

A. Fahmi Salem Saeed Al-Assani (ISN 554)

1. Mr. Al-Assani has been detained in U.S. custody at Guantanamo Bay, Cuba since early 2002.

2. Respondents filed Mr. Al-Assani's factual return, both public and classified, on August 1, 2005.

3. On April 28, 2005, Judge Kessler entered an order granting Petitioners' Motion for Disclosure 30 Days in Advance of any Intended Removal from Guantanamo. See Order, Docket No. 34. On June 9, 2005, Respondents filed a notice of appeal of that order. See Docket No. 36. Respondents' appeal is pending in the United States Circuit Court for the District of Columbia, No. 05-5235.

4. On February 7, 2008, Respondents notified counsel that Mr. Al-Assani (ISN 554) had been approved for release.

5. Mr. Al-Assani is not, nor has he ever been, the subject of criminal charges before a military commission.

6. On February 19, 2008, undersigned counsel filed a motion to compel Respondents to report on their compliance with the Court's preservation order of April 28, 2005. To date, that motion is still pending. See Docket Nos. 119, 120.

7. Despite the fact that he has been approved for release, Mr. Al-Assani submitted a traverse disputing the factual allegations contained in the Respondents' factual return on July 2, 2008. See Docket No. 134.

8. Undersigned counsel also filed a motion requesting a status conference on March 18, 2008. See Docket No. 124. On March 21, 2008, Judge Kessler granted Petitioners' motion and scheduled a status conference for Tuesday, July 8, 2008. On July 7, 2008, subsequent to the

Court's Order transferring for coordination and management these cases to this Court, Judge Kessler cancelled the status conference that had been previously scheduled.

B. Suleiman Awadh Bin Agil Al-Nahdi (ISN 511)

1. Mr. Al-Nahdi has been detained in U.S. custody at Guantanamo Bay, Cuba since early 2002.

2. Respondents filed Mr. Al-Nahdi's factual return, both public and classified, on August 1, 2005.

3. On April 28, 2005, Judge Kessler entered an order granting Petitioners' Motion for Disclosure 30 Days in Advance of any Intended Removal from Guantanamo. See Order, Docket No. 34. On June 9, 2005, Respondents filed a notice of appeal of that order. See Docket No. 36. Respondents' appeal is pending in the United States Circuit Court for the District of Columbia, No. 05-5235.

4. On February 7, 2008, Respondents notified counsel that Mr. Al-Nahdi (ISN 511) had been approved for release.

5. Mr. Al-Nahdi is not, nor has he ever been, the subject of criminal charges before a military commission.

6. On February 19, 2008, undersigned counsel filed a motion to compel Respondents to report on their compliance with the Court's preservation order of April 28, 2005. To date, that motion is still pending. See Docket Nos. 119, 120.

7. Despite the fact that he has been approved for release, Mr. Al-Nahdi submitted a traverse disputing the factual allegations contained in the Respondents' factual return on July 2, 2008. See Docket No. 135.

8. Undersigned counsel also filed a motion requesting a status conference on March 18, 2008. See Docket No. 124. On March 21, 2008, Judge Kessler granted Petitioners' motion and scheduled a status conference for Tuesday, July 8, 2008. On July 7, 2008, subsequent to the Court's Order transferring for coordination and management these cases to this Court, Judge Kessler cancelled the status conference that had been previously scheduled.

C. Mohammed Ahmad Saeed Al-Adahi (ISN 033)

1. Mr. Al-Adahi has been detained in U.S. custody at Guantanamo Bay, Cuba since early 2002.

2. Respondents filed Mr. Al-Adahi's factual return, both public and classified, on August 1, 2005.

3. On April 28, 2005, Judge Kessler entered an order granting Petitioners' Motion for Disclosure 30 Days in Advance of any Intended Removal from Guantanamo. See Order, Docket No. 34. On June 9, 2005, Respondents filed a notice of appeal of that order. See Docket No. 36. Respondents' appeal is pending in the United States Circuit Court for the District of Columbia, No. 05-5235.

4. To the best of counsel's information and belief, Mr. Al-Adahi has not been cleared for release.

5. Mr. Al-Adahi is not, nor has he ever been, the subject of criminal charges before a military commission.

6. On February 19, 2008, undersigned counsel filed a motion to compel Respondents to report on their compliance with the Court's preservation order of April 28, 2005. To date, that motion is still pending. See Docket Nos. 119, 120.

