

The Guantánamo Lawyers

Inside a Prison Outside the Law

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Alternative Forms of Advocacy

With the Bush administration determined to block legal challenges from going forward, a Congress twice willing to eliminate habeas corpus, and the courts failing to act swiftly in the cases before them, attorneys turned to alternative channels of advocacy on behalf of their clients. Those alternative channels included advocating with a detainee's home government, pressing the United States for repatriation, and lobbying other countries to accept detainees who could not be returned home because they would be tortured or persecuted.

John Robert Holland and Anna Cayton Holland-Edwards:
Representing the Rightless

Nouakchott is the capital of Mauritania, a large but mostly unpopulated Islamic republic of about three million people on the western side of Africa, next to Morocco. The largest city in the Sahara, Nouakchott spreads for miles across a large swatch of brilliant orange desert near the Atlantic Ocean. The people there speak both Arabic and French. Mauritania is a very poor country with an average income under \$400 a year. Despite bans, it is reported that slavery is still practiced. There is still a castelike system, with black Africans on the bottom rung. Eight hundred thousand people live in Nouakchott; many are without running water and depend on donkeys pulling barrels on carts for their supply.

At the time we went, Mauritania was just returning to democracy. As a result of a bloodless coup in August 2005, General Ely Ould Mohamed Vall became president and was running the country with a promise to restore democracy through free elections. Those elections were in full progress as we arrived.

In Mauritania, much political work is done through press conferences. We had barely left the airport when our first press conference occurred. Family members from all the Mauritanian detainees held in Guantánamo, politicians, and many members of the media were at the conference.

Although we had traveled to Mauritania with the express purpose of meeting with government officials, there was no certainty that such

meetings would occur. Nevertheless, we felt compelled to act at all times as if this was a certainty. So we made media splashes in the first few days, hoping we would be called by the government to come and meet with the minister of justice or with President Vall. We were only going to be there for five days, and we absolutely needed to meet with the government.

We told the assembled media that we were grateful to the government of Mauritania for having arranged our mission and allowing us to come. We explained to them our honest regret as attorneys that the U.S. courts were completely closed to these wrongs. We told them we had come to request the assistance of the Mauritanian government to secure justice for their citizens held without rights at Guantánamo Bay.

As American and British attorneys, it was embarrassing to travel to an impoverished, fledgling democracy in West Africa to request that the government there act in a humanitarian fashion and work for our clients' return by promising fair and just proceedings to investigate and determine the guilt or innocence of our clients—proceedings we have been completely unable to secure in the United States.

We went to a television station in downtown Nouakchott and were invited to join a panel discussion about Guantánamo that was being broadcast live to many millions of people in several different cities. We still had not been invited to meet with the government, nor had we been assured that we would get to do so. This troubling fact was very much on our minds. We told the watching audience that we were very grateful to the Mauritanian government for having allowed us to come to their country to discuss the plight of their fellow countrymen and to seek their assistance in securing justice, something we were unable to do for our clients without their help, as proven by the years of legal futility that we had experienced in the United States. Once again we stressed that we were very much looking forward to meeting with the top government officials and were hopeful that this would occur very shortly.

Later that same night, we prepared a letter to President Vall in our hotel, and Anna persuaded a pilot from Air France to help her translate it into French. So as not to alienate our own ambassador, and to make sure U.S. officials and diplomats were in the loop, we also decided to hand deliver a copy to the American ambassador in Nouakchott.

The next day we were invited to meet with Mauritania's minister of justice, Mohameden O. Bah O. Hamed. We also met with Koita Bamar-iam, the director of the Mauritanian Commission for the Rights of Man. Although these Mauritanian officials were welcoming, our meetings with

them were pretty brief and to the point. We explained why we had come. We asked for the president to intervene with the U.S. government and request the return of Mauritania's citizens. We also asked that he assure the United States that if our clients were returned home, there would be a sufficient effort on Mauritania's part to investigate and detain our clients further if necessary. This was a difficult request to make as lawyers, but we understood that it was essential. Because Mauritania was in the midst of an election, we realized we should not depend solely on the present acting government. Mauritania is an ally of the United States in the "war on terror," and these decisions affecting Guantánamo detainees raised political questions for its government.

