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**\*153 THIS IS TO WHOM IT MAY CONCERN: A GUANTÁNAMO NARRATIVE**

Marc Falkoff [\[FNa1\]](#)[FNa1]

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November 19, 2004. I am sitting in an interview cell - really, a retrofitted storage container - in Camp Echo at Guantánamo Bay. Across the table, Adnan sits with his arms crossed and his head down. The guards have removed his handcuffs, but when he shifts his weight, his leg-irons clang and echo in the bare room. The irons are chained to an eyebolt on the floor. Guards are stationed outside the door, and I can see a video camera in the corner.

Adnan is a small, thin man with a scraggly beard. He looks pale. He looks weak. He is dressed in a pull-over shirt and cotton pants that are dyed iconic, Gitmo orange.

"I see they're keeping you shackled," I say, shaking my head, trying to communicate that the precaution is unnecessary. My interpreter translates my words into Arabic.

Adnan looks up and smiles briefly, acknowledging the obvious. But he does not meet my eyes.

**\*154** Adnan has been in this prison for nearly three years, since January 2002. He is only thirty, but he looks much older. He bows his head and stares at his ankle cuffs again.

He doesn't trust me, I write in my notebook.

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I have been Adnan's lawyer for several months, although Adnan himself does not know this until our first meeting. One of my tasks is to explain to him how I came to be his lawyer - and how he and a group of Yemeni detainees ended up suing the President of the United States.

I tell him of the recent Supreme Court case *Rasul v. Bush*, which held that the detainees were entitled to their day in court. I tell him of our difficulties in learning the names of the prisoners, since the military has kept their identities secret for three years. We had learned the names of our Yemeni clients, I explain, only when their families showed up at a human rights conference in Sana'a, the capital of Yemen, seeking help. I explain to Adnan that initially the Pentagon refused to allow lawyers even to visit Guantánamo, and then agreed only if our meetings with our clients could be monitored and videotaped. I tell him that we convinced a judge that such an intrusion would be a gross violation of the attorney-client privilege, and that eventually we were given the green light to meet with our clients, unmonitored.

We both look up at the video camera in the corner of the interview cell. "They assured me it's off," I say, and we both chuckle.

Finally, I tell Adnan that the government claimed the right to hold him in Guantánamo, without charge or trial, for the duration of the “war on terrorism.” Because this “war” is against an inchoate idea, it could go on indefinitely. For Adnan that means he could be held in this prison forever.

Neither of us is laughing now.

**\*155 •••**

TO: Personal Representative

FROM: [Officer in Charge, CSRT]

Subject: Summary of Evidence for Combatant Status Review Tribunal - ALLAL, [Adnan] Ab-Aljallil

\* \* \*

The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicated that he was a fighter for al Qaida who engaged in hostilities against the United States or its coalition partners.

a. The detainee is an al Qaida fighter:

1. In the year 2000 the detainee reportedly traveled from Yemen to Afghanistan.
2. The detainee reportedly received training at the al-Farouq training camp.

b. The detainee engaged in hostilities:

1. In April 2001 the detainee reportedly returned to Afghanistan.
2. The detainee reportedly went to the front lines in Kabul.

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After I finish speaking, Adnan talks to me. He tells me that during his first three years in Guantánamo, he has been interrogated hundreds of times. No charges, no hearings before a judge, only endless interrogations. Then, a month ago, he was brought before a “status” hearing, at which the government accused him for the first time of being an al Qaida fighter and of manning the front lines against the Northern Alliance, America’s newest ally.

I tell Adnan that I saw the “charges” a few weeks earlier, after we successfully asked the court to order the government to **\*156** explain why it was holding him captive. I tell him that when I first saw the accusations, I thought they looked serious. But when I looked at the government’s evidence, I was amazed. There was nothing there. Nothing at all trustworthy. Nothing that could be admitted into evidence in a court of law. Nothing that was remotely persuasive, even leaving legal niceties aside.

