

# EXHIBIT 2

**I. Petitioners' Response to the Court's August 19, 2008 Minute Order**

The *habeas corpus* petition of Petitioners Abdul Nasser (ISN 278), Abdul Sabour (ISN 275), Abdul Semet (ISN 295), Hammad Memet (ISN 328), Huzaifa Parhat (ISN 320), Jalal Jalaldin (ISN 285), Khalid Ali (ISN 280) and Sabir Osman (ISN 282) was originally filed pursuant to a Next Friend Authorization executed on March 10, 2005 by fellow Guantánamo prisoner Jamal Kiyemba. (attached herewith as Exh. A). The *habeas* petition of Petitioner Edham Mamet (ISN 102) was originally filed pursuant to a Next Friend Authorization executed on August 2, 2005 by Petitioner Mamet's brother Ibrahim Mamet. (attached herewith as Exh. B). The *habeas* petitions of Petitioners Bahtiyar Mahnut (ISN 277), Arkin Mahmud (ISN 103), Abdur Razakah (ISN 219), Ahmad Tourson (ISN 201), Anwar Hassan (ISN 250), Dawut Abdurehim (ISN 289), Abdul Ghappar Abdul Rahman (ISN 281) and Adel Noori (ISN 584) were originally filed pursuant to a Next Friend Authorization executed on May 1, 2005 by fellow Guantánamo prisoner Usama Hasan Abu Kabir. (attached herewith as Exh. C).<sup>1</sup>

Subsequent to the filing of their *habeas* petition, Petitioners Huzaifa Parhat, Abdul Semet, Sabir Osman and Abdul Ghappar Abdul Rahman provided their counsel with direct written authorization to pursue their actions. Petitioners Parhat, Semet, Osman and Abdul Rahman will filed these authorizations with the Court on or before September 29, 2008 pursuant to Judge Hogan's July 29, 2008 Order, see *In re Guantanamo Bay Detainee Litigation*, July 29, 2008 Order (Misc. No. 08-442) at 2 (dkt. no. 210) (the "July 29, 2008 Order"), or on such date as this Court may direct.

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<sup>1</sup> Petitioner Bahtiyar Mahnut's petition is further authorized by an additional oral Next Friend Authorization provided by Petitioner Mahnut's brother and fellow Petitioner Arkin Mahmud to counsel during a client meeting with Petitioner Mahmud.

Subsequent to the filing of their *habeas* petitions, Petitioners Abdul Nasser, Hammad Memet, Jalal Jalaldin, Khalid Ali, Arkin Mahmud, Ahmad Tourson, Anwar Hassan, Dawut Abdurehim and Adel Noori provided their counsel with direct oral authorization to pursue their actions. Petitioners Nasser, Memet, Jalaldin, Ali, Mahmud, Hassan, Abdurehim and Noori will file affidavits attesting to these authorizations with the Court on or before September 29, 2008 pursuant to the July 29, 2008 Order, or on such date as this Court may direct. Petitioner Tourson will file an affidavit attesting to his authorization with the Court on or before October 17, 2008 pursuant to Judge Hogan's August 19, 2008 Order, *see In re Guantanamo Bay Detainee Litigation*, Aug. 19, 2008 Minute Order (Misc. No. 08-442) (the "August 19, 2008 Order"), or on such date as this Court may direct.

Petitioners Abdul Sabour, Edham Mamet, Bahtiyar Mahnut and Abdur Razakah have thus far declined to meet with their counsel. However, none of these Petitioners have stated to counsel in writing or otherwise that they do not wish counsel to advocate for their release from Guantánamo. Counsel will continue to exercise best efforts to secure direct authorizations from these Petitioners and will advise the Court as to status of these efforts with respect to Petitioners Sabour, Mamet and Mahnut on or before September 29, 2008 pursuant to the July 29, 2008 Order, and with respect to Petitioner Razakah on or before October 17, 2008 pursuant to the August 19, 2008 Order, or on such date as this Court may direct.

Additionally, Petitioners Sabour, Mamet, Mahnut and Razakah note that they have provided the Court with Next Friend Authorizations pursuant to which their respective *habeas* petitions were brought in accordance with Respondents' own procedures in securing a next friend to represent them, and accordingly, these authorizations are sufficient and valid. Following the decisions in *Rasul v. Bush*, 542 U.S. 466 (2004) and *Hamdi v. Rumsfeld*, 542 U.S.

