

**SUPPLEMENTAL APPENDIX
TO PETITIONERS' WRITTEN SUBMISSION OF MARCH 4, 2013**

<i>Current Guantánamo Prison Mass Protests and Hunger-Strikes</i>	
41	Attorney Notes from an unclassified telephone call with Ghaleb Al-Bihani (ISN 128), Mar. 7, 2013
42	Michael Isikoff, <i>Lawyers for Gitmo prisoners decry 'alarming' conditions at camp</i> , NBC News, Mar. 7, 2013
43	Jeff Kaye, " <i>A growing feeling here that death is the road out of Guantanamo</i> ", Firedoglake, Mar. 6, 2013
44	Carol Rosenberg, <i>Guantánamo guard shot 'non-lethal' round at detainees</i> , Miami Herald, Mar. 5, 2013
45	Adam Clark Estes, <i>If Guantanamo Prisoners Stage a Hunger Strike, Does Anybody Care? (Hint: Yes)</i> , Reuters, Mar. 4, 2013
46	Kevin Gosztola, <i>Guantanamo Prisoners on Hunger Strike Against New Guard Force for Confiscating Personal Items</i> , Firedoglake, Mar. 4, 2013
47	Carol Rosenberg, <i>Lawyers: Conditions deteriorating at Guantánamo prison</i> , Miami Herald, Mar. 4, 2013
48	Center for Constitutional Rights, et al., Letter to Rear Admiral John W. Smith, Jr., Commander, Joint Task Force Guantánamo and Captain Thomas J. Welsh, JAGC, USN, Staff Judge Advocate, Joint Task Force Guantánamo, Mar. 4, 2013
49	<i>'Kuwaiti Gitmos go on hunger strike, lose 10 kilos of weight' Being ill-treated: Col Waingard</i> , Arab Times, Mar. 2, 2013
<i>11 Years and Counting: Profiles of Men Detained at Guantánamo</i>	
50	<i>11 Years and Counting: Profiles of Men Detained at Guantánamo</i> , Mar. 2013

***Current Guantánamo Prison Mass
Protests and Hunger-Strikes***

APPENDIX

41

The following are attorney notes from an unclassified telephone call with Ghaleb Al-Bihani (ISN 128) on March 7, 2013, during which he describes a mass hunger strike that began at Guantánamo in early February 2013. He states that he has been on hunger strike for about 30 days, that he has dropped over 20 pounds, and that medical personnel at Guantánamo have told him that his life is in danger.

had to go to hospital b/c of pain - gave him morphine
was at hospital for 2-3 wks

Gave vicodin, percocet

making way - even your mouth, I'll put the pills in
in pain now, yes - pancreas not so bad
but back, head

They say - my life is in danger
female physician, psychiatrist
when I'm taken to hospital or when copsman comes
b/c of fluctuations of diabetes level - up & down
They have specifically told him his life is in danger
circumstances not helping me regulate

They copsman told me that physician asked if
I wanted

They say
going on hunger strikes is dangerous for me b/c
of ~~heart~~ diabetes

around 2009 - ^{we was on} went on ^{strike} ≈ 1 month

What do you want me to

Main reason - religious humiliation of Quran always provoke us fighting our religion, fighting our values yes, searching Quran in black Gulf

we were done w/ this issue of religious humiliation & now it's back again

for a long time we didn't have this prob

there's ~~nothing~~ ^{specific} - every once in a while they ~~start~~ start humiliating our religion reason why they started ^{just} searching again

when used to be in solitary confinement we didn't now accusing us of hiding things in Quran - this is the reason

if I go out for rec walk, could hold things in other places, but I do

claim that we were hiding things in the Quran ^{by} not writing materials

didn't search mine - I don't have one gave it back - 2006 ⁱⁿ - hasn't had one since

What do you
want me to do?
Who's searching?

now refusing searches - until they take the
Quran from us

World war against religion

Even if we hand over our Quran, they will provoke us
in another way

back to 2006 rules

Since 2006 to now, sometimes probs, but
seems w/ new admin provoking probs again

searches - took religious cds, books, personal, family letters
place where I am now has not been searched yet b/c refusing
searches

all the blocks are refusing

we got in touch w/ our families

They went to some blocks & started searching
from discs, religious cds, religious books
no walk - refuse to close the doors

my block was not searched

but others have been searched - when others have been searched,
feel the same

how long do you plan to strike?
what

5

about month ago

started
searching

→ farm pics, personal pics
religious
religious CDs, books

went to another block - Gulf block

told them wanted to search Quans, men said no,
but ~~then~~ tricked, & searches happened

normally

when pris. from blocks is going to be searched

puts Quans in box that's in common area

+ guards search when Quans is not in cell

+ last person that leaves block, takes box w/ Quans
to table outside - to rec walk

this time,

put box on table inside block

before last prisoner took box outside

guards came w/ interpreters & started searching the
Quans in the box

when prisoners went back to block, realized items
taken from individual cells

undershorts, stacks, religious CDs, religious books
↳ replaced

guards are trying to take revenge - many say we
just came back from
Iraq - prisoners
what do
have to

outside 201 hrs

20 full blocks

The entire camp -

[All of camp is on hunger strike
all of us are refusing food - except 2 of us
who are sick

went you to

Convey this info - to Al-Alan

& Al-Maryadoun

~~with~~ so would know

even though admin acknowledges hunger strike
they say it's small part of prison

in 2006 - covered by media & Islamic groups

conveyed to media

& admin had no choice but to stop what
was happening

APPENDIX

42

Lawyers for Gitmo prisoners decry 'alarming' conditions at camp

By Michael Isikoff National Investigative Correspondent, NBC News
March 7, 2013, 8:21 am

NBCNews.com



Michelle Shephard / AFP - Getty Images A pre-dawn view of the U.S. detention center Camp Delta in Guantanamo Bay, Cuba, on Oct. 18, 2012.

Lawyers for terror suspects held at the U.S. detention facility at Guantanamo, Cuba, said Tuesday that detainees are engaged in widespread protests of conditions at the prison, including a hunger strike that may imperil their lives.

