

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

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SUHAIL ABDU ANAM, <i>et. al.</i> ,)	
)	
Petitioners,)	
)	
v.)	Civil Action 04-CV-1194 (HHK)
)	
GEORGE W. BUSH, <i>et. al.</i>,)	
)	
Respondents.)	
_____)	

**RESPONSE OF PETITIONER ALI HUSAYN AL TAYS
TO ORDER TO SHOW CAUSE**

On December 21, 2006 this Court issued an Order to Show Cause why the case of Petitioner Ali Husayn Al Tays should not be dismissed. Based on evidence that the United States Government has determined that Petitioner Al Tays does not pose a threat to the United States or its allies and in reliance on Respondent’s notification to this Court that Petitioner had been “released from United States custody,”¹ Petitioner Al Tays does not oppose the dismissal of his case before this Court.

Ali Husayn Al Tays was held virtually incommunicado for over four years in United States custody at the Guantanamo Bay detention facility (“Guantanamo”). He was never charged with an offense, nor notified of any pending or contemplated charges. He was never accused of planning or participating in any terrorist acts. He was never accused

¹ Respondents’ Notice of Transfer of Petitioner and Withdrawal of Request for Designation of Certain Information as Protected Information filed on December 20, 2006.

of fighting against United States forces. Following the United States Supreme Court's decision in Rasul v. Bush, 542 U.S. 466 (2004), Petitioner's brother Hadi Husayn Al Tays filed a next friend habeas petition in July 2004 on Petitioner's behalf alleging, *inter alia*, arbitrary and unlawful detention and violations of due process under the United States Constitution and international law. During his detention, an Administrative Review Board ("ARB") hearing was conducted to determine whether Ali Husayn Al Tays posed "a threat to the U.S. or its allies in the ongoing armed conflict against al Qaida and its affiliates and supporters."² Although Respondents do not officially release the results of such ARB hearings, the relevant Department of Defense news release announcing the transfer of detainees that included Petitioner indicated that he was "recommended for transfer or release by multiple review board processes conducted at Guantanamo Bay."³

The evidence, therefore, suggests that Petitioner Al Tays was transferred from Guantanamo on the basis of a determination by the United States Government that he does not pose a threat to the United States or its allies. Based on this evidence, and in reliance on Respondents' notification to this court on December 20, 2006 that Petitioner had been released from the custody of the United States, Petitioner Al Tays does not oppose dismissal of his case before this Court.

² Memorandum from Deputy Secretary of Defense, "Implementation of Administrative Review Procedures for Enemy Combatants Detained at U.S. Naval Base Guantanamo Bay, Cuba" at 2, September 14, 2004, available at <http://www.defenselink.mil/news/Sep2004/d20040914adminreview.pdf>.

³ United States Department of Defense News Release, "Detainee Transfer Announced," December 17, 2006, available at <http://www.defenselink.mil/Releases/Release.aspx?ReleaseID=10301>

Dated: January 22, 2005

Respectfully submitted,

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