507 (2004), the government began to notify detainees of their right to challenge the legality of their detention by filing *habeas corpus* petitions in federal court. The government provided each detainee with written notice, which reads in pertinent part:

You may ask a civilian judge to look at the lawfulness of your detention through a process called a *petition for a writ of habeas corpus*. You **may ask a friend** or family member or a lawyer to file such a petition with the court. If you do not have a lawyer or a family member **or a friend** who could file this petition for you, you may file your own petition. (Emphasis added.)

Attachment A to the Declaration of Frank Schweigart dated August 31, 2005, filed as Exhibit B to the government's Motion to Show Cause Why Case Should Not Be Dismissed for Lack of Proper Next Friend Standing, filed, in (among other cases) *Kabir v. Bush*, 05-cv-1704.

Thus, the government explicitly recognized that a next friend petition is a valid option. It is significant that the Notice does not explain what a *petition for writ of habeas corpus* is, let alone how detainees should go about obtaining a lawyer. Obviously, asking a friend, the first option offered by the government, was the only route available to a detainee cut off from family and ignorant of the law.

Counsel anticipate that they may not be able to obtain further direct written authorizations because these men are wary of signing any documents. After nearly seven years of confinement under cruel conditions, and after many false assurances of imminent release, the men exhibit signs of paranoia, are mistrustful of the court system and typically decline to sign anything in writing. In addition, the refusal of some men to meet with counsel is typical of prisoners on death-row or other dire circumstances where a man is given few options or choices. In those cases, according to counsel familiar with such prisoners, the man will occasionally refuse counsel, or will fire counsel, because it is one of the few choices that he can freely make.

Of course, such an action demonstrates that the client is not able to make proper or reasonable choices.

Counsel would welcome the opportunity to supplement their response to Court's August 19, 2008 Order.

# EXHIBIT A

AUTHORIZATION & NOTIFICATION

I, JAMAL KILMEUSA (#701), UNDERSTAND THE LEGAL TERM "NEXT FRIEND" AND FIRMLY BELIEVE THAT THE FOLLOWING PEOPLE, WHO I HAVE COME TO KNOW DURING MY CAPTIVITY SINCE MARCH 2002, WANT ME TO ACT AS THEIR "NEXT FRIENDS", AND AUTHORIZE CLIVE STAFFORD SMITH TO SEEK ANY LEGAL REDRESS ON THEIR BEHALF THAT IS POSSIBLE, AND I SO AUTHORIZE HIM; I ALSO SUBMIT THIS DOCUMENT AS EVIDENCE, INDEPENDENT OF THEIR RELIANCE UPON ME AS "NEXT FRIENDS", OF THEIR SPECIFIC DESIRE FOR A LAWYER AND FOR A LEGAL CHALLENGE TO THE ILLEGALITY OF THEIR DETENTION BY THE UNITED STATES OF AMERICA.

THIS AUTHORIZATION & NOTIFICATION APPLIES TO ALL PERSONS LISTED ON THE ATTACHED LISTS, AS INITIALED BY ME.

MARCH 10<sup>th</sup>, 2005.



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|    |                          |            |                         |
|----|--------------------------|------------|-------------------------|
| 1  | ALI                      | UZBEKISTAN | CAMP I                  |
| 2  | ABDULLAH                 | UZBEKISTAN | CAMP I                  |
| 3  | KHALID                   | TURKISTAN  | CAMP 4 (UIGUR)          |
| 4  | ABUSAMIR                 | "          | "                       |
| 5  | ABUSAMAD                 | "          | "                       |
| 6  | HAMMAD                   | "          | "                       |
| 7  | ABUNASIR                 | "          | "                       |
| 8  | JALAL                    | "          | "                       |
| 9  | BILAL                    | SYRIAN     | CAMP I (ARABIC)         |
| 10 | FAISAL                   | SAUDI      | CAMP I                  |
| 11 | BANDAR ALJABIR           | "          | "                       |
| 12 | AHMAD                    | TURKISTAN  | CAMP 4 (UIGUR)          |
| 13 | SAADIQ                   | "          | "                       |
| 14 | WALID                    | SUDAN      | CAMP I                  |
| 15 | HAMMAD                   | "          | CAMP 4                  |
| 16 | MATMOOD                  | SUDAN      | CAMP I                  |
| 17 | SAYF ULLAH               | TUNISIAN   | CAMP II ITALIAN? ARABIC |
| 18 | MUSUF ASHILHI            | SAUDI      | CAMP III                |
| 19 | MUSUF ARIBETH            | SAUDI      | CAMP I                  |
| 20 | ABDULLAH                 | TUNISIAN   | CAMP II JERMAN?         |
| 21 | ADIL <del>ABDULLAH</del> | TUNISIAN   | CAMP IV JERMAN?         |
| 22 | ABU RAWDAH               | SYRIAN     | CAMP I                  |
| 23 | SABIR                    | TURKISTAN  | CAMP IV (UIGUR)         |
| 24 | SALIH                    | TURKISH    | CAMP IV                 |
| 25 | DR. ABU MUHAMMAD         | ALGERIAN   | CAMP IV (ENGL. NEAR)    |
| 26 | SALMAN ALBAHRI           | SAUDI      | CAMP I                  |
| 27 | JAABIR ALQAY             |            | CAMP II                 |

UNCLASSIFIED  
J.K.

