

**UNCLASSIFIED**

No. 07- 07- 1320

FILED WITH THE  
COURT SECURITY OFFICE  
CSO  
DATE: 8/10/07

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

UNITED STATES COURT OF APPEALS FOR DISTRICT OF COLUMBIA CIRCUIT	
FILED	AUG 10 2007
CLEHR	

**MOHAMMED AL QAHTANI,**  
PRISONER, Guantánamo Bay Naval Station, Guantánamo Bay, Cuba.

**MANEA AHMED FAHAD AL QAHTANI,**  
NEXT FRIEND of Mohammed al Qahtani,  
*Petitioners/Plaintiffs,*

v.

**ROBERT M. GATES,**  
SECRETARY OF DEFENSE OF THE UNITED STATES OF AMERICA,  
*Respondents/Defendants.*

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**PETITION FOR IMMEDIATE RELEASE AND OTHER  
RELIEF UNDER THE DETAINEE TREATMENT ACT OF 2005,  
AND, IN THE ALTERNATIVE, FOR WRIT OF HABEAS CORPUS**

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**CENTER FOR CONSTITUTIONAL RIGHTS**  
Shayana Kadidal  
J. Wells Dixon  
Gitanjali S. Gutierrez  
666 Broadway, 7<sup>th</sup> floor  
New York, New York 10012  
Telephone: (212) 614-6485  
Facsimile: (212) 614-6499

Attorneys for Petitioners/Plaintiffs

August 9, 2007

Mohammed al Qahtani hereby petitions the Court for review, pursuant to § 1005(e)(2) of the Detainee Treatment Act of 2005, Pub. L. No. 109-148, 119 Stat. 2680, 2742 (2005) (codified at 10 U.S.C. § 801 note (supp. 2007)), of the following decisions:

- (1) The decision of the Combatant Status Review Tribunal, entered before December 2005, designating Petitioner as an “enemy combatant;”
- (2) The decision of the Legal Advisor to the Combatant Status Review Tribunals, entered before December 2005, finding the proceedings and decision of the Tribunal to be “legally sufficient;”
- (3) The decision of the Director, Combatant Status Review Tribunals, entered before December 2005, concurring in the decision of the Combatant Status Review Tribunal designating Petitioner as an “enemy combatant;”
- (4) The decisions of all Administrative Review Boards affirming Petitioner’s designation as an “enemy combatant.”

These decisions are invalid because they are inconsistent with the standards and procedures of the Combatant Status Review Tribunals. In addition, they are invalid because the standards and procedures used in Petitioner’s Combatant Status Review Tribunal, including its attempt to exercise jurisdiction over Petitioner, are inconsistent with the Constitution and laws of the United States.

In light of the developing nature of the law surrounding the Detainee Treatment Act of 2005 and of the novel nature of proceedings under that Act in this Court, Petitioner reserves all arguments against the validity of the above-referenced decisions designating him as an “enemy combatant.” In particular,

Petitioner reserves all arguments based on the applicability of any and all provisions of the Constitution, and reserves his constitutional right to file a petition for writ of habeas corpus.

Dated: New York, New York  
August 9, 2007

Respectfully submitted,

CENTER FOR CONSTITUTIONAL RIGHTS

By: *Gita Gutierrez 1981*

Gitanjali S. Gutierrez [Bar No. 51177]

Shayana D. Kadidal [Bar No. 49512]

J. Wells Dixon [Bar No. 51138]

666 Broadway, 7th Floor

New York, New York 10012

Telephone: (212) 614-6485

Facsimile: (212) 614-6499

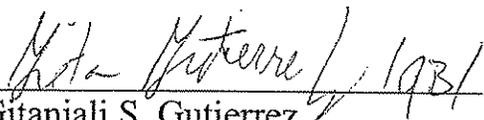
## CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2007, I filed and served the foregoing Petition for Immediate Release and Other Relief under the Detainee Treatment Act of 2005, and, in the Alternative, for Writ of Habeas Corpus by causing an original and six copies to be delivered to the Court Security Office via overnight mail.

I further certify that upon receiving clearance from the Court Security Office, one copy of this Petition will also be forwarded to each of the following counsel for Respondents by U.S. Mail.

Robert M. Loeb, Esq.  
U.S. Department of Justice  
Civil Division, Room 7268  
950 Pennsylvania Ave., N.W.  
Washington, DC 20530-0001

Terry M. Henry, Esq.  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Ave., N.W.  
Washington, DC 20530

  
Gitanjali S. Gutierrez