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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:

GUANTANAMO BAY
DETAINEE LITIGATION

Misc. No. 08-442 (TFH)

Civil Action No. 04-CV-1194 (HHK)

JULY 18, 2008 STATUS REPORT

This status report is submitted by counsel for the thirteen petitioners in *Anam v. Bush*, No. 04-CV-1194 (HHK) pursuant to this Court's July 11, 2008 Scheduling Order.

1. Counsel represents the following thirteen petitioners, all of whom are Yemeni citizens who are currently held at the U.S. Naval Station at Guantanamo Bay, Cuba and have been held there since 2002: Emad Abdullah Hassan (ISN 680), Ali Yahya Mahdi Al-Raimi (ISN 167), Abdul Khaliq Ahmed Saleh Al-Baidhani (ISN 553), Riyadh Atag Abdoh Al-Haj (ISN 256), Khalid Ahmed Qassim (ISN 242), Ali Ahmed Mohammed Al-Rezehe (ISN 045), Abdulaziz Abdullah Ali Al-Swidi (ISN 578), Saeed Ahmed Mohammed Abdullah Sarim (ISN 235), Fahmi Abdullah Ahmed Al-Tawlaqi (688), Bisher Nassar Al-Marwalah (ISN 837), Musaab Omar Al-Madhwani (ISN 839), Jalal Salim Bin Amer (ISN 564), and Suhail Abdoh Anam (ISN 569) (collectively, "Petitioners").¹

2. None of Petitioners has been charged with a crime.

¹ Petitioner Ali Husayn Abdullah Al-Tays (ISN 162) was cleared for transfer in May 2005 and, approximately two years later, was released from Guantanamo Bay and returned to Yemen. Mr. Al-Tays's petition for a writ of habeas corpus was dismissed on January 23, 2007.

3. Petitioners filed petitions for writs of habeas corpus on July 14, 2004, and the case was subsequently assigned to Judge Henry H. Kennedy.

4. In October 2004, counsel for Petitioners received an unclassified factual return for each Petitioner. On or around November 15, 2004, counsel for Petitioners received a classified factual return for each Petitioner.

5. The cases were stayed on February 3, 2005, and again on March 16, 2006, pending the outcome of various appellate litigation. After the Supreme Court's ruling in *Boumediene v. Bush*, 553 U.S. ___ (2008), Petitioners moved on June 19, 2008 for an Order to lift the stays and to schedule a status conference. Your Honor lifted the stays by oral Order from the bench on July 8, 2008; but the *Anam v. Bush* docket does not reflect that the stay has been lifted.

6. On July 1, 2008, the United States District Court for the District of Columbia adopted a Resolution of the Executive Session by which the judges agreed to transfer cases filed on behalf of detainees held at Guantanamo Bay, including Petitioners' cases, to Your Honor for coordination and management. Judge Kennedy issued an Order pursuant to that resolution and Local Civil Rule 40.6(a) on July 10, 2008, transferring Petitioners' cases to Your Honor for coordination and management, while retaining the cases for all other purposes.

7. Petitioners have two pending motions. Both are fully briefed and ready for decision. First, on January 1, 2005, counsel for Petitioners filed a Motion for Leave to Take Discovery and for a Preservation Order. The motion for a Preservation Order was granted on June 10, 2005 but the motion for Leave to Take Discovery was held in abeyance. Now that the related appellate litigation has concluded, Petitioners' motion for Leave to Take Discovery is ready for decision.² Second, on February 15, 2008, Petitioners filed a Motion to Compel

² The issue of the permissible scope of discovery will also be addressed in Petitioners' joint brief to be filed with this Court on July 25, 2008.

Respondents to Report on the Destruction of Relevant Evidence and for an Amended Preservation Order. That motion was fully briefed on March 10, 2008.³

8. *Anam v. Bush*, No. 04-CV-1194 (HHK), is included in the first group of consolidated appeals respecting 30-day notice of transfer orders. The case number on appeal is 05-5238.

9. *Anam v. Bush*, No. 04-CV-1194 (HHK), is also included in the group of consolidated appeals respecting access by Petitioners' counsel to unredacted factual returns. The case number on appeal is 05-5125.

10. In response to Your Honor's inquiry at the July 8, 2008 hearing, counsel for Petitioners made a written submission to this Court on July 9, 2008, identifying Emad Abdullah Hassan (ISN 680) as a petitioner ready to proceed immediately for disposition on the merits of his *habeas corpus* claim. We remain ready to seek summary judgment on behalf of Mr. Hassan, on the basis that the factual return submitted by Respondents is inadequate, under any standard, to justify Mr. Hassan's six year detention without charge.

11. Petitioner Mus'ab Omar Al Madhwani (ISN 839) intends to file a traverse on or before July 28, 2008. At that time Mr. Al Madhwani will be ready to proceed immediately with an evidentiary hearing and disposition of the merits of his *habeas corpus* claim.

12. Additionally, counsel represent one petitioner, Ali Yahya Mahdi Al-Raimi (ISN 167), whom Respondents determined in May 2005 was approved for transfer from Guantanamo. Respondents waited until February 22, 2007 to inform counsel for Mr. Al-Raimi of this decision. Mr. Al-Raimi is still being held at Guantanamo Bay, more than three years after being approved for transfer. Mr. Al-Raimi would like to return to his home country of Yemen and counsel for

³ Petitioners are waiting for Respondents to provide cleared versions of Petitioners' briefs in support of this Motion and will file them on ECF when they are received.

Mr. Al-Raimi are aware of no reason why he should not be repatriated. On this basis, we are ready to proceed immediately to a disposition on the merits of Mr. Al-Raimi's *habeas corpus* claims.

Dated: July 18, 2008

Respectfully submitted,

By: /s/ Sarah Havens

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing July 18, 2008 Status Report was served upon counsel of record by the CM/ECF system on the 18th day of July, 2008.

/s/ Sarah Havens
Sarah Havens