

**PREVIOUSLY FILED WITH THE CSO
AND CLEARED FOR PUBLIC FILING**

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

IN RE:

**GUANTANAMO BAY DETAINEE
LITIGATION**

Misc. No. 08-442 (TFH)

**Civil Action No. 05-492 (JR)
No. 05-1607 (RMU)**

July 18, 2008 Status Report

Ahmed Abdul Aziz, Civ. No. 05-0492 (JR) (D.D.C.)

Mr. Ahmed Abdul Aziz was brought to Guantanamo in 2002 and remains detained there today. He, along with his pregnant wife, was picked up by Pakistani authorities in Karachi, Pakistan. He believes he was turned over in exchange for a bounty, and recalls hearing money counted out as he was turned over to the Americans at an airport in Pakistan. His wife was released from custody.

Mr. Aziz, by and through his wife Sabiha Awad Hadrami, filed a petition for habeas corpus on March 10, 2005. A protective order has been entered. April 22, 2005 Order, Dkt. 17 (D.D.C.). The case was stayed on April 20, 2005. Order, Dkt. 16.¹ The stay order incorporated a stay on “all proceedings” including petitioners’ “release, repatriation or rendition.” Order at 1, Dkt. 16.² Pursuant to this Court’s order of July 11, 2008 (Dkt. 74-2),

¹ Judge Robertson *sua sponte* dismissed this case after the District of Columbia Circuit’s decision in *Boumediene v. Bush*, 476 F.3d 981 (D.C. Cir. 2007), *overruled by* 128 S. Ct. 2229 (2008). Petitioner appealed and on July 9, 2008, the D.C. Circuit granted Petitioner’s motion to vacate the dismissal in light of *Boumediene v. Bush*, 128 S. Ct. 2229 (2008), and remanded his case to the District Court. *Aziz v. Bush*, No. 08-5080, slip op. (D.C. Cir. July 9, 2008).

^{2/} The United States has appealed the portion of the stay order that relates to the petitioners’ release, repatriation or rendition. Notice of Appeal, No. 05-492 (JR), Dkt. 18 (D.D.C. June 9, 2005); Appeal Docketed, No. 05-5242 (D.C. Cir. June 16, 2005); Order to Consolidate and Hold in Abeyance, No. 05-5242 (D.C. Cir. June 14, 2006). That appeal is still pending before the D.C. Circuit.

petitioner requested a 30-day notice of transfer from the Government. Notice of Petitioners' Request for 30-Day Notice of Transfer, No.08mc442 (TFH), Dkt. 63 (D.D.C. July 15, 2008).

No factual return was filed by the Government in response to Mr. Aziz's habeas petition. Counsel located the unclassified summary of Mr. Aziz' Combatant Status Review Tribunal ("CSRT") on the internet, on a Department of Defense website.

On June 8, 2007, Mr. Aziz also filed a petition pursuant to the Detainee Treatment Act ("DTA"), Detainee Treatment Act, Pub. L. No. 109-148, 119 Stat. 2680 (2005). After months of delay, the United States provided counsel with the both the unclassified and classified portions of the CSRT record in his DTA action.

Counsel believe that the information in the CSRT record produced by Respondents does not justify petitioner's detention and counsel are assessing whether to move for summary judgment. This assessment is continuing and necessarily contingent on whether the government will seek and be permitted by the Court to produce additional factual information by amended return and the nature of any such additional information.

Counsel respectfully request that Petitioner be permitted to use the CSRT record provided in his DTA action in this, his habeas action, and that the stay entered in his case be lifted.

Ahmed Ghulam Rabbani, Civ. No. 05-1607 (RMU) (D.D.C.)
Abdul Raheem Ghulam Rabbani, Civ. No. 05-1607 (RMU) (D.D.C.)

The Rabbani brothers were brought to Guantanamo in 2004, after being arrested in Karachi, Pakistan and detained at a facility known as the "Dark Prison" and at the Bagram air force base in Afghanistan. They remain at Guantanamo today.

The Rabbani brothers filed a joint petition for habeas corpus on August 11, 2005. A protective order was entered in the case on October 11, 2005. Dkt. 9. A request for 30-day notice of transfer was granted and entered on June 16, 2006. Dkt. 19.³

The District Court granted Petitioners' request for their factual returns on June 16, 2006. Dkt. 19. The United States provided counsel for Petitioners both the unclassified CSRT record and a heavily redacted copy of the classified record. A stay was entered, at Respondents' request, in October 2007. Dkt. 51.

Both petitioners require discovery before their cases can proceed. Counsel anticipates that the necessary discovery will include discovery from detainees currently at Guantanamo and discovery regarding the conditions and treatment received by Petitioners and others at the various facilities in which Petitioners and other potential witnesses were held prior to their transfer to Guantanamo Bay in order to test the reliability of the statements obtained from that treatment. In addition, counsel believe the extensive redactions to the CSRT record are improper and interfere with their ability to represent their clients.

Petitioners respectfully request that the stay entered in their case be lifted.

^{3/} The United States filed an appeal of the 30-day notice orders. Notice of Appeal, No 05-1607 (RMU), Dkt. 27 (D.D.C. Aug. 14, 2006), Appeal Docketed, No. 06-5235 (D.C. Cir. Aug. 18, 2006), and consolidated with *Al Gingo v. Bush*, No. 06-5197. The appeal is pending before the D.C. Circuit.

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Dated: July 18, 2008

Respectfully submitted,

Counsel for Petitioner:



Agnieszka Fryszman (DC 459208)

Avi S. Garbow (DC 445399)

Matthew K. Handley (DC 489946)

Matthew B. Kaplan (DC 484760)

Cohen, Milstein, Hausfeld & Toll, P.L.L.C.

1100 New York Ave, N.W., Suite 500

Washington, DC 20005

Tel: (202) 408-4600

Fax: (202) 408-4699

John Holland (CO 5246)

Anna Cayton-Holland (CO 35811)

Law Offices of John Holland

1437 High St.

Denver, CO 80218

Clive A. Stafford Smith (LA 14444)

Reprive

636 Baronne Street

New Orleans, LA 70113

Zachary Katznelson

Reprive

P.O. Box 52742

London EC4P 4WS

England

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of July I caused the original and 4 copies of the **JULY 18, 2008 STATUS REPORT** to be filed with the Court Security Officer at the Department of Justice. The Court Security Officer will serve copies on counsel below:

Robert M. Loeb
Civil Division, Room 7212
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530



Linda Aono