

March 14, 2013

The Honorable Charles Hagel
Secretary of Defense
Office of the Secretary of Defense
1000 Defense Pentagon
Washington, D.C. 20301

Dear Secretary Hagel:

We, the undersigned, represent men imprisoned at Guantánamo Bay. We write to express urgent and grave concern about a mass hunger strike taking place at the prison, now in its second month, which presents a serious threat to the health and life of detainees. We request your leadership in calling upon the authorities at JTF-GTMO to address the underlying causes of the strike and bring it to a prompt and acceptable end.

By letter dated March 4, 2013 to the Commander and Staff Judge Advocate of JTF-GTMO, we reported information received from clients about the hunger strike and its effects on the men. We requested an answer to our letter by March 6, 2013, with information about steps the authorities were taking to address the worsening situation. To date, we have not received a response. Meanwhile, we have received additional reports from clients that the strike is ongoing and that the health of the men has continued to deteriorate in alarming and potentially irreparable ways.

As detailed in our March 4, 2013 letter, we understand that the hunger strike was precipitated by widespread searches of detainees' Qur'ans—perceived as religious desecration—as well as searches and confiscation of other personal items, including family letters and photographs, and legal mail, seemingly without provocation or cause. We also understand that these searches occurred against a background of increasingly regressive practices at the prison taking place in recent months, which our clients have described as a return to an older regime at Guantánamo that was widely identified with the mistreatment of detainees. Indeed, the conditions being reported by the men appear to be a significant departure from the way in which the prison has operated over the past several years. No doubt as well, numerous detainees, including 86 detainees who have been cleared for transfer by President Obama's Inter-Agency Guantánamo Task Force, are feeling hopeless in the face of 11 years of detention without prospect of release or trial and the continuing inability of the political branches to carry through on their commitment to close the prison in a just manner.

We understand that most of the men in Camp 6, which holds the largest number of detainees at Guantánamo, have been on hunger strike since February 6 to protest these practices. We have also received alarming reports of detainees' deteriorating health, including that men have lost over 20 and 30 pounds, and that at least two dozen men have lost consciousness due to low blood glucose levels, which have dropped to life-threatening levels among some. The information we have reported has been corroborated by every attorney who has visited the base or communicated with their client since February. According to medical experts, irreversible cognitive impairment and physiological damage such as loss of hearing, blindness, and hemorrhage may begin to occur by the 40th day of a hunger strike, and death follows thereafter. We would think officials

charged with the care of detainees would consider these events urgent and gravely concerning; instead, JTF-GTMO officials have yet to offer any response other than to brush aside the reports by detainee counsel as “falsehoods.”

As a United States Senator, you took the position that mistreatment of prisoners at Guantánamo could not be tolerated because it was immoral and because it jeopardized the security of the United States. You also argued that the continued existence of the prison was one of the reasons why the United States was “losing the image war around the world.”

We urge you now as Secretary of Defense to draw upon these important principles as you address the immediate situation at hand as well as the long-term fate of all of the remaining men at Guantánamo. Your leadership and swift action in response to this situation are critical.

We request that you meet with a representative of the undersigned at your earliest convenience to discuss ways in which this immediate crisis can be fairly resolved, and to show that the United States has closed the chapter on mistreatment at Guantánamo. We would also welcome the opportunity to work with you, more broadly to help your office and this Administration fulfill its important commitment to closing the prison. Please direct your response to the Center for Constitutional Rights by telephone at (212) 614-6452, fax at (212) 614-6499, or mail at 666 Broadway, 7th Floor, New York, New York 10012.

Sincerely,¹

Carrie Baker Anderson – Allen & Overy

Patricia A. Bronte – Bronte Law LLC

Jennifer Burdick

Lauren Carasik – Western New England University School of Law

James A. Cohen – Fordham University School of Law

Jerry Cohen – Burns & Levinson

Terence G. Connor

Sarah Cox – Allen & Overy

Cori Crider – Reprieve

Stephen D. Demik – Office of the Federal Public Defender for the Central District of California

Maya M. Eckstein

Stewart Eisenberg – Weinberg & Garber, PC

Robert M. Elliot – Elliot Pishko Morgan

Omar Farah – Center for Constitutional Rights

Jon Fee – Alston & Bird LLP

Lauren L. Fontana – Killmer, Lane & Newman LLP

Frank Goldsmith – Goldsmith, Goldsmith & Dews, PA

H. Candace Gorman

Eldon V. C. Greenberg – Garvey Schubert Barer

¹ Not all signatories below have received direct information from their clients about the information cited in this letter, but sign to express their general concern about the situation that has been reported.

Andy Hart – Office of the Federal Public Defender for the Northern District of Ohio
Joseph K. Hetrick – Dechert LLP
Susan Hu – Center for Constitutional Rights
Gaillard T. Hunt
Beth D. Jacob – Kelley Drye & Warren LLP
Ramzi Kassem – CUNY School of Law
Samuel C. Kauffman – Garvey Schubert Barer
Pardiss Kebriaei – Center for Constitutional Rights
Darold W. Killmer – Killmer, Lane & Newman LLP
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Eric L. Lewis – Lewis Baach PLLC
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Matthew D. Melewski – Leonard, Street and Deinard
Michael E. Mone, Jr. – Esdaile, Barrett, Jacobs & Mone
J. Griffin Morgan – Elliot Pishko Morgan
J. Andrew Moss – Reed Smith LLP
Richard G. Murphy, Jr. – Sutherland
Brian J. Neff – Schiff Hardin LLP
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Anne K. Richardson – Hadsell, Stormer, Richardson & Renick LLP
Sheku Sheikholeslami
Erin Thomas – Allen & Overy
Carlos Warner – Office of the Federal Public Defender for the Northern District of Ohio
Gordon S. Woodward – Schnader Harrison Segal & Lewis LLP

cc: Andrew I. Warden, Esq.
U.S. Department of Justice