

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

MAHMOAD ABDAH, <i>et al.</i> ,	)	
	)	
Petitioners,	)	
	)	
v.	)	Civil Action No.: 04-1254 (HHK)
	)	
BARACK H. OBAMA <i>et al.</i> ,	)	
	)	
Respondents.	)	
	)	

**EMERGENCY MOTION OF PETITIONER ADNAN LATIF  
TO PRAY AND USE THE TOILET WITHOUT WEARING SHACKLES**

Petitioner Adnan Latif is a Yemeni prisoner at Guantánamo (ISN 156). He has been held at Guantánamo for more than seven years. He currently is held in the prison’s psych ward.

By this motion, Mr. Latif respectfully requests that the Court order the Government to allow him to pray and use the toilet unshackled when he meets with his lawyer. Mr. Latif legitimately refuses to pray and use the toilet in shackles. By insisting that he pray and use the toilet in shackles if he wishes to see his lawyer, the Government effectively denies him access to counsel, and thus the ability to assist in preparing his case.

Mr. Latif’s meeting with undersigned counsel last Thursday illustrates the point. The Government arranged the meeting to begin at noon – barely an hour before afternoon prayer. Because my interpreter had to get lunch, the meeting did not actually begin until about 12:45 p.m., when my interpreter returned. Our meeting effectively ended 20 minutes after it began, at about 1:05 p.m., because Mr. Latif refused to pray or use the toilet in shackles, and insisted on returning to his cell. *See* Declaration of David H. Remes, Ex. A.

In addition to the foregoing relief, Mr. Latif respectfully requests that the Court order the Government to arrange for him to meet with undersigned counsel on June 23, 24, or 25, for a full

morning or afternoon session, while counsel will still be at the base on his current visit and have the services of his Arabic interpreter. Mr. Latif also asks that the Court order the Government to provide him with a proper prayer mat on which to pray should the need arise when he meets with counsel.

For the foregoing reasons, the Court should grant the requested relief.

Respectfully submitted,

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*Counsel for Petitioner*

Date: June 22, 2009

# **Exhibit A**

**IN THE UNITED STATES DISTRICT COURT  
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_____	)	
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_____	)	

**DECLARATION OF DAVID H. REMES IN SUPPORT OF  
EMERGENCY MOTION OF PETITIONER ADNAN LATIF  
TO PRAY AND USE THE TOILET WITHOUT WEARING SHACKLES**

I, David H. Remes, declare:

1. I am the Legal Director of Appeal for Justice, a non-profit human rights litigation firm incorporated in Washington, DC. I am an attorney and a member of the bar of the District of Columbia, admitted to practice in the federal courts in the District of Columbia.

2. I am counsel for 20 prisoners at Guantánamo, including Petitioner Adnan Farhan Abdul Latif (ISN 156). I have represented Mr. Latif since July 2004, when his petition in this case was filed. I submit this Declaration in support of the above-titled motion.

3. On Saturday, June 13, 2009, I arrived at Guantánamo for two weeks of meetings with 15 of my clients, including Mr. Latif. As required before coming to Guantánamo, I submitted a proposed meeting schedule to the Department of Defense Office of General Counsel.

4. I asked to meet with Mr. Latif on Tuesday, June 16, 2009. The Joint Task Force Guantánamo (“JTF”), which operates the prison, approved my request. For reasons not material to this motion, I did not see Mr. Latif until Thursday, June 18, 2009.

5. Habeas counsel and their clients typically meet at Camp Echo. Counsel typically see clients in a morning session and an afternoon session. Morning sessions are scheduled from 9:00 a.m. to 11:30 a.m. Afternoon sessions are scheduled from 1:00 p.m. to 4:30 p.m.

6. Sessions usually begin later than scheduled because guards are required to examine counsel's papers to ensure that counsel bring into client meetings only permitted written matter, and to take a detailed inventory of any food that counsel wish to bring to clients.

7. The prisoners are Muslims and pray daily at prescribed times. Morning prayer is at sunrise. At present, the early and late afternoon prayers are scheduled to begin at about 1:05 p.m. and 4:20 p.m., respectively.

8. JTF is well aware of the Islamic prayer schedule. JTF maintains a current prayer schedule in each meeting hut in Camp Echo, and standard operating procedure at Camp Echo prohibits any movement within the camp during prayer.

9. On June 18, 2009, I finished my morning meeting with another client at 11:30 a.m. At that time, I was informed that Mr. Latif was being brought to Camp Echo to meet with me. Mr. Latif is currently being held at the prison's psychiatric ward, and was brought to Camp Echo for our meeting under heavy security.

10. At about noon, on JTF's signal, I entered our meeting hut to begin our meeting. My interpreter left to get lunch for himself at the Subway's at the Navy Exchange and lunch for me and Mr. Latif. I remained in the hut to make notes and comfort Mr. Latif as best I could.

11. When I entered the hut, I found Mr. Latif sitting in a chair heavily shackled and surrounded by five soldiers. Two officers were also present. Mr. Latif was shackled to the floor by his ankles. He wore what appeared to be high security rigid handcuffs, and he wore a belt

around his waist, called Body Cuff, which use chains and straps to pin a prisoner's forearms to his waist. As restrained, Mr. Latif could not move his arms and could barely move his hands

12. At my request, an officer allowed the guards to remove Mr. Latif's handcuffs and loosen the chains and straps of the Body Cuff pinning his right arm to his waist, enabling him to meet with me and eat with me with some semblance of human dignity.

13. Each hut at Camp Echo is divided into an meeting area and a cage. The cage has an attached stainless steel toilet and sink, and a mounted area on which a prisoner can rest. Prisoners are usually held in the cage before and after meetings with counsel and during lunch.

14. At 12:45 p.m., just before my interpreter returned, Mr. Latif gestured to me that he wished to move from the meeting area to the cage to use the toilet and, when the time arrived, to pray. I promptly called a guard and conveyed Mr. Latif's request.

15. Twenty minutes later, having received no response to my request, and with prayer time due to begin at about 1:05 p.m., I called the guard again. Returning, the guard told me that Mr. Latif could not be moved from the meeting area to the cage.

16. I reiterated that Mr. Latif had to use the toilet, and asked what he was supposed to do. The guard said she would discuss the matter with a superior, an officer I believe was the Officer in Charge ("OIC") of Camp Echo.

17. The OIC came to the hut. She permitted Mr. Latif to be moved from the meeting area to the cage. I asked that Mr. Latif to pray and use the toilet in the cage unshackled, and that he be provided a proper prayer rug. The OIC denied these requests.

18. Mr. Latif stated that if he could not pray or use the toilet unshackled, he would end the meeting and return to his cell. I urged him to reconsider, explaining that we had

important matters to cover. Mr Latif would not change his mind. Our meeting ended before 2:00 p.m. We were able to speak substantively for only 20 minutes.

19. I believe it highly unlikely that Mr. Latif will meet with me again unless he is given adequate assurances that he will be allowed to pray and use the toilet unshackled.

20. I declare under penalty of perjury that the foregoing is true and correct. Executed on June 21, 2009.

*David N. Remes*