

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

IN RE:

**GUANTANAMO BAY
DETAINEE LITIGATION**

Misc. No. 08-0442 (TFH)

Civil Action No. 05-2371 (RCL)

DECLARATION OF KAREN E. ABRAVANEL

Karen E. Abravanel declares as follows pursuant to 28 U.S.C. § 1746:

1. I am an attorney licensed to practice in the state of New York. I am currently employed as an associate at the law firm of Simpson Thacher & Bartlett LLP (“Simpson Thacher”). My business address is 425 Lexington Avenue, New York, New York, 10017.
2. Simpson Thacher represents Petitioner Ahmad Mohammad Al Darbi (“Al Darbi”) and his brother and Next Friend, Petitioner Ali Mohammad Al Darbi (“Ali Al Darbi”) in the above captioned matters. The Center for Constitutional Rights (“CCR”) acts as Simpson Thacher’s co-counsel in these matters.
3. Mr. Al Darbi is a prisoner at the prison maintained by the United States military at the United States Naval Base at Guantánamo Bay, Cuba (“Guantánamo”). He has been held in the Government’s unlawful custody at Guantánamo and at Bagram Air Base, Afghanistan (“Bagram”) since approximately August 2002.
4. On December 12, 2005, Simpson Thacher filed a petition for writ of *habeas corpus* on behalf of Mr. Al Darbi. That petition was authorized by another detainee at Guantánamo, who acted as next friend to Al Darbi because Mr. Al Darbi was denied access to legal counsel and to the United States Courts. *See* Petition for Writ of *Habeas Corpus* (Dec. 12,

2005) (Civil Action No. 05-2371, dkt. no. 1). On March 31, 2006, Simpson Thacher filed a motion for expedited entry in Mr. Al Darbi's case of the Amended Protective Orders first entered by Judge Green in the *In re Guantanamo Detainee Cases* (the "Protective Order"). See Petitioners' Motion for Expedited Entry of the Protective Order (Mar. 31, 2006) (Civil Action No. 05-2371, dkt. no. 4). The Government opposed this motion, arguing that Mr. Al Darbi's petition was not properly authorized because Mr. Al Darbi's next friend was a fellow detainee who lacked "proper next friend standing." See Respondents' Memorandum in Opposition to Petitioners' Motion for Entry of the Protective Order at 3 (Apr. 14, 2006) (Civil Action No. 05-2371, dkt. no. 5).

5. In early June 2006, my colleagues and I located and contacted Mr. Al Darbi's brother, Ali Al Darbi. On June 8, 2006, Ali Al Darbi signed a statement authorizing Simpson Thacher and CCR "to act on my behalf and on my brother's behalf, to secure any documents and information concerning my brother that are necessary for his defense, and 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 copy of this authorization is attached hereto as Exhibit A.

6. On June 20, 2006, Simpson Thacher filed an Amended Petition for Writ of *Habeas Corpus* on behalf of Mr. Al Darbi, together with the next friend authorization signed by Ali Al Darbi. See Amended Petition for Writ for Writ of Habeas Corpus (June 20, 2006) (Civil Action No. 05-2371, dkt. no. 8) ("Amended Petition"). Thereafter, the Government withdrew its challenge to next friend standing in Mr. Al Darbi's case. See Ex. A to Petitioners' Renewed Motion for Expedited Entry of the Protective Order (June 27, 2006) (Civil Action No. 05-2371, dkt. no. 10). A copy of the Government's notice of withdrawal is attached hereto as Exhibit B.

7. The Court entered the Protective Order in Mr. Al Darbi's case on July 3, 2006 (Civil Action No. 05-2371, dkt. no. 12). Since the entry of that Order, I have met with Mr. Al Darbi several times at Guantánamo. Two attorneys at CCR, Gitanjali Gutierrez and J. Wells Dixon, have also met with Mr. Al Darbi at Guantánamo.

8. During one of my initial meetings with Mr. Al Darbi, on September 13, 2006, Mr. Al Darbi told me that he made false statements at Bagram as the result of coercive and abusive treatment by United States military interrogators. Mr. Al Darbi also told me that these interrogators tried to force him to sign false confessions.

