

Interviewer: So you ready? Okay, good afternoon.

- How are you today?

Interviewer: Pretty well, yourself?

- Very well, thanks.

Interviewer: We are very grateful to you for participating in the Witness to Guantanamo project. And we invite you to speak of your experiences and involvement with detainees who were held Guantanamo Bay in Cuba or are still be held at the base. We are hoping to provide you an opportunity to tell your story in your own words, recreating an archive of stories so that people in America and around the world will have a better opportunity to understand what you and others have observed and contributed and experienced. Future generations most know what happened at Guantanamo. And by telling your story, you're contributing to history. We appreciate your courage and willingness to speak with us.

- Thank you for having me here today.

Interviewer: My pleasure, believe me. And if at any time during the interview you would like to take a break, please let us know. And if there's anything that you say that you realize you want to retract just let us know and we can retract. So I'd like to begin with some basic information. Your name?

- Candace Gorman.

Interviewer: And your country of origin?

- The United States.

Interviewer: And hometown?

- Chicago, Illinois.

Interviewer: And birth date?

- March 8th, 1954.

Interviewer: Oh happy birthday coming up.

- Coming up, thank you.

Interviewer: Your age is?

- 56, math was never my strong skill.

Interviewer: Right, your marital status?

- I'm married.

Interviewer: With children?

- Three children.

Interviewer: And your education?

- A law degree.

Interviewer: And your current occupation?

- I'm a civil rights and human rights lawyer.

Interviewer: Okay, well, so I'd like to begin by a little back on how you became involved in Guantanamo.

- Well, in 2005, I got an announcement from one of the bar associations that I belong to in Chicago, the Chicago Council of Lawyers announcing a luncheon about Guantanamo. At this time, I had just settled my three biggest cases class action cases that have been going on for 12 years. I didn't understand that this luncheon was a solicitation luncheon. I thought it was just an information luncheon but I just thought, you know, I don't know enough about Guantanamo and I should be getting up to speed on it. And it was a year after the Supreme court had said everyone's entitled to attorneys and that they were all entitled to a process to determine if they were enemy combatants. And so I just thought this would be an interesting luncheon to go to. (coughs) Much like today I didn't go to the luncheon because I had bronchitis. And so, I had actually signed up to go and didn't go. So when they sent an email a couple of days later they obviously didn't take attendance. And they said, thank you for being at the luncheon. And by the way, just reminding you there's 200 men without attorneys still at Guantanamo. And that was the beginning of my saga because once I read that email, I knew I needed to know more. I didn't understand why in a country with hundreds of thousands of attorneys, that they couldn't find 200 attorneys to represent these 200 men. So I took the first step which was to call the person who sent out this email a nice individual from a big law firm who very kindly talked with me about what was involved and said if you're interested in knowing more we're gonna do a conference call in about 10 days and you can listen in the last about two hours. You can ask questions there'll be people on there that are representing detainees. And also people like you who are interested in finding out more. So I did the call. I was shocked that many of the things I heard in the call probably the most shocking at the time there's been many more shocking things since was that there was no attorney-

client privilege with our clients, that our mail would be read, the mail from the detainees to us would be read. And we ducted if there was things that the country our government thought was classified or embarrassing as it turns out, and my mail to them would be scrutinized. They say not read, but I never believed that 'cause we had to send it in an open envelope and my notes would be read. That was the part that bothered me the most that I would go down and visit with my client and be trying to put together a defense for him and that the government would be able to read it. That's not our system. And I really on this phone call, I really fought this whole idea. I said, you know, what if I just don't take any notes I don't wanna help the government learn more about my client. I don't wanna be another interrogator but then I learned quickly that you won't be able to use the information you get from your client if you don't put it down on paper somewhere. And so I reluctantly came to the conclusion and more so even when I started representing the men that their stories needed to be told and they needed to be told out there in society. So I did take good notes and would leave things off that I didn't wanna share with the government.

Interviewer: You had a strong civil rights background. Is that what inspired you to take these cases or was there some connection there at all?

- Well, my background is civil rights. That's what my whole practice has been about. I guess, probably that leaning towards wanting to enforce our civil rights laws in our constitution is probably what drove me into the Guantanamo cases. I think more, it was the sense that our country was doing was wrong and that I wanted to at least have a foot in the door and trying to stop it.

Interviewer: Did you think as a woman that would be a handicap?

- I didn't really think about it at the time. I've been a solo practitioner almost my whole career. And I've been practicing now for almost 30 years. I think something I read makes me like my math is not that great. I think it was 23 or 24 years when I first started representing my first client. And so by then, you know I just didn't pay attention to issues of gender. I mean, if someone wasn't treating me right I would just call them on it, you know? So I did notice that there weren't very many women doing this at the time. There were a lot that came on as the years went by but it didn't affect me in any way.

Interviewer: So could you take us, so after you were inspired by that phone call, what happened next?

- The next step was if we were still on board to find out more, we had to take a trip to New York city. The Center for Constitutional Rights did a seminar, two or three day seminar every other month for new recruits. And so I went to New York city in the fall of 2005 and I would say there were about 20 or 25 attorneys at this information session. And we listened to information not only about the court process, which there wasn't much of a court process at that time, everything was stayed which means that nothing was moving in the courts. The judges were not hearing any issues, but we learned about some of the basics that would be involved if the cases ever became on stayed. But CCR also was a wealth of information as far as having a database for us to offer documents and stuff so that we didn't have to worry about coming in cold and having to recreate the wheel. And they talked to us about Islam. They had an actual person from the Islamic Society and I'm trying to remember the name of the organization when he came and spoke to us for about

an hour and a half. One of the Tipton Three had just been released a couple of months earlier and he was video conferenced. And that to me was probably the most shocking realization for me of just what was involved in this. And I remember very vividly him telling his story. You know, they were just these three happy-go-lucky guys and off one of them getting married and they were off to Pakistan and decided to take this little side trip you know, to Afghanistan and what happened to them. And I remember him talking about being rounded up by the Northern Alliance and put in these big shipping containers. And he said, he thought he was gonna suffocate in there. And he said, he could hear the Americans out there the Northern Alliances who rounded them up he could hear the Americans, he was British, he understood the accent and said some of the men started yelling for air that they were suffocating. And the Northern Alliance, he thinks took machine guns and just shot at the shipping container. And they laughed, "Now you have some air." And he said, there were probably about 75 men that started out in this shipping container and about 30 came out alive. And all I could think was, you know this is really bad. And about two years ago, the Northern Alliance actually the site of this massacre, from today, the Northern Alliance actually went to destroy the site of where this atrocity happened because of a review that was being done because there were so many men killed at that time in these shipping containers. I don't remember but I remember when the news report was out that they were out there destroying the site. So it couldn't be investigated.

Interviewer: So you were discovering a lot more than you expected to?

- I was. And probably the last thing that they did with us was to talk about the effects that this could have on us, personally the things that we were now witnessing and now hearing and what that we would be witnessing and hearing in the future and ways of protecting ourselves. And I remember thinking at the time, well, you know whatever happens to us it can't be half as bad as what happened to these men. But it was very early on that I realized that I needed an outlet when I started realizing the things that happened to my two clients. And that's when I started writing about my clients and about the whole experience, just not only to make a record of it all, but to let me get it out so I wasn't just thinking about it and keeping it pent up.

Interviewer: I want to talk about that, but I'm just interested, I think people will be interested in just the continuity. So, when you finished that session, what happened next?

- I took a plane back to Chicago and by the time I got back to Chicago I had an email with the referral of my first client. And it was an email saying that they had assigned to me, Mr. Al-Ghizzawi. And they didn't know very much about him but his name had shown up on a number of lists that were being passed around the base, the jail for men to sign up if they wanted attorneys and that was the only way names were getting out at this point, the government was not releasing the names of the men at Guantanamo, you, know, our government's usual way they said it was because of their privacy concerns. So we had no real list of who was there just the ad hoc lists that were being passed around by the men who wanted attorneys. And then those being passed on to the few that had attorneys whose attorneys would then pass them on to the military to get cleared. And amazingly enough, they did get cleared. And that's how CCR put together the list of people out there that were wanting attorneys. And so they told me, Mr. Al-Ghizzawi had signed like six or seven separate lists and that he really wanted an attorney. So I was happy that he wanted an attorney. I also knew he was Libyan and that he was living in Afghanistan. But that was really all I knew about him at that

time.

Interviewer: And so what happened after that? After you got that email?

- After I got the email, I started working on the habeas petition for my client. I also started to do some research. I'm trying to recreate how I learned that he had a brother, living still in Libya. But Mr. Al-Ghizzawi was Libyan living in Afghanistan. And somehow early on, I realized that he had a brother and it might've come from another attorney. 'Cause that was the way we usually found out things. One attorney would go down to the base their client would say, "Oh, you know, Mr. Al-Ghizzawi wants an attorney." And then when I was assigned the case, I sent out an email and I said, "I'm going to be representing Mr. Al-Ghizzawi, here's the number, his ISN number is 654. And if anyone's going down there, will you please tell him I'm representing him?" And I got a number of emails back at that time saying "We are so happy because he's been wanting an attorney." And one of those attorneys told me that he had a brother in Libya. And so I started trying to track him down. It took years before I tracked him down, but I eventually did.

