

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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<b>IN RE: GUANTÁNAMO BAY</b>	:	
<b>DETAINEE LITIGATION</b>	:	<b>Misc. No. 08-442 (TFH)</b>
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<b>IBRAHIM OSMAN IBRAHIM IDRIS,</b>	:	
<b>    Detainee, Guantánamo Bay Naval Station,</b>	:	
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<b>        <i>Petitioner,</i></b>	:	
	:	
<b>        <i>v.</i></b>	:	
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<b>GEORGE W. BUSH,</b>	:	<b>Civil Action No. 05-1555 (JR)</b>
<b>    President of the United States, <i>et al.</i>,</b>	:	
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<b>        <i>Respondents.</i></b>	:	
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**MOTION FOR APPOINTMENT OF MOHAMMED IDRIS AS NEXT FRIEND**

Counsel for Petitioner Ibrahim Osman Ibrahim Idris, a detainee at the United States Naval Station at Guantanamo Bay, Cuba (“Guantánamo”), hereby move for an order appointing his brother, Mohammed Idris, as Next Friend in the above-captioned matter, due to Petitioner’s inability to act in his own interests due to mental incapacity.<sup>1</sup>

<sup>1</sup> Counsel for Petitioner have conferred with counsel for the government, and they have declined to consent to the requested relief.

As described in the declaration of Jennifer R. Cowan, attached hereto as Exhibit A, Petitioner is suffering from mental illness and has become completely non-communicative and therefore unable to act in his own self-interest. Counsel have been unable to meet with Petitioner for several months but understand that his mental illness is continuing. Due to the circumstances of Petitioner's detention, he has not been examined by an independent licensed medical professional in order to ascertain his mental capacity. The declaration of Jennifer R. Cowan sets forth the factual basis for a finding of his mental incapacity.

Mohammed Idris, the proposed Next Friend, has served as counsel's principal contact with Petitioner's family throughout their representation of Petitioner and is a proper and responsible person to be appointed as Next Friend. He has consented in writing to act as Next Friend in any matter relating to or arising out of Petitioner's detention at Guantánamo. *See* Next Friend Authorization and Translation, attached as Exhibit B hereto. Declaration of Semra A. Mesulam, attached as Exhibit C hereto.

Dated: January 23, 2009

Respectfully submitted,

/s/ Jennifer R. Cowan  
Jennifer R. Cowan  
DEBEVOISE & PLIMPTON LLP  
919 Third Avenue  
New York, New York 10022  
Telephone: (212) 909-6000  
Facsimile: (212) 909-6836

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Telephone: (202) 383-8000  
Fax: (202) 383-8118

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**PROPOSED ORDER**

It is hereby ORDERED that the Motion for Appointment of Mohammed Idris as Next Friend filed by Petitioner in the above-captioned cases on January 23, 2009 is GRANTED.

Date:

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United States District Judge James Robertson

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**DECLARATION OF JENNIFER S. COWAN, ESQ. IN SUPPORT OF  
MOTION FOR APPOINTMENT OF MOHAMMED IDRIS AS NEXT FRIEND**

I, Jennifer R. Cowan, declare as follows:

- I am Counsel with the law firm of Debevoise & Plimpton LLP (“Debevoise”), counsel for Petitioner Ibrahim Osman Ibrahim Idris in the above-

captioned matter. This declaration is based on personal knowledge and is intended to put before the Court certain facts in support of Petitioner's Motion for Appointment of Mohammed Idris as Next Friend.

2. We have represented Petitioner since November 9, 2005. During the course of the representation, Debevoise attorneys have met with him twelve times. For most of that time, we had a good, communicative relationship with Petitioner. In the past months, however, Petitioner's mental status has declined to the point where he cannot act in his own interests.

3. On July 16, 2008, co-counsel and I met with Petitioner at the secure facilities of Guantánamo Bay Naval Station. Petitioner did not speak to us at this time. He did not respond to any of our questions or discussions of his family. Throughout our visit, Petitioner was in a nearly catatonic state.

4. On October 29, 2008, I met with another detainee client, who told me that between July and October, Petitioner had been moved from Camp 4 (one of the least restrictive of the prison camps at Guantánamo), to another location because of his refusal to speak and his deteriorating mental condition.

5. Also on October 29, 2008, a different detainee client informed another Debevoise attorney that Petitioner had been moved from Camp 4 to Camp 6 (the most restrictive of the prison camps at Guantánamo) and had not spoken since he arrived in Camp 6, a period that we understand to be at least several weeks. Petitioner's communication as of October 29, 2008 was limited to pointing to indicate when he wished to take a shower.

6. Based on the above, it is our belief that Petitioner Ibrahim Osman Ibrahim Idris is not presently competent to make decisions on his own behalf for purposes of this litigation.

