

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Lieutenant Commander CHARLES SWIFT, a
resident of the State of Washington, as next
friend for SALIM AHMED HAMDAN,
Military Commission Detainee,
Camp Echo,
Guantanamo Bay Naval Base,
Guantanamo Bay, Cuba,

Petitioner,

v.

DONALD H. RUMSFELD, United States
Secretary of Defense; JOHN D.
ALTENBURG, Jr., Appointing Authority for
Military Commissions, Department of Defense;
Brigadier General THOMAS L.
HEMINGWAY, Legal Advisor to the
Appointing Authority for Military
Commissions; Brigadier General JAY HOOD,
Commander Joint Task Force, Guantanamo,
Camp Echo, Guantanamo Bay, Cuba;
GEORGE W. BUSH, President of the United
States,

Respondents.

NO. CV04-0777L

**PETITIONER'S REQUESTS FOR
PRODUCTION OF DOCUMENTS**

TO: RESPONDENTS

**AND TO: THEIR COUNSEL OF RECORD,
ASSISTANT U.S. ATTORNEY BRIAN C. KIPNIS**

**PETITIONER'S REQUESTS FOR PRODUCTION OF
DOCUMENTS (NO. CV04-0777L) - 1**

[43439-0001/SL041880.222]

- 1 e. Nature of privilege(s) claimed; and
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3 f. Specific Document Request to which the allegedly privileged document
4 relates.
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6 5. Please promptly supplement your responses to all of these Document Requests as
7 this action continues, to the full extent required by Federal Rule of Civil Procedure 26(e).
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10 DEFINITIONS

11 As used in these Document Requests, the following terms have the meanings described
12 below:
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14 1. The singular includes the plural and vice versa. The past tense includes the
15 present tense where the clear meaning is not distorted by change of tense.
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18 2. "Document" or "documents" means any kind of printed, recorded, written,
19 graphic, photographic, magnetic, or electronic matter (including, without limitation, tape or
20 video recordings, compact discs, CD-ROMS, email, and other material generated or readable by
21 computer or other electronic means), however printed, produced or reproduced, coded or stored,
22 of any kind or description, whether sent or received or not, including all originals, copies,
23 reproductions, facsimiles, drafts, and both sides thereof. In addition, "document" or "documents"
24 shall mean any "writing" as defined in Federal Rule of Evidence 1001.
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27 3. "Mr. Hamdan" means Salim Ahmed Hamdan, a/k/a Salim Ahmed Salim Hamdan;
28 Abu Suqr; Salem Ahmed Salem Hamden; Salem Ahmed Hamdan; Suqr Al-Jeddawi; Ahmed
29 Hamdan; Saqir Al Jadawi; Abu Saqir; Al Jadawi; Abu Saqr; Saqr Al-Jadawi; Saqir; Abd Saqr;
30 Saqr Jiddawi; Salim Hamden; Saqir Al-Jadawi; Salim Ahmad Hamdan; Saqr Al-Jaddawi; Khalid
31 Bin' Abdallah; Al-Hadhrami; and Salem, ISN 149 (Guantanamo Bay, Cuba), ISN 497
32 (Bahgram); the individual currently detained at Guantanamo Naval Base, Cuba, on whose behalf
33 this action has been filed.
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36 4. The terms "relate to" or "relating to" mean reflecting, referring to, evidencing,
37 mentioning, discussing, reviewing, summarizing, describing, depicting, embodying, comprising,
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1 constituting, reporting on or about, pertaining to, or in any way involving the subject matter of
2 the request.
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5 5. "JTF" means the Joint Task Force Guantanamo, the U.S. military command
6 responsible for the control and administration of the Guantanamo Naval Base at Guantanamo,
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8 Cuba.
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11 6. "Camp Echo" means that portion of Guantanamo Naval Base where, on
12 information and belief, Mr. Hamdan has been and/or is currently being detained, in what has
13 been referred to by the U.S. Department of Defense as "pre-commission segregation."
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16 7. "Camp Delta" means that portion of Guantanamo Naval Base where, on
17 information and belief, other individuals captured in Afghanistan or elsewhere in what has been
18 referred to as "the war on terrorism" have been and/or are being detained.
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22 8. "The President" means President of the United States George W. Bush.
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25 9. "The Military Order" means the President's Order of November 13, 2001, relating
26 to the Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism.
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31 **REQUESTS FOR PRODUCTION OF DOCUMENTS**
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35 **REQUEST FOR PRODUCTION NO. 1:**
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37 Produce all documents that constitute, refer, or relate to the finding by the President that
38 there is reason to believe that Mr. Hamdan is subject to trial by Military Commission pursuant to
39 the President's Military Order of November 13, 2001 ("the Military Order"), including all
40 documents that tend to either support or rebut that finding.
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45 **RESPONSE:**
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1 **REQUEST FOR PRODUCTION NO. 2:**