“I haven’t seen any of the evidence,” Adnan says. “How can I begin to refute it?” He is right. He has never been allowed to see the evidence against him, paltry as it is.

Like all but a handful of the 775 detainees who have been held at Guantánamo, Adnan has never been charged with a crime.

The only hearing Adnan ever received was his “status” hearing, which occurred three years into his imprisonment and about six weeks before I first met with him. The hearing, officially called a “Combatant Status Review Tribunal,” was before a military panel that was convened to decide whether or not Adnan was an “enemy combatant” - a term with scant legal pedigree and no anchor in the Geneva Conventions. Adnan saw none of the evidence against him. He was not given the names of witnesses whose statements would be used against him. He was not allowed to challenge witness statements on grounds of hearsay or to question whether their statements had been tortured out of them.

And I am not allowed to show him the evidence either, even though I have seen it. All I can do is learn his story, in his own words.

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“My case is very clear,” Adnan begins.

He was in an automobile accident in 1994, he explains. The accident caused serious head trauma, leaving him with inner ear problems and persistent head pain. For the next half-dozen \*157 years, he found himself roaming from hospital to hospital and country to country, seeking inexpensive medical care.

Yemen, Jordan, Pakistan. Eventually, an acquaintance told him about the health care office of a Pakistani aid worker living in Afghanistan. Adnan, a man from the desert, considered himself strong and self-sufficient. But his family was poor and his medical needs were serious. He accepted the Pakistani's charity and thus found himself in Afghanistan in late 2001.

Then history caught up to him. The 9/11 tragedies. The American bombing runs against the Taliban. Like all Arabs caught in Afghanistan, Adnan fled for the border.

Adnan becomes more animated and more frustrated as he narrates his story. “I've told this story hundreds of times to the interrogators. Why don't they listen?”

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#### UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

##### Summarized Sworn Detainee Statement

\* \* \*

Detainee: Why have I been here for three years? Why have I been away from my home and family for three years?

Tribunal President: That is what we are trying to determine today.

Detainee: Why did you come after three years? Why wasn't it done much sooner after my arrest?

Tribunal President: I cannot answer to what has happened in the past. I was asked to come here now, and I came.

Detainee: Why am I not allowed my freedom here?

Tribunal President: Because you have been classified as an enemy combatant.

Detainee: How can they classify me an enemy combatant? You don't have the right documents.

**\*158** Tribunal President: That is what we are here to determine.

Detainee: For three years I haven't been treated very well because of wrong information. Would you let that happen to you? What will be your position if you find out what happened to me was based on wrong information and I am innocent?

Tribunal President: Your current conduct is unacceptable. If you keep interrupting the proceedings, you will be removed and the hearing will continue without you.

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Adnan breaks into metaphor. He describes himself as a caged bird. He sits silent for a moment, then suddenly his sentences fly out from him in hasty bursts. His words themselves are like caged birds, tumbling out from him in a flapping frenzy.

“Why doesn't the military check my hospital records? Where is the evidence that I ever held a gun in Afghanistan? Why don't they find the medical documents?”

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#### MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR DETAINEE ISN # [156].

\* \* \*

During the hearing, the detainee requested that the Tribunal President obtain medical records from a hospital in Jordan. He alleged the records would support his story that he went to Afghanistan for medical treatment.

**\*159** The Tribunal President denied the request. He determined that, since the detainee failed to provide specific information about the documents when he previously met with his Personal Representative, the request was untimely and the evidence was not reasonably available. After reviewing the evidence in the course of the Tribunal, the Tribunal President further determined that even if the medical records did exist and contained the information

described by the detainee, the information was not relevant to the issue of whether the detainee is properly classified as an enemy combatant.

\* \* \*

The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.

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The tribunal was not interested in Adnan's medical documents, but I was. His brother sent them to us, and they provided strong support for his explanation for his presence in Afghanistan.

