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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

ADEL HASSAN HAMAD
Plaintiff,

v.

ROBERT M. GATES, in his individual capacity; DONALD RUMSFELD, in his individual capacity; PAUL WOLFOWITZ, in his individual capacity; GORDON ENGLAND, in his individual capacity; James M. McGARRAH, in his individual capacity; RICHARD B. MYERS, in his individual capacity; PETER PACE, in his individual capacity; MICHAEL GLENN "MIKE" MULLEN; in his individual capacity; JAMES T. HILL; in his individual capacity; BANTZ CRADDOCK; in his individual capacity; GEOFFREY D. MILLER, in his individual capacity; JAY HOOD; in his individual capacity; HARRY B. HARRIS, Jr. in his individual capacity; MARK H. BUZBY, in his individual capacity; ADOLPH MCQUEEN, in his individual capacity; NELSON CANNON; in his individual capacity; MICHAEL BUMGARNER, in his individual capacity; WADE DENNIS, in his individual capacity; BRUCE VARGO, in his individual capacity; ESTEBAN RODRIGUEZ, in his individual capacity; DANIEL MCNEILL, in his individual capacity; GREGORY J. IHDE, in his individual capacity; JOHN DOE 1, in his individual capacity; JOHN DOE 2, in

Civil Action No.

PLAINTIFF'S COMPLAINT FOR DAMAGES FOR FORCED DISAPPEARANCE; PROLONGED ARBITRARY DETENTION; CRUEL, INHUMAN, OR DEGRADING TREATMENT; TORTURE; WAR CRIMES FOR TARGETING A CIVILIAN; AND FOR VIOLATION OF DUE PROCESS, ALL IN VIOLATION OF THE LAW OF NATIONS PURSUANT TO THE ALIEN TORT STATUTE; AND VIOLATION OF THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION (BIVENS CLAIM)

JURY DEMAND

1 his individual capacity; JOHN DOES 3-)
100, in their individual capacities,)
2 Defendants.)
3 _____

4 **COMPLAINT**

5 Plaintiff Adel Hassan Hamad (“Mr. Hamad”), by and through his counsel,
6 respectfully alleges the following:

7 **I. PRELIMINARY STATEMENT**

- 8 1. Plaintiff brings this action on behalf of himself.
- 9 2. Mr. Hamad is a fifty-two-year-old native, citizen, and current resident of the
10 Sudan.
- 11 3. Even though he was a civilian and an innocent humanitarian aid worker, he was
12 unlawfully seized from his apartment in Pakistan in July of 2002, upon information
13 and belief, at the direction of an American official. After being unlawfully held in
14 Pakistan and at the United States Bagram Air Force Base in Bagram, Afghanistan
15 (“Bagram” or sometimes referred to as “Baghram”) where he was subjected to
16 torture and cruel, inhuman, and degrading treatment, Mr. Hamad was transferred in
17 March 2003 to United States Guantánamo Bay Naval Base (“Guantánamo”) in
18 Guantánamo Bay, Cuba where he was unlawfully held until December 2007. During
19 the time at Guantánamo, he was also subjected to cruel, inhuman, and degrading
20 treatment and treatment that rises to the level of torture. All of these acts were done
21 at the direction of, or by, American citizens affiliated with the United States
22 government or military, but who were acting outside the scope of their employment

1 and/or authority.

2 4. Certain officials within the U.S. government, including some of those named as
3 defendants, knew or should have known that many of the men seized and held at
4 Guantánamo Bay were innocent. This lawsuit alleges that Mr. Hamad was one of
5 these innocent men.

6 5. Col. Lawrence B. Wilkerson (Ret.), a former high-level official with the United
7 States government has alleged, through a declaration in plaintiff's counsel's
8 possession, that he has personal knowledge that certain United States officials,
9 including Defendant Rumsfeld, knew that they had seized and were holding innocent
10 men at Guantánamo Bay, and that they simply refused to release them out of fear of
11 political repercussions. The declaration also alleges that there was no meaningful
12 way to determine who was an enemy combatant and who was not, both in the field
13 and at Guantánamo Bay.

14 6. Mr. Hamad is married with five living children and two deceased children. The
15 illegal actions against Mr. Hamad resulted in loss of income to his wife and children,
16 leaving them destitute. One of his daughters was born shortly after Mr. Hamad was
17 seized, and died while Mr. Hamad was held at Guantánamo because the family
18 could not afford proper medical care while he was detained and unable to work.
19 Because of Mr. Hamad's detention in Guantánamo, he was never able to help, see
20 or hold his daughter.

21 7. Mr. Hamad was never properly charged nor tried for any criminal act. Mr.
22 Hamad has never engaged in terrorism, acts supporting terrorism, or violence

1 against the United States or its citizens. He did not commit any belligerent act, and
2 did not support hostilities in aid of enemy armed forces.

3 8. In total, Mr. Hamad was detained for approximately five and one-half years and
4 was under the exclusive control of the United States at Bagram and Guantánamo for
5 all but six months of that time, during which he was detained without charge in a
6 Pakistani prison near Islamabad.

7 9. Mr. Hamad was not given notice of the basis for his detention until more than
8 two years after first being detained, when a Combatant Status Review Tribunal
9 (CSRT) was convened in November 2004. Not until March 2005, nearly three full
10 years after initially being detained, was Mr. Hamad officially labeled an “enemy
11 combatant” by the flawed CSRT process. However, this determination drew a rare
12 dissenting opinion that acknowledged his enemy combatant status determination
13 was unwarranted and as such, would have “unconscionable results.” The basis for
14 Mr. Hamad’s enemy combatant determination was simply because of his association
15 as an employee of two organizations for whom he had done humanitarian and
16 charity work (one of which he had left years before), and nothing more.

17 10. In fact, a second CSRT was ordered for Mr. Hamad in November of 2007, one
18 month before he was ultimately released to the Sudan. This was unusual, and
19 indicates that the government recognized that the initial CSRT determination of Mr.
20 Hamad was not accurate.

21 11. Flaws in the CSRT process include the following: (1) detainees are afforded
22 inadequate due process, (2) detainees are presumed guilty of being enemy

1 combatants, (3) detainees are not permitted to review classified evidence that is
2 used to justify an enemy combatant determination, (4) detainees are not afforded
3 access to counsel, and (5) detainees are not permitted to present their own
4 witnesses or evidence.

