

# EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ISA ALI ABDULLA ALMURBATI, *et al.* )

Petitioners, )

v. )

GEORGE WALKER BUSH, )  
President of the United States, )  
*et al.*, )

Respondents. )

Civil Action No. 04-CV-1227 (RBW)

**DECLARATION OF MATTHEW M. DIAZ**

Pursuant to 28 U.S.C. § 1746, I, Matthew M. Diaz, Lieutenant Commander, United States Navy, hereby declare:

1. I am a Lieutenant Commander in the United States Navy. I am presently assigned to the Joint Task Force Guantanamo Bay, Cuba ("GTMO"). I serve as an attorney in the Office of the Staff Judge Advocate at GTMO.
2. Counsel for the Almurhati petitioners visited GTMO from October 25, 2004 through October 28, 2004. During this period, petitioners' counsel conducted interviews with six detainees.
3. Upon receiving inquiries from DoD and DOJ counsel regarding a missing package of notes taken by counsel during their visit, I undertook to investigate what may have happened with respect to the package. I made inquiries of the escort involved in the visit, the U.S. Post Office on base, and the JTF mail

handlers.

4. This investigation was delayed at the outset, however, because the escort who accompanied petitioners' counsel during their visit to GTMO was on emergency military leave from GTMO to attend to a family situation in the United States.
5. Once contact with the escort was made, my ensuing investigation revealed that at the conclusion of counsel's visit, petitioners' counsel placed the notes taken during their meeting into six manila envelopes corresponding to each of the six detainees visited. Petitioners' counsel and their escort then signed their respective initials over the seal of each envelope and labeled the envelopes with the detainee's name as well as counsel's name and address. The envelopes were placed in larger exterior envelopes that were addressed to the offices of the Court Security Officers ("CSOs") for the GTMO litigation in Washington, DC. After the envelopes were sealed, the escort delivered them to a noncommissioned officer in charge of the detainee mail section at GTMO. This officer subsequently hand-delivered the envelopes to the GTMO postal facility and placed the packages in the mail to the CSOs. The packages were not sent as certified or registered mail.
6. Once we discovered that the packages had not been sent by certified mail, we clarified for GTMO personnel involved in dealing with counsel during visits that all attorney notes are to be sealed in the attorney's presence, and the number of pages contained in each envelope and the number of envelopes sent to the CSOs are to be recorded. Every package of notes are to be sent via certified mail, and

tracking receipts are to be provided to counsel. In addition, GTMO will make available a secure fax machine for the purpose of sending attorney notes by counsel directly to the CSOs or the habeas work space where possible.

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

Dated: January 5, 2005



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MATTHEW M. DIAZ  
Lieutenant Commander, United States Navy