

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**  
**APR - 2 2009**

Clerk, U.S. District and  
Bankruptcy Courts

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AYMEN SAEED BATARFI, *et al.*, )  
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 Petitioners, )  
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 v. )  
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 GEORGE W. BUSH, *et al.*, )  
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 )  
 Respondents. )  
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Civ. No. 05-0409 (EGS)

ORDER

In response to this Court's January 29, 2009 discovery order in the above-captioned case, the government produced a medical record pertaining to [REDACTED], a fact witness the government intended to rely on in its case against Petitioner Ayman Saeed Batarfi. [REDACTED] is a detainee at Guantanamo Bay.

Counsel for the government took the position that the production of the medical record had been inadvertent and sought to "sequester" the document pending further order of the Court. Counsel for Petitioner argued that the medical record is highly exculpatory and sought an order from the Court that (a) Petitioner's counsel could use the document; and (b) the government must produce all other medical records pertaining to [REDACTED]. At a March 19, 2009 hearing, the Court granted Petitioner's request.

At a hearing held in open court on April 1, 2009, the Court determined that the medical record at issue is highly exculpatory and that the government's failure to produce that document was a violation of this Court's September 22, 2008 Order to produce exculpatory evidence.

Upon learning that the government is relying and/or has relied on ██████████ as a fact witness in a significant number of other Guantanamo habeas cases and that the exculpatory medical record has also not been produced in any of those cases, it is hereby

**ORDERED** that by no later than 3:00 p.m. on April 3, 2009, the government shall provide a copy of this Order and one (1) copy of the witness's medical record to each Judge of this Court for appropriate consideration and action. It is further

**ORDERED** that by no later than 3:00 p.m. on April 3, 2009, the government shall file a redacted copy of this Order and a redacted version of the medical record on the public docket in the Guantanamo Bay habeas cases and make twenty (20) copies of the unredacted document available for review at the secure facility.

**SO ORDERED.**

**SIGNED: Emmet G. Sullivan**  
**United States District Judge**  
**April 2, 2009**