

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

ABU BAKKER QASSIM, et al.,

Petitioners,

v.

GEORGE W. BUSH, et al.,

Respondents.

Civil Action No. 05-497 (JR)

**MOTION TO ACCEPT FILING OF CLASSIFIED DECLARATION OF
AMBASSADOR PIERRE-RICHARD PROSPER IN SUPPORT OF
RESPONDENTS' SUPPLEMENTAL MEMORANDUM PURSUANT TO
THE COURT'S INVITATION AT THE AUGUST 1, 2005 HEARING**

Respondents hereby move the Court to accept the filing of the classified Declaration of Ambassador Pierre-Richard Prosper in Support of Respondents' Supplemental Memorandum Pursuant to the Court's Invitation at the August 1, 2005 Hearing in the above-captioned case. In support of this motion, respondents state as follows:

1. At the August 1, 2005 hearing on Petitioners' Emergency Motion to Vacate Stay Order and Issue Writ Directing Immediate Release of Petitioners, the Court requested that the parties file supplemental briefs within five (5) days, *i.e.*, by Monday, August 8, 2005.
2. Respondents are submitting today a Supplemental Memorandum Pursuant to the Court's Invitation at the August 1, 2005 Hearing ("Supplemental Memorandum").
3. In support of their Supplemental Memorandum, respondents wish to submit the Declaration of Ambassador Pierre-Richard Prosper ("Prosper Declaration").
4. The Prosper Declaration contains classified information.
5. The Prosper Declaration was not finalized and executed until after business hours on Monday, August 8, 2005. Pursuant to the protective order in this case, classified filings are

made through the Court Security Officers. See Dec. 13, 2004 Order Supplementing and Amending Filing Procedures Contained in November 8, 2004 Amended Protective Order (entered in this case by dkt. no. 16). At the time the Prosper Declaration was finalized and executed, it was too late to submit the classified version of the declaration to the Court Security Officers for filing on August 8.¹

6. Respondents are electronically filing a redacted version of the Prosper Declaration for the public record. This filing is being made on Monday, August 8.

7. Respondents respectfully request that the Court accept the filing of the classified Prosper Declaration, which respondents will file through the Court Security Officers on the morning of Tuesday, August 9.

8. Given the short time constraints for requesting the proposed relief, respondents have not been able to confer with counsel for petitioners regarding their position on this motion.

WHEREFORE, respondents respectfully request that the Court accept the classified Prosper Declaration to be filed through the Court Security Officers on Tuesday, August 9.²

Dated: August 8, 2005

Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

¹ Earlier in the day on August 8, respondents had submitted a version of the Prosper Declaration with the Court Security Officers with the intention that it be filed with the Court. However, respondents subsequently learned that revisions needed to be made to the document and contacted the Court Security Officers in an effort to withdraw that submission.

² Respondents request that the Court accept this version of the Prosper Declaration in lieu of the earlier version previously submitted to the Court Security Officers. See supra note 1.

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