

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MAJID ABDULLA AL-JOUDI, *et al.*,

Petitioners/Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Respondents/Defendants.

Civil Action No. 05-0301 (GK)

DECLARATION BY JULIA TARVER MASON, ESQ.

I, Julia Tarver Mason, declare that the following statements are true to the best of my knowledge, information, and belief:

1. I am a member of the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, 1285 Avenue of the Americas, New York, New York 10019. I am counsel for Petitioner Majid Al Joudi and offer this Declaration in support of Petitioner's Motion for an Order to Show Cause Why Respondents Should Not be Held in Contempt.

2. On Friday, September 8, 2006, while visiting the United States Naval Station at Guantánamo Bay, Cuba ("Guantánamo"), my colleague Jana Ramsey and I met with our client, Petitioner Majid Al Joudi ("Mr. Al Joudi") and learned for the first time that, without our knowledge, the military had subjected Mr. Al Joudi to a dangerous regiment of twice-daily, brutal forced-feeding for *over seven months* – in direct contravention of this Court's October 26, 2005 Order requiring counsel notification and access to medical records ("October Order").

3. The following information, unless otherwise noted, was shared with us by Mr. Al Joudi during our meeting, and has since been declared unclassified by the Privilege Review Team.

Al Joudi's 2006 Hunger Strike and Forced-Feeding

4. From approximately January until August 2006, Mr. Al Joudi participated in an unabated hunger strike.¹ During the course of his seven-month strike, Mr. Al Joudi was involuntarily force-fed through nasogastric feeding tubes forcibly inserted by the guards and medical staff of the United States military.

5. During this time, Mr. Al Joudi was held in isolated confinement in Guantánamo's Oscar Block, along with at least five other individuals participating in the hunger strike.

6. The other hunger strikers included (1) Abdul-Rahman Shalabi, also a client of counsel, *see Al-Oshan v. Bush*, 05 Civ. 520 (RMU), (2) Saudi national Mani Shaman Turk al-Habardi Al-Utaybi, petitioner in *Al-Harbi v. Bush*, 05 Civ. 1857 (CKK); (3) Saudi national Yassar Talal Al-Zahrani; (4) Yemeni national Ali Abdullah Ahmed, petitioner in *Al Salami v. Bush*, Civ. 05-2452 (PLF); and (5) another individual known to Al Joudi as "Ahmed."

¹ According to medical records previously provided by Respondents, Mr. Al Joudi had also participated in a hunger strike, and was involuntarily force-fed, from approximately November 26, 2005 through January 6, 2006. Although Mr. Al Joudi's recollection was not precise as to the exact day he recommenced his hunger strike in 2006, he believes that it coincided with the end of the Hajj religious holiday, which occurred in January. Based on this information, Mr. Al Joudi was only eating food for a short time before he rejoined the strike and once again was force-fed by the military.

7. All five hunger strikers were involuntary force-fed by the military through use of a restraint chair that Mr. Al Joudi likened to an “execution chair.”

8. On or about June 10, 2006, three of the prisoners noted above—Al-Utaybi, Al-Zahrani and Ali Abdullah Ahmed—committed suicide, according to Respondents.

9. These three prisoners had been involuntarily force-fed and subjected to cruel and abusive treatment up until a week before their deaths, when they suddenly ended their hunger strike.

10. Mr. Al Joudi believes that the other two prisoners, “Ahmed” and Shalabi, continue to be force-fed to this day, by use of the restraint chair and other brutal means.

11. Over eight months ago – on January 13, 2006, Respondents informed counsel that Petitioner Al Joudi had ended his hunger strike on January 6, 2006 and that Respondents would cease providing medical records pursuant to this Court’s October Order.

12. At no time after January 13, 2006 did Respondents provide counsel for Mr. Al Joudi with any information about his medical condition or his resumed forced-feeding. At no time after January 13, 2006 were any medical records for Mr. Al Joudi provided by Respondents.

