

The following text may be printed, copy/pasted, or downloaded and emailed.

U.S. Eroding Inmates' Trust at Cuba Base, Lawyers Say

NEIL A. LEWIS
New York Times
March 8, 2005

WASHINGTON, March 7 - Defense lawyers for detainees at Guantánamo Bay, Cuba, say the military has been working to undermine the inmates' trust in them.

In one case, a lawyer said, a military interrogator recently told a detainee that he should not trust his lawyers because they are Jews.

The lawyer, Thomas Wilner of Washington, who helped bring a successful suit in the Supreme Court against the government on behalf of 12 Kuwaitis, said he was angered that the military had tried to turn his client against him.

"The government should not be trying to come between these people and their lawyers," Mr. Wilner said in an interview. "And I'm especially offended that they tried to use the fact that I'm Jewish to do it."

Another lawyer, Marc Falkoff of New York, whose firm represents several Yemenis at Guantánamo, said some of his clients had told him that a person who said he was a lawyer and had civilian clothes had conferred several times with some detainees. That person, Mr. Falkoff said his clients had told him, later appeared at the detention center in uniform, leading the inmates to distrust anyone claiming to be a lawyer and acting in their interest.

Mr. Wilner said some of his clients had given him a similar account, saying they were visited by someone who said he was their lawyer and who took away some of their papers.

"They couldn't have been their lawyers," said Mr. Wilner, because he and his associates are the only ones chosen by the detainees' families in Kuwait to represent them.

The Pentagon has never liked the idea of letting Guantánamo inmates meet lawyers and had tried mightily to prevent that, only to be ordered by a federal court to allow the meetings.

Lt. Col. Brad K. Blackner, the spokesman for the joint task force that runs the detention center, said in response to questions that the assertions were false.

"We are taking no action to interfere with the attorney-client relationship," Colonel Blackner said in a statement.

He also said it was not true that any officials had posed as lawyers.

Having a law enforcement official pretend to be a lawyer to a prisoner or having an interrogator urge someone to distrust his lawyer would be unconstitutional in the United States, where due process and the right to a lawyer are guaranteed. But whether and to what extent the Constitution applies at Guantánamo and its detention center have always been murky.

The military chose Guantánamo to house hundreds of people it deemed unlawful enemy combatants expecting that the site would be beyond the reach of the Constitution. But in June, the Supreme Court ruled that the detainees could challenge their detentions in federal courts.

When the Pentagon said that ruling did not oblige them to let lawyers visit the detainees, a federal court ordered the military to permit lawyers to meet their clients. American lawyers represent more than 50 of the estimated 545 detainees.

Mr. Wilner said that when he interviewed a Kuwaiti, a 28-year-old whom he declined to name, the man told him that his interrogator was a young woman known to him as Meghan. He described her as attractive and blond with shoulder-length hair and said she had engaged in the kind of flirtatious techniques that have been the basis of accusations that female interrogators have tried to flaunt themselves sexually. The Army has said it is investigating those statements.

Mr. Wilner said his client had told him that Meghan wore tight pants and a shirt, "sometimes with buttons undone, and leans over him to be suggestive." He said his client told him that he looked away and that Meghan once sat close, her legs straddling his.

"She told him several times not to trust his lawyers," Mr. Milner said.

He said she told the detainee that he would be tortured if he returned to Kuwait. When the detainee said his lawyer had told him otherwise, she replied: "Don't trust your lawyers. Don't you know they're Jews?"

Mr. Wilner said the Kuwaiti recounted that he told her, "There are good people who believe in justice in every religion."

Colonel Blackner declined to comment on Mr. Wilner's account.

"We are not going to respond in the media to every claim" by a defense lawyer, he said. "Where appropriate, those matters will be addressed as part of the litigation process."

Mr. Falkoff said another problem he had encountered was that inmates, after speaking with their lawyers, were frequently punished to make such consultations less appealing. In several instances, he said, prisoners' trousers were confiscated after lawyers' visits and they were given shorts to wear instead.

"They understand it as a punishment," he said, adding that it made it difficult for the prisoners to kneel and pray. "They feel it's a humiliation directed at them."