From the Islamic Hospital in Amman, Jordan: "The patient was admitted under my supervision to the Islamic hospital on 07/09/1994 following a head injury. He was suffering from aches and a headache. A clinical test showed blood concentration and hemorrhage above the left eye, and a hole in the left eardrum. The x-ray test showed a broken skull but no brain injury."

From the Yemen Ministry of Defense's "Military Medical Decision Form," dated July 10, 1995: "Diagnosis: 1. Loss of sight in the left eye as a result of eye nerve damage. 2. Loss of hearing in the ears."

From the Al-Thawra General Hospital's Medical Report, to the Yemen Ministry of Public Health, dated August 18, 1999: "The above-named is hard of hearing," the document stated. \*160 "Upon examination, a wide circular hole was detected in his left eardrum. The attached audiography revealed a hearing loss in the left ear. We recommend that he return to the previous center outside for more tests and therapeutic and surgical procedures at his own expense. This is to whom it may concern."

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Adnan and I discuss his Combatant Status Review Tribunal, and we agree it had been a farce.

Adnan did not know it at the time, but I was already his lawyer in October 2004, when the hearing took place. But I was not allowed to attend. Instead, Adnan was given the assistance of a "Personal Representative." By regulation, the Personal Representative was to be a military officer. By regulation, the Personal Representative could not be a lawyer. If the Personal Representative had any legal training, he would have been disqualified from helping Adnan.

Adnan would have been better off without him.

After meeting with him for just eighty-five minutes in preparation for the status hearing, the Personal Representative wrote an unsolicited letter to the status review tribunal. Adnan was never told of this letter. He was never given a chance to rebut the unflattering portrait that his own (quasi) lawyer painted of him.

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**\*161 DETAINEE ELECTION FORM**

Date: 27 Sep 04

Start Time: 12:55

End Time: 14:20

ISN# [156]

Personal Representative: LTCOL [REDACTED]

\* \* \*

Personal Representative Comments:

No witnesses. Rambles for long periods and does not answer questions. He has clearly been trained to ramble as a resistance technique and considered the initial [interview] as an interrogation. This detainee is likely to be disruptive during the Tribunal. Wanted witnesses and documents but is evasive and failed to provide names, addresses or phone numbers.

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Perhaps if Adnan had been represented by a real lawyer at his hearing - one who had not acted as an unsworn witness against his own client - he would have received a fairer hearing. As it turned out, the panel was unwilling even to make sure that Adnan understood the charges against him.

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#### UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL DECISION

Summarized Sworn Detainee Statement

\* \* \*

Tribunal President: Personal Representative[,] tell us what the Detainee told you yesterday.

Personal Representative: . . . He said he did not live in al Qaida. This is a case of mistaken identity. . . .

\***162** Detainee: That is not correct. . . . I am from Orday City in Yemen, not a city in al Qaida. My city is very far from the city of al Qaida. . . . [That is] not the city I am from.

Tribunal President: al Qaida is not a city. It is the name of an organization.

Detainee: Whether it is a city or an organization, I am not from al Qaida. I am from Orday City.

Tribunal President: Are you from Yemen?

Detainee: Yes, I am from Orday.

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I tell Adnan that back in October, when I had first read the unclassified transcript of his Combatant Status

Review Tribunal, I was confused by the discussion of “al Qaida City.” I had opened an atlas and looked up cities in Yemen.

Sure enough, there it was - al Qaida City, just as I had expected. In the Baladiyah Adan region of Yemen, at about 14 degrees north latitude and 44 degrees east longitude.

I tell Adnan that I understood. Al Qaida is pretty darned far from Orday City.

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I ask Adnan how he was taken captive.

He tells me that he was trying to get to the border of Pakistan so that he could make his way to the Yemen Embassy and, from there, back home. With bombs dropping everywhere, Afghanistan was dangerous for everyone. But it was especially dangerous, Adnan was told, for Arabs. The Americans were on the lookout for any Arabs in the country.

