

EXHIBIT C

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

SUHAIL ABDOH ANAM, *et al.*,

Petitioners,

v.

BARACK OBAMA, *et al.*,

Respondents.

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Civil Action No. 04-1194 (TFH)

**STATUS REPORT OF PETITIONER MUSA'AB AL MADHWANI (ISN 839)
IN RESPONSE TO THE COURT'S ORDER OF MAY 4, 2009**

On February 19, 2009, Petitioner Musa'ab Al Madhwani ("Petitioner," ISN 839) filed a Motion to Compel Compliance with This Court's January 29, 2009 Order (Dkt. 384). Respondents filed their response to the Motion on March 11, 2009 (Dkt. 402), and Petitioner filed his reply on March 23, 2009 (Dkt. 415). On April 16, 2009, this case was reassigned from Judge Henry H. Kennedy to Judge Thomas F. Hogan (Dkt. 446). On May 4, 2009, Judge Hogan stayed Petitioner's Motion until the status conference scheduled for May 28, 2009. Judge Hogan also directed Petitioner's counsel "to update the Court on counsel's upcoming plans to visit petitioner at Guantánamo Bay, as well as whether any of petitioner's statements have been declassified."

Petitioner's counsel met with Petitioner last week, and they have requested a meeting with Petitioner on June 9, 2009. Some but not all of petitioner's statements in the amended factual return have been declassified.¹ Respondents have designated the declassified statements

¹ In this unclassified filing, Petitioner's counsel is unable to specify the statements in the amended factual return that remain classified.

as “protected” and, therefore, they are available to Petitioner only while counsel is physically present in the room with Petitioner.

On the evening of April 24, 2009, Respondents’ counsel provided to Petitioner’s counsel two declassified interrogation reports containing statements that Respondents attribute to Petitioner. Petitioner’s counsel met with Petitioner on April 27, 2009, but the meeting was cut short because Petitioner was suffering from tonsillitis and a fever. The interpreter translated a portion of one of the reports for Petitioner, but Petitioner was unable to review and discuss most of the two declassified reports because of his illness.

At approximately 7:00 p.m. on April 27, 2009, Petitioner’s counsel received twelve more declassified reports containing statements attributed to Petitioner. Petitioner was too ill to attend the two-hour meeting with counsel planned for the morning of April 28, 2009. On April 29, 2009, counsel cut short a meeting with another client upon learning that Petitioner felt well enough to meet for a short time that day. Unfortunately, counsel was unable to bring the declassified reports to the meeting with the other client, and therefore Petitioner was unable to review or discuss the declassified reports with counsel on April 29, 2009.

Counsel for Petitioner and Respondents have agreed that the declassified reports or portions thereof may be translated into Arabic by a security-cleared interpreter who has signed an acknowledgment regarding the Protective Order. This will enable Petitioner to read some of the declassified reports during counsel’s next meeting with Petitioner, currently scheduled for June 9, 2009. Respondents’ counsel has stated that he cannot respond to Petitioner’s request that Petitioner be allowed to review these translations shortly before and during breaks in the meeting with counsel, and to make notes regarding the documents during those times. (E-mail exchange between P. Bronte and D. Avila dated April 27-May 6, 2009, attached as Exhibit A.)

Dated: May 6, 2009

Respectfully submitted,

/s/ Patricia A. Bronte

One of the Attorneys for Petitioner
Musa'ab Al Madhwani

Darold W. Killmer
Mari Newman
Sara Rich
KILLMER, LANE & NEWMAN LLP
1543 Champa Street, Suite 400
Denver, Co 80202
Tel: (303) 571-1000
Fax: (303) 571-1001

Patricia A. Bronte
Sapna G. Lalmalani
Eric J. Schwab
JENNER & BLOCK LLP
330 North Wabash Ave.
Chicago, IL 60611
Tel: (312) 923-8357
Fax: (312) 840-7757

Shayana Kadidal
CENTER FOR CONSTITUTIONAL RIGHTS
666 Broadway, 7th Floor
New York, New York 10012
Tel: (212) 614-6464
Fax: (212) 614-6499

CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2009, I caused the foregoing Status Report Of Petitioner Musa'ab Al Madhwani (ISN 839) In Response To The Court's Order Of May 4, 2009 to be delivered to the counsel of record listed below in the above-captioned matter through the CM/ECF system:

Paul Cirino
David P. Avila
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue NW
Washington, DC 20530

/s/ Patricia A. Bronte