

# **Exhibit B**

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

SHARQAWI AL HAJJ (ISN 1457),

Petitioner,

v.

DONALD J. TRUMP, *et al.*,

Respondents.

Case No. 09-cv-745 (RCL)

**DECLARATION OF DR. ROBERT L. COHEN IN SUPPORT OF  
PETITIONER SHARQAWI AL HAJJ'S EMERGENCY MOTION**

I, DR. ROBERT L. COHEN, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a medical doctor, licensed in New York State. I am Board Certified in Internal Medicine. I have served as the Vice President for Medical Operations of the New York City Health and Hospitals and as the Director of the AIDS Center of St. Vincent's Hospital in New York City. I maintained a clinical medical practice of medicine in New York City from September 1988 through December 2017. I served as the Director of the Montefiore Rikers Island Health Services, responsible for the medical and mental health care of over 13,000 men and women living in New York City's jails. I have been appointed as a Federal Monitor by federal judges in New York, Connecticut, Florida, Michigan, and Ohio to monitor medical care in prisons in these states. I served for 17 years as a member of the Board of the National Commission on Correctional Care, representing the American Public Health Association. Since 2009, I have been a member of the New York City Board of Correction, a nine-person board

which oversees and regulates the jails of New York City. I have previously reviewed the medical care of another detained individual when he was held at Guantanamo.

2. I am submitting this declaration in support of the emergency motion for medical relief by Sharqawi Al Hajj, who I understand is currently detained in Guantanamo Bay.

3. My opinion is based on consultation with counsel for Mr. Al Hajj about his health condition based on her written correspondence, meetings and phone calls with Mr. Al Hajj, including most recently attorney-client meetings at Guantanamo from July 31 to August 2, 2017, and a telephone call on August 16, 2017. I have also reviewed relevant excerpts of counsel's unclassified meeting and call notes.

#### **Assessment**

4. It is not possible for a physician to diagnose and treat a serious medical condition without access to all available medical information, including a complete medical history and physical examination, and without review of all available medical documentation, including laboratory studies, radiological studies, and all prior clinical consultations. However, I can state, based upon my clinical experience, the medical information provided to me by counsel, and Mr. Al Hajj's report of his deteriorating symptoms, which preceded his current hunger strike, that he requires careful and intensive monitoring and the care of a physician that he trusts.

5. Counsel informed me that Mr. Al Hajj reports that he was diagnosed with Hepatitis B viral infection prior to his detention, and with Gilbert's Syndrome at Guantanamo, and that he currently reports the following symptoms, which are long-standing: recurring jaundice (skin turning yellow), extreme weakness and fatigue, severe abdominal pain, difficult painful urination, and constipation.

6. Without access to information about the testing and evaluations performed on Mr. Al Hajj, I am concerned that Mr. Al Hajj's symptoms preceding his hunger strike suggest the possibility of serious underlying conditions. Namely, his symptoms are consistent with significant liver disease, including the possibility of chronic active Hepatitis B infection. This is a serious, and sometimes life-threatening illness. Complications of untreated Hepatitis B include liver cancer, end stage liver disease, massive gastrointestinal bleeding, as well as anemia, bleeding disorders, and death.

7. Active Hepatitis B disease can be diagnosed and treated with standard medications, which can slow or prevent the development of life threatening complications. Any treatment, however, requires a trust-based doctor-patient relationship. The fact that Mr. Al Hajj currently has multiple symptoms of chronic active Hepatitis B infection, including, ominously, jaundice, is of great concern.

8. I understand that Mr. Al Hajj fell unconscious and was hospitalized last month. Whether the recent deterioration that Mr. Al Hajj has experienced was precipitated by his hunger strike, I have great clinical concern that the underlying cause of his symptoms, particularly his jaundice and weakness, his extremely low weight, and his profound fatigue may be consequent to complications of progressive liver damage caused by his known Hepatitis B infection. Chronic Hepatitis B infection, and its consequent progressive liver damage due to cirrhosis will not be addressed even if he voluntarily stops his hunger strike, or if he is forcibly fed.

### **Conclusion**

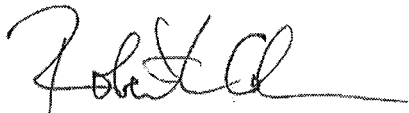
9. Mr. Al Hajj has chronic Hepatitis B. The consequences of this disease can be liver failure and liver cancer (hepatocellular carcinoma). The symptoms he describes, and his

condition as conveyed to me by his counsel, suggest that he may be suffering from severe liver disease, which is getting worse. Liver failure caused by Hepatitis B is caused by inflammation and fibrosis of the liver. This process is called cirrhosis. It is irreversible, but it can, through anti-viral treatment, be slowed or stopped. Delaying access to diagnosis and treatment of progressive cirrhosis will cause deterioration of his condition, and can cause death.

10. Proper diagnosis and treatment requires a trust-based doctor-patient relationship. Mr. Al Hajj describes constantly changing physicians who are unable to advocate for him effectively, which necessarily impacts the relationship and can prevent effective care. In fact, Mr. Al Hajj reports that he does not seek care even when he feels he should because he does not trust that it will help him. The seriousness of his condition, and the signs of deterioration described by Mr. Al Hajj and his counsel, elevates his need for a trusting doctor-patient relationship to a clinical significant level. For this reason, I strongly urge that he be provided access to an outside independent physician of confidence to evaluate him at this time.

I declare under penalty of perjury, that the foregoing is true and correct.

Dated: August 30, 2017  
New York, New York



Dr. Robert L. Cohen