

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

_____)	
MOHAMEDOU OULD SALAHI)	
)	
Petitioner/Plaintiff,)	
)	
v.)	Civil Action No. 1:05-0569 (RCL)
)	
BARACK OBAMA, et al.,)	
)	
Respondents/Defendants.)	
_____)	

DECLARATION OF NANCY HOLLANDER, ESQ.

I, Nancy Hollander, declare as follows:

1. I am a citizen of the United States. I am over eighteen years old and I am prepared to testify to the facts and opinions stated herein, if called upon to do so.

2. I am an attorney licensed to practice law in the state of New Mexico. I am counsel for Mohamedou Ould Slahi (ISN 760), who has been imprisoned at Guantánamo Naval Base, Cuba, since August 2002.

3. I have represented Mr. Slahi continuously since 2005, and I have visited him many times in Guantánamo. Mr. Slahi speaks fluent English so I have never had an interpreter in these meetings and have usually visited him alone. After the initial meetings in 2005, he has never been shackled at any meeting.

4. I provide this declaration in support of Mr. Slahi’s order to show cause requiring the Department of Defense to (1) promptly provide him a required hearing before a Periodic Review Board (“PRB”); (2) cease interfering with his access to this habeas Court; and (3) cease imposing arbitrary and severe restrictions on his conditions

of confinement. I know from my last meeting with Mr. Slahi in April 2015 that he urgently seeks a PRB hearing and the other relief he requests. Based on that meeting and my cleared notes of it, my co-counsel and I drafted a declaration for Mr. Slahi to submit in these proceedings and sent that declaration for Mr. Slahi to review, revise as he sees fit, and sign. We sent the declaration to Mr. Slahi on May 7, 2015. Because of delays in correspondence sent to and from Guantánamo, as well as delays caused by privilege team review of any writing from a Guantánamo prisoner, we still have not received Mr. Slahi's declaration for submission to this Court. In light of the urgency of this matter for Mr. Slahi, we are proceeding without his declaration, but will supplement the record if and when we receive it.

5. On March 7, 2011, President Obama signed Executive Order 13567, requiring that Guantánamo detainees like Mr. Slahi receive a hearing before a Periodic Review Board no later than March 2012. However, the process did not begin until over two years later, in approximately July 2013. On July 19, 2013, Admiral Norton Joerg, RADM, JAGC, USN (Ret.), the Director of the Periodic Review Secretariat sent an email to all habeas counsel, informing counsel of the process. The Periodic Review Secretariat is the body President Obama authorized in Executive Order 13567 to oversee the PRB. That email is attached as Exhibit 1 to this declaration.

6. On July 23, 2013, I wrote to Captain Ryan Wilson, JAGC, USN, Senior Attorney and Legal Advisor to the Periodic Review Secretariat, asking whether Mr. Slahi was on the list of those scheduled for a PRB hearing, and letting him know my co-counsel and I wanted to gather evidence for the hearing and be present for it. The email correspondence between me and Captain Wilson is attached as Exhibit 2 to this

declaration. Mr. Slahi, my co-counsel, and I were heartened by what appeared to be the likelihood of a PRB hearing that year. But no hearing was scheduled for Mr. Slahi during 2013.

7. Sometime during 2014, I learned that Mr. Slahi had been notified that he would be provided a Personal Representative to assist him in preparing for a PRB hearing. Yet no PRB hearing was scheduled for Mr. Slahi during 2014, nor was a Personal Representative appointed.

8. In March and again in April 2015, I wrote to Admiral Joerg, requesting the appointment of a Personal Representative and a hearing for Mr. Slahi. I implored Admiral Joerg to act quickly. Those letters are attached as Exhibit 3 to this declaration. Admiral Joerg did not respond to either letter.

9. When I received no response from Admiral Joerg, I again wrote to Captain Wilson in April 2015, requesting the appointment of a Personal Representative and the scheduling of a PRB hearing. Captain Wilson responded to my email and we had a telephone conversation during which we discussed the history of Mr. Slahi's case and his and my frustration with the lack of movement toward a PRB. Captain Wilson promised to make my concerns about the delay known to the PRB but also told me that he had no power to "change the order" of hearings. That email exchange, including the reference to the telephone call, is attached as Exhibit 4 to this declaration.

10. After I wrote to Captain Wilson, Admiral Joerg finally responded on April 24, stating that he had not seen my previous two letters. That email is attached as Exhibit 5 to this declaration.