We decided that we had to try to meet with every major candidate running for president in March 2007. We prepared letters for all the candidates, requesting that they take a positive position on the plight of the prisoners and that they meet with us. Our host, Hamound Ould Nebagha, the president of the Mauritanian Detainees Support Committee, arranged to drive us all over Nouakchott, ever on his cell phone locating these candidates.

We met with six candidates. The meetings were intense. We presented our clients' situations, and we urged them all to become directly involved. We obtained commitments by most of them to do so, some more heartfelt than others. One of the candidates, Sidi Ould Cheikh Abdallahi, told us that he would make these prisoners' fates one of the focuses of his campaign.

We held a farewell press conference, thanked the government for meeting with us, and expressed our fervent hopes that President Vall would soon act to request the return of the Mauritanian prisoners. We attended an outdoor dinner, and as the sun set, we heard the call to prayer echoing across the desert dunes about an hour outside of Nouakchott.

About a month after coming back from Mauritania in February 2007, we received notice from the U.S. government that Mohammed "has been approved to leave Guantánamo." However, he was to be held for another seven months.

We traveled to Guantánamo to see Mohammed. We got pictures of our trip to Mauritania cleared and were very excited to show them to him. The joy he had in seeing his family and hearing of our efforts in Mauritania was wonderful to see. But he was still on a hunger strike and remained deeply committed to it until he was released.

In March 2007, Sidi Ould Cheikh Abdallahi was elected president of Mauritania, and Mohammed determined that he wanted us to write to

him, quoting him in his own words to the newly elected president. After our notes containing these words were found unclassified, we wrote to President Abdallahi. The following is from the letter John wrote:

The Honorable Sidi Ould Cheikh Abdallahi
President of Mauritania

Dear President Abdallahi:

Since I wrote you last I was just in Guantánamo to see your citizen, Mohammed Al Amin. Clive Stafford Smith, my distinguished colleague who you met with during the election, recently saw Ahmed Abdel Aziz.

Mohammed Al Amin was clearly declining, both physically and mentally, and we feel there is now a burning need to fairly resolve his situation.

As you know, Mohammed is one of the prisoners who our country has cleared for unconditional release. This means that he has been found to be no threat to anybody—the U.S. or Mauritania. It also means that no charges have or ever will be filed against him by the United States. The U.S. has now effectively conceded the truth of what he has been saying all along—that he should not have been imprisoned at Guantánamo.

Although a very young man, he has aged enormously due to his mistreatment by the U.S. military. Because of his concededly unjustified confinement, Mohammed has engaged in a long, peaceful hunger strike in which he is daily tube fed on multiple occasions. I know you are aware of this approach. He also reports being victimized by shocking abuses during the course of this strike. As he has stated, he is hunger striking “to protest my detention, to ask for my freedom out of this place after staying here for six years without guilt.” You can imagine my meeting with this young man.

After I told him all of the news of our trip to Mauritania, including our very encouraging meeting with you, I had to tell him that there were continuing delays in his being returned home and that I did not know when this would change. I told him that you had told us personally that you would actively seek his return and that you said this publicly during the elections.

I told him I did not know or understand why this had not happened or what had changed.

My notes from this astounding meeting have just been returned to me, and while they are not completely verbatim to what Mohammed said to me they are sufficient for me to fairly paraphrase what he asked me to write to you from him directly about his plight.

Dear President Abdallahi:

I told my attorneys there is a poem that you would know that expresses my feelings. My homeland and my people are still very dear to me even if I do not receive enough support from them.

You are the father of our country. Please do not forget that our religion imposes a duty on the father to advocate for your children.

Those who imprison me say and know that I am innocent and yet I am now told that my country is causing the delay in my return. If this delay was from the Americans I could better bear it but hearing it is from our country makes my condition so much harder. If my freedom were in the hands of the Mauritanian people they would not delay my release one moment.

Mohammed Al Amin

President Abdallahi, while keeping up his morale, Mohammed is personally asking you to end this nightmare of injustice and to intervene to secure his prompt return. We, and Mohammed as well, have no doubt that you are fully aware of the will of the Mauritanian people as you expressed it to us when we met. He is looking forward to coming home and eating again normally with his beloved family in Mauritania.

