

## **Dispatch from GTMO**

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Guantánamo Bay is a strange place.

I have traveled to a lot of places – to Latin America, to the Caribbean, to the Middle East. I have traveled to developing countries – Haiti and Guatemala, for instance. And up until this point, I thought I had seen it all. I thought I had been to some of the strangest places, and some of the most secretive places that people travel to... until I arrived here in Guantánamo Bay.

We arrived in a plane packed full of people (victims' families, NGO observers, military personnel, media personnel, etc.) on a narrow strip of land. As we approached the runway, I saw a few buildings and nothing else. Yet I was not completely shocked. Chris Witten (Seton Hall Law '15) had written in his dispatch that he, too, was unimpressed upon landing. I knew from reading his debriefs that there would be more to come. There was.

Once we landed, I gathered with the 12 other NGO observers who are here with me to watch a week of hearings for the "KSM5" Defendants – Khalid Sheikh Mohammed and four other alleged terrorists accused of plotting the attacks of September 11, 2001. Among them, they represent organizations including the American Bar Association, the New York City Bar Association, Amnesty International, and Human Rights Watch. Together, we loaded onto a ferry that took us across the Bay to Windward side and from there, we filed into two vans and drove to Camp Justice, an area of tents at Guantánamo designated for NGO observers and media personnel. We unpacked our belongings and then reconvened with our escorts.

Over several hours, we toured Guantánamo. Most of the buildings look worn – they're tan buildings that remind me of old bodegas in Mexico or small shops in the Caribbean. We passed the hospital, the gas station, the hotel (surprisingly), the library (yes, a library), the McDonald's, the Starbucks. Along the way our escort pointed out when certain buildings were constructed and where construction is taking place on the island. I noticed a lot of "NO ENTRY SIGNS" – some around what looked to be power generators and maintenance facilities, but some were plastered on random fences and on buildings without any other signage. I wondered what was inside some of those nondescript buildings and what function they served. Our first official stop was to the grocery store and the gift shop. Then, we traveled to the courthouse where we will observe this week's legal proceedings.

The courthouse is in a small, walled off complex right outside of Camp Justice. There is barbed wire running atop the walls and there are signs that say "NO PHOTOGRAPHY" posted everywhere. When we arrived at the entrance, we had to pass through a make-shift security post, similar to that in an airport, and we were given similar instructions: take out our cell phones and pass through a metal detector. The courthouse, just inside the complex, is a small, white, unassuming building. We did not go into the courthouse today but we went to a side office to get our badges.

Afterwards, we returned to Camp Justice to prepare for a barbeque hosted by defense lawyers for the

KSM 5, who hosted lawyers and experts and media folks. I was interested to know that many of them, including a reporter from the *Miami Herald*, come to Guantánamo frequently, some weekly, to cover stories. A psychiatrist at the barbecue also told me that he comes to the base often to provide analyses of the detainees' state of mind. It is a big commitment to travel down here and I was surprised to know that even non-lawyers are so heavily invested in what is happening at Guantánamo.

As Day 1 draws to a close, it is clear that there is something odd about this place but I cannot quite put my finger on it. Over the course of the next few days, however, I am prepared to figure out why Guantánamo seems so odd and secretive. And I think I am well-equipped to find out: after all, that's what we do at the Center for Policy & Research at Seton Hall Law. We start with an unknown, we conduct lots of research and engage in critical thinking. We aggregate facts and data and then offer an explanation of those facts in a way that is accessible for readers. That is precisely what I hope to do this week here at Guantánamo. Stay tuned...

## **KEY THEMES AND QUESTIONS**

*During my first day here, I have asked plenty of questions, including:*

### **Why don't people know what is on the island?**

Over the course of Day 1, it became apparent that lots of military personnel do not know about certain buildings and structures at Guantánamo. Why? Shouldn't they know and be able to identify some of the buildings? For example, when we entered by ferry, I asked one of the transport operators where I could take pictures. He replied, "Everywhere, except for that small area on the mountainside." He pointed to a small structure atop a mountain. "What's up there?" I asked. He said he did not know, but he was told to tell visitors not to take pictures of the structure, because photography might interfere with the structure's functionality. There were several other instances like this throughout Day 1.

### **Why can't the detainees just be tried in federal court?**

This is a question that a lot of people have been asking for years. When I arrived at Guantánamo, however, I started asking the same question: why can't they be tried in federal court? Why in a military commission hearing? Are we distrusting of our judges? Of our lawyers? Of the judicial process in the States? It is a big commitment to transplant the essential pieces of a court from the U.S. to Guantánamo – and that is essentially what happened yesterday. All of the lawyers, paralegals, etc. that would be part of a trial in the U.S. had to pack up and reshuffle in Guantánamo. It seems like an unnecessary waste of time. It is rather strange.

### **What role do translators play in this process? And what is the effect of not providing the same access to a translator to each of the five detainees?**

What is their role? After talking to some of the folks at the barbecue, I learned that all five men don't have the same access to a translator. Why not? The psychiatrist attending the barbecue said that language barriers cause repressive impulses. Is it possible that members of the KSM5 do not want to return to the trials throughout the entire week because they are too weak, or because they simply don't want to participate in something they cannot fully understand? A journalist raised a similar question at the

barbecue.

**Who are all these workers?**

There are people at Guantánamo who are not military personnel, they are not families of servicemen/women, they are not here to observe. Who are they? Where do they come from? How much does the US government pay them to work here? Someone at the barbecue said she thinks they are Haitian refugees, but she was not sure.

**Why is the detention facility so secretive?**

The psychiatrist at dinner told me that he has been to the facility where the detainees are kept but that he cannot tell anyone about it. He says it has been “cleansed” from his body. What does that mean? Why does no one know where the facility is? Why can’t he tell anyone? He did manage to tell me, however, that he thought the building may have structural damage. Why was *that* okay to divulge?