11. I recently tried one more time to secure a Personal Representative and a PRB hearing for Mr. Slahi. On May 7, I wrote again to Captain Wilson, noting that we could not wait much longer, and that we were preparing to come to this Court to compel a hearing. On May 12, Captain Wilson informed me that he had “no additional information to provide with regard to a specific hearing date.” That correspondence is attached as Exhibit 6 to this declaration. To date no Personal Representative has been assigned to Mr. Slahi to start the process of preparing for a hearing and no hearing date has been set.

12. As a result of the lack of any progress in his case in the four years since President Obama signed the PRB Executive Order, Mr. Slahi has become increasingly frustrated and depressed.

13. When Mr. Slahi receives a PRB hearing, he and witnesses we intend to call will show that he poses no threat to the United States or any other country. During the entire time Mr. Slahi has been at Guantánamo, he has never had a single disciplinary infraction.

14. Indeed, Mr. Slahi has made clear in everything he has written that he has no animosity to anyone as a result of his incarceration. He explains why that is in his book, *Guantánamo Diary*, which was published in January 2015, and is attached as Exhibit 7 to this declaration.¹ In the book, Mr. Slahi describes in detail his experiences in American custody and his relationships with his interrogators and guards, some of whom abused him and some of whom became his friends. As the book states at the end, describing a conversation Mr. Slahi had with one of his lawyers in 2014,

¹ The published book contains redactions; however, if the Court wishes to see everything Mr. Slahi wrote, counsel will arrange for the Security Officer to provide the full manuscript to the Court.

Mohamedou said that he holds no grudge against any of the people he mentions in this book, that he appeals to them to read it and correct it if they think it contains any errors, and that he dreams to one day sit with all of them around a cup of tea, after having learned so much from one another.

15. When he is released, Mr. Slahi wishes to work and support his family. He has a degree in electrical engineering and is fluent in Arabic, English, French and German. While in Guantánamo he has been studying Spanish and Turkish. He will be a productive member of society.

16. During this Court's August 2009 merits hearing on Mr. Slahi's habeas petition, the Court barred "anybody in the United States government" from interrogating Mr. Slahi. The relevant excerpt from the hearing transcript is attached as Exhibit 8 to this declaration.

17. Mr. Slahi and his counsel have reason to believe that the Defense Department's ongoing refusal to comply with the PRB requirement is aimed at prolonging Mr. Slahi's detention for the purpose of interrogation. Our belief is supported by the events described in a letter from Mr. Slahi to his counsel dated April 17, 2015, and attached as Exhibit 9 to this declaration. *See* Exhibit 9 at page 1 paragraph 2, and pages 3-4. Because the government designated this letter as "For Official Use Only," and it may not be publicly disclosed, it is being filed under seal.

18. In addition to not receiving the hearing to which he is entitled, approximately six months ago the Guantánamo prison administration deprived Mr. Slahi of numerous personal items he had been permitted to have in his cell for many years, including legal documents, a stand-alone computer, family photographs, and gifts that departing prison guards had given him out of friendship. No reason was provided to Mr. Slahi or to counsel to explain why any of these items were taken from him.

19. In approximately October 2014, prison officials took all of Mr. Slahi's legal papers, including court filings and strategy notes. Military lawyers at the prison told Mr. Slahi and his counsel these legal papers would be returned, but they had not been returned when I last visited in April 2015. Government counsel told my co-counsel on May 4 that according to the Defense Department, Mr. Slahi had all his legal papers. As discussed above, I wrote to Mr. Slahi on May 7, but have not yet been able to confirm that the papers have all been returned. Mr. Slahi needs these papers to work with counsel so we can effectively represent him and he is entitled to have them in his cell.

20. At the same time, prison officials took from Mr. Slahi an old computer that one of his interrogators gave him several years ago. The computer did not have internet-connection capability. Mr. Slahi used it to answer questions, write computer programs, including for chess games, and to teach prison guards how to write computer programs. Having the computer has helped Mr. Slahi to keep his mind active and try to recover from the torture and cruel treatment he suffered in U.S. custody. That torture and abuse is described in detail in his book. Prison officials have not explained why they took the computer and they have not returned it.

21. Prison officials also took all of Mr. Slahi's family photographs, some of which have been returned, but not all of them. Mr. Slahi and his counsel have received no explanation why prison officials deprived him of personal photographs, including those of his brothers, sisters, nieces and nephews. He has not seen his family for over fourteen years. It is cruel and unnecessary to deprive Mr. Slahi of photos of family members, especially when those photos were previously cleared for him to have.

