

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:)
)
GUANTANAMO BAY) Misc. No. 08-442 (TFH)
DETAINEE LITIGATION)
)
HANI SALEH RASHID ABDULLAH, *et al.*,)
)
Petitioners,)
)
v.) No. 05-0023 (RWR)
)
GEORGE W. BUSH, *et al.*,)
)
Respondents.)

STATUS REPORT FOR HANI SALEH RASHID ABDULLAH

Hani Saleh Rashid Abdullah is from Aden, Yemen. He was arrested on September 11, 2002 in Karachi, Pakistan, in a raid on an alleged Al Qaida safehouse, by Pakistani authorities. (Abdullah had been in Karachi about a month, having spent much of the past year trying to get home to escape the fighting in Afghanistan.) He was shortly turned over to the U.S. Central Intelligence Agency, and taken to the "prison of darkness" -- a former Soviet facility near Kabul, Afghanistan. There, he was tortured and interrogated, and allegedly made inculpatory statements. He was released into Department of Defense custody after a little more than a month: he United States does not contend that Abdullah has engaged in or has

knowledge of any terrorist act, that he engaged in hostilities, nor that he was a significant member of Al Qaida.¹ It holds him based on (a) his presence in the alleged safehouse on the day of his arrest and (b) inculpatory statements coerced from Abdullah and perhaps others.

Whatever his interest in the Afghan civil war might have been in early 2001, if any, Abdullah now wishes to return home to live a normal life in Aden. Counsel has visited his family home in Aden: they have a room for him, and are eager to help him reintegrate into Yemeni society.

The petition was filed in January 2005. The government provided a return, consisting mostly of the classified CSRT record, in the spring of 2005. Prior to the filing of a traverse, Abdullah seeks discovery of documents and other evidence concerning his interrogation,² and that pertaining to other prisoners who have given statements about him, for the purpose of excluding evidence obtained under torture/coercion. Counsel will also seek leave to interview witnesses in US custody, including the witness Abdullah called for his CSRT. When this is complete -- and the

¹ In contrast, persons that the government believed to have been significant members of Al Qaida, including at least one individual arrested in the same raids, were held by the CIA for interrogation for another four years, until the Supreme Court ruled in *Hamdan v. Rumsfeld* that Al Qaida suspects had rights under the Geneva Conventions.

² Abdullah has a pending motion to allow his counsel access to an affidavit recently filed in his case. The affidavit concerns the investigation into whether evidence pertaining to Abdullah was destroyed, contrary to an order entered in this case in 2005.

timing depends largely on how forthcoming the government is -- Abdullah will be ready for a prompt habeas hearing.

Abdullah has a pending action under the Detainee Treatment Act, in which he has raised the violation by the government of a treaty of amity between the United States and Yemen. He has requested that the Court of Appeals address that issue -- the government instead wishes this Court to adjudicate the matter. Counsel will inform the Court when the Court of Appeals decides whether it will maintain the DTA action for this purpose.

Respectfully submitted,

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