5 12. In March of 2007, Mr. Hamad's habeas counsel was notified via electronic mail
6 that Mr. Hamad was eligible for transfer back home to Sudan. However, in
7 negotiations with the Sudanese government for transfer, Mr. Hamad's habeas
8 counsel learned that United States military had actually cleared Adel for return home
9 to Sudan on November 15, 2005. A heavily censored copy of this clearance
10 decision confirms the decision on Adel was made immediately after the ARB
11 reviewed his case.

12 13. Despite the email notification, Mr. Hamad continued to be unlawfully detained
13 and was not transferred to the Sudan until approximately December 12, 2007,
14 following negotiations between officials of the United States and Sudanese
15 governments.

16 14. Plaintiff seeks compensation for the forced disappearance, prolonged arbitrary
17 detention, inhuman, degrading and cruel treatment, torture, for being targeted during
18 time of war as a civilian, and due process violations that Plaintiff suffered while
19 under and relating to the custody of the United States and its agents at Bagram and
20 Guantánamo, and to hold responsible those officials charged with the unwarranted
21 custody of Plaintiff.

22 15. Plaintiff brings this action for compensatory and punitive damages against

1 Defendants Gates, Rumsfeld, Wolfowitz, England, McGarrah, Myers, Pace, Mullen,
2 Hill, Craddock, Miller, Hood, Harris, Buzby, McQueen, Cannon, Bumgarner, Dennis,
3 Vargo, Rodriguez, McNeill, Ihde, Doe 1, Doe 2, and Does 3-100 for their roles in the
4 harms committed against Plaintiff in violation of domestic and international law.

5 Defendants exercised command responsibility over, conspired with, aided and
6 abetted subordinates, and/or directly or indirectly participated in the commission of
7 abusive and illegal practices alleged herein, including prolonged arbitrary detention,
8 cruel, inhuman, or degrading treatment, due process violations, and torture of Mr.
9 Hamad at Bagram and Guantánamo. Plaintiff also brings this action against Does 1-
10 100, who exercised command responsibility over, conspired with, aided and abetted
11 subordinates, and/or directly or indirectly participated in the harms against Mr.
12 Hamad. Accordingly, Defendants are liable under domestic and international law for
13 the injuries, pain, and suffering of Plaintiff in their individual capacities.

14 **II. JURISDICTION AND VENUE**

15 16. This Court has jurisdiction over Plaintiff's claims under 28 U.S.C. § 1331
16 (federal question jurisdiction) and 28 U.S.C. § 1350 (Alien Tort Statute). As an
17 alternative to federal question jurisdiction, because the claims for violation of the law
18 of nations can also be brought as state common law claims, this Court also has
19 jurisdiction under 28 U.S.C. § 1332 (diversity jurisdiction).

20 17. The Military Commissions Act (MCA) jurisdiction stripping provision, Section 7,
21 which amends 28 U.S.C. § 2241, does not prevent this Court from exercising
22 jurisdiction, for reasons including, but not limited to:

a. The Supreme Court in *Boumediene v. Bush*, 128 S. Ct. 2229 (2008),

1 21. Defendant Robert M. Gates is a United States citizen domiciled in Washington
2 State. Defendant Gates owns property in Washington State, including residences,
3 has publicly acknowledged intentions to return to Washington State after
4 employment with the United States government, and upon information and belief,
5 has at various times resided in Washington State. Defendant Gates is currently the
6 United States Secretary of Defense after taking office on December 18, 2006,
7 including the period of time in which the events herein described occurred. At all
8 relevant times, Defendant Gates possessed and exercised command and control
9 over the United States military and the United States detention facility at
10 Guantánamo. Defendant Gates is sued in his individual capacity for ordering,
11 authorizing, condoning, creating methods and procedures for, exercising command
12 responsibility over, conspiring with, aiding and abetting subordinates, and/or directly
13 or indirectly participating in the abuses of Plaintiff as hereinafter alleged.

14 22. Defendant Donald H. Rumsfeld is a United States citizen residing in Illinois.
15 Defendant Rumsfeld was the United States Secretary of Defense from January 20,
16 2001 until December 18, 2006, including the period of time in which the events
17 herein described began. At all relevant times, Defendant Rumsfeld possessed and
18 exercised command and control over the United States military and the United
19 States detention facility at Guantánamo. Defendant Rumsfeld is sued in his
20 individual capacity for ordering, authorizing, condoning, creating methods and
21 procedures for, exercising command responsibility over, conspiring with, aiding and
22 abetting subordinates, and/or directly or indirectly participating in the abuses of

1 Plaintiff as hereinafter alleged.

2 23. Defendant Paul Wolfowitz is a United States citizen residing in Maryland.
3 Defendant Wolfowitz was Deputy Secretary of Defense from March 2, 2001 until
4 March 17 2005, including the period of time in which events herein described
5 occurred. In particular, Mr. Wolfowitz was responsible for creating and overseeing
6 the implementation of the flawed CSRTs, through memoranda which called for
7 specific treatment of detainees. Defendant Wolfowitz is sued in his individual
8 capacity for ordering, authorizing, condoning, creating methods and procedures for,
9 exercising command responsibility over, conspiring with, aiding and abetting
10 subordinates, and/or directly or indirectly participating in the abuses of Plaintiff as
11 hereinafter alleged.

12 24. Defendant Gordon England is a United States citizen and was Secretary of the
13 Navy from October 1, 2003 until December 28, 2005 and was simultaneously the
14 Designated Civilian Official of detainees from June 28, 2003 until May 12, 2005.
15 During this period and in this capacity, Mr. England had a strong role in determining
16 whether a detainee should be released or not, based on the recommendations of a
17 CSRT or ARB. Mr. England was also Deputy Secretary of Defense from May 13,
18 2005 until February 20, 2009, including the period of time in which events herein
19 described occurred. During this period and in this capacity, Mr. England continued
20 to oversee the flawed CSRT and ARB processes. Defendant England is sued in his
21 individual capacity for ordering, authorizing, condoning, creating methods and
22 procedures for, exercising command responsibility over, conspiring with, aiding and

1 abetting subordinates, and/or directly or indirectly participating in the abuses of
2 Plaintiff as hereinafter alleged.

3 25. Defendant James M. McGarrah, RADM, CEC, USN, is an United States citizen
4 and was the Director of the Office for the Administrative Review of the Detention of
5 Enemy Combatants (OARDEC) and the CSRT from July 2004 to March 2006, who
6 in this capacity, helped develop the flawed ARB process, approved the CSRT
7 recommendation that Mr. Hamad be designated an enemy combatant and that the
8 case be considered final in a determination signed March 18, 2005. Defendant
9 McGarrah is sued in his individual capacity for ordering, authorizing, condoning,
10 creating methods and procedures for, exercising command responsibility over,
11 conspiring with, aiding and abetting subordinates, and/or directly or indirectly
12 participating in the abuses of Plaintiff as hereinafter alleged.

