

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

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IN RE: ) Misc. No. 08-mc-442 (TFH)  
)  
) Civil Action Nos.  
GUANTANAMO BAY )  
DETAINEE LITIGATION ) 02-cv-0828, 04-cv-1136, 04-cv-1164, 04-cv-1937, 04-cv-2022,  
) 04-cv-2035, 04-cv-2046, 04-cv-2215, 05-cv-0247, 05-cv-0270,  
) 05-cv-0280, 05-cv-0329, 05-cv-0359, 05-cv-0392, 05-cv-0409,  
) 05-cv-0492, 05-cv-0569, 05-cv-0583, 05-cv-0634, 05-cv-0748,  
) 05-cv-0763, 05-cv-0877, 05-cv-0879, 05-cv-0880, 05-cv-0881,  
) 05-cv-0883, 05-cv-0886, 05-cv-0889, 05-cv-0892, 05-cv-0993,  
) 05-cv-0994, 05-cv-0995, 05-cv-0999, 05-cv-1012, 05-cv-1013,  
) 05-cv-1048, 05-cv-1189, 05-cv-1220, 05-cv-1234, 05-cv-1236,  
) 05-cv-1239, 05-cv-1244, 05-cv-1310, 05-cv-1312, 05-cv-1347,  
) 05-cv-1353, 05-cv-1429, 05-cv-1457, 05-cv-1458, 05-cv-1490,  
) 05-cv-1497, 05-cv-1504, 05-cv-1506, 05-cv-1555, 05-cv-1592,  
) 05-cv-1601, 05-cv-1602, 05-cv-1607, 05-cv-1623, 05-cv-1638,  
) 05-cv-1639, 05-cv-1645, 05-cv-1646, 05-cv-1679, 05-cv-1704,  
) 05-cv-1725, 05-cv-1971, 05-cv-1983, 05-cv-2010, 05-cv-2088,  
) 05-cv-2185, 05-cv-2186, 05-cv-2199, 05-cv-2201, 05-cv-2248,  
) 05-cv-2249, 05-cv-2348, 05-cv-2349, 05-cv-2370, 05-cv-2371,  
) 05-cv-2378, 05-cv-2379, 05-cv-2380, 05-cv-2381, 05-cv-2398,  
) 05-cv-2444, 06-cv-0618, 06-cv-1668, 06-cv-1684, 06-cv-1690,  
) 06-cv-1725, 06-cv-1758, 06-cv-1759, 06-cv-1761, 06-cv-1765,  
) 06-cv-1766, 06-cv-1767, 07-cv-1710, 07-cv-2337, 07-cv-2338,  
) 08-cv-1085, 08-cv-1101, 08-cv-1153, 08-cv-1173, 08-cv-1207,  
) 08-cv-1222, 08-cv-1224, 08-cv-1227, 08-cv-1228, 08-cv-1229,  
) 08-cv-1230, 08-cv-1231, 08-cv-1232, 08-cv-1233, 08-cv-1234,  
) 08-cv-1235, 08-cv-1236, 08-cv-1237, 08-cv-1238, 08-cv-1310,  
) 08-cv-1360, 08-cv-1440, 08-cv-1805, 08-cv-1828, 08-cv-1923,  
) 08-cv-2019, 08-cv-2083, 09-cv-0031, 09-cv-0745, 09-cv-0873,  
) 09-cv-0904, 09-cv-1332, 09-cv-1385, 09-cv-1460, 09-cv-1461,  
) 09-cv-1462, 09-cv-2368  
)

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IN RE: ) Misc. No. 08-mc-444 (TFH)  
)  
) Civil Action Nos.  
PETITIONERS SEEKING )  
HABEAS CORPUS RELIEF ) 02-cv-1130, 04-cv-1135, 04-cv-1144, 04-cv-1194, 04-cv-1227,  
IN RELATION TO ) 04-cv-1254, 05-cv-0023, 05-cv-0345, 05-cv-0490, 05-cv-0520,  
PRIOR DETENTION AT ) 05-cv-0526, 05-cv-0584, 05-cv-0586, 05-cv-0640, 05-cv-0665,  
GUANTANAMO BAY ) 05-cv-0714, 05-cv-0723, 05-cv-0764, 05-cv-0765, 05-cv-0878,  
) 05-cv-0833, 05-cv-0887, 05-cv-0888, 05-cv-0891, 05-cv-0998,  
) 05-cv-1001, 05-cv-1009, 05-cv-1124, 05-cv-1237, 05-cv-1242,  
) 05-cv-1243, 05-cv-1246, 05-cv-1311, 05-cv-1487, 05-cv-1493,  
) 05-cv-1505, 05-cv-1509, 05-cv-1635, 05-cv-1667, 05-cv-1678,  
) 05-cv-1714, 05-cv-1779, 05-cv-1806, 05-cv-1864, 05-cv-1894,  
) 05-cv-2029, 05-cv-2104, 05-cv-2197, 05-cv-2216, 05-cv-2336,  
) 05-cv-2367, 05-cv-2369, 05-cv-2384, 05-cv-2385, 05-cv-2386,  
) 05-cv-2452, 05-cv-2458, 05-cv-2466, 05-cv-2479, 06-cv-1675,  
) 06-cv-1677, 06-cv-1678, 06-cv-1679, 06-cv-1683, 06-cv-1687,  
) 06-cv-1763, 06-cv-1768, 06-cv-1769, 08-cv-0864, 08-cv-0987,  
) 08-cv-1104, 08-cv-1185, 08-cv-1221, 08-cv-1223, 08-cv-1628,  
) 08-cv-1733

