

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

IN RE:

**GUANTANAMO BAY
DETAINEE LITIGATION**

Misc. No. 08-0442 (TFH)

Civil Action Nos. 05-0392, 05-0526, 05-1220, 05-1971, 05-2385, 05-2386, 06-cv-1684, 08-1153

PRAECIPE

Undersigned counsel for Petitioner respectfully states as follows:

1. According to the terms of the Protective Order entered by this Court in the above-captioned cases on September 11, 2008, “Petitioners’ counsel to be provided access to classified information shall execute the MOU appended to this Protective Order, and shall file executed originals with the Court and submit copies to the CSO and government counsel. Such execution, filing, and submission of the MOU is a condition precedent to a petitioners’ counsel having access to, or continued access to, classified information for the purposes of these proceedings.” Protective Order and Procedures for Counsel Access to Detainees at the United States Naval Base in Guantanamo Bay, Cuba, ¶ 17.

2. The Protective Order further provides, “Without authorization from the government or the Court, protected information shall not be disclosed or distributed to any person or entity other than ... petitioners’ counsel, provided such individuals signed the Acknowledgment, attached hereto as Exhibit B, attesting to the fact that they have read this Protective Order and agree to be bound by its terms ...” *Id.* ¶ 35(a).

3. The Protective Order defines “petitioners’ counsel” to include “attorneys employed or retained by or on behalf of a petitioner for purposes of representing the

Exhibit A

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MEMORANDUM OF UNDERSTANDING REGARDING ACCESS TO
CLASSIFIED NATIONAL SECURITY INFORMATION

Having familiarized myself with the applicable statutes, regulations, and orders related to, but not limited to, unauthorized disclosure of classified information, espionage and related offenses; The Intelligence Identities Protection Act, 50 U.S.C. § 421; 18 U.S.C. § 641; 50 U.S.C. § 783; 28 C.F.R. § 17 et seq.; and Executive Order 12958; I understand that I may be the recipient of information and documents that belong to the United States and concern the present and future security of the United States, and that such documents and information together with the methods and sources of collecting it are classified by the United States government. In consideration for the disclosure of classified information and documents:

- (1) I agree that I shall never divulge, publish, or reveal either by word, conduct or any other means, such classified documents and information unless specifically authorized in writing to do so by an authorized representative of the United States government, or as expressly authorized by the Protective Order entered in the United States District Court for the District of Columbia in the above captioned cases.
- (2) I agree that this Memorandum of Understanding and any other non-disclosure agreement signed by me will remain forever binding on me.
- (3) I have received, read, and understand the Protective Order entered by the United States District Court for the District of Columbia in the above-captioned cases, and I agree to comply with the provisions thereof.

Dated: January, 26, 2009



Jessica Baen

ACKNOWLEDGMENT

The undersigned hereby acknowledges that he/she has read the Protective Order first entered on September 11, 2008, in the United States District Court for the District of Columbia in the consolidated cases captioned In re Guantanamo Bay Detainee Litigation, No.08-mc-0442, understands its terms, and agrees to be bound by each of those terms. Specifically, and without limitation, the undersigned agrees not to use or disclose any protected information or documents made available to him/her other than as provided by the Protective Order. The undersigned acknowledges that his/her duties under the Protective Order shall survive the termination of this case and are permanently binding, and that failure to comply with the terms of the Protective Order may result in the imposition of sanctions by the Court.

DATED: January 26, 2009 BY: Jessica Baen

SIGNED: 