13 26. Defendant Air Force Gen. Richard B. Myers is a United States citizen.
14 Defendant Myers was the Chairman of the Joint Chiefs of Staff from October 1, 2001
15 until October 1, 2005. As the senior uniformed military officer in the chain of
16 command during March 2003 until October 2005, Defendant Myers possessed and
17 exercised command and control over the United States military and the United
18 States detention facility at Guantánamo. Defendant Myers is sued in his individual
19 capacity for ordering, authorizing, condoning, creating methods and procedures for,
20 exercising command responsibility over, conspiring with, aiding and abetting
21 subordinates, and/or directly or indirectly participating in the abuses of Plaintiff as
22 hereinafter alleged.

1 27. Defendant Marine Gen. Peter Pace is a United States citizen. Defendant Pace
2 was the Chairman of the Joint Chiefs of Staff from September 30, 2005 until October
3 1, 2007. As the senior military officer in the chain of command during his tenure as
4 the Chairman of the Joint Chiefs of Staff, Defendant Pace possessed and exercised
5 command and control over the United States military and the United States
6 detention facility at Guantánamo. Defendant Pace is sued in his individual capacity
7 for ordering, authorizing, condoning, creating methods and procedures for,
8 exercising command responsibility over, conspiring with, aiding and abetting
9 subordinates, and/or directly or indirectly participating in the abuses of Plaintiff as
10 hereinafter alleged.

11 28. Defendant Admiral Michael Glenn “Mike” Mullen is a United States citizen.
12 Defendant Mullen has been the Chairman of the Joint Chiefs of Staff since October
13 1, 2007. As the senior military officer in the chain of command, Defendant Mullen
14 possessed and exercised command and control over the United States military and
15 the United States detention facility at Guantánamo. Defendant Mullen is sued in his
16 individual capacity for ordering, authorizing, condoning, creating methods and
17 procedures for, exercising command responsibility over, conspiring with, aiding and
18 abetting subordinates, and/or directly or indirectly participating in the abuses of
19 Plaintiff as hereinafter alleged.

20 29. Defendant Army Gen. James T. Hill is a United States citizen. Defendant Hill
21 was the Commander of the United States Southern Command from August 18, 2002
22 until November 9, 2004. During his tenure as the senior commander with authority

1 over the United States detention facility at Guantánamo, Defendant Hill possessed
2 and exercised command and control over subordinates at Guantánamo. Defendant
3 Hill is sued in his individual capacity for ordering, authorizing, condoning, creating
4 methods and procedures for, exercising command responsibility over, conspiring
5 with, aiding and abetting subordinates, and/or directly or indirectly participating in the
6 abuses of Plaintiff as hereinafter alleged.

7 30. Defendant Army Gen. Bantz Craddock is a United States citizen. Defendant
8 Craddock was the Commander of the United States Southern Command from
9 November 9, 2004 until October 18, 2006. During his tenure as the senior
10 commander with authority over the United States detention facility at Guantánamo,
11 Defendant Craddock possessed and exercised command and control over
12 subordinates at Guantánamo. Defendant Craddock is sued in his individual capacity
13 for ordering, authorizing, condoning, creating methods and procedures for,
14 exercising command responsibility over, conspiring with, aiding and abetting
15 subordinates, and/or directly or indirectly participating in the abuses of Plaintiff as
16 hereinafter alleged.

17 31. Defendant Army Maj. Gen. Geoffrey D. Miller is a United States citizen.
18 Defendant Miller was the Commander of Joint Task Force-Guantánamo, responsible
19 for all operations at the detention facility at Guantánamo including the conduct of all
20 interrogations from October 2002 until March 2004. During his tenure, Defendant
21 Miller possessed and exercised command and control over subordinates at
22 Guantánamo. Defendant Miller is sued in his individual capacity for ordering,

1 authorizing, condoning, creating methods and procedures for, exercising command
2 responsibility over, conspiring with, aiding and abetting subordinates, and/or directly
3 or indirectly participating in the abuses of Plaintiff as hereinafter alleged.

4 32. Defendant Army Brig. Gen. Jay Hood is a United States citizen. Defendant
5 Hood was the Commander of Joint Task Force-Guantánamo, responsible for all
6 operations at the detention facility at Guantánamo including the conduct of all
7 interrogations from March 2004 until March 2006. During his tenure, Defendant
8 Hood possessed and exercised command and control over subordinates at
9 Guantánamo. Defendant Hood is sued in his individual capacity for ordering,
10 authorizing, condoning, creating methods and procedures for, exercising command
11 responsibility over, conspiring with, aiding and abetting subordinates, and/or directly
12 or indirectly participating in the abuses of Plaintiff as hereinafter alleged.

13 33. Defendant Navy Rear Adm. Harry B. Harris, Jr. is a United States citizen.
14 Defendant Harris was the Commander of Joint Task Force-Guantánamo,
15 responsible for all operations at the detention facility at Guantánamo including the
16 conduct of all interrogations from March 2006 until May 2007. During his tenure,
17 Defendant Harris possessed and exercised command and control over subordinates
18 at Guantánamo. Defendant Harris is sued in his individual capacity for ordering,
19 authorizing, condoning, creating methods and procedures for, exercising command
20 responsibility over, conspiring with, aiding and abetting subordinates, and/or directly
21 or indirectly participating in the abuses of Plaintiff as hereinafter alleged.

22 34. Defendant Rear Adm. Mark H. Buzby is a United States citizen. Defendant

1 Buzby was the Commander of Joint Task Force-Guantánamo, responsible for all
2 operations at the detention facility at Guantánamo including the conduct of all
3 interrogations from May 2007 until January 2008. During his tenure, Defendant
4 Buzby possessed and exercised command and control over subordinates at
5 Guantánamo. Defendant Buzby is sued in his individual capacity for ordering,
6 authorizing, condoning, creating methods and procedures for, exercising command
7 responsibility over, conspiring with, aiding and abetting subordinates, and/or directly
8 or indirectly participating in the abuses of Plaintiff as hereinafter alleged.