In late September 2007, we found out that Mohammed had been placed on a government plane and flown to Nouakchott. Upon his arrival, he was held for a few days in comfortable accommodations. His mother was allowed to visit him. President Abdallahi was in the United States. Immediately upon the president's return, Mohammed was released without restrictions and allowed to go home to his family. President Abdallahi kept his word.

Mohammed Al Amin is now living free.

Cori Crider: Tunisian Heroes

For me, the *real* heroes of the Guantánamo detainee litigation are not the American or European lawyers. Many are not lawyers at all. They hail not from London or Boston or New York but from places such as Tunisia, where a lot of our clients were born. Standing up to injustice in Tunisia requires more than late nights polishing a brief in a swank (or even a dingy) office. Standing up to injustice as a Tunisian risks a hell of a lot more than “random” stops at the airport or agents listening in on your phone calls. It can get you killed.

Tunisia was the first place, though by no means the last, that I encountered heroes like this. The activists I met in Tunis risked their liberty and their very lives to help a team of Western lawyers they scarcely knew protect a group of marked men they would never meet.

We first met Lotfi Hidouri loitering outside our hotel on the Avenue Bourguiba. A tall, lanky man with a thin mustache, his leather jacket was too big for him and too heavy for Tunis in March. He wasn’t sweating, nor were several men who passed by clad, inexplicably, in puffer vests.

Avenue Bourguiba is Tunis’s Champs-Élysées and does a fair impression of it for a stretch, except for the police infestation and President Ben Ali’s grinning mug plastered everywhere.

Lotfi strolled over and briskly shook our hands. He cast an eye up and down the Avenue Bourguiba and asked—just a little sharply—whether we’d left any papers in the hotel. We shook our heads in unison like rapt schoolchildren.

He cracked a sardonic smile and relaxed. “Good. Don’t leave any documents in your room, ever, because”—he gestured to a couple men behind us sporting dark glasses, earpieces, and leather jackets of their own—“of *les flics*.”

I asked in a tone that I’d hoped would be neutral but came out terribly earnest and American, “Are they *following* us?”

“Always.” He grinned again, shrugged, and loped without the slightest sign of concern down the avenue.

Chris and I shuffled after Lotfi for about ten minutes. In a pretty unconvincing show of bravado, we vocally admired Ben Ali’s many outfits and poses on the massive billboards (“the man likes his pastels”; “dig those cartoon-villain eyebrows!”) and tried, with mixed success, to limit ourselves to looking over our shoulders just once every couple minutes. After Lotfi’s offhand remark, every man looked like the police to us. About one in three probably was.

Eventually we ducked into a dusty, tiled hall on the ground floor of a nondescript building. A wooden plaque advertised the offices of something like a doctor or a dentist, named Ben Sedrine—which was the surname of one of the activists we were supposed to meet.

Lotfi pressed the buzzer. We heard murmurs and waited for a few tense moments until the door cracked open. A woman peered through. She seemed about half Lotfi’s height.

“*Salut, Sihem!*” Lotfi cried in his singsong French.

This unleashed the tiny tornado that is Sihem Bensedrine. She flung open the door, seemed to sweep all three of us into a hug at once, and ushered us over to a small living room. We plonked down on a leather couch in their office/flat and asked whether anyone lived there. Sihem explained that the official use of the building is as a “residence” because the authorities don’t permit her organization, the Conseil National pour les Libertés en Tunisie, or indeed any human rights organization, to operate in the country.

After a few minutes, we gathered around the meeting/dining table and explained, while Sihem plied us with mint tea and figs, why we were there. I said there were twelve Tunisians in Guantánamo, many of whom had not had a chance to meet with an attorney. We were afraid that a number of them might not want to go back to Tunisia branded Islamists and terror suspects, but we needed to get information from the families and local lawyers to be sure and to see them for the first time in Guantánamo.

Later I learned that everyone at the table except Chris and myself had been to prison for what they believed.