Adnan arrived at the border town of Khost and made his way through the rough terrain into Pakistan. Almost immediately, \*163 however, Pakistani forces picked him up, along with about thirty other men who looked Arabic. Most turned out to be Yemenis. He eventually learned that each of them had been sold to the U.S. military for a bounty of \$5000.

A British historian, Andy Worthington, will later explain to me how the Pakistanis ended up detaining these thirty men. Hundreds of al Qaida fighters, he tells me, escaped from their position in the Tora Bora mountains after the Americans began a long-distance bombing campaign against them. But American military intelligence was unaware that there were two routes out of Tora Bora - one down to Khost and the other across the White Mountains. The Americans were focused on the Khost road, oblivious to the actual escape route of the fighters. So when the Pakistanis seized the thirty Arabs - mostly civilians - passing through Khost, the Americans touted the capture as a successful roundup of al Qaida soldiers. In fact, the hundreds of al Qaida forces from Tora Bora had escaped clean through the mountains.

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Adnan tells me that he and the other Yemenis were treated harshly by the Pakistanis after being captured, but that they were soon turned over to the Americans.

At least, Adnan thought at the time, the abuse would stop now that he was in American custody.

He was wrong.

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“This is an island of hell,” Adnan tells me when I ask him to explain what life is like in Guantánamo.

He tells me about his arrival in Cuba. After deplaning, he was chained hand and foot. He was still wearing black-out goggles \*164 and ear muffs. Soldiers kicked him and hit him. They dislocated his shoulder.

He spent his first weeks in Camp X-Ray. He was kept in an open-air cage, exposed to the tropical sun. There was little shade. There was no shelter from the wind, which buffeted him with sand and pebbles. His only amenities

in X-Ray were a bucket for water and another for urine and feces.

During one of his first interrogations at Guantánamo, he was questioned with a gun to his head.

Adnan then explains to me some of the punishments for disobeying the arbitrary disciplinary rules inside the wire, like the rule against squirreling away some food from your lunch: solitary confinement. No comfort items. No mattress. No pants.

“No pants?” I ask. “What do you mean?”

“They take away your pants,” he explains, “and leave you wearing only shorts. This is to prevent the brothers from praying. It would be immodest to pray uncovered. They do it to humiliate us.”

I get it now, and I find it chilling. The punishment makes no sense except as a religious humiliation.

Another typical punishment? They shave the detainees' beards, just like the Nazis did to the Jews.

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November 20, 2004. My second meeting with Adnan. The leitmotif of our conversation is the uselessness of lawyers.

Yesterday, I left Adnan with a folder clearly marked “Attorney-Detainee Materials. Privileged & Confidential.” I told him that the guards were not allowed to read any of the documents inside, but that he in turn was obligated to keep nothing but legal papers in the envelope. He said he understood and placed his notes from our meeting in the envelope.

**\*165** Today, Adnan tells me that the guards confiscated his folder. He believes they have read all the documents inside. He wants to know what use I can be to him if I cannot even prevent the military from reading his privileged materials.

This will not be the first time that Adnan's legal materials will be confiscated during the years I represent him. In June 2006, three detainees will commit suicide. In response, the military will proceed to confiscate every document from almost every detainee in the camp - looking for evidence, in part, that the lawyers had something to do with facilitating the suicides. All of Adnan's legal papers will be confiscated. As of the publication of this piece, they have yet to be returned to him.

I tell Adnan that we will make sure the guards understand the rules, and that if necessary we will try to get the court to intervene. But I know - and I tell Adnan - that judges are rarely willing to interfere in the day-to-day management of a prison, and that we are going to have to choose our battles.

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Sometime during our second day together, I begin to feel that Adnan and I have connected. He is still skeptical of my value to him and he refuses - for now - to sign the document letting the Department of Justice know that he wants my firm to represent him.

