

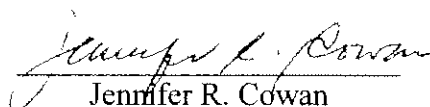
DECLARATION OF JENNIFER R. COWAN

I, Jennifer R. Cowan, pursuant to 28 U.S.C. § 1746, declare the following:

1. I am counsel with the law firm of Debevoise & Plimpton LLP. Debevoise provides *pro bono* representation to several men who have been detained by the United States military at the United States Naval Base at Guantánamo Bay, Cuba (“Guantánamo”).
2. One of the detainees represented by Debevoise was Haji Bismullah (ISN 968), an Afghan national who was captured by the United States military and transported to Guantánamo in March 2003. Bismullah was released from Guantánamo in January 2009 after a Combatant Status Review Tribunal determined that he was not an “enemy combatant.”
3. While Bismullah was at Guantánamo, I and other Debevoise attorneys met with him on approximately ten different occasions. Bismullah never refused to attend a meeting with me or any of my colleagues.
4. One such meeting took place on the morning of October 29, 2008. When my colleague and I arrived at Camp Echo that morning, we were told by the *habeas* escort that Bismullah had refused to attend the scheduled meeting.
5. Pursuant to standard operating procedure at Guantánamo, we wrote a letter to Bismullah asking him to reconsider his supposed refusal. After the letter was delivered to Bismullah, we received word from JTF-GTMO that Bismullah had agreed to attend the meeting.
6. My unclassified notes reflect that during our meeting with Bismullah that day, he told me that he had not refused to attend the meeting. Rather, he told me that when the guards came to his cell that morning and told him that he had a meeting with his lawyers, Bismullah asked for a few minutes to clean up and prepare for the meeting. Bismullah told me that the

guard had interpreted Bismullah's request for a few minutes to prepare for the meeting as a refusal to attend the meeting.

I declare under penalty of perjury that the foregoing is true and correct. Executed in New York, New York this 5th day of June, 2009.


Jennifer R. Cowan