



discovery is not a fully adequate substitute for cross-examination, but it at least should provide Petitioners' counsel and the Court some information relevant to testing the case against the detainee, while causing no injury to the Government beyond what is likely to be a minor administrative task.

The requests also seek information concerning any bounties or other considerations paid to third parties for the apprehension and transfer of a detainee. This is narrowly targeted at the specific circumstances surrounding the Government's seizure of the detainee, and the request's relevance is undeniable. If a detainee was initially seized by a third party, (such as an arm of the Pakistan government,) and then transferred to an arm of the US Government for a fee, then the fact that the third party had a profit motive to engage in this transaction would place a serious cloud over any claim that the detainee really had been an enemy combatant. The requested discovery, moreover, is quite narrow, because it focuses on at most a single transaction for each detainee, and it is hard to take seriously any suggestion that there would be a significant burden on the government in obtaining this information for production in discovery.

Accordingly, for the reasons stated above, the Court should grant Petitioners' request for additional discovery.

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