

This Court has jurisdiction over Alqazzar's habeas petition under 28 U.S.C. § 2241. In its exercise of that jurisdiction, the Court must determine the lawfulness of Alqazzar's detention, including any intended transfer from Guantanamo to another country. Section I of the Petitioner's Memorandum In Opposition to Respondent's Motion for Partial Modification of the Court's Stay Order (hereinafter "the Opposition Memorandum") sets forth the numerous bases under which the proposed rendition of Mr. Alqazzar may violate the United States Constitution and international and national law.

Alqazzar's dismal human rights record is discussed at length in the exhibits filed in support of the Opposition Memorandum, and in particular in the Affidavit by Amnesty International Country Specialist Gregory Mock (Ex. 3 to the Opposition Memorandum). Despite this dismal record, and despite the very plain obligations imposed upon Respondents under domestic and international law (as discussed in the Opposition Memorandum), Respondents have failed to provide any detail as to the terms and conditions of their proposal to render Mr. Alqazzar into the custody of the Government of Egypt. Instead, Respondents base their request entirely upon generalized assertions by Government functionaries. This complete lack of factual detail leads to the very natural presumption that Respondents' real motivations in transferring Alqazzar are to avoid this Court's jurisdiction or to enable the Egyptian authorities to use even more violent and extreme interrogation tactics on Alqazzar than have been used to date at Guantanamo Bay.

DISCUSSION

Petitioner Alqazzar respectfully asks for leave to propound the attached For these reasons, and those stated in the Opposition Memorandum,

CONCLUSION

details that Respondents have thus far refused to provide. discovery requests seek to address these issues and obtain important factual subject Alqazzar to an unwarranted likelihood of being tortured. The attached detention by a foreign government on the United States' behalf, or would transfer of Alqazzar to the custody of Egypt would not merely constitute could justify modifying the Stay Order, or that could satisfy this Court that a Simply put, Respondents have failed to supply any information that (discussion). (1969) (referencing interrogatories, document requests and depositions in its appropriate in aid of (its jurisdiction):" *Harris v. Nelson*, 394 U.S. 289, 300 relevant to the claims advanced by the parties, as may be 'necessary or authorize such proceedings with respect to development . . . of the facts considers that it is necessary to do so . . . it may issue such writs and take or *Harris v. Nelson*, 394 U.S. 286, 298 (1969). For this reason, "when the court their claims including full opportunity for presentation of the relevant facts" proceedings . . . are entitled to careful consideration and plenary processing of Order. As the Supreme Court has observed, "[p]etitioners in habeas corpus issues such as those raised by Respondents in their motion to modify the Stay Discovery is entirely appropriate where necessary to a fair hearing of

discovery requests to Respondent George W. Bush, in his official capacity as

President of the United States.

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Respectfully submitted,

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