22. Over the many years Mr. Slahi has been imprisoned in Guantánamo, several prison guards have befriended him. As a token of their friendship they gave him books as gifts and inscribed personal dedications to him within them. Mr. Slahi described these dedications toward the end of his book, *Guantánamo Diary*. These books and dedications mean a great deal to him. The dedications said things like: “I wish you good luck, and I am sure I will think of you often,” and “I hope you think of us as more than just guards. I think we all became friends.” At around the same time as the other deprivations, prison officials took those books, along with many books that counsel bought for Mr. Slahi over the years. Several prison guards also gave Mr. Slahi hats as gifts, and signed them for him. These items were similarly taken without explanation.

23. All of the personal items prison officials took from Mr. Slahi are important to his mental and emotional well-being. The lack of those items adds to his feelings of depression and growing despair.

24. Mr. Slahi has now been a prisoner at Guantánamo—held without charge—for nearly thirteen years. He cannot understand why he is being treated unfairly, his books and photographs have been confiscated, and the PRB hearing process has not started for him after so many years in which he has been a model prisoner despite severe torture and abuse.

I declare under penalty of perjury, pursuant to the laws of the United States, that the foregoing is true and correct and that this declaration was executed on June 9, 2015, at Albuquerque, New Mexico.



Nancy Hollander

Exhibit 1

-----Original Message-----

From: Joerg, Norton C SES PRS, Director [<mailto:norton.joerg@navy.mil>]
Sent: Friday, July 19, 2013 8:12 PM
To: Joerg, Norton C SES PRS, Director
Cc: Wilson, Ryan CAPT PRS, Legal
Subject: General Notice to Habeas Counsel Regarding Commencement of the Periodic Review Board Process

Habeas Counsel:

As required by Executive Order 13567 and the National Defense Authorization Act FY2012, a new Periodic Review Board (PRB) process will review the continued detention of certain detainees to assess whether continued law of war detention is necessary to protect against a continuing significant threat to the security of the United States. The process does not address the legality of any detainee's law of war detention, but rather makes discretionary determinations about the individual's threat and the necessity of continued law of war detention. The review process will include a hearing before a PRB composed of senior level officials from various U.S. Government agencies. Detainees receiving hearings will be notified by a Personal Representative assigned to assist them in the process. Counsel who have a prior relationship with detainees who will receive a hearing will be contacted in advance of the notification to the detainees.

Any questions about this process should be directed to CAPT Ryan Wilson, Staff Judge Advocate, Periodic Review Secretariat, at ryan.wilson@navy.mil, 703-601-1843.

Norton C. Joerg,
RADM, JAGC, USN (Ret.),
Director, Periodic Review Secretariat



Exhibit 2

-----Original Message-----

From: Nancy Hollander
Sent: Sunday, July 28, 2013 1:50 PM
To: 'Wilson, Ryan CAPT PRS, Legal'
Subject: RE: Re PRB for #760 Slahi

Dear Capt. Wilson,

Thank you for your response. I will wait to hear from you. You reference that I "have represented" Mr. Slahi. Just so your records are accurate, I still represent Mr. Slahi as he has an active habeas case.

Respectfully,

Nancy
Nancy Hollander
Freedman Boyd Hollander Goldberg Urias & Ward P.A.
20 First Plaza, Suite 700
Albuquerque, NM 87102
1.505.842.9960 office
1.505.244.7517 direct
1.505.842.0761 fax
www.fbdlaw.com
nh@fbdlaw.com

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-----Original Message-----

From: Wilson, Ryan CAPT PRS, Legal [<mailto:ryan.wilson@navy.mil>]
Sent: Sunday, July 28, 2013 1:45 PM
To: Nancy Hollander
Subject: RE: Re PRB for #760 Slahi

Dear Ms. Hollander,

Thank you for your email of 23 July 2013. Your interest in the Periodic Review Board process is appreciated.

I have annotated in our files that you have represented Mohamedou Ould Slahi (ISN 760). My office plans to provide you more information after he is scheduled for the notification visit.

Sincerely,
CAPT Ryan Wilson, JAGC, USN
Staff Judge Advocate
Periodic Review Secretariat (PRS)
Office: 703-601-1843

-----Original Message-----

From: Nancy Hollander [<mailto:nh@fbdlaw.com>]
Sent: Tuesday, July 23, 2013 16:53
To: Wilson, Ryan CAPT PRS, Legal
Cc: Joerg, Norton C SES PRS, Director
Subject: Re PRB for #760 Slahi

Dear Capt. Wilson:

I am writing to you regarding my client Mohamedou Ould Slahi, ISN # 760, who is currently imprisoned in Guantanamo. Mr. Slahi has several lawyers but I am the point of contact for you regarding the upcoming PRB hearings. In that regard, my first question is whether Mr. Slahi is on your list of those for whom you will be scheduling a hearing? Assuming that he is, I will need notification and enough time to present this to him in Guantanamo. And I will want to be present at any hearing, as might his other cleared lawyers. We are hoping that you will be able to work with us around schedules so we can adjust our calendars and gather the necessary evidence for the hearing. For your information, my next visit to Mr. Slahi is planned for Tuesday, August 13, 2013.

