

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

)	
)	Civil Action Nos.
)	02-CV-0299 (CKK), 02-CV-0828 (CKK)
<i>In re</i> Guantanamo Detainee Cases)	02-CV-1130 (CKK), 04-CV-1135 (ESH),
)	04-CV-1136 (JDB), 04-CV-1137 (RMC),
)	04-CV-1144 (RWR), 04-CV-1164 (RBW),
)	04-CV-1194 (HHK), 04-CV-1227 (RBW),
)	04-CV-1254 (HHK)
)	

**RESPONDENTS' STATUS REPORT ON THE SUBMISSION OF FIVE
FACTUAL RETURNS TO PETITIONS FOR WRIT OF HABEAS CORPUS**

Pursuant to the request of the Court made at the December 1, 2004 oral argument concerning respondents' motion to dismiss or for judgment as a matter of law in the above-captioned cases, respondents submit this report on the status of the submission of records of proceedings before the Combatant Status Review Tribunals as factual returns to five petitioners' petitions for writ of habeas corpus. These five petitioners are: Omar Rajab Amin in *Al-Odah*, Abdullah Majed Sayyah Hasan Alnoaimi in *Almurbati*, Salman Bin Ibrahim Bin Mohammed Bin Ali Al-Kalifa in *Almurbati*, Martin Mubanga in *El-Banna*, and Moazzam Begg in *Begg*. To date, respondents have been unable to submit the final CSRT records as factual returns for these petitioners because the petitioners requested the testimony of foreign witnesses and documents to be presented at their CSRT hearings. This has required the Department of State to search for these witnesses and documents through contacts with foreign governments and/or other information provided by the petitioners, and these attempts to afford these petitioners a reasonable opportunity to present evidence potentially bearing on the enemy combatant issue have delayed completion of their CSRT proceedings. See Respondents' Status Report on the

Submission of Factual Returns to Petitions for Writ of Habeas Corpus, filed October 22, 2004. On November 5, 2004, pursuant to an Order of the Court, respondents submitted factual returns containing documentation supporting these petitioners' detention as enemy combatants to the Court for *in camera* review, but reserved the right to supplement or amend those factual returns with the final CSRT records upon completion of proceedings.

The CSRT process for these petitioners is very near completion. Time is needed to obtain the final CSRT records, prepare amended factual returns for these petitioners, and otherwise make the returns suitable for submission. Agencies providing source information in the returns must review the factual returns, including classified information contained therein, to ensure that information disclosed in the returns is in accordance with all applicable statutes, regulations and Executive Orders. Accounting for the upcoming holidays, respondents accordingly submit that they will submit the factual returns to the Court and make them available to petitioners' counsel by the week of December 27, 2004.

Dated: December 6, 2004

Respectfully submitted,

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