

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

SAIFULLAH PARACHA, <i>et al.</i> ,)	
)	
Petitioners,)	
)	
v.)	Civil Action No. 04-CV-2022 (PLF)
)	
GEORGE W. BUSH,)	
President of the United States, <i>et al.</i> ,)	
)	
Respondents.)	

**RESPONDENTS’ PRESENTLY UNOPPOSED MOTION TO DESIGNATE AS
“PROTECTED INFORMATION” CERTAIN INFORMATION IN
FEBRUARY 14, 2006 DECLARATION OF SAIFULLAH PARACHA**

COME NOW respondents, by and through their undersigned counsel, and respectfully request that this Court designate as “protected information” the identity of a Special Agent of the United States Federal Bureau of Investigation named in the February 14, 2006 Declaration of Saifullah Paracha, filed in support of Petitioner’s Motion For Leave To File A Second Amended Petition And To Add The Attorney General As A Respondent (dkt. no. 83). The identifying information that respondents seek to designate as “protected” has been redacted from the version of the declaration filed by petitioner on May 9, 2006 via the Court’s CM/ECF system. See dkt. no. 83, attachment 1. An unredacted version of the declaration is being submitted under seal to the Court through the Court Security Officer with information the government seeks to designate as “protected” highlighted in blue (consistent with previous submissions of “protected” material). Consistent with Judge Joyce Hens Green’s November 10, 2004 Order in the other coordinated Guantanamo Habeas cases (entered by this Court on December 16, 2004; dkt no. 13), counsel for respondents have conferred with Gaillard T. Hunt, counsel for petitioners, who

indicated that he does not challenge the designation of the information as “protected information” at this time, but petitioner’s counsel reserved the right to challenge the designation if future circumstances warrant.

For the reasons stated below, the Court should designate the identity of the Special Agent as “protected information” under the Protective Order:

1. On December 16, 2004, the Court applied to this case the Amended Protective Order and Procedures for Counsel Access to Detainees at the United States Naval Base in Guantanamo Bay, Cuba (“Protective Order”) that had been entered in the other coordinated Guantanamo Bay detainee cases. The Protective Order establishes procedures regarding the handling of classified national security information and other protected information involved in the Guantanamo Bay detainee cases. Unclassified information that is “worthy of special treatment,” see Protective Order, ¶ 11, may be designated as “protected information” so that it is treated with a heightened level of confidentiality to protect significant government interests, but without the strict access and handling procedures required for classified information. See id., ¶¶ 35-45 & Ex. C.

2. The Special Agent named in the February 14, 2006 Declaration of Saifullah Paracha, filed in support of Petitioner’s Motion For Leave To File A Second Amended Petition And To Add The Attorney General As A Respondent (dkt. no. 83), is a law enforcement officer who is alleged in the declaration to have personally interviewed petitioner Saifullah Paracha at the United States Naval Base in Guantanamo Bay, Cuba. Saifullah Paracha is being detained by the Department of Defense as an enemy combatant because he supported the Taliban and al Qaeda against the United States and its coalition partners. See Respondents’ Factual Return to

Petition for Writ of Habeas Corpus by Petitioner Saifullah Paracha and Notice of Submission of Factual Return Under Seal, filed January 18, 2005. The identity of the Special Agent as a law enforcement officer involved in interviews of petitioner at Guantanamo has not been disclosed or confirmed publicly. Public disclosure of the Special Agent's identity and other identifying information at this time would potentially endanger the Special Agent's personal safety. Thus, respondents seek to designate the identity of the Special Agent and other identifying information as "protected information" under the Protective Order, that is, that it not be publicly disclosed, etc., as provided in the Order.

3. The Court granted a prior motion by respondents seeking to have designated as "protected information" similar identifying information pertaining to a law enforcement officer involved in interviews of petitioner at Guantanamo. See Order (Mar. 23, 2005) (dkt. no. 49).

WHEREFORE, for the reasons stated herein, respondents respectfully request that the identity and other identifying information of the Special Agent named in the February 14, 2006 Declaration of Saifullah Paracha, as redacted on the version of the declaration filed on the public record in support of Petitioner's Motion For Leave To File A Second Amended Petition And To Add The Attorney General As A Respondent (dkt. no. 83), be designated as "protected information" and subject to the applicable provisions of the Protective Order. A proposed order is attached.

Dated: May 12, 2006

Respectfully submitted,

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/s/ Andrew I. Warden

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(PROPOSED) ORDER DESIGNATING AS “PROTECTED INFORMATION” CERTAIN INFORMATION IN FEBRUARY 14, 2006 DECLARATION OF SAIFULLAH PARACHA

Having considered Respondents’ Motion to Designate as “Protected Information” Certain Information In February 14, 2006 Declaration of Saifullah Paracha, filed in support of Petitioner’s Motion For Leave To File A Second Amended Petition And To Add The Attorney General As A Respondent (dkt. no. 83), it is hereby

ORDERED that respondents’ motion is GRANTED. The identifying information that is redacted from the publicly filed declaration is hereby designated as “protected information” and is subject to the applicable provisions of the Protective Order entered in this case. See Order dated December 16, 2004 (dkt no. 13).

Dated: _____

UNITED STATES DISTRICT JUDGE