

counsel until October 2007. Indeed, two years after Khan's next-friend petition was filed, the government continues to deny him access to his counsel in the context of this case.

Khan nevertheless has repeatedly provided undersigned counsel with direct written authority to represent him. After learning through non-legal correspondence that he had counsel in this case, Khan repeatedly demanded access to us through the limited means available to him. He sent us postcards asking for our assistance (*see* Ex. 1); he wrote directly to counsel for the government requesting our assistance (*see* Ex. 2); and he requested our assistance in connection with his Combatant Status Review Tribunal Proceedings in April 2007 (*see* Verbatim Transcript of Combatant Status Review Tribunal Hearing for ISN 10020 (*available at* http://www.defenselink.mil/news/transcript_ISN10020.pdf)). Khan was so desperate to meet with his counsel that he went on hunger strikes and attempted to commit suicide by chewing through an artery in his elbow when counsel access was initially denied. *See* Declaration of Gitanjali S. Gutierrez, *Khan v. Gates*, No. 07-1324 (D.C. Cir. Nov. 29, 2007) (Redacted).

Moreover, since meeting with undersigned counsel in the context of his parallel Detainee Treatment Act ("DTA") case, Khan has not only authorized us to pursue this habeas case on his behalf, he has also authorized us to represent him in the DTA case, in litigation under the Freedom of Information Act, and in connection with any military commission case that may be brought against him. *See* Ex. 3 (selected documents).

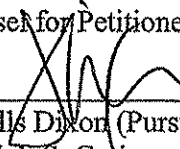
Not once has the government ever questioned our authority to represent Khan. To the contrary, the government has expressly recognized our representation. *See* Ex. 4.

Accordingly, Khan has more than satisfied any legal requirement that he demonstrate, confirm or clarify his desire to pursue habeas relief.

Dated: New York, New York
September 23, 2008

Respectfully submitted,

Counsel for Petitioner:



J. Wells Dixon (Pursuant to LCvR 83.2(g))
Gitanjali S. Gutierrez (Pursuant to LCvR 83.2(g))
CENTER FOR CONSTITUTIONAL RIGHTS
666 Broadway, 7th Floor
New York, New York 10012
Tel: (212) 614-6423
Fax: (212) 614-6499
wdixon@ccrjustice.org

CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2008, I caused the foregoing response, with exhibits, to be filed and served on counsel listed below by causing an original and five copies to be delivered to the Court Security Office via overnight mail.

Terry M. Henry, Esq.
Civil Division, Federal Programs Branch
U.S. DEPARTMENT OF JUSTICE
20 Massachusetts Ave., N.W.
Washington, D.C. 20530
Tel. (202) 514-4107

Counsel for Respondents



J. Wells Dixon

EXHIBIT 1

DETAINEE METIB KHAN (US-010000)
 CAMP DELTA
 Washington, DC 20353
 USA

GUAN-2007-T-02988

SENDER		TO	
NAME (Last, First MI) <u>KHAN, METIB, SHERIFF</u>		<u>METIBAL RAHBER, (lawyer)</u> <u>WILLIAM COSSMAN (lawyer)</u> <u>2300 N.W. 5th Street</u>	
INTERMENT SERIAL NUMBER <u>US-010000</u>		STREET <u>666 Broadway</u>	
DATE AND PLACE OF BIRTH <u>1960, MESSINA, Sicily</u>		CITY <u>NEW YORK</u>	
NAME OF CAMP <u>Department of Defense</u>		COUNTRY <u>U.S.A</u>	
COUNTRY WHERE POSTED <u>CUBA</u>		PROVINCE OR DEPARTMENT <u>NEW YORK</u>	
		CAMP OF CONFINEMENT <u>CONFINEMENT CAMP</u>	

DA FORM 2668, JAN 2004

USDD 4H00410

QUAN-2007-T 02988

POSTCARD

DATE

For use on this form, see AR 190-8, the proponent agency is PMG.

MAY - 04 - 07

LANGUAGE

ENGLISH

POWER SERVED

WRITE BETWEEN LINES AND AS LEGIBLY AS POSSIBLE

I just wanted to send Brent you, mate,
 you fighting for me and doing your best
 to get me out from here.
 please! Don't give up keep trying. I hope,
 we will meet some day. I will have justice
 if not here then elsewhere. ~~ISRAELI!~~
 MAY ALAH GUIDE US ALL. AND THANKS AGAIN
 FOR EVERYONE YOU HAVE DONE FOR US.