*Kizond*



RIDWAANI ALMAGREBI  
1. FAHD ALHARAZI  
1. FAHD ABU HAFSA  
- HUDHAIFA  
2. ABDURAHMAN (441)  
3. SAFIQ  
1. NABIL

MOCCATAN  
SAUDI  
YEMENI  
TURKIANI  
YEMENI  
ALGERIAN  
ALGERIAN

CAMP IV Arabi  
CAMP I Uqwis  
CAMP I Arabi  
CAMP I Arabi  
CAMP I French Arabic

*Kiyurd*

**FOUO**

## EXHIBIT B

Susan Baker Manning  
Direct Phone: (202) 778-6172  
Direct Fax: (202) 778-6155  
susan.manning@bingham.com  
Our File No.: 0999997-0000928706

July 25, 2005

**VIA FACSIMILE**

Mr. Ibrahim Mamet  
Istanbul, Turkey

**Re: Acknowledgement of Representation  
Edham Mamet, Detainee – Guantánamo Bay Naval Station  
Ibrahim Mamet, Next Friend of Edham Mamet**

Dear Mr. Mamet:

I write to confirm that you have asked Sabin Willet and I to represent your brother, Edham Mamet, in connection with his incarceration by the United States Government at the Guantánamo Bay Naval Station, and that our law firm, Bingham McCutchen LLP, is authorized to take all appropriate action related to the representation, including but not limited to filing a *habeas corpus* petition seeking Edham's release. On behalf of Bingham McCutchen, Sabin and I have agreed to the representation.

Please acknowledge this agreed representation by signing and dating where indicated below. Please return the signed letter to me via facsimile to (202) 778-6155.

Sincerely yours,

Susan Baker Manning

ACKNOWLEDGED AND AGREED.

Dated: \_\_\_\_\_, 2005

\_\_\_\_\_  
Ibrahim Mamet

Bingham McCutchen LLP  
Suite 800  
1120 20th Street, NW  
Washington, DC  
20036-3406

202.778.6150  
202.778.6155 fax

bingham.com

Boston  
Hartford  
London  
Los Angeles  
New York  
Orange County  
San Francisco  
Silicon Valley  
Tokyo  
Walnut Creek  
Washington

مۇناسىۋەتلىك ئىشلارنى بىجىرىشتە شۇنداقلا ئىشكۈندەھىمنىڭ قوبۇل بېرىلىشى ئۈچۈن  
 سوتقا ئىمرز سۇنۇشقا قانۇنى جەھەتتىن تولىق ھوقۇققا ئىگە ئىكەنلىكىنى خەۋەر قىلىش  
 ئۈچۈن يېزىۋاتىمەن .

ھەمدە Bingham McCutchen ھوقۇقچىلىرى شىركىتى بىلەن سابىن (Sabine) ئىنىستىتۇتقا  
 سوت ئىشلىرىدا ۋاكالىتى بولۇشنى قوبۇل قىلىنغانلىقىنى بىلدۈرىمەن .

Bingham McCutchen LLP  
 bingham.com

مەسئەلە قىلىپ، تۆۋەندە كۆرسىتىلگەن بەرگە قول قويۇش ئارقىلىق، بىزنىڭ  
 ۋاكالىتچىلىكىمىزنى قوبۇل قىلغانلىقىمىزنى ئىشراپ قىلىپ، بۇ خەتنىڭ فاكس ئارقىلىق  
 بىزگە ئەۋەتىپ بېرىلگەن فاكس نومۇرى 202-788-6155

ھۆرمەت بىلەن

سۇزان بېكەر مانتىڭ

Susan Baker Manning

قوبۇل ۋە تەسدىق قىلىندى

2005.08.02 تارىخ

ئىبراھىم مەھمەت

قىسقا مەخپۇر مەتبۇئات

BINGHAM McCUTCHEN

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- Hartford
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- New York
- Orange County
- San Francisco
- Silicon Valley
- Tokyo
- Walnut Creek
- Washington

