

UNITED STATES DISTRICT COURT
DISTRICT OF THE DISTRICT OF COLUMBIA

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SHAFIQ RASUL, *et al.*,

Petitioners,

Civil Action No. 02-299 (CKK)

DAVID M. HICKS,

SUBMITTED UNDER SEAL

Petitioner,

**AFFIDAVIT IN SUPPORT
OF AMENDED COMPLAINT
AND APPLICATIONS
FOR INJUNCTIVE RELIEF**

-against-

GEORGE W. BUSH, *et al.*,

Respondents.

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DAVID M. HICKS, being duly sworn, deposes and says:

1. I am David M. Hicks, a Petitioner in the above-captioned action, and I make this Affidavit, submitted under seal,¹ in support of my Amended Complaint, and my applications for injunctive relief.

2. I am a native and citizen of Australia, born in Adelaide August 7, 1975. I have completed the 9th Grade in the Australian school system.

3. This Affidavit provides an outline of the abuse and mistreatment I have received, witnessed, and/or heard about since I have been detained by the United States in Afghanistan, aboard U.S. Naval vessels and U.S. military aircraft, and at the U.S. Naval Base at Guantanamo Bay, Cuba (hereinafter "Guantanamo Bay"). I have been detained by the United States Armed

¹ This Affidavit is submitted under seal due to restrictions on information dissemination placed by U.S. military authorities on my attorneys and me. I have no objection to the unsealing of this Affidavit the Court determines it is appropriate to do so.

Forces from December 2001 until present. I arrived in Guantanamo Bay in January 2002. It does not detail all of the abuse I have received, or witnessed, or heard about, but merely sketches some of it. I have been careful to specify what happened to me, what I saw happen to others, and what I have heard about. During the course of my interrogations, I have repeatedly asked for a lawyer and why I am not being treated as a Prisoner of War.

4. Since I do not have access to either a typewriter or computer, this Affidavit has been prepared by my attorneys based on information I have provided to them. I have reviewed the Affidavit carefully, and verify that it is completely accurate.

5. I have been beaten before, after, and during interrogations.

6. I have been menaced and threatened, directly and indirectly, with firearms and other weapons before and during interrogations.

7. I have heard beatings of other detainees occurring during interrogation, and observed detainees' injuries that were received during interrogations.

8. I have been beaten while blindfolded and handcuffed.

9. I have been in the company of other detainees who were beaten while blindfolded and handcuffed. At one point, a group of detainees, including myself, were subjected to being randomly hit over a eight hour session while handcuffed and blindfolded.

10. I have been struck with hands, fists, and other objects (including rifle butts). I have also been kicked. I have been hit in the face, head, feet, and torso.

11. I have had my head rammed into asphalt several times (while blindfolded).

12. I have had handcuffs placed on me so tightly, and for so long (as much as 14-15 hours) that my hands were numb for a considerable period thereafter.

13. I have had medication – the identity of which was unknown to me, despite my requests for information – forced upon me against my will. I have been struck while under the influence of sedatives that were forced upon me by injection.

14. I have been forced to run in leg shackles that regularly ripped the skin off my ankles. Many other detainees experienced the same.

15. I have been deprived of sleep as a matter of policy.

16. I have witnessed the activities of the Internal Reaction Force (hereinafter “IRF”), which consists of a squad of soldiers that enter a detainee’s cell and brutalize him with the aid of an attack dog. The IRF invasions were so common that the term to be “IRF’ed” became part of the language of the detainees. I have seen detainees suffer serious injuries as a result of being IRF’ed. I have seen detainees IRF’ed while they were praying, or for refusing medication.

17. I was told repeatedly that if I cooperated during the course of interrogations, I would be sent home to Australia after the interrogations were concluded. I was told there was an “easy way” and a “hard way” to respond to interrogation.

18. Interrogators once offered me the services of a prostitute for fifteen minutes if I would spy on other detainees. I refused.

19. Failure to cooperate meant the loss of the ordinary necessities of living, such as showers, sufficient food, relief from the prospect of IRF’ing and other regular abuse visited upon non-cooperative detainees, access to reading material, and social contact (including receiving mail).

20. During Ramadan, food was withheld from detainees after the break of the daily fast in order to coerce cooperation with interrogators. Detainees who refused to cooperate were

punished regularly, and denied the ordinary necessities of living.

21. I have been told that strobe lights and extreme cold were also used to disorient detainees in order to soften them up for interrogation. I have also heard that religious detainees were exposed to pornography, and were dragged around naked in order to break their will.

22. Detainees were not allowed to know the date, day, year, or time. We were deprived of any and all information and news from the world. Detainees were permitted very little exercise.

23. At one point during 2003 alone, my weight dropped by 30 pounds (and I was not overweight to start).

24. Other detainees also informed me that interrogators attempted to turn them against me by spreading rumors about me. In any event, due to the way interrogations were conducted, and the physical layout of the camps, it was obvious to all of the detainees who was being interrogated, for how long, and whether that detainee emerged abused or not (with the latter signifying cooperation). Thus, any detainee would know who was cooperating with the interrogators.

25. The interrogation process ruled the detention camps and the lives of detainees. Cooperation with interrogators offered the only means of relief from the miserable treatment and abuse the detainees suffered. Those who failed to comply suffered abuse until they gave in.

26. My conditions changed after I was moved to Camp Echo (as did the treatment afforded me by the military personnel on duty there) July 9, 2003, and then again after the visits from my attorneys began. However, at Camp Echo, I have been held in a solitary cell and have been so since arriving at Camp Echo. I was not allowed outside of my cell in Camp Echo for

exercise in the sunlight, from July 2003 until March 10, 2004.


27. As noted earlier, the above catalogue of abuse and mistreatment is not complete. It is but a summary of some of the abuse I suffered, witnessed, and/or heard about since my detention began. I would be able to provide further information and detail if the Court so desires, but a complete account would require a substantially longer document. In fact, at my request and due to the persistence of my lawyers, I have recently met with U.S. military investigators conducting the probe into detainee abuse in Afghanistan. Also, this is not the first time I protested my mistreatment, since on several occasions – in Afghanistan, and later at Guantanamo Bay – I informed representatives of the International Red Cross of the abuse.

WHEREFORE, it is respectfully requested that the Court grant the relief sought in my Amended Complaint, and for any such other relief that the Court deems proper.



DAVID M. HICKS

Sworn to before me this
5th day of August, 2004



M. D. MORI
Major
United States Marine Corps
Judge Advocate