

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

AUG - 8 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

_____)	Civil Action Nos.
)	
)	08-cv-1224
<i>In re Guantanamo Detainee Cases</i>)	08-cv-1227
)	08-cv-1228
)	08-cv-1229
_____)	08-cv-1230
)	08-cv-1231
)	08-cv-1232
)	08-cv-1233
)	08-cv-1234
)	08-cv-1235
)	08-cv-1236
)	08-cv-1237
)	08-cv-1238

ORDER

In the interest of facilitating the appointment of counsel in the above-captioned cases, pursuant to the agreement of the Judges of this Court acting in Executive Session, July 1, 2008, it is hereby

ORDERED that the Federal Defender offices listed on the attached schedule are appointed to represent the petitioners in the respective cases, and that the individual attorneys from the Federal Defender offices who will represent the petitioners in each case shall file a notice of appearance and, pursuant to LCvR 83.2(e), shall be allowed to

appear in this Court as employees of the United States. Attorneys so appointed shall, pursuant to LCvR 5.4(b), obtain a CM/ECF password from the Clerk in order to file documents with the Court or to receive copies of opinions and orders of the Court.

SO ORDERED.

August 5, 2008

A handwritten signature in black ink, reading "Royce C. Lamberth". The signature is written in a cursive style and is positioned above a horizontal line.

Royce C. Lamberth
Chief Judge

Case No.	Case Name	Date Filed	Judge Assigned	Federal Defender Office Assigned
08-cv-1224	Gul V. Bush et al	7/17/08	Judge Collyer	Northern District of Georgia
08-cv-1227	Hafizullah v. Bush et al	7/17/08	Judge Huvelle	Northern District of Georgia
08-cv-1228	Hadi v. Bush et al	7/17/08	Judge Collyer	Southern District of Indiana
08-cv-1229	Yakubi v. Bush et al	7/17/08	Judge Bates	Northern District of Georgia
08-cv-1230	Mohammed v. Bush et al	7/17/08	Judge Collyer	Northern District of Ohio
08-cv-1231	Alhamiri v. Bush et al	7/17/08	Judge Kollar-Kotelly	Northern District of Ohio
08-cv-1232	Bin Atef v. Bush et al	7/17/08	Judge Robertson	Southern District of Indiana
08-cv-1233	Qattaa v. Bush et al	7/17/08	Judge Huvelle	Northern District of Ohio
08-cv-1234	Saleh v. Bush et al	7/17/08	Judge Leon	Southern District of Indiana
08-cv-1235	Said Kuman v. Bush et al	7/17/08	Judge Bates	Central District of California
08-cv-1236	Abd Al Sattar v. Bush et al	7/17/08	Judge Bates	Northern District of Ohio
08-cv-1237	Al Wady v. Bush et al	7/17/08	Judge Collyer	Central District of California
08-cv-1238	Balzuhair v. Bush et al	7/17/08	Judge Roberts	Central District of California

EXHIBIT B

Habeas Visit Coordination Sheet

Case: 08-cv-01235-UNA; 08-cv-01237-UNA; 08-cv-01238-UNA

Date: 12/2/08-12/04/08

Attorney/Interpreter Information:

Name/Role *	Gender (M/F)	Home City/State	Nationality	SSN	Type clearance	Arrival day/time (including flight times & #s)	Departure day/time (including flight times & #s)
CARLTON F. GUNN/A	M	Los Angeles, CA	U.S.	[REDACTED]	SECRET	12/2/08 Military Air	12/5/08 8:00 LYNX #50
CAIG HARBAGH/A	M	Los Angeles, CA	U.S.	[REDACTED]	SECRET	12/2/08 Military Air	12/5/08 8:00 LYNX #50
MASUD HASNAN/I	M	Ashburn, VA	U.S.	[REDACTED]	SECRET	12/2/08 Military Air Time = 9:15 A.M.	12/5/08 8:00 LYNX #50

- For Attorney indicate with "/A"; for Interpreter indicate with "/I"

Detainee Information:

