

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

ABU BAKKER QASSIM and A'DEL ABDUL
HAKIM,

Petitioners/Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Respondents/Defendants.

Case No. 05 cv 0497 (JR)

DECEMBER 9, 2005, DECLARATION OF NEIL MCGARAGHAN

Pursuant to 28 U.S.C. § 1746, I, Neil McGaraghan declare the following to be true.

1. I am an attorney representing the petitioners in this case, Abu Bakker Qassim and A'Del Abdul Hakim.

2. On November 16, 2005, I met with the Petitioners at "Camp Iguana," the prison camp where they are held at Guantánamo Bay Naval Station ("Guantánamo"). I was joined by my colleague Susan Baker Manning, Esq. Except where noted, the information contained in the following paragraphs is based on our discussions with Messrs. Qassim and Hakim that day and on my personal observations of Camp Iguana that day.

3. Messrs. Qassim and Hakim continue to be held as prisoners at Guantánamo, despite the fact that in May 2005 the Government informed them that a Combatant Status Review Tribunal ("CSRT") concluded that they are non-enemy combatants. Or, as Mr. Qassim put it, the Government told them "You have been found to be legally innocent."

4. Messrs. Qassim and Hakim expressed frustration at the fact that they are still held as prisoners despite being told seven months ago that the United States considers them to be

innocent men. Messrs. Qassim and Hakim appeared to us increasingly distressed about their apparently indefinite imprisonment.

5. Mr. Qassim put the question very simply, but very emphatically: “Why are we still here?” Messrs. Qassim and Hakim cannot comprehend why, despite their innocence, they are still held as prisoners. Mr. Qassim expressed concern about whether the United States is telling potential host countries that they are terrorists, former terrorists, or perhaps just “small” terrorists.

6. Messrs. Qassim and Hakim expressed a growing distress over their total isolation. They have a television, but no reception, and, consequently, no news station. They have no radio. They have no phone. According to Mr. Qassim: “We are completely cut off from the outside world. If we continue to be held here, it is going to drive us all crazy.” Later he repeated: “We are going nuts here. I don’t understand what [the United States government] is doing. What kind of law exists in America to allow this to happen?”

7. Mr. Qassim told us that the very knowledge that the Government considers him innocent makes continued imprisonment that much more difficult to bear.

8. Aside from some minor creature comforts, Mr. Qassim says that he and Mr. Hakim are treated no differently than they were before the Government informed them of their innocence. They are surrounded by fences and razor wire. They are bounded on one side by an endless ocean they can see but not touch, and on the other three sides by guards, guard towers, and fences covered in green mesh preventing any meaningful view outside the prison walls. The guards do not refer to them by name, but rather by ISN. The guards keep their own name tags covered with white tape. Mr. Qassim said he asked his captors why they have to live behind the

green mesh and was told that the reason was because there are Cuban villagers living in the hills surrounding the prison.

9. Mr. Qassim said that U.S. military representatives have told Messrs. Qassim and Hakim and the prisoners in Camp Iguana that they have no more rights than any of the enemy combatants imprisoned at Guantánamo.

10. Messrs. Qassim and Hakim also expressed frustration with their habeas counsel, *i.e.*, Ms. Manning, me, and our law firm. For months we have been telling them that we are doing all we can to secure their release from prison. But there are no results, no real changes, no news of hopeful developments on the horizon. Mr. Qassim inquired about why we had not been able to have them brought to Washington, D.C.

11. Mr. Qassim said that in approximately the beginning of October 2005, a military lawyer visited the prisoners at Camp Iguana, including Messrs. Qassim and Hakim, and told them that those prisoners who are represented by counsel will have more difficulty getting released than prisoners without counsel.

I declare under penalty of perjury that the foregoing is true.

Dated: December 9, 2005

/s/ Neil McGaraghan
Neil McGaraghan