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CA: This Periodic Review Board is being conducted at 0908 hours on June 26, 2018, with regard to the following detainee: Haroon al-Afghani, ISN 3148.

As a reminder, the unclassified portions of these proceedings are being recorded for the purpose of generating a transcript to be posted on the PRS website.

TRANS 1: **[TRANSLATION OF ABOVE]**

CA: Representatives from the following agencies are present and are members of the Board:

DEPARTMENT OF DEFENSE;

DEPARTMENT OF STATE;

DEPARTMENT OF JUSTICE;

DEPARTMENT OF HOMELAND SECURITY;

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; and the

OFFICE OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

The following personnel are also present:

LEGAL ADVISOR TO THE BOARD;

CASE ADMINISTRATORS;

PERSONAL REPRESENTATIVE;

PRIVATE COUNSEL;

TWO TRANSLATORS;

THE DETAINEE; and,

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SECURITY OFFICER.

TRANS 1: **[TRANSLATION OF ABOVE]**

CA: The detainee's Personal Representative, Private Counsel, the detainee, and one translator are located at the detention facility, U.S. Naval Station Guantanamo Bay, Cuba. They are attending via video teleconference and the detainee waived translation of the unclassified summary and Personal Representative and Private Counsel's opening statements. These documents have been posted to the Periodic Review Secretariat website. This session is being observed by foreign, national and local media; and representatives from non-governmental organizations.

TRANS 1: **[TRANSLATION OF ABOVE]**

PM: This Board is convened to determine whether continued law of war detention is warranted for Haroon al-Afghani, ISN 3148, to protect against a continuing significant threat to the security of the United States. From here on forward, will refer to the detainee as Haroon. This session of the hearing is unclassified.

TRANS 1: **[TRANSLATION OF ABOVE]**

PM: Haroon, this is your Periodic Review Board to determine whether continued law of war detention is warranted in your case. Continued law of war detention will be warranted if it is necessary to protect against a continuing significant threat to the national

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security of the United States. The focus of this hearing is on the threat you may pose to the United States and its interests if transferred or released from U.S. custody. It is not on the lawfulness of your detention.

TRANS 1: **[TRANSLATION OF ABOVE]**

PM: The Personal Representative and Private Counsel are your representatives to assist you during this process. Finally, the translators ensure that everyone understands your statements and that you understand is what is being said during the hearing.

TRANS 1: **[TRANSLATION OF ABOVE]**

PM: Personal Representative and Private Counsel, has the detainee had an opportunity to review the unclassified summary?

TRANS 1: **[TRANSLATION OF ABOVE]**

PC: Yes, sir.

PM: Thank you. I will now read the unclassified summary:

Haroon al-Afghani (ISN 3148) was a Hezb-e Islami Gulbuddin (HIG) commander who organized and led attacks on coalition forces in Afghanistan and served as an intermediary between the senior al-Qa'ida members and other anticoalition fighters.

TRANS 1: **[TRANSLATION OF ABOVE]**

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PM: Do Personal Representative and Private Counsel wish to make unclassified opening statements at this time?

TRANS 1: [TRANSLATION OF ABOVE]

PC: Yes, sir.

PR: Yes sir.

PM: I'd like to remind all participants that any information shared at this time must be unclassified. If there's a concern about the classification of the information, I will indicate such and stop the proceedings until we resolve this issue. Has the detainee had the opportunity to review your statements?

TRANS 1: [TRANSLATION OF ABOVE]

PR: Yes, sir.

PC: Yes, sir.

PM: Personal Representative, please proceed then.

PR: Honorable Board Members, thank you for this opportunity to meet with you today in an effort to gain your approval for Haroon al-Afghani Gul's release and repatriation. Haroon continues to be a well-behaved detainee. He continues to take advantage of the classes offered here at Guantanamo where he improves his skills in art, English, computers and life skills.

As noted during prior reviews and hearings, Haroon has several ideas for businesses that could support him and his family. One of

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these projects is a honey farm, another is an Arabic bakery, specializing in breads and sweets, and a third is an idea for a joint school project that he would like to introduce in Afghanistan. In addition to these projects, Haroon speaks seven languages (Pashtu, Arabic, Dari, Urdu, Farsi, English and Spanish) and could get a job as a translator or tour guide. He is also willing to take a job as a taxi or truck driver and will look at any job that will enable him to support his family. With the support and assistance of Reprieve through their Life After Guantanamo Project, we feel that Haroon would find gainful employment with little or no difficulty, regardless of where he is released.

Haroon wants nothing more than to provide for his family and raise his daughter in a safe environment where she can continue her education. He feels it is vital for her to be self-sufficient and to be able to choose her own husband when the time is right.

Haroon is here today and knows that the board has questions, he is prepared to answer all questions and prove to you that he is not a threat to the safety and security of the United.. United States, nor to any nation.

Thank you for your time and consideration in this matter. We are standing by to answer any questions you may have.

