

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

---

MAHMOAD ABDAH, *et al.*,

Petitioners,

v.

UNITED STATES OF AMERICA,

*et al.*,

Respondents.

---

Civil Action No. 04-CV-1254 (HHK)

**RESPONDENTS' FACTUAL RETURN TO PETITION FOR WRIT OF HABEAS  
CORPUS BY PETITIONER ADIL SAEED EL HAJ OBAID**

Respondents hereby submit, as explained herein, the record of proceedings before the Combatant Status Review Tribunal pertaining to petitioner Adil Said Al Haj Obeid Al Busayss (listed in the petition as Adil Saeed El Haj Obaid) as a factual return to petitioner's petition for writ of habeas corpus. See Exhibit A. For the reasons explained in the record, petitioner Adil Said Al Haj Obeid Al Busayss has been determined to be an enemy combatant. Accordingly, petitioner Adil Said Al Haj Obeid Al Busayss is lawfully subject to detention pursuant to the President's power as Commander in Chief or otherwise, and is being detained.

The portion of the record suitable for public release is attached hereto, and the remaining portions of the record, including information that is classified or not suitable for public release, will be filed under seal and made available to petitioner's counsel upon the entry of a protective order governing such information by the Court, and the issuance of security clearances to petitioner's counsel.

Respondents reserve the right to rely, in addition to the complete record, on legal grounds for petitioner Adil Said Al Haj Obeid Al Busayss's continued detention, which will be presented

in briefing opposing the petition for writ of habeas corpus in accordance with a schedule determined by the Court.

Dated: October 1, 2004

Respectfully submitted,

PETER D. KEISLER  
Assistant Attorney General

KENNETH L. WAINSTEIN  
United States Attorney

BRIAN D. BOYLE  
Principal Deputy Associate Attorney General

DAVID B. SALMONS  
Assistant to the Solicitor General

DOUGLAS N. LETTER  
Terrorism Litigation Counsel

ROBERT D. OKUN  
D.C. Bar No. 457-078  
Chief, Special Proceedings Section  
555 Fourth Street, N.W.  
Room 10-435  
Washington, D.C. 20530  
(202) 514-7280

/s/ Preeya M. Noronha  
JOSEPH H. HUNT (D.C. Bar No. 431134)  
VINCENT M. GARVEY (D.C. Bar No. 127191)  
TERRY M. HENRY  
PREEYA M. NORONHA  
ROBERT J. KATERBERG  
Attorneys  
United States Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Ave., N.W. Room 7144  
Washington, DC 20530  
Tel: (202) 514-4107  
Fax: (202) 616-8470

Attorneys for Respondents