

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**IN RE:
GUANTANAMO BAY
DETAINEE LITIGATION**

Misc. No. 08-442 (TFH)

Civil Action Nos.:

02-CV-0828, 04-CV-1136, 04-CV-1164,
04-CV-1194, 04-CV-1254, 04-CV-1937,
04-CV-2022, 04-CV-2035, 04-CV-2046,
04-CV-2215, 05-CV-0023, 05-CV-0247,
05-CV-0270, 05-CV-0280, 05-CV-0329,
05-CV-0359, 05-CV-0392, 05-CV-0492,
05-CV-0520, 05-CV-0526, 05-CV-0569,
05-CV-0634, 05-CV-0748, 05-CV-0763,
05-CV-0764, 05-CV-0833, 05-CV-0877,
05-CV-0881, 05-CV-0883, 05-CV-0889,
05-CV-0892, 05-CV-0993, 05-CV-0994,
05-CV-0995, 05-CV-0998, 05-CV-0999,
05-CV-1048, 05-CV-1124, 05-CV-1189,
05-CV-1220, 05-CV-1236, 05-CV-1244,
05-CV-1347, 05-CV-1353, 05-CV-1429,
05-CV-1457, 05-CV-1458, 05-CV-1487,
05-CV-1490, 05-CV-1497, 05-CV-1504,
05-CV-1505, 05-CV-1506, 05-CV-1509,
05-CV-1555, 05-CV-1590, 05-CV-1592,
05-CV-1601, 05-CV-1602, 05-CV-1607,
05-CV-1623, 05-CV-1638, 05-CV-1639,
05-CV-1645, 05-CV-1646, 05-CV-1649,
05-CV-1678, 05-CV-1704, 05-CV-1725,
05-CV-1971, 05-CV-1983, 05-CV-2010,
05-CV-2083, 05-CV-2088, 05-CV-2104,
05-CV-2112, 05-CV-2185, 05-CV-2186,
05-CV-2199, 05-CV-2200, 05-CV-2249,
05-CV-2349, 05-CV-2367, 05-CV-2371,
05-CV-2378, 05-CV-2379, 05-CV-2380,
05-CV-2381, 05-CV-2384, 05-CV-2385,
05-CV-2386, 05-CV-2387, 05-CV-2398,
05-CV-2444, 05-CV-2477, 05-CV-2479,
06-CV-0618, 06-CV-1668, 06-CV-1674,
06-CV-1684, 06-CV-1688, 06-CV-1690,
06-CV-1691, 06-CV-1758, 06-CV-1759,

06-CV-1761, 06-CV-1765, 06-CV-1766,
06-CV-1767, 07-CV-1710, 07-CV-2337,
07-CV-2338, 08-CV-0987, 08-CV-1085,
08-CV-1101, 08-CV-1104, 08-CV-1153,
08-CV-1185, 08-CV-1207, 08-CV-1221,
08-CV-1223, 08-CV-1224, 08-CV-1227,
08-CV-1228, 08-CV-1229, 08-CV-1230,
08-CV-1231, 08-CV-1232, 08-CV-1233,
08-CV-1235, 08-CV-1236, 08-CV-1237,
08-CV-1238, 08-CV-1310, 08-CV-1360,
08-CV-1440, 08-CV-1628, 08-CV-1789,
08-CV-1805, 08-CV-1828

**RESPONDENTS' OCTOBER 31, 2008 STATUS REPORT REGARDING
THE FILING OF FACTUAL RETURNS AND
REQUEST FOR EXCEPTION FROM SEQUENCING**

Consistent with the Court's July 11, 2008 Scheduling Order (Misc. No. 08-0442) (dkt. no. 53), as amended by the Court's September 19, 2008 Order (Misc. No. 08-0442) (dkt. no. 464), respondents, as of today, have filed for the month of October 2008 fifty (50) proposed amended or original factual returns in the Guantanamo Bay habeas corpus cases coordinated under Misc. No. 08-0442. Attached Exhibit A contains a list of petitioners for whom amended or original factual returns have been filed for the month of October 2008, including the case number, petitioner's name, petitioner's ISN, the type of return (original or amended), and the date of filing of the return.¹ Thus, since the beginning of August 2008, respondents have filed a total of 120 proposed amended or original factual returns in cases pending before the Judges of this Court, 100 in these coordinated cases, seven (7) in cases before Judge Sullivan, and 13 in cases before Judge Leon; this is in addition to other litigation-related activity in the cases.