DA FORM 2658, JAN 2004

USDOB4H100646

DETAINEE KIM MASTRA (US-010020)

CAMP DELTA

Washington, DC 20353

USA

GUAN-2007-T 03089



SENDER		TO: MICHAEL RANIER 6111 SWAN CROSBAND 40TH AVENUE S • COLUMBIAN	
NAME (Last, First, MI)	KIMM, MASTRA, SHOUKAT	STREET	666 BRANLAWAY
INTERMENT SERIAL NUMBER	US-010020	CITY	NEWYORK, NY 10012
DATE AND PLACE OF BIRTH	29-DEC-1980, MANAMA, SAUDI ARABIA	COUNTRY	U.S.A
NAME OF CAMP	ETMO	PROVINCE OR DEPARTMENT	SAVING OF CONFIDENTIAL RIGHTS
COUNTRY WHERE POSTED	GUANTANAMO BAY, CUBA		

DA FORM 2668, JAN 2004

US00D 6H 00 808

OUAN-2007-T 03089

POST CARD

For use of this form, see AR 190-8; the proponent agency is PMG.

DATE

JAN 2007

LANGUAGE

English

POWER SERVED

WRITE BETWEEN LINES AND AS LEGIBLY AS POSSIBLE

I have written to Dad, Ben, Bob and Chris but
don't do them one to meet with you guys. I've gone
in states, parties, separate in non-operations but
still no response. Please do your best to reach out to
me. I need to talk to you, it is an emergency matter.
Keep trying don't give up. I have no idea what's
going on out there. I have no access to cell side work.
Every thing is covered, even radios don't talk me anything.

DA FORM 2668, JAN 2004

USPOD&H 00 008

EXHIBIT 2

SJA 2007-00138

U.S. DODGH-01237

An emergency Complaint and
Some details.

To: DOD ATTORNEY

From: KHAN MARIA (08-010020)

DATE: Nov-29-2007

- ① Do I have right to make phone calls to my lawyers before meeting ^{them} ~~them~~?
- ② when will exactly I'll get my lawyers?
- ③ when will I have full access to my legal mails?
- ④ how is it possible that I can contact my own, my witnesses or person testimonies in behalf of me regarding "ARB" process?
- ⑤ how come every body got letter from some lawyers but me?
- ⑥ how come every body got an attachment form to challenge in U.S Court ^{OR} to ask for an "ARB" lawyer & form but me?
- ⑦ Do I have right to Suet this administration who treat me Cruely and mentally torture me also that one different than others ^{equally}?

why am I still in Solitary Confinement?
why don't I get regular American newspapers,
Since I am a permanent resident of U.S.A.
why do they turn on fan right front of my
door and w/t they put bleach or acid with
powerful scent. So the scent will come inside
my cell and I get sick.

why they poisoned my apple injected with
Some power full acid and I complained
about it to see the Supervisor right away,
So I can show him the physical evidence but
Supervisor never shows up?...

why they slam things on my door, why does
a medic lie about me and abuses me when
I don't even wanna see them?

why do Supervisor lie that they don't hear
any noises from my camera but it's there
24/7 and yet the camera get fixed right away?

why our mail are being taken away
forcibly, why we aren't allow to take chess games,
library books, or too matters in our cells
etc. Why torturing us like this... why?

DETAINEE 10020
STAFF JUDGE ADVOCATE
JTF GTMO SJA
APO AE 09360
OFFICIAL BUSINESS

ANDREW I. WARDEN
U.S. DOJ CIVIL DIVISION
FEDERAL PROGRAMS BRANCH
20 MASSACHUSETTS AVE NW RM 6
WASHINGTON, DC 20530

7003 1010 0005 2699 7099



CERTIFIED MAIL

OCT 18 2007
DOJ MAIL ROOM
BY: _____
TIME: _____



INTERNATIONAL SECURITY CENTER
USIA/PROFESSIONAL/STAFF/STAFF/STAFF

FROM: USPS
CARR: 70031010000526887098
TRK#: 10/18/2007
RCVD:

TO: CIVIL/FEDERAL PROGRAMS
PH:
BDG: 20MSS FLR:
RM: 7311
PCS: 1



PSN: 70031010000526887098

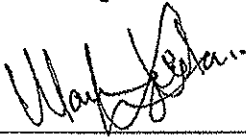
RTE:
MSC:
CIVIL/FEDERAL PROGRAMS

EXHIBIT 3

AUTHORIZATION

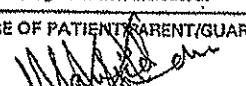
I, Majid Khan, hereby authorize the Center for Constitutional Rights ("CCR") to provide my legal representation with respect to the Freedom of Information Act request submitted on my behalf. CCR is authorized to receive records on my behalf that are produced, including medical records. CCR will pay further processing.