9 35. Defendant Army Col. Adolph McQueen is a United States citizen. Defendant
10 McQueen was the Commander of Joint Detention Operations Group at the United
11 States detention facility at Guantánamo, responsible for guarding the detainees and
12 providing security from November 2002 until August 2003. During his tenure,
13 Defendant McQueen possessed and exercised command and control over
14 subordinates at Guantánamo. Defendant McQueen is sued in his individual capacity
15 for ordering, authorizing, condoning, creating methods and procedures for,
16 exercising command responsibility over, conspiring with, aiding and abetting
17 subordinates, and/or directly or indirectly participating in the abuses of Plaintiff as
18 hereinafter alleged.

19 36. Defendant Army Brig. Gen. Nelson Cannon is a United States citizen.
20 Defendant Cannon was the Commander of Joint Detention Operations Group at the
21 United States detention facility at Guantánamo, responsible for guarding the
22 detainees and providing security from August 2003 until September 2004. During

1 his tenure, Defendant Cannon possessed and exercised command and control over
2 subordinates at Guantánamo. Defendant Cannon is sued in his individual capacity
3 for ordering, authorizing, condoning, creating methods and procedures for,
4 exercising command responsibility over, conspiring with, aiding and abetting
5 subordinates, and/or directly or indirectly participating in the abuses of Plaintiff as
6 hereinafter alleged.

7 37. Defendant Army Col. Michael “Mike” Bumgarner is a United States citizen.
8 Defendant Bumgarner was the Commander of Joint Detention Operations Group at
9 the United States detention facility at Guantánamo, responsible for guarding the
10 detainees and providing security from April 2005 until March 2006. During his
11 tenure, Defendant Bumgarner possessed and exercised command and control over
12 subordinates at Guantánamo. Defendant Bumgarner is sued in his individual
13 capacity for ordering, authorizing, condoning, creating methods and procedures for,
14 exercising command responsibility over, conspiring with, aiding and abetting
15 subordinates, and/or directly or indirectly participating in the abuses of Plaintiff as
16 hereinafter alleged.

17 38. Defendant Army Col. Wade Dennis is a United States citizen. Defendant
18 Dennis was the Commander of Joint Detention Operations Group at the U.S.
19 detention facility at Guantánamo, responsible for guarding the detainees and
20 providing security from March 2006 until June 2007. During his tenure, Defendant
21 Dennis possessed and exercised command and control over subordinates at
22 Guantánamo. Defendant Dennis is sued in his individual capacity for ordering,

1 authorizing, condoning, creating methods and procedures for, exercising command
2 responsibility over, conspiring with, aiding and abetting subordinates, and/or directly
3 or indirectly participating in the abuses of Plaintiff as hereinafter alleged.

4 39. Defendant Army Col. Bruce Vargo is a United States citizen. Defendant Vargo
5 was the Commander of Joint Detention Operations Group at the United States
6 detention facility at Guantánamo, responsible for guarding the detainees and
7 providing security from July 2007 until Mr. Hamad's release in December 2007.

8 During his tenure, Defendant Vargo possessed and exercised command and control
9 over subordinates at Guantánamo. Defendant Vargo is sued in his individual
10 capacity for ordering, authorizing, condoning, creating methods and procedures for,
11 exercising command responsibility over, conspiring with, aiding and abetting
12 subordinates, and/or directly or indirectly participating in the abuses of Plaintiff as
13 hereinafter alleged.

14 40. Defendant Esteban (aka Steven, aka Stephen) Rodriguez is a United States
15 citizen. Defendant Rodriguez was the civilian Director of the Joint Intelligence Group
16 responsible for managing intelligence-gathering operations at Guantánamo and
17 reporting to the Commander of the Joint Task Force at Guantánamo from July 2003
18 to October 2005. During his tenure, Defendant Rodriguez possessed and exercised
19 command and control over subordinates at Guantánamo. Defendant Rodriguez is
20 sued in his individual capacity for ordering, authorizing, condoning, creating methods
21 and procedures for, exercising command responsibility over, conspiring with, aiding
22 and abetting subordinates, and/or directly or indirectly participating in the abuses of

1 Plaintiff as hereinafter alleged.

2 41. Defendant Lt. General Daniel McNeill is a United States citizen. Defendant
3 McNeill was Commander of the Coalition Forces in Afghanistan until March of 2003.
4 He was responsible for all forces, intelligence activity, and treatment of prisoners in
5 Afghanistan during his tenure. During his tenure, Defendant McNeill possessed and
6 exercised command and control over subordinates in Afghanistan. Defendant
7 McNeill is sued in his individual capacity for ordering, authorizing, condoning,
8 creating methods and procedures for, exercising command responsibility over,
9 conspiring with, aiding and abetting subordinates, and/or directly or indirectly
10 participating in the abuses of Plaintiff as hereinafter alleged.

11 42. Defendant Brigadier General Gregory J. Ihde, a United States citizen, was the
12 Commander of the United States air base in Bagram, Afghanistan during the time
13 Mr. Hamad was detained there from January 2003 to March 2003. Defendant Ihde
14 exercised command responsibility over, conspired with, aided and abetted
15 subordinates, and/or directly or indirectly participated in Mr. Hamad's prolonged
16 arbitrary detention, cruel, inhuman, or degrading treatment, torture, forced
17 disappearance and due process violations at Bagram as hereinafter alleged.

18 43. Defendant John Doe 1, Colonel, United States Army Tribunal President is a
19 United States citizen and presided over the flawed CSRT that recommended Mr.
20 Hamad be designated an enemy combatant, despite a strong dissenting opinion
21 which concluded that Mr. Hamad's enemy combatant status determination was
22 unwarranted and as such, the result would be "unconscionable." Defendant John

1 Doe 1 is sued in his individual capacity for ordering, authorizing, condoning, creating
2 methods and procedures for, exercising command responsibility over, conspiring
3 with, aiding and abetting subordinates, and/or directly or indirectly participating in the
4 abuses of Plaintiff as hereinafter alleged.

5 44. Defendant John Doe 2, Captain, USN, is an United States citizen and was
6 Presiding Officer of the flawed ARB, which determined that Mr. Hamad be
7 recommended for transfer back to the Sudan. Despite this recommendation,
8 Defendant Doe 2 failed to provide or ensure proper notification to Mr. Hamad and/or
9 Mr. Hamad's habeas counsel of the ARB's decision. Defendant John Doe 2 is sued
10 in his individual capacity for ordering, authorizing, condoning, creating methods and
11 procedures for, exercising command responsibility over, conspiring with, aiding and
12 abetting subordinates, and/or directly or indirectly participating in the abuses of
13 Plaintiff as hereinafter alleged.