Please contact me at your convenience so we can discuss specifics. All of my contact information is below.

Thank you very much.

Respectfully,

Nancy

Nancy Hollander
Freedman Boyd Hollander Goldberg Urias & Ward P.A.
20 First Plaza, Suite 700
Albuquerque, NM 87102
1.505.842.9960 office
1.505.244.7517 direct
1.505.842.0761 fax
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nh@fbdlaw.com

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Exhibit 3

LAW OFFICES OF
FREEDMAN BOYD HOLLANDER GOLDBERG URIAS & WARD P.A.

20 FIRST PLAZA, SUITE 700
ALBUQUERQUE, NEW MEXICO 87102

TELEPHONE
(505) 842-9960
FACSIMILE
(505) 842-0761

MAILING ADDRESS:
P.O. BOX 25326
ALBUQUERQUE, NM 87125-0326

Nancy Hollander
Direct Dial: 505-244-7517
E-mail: nh@fbdlaw.com

March 11, 2015

Norton C. Joerg, RADM, JAGC, USN (Ret.)
Director, Periodic Review Secretariat
Via Email: norton.joerg@navy.mil

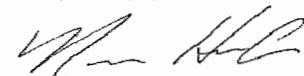
Dear Admiral Joerg:

My co-counsel and I represent Mohamedou Ould Slahi (aka Salahi), ISN 760, who has been detained in Guantanamo since 2002. In 2010, Judge Robertson granted his petition for a writ of habeas corpus. The government appealed and the case was remanded to the district court, where it has been with virtually no progress for the past four years. Mr. Slahi's history of torture and abuse is well documented in numerous US government investigations and in his new book, Guantanamo Diary. Throughout the entire time he has been in prison, he has never had a single disciplinary infraction.

I write to request that you set a date for a Periodic Review Board hearing for Mr. Slahi as soon as possible. According to the Executive Order 13567, this review should have taken place no later than March of 2012. We have witnesses who will attest to the fact that he poses no threat to the United States or to any other country. We understand that the government of Mauritania would welcome his return. He also has family in Germany and speaks several languages. Mr. Slahi is well-educated and will do well once released.

I have been approved for a visit with Mr. Slahi for April 14-15 and would appreciate an answer before that date. I would also like the contact information for the Personal Representatives who will be assigned to assist us. Ms. Slahi was told a few months ago that a Personal Representative would be appointed but he has heard nothing further. Mr. Slahi's release from Guantanamo is long overdue. He is a prime candidate for release and I implore you to act quickly so we can set a date and present his case to the Board.

Very truly yours,



NANCY HOLLANDER



LAW OFFICES OF
FREEDMAN BOYD HOLLANDER GOLDBERG URIAS & WARD P.A.

20 FIRST PLAZA, SUITE 700
ALBUQUERQUE, NEW MEXICO 87102

TELEPHONE
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FACSIMILE
(505) 842-0761

MAILING ADDRESS:
P.O. BOX 25326
ALBUQUERQUE, NM 87125-0326

Nancy Hollander
Direct Dial: 505-244-7517
E-mail: nh@fbdlaw.com

April 1, 2015

Norton C. Joerg, RADM, JAGC, USN (Ret.)
Director, Periodic Review Secretariat
Via Email: norton.joerg@navy.mil

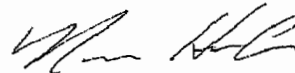
Regarding Mohamedou Ould Slahi (aka Salahi) ISN 760

Dear Admiral Joerg:

This is my second letter to you. I wrote the first letter, which I have also attached here for your convenience, on March 11, 2015. I have not received a reply from you or even confirmation that you received the first letter. Please confirm that you have now received two letters from me regarding my client, Mohamedou Ould Slahi (aka Salahi), ISN 760, who has been detained, without charge, in Guantanamo since 2002.

Although I will not repeat what I said in the first letter, I will again request that you immediately start the process for a Periodic Review Board hearing for Mr. Slahi. As I wrote previously, I have been approved for a visit with Mr. Slahi for April 14-15 and would appreciate an answer before that date along with the contact information for the Personal Representatives who will be assigned to assist us. Once again, I am requesting that you act in accordance with the Executive Order creating your position.

