

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

IN RE:)	
)	
GUANTANAMO BAY)	Misc. No. 08-442 (TFH)
DETAINEE LITIGATION)	
)	Civil Action No. 05-CV-2104(RBW)
)	

DECLARATION OF WESLEY R. POWELL

Wesley R. Powell, declares as follows, pursuant to 28 U.S.C. § 1746:

1. I am a partner in the New York office of Hunton & Williams LLP and am admitted to practice in the States of New York and California and before a number of federal courts. I have practiced before this Court in connection with the Guantánamo *habeas* litigation since the fall of 2004, pursuant to this Court’s local rules concerning pro bono representation.

2. I submit this declaration in support of Petitioner Ali Hamza Ahmed Suliman Bahlool’s Motion to Dismiss Petition Without Prejudice.

3. I, and colleagues at my firm, began representing Mr. Bahlool in October 2005, pursuant to the authorization of his next friend, Abdoul Mohammed Ahmed Bahlool. We filed a petition on behalf of Mr. Bahlool and five other detainees on October 27, 2005 in this Court. At no point have Respondents challenged our authority to represent Mr. Bahlool.

4. Mr. Bahlool also has been charged in the military commission proceedings that are ongoing in Guantánamo. He is represented in those proceedings by detailed military defense counsel.

5. On September 23, 2008, a colleague and I met with Mr. Bahloul in Guantánamo for approximately an hour. His military defense counsel also were present at this meeting.

6. At the end of this meeting, Mr. Bahloul unequivocally instructed us to file the necessary papers to terminate his *habeas corpus* action. He authorized us to report, to the extent necessary in the context of our otherwise privileged conversation, the relevant portions of our conversation that support his motion to dismiss. I describe below the supporting details of our conversation.

- a. During our meeting, I described to Mr. Bahloul, among other things, the benefits of pursuing a *habeas corpus* action and the risks of not doing so.
- b. Mr. Bahloul indicated that he understood my explanation, but nonetheless wished to terminate his action, based largely on his political beliefs. Mr. Bahloul explained that, for political reasons, he wishes, to the extent possible, to avoid any association with the United States government and judicial system.
- c. Throughout this meeting, Mr. Bahloul appeared to be of sound mind.

7. I am also informed by his military defense counsel that Mr. Bahloul made similar statements during a military commission hearing several months ago and stated specifically that he wanted to terminate any court actions brought on his behalf in any United States court. It is my understanding that the transcript of his hearing before the military commission is not available at this time.

8. It is on this basis that we seek an order dismissing Mr. Bahloul's *habeas corpus* action without prejudice.

Executed this 20th day of October 2008
New York, New York

/s/

Wesley R. Powell