

FILED WITH
COURT SECURITY OFFICER
11/10/05
DATE *J. Campbell*

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

SAIFULLAH PARACHA,
Detainee,
Guantanamo Bay Naval Station,
Guantanamo Bay, Cuba,

Petitioner,

and

FARHAT PARACHA,
65 Khayaban-E-Mujahid
Defence Housing Authority, Phase V,
Karachi, Pakistan,

Next Friend,

v.

Case No. 04cv02022-PLF

Hon . GEORGE W. BUSH
1600 Pennsylvania Avenue NW,
Washington, D.C. 20500,

Hon. DONALD H. RUMSFELD
Secretary of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000,

and

Brigadier General JAY HOOD,
Commander, Joint Task Force-GTMO,
Guantanamo Bay Naval Station
Guantanamo, Cuba

Respondents.

**TRAVERSE TO THE RETURN TO
THE PETITION FOR HABEAS CORPUS**



Petitioner denies each and every allegation in the factual return and in the motion for judgment as a matter of law and further alleges and states:

1. Petitioner SAIFULLAH PARACHA hereby adopts, incorporates herein, repeats and realleges each and every allegation in the Amended Petition for Habeas Corpus filed on or about December 10, 2004, with these corrections or amplifications:

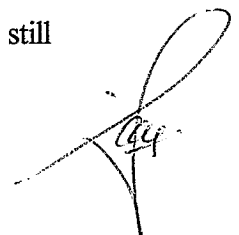
A. With reference to paragraph 1. of the Amended Petition: Petitioner did not earn a degree from Hunter College as stated. He studied at New York Institute of Technology, another fully accredited college in New York.

B. With reference to paragraph 5. of the Amended Petition: On information and belief, the Military Order of November 13, 2001, is not involved in petitioner's case. Petitioner is held by the President and the executive officers of the United States under color of, but without basis in, the laws of the United States, especially the Department of Defense order of July 7, 2004, signed by Deputy Secretary of Defense Paul Wolfowitz.

C. With reference to paragraph 9. of the Amended Petition: Petitioner has been granted limited ability to communicate with counsel, but under such restrictions and restraints as to amount to an effective denial of, or limitation on, the right to counsel.

D. With reference to paragraph 11. of the Amended Petition, petitioner has now turned 58.

2. Petitioner hereby reiterates and reemphasizes that he petitioned for, and is still

A handwritten signature in black ink, appearing to be 'SAIFULLAH PARACHA', is located in the bottom right corner of the page.

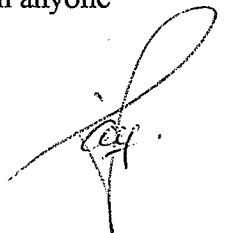
requesting, the writ of habeas corpus, as provided by, and as known to, the common law as well as the statutes, treaties, and Constitution of the United States, in addition to all rights, remedies, and procedural benefits allowed to a prisoner under any provisions of the common law, the law of nations, natural law, international law, or any other source of law or equity. Petitioner reiterates and reemphasizes these and all the other grounds for relief recited in the Amended Petition, including the prayer for such other relief as may be appropriate.

3. Petitioner denies and traverses the facts alleged in the return, and particularly alleges:

4. With reference to item 3.a.1. and 3.a.9. (on pages 3-4 of the Combatant Status Review Tribunal), petitioner has never discussed, planned, attempted, or conspired to introduce explosives or chemicals into the United States or any other country. Petitioner was an export broker and had no access to, or ability to tamper with, the actual shipping of anything. The physical shipments of clothing and other items petitioner brokered were handled entirely by manufacturers and other firms not controlled by petitioner.

5. With reference to item 3.a.2., petitioner has never knowingly held, transferred, or otherwise handled money for al Qaeda or any other terrorist organization, or any members thereof. As an active businessman and entrepreneur, petitioner has handled many sums of money, but never for anyone he knew at the time to be connected with terrorism.

6. With reference to item 3.a.3., petitioner has never discussed investments with anyone

A handwritten signature in black ink, appearing to be "CEJ", is located in the bottom right corner of the page.

he knew at the time to be connected with terrorism.

7. With reference to item 3.a.4., and 3.a.11., petitioner has never associated with anyone he knew at the time to be connected with terrorism. As an active businessman and philanthropist, petitioner has associated with a large number of people. The border between Afghanistan and Pakistan is open and both countries have many persons who sympathize with extremist causes. Terrorism is illegal, and actively prosecuted and suppressed, in Pakistan, so terrorists take pains to conceal their activities. Petitioner believes terrorism to be wrong and has not and would not support anyone he knew to be connected with terrorism.

