

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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IN RE:	:	
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GUANTÁNAMO BAY	:	Misc. No. 08-442 (TFH)
DETAINEE LITIGATION	:	
	:	
_____	x	
	:	
ABU ABDUL RAUF ZALITA,	:	
	:	
	:	
Petitioner,	:	
	:	
v.	:	No. 05-CV-1220 (RMU)
	:	
GEORGE W. BUSH, <i>et al.</i> ,	:	
	:	
	:	
Respondents.	:	
	:	
_____	x	

NOTICE OF AUTHORIZATION

Pursuant to this Court’s July 29, 2008 Order (Misc. No. 08-442, dkt. no. 210), undersigned counsel for Petitioner Abu Abdul Rauf Zalita respectfully submit the attached declaration of Gitanjali S. Gutierrez stating that Petitioner has directly authorized undersigned counsel to pursue this action, and explaining why undersigned counsel has not secured a signed written authorization as of this date.

Dated: September 29, 2008

Respectfully submitted,

/s/
Shayana Kadidal [D.C. Bar No. 454248]
Gitanjali S. Gutierrez (pursuant to LCvR 83.2(g))
CENTER FOR CONSTITUTIONAL RIGHTS

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	:	
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	:	
_____	x	

DECLARATION OF GITANJALI S. GUTIERREZ

Gitanjali S. Gutierrez declares as follows pursuant to 28 U.S.C. § 1746:

1. I am an attorney at the Center for Constitutional Rights (“CCR”), 666 Broadway, 7th Floor, New York, NY 10012, which represents Petitioner Abu Abdul Rauf Zalita (“Petitioner Zalita”) in the above-captioned case. I submit this declaration in response to the Court’s Order of July 29, 2008 (“Order”).

2. Abu Abdul Rauf Zalita has been detained at Guantánamo Bay since 2002 without charge. CCR filed the instant habeas petition on June 22, 2005 (based on a next friend authorization from a fellow detainee, Omar Deghayes) and has represented Petitioner Zalita since then. The first protective order in this case was entered on July 25, 2005, and attorneys

from the Center have consistently met with and corresponded with Petitioner Zalita throughout the intervening three years.

3. Because Petitioner Zalita has verbally conveyed to CCR his ongoing express desire for legal assistance, we have not found it appropriate or necessary to insist that he sign any particular written agreement.¹ See *Modiri v. 1342 Restaurant Group, Inc.*, 904 A.2d 391, 398 (D.C. 2006) (finding it well-established that “[n]either a written agreement nor the payment of fees is necessary to create an attorney-client relationship”) (interpreting D.C. R. Prof. Conduct 1.5(b)) (citation omitted); *Goldstein v. SEC*, 451 F.3d 873, 878 (D.C. Cir. 2006) (“An attorney-client relationship . . . can be formed without any signs of formal ‘employment.’”) (citation omitted); Restatement (Third) of the Law Governing Lawyers § 14 (stating that a person need only “manifest” his intent that the lawyer him provide legal services and the lawyer manifest his or her consent for an attorney-client relationship to be formed).

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

Executed: New York, New York
September 29, 2008



Gitanjali S. Gutierrez

¹ The Protective Order and Counsel Access Procedures entered by this Court in Zalita’s habeas case on September 11, 2008, like the previous Protective Order governing his case, see *In re Guantanamo Detainee Cases*, 344 F. Supp. 2d 174 (D.D.C. 2004), require only that counsel “provide evidence of their authority to represent the detainee.” Protective Order and Procedures for Counsel Access to Detainees at the United States Naval Base in Guantanamo Bay, Cuba, § II.10.a. It is CCR’s understanding that evidence of our authority to represent a detainee may take the form of a sworn statement. See *Adem v. Bush*, No. 05-723 (RWR), Memorandum Opinion and Order, April 28, 2006, dkt. no. 42, at 14-15 (“Here, a sworn statement provides evidence that [petitioner] was actively seeking a lawyer to represent him.”).