

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SALIM AHMED HAMDAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 04-1519 (JR)
	:	
DONALD H. RUMSFELD,	:	
	:	
Defendant.	:	

ORDER

For the reasons set forth in the accompanying memorandum opinion it is

ORDERED that the petition of Salim Ahmed Hamdan for habeas corpus [1-1] is **granted in part**. It is

FURTHER ORDERED that the cross-motion to dismiss of Donald H. Rumsfeld [1-84] is **denied**. It is

FURTHER ORDERED that, unless and until a competent tribunal determines that petitioner is not entitled to the protections afforded prisoners-of-war under Article 4 of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949, he may not be tried by Military Commission for the offenses with which he is charged. It is

FURTHER ORDERED that, unless and until the rules for Military Commissions (Department of Defense Military Commission Order No. 1) are amended so that they are consistent with and not contrary to Uniform Code of Military Justice Article 39, 10

U.S.C. § 839, petitioner may not be tried by Military Commission for the offenses with which he is charged. It is

FURTHER ORDERED that petitioner be released from the pre-Commission detention wing of Camp Delta and returned to the general population of Guantanamo detainees, unless some reason other than the pending charges against him requires different treatment. And it is

FURTHER ORDERED that petitioner's remaining claims are **in abeyance**, the Court having abstained from deciding them.

JAMES ROBERTSON
United States District Judge