

Dicky Grigg: My GTMO Experience

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I first heard about the Center for Constitutional Rights' (CCR) request for attorneys to volunteer to represent detainees at an International Academy of Trial Lawyer meeting in June of 2005. Being a "car wreck and sore back" lawyer, I had never been involved in anything remotely related to CCR's detainee project. However, I strongly disagreed with the Bush Administration's contempt for the rule of law and decided that this was a chance to "put my money where my mouth was." I volunteered.

In August of 2005, I attended a two day training session conducted by CCR in Washington, D.C. I was very surprised at my "classmates." I was expecting a bunch of hippie civil rights lawyers out of the 1960s, but found instead that the majority of the volunteer attorneys were from large, national, conservative law firms. It was a group of extremely bright, dedicated attorneys who strongly believed that much more was at stake here than the fate of the detainees.

After attending the training session, CCR assigned me a client – Mohammad Akhtiar, an Afghani. With the help of lawyers on the CCR listserve, I filed a petition of habeas corpus. Being primarily a plaintiff personal injury lawyer, it was a first for me. It was definitely a "Clint Eastwood" experience. It made my day to sue President Bush and Donald Rumsfeld.

After obtaining a security clearance from the FBI, I was permitted to go to the secure facility in Crystal City to review the classified information the government was using to hold Haji Akhtiar. Attorneys were allowed to take notes, but could not remove the notes from the facility – a real problem when you are my age. Remembering Sandy Burger, I removed nothing. As an attorney, what bothered me the most was the fact that I would not be allowed to reveal to my client the classified information the government was using to imprison him.

After reviewing the classified information, I obtained permission from the Department of

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Justice and the Navy to go Guantánamo. The biggest problem I had was that Mohammad Akhtiar spoke Pashto, and the Pashto department at my high school in Lubbock, Texas was pretty weak. I had to find a Pashto speaker that had a security clearance. Again, the listserve came to my rescue by putting me in touch with an Afghani woman, who not only had a clearance, but had been to Guantánamo several times. Having a translator that “knew the ropes” made my trip much easier.

Needless to say, I was very apprehensive when I arrived at Guantánamo. One of my concerns was how I would be treated by the soldiers who would be my military escorts. I assumed these soldiers would have no love lost for lawyers, especially lawyers who, in their eyes, were trying to help the enemy. I was pleasantly surprised as I found these young soldiers to be very professional, helpful and courteous.

After going through prison security, the guards took me to a room to meet my client. Upon entering the room, the most striking feature was the starkness. Everything was white – the walls, the bars, the floor. The only furniture was a table and three chairs. Mohammad Akhtiar – dressed in white – was sitting behind the table. He was chained to the floor. His hands had been unshackled. Throughout our visit, he was polite and soft spoken. Even though he had been imprisoned for three years, he did not come across as bitter or resentful.

I was apprehensive about gaining his trust. He had been abused by Americans in Afghanistan and in Cuba. I was an American. Why should he trust me? The first thing I did was to apologize to him for how he had been treated by my country. I told him that I believed the American government had violated not only United States law but international law by imprisoning him with no right to an attorney and with no right to a court of law. I told him that many Americans believed the same. He said, “Will you write that down?” I said, “Sure.” He then asked if I would let him keep the paper when I was through. I agreed. I started writing and after a

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short while, he told me to stop. He said he only wanted to see if I would do it.

Prior to my visit, I had been in communication with his family in Afghanistan by email. I had asked them to send me something that would help me gain his trust. They sent me a photograph of his nine children. When I told him I had a photograph of his children, he asked to see it. He studied the photo for a long time without showing any emotion, without changing expressions. Finally, he looked up and said, "I have never seen these people before in my life. Where did you get this?" I told him that it was emailed to me by his nephew, Fazul Rhaman. He replied, "I have never heard of that person before in my life." I wondered if the military had sent me the wrong man. I showed Haji Akhtiar a letter that had been written to the court in Pashto and asked if he had written the letter. He said, "Yes." So I went on with the interview. After a few moments, he asked if he could keep the picture. I told him he could. A few minutes later, he turned the photograph around and told Mavish and I about each of his children. I realized that, until he trusted me, he was concerned that I might be out to harm his family.

The part of the interview that made the deepest impression on me was our discussion of his physical treatment during custody. He calmly described the physical abuse he had received at the hands of our government, both in Afghanistan and in Cuba. He talked dispassionately and unemotionally about the cruel methods that had been used to interrogate him. He never changed expressions until he talked about being forced to strip naked in front of women – his voice broke and his eyes filled with tears. This made me realize that as horrible and despicable as we think the photos from Abu Graib are, we have no appreciation for the effect they have had in the Muslim world.

I left the interview with strong and varied emotions. I was extremely angry at the way this human being had been treated by "my" government. I was appalled by the flagrant abuse of the

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rule of law. I was frustrated by my inability to help this man on such an uneven playing field. However, as I left and he thanked me profusely asking Allah to bless me, I was proud to be a part of the “Guantánamo Bar”—this effort by so many lawyers to stand up for the principles that have made the American legal system the envy of the world.

I can honestly say that meeting my client, Mohammad Akhtiar, at the Guantánamo prison was the most moving experience of my thirty-four years as a lawyer. It put a human face on what had previously been a legal issue. No longer was I representing a detainee on a habeas corpus petition. I was representing a human being, a man about my age, who had been uprooted from his family, flown 10,000 miles from his home, and placed in a dog cage. Here was a human being who had never been charged with any crime; a man with very little hope.

In December 2006, the Government informed me that they were going to transfer Mohammad to Afghanistan. I was never given a reason for his release. The Government allowed me to talk to him on the phone to determine if he was comfortable going back to Afghanistan—he was not only comfortable, he was excited. Since his transfer was a secret military operation, I was not allowed to tell anyone, not even his family. This conversation took place on a Tuesday, and on the following Saturday, I read in the *New York Times* that he was in Afghanistan. I emailed his family, but they already knew about his release and were on their way to meet him. Haji Akhtiar was immediately released by the Afghani government and is now, after almost four years, back with his family.

I am very proud to have played a role in his release, but realize that my role was very small. There is nothing I did as an individual attorney that secured his release. There was nothing special that I pled or any legal maneuver that I performed that secured his freedom. What I did was join a team assembled by the Center for Constitutional Rights that has fought from day one for

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these men. Because of the combined effort of CCR and the Guantánamo Bar Association, Mohammad Akhtiar and hundreds of other men are now free and back with their families. I am very proud to have been part of that team.

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