

FILED WITH THE
COURT SECURITY OFFICER
CSO: A. Straus
DATE: 7/23/09

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SUHAIL ABDU ANAM, *et al.*,

Petitioners,

v.

BARACK H. OBAMA, *et al.*,

Respondents.

Civil Action No. 04-1194 (TFH)

ORDER

On July 22, 2009, the Court held a closed-session Motions Hearing for petitioner Musa'ab Al Madhwani (ISN 839), during which the Court discussed petitioner's Motion for Discovery Under Section I.E.2 of the Case Management Order ("Motion for Discovery"). This order serves to memorialize the rulings issued during the hearing. Accordingly, for the reasons set forth during the hearing, the Court hereby

ORDERS that the Motion for Discovery is **GRANTED IN PART** and **DENIED IN PART**. In his Motion for Discovery, petitioner makes five discovery requests. The Court's ruling as to each request is explained in detail below.

1. Information Related to Petitioner's First Two Months of Detention

The Court grants in part petitioner's request. The government is ordered to produce all reasonably available documents and information relating to petitioner's detention and/or interrogations from September 11 to November 11, 2002, including (a) all statements, in whatever form, made or adopted by petitioner, (b) information about the circumstances under

[REDACTED]

which petitioner was detained or interrogated, and (c) photographs or videos of petitioner. In this context, the term “reasonably available” means evidence contained in the consolidated files or the Guantanamo Review Task Force database.

The government is further ordered to file with the Court *ex parte* and *in camera* an unredacted version of TD-314/38075-02. The Court will review the document to determine if any exculpatory material was redacted.

In all other respects, the request is denied.

2. Statements by Key Witnesses and Circumstances of Those Statements

The Court grants in part petitioner’s request. The government is ordered to produce all reasonably available statements, in whatever form, made by [REDACTED] and [REDACTED] that have not previously been produced to petitioner’s counsel and that relate to the statements attributed to them in the Amended Factual Return, as well as reasonably available information about the circumstances in which such statements were made or adopted. In this context, the term “reasonably available” means evidence contained in the consolidated files or the Guantanamo Review Task Force database.

In all other respects, the request is denied.

3. Documents Related to Polygraph Examination of Petitioner

The Court denies petitioner’s request. However, the government is ordered to confirm that it has produced all exculpatory results from polygraph examinations administered to petitioner.

██████████
4. Chain of Custody Documents and Information

The Court denies petitioner's request.

5. Guesthouse and Training Camp

The Court denies petitioner's request. The Court further

ORDERS the parties to adhere to the following schedule for petitioner's pending habeas petition:

1. Discovery pursuant to this order shall be completed on or before August 21, 2009.
2. The parties shall file Motions for Judgment on the Record on or before August 27, 2009.
3. The parties shall file Response Briefs to the Motions for Judgment on the Record on or before September 18, 2009.
4. The parties may file Reply Briefs to the Response Briefs on or before September 25, 2009.
5. The Merits Hearing shall be held on October 26, 2009.

SO ORDERED.

July 23, 2009

/s/
Thomas F. Hogan
United States District Judge