Later I met another man named Lotfi who had spent around twenty years in Tunisian jail. His crime? Participating in a political protest. This failed to crush his spirit, and he now spends most of his time speaking out against torture. He took us to the family member of a prisoner who had reached out to us for help. There was Sami, an eager man who wrote prison studies, and Samir ben Amor, a haggard underdog of an attorney who is one of the only people who represents suspected Islamists in Tunisia. The circles under his eyes are not just dark—they are black. He showed us files on our clients, files that showed that they had been convicted in absentia in military tribunals in Tunis during their time in Guantánamo. If there were any doubt about what they would face, those doubts were put to rest. “You didn’t get these from me,” he said.

We met families. Some signed authorizations so that we could represent their loved one in Guantánamo and gain access to him. Some told background stories about our clients.

Chris and I were with the families one day when three plainclothes police came up to us and insisted we go to the station for a "contrôle de papiers." Since I had never been arrested before, this was a frightening proposition for me. The two men sitting in the police office who actually spoke played a very obvious, and mild, version of good cop/bad cop.

But I also realized that this was only a small taste of what it was like to be a human rights advocate in countries such as Tunisia.

Wesley R. Powell: Preserving Our Image

In May 2008, fourteen U.S. lawyers and I visited Yemen. After years of seeing the GTMO litigation stalled in federal court pending the outcome of various appeals, many of us reached the conclusion that, though we must continue to fight in court, our clients' most likely route to release would be through a diplomatic resolution between the United States and their home countries. This already had happened for most of the European detainees; for example, all the French detainees were released by early 2005. But the progress for detainees from countries such as Yemen, with far less favorable relationships with the United States, was much slower. We realized that one of our most important roles as lawyers was to serve as a conduit for communications between our clients and their families. We also realized that there is strength in numbers. So the fifteen of us traveled together to Yemen to meet with families, to publicize the plight of our clients in the Yemeni press, and to meet with government officials in an effort to spark more focused efforts to negotiate with the United States for the release of the Yemeni detainees.

What stood out most about our trip was this: having realized on my first trip to Guantánamo that this case was about securing for our clients fundamental fairness and due process, I found myself having to explain to dozens of Yemenis how it could be that these Yemeni men could be denied those basic rights by the U.S. government. I learned that even in the most remote parts of Yemen, there is an image of the United States as the land of freedom and fairness. How could it be that these men had been singled out for treatment so inconsistent with that image? We had to answer that question again and again, in Sana'a, in Hadramout, in Houdeida, and in Menakkah. I'm not sure I gave a very good answer, but at least by making the trip, looking people in the eye, and pledging to continue representing their sons to the best of our abilities, we took a shot at preserving that image of the United States.

Bernhard Docke: Lost and Found

At the end of 2005, I wrote a letter to Germany's new chancellor, Angela Merkel, requesting help and assistance on behalf of my client, Murat Kurnaz. Angela Merkel answered within three days: "Yes, I will do it." And she did, in January 2006. She put the Kurnaz case on President Bush's table and explained that she wanted Kurnaz sent back to Germany. In August 2006, Kurnaz was released.

It is an irony of history that it was a conservative chancellor who opened the door for Murat Kurnaz after Gerhard Schröder, as the head of the red-green government, had allowed him to languish in Guantánamo for years. It is sad but true that Germany was complicit from the beginning.

Murat's release received incredible media hype. As the media focused more and more on Germany's role, many journalists did a great investigative job to dig out the truth. Under public pressure, the Bundestag set up two investigative committees examining whether the former government had missed a chance of releasing Kurnaz years earlier and whether German soldiers beat Kurnaz while he was in U.S. custody in Kandahar, Afghanistan, before his transfer to Guantánamo. The reports of these investigations have not yet been published, but some facts are clear.

The German Army and Secret Service informed the government in Berlin in January 2002 of Kurnaz's detention in Kandahar. The Bundeskriminalamt (federal police) supplied the FBI with a file on Kurnaz compiled by the police of Bremen, which contained later-disproved suspicions that Kurnaz might have intended to join the Taliban forces. Information transfers of this kind require a request for legal assistance and proof by the prosecutors' office that if the demanding state assures a fair trial, this information will not be used to impose a death sentence. In this case, Germany rushed ahead and supplied the information without any check or assurance. Not all the detainees from Kandahar were sent to Guantánamo, and the United States had caught just five percent of the prisoners in Kandahar. The United States obviously had no information about Kurnaz or whether he fit its criteria for transfer to Guantánamo. According to the German information, the United States had the wrong impression that Kurnaz was a terror suspect. The German information could have caused Kurnaz's selection for Guantánamo. It would be highly interesting to have access to the U.S. documents about the motives to bring Kurnaz to Guantánamo. It seems that Germany was responsible from the beginning.

