

ABDUL HADI OMAR MAHMOUD FARAJ,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 05-1490 (PLF)
)	
BARACK OBAMA, <u>et al.</u> ,)	
)	
Respondents.)	
_____)	
)	
HUSSAIN SALEM MOHAMMED ALMERFEDI,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 05-1645 (PLF)
)	
BARACK OBAMA, <u>et al.</u> ,)	
)	
Respondents.)	
_____)	
)	
AMMAR AL-BALUCHI,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 08-2083 (PLF)
)	
ROBERT M. GATES, <u>et al.</u> ,)	
)	
Respondents.)	
_____)	

ORDER

The Court hereby amends the definitions and procedures set forth in the Case Management Order (“CMO”) issued by Judge Hogan in *In re Guantanamo Bay Detainee Litig.*, Misc. No. 08-442, Dkt. No. 940 (Nov. 6, 2008), amended by Misc. No. 08-442, Dkt. No. 1315

(Dec. 16, 2008), for the above captioned cases. In addition to those definitions and procedures set forth in the CMO, and, where inconsistent with the provisions of the CMO, in replacement thereof, it is hereby

ORDERED that “exculpatory evidence” as referenced in Section I.D.1 of the CMO is defined as all reasonably available evidence in the government’s possession that tends materially to undermine the evidence that the government intends to rely on in its case-in-chief or to otherwise support its justification for detaining the petitioner, including any evidence or information that undercuts the reliability of the government’s evidence (i.e., such as evidence that casts doubt on a speaker’s credibility, evidence that undermines the reliability of a witness’s identification of the petitioner, or evidence that indicates that a statement is the product of abuse, torture, or mental or physical incapacity); it is

FURTHER ORDERED that in addition to the definition provided in Judge Hogan’s CMO, the government shall construe the definition of “reasonably available evidence” to include the following: information compiled pursuant to Executive Order 13,492; detainees’ medical records; and information within the possession or control of the Joint Intelligence Group of the Joint Task Force-Guantanamo; it is

FURTHER ORDERED that the government shall construe its disclosure obligations under *both* Section I.D.1 and Section I.E.1 of the CMO as extending to all reasonably available evidence in its possession. The government’s disclosure obligations under Section 1.E.2 of the CMO are not similarly limited and extend to all evidence in the government’s possession whether it is reasonably available or not; it is

