

EXHIBIT 2

until November 12, 2004, the Friday before the opening of the secure work facility for habeas counsel on Tuesday, November 16, 2004. I then began attempts to coordinate the transfer of the notes to the Privilege Team for review.

4. On November 16, 2004, Mr. Colangelo-Bryan sent me an e-mail message from the secure facility complaining that none of the interview notes had been reviewed by the Privilege Team. A copy of the e-mail is attached. During a subsequent phone call with Mr. Colangelo-Bryan, I explained that the Privilege Team has seven business days to review any materials submitted for classification review, beginning from the date the team receives the materials. See Amended Protective Order, Ex. A at ¶ VII.C.1. I then coordinated with the CSOs, and understand that the documents transferred to the Privilege Team on or about November 17, 2004.
5. Mr. Colangelo-Bryan's request for Privilege Team review was one of the first requests for review of attorney visit notes in the GTMO habeas litigation. Shortly after the secure facility was opened, requests for Privilege Team review began to be handled primarily through direct requests from counsel to the CSOs, without involvement of Department of Justice counsel.

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

Dated: January 5, 2005



ANDREW I. WARDEN
Trial Attorney, U.S. Department of Justice

Warden, Andrew (CIV)

From: Colangelo.Bryan.Joshua@dorsey.com
Sent: Tuesday, November 16, 2004 3:08 PM
To: Warden, Andrew (CIV)
Subject: Re:



tmp.htm

Andrew,

We are in the secure facility and two issues have arisen.

First, only five of the six packets of interview notes we submitted at gtmo are here. The notes that I took during meetings with Almurbatl are not to be found and Jennifer Campbell does not remember seeing them.

Second, none of the interview notes that are here have been reviewed by the privilege team despite my request last week that a review take place. Jennifer does not remember that any request for review was communicated to her.

Please get back to me as soon as you can. My cell is 917 385 1633.

Thanks,
Josh

Sent from my BlackBerry Wireless Handheld