Interviewer: Why did it take years?

- Because it's so hard to find out anything that goes on in Libya. And I didn't know anybody in Libya. So I was kind of hit and miss trying to find someone that would be helpful. And when you mentioned Guantanamo, people get less helpful. So I had made a couple of contacts in Libya. One was a medical doctor who said he would try to find Mr. Al-Ghizzawi's brother. And then I just happened to mention that I was representing this brother that was in Guantanamo click. You know, that was, yeah. And there's a lot of fear in Libya still about the reach of Muammar Gaddafi. So people just didn't wanna get involved.

Interviewer: So can you describe when you finally go down to see him, what that was like, your first flight and when you first arrived?

- My first trip down there was almost 10 months later. It took a long time for me to, not so much to get my security clearance but to get court approval to go because of all these stays that were in place to go down there not only do you have to have the security clearance but you have to sign off on the protective order. The protective order sets up all the rules about what you can say and what you can't say about the fact that you have to turn over your notes when you meet with your client, et cetera. And the judge would not let me sign the protective order because the case was stayed. So after a couple of tries I finally got the judge to enter the protective order in Mr. Al-Ghizzawi's case, this was after I got an email from another attorney saying your client is ill and he's got liver disease. And I knew he had some illness. I didn't know what it was. So I filed another motion with the court saying please let me go down there until the protective order. And here's an email I got from some guy, I don't know saying my client's ill. And at that point the judge relinquished, allowed me to go down. And so he actually gave me approval I wanna say, in the end of May and then you have to do a process. Well, like the good military people there are there. You have to fill out a form telling them when you wanna go. And I had a conference coming up in Puerto Rico. I believe this was at that time. And so I thought I would like to do the trip on one side or the other of that conference. So I ended up going the first week of July, I believe in 2006. And I see a flight from Chicago to Fort Lauderdale. And then

you get on this little ten sitter without a bathroom for your three to four hour flight to Guantanamo, depending on the winds, depending on how heavy the plane is, if they have to stop to refuel. And then you land in this military air base. I remember being shocked, not shocked as overstating that but just surprised at the terrain. I was expecting it to be more lush and it was very desert-like and especially in July. So I landed there on a Saturday, I believe it was Friday night actually. And my visits were scheduled for Saturday, Sunday, Monday with Mr. Al-Ghizzawi. And by this point I had already taken on a second client, Razak Ali, and so I was scheduled to meet with him on Tuesday and then fly back on Wednesday. And I landed on a Saturday. I found out I was the only attorney at the base that weekend. So my first visit to Guantanamo, I was there by myself without the help of my other fellow habeas counsel to kind of show me the ropes. I had read everybody's description of what to expect and the rules and all that stuff, but it was still a little bit unnerving to go down that first time and not have anyone to kinda bounce things off of. But I knew that I was gonna see Mr. Al-Ghizzawi on Saturday morning and that I would have to take the 8:30 or 8:40 ferry outside the CBQ, the combined bachelor's quarters which is where we stayed on the leeward side. And then we take the ferry across to the windward side to where the base is and where the jail is and where all those symbols of American consumption, McDonald's, Kentucky Fried Chicken.

Interviewer: Before you met your client what were the impressions that you had when you arrived or when you flew equal to what you expected? Did they meet your expectations or were they very different?

- Except for the terrain itself, there weren't any major surprises. I think I was pretty well versed on what, you know what the CBQ was gonna be like, what wasn't there and what was there.

Interviewer: Were you nervous?

- I was nervous, you know, I had read what Cheney said. These men were the worst of the worst. I didn't know if my client was gonna be the worst of the worst. And I didn't really care because my feeling was that the process was important and our judicial system is important and we don't just hold men without charges. And if he is the worst of the worst, then tell him, charge him. So, but it's still nerve-wracking and...

Interviewer: Were you in fear?

- I wasn't in fear but I would just say I was a little bit nervous a little bit apprehensive, but I felt good about what I was doing and I don't think I was afraid in that sense of the word, like I don't wanna go in there. I did want to go in there and I wanted to meet with a client. And actually at this point we had exchanged one letter. It's kind of weird, but I got a letter from him in the mail. I don't know how that happened. It had a stamp on it. I just don't know how, but he told me that he knew I was representing him and that he was very glad and he wanted me to come and meet with him because he was ill and he didn't want to explain his health problems in a letter. So please try to come and see him as soon as I can. And I had written back to him and I found out later he did get my letters. So we had a little bit of an exchange before I went down there. But that was just about it.

Interviewer: He spoke English?

- He spoke English. His English was not quite as good then as it is now but we were able to communicate and I brought a dictionary with me. Later they wouldn't let you bring dictionaries in the meetings. And then later again, they would. So it's, you know, kind of those rules changed all the time depending on, you know, who was the guard at the time.

Interviewer: Could you describe then your first meeting with him, where it was, and how it was?

- I went to Camp Echo. Camp Echo was the facility where most of the meetings took place. And actually it's the facility where most of the interrogations take place. So it's kind of a double-edged sword to go meet with your clients in this place where they've been treated very badly by other individuals. Camp Echo was made up of about, I would to say six, eight, 10 of these big storage container units that are divided into two cells with two separate doors. So you walk in, you know they have this big metal door, that's locked. They opened the door and when you look inside, there's a table. My client was sitting at the other side of the table shackled to the ground. On the side was a cell and with a bed and a toilet that had its own little mesh wire into separated off from the rest of the room. And then there were two other chairs at the table where he was. It was very sparse, very dark and very hot. I remember thinking that I'm just like sweating profusely. It was like 95 degrees and no air conditioning. And I was just like dripping wet. And finally, Mr. Al-Ghizzawi said, "You know, I think that air conditioner works. I turned it off before you came here." I said, "Oh, well, you know if you're comfortable, I'm comfortable." I did turn it on for a little while cooled down a little bit. But most of the time we sat in the heat because of his illness. He didn't like to be cold. So, he was sitting at this little table, just waiting for me in this tan jumpsuit and not jumpsuit two piece suit and flip flops. And he actually smiled when I walked in and he seemed pleased that I was finally there. He had his own attorney and he did. I started to put my briefcase down and pull out my papers. And one of the things that I was doing was bringing him the habeas petition that I had filed and some papers that I'd filed in court so could go over them with him and I was kind of arranging my stuff. And I had actually brought a headscarf. I wasn't really comfortable with that whole idea but I thought if, you know, my client is really picky about it than I would wear it, and I forgot about it. And when I was going through my briefcase was down on the bottom so I kind of pulled it out and said, "Do you want me to wear a head scarf?" He says, "No, I don't care." So I was like, good. This is a good step. So he said, "How do I know you're an attorney?" And I kind of looked at him and listened, "Well, I've got my card." I just pulled out my business card. And he, he laughed and he said, "You know, anyone can make a business card." And I had heard, and I didn't think about this in advance but I had heard that the interrogators were masquerading as attorneys at one point. And it must've been after 2004 after the Supreme court said attorneys were allowed but before attorneys were actually getting down there. So then I pulled out my little wallet that I have with me today. It's a little wallet that I've had since I became a lawyer. And in it is every bar card that I've had every year in Illinois. They give you a little bar card that shows you're a current member of the bar and you're still licensed. Now, I've got close to 30 of them in my little wallet, but at that time I had like 23 or 24 and I started pulling them out. You have to realize it's just jam packed in there. So it's like hard to even pull these out and I'm pulling them out. And one, two, this is last year's this is next year or the year before. And I did like seven or eight of those. He said, "Okay, I believe you're a lawyer." And then we actually spent three days talking that first trip when I was meeting with other attorneys and other attorneys showed up on Monday my visits, first two visits were Saturday and Sunday.

And I think some other attorneys showed up Sunday night. Maybe it was Monday night (coughs) excuse me. But I'm sorry I lost my train of thought.

Interviewer: Well, you finally had some other ways to prop up against and get some feedback--

- I did, which was good because I had a little issue that trip. The day before I was leaving, I decided to try to see Razak Ali but I didn't have the protective order entered in his case. And I'd filed a motion with the judge saying I'm a sole practitioner I'm flying down to see my other client would be really nice if I could see this client too. And he decided to have a hearing on Friday afternoon before I was leaving I guess maybe it was Thursday afternoon and I was leaving Friday. And I did it by phone because I was leaving for Florida and I couldn't get DC first. And so he was very nice and said, I could do it by phone. And, you know, I don't even remember quite what the point of the hearing was. I think it was to give the government a chance to fight it. And he was trying to figure out, the judge was trying to figure out if there was a way he could let me go down this one visit but then not have the protective order still in effect. It was kind of like, let her go now but maybe not in the future. But anyway, as it turns out, he entered the order. He entered the protective order and he told the government to tell them at Guantanamo that I was going to see my other client, excuse me. And he entered an order which I've fortunately got a copy of. And I changed my request form that when you're making a visit, you have to put down who you're going to see in which days and stuff. So I put in Razak Ali for the Tuesday meeting. And when I got down to the base, they told me after a couple of days, I said, you know I just want to make sure that everyone knows I'm gonna see this other person on Tuesday, because this was done late in the day. And I was telling my escort on Sunday, I said, "You know, I have a court order. And the judge said that I could see him." And he said, "Oh, court orders don't work here. We consider those advisory." And I said, oh, so I just made my little notes.

