

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MURAT KURNAZ,)
 Detainee, Camp Delta;)
)
RABIYE KURNAZ,)
 as Next Friend of MURAT KURNAZ)
)
Petitioners,)
)
v.)
)
GEORGE W. BUSH,)
 President of the United States)
 The White House)
 1600 Pennsylvania Ave., N.W.)
 Washington, D.C. 20500;)
)
DONALD RUMSFELD,)
 Secretary, United States)
 Department of Defense)
 1000 Defense Pentagon)
 Washington, D.C. 20301-1000;)
)
ARMY BRIG. GEN. JAY HOOD,)
 Commander, Joint Task Force - GTMO)
 Guantánamo Bay Naval Station)
 Guantánamo Bay, Cuba; and)
)
ARMY COL. NELSON J. CANNON,)
 Commander, Camp Delta,)
 Guantánamo Bay Naval Station)
 Guantánamo Bay, Cuba)
)
Respondents.)
All sued in their official and individual)
capacities.)

04 1135

AFFIDAVIT OF RABIYE KURNAZ

FILED

JUL - 2 2004

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

I, **RABIYE KURNAZ**, of Seitenweg 11, in 28309 Bremen, Germany being duly sworn, depose and state as follows:

1. I am the mother of Murat Kurnaz and a citizen of Turkey.
2. I was born on February 2, 2958 in Turkey. I married Metin Kurnaz, born on July 24, 1955. In 1971 we immigrated to Germany and we have lived for 32 years in Bremen. My husband has worked for 25 years at a factory of Daimler-Chrysler in Bremne. We have 4 children: Deriya, born on November 11, 1978, living in Bremen, married, mother of Mert, who is 4 years old Mert; Murat, born on March 19, 1982, who lived in our household till October 2001; Ali, born on March 12, 1989; and Alper, born on February 2, 1996. Due to the German laws of citizenship my children inherited the Turkish citizenship of their parents. I take care of the children and the house, and my husband is working and earns net 1.700 € per month. *This is our family income.*
3. Murat went to elementary school at Glockenschule in Bremen. After 4 years he changed to the Parsevalstrasse junior high school in Bremen which he completed. Murat attended a vocational school for a year and started a vocational training as a shipbuilding engineer.
4. Murat had a very normal childhood. He had German, Italian and Turkish friends. He loved his dog and dreamed of becoming a farmer one day. He was absolutely peaceful and solved all of his problems without violence. When he was 18 the Turkish Government

wanted him to serve in the Army. Murat asked to be allowed to defer military service, and this was allowed. He never got any military training.

5. All members of my family are Muslims. We practice our faith in a very tolerant way, and we have never dictated to our children the way of that they should live. Nobody wears orthodox clothes. We fully accept the German way of living.

6. In the summer of 2001 Murat had a Muslim marriage with Nagehan Yüchel in Turkey. He had planned an additional big wedding ceremony for the beginning of 2002. Negehan received a visa for her visit in Germany. However, Murat left Germany on October 3, 2001 and has never been able to come back.

7. As he had got older, like many children, Murat had become more serious in his interest in his religion, and he told us he wanted to study the Koran at a school in Pakistan. Many Muslim children do this, because it is a cheap place to do such studies, although we were worried about him going there. He left Bremen on October 3, 2001 to go to Karachi, Pakistan. He planned to come back after a few weeks' study. However, he apparently got arrested and we were later told that he was in US custody at Guantánamo.

8. Murat wrote to us more than one time saying that he never left Pakistan and did not do anything wrong. He expressed the hope that he would be released soon. The last card was written in Guantánamo in March 2002 and arrived with us in Bremen in May 2002. Since that time I have received no further correspondence from my son and I am very

concerned and worried about his mental and physical status. He has been a good son and he would not want me to be worrying like I do.

9. I have been desperate to find out what is happening to my son, and try to find out I have written several letters and got in contact with the German State Department, the Embassy of the United States of America in Berlin, the Turkish Consulate and the International Red Cross. Nobody has been able to help me, or give me concrete information. The US Ambassador suggested that I ask the Turkish State Department, but Turkey told me, regretfully, that they lacked any information, and the German State Department told me, also with regret, that it was powerless given Murat's Turkish citizenship.

10. To the best of my knowledge, Murat has been in Guantánamo since January 2002. No charges have been levelled against my son. He has apparently not been brought before a judge since he was detained.

11. In May 2002, I contacted German attorney, Bernhard DOCKE, of Bremen. He agreed to represent the interests of my son Murat as best he could from Germany.

12. I am quite certain, based on the messages I have received and from everything I know of him, that my son wants my assistance and support and would want me to take appropriate legal action on his behalf. Consequently, I wish to act as his "next friend."

13. In this capacity, I have retained and hereby request and authorize Bernhard DOCKE, attorney, or those he has associated with (including Michael RATNER, the Center for

Constitutional Rights (CCR) in New York, and lawyers associated with CCR including Clive STAFFORD SMITH and Joe MARGUILES), to act on my own and my son's behalf and to take whatever legal steps they consider to be in our best interests.

14. I know the facts deposed to herein to be true of my own knowledge.

15. I was instructed by the authorising Notary about the legal consequences of a false affidavit. I do hereby state in lieu of oath that my statement is accurate.

Sworn by the Deponent at New York on this 7 day of March, 2004

R. Kusnoz

Before me:

[Signature]

SHAYANA D.KADIDAL, Esq.
Notary Public, State Of New York
No. 02KA6095022
Qualified In New York County
Commission Expires June 30, 20 07