

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

Lieutenant Commander CHARLES SWIFT, a  
resident of the State of Washington, as next  
friend for SALIM AHMED HAMDAN,  
Military Commission Detainee,  
Camp Echo,  
Guantanamo Bay Naval Base,  
Guantanamo Bay, Cuba,

Petitioner,

v.

DONALD H. RUMSFELD, United States  
Secretary of Defense; JOHN D.  
ALTENBURG, Jr., Appointing Authority for  
Military Commissions, Department of Defense;  
Brigadier General THOMAS L.  
HEMINGWAY, Legal Advisor to the  
Appointing Authority for Military  
Commissions; Brigadier General JAY HOOD,  
Commander Joint Task Force, Guantanamo,  
Camp Echo, Guantanamo Bay, Cuba;  
GEORGE W. BUSH, President of the United  
States,

Respondents.

NO. CV04-0777L

**PETITIONER'S REQUESTS FOR  
PRODUCTION OF DOCUMENTS**

**TO: RESPONDENTS**

**AND TO: THEIR COUNSEL OF RECORD,  
ASSISTANT U.S. ATTORNEY BRIAN C. KIPNIS**

Petitioner Lieutenant Commander Charles Swift propounds the following Requests for Production of Documents to Respondents pursuant to 28 U.S.C. §§ 2246 and 2247, and Federal Rules of Civil Procedure 26, 34, and 81.

### INSTRUCTIONS

1. These Requests for Production of Documents ("Document Requests") call for production of all responsive materials in the possession, custody or control of Respondents, or any of them, or in the possession, custody, or control of anyone acting on behalf, or under the supervision, of any Respondent, including without limitation any member or department of the U.S. armed services, intelligence agencies, government agents or employees, or any private or non-governmental contractors, organizations, or entities that have in any way participated in the capture and/or detention of Salim Ahmed Hamdan.

2. Any comment, notation or marking appearing on any document, and not a part of the original, is to be considered a separate document, as is any draft, preliminary form, or superseded version of any document.

3. If you object to producing materials responsive to these Document Requests, in whole or in part, state your objections and all factual and legal justifications that you believe support your objections. If you object to producing documents responsive to only part of a Document Request, specify the part to which you object and produce all materials responsive to the remainder.

4. If you deem any responsive document to be privileged in any manner, such that you contend it should not be produced, provide a list stating:

- a. Author(s) and recipient(s) of document withheld;
- b. Date of allegedly privileged document withheld;
- c. General description of the subject matter and content of allegedly privileged document withheld;
- d. Type of document withheld (e.g., letter, memorandum, email, report, etc.);

- 1 e. Nature of privilege(s) claimed; and  
2  
3 f. Specific Document Request to which the allegedly privileged document  
4 relates.  
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6 5. Please promptly supplement your responses to all of these Document Requests as  
7 this action continues, to the full extent required by Federal Rule of Civil Procedure 26(e).  
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10 **DEFINITIONS**

11 As used in these Document Requests, the following terms have the meanings described  
12 below:  
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14 1. The singular includes the plural and vice versa. The past tense includes the  
15 present tense where the clear meaning is not distorted by change of tense.  
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18 2. "Document" or "documents" means any kind of printed, recorded, written,  
19 graphic, photographic, magnetic, or electronic matter (including, without limitation, tape or  
20 video recordings, compact discs, CD-ROMS, email, and other material generated or readable by  
21 computer or other electronic means), however printed, produced or reproduced, coded or stored,  
22 of any kind or description, whether sent or received or not, including all originals, copies,  
23 reproductions, facsimiles, drafts, and both sides thereof. In addition, "document" or "documents"  
24 shall mean any "writing" as defined in Federal Rule of Evidence 1001.  
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27 3. "Mr. Hamdan" means Salim Ahmed Hamdan, a/k/a Salim Ahmed Salim Hamdan;  
28 Abu Suqr; Salem Ahmed Salem Hamden; Salem Ahmed Hamdan; Suqr Al-Jeddawi; Ahmed  
29 Hamdan; Saqir Al Jadawi; Abu Saqir; Al Jadawi; Abu Saqr; Saqr Al-Jadawi; Saqir; Abd Saqr;  
30 Saqr Jiddawi; Salim Hamden; Saqir Al-Jadawi; Salim Ahmad Hamdan; Saqr Al-Jaddawi; Khalid  
31 Bin' Abdallah; Al-Hadhrami; and Salem, ISN 149 (Guantanamo Bay, Cuba), ISN 497  
32 (Bahgram); the individual currently detained at Guantanamo Naval Base, Cuba, on whose behalf  
33 this action has been filed.  
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36 4. The terms "relate to" or "relating to" mean reflecting, referring to, evidencing,  
37 mentioning, discussing, reviewing, summarizing, describing, depicting, embodying, comprising,  
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1 constituting, reporting on or about, pertaining to, or in any way involving the subject matter of  
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3 the request.

