

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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UMAR HAMZAYEVICH ABDULAYEV,)	
a/k/a ABDULLAH BO OMER HAMZA)	
YOYEJ,)	
Petitioner,)	
)	
v.)	Civil Action No. 05-CV-2386 (RBW)
)	
BARACK OBAMA, <i>et al.</i> ,)	
)	
Respondents.)	
_____)	

JOINT STATUS REPORT

Petitioner Umar Hamzayevich Abdulayev and Respondents hereby file this joint status report pursuant to the Court's July 2, 2009 Minute Order:

1. On June 3, 2009, Respondents filed their Motion for Stay of Proceedings. As explained therein, the Guantánamo Review Task Force approved Petitioner for transfer from Guantánamo Bay to Tajikistan. The motion was heard before this Court on June 10, 2009.
2. On June 12, 2009, the Court granted the motion, and directed the parties to appear for a status conference on July 8, 2009 at 10:00 a.m. On July 2, 2009, the status hearing was cancelled by the Court, and instead the parties were ordered to file a joint status report on or before July 8, 2009, and every 30 days thereafter.
3. On August 3, 2009, Mr. Abdulayev filed a Notice of Appeal of the Court's June 12, 2009 Order granting the Respondents' Motion for Stay of Proceedings.
4. In the June 10, 2009 hearing on the stay motion, Mr. Abdulayev told the Court that he fears being persecuted and tortured should he be returned to Tajikistan, and thus believes that his transfer there would, among other things, violate the Convention Against Torture, based on

(i) specific, express threats made to him at Guantánamo by representatives of the Tajik government, (ii) similar threats made by Tajikistan agents to other Tajik detainees at Guantanamo and the well-documented imprisonment in Tajikistan of at least two other Tajik Guantánamo detainees, (iii) the decision of Mr. Abdulayev's family to flee Tajikistan and seek refuge in Afghanistan in 1992 and (iv) the murder of his father near the Afghan/Tajik border in 1994.

5. Respondents represented that the United States would initiate appropriate diplomatic processes to facilitate Petitioner's transfer from Guantánamo Bay to Tajikistan, which the United States believes is consistent with the national security and foreign policy interests of the United States, and that the United States Department of State would consider any information Petitioner would like to present in that regard.

6. Petitioner has submitted information regarding his objections to and fears concerning repatriation to Tajikistan. That information is being considered by the United States Department of State. Petitioner's counsel has requested a meeting with the Department of State through Respondents' counsel, but to date has not received a response.

7. Mr. Abdulayev remains detained at Guantanamo.

8. The parties' next joint status report is due on September 8, 2009.

Dated: August 7, 2009

Respectfully submitted,

<p>TONY WEST Assistant Attorney General</p> <p>JOSEPH H. HUNT Director</p> <p>TERRY M. HENRY Assistant Branch Director</p> <p><u>/s/ Rachelle Williams</u> CHRISTOPHER HARDEE (D.C. Bar. No. 458168) RACHELLE WILLIAMS Attorneys United States Department of Justice Civil Division, Federal Programs Branch 20 Massachusetts Ave., N.W. Washington, D.C. 20530 Tel: (202) 616-9193 Fax: (202) 616-8470</p> <p><i>Attorneys for Respondents</i></p>	<p><u>/s/ J. Andrew Moss</u> LOWELL E. SACHNOFF MATTHEW J. O'HARA J. ANDREW MOSS ANN E. PILLE REED SMITH LLP 10 S. Wacker Drive Chicago, IL 60606 (312) 207-1000</p> <p>Douglas K. Spaulding Gary S. Thompson Allison M. Lefrak REED SMITH LLP 1301 K. Street, N.W. Washington, D.C. 20005 (202) 414-9200</p> <p><i>Counsel for Petitioner Abdulayev</i></p>
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