

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

IN RE:

GUANTANAMO BAY DETAINEE LITIGATION

Misc. No. 08-MC-442 (TFH)

Civil Action No. 05-CV-1509 (RMU)
Civil Action No. 05-CV-1602 (RMU)
Civil Action No. 05-CV-1704 (RMU)
Civil Action No. 05-CV-2370 (RMU)
Civil Action No. 05-CV-2398 (RMU)
Civil Action No. 08-CV-1310 (RMU)

[PROPOSED] ORDER

Motions in these habeas corpus cases came on for hearing before the Court on October 7, 2008. Petitioners proffered certain evidence, which proffer was memorialized by a written submission filed on October 7. Each of the witnesses whose evidence was proffered was present for cross-examination, and the government declined to cross examine and offered no evidentiary objection to the admission of the evidence summarized below by proffer. The evidence was admitted.

On the basis of the evidence admitted, the materials set forth in the submissions of the parties, and for all of the reasons set forth by the Court at the hearing, it is hereby ORDERED as follows:

The Motion of Huzaifa Parhat and the other Petitioners for judgment on Habeas Petitions Ordering Release Into the Continental United States is GRANTED.

The Motion of Parhat for Immediate Release on Parole Into the Continental United States Pending Final Judgment is DENIED as MOOT.

The Motion for Immediate Release on Parole Into the Continental United States Pending Final Judgment and for Final Judgment on Their Habeas Petitions by the remaining detainees is DENIED as to the first part and GRANTED as to the second part.

The government's oral Motion for a Stay of the Court's decision pending review and to seek an appeal is DENIED, and its oral Motion for a one Week Administrative Stay was DENIED.

It is FURTHER ORDERED as follows:

The Court, having reserved the right and power to impose such conditions as it deems reasonable, orders that the government produce each of the Petitioners in this Court on Friday, October 10, 2008, at 10:00 a.m., at which hearing the Court will order their release and impose such short-term terms and conditions of release as it then finds and rules to be reasonable and appropriate; and

That each of the Petitioners and the government shall appear in this Court at a hearing to be commenced on October 16, 2008, to address such other and further terms and conditions of release as the Court may find and rule to be reasonable and appropriate. The parties may offer evidence and argument as to such terms and conditions. The Court directs that the government provide a representative of the Department of Homeland Security to be present at the hearing.

IT IS SO ORDERED.

October 7, 2008

BY THE COURT,

Ricardo M. Urbina
United States District Judge