

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:	:	Misc. No. 08-442 (TFH)
	:	
GUANTANAMO BAY	:	Civil Action No. 05-1509 (RMU)
DETAINEE LITIGATION	:	Civil Action No. 05-1602 (RMU)
	:	Civil Action No. 05-1704 (RMU)
	:	Civil Action No. 05-2386 (RMU)

DECLARATION OF SEEMA SAIFEE

Pursuant to 28 U.S.C. § 1746, I declare that the following statements are true and correct to the best of my knowledge, information and belief:

1. I am an attorney at Kramer Levin Naftalis & Frankel, a law firm in New York, and *pro bono* counsel for Adel Noori (Internment Serial Number 584), who has been detained at the U.S. Naval Station in Guantánamo Bay, Cuba since 2002.
2. Mr. Noori is a petitioner in the petition for a writ of habeas corpus styled *Mohammon v. Bush*, Civil Action No. 05-2386.
3. This declaration is based upon a series of attorney-client interviews with Mr. Noori that I conducted between October 2007 and June 2008 and unclassified government documents.¹ All statements made in this declaration are unclassified.
4. Mr. Noori was cleared for release from Guantánamo as early as 2003. The Department of Defense publicly confirmed Mr. Noori's clearance for

¹ Paragraph 8 of this declaration is based on legal mail from another Kramer Levin client, Abdulghappar Abdulrahman, who is also a petitioner in *Mohammon v. Bush*, Civil Action No. 05-2386.

release for the first time on March 7, 2007. A copy of the correspondence from the Department of Defense is attached as Exhibit 1 to this declaration.

5. During one of my visits to Guantánamo, Mr. Noori showed me a release paper he received from the military dated August 6, 2007. I copied verbatim the language that appeared on this document. The document, which was stamped “unclassified,” stated in pertinent part as follows:
“An ARB [Administrative Review Board] has reviewed the information about you that was talked about at the meeting on 4 August 2005 and the deciding official in the United States has made a decision about what will happen to you. You have been authorized for transfer from Guantanamo Bay. While your transfer has been authorized, the date of such transfer depends on the United States reaching an agreement with your country of origin or another country to accept you.”
6. Although Mr. Noori has been approved for release from Guantánamo, he has been imprisoned – for approximately one year – in “Camp VI,” a maximum-security facility where he remains in solitary confinement for most of the day.
7. Mr. Noori told me that the conditions of his indefinite imprisonment became significantly worse after he was moved to Camp VI.
8. During a visit on June 20, 2008, Mr. Noori told me that two Uighurs in Camp VI attempted to commit suicide by hanging themselves. To my

knowledge, this is the first time any Uighur has attempted to take his own life at Guantánamo.

9. In the fall of 2007, another Kramer Levin client, Abdul Razakah, went on a severe hunger strike in Camp VI that lasted over 60 days. In a letter to his lawyers that was intended for public dissemination, one of Kramer Levin's other clients, Abdulghappar Abdulrahman, stated that Abdul Razakah starved himself in response to the military's refusal to move him to a better-conditioned camp to alleviate his health problems. After Abdul Razakah went on hunger strike, the military shackled and force-fed him twice a day. Abdulghappar stated that Abdul Razakah's hunger strike demonstrates the severe measures to which the Uighurs imprisoned in Camp VI are being driven. Abdul Razakah has since been moved to Camp IV. A copy of the letter from Abdulghappar Abdulrahman and an English translation of that letter are attached as Exhibit 2 to this declaration.
10. The psychological effects of prolonged solitary confinement have been profound on Mr. Noori. During my last visit with him, Mr. Noori expressed the view that he might never be released alive to see his daughter again. During that same visit, Mr. Noori told me and my colleague to spend as much time with him as possible because we might not see each other again. He said that if the military continues to hold him in Camp VI, he will no longer meet with his attorneys.

11. Based on Mr. Noori's statements to me, and my personal observations, I strongly believe that housing Mr. Noori in Camp VI – one of the most restrictive camps at Guantánamo – is causing his psychological and physical well-being to rapidly deteriorate, and is interfering with our attorney-client relationship. Mr. Noori has been cleared for release. At the very least, he should be housed in the least restrictive facility available at Guantánamo. Continuing to house Mr. Noori in Camp VI – as illustrated by the recent suicide attempts by two Uighurs – places Mr. Noori's life at grave risk.