Very truly yours,



NANCY HOLLANDER

Exhibit 4

From: "Wilson, Ryan CAPT PRS, Legal" <ryan.wilson@navy.mil>
Date: April 28, 2015 at 10:05:47 AM MDT
To: Nancy Hollander <nh@fbdlaw.com>
Subject: RE: PRB for #760 Mohamedou Ould Slahi

Ms. Hollander,

I am glad you called. I will ensure that the Board is made aware of your correspondence to RADM Joerg and your request for an expedited hearing for Mr. Slahi.

Sincerely,
CAPT Ryan Wilson, JAGC, USN
Staff Judge Advocate
Periodic Review Secretariat (PRS)
Office: (703)601-1790

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-----Original Message-----

From: Nancy Hollander [<mailto:nh@fbdlaw.com>]

Sent: Tuesday, April 28, 2015 10:32 AM

To: Wilson, Ryan CAPT PRS, Legal

Subject: Re: PRB for #760 Mohamedou Ould Slahi

Dear CAPT Wilson,

Thank you for taking my call yesterday. I would appreciate anything you can do to assist us in getting a PRB for Mr. Slahi. His threat level is the lowest possible in the prison and he can return to his home country of Mauritania, which is not in any "war zone."

I plan to remain in contact with you.

Respectfully,

Nancy

Nancy Hollander

Freedman Boyd Hollander Goldberg Urias & Ward P.A.

20 First Plaza, Suite 700, Albuquerque, NM 87102 <x-apple-data-detectors://1/0> Phone 1.505.842.9960 Direct 1.505.244.7517 Fax 1.505.842.0761

nh@fbdlaw.com <<mailto:JRB@FBDLAW.com>> www.fbdlaw.com
<<http://www.fbdlaw.com/>>

Associate Tenant-Doughty Street Chambers

<http://www.doughtystreet.co.uk/barristers/profile/nancy-hollander>

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On Apr 24, 2015, at 4:32 PM, Wilson, Ryan CAPT PRS, Legal <ryan.wilson@navy.mil> wrote:

Ms. Hollander,

As the senior attorney and legal adviser for the Periodic Review Secretariat, I am replying to your two letters to RADM Joerg, dated March 15, 2015 and April 11, 2015.

First, I appreciate your continued interest in the Periodic Review Board (PRB) process. I note your previous e-mail to me back in July of 2013. Since that time, the PRB has completed numerous hearings, and our public website has the most up-to-date information. See www.prs.mil

Notwithstanding the progress we have made so far, there are a number of detainees who have not had their initial hearing, Mr. Slahi (ISN 760) being among them. Please note the PRB makes that the final decision on case sequencing. I will ensure that the Board is cognizant of your letters and the requests contained within them.

For your further information, Personal Representatives have not been assigned for Mr. Slahi. Please be assured that my office will contact you once Mr. Slahi's case file preparation is completed and planning begins for notification of the actual hearing date.

If you would like to discuss this matter further, please feel free to contact me at (703) 601-1790.

Sincerely,
CAPT Ryan Wilson, JAGC, USN
Staff Judge Advocate
Periodic Review Secretariat (PRS)
Office: (703)601-1790

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-----Original Message-----

From: Nancy Hollander [<mailto:nh@fbdlaw.com>]

Sent: Friday, April 24, 2015 11:32 AM

To: Wilson, Ryan CAPT PRS, Legal

Subject: PRB for #760 Mohamedou Ould Slahi

Dear Sir,

I have written two letters to Admiral Joerg---both of which I have attached here. He has not responded to either one, even to acknowledge receipt. I am requesting a PRB hearing for my client, Mohamedou Ould Slahi, ISN 760. Mr. Slahi has been in Guantanamo since 2002. He has never had a single disciplinary infraction and has been a model prisoner. He has fully cooperated with the government even after the government badly mistreated him. In 2010 Judge Robertson granted his habeas petition, which was appealed and remanded. Since that time we have not had a new hearing.

Please confirm receipt of this email and the two letters to Admiral Joerg. And please assign Personal Representatives to Mr. Slahi so we can schedule a PRB. There is no reason why others are getting these hearings and he is not.

Thank you.

