

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

	)	
	)	
<b>IN RE:</b>	)	
	)	<b>Misc. No. 08-442 (TFH)</b>
<b>GUANTANAMO BAY</b>	)	
<b>DETAINEE LITIGATION</b>	)	<b>Civil Action No. 05-CV-0748</b>

**STATUS REPORT**

Pursuant to the Court's July 11, 2008 Scheduling Order, Petitioners, Mohsen Abdrub Aboassy (ISN-91), Mohammed Saeed Bin Salman (ISN -251) and Sameer Najy Hasan Mukbel (ISN-43), respectfully submit this summary of the status of their case (Civil Action No. 05-CV-0748):

Petitioners have been imprisoned for years, without charge, trial, or hope of release by Respondents at the United States Naval Station at Guantanamo Bay, Cuba.

Despite having been approved to leave Guantanamo on February 22, 2007, Petitioner Mohammed Saeed Bin Salman (ISN-251) remains imprisoned at Guantanamo along with Mohsen Abdrub Aboassy (ISN-91) and Sameer Najy Hasan Mukbel (ISN-43).

According to the heavily redacted and incomplete "unclassified written version of the record of the three tribunal proceedings" for Petitioners, the chronology of those proceedings is as follows:

**Mohsen Abdrub Aboassy (ISN-91)**

CSRT proceedings reportedly conducted in October-November 2004.

**Mohammed Saeed Bin Salman (ISN-251)**

CSRT proceedings reportedly conducted in October-November 2004.

**Sameer Najy Hasan Mukbel (ISN-43)**

CSRT proceedings reportedly conducted in October-November 2004.

**Procedural History & Status**

Petitioners filed their Petition for Writ of Habeas Corpus on April 11, 2005 (Civil Action No. 05-CV-0748). On April 20, 2005, Respondents filed a Motion to Stay Proceedings Pending Related Appeals and Petitioners filed their opposition to that

Motion along with a Motion for Immediate Issuance of a Writ of Habeas Corpus, or alternatively, a Motion for Order to Show Cause on April 28, 2005. On the same date, Petitioners filed a Motion for 30-Days Advance Notice of Any Intended Removal of Petitioners from Guantanamo.

On January 27, 2006, Judge Rosemary M. Collyer issued an Order denying without prejudice all pending motions and staying the case until such time as the District of Columbia Circuit Court resolved the question of the district court's jurisdiction to adjudicate the case.

On April 19, 2006, Petitioners filed a Motion for Protective Order.

On July 7, 2006, Respondents filed a Motion for Procedures Related to the Review of Certain Detainee Materials.

On August 1, 2006, the Court entered a Minute Order granting the Motion for Protective Order directing that the Orders first entered in the In Re Guantanamo Bay Detainee Cases would apply. On August 9, 2006, Judge Collyer signed an Order transferring Respondents' Motion for Procedures to Judge James Robertson. Judge Robertson granted that Motion on September 15, 2006 and through an Amended Memorandum Order signed September 20, 2006.

On August 18, 2006, Petitioners filed a Motion to produce Factual Returns.

On October 18, 2006, Respondents filed a Notice of Filing Military Commission Act.

On April 19, 2007, Respondents filed a Motion to Dismiss. Petitioners filed their opposition to that Motion on May 3, 2007 along with a Motion to Stay and Abey This Action or, in the Alternative, a Motion to Transfer this case to the Court of Appeals. On May 30, 2007, Judge Collyer granted Respondents' Motion to Dismiss for lack of subject matter jurisdiction, denied Petitioners' Motion to Stay or Transfer and denied all other pending motions as moot. Judge Collyer's dismissal order was based on *Boumediene v. Bush*, 476 F.3d 981 (D.C. Cir. 2007); *Kiyemba v. Bush*, 05-5487, 2007 WL 964612 (D.C. Cir. Mar. 22, 2007); and *Zalita v. Bush*, No. 07-5129 (D.C. Cir. Apr. 25, 2007) (*per curiam*).

On June 8, 2007, Petitioners filed a Petition for Review with the United States Court of Appeals for the DC Circuit, 07-1196. Petitioners' docketing statement, certificate of counsel, statement of issues and deferred appendix notice were filed on August 3, 2007. On August 8, 2007, Respondents filed a Motion to Treat Petition for Review as Three Separate Petitions and to Dismiss Respondents Other Than the Secretary Of Defense. Petitioners filed their response to the Motion on August 16, 2007. Respondents' Initial Submissions were filed on August 9, 2007.

By letter dated August 14, 2007, the government provided Petitioners' counsel a copy of a redacted and incomplete "unclassified written version of the record of the three tribunal proceedings" conducted for the Petitioners, along with three CDs containing "unclassified audio of (those) proceedings". The record produced to counsel for Petitioners was heavily redacted as "protected information".

On September 27, 2007, Respondents filed a Motion to Stay Orders to File Certified Index of Record and on October 1, 2007 Respondents filed a Motion to Designate as "Protected Information" Unclassified Information in the Record on Review. On October 3, 2007, a Per Curiam Order was entered that the names and identifying information of government personnel and any sensitive law enforcement information be treated as protected pending resolution of Respondents' motion to designate as "protected information" unclassified information in the record on review. Respondents filed their Motion to Designate and Initial Submissions on October 26, 2007. On October 31, 2007, Petitioners filed a Motion for Entry of Protective Order. A Per Curiam Order granting the motion to proceed and entry of protective order was entered on November 16, 2007. On November 1, 2007, Petitioners filed a Notice to Join Response to Motion to Stay Orders to File Certified Index of Record.

On June 12, 2007, the United States Supreme Court issued its decision in the *Boumediene* case.

On June 18, 2008, Respondents filed a Motion to Hold Case in Abeyance or, in the alternative, to Dismiss Case Without Prejudice. Petitioners filed an Unopposed Motion to Extend the Time to File a Response to the Respondents' Motion on June 30, 2008.

On July 2, 2008, Judge Collyer entered an Order transferring Petitioners' habeas case (Civil Action No. 1:05-CV-0748) to Judge Hogan for coordination and management. By Order dated July 10, 2008, Judge Hogan directed the government to file a notice with the Court 30 days prior to any transfer of a petitioner from Guantanamo Bay, Cuba in any cases in which the petitioner requests such notice. Petitioners herein filed a Motion for 30-Days Advance Notice of Any Intended Removal of Petitioners from Guantanamo on April 28, 2005. Petitioners have also joined in the Notice of Petitioners' Request for 30-Days Notice of Transfer filed with this Court on July 15, 2008. Counsel for Petitioners forwarded an email to counsel for Respondents on July 17, 2008 confirming the government's obligation pursuant to the Order of July 10, 2008 to notify the Court and counsel 30 days in advance of any planned transfer of the Petitioners herein.

Petitioners seek to have Judge Collyer's May 30, 2007 Memorandum Opinion & Order dismissing their habeas action formally vacated in light of the Supreme Court's decision in *Boumediene*. On July 17, 2008, counsel for Petitioners forwarded a request to counsel for Respondents asking whether they would object to reinstatement of the Petitioners' habeas action. Petitioners also seek unredacted factual returns.

Respectfully submitted,

/s/ Joseph E. O'Neil

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*Counsel for Petitioners*

Dated: July 17, 2008

**CERTIFICATE OF SERVICE**

I, Joseph E. O'Neil, hereby certify that I today caused a true and accurate copy of the Petitioners' Status Report to be served electronically via the Court's Electronic Case Filing system, which will send notification of such filing to all counsel of record.

/s/ Joseph E. O'Neil  
Joseph E. O'Neil

Dated: July 17, 2008