

## **Remembering Guantánamo**

By Carolyn M. Welshhans

I have never been more scared in my life than I was on my first trip to Guantánamo. A few of my fears concerned the tiny propeller-driven plane I was on, which appeared to be held together with duct tape. Most of my thoughts, however, were focused on my first meetings with some of the fifteen clients my firm represented. The next morning, I was going to walk into cells and come face-to-face with some of these men. My clients did not know that I was coming. They probably were unaware that they even had a lawyer because they had been forbidden contact with the outside world. We had been asked by their families to represent them.

Three more things: each client would be shackled, Afghan, and Muslim. I have never had a client who was shackled. I have never known anyone from Afghanistan. I knew only one Muslim. What kept going through my head was Christiane Amanpour's special that aired on CNN right after September 11, 2001. She did a report about the Taliban stoning women to death, and she had to travel disguised in a burka. I could not disguise who I am, which is a young, American woman. I was scared that I was going to walk into that cell and feel hatred or anger or at least a simmering hostility. I thought my clients might want nothing to do with me because I am a citizen of the country that had imprisoned them. I expected them to be offended by my gender. I wondered if they would even talk to me.

The next morning, another lawyer from my firm, our interpreter, and I walked into our first meeting. Our client, Abdul Haq, was facing the door. Abdul was thirty-five years old. He is known as ISN 004 by the government, meaning he was the fourth person sent to Guantánamo. He was on the first plane of prisoners brought there. Abdul Haq is small and slight and quiet. He was seated at a white, plastic lawn table. One of his feet was shackled to the floor, and he was shackled

## Remembering Guantánamo

By Carolyn M. Welshhans

around the waist. Abdul did not look at me with hatred or disgust. He actually was not looking at me at all. He was slightly cowering in his white, plastic lawn chair, and when he finally did look at us, it was clear that he was afraid that we had been sent in to beat him. I will never forget that image. I also will not forget that while I had sat on an airplane listening to my iPod and wondering if Abdul Haq was going to glare at me, he had been moved to a cell, given no information, and left to believe that someone eventually was going to come through the door and abuse him.

Like most of my clients, Abdul Haq does not like to discuss how he has been treated over the past five years. Part of it is fear of reprisal because he believes that the guards listen to our conversations. Part of it is because of the shame he feels over what he has been subjected to, and part of it is because it is just too much for him to even begin talking about it. Abdul Haq did tell me once that he had been so abused, he thought that he was going to die, and that if he had any information of any value, he would have told the Americans at that instant just to get the abuse to stop. It is no wonder that getting Abdul Haq to trust us is a constant struggle. Sometimes he refuses my letters, sometimes he reads them. Sometimes he refuses my visits, and other times he meets with me. At all times, Abdul Haq remains quietly polite and thanks me for wanting to help him.

Our next visit of the day was with Abdullah Wazir Zadrán. Abdullah did not cower. He leaned back in his chair, slouched, and crossed his arms. Abdullah was twenty-six, the same age as one of my brothers, and both of them have medium-shade brown eyes. It hit me very hard that it could have been my brother in a cell thousands of miles from home. With the crossed arms and the instant volley of questions (Do we have a letter from his mother? Who is paying us to

## **Remembering Guantánamo**

By Carolyn M. Welshhans

represent him? Why should he believe us?), I expected to encounter more hostility from Abdullah, but it never came. He did remain cautious. Abdullah's stance finally relaxed with about thirty minutes left in our meeting. He uncrossed his arms, and he agreed that he would like to see us again.

At our subsequent meetings, Abdullah's questions have not ceased. He wants results. He wants to know what good a lawyer can do anyone at Guantánamo. He does not accept "I don't know" as an answer to anything. At one meeting, Abdullah said that he was tired of discussing his case, so I offered not to ask him any more questions about it, and instead, we just discuss his life in Afghanistan and my life in America. Abdullah said that he liked that idea, and then five minutes later, he started asking me questions about his case. Like all of my clients, Abdullah was arrested far away from any battlefield. He was arrested in Pakistan by Pakistani border guards who turned him over to the United States at a time when our country was paying thousands of dollars, more than people in that part of the world make over many years, for anyone accused of being a member of al Qaeda or the Taliban. Abdullah has been accused of making a suspicious trip to Pakistan in the company of an acquaintance alleged to be a member of al Qaeda. He is not accused of attacking United States or coalition forces. In fact, Abdullah was making a routine trip to Pakistan to buy supplies for the tire store owned by his family. One of our incredible interpreters traveled to Afghanistan and met with the families of some of our clients. She returned with many pictures of the large and impressive tire store. This evidence was not difficult to obtain, and it bewilders us that our government has not made the same effort to determine whether the people it is holding are innocent civilians, sold to the U.S. by unscrupulous border guards.

## Remembering Guantánamo

By Carolyn M. Welshhans

We were very eager to show these pictures to Abdullah, and he was eager to see them. The officials at Guantánamo cleared the pictures rather easily and gave us permission to show them to Abdullah. It has been a constant struggle over the past several months, however, to leave Abdullah with color copies of these pictures that he can study in private. The officials at Guantánamo keep giving him Xeroxed, black and white copies that are smeared and blurred to the point where it is impossible to see anything. Abdullah's excitement over the pictures stems in large part from the fact that some of them feature his friends and family, including his two little boys who he has not seen in more than four years. Abdullah also understands that the pictures demonstrate the existence of the tire store and provide evidence that his trip to Pakistan had a legitimate business purpose. He asks how anyone could continue to believe that he had a nefarious reason for going to Pakistan, and he wants to know when someone from our government finally is going to investigate the lies behind the allegations. I was worried before that first visit that Abdullah would be young and radical and want nothing to do with me. What Abdullah wants is answers to his very piercing questions about why he is at Guantánamo and why the rule of law no longer applies in America.

