

**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-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-0877, 05-CV-0883, 05-CV-0889, 05-CV-0892,  
05-CV-0993, 05-CV-0994, 05-CV-0998, 05-CV-0999,  
05-CV-1048, 05-CV-1124, 05-CV-1189, 05-CV-1220,  
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-1555, 05-CV-1592, 05-CV-1601, 05-CV-1607,  
05-CV-1623, 05-CV-1638, 05-CV-1645, 05-CV-1646,  
05-CV-1678, 05-CV-1971, 05-CV-1983, 05-CV-2010,  
05-CV-2088, 05-CV-2104, 05-CV-2185, 05-CV-2186,  
05-CV-2199, 05-CV-2249, 05-CV-2349, 05-CV-2367,  
05-CV-2371, 05-CV-2378, 05-CV-2379, 05-CV-2380,  
05-CV-2384, 05-CV-2385, 05-CV-2386, 05-CV-2387,  
05-CV-2444, 05-CV-2479, 06-CV-0618, 06-CV-1668,  
06-CV-1684, 06-CV-1690, 06-CV-1758, 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-1230, 08-CV-1232,  
08-CV-1233, 08-CV-1235, 08-CV-1236, 08-CV-1237,  
08-CV-1238, 08-CV-1360, 08-CV-1440, 08-CV-1733,  
08-CV-1789, 08-CV-1805

**RESPONDENTS' STATUS REPORT REGARDING  
THE FILING OF FACTUAL RETURNS FOR NOVEMBER 2008 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 filed for the month of November 2008 fifty (50) 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 factual returns have been filed for the month of November 2008, including the case number, petitioner's name, petitioner's ISN, the type of return (original or amended),<sup>1</sup> and the date of filing of the return.<sup>2</sup> Thus, since the beginning of August 2008, respondents have filed a total of 175 proposed amended or original factual returns in cases pending before the Judges of this Court, 150 in these coordinated cases, seven (7) in cases before Judge Sullivan, and 18 in cases before Judge Leon; this is in addition to other litigation-related activity in the cases, including continuing work on the production of unclassified versions for over 100 factual returns.

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<sup>1</sup> The Court's November 7, 2008 Order (dkt. no. 233) amended the July 11 Scheduling Order so as to eliminate the distinction between amended and original factual returns filed after July 11, 2008, such that respondents are no longer required to seek leave to amend factual returns originally filed prior to July 11, 2008. Thus, the use of the term, "amended," in Exhibit A is merely indicative that respondents originally filed a factual return for the petitioner prior to July 11, 2008; the term is used for the convenience of the Court and the parties.

<sup>2</sup> In addition to the returns for the petitioners listed in Exhibit A, during November 2008 respondents have also filed an additional five (5) 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 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 some of these returns had previously begun 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"). The work on these returns was taken to completion because of delays in the clearance of proposed evidence for use in other factual returns, as more fully described in respondents' Aug. 29 Motion. Similarly, certain other returns for petitioners who have been approved for transfer or release were processed and filed given delays in the clearance of proposed evidence for use in other factual returns.

Additionally, respondents seek to file out of sequence factual returns with respect to three petitioners who otherwise would have included in the normal sequencing for this month under the September 19, 2008 Order.<sup>3</sup> Those petitioners are listed in attached Exhibit B.<sup>4</sup> In place of

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<sup>3</sup> Counsel for respondents has conferred with counsel for these petitioners. Counsel for petitioner ISN 89 (Al Zaher in No. 05-cv-2386) does not oppose taking the return for that petitioner out of sequence. Counsel for petitioners ISN 728 (Saeed in No. 05-cv-2386) and ISN 170 (Al Sanani in No. 05-cv-2386) oppose respondents' request.

<sup>4</sup> With respect to respondents' request for out-of-sequence processing of 14 other returns from September and October 2008, *see* Respondents' October 31, 2008 Status Report Regarding The Filing of Factual Returns and Request for Exception from Sequencing at Ex. B, C (Misc. No. 08-0442) (filed Oct. 31, 2008) (dkt. no. 916), as indicated in attached Exhibit C, respondents in November 2008 filed returns for eight of the 14 petitioners, while proceedings with respect to two of the petitioners have been stayed and one petitioner (ISN 743) was released from United

those factual returns, respondents have filed factual returns pertaining to three 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 in anticipation of completion and filing of the remaining returns due next month. In addition, respondents continue the processing materials for submission of unclassified versions of factual returns.

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States custody (*see* Notice of Transfer of Petitioner (No. 05-cv-2385) (Sept. 2, 2008) (dkt. 59)) thereby making the filing of a factual return justifying the detention of that petitioner unnecessary due to mootness considerations. (It also appears ISN 743 was erroneously included in respondents' October 31 request for exception from sequencing given that the petitioner's U.S. custody ended in early September; respondents apologize for this oversight.) Respondents continue their request for out-of-sequence processing of the returns for the remaining three petitioners, but are making every reasonable effort to file returns for those petitioners during the coming month.

