



February 3, 2016

The Honorable Jonathan Woodson, M.D.
Assistant Secretary of Defense for Health Affairs
US Department of Defense
1200 Defense Pentagon, Room 3E1070
Washington, D.C. 20301

Re: Medical Treatment of Mustafa al-Hawsawi, Detainee at Guantánamo

Dear Assistant Secretary Woodson,

I am writing to express Amnesty International's deep concern about the situation of Mustafa al-Hawsawi, a detainee held in Department of Defense custody at the US naval station at Guantánamo Bay in Cuba since September 2006.¹ According to his lawyers, he is in chronic extreme physical pain, and has injuries sustained during torture and other ill-treatment he endured while in the custody of the Central Intelligence Agency (CIA) between 2003 and 2006. He is reported to be suffering chronic and potentially life-threatening illness, and he requires appropriate and ongoing medical assessment and treatment.

Failure to ensure appropriate and continuing medical treatment and rehabilitative care for those deprived of their liberty, including those who have been subjected to torture or other ill-treatment, contravenes U.S. international legal obligations. I urge you to ensure that Mustafa al-Hawsawi is provided genuine access to adequate medical assessment and care, without further delay.

Mustafa al-Hawsawi's Current Medical Condition

¹ Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. Amnesty International USA is the U.S. section of Amnesty International.

Mustafa al-Hawsawi has been diagnosed with rectal prolapse, anal fissure (torn rectum) and chronic hemorrhoids. These ailments are so severe that he is forced, in spite of excruciating pain, to manually re-insert the prolapsing tissue back into his rectal cavity with his fingers whenever he defecates or strains. This painful and humiliating condition may well be the result of torture by US government personnel: namely sodomy with a foreign object while in CIA custody. This abuse is described in the Senate Intelligence Committee report on the CIA detention program, a summary of which was released to the public in December 2014. This summary cites CIA internal communications about rectal examinations conducted with “excessive force” on Mustafa al-Hawsawi.²

According to his lawyers, Mustafa al-Hawsawi suffers severe pain and exhaustion every time he defecates because of the severity of his rectal condition. He limits his intake of food and liquids in an attempt to reduce the number of times he will have to defecate.

His other reported medical conditions include:

- An undiagnosed condition since July 2014 causing him significant pain and consistently accompanied by the presence of blood in his urine; cancer has not been ruled out as a cause;
- Multiple hyper densities in the kidney, kidney stones, cirrhotic change in his liver, and multiple focal calcifications in and surrounding the midline urethra;
- Hepatitis C, diagnosed since at least September 2006, which he may have contracted in CIA custody;
- Chronic and debilitating headaches and migraines;
- Degenerative disc disease, which causes severe back and neck pain; and

² Senate Select Committee on Intelligence, Committee Study of the Central Intelligence Agency’s Detention and Interrogation Program, 100 (approved 13 December 2012; declassification revisions 3 December 2014), http://www.intelligence.senate.gov/sites/default/files/press/executive-summary_0.pdf [hereinafter SSCI Report].

- Chronic tinnitus or ringing in his ears which causes him severe pain.

We do not know the full scope of Mustafa al-Hawsawi's continuing trauma and injury arising from torture, ill-treatment and other human rights violations by the U.S. government. The Senate report summary also states that in CIA custody he was subjected to "cold water dousing," a form of torture used to induce the feeling of suffocation.³ It reports the CIA's failed attempt to get Mustafa al-Hawsawi admitted to a local hospital abroad, to handle an apparent medical emergency.⁴ The full 6,700-page classified report, a copy of which is with the Department Defense, may contain further information about Mustafa al-Hawsawi's treatment in CIA custody that would add to our concerns about the devastating consequences to his physical and mental health.

Medical Treatment Sought

Mustafa al-Hawsawi has sought medical treatment for these conditions. His lawyers, through letters to Department of Defense authorities and litigation, report that he has received only minimal symptomatic treatment, such as over-the-counter pain medicine, for many of his conditions. Neither he nor his lawyers have consistent access to his complete laboratory reports and his medical records, preventing them from properly assessing his medical needs. This has implications for accurate diagnosis of his multiple medical problems.

