

EXHIBIT E

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

**IN RE: GUANTANAMO BAY DETAINEE
CONTINUED ACCESS TO COUNSEL**

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Misc. No. 12-0398 (RCL)

**DECLARATION OF REBECCA BRIGGS IN SUPPORT OF THE EMERGENCY
MOTION CONCERNING ACCESS TO COUNSEL**

I, REBECCA BRIGGS, under penalty of perjury pursuant to 28 U.S.C. § 1746, declare that the following is true and correct:

1. I am an associate in the law firm of Orrick, Herrington & Sutcliffe LLP, attorneys for detainee Zakaria al-Baidany, ISN 1017. I am a member in good standing of the bar of the State of New York. I respectfully submit this Declaration in Support of the Emergency Motion Concerning Access to Counsel.

2. On March 19, 2013, an attorney at the Department of Justice notified me that Mr. al-Baidany requested a phone call with me, Clive Stafford Smith, or Ahmed Ghappour.

3. I immediately scheduled a call for the earliest possible date available at the time, less than 2 weeks in advance, April 1, 2013. On April 1, 2013, I was informed by Angela Weidenbenner, Paralegal Specialist at the Department of Defense, that Mr. al-Baidany refused to accept the call.

4. I scheduled another call for May 15, 2013. On that date, an official at U.S. Naval Station Guantanamo Bay informed me that Mr. al-Baidany again refused to accept the call.

5. Prior to April 1, 2013, to the best of my recollection, Mr. al-Baidany had never refused a telephone call from or meeting with me.

6. On May 15, 2013, the Privilege Review Team notified me that Mr. al-Baidany sent six letters addressed to me. After performing a classification review, and designating the letters "unclassified," in whole or in part, the Privilege Review Team faxed copies of the unclassified material to my office on May 16, 2013. In one of faxed these letters, all of which are undated, Mr. al-Baidany specifically wrote that any time a detainee meets with "an attorney, make a phone call or being moved [sic] outside the camp or the hospital, they will search the private parts and the anal area."

7. Due to the body searches, I cannot meet or speak with my client. As he wrote, “[b]ecause of this reason [the searches], I will not be able to meet with you nor call you.”

Executed on May 22, 2013
New York, New York

By: /s/ Rebecca Briggs
Rebecca Briggs