

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ABDUL ZAHIR,

Petitioner,

v.

GEORGE W. BUSH et al.,

Respondents.

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Civil Action No. 05-1623 (RWR)

ORDER

On December 22, 2010, the respondents filed a consent motion to deem protected information highlighted in the proposed public factual return for petitioner Abdul Zahir. On May 12, 2011, Judge Hogan issued an order granting the government's motion to designate as protected under the Protective Order governing the Guantánamo Bay detainee litigation "sensitive but unclassified information falling within one of the following six categories":

1. Names and/or other information that would tend to identify certain U.S. government employees, FBI Joint Terrorism Task Force members, or contractors – specifically, law enforcement officers, agents, translators, intelligence analysts, or interrogators, all below the Senior Executive Service or General Officer level – [or] the family members of detainees.
2. Information that would reveal the existence, focus, or scope of law enforcement or intelligence operations, including the sources, witnesses, or methods used and the identity of persons of interest.
3. Information indicating the names or locations, including geo-coordinates, of locations of interest as they pertain to counter-terrorism intelligence gathering, law enforcement, or military operations,

where the Government has not previously acknowledged [publicly] its knowledge of those names or locations.

4. Information that would reveal the Government's knowledge of telephone numbers, websites, passwords, passcodes, and e-mail addresses used by known or suspected terrorists, or discussions of the manner in which known or suspected terrorists use these methods for communications with one another.

5. Information regarding the use, effectiveness, or details regarding the implementation of certain interrogation approaches and techniques approved by Executive Order 13491 and described in the Army Field Manual No. 2-22.3.

6. Certain administrative data, operational "nicknames," code words, dates of acquisition, including dates of interrogations, and FBI case names and file numbers, contained in the intelligence documents included in the factual returns.

In re Guantánamo Bay Detainee Litig., 08-MC-442 (TFH), 2011 U.S. Dist. LEXIS 58856, at *5-7 (D.D.C. May 12, 2011). Upon review of the material submitted by the respondents, and in light of the petitioner's consent and lack of public objection, it is hereby

ORDERED that the respondents' motion [163] to deem as protected the material highlighted in the accompanying proposed public factual return be, and hereby is, GRANTED, and the information identified by the respondents with green highlighting in the version of the factual return submitted under seal is deemed protected under paragraphs 10 and 34 of the Protective Order governing the Guantánamo Bay detainee litigation. It is further

ORDERED that the respondents file by October 4, 2011, a properly redacted public version of this factual return on the public docket.

SIGNED this 20th day of September, 2011.

/s/

RICHARD W. ROBERTS
United States District Judge