

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

	)	Misc. No. 08-mc-442 (TFH)
)	
IN RE:	)	Civil Action Nos.
)	
GUANTANAMO BAY	)	02-cv-0828, 04-cv-1136, 04-cv-1164, 04-cv-1194,
DETAINEE LITIGATION	)	04-cv-1254, 04-cv-1937, 04-cv-2022, 04-cv-2215,
	)	05-cv-0023, 05-cv-0247, 05-cv-0270, 05-cv-0280,
	)	05-cv-0329, 05-cv-0359, 05-cv-0392, 05-cv-0492,
	)	05-cv-0520, 05-cv-0526, 05-cv-0569, 05-cv-0634,
	)	05-cv-0748, 05-cv-0764, 05-cv-0877, 05-cv-0883,
	)	05-cv-0889, 05-cv-0892, 05-cv-0993, 05-cv-0994,
	)	05-cv-0999, 05-cv-1048, 05-cv-1124, 05-cv-1189,
	)	05-cv-1220, 05-cv-1244, 05-cv-1353, 05-cv-1429,
	)	05-cv-1457, 05-cv-1490, 05-cv-1497, 05-cv-1504,
	)	05-cv-1555, 05-cv-1592, 05-cv-1601, 05-cv-1607,
	)	05-cv-1623, 05-cv-1638, 05-cv-1645, 05-cv-1646,
	)	05-cv-1971, 05-cv-1983, 05-cv-2088, 05-cv-2104,
		05-cv-2185, 05-cv-2186, 05-cv-2199, 05-cv-2249,
		05-cv-2349, 05-cv-2367, 05-cv-2371, 05-cv-2379,
		05-cv-2380, 05-cv-2384, 05-cv-2385, 05-cv-2386,
		05-cv-2387, 05-cv-2479, 06-cv-1668, 06-cv-1684,
		06-cv-1690, 06-cv-1761, 06-cv-1765, 06-cv-1766,
		06-cv-1767, 07-cv-1710, 07-cv-2337, 07-cv-2338,
		08-cv-1101, 08-cv-1207, 08-cv-1224, 08-cv-1228,
		08-cv-1233, 08-cv-1235, 08-cv-1237, 08-cv-1238,
		08-cv-1360, 08-cv-1440, 08-cv-1789, 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-2368, 10-cv-0407

JOINT PRE-HEARING STATEMENT

The parties, by and through undersigned counsel, respectfully submit the following proposal to the Court regarding the upcoming October 7 hearing on Respondents' Motion to Amend and for Clarification of the Court's January 14, 2010 Order Regarding Public Returns. Given that the issues for the hearing implicate classified, sealed, and presumptively protected information, and given the involvement of the Press Intervenors in opposing Respondents'

motion, it is necessary that there be both a closed and an open portion of the hearing.

Respondents and Petitioners agree that the closed session should precede the open session, and they respectfully request the following sequence for the argument:

CLOSED SESSION (Classified at the SECRET//NOFORN level)

- Respondents' opening
- Petitioners' opposition
- Respondents' rebuttal

OPEN SESSION

- Respondents' public opening
- Press Intervenors' opposition
- Petitioners' public opposition / response to Press Intervenors' opposition
- Respondents' public rebuttal

The redacted briefs which have been provided to counsel for the Press Intervenors (and for their information, the Petitioners) may provide a general guide as to what may be discussed during the public session.¹ As an additional safeguard to ensure that classified or protected information is not inadvertently released, Respondents respectfully suggest that the Court, Respondents, and Petitioners discuss the parameters of what can be revealed publicly prior to going to open session.

Respondents discussed the foregoing proposal with counsel for the Press Intervenors, who advised that they are unable to take a position regarding this proposal because they are

¹ The Government is sending courtesy copies of the redacted briefs to chambers on Monday.

unaware of the nature of the unclassified but designated protected information that would be discussed in a closed session.

Finally, the parties believe that the issues that should be addressed during the hearing are limited to the Government's proposed six categories. The Press Intervenors also wish to address the timetable for the filing of the publicly releasable returns. The other issues raised by Respondents' motion have effectively been resolved.

Dated: October 1, 2010

Respectfully submitted,

/s/ Darin Thompson

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