14 45. Plaintiff does not know the true names and capacities of Defendants sued
15 herein as John Does 3-100, and therefore sues these Defendants by fictitious
16 names. John Does 3-100 are sued in their individual capacity, and are the military,
17 intelligence, and civilian personnel who exercised command responsibility over,
18 conspired with, aided and abetted subordinates, and/or directly or indirectly
19 participated in Mr. Hamad's prolonged arbitrary detention, cruel, inhuman, or
20 degrading treatment, torture, targeting of a civilian, forced disappearance and due
21 process violations as hereinafter alleged.

22 46. All Defendants named herein are sued in their individual capacity and are

1 alleged to have acted outside the scope of their employment and/or authority,
2 especially with regard to men such as Mr. Hamad, a civilian, who was not
3 apprehended on a battlefield and for whom there was insufficient evidence to
4 warrant his taking, detention or treatment.

5 47. Plaintiff reserves the right to proceed under the Federal Tort Claims Act
6 (FTCA) in the event individual Defendants are found to have acted within the scope
7 of their employment. A FTCA claim was filed on December 3, 2009, so that such a
8 claim was filed in the event this occurs.

9 //

10 **IV. STATEMENT OF FACTS**

11 **Background**

12 48. From the outset of the War on Terror following the September 11, 2001 attacks,
13 Pakistan has been a key front-line ally to the United States. As documented in the
14 most recent State Department Report on Pakistan issued in March, 2009, "The
15 United States-Pakistan relationship changed significantly once Pakistan agreed to
16 support the United States' campaign to eliminate the Taliban in Afghanistan and to
17 join the United States in the Global War on Terror. Since September 2001, Pakistan
18 has provided extensive assistance in the war on terror by capturing more than 600
19 al-Qaida members and their allies. The United States has stepped up its economic
20 assistance to Pakistan, providing debt relief and support for a major effort for
21 education reform."

22 49. As part of this relationship change, the United States and Pakistan established

1 the Working Group on Counterterrorism and Law Enforcement Cooperation in 2002,
2 with the first meeting held in May of that year. Around this time, United States
3 involvement, particularly the Federal Bureau of Investigation (FBI), with local
4 Pakistani police increased. It has been reported that FBI agents actively took part in
5 raids with local police, carrying weapons and directing local police in nighttime
6 arrests.

7 50. The United States military has maintained continuous control and jurisdiction
8 over Bagram since December 2001, following the invasion of Afghanistan. The base
9 has served as a primary staging center for the military during Operation: Enduring
10 Freedom. It has also served as the primary known detention centers, interrogation
11 points, and transfer centers for detainees arrested in the region, including Pakistan.
12 Numerous media reports and human rights organizations have documented the
13 harsh conditions and treatment administered to detainees at Bagram, which were
14 particularly harsh during the initial years of its operation under United States control.

15 51. The United States has maintained exclusive and continuous control and
16 jurisdiction over Guantánamo pursuant to a 1903 Lease Agreement with Cuba.
17 Beginning in early 2002, the United States began to transfer detainees seized
18 throughout the world to Guantánamo. Numerous media reports and human rights
19 organizations have documented harsh conditions and treatment administered to
20 detainees at Guantánamo.

21 52. At Guantánamo, detainees have been held indefinitely without charges ever
22 being filed against them. Under the auspices of the United States Department of

1 Defense (DOD), the Office for the Administrative Review of the Detention of Enemy
2 Combatants (OARDEC) was created in 2004 to establish military tribunals to
3 determine the status of the individuals detained at Guantánamo. The two
4 procedures established by OARDEC were the Combatant Status Review Tribunals
5 (CSRT) and Administrative Review Boards (ARB).

6 53. Detainees' statuses have been determined by a flawed CSRT procedure,
7 designed merely to determine whether a detainee may be deemed an "enemy
8 combatant." The process fails to provide for adequate due process on numerous
9 aspects because detainees are presumed guilty of being enemy combatants, not
10 permitted to review classified evidence that is used to justify an enemy combatant
11 determination, not afforded access to counsel, and not permitted to present their
12 own witnesses or evidence.

13 54. Following an enemy combatant determination by a CSRT, a detainee's status is
14 to be reviewed annually by an ARB. The ARB is to recommend, based on current
15 evidence at the time, whether the detainee should be released, transferred, or
16 continue to be detained. At its core, the ARB was designed to "ensure no one is
17 detained any longer than is warranted . . ."

18 **Facts Specific to Plaintiff**

19 55. Mr. Hamad was in the exclusive custody, care, and control of Defendants at
20 Bagram and Guantánamo from January 2003 until being released and transferred to
21 the Sudan in December 2007. He was originally detained under the name Hassan
22 Adel Hussein with ISN Number 940.

1 56. Mr. Hamad was seized on July 18, 2002 during a middle of the night raid by
2 Pakistani authorities, upon information and belief, at the direction of an unknown
3 American official. The private building in Peshawar that Mr. Hamad was living in
4 was raided by six to eight heavily armed men. The men raided Mr. Hamad's
5 upstairs apartment, as well as the apartment of his downstairs neighbor, an Algerian
6 refugee. After being held in a local jail overnight, Mr. Hamad was transferred on July
7 19, 2002 to a jail in Islamabad, Pakistan where he was interrogated and held for two
8 days with no water, food, or outside contact.

9 57. On July 22, 2002, Mr. Hamad was hooded, chained with heavy metal links and
10 old-fashioned padlocks, and transferred to another Pakistani prison. It is possible
11 this location was in Islamabad; it is also possible this location was at a
12 site controlled/operated at least partly by the United States military. During the six
13 months that Mr. Hamad was detained at this location, his health deteriorated
14 dramatically as a consequence of the prison conditions. He was given dirty water to
15 drink, rotten food to eat, and only one set of clothes to use throughout the summer
16 heat and winter cold that spanned the time he spent there. He lost approximately 65
17 pounds (from 200 pounds in July to 135 pounds in December) after being denied
18 medical care for dysentery.

19 58. During his detainment at this Pakistani prison, Mr. Hamad was never permitted
20 to have outside contact, including with the International Committee of the Red Cross
21 (ICRC), his family, consulate, or an attorney. Mr. Hamad was never charged with a
22 crime or interrogated. His family did not know what had happened to him, or where

1 he was.

2 59. In approximately January 2003, Mr. Hamad was hooded, chained, and driven in
3 a van to be transferred once again. Upon arrival at a tarmac, Mr. Hamad was
4 thrown to the ground, roughly kicked, and retrussed in plastic cuffs by, upon
5 information and belief, American officials. Mr. Hamad was then put onto a non-
6 commercial flight to Bagram that lasted approximately two hours.