Calling the situation “alarming,” the lawyers said in a statement that some

of their clients are “coughing up blood” and “losing consciousness.” [A letter making similar assertions](#) was sent earlier this week to Navy Rear Adm. John W. Smith, the commander of the Joint Task Force at Guantanamo and signed by a dozen lawyers who represent most of the detainees at Guantanamo.

A spokesman for U.S. military at Guantanamo disputed the lawyers’ claims of a widespread hunger strike, saying they and their clients were merely trying to get attention and keep Guantanamo “in the news.”

The spokesman, Navy Capt. Robert Durand, said that a half-dozen detainees are currently on a hunger strike -- five of whom are being force fed through tubes -- and that no lives were in danger. Durand added that the figure was consistent with the average number of hunger strikers at Guantanamo over the past several years. He also acknowledged that “some detainees” have been disciplined and moved out of Camp 6 -- the most permissive of the camps at Guantanamo, with communal living arrangements -- but he declined to say how many or give the reasons for the action.

The conflicting claims underscored the difficulty of obtaining information about conditions at the facility, which President Barack Obama vowed to shut down on his first day in office after his 2008 election but which still remains open as a result of congressional opposition to its closure. There are 166 detainees remaining at the camp, but military rules forbid them from communicating in any way with members of the news media and visits to the camp by outsiders are tightly regulated. Even their communications with their lawyers must be cleared by military censors.

One of those lawyers, David Remes, told NBC News in a telephone interview from Guantanamo Monday night that he saw one of his clients -- Hussain Almerfedi, a Yemeni -- earlier that day and that he had lost “substantial weight” and was “very sick.” Under Guantanamo rules, Remes said he could not share anything that his client told him until the censor cleared the communication. But he said that he offered Almerfedi some trail mix during their meeting and he declined to take it -- a sign, Remes said, that his client was participating in the hunger strike.

“The men are at their wit’s end,” he said. “This is their eleventh year of being there and they have no prospect for release.” He also said that since taking over last year as commander, Adm. Smith had “turned the clock back” to 2002 and 2003, imposing harsher restrictions on the detainees and more-rigorous searches in which personal items were being seized. The searches are being carried out by guards -- some of whom are returning soldiers from Afghanistan and Iraq -- who he asserted appear to be extracting vengeance for what they encountered overseas, he said.

One flashpoint appears to have been a Feb. 6 search at Camp 6 in which, according to the lawyers, camp authorities seized blankets, sheets, towels, sleeping mats, razors and other items from the detainees, including family photos and religious CDs from the detainees. In their letter to Smith, the lawyers alleged that Arabic interpreters at the camp inspected Qurans “in ways that constitute desecration.”

Durand, the Guantanamo spokesman, disputed that any harsher restrictions had been imposed by the new commander and said the search last month was in keeping with past practice. He said that search, and earlier ones, have turned up “a Wal-Mart worth of stuff,” including improvised weapons, illegal electronics and other illicit contraband. But he said that handling of the Qurans was tightly regulated and that no guards are even permitted to touch the Islamic Holy Books during the searches.

Durand also acknowledged that some of the dispute between camp authorities and the detainees’ lawyers may be about defining terms. Guantanamo officials define a hunger strike as refusing to eat nine meals in a row. But, he said, some of the detainees may be hoarding food in their cells even when they claim to be on a hunger strike.

More from Open Channel:

- [Holder: No drone strikes in US, except in 'extraordinary circumstance'](#)
- [Philosophical duel developing over more cops in schools](#)
- [Damn the regulations! Drones plying US skies without waiting for FAA rules](#)

APPENDIX

43



STAND AND DELIVER™ CONTEST HONORING WOMEN WHO TAKE A STAND
Help a community service Hero win \$10,000.
VOTE NOW ► **GO TAKE A STAND**
 AdChoices 
 EM00691-01




- **BECOME A MEMBER**
- [About us](#)
- [Advertise](#)
- [Contact Us](#)
- [Send Comments/Tips](#)

- [Home](#)
- [My FDL](#)
- [Firedoglake](#)
- [News](#)
- [TBogg](#)
- [La Figa](#)
- [Book Salon](#)
- [FDL Action](#)
- [Pam's House Blend](#)
- [Elections](#)
- [Just Say Now](#)
- [Bytegeist](#)

[« Attorney General Eric Holder: US Government Has Authority to Target & Kill US Citizens on US Soil
 The Obama Administration’s Reluctance to Say Drone Strikes on US Soil Against US Citizens Are Illegal »](#)

“A growing feeling here that death is the road out of Guantanamo”

By: [Jeff Kaye](#) Wednesday March 6, 2013 2:29 pm

 2 points
  28
 31




“What would you do if your brother or uncle was kidnapped, sold, and beaten in a prison for 11 years without charge?”

So says the question prominently posted at a Facebook site ("[Free Fayiz and Fawzi](#)") dedicated to the two remaining Kuwaiti prisoners at Guantanamo, 36-year-old Fayiz Al-Kandari and 35-year-old Fawzi Al-Odah. Both men have been in Guantanamo for over ten years. Neither of them have ever been charged in any court with any wrongdoing. Both men were doing charitable work in Afghanistan when they were caught up in the chaos after 9/11 and the subsequent U.S. attack there.

Both men are on a hunger strike, reportedly along with many others at Guantanamo. Both have endured harsh interrogation and torture during their years in U.S. custody.

Air Force JAG, Lt. Col. Barry Wingard, military attorney for Fayiz, has been in Guantanamo for the past week or so, and has seen first hand the effects of the hunger strike on his client. Wingard, who understandably is quite concerned for his clients, told The Dissenter al Kandari has lost "substantial weight," over 23 pounds in the last three to four weeks, or since the hunger strike began. He said Fayiz is now down to 120 pounds, and Fawzi weighs 123.

March 4, Kevin Gosztola [explained](#) in The Dissenter the details surrounding the current hunger strike at Guantanamo, the biggest in years.