Respectfully,

Nancy

Nancy Hollander

Small Logo

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nh@fbdlaw.com <<mailto:JRB@FBDLAW.com>> www.fbdlaw.com
<<http://www.fbdlaw.com/>>

Associate Tenant-DoughtyStreet Chambers

<http://www.doughtystreet.co.uk/barristers/profile/nancy-hollander>

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Exhibit 5

From: Joerg, Norton C SES PRS, Director <norton.joerg@navy.mil>

Date: April 24, 2015 at 1:31:54 PM MDT

To: Nancy Hollander <nh@fbdlaw.com>

Subject: RE: Regarding Mohamedou Ould Slahi (#760)

Ms. Hollander --

CAPT Wilson of my office has forwarded to me your e-mail of this date in which you advise him of having sent to me two e-mails regarding Mohamedou Ould Slahi, and that you have received no reply to either. I did not see these e-mails as the result of an administrative error. I have located your e-mail dated from April 1, with which you forward correspondence from both March 11 and April 1, and have reviewed its contents.

I regret that I did not see the e-mails in timely fashion. I was out of the office for the early part of this month and this may have contributed to the problem.

In any event, CAPT Wilson is in fact the proper person to address your concerns, as he is the Periodic Review Secretariat's senior attorney and is responsible for responding to questions such as yours. He is copied on this e-mail and will respond to your correspondence directly.

Best regards,

-- Norton Joerg
Director, Periodic Review Secretariat

-----Original Message-----

From: Nancy Hollander [<mailto:nh@fbdlaw.com>]

Sent: Wednesday, April 01, 2015 5:25 PM

To: Joerg, Norton C SES PRS, Director

Subject: Regarding Mohamedou Ould Slahi (#760)

Dear Admiral Joerg,

Please see the two attached letters. And please confirm receipt. Thank you.

Respectfully,

Nancy

Nancy Hollander

Small Logo

Freedman Boyd Hollander Goldberg Urias & Ward P.A.

20 First Plaza, Suite 700, Albuquerque, NM 87102 Phone 1.505.842.9960

Direct 1.505.244.7517 Fax 1.505.842.0761

nh@fbdlaw.com <<mailto:JRB@FBDLAW.com>> www.fbdlaw.com

<<http://www.fbdlaw.com/>>



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Exhibit 6

From: "Wilson, Ryan CAPT PRS, Legal" <ryan.wilson@navy.mil>
Date: May 12, 2015 at 3:01:50 PM MDT
To: Nancy Hollander <nh@fbdlaw.com>
Subject: RE: Regarding Slahi #760

Ms. Hollander,

I have returned from being out of town. I have no additional information to provide with regard to a specific hearing date in the case of Mr. Slahi (ISN 760). Please note that once a personal representative is assigned and a hearing is scheduled, our office will contact you.

Again, I want to thank you for your continued interest in the Periodic Review Board process and look forward to working with you.

Sincerely,
CAPT Ryan Wilson, JAGC, USN
Staff Judge Advocate
Periodic Review Secretariat (PRS)
Office: (703)601-1790

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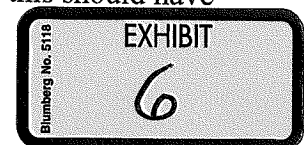
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-----Original Message-----

From: Nancy Hollander [<mailto:nh@fbdlaw.com>]
Sent: Thursday, May 07, 2015 2:09 PM
To: Wilson, Ryan CAPT PRS, Legal
Subject: Regarding Slahi #760

Dear CAPT Wilson,

I am writing again because we still have not heard anything about a PRB getting scheduled--or the process even beginning---for Mr. Slahi. We have waited for a while and cannot wait much longer. We are preparing to go into federal court with a motion to compel the PRB. We believe we have excellent grounds in part because it has now been years since this should have



happened pursuant to the Executive Order. Therefore, unless we hear in the immediate future that this process has started and personal representatives are being assigned to Mr. Slahi, we will file our motion in the federal court in the District of Columbia.

I do hope to hear from you soon.

Respectfully,

Nancy
Nancy Hollander

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Exhibit 7

[Exhibit 7 is a published book, *Guantánamo Diary*, by Mohamedou Ould Slahi (Little, Brown and Company, 2015) (ISBN 978-0316328685), that cannot be filed electronically. Pursuant to Local Civil Rule 5(e), a copy will be maintained in the possession of Petitioner’s counsel, and a copy will be served by mail on counsel for the Respondents. A courtesy copy will also be mailed to the chambers of Judge Lamberth.]

Exhibit 8

001

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA MOHAMMEDOU OULD SALAHI, : Civil Action No. 05-569 Petitioner : v. : August 27, 2009 BARACK OBAMA, et al., : Defendants : 9:30 a.m.

