

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT

MAY -6 2013

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May 6, 2013

Mark J. Langer, Clerk

United States Court of Appeals for the District of Columbia Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, N.W.
Washington, D.C. 20001

Re: *United States v. al Bahlul*, Case No. 11-1324
CC: John De Pue, Counsel for Respondent

Dear Mr. Langer,

On April 23, 2013, this Court granted Respondent's motion to rehear Mr. Bahlul's case *en banc*. Later that afternoon, counsel for the government forwarded us a copy of a document represented to be a letter from our client. Mr. Bahlul appears to have prepared this letter on or about April 13, 2013. It was addressed both to this Court and the Supreme Court and apparently conveyed to a member of the JTF-GTMO guard staff on or about April 17, 2013.

Before taking action on the letter and to confirm that it represented Mr. Bahlul's genuine desires, Mr. Bahlul's lead attorney, Michel Paradis, promptly traveled to Guantanamo to meet with him. This was done in coordination with counsel for the government and the assistance of the JTF-GTMO Staff Judge Advocate's office, who were able to arrange a meeting on the afternoon of May 1, 2013. Counsel understand that JTF-GTMO sent the April 13 letter to this Court on or about April 26, 2013.

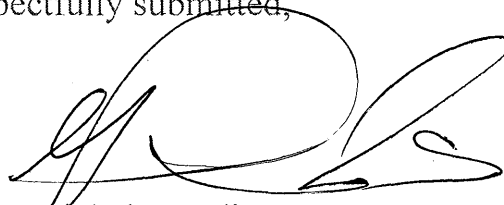
Mr. Bahlul asked that a lawyer from the JTF-GTMO staff be available during the meeting. The Assistant Staff Judge Advocate ("ASJA") graciously accommodated this request. Also at Mr. Bahlul's request, the ASJA remained for 30-45 minutes, during which Mr. Bahlul discussed his letter and asked various questions about his case. In the course of these discussions, it became apparent that Mr. Bahlul had been proceeding on the basis of misinformation about the procedural posture of his case as well as other matters. In particular, he apparently had been led to believe that his case was already in the Supreme Court and that his letter had been sent there, not to this Court.



Mr. Bahlul then discussed his case privately with Mr. Paradis with the assistance of a translator for approximately two hours. At the conclusion of the designated meeting time, the ASJA returned with the detainee transport staff and Mr. Bahlul called him over to re-join the meeting as a "witness". Mr. Bahlul then stated in no uncertain terms that, having had the opportunity to consult with counsel, he wanted to pursue his appeal at least through this Court's review. Later that day, the ASJA communicated to Mr. Paradis via telephone that he had conveyed Mr. Bahlul's desire to proceed to counsel for the United States.

Pursuant to Mr. Bahlul's personal instructions to counsel, we would ask that this Court disregard the April 13 letter. Should the Court want additional information, counsel for the government has been consulted and consents to Petitioner providing the contents of attorney-client discussions *ex parte* and under seal. All we would request is that if further action is required, we be granted relief from the briefing schedule, so that we can devote the time and attention to our merits briefing that is demanded by the seriousness of the issues.

Respectfully submitted,



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