7. On July 3, 2008, Mr. Al-Adahi filed a traverse in support of his Petition for Writ of Habeas Corpus. The traverse challenges the allegations contained in the factual return submitted by Respondents to support the continued detention of Petitioner and seeks an evidentiary hearing.

8. Undersigned counsel also filed a motion requesting a status conference on March 18, 2008. See Docket No. 124. On March 21, 2008, Judge Kessler granted Petitioners' motion and scheduled a status conference for Tuesday, July 8, 2008. On July 7, 2008, subsequent to the Court's Order transferring for coordination and management these cases to this Court, Judge Kessler cancelled the status conference that had been previously scheduled.

D. Muhammad Ali Abdullah Bawazir (ISN 440)

1. Mr. Bawazir has been detained in U.S. custody at Guantanamo Bay, Cuba since 2002.

2. Respondents filed Mr. Bawazir's factual return, both public and classified, on August 1, 2005.

3. On April 28, 2005, Judge Kessler entered an order granting Petitioners' Motion for Disclosure 30 Days in Advance of any Intended Removal from Guantanamo. See Order, Docket No. 34. On June 9, 2005, Respondents filed a notice of appeal of that order. See Docket No. 36. Respondents' appeal is pending in the United States Circuit Court for the District of Columbia, No. 05-5235.

4. To the best of counsel's information and belief, Mr. Bawazir has not been cleared for release.

5. Mr. Bawazir is not, nor has he ever been, the subject of criminal charges before a military commission.

6. As noted in the status report filed with this Court on July 9, 2008, Mr. Bawazir has resorted twice to hunger strikes stating he would rather die than remain imprisoned at Guantánamo. Mr. Bawazir is alive today only because the Respondents have resorted to force feedings where they strap him in a restraint chair, force a tube through his nose into his stomach twice a day and, when they successfully broke him, kept him confined in the restraint chair in his own excrement. On October 26, 2005, Judge Kessler entered an order requiring the Government to provide notice to Mr. Bawazir's counsel within 24 hours of the commencement of any forced feeding of their client. See Order, Docket No. 62. Judge Kessler also ordered that for those Petitioners who are being force fed, the Government shall provide to Petitioners' counsel: a) medical records spanning the period beginning one week prior to the date forced feeding commenced; and b) provision of medical records shall continue, at a minimum, on a weekly basis until forced feeding concludes. Judge Kessler's order remains in effect.

7. On February 19, 2008, undersigned counsel filed a motion to compel Respondents to report on their compliance with the Court's preservation order of April 28, 2005. To date, that motion is still pending. See Docket Nos. 119, 120.

8. On July 3, 2008, Mr. Bawazir filed a traverse in support of his Petition for Writ of Habeas Corpus. The traverse challenges the allegations contained in the factual return submitted by Respondents to support the continued detention of Petitioner and seeks an evidentiary hearing.

9. Undersigned counsel also filed a motion requesting a status conference on March 18, 2008. See Docket No. 124. On March 21, 2008, Judge Kessler granted Petitioners' motion and scheduled a status conference for Tuesday, July 8, 2008. On July 7, 2008, subsequent to the

Court's Order transferring for coordination and management these cases to this Court, Judge Kessler cancelled the status conference that had been previously scheduled.

E. Zahir Omar Khamis Bin Hamdoon (ISN 576)

1. Mr. Hamdoon has been detained in U.S. custody at Guantanamo Bay, Cuba since 2002.

2. Respondents filed Mr. Hamdoon's factual return, both public and classified, on August 1, 2005.

3. On April 28, 2005, Judge Kessler entered an order granting Petitioners' Motion for Disclosure 30 Days in Advance of any Intended Removal from Guantanamo. See Order, Docket No. 34. On June 9, 2005, Respondents filed a notice of appeal of that order. See Docket No. 36. Respondents' appeal is pending in the United States Circuit Court for the District of Columbia, No. 05-5235.

4. To the best of counsel's information and belief, Mr. Hamdoon has not been cleared for release.

5. Mr. Hamdoon is not, nor has he ever been, the subject of criminal charges before a military commission.

6. On February 19, 2008, undersigned counsel filed a motion to compel Respondents to report on their compliance with the Court's preservation order of April 28, 2005. To date, that motion is still pending. See Docket Nos. 119, 120.