¹ In addition to the returns for the petitioners listed in Exhibit A, during October 2008 respondents have also filed an additional seven (7) returns in cases pending before Judge Leon, pursuant to his orders in those cases.

While not required by the Court's September 19, 2008 Order, included among the 50 factual returns filed this month are original or amended factual returns for certain petitioners who have been approved for transfer or release from Guantanamo Bay. Returns filed for such petitioners are also indicated on the list contained in Exhibit A. Work on these returns began in August as a result of uncertainty on the part of respondents that was resolved by the Court's September 19, 2008 clarifying order as to whether filing returns for petitioners who have been approved for transfer or release was required. *See* Respondents' Motion for Partial and Temporary Relief from the Court's July 11, 2008 Scheduling Order at 13 n.4 (Misc. No. 08-0442) (filed Aug. 29, 2008) (dkt. no. 317) ("Aug. 29 Motion"). To the extent feasible, the work on these returns was taken to completion, and because of delays in the clearance of proposed evidence for use in other factual returns, as more fully described in respondents' Aug. 29 Motion, the filing of these completed returns for detainees approved for transfer or release was necessary.

Additionally, respondents seek to file out of sequence factual returns with respect to 10 petitioners who otherwise would have included in the normal sequencing for this month under the September 19, 2008 Order.² Those petitioners are listed in attached Exhibit B.³ In place of

² Counsel for respondents has conferred or attempted to confer with counsel for these petitioners, who either oppose the requested relief or have not responded, except that counsel for petitioners ISN 004, 560, 893, 1104, and 1119 do not oppose respondents' request with respect to a delay through the end of November 2008.

³ With respect to respondents' request for out-of-sequence processing of seven other returns from September 2008, *see* Respondents' Status Report Regarding The Filing of Factual Returns and Request for Exception from Sequencing (Misc. No. 08-0442) (filed Aug. 29, 2008) (dkt. no. 602), respondents filed returns for three of the seven petitioners in October 2008, as indicated in Exhibit C. Respondents continue their request for out-of-sequence processing of the returns for the remaining four petitioners, but are making every reasonable effort to file returns

those factual returns, respondents have filed factual returns pertaining to 10 other petitioners who either have later-filed petitions or are approved for transfer or release. This deviation from sequencing primarily reflects issues related to the clearance of proposed evidence for use in the factual returns, as more fully described in respondents' Aug. 29 motion, and in some cases has resulted from unique issues related to evidence proposed for use in connection with specific returns. Such issues have made completion of factual returns with respect to these petitioners significantly more complicated or time-consuming than returns of others, such that it was not appropriate to delay the processing of returns for other petitioners in order to complete the processing of these more complicated or time-consuming returns. Disclosure of additional detail regarding the issues that have resulted in the deviation from normal sequencing would risk inappropriate disclosure of classified information subject to the clearance issues referenced above or of attorney-client privileged information or attorney work product. Additional detail regarding the circumstances of these cases can be provided by respondents to the Court *ex parte* and *in camera*, should the Court require it, however.

Respondents intend to continue filing factual returns on a rolling basis in anticipation of completion and filing of at least an additional 50 factual returns monthly. In addition, respondents are in the process of developing a plan and proposal for submission of unclassified or declassified versions of factual return material and hope to present such a plan to the Court within approximately the next week to ten days.

for those petitioners during the coming month.