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5 5. "JTF" means the Joint Task Force Guantanamo, the U.S. military command  
6  
7 responsible for the control and administration of the Guantanamo Naval Base at Guantanamo,  
8  
9 Cuba.

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11 6. "Camp Echo" means that portion of Guantanamo Naval Base where, on  
12  
13 information and belief, Mr. Hamdan has been and/or is currently being detained, in what has  
14  
15 been referred to by the U.S. Department of Defense as "pre-commission segregation."

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17 7. "Camp Delta" means that portion of Guantanamo Naval Base where, on  
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19 information and belief, other individuals captured in Afghanistan or elsewhere in what has been  
20  
21 referred to as "the war on terrorism" have been and/or are being detained.

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23 8. "The President" means President of the United States George W. Bush.

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25 9. "The Military Order" means the President's Order of November 13, 2001, relating  
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27 to the Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism.

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31 **REQUESTS FOR PRODUCTION OF DOCUMENTS**

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35 **REQUEST FOR PRODUCTION NO. 1:**

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37 Produce all documents that constitute, refer, or relate to the finding by the President that  
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39 there is reason to believe that Mr. Hamdan is subject to trial by Military Commission pursuant to  
40  
41 the President's Military Order of November 13, 2001 ("the Military Order"), including all  
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43 documents that tend to either support or rebut that finding.

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45 **RESPONSE:**

1 **REQUEST FOR PRODUCTION NO. 2:**

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3 Produce all documents evidencing, referring, or relating to the status of Mr. Hamdan as  
4 an alleged enemy combatant, or illegal combatant, including all documents that tend to either  
5 support or rebut such determinations.  
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9 **RESPONSE:**  
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17 **REQUEST FOR PRODUCTION NO. 3:**

18 Produce all instructions relating to the administration and operation of Camp X-Ray,  
19 Camp America, including Camp Delta, Camp Four, Camp Echo and Camp Five by the JTF.  
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23 **RESPONSE:**  
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31 **REQUEST FOR PRODUCTION NO. 4:**

32 Produce all documents relating or referring to the distinctions, of whatever nature,  
33 whether legal, administrative, physical, or otherwise, between Camp Echo and Camp Delta.  
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37 **RESPONSE:**  
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45 **REQUEST FOR PRODUCTION NO. 5:**

46 Produce all medical, disciplinary, intelligence, investigative, and administrative records,  
47 transcripts and/or documents relating to Mr. Hamdan.  
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51 **RESPONSE:**

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**REQUEST FOR PRODUCTION NO. 6:**

Produce all documents that refer or relate to the reasons for the delay in bringing charges against Mr. Hamdan.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 7:**

To the extent not included within one of the foregoing Document Requests, produce all documents that refer or relate to Mr. Hamdan personally, to his status as an alleged enemy combatant or illegal combatant, to the circumstances of his capture or detention, to the information obtained from Mr. Hamdan, or to the reasons for his detention.