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3 Produce all documents evidencing, referring, or relating to the status of Mr. Hamdan as
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5 an alleged enemy combatant, or illegal combatant, including all documents that tend to either
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7 support or rebut such determinations.
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9 **RESPONSE:**
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17 **REQUEST FOR PRODUCTION NO. 3:**

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19 Produce all instructions relating to the administration and operation of Camp X-Ray,
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21 Camp America, including Camp Delta, Camp Four, Camp Echo and Camp Five by the JTF.
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23 **RESPONSE:**
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31 **REQUEST FOR PRODUCTION NO. 4:**

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33 Produce all documents relating or referring to the distinctions, of whatever nature,
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35 whether legal, administrative, physical, or otherwise, between Camp Echo and Camp Delta.
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37 **RESPONSE:**
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45 **REQUEST FOR PRODUCTION NO. 5:**

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47 Produce all medical, disciplinary, intelligence, investigative, and administrative records,
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49 transcripts and/or documents relating to Mr. Hamdan.
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51 **RESPONSE:**

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REQUEST FOR PRODUCTION NO. 6:

Produce all documents that refer or relate to the reasons for the delay in bringing charges against Mr. Hamdan.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7:

To the extent not included within one of the foregoing Document Requests, produce all documents that refer or relate to Mr. Hamdan personally, to his status as an alleged enemy combatant or illegal combatant, to the circumstances of his capture or detention, to the information obtained from Mr. Hamdan, or to the reasons for his detention.

RESPONSE:

1 DATED: July _____, 2004.
2
3

4 **NEAL KATYAL**

5
6
7
8 By /s/
9 Neal Katyal, D.C. Bar #462071
10 600 New Jersey Avenue, NW
11 Washington, D.C. 20001
12 (202) 662-9000
13 Attorney for Petitioner
14

15
16 **LIEUTENANT COMMANDER CHARLES SWIFT**

17
18
19
20 By /s/
21 Lieutenant Commander Charles Swift
22 N.C. Bar #21084
23 Petitioner, as Next Friend for Salim Ahmed Hamdan
24

25
26 **PERKINS COIE LLP**

27
28
29
30 By /s/
31 Harry H. Schneider, Jr., WSBA #9404
32 Joseph M. McMillan, WSBA # 26527
33 David R. East, WSBA #31481
34 Charles C. Sipos, WSBA #32825
35 Attorneys for Petitioner
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CERTIFICATION

I have read the foregoing responses and/or objections to these Document Requests and certify that to the best of my knowledge, information and belief, formed after a reasonable inquiry, they comply with the requirements of Federal Rule of Civil Procedure 26(g).

DATED this _____ day of _____, 2004.

**ASSISTANT UNITED STATES ATTORNEY
BRIAN C. KIPNIS**

Brian C. Kipnis
Chief, Civil Division
U.S. Department of Justice
Western District of Washington
Attorney of Record for Respondents

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Lieutenant Commander CHARLES SWIFT, a
resident of the State of Washington, as next
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Commander Joint Task Force, Guantanamo,
Camp Echo, Guantanamo Bay, Cuba;
GEORGE W. BUSH, President of the United
States,

Respondents.

NO. CV04-0777L

**NOTICE OF RULE 30(b)(6)
DEPOSITION**

TO: RESPONDENTS

**AND TO: THEIR COUNSEL OF RECORD,
ASSISTANT U.S. ATTORNEY BRIAN C. KIPNIS**

1 PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 2246, and Federal Rules of
2 Civil Procedure 30(b)(6) and 81, the testimony of the person[s] to be designated by Respondents
3 as the officer[s], administrator[s], agent[s], representative[s], or other person[s] who consent to
4 testify on Respondents' behalf with respect to the topics specified in Exhibit A attached hereto,
5 will be taken upon oral examination before a Notary Public, at the request of Petitioner
6
7 Lieutenant Commander Charles Swift, at the time, date, and place specified below, or at such
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9 other time, date and place as may be mutually agreed upon by counsel for the parties. The
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11 testimony will be recorded stenographically and by means of sound and videographic recording.
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Place of Deposition	Date and Time
Perkins Coie LLP 1201 Third Avenue, Suite 4800 Seattle, WA 98101-3099 or Perkins Coie LLP 607 Fourteenth Street N.W. Washington, D.C. 20005-2011	August 5, 2004; 9:00 AM

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34 The deposition shall be subject to continuance or adjournment from time to time and place to
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36 place until completed.