The news of the hunger strike has hit the mainstream media, as exemplified by [this report](#) in The Atlantic. According to a [story](#) by Carol Rosenberg in the Miami Herald, military authorities state six of 166 prisoners are on hunger strike currently. Five are being force-fed. DoD spokespeople deny any widespread strike.

According to a March 5 [article](#) by Reuters, United Nations Special Rapporteur on Torture Juan Mendez reports "the Obama administration showed no sign of reversing its position and allowing him access to terrorism suspects in long-term detention at the Guantanamo Bay prison camp." In this, the Obama administration follows the policy of its predecessor, George W. Bush.

Meanwhile, Rosenberg in a [new story yesterday](#) describes a previously unreported incident of a non-lethal shooting of a detainee last January.

As a [March 4 letter](#) from Center for Constitutional Rights and numerous Guantanamo detainee attorneys to Rear Admiral John W. Smith, Jr., Commander, Joint Task Force Guantánamo and Gitmo's Staff Judge Advocate Captain Thomas J. Welsh states, the hunger strike began after prison authorities began confiscating detainees' personal items, restricting exercise, and "searching the men's Qur'ans in ways that constitute desecration according to their religious beliefs." The letter also charges "guards have been disrespectful during prayer times."

DoD denies any Qur'ans have been treated disrespectfully, or for that matter, any differently than they have been for years.

"Stress, Fear, and Despair"

Besides the alleged search of Qur'ans by guards, according to one entry at the Facebook page for Al-Kandari and Al-Odah, guards — whether under orders or not — were up to other shenanigans as well: "In response to the hunger strike, soldiers opened containers of food so the smell could fill the prison. The prisoners were then asked if they wanted one or two servings of food. The response with a big smile: 'Do you really think the smell of your food is stronger than our religion?'"

The CCR letter noted, "The practices occurring today threaten to turn back the clock to the worst moments of Guantánamo's history, and return the prison to conditions that caused great suffering to our clients and were condemned by the public at large. If prior experience serves as any guide, the current practices risk dire consequences and will only invite outside scrutiny."

The letter detailed "reports of men coughing up blood, being hospitalized, losing consciousness, becoming weak and fatigued, and being moved to Camp V for observation. Detainees have also expressed feeling increased stress, fear, and despair."

Wingard told The Dissenter, "A larger issue is that there is a growing feeling here that death is the road out of GTMO."

Certainly Wingard is cognizant of the fate of another hunger striking detainee, Adnan Latif, who was found dead in his cell last September. Latif's death was quite mysterious, and the government has ruled it a "suicide" by drug overdose, complicated by pneumonia. However, Latif was "medically cleared" and returned to his cell less than 48 hours before he died. No authority

has yet explained how he could have hidden drugs in a facility under constant surveillance and as a prisoner privy to numerous searches.

Wingard continued:

The last releases of any size occurred under the Bush administration. I think the prisoners correctly note that less than 20 will ever get trials. For those without evidence, President Obama in March of 2011 announced many will be indefinitely detained without ever having stepped into a courtroom.

For my Kuwaitis its especially bitter since the Kuwait has demanded the return of its sons, built a rehabilitation center at the behest of the Bush administration, currently hosts 13k US troops in Kuwait and purchases billions in military from the US. Certainly if Kuwait is not getting it two remaining sons Fayiz al Kandari and Fawzi al Ohda, then what country will?

Another pointed entry at the Free Fayiz and Fawzi Facebook page quotes Wingard: "Fayiz and Fawzi are on a hunger strike with other prisoners. I request a Kuwaiti delegation to immediately visit Guantánamo Bay. It is not enough to have secret delegations between two allies."

Another attorney for Fayiz, Adel Abdul Hadi said, "I blame the Government of Kuwait for not taking genuine steps to have the boys released. The unanimous recommendations of the Kuwait parliament ratified in 2012, condemning GTMO and demanding the return of the boys have been ignored by the government."

The "last Egyptian detained" at Guantanamo

The hunger strikers are not the only detainees whose lives are reportedly in danger. Fifty-five year old Tariq al-Sawah, "the last Egyptian detained in the US Guantanamo Bay facility," is in very poor and "deteriorating" health, "morbidly obese."

According to a June 3 story in the [Egyptian Independent](#), Sawah's "military-appointed lawyer, Lieutenant Colonel Sean Gleason, has said three former Guantanamo commanders have provided letters indicating that he 'is not a threat and recommending he should be released' Beset with respiratory and heart complications, he is 'at significant risk' of death, according to a doctor. Authorities have refused him appropriate treatment, according to his doctor and lawyers, and continue to withhold his medical records."

In May 2011, another middle-aged obese detainee, Awal Gul, collapsed and died of a heart attack at Guantanamo. Questions have arisen about his death recently, as Jason Leopold at Truthout [reports](#).

One could also ask how it is in such a controlled environment as Guantanamo that a prisoner could become "morbidly obese," having reportedly doubled his weight while imprisoned.

ICRC Rebukes Obama on Detainee Review

Along with Obama's March 2011 [announcement](#) of holding detainees indefinitely, the President also issued an executive order regarding a new review process for detainees held at Guantanamo. Obama said, referring to detainees that he indicated "in effect, remain at war with the United States," "We must have a thorough process of periodic review, so that any prolonged detention is carefully evaluated and justified."

But according to an [article](#) late last year at the Wall Street Journal, the Obama administration has failed in the past two years to institute any "process of periodic review." Article authors Julian E. Barnes and Evan Perez wrote, "The Obama administration has failed to re-evaluate the threat posed by dozens of prisoners held in Guantánamo Bay, Cuba, putting it at increasing odds with political allies who are angry with the president's lack of action on the US terrorism-detention system."

The International Committee of the Red Cross (ICRC) recently raised the issue of the lack of a review process "senior US officials at recent meetings in the US and in Geneva." According to Barnes and Perez, the ICRC "also has acknowledged its concerns publicly, a rare rebuke from an agency that usually works under strict neutrality and in confidence."

As Andy Worthington pointed out in an [article](#) on February 28, "an unnamed senior official added, 'The detainees likely to be held long-term without trial pose a significant risk, and the threat they pose isn't likely to have diminished since the initial review by the administration, meaning the delay in beginning the reviews hasn't been consequential.'"