Interviewer: What level of--

- This was the petty officer that was our escort, of my escort at that point. He was kind of a creepy guy. And one of the other things, as I'm driving along it's just me and him in this little minivan. And we're just making small talk. He had children that were younger than my children and he was talking about his kids. And I said, "Well my son's gonna be starting college this fall. And that's gonna be interesting having him go off to college." And he said, "Oh yeah, but at least you'll have your daughters." And I'm thinking, I didn't say anything about daughters. What kind of file do they have on us? And who gets to read it? I mean, you know what I mean, it just kind of made me irritated.

Interviewer: Did you say anything?

- I didn't say anything. I just made my notes. And the one other thing that the same guard that we had to turn over our notes every day. So when you meet with your client, you hand over your notes. And at that point, you just handed them to the guards who put them in an open envelope. If you're meeting your client the next day and then they would just hand you the envelope back. Now they seal the envelope. But at that point they didn't. And so the day before I'd seen Mr. Al-Ghizzawi and I had a lot of notes about his medical condition and medical issues. And so when I saw guard the next day and he hands me my notes, just off the



top of his head, he says, "You know, if your client has any medical issues you should let us know because you know we have really good medical facility here and they like to know about medical issues. So if your client has any medical issues..." And he said this like three times and I'm thinking "God damn it, he read my notes." But that was the first thing. And then there was the court orders don't work here. And then there's, you know, "Don't worry, you've got your daughters." So I didn't like this guy. He was very different than my first escort who was very nice, but the long and the short of it is Tuesday, well, actually Monday comes and I'm still reminding people, Tuesday I'm meeting with Razak Ali and it's the same escort. And he said, "You know, I checked on him. That's not as name." And I said, "Well, government never raised any issue. They're the ones that, you know told the judge I had the right person. So whoever he is with this number, ISN 685 that's who I'm supposed to see." "Well, ma'am the name's not right. I don't know what, we're gonna have to see what we can do." So the long and short of it is I never got to see Razak Ali. They had excuses. They didn't, they couldn't figure out who it was I was supposed to see. And Tuesday, the day I was supposed to, I think they thought on Monday that they had convinced me that I wasn't gonna be able to see him, but I just wasn't willing to just sit back at the combined bachelor's quarters for the day. So I went back over with the ferry and with the other attorneys and said, "You know, I wanna push this. I wanna find out what's going on. 'Cause I have a court order to see him." And this was the nice guard again, the nice escort. And he said, "You know, I've been trying to track this down. I can't figure out what it is, but you can't see him. We can't figure it out." And I said, "Okay, I'm going to give you a piece of paper and I'm gonna spell the name I have for him on there. And if you could be so kind when you figure out what the name is" 'cause I really thought this was a legitimate concern. It was my first trip there. I didn't realize when you get his name what you think his name is, can you write it down on this same piece of paper so that when I get back I can try to figure this out? He said, "Okay." So he actually gave the form, my piece of paper with three names written down on it to another attorney that was coming back earlier in the afternoon. And so I had Razak Ali, I think Abdul Razak Ali and the first name on the list was Abdul Razak Ali and then there were two other names. And it turns out there was confusion about his name as I learned later. But it was him. I mean, they knew him by that name too. So I was mad then when I got that piece of paper.

Interviewer: Were there other people above the escort that you spoke or is just the escort--

- I spoke to an attorney that was there who was supposed to be checking up on this for me too a young attorney, military attorney who was gonna call me on Monday afternoon and never did. So I think he thought I was gonna just, you know fall by the wayside. And so on Tuesday I was trying to follow up with him. He was in a meeting and I never did a talk with him again. I went back and I filed a motion for sanctions.

Interviewer: Was there anybody else at the base who you interacted with?

- I think it was just the one military attorney 'cause this was my first trip down there. So they actually have an attorney come and meet with you. And he went over kind of the rules and that's the one I contacted when I was having the problems.

Interviewer: And do you know why they tried to block you from seeing your client?

- No, but I'll tell you what happened, when I filed the motion for sanctions and I have to backtrack a little bit and it's a little peculiarity of mine. I like to bird watch. And so when I was going down to Guantanamo I asked the DOJ attorney, if I could bring my binoculars I didn't want to get shot, you know? And he said, as long as, and he of course wrote back and said, no, one's ever asked this before. He wrote back to me and he said, "Yeah but just double check with them when you're down there." But as long as you're watching for birds on your side of that Island, where the lawyers are not on the side where the base is, it should be fine. So when I met with the military lawyer that morning that first day when he was going over the rules he was a very nice young attorney and he was laughing and he said his dad was a birdwatcher. And of course I was free to watch the birds on that side of the Island. And I had actually had picked up a book and stuff. So I filed this motion for sanctions I think it was motion for contempt of court 'cause I had a court order and Judge Walton was the judge at that time. And he had a hearing on my motion and the government filed their response along with an affidavit from a different military attorney, Captain McCarthy was the head JAG at the time. And Captain McCarthy who I'd never met, never seen, never talked to, did this long affidavit in the first person about our interactions and how I did not want to see my client that day I wanted to go birdwatching. And I was furious of course, when I got this I mean all my attempts to try to see my client and he's blowing it off, like, you know, like this is just some nut who's down there to go birdwatching. And I ended up getting affidavits from the other three attorneys who were in the bus with me Tuesday morning, who were watching all of my interactions trying to make sure that this visit took place including the person who brought the note back over to me with the names. And so we had our hearing in front of Judge Walton and I asked him to strike the affidavit of McCarthy because he had no personal knowledge and Walton said, "No, I'm not gonna strike it. It just goes to how much weight I'm going to give it." And so we did our arguments and the judge asked a lot of questions of me and then of the DOJ attorney. And of course, McCarthy didn't show up for this hearing. I did do a notice to request to produce them at the hearing, but I guess he was too busy. And well judge Walton said, "Well, I've decided how much weight I'm going to give this affidavit, zero. And I want you to get her back to the base on your dime" is what he told the DOJ. It never happened, but it almost happened. I do have an order, court order from them that they have to pay me for that flight. When I finally did end up going again but they've never paid it. And then the case got stayed after the 2006 Military Commissions Act was passed. And then the case got dismissed 'cause Judge Walton dismissed all of his cases because of the 2006 Military Commissions Act. So I never have gotten the money yet, but I will.

Interviewer: Did you try again?

- No, because when the cases were reinstated in 2008 that's when they were reinstated with Boumediene. I really thought my priority is to get the hearing from my client and that the, you know 600 and whatever dollars can wait for another day. But I don't forget those things either.

Interviewer: Can you describe your client Razak Ali 'cause he told us a little bit about...

- So I didn't get to meet Razak that time. I had to meet him my next visit down, which was a couple of months later at the time he's 40 now. So he must have been about 35 at the time. And I thought he was a lot

younger. He was a very young looking man. I thought he was in his early twenties. I was surprised when I found out how old he is, very good natured--

Interviewer: Nationality?

- Algerian. And he's one of the Algerians that would be happy to go back to Algeria, unlike some of the Algerians. And in the first meeting, it's always kind of tricky. You know what you talk about, you don't wanna interrogate you don't wanna start asking questions. So when we met, I talked like I did with Mr. Al-Ghizzawi I talked a lot about myself and my family and my practice. And Mr. Al-Ghizzawi was more talkative himself and Razak Ali was more reserved. He really liked eating. When I was coming back at lunchtime, he asked me to bring him pizza, vegetarian pizza with lots of hot peppers on it and strong dark coffee. I mean, he knew what he wanted to know and was very funny.

Interviewer: Did he trust you were his attorney?