I declare, under penalty of perjury under the laws of the United States, that to the best of my knowledge the foregoing statements are true and correct.

Executed this 28th day of July, 2008


Seema Saifee

EXHIBIT 1

Saifee, Seema

From: Wells Dixon [WDixon@ccr-ny.org]
Sent: Monday, July 30, 2007 12:40 PM
To: Saifee, Seema
Subject: FW: Detainee Status Notification

J. Wells Dixon
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, New York 10012
(212) 614-6423
(212) 614-6499 (fax)
wdixon@ccr-ny.org

From: Lee, Robert LTCOL OARDEC, CYTW [mailto:robert.lee8@navy.mil]
Sent: Wednesday, March 07, 2007 2:35 PM
To: Wells Dixon
Subject: Detainee Status Notification

Dear Counsel for ISN 584

Through either the Administrative Review Board (ARB) process or the process DOD had in place prior to ARBs, your client has been approved to leave Guantanamo, subject to the process for making appropriate diplomatic arrangements for his departure. Accordingly, any prior guidance regarding submission of materials for a 2007 ARB for your client is inapplicable to this detainee; he will not be receiving another ARB proceeding.

As you know, such a decision does not equate to a determination that your client is not an enemy combatant, nor is it a determination that he does not pose a threat to the United States or its allies. I cannot provide you any information regarding when your client may be leaving Guantanamo as his departure is subject to ongoing discussions.

ROBERT LEE, Lt Col, USAFR
Deputy Staff Judge Advocate
DOD HQ OARDEC
Office for the Administrative Review of the Detention of Enemy Combatants
Washington, DC

7/28/2008

EXHIBIT 2

ياختىموسىلەر J. Wells Dixon گە بەندى ۋە Sema Saifee كىشىلەر كىلىشتىن بۇرۇن بۇ خەت
 يېتىپ بارساكەن بىز ئورگىستانلىقلارنىڭ كىشىلىرىغا ئاز ئۇلا پايىسى بولساكەن دىگەن كۆمۈتتە مەن .
 بىز ئورگىستانلىقلار ھەممىمىز ئورگىستاندىن چوڭگو ھۆكۈمەتنىڭ كۈندىن كۈنگە كىشىلەر ئىشۋاتقان زۆلۈمدىن ۋە
 بىز ئۇ يۇرت ياشلىرىنى ھەرخىل بائالدىن تۈرمەلەرگە تاشلاشلىرىدىن ئۇ ھەرخىل بۇيۇتلار بىلەن خەلىقى
 بولۇپمۇ ياشلىرىنى ئاشۇ قىرغاق قىلىشلىرىدىن يول تاپالغانلا بۇرغون ياشقا ۋە چوڭلار چەت ئەللەرگە پاناھ
 ئىزلىپ چىقىپ كىتىۋاتماقتا . بىز گۇۋاھنامىلەردىكى ئۇيغۇرلارمۇ ئەنە شۇلارنىڭ جۈملىسىدۇر . پاناھ ئىزلىپ
 ئەتراپتىكى مۇستەقىل دۆلەتلەرگە چىققان ۋە ھەرخىل سەۋەپلەر بىلەن ئايغۇنلىقىغا كەلگەن كىشىلەر ، بىز
 نىڭ ئايغۇنلىقىغا كىلىشىمىزگە ئامىركا ئارمىيەسى ئايغۇنلىقىغا ھۆججەت قىلىپ كىردى . بىزگە ئايغۇنلىقىغا
 تۈرىدىغان جايى قالغاندىن كىمىت بىزنىڭكىمى تۈرىدىغاندىن كىم ئامالسىز پاكىستانغا چىقتۇرۇپ . پاكىستان
 ئىچىلىقى بىزنى ئۇششۇ پاكىستان ھۆكۈمىتىگە تاپشۇردى ، پاكىستان ھۆكۈمىتى بىزنى ئامىركا ئارمىيەسىگە ساتتى
 ئامىركا ئارمىيەسى بىزنى بۇ يەرگە ئىلىپ كەلدى . بىز بۇلارنى دىدىلەپكى سوراقتىن ئارتىپ دەپ كىلىۋاتىمىز
 بىز بىلەن ئامىركا ھۆكۈمىتىگە ۋە ئامىركا ئارمىيەسىگە ۋە مۇناسىۋەتلىك ئورۇنلارغا كىتىپ ، دىمەك ئورگىستان
 خەلىقى ۋە گۇۋاھنامىلەردىكى ئۇيغۇرلار تارىختىن بۇيان ھېچقاچان ئامىركا بىلەن ئىچىم تاداۋەتتە بۇيۇپاتقان ، بۇندا
 بولدىشى مۇمكىن ئەمەس . چۈنكى بىزنىڭ ۋە تىنىمىز باشقىلار تەرىپىدىن بېسىۋېلىنغان باشقىلارنىڭ بۇنىڭغا
 مۇھتاج خەلىقىمىز .

