

**From:** "Henry, Terry (CIV)" <Terry.Henry@usdoj.gov>  
**Subject:** RE: Mohamed v. Bush (DDC); Abulmalik v. Bush 08-1789 (DDC)  
**Date:** January 29, 2009 11:18:25 PM BST  
**To:** "Cori Crider" <cori@reprieve.org.uk>  
**Cc:** "Zachary Katznelson" <Zachary@reprieve.org.uk>, "Clive Stafford Smith" <clivess@mac.com>, "ahmed ghappour (reprieve)" <ahmed@reprieve.org.uk>

Cori,

I'm still checking on this, but I am fairly certain that the arrangement will not be agreeable. So, absent further word from either you or my clients, I'll put you down as opposing the extension.

Thanks.

Terry

*Terry M. Henry*  
Assistant Branch Director  
Civil Division, Federal Programs Branch  
U.S. Department of Justice  
Tel. 202.514.4107

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**From:** Reprieve Crider [mailto:coriatreprieve@gmail.com] **On Behalf Of** Cori Crider  
**Sent:** Thursday, January 29, 2009 1:49 PM  
**To:** Henry, Terry (CIV)  
**Cc:** Zachary Katznelson; Clive Stafford Smith; ahmed ghappour (reprieve)  
**Subject:** Re: Mohamed v. Bush (DDC); Abulmalik v. Bush 08-1789 (DDC)

Hi, Terry,

Actually, we've talked it over, and think that perhaps we can come to a fair compromise on this.

We appreciate that you all are in the midst of a reshuffle and assessing how to proceed in these cases--and we certainly want to be reasonable in accommodating that effort. The main problem with Messrs. Abdulmalik and Mohamed is, of course, that they are virtually the only stragglers at Guantánamo whose counsel are not in any way on notice of the case against them. Other than the press releases issued by DOD when they arrived at Gitmo, we are completely in the dark as to what the government's basis for detention is. Everyone else--even the 9/11 plotters--at least have the CSRT records to work from. I have just booked in for two solid days at the base with each of these clients in the thought that I would have materials to review with them, and it will be a terrible waste of time if I have to show up emptyhanded.

So the solution we propose is as follows: we will not oppose your motion if you are willing to produce the classified CSRT Records in both these cases to us. These should already be on file and able to be more or less immediately sent to the SF, as they were in Judge Leon's cases. I would ask for Friday--the current deadline for the returns--so that Zachary has a chance to review them and submit various things (e.g. any of the clients' statements in those records) for quick declassification review. If in good faith you \*cannot\* do it by Friday, we will agree to Monday, so that I can at least go to Washington and glance over the documents before I head to Gitmo on the 9th. It would be far better if Zachary were able to see them tomorrow.

Please let us know ASAP if this solution will work for you all, so I can make the appropriate travel arrangements.

very sincerely yours,

Cori

On Jan 29, 2009, at 5:46 PM, Henry, Terry (CIV) wrote:

Dear Zachary & Cori:

We will be moving for an extension of time to file the factual return with respect to petitioners Mohamed (ISN 10025) and Abulmalik (ISN 10027) due Friday, and I am writing to inquire whether you will consent to the extension. We need the extension due to difficulties we have had completing the petitioner's return. Additionally, in light of the Executive Order signed by the President on January 22, 2009, calling for a review of the factual and legal bases for the continued detention of detainees at Guantanamo, the Government is currently in the process of assessing how it will proceed in these cases, and additional time is needed to make that assessment. So far, the Government has sought a temporary continuance of various merits-related proceedings in several cases in order to permit the assessment to move forward. In these circumstances, we are currently seeking a four-week extension of time, but given that the Government is still assessing how it will proceed in the case, the request would be without prejudice to any additional request for relief in the coming days.

I assume that you will oppose the motion, but please let me know if that is not the case. Thanks very much.

Best regards,

Terry

*Terry M. Henry  
Assistant Branch Director  
Civil Division, Federal Programs Branch  
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Tel. 202.514.4107*

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