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Lawyer Cleared to Visit Guantanamo Inmate

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Associated Press
March 25, 2006

WASHINGTON -- Chronicling a long list of delays by the Bush administration at the Guantanamo Bay prison, a federal magistrate has ordered the government to stop blocking a private attorney from meeting with one of the 500 detainees at the facility.

The 33-page opinion released last week by U.S. Magistrate Alan Kay may be among the last by lower-court judges criticizing the administration's conduct at Guantanamo Bay. President Bush signed the Detainee Treatment Act on Dec. 30, which sharply curtails the prisoners' ability to go to court. The Bush administration is seeking to apply the new law to existing detainee cases.

Kay said the cases of 11 detainees have been at a standstill in the courts since October because the administration is challenging the standing of one detainee to file a petition on behalf of another.

Fifty-six other detainees who represent themselves sent petitions that took as long as six months to arrive at court through the military's mail system, according to information contained in Kay's ruling.

As of last month, nearly a year after the 56 prisoners wrote the petitions, not a single detainee had met or spoken with court-appointed lawyers, Kay wrote.

In October 2004, Kay noted, federal courts rejected the Bush administration's legal position that detainees' access to lawyers "existed purely at the pleasure of the government."

Ruling in the case of Salim Muhood Adem, the magistrate said the Sudanese national who was arrested in Pakistan had asked for a lawyer in late 2004 to help him challenge his detention.

Adem communicated his request for a lawyer through another Guantanamo prisoner who did have an attorney.

After a lawyer was arranged for Adem through the Center for Constitutional Rights, the government said it needed written authorization before allowing a face-to-face meeting. Kay noted that such evidence is hard to come by without seeing his client.

The magistrate noted that until midsummer 2005, the government raised no objection to the practice of any detainee initiating a petition through a fellow detainee who was a friend.

The government then began challenging the standing of detainees serving as "next friends."

At the same time, the government refused to allow Adem's lawyer to meet with the detainee.

The government suggested that Adem's lawyer mail a letter to Adem seeking authorization, creating "another Catch-22," Kay noted.

The government barred the lawyer from using the military's swift delivery system for legal mail because the government refused to acknowledge the lawyer's authority to represent Adem. The letter from early January had to be sent instead by much slower nonlegal military mail, which is

subject to review and censorship by military personnel at Guantanamo. The attorney hasn't heard back yet.

"They are not singling me out," Adem's lawyer, Murray Fogler, said Friday of the Bush administration. "They are treating a vast array of detainees this way. The government is setting up as many roadblocks as they can."

Adem, a Sudanese national, was arrested in Pakistan where he had lived since 1991.

The government alleges that Adem is an al-Qaida associate. Adem denies it, saying he was an education official whose job was to inspect teachers at schools run by the Revival of Islamic Heritage Society.