ISN #	P.O. Entry Date	Certify MOU on File with Court (yes or no)	Signed GTMO Guide Acknowledgement for DTA P.O. (yes, no, n/a)	Signed Guide Addendum Acknowledgement for TS/SCI DTA P.O. (yes, no, n/a)
	9/11/08		n/a	n/a
574	9/11/08	Yes	n/a	n/a
838	9/11/08	Yes	n/a	n/a
321	9/11/08	Yes	n/a	n/a

Visit Schedule*:

Date	Morning (0900-1130) Detainee (ISN)/Counsel	Afternoon (1300-1700) Detainee (ISN)/Counsel
12/2/08		AHHED YASLAN SAN KAMAN (ISN # 321)/GUWU AND HARBALGHI
12/3/08	HAMOUD ABULLALLI HAMOUD HASSAN AL WADY (ISN # 574)/ GUWU AND HARBALGHI	HAMOUD ABULLALLI HAMOUD HASSAN AL WADY (ISN # 574)/ GUWU AND HARBALGHI
12/4/08	SHAWKI AWAD BALZUMAIK (ISN # 838)/GUWU AND HARBALGHI	SHAWKI AWAD BALZUMAIK (ISN # 838)/GUWU AND HARBALGHI

- JTF reserves the right to adjust visit schedule to meet operational needs
- Visit hours are 0900-1130 (mornings) and 1300-1700 (afternoons)

EXHIBIT C



"Ahern, Paul (CIV)"
<Paul.Ahern@usdoj.gov>
12/16/2008 12:31 PM

To "Craig Harbaugh" <Craig_Harbaugh@fd.org>
cc "Sparks, Andrew (CIV)" <Andrew.Sparks2@usdoj.gov>, "Groner, Arlene (CIV)" <Arlene.Groner@usdoj.gov>, "Carlton Gunn" <Carlton_Gunn@fd.org>, "Levin, Scott (CIV)"
bcc

Subject RE: Requested Modifications for Client Visits

Craig/Carl:

We spoke to our clients about your request, and we are willing to work with you in order to facilitate your next meeting, consistent with the need to maintain security in the facility. Addressing your third request first, as you may be aware the protective order governing counsel access to detainees permits habeas counsel to bring detainees "letters, tapes, or other communications introducing to counsel to the detainee," provided the communication is reviewed in advance by JTF-GTMO. To the extent that you have letters from the Yemeni government or NGOs, please submit those materials to DoD in advance of your visit so they can be reviewed. By way of example, we have in the past made prior arrangements for counsel to show DVD messages from friends and family members during the initial introductory meetings. Again, if you have introductory letters or videos, please submit them to DoD as soon as possible because such material typically requires several weeks to review.

With respect to the other requests raised in your note, JTF-GTMO's policy with respect to detainees who initially refuse requests to meet with attorneys is to permit the attorney to draft a letter to the detainee. In the event the detainee does not consent to move after reviewing the letter, JTF-GTMO will not attempt to move the detainee for the meeting. It has been the experience of JTF-GTMO personnel that continued attempts to obtain a detainee's consent to move him for a counsel visit, contrary to previously-expressed wishes, has the potential to create a disruption to the good order of the camp. For similar reasons, related to safety and force security, JTF-GTMO does not allow interpreters or habeas counsel on the cell block to speak with detainees.

Regards,

Paul

Paul Ahern
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue NW
Washington, DC 20530
Tel. (202) 305-0633

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-----Original Message-----

From: Craig Harbaugh [mailto:Craig_Harbaugh@fd.org]
Sent: Wednesday, December 10, 2008 12:57 PM
To: Ahern, Paul (CIV)
Cc: Carlton Gunn
Subject: Re: Requested Modifications for Client Visits

Hi, Paul - When we spoke on Monday, you had indicated you were going to make "e-introductions" between us and the lead attorneys on these cases. Have you been able to do so yet? Thanks - Craig

Craig

Harbaugh/CACF/09/

FDO

To

paul.ahern@usdoj.gov

12/07/2008 12:39

cc

PM

Carlton Gunn/CACF/09/FDO@FDO

Subject

Requested Modifications for

Client

Visits

Hello, Paul:

Carl Gunn and I were appointed in July 2008 to represent three of the final thirteen detainees with pending habeas petitions who were unrepresented.

