

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FAWZI KHALID ABDULLAH
FAHAD AL ODAH, *et al.*,

Petitioner,

v.

UNITED STATES, *et al.*,

Respondents.

Civil Action No. 02-828 (CKK)

JOINT STATUS REPORT

Pursuant to this Court's Order of June 16, 2009, the parties have met and conferred regarding proposed procedures for the forthcoming merits hearings. The parties were, ultimately, unable to agree on all aspects in this joint proposal. Respondents' and Petitioners' separate proposals, submitted for each of the four merits hearings before the Court, follow below.

Respondents Propose:

I. OPENING STATEMENTS

The parties will begin with unclassified opening statements, with Respondents giving their unclassified opening statement first. Thereafter, the Court will recess for a short break and return in closed session. The parties will then give their classified opening statements, with Respondents again giving their classified opening statement first.

Petitioner will be responsible for translators and Respondents will be responsible for other logistical arrangements necessary so that Petitioner may listen to the unclassified opening statements.

II. PRESENTATION OF EVIDENCE

Respondents will offer evidence and argument relating to each contested factual issue before the Court. Thus, Respondents will make a presentation on one contested issue relevant to a petitioner's detention. Petitioner will then respond to Respondents' presentation, including by presenting evidence and argument. Finally, Respondents may respond to Petitioner's presentation in rebuttal. This sequence will be repeated for each of the contested issues relating to Petitioner's detention.

The parties will confer with respect to the contested issues to be presented, and Respondents will submit a final list of issues to be presented to the Court on the date that the parties make their final pre-hearing submissions.

III. CLOSING ARGUMENTS

The parties will give their closing arguments in closed court. Respondents will give their closing argument first, followed by Petitioner. Respondents may make a rebuttal closing argument.

Petitioners Propose:

I. OPENING STATEMENTS

The parties will begin with unclassified opening statements, with Respondents giving their unclassified opening statement first. Petitioner will be responsible for translators. Respondents will be responsible for other logistical arrangements necessary so that Petitioner may listen to the unclassified opening statements.

II. DISCUSSION OF EVIDENCE

Respondents will discuss the specific items of evidence in support of each of the factual issues that Respondents contend are relevant to a petitioner's detention. Petitioner will then discuss specific items of evidence in response to Respondents' presentation and in support of each of the factual issues that Petitioner contends are relevant to a petitioner's detention. Finally, Respondents may discuss specific items of evidence in rebuttal to Petitioner's presentation.

III. CLOSING ARGUMENTS

The parties will give their closing arguments in closed court. Respondents will give their closing argument first, followed by Petitioner. Respondents may make a rebuttal closing argument.

June 19, 2009

Respectfully submitted,

/s/ David J. Cynamon
DAVID J. CYNAMON (Bar #182477)
david.cynamon@pillsburylaw.com
MATTHEW J. MACLEAN (Bar #479257)
matthew.maclean@pillsburylaw.com
PILLSBURY WINTHROP
SHAW PITTMAN LLP
2300 N Street, N.W.
Washington, D.C. 20037
Telephone: (202) 663-8000
Facsimile: (202) 663-8007
Attorneys for Plaintiffs-Petitioners

TONY WEST
Assistant Attorney General

TERRY M. HENRY
Assistant Branch Director

/s/ Sean W. O'Donnell
PAUL E. AHERN
TIMOTHY B. WALTHALL
SARAH E. MALONEY
SEAN W. O'DONNELL
JOHN P. LOHRER
Attorneys
United States Department of Justice
Civil Division, Federal Programs
Branch
20 Massachusetts Ave., N.W.
Washington, DC 20530
Telephone: (202) 305-0692
Facsimile: (202) 616-8470
Attorneys for Respondents