

A lawyer's account of his struggle on behalf of a victim of the “war on terror”

## *Through the Gates of Hell: American Injustice at Guantanamo Bay*

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The US naval base at Guantanamo Bay in Cuba became, after the 9/11 attacks in 2001, the site of a vast and open-ended extra-legal operation used by the ruling elite in Washington to expand imperialist war powers and cultivate nationalism and Islamophobia within the US population. Guantanamo was selected precisely because it lay outside ordinary US jurisdiction. Prisoners classified as “enemy combatants” were held without any recourse to constitutional protections or the Geneva Conventions.

Hundreds were held without charge or legal counsel. The Bush administration claimed the president could hold prisoners indefinitely without bringing them to trial or even spelling out the reasons for which they were being held. Interrogations at Guantanamo were characterized by methods that amounted to torture—extended isolation, sensory manipulation, use of dogs and other abuses.

A series of court challenges to the conditions at Guantanamo won some limited judicial victories, including the right of the detainees to seek habeas corpus protection. The legal wins were partial, however, and were followed by government appeals and other measures, including the establishment of military tribunals that functioned in essence as another means of shielding official government crimes.

Many books have been written about Guantanamo over the nearly quarter-century that it has been used as an American Gulag. *Guantanamo: Honor Bound to Defend Freedom* was a documentary about the horrific abuses at the prison, and it was also turned into a play that ran off-Broadway in New York City some 20 years ago. *The Mauritanian* is a powerful 2021 film that told the story of Mohamedou Ould Salahi, an innocent man held at Guantanamo for more than 14 years.

*Through the Gates of Hell*, by Joshua Colangelo-Bryan, was published a month ago. While also dealing with the struggle against official injustice at Guantanamo, it takes a slightly different approach from most accounts, as a first-person account of the three-year struggle by an American attorney to secure the freedom of several detainees at Guantanamo. These clients came from the island nation of Bahrain, and had been swept up on the flimsiest basis in the initial operations that filled the prison with hundreds of men, the vast majority of whom were innocent of any offense, much less the attacks of 9/11.

Colangelo-Bryan was successful after several years of strenuous efforts that are detailed in this book. Meanwhile his clients continued to face awful conditions, including the uncertainty of not knowing

when or even whether their brutal incarceration would ever end. The book focuses on one detainee in particular, Jaber Mohammed. Finally released in 2007—without, of course, an explanation or apology—Jaber lost five years of his life to Guantanamo.

Colangelo-Bryan, an associate in the New York office of a mid-sized international law firm, was assigned this case more than 20 years ago, in 2004. Jaber Mohammed had already spent two years at Guantanamo.

The attorney—somewhat bored, as he acknowledges, by commercial litigation—is eager to take up the assignment for pro bono work to defend the principles of legal representation and habeas corpus. He does not know exactly who he will be representing, and it takes a little time to build up trust with Jaber. The prisoner had been told by some of his fellow detainees, “don’t talk to lawyers,” on the assumption they were from the CIA. The attorney is somewhat surprised, therefore, by how outgoing and approachable his client is, under the circumstances. They are eventually addressing each other by first name.

Colangelo-Bryan is ultimately able to draw out an account of some of the abuse, both physical and psychological, that Jaber has endured. He was originally picked up in Afghanistan, where he had gone on a weekend trip sponsored by the Saudi regime. The mistreatment in Afghanistan continued systematically at Guantanamo. Jaber finds even the retelling of his story traumatic.

“He said that during one interrogation, his questioner had draped Israeli and US flags around him, telling him that there was a holy war between Christians and Jews on the one hand, and Muslims on the other,” Colangelo-Bryan writes. “He talked about being short-shackled (meaning one’s ankles and wrists are shackled to a bolt in the floor) for hours.”

These are only small examples of the torture and attacks that Jaber faced, and which are graphically described. Among the most dreaded was the actions of the Immediate Response Force, “a team of five soldiers, wearing helmets, face masks, chest protectors, and shin guards, tasked—supposedly—with subduing unruly detainees.” This entailed brutal and bloody beatings, often to a state of unconsciousness.

When Colangelo-Bryan speaks to Jaber and carries out his own examination of the various “allegations” which the US government was using to justify holding him under such inhuman conditions, he quickly realizes that there is absolutely no basis for Jaber’s detention.

Strictly speaking, this “case” doesn’t even amount to a frame-up—since a frame-up would necessarily involve evidence, even if it were concocted!

Among the few things Jaber could rely upon was a devoted family back in Bahrain. He endured the loss of his father while in Guantanamo, but his brother and mother are a source of encouragement, and he is reminded of the daughter whose absence from his life is especially painful. Colangelo-Bryan is able to make several trips to Bahrain, where he meets Jaber’s family.

