

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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MOHAMMED SAEED BIN SALMAN	:	
Detainee,	:	
Guantánamo Bay Naval Station	:	
Guantánamo Bay, Cuba,	:	
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Petitioner,	:	Misc. No. 08-442 (TFH)
	:	
v.	:	
	:	Civ. No. 05-CV-748 (RMC)
GEORGE W. BUSH, DONALD	:	
RUMSFELD,	:	
ARMY BRIG. GEN. JAY HOOD, and	:	
ARMY COL. MIKE BUMGARNER,	:	
	:	
Respondents.	:	
	:	
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DECLARATION OF AHMED GHAPPOUR, ESQ

I, Ahmed Ghappour, declare the following statements are true to the best of my knowledge, information, and belief:

1. My name is Ahmed Ghappour. I am a member of the Bar of the State of California, Bar Number 255723. I am a Staff Attorney at Reprieve, a non-profit based in the United Kingdom.
2. I represent habeas petitioner Mohammed Saeed bin Salman in *Aboassy v. Bush*, Case No. 05-CV-748 (RMC).

3. As we have previously indicated in correspondence with the Department of Justice, Reprieve was initially authorized to represent Mohammed Saeed bin Salman in the above-captioned actions by valid authorization from a “next friend” pursuant to 28 U.S.C. § 2242—namely Mr. bin Salman’s father, Said Salim bin Salman.
4. Mr. bin Salman has been a prisoner in Guantánamo Bay since February 2002. In that time, he has had no meaningful contact with the outside world. His family can’t visit; their letters take weeks or months to reach him and when they do, they are heavily censored.
5. He has spent over 16 months in the grinding isolation of Camp Six.
6. He lives in a cell where everything is steel, where there is no window to the outside world and where neon lights are on 24 hours a day. For the two hours a day he is allowed out of his cell, he stands in a high-walled pen that is double-meshed overhead. Because this “rec” often takes place at night, Mr. bin Salman can go days on end without seeing the sun, or anyone else.
7. These conditions create a palpable air of paranoia at Guantánamo. They make trust between attorney and client extraordinarily difficult to achieve.
8. My colleagues and I have conducted two visits with Mr. bin Salman. We are in the process of establishing a trusting attorney-client relationship despite the difficult circumstances under which our meetings occur—under the invasive gaze of a security camera, and in the same rooms used by the US military for their interrogations.

9. By the time we met with our client in 2007, he had been held incommunicado at Guantánamo for over five years.
10. At our meeting, I observed that this isolation had—directly and visibly—caused Mr. bin Salman’s psyche to deteriorate. Mr. bin Salman is, without question depressed.¹
11. I also have reason to believe that Mr. bin Salman was subjected to abuse—in a variety of forms—at the hands of the American military. This has had the effect of making Mr. bin Salman incredibly distrustful of any American purporting to be his friend or acting on his behalf.
12. Nonetheless, Mr. bin Salman’s counsel has made substantial progress in developing rapport and trust with him in Guantanamo Bay. In my last visit, on October 9, 2008, Mr. bin Salman gave oral authorization for us to represent him in habeas, and all other actions before US Courts.
13. However, Mr. bin Salman remains deeply reluctant about signing any piece of paper given to him in Guantanamo Bay. Consequently, Mr. bin Salman’s counsel have not yet been able to secure written acknowledgment of our representation.
14. I have every reason to believe that this reluctance is a product of the psychological and physical deterioration he has suffered while imprisoned without charge at Guantánamo. His reluctance also reflects his fear of Americans in general after what he has suffered at the hands of the U.S. military. And

¹ No independent psychologist has examined Mr. bin Salman in Guantánamo, and his attorneys are certainly no substitute for one. He does exhibit symptoms, however, which fit the classic pattern of depression as set out in the Fourth Diagnostic and Statistical Manual of Mental Disorders (“DSM-IV”). These include, *inter alia*: feelings of helplessness and hopelessness; appearing withdrawn; poor concentration and memory; and feelings of fatigue and listlessness.

finally, his reluctance owes to actions taken by the U.S. Military itself to discourage detainees from seeking the assistance of counsel.

15. Upon information and belief, members of the U.S. Armed Forces, or persons working on their behalf, have told detainees not to trust their lawyers.
16. Shockingly, one of our clients has told us that the military had told him that we were not attorneys at all.
17. Upon information and belief, members of the U.S. Armed Forces, or persons working on their behalf, have impersonated private attorneys in interrogations of other Reprieve clients.
18. Upon information and belief, members of the U.S. Armed Forces, or persons working on their behalf, have told detainees that if they work with attorneys, they will be less likely to be released from their detention at Guantánamo.
19. We view each and all of the above actions to be unconscionable and to be direct and substantial interferences with the attorney-client relationship.
20. In addition, Mr. bin Salman is suffering from serious medical conditions that strained our last meeting—and made raising mundane matters such as form signatures inappropriate or impossible. These conditions include severe back pain, rheumatism, hemorrhoids, constant migraines and nausea, and are a direct product of the conditions Mr. bin Salman has faced during his imprisonment without charge.
21. I witnessed the symptoms of Mr. bin Salman's deteriorating health myself. I spent the final 30 minutes of our recent meeting holding Mr. bin Salman's head up as he vomited into a plastic bag over his shackled feet.

22. Despite this culture of fear and distrust at Guantánamo, Mr. bin Salman has willingly authorized our representation. He has met with us and received our legal mail. He has discussed the legal issues in his case with us, and an attorney-client relationship has been formed. He has indicated that he wishes to see us again.
23. I declare, under penalty of perjury under the laws of the United States that the foregoing is true to the best of my knowledge and belief.

Executed this 29th day of October 2008

New York, New York

/s/ _____

Ahmed Ghappour