

PUBLIC

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Further information on UA 350/08 (AMR 51/156/2008, 23 December 2008) – Health concern/Legal concern
USA Ahmed Zaid Salem Zuhair (m), Saudi Arabian national, aged 44

The medical condition of Guantánamo detainee Ahmed Zuhair, who has been on hunger strike and a force feeding regime since 2005, has worsened. On a recent visit to meet him at the base, his US lawyers observed a marked deterioration in his health since they last met with him in mid-December.

According to his US lawyers in information recently filed in the US District Court for the District of Columbia (DC), when they met with Ahmed Zuhair on 11 and 12 February, he was shackled to a gurney (trolley stretcher) and was repeatedly given “large quantities of painkillers by medical personnel”. Guantánamo staff informed the lawyers that Ahmed Zuhair had recently suffered a fall in his cell. He was brought to the meetings, which were held in the base’s Camp Echo, from the Detainee Hospital at Camp Delta.

The lawyers have said that his pain during their meetings with him was evident and that he could not sit up: “Even though Mr Zuhair was administered painkillers, any movement of the gurney caused him to wince in pain, and his own movements were slow and limited to slight gestures”. The lawyers have also reported that Zuhair’s weight was “perilously low”: “He appeared to weigh approximately 100 pounds, his biceps were roughly the thickness of his wrists, his eyes were sunken, and his cheekbones were sharp and gaunt. Mr Zuhair was considerably fatigued and unable to speak above a whisper for the entirety of the meeting.” Ahmed Zuhair’s own account of his condition and treatment remains classified.

In a separate development, his lawyers discovered on 21 January that Ahmed Zuhair has been approved for transfer from Guantánamo. They made the discovery by chance; the US authorities did not notify them. The government has now said that the approval for his transfer was made on 23 December 2008. The Guantánamo authorities notified Ahmed Zuhair on 10 February, on the eve of his meeting with his lawyers, that he had been authorized for transfer from Guantánamo. The written notice to him states that “while your transfer has been authorized, the date of such transfer depends on the United States reaching agreement with your country of origin or another country, to accept you”. The notice stated that “negotiating these agreements can in certain circumstances take considerable time”, adding that “although the United States will attempt to transfer you as soon as possible no date has been set for your transfer”. Other detainees have been held for years since their release from the base has been approved under the administrative review scheme. Ahmed Zuhair’s lawyers have said that he “affirmatively wishes to return to his family and homeland [Saudi Arabia], where he has never run afoul of the law”.

Ahmed Zuhair has been in detention for more than seven years without charge or trial. According to his 2008 petition for habeas corpus, in late December 2001 Ahmed Zuhair was seized in a market in Lahore, Pakistan, by a dozen men in civilian clothes. He was blindfolded and taken to a house in a residential area of Lahore, where, he said, he was tortured and otherwise ill-treated. In early January 2002, he was transferred to a military facility in the capital, Islamabad, and held incommunicado there for about 10 weeks: in mid-March 2002 he was handed over to US custody and held in Bagram air base in Afghanistan. In June 2002 he was transferred to detention in Kandahar, where he was held for two weeks. He said he was ill-treated in US custody in Afghanistan, including forced prolonged kneeling and stripping during interrogations. He was transported to Guantánamo in June 2002. Ahmed Zuhair began his hunger strike in mid- 2005, to protest at his indefinite detention without charge and the conditions in which he is detained. He has been force fed since August 2005.

Ahmed Zuhair's lawyers filed an emergency motion in District Court in late November 2008 in relation to his deteriorating health. On 22 December, Judge Emmett Sullivan ordered the authorities to allow a court-appointed independent medical expert to examine Ahmed Zuhair. He also ordered the government to release Zuhair's medical records to his lawyers. Judge Sullivan made the decision on the grounds that Zuhair must be medically fit enough to have "meaningful access to counsel", and so that his lawyers "are able to adequately communicate with him" in his habeas corpus challenge. On 16 January 2009, Judge Sullivan appointed the independent expert suggested by Zuhair's lawyers to conduct a "comprehensive medical and psychiatric evaluation" of Ahmed Zuhair, and ordered that she and an independent interpreter be provided transport to Guantánamo and access to the detainee, that she be given access to all Zuhair's medical records and records relating to his force feeding, and allowed to speak with personnel at Guantánamo regarding Zuhair's medical and mental health and the feeding process. No further details are publicly available.

On 23 January, around the seventh anniversary of Ahmed Zuhair being taken into US custody, his lawyers filed a petition pointing out that their client "continues to languish in Guantánamo Bay without charge, trial or due process" and with no "definitive judicial determination as to the legality of his detention". They argued that the need for the "prompt habeas corpus hearing" ordered by the US Supreme Court's *Boumediene v. Bush* ruling seven months earlier was "especially pressing as he nears the fourth anniversary of his hunger strike protesting his indefinite and arbitrary imprisonment".

On 22 January, President Obama signed three executive orders on detentions and interrogations (see: The promise of real change: President Obama's executive orders on detentions and interrogations, 30 January 2009, <http://www.amnesty.org/en/library/info/AMR51/015/2009/en>). One of the orders required his administration to close the Guantánamo Bay detention facility "as soon as practicable" and to conduct a review of all the cases of detainees held there to decide what should happen to them. For more information on Amnesty International's Counter Terror with Justice campaign and to take further action visit <http://obama100days.amnesty.org/>.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words:

- expressing concern about the deteriorating health of Guantánamo detainee Ahmed Zuhair, who has been in US custody without charge for more than seven years and on hunger strike since 2005;
- calling for an immediate end to the use of the restraint chair against Ahmed Zuhair during force feeding;
- calling on the authorities to ensure that Ahmed Zuhair receives all necessary medical treatment;
- noting that Ahmed Zuhair's transfer from Guantánamo has been authorized, indicating that the US government does not intend to charge him with any offence;
- calling for the immediate release from Guantánamo of Ahmed Zuhair.

APPEALS TO:

The Honorable Eric Holder, Attorney General, US Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530-0001, USA

Fax: +1 202 307 6777
Email: AskDOJ@usdoj.gov
Salutation: Dear Attorney General

The Honorable Robert Gates, US Secretary of Defense, 1000 Defense Pentagon, Washington DC 20301, USA

Fax: +1 703 571 8951
Salutation: Dear Secretary of Defense

Gregory Craig, Counsel to the President, The White House, 1600 Pennsylvania Avenue NW, Washington, DC 20500, USA

Fax: +1 202 456 2461
Salutation: Dear Mr Craig

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 3 April 2009.