Dated: October 31, 2008

Respectfully submitted,

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Exhibit A

Factual Returns Filed

Case No.	Judge	Petitioner	ISN	Return Type	Date Filed
04-1194	HHK/TFH	Al Swidhi	578	Amended	8/29/08
04-1194	HHK/TFH	Al Haj	256	Amended	8/29/08
04-1194	HHK/TFH	Amer	564	Amended	8/29/08
04-1194	HHK/TFH	Al Baidani	553	Amended	8/29/08
04-1254	HHK/TFH	Al Wrafie	117	Amended	8/29/08
05-0247	HHK/TFH	Al-Mohammed	537	Amended	8/29/08
05-0289	UNA/TFH	Bawazir	440	Amended	8/29/08
05-0526	RUM/TFH	Tumani	312	Amended	8/29/08
05-0764	CKK/TFH	Nasser	244	Original	8/29/08
05-0763	JDB/TFH	Hamlily	1452	Original	8/29/08
02-0828	CKK/TFH	Al Rabiah	551	Amended	9/5/08
04-1194	HHK/TFH	Hassan	680	Amended	9/5/08
04-2022	PLF/TFH	Paracha	1094	Amended	9/5/08
02-0828	CKK/TFH	Al Odah	232	Amended	9/8/08
04-1194	HHK/TFH	Al-Sarim	235	Amended	9/8/08
04-1194	HHK/TFH	Kassim	242	Amended	9/9/08
05-0270	JR/TFH	El-Mashad	190	Amended	9/9/08
05-0634	RWR/TFH	Al-Daini	549	Amended	9/9/08
05-0526	RMU/TFH	Khantumani	307	Amended	9/11/08
05-0748	RMC/TFH	Aboassy	91	Amended	9/11/08
02-0828	CKK/TFH	Al Kandari	552	Amended	9/15/08
05-0329	PLF/TFH	Shokuri	197	Amended	9/16/08
04-1194	HHK/TFH	Al Tawlaqi	688	Amended	9/17/08
04-1194	HHK/TFH	Al Marwala	837	Amended	9/17/08
05-0280	UNA/TFH	Hamdoun	576	Amended	9/17/08

Case No.	Judge	Petitioner	ISN	Return Type	Date Filed
02-0828	CKK/TFH	Al-Mutairi	213	Amended	9/18/08
04-1194	HHK/TFH	Al Rezehi	45	Amended	9/19/08
04-1254	HHK/TFH	Ahmed	41	Amended	9/19/08
04-1254	HHK/TFH	Esmail	522	Amended	9/19/08
04-1254	HHK/TFH	Ala'Dini	156	Amended	9/22/08
04-1254	HHK/TFH	Rabi'i	508	Amended	9/22/08
04-1164	RBW/TFH	Gherebi	189	Amended	9/25/08
04-1254	HHK/TFH	Wahab	37	Amended	9/25/08
05-0392	ESH/TFH	Ameziane	310	Amended	9/25/08
05-0492	CKK/TFH	Aziz	757	Original	9/25/08
05-0892	JR/TFH	Shaaban	327	Original	9/25/08
05-0748	RMC/TFH	Mukbel	43	Amended	9/26/08
05-2104	RBW/TFH	Al Shamrany	171	Amended	9/26/08
05-1638	CKK/TFH	Ghanem	44	Original	9/26/08
05-1189	JR/TFH	Khalifh	695	Original	9/26/08
04-1194	HHK/TFH	Al-Mudwani	839	Amended	9/29/08
04-2046	CKK/TFH	Zemiri	533	Amended	9/29/08
05-0023	RWR/TFH	Abdullah	841	Amended	9/29/08
05-0280	UNA/TFH	Al-Adahi	33	Amended	9/29/08
05-1236	RWR/TFH	Zahiri	753	Amended	9/29/08
05-1429	RMU/TFH	Hatim	255	Amended	9/29/08
05-2249	RMC/TFH	Al-Shumrant	195	Amended	9/29/08
05-0883	RBW/TFH	Bostan	975	Original	9/29/08
04-1254	HHK/TFH	Ahmed	32	Amended	9/30/08
05-1646	JDB/TFH	Zaid	550	Amended	9/30/08

Case No.	Judge	Petitioner	ISN	Return Type	Date Filed
05-1429	RMU/TFH	Kazaz	509	Amended	10/1/08
05-1490	PLF/TFH	Faraj	329	Amended	10/2/08
05-2379	JR//TFH	Awad	88	Original	10/6/08
05-1592	RCL/TFH	bin Attash	1456	Original	10/9/08
05-1678	GK/TFH	Ahmed	692	Amended	10/10/08
05-2185	JR/TFH	Mudafari	40	Amended	10/10/08
05-0993	RMU/TFH	Sohail	1008	Amended	10/14/08
05-0877	JR/TFH	Gul	928	Amended	10/17/08
05-1487	RMC/TFH	Jabar	433	Amended	10/17/08
05-1244	CKK/TFH	Al Sawah	535	Original	10/20/08
05-1607	RMU/TFH	Rabbani	1460	Amended	10/21/08
05-1555	JR/TFH	Idris	36	Amended	10/22/08
06-1668	HHK/TFH	al-Hamiri	249	Original	10/24/08
05-2386	RBW/TFH	Bilal	330	Original	10/24/08
05-2386	RBW/TFH	al-Kazimi	1453	Original	10/24/08
05-0889	ESH/TFH	Basardah	252	Amended	10/24/08
05-1607	RMU/TFH	Rabbani	1461	Amended	10/24/08
05-2367	RWR/TFH	Omari	832	Amended	10/24/08
05-2384	RWR/TFH	Zahrani	713	Original	10/27/08
05-0520	RMU/TFH	Shalby	42	Amended	10/28/08
05-1971	RMC/TFH	Qatani	63	Original	10/28/08
05-1645	PLF/TFH	Almerfedi	1015	Amended	10/29/08
05-2088	JR/TFH	Othman	163	Amended	10/29/08
05-2367	RWR/TFH	Zahir	1103	Amended	10/29/08
05-1983	RMU/TFH	Alkhemisi	708	Original	10/29/08