- Yeah, he never asked that question. Never, I mean, he just was fine that I was his attorney. In the afternoon. I was kind of at a loss as to what to talk about with him because I didn't wanna interrogate him. We weren't just having the kind of a nice rapport that I kind of had immediately with Mr. Al-Ghizzawi. So I asked him if he was reading any books, you know did he get to read any books there? And he said, "Yeah, I was reading Harry Potter." And that started a long conversation 'cause I was reading them with my kids. Although I don't have a very good memory for what happens in which book, but one book was out in English, maybe volume five, but it wasn't out in Arabic yet. So the guards were like telling them what was happening in that book. But he wasn't sure. So he's like asking me these questions and I'm like, I think this is the book where Dumbledore dies or something and he's like, "Oh no." And my poor translator, now for him I had to have a translator. He does not speak in English. And my translator was like, "I don't know how to translate these words." Ask abandoned, Dumbledore and all this. And, and he was like, "It's okay, I know the words." So it was a very funny afternoon. And we talked about the book in great length and that kind of cemented our relationship. Although there was a time, I would say almost a year period when Razak Ali would not meet with me. I met with him two or three times and things had gone well. And I think the second meeting he told me about his experiences. He was subjected to some really horrendous torture and biogram. And so he was explaining that to me. And I didn't really understand who Abu Zabaida was at that time, but he was in the same guest house as Abu Zabaida. He didn't know him. And as it turns out the military is now and the government is agreed Abu Zabaida isn't who they thought he was. But they thought Abu Zabaida was a really bad guy. And they thought anyone who was in those houses that house must be really bad too. And of course he knew nothing. And so they were trying to torture it out of him. So it took me a while to like piece all this together to figure out what was going on and why he had been treated so badly. I mean, worse than the usual. So it was after that meeting or after the third meeting. And I took a lot of notes about what had happened at the time of his arrest. And it seems that someone came in to see him after our meeting, that he had told some things to me that he hadn't told the military. Nothing damaging, nothing that would show him to be, you know, a bad guy, but that he had said something that he hadn't told them. And so he thought I had turned over my notes, or, well, turned over my notes. But he thought when he was telling me, even though I was very careful to tell both my clients, you know, I can't guarantee any kind of confidentiality. I

have to turn over my notes but I think something happened after that meaning he didn't wanna see me. And I tried for several meetings when I was there to see Mr. Al-Ghizzawi to meet up with him and he kept refusing. And so I didn't try again for, you know for almost a year. I wanna say a good 10 months or so went by. And then one time I was there and I just, I think I'll try to see him again and see if things have changed. He was happy to see me. We never mentioned anything. I mean, I didn't want to ask him why if he didn't wanna broach the subject but I think it was partly, well, he told me later that he was very concerned that they asked him about things that he had told me in the meeting. But then the other thing was that there was a little power play going on in the prison cell area, a pod that he was at. And some of the men were saying don't see a lawyers, that's making it worse. So he put two and two together and decided stay away from me but then decided after some period of time that it wasn't getting any better without an attorney. So I brought him pizza so...

Interviewer: Do you think they overheard the conversations? Do you know what how the government found out what he said to you?

- I don't know for sure. I can't remember. What about it I put in my notes, it had to do with the people that were in his guest house. And so I don't know if it was that they were listening and I always thought they listened in, but I can't remember it off if much of that was in the notes.

Interviewer: Why do you think they listened in can you describe what they told you or what was it like in the room when you did meet your client?

- The protective order permits the military to put a camera in the room, supposedly that's for our protection so they can watch to make sure, your client is not strangling us or something. So there's this camera in the side of the room, in the corner, that's looking down at the table and the protective order also says that the sound has to be off of it. You know, I don't know how you check for such a thing, but I never I never trusted that the sound was really off the military and as you know, from my previous comment the orders don't work there. They're only advisory. And I just didn't think they would be taking that advice too strongly.

Interviewer: Did you ever have a situation with Al-Ghizzawi in terms of his not wanting to see you?

- One time he was moved to camp six. This was just such a travesty. When I, just to backtrack, there's several camps at Guantanamo where the prisoners are kept and Mr. Al-Ghizzawi and Mr. Razak Ali were both in camp four when I first made my visits there. Camp six was a new construction by Halliburton and it had not opened until the end of 2006. And when it opened they moved Mr. Al-Ghizzawi into it. And camp six was built as a super max prison. Super max, is that the right word? You know, the solitary confinement all the way. And so they're here. So they had this client who was ill. He had hepatitis B and tuberculosis, mild mannered as it turns out, he was found not to be an enemy combatant. We can talk about that later in his original combat status review tribunal and was one of those people that never had problems. He never had disciplinary problems or anything. He's very respectful. And so when he was moved to camp six, I was mortified that they would take him and put him there. And this nice young lawyer that I talked about earlier being the one I met that first day ended up being my permanent and sole escort. When I came to the base,

he was assigned to me, I was chosen for this honor because captain McCarthy was so angry. And so I was taken away from all the other attorneys. And I was picked up by this lawyer and driven around by this lawyer. And it was a very nice young lawyer. And, you know, I said to him, "Why do I get this honor? I mean, I'm happy to talk with you and stuff." He said, "Captain McCarthy wants to make sure you never have a problem here again." I said, "Well, tell him I appreciate it." So actually it was nice in a way I got to the front of the lines and all of that stuff but I'm sure McCarthy thought this was somehow would make me feel uncomfortable. I actually liked the attorney but I asked the nice young attorney. I said, "Why in the world did Mr. Al-Ghizzawi get moved here?" My fear was, it was because of me because of my fight with McCarthy that this was gonna be a way of punishing me. And he said it was totally random. The men that were moved into camp six was a random selection. I don't know which is worse, to randomly select people or to put them in there for punishment. But it was an awful place. And the first I saw Mr. Al-Ghizzawi in December of 2006. And then the next time I saw him was February of 2007. And when I saw him in February, I'm pretty sure this is the visit where he didn't wanna see me. He was wearing orange. Orange is the color for when you're in trouble. He had never been in trouble before. He didn't wanna see me. I sent him a note. I said, you know, "I came a long way even if you don't wanna spend any time with me just let me talk with you for a few minutes." And I went into, at that point they let me meet with him in camp six, they stopped allowing meetings in camp six after a few months. But at the very beginning, they had this tiny sweltering room that they allowed meetings to take place. And I went in and he was in his orange jumpsuit, crouched on the floor, just huddled. He was freezing cold 'cause the building was air conditioned and he looked awful. And he told me that he was being punished because when he went for a shower timer, bathroom timer or something, he had toilet paper in his pocket and you're not allowed to have anything in your pocket. And he didn't want me to see him in orange because I would think ill of him for being punished. And he was at the whole time, he was like shivering. And it was just awful. And he said, "Tomorrow I will be back in my tan outfit tomorrow you can come and see me." I said, "Okay." And I went and talked with the attorney the JAG about, you know, the fact that he's freezing cold and what I found out is as part of their punishment when they're wearing the orange they take away the thermal shirts. So they had thermal shirts that they could wear underneath the orange, underneath their outfits. And they take that as way as punishment. So, I mean, it was just awful what we were doing. And I think that's the only time that he didn't wanna see me.

Interviewer: Did you ever think for yourself that maybe he's being treated like this because you were such a passionate defender of him?

- That thought had crossed my mind and it worried me and I talked with him about it. I told him I really hope that it's not because of me that you're being treated like this. And, you know, was like "You're gonna still come visit, right? I said, "Yeah."

Interviewer: Do you have any basis for that?

- No, just the fact that it was so... It didn't make any sense most of the men that were put in six at the time were the ones that were causing trouble. Even though the JAG told me it was you know, at random, I didn't think it was at random but that's just my speculation. I don't have any facts.

Interviewer: And from discussions with other attorneys, you haven't had any confirmation from anyone else?

- No.

Interviewer: Could you talk a little bit about his medical care and your issues with that?

- Yeah, well, the medical care is easy to talk about. It was non-existent. After I had my first visit with him. I took down all of his signs, everything I noticed about his health, like his very yellowish skin very jaundice skin, it was very thin but he was also very bloated and he showed me his stomach and his back had these black lines. And it was a lot of things that, you know I couldn't figure out. And I asked him about symptoms, you know and he described all of his symptoms to me. He was not shy or you know nervous about talking with me about these things. And so when I got back, I still didn't know what was wrong with him. Of course, I'm not a doctor but I took his symptoms and talked with a liver specialist. And I don't know, I think it was 'cause of the jaundice that I ended up trying to talk with the liver specialist and actually through my own family physician he recommended a liver doctor that he went to school with who was at the University of Chicago. And he was a very nice doctor who met with me went through all of the symptoms and he said, "It sounds like he's got some kind of liver issue." It might be hepatitis, Libyans have, there's a lot of hepatitis in Northern Africa. This was before I had any indication. And so what I was trying to get from him and he ultimately did, for me, was an affidavit saying that based on these kinds of symptoms there are a lot of possibilities and they need to be looked at, and this is some of the things that should be done or whatever. And I used that to try to get medical records. And I filed a motion with the court asking for his medical records and attached to this affidavit. And the government responded with an affidavit from Dr. Salick, who was the chief medical doctor at the time there, he is now deceased. And he admitted in his affidavit that my client had hepatitis B, but said that he didn't wanna be treated for it. And there was also something contradictory in it. And I don't remember the exact nature of the contradiction but it had to do with the liver count that it was steady liver count when they took him in in 2002, up until that point. But then they hadn't done any kind of liver counts since 2002. So I was like, that's odd. So, you know, I did a reply to the judge you know, basically saying, you know, just on the basis of their own affidavit, I should get the records. And the judge said, no, this was Judge Bates. He said, no, because otherwise that would put me in a position of trying to dictate the medical care of the facility and he trusted the military (coughs) to be doing and saying the right thing. And if they say Mr. Al-Ghizzawi didn't want medical care. That was fine, that was it.

