

**IN THE 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-0520 (RMU)

STATUS REPORT

Petitioners respectfully submit this status report in response to the Court's Order, dated July 11, 2008, directing counsel for petitioners and the government to file status reports on pending issues relating to petitioners currently detained at the United States Naval Station in Guantánamo Bay, Cuba. This status report is filed on behalf of petitioners in *Al Oshan v. Bush*, 05-CV-520 (RMU).

The habeas petition in this action was filed on March 14, 2005, on behalf of six citizens of Saudi Arabia. Five of the petitioners, Saleh Al-Oshan, Zaben Al Shammari, Abdullah Al Otaibi, Fahd Nasser Mohamed and Musa Al Wahab, were transferred back to Saudi Arabia between July 2005 and December 2007. Judge Urbina has not dismissed their claims and these petitioners reserve the right to continue to pursue their habeas cases.

The sixth petitioner, Abdul Rahman Shalabi, has been imprisoned at Guantánamo since January 2002. Only the above-captioned case has been filed on Shalabi's behalf. No petition has been filed under the Detainee Treatment Act of 2005, 119 Stat. 2739, nor has Shalabi been charged with any crimes before the military commissions.

A factual return was provided for Shalabi on May 23, 2005. According to the factual return, Shalabi was designated an enemy combatant by the Combatant Status Review Tribunal that heard his case. The factual return provided in May 2005, however, is incomplete and missing important substantive information about Shalabi and the evidence against him. Nor has the factual return been supplemented to include the record of further proceedings such as Administrative Review Board records. The complete classified and unredacted factual returns and the classified records of the Administrative Review Board will be necessary in pursuing the case.

Petitioners made a previous motion seeking complete and unredacted factual returns. That motion was denied without prejudice in light of the stay in place. Memorandum Order, dated July 21, 2005 (dkt #50). Petitioners intend to file a renewed motion for discovery shortly.

Counsel for petitioners have also sought discovery of petitioners' medical records, and records related to petitioners' meal schedules, and hospitalization after counsel learned that Shalabi, among many others at Guantánamo, began a hunger strike in 2005. This discovery request was also denied without prejudice in light of the stay. Memorandum Order, dated October 5, 2005 (dkt #59). Shalabi has remained on a hunger strike since 2005 and continues to be force-fed each day of the strike.

There is a 30-day notice order in Shalabi's case. The government appealed this order and the appeal (filed in case number 05-5237) was consolidated with a number of other cases in *Abdah v. Bush*, 05-5224. The Court of Appeals dismissed motions in the consolidated appeal as moot where the petitioners had been transferred, but held the remaining cases, including *Al Oshan*, in abeyance.

There is only one pending motion in the district court in this action. On June 16, 2008, immediately following the Supreme Court's decision in *Boumediene v. Bush*, petitioners filed a motion to lift the stay and schedule a status conference. The government opposed the motion on June 23, 2008. Before a ruling on the motion was made, Judge Urbina transferred the case to Judge Hogan for coordination on July 3, 2008.

Dated: New York, New York
July 18, 2008

Respectfully submitted,

**PAUL, WEISS, RIFKIND, WHARTON
& GARRISON LLP**

By: /s/ Julia Tarver Mason
Martin Flumenbaum
Julia Tarver Mason
jmason@paulweiss.com
1285 Avenue of the Americas
New York, New York 10019-6064
(212) 373-3000

Counsel for Petitioners