

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/news/2008/05/29/still-silenced-guantanamo>

### Public Facing Advocacy Writing

Help us continue to fight human rights abuses. Please give now to support our work

After years spent here, one prisoner pins his hope on a single phone call from the outside world if it ever comes.

[Share this via Facebook](#)

[Share this via Twitter](#)

[Share this via WhatsApp](#)

[Share this via Email](#)

[Other ways to share](#) [Share this via LinkedIn](#)

[Share this via Reddit](#)  [Share this via Telegram](#)  [Share this via Printer](#)

[Ibrahim al-Qosi](#) appeared before a [military commission](#) in Guantanamo charged with conspiracy and providing material support for terrorism; providing security, transportation and supply services for an al-Qaida compound in Afghanistan; and serving as a member of an al-Qaida mortar crew. Al-Qosi, who rejected his military defense counsel, must now wait for the Red Cross to arrange a phone call with his family, the first phone call with them in his more than six years of detention, to help him find a lawyer.

Inside the courtroom, al-Qosi was brought in, flanked by military officials gripping either arm.

Al-Qosi's military defense counsel, Navy Reserves Cmdr. Suzanne Lachelier, sat at the table with him. But al-Qosi, who was dressed in a white knit skull cap, long white pants and tunic, rejected her representation. "I refuse to be represented by any attorney appointed by the American government, because I do not trust them," al-Qosi said, with the help of a translator. "I choose to hire a civilian lawyer at my own expense."

When the military judge, Air Force Lt. Col. Nancy Paul, asked if he had a particular civilian lawyer in mind, al-Qosi explained, "I've been in prison here for six and a half years. I've had no contact with the outside world. I have no information about that."

Instead, al-Qosi requested that he be able to call his family in Sudan to help him find a civilian lawyer through the Sudanese Bar Association. The judge turned to the military prosecutor, Lt. Col. S. Maher, and inquired whether such a call might be possible under Guantanamo's amorphous detention rules.

The prosecutor didn't know, and the judge called for a lunch break.

This is al-Qosi's second go-around in the military commission system at Guantanamo. He was originally charged in February 2004. Back then, al-Qosi was also provided with a military attorney, whose representation he accepted. His case was dismissed, however, when the U.S. Supreme Court struck down the commissions as unlawful. Four months later, Congress passed a law authorizing a new round of commissions, and in February 2008, the government re-charged al-Qosi. They charged him with conspiracy and providing material support for terrorism, claiming he had worked as a driver and armed guard for Osama bin Laden; had provided security, transportation and supply services for an al-Qaida compound in Afghanistan; and had served as a member of an al-Qaida mortar crew.

Al-Qosi claims he has been subjected to brutal interrogation and sexual humiliation during his more than six years of imprisonment.

After lunch, the judge gave al-Qosi some welcome news: She would order that he be allowed to call his family, for the sole purpose of hiring a lawyer recommended by the Sudanese Bar. She set a July 1 deadline for the telephone communication to take place.

But because al-Qosi is not permitted to make calls from Guantanamo, the International Committee of the Red Cross would have to arrange for al-Qosi's family in Sudan to call him. So Paul urged al-Qosi to allow Lachelier to help make it happen.

"As I am sure you are aware, you have some limitations as a detainee," Paul pointed out. "You will need someone to work this process for you. Commander Lachelier is the best person to do that."

A former federal public defender, Lachelier, dressed in her Navy uniform, clarified that she could serve as al-Qosi's "telephone assistant," rather than legal representative, in facilitating the call.

Al-Qosi reluctantly agreed.

Paul instructed al-Qosi that when he spoke with his family, he should keep in mind the requirements for civilian counsel in a military commission. To qualify, a civilian lawyer must be a U.S. citizen, pass an extensive security clearance, and sign a written agreement to

abide by all the rules of the military commissions.

If al-Qosi does succeed in hiring a civilian attorney under the military commission rules, military counsel will still serve as a standby. A foreign attorney could consult in al-Qosi's defense only if al-Qosi's detailed military lawyer applies to have the foreign lawyer join the team and if the judge approves. But al-Qosi has stated unequivocally he refuses to let Lachelier represent him in any capacity.

After the court proceedings, Guantanamo's Press Advisory Office released information stating al-Qosi had been able to speak with his family. Several news stories reported that the call his first since being detained at Guantanamo went on for an hour. Subsequently, however, the deputy commander for Guantanamo's Joint Task Force said that no such call had taken place.

Whether al-Qosi will receive a call, and whether his family and the Sudanese Bar can help him obtain a civilian attorney who meets the rigid military commission rules, remain to be seen.

The next hearing in al-Qosi's case is set for July 23.

International Alternatives to Detaining Immigrants

A Roadmap to Justice for CIA Torture

[Share this via Facebook](#)

[Share this via Twitter](#)

[Share this via WhatsApp](#)

[Share this via Email](#)

[Other ways to share](#)

[Share this via LinkedIn](#)

[Share this via Reddit](#)  [Share this via Telegram](#)  [Share this via Printer](#)

Human Rights Watch defends the rights of people in 90 countries worldwide, spotlighting abuses and bringing perpetrators to justice

Get updates on human rights issues from around the globe. Join our movement today.

**Human Rights Watch** is a 501(C)(3) nonprofit registered in the US under EIN: 13-2875808