(b)(1),(b)(2),(b)(1) Sec 1.4 A,(b)(1) Sec 1.4 C

(b)(1),(b)(2),(b)(3):10 USC §130b,(b)(6),(b)(7)(C),(b)(1) Sec 1.4 A,(b)(1) Sec 1.4 C

DECLARATION OF (b)(3):10 USC §130b,(b)(6),(b)(7)(C)

Pursuant to 28 U.S.C. § 1746, I, (b)(3):10 USC §130b,(b)(6),(b)(7), hereby declare:

1. I am the Special Agent in Charge, Southeast Field Office, Naval Criminal Investigative Service ("NCIS"). I have served in this position since May 2004. In this capacity I supervise all NCIS investigations within the jurisdiction of the Southeast Field Office, which includes Georgia, Florida (less the Pan Handle), the Caribbean (to include the U.S. Naval Base at Guantanamo Bay, Cuba), as well as South and Central America. The following declaration, which is based on my personal knowledge or information supplied to me in my official capacity, pertains to the investigation that was initiated at my direction into the deaths of three detainees at the U.S. Naval Base at Guantanamo Bay, Cuba.

2. After the detainee suicides of 10 June 2006, the Naval Criminal Investigative Service (NCIS) initiated an investigation into the circumstances of the suicides at the U.S. Naval Base at Guantanamo Bay, Cuba. The NCIS is the primary criminal investigation service of the Department of the Navy and is responsible for investigating unattended deaths on U.S. Naval installations. The Navy has primary jurisdiction over Guantanamo Bay, Cuba.

3. On 10 June 2006, NCIS found what appeared to be handwritten suicide notes on the deceased detainees' persons. NCIS conducted searches of the detainees' cells and discovered a handwritten note hidden in the mesh wall of one of the deceased detainee's cell which, when translated, was found to be related to the suicides. That note was written in Arabic on notepaper that had been stamped "Attorney Client Privilege," on the back of the paper, and after translation was found to have been written by someone using a name different from the name of the detainee who lived in the cell. NCIS investigators

EXHIBIT (142)

then searched other occupied cells in the cellblock for additional evidence surrounding the deaths of the three detainees and/or additional planned suicides. The NCIS team searched for, among other items, handwritten notes that could be relevant to the three suicides, including anything that would reflect a suicide plan or pact. Notes were subsequently found in the cell of a detainee other than the three suicide victims. These notes were written in Arabic, and after translation, were considered to be relevant to the investigation and potentially authored by at least two of the deceased detainees. These notes were handwritten, many of them on stationery stamped "Attorney-Client Communication", "Privileged and Confidential", and "Attorney-Detainee Materials", in both English and Arabic.

4. The discovery of these notes led NCIS to expand the scope of the search to include handwritten materials in all enemy combatant detainees' cells throughout the Guantanamo detention facility beginning on 14 June 2006. The purpose of the expanded search was to pursue logical investigative leads concerning the deaths of the three detainees and to determine whether other suicides were planned or likely to be planned. On 14 June 2006, the NCIS team recovered personal items and papers, including legal material and other correspondence. The NCIS collected the written materials, not for immediate review by the investigative team, but for review at a later time due to the large volume of materials that was recovered and the need for translators. Approximately 1100 pounds of materials/documents were recovered during the searches. The materials collected from each detainee's cell and effects were separately bagged for eventual sorting and review.

5. On 18 June 2006, NCIS personnel began sorting materials from bags pertaining to eleven detainees. This process involved separating Attorney Client Privileged information from non-privileged information, and conducting a preliminary scan of non-

privileged information for items that could be of evidentiary value. Several items were discovered that were deemed relevant to the investigation, including one that contained instructions on tying knots. In addition, in the materials recovered from one detainee's cell was an original JTF-GTMO generated email that appeared to contain classified or sensitive information regarding cell locations of detainees as well as details concerning camp operational matters. While examining other materials from the same detainee to determine whether there were other potentially classified U.S. Government documents, the NCIS investigators discovered three envelopes that were marked as attorney-client privileged information. I looked at the contents of the three envelopes and determined that one of them contained a document with a "Secret" stamp lined out and marked "Unclassified" by an unknown individual. A second envelope contained a typed document stamped "FOUO." The third envelope contained documents that did not bear any classification or special handling markings. Neither I nor any other member of the NCIS review team read any of the documents in the three envelopes. I then suspended further examination of the materials due to the volume of materials, the apparent multitude of foreign languages within the materials, and the need for guidance regarding the handling of purported attorney-client material.

I hereby declare under the penalties of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

DATED: 7 Jul 06

(b)(3):10 USC §130b,(b)(6),(b)(7)(C)