Interviewer: Did you ask Mr. Al-Ghizzawi if he wanted medical?

- Yeah, and I got an affidavit from him.

Interviewer: Saying that he did?

- Saying that he did.

Interviewer: What happened to that?

- You know, the word of the detainees is like less than nothing. So the fact that Mr. Al-Ghizzawi will swear that he wants medical care meant absolutely nothing to that judge. And I can say from other affidavits that I've done anything that we file means nothing. That's just what the military says. So it went nowhere. At the same time, I connected up with a Swiss doctor who was also a liver specialist. And a wonderful man. And I had this great idea that if I could get a country to take him, Mr. Al-Ghizzawi and a doctor to care for him that I could get the military or the state department to move him there. It seemed logical. Logic doesn't work real on this game. So I actually went to Switzerland. I connected up with the Swiss doctor through a friend of my my son's best friend, he's Swiss from high school. And his parents, his father is a doctor. And so I just asked him at a dinner one night, I said, "Do you know anyone in Switzerland? that, you know?" he was like, "Oh, Jorg, you know, he's wonderful. He's an activist, you know, and he's liver specialist and he's the best man in the world." I thought they knew each other. I didn't know that this was just someone who, you know, idolized him. So I sent him an email and he found the email for me, email address. And he sent Jorg an email and said, you know, "So-and-so has said I should contact you. And you know, maybe you could help. And my client is at Guantanamo." And I had a very funny exchange with him 'cause it was about a week later. And he said, you know, "I finally, I Googled your name. I thought you were like those people from Nigeria that want my bank account." So he said, "But then I Googled your name. And I realized you are really an attorney and you are doing some things. So we corresponded and he ended up doing another affidavit. And I think, I can't remember the exact, how it all played out 'cause this was back in 2006 but what happened was I filed another motion with the judge for the medical records. And then I attached another affidavit from the doctor at the University of Chicago and I one from Jorg in Switzerland and basically trying to get the military to agree to do some of these tests and at least tell us what the results were. And Dr. Salick did another affidavit and it contradicted his first affidavit in a material way. And I don't remember the exact details but I remember talking about it with both doctors and they said that it doesn't make any sense. It had to do with the dates that he had said in the first affidavit they had done stuff. And what he was saying now, so everything was very suspicious. And the judge said, no again.

Interviewer: Did the military actually ever go to your client and ask him if he wanted medical care?

- He went into the doctors many times, you know at the medical clinic.

Interviewer: On his own?

- On his own, I mean, as far as you can do it on your own, I mean he would ask to see the medical people and what he would be told most of the time when he went there was, we're gonna have someone coming in who's a specialist in this area. And when that person doctor comes in we'll have them look at you. And in 2008, I wanna say 2008 sometime in 2008, a specialist did come in that had something to do with liver disease and he did meet, he or she, I can't remember which met with my client and said that they were gonna do some tests on him to see what was going on. And that the test would be in the next two or three days. And they never came back for him. So he never got those tests. And, you know, again I would raise those issues with the court, but to no avail.

Interviewer: I had also heard that at one point your client thought he had AIDS.

- Yeah.

Interviewer: How did that happen?

- I wanna say it was in 2008 as well, or maybe 2009. He had gone for a doctor's appointment, a medical appointment. And at the medical appointment, one of the staff said to him, you know, "We're gonna see about what kind of treatments we'll give you for the for the AIDS that you have, for AIDS." And he said, "Are you telling me I have AIDS?" "Well, yeah, didn't they tell you you have AIDS?" And he said, "No." But he had suspected that there was something wrong with his blood work because when he had some blood work done a couple years earlier, two medical people came in and just looked at him and talk amongst themselves and we're pointing to him and he just always thought there's something weird going on here. So to him, this was all making sense. He has AIDS and they've known it since, you know, for years now. So he sent me a note, a letter saying that, "You know, I was told I have AIDS." And so cases were stayed again. This was when we were waiting for Boumediene to be decided. And I filed an emergency motion with Judge Bates. And well, the first thing I did was I sent an email to the attorney, the DOJ attorney, and I said, "My client was told he has AIDS. Could you confirm this for me?" No response. So I sent him a second one. "I just want you to confirm or deny." And he wrote back this very snide email saying, "I'm not privy to what's in your client's medical records." And I wrote back and I said, "I would appreciate it if you'd make yourself privy." So did an emergency motion and I was able to attach, you know, this little snippet of a email where he, you know, refuses to even check. And so they filed a response saying, "Well now the checked and he doesn't." And they said he didn't have AIDS. And for one thing it's made my client's life very difficult. I don't believe he does have AIDS. I mean, this is years now and he's had no symptoms of anything except for all the liver stuff. But I mean, I knew a couple of people, you know 10 years ago, 20 years ago, I guess closer to 20 years ago that had AIDS back when there weren't much in the way of treatments and I watched them deteriorate and there wasn't anything like that going on with Mr. Al-Ghizzawi so I really didn't think he did but I knew this was a main trick. And I think that's part of the torture that they were using at Guantanamo is that they find your weakness and then they exploit it. And for Mr. Al-Ghizzawi, his fear because of all his health issues his fear that they're worse or that there are more issues going on was prevalent. And I think they were exploiting it and--

Interviewer: For what purpose?

- I don't know that you can say that there's a purpose when it comes to torture. I mean, I don't know what their purposes is in all the things they did, but I just know that they've tried to find people's fears like with Abu Zabaida, you know, he had the fear of bugs so they put him in a box and told him, you know there's a poisonous bug in there. I mean, it's, you know, it doesn't make sense. I don't know what information you mean he was still being interrogated all the way up until the time he left. So what purpose they thought they were getting out of this, I don't know. Or if it's just some kind of just, well, anyway I don't know the purpose, but I also didn't know what to believe. And were they hiding the AIDS, or you know, making this stuff up? When he eventually got released to Georgia this has been hanging over him 'cause he he doesn't understand



why they would tell him this. And so he really believed he had AIDS and he's had probably six different tests done in Georgia to confirm and I've pushed him for it. I said, you know, "The only way you're gonna feel comfortable is if you know, you don't have it. And if that means 20 tests, just go and get them all." And the last, not the last time I talked to him about two times ago, he was waiting for the results for what he said would be the last test. And so far he didn't have it. And I'm sure if he did from that last test he would have told me when we talked last.

Interviewer: Given that he wanted an attorney so badly at the beginning as you described, and then he still was there for what six years after that, did he ever get frustrated with the fact that maybe attorneys weren't working for him?

- Not that I wasn't working for him. He was frustrated a lot with the process. I always was very upfront with him about what was going on, you know, what I was trying to do. I was always filing stuff and I was always trying to do something to get him spotlighted. And when Obama, excuse me when Obama became president and they set up this task force I got my materials in there right away. And he was one of the first ones cleared, but it was frustrating for him. I mean, you know, and it was frustrating for me. I mean, this wasn't the court system that I knew that was acting this way, but he was always, for the most part was glad to see me, wanted to know what was going on in the case, what I was doing. And I always brought stuff with me and always went over those things with him.

Interviewer: I know you were very passionate. I just wondered he just thought American system justice wasn't quite what he thought it was.

- I'm sure he did, but he never said it in those words, one thing he did tell me that I found it, one of the sadder things although there were a lot of sad things, but he, I was there in the summer of 2009 and we're sitting at that point the conditions, he was still in camp six but the conditions had changed and they weren't in solitary all day long anymore. And it was just made a remarkable difference in his outlook (coughs) excuse me, his health, he just was brighter. And so we're sitting there and we're chatting about whatever. And he said, "Well, you know what makes me able to go on now? 'Cause I know January, this place will be closed." And I already knew then, I mean, no one was saying that out loud amongst us ABS council. But we all were like looking and thinking there's no way they're gonna close this place in six months. And I just couldn't tell him that. I just said, "Well, you know, I know there's, you know the taskforce is working." Then he had been cleared and he knew that, I was allowed to tell him even if I couldn't tell his wife or brother. So he knew he was cleared. We just didn't know where he was going. But he knew he was gonna be gone by January. And of course he wasn't, but he was gone by March of 2010. His was wife was Afghany. I now know a little bit more about her than I did before 'cause what I knew before was I could never find her. And they also have a young daughter who he hadn't seen since she was two or three months old. He still has not seen her, but at least he's talked to her on the phone a few times now, but it turns out his wife's family is a more of a nomadic tribe. So they do have a village that's like the home village, but they do travel a lot too. So that kind of maybe explains why I could never catch up with her. And she, I don't know how she survived all these years. I know she has an extended family. She has brothers and sisters. Her mother was deceased. I know her, one of her sisters was deceased and she was taking care of her sister's children as well as her own

daughter. It must've been just an awful time. And Mr. Al-Ghizzawi also has family in Libya his brothers and sisters an extended family of seven or eight brothers and sisters. One brother who I did finally connect up with probably in 2008 sometime. And I don't remember, I know Mr. Al-Ghizzawi gave me a phone number for him. And it was probably missing a number here or there, but somehow, eventually I connected up with him and then we kept in somewhat regular contact. I would call him when I could have a translator. He speaks a little bit of English too but I would call him every couple months every three or four months and just update him on my efforts and on his brother's condition.