**RESPONSE:**

1 DATED: July \_\_\_\_\_, 2004.  
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3

4 **NEAL KATYAL**

5  
6  
7  
8 By  /s/  
9 Neal Katyal, D.C. Bar #462071  
10 600 New Jersey Avenue, NW  
11 Washington, D.C. 20001  
12 (202) 662-9000  
13 Attorney for Petitioner  
14

15  
16 **LIEUTENANT COMMANDER CHARLES SWIFT**

17  
18  
19  
20 By  /s/  
21 Lieutenant Commander Charles Swift  
22 N.C. Bar #21084  
23 Petitioner, as Next Friend for Salim Ahmed Hamdan  
24

25  
26 **PERKINS COIE LLP**

27  
28  
29  
30 By  /s/  
31 Harry H. Schneider, Jr., WSBA #9404  
32 Joseph M. McMillan, WSBA # 26527  
33 David R. East, WSBA #31481  
34 Charles C. Sipos, WSBA #32825  
35 Attorneys for Petitioner  
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**CERTIFICATION**

I have read the foregoing responses and/or objections to these Document Requests and certify that to the best of my knowledge, information and belief, formed after a reasonable inquiry, they comply with the requirements of Federal Rule of Civil Procedure 26(g).

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

**ASSISTANT UNITED STATES ATTORNEY  
BRIAN C. KIPNIS**

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Brian C. Kipnis  
Chief, Civil Division  
U.S. Department of Justice  
Western District of Washington  
Attorney of Record for Respondents



THE HONORABLE ROBERT S. LASNIK

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10 UNITED STATES DISTRICT COURT  
11 WESTERN DISTRICT OF WASHINGTON  
12 AT SEATTLE  
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14 Lieutenant Commander CHARLES SWIFT, a  
15 resident of the State of Washington, as next  
16 friend for SALIM AHMED HAMDAN,  
17 Military Commission Detainee,  
18 Camp Echo,  
19 Guantanamo Bay Naval Base,  
20 Guantanamo Bay, Cuba,  
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23 Petitioner,  
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NO. CV04-0777L

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**NOTICE OF RULE 30(b)(6)  
DEPOSITION**

v.

DONALD H. RUMSFELD, United States  
Secretary of Defense; JOHN D.  
ALTENBURG, Jr., Appointing Authority for  
Military Commissions, Department of Defense;  
Brigadier General THOMAS L.  
HEMINGWAY, Legal Advisor to the  
Appointing Authority for Military  
Commissions; Brigadier General JAY HOOD,  
Commander Joint Task Force, Guantanamo,  
Camp Echo, Guantanamo Bay, Cuba;  
GEORGE W. BUSH, President of the United  
States,

Respondents.

**TO: RESPONDENTS**

**AND TO: THEIR COUNSEL OF RECORD,  
ASSISTANT U.S. ATTORNEY BRIAN C. KIPNIS**

1 PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 2246, and Federal Rules of  
2 Civil Procedure 30(b)(6) and 81, the testimony of the person[s] to be designated by Respondents  
3 as the officer[s], administrator[s], agent[s], representative[s], or other person[s] who consent to  
4 testify on Respondents' behalf with respect to the topics specified in Exhibit A attached hereto,  
5 will be taken upon oral examination before a Notary Public, at the request of Petitioner  
6  
7 Lieutenant Commander Charles Swift, at the time, date, and place specified below, or at such  
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9 other time, date and place as may be mutually agreed upon by counsel for the parties. The  
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11 testimony will be recorded stenographically and by means of sound and videographic recording.  
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Place of Deposition	Date and Time
Perkins Coie LLP 1201 Third Avenue, Suite 4800 Seattle, WA 98101-3099 or Perkins Coie LLP 607 Fourteenth Street N.W. Washington, D.C. 20005-2011	August 5, 2004; 9:00 AM

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34 The deposition shall be subject to continuance or adjournment from time to time and place to  
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36 place until completed.

