A Shackled Prosthesis

Ellen Lubell

Aziz's right leg ached. When he lifted his tan pant leg to show me, I saw the hard, beige-toned plastic, a white sneaker laced at the bottom. The leg widened upward into a black banded shank, ending in soft rubber that fit against his skin.

His lower right leg, the real one, had blown off in a land mine explosion in Kashmir, Pakistan in 2001. He had been given a good lightweight prosthesis stamped "Made in Germany" by the doctors at the hospital in Lahore where he had been brought to recover. It fit him well, and he had learned to walk with it. At the U.S. military base in Bagram, Afghanistan, a beating by U.S. soldiers left it broken, cracked down the side.

"The interrogators here said they would fix it," explained Aziz, who was meeting with us for the first time. "But after they took it away, they said they would not give it back until I confessed. I would have confessed to anything to get my leg back, but I didn't know what they wanted me to say. For months I went without a leg. Finally, they gave me this one. It's too long and heavy, too hard to walk with, and they don't give me new socks to cover my stump when the old ones wear out."

Aziz pulled the stump out to show us, leaving the prosthetic leg and its shoe still shackled to the floor, alongside the good leg. As I looked at what was left of his right leg, I knew I had come to the heart of a new kind of irony.

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Aziz grew up in a city in northern Algeria, one of five brothers and six sisters. His father was a blacksmith and his mother a homemaker. The family was close and well-liked in their neighborhood. After completing his required service in the Algerian army at age twenty-four, Aziz

joined his father in the blacksmith shop. As for many young people, his military service brought a measure of seriousness. This, in turn, brought to Aziz a deepening of religious commitment. He decided to travel to Mecca on pilgrimage. Inspired, Aziz became determined to devote his efforts, at least for a time, to charity—serving Muslims in need—much in the same way as young people here join the Peace Corps. With few resources, Aziz traveled to Pakistani Kashmir, visa in hand, and began work with a small group of other volunteers, taking food supplies, clothing and blankets to villagers in the surrounding mountains. During one of these trips, as nighttime fell Aziz lost the path and stepped on a land mine. When the smoke cleared, he was still alive but could not find his leg.

After painful months recovering in the hospital, he re-learned how to walk with a prosthetic leg. But now, how to live? His friends advised him to find a wife. An Algerian man in the city of Peshawar would help him find a suitable bride. He traveled there and found the man, who suggested Aziz would do best to return home to his family in Algeria. But before Aziz departed, the man's home was raided by the Pakistani police. There had been a tip, most likely, from an annoyed neighbor with a grudge, who hoped to cash in on the generous bounties offered by the U.S. military in exchange for turning in anyone deemed a terrorist.

Aziz and his host were arrested and questioned by Pakistani intelligence. When the interrogations ended, the men were told they had done nothing wrong, committed no crime, and could go home, but the Americans wanted them. The Pakistanis assured Aziz they would intervene on his behalf. Instead, he was packed onto a plane with a group of other men and flown to the U.S. prison in Bagram. Following beatings, more interrogations, and weeks in a cold cell with his prosthetic leg now broken, Aziz was taken, blindfolded and bound in a stress position, to Guantánamo.

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When I first heard of Guantánamo, I imagined the detainees as stereotypes—bearded, angry, remorseless. Then, in the summer of 2006, news came that three detainees had hung themselves in their cells. One of the three was about to be transferred home but had not yet been informed. My image of them changed. They were alone. They felt forgotten. They were separated from homes and families. What if we, the United States, were wrong and these men were not terrorists?

My law partner Doris and I talked and decided to do something. We had no experience in criminal or constitutional law and lacked the resources of a big firm, but we believed there might be some way to help. We contacted the Center for Constitutional Rights in New York, which was coordinating *pro bono* legal representation for many of the detainees. We spoke with several lawyers who were already involved and found out what would be required if we were to take on a client. Technical legal support would be available from other lawyers who were expert in these fields, but the costs to us would be great: interpreters, travel to the prison, document translations, and lost income from our practice. We spent weeks considering the possibilities and finally decided to represent one detainee. We were assigned a young Algerian man who had requested a lawyer.