Interviewer: I'm gonna talk a bit more about on your whole experience in Guantanamo but just to close the book on Al-Ghizzawi could you just tell us how he was captured? 'Cause I think it's interesting.

- He was living in Jalalabad that's, you know a medium-sized city in Afghanistan. He was a shopkeeper with his wife. They made, they sold honey. They had just expanded to make it a bakery too. They sold spices. When he says, "Shopkeeper, Ms. Gorman, when I say shopkeeper, I'm not talking big shop, little shop." So it was a little shop somewhere in Jalalabad. And when the allies, when the coalition of the willing started their attack on Afghanistan they started bombing Jalalabad as well. And so he took his wife and daughter and said, "I'm gonna take you to the village where your family is." And I know he said it should have been a very short trip but should have been like an hour and a half but it took about a full day to get there. And after he got there and they were in the house of his in-laws I think he said it was a day or two at most. And someone came in, knocked on the door and said turn over, the Arab and you won't have any problems. And one of the things that people don't realize is that when we were dropping all those bombs we were also dropping pamphlets, flyers and we were offering a bounty to the Afghanis and to the Pakistanis, primarily others as well to turn over the terrorists and murderers which was taken to mean the Arabs and that we will get enough money to care for your family or village, your extended families for the rest of your life. I mean, it's a dream come true, right? We will cover schools, education, medical, so turn him over. So he was taken out of the house. He was taken to the local jail where he said they were actually laughing. He said they were speaking in Pashto and they didn't realize that he understood Pashto. And they were laughing about what they had a bounty for him. And they were laughing about how much money they were gonna get for turning him over. And he was turned over to the Northern Alliance first and he said the conditions, the way they were treated, was just really awful. And he heard that the Americans were coming to the town and because he spoke English he tried to finagle his way around to be in a position where maybe he could talk to the Americans and get turned over to them where he thought he would be treated humanely. And then I remember him saying, it was not so he didn't use, it's not so humane. He said, "I didn't realize that the United States could be worse than the Northern Alliance."

Interviewer: You said you're in a few of the anecdotes about him. Is it any better or worse? Just telling him you just...

- (coughs) One particularly sad one. This was, I don't remember when I wanna say it seems like I had a lot of meetings with him in 2008 but I think this was also in 2008 and I went to see him and he looked awful. This was the time when I was really sure he was not gonna make it, but a series of meetings I was going to see him every six or eight weeks because I was so concerned about his health and wanted to at least monitor it.

And, you know, I'd file stuff with the courts even though I was ignored, but you know, he was like bent over and it was hacking and he was just miserable looking. But he told me that he had two things for me. He had written his last will and testament and he wanted me to make sure that I got it to his wife and daughter. And that I would guarantee that when he died I would have his body tested so that I would know what killed him so that his wife and daughter, if it's anything that they might have they could be protected. And I remember thinking there's no way on earth I would ever be able to get that. But I didn't tell him that 'cause no point I just said I would do my very best. And then he had a six page description of all the torture that he had been subjected to from the time he was picked up. And he wanted me to initial in each page so that when he turned it over to the guards to mail it to me I would know that I got the same pages that he had mailed. And then he read it to me (coughs) so that I could put it in my notes. And so we spent a long time, two days going over all of this it was a very emotional meeting. He took out for the first time, he took out pictures of his daughter to show me he had received pictures from his wife. There was no contact for a couple of years, but then about every six months he would get something. So he had a couple of pictures of her and he was showing me the pictures and she was just this beautiful little girl. And he told me that he had ripped up all the other pictures because it was too hard to watch her growing up and to not be a part of it. So he read it through this whole litany of of torture and abuse and psychological (coughs) his six pages became my 13 pages, (coughs) excuse me. And so I of course turned over my notes and he sends the letter. And that gets to the funny part of the story which is (coughs) only funny in a six sort of military way. But he sent me six pages and the processes when your notes or a letter come the privileged team, (coughs) yeah, maybe we take a break from it. Excuse me, so the process is when you send your materials, my client sends a letter or I send my notes through to be cleared, it goes to the privilege team, and then they send you an email when it arrives from Guantanamo. And they tell you, you know, "I've received some notes or I've received a letter from your client tell us what you want to do with it. Do you want it to be cleared or do you want it put in your secret drawer?" And so first I got the email saying my notes had come and that they were available. So I told them I wanted them processed to be cleared which means they get read for classified information. And then I got shortly thereafter a second email saying a letter had come from my client. What did I want done with it? And said, I want process to be cleared. And you have to tell them it's an Arabic. So they'd send it to the right person to review it. And then I got the email saying that I think it was three pages of my notes were classified. And then I got the email saying three pages or two or three pages of my client's letter were classified. And I'm thinking, well, that's kind of strange. My 13 pages only three are classified, but half of his letter to me is classified. And they sent, I believe they sent me the pages that are not classified. So I was able to first didn't work with that. And of course, letters from my client is an Arabic. So I had to send it to the translator that translated the letters from him. And so the first thing that I was noticing was that stuff that was in his letter that had been cleared was not in the notes that I had received. So they were withholding my notes on a subject that they were letting his letter clear. Well obviously not obviously the converse was true as well, but I couldn't really tell. I finally went to the secure facility. I didn't go then as often as I do now, I went to the secure facility and I was able to look at my notes and they don't tell you what on a page is what they're considering classified. So all I knew where these three pages were classified, but they don't like, you know, highlight.

Interviewer: In other words, they keep the four pages denied you?

- They're not denied me if I'm at secure facility, I can look at them there and I could look at them and I could see, you know, what they're saying is classified are these three whole pages, even though it might be just one little thing on any one of those pages and you don't know which thing it is. And it didn't make any sense to me because the pages that they were withholding all had information in it that were cleared in the letter part from my client. So I was talking with another attorney there at the time, and I said, you know, this I don't even know how to handle this. I don't know what they're saying about my notes what in there is classified. And I don't understand it because it looks like everything has been cleared in this letter that's in these three pages. And he said, well, he had this problem one time. And what he did was he took his notes and broke them down sentence by sentence and sent one page at a time, you know, one sentence on a page and send it back to the privilege team. So then he could find out what sentence it was. And I did that. And I don't remember now what it was but there was a couple sentences, one from each page. And I think there was like a word or a name or something on the third page, I mean it was just crazy. And it was all stuff that had either been cleared in my client's letter. Some of it was stuff that was in my notes twice. I remember that was one of the things was redacted. I had it in there twice and they, you know they called it classified on one page. And when, you know, released it and cleared on another page. So I submitted, you know, those I think it was 23 pages of that one sentence, one sentences until I found out which three sentences was involved.

Interviewer: Why couldn't you take his letter with you when he already had written it while you were there visiting with him?

- Because it has to go through the clearance review. Everything he says to me which is why my notes have to be cleared. Everything he says to me is considered classified until they clear it and everything he writes is considered classified until they clear it.

Interviewer: Well, couldn't they take that with your notes and clear them--

- (coughs) They probably could but, yeah.

Interviewer: Do you guess that different people read his letter and your and that's why the consistency?

- Yeah, that's my guess that doesn't make any sense. Otherwise it could be the same person who has no memory of what they just, you know, what they just did.

Interviewer: Did you ever think that the classified facility might have an audio, somebody listening like when you asked the other attorney what to do?

- You know that would be such a breach that I find it hard to believe that they would try that at the secure facility and because there's nothing they could do with that information either because if it became known that they were bugging us at the one place that's supposed to be our sanctuary and we are given carte blanche to talk about anything with the other council there. So I think if they tried to do something like that we would find out somehow because they would only be using that information for no good so...

Interviewer: So going back, you mentioned translators, how were translators since you need them with your other client, were translators hard to find them and how did they work with you?

- There not very many clear translators. I think for the Arabic speakers there were five or six kind of regulars that go down to the base a lot. And usually because I'm a sole practitioner and I'm paying for this on my own, usually what I would do is send out a note on the Listserv saying, you know I'd like to go down in the month of April if anyone's going down and would be willing to share their translator with me, let me know. And in the early years, actually a couple of the big firms would contact me when they were going and asked me if I was going around this time and they would actually pay everything. You know, they would just let me use a translator for a half day. And for Razak, that was enough just to kind of touch base with him, let them know I'm still there bring him some food and, you know, check in on him. And as I said, he's not very loquacious so we didn't have a whole lot else to talk about. Al-Ghizzawi I would usually go spend more time with although when conditions got better for him in 2009 I would just spend a day with him. And he was usually ready to go back and see his brothers. And he was, you know, he was obviously in a better place than the earlier years. But before that I would spend at least two days with him, you know just talking and philosophizing and talking about the world.