We represent the following detainees:

(a) Hamoud Abdullah Hamoud Hassan Al Wady, also known as Houmad Warzly, ISN

#574

Case Nos. 1:05-cv-02385, Al Halmandy et al v. Bush et al

1:08-cv-01237, Al Wady v. Bush et al

(b) Ahmed Yaslam Said Kuman, ISN # 321
Case No. 1:08-cv-01235, Kuman v. Bush et al

(c) Shawki Awad Balzuhair, ISN # 838
Case No. 1:08-cv-01238, Balzuhair v. Bush et al

From December 2 through December 4, 2008, we were scheduled to visit all three clients. Several weeks before arriving, we had sent letters to the clients introducing ourselves and informing them of our visits. On November 29, 2008, the letters to Mr. Al Wady and Mr. Kuman were returned to our office unopened. When we arrived at the detention facility in Guantanamo, Mr. Al Wady and Mr. Kuman refused to meet with us entirely (Mr.

Kuman agreed to come over to the visiting area but then would not meet with us; Mr. Al Wady refused to leave his camp). Mr. Balzuhair refused to meet with us the first day but then agreed to see us the second day (as soon as my notes have undergone security team review, I can provide you more detail). Following the refusals, we were only given the option of submitting a hand-written note to be delivered to the client. At that time, we formally requested an opportunity to (a) send our interpreter back to meet with the clients and (b) an opportunity to meet with the clients face to face. The Staff Judge Advocate representative (I'll provide you with her name if I am allowed to do so) denied both requests.

We are currently scheduled to meet with our clients the week of December 15-19, 2008. Given the need for greater access to our clients, I am requesting modifications to the visitation policy as follows:

- (1) Following an initial refusal, we are allowed to send our interpreter back to meet with the client directly.
- (2) To the extent the detainee still refuses to meet with us, the attorneys are allowed to meet with the client face-to-face.
- (3) We are allowed to bring letters to the client from either the Yemen government, Nongovernmental Organization or former detainee discussing the role of habeas proceedings and the importance of meeting with one's attorney.

I intend to call you tomorrow, December 8, 2008, at 11:00 a.m. EST to discuss the matter further.

Sincerely,

Craig A. Harbaugh
Deputy Federal Public Defender
Office of the Federal Public Defender - Central District of California
321 E. 2nd Street
Los Angeles, CA 90012
(213) 894-7865

CONFIDENTIALITY NOTICE

This email, and any attachments accompanying this e-mail, contain information from the Federal Public Defender for the California Central District of which is confidential or privileged. The information is intended only for the use of the individual(s) or entity(s) named in this e-mail. If you are not the intended recipient, be aware that any

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EXHIBIT D

Hamoud al-Wady Help us improve Wikipedia by supporting it financially.



From Wikipedia, the free encyclopedia

(Redirected from Hamoud Abdullah Hamoud Hassan Al Wady)

Hamoud Abdullah Hamoud Hassan Al Wady is a citizen of Yemen, held in extrajudicial detention in the United States Guantanamo Bay Naval Base, in Cuba.^[1] Al Wady's Guantanamo detainee ID number is 574. The Department of Defense reports that Al Wady was born on September 5, 1965, in Sana'a, Yemen.

Contents

- 1 Combatant Status Review Tribunal
 - 1.1 Allegations
 - 1.2 Transcript
 - 1.3 Confusion over the Tribunal process
- 2 Administrative Review Board hearing
- 3 References

Combatant Status Review Tribunal

Initially the Bush administration asserted that they could withhold all the protections of the Geneva Conventions to captives from the war on terror. This policy was challenged before the Judicial branch. Critics argued that the USA could not evade its obligation to conduct competent tribunals to determine whether captives are, or are not, entitled to the protections of prisoner of war status.

Subsequently the Department of Defense instituted the Combatant Status Review Tribunal. The Tribunals, however, were not authorized to determine whether the captives were *lawful combatants* -- rather they were merely empowered to make a recommendation as to whether the captive had previously been correctly determined to match the Bush administration's definition of an enemy combatant.