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38 Pursuant to 28 U.S.C. § 2247, and Federal Rules of Civil Procedure 26, 34, and 81, the  
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40 witness is directed to produce for examination and copying at the time and place of the  
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42 deposition, or such other time and place as may be agreed upon prior to the deposition, the  
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44 documents specified in Exhibit B to this Notice.  
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1 DATED: July \_\_\_\_\_, 2004.  
2  
3

4 **NEAL KATYAL**

5  
6 By  /s/  
7 Neal Katyal, D.C. Bar #462071  
8 600 New Jersey Avenue, NW  
9 Washington, D.C. 20001  
10 (202) 662-9000  
11 Attorney for Petitioner  
12

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14 **LIEUTENANT COMMANDER CHARLES SWIFT**

15  
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17 By  /s/  
18 Lieutenant Commander Charles Swift  
19 N.C. Bar #21084  
20 Petitioner, as Next Friend for Salim Ahmed Hamdan  
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23 **PERKINS COIE LLP**

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26 By  /s/  
27 Harry H. Schneider, Jr., WSBA #9404  
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**EXHIBIT A**

Federal Rule of Civil Procedure 30(b)(6) requires that Respondents "designate one or more officers, directors, or managing agents, or other persons who consent to testify on [their] behalf... as to matters known or reasonably available to the organization."

All definitions set forth in Petitioner's Requests for Production of Documents served in this action are incorporated herein, and apply to the terms used in the topics for discovery set forth below.

**Matters On Which Deponent Will Be Questioned  
Pursuant to Federal Rule of Civil Procedure 30(b)(6)**

1. The reasons for the determination that Salim Ahmed Hamdan, on whose behalf the Petition in this action has been filed, is subject to the President's Order of November 13, 2001, relating to the Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism, and all evidence that tends to support or rebut that determination.
2. All evidence relating to the alleged status of Mr. Hamdan as an enemy combatant, or illegal combatant, including all evidence that tends to either support or rebut such determinations.
3. The administration and operation of Camp Echo and Camp Delta by the JTF.
4. The distinctions, of whatever nature, whether legal, administrative, physical, or otherwise, between Camp Echo and Camp Delta.
5. All medical, disciplinary, intelligence, investigative, and administrative records, findings, and information relating to Mr. Hamdan.
6. The reasons for the delay in bringing charges against Mr. Hamdan.
7. The circumstances of Mr. Hamdan's capture and detention, the information obtained from Mr. Hamdan, and the reasons for his continued detention.

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**EXHIBIT B**

Documents to be produced by Respondents' 30(b)(6) representative, to the extent that such documents have not previously been produced in response to Petitioner's First Requests for Production of Documents served in this action.

All definitions set forth in Petitioner's Requests for Production of Documents served in this action are incorporated herein, and apply to the terms used in the topics for discovery set forth below.

**Documents to be Produced**

1. All documents that constitute, refer, or relate to the finding by the President that Mr. Hamdan is subject to the Military Order of November 13, 2001 ("the Military Order"), including all documents that tend to either support or rebut that finding.
2. All documents evidencing, referring, or relating to the alleged status of Mr. Hamdan as an enemy combatant, or illegal combatant, including all documents that tend to either support or rebut such determinations.
3. All instructions relating to the administration and operation of Camp Echo and Camp Delta by the JTF.
4. All documents relating or referring to the distinctions, of whatever nature, whether legal, administrative, physical, or otherwise, between Camp Echo and Camp Delta.
5. All medical, disciplinary, intelligence, investigative, and administrative records, transcripts and/or documents relating to Mr. Hamdan.
6. All documents that refer or relate to the reasons for the delay in bringing charges against Mr. Hamdan.
7. To the extent not included within one of the foregoing Document Requests, produce all documents that refer or relate to Mr. Hamdan personally, to his status as an alleged enemy combatant or illegal combatant, to the circumstances of his capture or detention, to the information obtained from Mr. Hamdan, or to the reasons for his detention.