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

FAWZI KHALID ABDULLAH FAHAD AL ODAH,)	
<i>et al.,</i>)	
)	
Plaintiffs-Petitioners,)	
)	
v.)	No. 02 CV 0828 (CKK)
)	
UNITED STATES OF AMERICA, <i>et al.</i>,)	
)	
Defendants-Respondents.)	
)	

**SUPPLEMENT TO PLAINTIFFS-PETITIONERS' MOTION FOR A
PRELIMINARY INJUNCTION REGARDING DEFENDANTS-RESPONDENTS'
DENIAL OF KORAN WITH COMMENTARY TO PLAINTIFFS-PETITIONERS**

In their pending motion to enjoin the government from refusing to apply the minimum living standards for detainees prescribed by Army Regulation 190-8 and the Military Police Manual of Internment/Resettlement Operations ("Field Manual"), the Kuwaiti Detainees argued, among other things, that the government was denying them the opportunity to practice their religion while they are imprisoned without charge. Recently, the government took another step in suppressing the Kuwaiti Detainees' opportunities to practice their religion by refusing to permit their counsel to provide them with a Koran with commentary. The Kuwaiti Detainees are supplementing their motion with this information to demonstrate the urgent need for judicial intervention to end the inhumane conditions at Guantanamo.

STATEMENT

1. On February 9, 2005, counsel for the Kuwaiti Detainees informed government counsel that, in conjunction with a trip to his clients scheduled for the week of February 13, 2005, he

intended to provide one of the Kuwaiti Detainees with a Koran with standard commentary (known in Arabic as a *tafsir*). Letter of February 9, 2005, from Neil H. Koslowe to Andrew I. Warden, annexed as Exhibit A. The Kuwaiti Detainees' counsel assured government counsel that he would present this Koran to military personnel at Guantanamo for security inspection before delivering it to his client. *Id.* Government counsel voiced no objection to this plan.

2. When the Kuwaiti Detainees' counsel arrived at the Guantanamo detention facility on the morning of February 14, 2005, he presented the four-volume Koran with commentary to military personnel for security inspection. *See* Letter of March 9, 2005, from Neil H. Koslowe to Andrew I. Warden, annexed as Exhibit B. However, military personnel did not return the Koran to the Kuwaiti Detainees' counsel that morning or at any other time during his four-day visit to Guantanamo in February. Instead, a Navy commander told the Kuwaiti Detainees' counsel on February 17, 2005, the last day of his February trip, that the military was still reviewing this Koran. *See* Exhibit B.

3. On March 9, 2005, a few days before counsel for the Kuwaiti Detainees' trip to Guantanamo scheduled for March 14-18, 2005, counsel for the Kuwaiti Detainees wrote to government counsel requesting confirmation that the military had completed its security review of the Koran with commentary and would return it to counsel so he could provide it to his client. Exhibit B. Two days later, government counsel responded that the military at Guantanamo would not permit counsel to provide the Koran with commentary to his client. Letter of March 11, 2005, from Terry M. Henry to Neil H. Koslowe, annexed as Exhibit C. Government counsel gave no reason for this decision. *Id.*

4. The Kuwaiti Detainees' counsel sent another letter to government counsel asking the government to reconsider its policy of denying the *tafsir*, called the *Tafsir Muktabar Ibn Kathir*,

to the Kuwaiti Detainees at Guantanamo. Letter of March 23, 2005, from Neil H. Koslowe to Terry M. Henry, annexed as Exhibit D. He pointed out that some of the Kuwaiti Detainees had had their own *tafsirs* earlier in their detention but the *tafsirs* and other religious pamphlets had been confiscated and never returned to them by the military. *Id.* Government counsel never responded to this letter.

ARGUMENT

The Army Field Manual provides, at FM 3-19.40, Chapter 4-76, that *all* individuals detained by the U.S. military are to be given adequate opportunities and facilities for religious worship and military personnel are to “encourage and support active education” and “active programs for religious worship, recreation . . .” Yet, contrary to that provision, the government has refused to allow the Kuwaiti Detainees to have access to a centuries-old commentary or *tafsir* to their holiest book, the Koran.

In a declaration that is annexed to this supplement, Ali Durrani Khan, the Executive Director of the American Muslim Council, explains the significance of the *tafsir* and the fundamental role it plays in enabling Muslims to understand the Koran and the fundamental tenets of their faith. Exhibit E. Mr. Khan is a highly regarded spokesman for American Muslims who are opposed to terrorism but concerned about the impact on them of the war against terrorism. *Id.* The White House invited Mr. Khan to meet with the President and to be assured that the U.S. war against terrorism is not a war against Islam. *Id.* But the government’s refusal to allow the Kuwaiti Detainees to have access to a *tafsir* is inconsistent with that assurance and deprives the Kuwaiti Detainees of the opportunity to practice their religion in captivity.

It is evident that, without judicial intervention, the government will continue to deny the Kuwaiti Detainees the minimum standards of confinement that are guaranteed to all detainees

under Army Regulation 190-8 and the Field Manual. Accordingly, the Kuwaiti Detainees reiterate their request that the Court grant a preliminary injunction to prevent the government from continuing to imprison them inhumanely pending final adjudication of their challenge to the living conditions at Guantanamo.

Respectfully submitted,

/s/ Neil H. Koslowe

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