Interviewer: You mentioned you, you know you had to paid for all this, all your expenses. How could you afford that?

- Well, fortunately I settled the biggest case of my life in 2005, a case that... (coughs) Excuse me. (coughs) A case that lasted 12 years a case that took me all the way up to the U.S. Supreme court where I argued in 2004 and I won. And these were actually a combination of three class actions. (coughs) The actual case that went to the Supreme court was a race discrimination class action. And I challenged the statute of limitations for 1981, section 1981 cases and argued that it should be uniform across the country. And it should be four years. And the Supreme court agreed with me. So with that, the risk case, the age case and the pension case all settled within months of each other with the final one being the race case in early 2005. So that's primarily how I've been supporting this. And instead of having that money for my retirement my money went into trying to save our constitution, but you know, it's been okay. And now I'm just starting now to think about taking on some other cases.

Interviewer: Did you get a chance to walk through the camps when you would go to Guantanamo?

- No, well, I walked through six. I met with my client in six two or three times before they stopped that. But camp four I've been right outside of that was when Razak Ali didn't want to see me. And I was sending notes into him and my translator got to go in with the attorney to bring the note to him and talk with him. But that's as far as I got.

Interviewer: Do you have any impressions of what you saw other than the... (indistinct)

- Well, actually when I said that none of the camps, Camp Iguana I've been to many times because that was,

originally that's where all the children were kept. And then it moved on to being a place for interrogations and where we would meet with our clients sometimes if there were a lot of attorneys. So I had been to Iguana several times and then it later became the place for the men who won their habeas cases. So that's been a kind of a weird mix of case places for that one facility. They're very different, all three of those camps just from an outsider point of view when you go by camp four, you can see all the barracks from the fence and you can kind of see this, you know stream of barracks going towards the sea. And it kind of reminded me of like the old German prisons from war movies and with the big watchtowers. And then you go to camp five and six and there these concrete, you know, all enclosed, all encompassed, concrete and plastic facilities. And then of course there's camp Iguana that the meeting rooms that we actually met in had big overstuffed furniture. So you'd walk in, the first time I walked into have a meeting in there, and that was after I was at had been going to Guantanamo for a few years. (coughs) And I walked in and there's like a big overstuffed couch and then a coffee table and then two big overstuffed chairs one with a, both in the floor for the prisoner to be shackled to. And I was just like, what is this? And you sit in the chair and you're like sinking into it. You know, it's just weird. All of it. I think that's pretty much my impressions.

Interviewer: You noticed these on camp--

- No. (coughs)

Interviewer: I don't have that much more to ask. I want to ask you about you had shut down your practice for a while. Maybe tell us why you did that.

- Yeah, in 2006, when I really started to get heavily involved in the cases of my two clients I realized that it was taking up all of my time, partly because it was making me so crazy knowing what was going on with them. And it was doing research and I was filing lots of pleadings and I had a couple of other cases going on at the time. And one was still going on when I shut down my practice. I had one case that was still expected to go to trial and was expected to go to trial, I think in 2008 near the end of the year. And then right before it went to trial, the judge threw it out on summary judgment and it's now up on appeal. And so that case is, you know another one of these going on forever cases. It originated from the start of the Iraqi war and a bunch of protestors that were arrested that night in Chicago. I also had a case with a teenager who was raped by her boss at her first job. And that case was thrown out on summary judgment. And I filed an appeal at the same time when I'm working on the Guantanamo stuff. And it was a case that made me so angry because the judge in his ruling said this boss had only touched this 16 year old girl 11 times at work. And that the rape was actually consensual. And so I appealed and I got a bunch of Amicus briefs and we actually changed the law for a different standard for teenagers in the workplace, in the seventh circuit. So that was one of my last cases. And I settled that case in late 2007. So that was my only other case. And just stopped taking on anything new. I was just finishing up the stuff that I had because I was so immersed in Guantanamo. And then I had this opportunity to go to the Hague to work as a visiting professional in the victim section. And that just seemed so right up my alley seemed so appropriate. And I always have had this feeling that Guantanamo was just about to be over for me in my life that my clients were going to be free. This was the beginning of 2008. I moved to the Hague in January, 2008 and was there until July of 2009. And so I was commuting from the Hague to Guantanamo and to Washington DC. And the actual four months

when my visiting professional stint was when I was being compensated for I did not go to Guantanamo. And I was of course worried about my clients but I didn't wanna take a week off in a four month period. And so I actually got some other very nice attorneys to go and visit both my clients. And as soon as my stint was over, I actually went from the Hague to Guantanamo in that period. And I was still in the Hague for another year working on some projects for the court, but I wasn't part of the, I was more of a outside contractor though. So it wasn't, you know, no one was keeping track of my time.

Interviewer: So looking back for the last five or six years in terms of justice, in one Congo, what are your thoughts?

- Hardly anything. (laughs) I'm very disappointed in our court system. I really got involved in this because I had confidence in the courts at that time. I really thought that our courts would do the right thing. And that has been eye opening to me to see how the courts have just crumbled before the executive branch and that they are just unwilling and unable to stand for the rule of law that they just, whatever the military the executive wants is what they will do. And to me, it's probably the most, it's even more disappointing than what we've done with Guantanamo, because it goes to the very fabric of our country. And I don't see an easy way out on this. I don't see this changing very rapidly and I'm not saying all of the courts are like that. I'm not saying all the judges, but in DC we have a special breed 'cause those are mostly political appointees, more so than you have in the ninth circuit or seventh because they're not homegrown. You know, they're not from DC. They're kind of, whoever's the president at the time picks from all over the country and moves them there. So we have a lot of ideologues from GW and and some of those judges have just astounded me with the rulings and their lack of anything approaching justice or empathy. And the crassness, one judge that I had recuse himself from Razak Ali's case actually thought it was okay to make a speech in front of the bar association in which he said he did not know if he could free a man from Guantanamo because they could be the one to blow up the Washington monument or the Capitol. Imagine telling your client, "Well, this is your judge, this judge who just said he doesn't think he could set you free." When I read that. And I know a lot of the attorneys in the habeas bar were amazed that I did this motion to recuse 'cause they didn't think he'd recuse himself. And I didn't care if he recused himself or not. I did care but I didn't think he would either, but it was wrong. It was wrong for him to say that. And it's a bad reflection on our courts and on the independence of the judiciary or lack thereof.

Interviewer: Can you tell us who the judge was?

- That's chief judge of the district court of DC, Judge Lamberth and I filed a motion to recuse him and much to my chagrin, the government filed a response in which they said, "Oh he shouldn't recuse himself for that. That's nothing, he's allowed to talk about his opinions." But by the way, we had an ex parte conversation and attorney on this case, Razak Ali's case from the department of defense met with judge Lamberth after that breakfast that same breakfast, where he makes the speech, they go up and ask him a question about discovery in this case. And I think I've pieced together what it was that this was all about, but it's taken a long time. But I think, what I knew from what they filed was that they had a problem with an expert witness. And there was a little feud going on between the department of defense and department of justice as to whether or not they had to give exculpatory information about expert witnesses. And the judge said, no just

this little, you know, private discovery conference. So the judge ended up recusing themselves. When they told me they had this meeting with him and they discussed a discovery matter. And then they said they couldn't tell me what it was because it was privileged. You couldn't believe how I reacted. I mean, it was just like what else is gonna happen in these cases? Now they've got a privileged relationship with the judge and they can have ex parte conversations with them. And I can't even find out what it is because it's privileged, but he should still be the judge. So I filed a really hard reply. And then I just knew this is not gonna be the judge in this case anymore. And I told him in that reply that if you don't recuse yourself, I will appeal. And then at the same time, I filed discovery requests asking for all the information about the nature of the conversation and everything. And it took him four months to recuse himself. And then he had the nerve to blame it on me, that I was making a sideshow and delaying things. So he couldn't even admit, you know, that he screwed up. And for him, you know he said it was a fleeting conversation. For him it might've been a fleeting conversation for the department of justice, it was policy. And so they got a ruling that I know they followed and I was able to piece it all together afterwards what it was and who the problem was. And they ended up not filing that particular affidavit in my case, just to avoid the issue. So they could say they never acted on it. And that was part of how I was able to figure out who it was. 'Cause they filed it in every other case.

Interviewer: Why would they even reveal to you that they have a concession?

- It's only speculation. Speculation is either someone knew about this conversation that they were worried about if they didn't fess up or they thought I was gonna somehow find out. So I'm sure it was not their benevolence. And they're, you know, trying to keep the slate clean. I'm sure there was something hanging over them either there was the fear that I was gonna find out somehow or that someone who did know about it was saying this isn't right. And you've got to say.

Interviewer: Would you describe yourself as being somewhat idealistic or even maybe naive before you started taking the Guantanamo cases about the justice system?

