

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LAKHDAR BOUMEDIENE, <i>et al.</i> ,)	
)	
Petitioners,)	
)	
v.)	Civil Action No. 04-CV-1166 (RJL)
)	
GEORGE W. BUSH,)	
President of the United States, <i>et al.</i> ,)	
)	
Respondents.)	
)	
)	
)	

**PETITIONERS' SECOND MOTION FOR LEAVE TO SUPPLEMENT
TRAVERSE**

Pursuant to the Court's Case Management Order, Petitioners respectfully request leave to supplement their Classified Traverse To The Government's Return To The Petition For Habeas Corpus (Traverse).

On Friday, November 7, 2008, Petitioners discovered the inadvertent omission of three documents intended for filing with Petitioners' Supplemental Traverse, filed on November 4, which solely concern issues Petitioners raised in the Traverse and were discussed in the hearing on November 7. In addition, on the evening of November 8, counsel in *Zuhair v. Bush*, No. 08-CV-0864 (EGS), another Guantanamo Bay habeas petition, provided Petitioners with three exculpatory documents not previously produced by the Government in this matter. The proposed supplement is limited to the three documents inadvertently omitted from Petitioners' Supplemental Traverse, attached as

Traverse Exhibits 160 – 162, and the newly-received exculpatory documents attached to a declaration from Zuhair’s lead counsel (which were brought to our attention during a chance encounter at the Petitioners’ Secure Facility on Saturday, November 8), filed under seal as Traverse Exhibit 163. By e-mail this morning, Petitioners advised the Government of the existence of Traverse Exhibit 163 and offered to provide a copy to the Government by classified courier as soon as the Government could receive it. The Government has not assented to this motion.

Respectfully submitted,

<p>Dated: November 9, 2008</p>	<p><u>/s/ Allyson J. Portney</u> Stephen H. Oleskey (<i>admitted pro hac vice</i>) Robert C. Kirsch (<i>admitted pro hac vice</i>) Mark C. Fleming (<i>admitted pro hac vice</i>) Gregory P. Teran (<i>admitted pro hac vice</i>) Allyson J. Portney (<i>admitted pro hac vice</i>) Wilmer Cutler Pickering Hale and Dorr LLP 60 State Street Boston, MA 02109 (617) 526-6000</p>
	<p>Seth P. Waxman (<i>admitted</i>) Paul Wolfson (<i>admitted</i>) Robert J. McKeehan (<i>admitted</i>) Wilmer Cutler Pickering Hale and Dorr LLP 1875 Pennsylvania Avenue NW Washington, DC 20006 (202) 663-6800</p> <p>Douglas F. Curtis (<i>admitted</i>) Paul M. Winke (<i>admitted pro hac vice</i>) Wilmer Cutler Pickering Hale and Dorr LLP 399 Park Avenue New York, NY 10022 (212) 230-8800</p> <p><i>Counsel for Petitioners Lakhdar Boumediene, et al.</i></p>

CERTIFICATE OF SERVICE

I, Allyson J. Portney, hereby certify that on November 9, 2008, I electronically filed and served the foregoing Petitioners' Second Motion For Leave To Supplement Traverse, and arranged to deliver a copy of Petitioners' Second Motion For Leave To Supplement Traverse, including Petitioners' Traverse Exhibit 163 (filed under seal) to the Government by classified courier.

/s/ Allyson Portney

Allyson Portney

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[PROPOSED] ORDER

Upon consideration of Petitioners' Second Motion for Leave to Supplement Traverse ("the Motion"), and response thereto, it is hereby ORDERED that the Motion is GRANTED. Petitioners shall file and serve the Supplement to the Traverse no later than November ____, 2008.

November ____, 2008

RICHARD J. LEON
United States District Judge

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<p>LAKHDAR BOUMEDIENE, <i>et al.</i>,</p> <p>Petitioners,</p> <p>v.</p> <p>GEORGE W. BUSH, President of the United States, <i>et al.</i>,</p> <p>Respondents.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Civil Action No. 04-CV-1166 (RJL)</p>
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**PETITIONERS' SECOND
SUPPLEMENTAL EXHIBIT LIST**

<u>Exhibit No.</u>	<u>Description</u>
160.	Declaration of Adi Hadziarapovic
161.	Declaration of Daniel Sachs
162.	Declaration of Robert Kirsch
163.	Declaration of Ramzi Kassem (<i>Filed under Seal</i>)

