

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

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ABU WA'EL (JIHAD) DHIAB		)	
		)	
		)	
	Petitioners	)	Civ. No. 05-1457 (GK)
	v.	)	
		)	
BARACK OBAMA, <i>et al.</i> ,		)	
		)	
	Respondents.	)	
_____		)	

**SECOND SUPPLEMENTAL DECLARATION OF CORI CRIDER**

**I, CORI CRIDER, DECLARE UNDER 28 U.S.C. §1746:**

1. This is a supplemental declaration regarding my call with Petitioner on May 19, 2014. Quotations represent my best reconstruction of what the client said but are not verbatim. In the compressed time available I have been unable to confirm every detail of the following account with Petitioner, but I believe these notes to be an accurate reflection of our call.

*Resumption of strike and threatened force-feeding*

2. Mr. Dhiab has resumed hunger striking. He said that last week between Tuesday and Thursday (May 13-15, 2014), JTF-GTMO medical staff – both doctors and nurses – approached him in his cell and said that if he did not begin to consume nutrients he would once again be force-fed.

3. He described great pain, saying “I could barely sleep for the pain in my kidneys.”

4. Medical staff also told him that, if he refused to eat, the ‘Forcible Cell Extraction’ (FCE) team would be deployed to take him to feedings.

5. He said one of the nurses was very explicit about the consequences of refusing nutrition: “She told me you have one of two options. Either you eat, or we are going to send you to force-feeding through the FCE.” Mr. Dhiab did not know her rank, but indicated the nurse was an African-American woman of average height, working the night shift last week.

6. On Friday, he said the medical staff did not approach him.

*Threatened Forcible Cell Extraction on Friday*

7. Petitioner observed that there has recently been overuse of the FCE team: “Now they have started to FCE a lot of people. They seem to be hauling people from their cells for any minor reason. One such trivial reason would be, for example, to inspect the room.”

8. Petitioner indicated he had not been moved by the FCE team since Friday. But he added that on Friday night, after the final prayer of the day but before midnight,<sup>1</sup> an army sergeant came to his cell to harass and intimidate him about a possible FCE.

9. Petitioner recounted the following exchange with the sergeant:

The sergeant came to my cell and asked “Why are you refusing to eat? Do you wanna eat by the FCE?”

“I don’t care,” I said.

He said “Okay, see you during the FCE time.”

“Are you from the ERF team?” I asked.<sup>2</sup>

“I am in *charge* of the team,” he said.

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<sup>1</sup> The Isha prayer would have been at 8:46 PM Eastern Time on the evening in question. See [http://www.islamicfinder.org/prayerDetail.php?country=cuba&city=Guantanamo\\_Bay&id=16050&lang=&monthly=1](http://www.islamicfinder.org/prayerDetail.php?country=cuba&city=Guantanamo_Bay&id=16050&lang=&monthly=1). Judge Kessler’s order was posted to ECF at 5:49 PM Eastern Time, three hours earlier.

<sup>2</sup> Petitioner, like most prisoners at Guantánamo, uses the terms ‘ERF’ and ‘FCE’ interchangeably to denote the team of MPs in riot gear who storm a prisoner’s cell to ‘subdue’ him when he will not voluntarily go somewhere. (I believe this reflects changes in JTF-GTMO’s terminology over the years, in which the team seems to have been called, variously, the ‘Emergency Reaction [or Response] Force’, the ‘Initial Reaction Force’, or the group who do ‘Forcible Cell Extractions’.) Prisoners dubbed the team the ‘*Extreme* Reaction Force’. Petitioner also believes that the Navy tended more often to say ‘ERF’, and the Army ‘FCE’.

10. Petitioner also indicated that this individual was ‘working’ with the FCE team that evening and would not have come to his cell as part of the ordinary block police patrol or some other routine visit. Petitioner could discern no other purpose to the sergeant’s visit to his cell than to deliver this threat.

11. Petitioner estimates that this man was between 37 and 40, African-American, tall and of medium build. “I have seen him before, and usually we have a good relationship,” he said. When I asked whether he was then surprised that this person had seemingly made a special effort to approach and harass him, he said he was not, and that sad to say, “people change on you from one day to the next here.”

