

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:

GUANTÁNAMO BAY
DETAINEE LITIGATION

ABU ABDUL RAOUF ZALITA, *et al.*,

Petitioners,

v.

GEORGE W. BUSH *et al.*,

Respondents.

Misc. No. 08-442 (TFH)

Civil Action No. 05-1220 (RMU)

PETITIONER'S STATUS REPORT

Petitioner Abu Abdul Raouf Zalita, a.k.a., Abdul Ra'ouf Ammar Mohammad Abu Al Qassim, by and through his undersigned counsel, respectfully submits this report pursuant to the Court's July 11, 2008 Scheduling Order:

1. Petitioner is a citizen of Libya who remains detained at Guantánamo Bay Naval Station, Guantánamo Bay, Cuba, despite having been cleared for transfer out of Guantanamo at least since December 2006.
2. Petitioner fled persecution in Libya in 1990. He lived peacefully in Afghanistan and Pakistan, receiving charity because his mental health issues prevented him from working. He was residing peacefully with his wife and infant daughter in

Pakistan when he was seized from his home, sold for bounty and transferred to Guantanamo. Petitioner cannot safely return to Libya because he is more likely than not to face persecution, torture or extrajudicial execution.

3. Petitioner has challenged the authority of the Executive to transfer him to the custody of the Libyan government in violation of law. The government first noticed its intent to transfer Petitioner to Libyan custody on December 8, 2006. On April 19, 2007, the district court denied Petitioner's motion for preliminary injunctive relief against his transfer to Libya and, on April 25, 2007, the Court of Appeals affirmed the denial on the grounds that the court lacked jurisdiction. On June 23, 2008, the Supreme Court granted Petitioner's writ of certiorari, reversed the judgment of the Court of Appeals, and remanded the case for further proceedings in light of *Boumediene v. Bush*, 53 U.S. ____ (2008). Petitioner has requested that the Court of Appeals remand the case to the district court for resolution in the first instance.
4. Petitioner exhausted two prior notice of transfer orders during the government's earlier attempt to transfer him to the custody of Libyan authorities. He remains vulnerable to transfer-to-torture without notice.
5. On January 15, 2008, Petitioner filed a Motion for Hearing for Inquiry Concerning Destruction of Evidence Related to CIA Detainee Interrogations (dkt. no. 82) that is fully briefed and pending.
6. Respondents have refused to negotiate with Petitioner concerning the selection of a safe third country for his resettlement.
7. The Amended Protective Order has been entered in this case.

8. The government has designated him as interment serial number 709.
9. The government has filed a Factual Return in response to this habeas petition and, because Petitioner is approved for transfer out of Guantanamo, no Amended Factual return is justified or necessary.
10. Accordingly, Petitioner respectfully requests that this Court either (a) schedule a status conference the week of July 21, 2008 or August 4, 2008¹ to discuss Petitioner's transfer to a safe third country willing to accept him or (b) transfer this case back to Judge Urbina for resolution of Petitioner's safe transfer out of Guantanamo. Petitioner also hereby requests a new 30-day notice order and requests that this case be transferred back to Judge Urbina for purposes of resolving Petitioner's pending Motion for an Inquiry into the Destruction of Evidence and the anticipated remand by the Court of Appeals of his motion for an injunction against his transfer to Libya.

Dated: New York, New York
July 18, 2008

Respectfully submitted,

Counsel for Petitioner:

/s/ Gitanjali S. Gutierrez
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¹ Petitioner's Counsel will be in Guantanamo for client meetings the week of July 28, 2008.