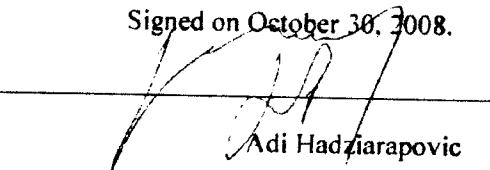
DECLARATION OF ADI HADZIARAPOVIC

I, Adi Hadziarapovic, hereby declare:

1. My name is Adi Hadziarapovic. I am over 18 years old and could testify to the facts as stated herein if called upon to do so. I have not received any compensation or benefit of any kind for providing this declaration.
2. I am a citizen of Bosnia and Herzegovina. I live in Sarajevo, Bosnia and Herzegovina.
3. I am a journalist by profession. In 2001, I worked for the Bosnian daily newspaper Avaz in Sarajevo. I covered the story of the "Algerian Group" extensively from October 2001 through January 2002.
4. I recall that, on October 8, 2001, the Minister of Interior Affairs, Muhamed Beshic, held a press conference to announce that a person named Belkacem Bensayah had been arrested in Zenica.
5. The press conference, to the best of my recollection, started at 2 p.m. that day and lasted for approximately one hour. I recall it because I reviewed archived material of my newspaper from October 8, 2001, and the following day. The official news agency of Bosnia and Herzegovina at the time, the BH PRESS, published the first news report of that press conference at 3:26 p.m. that day.
6. I wrote in my story, which was published in the daily newspaper Avaz on October 9, 2001, that the press conference started shortly after the end of a Government session. I have seen partial minutes from the government session from that day stating that the government session on October 8, 2001 started at 11:30 a.m. and lasted until 1:30 p.m. I have been covering the Federation government for my newspaper for more than 10 years and it has been its longstanding practice that one or two of Government's Ministers brief journalists shortly after the Government sessions end. I remember that, after that session on October 8, 2001, journalists were briefed by then Minister of Interior Muhamed Beshic and Minister of Justice Zvonko Mijan.
7. The key news from the press conference was the announcement that the arrested person, Belkacem Bensayah, was connected with found phone number of a senior officer of Osama bin Laden.

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

Signed on October 30, 2008.


Adi Hadziarapovic

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)	
GEORGE WALKER BUSH, et al.)	
)	
<i>Respondents.</i>)	
)	

DECLARATION OF DANIEL JACOB SACHS

I, Daniel Jacob Sachs, provide the following declaration:

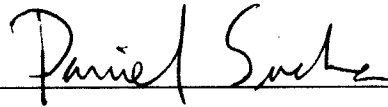
1. I am over 18 years old and could testify to the facts as stated herein if called upon to do so.
2. I am a Project Assistant at Wilmer, Cutler, Pickering, Hale and Dorr, LLP.
3. On November 9, 2008, I accessed the internet page located at http://www.islamicfinder.org/prayerDetail.php?city=Sarajevo&state=00&country=bosnia_herzegovina&lang=&home=2008-11-9&monthly=1. That page lists prayer times for Muslim prayers at locations throughout the world.
4. I selected the month of October 2001 from the list offered under the heading "Printable Format" and selected the option labeled "Monthly Schedule." I printed the resulting page to letter-sized paper. A true and accurate copy of the printed document is attached to this declaration as Exhibit A.
5. I repeated the process described in paragraph 4 for the month of October in the years 2001 through 2008. The times listed under the column headed "Asr" prayer on October 8 of each year are listed in the table immediately below.

Year	Time of Asr Prayers on October 8
2001	3:42
2002	3:43
2003	3:43
2004	3:42
2005	3:42
2006	3:43
2007	3:43
2008	3:42

6. Attached as Exhibit B to this declaration is the cover page and October 2008 page of a Sarajevo prayer time calendar available at <http://shrani.si/f/4/Gx/4jmYv5Ja/takvimkalendar2008.pdf>. The time listed for the afternoon prayer on October 8, 2008 is 15:42. Our investigation indicates that site is the official site of the Muslim community in Bosnia.

I swear that the foregoing is true under the pains and penalties of perjury under the laws of the United States that the foregoing is true and correct.

Executed on November 9, 2008.

A handwritten signature in cursive script, reading "Daniel Sachs", is written over a horizontal line.

