

By Fran Korotzer

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NEW YORK — On the evening of January 28, at the Revolution Bookstore in the Chelsea area of NYC, people filled the store to hear 2 of the lawyers defending detainees at Guantanamo tell their client's stories which are in the book, [The Guantanamo Lawyers: Inside a Prison, Outside the Law](#), edited by Mark P. Denbeaux and Jonathan Hafetz.

Andy Zee of Revolution Books addressed the group first. He pointed out that we can only hear the stories of the prisoners from their lawyers because the prisoners are not allowed to speak. Torture is still dangerous now because it is being denied, it is being codified, and torturers are not being indicted. He asked, what kind of system does this to people? Zee also mentioned the huge loss of Howard Zinn, the people's historian, who had died the day before. The 2 lawyers that told their client's stories were Mark P. Denbeaux and Yvonne Bradley. Denbeaux is a professor of law at Seton Hall Law School and the Director of the Seton Hall Law School Center for Policy and Research. The center is particularly known for its reports on the Guantanamo Bay Detention Camp. Denbeaux represented 2 detainees there. He said that the stories of prisoners at Guantanamo were being told through the lens of their lawyers. The lawyers are verbal, articulate, and collected the stories for history.

The stories give a voice to those going through a nightmare. Yvonne Bradley began practicing law 20 years ago in the Air Force, after which she worked in a federal public defenders office representing people on death row in Pennsylvania. She continued serving in the Air Force Reserve. In 2005 she was asked by the chief defense counsel for Guantanamo Bay inmates to defend one of the detainees, Binyam Mohamed. Bradley began by saying that what she was about to express were her own opinions, she was not speaking for the military. It was very painful for her to read the entire book but it showed her that she wasn't alone in what she experienced. And what she experienced shattered all her beliefs and values concerning her government. Bradley was a "lifelong Republican" and a "true believer" in America's war on terror.

Her client, Binyam Mohamed, was picked up in an airport in Pakistan on his way home to London. He was born in Ethiopia and emigrated to England as a teenager. He had gone to Pakistan because he was developing a drug problem in England and wanted to find his way back to being a righteous person again. While in Pakistan he converted to Islam. When he was arrested US officials thought that he'd trained with Al Qaida and was planning to attack the US with a radioactive dirty bomb. After being interrogated by the FBI he went through extraordinary rendition, being taken first to Morocco, then to the Prison of Darkness in Kabul (which is run by the CIA), then Bagram in Afghanistan, and finally Guantanamo. He was drugged and he was severely and

sadistically tortured at all of these places. Among other things, was cut with a razor on his chest and genitals, and he was hung by his wrists and left in that position for weeks.

When Bradley went to Guantanamo for the 1st time she was afraid to meet him. She had been warned that he was the “worst of the worst”, and she truly believed that. But after talking to him for 3 hours she realized that everything she was told about him was untrue. Leaving his cell that 1st time she thought to herself, if he is the worst of the worst, then we have the wrong people here. She also came to realize that much of the information that she had been given on the war on terror was a lie.

Denbeaux said that his clients were lost souls. Some were selling drugs in their country and traveled to Muslim countries to find God, get off drugs, and become good Muslims. This is not uncommon, he added, it is referred to as a Muslim 12 step program. He said that Guantanamo was a political mistake. It was a “giant perp walk” meant to show that we’re winning the war on terror. It is a particular evil, part of a much bigger evil – the whole detention system made up of black holes, Bagram, extraordinary rendition, and the Prison of Darkness. Guantanamo isn’t the worst place.

The black hole in Morocco does the most physical damage, but the Prison of Darkness does the most psychological damage.

Denbeaux also described the international human rights network, whose skills could compete with the best intelligence agencies. They search out and find the families of detainees. The defense lawyers contact the families and bring messages to the prisoners. This gives them the heart to survive and also helps them trust their lawyers, who they are skeptical of. They are very reluctant to trust any American after years of being tortured by them.

