

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MAHMOAD ABDAH, <i>et al.</i> ,)	
)	
Petitioners,)	
)	
v.)	Civil Action No. 04-1254 (HHK)
)	
GEORGE W. BUSH,)	
President of the United States,)	
<i>et al.</i> ,)	
)	
Respondents.)	
_____)	

SECOND DECLARATION OF MATTHEW C. WAXMAN

I, Matthew C. Waxman, pursuant to 28 U.S.C. § 1746, hereby declare and say as follows:

1. I am the Deputy Assistant Secretary of Defense for Detainee Affairs in the Department of Defense ("DoD"). My office is organized under the office of the Under Secretary of Defense for Policy. The office of Detainee Affairs, which I supervise, is responsible for providing policy advice to the Under Secretary of Defense on matters regarding detainees in DoD control. I have served in this position since August of 2004. I make the statements in this declaration based upon my personal knowledge and upon information made available to me in the performance of my official duties.

2. The declaration dated March 8, 2005, that I provided in this case regarding the transfer of detainees under DoD control at the United States Naval Base at Guantanamo Bay, Cuba ("GTMO detainees"), was, and remains, accurate, except that DoD has transferred, for release, three additional GTMO detainees, who were determined no longer to be enemy combatants by a Combatant Status Review Tribunal. This transfer was effected on Saturday, March 12, 2005.

3. I have read the Memorandum Opinion in support of the Temporary Restraining Order entered in this case on March 12, 2005, as well as the article entitled, "Pentagon Seeks to Transfer More Detainees From Base in Cuba," contained in March 11, 2005 issue of the New York Times.

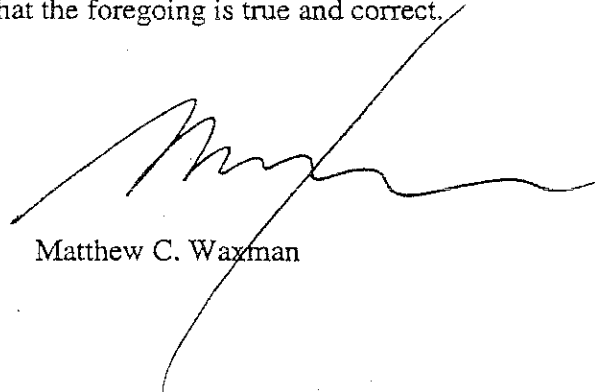
4. There is no plan being considered now, or that has been considered in the recent past, to effect an immediate transfer of large numbers of GTMO detainees out of GTMO, including to other countries. Nor is there any plan to effect transfers of GTMO detainees in order to thwart the actual or putative jurisdiction of any court with respect to detainees.

Transfers of detainees in DoD control at Guantanamo are undertaken in accordance with the policy and process outlined in my prior declaration.

5. No transfer of any current habeas petitioner in this or the other pending habeas cases brought by individual, named GTMO detainees, other than for release as a result of being determined by a CSRT to no longer be an enemy combatant, is currently scheduled and, in all events, any transfer of any such petitioner, including those for release, would be several weeks away, at a minimum.

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

Executed on March 16, 2005.

A handwritten signature in black ink, appearing to read 'Matthew C. Waxman', is written over a diagonal line that extends from the top right towards the bottom left.

Matthew C. Waxman