

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:)	
GUANTÁNAMO BAY)	Misc. No. 08-442 (TFH)
DETAINEE LITIGATION)	Civil Action Nos.
)	05-2249 (RMC), 05-2386 (RBW)
)	

STATUS REPORT FOR PETITIONERS
MOHAMMED AL-SHIMRANI (ISN 195) AND SANAD AL-KAZIMI (ISN 1453)

In response to the Court's order of July 11, 2008,¹ counsel for petitioners Mohammed Al-Shimrani (ISN 195) and Sanad Al-Kazimi (ISN 1453), men currently detained at Guantánamo Bay Military Base, hereby submit this status report. The petitioners are represented by Lincoln Square Legal Services, Inc., Fordham University School of Law's clinical office.

I. Mohammed Al-Shimrani

1. Mohammed Al-Shimrani, a Saudi national, was first deprived of his liberty in Pakistan by Pakistani civilians on or about December of 2001. He was given over to the Pakistan military and then transferred to United States custody. Mr. Al-Shimrani was moved to Guantánamo on or about January 17, 2002, making him one of the first men to be detained at Guantánamo. He has been imprisoned for six years and eight months.

¹ Petitioners' cases are referenced in Judge Hogan's July 11, 2008 Scheduling Order requesting status reports by July 18, 2008 in *In re Guantánamo Bay Detainee Litigation*, No. 08-mc-442 (TFH) (dkt. no. 53).

2. Mr. Al-Shimrani's brother sought help from lawyers associated with the Center for Constitutional Rights in the summer of 2005. Counsel filed the instant matter on November 17, 2005. *Al-Shimrani v. Bush*, 05-cv-2249 (RMC).

3. In response to Judge Collyer's December 23, 2005 Order to Show Cause why the petition should not be granted and the writ issued (dkt. no. 9), on January 27, 2006, respondents filed a redacted classified version and an unclassified version of "the final record of proceedings before the Combat Status Review Tribunal pertaining to petitioner" (dkt. nos.18, 18-2).

4. Mr. Shimrani's habeas matter is currently stayed. The matter was first stayed on January 27, 2006 pending a jurisdictional decision by the D.C. Circuit Court. (Order, dkt. no. 19). On May 9, 2007, after the Supreme Court denied certiorari in *Boumediene*, the case was dismissed for lack of subject matter jurisdiction, and all pending motions were dismissed as moot. (Mem. Op. and Order, dkt. no. 48). On July 9, 2007, Mr. Al-Shimrani filed a Motion for Reconsideration of the May 9, 2007 Order (dkt. no. 53) in light of the Supreme Court decision to grant certiorari in *Boumediene v. Bush*, No. 06-1195, which the Court granted on January 8, 2008 (Order, dkt. no. 62), staying the matter once again pending the outcome of *Boumediene*.

5. Petitioner has one pending motion related to respondents' seizure of privileged attorney-client materials in June of 2006. Respondents filed a Motion for Procedures Related to Review of Certain Detainee Materials on July 7, 2006 (dkt. no. 23). The Court granted the motion on September 15, 2006 (Mem. Order, dkt. no. 31)² and ordered the review of attorney-client communications by a Filter Team consisting of government personnel not otherwise involved in Guantánamo litigation. On September 25, 2006, Mr. Al-Shimrani moved to modify the September 15, 2006 memorandum order allowing a filter team, seeking notification when

² Respondents' omnibus motion was transferred to Judge Robertson for decision on August 9, 2006. (Order, dkt. no. 28.)

material was seized, an accounting of all seized material, and the return of material not related to the then-ongoing investigation of three detainee deaths at Guantánamo (dkt. no. 34). On October 13, 2006, respondents filed an opposition (dkt. no. 35), and Mr. Al-Shimrani replied on October 26, 2006 (dkt. no. 38). This motion was never decided, but was dismissed as moot as part of the Court's May 9, 2007 order dismissing the petition for lack of subject matter jurisdiction. Mr. Al-Shimrani will seek to restore this motion to the extent such has not already taken place with the restoration of his petition on January 8, 2008. *See* Order (dkt. no. 62).