Our last visit on that first trip was with Dr. Hafizullah, a sixty year-old pharmacist. By this point, I had realized that my expectations were wildly off the mark, but I still was not prepared for Dr. Hafizullah. He spoke very carefully. While most clients take at least several visits to accept that we are not interrogators in disguise, Dr. Hafizullah clearly believed that we were lawyers. He wanted to talk about proof and evidence and how to present his case. Dr. Hafizullah had served under the pro-American, Karzai government in Afghanistan. He had served as a district administrator in his hometown, and then he was appointed to a commission of elders, who worked with local authorities as a liaison with the citizens. Yet, Dr. Hafizullah finds himself at

## Remembering Guantánamo

By Carolyn M. Welshans

Guantánamo. Like many prisoners, his initial arrest may have been the result of lies told by political enemies. Why he remains at Guantánamo after all of this time is a baffling mystery because plenty of evidence exists that he is the sort of person the new and struggling Afghan government needs very much. At his first hearing at Guantánamo, held nearly two years after he was first sent there, Dr. Hafizullah requested witnesses who could attest that he was a supporter of democracy, had actually been imprisoned by the Taliban, and was innocent of allegations to the contrary. Two of these witnesses were former governors of provinces in Afghanistan. The U.S. government declared these witnesses “not reasonably available” on the grounds that the Afghan government never got back to the State Department on a request to find them. Rather than take it upon itself to locate two former, high-ranking officials, our government proceeded to hold Dr. Hafizullah’s hearing without any witnesses on his behalf, and used that hearing as grounds to continue to imprison him indefinitely.

Dr. Hafizullah desperately wanted some books in Pashto so that he could have something to do to pass the time. He is in Camp 5, and he remains there more than a year after our first visit. Camp 5 is the equivalent of solitary confinement. The doors are solid metal, so Dr. Hafizullah can neither see nor talk to any other prisoners. He has nothing to do all day long, and the lack of any human contact is an overwhelming blow to a man who is educated and used to being surrounded by stimulating conversation. At the end of our first visit, Dr. Hafizullah said, “If you can help one prisoner get released, it will be like you are bringing someone back from the dead,” and then he shook our hands. He said it with tears in his eyes and with a very quiet dignity. Every day that I have worked on Guantánamo since then, I have thought about Dr. Hafizullah’s plea. For a man that was used to being the most impressive person in any given room, it could not have been

## **Remembering Guantánamo**

By Carolyn M. Welshhans

an easy thing to say to three strangers. It felt like I was witnessing a scream in the darkness, but I am determined to show him that he was right to trust us.

Approximately 370 prisoners, approximately sixty-five of whom are Afghans, remain at Guantánamo. We were notified on February 22, 2007, that Abdullah Wazir has been “approved to leave Guantánamo.” For the past year, the U.S. government has been insisting that it has no intention of holding anyone at Guantánamo longer than is necessary, that it has “cleared” approximately eighty prisoners to leave, and, recently, has even said that it would like to close Guantánamo. The Afghan government has stated publicly on numerous occasions that it wants its citizens back. Yet, despite having a country and families to return to, Abdul Haq, Abdullah Wazir Zadran, Dr. Hafizullah, and our other clients remain imprisoned at Guantánamo, indefinitely.

When people ask me why I represent prisoners at Guantánamo, I tell them it is about the Constitution and standing up for my country’s honor and reputation. Guantánamo does not make us safer, and it does not make us right. I truly believe this, and it is part of why I represent clients at Guantánamo. But when my grandchildren ask me why I worked on Guantánamo, I will tell them about Abdul Haq’s fear, Abdullah Wazir’s eyes, and Dr. Hafizullah’s words. I will add details from my other clients, such as Mohammad Zahir’s sense of humor, Mohammad Rahim’s desperation, and Abdullah Mujahid’s quest to make me understand that true Islam is peaceful. I will explain to them that, first and foremost, my clients were human beings.

When did we give up? When did we start equating safety with ignorance? When did announcing that we were right become more important than doing what was right, even if it might be difficult or take some time? When did we determine that anyone with brown skin and a beard

## **Remembering Guantánamo**

By Carolyn M. Welshans

could be thrown in a cage without any questions? When did it become so easy to forfeit our souls all for the false comfort of dividing the world into “us” and “them”? When did we stop being better than that?

I am not above these questions. I thought Guantánamo was wrong from the second it opened, but it took me almost four years to stand up and try to do anything about it. When I first flew down there to meet with clients, I focused my worries on how they would react to me and treat me, instead of really thinking about what they had been through. All of this, because I forgot that Guantánamo involved real human beings. Right now, the government wants us to forget that there are real people at Guantánamo. The government hopes that we forget these questions. Long after Guantánamo has closed, after my clients hopefully have returned to their homes, the government hopes we will forget what happened at Guantánamo. They want us to destroy our papers and pretend that this awful affront to justice, democracy, and morality never happened.

I will never forget anything about Guantánamo.