

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

IN RE:) **Misc. No. 08-442 (TFH)**
)
GUANTÁNAMO BAY DETAINEE) **Civil Action No. 05-2386 (RBW)**
LITIGATION)
)

**NOTICE OF AUTHORIZATION
ABD AL ZAHER**

Pursuant to the Court's July 29, 2008 Order (Misc. No. 08-442, Document 358), counsel for petitioner Abd Al Zaher respectfully submits the attached declaration stating that Mr. Al Zaher has authorized counsel to pursue this action and explaining why counsel does not have a signed authorization as of this date.

Dated: September 29, 2008

Respectfully submitted,

ABD AL ZAHER,
Petitioner

/s/ Richard J. Wilson
Richard J. Wilson
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DECLARATION OF RICHARD J. WILSON

Richard J. Wilson declares as follows pursuant to 28 U.S.C. § 1746:

1. I am an attorney licensed to practice law in the District of Columbia. I am Professor of Law and Director, International Human Rights Law Clinic, at American University, Washington College of Law, in Washington, DC.

2. My client Abd Al Zaher is a prisoner in the prison maintained by the United States military at the U.S. Naval Base at Guantánamo Bay, Cuba. Mr. Al Zaher was among the petitioners in the Mohammon case, No. 05-2386, filed in December, 2005, in which he identified his wish to proceed through his next friend, Sami Al Hajj, also a prisoner.

3. Mr Al Hajj filed a detailed request for counsel for Mr. Al Zaher, noting that he was also known as Poolad T. Tsiradzho, on December 15, 2006 (Attached here as Exhibit A)

4. Over a period of several months from March through June of 2008, counsel for the petitioner attempted to obtain access to Mr. Al Zaher, through motions filed before Judge Walton to that effect. Such motions, opposed by the government on grounds that the petitioner's identity was unclear, were still pending without decision at the end of June, 2008.

5. Following the decision by the Supreme Court in Boumediene v. Bush, 128 S. Ct. 2229 (2008), in proceedings before Judge Hogan in this matter, the government conceded the

identity of ISN #89 as Abd Al Zaher in Exhibit 1 to its Joint Status Report filed on June 27, 2008 with Judge Hogan. (Attached here, in relevant part, as Exhibit B)

6. I wrote to Mr. Al Zaher on July 28, 2008, indicating that I would act as his attorney, and indicating that I would try to arrange a visit with him.

7. I have requested the United States Department of Defense to allow me to visit with Mr. Al Zaher between October 21-23, 2008. I have not yet received a response to that request.

8. On August 5, 2008, Mr. Al Zaher wrote back to me in Azeri, the national language of Azerbaijan. I received that letter, unclassified in its entirety, on September 11, 2008. In that letter, Mr. Al Zaher indicated that he is “very glad to have an attorney.”

9. Mr. Al Zaher has not signed an authorization because I have not yet visited with him, nor asked him to do so. I have not asked him to sign such an authorization because I did not believe that any rule or order of this Court required me to do so.

10. Upon entry of my appearance as counsel for Mr. Al Zaher, and with agreement from Andrew Warden, in an email dated July 10, 2008, (Attached as Exhibit C), I filed a memorandum of understanding under the protective order 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. Al Zaher 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.”). To my knowledge, the Government has abided by this order since that time in cases involving other men imprisoned at Guantánamo Bay.

11. The Government has not denied me access to Mr. Al Zaher on the purported basis that I lack the 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.

/s/ Richard J. Wilson

Richard J. Wilson

CERTIFICATE OF SERVICE

The undersigned states that on September 29, 2008, I electronically filed the foregoing **NOTICE OF AUTHORIZATION BY ABD AL ZAHER** with the Clerk of the Court using the ECF system, which will send notification of such filings to all counsel of record.

/s/ Richard J. Wilson
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