. The AOIC was making his daily rounds through all the pods at Camp VI. The AOIC spoke with ISN 669, at which time ISN 669 and the other detainees directed racial slurs at the officer. Contrary to ISN 669's allegations, I did not try to prevent the AOIC from talking to ISN 669. When the AOIC directed me to give ISN 669 a water bottle, I told the AOIC that I would give the detainee a water bottle, but the detainee would have to comply with my instructions. I told the AOIC this was necessary so I could do the exchange properly and safely in accordance with our SOP. The AOIC told ISN 669 to comply with the procedures. A few minutes later, ISN 669 complied and I gave him the new water bottle.

#### **Enteral Feeding**

21. I was not present during the incident that ISN 669 alleges occurred on August 14, 2008. However, since joining the JDG at JTF-GTMO, I have observed approximately 15-20 enteral feeding sessions and have never seen blood during one of these feeding sessions. Any guard who sees a detainee bleeding during or after an enteral feeding is required to report this

[REDACTED]

immediately to medical personnel. Other than placing or removing the detainee from the restraint chair, guards are not involved in the enteral feeding process. The guards supervise the enteral feeding process to ensure medical personnel follow safety procedures and that the detainees do not get access to contraband materials during that process.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

Dated 22 September 2008

[REDACTED]

/ Petty Officer First Class, U.S. Navy  
Joint Detention Group  
Joint Task Force-Guantanamo

[REDACTED]