

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

IN RE:

**GUANTANAMO BAY
DETAINEE LITIGATION**

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

)
) Civil Action No. 08-1230
)

STATUS REPORT BY PETITIONER KHALID SAAD MOHAMMAD

Pursuant to Judge Hogan's Order entered August 15, 2008 (Docket Entry 9), undersigned counsel for petitioner states that the status of the case is as follows:

1. This case began with a "Petition for Writ of Habeas Corpus" filed on July 17, 2008, by Sami Al Hajj on behalf of petitioner Khalid Saad Mohammad. The petition states that Mr. Mohammad is from Saudi Arabia and has been held at Guantanamo Bay, Cuba, for four to five years without access to legal counsel. Mr. Mohammad has been assigned Internment Serial Number (ISN) 335.
2. This Court appointed the Office of the Federal Public Defender, Northern District of Ohio, to represent Mr. Mohammad on August 8, 2008.
3. To date counsel have had no contact with Mr. Mohammad. Likewise, counsel have not yet had any contact with Sami Al Hajj (who filed the petition on behalf of Mr. Mohammad) to determine his relationship with Mr. Qattaa.

4. Undersigned counsel obtained ECF registration August 21, 2008, and promptly entered a notice of appearance. Mr. Bryan and Mr. Warner are engaged in the process of obtaining the necessary security clearance to be permitted to visit Mr. Mohammad in Guantanamo Bay. One or more of the undersigned counsel intend to travel to Guantanamo Bay, Cuba, to visit with Mr. Mohammad as soon as possible, and will pursue an express authorization of the petition in compliance with this Court's order of July 29, 2008 (Docket Entry 210 in Case No. 08-mc-442). In the event counsel, for reasons beyond their control, are unable to obtain the necessary security clearance and travel to Guantanamo Bay before the deadline imposed by that order, counsel will seek leave of Court for additional time to pursue an authorization.
5. Through a Department of Defense website, counsel have obtained the following documents appearing to pertain to Mr. Mohammad:
 - (a) a Combat Status Review Board Tribunal memorandum dated October 8, 2004, which contains five sentences of allegations regarding Mr. Mohammad's alleged "association" with Al Qaida;
 - (b) a DOD memorandum dated May 10, 2005, containing an unclassified summary of evidence for Administrative Review Board (ARB) regarding Mr. Mohammad;
 - (c) a summary of ARB proceedings for ISN 335 (the ISN associated with Mr. Mohammad);
 - (d) a heavily redacted DOD "Action Memo" dated July 14, 2005, containing the AR "assessment and recommendation" for ISN 335. All substantive

information is redacted, save the recommendation “That the DCO approve the ARB recommendation”; and

- (e) a heavily redacted document titled “(U) Classified Record of Proceedings and Basis for Administrative Review Board Decision for ISN 335.” This Record concludes that “The EC [enemy combatant] is a [REDACTED] threat to the United States and its allies.” Notably, the Record also states that “There was one dissenting member in the decision”

This is the extent of the information undersigned counsel have obtained to date regarding Mr. Mohammad.

- 6. Counsel will confer with the relevant attorneys from the Department of Justice representing Respondents in this case about access to discovery and other case-related issues.

August 21, 2008

Respectfully submitted,

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