To comply with a Freedom of Information Act request, during the winter and spring of 2005, the Department of Defense released 507 memoranda. Those 507 memoranda each contained the allegations against a single detainee, prepared for their Combatant Status Review Tribunals. The detainee's name and ID numbers were redacted from all but one of the memoranda. However 169 of the memoranda had the detainee's ID hand-written on the top right hand of the first page corner. When the Department of Defense complied with a court order, and released official lists of the detainee's names and ID numbers it was possible to identify who those 169 were written about. Hamoud Abdullah Hamoud Hassan Al Wady was one of those 169 detainees.^[5]



Combatant Status Review Tribunals were held in a trailer the size of a large RV. The captive sat on a plastic garden chair, with his hands and feet shackled to a bolt in the floor.
[2][3] Three chairs were reserved for members of the press, but only 37 of the 574 Tribunals were observed.^[4]

Allegations

a. The detainee is associated with Taliban and Al Qaida.

1. *The detainee traveled to Afghanistan from Yemen via Iran and Syria in early 2001.*
2. *The detainee was recruited to go to Afghanistan and a religious educator financed his travel.*
3. *The detainee went to Afghanistan to fight Jihad.*
4. *The detainee stayed in multiple safehouses in Pakistan and Afghanistan.*
5. *The detainee is knowledgeable in the use of a Kalashnikov rifle.*
6. *The detainee was a money courier.*
7. *The detainee delivered money to the Taliban in Herat.*
8. *The detainee was captured in a safehouse in Pakistan.*

b. The detainee supported military operations against the coalition.

1. *The detainee served at the Said Center for the rear guard near Bagram for the Taliban.*

Transcript

Al Wady chose to participate in his Combatant Status Review Tribunal.^[6]

Confusion over the Tribunal process

Al Wady's transcript records him describing his confusion over the Tribunal process.

Administrative Review Board hearing

Detainees who were determined to have been properly classified as "enemy combatants" were scheduled to have their dossier reviewed at annual Administrative Review Board hearings. The Administrative Review Boards weren't authorized to review whether a detainee qualified for POW status, and they weren't authorized to review whether a detainee should have been classified as an "enemy combatant".

They were authorized to consider whether a detainee should continue to be detained by the United States, because they continued to pose a threat – or whether they could safely be repatriated to the custody of their home country, or whether they could be set free.

al-Wady chose to participate in his Administrative Review Board hearing, telling the panel that he was entering his fifth year of imprisonment and "want[ed] to see American justice, where is it?"^[7]

References

1. ^ list of prisoners (.pdf) (<http://www.dod.mil/pubs/foi/detainees/d20060515.pdf>), *US Department of Defense*, May 15, 2006
2. ^ Guantánamo Prisoners Getting Their Day, but Hardly in Court (<http://www.nytimes.com/2004/11/08/national/08gitmo.html?ex=1257570000&en=4af06725bdf5c086&ei=5088&partner=rssnyt>), *New York Times*, November 11, 2004 - mirror (<http://cageprisoners.com/articles.php?aid=3838>)
3. ^ Inside the Guantánamo Bay hearings: Barbarian "Justice" dispensed by KGB-style "military

tribunals" (<http://www.christusrex.org/www1/news/ft-12-11-04a.htm>), *Financial Times*, December 11, 2004

4. ^ "Annual Administrative Review Boards for Enemy Combatants Held at Guantanamo Attributable to Senior Defense Officials (<http://www.defenselink.mil/transcripts/transcript.aspx?transcriptid=3902>)". United States Department of Defense (March 6, 2007). Retrieved on 2007-09-22.
5. ^ Summary of Evidence memo (.pdf) (http://www.dod.mil/pubs/foi/detainees/csrt_mar05.pdf#256) prepared for Hamoud Abdullah Hamoud Hassan Al Wady's *Combatant Status Review Tribunal* - October 13, 2004 - page 256
6. ^ Summarized transcripts (.pdf) (http://www.defenselink.mil/pubs/foi/detainees/csrt/Set_39_2629-2646.pdf#1), from Hamoud Abdullah Hamoud Hassan Al Wady's *Combatant Status Review Tribunal* - pages 1-13
7. ^ http://news.yahoo.com/s/ap/20070909/ap_on_re_la_am_ca/guantanamo

