

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

## *In re* Guantanamo Detainee Cases

Civil Action Nos.

02-CV-0299 (CKK), 02-CV-0828 (CKK),  
02-CV-1130 (CKK), 04-CV-1135 (ESH),  
04-CV-1136 (JDB), 04-CV-1137 (RMC),  
04-CV-1142 (RJL), 04-CV-1144 (RWR),  
04-CV-1164 (RBW), 04-CV-1166 (RJL),  
04-CV-1194 (HHK), 04-CV-1227 (RBW),  
04-CV-1254 (HHK)

**RESPONDENTS' NOTICE OF SUBMISSION OF FACTUAL RETURNS TO  
PETITIONS FOR WRIT OF HABEAS CORPUS UNDER SEAL**

Notice is hereby given that respondents have submitted under seal factual returns to the petitions for writ of habeas corpus. The factual returns contain documentation that is classified and appropriate for disclosure under seal, or is otherwise not suitable for public release, to supplement the unclassified documentation previously filed with the Court.

For the reasons explained in the factual returns, each petitioner has been determined to be an enemy combatant and is, therefore, lawfully subject to detention pursuant to the President's Power as Commander in Chief or otherwise. The factual returns demonstrate that some evidence exists supporting each petitioner's enemy combatant status, and the petitions for writ of habeas corpus should be dismissed and the relief sought therein denied. See 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, at 43-51.

Consistent with the provisions of the Protective Order, respondents shall make the factual returns submitted herewith available to petitioners' counsel who have been issued security clearances. Respondents reserve the right to supplement or amend the factual returns as appropriate.

Dated: November 15, 2004

Respectfully submitted,

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