

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In re Guantanamo Detainee Cases)
)
) Civil Action Nos.
) 02-CV-0299 (CKK), 02-CV-0828 (CKK),
) 02-CV-1130 (CKK), 04-CV-1135 (ESH),
) 04-CV-1136 (JDB), 04-CV-1137 (RMC),
) 04-CV-1142 (RJL), 04-CV-1144 (RWR),
) 04-CV-1164 (RBW), 04-CV-1166 (RJL),
) 04-CV-1194 (HHK), 04-CV-1227 (RBW),
) 04-CV-1254 (HHK)
)

**RESPONDENTS' NOTICE OF *IN CAMERA* SUBMISSION OF FACTUAL RETURNS
TO PETITIONS FOR WRIT OF HABEAS CORPUS UNDER SEAL**

Pursuant to the Court's Order Requiring Submission of Classified Factual Returns dated October 29, 2004, notice is hereby given that respondents have submitted under seal factual returns to the petitions for writ of habeas corpus for *in camera* review by the Court. The factual returns contain documentation that is classified or not suitable for public release, to supplement the unclassified documentation previously filed with the Court. The factual returns are submitted for *in camera* review only because they may contain information that is classified but not suitable for disclosure to petitioners' counsel. Upon the entry of an appropriate protective order by the Court, respondents shall make versions of these factual returns containing classified information suitable for disclosure to counsel under seal available to petitioners' counsel who have been issued security clearances. Respondents reserve the right to supplement or amend the factual returns as appropriate.

For the reasons explained in the factual returns, each petitioner has been determined to be an enemy combatant and is, therefore, lawfully subject to detention pursuant to the President's Power as Commander in Chief or otherwise. The factual returns demonstrate that some evidence

exists supporting each petitioner's enemy combatant status, and the petitions for writ of habeas corpus should be dismissed and the relief sought therein denied. See Respondents' Response to Petitions for Writ of Habeas Corpus and Motion to Dismiss or for Judgment as a Matter of Law and Memorandum in Support, filed October 4, 2004, at 43-51.

Dated: November 5, 2004

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