

EXHIBIT A

NON-PRIVILEGED COMMUNICATION

JTF-GTMO Habeas Attorney Refusal Communication

Date: 1/21/09

Time: 9:00 A.M.

From: CARL GUNN/CRAIG HARBAUGH
(please print)

To: HAMMAD ABDULLAH HAMMAD HASSAN
(please print) AL WADY

JTF Witness: _____
(Print name after delivery to detainee)

English version

DEAR MR. AL WADY,
WE ARE THE SAME LAWYERS WHO CAME TO ~~SEE YOU~~ AND TRIED TO SEE YOU AT THE BEGINNING OF LAST MONTH. WE ARE SORRY IF YOU FEEL LIKE YOU DO NOT WANT TO MEET WITH US TODAY. WE GOT THE COURT TO PRESSURE THE GOVERNMENT TO MAKE SPECIAL ARRANGEMENTS TO MEET WITH YOU IN YOUR OWN CAMP SO YOU DID NOT HAVE TO BE MOVED TO THE OTHER CAMP FOR THE MEETING.

WE ASK THAT YOU RECONSIDER SO THAT WE CAN FIND OUT DIRECTLY FROM YOU WHAT THE REASON IS THAT YOU DO NOT WANT TO MEET WITH US. WITHOUT SEEING YOU AND HEARING FROM YOU DIRECTLY, WE CANNOT TELL WHAT IT MEANS THAT YOU DO NOT WANT TO MEET WITH US.

YOU SHOULD ALSO KNOW THAT IF YOU DO NOT MEET WITH US, WE ARE GOING ~~AWAY~~ TO GO AHEAD AND FIGHT YOUR CASE AS BEST WE CAN WITHOUT YOU. WE HAVE READ THE GOVERNMENT'S EVIDENCE AND THINK WE HAVE SOME IDEAS ABOUT HOW TO FIGHT YOUR CASE. BUT WE WOULD LIKE TO MEET WITH YOU TO EXPLAIN WHAT WE ARE THINKING OF DOING AND FIND OUT ~~IF~~ ANYTHING YOU CAN TELL US THAT MIGHT HELP US FIGHT YOUR CASE EVEN BETTER. ALSO, IF THERE IS ~~ANYTHING~~ SOME REASON YOU DO NOT WANT US TO FIGHT YOUR CASE FOR YOU AND EITHER WANT ~~AND~~ A DIFFERENT LAWYER OR DO NOT WANT ANYONE TO FIGHT THE CASE FOR YOU, YOU COULD TELL US THAT. WITHOUT YOU TELLING US ONE OF THOSE THINGS DIRECTLY, WE ARE GOING TO GO AHEAD AND FIGHT YOUR CASE AS BEST WE CAN WITHOUT YOUR MEETING WITH US, BECAUSE WE ASSUME YOU WOULD LIKE WHATEVER HELP IS AVAILABLE FOR YOU TO GO HOME.

AGAIN, PLEASE AGREE TO MEET WITH US AND TELL US WHAT YOUR NOT WANTING TO MEET WITH US MEANS.

Do you wish to meet with your habeas attorney? Yes No

Detainee Signature: _____

NON-PRIVILEGED COMMUNICATION

JTF-GTMO Habeas Attorney Refusal Communication

Date: 2009/1/23

Time: 9:00

From: كازل نخنا / خريفة صابو

To: ISN 574 (please print)

JTF Witness: (Print name after delivery to detainee)

Translation

كخريفة السيد الوادي
نحن نفس المحاميين الذين قدموا لك هنا لمقابلتكم الشكر الكافي
نأسف بانكم لم تخرجوا مقابلتنا - فبما باقتناع المحكمة بالضرورة
بما هي الحكومة لعدم كوثباتها فانها بان تخرجت معكم في نفس المهلك
الذي انتم موجودون لمنع ثقلمكم ان معكم آخر
تريدون منكم النظر مرة أخرى لتعرف منكم بما تحركه عند سبب
عدم مقابلتنا. بدون مقابلتكم و همما الوجه لا تعرف بالضرورة اسباب
عدم مقابلتنا.
يجب ان يكون لديكم يانه بعدم مقابلتنا لنستقر في فقد
مضيتكم التي المحكمة وتعمل كل ما استطاعتنا ان نعمل لصالحكم
لهو كوننا دلائل الحكومة ونعتقد باننا لدينا قضية حكويه لصالحكم
ولكن تريدون فخرجت معكم وتضيقكم من الحقائق واذا كان عندكم اي
نقاط يا مكانها ان تصادق لكي تجعل مضيتكم احوى اكثر
ولكن في حاله ذلك سبب معين لا تريدون ان ترفع مضيتكم
واذا تريدون محاميين آخرين اول سبب لا تريدون آخيه هم ان نعمل
لنضيقكم ~~منها~~ فبما مكانكم آخيه لنا

(أطلب الصواب)

هل توافق على هذه الحمايه نعم لا

EXHIBIT B

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.

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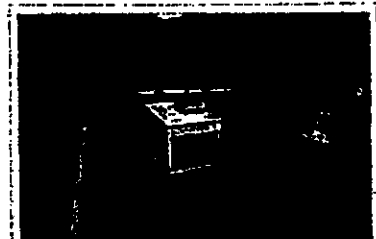
- 1 Combatant Status Review Tribunal
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Combatant Status Review Tribunal

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

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

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