Worthington commented, "That is particularly disgraceful, because it indicates an acceptance, within the administration, of information that is fundamentally unreliable."

In fact, the Obama administration has shown that it has zero interest in administering justice for detainees at Guantanamo. It has publicly justified the indefinite detention of prisoners on hearsay evidence. It retired its Guantanamo special envoy, Daniel Fried, and then announced it had no intention to replace him. It continues to pursue deeply flawed military commissions trials, the laughing stock of the world, where even the judge in charge doesn't know who is in control of his courtroom, as the sudden suspension of audio feed to the press proved some weeks ago.

Disturbingly, last month, according to a report by Josh Wirtshafter at [The Public Record](#), "Khalid Sheikh Mohammed, and two of his co-defendants, had returned to their cells after yesterday's session to find their attorney-client mail ransacked—and much of it seized."

Detainee's Father: "this is illegal and against human rights"

A few months before the crackdown on prisoners at Guantanamo and the subsequent hunger strike, Fayiz told Al Jazeera what it was like for him at the U.S.-based Cuban prison camp: "I pray, I read the Qur'an, I work out two hours every day, and I socialize with other prisoners. Because of the insignificant medical care in Guantanamo Bay, I cannot afford being ill. I am already plagued with serious medical conditions such as permanent damage in my cervical spine. Therefore, I regularly practice physical exercise to boost my immune system and to prevent the onset of any disease. The International Committee of the Red Cross [ICRC] has done a poor job in effectively helping the prisoners. For example, the ICRC provides each prisoner with a phone call to their parents once every six to eight weeks instead of once every four weeks."

Fawzi's father, Khalid Al-Odah, is the head of the Kuwaiti Family Committee, an organization formed by relatives of the detainees to advocate for their just treatment under the U.S. judicial system. The elder Al-Odah is a former member of the Kuwaiti Air Force, who trained with American servicemen in the United States and flew missions with them as an ally in the Persian Gulf War of 1991.

Last April, Khalid spoke about his son and Fayiz to [Kuwati Times](#):

"We want the detainees back to be judged here. We fulfilled all the conditions and demands set by the US administration. We prepared the rehabilitation center for them to stay in when they return. We also agreed to apply security measures and observation on them, like the travel ban and other conditions, yet we didn't notice any positive act from the US government... In fact, during Bush's regime most detainees were released, but now only a few were released and they were even sent to a third nation and not their home country. Obama only talks much, but he is not practically helpful..."

"Our lawyer there is still working on the case, but there is no result yet. The American government won't allow a fair trial for them, and this is illegal and against human rights. We are also dealing and meeting with different NGOs and international organizations to help us in this injustice. We need support from the public, as the Kuwaiti government is not active."

It's been nearly a year since Fawzi's father spoke out. How long must this man wait to see his son?

Fawzi wrote to his father in 2002, while held by the Americans, "I will be established as innocent soon, and then I will return back to you..."

Meanwhile, Fayiz's attorney posted the following in a February 2013 Facebook entry: "We promised Fayiz we would not forget his brother, [British resident interned without charge at Guantanamo] Shaker Aamer. Fayiz would say, 'Shaker has four children, get him home first.' Then with humor he would add, 'don't think I don't want to go home' with a big smile."

APPENDIX

44

The Miami Herald

Posted on Tue, Mar. 05, 2013

Guantánamo guard shot 'non-lethal' round at detainees

Carol Rosenberg
Miami Herald

A guard in a watchtower shot a “non-lethal” round at detainees inside Guantánamo prison’s \$744,000 soccer field for cooperative captives earlier this year in the latest disclosure of simmering unrest at the Pentagon outpost in southeast Cuba.

The military on Tuesday acknowledged the Jan. 2 afternoon incident after The Miami Herald began assembling accounts from prison camp lawyers who were until recently prevented from describing their conversations with their captives.

“We are in danger. One of the soldiers fired on one of the brothers a month ago,” Yemeni prisoner Bashir al Marwaleah wrote in a letter received Feb. 22 by the New York law firm handling his unlawful detention suit.

In another account, dated Feb. 6, attorney Clive Stafford Smith wrote the admiral in charge of the prison camps seeking “a formal investigation” into the “use of firearm incident” at Camp 6. Stafford Smith said Tuesday he has not received a response.

Navy Capt. Robert Durand, the prison spokesman, said the watchtower guard correctly followed “crowd dispersal” procedures during the episode, which he called “a discrete incident that was over and done with.” He refused to specify what type of round was fired at the camp where about 100 of the 166 captives live in medium-security communal confinement — beyond calling it “one non-lethal round” similar to those “used by the Bureau of Prisons.”

Durand said no one was hurt. The lawyer said one prisoner “was injured in the throat.” While he did not name him, Stafford Smith described the wounded prisoner as an Afghan Taliban who had been identified in news reports as a potential candidate for release in Afghanistan peace talks.

According to the narrative emerging from both sides, a detainee in the recreation yard had sought the attention of a tower guard who controlled a gate leading to the pathway back to the prison. Durand said he tried to scale a fence, a violation of rules, but climbed down when the guard ordered him to do it.

Stafford Smith said he was told the guard “came out of the guardhouse in the tower, and aimed his rifle at the prisoner.”

Other detainees began to intervene, both sides said.. Durand said they threw rocks. The lawyer said “the guard swung his rifle around on them, and fired one round.” After “the use of non-lethal force,” the prison said in a statement, “the crowd immediately stopped throwing rocks and became compliant.”

The episode was exceptional because it was the first known gunfire response inside the camps with the possible exception of an episode in May 2006 when guards lobbed canisters of tear gas into a now defunct compound called Camp 4. Rubber bullets may also have been fired then, Durand said. In that episode, cooperative prisoners fought camp guards who charged inside a bunkhouse to quell unrest that lawyers subsequently said was fueled by rumors that guards would be seizing the captives' Qurans.

Word has been slow to reach the public of the January episode, according to defense lawyers, because the Justice Department team that reviews attorneys' notes and mail has been slow to release them.

