

a. On the first occasion, February, 11, 2008 (preceding this Court's July 29, 2008 Order), Major Michelle Harris spoke with Petitioner to let him know that his attorney was requesting a visit with him. Major Harris provided to me written documentation that Petitioner responded to her that "he did not want to meet with his lawyer" that day.

b. On the second occasion, September, 22, 2008, Petitioner was required to leave the building in which he was housed, Camp 6, and travel to Camp Echo to meet with his attorney. Petitioner was also required to pass through an x-ray machine before he would be permitted to leave Camp 6. Petitioner told a Captain Yang that he was concerned that he would get cancer by passing through an x-ray machine. Captain Yang advised undersigned counsel that she "deemed" his refusal to pass through the x-ray machine a refusal to visit with his lawyer because standard operating procedure required x-ray inspection of petitioners before they visited with their lawyers. Although Petitioner never stated that he was refusing to see his lawyer, Captain Yang advised counsel that she "deemed it to be a refusal" because he would not comply with the standard inspection procedure. I asked Captain Yang if I could meet with Petitioner in the building in which he was housed, Camp 6, so that he would not have to pass through the x-ray machine; Captain Yang refused to permit me to meet with him at Camp 6, stating that all meetings would be conducted at Camp Echo. I reminded Captain Yang that I had previously met with a detainee at Camp 6, without the need for the detainee to be x-rayed, but she refused to permit that process in this case, stating that the procedures had now changed. I asked Captain Yang to deliver an attorney authorization form to Petitioner in both Arabic and English. Captain Yang told counsel that the Petitioner advised her that he found translation discrepancies in the documents, so Petitioner did not want to sign the documents without first consulting with his lawyer. The change in attorney-client visit protocol, therefore, hindered my ability to obtain a signed authorization from my client.

Verification

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

Executed on September 29, 2008.

/s/ Noah H. Rashkind
Noah H. Rashkind