In September 2002, three German agents interrogated Murat Kurnaz in Guantánamo. After two days of intense questioning, the agents came to the conclusion that Kurnaz had chosen a bad time to travel and that he seemed to be a naive young man without links to terrorists or involvement in criminal plots. Kurnaz would not pose any threat toward American, Israeli, or German interests. After talks with the CIA, the agents informed Berlin that the United States considered Kurnaz innocent and that he was to be released approximately six to eight weeks later.

In October 2002, the prosecutor in Bremen suspended the investigation into Kurnaz and his fellow suspects because of a lack of evidence.

On October 29, 2002, the Kurnaz case was discussed by the presidents of the German security services, top officials of the Interior Ministry, and the Chancellor's Office. Despite the fact that all German and U.S. services stressed Kurnaz's innocence, his torture and imprisonment were not ended through steps that German officials could easily have taken.

Germany excommunicated Kurnaz and blocked his return. In October 2002, the door was half open to his return, but Germany slammed it shut again. According to disclosed documents, the United States was not amused and was instead irritated because the release was planned as a diplomatic favor to Germany. But instead of releasing Kurnaz to Turkey, the United States kept him in Guantánamo for four more years, a decision that it later justified through fabricated allegations.

By joint action of Berlin and Kurnaz's hometown, Bremen, his residency permit was revoked. According to German law, a foreigner's permission to stay is cut off once that foreigner stays abroad for more than six months. We appealed this decision successfully. A German court decided that Kurnaz's stay in Guantánamo was not of his free will. It found Kurnaz had intended to go back to Germany with a return ticket from Pakistan. Germany had tried to avoid any responsibility by annulling Kurnaz's right to stay in and to return to Germany. This court decision helped change Germany's attitude toward Kurnaz.

After Kurnaz was released, he claimed that he was beaten by German special forces while in U.S. custody in Kandahar. Defense Ministry officials denied the claim: First, they said that Kurnaz was a liar because in January 2002, there were no German troops in Afghanistan. Then, they admitted Germany had troops there but that they did not know Kurnaz was in U.S. custody. Weeks later, the officials said that German soldiers knew about Kurnaz's detention but had no contact with him. Finally, officials admitted that they saw and talked to Kurnaz but that no one had beaten him. After

the questioning of about twenty German elite soldiers, the prosecutor had doubts that the witnesses told the full truth. He had the impression they coordinated their response beforehand.

The key to the case was the existence of a truck in the camp. According to Kurnaz, the beating took place behind a truck with a tank for emptying human waste. All the soldier witnesses denied the existence of such a truck in the camp. No truck, no mistreatment was the formula.

It was easy to check this story with U.S. witnesses who served in the camp. The German news magazine *Der Spiegel* interviewed American soldiers in the United States. They all confirmed that the fecal matter was taken out of the camp and incinerated using a two-and-a-half-ton military truck driven through the camp's main gate. The prosecutor requested permission from the U.S. government to allow U.S. military personnel to testify concerning activities by German military personnel relevant to the investigation. The embassy answered,

After careful consideration of all aspects of this matter, the United States has determined it cannot provide the assistance you have requested. The United States appreciates Germany's important contributions to the Afghanistan mission and is confident that any reports of abuses will be appropriately investigated and addressed through existing law enforcement and judicial processes.

