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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Lieutenant Commander CHARLES SWIFT, a
resident of the State of Washington, as next
friend for SALIM AHMED HAMDAN,
Military Commission Detainee,
Camp Echo,
Guantanamo Bay Naval Base,
Guantanamo Bay, Cuba,

Petitioner,

v.

DONALD H. RUMSFELD, United States
Secretary of Defense; JOHN D.
ALTENBURG, Jr., Appointing Authority for
Military Commissions, Department of Defense;
Brigadier General THOMAS L.
HEMINGWAY, Legal Advisor to the
Appointing Authority for Military
Commissions; Brigadier General JAY HOOD,
Commander Joint Task Force, Guantanamo,
Camp Echo, Guantanamo Bay, Cuba;
GEORGE W. BUSH, President of the United
States,

Respondents.

NO CV 04-0777L

DECLARATION OF
DARYL MATTHEWS, M.D., Ph.D.

DECLARATION OF DARYL MATTHEWS, M.D., Ph.D.

DARYL MATTHEWS, M.D., Ph.D., hereby declares and states as follows:

1 1. I am over the age of eighteen (18) years. The following is true and correct to
2
3 the best of my knowledge. I have personal knowledge of the matters stated herein and, if
4
5 called upon to testify, could competently testify thereto.

6
7 2. My qualifications to render expert psychiatric opinions include my education
8
9 and training and my professional experience, set forth in detail in my curriculum vitae,
10
11 which is attached as Exhibit A.

12
13 3. I received my M.D. degree in 1973 from the Johns Hopkins University
14
15 School of Medicine. My postgraduate medical education included a residency in psychiatry
16
17 at Johns Hopkins Hospital from 1973 to 1976 and a fellowship in forensic psychiatry at the
18
19 University of Virginia Schools of Law and Medicine. I am board certified in psychiatry and
20
21 forensic psychiatry by the American Board of Psychiatry and Neurology, serve as an
22
23 Examiner for that Board, and as a member of the Board's Forensic Psychiatry Examination
24
25 Committee.

26
27 4. I have held faculty positions in medicine and public health at the Johns
28
29 Hopkins University, Boston University, The University of Virginia, and the University of
30
31 Arkansas, and am currently Professor of Psychiatry and Director of the Forensic Psychiatry
32
33 Program at the John A. Burns School of Medicine at the University of Hawaii.

34
35 5. I have conducted psychiatric evaluations of more than 1,000 patients or
36
37 forensic examinees, hundreds of them within the confines of jails, prisons, and similar
38
39 facilities. These have included scores of facilities in 12 states, of all security levels,
40
41 operated by local, state, civilian federal, and military authorities.

42
43 6. My evaluations and expert opinions have been admitted into evidence in
44
45 more than 500 legal proceedings, including commitment hearings, civil trials, and criminal
46
47

1 trials. I have been admitted to testify as an expert at trial by state and federal courts and
2
3 military courts-martial in 20 states.

4
5 7. My sources of information in this matter are:

6
7 (a) Affidavit of Mr. Salem Ahmed Salem Hamdan, (translated by Mr. Charles
8
9 Schmitz), of February 9, 2004, and

10
11 (b) Representations made to me by Mr. Hamdan's attorney, LCDR Charles
12
13 Swift.

14
15 8. According to his affidavit and his attorney, Mr. Hamdan is approximately 34
16
17 year-old married Yemini male, father of two children ages 4 and 2, who is currently
18
19 confined at the U.S. Naval Base, Guantanamo Cuba.

20
21 9. Since December 2003 Mr. Hamdan has been confined alone in a cell, in a
22
23 house that is guarded by a single non-Arabic-speaking guard. A translator is rarely
24
25 available. He receives 60 minutes of exercise outdoors three times a week, only at night.

26
27 10. Mr. Hamdan has met his attorney, but he has not been charged with any
28
29 offense. He has been told that he is facing trial before a military commission, but does not
30
31 know when this is to occur. He understands that, even if acquitted, he potentially faces
32
33 indefinite confinement at the discretion of the U.S. government.

34
35 11. Mr. Hamdan has described his moods during his period of solitary
36
37 confinement as deteriorating, and as encompassing frustration, rage (although he has not
38
39 been violent), loneliness, despair, depression, anxiety, and emotional outbursts. He asserted
40
41 that he has considered confessing falsely to ameliorate his situation. LCDR Swift has
42
43 described Mr. Hamdan's condition to me, as observed during their meetings, as initially
44
45 agitated and withdrawn, with a brightening mood as the visit proceeds, but ending with
46
47 Mr. Hamdan begging him not to leave.

1 12. Mr. Hamdan's past history includes the death of both parents before he was
2
3 12 years old, followed by periods of non-supervision and homelessness.

4
5 13. The medical literature has described the harmful mental effects of solitary
6
7 confinement at least since 1854; the recent literature confirms their presence. Adverse
8
9 effects include hypersensitivity to external stimuli, hallucinations, perceptual distortions,
10
11 derealization experiences, depression, anxiety, mood liability, difficulties in concentration
12
13 and memory, paranoid thinking, and problems with impulse control. The extent of these
14
15 appears to vary with the length of solitary confinement and the degree of isolation
16
17 experienced. There is evidence that some prisoners suffer long term psychological damage
18
19 as a result of such confinement.

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21 14. It is my opinion, to a reasonable medical certainty, that Mr. Hamdan's current
22
23 conditions of confinement place him at significant risk for future psychiatric deterioration,
24
25 possibly including the development of irreversible psychiatric symptoms. Additionally the
26
27 conditions of his confinement make Mr. Hamdan particularly susceptible to mental coercion
28
29 and false confession in conjunction with his case.

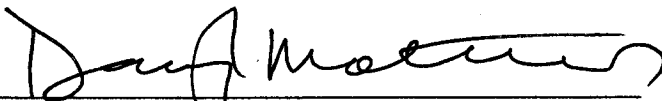
30
31 15. The conditions of confinement described by Mr. Hamdan and his legal
32
33 counsel may also cause deterioration to the point of significant impairment of his ability to
34
35 assess his legal situation and assist defense counsel. His array of pre-isolation stressors
36
37 place him at particularly high risk, as does the psychological stress of the uncertainty he
38
39 faces over his lack of charges and about the nature and duration of his future confinement.

40
41 16. It is my medical opinion that a release from solitary confinement and a return
42
43 to the general population combined with a definite advisement as to potential charges and
44
45 proceedings would significantly mitigate the risk of mental impairment/coercion in
46
47 Mr. Hamdan's case.

1 17. These opinions were reached without my conducting a personal examination
2
3 of Mr. Hamdan due to government restrictions preventing access to Mr. Hamdan for all but
4
5 cleared persons.
6

7 I declare under penalty of perjury under the laws of the State of
8 Washington that the foregoing is true and correct to the best of my
9 knowledge and belief.
10

11
12 DATED this 31 day of March, 2004.
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18 _____
19 Daryl Matthews, M.D., Ph.D.
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State of Illinois

County of Cook.

Signed and sworn (or affirmed) to before me on March 31, 2004 (date)

by (name) Daryl Matthews.

Martha A. Ortiz
Signature of Notary Public