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PM: Thank you. Private Counsel, you may proceed with your unclassified opening statement.

TRANS 1: **[TRANSLATION OF ABOVE]**

PC: Dear Periodic Review Board Members, my name is Shelby Sullivan-Bennis and it is my privilege to represent Haroon "al-Afghani" Gul in this proceeding. I write this statement today, eleven years and four months after Haroon was captured-not on a battlefield, or fighting at all, but ostensibly for his alleged association with a group that is now at peace with the Afghan government.

Haroon spent over nine years in U.S. custody without ever being given access to counsel despite multiple documented attempts to retain it. With neither counsel nor legal case, those were nine long years lived without any understanding of the allegations against him beyond the one... the one paragraph summary provided to him back in 2008. As his counsel today, I have no reason to believe that the government has any intention of charging with a crime... him with a crime in a military commission proceeding or in any other.

In light of the Trump Administration's clear policy against the release of Guantanamo Bay detainees who have been approved for transfer by the Periodic Review Board process, I have advised Haroon against answering any backward-looking questions in this Full Review.

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This advice takes into account many factors—all of which stem from recent action (and inaction) on the part of the Executive. It makes... it takes no mathematical prowess to determine this past year's rate of affirmative determinations in the PRB process: 0%. Coincided with the inauguration of the then President-elect who declared that he would "absolutely authorize" torture techniques for people such as Haroon. Later asserting that "there should be no further releases from Gitmo."

As you well know, the Administration has also closed the Office of the Special Envoy for Guantanamo Closure in both the State and Defense Departments, which, among other priorities, was previously tasked with drafting and negotiating diplomatic agreements with nations receiving cleared detainees. While at first the change seemed to take hold in name alone, it soon became clear that former employees of that office (suddenly disbursed throughout the State Department) were not authorized to negotiate such deals, did not respond to inquiries from country desks as to the status of their cleared nationals, and eventually, the Trump State Department went as far as to demote and dismiss former Envoy's Office staff, forbidding them to work on former detainee affairs altogether.

Further cementing that path is—a court filing made by the Department of Justice in response to a January 18th court order

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requiring the Government to address "whether [it] intends to transfer the Petitioners previously designated for transfer by the Task Force and/or PRB." The Government's response, filed February 16, 2008 [sic] in the consolidated cases of eight current detainees, contained no plans for release of current... currently cleared men. Moreover, there was no indication whatsoever that efforts to negotiate the transfer of such designated men have, in the past year, are currently, or plan to be under way.

It is with this knowledge--that now, not only is an affirmative determination by the PRB solely a "recommendation" that does "not bind" the Executive, but one that is received by an administration that has removed all practical value from such a clearance--that my advice regarding participation is given.

With all due respect for your efforts to continue with the job with which you were tasked, we hope that you understand the position created by the aforementioned facts and where that leaves us presently. That said, the decision regarding the manner in which he participates is and will remain Haroon's to make.

I am proud to say that Haroon has used his decade in U.S. custody as wisely as one could: he learns. You have seen multiple hundred-page business proposals ranging from a honey bee farm to a bakery; now Haroon has focused his attention and time on the worthy

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topic of the education system in Afghanistan. Haroon is fully capable of supporting himself post-release, with five languages and a keen sense of entrepreneurship under his belt; it goes without saying that Reprieve will be behind him every step of the way, making his transition easier, as we have for so many before him through our UN-funded Life after Guantanamo project. His family remains ready and available to assist him, in the unlikely event that he requires their support, as their statements make clear. Haroon is inarguably one of the most politically informed and socially liberal men in Guantanamo today and I see no indication that his behavior or statements over the last decade contradict that assertion. If this review is intended to be a true evaluation of the threat he poses today, as opposed to a forum for confession to all of the allegations that the government believes to be true, I see no reason that this hearing would not result in a positive determination. Thank you.

PM: Board Members may reserve questions until detainee and witness statements have been presented in their entirety. Does anyone have a question at this time?

TRANS 1: **[TRANSLATION OF ABOVE]**

PM: With no questions, this concludes this portion of the hearing. I ask that all remain seated until further instructed by the Case Administrator.

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TRANS 1: [TRANSLATION OF ABOVE]

CA: Okay, we will take a 15-minute recess to prepare for the remaining sessions.

TRANS 1: [TRANSLATION OF ABOVE]

[The public session closed at 0924, 26 June 2018.]

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ABBREVIATION AND ACRONYM KEY

BM: BOARD MEMBER
CA: CASE ADMINISTRATOR
DET: DETAINEE
PC: PRIVATE COUNSEL
PM: PRESIDING MEMBER
PR: PERSONAL REPRESENTATIVE
TRANS 1: TRANSLATOR ONE (LOCATED AT PRS HQ)
TRANS 2: TRANSLATOR TWO (LOCATED AT GUANTANAMO BAY)

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