Daniel Jacob Sachs



Prayer Times Schedule

Month: 10/2001, 7-8 / 1422 A.H

Location: Sarajevo, BOSNIA HERZEGOVINA

Calculation Method: Muslim World League

Juristic Method: Standard



Day	October	Hijri	Fajr	Sunrise	Dhuhr	Asr	Maghrib	Isha
Mon	1	14/7	5:10	6:43	12:37	3:52	6:28	7:58
Tue	2	15/7	5:11	6:45	12:36	3:50	6:26	7:56
Wed	3	16/7	5:12	6:46	12:36	3:49	6:24	7:54
Thu	4	17/7	5:13	6:47	12:36	3:48	6:23	7:52
Fri	5	18/7	5:15	6:48	12:35	3:46	6:21	7:51
Sat	6	19/7	5:16	6:49	12:35	3:45	6:19	7:49
Sun	7	20/7	5:17	6:51	12:35	3:44	6:17	7:47
Mon	8	21/7	5:18	6:52	12:35	3:42	6:16	7:45
Tue	9	22/7	5:19	6:53	12:34	3:41	6:14	7:44
Wed	10	23/7	5:21	6:54	12:34	3:40	6:12	7:42
Thu	11	24/7	5:22	6:55	12:34	3:38	6:10	7:40
Fri	12	25/7	5:23	6:57	12:33	3:37	6:09	7:38
Sat	13	26/7	5:24	6:58	12:33	3:36	6:07	7:37
Sun	14	27/7	5:25	6:59	12:33	3:34	6:05	7:35
Mon	15	28/7	5:27	7:00	12:33	3:33	6:04	7:33
Tue	16	29/7	5:28	7:02	12:33	3:32	6:02	7:32
Wed	17	1/8	5:29	7:03	12:32	3:30	6:00	7:30
Thu	18	2/8	5:30	7:04	12:32	3:29	5:59	7:29
Fri	19	3/8	5:31	7:05	12:32	3:28	5:57	7:27
Sat	20	4/8	5:32	7:07	12:32	3:27	5:55	7:26
Sun	21	5/8	5:34	7:08	12:32	3:25	5:54	7:24
Mon	22	6/8	5:35	7:09	12:31	3:24	5:52	7:23
Tue	23	7/8	5:36	7:10	12:31	3:23	5:51	7:21
Wed	24	8/8	5:37	7:12	12:31	3:22	5:49	7:20
Thu	25	9/8	5:38	7:13	12:31	3:21	5:48	7:18
Fri	26	10/8	5:39	7:14	12:31	3:19	5:46	7:17
Sat	27	11/8	5:41	7:16	12:31	3:18	5:45	7:16
Sun	28	12/8	4:42	6:17	11:31	2:17	4:43	6:14
Mon	29	13/8	4:42	6:17	11:31	2:17	4:43	6:14
Tue	30	14/8	4:44	6:19	11:31	2:15	4:40	6:12
Wed	31	15/8	4:44	6:19	11:31	2:15	4:40	6:12

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Kalendarski dio
takvim

za 2008

1234567890



OKTOBAR 2008.
(ŠEVVAL/ZU-L-KA'DE 1429. H.GOD.)

DAN			Praznici, faze Mjeseca i drugi astronomski podaci	Zora		Izlazak Sunca		Podine		Mizidija		Aktinom (izlazak Sunca)		Jecije		Kubla-sat	
Po kalendaru	U sedmici	Po takvimu		s	m	s	m	s	m	s	m	s	m	s	m	s	m
1	Sr	2	Ševval 1429. Ramazanski bajram, II dan. Dan Sehida	5	02	6	37	12	37	15	53	18	35	19	59	10	09
2	Če	3	Ramazanski bajram, III dan		03		38		37		51		33		57		07
3	Pe	4	Džuma	5	04	6	40	12	36	15	49	18	31	19	55	10	06
4	Su	5			06		41		36		48		29		53		05
5	Ne	6			07		42		36		47		27		51		04
6	Po	7			08		43		36		45		25		49		03
7	Ut	8	Prva četvrt 10:05		09		44		35		43		24		47		01
8	Sr	9			11		45		35		42		22		45		00
9	Če	10			13		46		35		41		20		44	9	59
10	Pe	11	Džuma	5	14	6	47	12	34	15	40	18	18	19	42	9	58
11	Su	12			15		49		34		38		16		40		57
12	Ne	13			16		50		34		37		15		39		55
13	Po	14			17		51		34		36		13		38		54
14	Ut	15	Tešrin-ševval. Pun Mjesec 21:03		18		53		33		35		11		36		53
15	Sr	16			19		54		33		33		09		34		52
16	Če	17			21		55		33		32		08		33		51
17	Pe	18	Džuma	5	22	6	57	12	33	15	31	18	07	19	32	9	50
18	Su	19			23		58		33		30		05		30		49
19	Ne	20			24		59		32		28		03		28		48
20	Po	21			26		00		32		27		02		27		47
21	Ut	22	Posljednja četvrt 12:55		27		02		32		26		18		00		45
22	Sr	23			28		03		32		25		17		58		44
23	Če	24			29		05		32		23		57		22		43
24	Pe	25	Džuma	5	30	7	06	12	32	15	22	17	55	19	20	9	42
25	Su	26			31		07		31		21		54		19		41
26	Ne	27		4	32	6	08	11	31	14	20	16	52	18	17	8	40
27	Po	28			33		09		31		18		51		16		39
28	Ut	29	Mijeno 23:15		35		10		31		17		49		15		39
29	Sr	30			36		12		31		16		48		14		38
30	Če	1	Zu-l-ka'de 1429.		37		13		31		15		46		12		37
31	Pe	2	Džuma		38		14		31		14		45		11		36