7 60. Mr. Hamad was a prisoner under the exclusive control of the United States at
8 the detention center at Bagram from approximately January 2003 until approximately
9 March 15, 2003. Upon arrival at Bagram, American officials pushed and dragged
10 Mr. Hamad outside, kicked him, cut his clothes off with a knife, and left him naked
11 outside in the freezing cold. Dogs were set upon Mr. Hamad while watching United
12 States military personnel laughed and mocked him.

13 61. Eventually, Mr. Hamad was taken into an empty prison cell in a hangar and
14 given abrasive clothing to wear. There he was forced to stand for three straight days
15 without sleep or food. He was then taken into another room where he was
16 interrogated numerous times for the next three days and deprived of food and sleep.
17 Every time he was moved for interrogation, Mr. Hamad was jerked, pushed, and
18 insulted. In the interrogation room, Mr. Hamad was questioned, yelled at, and
19 berated.

20 62. As a result of the prison in Pakistan, lack of sleep, lack of food, and the cold in
21 the prison in Afghanistan, Mr. Hamad collapsed from malnourishment and
22 dehydration, needing two full weeks to recover at the prison hospital. After being

1 discharged from the hospital, he was taken to a new cell, where he was able to rest
2 and sleep.

3 63. In early March, 2003, finally, for the first time since being seized on July 18,
4 2002, Mr. Hamad had contact with outsiders, the ICRC. In addition, he was
5 permitted to write a simple letter to his wife, which was screened by United States
6 military officers.

7 64. During his detention at Bagram, Mr. Hamad was subjected to prolonged
8 arbitrary detention, cruel, inhuman, or degrading treatment, torture, due process
9 violations, repeatedly interrogation, and deprived of appropriate care to the point of
10 requiring hospitalization. He was deprived of all outside contact until early March,
11 2003, shortly before his transfer to Guantánamo.

12 65. On approximately March 15, 2003, Mr. Hamad was shackled and blindfolded,
13 had muffs placed on his ears, and strapped down with a full-face muzzle for the
14 entire thirty-hour flight to Guantánamo. Bathroom use during the flight was
15 restricted.

16 66. Mr. Hamad was a prisoner under the exclusive control of the United States at
17 Guantánamo from approximately March 15, 2003 until his release and subsequent
18 transfer back to the Sudan on approximately December 12, 2007. During this time,
19 Mr. Hamad continued to be interrogated and detained, despite no reasonable basis
20 for such treatment.

21 67. For the first few weeks at Guantánamo, Mr. Hamad was held in isolation and
22 interrogated daily. Interrogations tapered off and Mr. Hamad was eventually moved

1 to Camp 4 in Camp Delta. However, during one month of his stay, Mr. Hamad was
2 held in Camp 1. In Camp 1, Mr. Hamad was isolated for twenty-two or twenty-three
3 hours a day without a mattress, blanket, regular showers, or toilet paper.

4 68. Mr. Hamad was not given notice of the basis for his detention until more than
5 two years after first being detained, after the CSRT was convened in November
6 2004.

7 **CSRT Determination and ARB Review**

8 69. It was not until March 2005 that Mr. Hamad was officially labeled as an “enemy
9 combatant” by the flawed CSRT process, nearly three full years since initially being
10 detained. The CSRT itself did not afford Mr. Hamad elementary due process.

11 70. A divided panel, which is rare for these military tribunals, determined that Mr.
12 Hamad was an enemy combatant simply because of his association as an employee
13 of two organizations for whom he had done humanitarian and charity work (one of
14 which he had left years before), and nothing more.

15 71. The dissenting member of the panel found that Hamad’s designation as an
16 enemy combatant was unwarranted and would have “unconscionable results.” The
17 decision took into account both classified and unclassified information.

18 72. A second CSRT was ordered for Mr. Hamad one month before he was
19 ultimately transferred to the Sudan in December of 2007. A second CSRT is
20 unusual, and indicates that the first CSRT determination was either not accurate or
21 that exculpatory evidence was not considered.

22 73. The CSRT’s determination of Mr. Hamad as an enemy combatant was

1 reviewed only one time by a military ARB, which was convened between June 28,
2 2005 and August 2005. The purpose of the ARB is to provide for annual review in
3 light of the flawed CSRT procedures. In November 2005, the ARB determined, upon
4 information and belief, that Mr. Hamad was eligible to be released from Guantánamo
5 and be sent back home to the Sudan. Neither Mr. Hamad nor his habeas counsel
6 received notification of the Board's findings; nor did they receive an answer to his
7 counsel's inquiries.

8 74. No ARB was convened for Mr. Hamad in 2006, despite the requirement that an
9 ARB be held annually. However, on February 22, 2007, Mr. Hamad's habeas
10 counsel received an email from OARDEC, notifying them that Mr. Hamad, based on
11 either the ARB process or the process the Department of Defense had in place prior
12 to ARBs, had in fact been "approved to leave Guantánamo." This notification via
13 email came fifteen months after the ARB had determined Mr. Hamad eligible for
14 transfer.

15 75. Despite the ARB determination and email notification, Mr. Hamad was not
16 transferred to the Sudan until approximately December 12, 2007, following
17 negotiations between officials of the United States and Sudanese governments.

18 76. Certain officials within the U.S. government, including some of those named as
19 defendants, knew or should have known that many of the men seized and held at
20 Guantánamo Bay were innocent. Mr. Hamad was one of these innocent men.

21 77. Col. Lawrence B. Wilkerson (Ret.), a former high-level official with the United
22 States government has alleged, through a declaration in plaintiff's counsel's

1 possession, that he has personal knowledge that certain United States officials,
2 including Defendant Rumsfeld, knew that they had seized and were holding innocent
3 men at Guantánamo Bay, and that they simply refused to release them out of fear of
4 political repercussions. The declaration also alleges that there was no meaningful
5 way to determine who was an enemy combatant and who was not, both in the field
6 and at Guantánamo Bay.

7 **Habeas Petition**

8 78. Mr. Hamad submitted a handwritten petition for a writ of habeas corpus which
9 was officially filed on May 19, 2005. Counsel was finally appointed on October 14,
10 2005, and an amended petition for the writ of habeas corpus was filed by his habeas
11 counsel on December 12, 2005. The habeas process was delayed on numerous
12 occasions due to the acts of the government. As a consequence of this and Mr.
13 Hamad's eventual transfer to the Sudan, no court opinion on the merits of Hamad's
14 habeas petition was ever issued. Mr. Hamad's case was consolidated with other
15 former prisoners who asked for the right to proceed once released or transferred
16 based on the existence of collateral consequences. The consolidated case was
17 dismissed on April 1, 2010 by a federal district judge in the District of Columbia.

