

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

~~IN RE: GUANTANAMO BAY DETAINEE LITIGATION~~-----

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IN RE:
GUANTANAMO BAY
DETAINEE LITIGATION

Misc. No. 08-mc-442 (TFH)

DECLARATION OF SCOTT L.
FENSTERMAKER, ESQ.
PURSUANT TO 28 U.S.C. §1746

RAHIM ALI-NASHIR, *et. al.*

Petitioners,

08 cv 1085 (TFH)
08 cv 1207 (RWR)

v.

ROBERT M. GATES, *et. al.*

Respondents.

SCOTT L. FENSTERMAKER, ESQ. (hereinafter, the “Declarant”), an attorney practicing before the bar of this Court pursuant to Local Rule 83.2(g), hereby declares, under the penalties of perjury, pursuant to 28 U.S.C. §1746, the following:

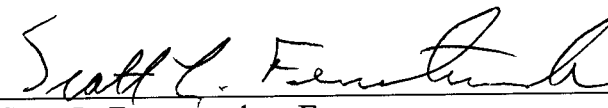
- 1) Declarant is an attorney at law, practicing before this Court pursuant to Local Rule 83.2(g). Declarant is admitted in the courts of New York State, the United States District Courts for the Southern and Eastern Districts of New York, the United States Courts of Appeals for the Second Circuit and the District of Columbia Circuit, and the United States Supreme Court.
- 2) Petitioner, a detainee held at the United States Naval Station at Guantánamo Bay, Cuba, has retained Declarant to act as his attorney in all matters relating to his detention.
- 3) Declarant submits this declaration in support of his application for an Order directing that the writings of the Petitioner to Declarant or the Federal Defender for the District of Nevada (the “Federal Defender”) and any other attorney the Federal Defender claims to be collaborating with her in her defense of Petitioner, and any certified translations thereof, be

submitted to the Clerk of the Court and the chambers of the Honorable Thomas F. Hogan, under seal for this Court's *in camera* and *ex parte* consideration.

4) On November 14, 2008, Declarant received a letter, dated June 8, 2008, from Petitioner. The substance of Petitioner's letter relates to his detention at Guantánamo Bay and is the subject of Retained Counsel's representation. Petitioner's June 8, 2008 letter to Declarant therefore contains material subject to the attorney-client privilege. In addition, Petitioner's June 8, 2008 letter to Declarant references certain communications between Petitioner and the Federal Defender that are material to the issues currently before the Court.

5) Declarant declares under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York
November 18, 2008

By: 
Scott L. Fenstermaker, Esq.