

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

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**IN RE:**

**GUANTANAMO BAY  
DETAINEE LITIGATION**

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)  
) **Misc. No. 08-442**  
) **Civil No. 05-0634 (RWR)**  
)  
)  
)  
)

**NOTICE OF AUTHORIZATION BY  
OMER SAEED SALEM AL DAINI**

Pursuant to the Court's July 29, 2008 Order (Misc. No. 08-442, Document 210), counsel for petitioner Omer Saeed Salem Al Daini (ISN 549) respectfully submit the attached declarations stating that Mr. Al Daini directly authorized counsel to pursue this action and explaining why counsel was unable to secure a signed authorization as of this date.

Dated: September 29, 2008

Respectfully submitted,

/s/ Jill M. Williamson

Jill M. Williamson, DC Bar No. 478469

Jonathan M. Fee, DC Bar No. 479579

Michael E. Ward, DC Bar No. 434624

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C. Rufus Pennington, III

MARGOL & PENNINGTON, PA

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(904) 355-7508

Gitanjali Gutierrez  
CENTER FOR CONSTITUTIONAL RIGHTS  
666 Broadway  
7<sup>th</sup> Floor  
New York, NY 10012  
Tel: (212) 614-6452  
Fax: (212) 614-6499

*Counsel for Petitioner*

# **EXHIBIT 1**

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

	)	
<b>IN RE:</b>	)	
	)	
<b>GUANTANAMO BAY</b>	)	<b>Misc. No. 08-442</b>
<b>DETAINEE LITIGATION</b>	)	<b>Civil No. 05-634 (RWR)</b>
	)	
	)	
	)	

**DECLARATION OF GITANJALI GUTIERREZ**

I, Gitanjali S. Gutierrez, declare that the following statements are true to the best of my knowledge, information, and belief:

1. I am an attorney with the Center for Constitutional Rights (CCR) and co-counsel with Alston and Bird, LLP and Rufus Pennington in the above-captioned action for Petitioner Omar al Daini, a detainee in Guantanamo with Internment Serial Number 549.
  
2. On July 24, 2006, I met with Petitioner al Daini at Guantanamo Naval base, Cuba.
  
3. During my meeting with Mr. al Daini, he confirmed that he had authorized the “legal team” to represent him in both legal and diplomatic efforts to obtain his release.
  
4. In July 2006, I did not request that Mr. al Daini sign written authorization for legal representation because his verbal authorization was sufficient. I have not

met with Mr. al Daini since this Court's Order of July 29, 2008 and continue to represent him along with co-counsel based upon his express verbal authorization.

Executed this 29th day of September, 2008 in New York, New York.



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Gitanjali S. Gutierrez

## **EXHIBIT 2**

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

IN RE:	)	
	)	
GUANTANAMO BAY	)	Misc. No. 08-442
DETAINEE LITIGATION	)	Civil No. 05-0634 (RWR)
	)	
	)	
	)	

**DECLARATION OF JILL M. WILLIAMSON**

I, Jill M. Williamson, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am an attorney licensed to practice law in Texas and Washington, D.C. I am an associate in the Washington, D.C. office of Alston & Bird, LLP.

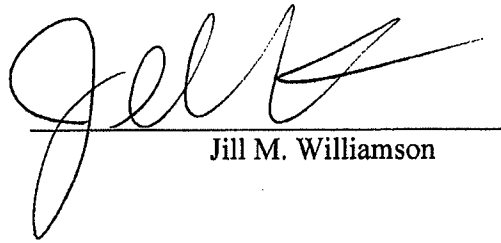
2. Together with the Center for Constitutional Rights (“CCR”), and Rufus Pennington, Alston & Bird represents Omer Saeed Salem Al Daini (ISN#549), a prisoner in U.S. custody in Guantanamo Naval Base, Cuba.

3. In May 2007, I traveled to Yemen and met with the family of Mr. Al Daini.

4. Mr. Al Daini’s wife and mother both gave me, Alston & Bird, Rufus Pennington, and CCR explicit verbal authorization to pursue all legal remedies on behalf of Mr. Al Daini.

5. In addition, Mr. Al Daini’s brother, Khalid, as the representative of the family, signed a written authorization for our continued legal representation. (Exhibit A to this declaration).

Signed September 29, 2008 in Washington, D.C.



