



2. Al Noofayae is a citizen of Saudi Arabia. He has been imprisoned at Guantanamo from 2002 to the present.
3. We have not received a factual return for Al Noofayae from the Government in response to the petition.
4. Al Noofayae is not the subject of an order requiring advance notice of his transfer.
5. Al Noofayae has not been charged with any crime before a military commission.
6. To counsel's knowledge, Al Noofayae has not been authorized for transfer. Noofayae wishes to be transferred to Saudi Arabia, his home country. By separate notice of today's date, counsel has requested that counsel and the Court be notified at least 30 days in advance of any intended transfer of Noofayee to a country other than Saudi Arabia.

## II.

### **Mohammed Ahmed Salam Al Khateeb (ISN 689) (05-cv-2386).**

1. Al Khateeb is a habeas petitioner before this Court in *Mohammon, et al. v. Bush, et al.* (05-cv-02386). He is identified in the petition, at dkt. no. 1, par. 252, as "Mohammed Ahmed Slam Al-Khateeb."
2. Al Khateeb is a citizen of Yemen. He has been imprisoned at Guantanamo from 2002 to the present.

3. We have not received a factual return for Al Khateeb from the Government in response to the petition.

4. Al Khateeb is not the subject of an order requiring advance notice of his transfer.

5. Al Khateeb has not been charged with any crime before a military commission.

6. To counsel's knowledge, Al Khateeb has not been authorized for transfer. Al Khateeb wishes to be transferred to Yemen, his home country. By separate notice of today's date, counsel has requested that counsel and the Court be notified at least 30 days in advance of any intended transfer of Al Khateeb to a country other than Yemen.

### III.

#### **Adel bin Mabrouk (ISN 148) (05-cv-2386).**

1. Mabrouk is a habeas petitioner before this Court in *Mohammon, et al. v. Bush, et al.* (05-cv-02386). He is identified in the petition, at dkt. no. 1, par. 150, as "Adil LNU."

2. Mabrouk is a citizen of Tunisia. He has been imprisoned at Guantanamo from 2002 to the present.

3. We have not received a factual return for Mabrouk from the Government in response to the petition.

4. Mabrouk is the subject of an order of this Court requiring 30 days' advance notice of his transfer. *Mohammon* (05-cv-2386), dkt. no. 425. The Government has appealed the order. *Al Sanani, et al. v. Vargo, et al.*, D.C. Cir. No. 08-5149.

5. Mabrouk has not been charged with any crime before a military commission.

6. Mabrouk is the subject of a notice, dated November 1, 2007, stating that he has been authorized for transfer from Guantanamo. Mabrouk was tried in absentia in Tunisia during his imprisonment at Guantanamo, convicted under an ex post facto law, and sentenced to a ten-year term of imprisonment for crimes he did not commit. He fears that he will be mistreated and tortured by Tunisian authorities if he is transferred to that country while his conviction still stands. Under current circumstances, he does not wish to be transferred to Tunisia. He seeks asylum in Italy, where he was a legal resident for many years, or another country other than Tunisia.

#### IV.

#### **Omer Saeed Salem Al Daini (ISN 549) (05-cv-634)**

1. Al Daini is the sole habeas petitioner before this Court in *Al Daini v. Bush, et al.* (05-cv-634).

2. Al Daini is a citizen of Yemen. He has been imprisoned at Guantanamo from 2002 to the present.
3. We have received a redacted, incomplete factual return for Al Daini from the Government in response to the petition. We assert that we are entitled to an unredacted, complete factual return.
4. Al Daini is the subject of an order of this Court requiring 30 days' advance notice of his transfer. *Al Daini* (05-cv-634), dkt. no. 10. The Government has appealed the order. *Al Daini v. Bush, et al.*, D.C. Cir. No. 05-5229.
5. Al Daini has not been charged with any crime before a military commission.
6. To counsel's knowledge, Al Daini has not been authorized for transfer. Al Daini wishes to be transferred to Yemen, his home country.

Respectfully submitted,

/s/Jonathan M. Fee  
Jonathan M. Fee, DC Bar No. 479579  
Michael E. Ward, DC Bar No. 434624  
Jill M. Williamson, DC Bar No.  
478469  
ALSTON & BIRD LLP  
950 F Street, NW  
Washington, DC 20004  
Tel: (202) 756-3300  
Fax: (202) 756-3333

*Counsel for Petitioners*

C. Rufus Pennington, III  
MARGOL & PENNINGTON, PA  
320 North First Street, Suite 600  
Jacksonville Beach, FL 32250  
(904) 355-7508

*Counsel for Petitioner Al Daini*

Dated: July 18, 2008

**CERTIFICATE OF SERVICE**

I, Jonathan M. Fee, hereby certify that I today caused a true and accurate copy of the foregoing to be served electronically via the Court's Electronic Case Filing system.

/s/Jonathan M. Fee  
Jonathan M. Fee

Dated: July 18, 2008