Retrieved from "http://en.wikipedia.org/wiki/Hamoud_al-Wady"

Categories: People held at the Guantanamo Bay detention camp | Yemeni extrajudicial prisoners of the United States | Living people

Hidden categories: NPOV disputes from December 2007 | All NPOV disputes

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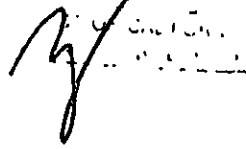
EXHIBIT E

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U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
SAN QUENTIN

Priority ✓
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JS-2/JS-3 ✓
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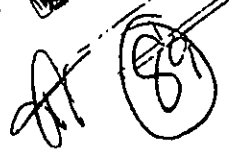
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

JAMES NELSON BLAIR,
Petitioner,
v.
ROBERT L. AYERS, Jr., Acting
Warden, California State Prison at
San Quentin,
Respondent.

NO. CV-99-06859-MRP (OP)
DEATH PENALTY CASE
(PROPOSED) ORDER RE:
CONFIDENTIAL CELL-SIDE
MEETINGS WITH JAMES
NELSON BLAIR

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED THAT:

1. Petitioner's Motion for an Order Directing Respondent-California Department of Corrections and Rehabilitation to Permit Counsel Confidential Cell-Side Meetings with James Nelson Blair is GRANTED.
2. Respondent Robert L. Ayers, Jr., Acting Warden of San Quentin State Prison, is ordered to permit members of Petitioner's legal team to conduct three (3) confidential cell-side meetings with Petitioner at his cell in the Adjustment Center at San Quentin State Prison. If counsel for Petitioner determine that additional meetings are necessary, the Court will entertain an application for such additional meetings and will provide Respondent an opportunity to be heard.

DEC - 5 '06


1 3. Counsel may meet with Petitioner for up to one-and-one-half (1/1/2)
2 hours at each visit. No more than two (2) members of Petitioner's legal team may
3 attend each visit.

4 4. Counsel for Petitioner shall coordinate the scheduling of the visits
5 with the legal coordinator at San Quentin State Prison, Ms. Denise Dull, providing
6 sufficient notice of requested dates in order arrange the visits at dates and times
7 that are least disruptive of prison operations.

8 5. The Warden of San Quentin State Prison may require the members of
9 Petitioner's legal team to wear "stab vests" and protective eye wear while within
10 the Adjustment Center. The Warden may not require the legal team members to
11 wear face shields.

12 6. The Warden of San Quentin State Prison may require two (2) of its
13 correctional officers to escort the legal team members at each cell-side visit. The
14 correctional officers shall be stationed six to eight feet away from the legal team
15 members during each visit.

16 7. Any California Department of Corrections and Rehabilitation
17 employees present at the confidential legal visits shall not disclose to anyone any
18 communications, verbal or non-verbal, that are heard or observed between Mr.
19 Blair and members of his legal team.

20 8. If at any time during the legal visit, the correctional officers believe
21 that the safety of the members of Petitioner's legal team or of the officers
22 themselves is in jeopardy, the officers may terminate the visit. The Court shall be
23 notified of the circumstances surrounding such a termination for further
24 consideration.

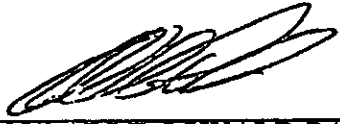
25 9. Counsel for Mr. Blair, the Office of the Federal Public Defender,
26 shall inform him in writing of this Court's order granting cell-side visits and offer
27 him the alternative of a legal visit in the legal visiting area for condemned inmates
28 at San Quentin.

1 10. Prior to each scheduled cell-side meeting, counsel for Mr. Blair shall
 2 notify him in writing of the date and time of the meeting and offer him the
 3 alternative of a legal visit in the legal visiting area for condemned inmates at San
 4 Quentin. In addition, the legal coordinator at San Quentin State Prison, Ms.
 5 Denise Dull, and counsel for Petitioner will, in advance of each scheduled
 6 meeting, attempt to coordinate a telephone call between Petitioner and counsel, at
 7 which time counsel will again offer Mr. Blair the alternative of a visit in the legal
 8 visiting area for condemned inmates at San Quentin. Respondent will not forcibly
 9 extract Petitioner from his cell for the telephone call or otherwise require him to
 10 participate in the call, but will simply offer him the opportunity to speak with his
 11 counsel by phone at a location designated by the Warden at San Quentin State
 12 Prison or Ms. Dull.

