

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

IN RE:

GUANTANAMO BAY  
DETAINEE LITIGATION

Misc. No. 08-442 (TFH)

Civil Action Nos.

04-CV-1164, 04-CV-1166, 04-CV-1194, 04-CV-2215,  
05-CV-0280, 05-CV-0329, 05-CV-0359, 05-CV-0429,  
05-CV-0492, 05-CV-0877, 05-CV-0892, 05-CV-0999,  
05-CV-1353, 05-CV-1429, 05-CV-1457, 05-CV-1490,  
05-CV-1497, 05-CV-1504, 05-CV-1509, 05-CV-1555,  
05-CV-1645, 05-CV-2088, 05-CV-2104, 05-CV-2199,  
05-CV-2223, 05-CV-2349, 05-CV-2367, 05-CV-2384,  
05-CV-2385, 05-CV-2386, 06-CV-1668, 06-CV-1766,  
06-CV-1767, 07-CV-2337, 07-CV-2338, 08-CV-1101,  
08-CV-1233, 08-CV-1236, 08-CV-1237, 08-CV-2019,  
09-CV-0745, 09-CV-0904, 10-CV-1411

**RESPONDENTS' NOTICE LIFTING PROTECTED INFORMATION DESIGNATION OF  
DECISIONS BY THE GUANTANAMO BAY REVIEW TASK FORCE APPROVING  
DETAINEES FOR TRANSFER**

On January 22, 2009, the President issued Executive Order 13492, calling for a prompt and comprehensive interagency review of the status of all individuals currently detained at the Guantanamo Bay Naval Base. *See* Exec. Order No. 13492, 74 Fed. Reg. 4897 (Jan. 22, 2009). On January 22, 2010, the Guantanamo Bay Review Task Force (“Task Force”) issued its final report announcing that it had reviewed the status of 240 detainees and approved 126 detainees for transfer. *See* Guantanamo Bay Task Force Final Report (Jan. 22, 2010), *available at* [www.justice.gov/ag/guantanamo-review-final-report.pdf](http://www.justice.gov/ag/guantanamo-review-final-report.pdf). During the one-year period when the Task Force conducted its status reviews, Respondents notified the Court and petitioners’ counsel on a rolling basis as the Task Force approved individual detainees for transfer. *See, e.g., Jabbarov v. Bush*, 05-CV-2386 (RBW) (Minute Order; June 23, 2009) (directing Respondents to notify the

Court when a Guantanamo Bay detainee had been approved for transfer). When providing such notice, Respondents designated the decisions of the Task Force to approve individual detainees for transfer as “Protected Information” pursuant to the Protective Order and Procedures For Counsel Access To Detainees At The United States Naval Station, Guantanamo Bay, Cuba, 577 F. Supp. 2d 143, 151-152 (D.D.C. 2008), and filed that information with the Court under seal. *See id.* at 154-55.

In support of Respondents’ request for Protected Information status of the Task Force’s transfer decisions, Respondents submitted a declaration of Ambassador Daniel Fried, the State Department’s Special Envoy for the Closure of the Guantanamo Bay Detention Facility. *See* Exhibit 1. Ambassador Fried stated that “indiscriminate public disclosure of the decisions resulting from reviews by Guantanamo Review Task Force will impair the U.S. Government’s

warrant protection. The efforts of the United States to resettle Guantanamo detainees have largely been successful – they have resulted in 40 detainees being resettled in third countries because of treatment or other concerns in their countries of origin since 2009. In addition, 28 detainees have been repatriated to their countries of origin since 2009. Consequently, the diplomatic and national security harms identified in the Fried Declaration are no longer as acute. In Respondents' view, there is no longer a need to withhold from the public the status