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LOTFI AL-GHRISSI, *et al.* )  
)  
) Petitioners, )  
v. ) Civil Action No. 09-cv-02412 (RBW)  
)  
BARACK OBAMA, *et al.*, )  
)  
) Respondents. )

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FADI AL MAQALEH, *et al.* )  
)  
) Petitioners, )  
v. ) Civil Action No. 06-cv-01669 (JDB)  
)  
ROBERT GATES, *et al.*, )  
)  
) Respondents. )

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HAJI WAZIR, <i>et al.</i> ,	)	
	)	
Petitioners,	)	
v.	)	Civil Action No. 06-cv-01697 (JDB)
	)	
ROBERT GATES, <i>et al.</i> ,	)	
	)	
Respondents.	)	
_____	)	
AMIN AL BAKRI, <i>et al.</i> ,	)	
	)	
Petitioners,	)	
v.	)	Civil Action No. 08-cv-01307 (JDB)
	)	
BARACK OBAMA, <i>et al.</i> ,	)	
	)	
Respondents.	)	
_____	)	
REDHA AL-NAJAR, <i>et al.</i> ,	)	
	)	
Petitioners,	)	
v.	)	Civil Action No. 08-cv-02143 (JDB)
	)	
ROBERT GATES, <i>et al.</i> ,	)	
	)	
Respondents.	)	
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**STIPULATION REGARDING BAGRAM THEATER INTERNMENT FACILITY**

WHEREAS, on December 30, 2009, Respondents notified the Court of the plan of the Department of Defense (“DoD”) to demolish the Bagram Theater Internment Facility (“BTIF”) to make the site available for construction, *see* Notice to the Court (08-mc-442, Dkt. No. 1893);

WHEREAS, in order to avoid litigation over the demolition;

ACCORDINGLY, representatives of the parties hereby stipulate as follows:

1. The Government has requested the Federal Bureau of Investigation (“FBI”) to conduct an Operational Site Survey of the BTIF. The Operational Site Survey will involve the creation of an interactive digital virtual tour of all areas of the BTIF, where detainees were held, interrogated, or otherwise present during their detention at the BTIF. The Government has already dispatched an Evidence Response Team from the Evidence Response Team Unit of the FBI’s Laboratory Division to Bagram Airfield, Afghanistan, to collect, among other things, the following types of data for purposes of generating the interactive digital virtual tour: GPS data; laser scanning; total station survey data; spherical photography; still photography; manual measurements; blueprints and source data; and aerial lidar and imagery.

2. The Government also took steps to ensure that members of the Evidence Response Team did not discuss with any Government interrogator or interviewer the subject matter of interrogation of detainees at Bagram Airfield, except to determine the location of interrogations and interviews, line of sight perspectives related to such interrogations and interviews, and other such logistical matters that are necessary and appropriate for conducting the Operational Site Survey.

3. The Government will generate the Survey, or interactive digital virtual tour, as expeditiously as possible, consistent with other priorities of the Government. Because the length of time necessary to generate the Survey depends on, among other things, the amount of data collected, the methods of data collection, and the availability of FBI’s laboratory personnel with the requisite expertise, it is possible that the Survey may not be completed until after the BTIF

has been demolished.

4. The Government will preserve all underlying data collected by the Evidence Response Team to create the Operation Site Survey of the BTIF.

5. The foregoing agreement to create the Operational Site Survey or completion of the Survey shall not be construed to require production of the Survey or underlying data in any individual *habeas* case or as consent to such production. Production of such information, if any, shall be determined on a case-by-case basis under the standards set forth in the governing case management order and/or other applicable law.

6. DoD will preserve all blueprints, official photographs, and other records in DoD's possession that reflect the interior of the BTIF since the United States assumed control of the facility in late 2001.

Dated: March 24, 2010

Respectfully submitted,

/s/  
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