In addition, several lawyers said, the detention center made it difficult for them to consult their clients in the aftermath of the shooting. Stafford Smith said he never got a response from the prison camps commander, Navy Rear Adm. John Smith Jr., to his Feb. 6 request for a formal investigation. Durand said the lawyers had no authority to write the military and were obliged to request the investigation of the Department of Justice, where spokesman Dean Boyd said it was purely a military question.

Defense lawyers said the shooting episode appeared to be an inappropriate escalation of force amid a period of increasing desperation in the prison camps. Some detainees are becoming dangerously undernourished as they shun many meals, if not outright fasting.

"It's hard to imagine there would be a realistic threat. They're all detained, depressed and defenseless," said attorney Baher Azmy at the Center for Constitutional Rights, the New York legal firm that coordinates the unlawful detention suits of Guantánamo detainees.

The incident occurred in one of the least likely places in the camps. Camp 6 is the detention center's showcase prison for cooperative captives, where the military said last year it spent \$744,000 in a soccer field with special access for detainees and air-conditioned guard towers to diminish contact and friction between captives and their jailers.

Azmy, who has been defending Guantánamo detainees since 2004, declared the revelation of the shooting "incredible, really amazing."

"After 11 years of hearing about more unthinkable things — torture, beatings, indefinite detention, unexplained deaths — I think this is just the latest in a constant escalation of outrages in Guantánamo."

The prison camps spokesman suggested that some the captives had become frustrated that world attention had moved on and were creating provocations in a bid to get sympathy and eventual release.

Among the so-called "brothers," or detainees, Durand said, "There is a belief that public pressure, that keeping Guantánamo in the news by whatever means, will help them. The detainees' behavior dictates the guard force response."

APPENDIX

45

If Guantanamo Prisoners Stage a Hunger Strike, Does Anybody Care? (Hint: Yes)



Reuters

Adam Clark Estes 986 Views Mar 4, 2013

Despite the lawyers of over a dozen inmates reporting a widespread hunger strike happening right now inside Guantanamo, a prison spokesperson issued a no-such-thing statement on Monday. The alleged hunger strike started over three weeks ago when, in the lawyers' words, guards began "personal items, including blankets, sheets, towels, mats, razors, toothbrushes, books, family photos, religious CDs, and letters, including legal mail; and restricting their exercise, seemingly without provocation or cause." The lawyers continued in a letter to prison commander, Rear Adm. John Smith, "Arabic interpreters employed by the prison have been searching the men's Qur'ans in ways that constitute desecration according to their religious beliefs, and that guards have been disrespectful during prayer times." These lawyers weren't talking about one or two prisoners, by the way. They say these transgressions and the hunger strike that's followed affects "all but a few men."

But it's cool because the government says it's not true, right? Wrong! If you've read anything about Guantanamo and its treatment of prisoners over the years, you'll know that there's a long history of duplicitous behavior that ranges from the top of the command chain all the way

down to the guards themselves. When we mention to the top of the command chain, we're talking about none other than President Barack Obama himself, who promised years ago in an Executive Order to close the secretive facility and send the inmates to a regular old Illinois prison. Instead, as Glenn Greenwald explains, "the rights of detainees — including the basic right to legal counsel — are being constricted further, in plainly vindictive ways." At the bottom of the command chain, that's translated into hidden cameras being installed in the rooms where detainees meet with their lawyers. A Navy officer revealed the existence of these cameras last month, after government officials denied their existence.

This is the sort of thing that makes human rights advocates curl into corners and cry onto their knee caps. On one hand, you have a team of lawyers — who've been put in the very difficult position of defending suspected terrorists — doing their best to stand up for their clients' human rights, when the government that's imprisoned these men has historically neglected these prisoners' rights. Nobody's asking the Obama administration to let terrorists run free. They're just asking for humane treatment while in detention, a fair trial and maybe that the guards don't deliberately insult the prisoners' religion. On the other hand, you have this Guantanamo spokesman who has to deal with what's undeniably a rage-inducing report that prisoners are being so poorly treated that they're willing to starve to death rather than continue living in squalor. News like this is exactly how Al Qaeda recruits terrorists to kill Americans. So if the spokesman confirms the hunger strike, he's damned by the terrorists. If he doesn't, he's damned by the human rights advocates. It's a damned-if-you-and-damned-if-you-don't scenario. Also known as a Catch 22.

So the answer to that question in the headline is absolutely yes. Lots of people care if the prisoners in Guantanamo go on a hunger strike, because it serves as proof to the outside world that they're continuing to be mistreated. Lots of people also care if the prisoners don't go on a hunger strike, and their lawyers say they did — which is basically what we have to assume is the case if we believe Guantanamo officials. Given the government's history of doublespeak, nobody knows who to believe.

We'll leave you with this thought: Hunger strike or no hunger strike, Guantanamo's record and reputation is appalling and it's only getting worse. And it's almost impossible to find the middle ground between the practical reasons for keeping the prison open and the moral reasons for closing it as soon as possible. As Greenwald pointed out in a recent column, "More detainees have died at the camp (nine) than have been convicted of wrongdoing by its military commissions (six)." And some of these prisoners died without even getting the chance to defend themselves. Greenwald continues, "Indeed, dying in due process-free captivity now appears to be the only way for many of these

detainees to leave." Are you appalled yet?

Want to add to this story? Let us know in comments. You can share ideas for stories on the Open Wire.

Adam Clark Estes

Sources

Guantanamo hunger strike denied, Associated Press

Guantanamo Prisoners on Hunger Strike Against New Guard Force for Confiscating Personal Items, Kevin Gosztola, Firedoglake

The Obama GITMO myth, Glenn Greenwald, Salon

Another Guantánamo prisoner death highlights Democrats' hypocrisy, Glenn Greenwald, The Guardian

Elsewhere on the Web

George Clooney's Mansion - How Does It Compare to Others?

