

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

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

SUPPLEMENTAL DECLARATION OF JON B. EISENBERG

Pursuant to 28 U.S.C. § 1746, I certify that the following is true and correct to the best of my knowledge:

1. I am one of the attorneys for Abu Wa'el (Jihad) Dhiab. I make this declaration in support of the above-captioned matter.
2. This is a supplemental declaration regarding my telephone call with Petitioner on June 1, 2014. Quotations represent my best reconstruction of what Petitioner said but are not verbatim. In the compressed time available I have not been able to confirm with Petitioner every detail of the following account, but I believe this declaration to be an accurate reflection of our telephone call.
3. Petitioner reiterates that he does not object to being force-fed in order to keep him alive, as long as the force-feeding is "civilized." He states: "I am willing to be force-fed in a humane manner." His recent force-feedings, however, have not been humane. He asks: "Is it necessary for them to torture me? Is it necessary for them to choke me every day with the tube? Is it necessary for them to make my throat so swollen every day? Do I have to suffer every day? Is it necessary for them to put me on the torture chair in order to feed me?"
4. Petitioner wishes to be "clear and frank" and state that his force-feeding will not become humane "unless there is a very firm and clear order from the judge." Although the judge has said that they should "do it in a humane manner," they are not.
5. Since Petitioner's force-feedings resumed on May 23, 2014, each of his force-feedings has been preceded by a Forcible Cell Extraction (FCE). He says he has tried "going on my own" to the force-feedings, but the guards are nevertheless doing the FCEs and using the restraint chair. On May 29, he decided to eat food in order to avoid another FCE, and he ate that evening, but he was nevertheless FCE'd and force-fed.

6. Petitioner again said he avoids resisting the FCEs, painful though they are. He says: "I am too weak. I don't have the strength to resist." He is weak from pain in his kidneys.
7. Petitioner's kidneys hurt him every day. He says: "I feel like they are going to burst." His kidney pain has increased "so much" since his counsel's last visit [on April 30, 2014].
8. Petitioner states: "After the court ruling they are using a new method on me." This new method is that some of his FCEs appear to be done by a team that is brought from another camp. He says "this is the rough team," which he describes as "really evil." This team "takes you very roughly, with torture." This team did his FCEs on the evening of May 29, the morning of May 30, and the evening of May 30, and each time he was harshly choked. He says: "I thought they would choke me to death because they were handling me so roughly." He asked the members of the new team for their numbers so that he could complain, but they refused to give them to him.
9. Petitioner believes that all of his recent FCEs and return trips to his cell have been videotaped, but that none of his recent force-feedings have been videotaped. Petitioner is concerned that the government will not produce any videotapes of FCEs that are done by the "really evil" FCE team.
10. A big cause of pain during Petitioner's force-feeding is one of the straps for the restraint chair, which is cinched tightly against his stomach during force-feedings. This strap should be loosened during the force-feeding in order to enable Petitioner to relax his stomach, rather than having his stomach strain against the strap as his stomach swells with the force-fed mixture of nutrient and water. During the Bush years, when detainees asked that this strap be loosened during force-feedings, it was, but now the guards refuse to loosen this strap.
11. Petitioner's rapid force-feeding is painful, but the pain from being strapped to the restraint chair is worse, because it hurts his kidneys so much. He would rather be force-fed in a comfortable chair, but they refuse to do so. Because of this, he asks that his force-feeding be done quickly. He says: "Of course it hurts my stomach, but I have no choice." Force-feeding at a normal pace causes him great pain in his kidneys from being strapped to the restraint chair for that long, so he wants to get it over with as quickly as possible.
12. Petitioner is currently being force-fed approximately 750 ml of nutrient and water mixed together in the feed bag. When his force-feeding was recently resumed, it started with one can of nutrient at each feeding, then was increased to one-and-a-half cans per feeding, and is now at two cans per feeding.
13. The feeding tube can be very painful when it goes in, depending on the particular person who does the insertion. It sometimes causes him to bleed from his nose. He also has a lot of pain after the feeding tube is removed. On May 29 and May 30, "they hurt me really, really badly, it was so much that I almost cried."

14. Petitioner cannot be force-fed through his right nostril without extreme pain, he believes because of a prior injury. On May 29 and 30, however, the nurse tried to force the tube down his right nostril, with the FCE team holding his neck straight and choking him. On May 30, the nurse used a 75 cm feeding tube instead of a 45 cm feeding tube and kept pushing the tube after it reached his stomach, so that the metal tip of the tube pushed against the interior of his stomach, which was very painful. Even under normal circumstances the feeding tube hurts when its tip pushes against his stomach.
15. Until June 1, Petitioner had been unable to defecate for 15 days. He has had a persistent burning sensation in his kidneys. After his FCEs, he has blood in his urine.
16. On May 22, after Petitioner's previous telephone call with his attorneys, when he returned to his cell he discovered that the guards had searched his cell and removed the sugar he keeps in his cell which he mixes with certain herbs and water so that he can drink fluids more easily. His herbs were placed in a locker outside his cell. The next day, the guards refused to allow him access to the herbs. Since then, he has been unable to drink water with sugar and herbs as he wishes. The guards only allow him green tea with sugar, which causes him pain and makes him unable to sleep.
17. Since May 29, the guards have reduced the temperature in Petitioner's cell, he believes to 62 degrees. He is cold. He has only an isomat and one thin blanket that is not large enough to cover him. If he puts the blanket underneath himself he is cold on top; if he puts the blanket on top of himself he is cold underneath. During the Bush era, everyone had two blankets, and if someone was sick they were given extra blankets, but now all those blankets have been taken away, and some detainees have none.
18. Petitioner is very concerned that the government "plays around with the facts" and says things to the judge that are not correct. For example, at the most recent hearing, the government lawyer said Petitioner was refusing to drink water and therefore his life was in danger, but that was not true.
19. Petitioner states: "Why am I still here?" "I want to get out and be with my wife."

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

June 3, 2014

JON B. EISENBERG
1970 Broadway, Suite 1200
Oakland, CA 94612
(510) 452-2581