Dated: December 1, 2008

Respectfully submitted,

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# Exhibit A

**Factual Returns Filed**

Case No.	Judge	Petitioner	I SN	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	I SN	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	I SN	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	I SN	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

Case No.	Judge	Petitioner	I SN	Return Type	Date Filed
05-2186	ESH/TFH	al-Mithali	840	Amended	11/3/08
05-1124	RMC/TFH	Morafa	560	Original	11/25/08
05-2386	RBW/TFH	Yoyej	257	Original	11/25/08
05-2386	RBW/TFH	Sulaiman	223	Original	11/25/08
05-2386	RBW/TFH	Omari	707	Original	11/25/08
05-2386	RBW/TFH	Omar	30	Original	11/25/08
05-2386	RBW/TFH	Bihani	893	Original	11/25/08
05-2479	HHK/TFH	Mingazov	702	Original	11/25/08
06-1668	RMC/TFH	Odah	178	Original	11/25/08
06-1684	GK/TFH	Taher	679	Original	11/25/08
06-1758	RMC/TFH	Suliman	153	Original	11/25/08
06-1765	HHK/TFH	Saleh	836	Original	11/25/08
06-1767	RMU/TFH	Zarnouqi	691	Original	11/25/08
06-1767	RMU/TFH	Alsabri	324	Original	11/25/08
07-2338	HHK/TFH	Shubati	224	Original	11/25/08
08-1228	RMC/TFH	Hadi	131	Original	11/25/08
08-1232	JR/TFH	Atef	202	Original	11/25/08
08-1233	ESH/TFH	Qataa	566	Original	11/25/08
08-1236	JDB/TFH	Sattar	309	Original	11/25/08
05-1601	GK/TFH	Razak	1119	Amended	11/25/08
05-2367	RWR/TFH	Haq	004	Amended	11/25/08
05-2384	RWR/TFH	Qahtaani	200	Amended	11/25/08
05-0359	GK/TFH	Rahman*	894	Amended	11/26/08
05-0998	RMU/TFH	Karim	653	Original	11/26/08
05-0999	RBW/TFH	Kalaqi*	152	Original	11/26/08

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

Case No.	Judge	Petitioner	I SN	Return Type	Date Filed
05-1347	GK/TFH	Moha mmed*	311	Amended	11/26/08
05-1353	RMC/TFH	Saib*	288	Original	11/26/08
05-1497	RCL/TFH	Wirghi*	502	Original	11/26/08
05-1506	RMC/TFH	Shafiq	694	Original	11/26/08
05-2349	RMC/TFH	Bacha*	290	Original	11/26/08
05-2386	RBW/TFH	Mabrouk*	148	Original	11/26/08
05-2386	RBW/TFH	Razak	685	Original	11/26/08
05-2386	RBW/TFH	Mattan	684	Original	11/26/08
05-2386	RBW/TFH	Ali*	455	Original	11/26/08
05-2386	RBW/TFH	Ullah*	46	Original	11/26/08
05-2386	RBW/TFH	Jamolovich*	452	Original	11/26/08
05-2386	RBW/TFH	Edress	35	Original	11/26/08
05-2386	RBW/TFH	Falesteny*	519	Original	11/26/08
06-1761	ESH/TFH	Abdessalam	263	Original	11/26/08
07-1710	RBW/TFH	Nasser	115	Original	11/26/08
08-1238	RWR/TFH	Balzuhair	838	Original	11/26/08
08-1805	RMU/TFH	Khairkhwa	579	Original	11/26/08
05-2367	RWR/TFH	Rahim	1104	Amended	11/28/08
05-2386	RBW/TFH	Al Haj	1457	Original	11/28/08
05-2386	RBW/TFH	Abdulaziz	687	Original	11/28/08
05-2386	RBW/TFH	Abdurahman	441	Original	11/28/08
05-2386	RBW/TFH	Yafie	34	Original	11/28/08
05-2386	RBW/TFH	Khateeb	689	Original	11/28/08
08-1101	JDB/TFH	Khan	899	Original	11/28/08
08-1235	JDB/TFH	Kuman	321	Original	11/28/08

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

# Exhibit B

**Factual Returns Requested to be Taken Out of Sequence – November 2008**

Case No.	Judge	Petitioner	ISN
05-2386	RBW/TFH	al Zaher	089
05-2386	RBW/TFH	al Sanani	170
05-2386	RBW/TFH	Saeed	728

# Exhibit C

**Factual Returns Requested to be Taken Out of Sequence – September/October 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	Mar'i	577		Stayed
05-0569	JR/TFH	Slahi	760		
05-1048	RMU/TFH	al Hela	1463		Stayed
05-1124	RMC/TFH	Morafa	560	Original	11/25/08
05-1601	GK/TFH	Razak	1119	Amended	11/25/08
05-2367	RWR/TFH	Haq	004	Amended	11/25/08
05-2367	RWR/TFH	Rahim	1104	Amended	11/28/08
05-2384	RWR/TFH	al Qahtaani	200	Amended	11/25/08
05-2386	RBW/TFH	Bihani	893	Amended	11/25/08
05-2386	RBW/TFH	Ali	685	Amended	11/26/08
05-2479	HHK/TFH	Mingazov	702	Amended	11/25/08
05-2385	RMU/TFH	Mahdni	743		Detainee Released from US Custody



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

**IN RE:  
GUANTANAMO BAY  
DETAINEE LITIGATION**

Misc. No. 08-442 (TFH)

Civil Action No. 05-CV-2386

**ORDER**

Respondents' December 1, 2008, Request For Exception From Sequencing is hereby  
GRANTED.

SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Thomas F. Hogan  
United States District Judge