
ISSAM HAMID ALI BIN ALI AL JAYFI,)
et al.,)
)
Petitioners,)
)
v.) Civil Action No. 05-2104 (RBW)
)
BARACK H. OBAMA,)
President of the United States, et al.,)
)
Respondents.)

SHARAF AL SANANI, et al.,)
)
Petitioners,)
)
v.) Civil Action No. 05-2386 (RBW)
)
BARACK H. OBAMA,)
President of the United States, et al.,)
)
Respondents.)

QAYED ex rel. WASIM,)
)
Petitioners,)
)
v.) Civil Action No. 06-1675 (RBW)
)
BARACK H. OBAMA,)
President of the United States, et al.,)
)
Respondents.)

ORDERED that the Motion for Clarification and Reconsideration of the Court's Order of June 4, 2009, filed by the respondents on June 9, 2009, is **GRANTED** in part and **DENIED** in part. It is further

ORDERED that the order entered by the Court on June 4, 2009, as well as the oral rulings issues by the Court over the course of the global status hearing held on June 3, 2009, are **VACATED**. It is further

ORDERED that the respondents' motion to admit hearsay evidence filed on May 15, 2009, as well as any pending motions for judgment on the record filed by the respondents in the cases captioned above are **DENIED** without prejudice, but that the arguments and assertions made in those motions shall be deemed to constitute memoranda of law in support of the admissibility of the evidence proffered by the petitioners. It is further

ORDERED that § II.C of the case management order entered by the Honorable Thomas F. Hogan of this Court on November 6, 2008, as amended by Judge Hogan on December 16, 2008, as further amended by this member of the Court on December 19, 2008, and as supplemented by this member of the Court on February 19, 2009, is **AMENDED** as follows:

C. Admissibility of Evidence.

- 1. Proposed Factual Findings and Sources of Evidence.** The government bears the burden of establishing that its proffered evidence has sufficient indicia of reliability to be admitted into evidence. Accordingly, on or before June 10, 2009, or within fourteen days of the filing of the petitioner's traverse, whichever occurs later, and except where ordered otherwise, the government shall file a statement of proposed factual findings and sources of evidence that lists in numbered paragraphs the factual findings that the government proposes should be made by the Merits Judge. For each proposed factual finding, the government shall cite any and all evidence that the government seeks

to introduce in support of that proposition. The government may also submit a memorandum of law in support of the admission of its proffered evidence along with its proposed factual findings and sources of evidence.

2. **Objections to Admissibility of Evidence.** If the petitioner objects to the admission of any evidentiary source cited by the government in its statement of proposed factual findings, the petitioner shall object in writing to the Merits Judge's consideration of such evidence on or before June 26, 2009, or within fourteen days of the filing of the government's statement of proposed factual findings, whichever occurs later. If the government wishes to file a reply to any such objections, it may do so at any time on or before 12:00 p.m. of the afternoon preceding any hearing scheduled on the petitioner's objections or within seven days of the filing of the petitioner's objections, whichever occurs earlier.

It is further

ORDERED that § III.A of the case management order entered by Judge Hogan on November 6, 2008, as amended by Judge Hogan on December 16, 2008, as further amended by this member of the Court on December 19, 2008, and as supplemented by this member of the Court on February 19, 2009, is **AMENDED** as follows:

A. Judgment on the Record.

1. **Petitioner's Motion for Judgment on the Record.** Within fourteen days of the Merits Judge's ruling with respect to any written objections by the petitioner to any evidence that the government seeks to introduce in support of its proposed factual findings, or, if no such objections are filed, on or before June 26, 2009, or within fourteen days of the filing of the government's proposed factual findings and sources of evidence, whichever occurs later, the petitioner shall file a motion for judgment on the record, if such relief he desires, along with a memorandum of law in support of that motion. The

motion shall address whether the evidence cited by the government in support of its proposed factual findings, to the extent it is held to be admissible into evidence by the Merits Judge, establishes a prima facie case for the petitioner's military detention under the standard set forth in Gherebi v. Obama, 2009 WL 1068955 (D.D.C. Apr. 22, 2009).

2. **Government's Opposition.** Within fourteen days of the filing of a motion for judgment on the record by the petitioner, the government shall file its opposition, if any, to the petitioner's motion.
3. **Hearing.** The Merits Judge will schedule a hearing on the merits of the petitioner's motion for judgment on the record at the conclusion of the hearing on the merits of any written objections by the petitioner to evidence that the government seeks to introduce in support of a specific factual proposition or, if no such objections are filed, immediately upon the filing of the petitioner's motion for judgment on the record.

It is further

ORDERED that § III.B.1 of the case management order entered by Judge Hogan on November 6, 2008, as amended by Judge Hogan on December 16, 2008, as further amended by this member of the Court on December 19, 2008, and as supplemented by this member of the Court on February 19, 2009, is **AMENDED** as follows:

B. Evidentiary Hearing.

1. **Basis for a Hearing.** If, after considering the merits of any motion for judgment on the record filed by the petitioner, the Merits Judge determines that the evidence cited by the government in support of its proposed factual findings, to the extent it is held to be admissible into evidence by the Merits Judge, establishes a prima facie case for the petitioner's military detention under the standard set forth in Gherebi v. Obama, 2009 WL 1068955 (D.D.C. Apr. 22, 2009), the Merits Judge will

schedule an evidentiary hearing to consider any evidence submitted by the petitioner.

It is further

ORDERED that counsel for the respondents and counsel for Tofiq Nasser Awadh Al Bihani (ISN 893) shall appear before this Court on July 1, 2009, at 1:30 p.m. for a hearing on the merits of any written objections by that petitioner to any evidence that the respondents seek to introduce in support of their proposed factual findings. It is further

ORDERED that counsel for the respondents and counsel for Maher El Falesteny (ISN 519) shall appear before this Court on July 2, 2009, at 9:00 a.m. for a hearing on the merits of any written objections by that petitioner to any evidence that the respondents seek to introduce in support of their proposed factual findings. It is further

ORDERED that counsel for the respondents and counsel for Karin Bostan (ISN 975) shall appear before this Court on July 2, 2009, at 1:30 p.m. for a hearing on the merits of any written objections by that petitioner to any evidence that the respondents seek to introduce in support of their proposed factual findings. It is further

ORDERED that the respondents shall file their proposed factual findings and sources of evidence, along with any memorandum of law in support of the admission of that evidence, with respect to Ahmed Abdul Al Qader Ahmed Hussain (ISN 690) on or before June 26, 2009. It is further

ORDERED that Ahmed Abdul Al Qader Ahmed Hussain (ISN 690) shall file his written objections to the admission of any evidence that the respondents seek to introduce in support of their proposed factual findings, if any he intends to raise, on or before July 31, 2009. It is further

ORDERED that counsel for the respondents and counsel for Ahmed Abdul Al Qader Ahmed Hussain (ISN 690) shall appear before this Court on August 14, 2009, at 1:30 p.m. for a

hearing on the merits of any written objections by that petitioner to any evidence that the respondents seek to introduce in support of their proposed factual findings. It is further

ORDERED that the Consent Motion for Adjustment to Schedule filed by Ahmed Abdul Al Qader Hussain (ISN 690) on June 10, 2009, is **DENIED** as moot in light of the preceding decretal paragraphs.

SO ORDERED this 12th day of June, 2009.

REGGIE B. WALTON
United States District Judge