Bradley said that she always thought that military law was very “civilized”. Military attorneys, both defense and prosecution, are offended by the injustice of the military commission trials. Military lawyers take a pledge to defend the US Constitution. They see the contradiction between that pledge and the unjust treatment of their clients. Military lawyers often pay a price for zealous advocacy – at the least they are not promoted. At one point when Bradley, in defending Mohamad, had an ethical conflict which she brought to the attention of the judge, she was threatened with a court martial.

Eventually, because of her very hard work she managed to get Mohamad released about a year ago. But not before he went on a hunger strike (and was force fed), his chief prosecutor resigned citing the unfairness of the system, and she went to London to press British politicians into demanding his release. Denbeaux also got his client released fairly recently.

At this point Faisal Hashmi, the older brother of Syed Fahad Hashmi, joined the 2 speakers. He said that there is a Guantanamo in NYC at the Metropolitan Correctional Center in lower Manhattan. He explained how his brother was being kept there in extreme solitary confinement (see

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, “On MLK Day – Free Fahad” January, 2010). He briefly explained that Fahad is charged with giving and conspiring to give material aid to Al Qaida in the form of waterproof sox and ponchos. Fahad was arrested in 2006, 2 years after the arrest of an informant who was bargaining for a reduced sentence. Fahad was a vigorous opponent of the wars in Iraq and Afghanistan and of Guantanamo. Faisal said that the government has spent \$5 million on Fahad’s case. It is not about sox and ponchos, it is about terrifying the Muslim community in order to silence them.

There were several interesting points made during the Q and A period. Andy Zee said that torture is a political instrument, it is used to terrify the entire population. Yvonne Bradley said that labeling was an important tool used by those in power. If someone is labeled a terrorist people think that it doesn’t matter what you do to them. She added, if an American was water-boarded we would be outraged but when it is done to a Muslim most people are unconcerned.

One person asked Denbeaux about the article in Harper’s Magazine by Scott Horton (January, 2010) concerning the deaths of 3 inmates at Guantanamo in June, 2006. At the time Rear Admiral Harry Harris, the Commander at Guantanamo, called them a suicide and “an act of asymmetrical warfare waged against us”. A Naval Criminal Investigative Service (NCIS) report essentially whitewashed the event. In December, 2009 the Seton Hall Law School Center for Policy and Research, directed by Denbeaux, issued a highly critical analysis of the NCIS report on the 3 alleged suicides. According to the government the prisoners were found hanging in 3 separate cells and autopsies indicated that they were hanging there for at least 2 hours.

Five guards with video monitors observed the prisoners in their cells which had the lights on 24 hours a day. According to the Seton Hall study, the hanging men would have had to make a noose by tearing up their bedding or clothing and braiding it, create dummies of themselves to make it look like they were in their beds, block the view of the cameras by hanging sheets in their cells (against the rules), tie their own hands together, tie their feet together, stuff rags down their throats, hang the noose in the cell, climb up, put the noose around their neck, and then release their weight accomplishing their strangulation. And then hang there for 2 hours unnoticed. Denbeaux said that no guards were disciplined for failing to notice any of the above. There was no explanation in the NCIS report as to how this was possible.

When the lawyers began their talk they said that they were only interested in telling their clients’ stories, not their own. But their stories, while not a tale of absolute horror, are also important because they are examples of decent human beings acting with a strong sense of justice,

decency and honor.

In his autobiography, *You Can't be Neutral on a Moving Train*, Howard Zinn wrote: "To be hopeful in bad times is not foolishly romantic. It is based on the fact that human history is a history of not only cruelty, but also of compassion, sacrifice, courage, kindness. What we choose to emphasize in this complex history will determine our lives. If we see only the worst, it destroys our capacity to do something. If we remember those times and places – and there are so many – where people have behaved magnificently, this gives us the energy to act, and at least the possibility of sending this spinning top of a world in a different direction. And if we do act, in however small a way, we don't have to wait for some grand utopian future. The future is an infinite succession of presents, and to live now as we think human beings should live, in defiance of all that is bad around us, is itself a marvelous victory."