6. A 30-Day Notice Order has not been filed in Mr. Al-Shimrani's case, nor has a request for such an order been made.

7. Mr. Al-Shimrani has not been charged by a Military Commission and counsel has not received any indication from respondents that they intend to do so.

8. Mr. Al-Shimrani has no appeals pending.

II. Sanad Al-Kazimi

1. Sanad Al-Kazimi, a Yemeni national, was disappeared in the United Arab Emirates in January of 2003 and held there for approximately eight months. On or about August, 2003, he was moved to a secret Central Intelligence Agency "black-site" called the "Prison of Darkness" located near Kabul, Afghanistan. In May of 2004, he was moved to a United States military prison in Bagram, Afghanistan. In September of 2004, Mr. Al-Kazimi was transferred to the military prison at Guantánamo Bay Naval Station. He has been deprived of his liberty for five years and seven months.

2. Mr. Al-Kazimi is a petitioner in *Mohammon v. Bush*, 05-cv-2386 (RBW).

3. The matter was stayed and administratively closed on January 31, 2007 pending resolution of the court's subject matter jurisdiction (Order, dkt. no. 324).

4. Respondents have not filed a return to Mr. Al-Kazimi's petition for habeas corpus.

5. Mr. Al-Kazimi has no appeals pending. Mr. Al-Kazimi filed a Motion for Factual Returns on December 7, 2006 (dkt. no. 231). This motion, and all others pending in *Mohammon*, were denied without prejudice by Judge Walton in the January 31, 2007 Order (dkt. no. 324). Mr. Al-Kazimi filed a Notice of Appeal on February 8, 2007 (dkt. no. 335); the appeal was held in abeyance on October 11, 2007 (Order, No. 07-5051). The D.C. Circuit Court remanded this case to this Court on July 1, 2008 (Order, No. 07-5051). There should be no need to reinstate this motion in light of Judge Hogan's Scheduling Order of July 11, 2008 (dkt. no 485).

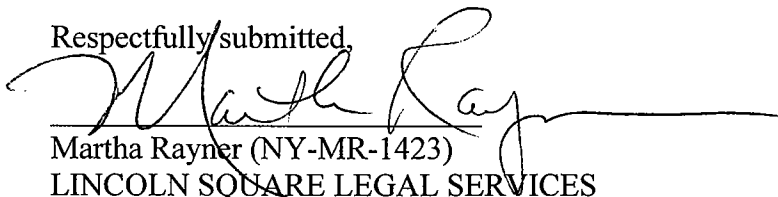
6. Mr. Al-Kazimi filed an Emergency Motion to Compel Disclosure of Certain Records to Ensure Effective Counsel Access As Mandated by the Amended Protective Order on March 14, 2007 (dkt. no. 352). This motion relates to the use of the Immediate Reaction Force (IRF) against him. Respondents opposed the motion on March 23, 2007 (dkt. no 355), and Mr. Al-Kazimi filed a reply on April 3, 2007 (dkt. no. 357). The Court never ruled on this motion. As soon as possible, counsel will notify the Court as to whether this motion will be pursued.

7. Mr. Al-Kazimi joined a Notice of Petitioners' Request for 30-Days Notice of Transfer, filed with the Court on July 15, 2008 (*In re Guantánamo Bay Detainee Litigation*, No. 08-mc-442 (TFH), dkt. no. 63), having requested such notice directly from the government on July 14, 2008 pursuant to the Court's Order filed on July 11, 2008 (dkt. no. 484-2).

8. Mr. Al-Kazimi has not been charged by a Military Commission and counsel has not received any indication from respondents that they intend to do so.

DATED: July 18, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Martha Rayner", with a long horizontal flourish extending to the right.

Martha Rayner (NY-MR-1423)
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