When information about Germany's role was published, it caused a political crisis. Two parliamentary inquiries were established and Germany's foreign minister, Frank Walter Steinmeier, the former chief of the Chancellor's Office, came under fire for his role in preventing the release of Murat Kurnaz. Steinmeier defended his decisions with two arguments: First, there had been no formal offer to release Kurnaz in fall 2002. But since Guantánamo is a lawfree zone, offers to release are not sent by sealed letters but must be initiated by talks between the secret services. And since clear U.S. intentions for Kurnaz's release had been documented, it was simply a lack of political will on Germany's part to give a positive response. Second, Steinmeier insisted that Kurnaz represented a possible threat to German security interests. That claim, however, is inconsistent with the findings of the prosecutor, the German secret services, and the U.S. investigation at that time. And even if it were true, Germany is not allowed to use a lawless torture camp as a tool of its security interests. Germany was obliged to get Kurnaz out. If there

were serious allegations, Kurnaz could have been charged in Germany and afforded a fair trial.

Steinmeier's arguments were a dirty blaming-the-victim strategy to avoid political pressure. Some reports in the media recycled old and invalidated allegations that Kurnaz had terrorist intentions and that he posed a security risk. Some papers asked why Germany should sacrifice its foreign minister for a Turk. Even Kurnaz's long Guantánamo beard was exploited to create fear and inflame prejudices.

Up to now there has been no remorse on the part of the German government and no compensation for Kurnaz. Indeed, Steinmeier has said that he made no mistakes and would do the same thing again.

Mark Wilson: Private Diplomacy

David McColgin and I arrived in Kabul in the last week of March 2007. Having recently learned that four of our clients at Guantánamo had been "cleared for transfer" (although they each still bore the "enemy combatant" designation), we were puzzled about the reason for any delay in transferring our Afghan client. He had not had an Administrative Review Board hearing for two years, so it was easy to infer that he had been cleared for transfer for that period of time. Our plan in Kabul was to investigate our innocence claim, to find out why our client had not been transferred to Afghanistan, with the hope that the transfer might be expedited, and to meet with members of the local press who we hoped would build pressure on the Afghan government to push for the return of the "cleared" Afghans. For a week we would meet with our client's family and with any government official who would see us. A U.K. organization, Global Strategies Group, provided us with lodging, sustenance, and an extraordinary "fixer" named Shakoor. We also had enlisted the services of the Afghan Human Rights Organization (AHRO) and its director, Lal Gul.

On our third day in Kabul we sat in a book-lined office, befitting the reputation of Sibghatullah Mojaddedi as a Sufi scholar. When the opportunity for an audience with Mojaddedi arose, we quickly said yes. He had briefly been the president of Afghanistan in 1992 (and still is the only person in modern Afghan history to have voluntarily surrendered leadership of the country), and he had been instrumental in the writing of the current constitution. At the time of our meeting he held two important posts. He was the elected leader of the upper house, the Meshrano Jirga, of the parliament, and he had been appointed by President Karzai to chair the National Peace and Reconciliation Commission. He had a reputation as

a mediator not unlike that of Jimmy Carter. His was the largest office we were to see in Kabul, but it was packed with a dozen assistants, who were not introduced and did not speak. There was also a television film crew with lights and the camera rolling. I felt uneasy about the situation. What had we gotten ourselves into?

After the customary tea was set before us, Lal Gul, who had arranged the audience, launched into a colloquy with Mojaddedi in Dari, while our interpreter sat mute next to me. I had been nervous about the AHRO director's agenda and anxious about how we were going to convince Mojaddedi that our client should be brought back to Afghanistan and released. I leaned close to the interpreter and asked what was being discussed. The eighty-year-old Mojaddedi heard my whispered question. Imposing with his long white beard and weathered face, he looked at me and in unaccented, fluent English began to address me. He knew our client. He knew his story. He expressed his belief that our client was innocent, one of the Afghans spirited into the custody of the U.S. military on the false word of a villager who coveted the promised bounty. The anxiety melted away, and I looked at David with a raised eyebrow that was meant to signal, "Okay, this works." I knew right then that the Afghans were not the cause of the delay in Muhammed's transfer. Mojaddedi promised his assistance in gaining his release.

Seven months later Muhammed was transferred to the new American-built wing at the Soviet-era Pul-e-Charkhi prison on the eastern outskirts of Kabul. We never heard directly from Mojaddedi again, but persistent phone calls to his staff and various other officials in Kabul over the following five months ultimately brought the call from Kabul that Muhammed had been released to his village.