Court Reporter: REBECCA STONESTREET, RPR, CRR Official Court Reporter Room 6511, U.S. Courthouse Washington, D.C. 20001 (202) 354-3249

Proceedings reported by machine shorthand, transcript produced by computer-aided transcription.

TRANSCRIPT OF CLASSIFIED MERITS HEARING DAY I BEFORE THE HONORABLE JAMES ROBERTSON UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Petitioner: NANCY HOLLANDER THERESA M. DUNCAN FREEDMAN BOYD DANIELS HOLLANDER & GOLDBERG, P.A. 20 First Plaza Suite 700 Albuquerque, NM 87102 (505) 842-9960 LINDA MORENO (By Video) LINDA MORENO, P.A. P.O. Box 10985 Tampa, FL 33679 (813) 247-4500 For the Respondents: JOSEPH CHARLES FOLIO, III JULIA A. BERMAN U.S. DEPARTMENT OF JUSTICE 20 Massachusetts Avenue, NW Washington, D.C. 20530 (202) 305-4968 RODNEY PATTON U.S. DEPARTMENT OF JUSTICE 1425 New York Avenue Suite 10100 Washington, D.C. 20005 (202) 616-4105

003

PROCEEDINGS

COURTROOM DEPUTY: This is civil action 05-569, Mohammedou Ould Salahi, et al. versus Barack Obama, et al. Nancy Hollander and Theresa Duncan represent the petitioner; Joseph Folio and Rodney Patton represent the respondents.

THE COURT: Good morning, everybody. We have a few things to sort out before we get started here. I think what I would like to do is to ask government counsel to explain, just so that I understand it, this very impressive array of uniformed personnel who are sitting around the periphery of the courtroom, and how that's going to work.

MR. PATTON: Good morning, Your Honor.

THE COURT: Good morning.

MR. PATTON: Rodney Patton for respondents. Basically, as I understand it, the protocol is this: When we begin a particular session and --

(Brief interruption.)

MR. PATTON: My understanding, Your Honor, is when we start a session and it's in a declass mode, declassified mode, when we are about to go into discussions of classified information, the attorney who is doing the presentation will be able to note that for the record, and I believe an IT person from the court will press a mute button on the video so that there's no audio coming through.

At other times, perhaps during the same presentation,

0004

1 there will be a visual depiction of a classified exhibit up 2 here; at that time the video from Guantanamo will have to be 3 disabled. And I believe that can be done by putting a cap over 4 the video, so at that time it would both be audio and visually. 5 When we're ready to come back on, we can take the video and 6 unmute it and they're back with us.

7 THE COURT: All right. Now, the very proceedings we're 8 having now are -- have been muted for the petitioner, who I can 9 clearly see on screen but he can't hear me. Has this procedure 10 been explained to him, anybody know?

11 MS. HOLLANDER: Your Honor, only informally in the last 12 few minutes before you came in, some of the gentlemen explained 13 to Ms. Moreno -- and I do want to announce that Linda Moreno is 14 also counsel for Mr. Salahi and she is there with him. And we 15 briefly explained it to him, that there would be times when they 16 would be muted, and that we would warn them when it was going to 17 be muted so that they wouldn't think it was a mistake.

18 THE COURT: All right.

19 MS. HOLLANDER: Because just in the last half-hour, 20 it's tended to go on and off by itself a couple of times.

21 THE COURT: Now, I don't want there to be mistakes that 22 will keep things from him, but I also don't want there to be 23 mistakes in the other direction, either. I see some -- I see a 24 couple of guys out here in white uniforms that I recognize from 25 my own military heritage, so they will understand this better

0301

1 THE COURT: Mr. Patton, you've got something?
 2 MR. PATTON: Yes, just one very quick thing.
 3 THE COURT: We're not keeping house again, are we?
 4 MR. PATTON: Yes, that's my only job.
 5 Just on respondent's position about Dr. Iacapino
 6 speaking to you privately off the record. We don't oppose that;
 7 we recognize the sensitive nature of this issue, and we don't
 8 oppose it for those grounds, obviously recognizing that we won't
 9 be able to cross examine Dr. Iacapino on that issue and ask the
 10 Court to bear that in mind.

11 The only other thing I would like to say is, the
 12 government has investigated and reported on these allegations in
 13 several reports, and the factual findings are there for the
 14 Court to look at.

15 THE COURT: I'm aware of that. Thank you.

16 MR. PATTON: Thank you, Your Honor.

17 THE COURT: Okay. We'll be in recess until 1:30, and
 18 I'm going to adjourn with the doctor into the jury room for as
 19 long as that takes. And we'll see you-all back here at 1:30.
 20 Thank you.

