

Candace Gorman

THE ESCORT

What can I say? I guess I am special. As far as I know, of all the attorneys representing prisoners at Guantánamo Bay, I am the only one assigned a personal escort every time I visit the base. Whether this is supposed to be a privilege or a punishment remains unclear. What I do know is that I love what I consider to be a privilege. I am first in line to see my client each time I visit because I am driven directly to the prison.

Why do I receive this kid glove treatment? The story began in July of 2006, when I first visited Guantánamo. I had intended to meet with both of my clients: Abdul Hamid Al-Ghizzawi, a Libyan, who had been my client since November of 2005, and Abdul Razak Ali, an Algerian, whom I had recently agreed to represent. Unfortunately, when I arrived at the base I was told there was some “confusion.” According to the “authorities”, Abdul Razak Ali’s name did not correspond to the prisoner identification number I had listed (even though the name and number came from the military). According to the authorities, I had the wrong information and they would not allow me to meet with my client. I told my escort that I had just received a court order to see Razak Ali, and I wanted to make sure that his superiors were aware of the order. He told me, “Court orders don’t work here. We consider those only advisory.” I did not argue with him, I just wrote down what he said. To make a long story short, the military decided to disregard the court’s “advice,” and I was not allowed to see Razak Ali.

As it turns out, there was absolutely no confusion. In trying to clear up the “confusion” I provided three different spellings for the name of prisoner # 685. Shortly, before leaving the base I was provided a list of the names and aliases for the detainee whose name supposedly did not match the name I provided...the first name on the list was the very same name (and spelling) that I had provided.

When I returned from that trip to Guantánamo, I filed a motion with the judge asking him to find the government in contempt of court for disregarding his order. In response, the government filed an affidavit from one Commander McCarthy. McCarthy, a military attorney whom I had never seen nor met, alleged that I had decided that I did not want to meet with Razak Ali when I discovered that he was Algerian and not Libyan (as if I had a policy of only representing Libyans). Bizarrely, McCarthy also claimed that I decided against meeting Razak Ali when I discovered that he was not the brother of my Libyan client (as if I had ever imagined that the two were related.) Lastly, McCarthy

claimed that I never really wanted to see Razak Ali because I really went to Guantanamo to go bird watching.

Of course, this was nonsense; the authorities were only trying to cover up for their own mistakes and they took bits and pieces of fact to concoct a brazen new story. It was clear to me that they had read and purposely misconstrued my attorney-client notes from my meeting with my client Al- Ghizzawi (yes, we are required to hand over our attorney client notes after meeting with our clients). My notes contained many references to my client Al-Ghizzawi's brother but that had nothing to do with Mr. Razak Ali. Al-Ghizzawi's brother lives in Libya.

At the hearing, the judge declared that Captain McCarthy's affidavit should be given "no weight." It is a polite and judicious way of calling the guy a liar, which of course he was. Not surprisingly, the good commander was later promoted to captain!

The military does not like it when you nail them, and McCarthy was no exception. I nailed him, so I had to be "punished." My punishment was that I have been given my own personal escort, an attorney, whose job is to stay with me at all times while I am on "their" side of the base (except when I was visiting with my client). From the time I leave the ferry each morning of my visits until I am put back on the ferry in the afternoon, I am separated from the other attorneys. This means that I get more time with my clients and that I do not have to wait in the lines with the other attorneys.

Being an attorney for a person that is being held without charge for an indefinite period is pretty miserable. On some days, it is even heartbreaking. For example, when the Supreme Court rules in your favor, the administration decides to ignore the Supreme Court, and our Congress helps the administration ignore the Supreme Court by enacting legislation attempting to throw away the jailhouse key... all of which I then have to explain to my clients as if it makes sense. Most days I find myself frustrated because trying to do my best is not good enough and I have the added burden of trying to help keep my clients sane through all of this.

Still, there are some perks...I have a personal escort.