Brutality and Abuse by the Government Against Petitioner

13. Every day, twice a day, for over seven months, Mr. Al Joudi was forcibly removed from his cell and taken to a restraint chair that prevented him from moving any part of his body, including his limbs, torso and head. Mr. Al Joudi was kept in this restraint chair, incapable of movement, as nurses and corpsmen rammed tubes up his nose, pumped five to ten cans of liquids into his fragile and emaciated body, and then left him there to urinate and defecate on himself for hours at a time, ignoring his pleas for a bathroom.

14. Even when Mr. Al Joudi was not experiencing this pain and degradation himself, he was witness to the moans and cries for help from his fellow hunger strikers as they, too, were subjected to the “execution chair” – a brutal and inhumane mechanism by which Respondents purportedly provide “medical care” to prisoners already physically and psychologically damaged by the effects of indefinite torture and detention.

15. On certain occasions, guards brought the physically weakened Mr. Al Joudi to the restraint chair by dragging him across the floor with chains that bound his feet together. Mr. Al Joudi was dragged in this fashion even when he did not physically resist feeding.

16. Mr. Al Joudi explained that it was routine for the medical personnel to ensure that the feeding tube was properly inserted and then, for no apparent reason, to remove the tube and reinsert it again – generating intense and unnecessary

physical pain, and ultimately causing blood and bile to emanate from Mr. Al Joudi's body.

17. Mr. Al Joudi explained that once the "execution chair" was instituted, the military no longer used any lubrication or anesthetic to make the repeated insertion and removal of the tube more tolerable.

18. According to Mr. Al Joudi, a typical feeding involved five cans of Ensure, a nutritional supplement, followed by five cans filled with water and a red liquid that he and other prisoners believed acted as a laxative.

19. Mr. Al Joudi recounted in gruesome detail a particularly harrowing event that occurred as the military became increasingly frustrated by his and other prisoners' continued adherence to the hunger strike despite the brutal forced feeding. On that occasion, after Mr. Al Joudi was physically immobilized in the restraint chair, a male nurse brought in not five cans, but three cartons, of Ensure and slammed them down on the floor of the cell in front of Mr. Al Joudi. The male nurse told Mr. Al Joudi that he would be forced to consume all of the Ensure and that Mr. Al Joudi was not leaving until it was all gone.

20. From previous experience, Mr. Al Joudi knew that his weakened gastric system could never handle such a large volume of liquids, but strapped in the "execution chair" he had no means to resist the rapid and forced ingestion of an entire carton of Ensure.

21. The other two cartons ultimately were not forced into Mr. Al Joudi's body because by the time the first carton was consumed, Mr. Al Joudi was vomiting so violently that he actually vomited up the end of the feeding tube which had been in his stomach. This left one end of the feeding tube in his nose and the other end of the feeding tube dangling out of his mouth, along with his vomit. The male nurse cut the feeding tube that was protruding from Mr. Al Joudi's mouth and yanked the other end of the feeding tube out of his nose – causing Mr. Al Joudi unspeakable pain.

22. Mr. Al Joudi also described a subsequent effort by the military to implement new, harsh “medical” practices to “encourage” the hunger strikers to end their continued strike. Rather than the typical 10 or 12 French tubes that the nurses had been using, the military began to use larger, 15-gauge tubes on the hunger strikers, including Mr. Al Joudi, in order to get them to end the hunger strike. This lasted for approximately one week and resulted in excruciating pain and physical and mental trauma. Just a short time later, three of the six prisoners who had been subjected to this brutal and sadistic treatment ended up ceasing their hunger strike. A short time after that, they silently asphyxiated themselves in their cells in the middle of the night, leaving suicide notes behind – the contents of which have not yet been publicly released.

23. Even one month after ending the hunger strike, Mr. Al Joudi continues to suffer great pain in his throat, which is visibly swollen. He can speak, but his voice is hoarse. He continues to have difficulty swallowing and says that he can still feel the open wounds in his throat. He looks quite weak, and he suffers from respiratory problems that he believes were brought on by the force-feeding and protracted use of the restraint chair.