بۇ دەسلەپتە تۈتۈلۈپ پاكىستان ھۆكۈمىتى بىزنى ئامىركا ھۆكۈمىتىگە كۆتۈرۈپ بەرگەنچا خۇدا بىزنى
 بولغان ۋە ئامىركا ھۆكۈمىتىدىن بىزگە ھىساپلىق قىلىدۇ ۋە ياردەم بېرىدۇ دەپ ئۈمىد كۈتكەن كىشىلەر
 گە پىسوسىن ئۇندىن بولدى . بىزنى 2004 ۋە 2005-يىللىرى گۇناھىز دەپ ئىلان قىلغان بولسا
 بىز كايىل بولدى يەنىلا تۈرمىدە ئورۇناتتىمىز . تۈرمىدە نەمە ئۈچۈن يىتىۋاتقانلىقىمىزنى بىلمەيمىز . بىز يەنىلا
 ئامىركا ھۆكۈمىتى بىزنى تىزىلىق تۈرمىدىن چىقىرىپ ياخشى جايغا كۆرۈنلەنمەسكەن دىگەن كۆمۈتتە مەن .
 ئىتتىپاق ئۈچۈن تائىلىدىن ۋە تىنىدىن ئايرىلىپ ۋە يەنە سىرتقى دۇنيادىن بۇرۇنلەي ئالاقە كۆرۈلگەندىن سىم
 كۆن ئورۇندىن ۋە تەبىئىي قانۇندىن ھۆرمەت بولغاندىن سىرت توت كە تۇرۇپ بۇرۇنلەي تۈرمىنىڭ ئىچىدە
 ياشاشنى ھۆرمەتسىز كەلەپ دىگەن . مىنىڭ بۇرۇن تۈرمىدە ئىسلامەتلىكىم ئاھالىتى ياخشى ئىدى .
 6-تۈرمىگە ئىلىپ كىلىنگەندىن بۇيان قول ۋە يۈزۈمدە رىئازىيەت بۇيۇپ كۈندىن كۈنگە كۈچىيۋاتىدۇ .
 كۈن كۈن تۇرۇپ بولدى بۇرۇن كۈس ئاغرىشقا باشلىدى . ۋە تەندىمىم ئابدۇرازاقنىڭ بۇرۇندىن كۈچۈلۈك
 رىئازىيەت كەلسى بار ئىدى . 6-تۈرمىگە كەلگەندىن بۇيان تىخىمۇ كۈچۈ بۇيۇپ كەتتى . ئابدۇرازاقنىڭ
 8-ئاينىڭ بۇندا ئامىركا ئارمىيەسى تەرىپىدىن تۈرمىدىن چىقىپ كەتسە بولىدۇ دىگەن ئىدى
 سەم قولغا ئىشۈرۈلۈپ تۇرغاندا تەبىئىي رەھبەرگە ئىدى . شۇنىڭ ئۈچۈن ئابدۇرازاق كىلىم كۈچۈ بۇيۇپ كەتتى تۈرمىدە
 چىتىۋېتىپ كۈن ئورۇن ئارىسىدە تۇرۇشۇم كەركە دەپ چىقىپ بىر ئايدىن ئاشتى ئاسلىق ئىلان قىلغان ئىدى
 ھازىر ئۇنىڭ تەلپىگە كەلسە كۈن ئۇچۇرغا جازا بېرىلدى ھازىر 20 كۈندىن ئاشتى كۈن ئۇچۇر كىلىم
 تەبىئىيەت قالغان بىلەن باستۇرۇپ كىرىپ باغلاپ كە چىقىپ ئورۇندۇرۇشقا مەسئۇلىيەتلىك بولغان قىلىپ باغلاپ

