

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

**IN RE GUANTANAMO BAY DETAINEE
LITIGATION**

Misc. No. 08-442 (TFH)

Civil Action No. 07-CV-02337 (HHK)

This Document Relates To:

RIDAH BIN SALEH AL YAZIDI, et al.

Petitioner/Plaintiff,

v.

GEORGE W. BUSH, et al.,

Respondents/Defendants.

DECLARATION OF BRENT N. RUSHFORTH

Brent N. Rushforth declares as follows, pursuant to 28 U.S.C. Section 1746:

1. I am an attorney at the law firm Heller Ehrman LLP, and am licensed to practice law in the state of California and the District of Columbia.
2. My client Ridah Bin Saleh al Yazidi is a prisoner in the prison maintained by the United States military at the U.S. Naval Base at Guantánamo Bay, Cuba. He has been imprisoned there without charge since approximately 2002. During that time, he is likely to have faced torture and abuse at the hands of his captors.
3. I met with Mr. al Yazidi at Guantánamo Bay in May 2008.
4. During the meeting, Mr. al Yazidi expressed extreme distrust for the court system in the United States. I believe that he is unfamiliar with the U.S. court system,

and does not comprehend the concept of *habeas corpus* and the potential relief it offers. His lack of understanding of the United States legal system is understandable, given that he knows that other prisoners with attorneys have faced long delays, some of many years, while attempting to seek relief from the courts. He can observe that other prisoners received no evident benefit from participating in the U.S. court system.

5. Mr. al Yazidi has every reason to distrust his captors and keepers. Many prisoners have been told that their lawyers are interrogators or part of the CIA. Others have been told that they are meeting with their interrogators, when they are in fact meeting with their lawyers. In fact, Mr. al Yazidi informed me at our meeting that the military told him that he was meeting with his interrogators that morning, not with attorneys.

6. It is clearly in Mr. al Yazidi's best interests to seek judicial review of his imprisonment. Mr. al Yazidi has not been charged with any crime in a United States or military court. He is aware that he has been convicted in absentia by a Tunisian court. He is also aware that if he is returned to Tunisia, he faces up to twenty years of torture and abuse in Tunisian prison, where such treatment of former Guantánamo detainees has been well-documented by human rights organizations. *See* Human Rights Watch, *Ill-Fated Homecomings: A Tunisian Case Study of Guantanamo Repatriations*, <http://hrw.org/reports/2007/tunisia0907/tunisia0907web.pdf>.

7. Mr. al Yazidi has not yet conveyed to me his authority for me and my colleagues at Heller Ehrman LLP and the Center for Constitutional Rights to represent him in connection with his imprisonment at Guantánamo Bay, including but not limited

to prosecuting the petition for a writ of *habeas corpus* that was filed on his behalf in this Civil Action No. 07-02337. However, we are still in the process of attempting to forge an attorney-client relationship with Mr. al Yazidi.

8. The conditions and treatment that Mr. al Yazidi has endured at Guantánamo could have, and likely has, negatively affected his mental competency to make a reasoned decision regarding representation. This potentially makes it impossible to form a direct attorney-client relationship with him. If so, we intend to pursue Mr. al Yazidi's case by and through the authorization of Mr. al Yazidi's next friend, Sami al Hajj. I believe this Court has authority to proceed in this case on a next-friend basis under the requirements set forth by the Supreme Court in *Whitmore v. Arkansas*, 495 U.S. 149, 163-64 (1990).

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

/s/ Brent N. Rushforth

Brent N. Rushforth