

EXHIBIT C

Hamoud al-Wady

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(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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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

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

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