13

14


15 DATED: 11/22/06


 HONORABLE OSWALD PARADA
 United States Magistrate Judge

16

17

18 Presented By:

19 
 20 SEAN J. BOLSER
 21 STATIA PEAKHEART
 22 MYRA SUN
 Deputy Federal Public Defenders

23 Approved as to form and content only:

24

25

26 APRIL S. RYLAARSDAM
 Deputy Attorney General
 Counsel for Respondent

27

28

1 10. Prior to each scheduled cell-side meeting, counsel for Mr. Blair shall
 2 notify him in writing of the date and time of the meeting and offer him the
 3 alternative of a legal visit in the legal visiting area for condemned inmates at San
 4 Quentin. In addition, the legal coordinator at San Quentin State Prison, Ms.
 5 Denise Dull, and counsel for Petitioner will, in advance of each scheduled
 6 meeting, attempt to coordinate a telephone call between Petitioner and counsel, at
 7 which time counsel will again offer Mr. Blair the alternative of a visit in the legal
 8 visiting area for condemned inmates at San Quentin. Respondent will not forcibly
 9 extract Petitioner from his cell for the telephone call or otherwise require him to
 10 participate in the call, but will simply offer him the opportunity to speak with his
 11 counsel by phone at a location designated by the Warden at San Quentin State
 12 Prison or Ms. Dull.

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 14

15 DATED: _____

 HONORABLE OSWALD PARADA
 United States Magistrate Judge

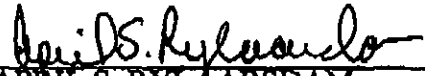
18 Presented By:

19

20 _____
 SEAN J. BOLSER
 STATIA PEAKHEART
 21 MYRA SUN
 Deputy Federal Public Defenders

23 Approved as to form and content only:

24

25 

 APRIL S. RYLARSDAM
 26 Deputy Attorney General
 Counsel for Respondent

27
 28

PROOF OF SERVICE

I, the undersigned, declare that: I am employed in Los Angeles County, California; my business address is the Federal Public Defender's Office, 321 East Second Street, Los Angeles, California 90012-4202; I am over the age of eighteen years; I am not a party to the above-entitled action; I am employed by the Federal Public Defender for the Central District of California, who is a member of the Bar of the United States District Court for the Central District of California, and at whose direction I served a copy of the attached **(PROPOSED) ORDER RE:**

CONFIDENTIAL CELL-SIDE MEETINGS WITH JAMES NELSON

BLAIR on the following individual(s), addressed as follows, by:

Placing same in a sealed envelope for collection and interoffice delivery: Placing same in an envelope for hand-delivery: Placing same in a sealed envelope for collection and mailing via the United States Post Office: Faxing same via facsimile machine:

**A. SCOTT HAYWARD
APRIL S. RYLAARSDAM
Office of the Attorney General
300 South Spring Street, Ste. 5000
Los Angeles, CA 90013**

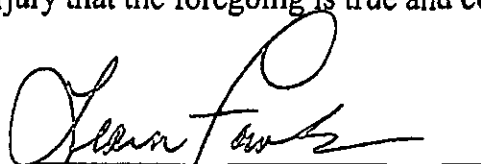
**JAMES N. BLAIR
CDC #D-13027
San Quentin State Prison
San Quentin, CA 94964**

By Hand-delivery:
**DEATH PENALTY LAW CLERK
312 North Spring Street, Rm. 810D
Los Angeles, CA 90012**

Courtesy copy to:
**HON. OSWALD PARADA
U.S. Magistrate Judge
Riverside Federal Courthouse
Riverside, CA**

This proof of service is executed at Los Angeles, California, on November 21, 2006.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.


LEARN FOWLER