7. Undersigned counsel also filed a motion requesting a status conference on March 18, 2008. See Docket No. 124. On March 21, 2008, Judge Kessler granted Petitioners' motion and scheduled a status conference for Tuesday, July 8, 2008. On July 7, 2008, subsequent to the

Court's Order transferring for coordination and management these cases to this Court, Judge Kessler cancelled the status conference that had been previously scheduled.

II. *Mohammon v. Bush*, Case No. 1:05-2386

A. *Sharkawi Abda Ali Al-Haag* (ISN 1457)

1. Sharquawi Abdu Ali Al Hajj (a/k/a Sharkawi Abda Ali Al-Haag) was abducted by the CIA, acting in concert with agents of Pakistani intelligence, in Karachi in February 2002. Mr. Al-Haag was transported to Amman, Jordan where he was interrogated by the Jordanian secret police on behalf of the CIA. For nearly nine months, Mr. Al-Haag was subjected to falanga, the repeated beating of the soles of the feet. After two years in the Jordanian prison, on January 8, 2004, the CIA flew Mr. Al-Haag to Afghanistan. See, Stephen Grey, *Ghost Plane*, at 231 (2006). Six months later, on September 19, 2004, Mr. Al-Haag was delivered to Guantanamo Bay Naval Station and designated ISN 1457. While in the custody of the CIA and its foreign agents, Mr. Al Haag was subjected to torture, mistreatment and abuse.

2. Respondents have not filed either a classified or unclassified version of Mr. Al-Haag's factual return.

3. Mr. Al-Haag does not have an order in place requiring Respondent to provide counsel with thirty days' advance notice of transfer from the prison at Guantanamo Bay. On July 17, 2008, pursuant to the Court's July 11, 2008 Order, undersigned counsel emailed Respondents requesting the government file notice with the Court 30 days prior to any transfer of Mr. Al-Haag. Undersigned counsel memorialized that request with a notice filed with the Court on July 17, 2008.

4. To the best of counsel's information and belief, Mr. Al-Haag has not been cleared for release.

5. Mr. Al-Haag is not, nor has he ever been, the subject of criminal charges before a military commission.

6. On February 19, 2008, undersigned counsel filed a motion to compel Respondents to report on their compliance with the Court's preservation order of April 28, 2005. Petitioners, by and through undersigned counsel, moved to compel Respondents to file a report of whether audio or video recordings were made of the interrogations of Sharkawi Abda Ali Al-Haag during the period between February 2002 and September 19, 2004; confirming that any such recordings have not been destroyed and remain in the possession, custody or control of the Central Intelligence Agency or the Department of Justice; and detailing what they have done since Judge Kessler entered the preservation order in *Al-Adahi v. Bush*, Case No. 05-280 in April 2005, and what they are doing, to ensure compliance with the April 28, 2005 preservation order, and that they identify any evidence potentially subject to the preservation order that has been destroyed or otherwise spoiled.

The motion was filed after both the Washington Post and New York Times reported that six months after Judge Kessler's preservation order was entered, the Central Intelligence Agency destroyed at least two videotapes documenting the interrogation of two suspected Al Qaeda operatives in the agency's custody, Abu Zubaydah and Abd al-Rahim al-Nashiri. The Director of the CIA has admitted the destruction of these videotapes. The motion was filed with Judge Kessler in *Al-Adahi v. Bush*, Case No. 05-280 and, to date, is still pending.

B. Mustafa Abdul Qawi Abdul Aziz Al Shamiri (ISN 434)

1. Mr. Al Shamiri has been detained in U.S. custody at Guantanamo Bay, Cuba since 2002.

2. Respondents have not filed either a classified or unclassified version of Mr. Al Shamiri's factual return.

3. Mr. Al Shamiri does not have an order in place requiring Respondent to provide counsel with thirty days' advance notice of transfer from the prison at Guantanamo Bay.

4. To the best of counsel's information and belief, Mr. Al Shamiri has not been cleared for release.

5. Mr. Al Shamiri is not, nor has he ever been, the subject of criminal charges before a military commission.

6. There are no motions related to Mr. Al Shamiri pending before the court.

Respectfully submitted,

Counsel for Petitioners:

/s/ Richard G. Murphy, Jr.

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July 17, 2008
Washington, DC

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2008, I filed the foregoing electronically through the CM/ECF system, which caused the following counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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