24. Mr. Al Joudi also suffered a recent injury to his leg, when he collapsed while trying to walk in the recreation area. His fall required him to be taken to the hospital for an X-Ray. He believes that his leg that was weakened from a prior accident has since atrophied due to poor nutrition, weakened health, and restricted movement in the restraint chair.

25. For understandable reasons, Mr. Al Joudi no longer trusts the medical personnel around him. To add insult to injury – literally – the nurses and guards laugh at his torment and mock his pain. Thus, rather than seeing these individuals as medical or mental-health *care* providers, Mr. Al Joudi sees them as further implements of the military's torture tactics. This is hardly the framework within which meaningful attempts to persuade Mr. Al Joudi to end his self-destructive behavior can exist. It is for this reason, and because Respondents have demonstrated such a callous disregard for this Court's authority, that Petitioner respectfully requests the relief enumerated in the attached Motion and Memorandum of Law.

Exhibits

26. Attached hereto as Exhibit A is a true and correct copy of the Tarver Declaration, originally annexed as Ex. E to Petitioners' Motion to Compel Access to Counsel and Information Related to Medical Treatment, *Al-Joudi v. Bush*, No. 05-301 (D.D.C. Sept. 19, 2005) (dkt 37) ("Motion to Compel").

27. Attached hereto as Exhibit B is a true and correct copy of the Supplemental Declaration by Julia Tarver, *Al-Joudi v. Bush*, No. 05-301 (D.D.C. Oct. 14, 2005) (dkt 46), filed in support of Petitioners' Motion to Compel.

28. Attached hereto as Exhibit C is a true and correct copy of excerpts from the transcript of the hearing held on October 14, 2005 on Petitioners' Motion to Compel.

29. Attached hereto as Exhibit D is a true and correct copy of the notice stating that Al Joudi ended his hunger strike.

30. Attached hereto as Exhibit E are true and correct copies of correspondence with Respondents with respect to the within motion.

31. Attached hereto as Exhibit F is a true and correct copy of the Declaration of Richard G. Murphy, Jr. in Support of Petitioners' Motion for Injunction Against Further Torture of Mohammed Bawazir, *Al-Adahi*, No. 05-280 (GK) (D.D.C. Feb. 28, 2006) (dkt 68).

32. Attached hereto as Exhibit G is a true and correct copy of the Declaration of Marc D. Falkof, originally annexed as Ex. K to Petitioners' Reply Memorandum in Further Support of an Order to Show Cause Requiring Respondents to Reschedule Expeditiously Attorney-Client Meetings at Guantanamo, *Al-Joudi v. Bush*, No. 05-301 (D.D.C. Mar. 9, 2006) (dkt 62).

33. Attached hereto as Exhibit H is a true and correct copy of excerpts of the Declaration of Stephen G. Hooker, originally annexed as Ex. 1 to Respondents' Opposition to Petitioners' Emergency Motion for Injunction Against Further Torture of Mohammed Bawazir, *Al-Adahi v. Bush*, No. 05-280 (D.D.C. Mar. 1, 2006) (dkt 69).

34. Attached hereto as Exhibit I is a true and correct copy of excerpts of the Declaration of John S. Edmonson, M.D., originally annexed as Ex. A to Respondents' Supplemental Opposition to Petitioners' Motion to Compel Access to Counsel and Information Related to Medical Treatment, *Al-Joudi v. Bush*, No. 05-301 (D.D.C. Oct. 29, 2005) (dkt 48).

35. Attached hereto as Exhibit J is a true and correct copy of the Affidavit of Sondra Crosby, M.D., originally annexed as Ex. T to Petitioners' Reply Memorandum in Further Support of an Order to Show Cause Requiring Respondents to Reschedule Expeditiously Attorney-Client Meetings at Guantanamo, *Al-Joudi v. Bush*, No. 05-301 (D.D.C. Mar. 9, 2006) (dkt 62).

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

Executed this 19th day of September, 2006
New York, New York


JULIA TARVER MASON, ESQ.