When we learned his name, Aziz, a person began to take shape. With the unexpected formality and hopefulness of his first letter to us—"Dear Counselors, I want to thank you for your caring and zeal to offer to help me. Considering that you are offering this help for no fees, I appreciate you for that"—we knew that a bond, of the strangest sort, had been formed.

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A tentative, distant ring began, then repeated. A woman's soft soprano voice answered on the other end in Arabic.

"Allo?"

We had just called Aziz's family in Algeria for the first time. Our interpreter on the call, Ali, was a gracious, well-educated man, originally from Algeria, now living in upstate New York.

"Salaam alekum," Ali replied. He explained who we were. Muffled voices surfaced in the background and then the woman again, sounding timid.

"I'm not sure who she is," whispered Ali to us in English, "maybe a sister. She's going to get Aziz's brother, Hamid." The static on the line seemed charged as we waited and listened to one another breathing.

"Allo. Salaam alekum," a man's more assertive voice this time. Hamid knew who we were.

"Thanks so much for calling," he began. "Our family is grateful to you for helping Aziz. Is he in good health? Do they treat him well?" Hamid's questions tumbled out. He was clearly the protective older brother, trying to sound in charge.

"We've been worried. Tell us everything. Aziz's letters stopped coming. Do you know why?" he asked.

It hit me. It was obvious, but I couldn't see it until now. We were the first people this family had spoken with in four years who had seen their brother, their son, alive, who had heard his voice. They had last seen him in 2001, a young man of twenty-five. They had exchanged goodbyes with him at the airport as he boarded a plane to Mecca. His call a few months later told them he planned to travel longer than anticipated. They heard nothing after that until his letter from Guantánamo. No visits, no calls permitted. No explanation. In 2003, a phone call came from an accountant in Sudan, who had been with Aziz in Guantanámo. He offered greetings. That was all. Aziz was now thirty-one. His sporadic letters from prison, black lines of the censor scoring each page, told them little.

"Aziz is well, but he misses all of you," I answered Hamid. "He's received your letters but can't read much of what you've written because they're censored by our military. I don't know why you're no longer receiving letters from him." I wondered if the censors were to blame or if Aziz, in despair, had given up writing. I went on. "Aziz would like news of the family. Did Shada have her baby?"

"Yes," said Hamid. "Hassan is now five years old."

"Hassan! That's the name Aziz picked out for Shada when she was pregnant."

"That's right," said Hamid. "It was Aziz's choice."

"And Gabir—is he well? And Farid and the others? Your parents?" I asked.

"Gabir is now married. My sister Basma has moved to the city of Annaba with her husband. We're all well," answered Hamid.

Our conversation seemed almost ordinary for a moment—inquiries into health, a child being born, people going on with their lives. Then Hamid's voice again.

"My mother would like to speak with you."

After a pause, an older woman spoke. She sounded slightly formal.

"Thank you for everything you have done for Aziz and our family. We're so grateful."

Her words were simple enough, but there was a catch in her tone, the way she spoke her son's name. My breath faltered.

"We wish we could do more," I said with difficulty. I was conscious of each word I spoke. "Aziz is wonderful. We liked him so much. He's in a very hard situation, but he's strong. I would be proud to have him as a son."

I waited.

"Thank you," she said, almost imperceptibly. A long moment passed.

"When is he coming home?" Her voice was breaking.

"We don't know." My words seemed small. I knew they were inadequate.

It was then she began to sob.

"We're trying everything possible to get him out of prison. We know Aziz has done nothing wrong. We are so sorry for what our country has done." I thought of my father, a Belgian Jew who had fled for his life to America—for him a sanctuary of human rights. I was grateful he was not alive to witness what America had become.