(Lonny Magazine)

7 Things to Know About Quinoa (Live Better America)

Russia or US?: Why Our Allies need American Natural Gas

Exports (Energy Tribune)

Five cars you never knew you could afford (FOXNews.com - Leisure)

Sri Lanka bans land sales to foreigners: There's goes a villa on

Bay of Bengal (Ski ft)

[what's this]

Copyright © 2013 by The Atlantic Monthly Group. All rights reserved. CDN powered by Edgecast Networks. Insights powered by Parsely.

APPENDIX

46



BECOME A MEMBER

- [About us](#)
- [Advertise](#)
- [Contact Us](#)
- [Send Comments/Tips](#)

- [Home](#)
- [My FDL](#)
- [Firedoglake](#)
- [News](#)
- [TBogg](#)
- [La Figa](#)
- [Book Salon](#)
- [FDL Action](#)
- [Pam's House Blend](#)
- [Elections](#)
- [Just Say Now](#)
- [Bytegeist](#)

[« Independent Journalists Lead Way in Covering and Bringing Transparency to Bradley Manning’s Court Martial
Wall Street Journal Editors Zealously Bash Bradley Manning, Readers Call for ‘Firing Squad’ to Kill Him »](#)

[Guantanamo Prisoners on Hunger Strike Against New Guard Force for Confiscating Personal Items](#)

By: [Kevin Gosztola](#) Monday March 4, 2013 4:06 pm

 178

40 



Fayiz al-Kundari, Kuwaiti aid worker in Guantanamo (Illustration: Jared Rodriguez / [truthout](#))

Most of the men imprisoned at Guantanamo Bay prison's Camp 6 have been on hunger strike for nearly three weeks, according to their attorneys. In response to reports, the Center for Constitutional Rights (CCR) and habeas counsel have sent a letter to military officials take measures immediately to improve the situation.

The letter notes, "Since approximately February 6, 2013, camp authorities have been confiscating detainees' personal items, including blankets, sheets, towels, mats, razors, toothbrushes, books, family photos, religious CDs, and letters, including legal mail; and restricting their exercise, seemingly without provocation or cause." Additionally, "Arabic interpreters employed by the prison have been searching the men's Qur'ans in ways that constitute desecration according to their religious beliefs, and that guards have been disrespectful during prayer times."

"These actions, and the fact that they have affected so many men, indicate a significant departure from the way in which the rules have been formulated and implemented over the past few years," the letter declares.

It further [reports](#):

...As a result of these practices, we understand that the men are suffering greatly and that a large number have gone on a hunger strike, which is now in its third week. As their health has deteriorated, we have received reports of men coughing up blood, being hospitalized, losing consciousness, becoming weak and fatigued, and being moved to Camp V for observation. Detainees have also expressed feeling increased stress, fear, and despair. It is clear that their health will only worsen unless and until the hunger strike ends, which requires taking immediate steps to address the reasons for their protest...

The letter mentions, "Prior instances of mistreatment, including mistreatment of the Qu'ran, have led to protests, including widespread hunger strikes that have placed the prisoners' lives and health in jeopardy." This conduct by the guards has affected lawyers' "access" to clients and their "ability to effectively represent them, since the hunger strike has already prevented some of them from taking our calls, meeting with us, and being able to participate fully when we are able to speak with them about their cases."

Hunger strikes have often been the only way that prisoners have been able to force the US military to [improve](#) their confinement conditions or end mistreatment.

Omar Deghayes, a former Guantanamo prisoner who was [part of the most publicized strikes](#) at the prison when he was still being held, [stated](#):

We got used to hearing that our brothers in Guantanamo are on hunger strike; it became almost normal to the rest of the world but it's not, especially for Muslim prisoners. I've been on hunger strike myself: you feel so much pain, your weight drops dramatically, people fall unconscious... **The reason why all these men put themselves under so much difficulties is that depriving their body from food is the only means they have to ask for justice.** [emphasis added]

Detainees [first began](#) to engage in hunger strikes in 2002. The hunger strikes had a definite impact. The strikes from 2002 to 2005 effectively changed the dynamics in the prison. Former detainee Binyam Mohamed said there was no law and a colonel was saying, "I do what I like" but after the hunger strike – the big hunger strike of 2005 – they actually started implementing some kind of law that we knew about." But, come 2006, the prison began to force feed detainees that were striking and force tubes down detainees' throats in a manner that successfully convinced many of the detainees to end their resistance.

In March 2011, Jason Leopold of *Truthout* reported detainees [continued](#) to participate in hunger strikes with the hope that the conditions of their detention would improve or so they would no longer have their basic due process rights violated.

The tenth anniversary of the opening of the prison in January 2012 reportedly saw prisoners [mark the anniversary](#) by engaging in three days of protest that included hunger striking.

H. Candace Gorman, who represents two prisoners at Guantanamo, [reported](#):

The military *claims* it is searching for notes that it believes are being passed in the Quran. According to reports from some of the men this caused a large riot in the "Gulf" block in February and now all of the men except a few with medical problems are on a hunger strike that is now in its 4th week. Keeping with its policy of secrecy the military has denied there was a riot and refuses to acknowledge that the hunger strike involves nearly all of the men at the base- while at the same time the men are getting weaker and being moved to the hospital.

Apparently, the protests and hunger striking would all come to an end if the following occurred:

1. The right to voluntarily surrender the Quran under these conditions- the men would rather surrender their Quran's than to be a party to the desecration by keeping it. (That will end the strike immediately);
2. Provide the Quran on an Ereader (this would ensure there are no notes being passed in the Quran and will allow the men to have the Quran without fear of it being desecrated).

When considering the fact that 166 prisoners remain in confinement and 86 of them have been cleared for release by a review task force authorized by President Barack Obama, it would seem fulfilling these two demands would be the least the military or government could do.

*

Eighty-six people have been deemed to be completely innocent yet the Obama administration has not released these men. Obama has been a political coward and bowed to Republican hysteria around the prison or he himself has undergone a transformation where he now finds it acceptable to continue to hold innocent human beings indefinitely in detention. On January 28, he [allowed](#) the State Department office working to resettle detainees to close. Also, in January, he (again) signed a National Defense Authorization Act (NDAA) bill that made it [next to impossible](#) to close the prison.

