

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

ABU BAKKER QASSIM and A'DEL ABDUL
HAKIM,

Petitioners/Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Respondents/Defendants.

Case No. 05 cv 0497 (JR)

MOTION TO STRIKE PORTION OF HOOD DECLARATION

Petitioners move to strike the statements by Brig. General Hood in paragraph 2 of his declaration of August 8, 2005 as to the activities of Messrs. Al-Hakim and Qassim after leaving Kyrgyzstan. As grounds, Petitioners say:

1. The statements are hearsay. Fed. R. Evid. 802. While the Court has latitude to temper the rules of evidence in an actual habeas hearing, *see, e.g.*, 28 U.S.C. § 2246, it should not do so in the context of an effort by the Government to prevent a hearing from occurring at all.
2. It is particularly inappropriate for the Government to continue to withhold the complete CSRT records and then advance hearsay statements from a person who, so far as the record shows, has no personal knowledge concerning the Petitioners.
3. At a hearing, the Petitioners would offer evidence admissible under the Rules of Evidence that the impressions the Government seeks to foster of wrongful activity are false. Indeed, Petitioners would show that they have not engaged in any conduct that would be illegal

under the laws of the United States or of the Commonwealth of Virginia or that would raise any concern as to the appropriateness of interim release. Petitioners would further show that they have never engaged in any form of hostile actions toward the United States.

4. As the grounds for this relief lie within the sound discretion of the Court, no memorandum of law is necessary.

WHEREFORE, Petitioners request that paragraph 2 of the August 8, 2005 Hood Declaration be stricken.

Dated: August 10, 2005

Respectfully submitted,

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