

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

IN RE:

**GUANTANAMO BAY DETAINEE
LITIGATION**

Misc. No. 08-0442 (TFH)

Civil Action No. 05-0765 (EGS)

ORDER

On February 26, 2009, the Court received a report from the Privilege Review Team describing alleged “unprofessional” conduct by Ahmed Ghappour and Clive A. Stafford Smith, counsel for Petitioner Binyam Mohamed. *See* Privilege Review Team Report (Dkt. No. 137, 05-cv-0765). The conduct in question concerns Mr. Ghappour and Mr. Smith’s preparation of and assertions in a letter and attachment that were publicly disclosed and sent to the White House. On March 5, 2009, Mr. Ghappour and Mr. Smith filed under seal a reply to the Privilege Review Team’s report. *See* Notice of Filing (Dkt. No. 138, 05-cv-0765).

The Privilege Review Team’s allegations indicate that Mr. Ghappour and Mr. Smith may have violated the Court’s Protective Order And Procedures For Counsel Access To Detainees At The United States Naval Base In Guantanamo Bay, Cuba, Docket No. 409, 08-mc-0442 (“Protective Order”). Mr. Ghappour and Mr. Smith have each signed the Acknowledgment attached to the Protective Order, thereby confirming that they have read the Protective Order, “understand[] its terms, and agree[] to be bound by each of those terms.” *See* Notice of Filing by Ahmed Ghappour of Documents Required Pursuant to Protective Order at 3 (Dkt. No. 88, 05-cv-0765); Notice of Filing by Clive Stafford Smith of Documents Required Pursuant to Protective Order at 2 (Dkt. No. 89, 05-cv-2349). By signing the form,

both attorneys have also acknowledged that “failure to comply with the terms of the Protective Order may result in the imposition of sanctions by the Court.” *Id.* Therefore, in light of the seriousness of these allegations, the Court

ORDERS that, on May 11, 2009, at 10:00 a.m. in Courtroom 25A, Mr. Ghappour and Mr. Smith appear for a hearing for the purpose of showing cause why this Court should not hold them in contempt for violating the Protective Order. At the hearing, Mr. Ghappour, Mr. Smith and the relevant Privilege Review Team member(s) should be prepared to testify under oath. The parties are advised to have counsel present.

SO ORDERED.

March 18, 2009

/s/
Thomas F. Hogan
United States District Judge