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38 Pursuant to 28 U.S.C. § 2247, and Federal Rules of Civil Procedure 26, 34, and 81, the
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40 witness is directed to produce for examination and copying at the time and place of the
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42 deposition, or such other time and place as may be agreed upon prior to the deposition, the
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44 documents specified in Exhibit B to this Notice.
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1 DATED: July _____, 2004.
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4 **NEAL KATYAL**

5
6 By /s/
7 Neal Katyal, D.C. Bar #462071
8 600 New Jersey Avenue, NW
9 Washington, D.C. 20001
10 (202) 662-9000
11 Attorney for Petitioner
12

13
14 **LIEUTENANT COMMANDER CHARLES SWIFT**

15
16
17 By /s/
18 Lieutenant Commander Charles Swift
19 N.C. Bar #21084
20 Petitioner, as Next Friend for Salim Ahmed Hamdan
21
22

23 **PERKINS COIE LLP**

24
25
26 By /s/
27 Harry H. Schneider, Jr., WSBA #9404
28 Joseph M. McMillan, WSBA # 26527
29 David R. East, WSBA #31481
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EXHIBIT A

Federal Rule of Civil Procedure 30(b)(6) requires that Respondents "designate one or more officers, directors, or managing agents, or other persons who consent to testify on [their] behalf... as to matters known or reasonably available to the organization."

All definitions set forth in Petitioner's Requests for Production of Documents served in this action are incorporated herein, and apply to the terms used in the topics for discovery set forth below.

**Matters On Which Deponent Will Be Questioned
Pursuant to Federal Rule of Civil Procedure 30(b)(6)**

1. The reasons for the determination that Salim Ahmed Hamdan, on whose behalf the Petition in this action has been filed, is subject to the President's Order of November 13, 2001, relating to the Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism, and all evidence that tends to support or rebut that determination.
2. All evidence relating to the alleged status of Mr. Hamdan as an enemy combatant, or illegal combatant, including all evidence that tends to either support or rebut such determinations.
3. The administration and operation of Camp Echo and Camp Delta by the JTF.
4. The distinctions, of whatever nature, whether legal, administrative, physical, or otherwise, between Camp Echo and Camp Delta.
5. All medical, disciplinary, intelligence, investigative, and administrative records, findings, and information relating to Mr. Hamdan.
6. The reasons for the delay in bringing charges against Mr. Hamdan.
7. The circumstances of Mr. Hamdan's capture and detention, the information obtained from Mr. Hamdan, and the reasons for his continued detention.

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EXHIBIT B

Documents to be produced by Respondents' 30(b)(6) representative, to the extent that such documents have not previously been produced in response to Petitioner's First Requests for Production of Documents served in this action.

All definitions set forth in Petitioner's Requests for Production of Documents served in this action are incorporated herein, and apply to the terms used in the topics for discovery set forth below.

Documents to be Produced

1. All documents that constitute, refer, or relate to the finding by the President that Mr. Hamdan is subject to the Military Order of November 13, 2001 ("the Military Order"), including all documents that tend to either support or rebut that finding.
2. All documents evidencing, referring, or relating to the alleged status of Mr. Hamdan as an enemy combatant, or illegal combatant, including all documents that tend to either support or rebut such determinations.
3. All instructions relating to the administration and operation of Camp Echo and Camp Delta by the JTF.
4. All documents relating or referring to the distinctions, of whatever nature, whether legal, administrative, physical, or otherwise, between Camp Echo and Camp Delta.
5. All medical, disciplinary, intelligence, investigative, and administrative records, transcripts and/or documents relating to Mr. Hamdan.
6. All documents that refer or relate to the reasons for the delay in bringing charges against Mr. Hamdan.
7. To the extent not included within one of the foregoing Document Requests, produce all documents that refer or relate to Mr. Hamdan personally, to his status as an alleged enemy combatant or illegal combatant, to the circumstances of his capture or detention, to the information obtained from Mr. Hamdan, or to the reasons for his detention.