

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

ABU BAKKER QASSIM and A'DEL ABDUL
HAKIM,

Petitioners/Plaintiffs,

v.

GEORGE W. BUSH, et al.,

Respondents/Defendants.

Case No. 05-0497 (JR)

AUGUST 4, 2005 DECLARATION OF SABIN WILLETT

Pursuant to 28 U.S.C. § 1746, Sabin Willett declares that the following is true and correct.

1. I am counsel to Abu Bakker Qassim and A'Del Abdul Hakim, the petitioners in these habeas corpus cases.

2. I submit this supplemental declaration to address certain points raised at the August 1, 2005 hearing.

3. I was advised by Petitioners Qassim (on July 13, 2005) and Hakim (on July 14, 2005), that they are housed together in Camp IV. Petitioners advised that they were aware of at least three other Uighur men, whom they identified as Akhdar, Ahmed, and Ayoub, who had received official notice that they, like Mr. Qassim and Mr. Hakim, had been found "innocent" (On information and belief, I believe this is a reference to a CSRT finding that the prisoner is not an "enemy combatant").

4. Mr. Hakim advised that, following receipt of the notice regarding the CSRT, all five men had been housed in Camp IV. However, Mr. Hakim told me that both Ayoub and Akhdar were later taken from Camp IV to Camp I. Mr. Hakim advised that a dispute arose between Ayoub and a guard over access to medical care, and that, following that dispute, Ayoub

was moved to Camp I. He advised that Akhdar had also been moved to Camp I following a dispute with guards. Mr. Hakim said he was advised by guards that this had been done as punishment for perceived misbehavior by Ayoub and Akhdar.

5. My notes regarding paragraph 3 and 4 of this Declaration have been unclassified.

6. I am informed and believe that Camp I is a higher-security facility than Camp IV. Prisoners there do not enjoy the privileges that are available in Camp IV.

7. My colleague, Attorney Neil McGaraghan, of Bingham McCutchen's Boston office, applied for FBI clearance in these cases on or shortly after March 23, 2005. At the FBI's request, supplemental information was submitted on May 10, 2005. Mr. McGaraghan has not received clearance. We have sent requests that this matter be addressed for many months.

8. Mr. Nury Turkel has advised me that he is a native of the East Turkistan region now controlled by China. Mr. Turkel speaks Uighur. I am informed by Mr. Turkel that: he has been living in the United States since 1995, that in 1997 he was granted asylum, that in 1998 he applied for a green card, that in May, 2004, he was granted status as a permanent resident. he lives at 2618 41st Street NW, Apt. 4, Washington, D.C. 20007. I believe that Mr. Turkel is well-known to the State Department, based on his many discussions with State Department officials regarding the plight of the Uighurs. Mr. Turkel advised that he is a 2004 graduate of the American University Washington College of Law, and in 2005 received a Masters Degree in International Affairs from The American University School of International Services. Mr. Turkel advised that he has for several years been employed by a contractor that provides interpreting services to government agencies including the Department of Homeland Security.

9. At the August 1, 2005 hearing, I gave the Court incorrect information regarding Mr. Turkel's bar status. He has applied for admission to the Bar of the State of New York, as I advised, but the information I provided to the Court regarding Mr. Turkel's bar examination was incorrect. Mr. Turkel advised me that he sat the bar exam in July, 2005, and has not yet been advised of the results. He has not applied for membership in any other bar.

10. I have had extensive interactions with Mr. Turkel since the commencement of these cases, and he appears to me to be a person of high moral character, who has a high degree of loyalty to the United States.

11. The strictures of the protective order make it extremely difficult to represent our clients' interests in the unique circumstances applicable here. In order to maximize the opportunity for early consensual release, our office needs to identify communities of Uighur refugees living lawfully abroad, reach out to foreign governments and NGOs, explore employment skills, family, and community and religious ties of our clients and communicate this information to potential governments, and obtain from our clients answers to questions of those governments and requests for further information about our clients' histories, work experience, medical condition, and family and community affiliations. This will require regular, if not constant communication with our clients, in Uighur. In my judgment as an attorney, this cannot be effectively accomplished without regular personal, or at least uninhibited telephone contact, and effective access to Uighur interpreters.

12. On July 29, 2005, through an interpreter I spoke by telephone with Kavser Hakim, sister of our client A'del Abdul Hakim. Ms. Hakim advised that she is living as a refugee in Sweden.

13. Late in July, 2005, I was advised by a consular official of the Swedish embassy that the usual practice in Sweden is to consider referrals of refugee applications from the United Nations High Commissioner for Refugees UNHCR.

14. I have spoken to diplomats and representatives of NGOs who have personal knowledge of the process by which international resettlement is pursued. Because of the delicacy of international relations, these sources decline to make public statements. I am advised, however, that many nations require, in the first instance, that refugee referrals come through the UNHCR. Pursuant to Article 1F of the 1951 Refugees' Convention, the UNHCR considers, among other things, whether a refugee should be excluded because he or she has engaged in criminal acts or represents a threat to the security of the country of refuge. In

carrying out this review, it is customary for the UNHCR to conduct its own "due diligence" concerning the person for whom refugee status is sought. I am advised that with respect to persons at Guantanamo who might be deemed refugees, difficulties have arisen in the past because of the restrictions on obtaining direct access to the detainees and their files while the detainees are at the detention facility.

15. On August 3, 2005, I was advised by a UNHCR representative that the UNHCR had not been to the base to interview the Uighurs, and that discussions with the State Department regarding the Uighurs had not progressed for at least six months.

I declare this 4 day of August, 2005, under penalty of perjury that the foregoing is true.



Sabin Willett