

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

**IN RE:** ) **Misc. No. 08-442 (TFH)**  
 )  
**GUANTÁNAMO BAY DETAINEE** ) **Civil Action Nos. 05-2386 (RBW)**  
**LITIGATION** ) **04 -1194 (HHK) 06-1766 (HHK)**  
 )

**NOTICE REGARDING AN ISSUE RAISED IN  
THE COURT'S JULY 8 SCHEDULING CONFERENCE**

Pursuant to the Court's direction, counsel for petitioners Walid Ibrahim Mustafa Abu Hijazi (a petitioner in Civil Action No. 05-2386 (RBW)), Alkhadr Al Yafie (a petitioner in Civil Action No. 05-2386 (RBW)), Ali Yahya Mahdi, ISN 167 (a petitioner in Civil Action No. 04-1194 (HHK)), and Fadhel Hussein Saleh Hentif, ISN 259 (a petitioner in Civil Action No. 06-1766 (HHK)) hereby submit on behalf of their respective clients this Notice regarding an issue that the Court inquired about at the scheduling conference held on July 8, 2008:

**CERTAIN DETAINEES CLEARED FOR  
RELEASE SEEK REPATRIATION, NOT ASYLUM**

1. The undersigned counsel represent four petitioners who have been "approved to leave Guantánamo" by the Government, but are nevertheless still incarcerated at Guantánamo Bay Naval Station.

2. Petitioner Walid Ibrahim Mustafa Abu Hijazi, a/k/a/ Mohammed Al Palestini, ISN 049 is from Palestine, where his elderly parents and older siblings still reside. Mr. Abu Hijazi has been incarcerated in Guantánamo since January 2002, and his counsel were notified on February 7, 2008 that he had been cleared for release from Guantánamo. Mr. Abu Hijazi seeks to return to his family in Palestine, and does not seek asylum in a different country.

3. Petitioner Alkhadr Al Yafie, ISN 034 is from Yemen, where he resided for years, where his brother Omar and other family members still live, and where his mother recently died

(passing away while her son was imprisoned in Guantánamo). Mr. Al Yafie has been incarcerated in Guantánamo since early 2002, and his counsel were notified in early 2008 that he had been cleared for release from Guantánamo. Mr. Al Yafie seeks to return to his family in Yemen, and does not seek asylum in a different country.

4. Petitioner Ali Yahya Mahdi, ISN 167 is from Yemen, where he resided for years and where his family still exists. Mr. Mahdi has been incarcerated in Guantánamo since early 2002, and his counsel were notified in 2005 that he had been cleared for release from Guantánamo. Mr. Mahdi seeks to return to his family in Yemen, and does not seek asylum in a different country.

5. Fadhel Hussein Saleh Hentif, ISN 259 is a lifelong citizen and resident of Yemen. He has a close-knit family there whom counsel has met and spent several days with in Yemen. Mr. Hentif wishes to return to Yemen and Yemen wishes to receive him and other Yemenis detained in Guantánamo. Mr. Hentif was captured in Pakistan and brought to Guantánamo in late 2001. He was informed he has been cleared for release in 2007.

6. During the Court's July 8 conference to discuss and schedule anticipated proceedings in these cases, the Court asked whether the sole issue remaining for the group of detainees who have been cleared for release, but remain imprisoned at Guantánamo, is to locate countries in which those detainees could be granted asylum.

7. As explained above, the aforementioned petitioners, who have all been approved for release from Guantánamo, *do not seek asylum*. Rather, these petitioners seek *expeditious repatriation* to their home countries. The government has thus far refused to discuss the status of these petitioners' release with their respective undersigned counsel.

8. The aforementioned petitioners' desire for repatriation notwithstanding, undersigned counsel understand from counsel for other petitioners that certain other petitioners cleared for release do fear repatriation and are seeking asylum in a country other than the country of their citizenship.

9. Undersigned counsel submit this Notice to the Court so that the Court is fully informed in its efforts to manage these cases.

Dated: July 9, 2008

Respectfully submitted,

**WALID IBRAHIM MUSTAFA ABU HIJAZI,  
ALKHADR AL YAFIE,  
ALI YAHYA MAHDI, and  
FADHEL HUSSEIN SALEH HENTIF**  
*Petitioners*

*/s/ Brian C. Lewis*

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*Each Pursuant to LCvR 83.2(g)*

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*Pursuant to LCvR 83.2 (g)*

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**CERTIFICATE OF SERVICE**

The undersigned states that on July 9, 2008, I electronically filed the foregoing **NOTICE REGARDING AN ISSUE RAISED IN THE COURT'S JULY 8 SCHEDULING CONFERENCE** with the Clerk of the Court using the ECF system, which will send notification of such filings to all counsel of record.<sup>1</sup>

/s/ Brian C. Lewis

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<sup>1</sup> Counsel has submitted this filing directly through the Court's ECF system without first having it cleared by the Court Security Office, as counsel would normally have done under the Protective Order governing these cases. Counsel has done so only after confirming by telephone with Judge Hogan's law clerk that this is what was contemplated by the Court's request during the July 8 conference that written submissions be filed one day after the conference. No classified is contained in this filing.