I declare under penalty of perjury that the foregoing is true and correct. Executed in New York, New York this 23<sup>rd</sup> day of January, 2009.

/s/ Jennifer R. Cowan  
Jennifer R. Cowan

**Exhibit B**

**Authorization**

Date: December 16, 2008

I am Mohammed Idris, and I have had the concept of "Next Friend" described to me in my native language. I wish to act as Next Friend to my half brother, Ibrahim Osman Ibrahim Idris, citizen of Sudan who is currently being detained in Guantanamo Bay. I wish to become his Next Friend at this time because I understand that my brother cannot act on his own behalf due to his physical and mental condition. I wish to authorize Jennifer Cowan, Semra Mesulam, and the other attorneys assigned by these lawyers at Debevoise & Plimpton LLP (collectively, "Legal Counsel") to act on my and Ibrahim's behalf in connection with any matter (including the two cases that are currently pending) relating to or arising out of Ibrahim's detention at Guantanamo Bay.

I understand that during the course of the representation, Legal Counsel will continue to gather documents and other information concerning Ibrahim and pursue litigation on my and Ibrahim's behalf in the courts of the United States or other forums.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

\_\_\_\_\_  
Mohammed Idris

محمد ادریس ابراهيم

Executed on January \_\_ 2009

2009/1/11



## تفويض

التاريخ: 16 ديسمبر 2008

أنا محمد إدريس، ولقد تم وصف مفهوم "الصديق الأقرب" لي في لغتي الأم. وأرغب في التصرف كصديق أقرب لأخي إبراهيم عثمان إبراهيم إدريس، وهو مواطن من السودان يتم إعتقاله حالياً في خليج جوانتانامو. وأرغب في أن أكون صديقه الأقرب في هذا الوقت لأنني أفهم أن أخي لا يستطيع التصرف بالنيابة عن نفسه بسبب حالته الجسدية والعقلية. وأرغب في تفويض الأستاذة جنيفر كوان والأستاذة سمرة ميسولام والمحامين الآخرين الذين تعينهما هاتان المحاميتان لدى مكتب محاماة Debevoise & Plimpton LLP (المشار إليهم جماعياً بـ "المستشارين القانونيين") بالتصرف بالنيابة عني وعن إبراهيم في شأن أي موضوع (بما في ذلك القضيتين العالقتين حالياً) متعلق بإعتقال إبراهيم في خليج جوانتانامو أو ناشئ منه.

وأفهم أن أثناء مسار التمثيل، سيواصل المستشارون القانونيون جمع المستندات والمعلومات الأخرى المتعلقة بإبراهيم والسعي إلى المرافعة بالنيابة عني وعن إبراهيم في محاكم الولايات المتحدة أو المنتديات الأخرى.

وأقر تحت طائلة عقوبة شهادة الزور بموجب قوانين الولايات المتحدة الأمريكية أن الوارد أعلاه صادق وصحيح.

محمد إدريس

محمد إدريس

٢٠٠٩/١١/١١

موقع في 11 يناير 2009

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**DECLARATION OF SEMRA A. MESULAM, ESQ. IN SUPPORT OF  
MOTION FOR APPOINTMENT OF MOHAMMED IDRIS AS NEXT FRIEND**

I, Semra A. Mesulam, declare as follows:

1. I am an Associate with the law firm of Debevoise & Plimpton LLP, attorneys for petitioner Ibrahim Osman Ibrahim Idris in the above-captioned matter. This declaration is based on personal knowledge and is intended to put before the Court certain facts in support of Petitioner's Motion for Appointment of Mohammed Idris as Next Friend.

2. Since September 2007, I have been in regular telephone contact with Mohammed Idris, brother of Petitioner Ibrahim Osman Ibrahim Idris. He has been consistently easy to reach by telephone.

3. On December 16, 2008, I spoke with Mohammed Idris, by telephone.

4. With the aid of a translator, I explained the concept of a Next Friend.

5. Mohammed Idris clearly indicated that he understood the responsibility of serving as a Next Friend, and stated that he was willing and able to serve in that capacity for his half-brother, Ibrahim Osman Ibrahim Idris.

6. Mohammed Idris stated further that he is willing to speak with us regularly on behalf of Petitioner, going forward.

7. On December 22, 2008, I sent a Next Friend Authorization form to Mohammed Idris by United States Postal Service Express.

8. On January 15, 2008, I received Mohammed Idris's signed Next Friend Authorization form by DHL.

I declare under penalty of perjury that the foregoing is true and correct. Executed in New York, New York this 23<sup>rd</sup> day of January, 2009.

/s/ Semra A. Mesulam  
Semra A. Mesulam