

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AL HALMANDY, *et al.*,

Petitioners,

v.

BARACK H. OBAMA, *et al.*,

Defendants.

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) **Civil Action No. 05-2385 (ESH)**
) **(Jawad / Bacha ISN 900)**
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ORDER

The Court held a public hearing today regarding petitioner Saki Bacha (a.k.a. Mohammed Jawad) (ISN 900). The Court has reviewed the government's June 18, 2009 status report (Dkt. No. 278) and petitioner's traverse. For the reasons stated in open court today, it is hereby

ORDERED that respondents shall identify and expedite the security clearance of all documents relied on by the Task Force in making its recommendation that are responsive to the Court's April 27 and June 2, 2009 Orders and shall produce those documents to petitioner's counsel and to the Court on or before July 1, 2009. It is

FURTHER ORDERED that, consistent with paragraph 34 of the protective order, the government shall notify petitioner's counsel if it seeks to designate information in the unclassified statement of facts as protected (as opposed to classified). *See* Protective Order and Procedures for Counsel Access to Detainees at the United States Naval Base at Guantanamo Bay, Cuba, *In re Guantanamo Bay Detainee Litig.*, Misc. No. 08-442 (TFH) (D.D.C. 2008) (Dkt. No. 409). If petitioner disputes any such designations, the government shall file a motion on or before July 1, 2009, that identifies the specific portion(s) of the unclassified statement of facts it

seeks to have protected and that provides a justification for each such designation. *See Bismullah v. Gates*, 501 F.3d 178, 188 (D.C. Cir. 2007) (“It is the court, not the Government, that has discretion to seal a judicial record, which the public ordinarily has the right to inspect and copy. Therefore, insofar as a party seeks to file with the court nonclassified information the Government believes should be ‘protected,’ the Government must give the court a basis for withholding it from public view.”); *Parhat v. Gates*, 532 F.3d 834, 853 (D.C. Cir. 2008) (“[R]equests to designate information as protected require specificity.”). It is

FURTHER ORDERED that, based on the agreement of the parties, the Court has set the following briefing schedule:

1. Petitioner’s motion to suppress petitioner’s statements, including any supporting evidence that has not previously been appended to the statement of facts or petitioner’s traverse, is due on or before July 1, 2009.
2. Respondents’ opposition, including any supporting evidence that has not previously been appended to the statement of facts or petitioner’s traverse, is due on or before July 15, 2009. The government’s opposition shall identify any witnesses that it intends to call at the motions hearing.
3. Petitioner’s reply is due on or before July 22, 2009, and he must identify any witnesses he intends to call at the motions hearing.

A status conference for petitioner Bacha / Jawad is set for July 16, 2009, at 2:00 P.M. in Courtroom 14. A hearing on petitioner’s motion to suppress is set for August 5 and 6, 2009, in Courtroom 14.

SO ORDERED.

/s/

ELLEN SEGAL HUVELLE
United States District Judge

Date: June 19, 2009