12. Petitioner was very intimidated by this soldier’s threat to use the team, largely because of past experience:

The ERF team hurt you all the time. I especially remember they badly hurt my rib in the past – once in 2009, and another time this year. I have had great pain in both the left and right sides of my chest because of this. It also seems like every time they ERF me and give me a blood test they find blood in my urine. I have severe pain in my lower back/thigh and also in my neck, I believe all from the ERF. I have continuous pain in the head.

12. “After the torture I have been through many times,” he said, “I have sometimes wished to die because of them.”

*Videos*

13. Petitioner described the videotaping of FCEs as incomplete and manipulated by Respondents.

14. “They video you when they force you onto the chair and when they pull you off the chair,” he said, “but they do not always do it during feedings.”

15. He said that on several occasions he has requested for the camera to be switched on, to no avail: “When they torture me on the chair, I tell them ‘you should videotape this,’ but at that point they refuse to run the tape. Then, when I start to resist because I am in so much pain, they turn the camera on.”

16. He has particularly tried to persuade them to film during especially painful intubation sessions:

When they [the FCE team] push me in the chair, they then hold each of my limb: one on each arm, one on each leg, and another on the head. Sometimes the way the MP holds the head chokes me, and with all the nerves in the nose the tube passing the nose is like torture. Then, especially when the MP is holding the neck, when they try to force the tube through the throat it often catches and they cannot push it through. At times like these, I ask them to videotape. And they refuse.

17. Then, he said, once the pain has reached a point where he cannot tolerate it and begins to move in response, filming typically starts:

But then, of course, the pain makes you move around. I move my head when they poke me with the tube. I can't help it. It hurts too much. Then they hold my head, and it only gets worse. After that I start to resist because I have severe pain in my throat. In this moment the head ERF guy shouts 'DON'T RESIST! DON'T RESIST!' And *then* they start taping.

The same thing happens at the end of the feeding: when they move me off the chair and they put pressure on my back and kidneys, I tell them 'I have pain! I am suffering!' So after a point, to relieve the suffering, I try to resist, and again they shout 'Don't resist!' and again they start the tape. I don't want to fight, but I am in such pain.

Many times I have said to them "you are not dealing with a stone, you are dealing with a human being. Why not deal with me like a human being, not a block?"

If I wanted to resist them from the start, I would have resisted when they entered my cell, when I was not chained, not later, when I am just in incredible pain and can only think of doing anything to stop it.

18. He also tries to persuade the FCE team to stop hurting him first:

I try to tell them about my pain before I resist – of course I hope they will avoid hurting me. I tell them they are putting pressure on my back, my kidney and my neck and I am suffering. Several times I have tried to tell them I was in pain but they just kept doing it, and after a point I am in such pain I have no choice but to resist.

19. In general Petitioner was emphatic that, however bad the footage of his FCEs and force-feedings ultimately appears, the unfilmed periods are in truth far worse:

From the time they enter the room to the time they get me off the chair to the time they chain me to the chair, anyone should be smart enough to recognize that there are periods with no videotaping. Why is this?

Sometimes the MPs block the camera so that all you see is not me, suffering, but the soldiers blocking the camera with their bodies.

Other really painful things will not be caught on camera. Many times in the chair they squeeze my leg. The camera can't really show their squeezing of the leg. When I scream from pain, I start to move, and they say 'he's going to resist', and they start to yell 'STOP RESISTING! STOP RESISTING!'

When the soldiers touch me I tell them I have a damaged rib. The camera will not capture the pressure on my rib that makes me scream and move. They purposely make you feel pain. When I feel pain I shift, and when I move, they say 'you are resisting', and the whole ordeal begins again. Many times when I warn them not to put pressure on my rib or my kidney they only do it more.

When I complain they say 'we are protecting your life, we are protecting your health'. What kind of concern about my life and health is this, if they put me through such pain I am unable to sleep? I am peacefully demonstrating. Why are you torturing me? I did not resist you to begin with.

20. "I feel as if I die several times a day," he added.

21. Towards the end of the call he made a simple plea for good sense:

All I want is to get out of this place. For how much longer will I have to be in this situation? The suffering, the torture, being away from my kids and my family? How much longer will I be here?

Five years ago, Obama said he was going to close this place and let the cleared people out. Meanwhile I have lost much of my life here, as well as my loved ones. Why are they doing this to us? I have no problem with America. For how long are they going to make me suffer?

Done in London, England, this 20<sup>th</sup> day of May, 2014.



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Cori Crider