But we are developing a rapport. We are engaged in a spirited back and forth about the rule of law, and he is downing a remarkable number of the Filet-o-Fish sandwiches that I brought him from the Guantánamo McDonald's.



The fast food is a welcome change from his bland diet - overcooked chicken and rice, barely ripe fruit, inedible vegetables - that he has grown used to over the past three years. I tell Adnan that I am surprised the military has let us bring the food in. He tells me that it is not unheard of. Interrogators give out McDonald's food as a reward to prisoners for cooperating during interrogations.

**\*166** Our discussion turns to the separation of powers and to the role of the courts in the U.S. Adnan pauses and asks to borrow my notepad. We take a break from talking. In flowing Arabic script, he begins composing a lengthy letter.

I watch and wait for him to finish. Something about the way he leans over the paper seems odd but familiar. Then I figure it out. Adnan is right-handed, and in order to keep the ink from smearing his Arabic text - which is written from right to left - he has to contort his body.

“So, what's that?” I ask finally, nodding at the paper. He smiles and tells me to have it translated when I return to the States.

Several weeks later, I am in the “Secure Facility” in Arlington, Virginia. This is where, by court order, our clients' letters and the notes from our meetings are stored. The military convinced the court that anything our clients communicate to us could pose a potential national security threat.

A linguist translates Adnan's letter for me. In it, Adnan thanks me for volunteering to represent him and tells me that God will reward me.

He also suggests that I convert to Islam - as a safeguard against the hellfire. I cannot help but smile at this last part, but I am moved by the trust that he has placed in me.

• • •

January 26, 2005. Today, I am scheduled to visit with Adnan. Just two days ago, the Department of Justice refused our request to bring a doctor down to Guantánamo to evaluate the health of our clients, almost all of whom have lost significant weight while at the camp. “Detainees at GTMO,” they wrote, “are provided competent, more than adequate medical care, in most cases exceeding the level of care a detainee may have received prior to his capture... . Allegations of inadequate care are untrue, perhaps the result of misunderstanding or miscommunication.”

**\*167** I enter the interview cell. Adnan is slouched in his folding chair. He is painfully thin. His eyes are rheumy and he can barely speak. When I ask, he tells me in a weak and scratchy voice that he has been spitting up blood, has problems hearing and has suffered from an excruciating headache for weeks. He gets no rest because they have confiscated his mattress, leaving him to sleep on the steel of his bunk. Adnan had apparently violated some disciplinary rule, but he waives off my questions about it.

I call the guards on the intercom and ask them to come to the interview cell. They arrive and ask if I am okay. I say that I am, but that my client needs to be taken to the infirmary at once. Their faces immediately turn to stone.

“A corpsman visits regularly, sir,” one of the soldiers tells me. He spits out the sir like an insult. A corpsman, I learn, is a soldier who has been given some rudimentary medical training. Not a nurse, and certainly not a doctor.

I insist that Adnan be seen by medical personnel at the infirmary immediately. They refuse, so I try to work my way up the chain of command at Guantánamo. That does not work, so I call our law office in Washington, and they call the Department of Justice, and someone from Justice must have called someone at Defense who called back

down to Guantánamo, because the soldiers finally agree to take Adnan to the infirmary.

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April 9, 2005. I am visiting Adnan again, this time accompanied by another lawyer, Jason Knott. The topic for the day: what will happen if and when Adnan is transferred back to Yemen.

We talk about the likelihood of transfer to a Yemeni prison. We talk about the State Department's annual reports on Yemen and about the country's sketchy human rights record.

Adnan asks us about reports that the U.S. may move most of the detainees to Saudi Arabia, so that President Bush could get \*168 rid of his Guantánamo problem. He has also heard that men might be moved to places like Jordan or Syria to be interrogated through torture. He feels he can handle anything that the Yemen government's thuggish Political Security Organization is likely to mete out, but he is concerned about the treatment he would receive in a third country.