18 **V. INJURIES**

19 79. Because of the wrongful acts of Defendants, as set forth above and herein, Mr.
20 Hamad was caused the following injuries, among others:

- 21 a. Ongoing physical injuries;
- 22 b. Ongoing emotional and psychological injuries;

- c. Loss of earnings and earning capacity;
- d. Loss of interfamilial relations;
- e. Loss of reputation;
- f. Medical expenses, past and future.

VI. CLAIMS FOR RELIEF

80. Plaintiff's causes of action arise under and violate domestic and international law, agreements, declarations, conventions, resolutions and treaties, including the following:

- a. Customary international law and treaties of the United States;
- b. Statutes and common law of the United States;
- c. Common law of numerous states, including Washington;
- d. Other applicable laws, domestic, foreign, or international.

VII. FIRST CLAIM FOR RELIEF

(Customary International Law: Prolonged Arbitrary Detention against "United States Officials" in their Individual Capacity)

81. Plaintiff repeats and re-alleges the allegations contained in the preceding paragraphs of this Complaint as if fully set forth herein.

82. The acts described herein constitute prolonged arbitrary detention of Mr. Hamad in violation of the laws of nations and are actionable under the Alien Tort Statute, 28 U.S.C. § 1350, in that the acts violated customary international law prohibiting prolonged arbitrary detention as reflected, expressed, and defined in multilateral treaties and other international treaties, domestic and international

1 judicial decisions, and other authorities.

2 83. All Defendants are liable for said conduct in that they, acting under color of law
3 committed, directed, ordered, confirmed, ratified, had command responsibility for,
4 aided and abetted, conspired to, and/or directly or indirectly participated in bringing
5 about the prolonged arbitrary detention of Mr. Hamad. Defendants intended and/or
6 knew or should have known, that prolonged arbitrary detention was being enforced
7 by his/her subordinates and failed to prevent those abuses or punish those
8 responsible.

9 84. All Defendants practiced, encouraged, and/or condoned prolonged arbitrary
10 detention of Mr. Hamad for over five years until he was released.

11 85. As a proximate result of Defendants' unlawful conduct, Plaintiff has suffered
12 physical harm, emotional harm, and financial loss.

13 **VIII. SECOND CLAIM FOR RELIEF**

14 **(Customary International Law: Cruel, Inhuman, or Degrading Treatment against**
15 **"United States Officials" in their Individual Capacity)**

16 86. Plaintiff repeats and re-alleges the allegations contained in the preceding
17 paragraphs of this Complaint as if fully set forth herein.

18 87. The acts described herein constitute cruel, inhuman, or degrading treatment of
19 Mr. Hamad in violation of the laws of nations and are actionable under the Alien Tort
20 Statute, 28 U.S.C. § 1350, in that the acts violated customary international law
21 prohibiting cruel, inhuman, or degrading treatment as reflected, expressed, and
22 defined in multilateral treaties and other international treaties, domestic and

1 international judicial decisions, and other authorities.

2 88. Defendants Gates, Rumsfeld, Myers, Pace, Mullen, Hill, Craddock, Miller,
3 Hood, Harris, Buzby, McQueen, Cannon, Bumgarner, Dennis, Vargo, Rodriguez,
4 McNeill, Ihde, and Does 3-100 are liable for said conduct in that they, acting under
5 color of law and authority as an United States official or federal officer committed,
6 directed, ordered, confirmed, ratified, had command responsibility for, aided and
7 abetted, conspired to, and/or directly or indirectly participated in bringing about the
8 cruel, inhuman, or degrading treatment of Mr. Hamad. Defendants intended and/or
9 knew or should have known, that cruel, inhuman, or degrading treatment was being
10 enforced by his/her subordinates and failed to prevent those abuses or punish those
11 responsible.

12 89. Defendants Gates, Rumsfeld, Myers, Pace, Mullen, Hill, Craddock, Miller,
13 Hood, Harris, Buzby, McQueen, Cannon, Bumgarner, Dennis, Vargo, Rodriguez,
14 McNeill, Ihde, and Does 3-100 practiced, encouraged, and/or condoned cruel,
15 inhuman, or degrading treatment of Mr. Hamad for over five years until he was
16 released.

17 90. As a proximate result of Defendants' unlawful conduct, Plaintiff has suffered
18 physical harm, emotional harm, and financial loss.

19 **IX. THIRD CLAIM FOR RELIEF**

20 **(Customary International Law: Torture against "United States Officials" in their**
21 **Individual Capacity)**

22 91. Plaintiff repeats and re-alleges the allegations contained in the preceding

1 paragraphs of this Complaint as if fully set forth herein.

2 92. The acts described herein constitute torture of Mr. Hamad in violation of the
3 laws of nations and are actionable under the Alien Tort Statute, 28 U.S.C. § 1350, in
4 that the acts violated customary international law against torture as reflected,
5 expressed, and defined in multilateral treaties and other international treaties,
6 domestic and international judicial decisions, and other authorities.

7 93. Defendants Gates, Rumsfeld, Myers, Pace, Mullen, Hill, Craddock, Miller,
8 Hood, Harris, Buzby, McQueen, Cannon, Bumgarner, Dennis, Vargo, Rodriguez,
9 McNeill, Ihde, and Does 3-100 are liable for said conduct in that they, acting under
10 color of law and authority as an United States official or federal officer committed,
11 directed, ordered, confirmed, ratified, had command responsibility for, aided and
12 abetted, conspired to, and/or directly or indirectly participated in bringing about the
13 torture of Mr. Hamad. Defendants intended and/or knew or should have known, that
14 torture was being enforced by his/her subordinates and failed to prevent those
15 abuses or punish those responsible.

16 94. Defendants Gates, Rumsfeld, Myers, Pace, Mullen, Hill, Craddock, Miller,
17 Hood, Harris, Buzby, McQueen, Cannon, Bumgarner, Dennis, Vargo, Rodriguez,
18 McNeill and Ihde, Does 3-100 practiced, encouraged, and/or condoned torture of Mr.
19 Hamad.

20 95. As a proximate result of Defendants' unlawful conduct, Plaintiff has suffered
21 physical harm, emotional harm, and financial loss.

