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FILED WITH THE  
COURT SECURITY OFFICER  
CSO: W. Peterson  
DATE: 11/19/09

[REDACTED]

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

SUHAIL ABDU ANAM, *et al.*,  
  
Petitioners,

v.

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

Civil Action No. 04-1194 (TFH)

ORDER

On July 29, 2009, the Court held a closed-session Motions Hearing for petitioner Abdulaziz Al Swidi (ISN 578), during which the Court discussed petitioner's Motion for Additional Discovery Pursuant to Section I.E.2 of the Case Management Order ("Motion for Discovery"). For the reasons set forth during the hearing, and for those that follow, the Court hereby

**ORDERS** that the Motion for Discovery is **GRANTED IN PART** and **DENIED IN PART**. Between his Motion for Discovery and supplement to the motion, petitioner makes seven discovery requests. The Court's ruling as to each request is explained in detail below.

1. Statements by Key Witnesses and Circumstances of Those Statements

The Court grants in part petitioner's request. The government is ordered to produce all reasonably available information about the circumstances surrounding the taking of [REDACTED] [REDACTED] statements. Such information shall include, but is not limited to, any evidence of coercive techniques used during any interrogation of [REDACTED] during the

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[REDACTED]

month of July 2004 or any inducements or promises made during that period. *See Zaid v. Bush*, Civil Action No. 05-1646 (Dkt. No. 96) (D.D.C. Dec. 22, 2008) (Bates, J.). In this context, the term “reasonably available” means evidence contained in the consolidated files or the Guantanamo Review Task Force database.

With respect to [REDACTED] the request is denied without prejudice. Petitioner fails to demonstrate with sufficient specificity and evidence that [REDACTED] suffered from mental illness or that such illness had a specific nexus with his statements on which the government relies. If petitioner later discovers evidence of such illness or a specific nexus, he may renew this request.

In all other respects, the request is denied.

2. Documents and Information Bearing Upon the Credibility of [REDACTED]

The Court denies petitioner’s request. The Court finds that granting the request for any documents or information that bear upon [REDACTED]’s credibility is not “likely to produce evidence that demonstrates that the petitioner’s detention is unlawful.” *See Case Management Order (“CMO”), In re Guantanamo Bay Litig.*, Misc. No. 08-0442, Dkt. No. 940 (Nov. 6, 2008), amended by Dkt. No. 1315 (Dec. 16, 2008) § I.E.2(3).

3. Information [REDACTED] Allegedly Found at the House in Which Petitioner Was Arrested

The Court denies petitioner’s request. The Court finds that granting the request for additional information [REDACTED] in the Factual Return is not “likely to produce evidence that demonstrates that the petitioner’s detention is unlawful.” CMO § I.E.2(3).

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[REDACTED]

4. Documents and Information Relating to Torture and Coercion

The Court grants in part petitioner's request. Petitioner has demonstrated that on [REDACTED] he was subjected to the [REDACTED] interrogation approach. Therefore, the government is ordered to produce documents or information that define the [REDACTED] interrogation approach. To the extent this information is classified or sensitive, the government is directed to follow Section I.F of the CMO.

In all other respects, the request is denied.

5. Documents and Information Relating to the Credibility of [REDACTED]

The Court denies petitioner's request. The Court finds that the request is not "likely to produce evidence that demonstrates that the petitioner's detention is unlawful." CMO § I.E.2(3).

6. Photographs Used to Identify Petitioner

The Court grants in part petitioner's request. The government is ordered to determine if [REDACTED] identified petitioner via [REDACTED] during [REDACTED] s [REDACTED] interrogation. If a photograph was used to identify petitioner during the interrogation, the government is ordered to disclose the photograph. *See, e.g., Al Odah v. United States*, Civil Action No. 02-0828 (Dkt. No. 474) (D.D.C. Feb. 12, 2009) (Kollar-Kotelly, J.) (ordering the government to disclose "the photograph collections or individual photographs referenced in the Factual Returns that were used by interrogators to have detainees identify Petitioners").

In all other respects, the request is denied.

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[REDACTED]

7. Documents or Information Referring to [REDACTED]  
CVSA

The Court grants in part petitioner's request. The government is ordered to produce the document identified as [REDACTED] in [REDACTED]

In all other respects, the request is denied. The Court further

**ORDERS** that discovery pursuant to this order shall be completed on or before October 9, 2009.

**SO ORDERED.**

September 9, 2009

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/s/  
Thomas F. Hogan  
United States District Judge

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