We explain that the judge has ordered the government to give us thirty-days' advance notice before Adnan or any of our other clients are transferred out of Guantánamo. We explain that we proved to the judge's satisfaction that we had legitimate and well-founded fears that the U.S. might render our clients to other countries to be tortured. Our notice order would provide Adnan protection and enough time for us to get to the courts in case the government tried anything like that.

Everything starts to feel topsy-turvy as I am talking to Adnan. I have just explained to a man from Yemen that we have credible evidence that my government has considered torturing some of its prisoners, and that a judge has agreed with me that the threat is substantial.

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June 18, 2005. I have been coming down to Guantánamo frequently, mostly to keep Adnan and the rest of our clients sane. They have no access to the outside world, no newspapers, no television or radio. They are allowed to send and receive infrequent letters to family via the International Committee of the Red Cross, but the military uses the family letters as leverage to try to get the detainees to talk. Most of the men have stopped writing as a result.

We are not allowed to bring our clients news from the outside either, unless it “directly relates” to their cases. The detainees' lawyers have a different understanding from the military about what the term “directly relates” means. The military, for instance, believes that news of Supreme Court cases dealing with \*169 the rights of Guantánamo detainees does not “directly relate” to any particular detainee's case. Remarkable. We just make our own good-faith determinations and continue to do our jobs.

On this trip, Adnan complains about the water. Many people in the camp, he says, are sick from it. It is difficult to know whether his claim is true, of course. All sorts of stories go around in a prison environment. It is good to maintain a healthy skepticism when talking with someone who has been incarcerated for a long time.

During this trip, I gather two sealed bottles of water from my other clients and bring them back to New York. Both have bugs floating in them.

• • •

October 21, 2005. My colleague, David Remes, visits with Adnan.

Adnan tells David, “This prison is like a hideous ghost. The situation is beyond human comprehension. This place is a vicious jungle, without law or justice.”

• • •

April 15, 2006. We have won some legal victories, and we thought we would finally get our day in court. Then, in December, Congress stripped the detainees of their habeas corpus rights. I have come to Guantánamo to discuss these legal developments with Adnan.

“I’ve lost hope of being released,” he tells me in a weak voice.

I listen, but it is difficult to concentrate. Adnan looks like he has just been in a car accident. One eye is swollen shut, the other is a sickly black-blue. There are cuts on his head and contusions all over his body. He is slumped in his chair and can barely keep his head up. He cannot swallow. He can talk, but it hurts and he has to stop frequently.

\*170 Three days ago, he explains, he was visited by an “Immediate Reaction Force” team. A half-dozen men in body armor, carrying shields and batons, forcibly extracted him from his cell. His offense? He had stepped over a line, painted on the floor of his cell, while his lunch was being passed through the food slot of his door.

“Suddenly the riot police came. No one in the cellblock knew who for. They closed all the windows except mine. A female soldier came in with a big can of pepper spray. Eventually I figured out they were coming for me. She sprayed me. I couldn’t breathe. I fell down. I put a mattress over my head. I thought I was dying.

“They opened the door. I was lying on the bed but they were kicking and hitting me with the shields. They put my head in the toilet. They put me on a stretcher and carried me away.”

He’d stepped over the line, you see.

“Perhaps you can kill yourself without realizing it,” Adnan says quietly, as if to himself. “If you don’t realize what you’re doing, maybe you won’t end up in hell.”

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### Three Guantanamo Bay Detainees Die of Apparent Suicide

By Sgt. Sara Wood, USA

American Forces Press Service

WASHINGTON, June 10, 2006

Three detainees at U.S. Naval Station Guantanamo Bay, Cuba, died of apparent suicides early this morning, military officials reported today. . . .

[Navy Rear Adm. Harry B. Harris] said the joint suicides were clearly planned by the detainees as a way to advance their cause in the war on terror.

