

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

AL HALMANDY, <i>et al.</i> ,)	
)	
Petitioner,)	Civil Action No. 05-2385 (ESH)
)	(Jawad, ISN 900)
v.)	
)	
BARACK OBAMA,)	
President of the United States, <i>et al.</i> ,)	
)	
Respondents.)	
)	

Declaration of Major Eric S. Montalvo, U.S. Marine Corps

I am Eric S. Montalvo, a Major in the U.S. Marine Corps. I have served just over 21 years in the Marine Corps, including over eight years as an enlisted Marine. I am a 2002 graduate of the Temple University Beasley School of Law, and have been a Marine Judge Advocate for seven plus years serving as a military prosecutor and defense counsel. I am currently assigned to the Office of Military Commissions – Defense and have been properly detailed to U.S. v. Jawad by the Chief Defense Counsel. I have served as Mr. Jawad’s detailed counsel since August, 2008.

I recently returned from Afghanistan where I had traveled in May 2009 with other members of Mr. Jawad’s military commission defense team. The purpose of my trip was two-fold 1) to develop evidentiary issues within the case and 2) build upon Afghan governmental relationships that were established during my first visit to Afghanistan in the fall of 2008.

During my recent trip, the team received additional evidence that was considered “new” and that the government had in its possession since February, 2009. No explanation for the delay was offered. This evidence appears to be the same evidence that the Government referenced in its recent July 24, 2009 filing as evidence that was “not previously available for inclusion in the record.” Suffice it to say none of this evidence is new and based upon our investigation none of it is credible or reliable.

I have developed a strong and continuing relationship with several members of the Afghan government. I have provided them consistent status updates on Mr. Jawad’s case both directly and through the Afghan Ambassador to the U.S.

I had a telephone conversation on 27 July 2009 at approximately 0730 with a high level government official who directly represents the interests of His Excellency, President Karzai. In this conversation this government official assured me that the Afghanistan

government is ready, willing, and able to pick up Jawad at Guantanamo and stated "if I have to pay for the plane out of my own pocket I will. This boy doesn't need to stay at Guantanamo one day longer." Our conversation included a review of the recent documents filed such as the Judge Ellen S. Huvelle's ruling of 17 July 2009, the government submission of 24 July 2009, and the transcript of the 16 July 2009 hearing. One concern was the delay asserted by the U.S. Government in its July 24 filing as tied to funding authorization. This concern was quickly addressed, and I was informed that this would not be an issue of concern and that whatever, whenever, and wherever the Afghan government needs to be to get Mr. Jawad it would do so, would bear the full cost, and that all the U.S. needs to do is release him from his illegal detention.

I hereby state under penalty of perjury that the foregoing is true and accurate to the best of my knowledge.


Major Eric S. Montalvo

Dated: July 27, 2009