9. The following day, on September 14, 2006, I explained to Mr. Al Darbi that Simpson Thacher had filed the Amended Petition based on the next friend authorization signed by Ali Al Darbi. I asked Mr. Al Darbi to consider signing a statement directly authorizing Simpson Thacher and CCR to act as his attorneys in this case. In response, Mr. Al Darbi said that he would agree to work with Simpson Thacher as his attorneys, but he was not comfortable signing any statements. He also said, "my brother's authorization should be enough."

10. Since the entry of the Protective Order in July 2006, the Government has never denied Simpson Thacher or CCR access to Mr. Al Darbi on the purported basis that we lack authority to represent him.

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

Executed on September 29, 2008



Karen E. Abravanel
Karen E. Abravanel

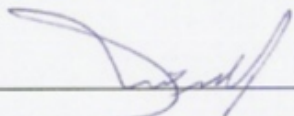
EXHIBIT A

Authorization

My name is Ali Mohammad Al Darbi. I am acting as Next Friend for my brother, whose name is Ahmad Mohammad Al Darbi, a citizen of the Kingdom of Saudi Arabia who is being held at Guantánamo Bay. The ISN for Ahmad Mohammad Al Darbi is 768.

I know that my brother would want me to act on his behalf to secure him legal representation. I hereby authorize the attorneys at Simpson Thacher & Bartlett LLP and the Center for Constitutional Rights, and any person assigned by these attorneys to act on my behalf and on my brother's behalf, to secure any documents and information concerning my brother that are necessary for his defense, and 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.

Signature: _____



Name (Printed): Ali Mohammad Al Darbi

Witness Signature: _____



Witness Name (Printed): Sultan Bader Al Asker

For kind attention of Karen Abravanel OR Veronica Vela

With best regards,

Ali Al Darbi

EXHIBIT B

Vela, Veronica

From: Preeya.Noronha@usdoj.gov
Sent: Friday, June 23, 2006 3:02 PM
To: Vela, Veronica
Cc: Curnin, Paul C; Abravanel, Karen; Kolodny, Nathaniel
Subject: RE: Al Darby v. Bush, No. 05-CV-2371 (RCL)

Dear Veronica:

Based on the Amended Petition, which substitutes Mr. Al Darbi's brother as his next friend, respondents withdraw their challenge to next friend standing in this case, without prejudice. We maintain our objection to entry of the Protective Order, however, based on the Detainee Treatment Act's withdrawal of the Court's jurisdiction over this case.

Regards,
Preeya Noronha

-----Original Message-----

From: VVela@stblaw.com [mailto:VVela@stblaw.com]
Sent: Friday, June 23, 2006 1:49 PM
To: Noronha, Preeya (CIV)
Cc: pcurnin@STBLAW.COM; KAbravanel@stblaw.com; NKolodny@stblaw.com
Subject: FW: Al Darby v. Bush, No. 05-CV-2371 (RCL)

> Preeya --
>
> The undersigned are counsel for Petitioners in the matter Al Darby v.
> Bush, No. 05-CV-2371 (RCL). In light of the Amended Petition filed on
> June 20, 2006 (dkt. No. 9) -- which includes a family next friend
> authorization from Petitioner Ali Mohammad Al Darbi (the brother of
> petitioner Ahmad Mohammad Al Darbi), as well as additional
> biographical information -- Petitioners expect that Respondents will
> withdraw their opposition to Petitioners' Motion for Expedited Entry
> of the Protective Order.
>
> Petitioners' counsel will be in Guantanamo Bay on July 5-9th, 2006,
> visiting their client in Alsaaei v. Bush, No. 05-CV-2369 (RWR). To
> conserve resources, we would like to schedule a visit with Ahmad Al
> Darbi during this trip as well. However, as you know, we require
> entry of the Protective Order as soon as possible in order to do so.
> Should Respondent's fail to withdraw their opposition to an expedited
> entry of the Protective Order in Al Darby v. Bush, Petitioners intend
> to file an Emergency Motion for entry of the Protective Order or, in
> the alternative, a Motion for Respondents to Show Cause why the
> Protective Order shall not be entered forthwith.
>
> Please let us know if you consent to the entry of the Protective Order
> in Al Darby v. Bush, No. 05-CV-2371.
>
> Regards,
>
> Veronica Vela
>
>
> Counsel for Petitioners
>
> Paul C. Curnin
> Veronica Vela
> Karen E. Abravanel
> Nathaniel I. Kolodny

>
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