22 **XII. FOURTH CLAIM FOR RELIEF**

(Customary International Law and Violations of the Fourth Geneva Convention:

1 102. Plaintiff repeats and re-alleges the allegations contained in the preceding
2 paragraphs of this Complaint as if fully set forth herein.

3 103. The acts described herein constitute violations of the life and liberty interests of
4 Mr. Hamad in violation of the laws of nations and are actionable under the Alien Tort
5 Statute, 28 U.S.C. § 1350, in that the acts violated customary international law
6 requiring due process as reflected, expressed, and defined in multilateral treaties
7 and other international treaties, domestic and international judicial decisions, and
8 other authorities.

9 104. All Defendants are liable for said conduct in that they, acting under color of law
10 and his/her authority as an United States official or federal officer committed,
11 directed, ordered, confirmed, ratified, had command responsibility for, aided and
12 abetted, conspired to, and/or directly or indirectly participated in bringing about
13 violations of due process of Mr. Hamad. Defendants intended and/or knew or
14 should have known, that due process violations were being enforced by his/her
15 subordinates and failed to prevent those abuses or punish those responsible.

16 105. All Defendants practiced, encouraged, and/or condoned due process violations
17 of Mr. Hamad for over five years until he was released. Mr. Hamad was detained for
18 more than two years before his status was reviewed by a flawed CSRT.

19 106. As a proximate result of Defendants' unlawful conduct, Plaintiff has suffered
20 physical harm, emotional harm, and financial loss.

21 **XII. SIXTH CLAIM FOR RELIEF**

22 **(Customary International Law: Forced Disappearance against "United States
Officials" in their Individual Capacity)**

1 107. Plaintiff repeats and re-alleges the allegations contained in the preceding
2 paragraphs of this Complaint as if fully set forth herein.

3 108. The acts described herein constitute the forced disappearance of Mr. Hamad in
4 violation of the law of nations and are actionable under the Alien Tort Statute, 28
5 U.S.C. § 1350, in that the acts violated customary international law prohibiting forced
6 disappearance as reflected, expressed, and defined in multilateral treaties and other
7 international treaties, domestic and international judicial decisions, and other
8 authorities.

9 109. Defendants Rumsfeld, Myers, McNeill, Ihde, and Does 3-100 are liable for said
10 conduct in that they, acting under color of law and authority as a United States
11 official or federal officer committed, directed, ordered, confirmed, ratified, had
12 command responsibility for, aided and abetted, conspired to, and/or directly or
13 indirectly participated in the forced disappearance of Mr. Hamad.

14 110. Defendants Rumsfeld, Myers, McNeill, Ihde, and Does 3-100 intended and/or
15 knew or should have known, that Mr. Hamad's disappearance was forced by his/her
16 subordinates and failed to prevent those abuse or punish those responsible.

17 111. Defendants Rumsfeld, Myers, McNeill, Ihde, and Does 3-100 practiced,
18 encouraged, and/or condoned the forced disappearance of Mr. Hamad for eight
19 months until he was finally allowed to write a simple letter to his wife in March of
20 2003.

21 112. As a proximate result of Defendants' unlawful conduct, Plaintiff has suffered
22 physical harm, emotional harm, and financial loss.

1 **XIII. SEVENTH CLAIM FOR RELIEF**

2 **(United States Constitution, Fifth Amendment: Violation of Due Process against**
3 **“United States Officials” in their Individual Capacity)**

4 113. Plaintiff repeats and re-alleges the allegations contained in the preceding
5 paragraphs of this Complaint as if fully set forth herein.

6 114. The acts described herein constitute violations of the life and liberty interests of
7 Mr. Hamad in violation of the Fifth Amendment of the United States Constitution,
8 which prohibits cruel and inhumane treatment constituting punishment.

9 115. Defendants Gates, Rumsfeld, Wolfowitz, England, McGarrah, Myers, Pace,
10 Mullen, Hill, Craddock, Miller, Hood, Harris, Buzby, McQueen, Cannon, Bumgarner,
11 Dennis, Vargo, Rodriguez, and Does 1 and 2 are liable for said conduct in that they,
12 acting under color of law and authority as an United States official or federal officer
13 committed, directed, ordered, confirmed, ratified, had command responsibility for,
14 aided and abetted, conspired to, and/or directly or indirectly participated in the
15 bringing about of due process violations of Mr. Hamad.

16 116. Defendants Gates, Rumsfeld, Wolfowitz, England, McGarrah, Myers, Pace,
17 Mullen, Hill, Craddock, Miller, Hood, Harris, Buzby, McQueen, Cannon, Bumgarner,
18 Dennis, Vargo, Rodriguez, and Does 1 and 2 intended and/or knew or should have
19 known, that due process violations were being enforced by his/her subordinates and
20 failed to prevent those abuses or punish those responsible.

21 117. Defendants Gates, Rumsfeld, Wolfowitz, England, McGarrah, Myers, Pace,
22 Mullen, Hill, Craddock, Miller, Hood, Harris, Buzby, McQueen, Cannon, Bumgarner,

1 Dennis, Vargo, Rodriguez, and Does 1, 2, and 3-100 practiced, encouraged, and/or
2 condoned due process violations of Mr. Hamad for over five years until he was
3 finally released.

4 118. As a proximate result of Defendants' unlawful conduct, Plaintiff has suffered
5 physical harm, emotional harm, and financial loss.

6 **XI. PRAYER FOR RELIEF**

7 WHEREFORE Plaintiff respectfully requests the Court enter a judgment against
8 Defendants:

9 119. Awarding compensatory damages in an amount that is fair, just, and reasonable
10 in an amount to be proven at trial;

11 120. Awarding exemplary and punitive damages;

12 121. Awarding reasonable attorneys' fees and costs of suit;

13 122. Ordering such further relief as the Court may deem just and proper.

14 DATED this 7th day of April 2010

WILLAMETTE UNIVERSITY SCHOOL OF LAW
INTERNATIONAL HUMAN RIGHTS CLINIC

16 /s/ GWYNNE L. SKINNER

17 Gwynne L. Skinner, OSB No. 022235
Attorney for Plaintiff

18 PUBLIC INTEREST LAW GROUP, PLLC
19 705 Second Avenue, Suite 1000
20 Seattle, WA 98104
(206) 838-1800

21 /s/ Hank Balson

22 Hank Balson, WSBA No. 29250
Nancy S. Chupp, WSBA No. 33740
Attorneys for Plaintiff

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