21 (Recess taken at 12:08 p.m.)

22 MS. HOLLANDER: Your Honor, I have one very brief
 23 matter.

24 THE COURT: All right.

25 MS. HOLLANDER: And I'll do this one calmly. During

0302

1 the lunch break we did talk to our client, as you know. We have
 2 learned that a couple of weeks ago, some FBI -- we believe
 3 they're FBI interrogators came to see him and brought with
 4 them -- he's just now seeing 139 and a few other documents. He
 5 saw them today. A few weeks ago they brought them to him and
 6 wanted to interrogate him about those same documents. We've
 7 just learned this from him now that he's looked at them.

8 He refused to meet with them and told them that he
 9 needed to talk to his lawyers, but I would appreciate an order
 10 from this court that any agency that plans -- is involved in
 11 this case, that they be instructed not to continue to
 12 interrogate our client about the documents that we're in the
 13 middle of this hearing about.

14 I gave up long ago trying to convince Gitmo that when
 15 somebody is represented, he can't be interrogated, in the early
 16 years, but I think at this point it's really different. We
 17 represent Mr. Salahi and have authority to represent him in this
 18 habeas, we represent him in whatever is left of the DTA
 19 proceeding, we represent him in the FOIA proceeding that's still
 20 in front of this court that's stayed. If there were to be a
 21 military commission, we have authority to represent him. If
 22 there's an Article III prosecution, we have authority to
 23 represent him. We represent him everywhere, and he's asserting
 24 his right to counsel and his right not to be interrogated.

25 MS. MORENO: If I may make a particular correction.

0303

1 I'm so sorry to interrupt, but I wanted the Court to know the
 2 complete accuracy of Ms. Hollander's statement. It was not the
 3 FBI who came to interrogate him, it was the Department of
 4 Defense.

5 MS. HOLLANDER: Okay. Thank you. I didn't know who it
 6 was.

7 THE COURT: Government have any response to that?

8 MR. PATTON: Yes. When you just learned of it right
 9 there, I just learned of it. I can assure you that no one
 10 involved in the Department of Justice habeas team has in any way
 11 sought to directly or indirectly contact Mr. Salahi. I can give
 12 you my absolute assurance both for me, Mr. Folio, for anyone on
 13 the habeas team. I'm not aware of anyone on the DOJ habeas team
 14 who has tried to seek contact with Mr. Salahi, period.

15 If the Department of Defense is in any way seeking to
 16 interrogate him, it's beyond the bounds of this habeas. As far
 17 as I know, the DOD retains the ability to interrogate terrorism
 18 suspects, but it's got nothing to do with us. I've never heard
 19 that. I'm happy to check into it and find out what is going on,
 20 but my suspicion is that it's unrelated completely to anything
 21 that's happening in this habeas case.

22 THE COURT: We are in the middle of an ongoing
 23 proceeding in habeas corpus. The petitioner has submitted
 24 himself to the jurisdiction of this court for purposes of the
 25 habeas proceedings. The United States government is instructed

0304

1 that there is to be no interrogation of Mr. Salahi by anybody in
 2 the United States government, Defense Department, CIA, FBI,
 3 anybody, while these proceedings are going forward. And if you
 4 have any problem with that, submit a motion and file a brief.
 5 But that's an oral order of the court that I want obeyed until
 6 further order of the Court.

7 MR. PATTON: I understand, Your Honor. I just want to
 8 make it perfectly clear that no one associated with this case in
 9 any way directly or indirectly had anything to do with it.

10 THE COURT: I heard that, I absolutely believe that. I
 11 think what's going on is that somebody in DOJ doesn't understand
 12 how the land lies. But I want you to pass the word along of
 13 what I've just said.

14 MR. PATTON: I'll be happy to pass the word along.
 15 Thank you, Your Honor.

16 THE COURT: Thank you.

17 Ms. Hollander, you may continue your
 18 direct examination -- no, excuse me. You're finished.
 19 Ms. Berman, it's your nickel.

20 Does the petitioner want this muted too, as we have
 21 been before?

22 MS. HOLLANDER: I believe he told us, Your Honor, that
 23 he would like to hear this. So he does not want to mute.

24 THE COURT: He wants to hear the cross?

25 MS. HOLLANDER: Yes, Your Honor.

Exhibit 9

[Exhibit 9 is a letter from Mr. Slahi to his counsel dated April 17, 2015, that has been designated by the government as “For Official Use Only,” and that therefore cannot be filed on the public record. It is being filed under seal.]