OCT-24-07
Date



Majid Khan

UNCLASSIFIED

MEDICAL RECORD	AUTHORIZATION FOR DISCLOSURE OF INFORMATION For use of this form, see AR 40-86; the proponent agency is Office of The Surgeon General.	
<p>This form will not be used for authorization to disclose alcohol or drug abuse patient information from medical records or for authorization to disclose information from records of an alcohol or drug abuse treatment program. For authorization to disclose alcohol or drug abuse patient information, see 42 USC section 290dd, 42 CFR part 2, AR 40-86, and AR 600-86.</p> <p>(Pursuant to the Privacy Act of 1974, 5 USC section 552a)</p>		
PHYSICIAN OR MEDICAL TREATMENT FACILITY AUTHORIZED TO RELEASE INFORMATION	<p>It is understood that this authorization may be revoked at any time, if requested in writing, except to the extent that action will have already been taken.</p>	
PATIENT DATA		
NAME (Last, First, MI) Khan, Majid	DATE OF BIRTH (YYYYMMDD) 1980/02/28	SOCIAL SECURITY/IDENTIFICATION NUMBER
PERIOD OF TREATMENT (YYYYMMDD to YYYYMMDD) TO	TYPE OF TREATMENT <input type="checkbox"/> OUTPATIENT <input type="checkbox"/> INPATIENT <input checked="" type="checkbox"/> BOTH	
RESTRICTIONS ON INFORMATION (Specify) None		
USE OF MEDICAL INFORMATION <input type="checkbox"/> FURTHER MEDICAL CARE <input type="checkbox"/> INSURANCE CLAIM(S) <input checked="" type="checkbox"/> ATTORNEY <input type="checkbox"/> DISABILITY DETERMINATION <input type="checkbox"/> OTHER (Specify)		
INFORMATION DESTINATION		
INDIVIDUAL OR ORGANIZATION TO WHOM INFORMATION SHOULD BE RELEASED (Name and Address) Gitanjali Gutierrez CCR 666 Broadway New York, New York 10012		
(ANY DISCLOSURE OF MEDICAL RECORD INFORMATION BY THE RECIPIENT(S) IS PROHIBITED EXCEPT WHEN IMPLICIT IN THE PURPOSES OF THIS DISCLOSURE)		
RELEASE AUTHORIZATION		
I hereby request and authorize the named physician/medical treatment facility to release the medical information described above to the named individual/organization indicated.	DATE (YYYYMMDD) 10/24/07	
SIGNATURE OF PATIENT/PARENT/GUARDIAN 	RELATIONSHIP TO PATIENT self	
IMPRINT OF PATIENT IDENTIFICATION PLATE WHEN AVAILABLE N/A		

UNCLASSIFIED

EXHIBIT 4

Wells Dixon

From: Warden, Andrew (CIV) [Andrew.Warden@usdoj.gov]
Sent: Thursday, October 18, 2007 4:37 PM
To: Gitanjali Gutierrez; Wells Dixon
Subject: Majid Khan Letter

Gita & Wells,

Today I received a letter addressed to me from petitioner Majid Khan. The postmark on the envelope indicates that the letter was sent from Guantanamo Bay by "Detainee 10020." I have not opened the letter or otherwise read it (the envelope says "x-rayed," which is consistent with DoJ's security policy for incoming mail). In light of your current representation of petitioner Khan, I will send the unopened letter to you via Federal Express. In the event the content of the letter is such that it would be appropriate to share with me, I would appreciate you doing so.

Best regards,

Andrew

Andrew I. Warden
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave., NW, Room 6120
Washington, DC 20530
Tel: 202.616.5084
Fax: 202.616.8470

9/23/2008