

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

IN RE:

**GUANTANAMO BAY
DETAINEE LITIGATION**

Misc. No. 08-442 (TFH)

Civil Action No. 08-CV-2019 (RBW)

PETITIONERS' STATUS REPORT

This Status Report is submitted by Petitioners Abdul Rahman Umir Al Qyati (ISN 461) and Saad Masir Mukbl Al Azani (ISN 575), by and through Darold W. Killmer, David A. Lane, Mari Newman and Sara J. Rich of KILLMER, LANE & NEWMAN, LLP, pursuant to this Court's December 11, 2008 Order.

1. Both Petitioners Al Qyati and Al Azani have been designated as Yemeni citizens by the Respondents. Petitioner Al Qyati, however, was born and raised in Saudi Arabia and has never lived in, or even traveled to Yemen.

2. Petitioner Al Qyati has been approved for release from Guantanamo by the Department of Defense.

3. Petitioner Al Qyati's designation as Yemeni, as opposed to Saudi Arabian, is particularly important. In terms of repatriation, Yemen has had the least success negotiating the return of its citizens held in Guantanamo Bay. Approximately 100 of the 250 men remaining are designated as Yemeni nationals. Saudi Arabia, on the other hand, has had great success in negotiating the return of its citizens. While only 12% of Yemenis have been repatriated, Saudi Arabia has successfully repatriated 90% of its citizens, from a total of 138.

4. Upon information and belief, Petitioner Al Qyati was originally detained by the United States government in April or May of 2002.

5. Upon information and belief, Petitioner Al Azani was originally detained by the United States government in February 2002.

6. At some point after the Petitioners were taken into custody by the United States government, both men were transferred to the U.S. Naval Station at Guantanamo Bay, Cuba, where they remain imprisoned today, almost seven years later.

7. Neither Petitioner Al Qyati nor Al Azani has been charged with any crime whatsoever.

8. Prior to the Supreme Court's ruling in *Boumediene v. Bush*, 553 U.S. ___, 128 S. Ct. 2229 (2008), Petitioner Al Qyati filed a Petition pursuant to the Detainee Treatment Act of 2005 in the United States Court of Appeals for the District of Columbia (Case No. 07-1308, filed on August 2, 2007).

9. Petitioner Al Azani also filed a Petition pursuant to the Detainee Treatment Act of 2005 in the United States Court of Appeals for the District of Columbia (Case No. 07-1322, filed on August 13, 2007).

10. Following the *Boumediene* decision, the Government filed Motions in both Petitioners' DTA cases to Hold in Abeyance or in the Alternative Dismiss without Prejudice. Petitioners opposed the government's Motion and filed a Response on August 4, 2008.

11. Petitioners Al Qyati and Al Azani filed their Petition for Writ of Habeas Corpus on November 18, 2008. The case was subsequently assigned to Judge Walton, Case No. 08-cv-2019 (RBW).

12. On December 11, 2008 Judge Walton ordered that this case, 08-cv-2019, be consolidated under Miscellaneous Number 08-mc-442 and that the Protective Order And Procedures For Counsel Access To Detainees At The United States Naval Base In Guantanamo Bay, Cuba, first entered on September 11, 2008, in 08-mc-442 (docket # 409) applies to these proceedings.

13. On December 18, 2008, Judge Hogan ordered that the Case Management Order first entered on November 6, 2008, in 08-mc-442 (Doc. 940), as amended by the Court's December 16, 2008 Order, in 08-mc-442 (Doc. 1315), shall govern the proceedings in this case.

14. To date, undersigned counsel is aware of no material allegations against either Petitioner indicating they pose any threat whatsoever or were properly designated as enemy combatants by the Department of Defense. This is particularly true with regard to Petitioner Al Qyati who was determined to be eligible for transfer at least as early as August of 2007, and should be released immediately to his home country of Saudi Arabia.

Respectfully submitted this 18th day of December, 2008.

KILLMER, LANE & NEWMAN, LLP

s/ Sara J. Rich

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ATTORNEYS FOR PETITIONERS/PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2008, I electronically filed a true and correct copy of the foregoing **STATUS REPORT** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following individual:

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