Jill M. Williamson



# **ATTACHMENT A**

## Authorization Statement

I am the Brother and Next Friend  
of Omar Said Salim Al Dayi, a.k.a.  
Omar Saeed Salem Al Daini, I give  
permission for Jill M. Williamson, the  
law firm of Alston & Bird, the <sup>center for</sup> Constitutional  
Rights, Rufus Pennington, or attorneys  
~~and~~ designated by them to represent  
Omar Said Salim Al Dayi, and me, in  
any proceeding or action. I also  
authorize the above, to obtain  
any information <sup>about</sup> Omar Said Salim Al Dayi  
including personal, confidential or  
- medical information, but not unlimited

To such types of information. ~~III~~

This Statement has been read  
to me in Arabic and fully explained.



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signature

24 May 2007  
date

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name

## **EXHIBIT 3**

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

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**IN RE:**

**GUANTANAMO BAY  
DETAINEE LITIGATION**

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)  
)  
)     **Misc. No. 08-442**

)  
)     **Civil Action No. 05-CV-0634**  
)

**DECLARATION OF JONATHAN M. FEE  
COUNSEL FOR OMER SAEED SALEM AL DAINI, ISN 549**

I, JONATHAN M. FEE, hereby state and declare as follows in accordance with the provisions of Fed. R. Civ. P. Rule 65(b)(1) and 28 U.S.C. § 1746:

1.     The matters stated herein are based on my personal knowledge in my capacity as counsel for Petitioner Omer Saeed Salem Al Daini, ISN 549, a detainee held by Respondents at Guantánamo Bay, Cuba, and a Petitioner in this case. I submit this declaration in support of Petitioner's Notice of Authorization.

2.     I have represented Petitioner before this Court on the basis of the written authorization of his next friend, Mr. Khalid Al Daini, who I understand to be Mr. Al Daini's brother, and on the basis of cleared notes prepared by Ms. Gitanjali Gutierrez of my law firm's co-counsel, Center for Constitutional Rights, in connection with her visit and interview with Petitioner on July 24, 2006. I have concluded from my review of these documents that they authorized representation by me, my law firm, and co-counsel. Ms. Gutierrez' cleared notes state that Petitioner told her that he authorized her legal team to assist him in legal and diplomatic efforts to obtain his release.

3. On several occasions, I have sent correspondence to Petitioner by secure mail, identifying myself and my law firm as his counsel and describing various proceedings before this court in which I and co-counsel have undertaken to represent him. Some of my letters have been returned unopened and some have not. I have concluded from this correspondence that Petitioner is aware of my representation and that he has contact information for me. I understand that detainees are aware of the availability of the secure mail system and have concluded that the secure mail system is known to Petitioner. Petitioner has never used the secure mail system available to him to revoke or deny my, my law firm's or other co-counsel's representation.

4. I have never met Petitioner. On May 3, 2007, I attempted to visit him and was advised by my Joint Task Force (JTF) escort that Petitioner did not wish to see me. With the aid of a translator, I prepared a written message to Petitioner, in English and Arabic, and requested that JTF personnel deliver my message to him. Within a short time, JTF personnel returned the Arabic version of my message to me, on which Petitioner hand wrote a reply in Arabic. Copies of the English version of my message, the Arabic version (which includes Petitioner's handwritten reply), and a translation of Petitioner's reply are attached as Attachment A. Petitioner's reply thanks me for our efforts and states that he does not "want any lawyer to represent me on my behalf." A notation by JTF personnel at the bottom of the English version of my message states that Petitioner shook his head to indicate that he did not wish to see me and that he "wrote [an] Arabic response," causing me to conclude that Petitioner prepared his reply in the presence of JTF personnel and other detainees.

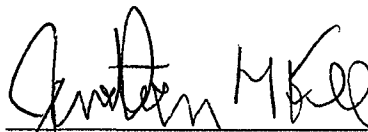
5. I also represent four other detainees, one of whom has been released and returned to his home country and three of whom continue to be detained, and have met several times with each of these other detainees. I have learned from these other clients that detainees are subjected to peer pressure from some of their fellow detainees not to meet with, correspond or cooperate with attorneys, and that some detainees are reluctant to sign documents or otherwise indicate such cooperation in the presence of other detainees. Indeed, one of my clients even asked me to assure him that I would not let any other detainees know that he was represented by an attorney.