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بىرىدىن ئىشلەتكە ئارقىلىق ئەجىبىرى كوزغۇلايدورۇۋاتدور. ئورۇن مۇددەت تاماق يېمەكسىڭە
يىستىگە بولماق مۇئامىلە ئىكەن ئوچۇن ئىكەن ئىشى ئەسەس، بونى ئابدورازاق مەزگۇر خالىمىتى
ئىكەن بىر رەي مۇئامىلە ئابدورازاقنى ئەجىبۇر قىلدى. ئەتراپىدىكى زۇلۇم ئەجىبۇر قىلىسا كىم
بىر ۋاتقان ئاۋىتقا كوزىنى تاشلايدۇ؟ ئامىرىكا قانۇنىغا ~~بىر~~ بىر ئادەم ئوزىڭە سالا مەتلىكىنى
وغلاشى ۋە ھوقۇقىنى تەلەپ قىلىش جىنايەت بايلىنامىدور؟ كەگەر بۇ جىنايەت يىساپلانسا
ۋە ئىستىلارنىڭ قانۇنى بىلەن نىمە پەرتى. ئىككىنچى دۇنيا ئۇرۇشىدا گىتلىرنىڭ توتقان سىياسىتى بىلەن
مە پەرتى قالدور.

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ئىككىنچى 1- ۋە 2- نۇسخىدا تاشۇنداق باستورۇپ كىرىش جەريانىدا ھىرلىق بىر ئادەمنى
ئىلى سونۇپ ئومورلوك سىپى بولغاندىن كىيىن دولوتىگە ئاپتورۇپ كىرىلدى يەنە ئىسپەلىك
ئىكەننىڭ قولى سوندى. مەن ئەنسىراق ئىمەن ئابدورازاق مۇ ئاشۇنداق ئاقسۇۋەتكە ئوچىرسا ياكى
ئىكەن ئادەمگە كۈنگە ئىككى قىتىپ باستورۇپ كىرىپ باغلاپ تەپچىقى ئايلار ~~ئىكەن~~
داۋاملىشىسا ئابدورازاقنىڭ ئىشۇدىن چاتاق چىقىپ قالارمۇ دەپ ئەنسىراق ئىمەن
مەن ھازىر ئىشۇ ئويلىدىغان بولۇپ ئالدىم. بىز تۈرەدە نىمە كىچۇن ئوزۇن ياتىمۇ؟ بىز تۈرەدە
ۋە قول ۋە ئىككى تاشقى كەزالمىزىدىن ۋە سالا مەتلىكىمىزدىن ئايرىلغاندىلا ئاندىن چىقىدىغان
ۋە خىلىمىز، ياكى باشقىلاردەك تۈركىستانلىقلاردىن بىرنەچچە كىشى تۈرەدە ئولۇشى كەرەك ئوخشاش
ئىشۇنداق بولغاندا باشقىلار بىزنىڭ مەسىلىمىز ~~ئىكەن~~ ئوخشاش ئوخشاش ئوخشايدۇ دەپ ئويلايدىغان
بىر ئالدىم.

بۇخەتتىن يىزىشىدىكى مەسىلەت سىلەرنىڭ ۋە سىلەردىن باشقا قانۇنى ئورۇنلارنىڭ موشۇ مەسىلە
ئىلى قىلىشلىرىنى ۋە ئەھمىلى ياردەم بىرىشلىرىنى ئومۇمىي ئىلمەن

ئابدورازاق ئىپار تۈركىستانى < 281 >

2007- يىلى 12- ئاينىڭ 12- كۈنى

6- نۇسخە

گۇنئانامما نۇسخىسى

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How are you Mr. J. Wells Dixon and Ms. Seema Saiffee?

