

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FAWZI KHALID ABDULLAH FAHAD
AL ODAH, *et al.*

Petitioners,

V.

Civil Action No. 02-CV-0828 (CKK)

UNITED STATES OF AMERICA,
et al.,

Respondents.

**RESPONDENTS' FACTUAL RETURN TO PETITION FOR WRIT OF HABEAS
CORPUS BY PETITIONER MOHAMMED FUNAITEL AL DIHANI**

Respondents hereby submit, as explained herein, the record of proceedings before the Combatant Status Review Tribunal pertaining to petitioner Mohammed Fenaitel Mohamed Al Daihani (listed in the petition as Mohammed Funaitel Al Dihani) as a factual return to petitioner's petition for writ of habeas corpus. See Exhibit A. For the reasons explained in the record, petitioner Mohammed Fenaitel Mohamed Al Daihani has been determined to be an enemy combatant. Accordingly, petitioner Mohammed Fenaitel Mohamed Al Daihani 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 Mohammed Fenaitel Mohamed Al Daihani's continued detention, presented in briefing opposing the petition for writ of habeas corpus in accordance with a schedule determined by the Court.

Dated: October 14, 2004

Respectfully submitted,

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