

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

SAKI BACHA (a.k.a. MOHAMMED JAWAD),)

Petitioner,)

v.)

BARACK H. OBAMA, *et al.*,)

Defendants.)

**Civil Action No. 05-2385 (ESH)
(Jawad, ISN 900)**

ORDER

The Court held a public hearing today regarding petitioner Saki Bacha (a.k.a. Mohammed Jawad) (ISN 900). The Court has reviewed petitioner's motion to suppress his out-of-court statements (Dkt. No. 293) and the government's response (Dkt. No. 278). For the reasons stated in open court today, it is hereby

ORDERED that petitioner's motion to suppress his out-of-court statements is GRANTED as conceded and therefore, the Court will suppress every statement made by petitioner since his arrest as a product of torture. It is

FURTHER ORDERED that the government's request to postpone the merits hearing is DENIED. Petitioner has been imprisoned at Guantanamo for more than seven years. Permitting the government to take additional time would be contrary to the Supreme Court's directive that "the costs of delay can no longer be borne by those who are held in custody." *Boumediene v. Bush*, 128 S. Ct. 2229, 2275 (2008) ("The detainees in these cases are entitled to a prompt habeas corpus hearing."). It is

FURTHER ORDERED that if the government intends to file a motion for leave to amend the statement of facts, it must be filed by 4:00 p.m. on July 24, 2009. The government shall append to the motion a sworn declaration stating the date that habeas counsel first learned of the new evidence. Petitioner's opposition is due by 4:00 p.m. on July 29, 2009. The government's reply is due by 4:00 p.m. on August 3, 2009. It is

FURTHER ORDERED that the government shall file, by 4:00 p.m. on July 24, 2009, a brief that describes the legal and factual basis for its case-in-chief, identifies any witnesses it intends to call at the merits hearing, and lists the pertinent exhibits upon which it relies. Petitioner shall file, by 4:00 p.m. on July 29, 2009, a brief that describes his rebuttal evidence and legal arguments, identifies any witnesses he intends to call, and lists the pertinent exhibits. The parties are on notice that any evidence that has not been identified and disclosed to opposing counsel may be excluded from consideration by the Court, unless the evidence is (1) offered solely for the rebuttal of arguments made at the merits hearing that could not reasonably have been anticipated prior submission of the case report, or (2) exculpatory information, as to which the government has a continuing obligation to disclose to petitioner. It is

FURTHER ORDERED that petitioner's merits hearing is scheduled for August 5, 2009, at 9:30 a.m., and if necessary, it will continue thereafter. It is

FURTHER ORDERED that the Court shall hold a conference call on July 30, 2009, at 3:00 p.m. to discuss procedures for the hearing.

SO ORDERED.

/s/
ELLEN SEGAL HUVELLE
United States District Judge

Date: July 17, 2009