

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:

GUANTÁNAMO BAY
DETAINEE LITIGATION

Misc. No. 08-442 (TFH)

Civil Action No. 05-CV-2199 (HHK)

NOTICE OF AUTHORIZATION

Pursuant to the Court's July 29, 2008 Order (Misc. No. 08-442, Dkt. No. 210), counsel for Petitioner Abdulhakim Alhag respectfully submit the attached declaration stating that Petitioner Alhag has directly authorized counsel to pursue this action and explaining why counsel have been unable to secure a signed authorization from Mr. Alhag.

Dated: September 29, 2008

Respectfully submitted,

/John C. Snodgrass/

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UNITED STATES DISTRICT COURT
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DECLARATION OF JOHN C. SNODGRASS

I declare that the following is true to the best of my knowledge, information and belief:

1. I am an attorney in the law firm Dickstein Shapiro LLP and am licensed to practice law in the District of Columbia.
2. My client, Petitioner Abdulhakim Alhag, is imprisoned by Respondents at the United States Naval Base in Guantánamo Bay, Cuba.
3. I have had three separate meetings with Mr. Alhag at Guantánamo Bay, beginning in September 2006. I met with Mr. Alhag on September 27, 2006; February 2, 2007; and October 9-10, 2007.
4. During our meetings, Mr. Alhag conveyed to me and my colleagues at Dickstein Shapiro LLP and to co-counsel, the Center for Constitutional Rights, authority to represent him in connection with his imprisonment at Guantánamo Bay, including but not limited to prosecuting the petition for writ of habeas corpus that we filed on his behalf in this matter (Case No. 05-CV-2199).
5. Although Mr. Alhag has verbally authorized us to represent him, Mr. Alhag has not signed a written authorization because he indicated to me that he is unwilling to sign a document. When he indicated his preference that he not sign a written authorization, I advised

him that I did not believe that any rule of order of this Court required him to sign such an authorization.

6. On August 14, 2006, Judge Kennedy entered the Amended Protective Order and Procedures for Counsel Access to Detainees at the United States Naval Base in Guantánamo Bay, Cuba, first issued on November 8, 2004 in *In re Guantánamo Detainee Cases*, 344 F. Supp.2d 174 (D.D.C. 2004) and subsequent related orders in this case (the “Protective Order”) (Case No. 05-CV-2199, Dkt. No. 21). The Protective Order did not require petitioners to sign an authorization stating that Petitioner authorized counsel to pursue the action. Instead, the Protective Order stated that “Counsel shall provide evidence of his or her authority to represent the detainee....” (Protective Order, Revised Procedures for Counsel Access to Detainees at the U.S. Naval Base in Guantánamo Bay, Cuba, § III.C.2). It has been my understanding during my representation of Mr. Alhag that evidence of authority to represent a prisoner may take the form of a sworn statement. *See Adem v. Bush*, Case No. 05-CV-723, Dkt. No. 42, at 14-15 (“Here, a sworn statement provides evidence that [petitioner] was actively seeking a lawyer to represent him.”).

7. Respondents have never denied me or my colleagues access to Mr. Alhag 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 to the best of my knowledge, information and belief.

Executed on September 29, 2008
Washington, DC

/John C. Snodgrass/

John C. Snodgrass

CERTIFICATE OF SERVICE

I certify that, on September 29, 2008, I filed the foregoing via ECF with the understanding that the ECF system would automatically serve counsel for Respondents:

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/John C. Snodgrass/