

## Musa'ab Al Madhwani

Musa'ab Al Madhwani was everybody's favorite kid in school, and his nieces' and nephews' favorite uncle. Musa'ab was the class clown, now forced to quickly grow up. He has been imprisoned at the U.S. Naval Station in Guantánamo Bay, Cuba for virtually his entire adult life.



Musa'ab was captured by Pakistani police in September 2002, while trying to get home to his native Yemen. He was severely beaten by Pakistani authorities, and then taken to two CIA-run torture prisons in Afghanistan. At the “Dark Prison”—so known because prisoners were held in permanent darkness—Musa'ab and others were held in squalid conditions, deprived of food and clean water, bombarded with loud music and horrible noises, and otherwise physically and mentally tortured in ways that seem unimaginable.

Musa'ab was then sent to Guantánamo, where the only opportunity he had to tell of his treatment came in 2005, when a military official asked him during a review board hearing, “Are you holding anything back from the interrogators?” He replied, “That is impossible, because before I came to the prison in Guantánamo Bay I was in another prison in Afghanistan, under the ground [and] it was very dark, total dark, under torturing and without sleep. It was impossible that I could get out of there alive. I was really beaten and tortured.” Under the coercion of torture, Musa'ab made false confessions that are now used to justify his imprisonment. But even the most unthinkable persecution has not crushed his love of life. Musa'ab now uses his comedic gift to try and lighten the hearts of the men with whom he is imprisoned.

Astoundingly, when Federal District Court Judge Thomas F. Hogan ruled against Musa'ab's habeas petition in December 2009, Musa'ab's first response was to comfort his grief-stricken lawyers. And we were grief-stricken; it is still impossible to understand how any rational court could have ruled against this innocent man. Inexplicably, Judge Hogan predicated his ruling on Musa'ab's own statements made in the coercive Guantánamo review board hearings, while ruling that the numerous additional coerced statements Musa'ab had made to interrogators shortly after his arrival at Guantánamo were legally unreliable. These, he said, were tainted by torture, but he refused to accept that the same was true of Musa'ab's later coerced statements, despite ample evidence to the contrary.

The notion that Musa'ab could be labeled a “terrorist” is inconceivable to all who know him. Even the judge who ruled against him found that Musa'ab is not a threat to the United States. Repeatedly questioning whether there is any real basis for his continued detention, Judge Hogan found that Musa'ab's record, including the government's own documents, “do[es] not give any basis for his continued detention” but instead shows he is “a lot less threatening” than scores of detainees the government had recently released. The court agreed with an official government agent's own assessment of Musa'ab as a young, naive, unemployed Yemeni who should be returned home. But despite these explicit findings, Judge Hogan believed his “hands [were] tied” by the “law as writ-

ten,” which he interpreted as requiring him to approve Musa’ab’s continued detention.

In spite of these profound injustices, Musa’ab does not blame the American people for any of the treatment he has suffered, and holds no grudge against them. The generosity of Musa’ab’s character is reflected, too, in every member his family. His family is very poor, yet during our visit with them in Yemen, his brother insisted on buying us gift after gift, and his sister gave me the clothes out of her own closet. Now, Musa’ab’s eyes cloud with sentimentality when I visit wearing his sister’s dress. He may well never see her, or the rest of his family, again. Memories of Musa’ab fade from the minds of his nieces and nephews. But even as our legal system has been perverted to the point of futility and my value to him as a lawyer has run dry, I will continue to visit Musa’ab, as he has become a part of my family.

—*Mari Newman, Counsel for Musa’ab*