

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

SALIM AHMED HAMDAN, Military
Commission Detainee, Camp Echo,
Guantanamo Bay Naval Base,
Guantanamo Bay, Cuba,

Petitioner,

v.

DONALD H. RUMSFELD, United
States Secretary of Defense; JOHN D.
ALTENBURG, JR., Appointing
Authority for Military Commissions,
Department of Defense; Brigadier
General THOMAS L. HEMMINGWAY,
Legal Advisor to the Appointing
Authority for Military Commissions;
Brigadier General JAY HOOD,
Commander Joint Task Force, Camp
Echo, Guantanamo Bay Naval Base,
Guantanamo Bay, Cuba; GEORGE W.
BUSH, President of the United States,

Respondents.

Civil Action No. 1:04-cv-1519-JR

Judge James Robertson

**NOTICE OF UNOPPOSED MOTION OF 271 UNITED KINGDOM AND
EUROPEAN PARLIMENTARIANS FOR LEAVE TO FILE AS *AMICI CURIAE*
IN SUPPORT OF PETITIONER**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that the undersigned will, and do hereby move for an order granting the Motion of Two-hundred seventy-one (271) Members of the Houses of Parliament of the United Kingdom of Great Britain and Northern Ireland, of the European Parliament, and of the European Commission (hereafter the "*Amici*") leave to participate as amici curiae in support of Petitioner, including filing the accompanying Memorandum of Law in Support of Petitioner.

RECEIVED

SEP 29 2004

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

This Motion is, and will be based on, this Notice of Unopposed Motion, the Motion, the [Proposed] Order, all of the papers, pleadings and records on file in the above-captioned proceeding, and such oral argument as the Court may allow at a date to be set by the Court for any hearing on this Motion.

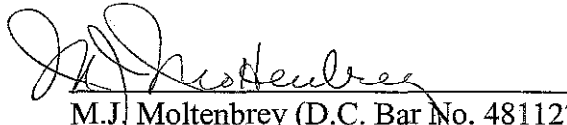
Dated: September 29, 2004

Respectfully submitted,

Of Counsel:

Ralph Wilde
Law Department, University College
University of London
Endsleigh Gardens
London WC1H 0EG

Paul Lomas
Elizabeth Snodgrass
Briana Young
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Attorneys for *Amici Curiae*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29 day of September, 2004, I caused copies of the foregoing:

1. "Notice of Unopposed Motion Of 271 United Kingdom And European Parliamentarians For Leave To File As *Amici Curiae* In Support Of Petitioner;
2. "Unopposed Motion Of 271 United Kingdom And European Parliamentarians For Leave To File As *Amici Curiae* In Support Of Petitioner" with "Memorandum of Law on Behalf of 271 United Kingdom and European Parliamentarians as *Amici Curiae* in Support of Petitioner", and
3. "[Proposed] Order"

To be served by hand on:

Jonathan L. Marcus
Assistant Solicitor General
U.S. Department of Justice
Washington, DC 20530

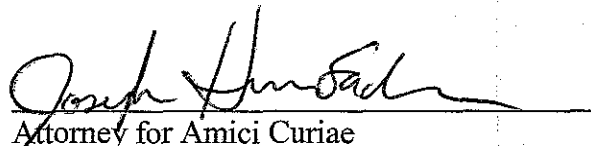
Charles Swift
Office of the Chief Defense Counsel for
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1851 S. Bell Street
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Arlington, VA 22202

Neal Katyal
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Daniel J. Popeo
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And by U.S. mail on:

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Attorney for Amici Curiae
271 United Kingdom and European Parliamentarians

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Detainee, Camp Echo, Guantanamo Bay Naval Base,
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v.

DONALD H. RUMSFELD, United States Secretary
of Defense; JOHN D. ALTENBURG, JR.,
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L. HEMMINGWAY, Legal Advisor to the
Appointing Authority for Military Commissions;
Brigadier General JAY HOOD, Commander Joint
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**UNOPPOSED MOTION OF 271 UNITED KINGDOM AND EUROPEAN
PARLIAMENTARIANS FOR LEAVE TO FILE AS *AMICI CURIAE* IN SUPPORT
OF PETITIONER**

Two-hundred seventy-one (271) Members of the Houses of Parliament of the United Kingdom of Great Britain and Northern Ireland, Members of the European Parliament, and a Vice President of the European Commission (hereafter the "*Amici*") hereby move for leave to participate in this matter as amici curiae and to file the attached Memorandum of Law in support of Petitioner.

Interests of Proposed Amici Group Members

1. *Amici* include no fewer than 186 Members of the Parliament of United Kingdom and Northern Ireland, 85 current or former Members of the European

Parliament, and a Vice President of the European Commission. *Amici* are drawn from all across the Continent, both geographically and politically, and are identified individually in the Appendix to the attached Memorandum of Law. They include five former judges of the highest court in the United Kingdom, and eleven Bishops of the Church of England.

2. “The decision whether to allow a non-party to participate as an *amicus curiae* is solely within the broad discretion of the Court.” *Ellsworth Associates, Inc. v. United States of America*, 917 F.Supp. 841, 846 (D.D.C. 1996). The Court should grant leave to file as an *amici* if the information provided is “timely and useful”. *Id.* (citations omitted). In particular, where the “non-party movants have a special interest” in the litigation and a “familiarity and knowledge of the issues raised therein that could aid in the resolution” of the matter at bar, leave to participate as *amici curiae* should be granted. *Id.*; accord, *Cobell v. Norton*, 246 F.Supp.2d 59, 62 (D.D.C. 2003) (an “amicus brief should normally be allowed . . . when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide”, quoting, *Ryan v. Commodity Futures Trading Comm’n*, 125 F.3d 1062, 1063 (7th Cir. 1997)).

3. Participation by these *Amici* is particularly appropriate here. *Amici* are leading parliamentarians in states with close legal, historical and political ties to the United States, and with which the United States has frequently cooperated in developing international treaties, principles and institutions that create the framework of international law these nations share and which *Amici* believe should be upheld in times of conflict as in times of peace. This matter raises issues of international law and the views of the *Amici*, who are drawn from the legal systems of many varied European countries and their respective democratic institutions, will be of assistance to the Court.

4. This Motion is unopposed. Counsel for *Amici* has contacted counsel for Petitioner and Respondents and all have consented to the *Amici* appearing and filing their Memorandum of Law.

Conclusion

For the foregoing reasons, the United Kingdom and European Parliamentarians respectfully request that the Court grant them leave to participate in this matter as *amici curiae* and to file the attached Memorandum as such.

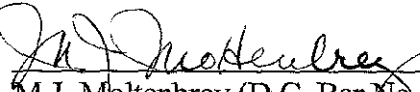
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