

**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. 06-cv-1683 (RWR)

PETITIONER MOHAMMED MOSA YAAKOوبي'S STATUS REPORT

The above-captioned case for Petitioner Mohammed Mosa Yaakoobi¹ (“Petitioner Yaakoobi” or “Petitioner”) is assigned to Judge Roberts. On July 7, 2008, Judge Roberts signed an order transferring Petitioner’s case to Judge Hogan for coordination and management. In response to Judge Hogan’s July 3, 2008 order that each party in each case file one concise status report, Petitioner submits this Status Report.²

1. Petitioner is an illiterate and disabled Afghani civilian who was incarcerated at Guantanamo Bay from late 2002 through at least August 10, 2007, and was wrongly classified as an “enemy combatant.”

2. The Petition for Writ of Habeas Corpus on his behalf was filed in this Court on September 29, 2006. The undersigned counsel entered the case on February 8, 2007, but on February 20, 2007, the Court of Appeals held that this Court lacked jurisdiction over the Petition. *Boumediene v. Bush*, 476 F.3d 981, 986-88, 994 (D.C. Cir. 2007), *rev'd*, 128 S.Ct. 2229 (2008). On April 20, 2007, a Notice of Intention to File a DTA Petition in the Circuit Court of Appeals was filed in this Court.

¹ Petitioner Yaakoobi is also known as Mohammed Musa Yaakoobi and Mohammed Yacoub.

² Judge Hogan’s Scheduling Order of July 11, which addressed status reports, did not include this Petition. Therefore, this Report is being filed today in response to the Order of July 3, 2008.

3. Except as set forth in ¶ 5 below, no factual return and no other information has ever been provided by the Government in connection with either this Petition or the DTA Petition.

4. On July 2, 2007, in lieu of dismissing the case following the decision of the Court of Appeals in *Boumediene*, Judge Roberts entered a Minute Order ordering Petitioner's case administratively closed pending disposition by the United States Supreme Court. The parties were directed to either move to reopen the case or move to dismiss within ten (10) days of the Supreme Court's disposition of *Boumediene*.

5. On February 22, 2007, the undersigned counsel were informed that Petitioner had been cleared for release but that his classification as an "enemy combatant" was unchanged. On August 10, 2007, the undersigned counsel received notice that he was being transferred from Guantanamo Bay to the control of the Government of Afghanistan. No further information was provided. As of this writing, attempts by the undersigned counsel to contact him or his family have been unsuccessful.

6. Specifically, we have been unable to learn whether he was released to his family and freedom, or whether he has been incarcerated in Afghanistan as a result of the wrongful classification as an "enemy combatant." On information and belief, until at least February 2008, and perhaps to the present, he has been held in Pul-i-Charki Prison (a prison constructed in Afghanistan, with funds supplied in whole or in part by the United States). This belief is based on the inclusion of the name "Mohammed Yacoub" on a list of former Guantanamo detainees being held there as of February 2008.

7. On July 1, 2008, a Motion for Extension of Time was filed, seeking ninety (90) additional days in which to determine whether or not to file a Motion to Reopen. We asked for

this extension to give us time to attempt to contact Petitioner and his brother and Next Friend, Abdul Majid, in Afghanistan, to obtain instructions.

8. We are also currently awaiting security clearances from the United States Department of Justice. We first requested applications for security clearances on September 10, 2007. The applications were filed on December 5, 2007, but counsel have not yet received a determination regarding security clearance.

9. Unless the undersigned counsel are successful in locating and communicating with Petitioner or his Next Friend, and are instructed by them not to proceed, we will move to reopen and proceed to seek a factual return, including all information that formed the basis for the “enemy combatant” classification, as well as all information in the possession, custody or control of the Government regarding the current whereabouts of the Petitioner, including without limitation, whether he has been, and continues to be, subjected to ongoing incarceration and whether that incarceration is as a result of the wrongful “enemy combatant” designation.

/s/ Patricia A. Sullivan

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Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of July, 2008, a true copy of the foregoing document was served upon each attorney of record in C.A. No. 06-cv-1683 (RWR) listed below by electronic filing, via ECF, of this document with the United States District Court for the District of Columbia:

Judry L. Subar
Terry M. Henry

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Attorneys for Respondents

I hereby certify that on the 14th day of July, 2008, I electronically filed the foregoing document in Misc. No. 08-442 (TFH) with the Clerk of the Court using the ECF system, which will send notification of such filings to all counsel of record.

/s/ Patricia A. Sullivan
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