

**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-1710 (RBW)**

This Document Relates To:

**ABDULRAHMAN MUHAMMAD SALEH  
NASSER,**

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 Abdulrahman Muhammad Saleh Nasser 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 for years.
3. I met with Mr. Nasser at Guantánamo Bay in May 2008. My discussions with Mr. Nasser during this meeting are attorney-client privileged.
4. During my meeting with him, Mr. Nasser 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. 07-1710.

5. Mr. Nasser has not signed a written authorization, and I do not believe that any rule or order of this Court requires him to do so.

6. On July 21, 2008, Judge Thomas F. Hogan 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 Guantanamo Detainee Cases*, 344 F.Supp.2d 174 (D.D.C. 2004), and certain subsequent related orders in this case (the “Protective Order”). (Case No. 05-CV-2386, Document 66.) The Protective Order did not require petitioners to sign an authorization stating that a petitioner had authorized counsel to pursue the action. Rather, the Protective Order provided that “Counsel shall provide evidence of his or her authority to represent the detainee. . . .” (Prot. Order, Revised Procedures for Counsel Access to Detainees at the U.S. Naval Base in Guantanamo Bay, Cuba, § III.C.2.) It has been my understanding during my representation of Mr. Nasser that evidence of my authority to represent a detainee may take the form of a sworn statement. *See Adem v. Bush*, Case No. 05-CV-723 (RWR) (AK), Document 42, at 14-15 (“Here, a sworn statement provides evidence that [petitioner] was actively seeking a lawyer to represent him.”).

7. Many prisoners at Guantánamo Bay are suspicious of providing a signature on any document to any person, for any reason. 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. It is hard to gain and easy to lose the trust of clients imprisoned at Guantánamo Bay.

8. The conditions at Guantánamo make it very difficult to forge an attorney-client relationship. I believe that forcing Mr. Nasser to sign an authorization form as a condition of representation could jeopardize the attorney-client relationship.

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