Mustafa al-Hawsawi, through his lawyers, also alleges that his medical care at Guantánamo is too irregular and inconsistent to meet basic standards of care. His lawyers report that the military physicians at the detention site rotate frequently, approximately every six months, inhibiting the formation of a trusting doctor-patient relationship. In addition, medical records reveal the same symptomatic treatment measures are employed time and again, as opposed to a progressive plan of care to address the chronic, painful and potentially life-threatening conditions. His lawyers

³ SSCI Report, 106.

⁴ SSCI Report, 154.

report that they fear that the doctors themselves may not be fully informed of his conditions. In addition, they state that a surgical consult requested six months ago for possible repair of his torn rectum has not yet occurred.

While Amnesty International is not in a position to know the full details of Mustafa al-Hawsawi's access to qualified medical personnel at Guantánamo, what is evident from available information is that he has not received adequate treatment for his serious medical conditions. He continues to suffer pain, humiliation and ongoing physical and mental trauma arising from his treatment in CIA custody, with the mental trauma possibly exacerbated by his detention at Guantánamo. The U.S. government's continuing failure to act to ensure full and ongoing medical treatment and rehabilitative care contravenes U.S. international legal obligations. For example, under the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the U.S. government is required to provide access to medical treatment and other rehabilitation services to victims of torture or other ill-treatment.⁵

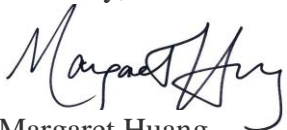
We urge you to ensure that Mustafa al-Hawsawi receives full and continuing access to independent medical assessment and care, including prompt medical treatment for excruciatingly painful conditions apparently resulting from his torture in U.S. custody, and other severe and chronic conditions. He should be granted access to further blood testing, including to determine whether or not he is suffering from cancer, as he has requested through counsel. His lawyers should receive full responses to requests to Department of Defense authorities and be kept fully informed about developments related to the health and well-being of their client. Furthermore, Mustafa al-Hawsawi and his counsel should have full and prompt access to his medical records and laboratory test results.

⁵ See UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 14, opened for signature Dec. 10, 1984, S. Treaty Doc. No. 100-20, 1465 U.N.T.S. 85 (entered into force June 26, 1987); UN Committee against Torture, General Comment No. 3, UN Doc. CAT/C/GC/3, http://www2.ohchr.org/english/bodies/cat/docs/GC/CAT-C-GC-3_en.pdf.

In light of Mustafa al-Hawsawi's reported inadequate treatment and allegations made by other Guantánamo detainees, we also urge you to ensure a full review of current standards and practices regarding medical assessments and treatment, including all relevant Standard Operating Procedures, at all Guantánamo detention sites. U.S. standards and practices should at least be in line with the UN Standard Minimum Rules for the Treatment of Prisoners and the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.⁶

The United States recently endorsed revision to the UN Standard Minimum Rules for the Treatment of Prisoners, now known as the Nelson Mandela Rules.⁷ In October 2015, Undersecretary of State Sarah Sewall called them “a historic step toward affirming the fundamental dignity of prisoners everywhere.” We urge you to treat Mustafa al-Hawsawi according to the same standards that apply to every person who is deprived of their liberty. U.S. international legal commitments—and U.S. leadership on human rights—demand nothing less.

Sincerely,



Margaret Huang

Interim Executive Director

Amnesty International USA

⁶ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by UN General Assembly resolution, 9 December 1988,

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/DetentionOrImprisonment.aspx>.

⁷ UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), adopted by UN General Assembly resolution, 17 December 2015, UN Doc. A/RES/70/175,

http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/175; U.S. Mission to the United Nations, Remarks at a High Level Presentation of the Nelson Mandela Rules, 7 October 2015, <http://usun.state.gov/remarks/6865>.

CC:

Rear Admiral Peter J. Clarke, Commander, Joint Task Force Guantanamo

Alisa M. Stack, Principal Director, Rule of Law and Detainee Policy

Brigadier General Mark S. Martins, Chief Prosecutor, Military Commissions