

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MAHMOAD ABDAH, <i>et al.</i> ,)	
)	
Petitioners,)	Civil Action No. 04-cv-1254 (HHK)
)	
v.)	
)	
BARACK H. OBAMA,)	
)	
Respondents.)	

**DECLARATION RE: COMPLIANCE WITH
THIS COURT’S DISCOVERY ORDERS CONCERNING ISN 117**

I, John P. Lohrer, hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am the lead Department of Justice attorney assigned to represent Respondents with respect to the Petition for a Writ of Habeas Corpus filed by Makhtar Al-Warafi (ISN117), in connection with the above-captioned action. The statements set forth in this Declaration are based on my personal knowledge or information provided to me in my official capacity.

2. I am aware of this Court’s orders in this case dated April 8, 2009, June 4, 2009, and June 18, 2009 (the “Discovery Orders”). The Discovery Orders require Respondents to produce the items and information that are the subject of the Court’s April 8, 2009 Order, and file a declaration that they have done so, by no later than June 26, 2009.

3. Subject to the exception(s) discussed below, to the best of my knowledge, the appropriate searches were performed to identify documents that are responsive to the Discovery Orders, as they relate to ISN 117. Also, to the best of my knowledge, Respondents have produced to Petitioner’s counsel the items and information that are the subject of the Court’s April 8, 2009 Order, as they relate to ISN 117.

4. By Order dated April 8, 2009, the Court stated that it “considers any information that the government reviews or obtains while implementing [Executive Order 13492 (Jan. 22, 2009)] to be reasonably available under the Consolidated CMO.” By Order dated June 18, 2009, the Court ordered that, with respect to Paragraphs (3) and (4) of the April 8, 2009 Order, Respondents “must produce any responsive information that the government reviews or obtains while implementing the Presidents’ January 22, 2009 executive order.” Respondents have not yet completed this aspect of the Discovery Orders. Since Judge Hogan’s ruling on Respondents’ motion for reconsideration concerning Task Force discovery, Respondents have invested substantial time and effort gathering additional information about the structure of the Task Force’s database, its search capabilities, and reasonable search strategies for discoverable information that the Task Force may have gathered. Typically, electronic searches of the database using the Google search engine the Task Force has acquired, based on the names, aliases, and ISNs of a Petitioner and the witnesses relied on his case, yield tens of thousands of documents. Respondents therefore intend to discuss with Petitioners’ counsel a variety of approaches, using more targeted search terms, targeting particular portions of the database, or a combination of the two, for developing a search strategy that is reasonable under the circumstances of this case and acceptable to both sides. Respondents anticipate that we will meet and confer with Petitioners by July 7, 2009. In the event that the parties are unable to reach agreement, Respondents will address the matter with the Court.

5. With respect to the production of medical records, it is my understanding that Respondents have reviewed the medical records dated within 30 days before or 14 days after the relevant statement and produced any such documents that are responsive to the April 8, 2009 Order, as modified by the June 4, 2009 Order.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 26, 2009.

/s/ John P. Lohrer

JOHN P. LOHRER

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