'I believe this was not an act of desperation, but an act of asymmetric warfare aimed at us here at Guantanamo,' he said. 'We have men here who are committed \*171 jihadists. They are dangerous men and they will do anything they can to advance their cause.'

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September 7, 2006. I have been collecting poems from the Guantánamo detainees, and now the University of Iowa Press is interested in publishing them as a book.

For months now, Adnan has included poems in his letters to us. The Pentagon has mostly refused to declassify them, including one called The Shout of Death. But for some reason, they cleared his poem about the hunger strikers, which I decide to include in the volume. This is part of Adnan's Hunger Strike Poem -

They are artists of torture,  
They are artists of pain and fatigue,  
  
They are artists of insults and humiliation.

\* \* \*

Where is the world to save us from torture?  
  
Where is the world to save us from the fire and sadness?  
  
Where is the world to save the hunger strikers?  
  
But we are content, on the side of justice and right,  
  
Worshipping the Almighty.  
  
And our motto on this island is, salaam.

• • •

February 27, 2007. Adnan has been on a hunger strike for more than a month. In keeping with their Orwellian tendencies, the military refers to the hunger strike as a "voluntary fast." Long ago, the military redefined suicide attempts as "manipulative self-injurious behavior" and "hanging gestures."

\*172 Twice a day, soldiers force-feed Adnan a liquid nutrient by inserting a tube up his nose and into his stomach. His arms and legs are strapped to a special restraint chair during the feedings. His head is immobilized.

Another of my colleagues, Brent Starks, visits with Adnan for the first time. In his notes from the meeting, he writes "Still on hunger strike. Incredibly thin. Looks incredibly weak and broken. Horrible."

Later, he observes scars on Adnan's wrists.

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From: [Department of Justice]

Sent: Monday, March 26, 2007

To: Marc Falkoff

Subject: RE: Allal ab Aljallil Abd al Rahman Abd, ISN 156

We have raised with DoD your request that a psychiatrist of your choosing be permitted to visit petitioner [Adnan] Abd with you to assess Mr. Abd's mental and physical condition and encourage him to take medication. . . . Guantanamo is not in a position to accede to your request for intervention by an outside medical professional.

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May 14, 2007. Adnan tells me he has now been on hunger strike for four and a half months and that he has been force-fed for three months. The force-feeding, he says, "is like having a dagger shoved down your throat."

Sitting across the table, shackled as always, Adnan seems more sedate than usual. Or maybe, I think, he has simply been sedated. I wonder whether the military has silently slipped some meds into the liquid nutrient they force-feed him.

**\*173** Of course, there is no way for me to know if they are sedating him or feeding him antipsychotics or antidepressants, since the military refuses to share his medical records. We could try to go to court, but Congress has taken away judges' power to intervene. And the Justice Department is right - the courts do not like to micromanage our prison camps.

Maybe, I think to myself, it is for the best that they are feeding and medicating Adnan by any means necessary. Maybe this will keep him from trying to escape from Guantánamo by the only way that seems possible to him. It is growing difficult for me to keep his faith in our legal system alive. Right now, it is hard for me to keep my faith in the legal system alive.

As I prepare to leave, Adnan has one last thing to say.

"Death," he tells me, "would be more merciful than life here."

[\[FNa1\]](#). Assistant Professor of Law, Northern Illinois University College of Law. J.D., Columbia Law School; Ph.D., Brandeis University; M.A., University of Michigan, Ann Arbor; B.A., University of Pennsylvania. Professor Falkoff represents sixteen Yemeni prisoners, most of whom have been detained at Guantánamo for more than six years. He is the editor of *Poems From Guantánamo: The Detainees Speak* (University of Iowa Press 2007). Although there are no further footnotes in this piece, the litigation documents that are quoted are all on file with the office of the DePaul Journal for Social Justice and are available upon request. None of the information in this piece is classified. The DePaul Journal for Social Justice is located at 25 E. Jackson Blvd., Chicago, Ill.

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