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"If I'm sent back to Algeria," explained Aziz. "I won't survive. The government will think I'm a terrorist since I've been in Guantánamo. They'll put me in prison, torture me. Even if I am released, the terrorists there will kill me, knowing I fought against them when I was in the army. Or they'll force me to join them, also thinking I'm a terrorist. I will be dancing between fires."

This last image held me. Uncomfortable, I shifted in my chair, tried to refocus. But I realized that the illusion that Aziz's imprisonment had created—that he was dangerous—would follow him out of this place. The verdict of Guantánamo, rendered without evidence, charge or trial, would be a life sentence for him. How could he prove what he hadn't done?

"Can we find another place for me," continued Aziz, "where people speak Arabic and a doctor can look at my leg?"

He asked for so little and so much—not family, not friends, not familiar streets; only a chance to restart a life.

Then, as if we'd already solved the problem of cell and shackles, we tried to imagine a map of the world to find a place where he would be safe.

"What about Jordan?" Aziz suggested. "Jordan would be fine, or Sudan, even closer to home. Maybe Germany—they'd have a new leg for me like my old one, and people speak Arabic there."

Like choosing from a menu, we went country to country, taking note of his top choices. We had to stop, I thought, glancing at Doris. Raising his hopes, I was learning, would have consequences.

"Aziz, we should talk about what we'll need to do to apply for asylum," I said, pulling us back. "The U.S. probably won't consider you for asylum. Our Homeland Security may not even process your application. But if they deny you, we will go with that denial to the U.N. and the European Parliament. We'll show them that the U.S. won't accept responsibility for your resettlement and that some country must be found to take you in."

Aziz nodded.

"We don't know how long this will take or whether we'll succeed, but we should start the application."

He agreed.

For hours we went line by line through U.S. Department of Justice Form I-589. What elementary school had Aziz attended? Where was his father born? He struggled to remember the dates and details. Items on the form that should have been easy to complete: "Applicant's residence in the U.S.," "List each entry by applicant into the U.S.," were problematic, to say the least, what with the question of Guantánamo's status as part of the U.S. or Cuba still under active debate in the courts. "Staple your photograph here," was impossible. Bring a camera to the prison? Ask the military for a snapshot?

The allotted time for our meeting was nearly over. The guards would come soon to escort us out and take Aziz back to his cell.

"We'll work on the application," I promised him, pulling papers together. "We'll write to let you know when it's complete and ready to be filed. We'll need statements from experts—affidavits. We'll let you know what we can find."

"Wait," said Aziz. "There's something I'm worried about. This asylum idea. I know we should try, but I need to ask you a question, as mothers."

Doris and I leaned closer.

"If I'm granted asylum and go to live in another country, I'm afraid my mother will think I do not want to come home to her. Would you be angry at me for that if I were your son?"

His question hung in the stifling air.

"No." I swallowed. "I would want my son to be safe. I'd understand why he could not come home."

Aziz stared down at his hands, silent.

"I'm sure your mother would want the same for you," I went on.

He looked up. "I want to serve my mother with my eyes."

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"The Privilege Team has received a letter from ISN 1464 addressed to your firm," read the e-mail message I had just opened. "Please advise whether you wish us to place it in your safe or submit it for classification review."

Like the notes we took during our meetings, all correspondence from Aziz, "ISN 744," including this letter, was presumed classified by the U.S. government. Under a protective order issued by the U.S. federal court we had two choices: either have the letter sent to a "secure facility" near Washington, D.C., where we could read it under strict controls, or request the letter to be submitted for "classification review." If the latter, the letter would be sent for clearance to a

"Privilege Team," comprised of Department of Defense lawyers who were not involved in proceedings against the detainees.

I sent an e-mail back to the team. "Please submit for classification review."

A few days later, with the declassified letter forwarded to us, we sent it on to our translator Ali and waited.

Our last visit with Aziz had been just weeks before. He had told us about interrogations during his first years in Guantánamo and a hearing where he had been questioned about his time in Pakistan, his view of Americans, weapons training, whether he knew "certain" men.

"The officers asked me the same questions over and over," he had said. "I kept telling them the same thing, what I had done and not done, but they wanted to hear something else. 'What would you like me to say?' I asked them."

