

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

\_\_\_\_\_  
AHCENE ZEMIRI )

Petitioner, )

v. )

BARACK OBAMA, President of the )  
United States, *et al.*, )

Respondents. )  
\_\_\_\_\_)

Civil. Action No. 04-2046

**ORDER**  
(February 9, 2009)

The Court held a closed-session Status Hearing in the above-captioned case on February 9, 2009. For the reasons stated on the record, it is, this 9th day of February, 2009, hereby

**ORDERED** that “exculpatory evidence” is defined as all reasonably available evidence in the Government’s possession or any evidence that tends to materially undermine the evidence that the Government intends to rely on its case-in-chief, including any evidence or information that undercuts the reliability and/or credibility 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 Petitioner, or evidence that indicates a statement is unreliable because it is the product of abuse, torture, or mental or physical incapacity); it is further

**ORDERED** that Respondents shall disclose to Petitioner’s counsel, pursuant to Sections I.D.I, I.E.1, and I.E.2 of the Case Management Order, as amended, all statements, in whatever form, whether cumulative or not, that have not previously been disclosed, made by Petitioner, Ahmed Ressam, Mokhtar Haouari, or Abdel Ghani Meskini, relating to the statements attributed

to them in the Factual Return, if any. Respondents shall also disclose all exculpatory information that has not previously been disclosed concerning these individuals. If no such documents exist, Respondents shall so represent to Petitioner's counsel, in writing; it is further

**ORDERED** that Respondents shall disclose to Petitioner's counsel, pursuant to Section I.E.1 of the Case Management Order, as amended, whether Petitioner's name appears on a list of Guantanamo detainees whose interviews/interrogations were either videotaped or audiotaped. If Petitioner's name appears on that list, Respondents shall either disclose the videotapes or audiotapes of Petitioner to Petitioner's counsel, or if such tapes are unavailable, Respondents shall explain why they are unavailable. If Petitioner's name does not appear on that list, Respondents shall so represent to Petitioner's counsel, in writing; it is further

**ORDERED** that Respondents shall disclose to Petitioner's counsel, pursuant to Section I.E.1 of the Case Management Order, as amended, copies of two original, untranslated letters from Petitioner to his wife. Petitioner's counsel shall draft a letter to Respondents identifying the two letters with specificity. If copies of the two original, untranslated letters are unavailable, Respondents shall so represent to Petitioner's counsel, in writing; it is further

**ORDERED** that Respondents shall disclose to Petitioner's counsel, pursuant to Sections I.D.1 and I.E.2 of the Case Management Order, as amended, all documents containing exculpatory information concerning Petitioner or Ahmed Ressam that the Canadian Government has previously provided to the United States Government. If such documents do not exist, Respondents shall so represent to Petitioner's counsel, in writing; it is further

**ORDERED** that Respondents shall disclose to Petitioner's counsel, pursuant to Sections I.D.1 and I.E.2 of the Case Management Order, as amended, any cooperation agreement(s)