Charles H. Carpenter: Playing Politics

My firm represents, among other Guantánamo detainees, Hani Saleh Rashid Abdullah, a Yemeni who was arrested in Pakistan by Pakistani authorities in September 2002. We filed a habeas petition in January 2005, and my first visit with Hani was in June of that year. Since then, I've been to Guantánamo nine times. He's a delicate, birdlike man. But he has a sense of humor and patience that has carried him through torture at the notorious "prison of darkness" in Kabul when he was first arrested and then through the long years of mostly solitary imprisonment at Guantánamo.

I was not without trepidation, then, when I decided to attend the January 2008 "Imam's Conference" in Yemen. Hani's brother attended as well,

and I planned a trip to Aden to meet with others in his family. I bought a guidebook, which said that the biggest surprise about Yemen is that it is safer and friendlier than wherever you live. My assistant hired a guide for me, and off I went.

Always paranoid, I arrived at the airport about ninety minutes early. My guide had other business, so I had to make do with the ten or so words of Arabic I know. There was a problem with my ticket: I had not come to the airport the day before to confirm in person, and my seat had been reassigned. The polite woman at the counter told me that there were no additional seats, and I would need to go to the airline's business office. It was outside the security area, and so it was clear that I would have to wait in the chaotic line again. I was naturally a little steamed. I was even more angry when the clerk in the business office told me that the flight was sold out. Perhaps I could come back in three days. I explained that I had checked out of my hotel, had booked a room in Aden, and was only staying one day. Suddenly, it occurred to him to ask if I would like to upgrade to first class. How much? \$50. Soon he was processing the paperwork.

Just then, a clerk from the immigration office came in to talk about some people they would be deporting. He looked straight at me and asked why I was going to Aden. I explained about meeting Hani's family. The airline clerk, the immigration clerk, and two other airline passengers asked a number of questions. They became very animated and were excited that American lawyers would represent one of their countrymen, saddened that their president had been unable to get the American president to release the Yemeni prisoners, and very disappointed in the United States for allowing the whole thing to happen. I heard this over and over in Yemen; people could not believe that the United States, which they had grown up regarding as a beacon of human freedom, would hold people without trial. As the airline clerk completed the paperwork, he announced that the upgrade only cost \$40. The immigration clerk walked with me to the security line and explained to the guards who I was. They quickly sent me through.

It was nearly 10 p.m. by the time I got to the hotel restaurant for dinner. There were only two other men in the restaurant, and they recognized me from the first-class cabin on the flight. They invited me to dine with them, and I was happy to do so. We had a lively discussion about politics, history, religion, and business. By around midnight, we had become quite familiar with one another—and they with my mission. One of the men asked if I would like to meet the governor of the state of Aden. I said

no thank you and that I did not have an interpreter. But they would not take no for an answer, and the second man, from Dubai, offered to interpret. After some argument, I agreed to let them call the governor. He was awake, and after some discussion, he agreed to meet me.

The next day we went to Governor Al-Kohlani's office. We had a long wait in the anteroom. Eventually, the governor's assistant called us in, and we sat at the end of a long table. I explained who I was, what I was doing, and who the client was. The governor thanked me and my law firm on behalf of the people of Aden. He then had a series of questions about the conditions at the camp and about my client's family. We discussed rehabilitation of terrorism suspects, and he described a somewhat ham-handed attempt by an American official—someone from the White House—who came to give him a lecture on how to do it. Governor Al-Kohlani was engaged and interested and told me, at the end of the conversation, that return of the prisoners was his government's top priority. He also told me, in broken English, that he could barely believe that the United States had engaged in a detention policy such as the one at Guantánamo. He expected much better of us.

Back at the hotel, as I got on the elevator, a tall Yemeni man saw my suit and tie and said that he hoped my business had gone well. I told him that it had. He told me that he was the oil minister, that the Cabinet was getting ready to act, and that he too viewed the return of the prisoners as a top priority. He also thanked me for our efforts.

I have since corresponded with Governor Al-Kohlani and his successor and have received follow-up inquiries from the Foreign Ministry. I cannot say that this diplomatic initiative was a success, but I think some groundwork has been laid for my client's successful reintegration into ordinary life.