

EXHIBIT 3

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHAFIQ RASUL, et al.,	.	Civil Action Nos. 02-0299,
	.	02-0828, 02-1130, 04-1135,
Petitioners,	.	04-1136, 04-1137, 04-1142,
	.	04-1144, 04-1164, 04-1166,
v.	.	04-1194, 04-1227, 04-1254,
	.	04-1519
GEORGE WALKER BUSH, et al.,	.	Washington, D.C.
Respondents.	.	Wednesday, October 13, 2004
	.	10:00 a.m.
.....	.	

TRANSCRIPT OF STATUS CALL
BEFORE THE HONORABLE JOYCE HENS GREEN
UNITED STATES DISTRICT JUDGE

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1 adding, Ms. Olshansky?

2 MS. OLSHANSKY: No, Your Honor. I think we've
3 addressed everything that people had for today. Thank you.

4 THE COURT: Thank you. Now, Mr. Henry.

5 MR. HENRY: Your Honor, before I address some specific
6 points, I just wanted to point out, I mentioned with respect to
7 the factual return filings, our count was 62 detainees as to the
8 total.

9 THE COURT: That's what you said.

10 MR. HENRY: That was in error. It should be 63. I
11 apologize to the Court for that. Your Honor, again, maybe going
12 in reverse order here, with respect to Ms. Gutierrez's
13 statements, the different set of accommodations that she's
14 talking about arose from the fact that hers was the very first
15 counsel visit and that at that time, you know, things were just
16 getting started up as far as how these counsel access procedures
17 would work.

18 THE COURT: Are you telling me that when she goes back
19 again, assuming she will be going back again, and have one of
20 her multiple visits, or at least a second visit, things will all
21 have been ironed out and will be smooth?

22 MR. HENRY: I doubt that, Your Honor, but when she
23 goes back, she will be subject to the same counsel access and
24 mail and material exchange procedures that everyone else is.
25 There is --

1 THE COURT: No discrimination?

2 MR. HENRY: No discrimination. Everyone's treated the
3 same. There is one subset of information that came up during
4 her visit, and just because of some confusion, some
5 representations that were made to her down there, that kind of
6 thing, we agreed that there was an exception made for that
7 little subset of materials. It was just because we couldn't
8 feel like we could go back and essentially subject those
9 materials to the procedures that we had in mind for everybody.

10 So that was kind of a special exception. It was not any
11 sort of creation of special procedures for her case to continue
12 on throughout her case or anything like that. We're trying to
13 treat everybody the same.

14 And obviously, Judge Kollar-Kotelly's rulings in this
15 matter will impact how things are done in the future. Along
16 those lines, I'm not sure of the utility or necessity of an
17 additional motion on essentially the exact same issues and us
18 having to go through another round of briefing on it. Judge
19 Kotelly presumably has those issues under advisement.

20 THE COURT: Well, certainly as to the last counsel,
21 Ms. Gutierrez is hopeful that you can work out your situation
22 there. That might defer any motion that would have been filed
23 in that regard. Now, perhaps not. We'll see. You don't look
24 very optimistic, I must say.

25 MR. HENRY: That's right, Your Honor.