

FILED WITH  
COURT SECURITY OFFICER  
7/18/06 [Signature]  
DATE

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA

SAIFULLAH PARACHA,

Petitioner

v.

04CV02022-PLF-AK  
**ORAL ARGUMENT IS  
REQUESTED**

Hon. GEORGE W. BUSH,  
Et al.,

Respondents.

**PETITIONER'S MOTION TO REVIEW AND RELEASE  
CONFIDENTIAL ATTORNEY-DETAINEE CORRESPONDENCE**

On or about July 6, 2006, counsel submitted to the privilege team approximately 60 pages for review. These were notes from counsel's conference with petitioner at Guantanamo June 19 through 22, 2006. On or about July 10, 2006, the privilege team transmitted to counsel as unclassified and cleared for release all but five pages of this material. The government's position as to the five withheld pages is laid out in the privilege team's memo dated July 10, 2006.

1. Two of the pages are stamped "confidential". Apparently this is because they mention petitioner's camp and cell number at Guantanamo. Petitioner does not challenge this classification at this time, but he may if it becomes relevant.

2. A third page is a note of eleven lines, dated June 22, 2006, in petitioner's handwriting and signed by him. It is addressed to his wife, Farhat Paracha. It asks her to hire a lawyer in Karachi to investigate for petitioner's defense. It further asks her to petition members of the Pakistani government to apprise them of his case.

Since there is nothing confidential in this note, it is attached hereto.

3. Counsel had written and printed out on his letterhead before going to Guantanamo a five page, single-spaced letter addressed to petitioner. It is a strategy letter squarely within the protections of the attorney-client privilege and the work-product privilege. Petitioner endorsed the letter to show that he had received it and added a few comments in his handwriting. The privilege team released pages 1, 3, and 5, but "returned unprocessed" pages 2 and 4, "since they include messages to family including spouse and others."

This letter discusses strategies for developing petitioner's factual defenses by investigations in other countries. Counsel believes such investigations would be useful, but does not have the resources to undertake them himself. Petitioner has written in handwriting several useful suggestions next to appropriate paragraphs in counsel's letter.

On page 2:

Attn, Farhat [petitioner's wife], please have Mr. [name omitted here] to visit Thailand and [the word "hire" is struck out] appoint a lawyer to

investigate as per guidance of Mr. G.T. Hunt. And also call and ask assistance from Mr. [name omitted here] or his family for assistance in Bangkok.

Attn, Tauseef [petitioner's nephew] please ask some good reference of some one in Rabbat, Morocco, from [petitioner's brother?] and send someone to Morocco to appoint a lawyer for helping to resolve my case. Mr. G.T. Hunt will give you details, please follow.

On page 4, next to a paragraph about petitioner's son's recent conviction in the southern District of New York, a case intimately entwined with petitioner's:

Tauseef: Please help Uzair [petitioner's son] as much as you can and get him best possible appeal.

The delay required under the protective order in the transmission of such basic attorney-client communications is in itself a curtailment of the right to counsel. Ordinarily, counsel would have felt obliged to transmit and get action on these basic suggestions for developing his client's case immediately upon his return from the prison. Now, however, a month later and after the submission to the privilege team, he appears to be forbidden to do that.

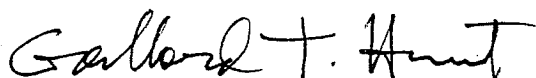
Or perhaps he is not forbidden. The July 10, 2006, memo says merely that the privilege team will not review those pages. The pages are not stamped with any classification. This is not a case of the perennial problem of over-classification. It is an example of the privilege team's theory that the protective order requires it to sit in on attorney-client conferences as supervisory attorney judging what is relevant and what is not. Granted that the privilege team may have some authority to screen out plottings and illicit communications, they have neither the competence nor the mandate to second-guess the relevance of attorney-client strategic planning. And even if their theory were

valid, the communications suppressed here are of core relevance to the investigation and development of petitioner's case.

WHEREFORE petitioner asks for an order requiring the privilege team to review for classification petitioner's June 22, 2006, note, and pages 2 and 4 of counsel's letter to petitioner dated on or about June 19, 2006, and the handwritten comments thereon.

Respectfully submitted,

July 18, 2006



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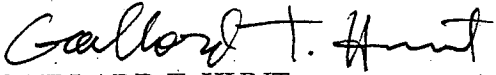
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I HEREBY CERTIFY that I left a copy of the within motion at the secure facility on July 18, 2006, for deliver to the Court Security Office for clearance, service, and filing.

  
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**(PROPOSED) ORDER**

Upon consideration of "Petitioner's Motion To Review And Release Confidential Attorney-Detainee Correspondence" submitted July 18, 2006, the opposition thereto, and the entire record, it is hereby ORDERED:

That the privilege team will review for classification petitioner's June 22, 2006, note, and pages 2 and 4 of counsel's letter to petitioner dated on or about June 19, 2006, and the handwritten comments thereon.

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**PRIVILEGED MATERIAL**  
**Attorney/Client Privilege is Retained**

MEMORANDUM FOR: Court Security Officer

July 10, 2006

Fm: Privilege Team

re: Attorney Notes – Third Party Communication, G.T. Hunt

ref: Amended Protective Order and Procedures for Counsel Access

We have reviewed Counsel's submission of approximately 60 pages, submitted on 6 July 2006. There are five pages of FOUO and two pages which contain confidential material. The material is composed of letters, memoranda, and powers of attorney, etc. A number of pages are returned unprocessed since they include messages to family including spouse and others.

Paragraph VI.C of Exhibit A of the Amended Protective Order specifically states "Correspondence or messages from a detainee to individuals other than his counsel (including family/friends or other attorneys) shall not be handled through this process. If the detainee provides these communications to his counsel during a visit, counsel shall give those communications to military personnel at Guantanamo so they can be processed under the standard operating procedures for detainee non-legal mail."

Privilege Team

cc: Privilege Counsel

**PRIVILEGED MATERIAL**  
**Attorney/Client Privilege is Retained**

June 22, 2006

Dear Farhat,

@ 11:20 AM

I am with Mr. G.T. Hunt discussing about legal aspect of my case. He needs some investigations to be carried out in Pakistan, please use some good lawyer in Karachi who can facilitate & have some experience in this kind of work; please make sure that the Criminal & Constitutional lawyer should do investigation.

Please prepare a folder to each PARLIAMENTARIAN to his specific name on the stationery of Mr. G.T. Hunt and send to them by Courier Service and also to the Senators, minister and Prime Minister.

I love you all and best regards

