

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

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ISA ALI ABDULLA ALMURBATI, *ET AL.*,

Petitioners,

v.

GEORGE WALKER BUSH, *ET AL.*,

Respondents.
----- X

Civil Action No. 04-1227 (RBW)

**DECLARATION OF
JOSHUA COLANGELO-
BRYAN IN SUPPORT OF
MOTION TO COMPEL**

I, JOSHUA COLANGELO-BRYAN, declare that:

1. I am an attorney associated with Dorsey & Whitney LLP and represent the Petitioners in this action. I respectfully submit this declaration in support of Petitioners' Motion to Compel.

2. From October 25, 2004 through October 28, 2004, Stewart D. Aaron, Mark S. Sullivan and I were in Guantanamo Bay conducting initial client interviews.

3. On each day during this period, I conducted interviews with Isa Ali Abdulla Almurbati; in sum, I spoke with Mr. Almurbati for over ten hours. I took approximately 20 pages of notes during these interviews, which were far-ranging in scope. I gave my interview notes to our military escort after each interview session.

4. On October 28, 2004, at the conclusion of our visit to Guantanamo Bay, our military escort sealed all of the notes taken during the interviews with Mr. Almurbati in an envelope. I wrote my name and business address on the envelope along with the name "Isa Ali Abdulla Almurbati." This envelope was taken by our military escort with five other envelopes of interview notes, each of which contained notes of interviews with one of our clients.

Exhibit A /



U.S. Department of Justice
Civil Division
Federal Programs Branch

20 Massachusetts Avenue, N.W.
Washington, D.C. 20530

December 17, 2004

SENT VIA ELECTRONIC MAIL

Josh Colangelo-Bryan
Dorsey & Whitney LLP
250 Park Avenue
New York, NY 10177

Re: Almurbati et al. v. Bush et al., Civil Action No. 04-CV-1227-RBW

Dear Mr. Colangelo-Bryan:

The purpose of this letter is to address the status of the missing attorney notes that were generated during your meetings with detainee Isa Ali Abdulla Almurbati at Guantanamo Bay (GTMO) from October 24-28, 2004. At the conclusion of your visit, the notes from your meetings with the six detainees in the above case were placed into separate manilla envelopes for mailing to the Court Security Officers (CSOs) for the GTMO detainee cases at the offices of the Department of Justice, Litigation Security Division. The packages were mailed shortly thereafter. As you know, five of the six packages arrived on or about November 10, 2004. The final package of notes has not yet been located.

To be sure, the government is very concerned with the whereabouts of your notes, given that the notes presumptively contain classified national security information pursuant to the Court's Amended Protective Order. In light of this fact, the government has fully investigated the status of the missing notes; however, we regret that we have not been able to locate them. Our investigation determined that the notes were not sent via certified mail, as they should have. Nevertheless, five of the six packages, which were sent in the same fashion as the missing package, arrived without incident in a timely fashion. This incongruity is certainly confounding and leads to the possible conclusion that the notes simply got lost in the mail.

Needless to say, this explanation does little to change the fact that your confidential attorney notes are not presently in your possession. To remedy this unfortunate situation, the government immediately can arrange a return visit to GTMO for you and a translator to meet with Mr. Almurbati. Furthermore, the government will provide air transportation from Jacksonville, FL to GTMO for you and your translator free of charge.

Finally, in order to ensure timely delivery of your notes from GTMO to the CSOs, personnel at GTMO at the conclusion of your visit will make available to you a secure fax

machine. Should you desire, you may fax your notes to the CSOs, who will confirm delivery of the transmission for you.¹ Your original notes will then be sent to the CSOs via certified mail. This procedure will ensure that copies of your notes will be available for you at the secure habeas work space once you return from your trip to GTMO.

Again, the government regrets that the missing notes have not yet turned up. We hope that they will, but in any event, we have taken steps to remedy the problem going forward. Feel free to contact me at your earliest convenience to arrange your return visit to GTMO.

Sincerely,



Andrew I. Warden
Trial Attorney

¹ While I do not wish to discourage use of the secure fax, you should be aware that such faxes are very slow and sometimes take several minutes per page. Accordingly, I would recommend faxing your notes at the end of each day to avoid a lengthy session at the conclusion of your visit.