



U.S. Department of Justice
Civil Division, Federal Programs Branch

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January 5, 2009

VIA EMAIL

Re: *Hani Saleh Rashid Abdullah v. George Walker Bush, et. al.*,
No. 05-0023 (RWR)

Dear Charley and Stephen,

This responds to your request for discovery pursuant to Section I.E.1 of the November 6, 2008 Case Management Order, as Amended on December 16, 2008 (“Amended CMO”). To date, Respondents have produced the majority of the documents responsive to this request.

Much of the information responsive to your request was produced in the attachments to the Government’s factual return. With respect to the materials required by Section I.E.1(1)—all documents and objects in the Government’s possession that the Government relies on to justify detention—the Government relies on the reports and materials attached to the factual return. Likewise, information required by Section I.E.1(2)—all statements made or adopted by the Petitioner upon which the Government relies—has been provided in the factual return and attachments thereto.

Section I.E.1(3) requires production of information regarding the circumstances surrounding Petitioner’s statements upon which the Government relies. Information regarding the circumstances surrounding Petitioner’s statements to the FBI is contained in the FD-302 reports of interviews or associated formats. The FD-302 contains information regarding the circumstances of an interview, to include: the date and location of the interview, the name of the interviewing agent, other parties present at the interview, and other relevant factors which may have had an impact on the interview. FBI agents preparing FD-302s for detainee interviews are instructed to include any observations or allegations of abuse and must certify that each FD-302 is an accurate summary of the detainee interview it describes. The FD-302 summarizing a petitioner’s statement constitutes the information reasonably available regarding the circumstances surrounding that statement.

The Government is in the process of collecting additional information regarding the circumstances of Petitioner’s statements relied upon by the Government, and producing those on

a rolling basis, although, as you are aware, an extension of time is being sought to complete the production. Consistent with these efforts, there is at this time no information for you to review at the secure facility.

Regards,

/s/ David P. Avila

David P. Avila
Trial Attorney
U.S. Department of Justice