

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

IN RE:

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) **Misc. No. 08-442 (TFH)**

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**GUANTÁNAMO BAY
DETAINEE LITIGATION**

) **Civ. Action No. 05-CV-1487 (RMC)**

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PETITIONER JAWAD JABBAR SADKHAN AL-SAHLANI'S STATUS REPORT

1. Petitioner Jawad Jabbar Sadkhan Al-Sahlani (hereafter "Jawad") has been imprisoned at Guantanamo Bay for over six years. He remains there today. Jawad is a Shiite Muslim from Iraq and is now approximately 41 years old. He is married and the father of four children, approximately ages 11, 9, 8, and 6.

2. Jawad has not been charged with any crime. He was found to be an enemy combatant by a Combatant Status Review Tribunal ("CSRT") based on allegations that he was associated with and had leadership roles in the Taliban. Jawad has consistently denied these allegations. The CSRT rejected his requests that witnesses be called and documents be produced. The Government has not alleged that Jawad was a member of or associated with al-Qaeda or that he engaged in any hostilities against the United States or its allies.

3. Acting *pro se*, on July 28, 2005 -- almost three years ago -- Jawad filed a Petition for Writ of Habeas Corpus. Acting through pro bono counsel, Petitioner filed an Amended Petition for Writ of Habeas Corpus ("Amended Petition") on October 17, 2005.

4. The Respondents filed their Answer to the Amended Petition, which contained the unclassified Factual Return, on January 3, 2006. The classified Factual Return was submitted to counsel at the Secure Facility established for habeas counsel.

5. On January 8, 2008, this Court entered an Order staying this litigation pending the Supreme Court's ruling in *Boumediene*. The Supreme Court issued its decision on June 12, 2008 and held that Guantánamo prisoners have a constitutional right to seek habeas corpus, and that the District Court should hold prompt hearings.

6. On June 16, 2008, Jawad filed an Emergency Motion to Vacate the Stay, Set Dates for a Scheduling Conference and Evidentiary Hearing, and for Other Relief. (*See* Docket Entry No. 64.)

7. In the Emergency Motion, Jawad requested that the Court schedule an evidentiary hearing within 45 days and require that (a) Respondents produce evidence justifying Jawad's continued imprisonment; (b) Jawad's lawyers be permitted to cross examine Respondents' witnesses, examine any documentary evidence offered or used by Respondents during the hearing, and contest the admissibility and reliability of Respondents' evidence; and (c) Jawad be entitled to introduce evidence on his own behalf.

8. In the Emergency Motion, Jawad also requested that Respondents provide information in their possession relating to Petitioner and that Respondents provide two categories of specific exculpatory evidence known to be in the Respondent's possession.

9. On June 23, 2008, Respondents' filed a Response to Petitioner's Motions to Lift Stay. (*See* Docket Entry No. 65.)

10. On June 25, 2008, Jawad filed a Reply in Support of Petitioner's Emergency Motion to Lift the Stay, Set Dates for a Scheduling Conference and Evidentiary Hearing, and for other Relief. (*See* Docket Entry No. 66.) Petitioner's Emergency Motion was therefore fully briefed on June 25, 2008 and remains pending before this Court.

11. On July 9, 2008 Jawad filed a Response to Issues Raised at July 8, 2008 Hearing. This Response identified issues of concern regarding access to Jawad by his attorneys, specifically, (a) delay in delivery of correspondence, (b) delay in delivery of attorney notes and declarations signed by clients, and (c) lack of access to Jawad's medical records despite a statement signed by Jawad authorizing release of these records. This Response is attached as Exhibit A. We ask that Your Honor or Magistrate Judge Kay please address these issues.

12. On July 14, 2008, pursuant to this Court's order entered on July 10, 2008, Jawad requested by e-mail that the Government provide 30 days advance notice to the Court, Petitioner, and Petitioner's counsel of any intended removal of Petitioner from Guantanamo Bay, Cuba. On July 15, 2008 Jawad filed a Notice of Petitioners' Request for 30-Days Notice of Transfer notifying the Court of his request. (*See* Case No. 08-442, Docket Entry No. 63.)

13. Jawad also has a Petition under the Detainee Treatment Act of 2005 ("DTA") pending in the Court of Appeals for the District of Columbia, Case No. 07-1149. On June 21, 2007, Jawad filed a classified Motion for Production and Protective Order requesting two specific categories of exculpatory evidence known to be in the Government's possession and now sought in this habeas corpus action. This motion has been fully briefed in the Court of Appeals since July 9, 2007, and the Government continues to refuse to produce clearly exculpatory evidence. The Government asked that Jawad's DTA action be stayed. Jawad opposed this request, noting that the Supreme Court has held that "both the DTA and the CSRT process remain intact." *Boumediene v. Bush*, 533 U.S. ___, slip op. at 66 (June 12, 2008).

14. As set forth in the Emergency Motion, we request that this Court schedule Jawad's habeas corpus hearing and that it be held as expeditiously as possible.

WHEREFORE, Petitioner respectfully requests that (a) this Court schedule an expeditious habeas corpus hearing, (b) this Court order that Respondents provide evidence in their possession relating to Petitioner, particularly two specific categories of exculpatory evidence known to be in Respondents' possession, and (c) Your Honor or Magistrate Judge Kay address issues of access to Petitioner by Petitioner's counsel.

Dated: July 18, 2008

Respectfully submitted,

/s/ Jeffrey D. Colman
JENNER & BLOCK LLP
Jeffrey D. Colman
Sapna G. Lalimalani
Sarah E. Crane
330 N. Wabash Avenue
Chicago, Illinois 60611
T: (312) 222-9350
F: (312) 527-0484

LAW OFFICES OF
WILLIAM A. WERTHEIMER, JR.
William A. Wertheimer, Jr.
30515 Timberbrook Lane
Bingham Farms, Michigan 48025
T: (248) 644-9200
F: (248) 593-5128

Of Counsel:
CENTER FOR CONSTITUTIONAL RIGHTS
Shayana Kadidal
666 Broadway, 7th Floor
New York, New York 10012
Tel: (212) 614-6438
Fax: (212) 614-6499

(Attorneys for Petitioner)

CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2008, I caused the foregoing PETITIONER JAWAD JABBAR SADKHAN AL-SAHLANI'S STATUS REPORT to be filed and served electronically to the following counsel of record in the above-captioned matter via the CM/ECF system.

Judry Laeb Subar
U.S. Department of Justice
20 Massachusetts Avenue, NW
Suite 7342
Washington, DC 20044-0833
T: (202) 514-3969

Andrew I. Warden
U.S. Department of Justice
Civil Division
20 Massachusetts Avenue, NW
Washington, DC 20530
T: (202) 616-5084

Terry Marcus Henry
U.S. Department of Justice
Civil Division
20 Massachusetts Avenue, NW
Suite 7144
Washington, DC 20044
T: (202) 514-4107

Nicholas Andrew Oldham
U.S. Department of Justice
Civil Division
20 Massachusetts Avenue, NW
Washington, D.C. 20530
T: (202) 514-3367

/s/ Jeffrey D. Colman
Jeffrey D. Colman