

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

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| <i>In re</i> Guantanamo Detainee Cases |) | Civil Action Nos. |
| |) | 02-CV-0299 (CKK), 02-CV-0828 (CKK), |
| |) | 02-CV-1130 (CKK), 04-CV-1135 (ESH), |
| |) | 04-CV-1136 (JDB), 04-CV-1137 (RMC), |
| |) | 04-CV-1144 (RWR), 04-CV-1164 (RBW) |
| |) | 04-CV-1194 (HHK), 04-CV-1227 (RBW), |
| |) | 04-CV-1254 (HHK) |
| |) | |

**ORDER GRANTING NOVEMBER 8, 2004 MOTION TO DESIGNATE “PROTECTED
INFORMATION” AND GRANTING NOVEMBER 18, 2004 MOTION FOR ACCESS TO
UNREDACTED FACTUAL RETURNS**

On November 8, 2004, counsel for the respondents filed a motion to designate as “protected information” all unclassified material contained in the respondents’ factual returns to the petitions for writ of habeas corpus that was not filed in the public record. Counsel for the petitioners stated they were unable to take a position on the motion until they had an opportunity to review the specific information the respondents sought to have deemed “protected.” In a related matter, counsel for petitioners filed a motion on November 18, 2004 seeking access to the full classified factual returns that respondents had submitted to the Court for *in camera* review. Counsel for the petitioners noted that the classified factual returns that were provided to them for review at the secure facility contained redactions of classified information that had been fully disclosed to the Court. Probably because of an oversight, that motion, although signed by counsel for the petitioners in multiple cases and containing the same caption as the one at the top of this Order, was not actually docketed in each case. The Court, however, is treating the motion as if it had been properly docketed in each of the above-captioned cases.

To enable both counsel for the petitioners and the Court to more easily determine the exact nature of the information respondents sought to be deemed “protected,” the Court issued an Order on December 8, 2004 requiring the respondents to file factual returns with colored highlighting revealing the specific information they want to be declared “protected.” The Order also required the respondents to highlight in a different color on the Court’s factual returns the classified information they want to withhold from counsel for the petitioners. The respondents complied with the Order by filing with the Court new classified factual returns highlighting in blue the information they want “protected” and in pink the information they want to withhold from counsel for the petitioners. Counsel for the petitioners did not file any objections to designating all information highlighted in blue as “protected.”

The Court finds the respondents’ request to declare the information highlighted in blue as “protected” to be reasonable and, accordingly, will grant the respondents’ motion. The Court also finds, however, that the classified information highlighted in pink and not disclosed to counsel for the petitioners is relevant to the merits of this litigation and that counsel for the petitioners are entitled to have access to that information as long as they comply with the procedures in the Court’s November 8, 2004 Amended Protective Order.

Accordingly, it is hereby

ORDERED that the respondents’ November 8, 2004 Motion to Designate as “Protected Information” Unclassified Information in Factual Returns to Petitions for Writ of Habeas Corpus That is Not Filed on the Public Record is GRANTED. It is

FURTHER ORDERED that the petitioners’ November 18, 2004 Motion for Access to Unredacted Factual Returns is GRANTED.

Counsel for the petitioners are reminded that they must separately docket in each individual case motions that relate to multiple cases.

IT IS SO ORDERED.

January 31, 2005

/s/
JOYCE HENS GREEN
United States District Judge