سۇزان بېنگەر مانتىڭ

بىۋاسىتە تېلېفونى : 202-778-6172

بىۋاسىتە فاكسى : 202-778-6155

ئىمېيل ئادرېسى [susan.manning@bingham.com](mailto:susan.manning@bingham.com)

دېتور نومۇرى : 0999997-0000928706

2005- يىلى 27-كۈنى

ھۆرمەتلىك ئىبراھىم مەھمەت،

ئىستانبۇل- تۈركىيە

كۆۋاتتاسمورې دېڭىز ھەربى بازىسىدا تۇتۇپ تۇرىلىۋاتقان ئادەم مەھمەتنىڭ

ۋاكالىتچىلىكىنى ئىسراپ قىلىش مەسىلىسى

ھۆرمەتلىك مەھمەت ئىپتىدائىم،

مەن بۇ خەتنى سىزگە ، سىزنىڭ سابىن ۋىلى (Sabine Wille) مەھمەتىدىن ، تامېرىكا ھۆكۈمىتى

تەرىپىدىن كۆۋاتتاسمورې دېڭىز ھەربى بازىسىدا تۇتۇپ تۇرىۋاتقان ئىشىڭىز ئىلھام مەھمەتكە

ۋاكالىتچى بولۇشىڭىز توغرىسىدىكى تەلپىڭىزنى تەسۋىپ قىلىش ھەمدە بىزنىڭ ھوقۇق

شىركىتىمىز ، Bingham McCutchen LLP نىڭ ئىشىڭىزغا ۋاكالىتچى ئۈچۈن پۈتۈن

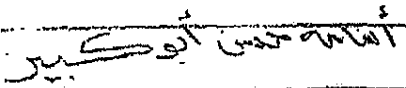
# EXHIBIT C

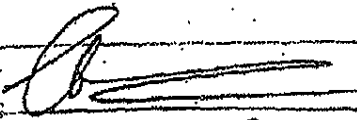
1, USAMA HASAN ABU KABIR, UNDERSTAND THE TERM "NEXT FRIEND" AND KNOW THAT THE FOLLOWING PEOPLE WHO I KNOW FROM THIS PRISON WANT LAWYERS, AND WANT ME TO HELP ASSERT THEIR LEGAL RIGHTS IN ANY WAY POSSIBLE, AND I AUTHORIZE (FOR THEM) CLIVE STAFFORD SMITH TO ENSURE THAT THEY HAVE LEGAL REPRESENTATION.

- 1. ABDUL <sup>AN</sup> ~~ABD~~ASSER (TURKISTANI) (E)
- 2. AKTAR "
- 3. MOHAMMED "
- 4. THABID "
- 5. ABDUSOMAS B "
- 6. ALI "
- 7. ABD BAKER "
- 8. ABDUSABER " " "
- 9. KHAN D " " "
- 10. AHMAD "
- 11. JALAL JALALJIN "
- 12. ABDUR RAZAKH " "
- 13. AHMAD "
- 14. SABEL " "
- 15. ABDULLAH " (COULD BE KAZAKHSTANI)
- 16. ABDURAHMAN " "
- 17. SAJAR " "
- 18. ARKEEN " (BROTHER OF SAJAR)
- 19. ADEZ "
- 20. HAMMAD (E) +/

FOUO

|    |  |      |                         |
|----|--|------|-------------------------|
| 21 | ABDURAZZAK (KAZAKHSTAN)                                    |      |                         |
| 22 | ABDULLAH AL <sup>QWATANI</sup> <del>QWATANI</del> (K.S.A.) |      | FSN between 647 & 655   |
| 23 | JABIR AL QWATANI (..)                                      | #650 | Corresponds to Abdullah |
| 24 | ZABIN THAHM ASSAMMERY (KSA)                                |      | FSN between 647 & 655   |
| 25 | YAKUB (SYRIA)  |      | Good (E)                |
| 26 | JIHAD  |      |                         |
| 27 | BILAL  |      |                         |
| 28 | MOHAMMED   |      | (E) +/-                 |
| 29 | ABU AHMED  |      | Father of Mohammed      |
| 30 | ABU RAWDA  |      |                         |
| 31 | ABDULLAH   |      |                         |
| 32 | ABU MOHAMMED (ALGERIA)                                     | #039 | V. Good (E) (F)         |
| 33 | MR. ABU MOHAMMED   | #040 | (E) (E)                 |
| 34 | ABU ABDULLAH   |      |                         |
| 35 | HAMAD (SOBAN)  |      | (E) good                |
| 36 | DATED MAY 1, 2005.   |      |                         |

  
 USAMA BIN LADEN

WITNESS:   
 OLIVE STAFFORD SMITH

**FOUO**