There are a number of Yemeni prisoners who have not been cleared for release or who are cleared but will no longer be resettled because the "security situation" has deteriorated in Yemen. The responsibility for this, to some degree, lies with the Obama administration, which has been launching cruise missiles and drone attacks in an effort to target and kill suspected al Qaeda militants. This, [according](#) to Gregory Johnsen, has resulted in Al Qaeda in the Arabian Peninsula (AQAP) growing from

“200-300 fighters in 2009, when the US bombing campaign began, to more than 1,000 fighters.”

Prisoners are being kept in detention indefinitely without charge or trial because the Obama administration has bought into the idea that the release of these men will get in the way of the permanent War on Terrorism being waged. The reality for these men is they can either engage in resistance through hunger striking or they can accept the inhumanity of their conditions.

Unfortunately, the prisoners of Guantanamo stand up for dignity and human rights at great risk to themselves. [Any prisoner could die in prison](#) like Yemeni prisoner Adnan Latif did on September 8, 2012. Latif went on a hunger strike. He was put in solitary confinement. He warned, “If they feel you are about to die, they take you to a solitary cell in Camp One that is designed for torture and you can’t imagine. Some have been on a hunger strike for one year and a half. They force feed them. My wish is to die. We are living in a dying situation.”

The Department of Defense recommended Latif be released in 2006, 2008 and 2009. According to an op-doc by Laura Poitras, US District Court Judge Henry Kennedy Jr. ordered his release in 2010 over lack of evidence. But, the DC Circuit Court of Appeals ruled the government’s intelligence reports were enough to keep him in detention. He died suspiciously. The military ruled his death a “suicide.”

[8 Comments](#)

Tags: [drones](#), [Obama Administration](#), [Guantanamo](#), [Yemen](#), [CCR](#), [Guantanamo Bay](#), [Hunger Strike](#), [Adnan Latif](#)



8 Responses to “Guantanamo Prisoners on Hunger Strike Against New Guard Force for Confiscating Personal Items”

[Debra Sweet](#) March 4th, 2013 at 5:49 pm

[1](#)

It’s hard to imagine that any of the prisoners could have hope to get out, now four years after Obama promised GTMO would be closed. They are not in a prison where once a term is served, they will be released, but in an unending, unjust possible life sentence, as Kevin describes.

The reality is that there are no more “legal” routes to follow; the US federal courts have effectively closed off all avenues for appeal. The alarming treatment of the prisoners who are left, and of their lawyers, has to be protested and exposed. Thanks for doing that, Kevin.

[Login to Reply](#)

[Arbusto](#) March 4th, 2013 at 6:04 pm

[2](#)

Are there really that many sick fucks in the military to treat prisoners, many of whom are innocent, most untried, in such a manner. More to the point, why have the Obama administration allowed such treatment since I’m sure it’s briefed at least

APPENDIX

47

The Miami Herald

Posted on Mon, Mar. 04, 2013

Lawyers: Conditions deteriorating at Guantánamo prison

By CAROL ROSENBERG

crosenberg@MiamiHerald.com



WALTER MICHOT / MIAMI HERALD STAFF

A soldier enters Camp 6 at the Navy at the detention center at the U.S. Navy base Guantanamo Bay, Cuba on Monday, Aug 6, 2012.

More than a dozen lawyers for Guantánamo detainees on Monday filed a protest with the Navy prison in southeast Cuba over what they describe as a deterioration in conditions at the most populous prison building there, and mistreatment of Islam's holy book, the Quran — a claim the prison flatly denied.

The protest, filed with the detention center commander, Rear Adm. John Smith, and his staff attorney, Navy Capt. Thomas Welsh, lays out a scenario of a “potentially life-threatening situation” following a sweeping three-week-old hunger strike inside Camp 6, a 200-cell penitentiary style building — “men coughing up blood, being hospitalized, losing consciousness,

becoming weak and fatigued.”

Navy Capt. Robert Durand, the prison's public affairs officer, disputed the claims Monday. As of Monday morning, he said, six of the 166 captives at the base had missed enough consecutive meals to be classified as hunger strikers. Five of them were being fed through tubes. Durand said. Under that procedure, military medical staff strap a captive into a feeding chair and pump a can of Ensure nutritional supplement into each man's stomach through his nose twice a day.

As for the allegations of Quran abuse, the spokesman said the prison was following the same procedures for handling Islam's holy book as it had for years — with Arabic translators treating them respectfully and observing a policy that “guards don't touch the Qurans.”

Durand would not say whether there recently had been a guard force change in Camp 6 to account for the new claims of tensions between captives and captors. Lawyers have been describing a deteriorating situation for weeks, but Monday marked the first time they released a written protest publicly.

“There is and has always been continual turnover among the staff, and detainees will often cite any change, real or perceived, as a cause for protest,” he said. “It appears that the detainees have chosen one routine search in early February as the rallying point for their grievances.”

Detainee attorney David Remes said Monday evening that the conditions cited by his clients

through letters, phone calls and meetings constituted “misery in the camps.”

Monday morning, he said, he met with a Yemeni client who “hadn’t eaten in 22 or 23 or 24 days” to protest the Quran searches, but had not deteriorated sufficiently to be force fed.

“He was weak. He was tired. He was cold,” Remes said of Hussein Almerfedi, 35, “and he had shrouded himself in a thick bath towel for warmth.”

On Feb. 14, a prison staff lawyer testified at the war court that new Army guards replacing Navy sailor had undertaken a search in a different prison building where ex-CIA captives are segregated. They had seized materials that “were disturbing to them,” including books, legal documents and a photograph of the Grand Mosque in Mecca.

With regards to legal materials, the chief war court judge, Army Col. James Pohl, described a process of review that “appears to be ever changing and the review of it is ever changing. What’s OK in October is not OK in February.”

In their protest, the detainees’ lawyers alleged worse:

“We understand that Arabic interpreters employed by the prison have been searching the men’s Qurans in ways that constitute desecration according to their religious beliefs,” they wrote, “and that guards have been disrespectful during prayer times.”

