

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

SAIFULLAH PARACHA,

Petitioner,

v.

Case No. 04cv02022-PLF

ORAL ARGUMENT IS REQUESTED

Hon. GEORGE W. BUSH,

et al.,

Respondents.

**PETITIONER'S RESPONSE TO
RESPONDENTS' MOTION TO DESIGNATE AS "PROTECTED
INFORMATION"
CERTAIN INFORMATION**

This is a response to the motion respondents filed on or about February 3, 2005, asking to designate as "protected information" the name and identity of the New York City police officer verifying a declaration that he or she interrogated petitioner Saifullah Paracha about his residency in the United States. The motion rests on the conclusionary statement, submitted with no supporting information, that "Disclosure of the declarant's identify and other identifying information would potentially endanger the declarant's personal safety."

The declaration is of marginal or no relevance to this case, and the identity of the declarant is, as far as we know now, of no interest at all. Moreover, petitioner would be very reluctant to do anything to endanger the safety of any New York City police officer, or even to cause apprehension on that point. (This statement is made by counsel. But since petitioner lived in New York for many years, visited there regularly, and has many relatives and a business partner there, we may assume it is petitioner's sincere personal sentiment as well.)


Therefore petitioner has no objection to the Court accepting the declaration without the declarant's name and ordering that the declarant's name be kept under seal.

However, the proposed order respondents have proffered raises more problems than it solves by invoking the term "protected information" and the provision of the protective order entered in this case without notice on December 16, 2004. That order includes the idea that protective information cannot be disclosed, "including the fact that any such information or documents are protected." (Paragraph 41.) Interrogations at Guantanamo are being investigated by an ACLU office in New York because of the common belief that torture was practiced at Guantanamo long before the torture in Iraq. People from that office have seen, or soon will see, the redacted declaration, and may well ask counsel who the police officer is. Counsel does not know how he would obey an order requiring him not to disclose that he cannot disclose the answer to a question. This Kafkaesque absurdity is typical of the problems raised by the protection order herein. The concealment of this New York officer's name is an ordinary exercise of the Court's discretion and should not be contingent on the eventual fate of the far reaching, poorly drafted, and very controversial protective order.

Petitioner therefore proposes that the Court adopt the proposed order attached below, dealing only with the police officer's name, and protecting it without involvement with the previous protective order.

Respectfully submitted,

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Approval to file this filing directly through the ECF system was granted by the Court Security Officer.

THE PROPOSED ORDER FOLLOWS:

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

SAIFULLAH PARACHA,

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Case No. 04cv02022-PLF

Hon. GEORGE W. BUSH,

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Respondents.

(PROPOSED) ORDER PROTECTING CERTAIN INFORMATION

Upon consideration of respondents' motion to designate certain information as protected information, and petitioner's response thereto, it is hereby

ORDERED that:

The copy of the declaration of a New York City police officer with his or her name and identity omitted is hereby accepted into the record of this case, without prejudice to whatever further protective measures may be necessary if this person or other law enforcement or intelligence persons give evidence or depositions in this case.

AND IT IS FURTHER ORDERED that:

The copy of that declaration with the officer's name is hereby placed under seal in the Court Security Office, not to be revealed without further order of this Court.

Dated:

U.S.D.J.

Notify counsel:

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