8. With reference to item 3.a.5., petitioner has no recollection of ever discussing how terrorists could obtain nuclear weapons. Petitioner is not a scientist, has no involvementⁱⁿ the nuclear program of Pakistan nor any other country, and can imagine no way he or any other private businessman could help anyone to buy an atomic weapon.

9. With reference to item 3.a.6., petitioner has never assisted anyone to find a place to live whom he knew at the time to be connected with terrorism.

A handwritten signature in black ink, appearing to be the initials 'caj' with a large, stylized flourish above it.

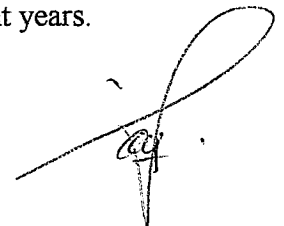
10. With respect to item 3.a.7. and 3.1.10., petitioner is, among his other business and personal interests, a producer of films. In the late 1990s he produced a religious film featuring an American convert to Islam. The film consisted of a series of lectures about 10 minutes in length, and a series of short interviews where petitioner asked the American questions about Islam. The film contained a vigorous condemnation of terrorism, and a call for the prosecution and punishment of terrorists. While this film was well received, it was of limited financial success. Thereafter, but before September 11, 2001, petitioner went to Afghanistan two or three times to look for business and development opportunities. While there, petitioner's group was invited at least twice to public audiences with the well-known Islamic speaker, Usama Bin Laden. Usama Bin Laden at that time and place was generally not believed to be a sponsor of terrorism and was known as a preacher eloquently grounded in the Koran and other Islamic sources. Petitioner asked Bin Laden for an interview or other film footage that petitioner could use in a remake of his religious film. Bin Laden did not agree to this request. Petitioner's contact with Usama Bin Laden was a legitimate attempt to obtain commercially valuable film footage of great public recognition value for use in a religious or educational film and therefore was protected under international and common law principles of free speech, free association, free enterprise, and freedom of religion. This contact, like all of petitioner's activities at all times and all places, involved no illegal agreement or conspiracy and violated no law of Afghanistan, Pakistan, the United States, or any other jurisdiction.

26
Coals
petitioner also had limited success with interviews with ~~Abba~~ Hamid Gul and other Pakistani public figures.

11. With reference to item 3.a.8., never has anyone petitioner knew at the time to be connected with terrorism invested in any business operation of petitioner's.

12. Petitioner has not and does not support any form of terrorism or any terrorist organization or movement. Petitioner is not affiliated in any way with al Qaeda or any other allegedly terrorist group. Petitioner's business interests were varied, including the exporting of clothing and textiles to the United States and the development and sale of apartments in a large complex in Karachi called Cliftonia. Petitioner's business interests required that he be open to solicitations and discussions with a wide variety of people. Petitioner was not aware at the time that any of his contacts had any interest in terrorism or any other illegal activity. Had petitioner suspected any illegal activity among any of his contacts, he would have avoided it, as he is a legitimate law-abiding businessman who had much to lose if any of his affairs should become entangled with anything illegal. Petitioner would have been especially repulsed by any suspicion of any connection to terrorism, as he opposes terrorism as forbidden by the Koran, has many relatives in New York, lived in New York for years, had a nephew who was dangerously near the collapse of the first World Trade tower on September 11, 2001, and respects the American people.

13. Petitioner is not an enemy combatant. In particular, petitioner is not an enemy of the United States. Petitioner holds a permanent resident's visa, on which he lived and worked in the United States for many years, and on which he has visited the United States in recent years.

A handwritten signature in black ink, appearing to be 'ay', with a large, sweeping loop above it.

Petitioner has many relatives in the United States, including many who are U.S. citizens.


Petitioner's main business interest was the export of clothing and textiles to the United States.

Furthermore, petitioner is not and has not been a combatant. He has never trained, drilled, carried a gun, worn a uniform, or engaged in combatant.

WHEREFORE, petitioner respectfully requests that this honorable Court bring petitioner to the District of Columbia, hold whatever hearing may be necessary, enter judgment for petitioner as asked for in the Amended Petition, and grant petitioner such other relief as may be appropriate.

I declare under penalty of perjury under the laws of the United States that the above statements are true and correct.

Dated: October 25, 2005, at Guantanamo Bay, Cuba.



SAIFULLAH PARACHA

Respectfully submitted,

October 25, 2005



GAILLARD T. HUNT

Attorney for Petitioner
(D.C. Bar No. 89375)
8909 Grant Street
Bethesda, Maryland 20817
(Not admitted in Maryland)
301-530-2807
gthunt@mdo.net
(Fax: 301-564-6059)