

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

<b>IN RE:</b>  <b>GUANTÁNAMO BAY DETAINEE LITIGATION</b>	) ) ) ) ) ) )	<b>Misc. No. 08-442 (TFH)</b>  <b>Civil Action No. 1:06-cv-01668 (HHK)</b>
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**UNOPPOSED MOTION ON BEHALF OF PETITIONER  
TARIQ BA ODAH FOR EXTENSION OF TIME  
TO FILE AUTHORIZATION**

Petitioner Tariq Ali Abdullah Ba Odah (ISN 178), through his undersigned counsel, respectfully requests an additional thirty-day extension of time to the Court’s July 29, 2008 Order to file a signed authorization or a declaration by counsel regarding Petitioner’s authorization for counsel to pursue the action. Petitioner further rely upon the Declaration of Siham Nurhusein in Support of the Motion (“Nurhusein Decl.”). Counsel for Respondents has confirmed that they do not oppose the motion.<sup>1</sup> A draft Order is attached for the Court’s consideration.

1. This proceeding was filed in reliance upon an authorization provided by Petitioner’s “Next Friend” — Mr. Ba Odah’s brother. This authorization specifically empowers counsel to file this proceeding. (Nurhusein Decl. ¶ 1, attaching Authorization of Nasser Ali Abdullah Ba Odah as Exhibit 1.)

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<sup>1</sup> Counsel have conferred in accordance with their duties under LCvR 7(m). Mr. Andrew Warden, on behalf of Respondents, confirmed by telephone on October 29, 2008, that Respondents do not oppose the motion.

2. Mr. Ba Odah has not yet provided Petitioner's counsel with an authorization that meets the requirements of the Court's July 29, 2008 Order. The reasons for this are as follow.

a. A protective order was not issued in this habeas proceeding until July 21, 2008. A protective order was entered in the separate actions under the Detainee Treatment Act on September 6, 2007; however, the classified portions of the CSRT record (containing the Respondents' purported justification for detaining Petitioner) were not available until April 2008 (and then only in part). It was only at this stage, and having obtained the necessary security clearances, that a trip to Guantánamo Bay by undersigned counsel could be contemplated. Therefore the earliest practical opportunity that counsel had to travel to Guantánamo Bay to meet with Petitioner was May 2008. (Nurhussein Decl., ¶ 2)

b. Prior to the Court's original deadline for filing authorizations, counsel had made two visits to the base: one in the week of May 19, 2008 and one in the week of August 11, 2008. (Nurhussein Decl., ¶ 3) During this time they were able to meet with Mr. Ba Odah twice but because of the very limited exposure to Petitioner, counsel did not have a sufficient opportunity to establish the relationship of trust and confidence necessary to obtain a written or oral authorization from Mr. Ba Odah. (Nurhussein Decl., ¶ 5.) This was especially so when one factors in that Petitioner has been incarcerated at Guantánamo for nearly seven years, during which time, upon information and belief, he has been exposed to misinformation, mistreatment and abuse. He has also been the subject of literally hundreds of hours of interrogations. Moreover, he has been on a hunger strike and subjected to daily forced feeding for almost two years. (Nurhussein

Decl., ¶¶ 6, 7.) His weight dropped at one point to a mere 79 pounds, which has resulted in wide-ranging medical problems. (Nurhussein Decl., ¶ 7.)

c. Given this background, and based on the fact that an additional trip to Guantánamo Bay was scheduled for October 8-12, 2008, undersigned counsel filed an unopposed motion for an additional thirty days from the Court to obtain an authorization from Petitioner, which was granted by the Court.

d. Counsel met with Mr. Ba Odah for a third time on October 11, 2008, for approximately three hours. (Nurhussein Decl., ¶ 8.) During the meeting, Mr. Ba Odah complained of ongoing health problems attributable to his ongoing forced feeding. (Nurhussein Decl., ¶ 9.) He also reported that since our last visit in August, he had been subjected to further mistreatment by the guards, including being beaten by the Extreme Reaction Force (“ERF”). (Nurhussein Decl., ¶ 9.) There have been some indications that Mr. Ba Odah’s hunger strike and the abuse he has sustained have had an impact on his mental state. (Nurhussein Decl., ¶ 10.) Mr. Ba Odah has appeared dazed and expressed difficulty remembering details, saying he needed more time to collect his thoughts. (Nurhussein Decl., ¶ 10.) In addition, Mr. Ba Odah reported being on painkillers that may have affected his mental state. (Nurhussein Decl., ¶ 10.) In the meeting on October 11, 2008, Mr. Ba Odah told Counsel that he was not in a position to provide the requested formal authorization. (Nurhussein Decl., ¶ 11.) He expressed mistrust of the system that has allowed him to be mistreated. (Nurhussein Decl., ¶ 11.) Mr. Ba Odah did express that he would continue to consider the request. (Nurhussein Decl., ¶ 11.)

3. Petitioner’s counsel is requesting a visit to Guantánamo during the week of November 10, 2008, and believe that an additional meeting with Mr. Ba Odah is necessary to

determine whether Mr. Ba Odah will authorize our representation. For this reason, Petitioner requests an additional thirty days to respond to the Court's July 29, 2008 Order.

### CONCLUSION

WHEREFORE, Petitioner respectfully requests an extension of time until November 28, 2008, to file a notice of authorization or declaration of counsel regarding representation of Mr. Ba Odah.

Dated: October 29, 2008

Respectfully submitted,

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FOR THE DISTRICT OF COLUMBIA**

<b>IN RE:</b>	)	
	)	<b>Misc. No. 08-442 (TFH)</b>
<b>GUANTÁNAMO BAY</b>	)	
<b>DETAINEE LITIGATION</b>	)	<b>Civil Action No. 1:06-cv-01668 (HHK)</b>
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**[DRAFT] ORDER GRANTING UNOPPOSED  
MOTION FOR EXTENSION OF TIME**

Upon consideration of Petitioner’s Unopposed Motion for Extension of Time and the Declaration of Siham Nurhussein in Support, Petitioner’s Motion is hereby GRANTED. Petitioner has until November 28, 2008, to file a notice of authorization or declaration of counsel regarding representation of Mr. Ba Odah pursuant to the Court’s Order of July 29, 2008.

IT IS SO ORDERED.

Dated this \_\_\_ day of \_\_\_\_\_ 2008.

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Honorable Thomas F. Hogan  
U.S. District Judge