Durand flatly rejected the claims, but said the Department of Justice would be responding to the lawyers’ letter.

Quran inspections by the translators are done “in view of the detainees” following rules written for the guards years ago. “It’s such a hot button issue,” he said of the Quran searches that the lawyers’ complaint “doesn’t pass the smell test. When they do cell searches, it’s the same procedure.”

© 2013 Miami Herald Media Company. All Rights Reserved.
<http://www.miamiherald.com>

APPENDIX

48

March 4, 2013

Rear Admiral John W. Smith, Jr.
Commander, Joint Task Force Guantánamo
U.S. Naval Station at Guantánamo Bay, Cuba

Captain Thomas J. Welsh, JAGC, USN
Staff Judge Advocate, Joint Task Force Guantánamo
U.S. Naval Station at Guantánamo Bay, Cuba

Dear Sirs:

We, the undersigned, represent men imprisoned at Guantánamo Bay and write this letter on behalf of habeas counsel about a matter that appears to be rapidly deteriorating and reaching a potentially critical level. We understand through reports by several detainees to their counsel that conditions in the camps have worsened to the point that all but a few men have now gone on a hunger strike in protest.

Specifically, we understand that since approximately February 6, 2013, camp authorities have been confiscating detainees' personal items, including blankets, sheets, towels, mats, razors, toothbrushes, books, family photos, religious CDs, and letters, including legal mail; and restricting their exercise, seemingly without provocation or cause. Moreover, we understand that Arabic interpreters employed by the prison have been searching the men's Qur'ans in ways that constitute desecration according to their religious beliefs, and that guards have been disrespectful during prayer times. These actions, and the fact that they have affected so many men, indicate a significant departure from the way in which the rules have been formulated and implemented over the past few years.

As a result of these practices, we understand that the men are suffering greatly and that a large number have gone on a hunger strike, which is now in its third week. As their health has deteriorated, we have received reports of men coughing up blood, being hospitalized, losing consciousness, becoming weak and fatigued, and being moved to Camp V for observation. Detainees have also expressed feeling increased stress, fear, and despair. It is clear that their health will only worsen unless and until the hunger strike ends, which requires taking immediate steps to address the reasons for their protest.

The actions taken by camp authorities cannot be evaluated in isolation. As you are well aware, prior instances of mistreatment, including mistreatment of the Qu'ran, have led to protests, including widespread hunger strikes that have placed the prisoners' lives and health in jeopardy. The practices occurring today threaten to turn back the clock to the worst moments of Guantánamo's history, and return the prison to conditions that caused great suffering to our clients and were condemned by the public at large. If prior experience serves as any guide, the current practices risk dire consequences and will only invite outside scrutiny.

The current situation has also affected and will continue to affect our access to our clients and our ability to effectively represent them, since the hunger strike has already prevented some of

them from taking our calls, meeting with us, and being able to participate fully when we are able to speak with them about their cases.

Accordingly, we write to request that you take immediate measures to bring an end this potentially life-threatening situation in the camps by addressing the reasons that give rise to it. Camp authorities must cease the arbitrary and regressive practices being reported by our clients, including all intrusive searches of the Qur'an.

Given the urgency of this matter, we request a response to this letter, including steps the authorities are taking to address the situation, no later than Wednesday, March 6, 2013, care of Pardiss Kebriaei at the Center for Constitutional Rights by electronic mail, fax, or telephone. Further, we request that you meet with habeas counsel David Remes, who will be at Guantánamo on Monday, March 4, to discuss the matter in person.

We hope this matter can be resolved quickly and cooperatively. We reserve the right to take further action should we not reach a mutually acceptable solution. Please contact us if we can provide you with further information. We look forward to hearing from you by March 6.

Sincerely,¹

Center for Constitutional Rights
Contact: Pardiss Kebriaei
t: (212) 614-6452; f: (212) 614-6499
pkebriaei@ccrjustice.org

David Remes
remesdh@gmail.com

Carrie Baker Anderson
Jerry Cohen
Sarah Cox
Stewart Eisenberg
Ramzi Kassem
Ranjana Natarajan
Cindy Panuco
Martha Rayner
Anne Richardson
Erin Thomas
Carlos Warner
Gordon S. Woodward

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

¹ The signatories below act on behalf of most habeas counsel representing men detained at Guantánamo.

APPENDIX

49

'Kuwaiti Gitmos go on hunger strike, lose 10 kilos of weight' Being ill-treated: Col Waingard

KUWAIT CITY, March 2: Colonel Barry Waingard, who was assigned by the Pentagon to defend the Kuwaiti detainee at Guantanamo prison Fayez Al-Kandari, revealed that the Kuwaiti detainees Fayez Al-Kandari and Fawzi Al-Awda went on a hunger strike with other prisoners and lost nearly 10kgs of weight, reports Al-Watan Arabic daily.

Waingard, who is currently visiting Al-Kandari at Guantanamo prison, said in a statement to the daily that the detainees went on a hunger strike because they are being ill-treated inside the prison, indicating at the same time that the detainees have now realized death is the only way out of the prison.

Waingard requested a Kuwaiti delegation to visit Guantanamo prison immediately to know what is happening there, stressing the Kuwaiti authorities should take practical measures for the release of Kuwaiti detainees.

He stressed, "It is hard to believe America does not trust Kuwait particularly since there are thousands of American soldiers in Kuwait and after the announcement of a deal to sell to Kuwait American weapons worth billions of dollars".

Regarding the strike, Lawyer Adel Abdulhadi who is defending Fayez Al-Kandari said, "I blame the Kuwaiti government who are preoccupied with celebrations of National and Liberation Days and forgetting about Fayez Al-Kandari and Fawzi Al-Awda except in some diplomatic statements occasionally.

He added, "After 11 years of failure by the governments of Kuwait and United States in finding a solution to this issue, I tell these governments that the current situation is not only against the law, but is also inhumane and unreasonable. It does not commensurate with the reputation of the two countries from the aspects of the law and human rights. If there were evidences against our detainees in Guantanamo prison, send them on trial or take measures to release them immediately".