Aziz had also described his service in the Algerian military during the country's civil war, over a decade earlier. We pressed him on details, hoping to include in our court filings a credible description of his service, so as to cast a favorable light on him. He had been an exemplary soldier, he told us proudly, serving beyond his required time when asked to extend his tour. We had covered other topics with him that we thought might be important to his case. And we shared the dried apricots, almonds, baklava, Egg McMuffin and chocolate we'd carefully selected for him. The visit had gone well. As the guards escorted us out, Doris turned back to Aziz for a moment. He had looked at her and smiled warmly.

Aziz's letter finally returned from the translator. We began to read.

"I wanted faithful attorneys," Aziz wrote, "but you have spied. I trusted you, but you have pried into secrets."

My throat cramped.

"You informed my mother of news that saddened her," his letter continued. "You must send home the papers my brother sent you and sever all correspondence with my family."

We knew other detainees had rejected their attorneys. But this was *Aziz*. This was *us*. The relationship we had so worriedly nourished by listening, inquiring, assuring, commiserating, eating and more, was over, done, and we'd never seen it coming. What sign had we missed? Was it pressure from guards? Aziz told us after our first visit that he'd been denied sunlight as a penalty for meeting with us. "For your sake, they punished me," he had told us. "They made me walk in darkness for four months." Had he been reprimanded, or worse? Did the hope we offered disturb the numbness necessary for existence in a cell? Had other prisoners persuaded him that lawyers couldn't be trusted? Whatever the cause of his rejection, we realized that he had asserted control over the one aspect of his life that he could. In a place of no choices, Aziz had found a choice.

We wrote back, expressing concern, addressing what we guessed might be his fears. We could understand his mistrust, we emphasized, but we would not give up. Still, we wondered how we could represent a client who no longer wanted us. We'd been fired.

We spoke with other attorneys who had similar stories. "Continue," they encouraged us without exception. It's ethically justified, they argued: our clients' isolation and the military's pressure on them to reject us, essentially render them legally not competent to reject counsel. In the real world, a prisoner who rejected legal assistance for seemingly irrational reasons could be given a competency hearing with experts and evidence and a judge to protect his legal rights. But this was Guantánamo.

We called Aziz's family and described what he had written

Please continue your work, they said, believing firmly that he still needed our help.

Buoyed, we wrote again to Aziz, but received no response. We would arrange another visit, we decided, hoping he would agree to see us when we showed up at the prison. Tense but determined, we prepared to go.

Two days before our departure date, another e-mail arrived from the Privilege Team. A letter from ISN 744. “Classification review,” I wrote back at once.

The time required for declassification and translation would prevent us from having Aziz’s latest letter in hand before we had to leave.

But then, just as we arrived at the airport in Florida, we got word of what Aziz had written.

“Dear attorneys, I hope this message finds you well. Thank you very much for your letters and sending news about my family. I warmly send my best regards.”

Apologies, shame and explanations came later. Much as we had imagined, pressure from other prisoners had led to the rejection, along with paranoia when our questions began to sound to him like those of the interrogators. Our reassurances came later, too. Of course we understood. No, we weren’t angry. No, we would not give up on him. We began together to reestablish our fragile bond. Trust would take time. But fear of betrayal, I had come to see, would accompany Aziz always.

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As I think of Aziz today, my thoughts return to his leg—a shackled prosthesis. Ironic, yes, but not just the absurdity of chaining the plastic when the stump can come free. It's also the needlessness of our cruelty. Aziz sits in a steel-walled cell, set in a state-of-the-art facility, security cameras trained, barbed wire electrified, and still we insist on one more restraint. How afraid we seem to be of him. But now, as I write this in the sixth year of his detention, is it him we fear? Or the humiliation of admitting to the world we were wrong about the danger he posed?

Whatever the reasons, Aziz is still there. The cell door opens and I see him, his strength and his loss, his smile and his despair, and every other thing that makes him human.