



WEDNESDAY 14TH DECEMBER 2011

IN THE COURT OF APPEAL

ON APPEAL FROM THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
CO42472011

BEFORE THE MASTER OF THE ROLLS
LORD JUSTICE MAURICE KAY
Vice President of the Court of Appeal, Civil Division
And LORD JUSTICE SULLIVAN

B E T W E E N

YR (Afghanistan)

APPELLANT

- and -

1) SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS
2) SECRETARY OF STATE FOR DEFENCE

RESPONDENTS

COURT 71
Appeal No.

C1/2011/2210

ON READING the Appellant's Notice sealed on the 16th August 2011 filed on behalf of the Appellant on appeal from the order of Lord Justice Laws & Mr Justice Silber dated 29th July 2011

AND ON HEARING Ms Nathalie Lieven QC, Mr Ben Jaffey and Mr Tristan Jones of counsel for the Appellant; and Mr James Eadie QC and Mr Ben Watson of counsel for the Respondents

IT IS ORDERED that

- 1) the writ of *habeas corpus ad subjiciendum* be issued in the form annexed to this order
- 2) the Respondents to pay the Appellant's costs in the Court of Appeal and in the Divisional Court to be subject to detailed assessment if not agreed



By the Court

Hearing date: 23rd November 2011
Judgment date: 14th December 2011

NOTICE TO BE SERVED WITH WRIT OF HABEAS CORPUS AD SUBJICIENDUM (O.54, r.6)

IN THE COURT OF APPEAL (CIVIL DIVISION)

C1/2011/2210

B E T W E E N:

YUNUS RAHMATULLAH

Appellant

-and-

(1) SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS

(2) SECRETARY OF STATE FOR DEFENCE

Respondents

Whereas this Court has granted a writ of habeas corpus directed to the Secretary of State for Foreign and Commonwealth Affairs and the Secretary of State for Defence commanding them to have the body of Yunus Rahmatullah before the said Court at the Royal Courts of Justice, Strand, London, on the day and at the time specified in the notice together with the day and cause of his being taken and detained.

Take notice that you are required by the said writ to have the body of the said Yunus Rahmatullah before this Court on the 21st day of December 2011 at 10 o'clock and to make a return to the said writ.

In default thereof the said Court will then, or so soon thereafter as counsel can be heard, be moved to commit you to prison for your contempt in not obeying the said writ.

Dated the 14th day of December 2011



By the Court
.....
J.B.

Jamie Beagent
of Leigh Day & Co.
Priory House
St John's Lane
London EC1M 4LB

Solicitor for Yunus Rahmatullah

To:
The Treasury Solicitor
One Kemble Street
London WC2B 4TS

Solicitor for the Secretaries of State for Foreign and Commonwealth Affairs and
Defence

WRIT OF HABEAS CORPUS AD SUBJICIENDUM (RSC O.54, R.10)

ELIZABETH THE SECOND, by the Grace of God etc.

To our Secretary of State for Foreign and Commonwealth Affairs and our Secretary of State for Defence, Greeting:

We command you that you have in the Court of Appeal (Civil Division) at the Royal Courts of Justice, Strand, London, on the day and at the time specified in the notice served with this writ, the body of Yunus Rahmatullah being taken and detained under your custody as is said, together with the day and cause of his being taken and detained, by whatsoever name he may be called therein, that Our Court may then and there examine and determine whether such cause is legal, and have you there then this writ.

Witness Lord Neuberger MR, dated 14th day of December 2011

INDORSEMENT

By order of the Court of Appeal (Civil Division).

This writ was issued by Jamie Beagent of Leigh Day & Co, solicitor for Yunus Rahmatullah.



JN
By the Court

**WEDNESDAY 14TH DECEMBER 2011
IN THE COURT OF APPEAL**

ON APPEAL FROM
THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

YR (Afghanistan)

- and -

- 1) SECRETARY OF STATE FOR FOREIGN AND
COMMONWEALTH AFFAIRS
- 2) SECRETARY OF STATE FOR DEFENCE

ORDER

Copies to:

Queen's Bench Division
Room E17
Royal Courts of Justice
Strand
London WC2A 2LL

Messrs Leigh Day & Co Solicitors
DX 53326
Clerkenwell
Ref: JB/WS/R

Treasury Solicitors
DX 123242
Kingsway
Ref: Q110701F/Z/B4

*

* This order was drawn by Mr D Fallon (Associate) to whom all enquiries regarding this order should be made. When communicating with the Court please address correspondence to Mr D Fallon, Civil Appeals Office, Room E307, Royal Courts of Justice, Strand, London WC2A 2LL (DX 44450 Strand) and quote the Court of Appeal reference number. The Associate's telephone number is 020 7073 4831