Case No.	Judge	Petitioner	ISN	Return Type	Date Filed
05-2385	RMU/TFH	Mohammed	570	Original	10/29/08
05-2386	RBW/TFH	Naji	744	Original	10/29/08
04-1194	HHK/TFH	Mahdi*	167	Amended	10/30/08
04-1254	HHK/TFH	Obaid*	165	Amended	10/30/08
04-1254	HHK/TFH	Odaini*	681	Amended	10/30/08
05-0270	JR/TFH	Algazzar*	369	Amended	10/30/08
05-0280	GK/TFH	al-Nahdi*	511	Amended	10/30/08
05-0280	GK/TFH	al-Assani*	554	Amended	10/30/08
05-0359	GK/TFH	Alhami*	892	Amended	10/30/08
05-0994	JDB/TFH	Kasimbekov*	675	Amended	10/30/08
05-1220	RMU/TFH	Zalita*	709	Amended	10/30/08
04-2215	RMC/TFH	Aamer*	239	Original	10/30/08
05-0748	RMC/TFH	Salman*	251	Original	10/30/08
05-1457	GK/TFH	Dhiab	722	Original	10/30/08
05-2380	CKK/TFH	Baidany	1017	Original	10/30/08
05-2385	RMU/TFH	Saleh	78	Original	10/30/08
05-2385	RMU/TFH	Rawdah	326	Original	10/30/08
05-2378	JDB/TFH	al-Ghizzawy	654	Amended	10/31/08
05-2385	RMU/TFH	Al Wady	574	Original	10/31/08
04-1254	HHK/TFH	al-Mujahid	31	Amended	10/31/08
05-2199	HHK/TFH	Hakim	686	Original	10/31/08
05-2104	RBW/TFH	Qader	690	Original	10/31/08
05-2386	RBW/TFH	Hidar	498	Original	10/31/08
05-1504	RMC/TFH	Nabil*	238	Original	10/31/08
05-2385	RMU/TFH	Nargerri	510	Original	10/31/08

* *Detainee approved for transfer or release from United States custody.*

Exhibit B

Factual Returns Requested to be Taken Out of Sequence – October 2008

Case No.	Judge	Petitioner	ISN
05-1048	RMU/TFH	al Hela	1463
05-1124	RMC/TFH	Morafa	560
05-1601	GK/TFH	Razak	1119
05-2367	RWR/TFH	Haq	004
05-2367	RWR/TFH	Rahim	1104
05-2384	RWR/TFH	al Qahtaani	200
05-2386	RBW/TFH	Bihani	893
05-2386	RBW/TFH	Ali	685
05-2479	HHK/TFH	Mingazov	702
06-1674	RMC/TFH	Iqbal	743

Exhibit C

Factual Returns Requested to be Taken Out of Sequence – September 2008

Case No.	Judge	Petitioner	ISN	Return Type	Date Filed
04-1194	HHK/TFH	Anam	569		
04-1254	HHK/TFH	Mohammad	27		
04-1254	HHK/TFH	Abdah	31	Amended	10/31/08
04-1254	HHK/TFH	Mar'i	577		
05-0520	RMU/TFH	Shalby	042	Amended	10/28/08
05-0569	JR/TFH	Slahi	760		
05-0877	JR/TFH	Khiali-Gul	928	Amended	10/17/08

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**IN RE:
GUANTANAMO BAY
DETAINEE LITIGATION**

Misc. No. 08-442 (TFH)

Civil Action Nos.:

05-CV-1048, 05-CV-1124, 05-CV-1601,
05-CV-2367, 05-CV-2384, 05-CV-2386,
05-CV-2479, 06-CV-1674

ORDER

Respondents' October 31, 2008, Request For Exception From Sequencing is hereby
GRANTED.

SO ORDERED.

Dated: _____

Thomas F. Hogan
United States District Judge