6. I am concerned that Petitioner has not met with me for the reason that he does not want other detainees to know that he is represented. I am concerned that he made a showing of sending me his written reply because he prepared it in the presence of JTF personnel and other detainees. I am concerned that he has been unable to make an informed decision about discontinuing representation because he is unaware that his attorneys have access to classified information that he is not allowed to review. I believe he is aware from his meeting with Ms. Gutierrez and from my correspondence that we intended to represent him and have continued to do so.

7. I have concluded on the basis of the foregoing that I, my law firm, and our co-counsel have been authorized to represent Petitioner in proceedings before this court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 27th day of September, 2008.

A handwritten signature in black ink, appearing to read "Jonathan M. Fee", written over a horizontal line.

Jonathan M. Fee  
ALSTON & BIRD LLP  
950 F Street, NW  
Washington, DC 20004  
(202) 756-3387  
jon.fee@alston.com  
DC Bar No. 479579



# ATTACHMENT A

**JTF-GTMO Habeas Attorney Refusal Communication**

Date: 3 MAY 2007

Time: 0830

From: JONATHAN FEE

To: OMAR <sup>(please print)</sup> AL DAINI

JTF Witness: \_\_\_\_\_  
(Print name after delivery to detainee)

ISN 549

English version

DEAR OMAR:

WE ARE ADDRESSING YOU ONCE AGAIN BECAUSE WE WOULD LIKE TO INFORM YOU THAT WE CONTACTED YOUR FAMILY IN YEMEN WITH YOUR BROTHER, KHALID AND YOUR BROTHER-IN-LAW NASIR AND YOUR RESPECTED MOTHER. WE CONTACTED THEM AS PART OF OUR LEGAL REPRESENTATION TO MAKE SURE ABOUT YOUR SAFETY IN CASE YOU ARE RELEASED.

YOUR MOTHER IS VERY WORRIED AND ~~A~~ EAGER TO KNOW ABOUT YOUR CONDITION AND HEALTH. OUR LAWYER JILL ~~W~~ WILL TRAVEL TO YEMEN TO MEET YOUR FAMILY IN 2 WEEKS

IT WILL BE USEFUL TO MEET YOU TO ENABLE JILL AND YOUR FAMILY TO WORK IN COOPERATION WITH A YEMENI HUMAN RIGHTS ORGANIZATION AND THE YEMENI GOVERNMENT TO FACILITATE YOUR RETURN TO YEMEN. PLEASE GIVE US YOUR ANSWER IN YOUR WRITING. THANK YOU.

*Jonathan M Fee*

Do you wish to meet with your habeas attorney?

Yes

No

Detainee Signature:

*He read arabic letter, asked if he wanted to see attorney, shook his head "no" and wrote arabic response*

JTF-GTMO Habeas Attorney Refusal Communication

Date: 2-5-2007

Time: 11:00

From: جون عني

To: محمد الدراوي

JTF Witness: (Print name after delivery to detainee)

049

Translation

محمد بنزي السيد محمد المحترم

تخاطبكم مرة أخرى لانتنا ودنا ان تخبركم  
 باننا عند حنا بالاصصال مع مائلكم في اليمن  
 مع افوكم فاله وخر بيكم فاصره والوالده ~~المحترمه~~  
 قمننا بالاصصال معهم كجزء من ~~توليبتنا~~ القانونيه  
 للتأكد من لاصتكم في حاله اطلاق سراحكم .  
 الوالده قلقه جداً وتجب معرفه عن حالتكم  
 وصحتكم . الحمايه "هل" تتأثر اني اليمن  
 لتقابل حالتكم بعد اسبوعين من الان .  
 سيكون من المفيد معاً بلكم كي يتسكن على  
 حالتكم وهد ان يعملوا طفاوياً مع منظمه ان نيه  
 يمينيه في اليمن والحكومه اليمينيه لتسهيل رجوعكم الى  
 اليمن . الرجاء الرد على هذا الطلب بخطكم ولكم  
 جزيل الشكر

أنا لا أريد أي محامٍ طيحايني عني

وأشكركم على جهودكم هذا : وأقول لكم لا داعي للتخاطب وأقول مده ثابته لا أريد محامياً

I do not want any lawyer to defend me on my behalf. I would like to thank you for your efforts. I want to tell you that there is no need to repeat, I want to say it for the second time that I do not want a lawyer.

**CERTIFICATE OF SERVICE**

I, Jill M. Williamson, hereby certify that I today caused a true and accurate copy of the foregoing to be served electronically via the Court's Electronic Case Filing system.

/s/ Jill M. Williamson  
Jill M. Williamson

Dated: September 29, 2008