Jaber, by his own description, is a very social person, and the isolation, day after day and year after year, has an understandable impact on his emotional health. Sinking into depression over the years of his detention at Guantanamo, he attempted to commit suicide on nine different occasions. One chapter in the book is titled, “The Purpose of Guantanamo is to Destroy People, And I’ve Been Destroyed.” Jaber’s aim at a certain point becomes one of calling attention to the unbearable state of affairs by killing himself and having his lawyer witness it. A large part of Colangelo-Bryan’s efforts are devoted to convincing Jaber not to commit suicide—to give him hope that he will soon be released, even as the attorney himself wonders when or whether that will be.

In answer to a court filing from the attorneys concerning the conditions of Jaber’s confinement, the authorities responded with obfuscation that insulted common sense. In answer to the clear facts of Jaber’s almost total isolation, for instance, they wrote that he had “established a cordial relationship with members of his interrogation team.” The detainee was prevented from having any communication with other detainees, but the authorities wrote that he could talk to guards through his feed tray slot!

While there were certain US court decisions granting detainees the right to file habeas corpus petitions, these rulings were always appealed, with delays lasting many months. Eventually Colangelo-Bryan realizes that justice is highly unlikely through the courts, and he shifts most of his work over to what he calls “Plan B,” namely fighting to make the conditions facing Jaber and the other detainees known to a wider audience. This is directed primarily to the government of Bahrain, itself a notoriously authoritarian regime in which a Sunni minority rules through a monarchy over a Shia Muslim majority. The aim is to bring pressure to bear on the government so that it will in turn get the US authorities to agree to repatriation of the Bahraini prisoners.

Finally, on July 16, 2007—nearly three years after Colangelo-Bryan had begun work on the case—comes word that Jaber has been flown to Saudi Arabia, where he is reunited with his family before returning to Bahrain. The US authorities maintain the fiction that they are releasing the “dangerous” detainees into the custody of the Bahrainis, but Jaber and the others are freed almost immediately.

In a brief Epilogue, the author explains that Jaber—by this time 18 years after his release from Guantanamo—works for a private company and lives with his wife and family in Bahrain. “Although I suspect he’s gotten a speeding ticket or two, he hasn’t had any other trouble since arriving home,” the author reports. “Jaber and I are still in touch.”

*Through the Gates of Hell* raises crucial political issues, although they are only touched on in the book. Guantanamo, the site of crimes against humanity, remains open to this day. About 780 prisoners ended up being held there, most for many years. The vast majority are completely innocent of any involvement in attacks on US interests, but have never faced trial or been given the opportunity to prove their

innocence. Only about 15 detainees remain at the prison. However, as Colangelo-Bryan explains, the base is now being used by the second Trump administration to house undocumented immigrants before they are deported. There is much in this book that both foreshadows and reminds the reader of the unprecedented measures being taken on a daily basis by the fascist administration in Washington.

The death of Dick Cheney last month highlights the horrific legacy of Guantanamo. As vice president for two terms under George W. Bush, beginning in 2001, Cheney was a major architect of the crimes conducted under the rubric of the “war on terror.” He had major responsibility for the “American injustice” detailed in this book. Not only did he never face justice himself, however; his death has been the occasion for official tributes, above all from the leadership of the Democratic Party. Former Vice President Kamala Harris called him “a devoted public servant,” and others added their own fulsome praise. These tributes demonstrate that, although Cheney may have been the architect, the war crimes and attacks on democratic rights—as later shown by the record of both the Obama and Biden administrations—are the product of both political parties of the US ruling class.

Whatever the bitter disputes between Cheney and the fascist demagogue in the White House today, the former vice president paved the way for Trump. Cheney developed and defended the doctrines of preemptive war and the legal rationales for torture, indefinite detention and the surveillance state.

As Colangelo-Bryan sums up the Bush-Cheney administration’s policy, the government could “(1) detain foreigners who had not knowingly done anything against the US, wherever those foreigners were found around the globe; (2) hold them at Guantanamo for as long as it wanted as ‘combatants’; and (3) subject them to treatment we would scream about if inflicted on US personnel—all without any court having authority to say anything about it.”

Trump, as we know, has taken this lawlessness to new extremes, snatching “foreigners” in the US and sending them to concentration camps as in El Salvador, threatening rival capitalist politicians with death for “treason,” and boasting about repeated assassinations of unnamed victims on the high seas, among other outrages.

These are not simply the policies of one individual. As noted, the Democrats have also paved the way for them. The policies have been adopted by a desperate ruling class presiding over a dying social order. They are the actions of a system that cannot rule as it has in the past, which is forced to declare open war on the working class all over the world, and which has forfeited its right to rule.



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