26. oktobra počinje zimsko računanje vremena

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)	

Traverse Exhibit 162

50. 15:26:40 vijest br. 97

FBiH - HAPŠENJA

Bešiae: UHAPŠENI BELKACEM POVEZAN TELEFONSKI SA BIN LADENOVIM STARIJIM OFICIROM

Sarajevo, 8. oktobra (BHP) - Pripadnici federalnog Ministarstva unutarnjih poslova uhapsili su danas u Zenici naturaliziranog državljanina BiH Besayah Belkacema, rođenog po jednim podacima u Jemenu , a po drugim podacima u Alžiru zbog njegove povezanosti sa telefonskim brojem jednog od starijih oficira Osame Bin Ladena.

- Utvrđeno je operativnom provjerom da je uhapšeni Belkacem bio povezan s telefonom tog oficira, a u vezi s nabavkom pasoša različitih država - kazao je na pres-konferenciji u Sarajevu ministar unuatranjih poslova FBiH Muhamed Bešiae informirajuæi o zakljuécima sa sjednice Vlade FBiH na kojoj je razmatrana aktuelna sigurnosna situacija.

Uhapšeni je primljen u državljanstvo BiH u junu ove godine. (kraj)

50. 3.26 p.m. news number 97

FEDERATION OF BOSNIA AND HERZEGOVINA - ARRESTS

BESHIC: ARRESTED BELKACEM CONNECTED VIA PHONE WITH SENIOR OFFICER OF BIN LADEN

Sarajevo, 8 October (BH PRESS) – Members of Federal Ministry of Interior arrested today in Zenica naturalized citizen of Bosnia and Herzegovina, Bensayah Belkacem, who was according to one set of data born in Yemen, and according to other data in Algeria, because of his connectedness with phone number of one of senior officer of Osama Bin Laden.

“It has been established by operational checking that arrested Belkacem was connected with a phone number of that officer, and in relation with procurement of passports of different countries,” stated Muhamed Beshic, Minister of Interior of Federation of Bosnia and Herzegovina, at the press conference at which he was presenting conclusions from session of Government of Federation of Bosnia and Herzegovina at which current security situation was discussed.

The arrested person received citizenship of Bosnia and Herzegovina in June this year. (End).

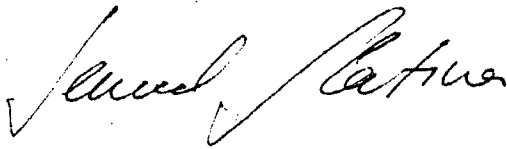
TRANSLATOR'S CERTIFICATION:

My name is Senad Slatina, and I state as follows:

1. I am a Bosnian journalist and investigator and have regular contact with Englishspeaking members of the Western press. I am fluent in both written and spoken English and Bosnian. Since 1996 on numerous occasions as part of my job responsibilities I have translated spoken and written English into Bosnian, and spoken and written Bosnian into English.

2. I certify, under the pains and penalties of perjury under the laws of the United States of America, that on November 9, 2008, I prepared the foregoing English translation of item number 50 of the original Bosnian document.

Executed on November 9, 2008.

A handwritten signature in cursive script, appearing to read "Senad Slatina".

Senad Slatina