I hope that this letter reaches you before you come over and I hope that it would be a little beneficial for our Turkistani brothers' situation here.

We, the Turkistani brothers left our homeland in order to escape from the brutal suppression and unfair treatment from the Chinese government toward our people. The Uyghur youth back home were either being incarcerated with false accusations or being prosecuted and executed with bogus allegations. It was extremely difficult for any Uyghur to see a future for themselves within our homeland and young and middle aged Uyghurs started to leave East Turkistan and try to find survival abroad if anyone could find a way to get out. We, the Uyghurs in Guantanamo, are also like those Uyghurs, we left our homeland for the same cause and sought endurance within our neighboring countries. As you know, for some specific reasons we have ended up in Afghanistan. When we have arrived in Afghanistan, the US army raided Afghanistan. We had to leave to Pakistan since we could not stay in Afghanistan and as we also did not know anyone who could help us there, we had no other choice but to leave. The Pakistani people arrested us and turned us over to the Pakistani government. Subsequently, the Pakistani government sold us to the US army for bounties. The US Army brought us to Guantanamo. Since the very beginning of the interrogations, we have been saying this. Our circumstances are very clear to the US government, US army and related agencies. Thus, the East Turkistani people and we, the Uyghurs in Guantanamo, have never had any revulsion against the US at any time and it never would be possible at any time because, our homeland is being occupied and we need help of the others.

We were very pleased at the beginning when the Pakistanis turned us over to American custody. We sincerely hoped that America would be sympathetic to us and help us. Unfortunately, the fact was different. Although in 2004 and 2005 we were told that we were innocent, however, we are being incarcerated in jail for the past 6 years until present. We fail to know why we are still in jail here. We are still in the hope that the US government will free us soon and send us to a safe place. Being away from family, away from our homeland, and also away from the outside world and losing any contact with anyone, also being forbidden from the natural sunlight, natural air, being surrounded with a metal box all around is not suitable for a human being. I was very healthy in the past. However, since I was brought to Camp 6, I got rheumatism and my joints started to hurt all the time and are getting worse. My kidney started to hurt for the past 10 days. My countryman Abdulrazaq used to have rheumatism for a while and since he came to Camp 6, it got worse. Sometime in early August, the US army has told Abdulrazaq that he is cleared to be released and also issued the release arrival in writing to him. Hence, Abdulrazaq requested to move him to a better conditioned camp for his health reasons and when it was being ignored he started to go on hunger strike for over a month now. Currently, he is on punishment and his situation is worse and he is being shackled down to the chair and force fed twice a day by the guards, that wear glass shields on their faces, for the past 20 days. For someone who has not eaten for a long time, such treatment is not humane. Abdulrazaq would never want to go on hunger strike however the circumstances here forced him to do so as he had no other choice. If the oppression was not unbearable, who would want to throw himself on a burning fire? In the US constitution, is it a crime for someone to ask to protect his health and ask for his rights?

If it does count as a crime, then what is the difference between the US constitution and communism constitution? What is the difference with Hitler's policies during the second World War?

I have heard that an Egyptian man broke his back and became handicapped while he was being handled by such team in Camp 1 or 2 and then he was sent home as a crippled person for the rest of his life. Another Libyan broke his arm also. I worry that Abdulrazaq would face a similar or worse situation while being force fed twice a day for a long time and I am also concerned for his psychological condition as it is extremely difficult for him to keep his mental state normal with such circumstances. Recently, I started to wonder, why are we staying in this jail for so long? I wonder if we will be released after we damage our internal and external organs and arms and legs. Or is it necessary for a few Turkistanis to die as it happened in the past here in this jail in order to gain others' attention and their concern toward our matter? Such thoughts are in my mind all the time. The reason I am writing this letter to you is that, I sincerely hope you and related law and enforcements solve this issue quickly and help us in a practical manner.

Abdulghappar Turkistani (281)
December 12, 2007.

Guantanamo Bay jail, Camp 6.