

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

IN RE:

Misc. No. 08-442 (TFH)

**GUANTANAMO BAY
DETAINEE LITIGATION**

SHARAF AL SANANI,

Petitioner,

v.

Civil Action No. 05-2386 (RBW)

GEORGE W. BUSH, et al.,

Respondents.

**DECLARATION OF JAMES F. BOGAN III IN SUPPORT OF PETITIONER
SHARAF AL SANANI'S RESPONSE TO COURT ORDERS TO PROVIDE EVIDENCE
OF AUTHORIZATION**

1. My name is James F. Bogan III. I am over the age of 21, am competent to provide testimony, and have personal knowledge of the facts set forth in this Declaration.

2. I am an attorney licensed to practice law and in good standing in the state of Georgia. I am a partner with the law firm of Kilpatrick Stockton LLP.

3. Together with Reprieve, a human rights organization based in London, U.K., Kilpatrick Stockton LLP is co-counsel for Sharaf Al Sanani (a/k/a Sharaf Ahmad Muhammad Masud) (ISN 170) ("Mr. Al Sanani").

4. Mr. Al Sanani's *habeas corpus* petition was originally brought on behalf of Sami Muhyedin al Hajj (a/k/a Sami Muhyideen), a fellow detainee who acted as Mr. Al Sanani's "next friend."

5. On July 19, 2006, Hassan Masood, the brother of Mr. Al Sanani, authorized "Clive Stafford Smith, Zachary Katznelson, *Reprieve*, and *Justice in Exile*, and any person or organization assigned by these lawyers, to act on my behalf and my brother's behalf ... to seek whatever redress they believe to be in his best interests, in the courts of the United States, and in any other legal forum available." A true and correct copy of this authorization is attached as Exhibit D to Petitioner Sharaf Al Sanani's Response.

6. Subsequent to and in accordance with this authorization, during discussions and e-mail exchanges with attorneys from Reprieve and Kilpatrick Stockton LLP, on September 28, 2006, Hassan Masood expressly authorized Kilpatrick Stockton LLP to serve as co-counsel for Mr. Al Sanani, along with attorneys from the Center for Constitutional Rights. A partially-redacted copy of this authorization is attached as Exhibit E to Petitioner Sharaf Al Sanani's Response.

7. Attorneys from Reprieve and Kilpatrick Stockton LLP have sent several letters to Mr. Al Sanani. He has not responded to any of these efforts.

8. Attorneys from Reprieve and Kilpatrick Stockton LLP have attempted to meet with Mr. Al Sanani several times. For example, on July 29 and 30, 2008, attorneys from Kilpatrick Stockton LLP sought to meet with Mr. Al Sanani during a visit to the base, but were informed that Mr. Al Sanani declined to meet with them.

9. On October 7 and 8, 2008, attorneys from Kilpatrick Stockton LLP sought once again to meet with Mr. Al Sanani during a visit to the base, but were again informed that Mr. Al Sanani refused to meet with them.

10. Based on notes from a meeting between Ramzi Kaseem, who is currently a Clinical Lecturer in Law at Yale Law School and, at the time, an Adjunct Professor of Law at

Fordham University School of Law, and the family of Mr. Al-Sanani, it has been learned that Mr. Al Sanani has suffered from a severe mental condition since the age of eight. A partially-redacted copy of these notes are attached as Exhibit F to Petitioner Sharaf Al Sanani's Response.

11. The Government has never directly questioned counsel's authorization to represent Mr. Sanani. To the contrary, on November 30, 2008, Mr. Terry M. Henry, contacted John R. Gibson of Kilpatrick Stockton and inquired as to the position of "Counsel" regarding the Government's proposed deviation from the sequence of filing factual returns contemplated by Judge Hogan's scheduling order. A true and correct copy of this e-mail string is attached as Exhibit G to Petitioner Sharaf Al Sanani's Response.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 5, 2009.

/s/ James F. Bogan III

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