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Ministro Felipe Pérez Roque  
Ministerio de Relaciones Exteriores de Cuba  
la Habana, CUBA

Re: Mr. Saifullah Paracha  
Detainee of U.S. at Guantanamo Bay, Cuba

Dear Sr. Pérez Roque:

I represent a prisoner named Saifullah A. Paracha, held by the United States at Guantanamo Bay.

Mr. Paracha is a 58-year-old Pakistani businessman who was seized July 5, 2003, at the airport in Bangkok, where he had gone believing he had an appointment with representatives of K-Mart, the large American retailer. He is not typical of the Guantanamo prisoners. He lived in the United States for 16 years and still has an American green card, a permanent residence visa, although he returned to Pakistan some years ago. He has numerous relatives in America and had an exporting business with a partner in New York. Many people have sent me numerous statements on Mr. Paracha's behalf, all agreeing that Mr. Paracha did not support terrorism. He was very active in business and charitable affairs. He came into contact with some businessmen whom the United States believes were secretly supportive of terrorists, and because of this guilt by association, the United States has confined him under the strictest conditions for nearly three years now.

The Government of Cuba has taken the view that the occupation of the mouth of Guantanamo Bay by the United States as a coaling station is a relatively minor irritant in the context of the major problems such as the trade boycott. Beginning in early 2002, however, the placement there by the United States of prisons to hold without judicial hearings several hundred nationals of countries at peace with both Cuba and the United States raises serious problems under international law and the law of human rights. I understand the Government of Cuba recognized these problems in a statement issued around January 19, 2005.<sup>1</sup> Constructing prisons was probably also a breach of the lease, under which the United States is to use Guantanamo Bay as a naval base only.

On March 12, 2002, the Inter-American Commission on Human Rights issued Precautionary Measures No. 259, requesting the United States to determine the legal status of the Guantanamo prisoners. In November 2005 the Commission reiterated that request.

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<sup>1</sup> I have not seen that statement. Could anyone send me an Internet citation for it?

On June 28, 2004, the United States Supreme Court declared in *Rasul v. Bush*, 542 U.S. 466, 124 S. Ct. 2686, 159 L. Ed. 2d 548 (2004) that the U.S. District Court for the District of Columbia was to hear and determine the status of each prisoner at Guantanamo. That is, each prisoner was to petition for what is called in the Common Law or Anglophone countries a *habeas corpus*, a writ to determine the legality of imprisoning a person.

In November 2004 I filed such a petition for Saifullah A. Paracha. (It is habeas corpus 04cv02022-PLF in U.S. District Court for D.C.) At first I had authority only from Mr. Paracha's wife, Mrs. Farhat Paracha, but since then I have visited Guantanamo Bay three times, have conferred with Mr. Paracha, and have received his authority to seek legal remedies for him in any forum, including the courts of Cuba.

Paracha's American petition for habeas corpus has gone nowhere. The District Court entered a stay and the Court of Appeals has not yet responded to his appeal from that stay. At the end of 2005, the U.S. Congress passed, and on December 30, 2005, President Bush signed into law, the "Detainee Treatment Act of 2005" (sections 1001-1006 of the Department of Defense Appropriations Act of 2006, Public Law 109-148, 119 Stat. 2680). (On January 6, 2006, the President also signed the Department of Defense Authorization Act, Public Law 109-163, 119 Stat. 3136, which contains an identical "Detainee Treatment Act," only there it is numbered as sections 1401-1406.) This Act abrogates habeas corpus jurisdiction and jurisdiction for any other action for any "alien detained by the Department of Defense at Guantanamo Bay, Cuba." DTA, section 1005(e)(1) or 1405(e)(1).

The Guantanamo Bay lease reserves the ultimate sovereignty over the base to Cuba. The Detainee Treatment Act's withdrawal of judicial responsibility for these prisoners from the United States courts implies that they are to seek review of their confinement from the courts of Cuba, the nation with ultimate sovereignty. I would therefore like to contact an appropriate lawyer, or law firm, or bufete, to learn how to go about this. Could someone please refer me to the proper place to start this process?

Thank you very much,

Gaillard T. Hunt  
Attorney for Saifullah A. Paracha