

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:

GUANTANAMO BAY
DETAINEE LITIGATION

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: Misc. No. 08-442 (TFH)
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ABDUL GHAFAR, *et al.*,

Petitioners,

v.

GEORGE W. BUSH, *et al.*,

Respondents.

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: Civil Action No. 08-1310 (RMU)
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DECLARATION OF SEEMA SAIFEE

I, Seema Saiffee, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney at Kramer Levin Naftalis & Frankel LLP, 1177 Avenue of the Americas, New York, New York 10036 (“Kramer Levin”). Along with the Center for Constitutional Rights, Kramer Levin is counsel to Petitioner Adel Noori (“Petitioner”) in the above-captioned petition for a writ of *habeas corpus*.

2. I have met with Petitioner at the U.S. Naval Station in Guantanamo Bay (“Guantánamo”) on three occasions between October 2007 and June 2008. During these meetings, Petitioner has consistently and unequivocally provided me and my law firm with authorization to serve as his attorneys.

3. Most recently, my colleague Darren LaVerne and I met with Mr. Noori on June 20, 2008. This meeting occurred one month before Judge Hogan issued an order requiring counsel to file a signed authorization from the petitioner to pursue the action. During this last meeting, Petitioner again orally confirmed with Mr. LaVerne and me that he authorized our law firm to continue representing him.

4. During our June 20th meeting, Petitioner also informed us that he had sent me multiple letters. As described below, I never received any of these letters.

5. During a visit with Petitioner on February 19, 2008, Petitioner showed me a very long letter he was drafting to me and my colleagues. I briefly looked at the letter which was titled "Murajiatnama" and whose first line read "Hermatlik adukat." My translator interpreted the title to me orally as "Appeal" and the first line as "Dear attorney." I asked Petitioner if I could take the letter. Petitioner informed me he had not finished writing the letter, but would send it to me shortly. Petitioner told me the letter contained many requests to me and my colleagues.

6. On February 21, after returning from my client meetings, I waited for the letter. After several weeks, I did not receive anything from Petitioner. I wrote to Petitioner, informing him that I did not receive his letter, and asking whether he had sent the letter. Nearly four months passed. I started to become concerned that Petitioner changed his mind and decided not to send the letter.

7. On June 20th – four months later – I met with Mr. Noori again. At the outset of our meeting, Petitioner asked if I had received his letters. I informed him I had not received any letters from him, and that I was waiting anxiously for the letter titled "Appeal." Petitioner told me he had sent me three letters. On February 25 – just days after our meeting – he had sent –

through the attorney-detainee legal mail system – the final version of the letter entitled “Appeal”. Petitioner said he spent 3 days and 3 nights writing the letter. The version of the letter that Petitioner brought with him to our February 19th meeting was a draft which he re-wrote and delivered in final form. On June 20, Petitioner brought a copy of the draft to our meeting. I took the draft but, as Petitioner informed me, the draft was not as detailed as the final version.

8. Petitioner told me he had sent me two more letters in March when conditions in Camp VI worsened. I informed him I had not received any of his letters. Petitioner stated that he was in punishment after writing these letters which described the sufferings of the Uighurs in Guantánamo and in Camp VI.

9. Upon my return from the June visit, I contacted the privilege team and informed them that Petitioner sent me multiple letters which I never received. I asked a member of the privilege team if the team had received any legal mail from Petitioner. The privilege team member informed me they had not. Subsequently, I sent correspondence to the Department of Justice expressing my concern – based on Petitioner’s mistreatment in Camp VI – that Joint Task Force Guantanamo (“JTF-GTMO”) was interfering with our attorney-client communications. I requested that the government speak with JTF-GTMO and investigate the whereabouts of these letters. To date, the government has not responded to my request.

10. On multiple occasions, Petitioner attempted to send correspondence -- through the legal mail system approved by this Court -- to his attorneys in which he communicated to his lawyers the sufferings he and his fellow Uighurs have endured in Camp VI, and sought our assistance both in bringing attention to the plight of the Uighurs in Guantánamo and bringing an end to the injustice they have suffered for nearly seven years. That none of the letters Petitioner has sent to his lawyers successfully reached us has frustrated several opportunities to obtain

proof of Petitioner's written authorization to represent him. The government's apparent failure to deliver three letters written by Petitioner to his lawyers is highly troublesome, has interfered significantly with our attorney-client communications and, indeed, has exacerbated Petitioner's loss of trust in the American legal system. This conduct should not prejudice Petitioner in his desire to seek legal assistance to secure his release from nearly seven years of indefinite detention.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed: New York, New York
September 23, 2008



Seema Saif