- Well, I wouldn't say idealistic or naive. I've worked in the justice system now for 30 years. I've won a lot of cases. I've lost a lot of cases. I understand how things work. I've had dirty tricks pulled at me in cases but I've never seen anything like this. And I don't know if you know the judges seem to think because there's a war going on that our constitution flies out the window. And I don't think it's naive and a petite me to say, no, it doesn't, but this is the time we really need it. But I have been astounded at just how willing they're willing to throw the bathwater out with the baby or the baby out with the bath water. Who needs that old constitution, you know.

Interviewer: Do you think, did you expect Obama to do better?

- I hoped, I didn't expect.

Interviewer: When he said he had closed Guantanamo what did you think?



- I said that's would be good. It didn't take me very long to realize that wasn't gonna happen. 'Cause I watched how he set up his review team the task force, and what they were doing. And it didn't take very long to realize that this was not gonna close within a year. And all I could do is try to push for my two clients. And the one thing I'm sorry about is that I didn't understand the nature of why they were holding Razak. So I don't think I pitched him as well as I could have to that review team, because I really thought it was just that he was in this house and I thought that they must be holding him as some kind of material witness of something that was going on in the house. And I didn't realize that they were going to eventually try to say he was someone bad. There's no evidence that anyone there even knew him. So I was pitching it in one way and I just couldn't understand why he was not cleared. And now once the case got going and I started getting discovery and I could see where they were going with it, built by guest house.

Interviewer: So are you saying that the Obama lawyer is what would I say-- (Candace coughs)

- They were reinventing the wheel. They were going back in everybody's file and trying to pull together entire cases because one of the things they found out when they first got involved, the taskforce was that there were no files. Well, yeah, we kind of knew that because that's why it was hard to get anything in these cases. And that's why it's still going on to this day. When someone has a trial coming up all of a sudden your paper to death. 'Cause they go and look for it then, "Oh, there's a trial, we better go find something." So they were trying to, I think they were coming from the angle of trying to figure out, to justify why they were there as opposed to figuring that they probably were innocent. And let's see what they've got but they spent an awful long time on issues that should have not taken that long. There weren't that many men still Guantanamo as there still aren't. I think there were 225 ish and now there's 173. So he's gotten rid of about 50.

Interviewer: So where are we going in 2011? Where are we going?

- Well, it looks like they're digging in for the long haul with Guantanamo there's unrest going on at the... Unrest might be a strong word but there's protests going on at Guantanamo now. Men are making signs and plastering up signs all over. I think part of it's because they're being moved into camp six it looks like they're gonna close camp four which is really a shame because that was the only kind of comfortable camp for men who are never charged with anything, you know they don't need to be in solitary cells. So camp four is more of a dormitory style, has a big, excuse me, big open yard where they get a couple hours a day out there. And now they're in camps six and they're being moved in there since the last couple months, I guess. And I'm afraid Razak is gonna be in there too. He probably is already there. And these are really social men and to lock them in cells... Well, Halliburton built this nice big jail and it was sitting pretty much empty. Most of the men had been moved into camp four or there was only one or two pods in camp six that were open but they opened up all the cells most of the day so that the men could walk around and talk to each other. It still wasn't the optimal camp but I think it's the most modern probably the easiest to contain people because of the way the structure is built. And so someone made the decision, closed down camp four and move everybody in there. It's a cruel decision.

Interviewer: So, what do you see then camp five would be discarded too?

- I think they're using five and six. Five is pretty, I've never seen five but I understand five is pretty similar to six.

Interviewer: And when you say they approach us and what does that mean?

- They're just putting up signs. One of the signs, the one that made me smile, nod my head was, "Where are the courts?" Yeah, they learned something, you know these 10 years that we're supposed to have a court system that's supposed to be meeting our justice. And instead they're just sitting there day after day year after year. Some of the signs say, you know, "We're fathers, we have children, we have wives. We have parents, let us go. Don't keep us here because of problems in the outside world, let us go home." Those kinds of sentiments. And they're all in English, which is kind of amazing but I guess they figured no one will understand if they're an Arabic or Pashto or whatever language the men happen to speak.

Interviewer: So that reminds me, so can you tell us a little bit about Al-Ghizzawi when you said he's released at Georgia, how's he doing?

- He's trying really hard to adjust and it's a struggle. At the beginning, when I went to visit him when he was released and we speak about every month or six weeks or so we Skype and, you know, he's struggling. And he's said he's had the six AIDS tests to confirm that he is getting treatment for his liver condition and for the hepatitis. Unfortunately, the Georgians have adopted our system of an health care and they don't cover preexisting conditions. But the Illinois, the international ICRC, the red cross and national committee has been very helpful. The Georgian branch they've dealt with a lot of torture survivors because of wars that have gone on in that part of the world and Soviet empire issues. And so they've taken him on, and there's also a couple of torture groups there with psychologists and things. And you know, he's working through his past.

Interviewer: Does he have a job?

- He doesn't have a job. He should be okay for three years. That's the deal. Three years is how much, how long the Georgians will be giving him the stipend and apartment. And that is supposed to (coughs) give them enough time to get acclimated, learn the language and get some skills.

Interviewer: And why couldn't he go back to Afghanistan?

- Would have been a big mistake because of the ongoing war. Arabs are still not... He'd probably just picked up again.

Interviewer: And will he see his wife again and daughter?

- It's hard to say, it's, you know, it's such a divide between the life that she's had in Afghanistan all these years, including with him and then coming to a more Western country. Her brother really does not want her

to go. And Mr. Al-Ghizzawi says, when he talks to his wife on the phone she says she would like to come but when her brother's there, she says she can't come. So he's talked to his daughter a few times on the phone. And of course this is a daughter who has no idea who he is, she's 10 now. And so he's hoping that ICRC will pay for them to arrange for the flight and pay for them. And the Georgian government has said, you know they'll help him find a bigger place if they come. So it's all possible. But so far, it's almost a year and he still needs to do some healing too.

Interviewer: So you said you're taking on new clients?

- I took on one new client a man who was on death row in Illinois for 20 years. And he came to me through another friend of mine who's a Guantanamo attorney who does a criminal practice an attorney in Chicago. And so the two of us are working on the case together. And the man himself was in jail in prison in Illinois for 21 years on death row for 12 of those years, he wanted a new trial after 12 years because the judge was not only corrupt but went to jail and was taking bribes. And that, and it turns out that the co-defendant was paying a bribe to the judge. So, he got a new trial and the new trial, he was exonerated. And now we have evidence that the government (coughs) the police had files that would have showed his innocence. (Candace coughs)

Interviewer: Well are you gonna take on any war Guantanamo clients?

- No, I think I've done my pro bono service. I actually am a half attorney for one person Len Goodman. The person I'm working with on the civil rights case for the prisoner is... Represents a man, an Afghany man. And he had his hearing in front of Judge Bates last fall. I wanna say last summer. And I went down, I was going to Guantanamo and Len asked me if I would sit with his client during the cross-examine or during the exam of his client. And I said, you know, fine, (coughs) he's also a sole practitioner. And so then as I was getting closer, he said, "You know I think it'd be better if you did the exam 'cause you're gonna be right there with him." And other people tell me it'd be better if you're there and you ask them the questions. So I said, "Okay give me the questions and I'll ask them." So I went down there. I met with Razak Ali, Al-Ghizzawi was already gone. And I met with this client, very nice man, from Afghanistan who would like to go back to Afghanistan who was cleared for release and who had the flimsiest case against him. It was just crazy. But Judge Bates denied the writ. So right now the standard is anything government says we'll keep him.

Interviewer: So I guess in closing, you know where do you see U.S. going forward and will things get better and will Guantanamo close?

- All of these questions that are unanswerable at this point my gut feeling is that Guantanamo gonna be open for a while. Obama has not shown the strength of character the leadership to do what he promised to do. And he bargained away Guantanamo for some other things that he was looking for. And without that leadership, it's not gonna happen. The ironic thing is the Republicans were saying, the Republican candidate was saying he was gonna close Guantanamo too but it's the Republicans that keep screaming, "Oh my gosh we can't close this place." I guess closing it puts it into a sad chapter, but it also kind of signals that maybe what happened at Guantanamo wasn't right. And there's these naysayers that don't want to

have that chapter in because they want to have people believe that this was necessary and this was proper. And that nothing that they did there was wrong. And having Obama keep it open, certainly suggests that to the people who realize it's still open 'cause there are a lot of people tell me, "He didn't he close it?" And no, he didn't.

Interviewer: Well, any final thoughts as to where you work over the last 30 years or last five years or anything that I haven't asked you about?

- I can't think of anything else. I think we covered.

Interviewer: Well, it was amazing. So thanks for this. I really appreciate it a lot. As you know, I'm really proud of you.

- Thank you so much. And thanks for having this beautiful weather for me here in San Francisco.

Interviewer: Thanks, and we need 20 seconds for Johnny to do quiet sound checks.

Johnny: Begin room tone.