

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

)	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),
<i>In re</i> Guantanamo Detainee Cases)	04-CV-1142 (RJL), 04-CV-1144 (RWR),
)	04-CV-1164 (RBW), 04-CV-1166 (RJL),
)	04-CV-1194 (HHK), 04-CV-1227 (RBW),
)	04-CV-1254 (HHK), 04-CV-1519 (JR)

ORDER REQUIRING SUBMISSION OF CLASSIFIED FACTUAL RETURNS

Pursuant to a scheduling order issued September 20, 2004, respondents have been filing with the Court and serving on opposing counsel returns stating the factual bases for the government's detention of the petitioners seeking habeas relief in this jurisdiction. The returns filed and served so far have been redacted or are otherwise not fully complete to protect the confidentiality of classified information. Counsel for respondents, however, have represented to the Court that they would prepare classified and unclassified versions of each return and would share the classified versions upon the entry of an appropriate protective order and the receipt by opposing counsel of the requisite security clearances. *See, e.g.*, letter to the Court from Thomas R. Lee, Deputy Assistant Attorney General, dated August 31, 2004, at 2 n. 3. In fact, at the October 20, 2004 status hearing on protective order issues, counsel for respondents stated that the classified materials are already in the respondents' possession. Transcript of October 20, 2004 status hearing at 31-33.

Disputes between the parties concerning protective order issues have been briefed and

argued and the Court anticipates issuing a protective order in the near future. Until such an order is issued and the proper clearances are obtained, it would be inappropriate to require respondents to serve opposing counsel with copies of the classified versions of the factual returns.

Nonetheless, this Judge and her staff have appropriate security clearances and it is the Court's wish and responsibility to examine promptly the full, classified versions of the factual returns.

Accordingly, it is hereby

ORDERED that on or before November 5, 2004, counsel for the respondents shall submit to the Department of Justice court security officers assigned to these cases the full, classified versions of all factual returns required to be filed pursuant to earlier scheduling orders. Those court security officers shall then transfer possession of the documents to the Court in accordance with all procedures necessary and appropriate for the safeguarding of classified information.

IT IS SO ORDERED.

October 29, 2004

_____/s/_____
JOYCE HENS GREEN
United States District Judge