

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
FAWZI KHALID ABDULLAH FAHAD)	
AL ODAH, <i>et al.</i>)	
)	
Petitioners,)	
)	
v.)	Civil Action No. 02-CV-0828 (CKK)
)	
UNITED STATES OF AMERICA,)	
<i>et al.</i> ,)	
)	
Respondents.)	
_____)	

**RESPONDENTS' FACTUAL RETURN TO PETITION FOR WRIT OF HABEAS
CORPUS BY PETITIONER OMAR RAJAB AMIN**

Respondents hereby submit, as explained herein, a factual return to the petition for writ of habeas corpus by petitioner Omar Rajab Amin. See Exhibit A. For the reasons explained in the factual return, petitioner Omar Rajab Amin has been determined to be an enemy combatant. Accordingly, petitioner Omar Rajab Amin is lawfully subject to detention pursuant to the President's power as Commander in Chief or otherwise, and is being detained.

Documentation supporting petitioner Omar Rajab Amin's enemy combatant status that is suitable for public release is attached hereto. Additional documentation that is classified or not suitable for public release will be submitted under seal pursuant to the Court's Order Requiring Submission of Classified Factual Returns dated October 29, 2004. Upon the entry of an appropriate protective order governing such information by the Court, the latter documentation will be made available to petitioner's counsel who have been issued security clearances. Respondents reserve the right to supplement or amend this factual return with the final record of proceedings before the Combatant Status Review Tribunal pertaining to petitioner Omar Rajab Amin upon completion of such proceedings.

In addition to relying on this factual return and any supplements or amendments thereto as grounds for petitioner Omar Rajab Amin's continued detention, respondents reserve the right to rely on appropriate legal bases for the detention as presented in briefs opposing the petition for writ of habeas corpus, including, without limitation, Respondents' Response to Petitions for Writ of Habeas Corpus and Motion to Dismiss or for Judgment as a Matter of Law and Memorandum in Support, filed October 4, 2004.

Dated: November 3, 2004

Respectfully submitted,

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