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CA: This periodic review board is being conducted at 0905 hours on 18 August 2015, at the Periodic Review Secretariat headquarters, with regard to the following detainee: Mohammad Kamin, ISN 1045.

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,

OFFICE OF THE JOINT CHIEFS OF STAFF.

TRANS 1: [Translation of above.]

CA: The following personnel are also present:

LEGAL ADVISOR TO THE BOARD;

CASE ADMINISTRATOR;

PERSONAL REPRESENTATIVES;

PRIVATE COUNSEL;

TWO TRANSLATORS;

THE DETAINEE; AND,
SECURITY OFFICER.

The detainee's personal representatives, 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. This session is being observed by national media; foreign government officials, and representatives from non-governmental organizations.

TRANS 1: [Translation of above.]

PM: Good morning. Does the detainee wish to waive translation of the entire hearing, to include all written statements provided by the personal representative, the private counsel, and the detainee?

TRANS 1: [Speaking in Pashtu.]

PR 1: Yes, sir, he does.

PM: Thank you. This Board is called to order, then. This Board is convened to determine whether continued law of war detention is warranted for Mohammad Kamin, ISN 1045, that's one zero four five, in order to protect against a continuing significant threat to the security of the United States. From here on forward, we will refer to the detainee as Mr. Kamin.

TRANS 1: [Translation of above.]

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PM: This periodic review board hearing session is unclassified. Classified documents and classified discussions relating to classified information shall not be presented or discussed during the unclassified session of this hearing.

TRANS 1: **[Translation of above.]**

PM: Mr. Kamin, this is your periodic review board to determine whether continued law of war detention is warranted in your case. Your continued law of war detention will be warranted if such detention is necessary to protect against a continuing significant threat to the national 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 the United States custody. It is not on the lawfulness of your detention.

TRANS 1: **[Translation of above.]**

PM: The personal representatives 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 what is being said here during the hearing.

TRANS 1: **[Translation of above.]**

PM: Personal representatives and private counsel, has the detainee had an opportunity to review the Unclassified Summary?

TRANS 1: **[Translation of above.]**

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PR 1: Yes, sir.

PM: Thank you very much. I will now read the Unclassified Summary:

Muhammad Kamin, ISN 1045, was aligned with several extremist groups, including al-Qa'ida, and helped facilitate their operations against U.S. Forces in eastern Afghanistan before Afghan authorities captured him in May 2003. He probably worked for the Taliban during but before Operation Enduring Freedom and was recruited for jihad in early 2002 by Jaish-e Mohammed, an al-Qa'ida affiliate. However, there are no indications that Mr. Kamin, who used the alias Muhammad Unis, is identifiable with a former Taliban police chief for Kabul under the same name.

He trained with al-Qa'ida in early 2003 on numerous weapons and probably received specialized instruction on explosives. Mr. Kamin subsequently led a cell that procured, delivered, and stored weapons for al-Qa'ida and the Taliban, and also cased targets, probably including U.S. military facilities, along the Afghan/Pakistan border. Information about Mr. Kamin's activity before detention is derived entirely from his own statements, some of which contradict each other. Little information is available about Mr. Kamin's current mindset, as he has declined to meet with interrogators since 2007, probably out of

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frustration that his past cooperation had not led to tangible progress toward his release. He nevertheless has been one of the most compliant detainees at Guantanamo and has committed few significant disciplinary infractions, most likely because the detention staff has treated him more humanely than he had expected. He demonstrated varying levels of cooperation when he met with interrogators, providing some information while giving conflicting accounts of his involvement in extremism.

Mr. Kamin has expressed non-extremist goals for life after detention, but his continuing links to Afghan militants and to a region that is rife with extremist activities would put him at risk of being drawn back into the fight if he were repatriated. He has blamed his former comrades for setting him on a path that led to his detention, and he has said he fears their reprisals for providing information to the U.S. An individual who might try to incite Mr. Kamin to rejoin the fight is Abdul Manan, whose identity is uncertain but whom Mr. Kamin said recruited him for jihad and acted as his interlocutor with terrorist groups. However, Manan was one the former associates Mr. Kamin blamed for his detention, suggesting that Manan would not be able to entice Mr. Kamin to reengage voluntarily. Mr. Kamin's family continues to live in Khowst, Afghanistan, a safe haven for al-Qa'ida and other extremists.

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[Translator one conferring with translator two and the presiding member.]

TRANS 2: Mr. Kamin, the detainee, said "I don't need it because I already read;" there is no need for translation of those statements.

PM: Okay. Thank you very much, then.

Do the personal representatives and private counsel wish to make an unclassified opening statement at this time?

PR 1: Yes, sir.

TRANS 2: [Translation of above.]

PM: I would like to remind all participants that any information shared at this time must be unclassified. If there is a concern about the classification of the information, I will indicate such and the proceedings will stop until the classification issue is resolved.

TRANS 1: [Translation of above.]

PM: Thank you. Has the detainee had the opportunity to review the PR's and PC's opening statements?

TRANS 1: [Translation of above.]

PR 1: Yes, sir.

TRANS 2: [Translation of above.]

PM: Thank you.

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Personal representatives, you may proceed with your opening statements.

TRANS 1: [Translation of above.]

PR 1: Good Morning, ladies and gentlemen of the Board. We are the personal representatives for Mr. Muhammad Kamin. We are accompanied today by Mr. Kamin's private counsel, Shane Kadidal and our Pashtu linguist. I have met Mr. Kamin 12 times and he has always been cooperative and friendly during our meetings, showing the same respect to a female as he would a male. He is the first detainee that I have met that would shake my hand. When I am trying to get to know a detainee, I try to understand both his personality as well as his culture. During my time getting to know Mr. Kamin, I definitely noticed the Pashtu cultural difference in regards to being a tribal culture. As a PR, I have to ask questions about family support, if recommended for transfer. Early on, I noticed that when Mr. Kamin spoke of his family, he was actually referring to his tribe, not his immediate family.

What I learned through these interactions is that Mr. Kamin's tribe and family are ready to support him upon his return. Since 2010, both the tribal elders and family members have written statements, submitted prior to the board, accepting his support upon release. In addition, Mr. Kamin has a plan to become a

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grocer; and his uncle intends to help him in support of this endeavor. Mr. Kamin's private counsel has submitted a written statement that if approved for transfer, ongoing support will be available to Mr. Kamin after his transfer from GTMO. Mr. Kamin once said to me, "I am a human and I know I made mistakes." Since I have known him, he has always seemed sincere, not denying his past but learning from his mistakes. Another area that points to his character is the fact that while at GTMO, he has been one of the most compliant detainees. Mr. Kamin has changed.

In this forward looking process, Mr. Kamin has a plan for an occupation and a family life and a large amount of tribal support. He harbors no ill will towards the United States. He is here today ready to answer your questions so that you can see for yourself that he does not pose a significant threat towards the United States. We respectfully ask that you consider Mr. Kamin to be recommended for transfer. Let him return to his tribe to have a second chance at life. We will be happy to answer any questions you may have throughout this proceedings. I will now defer to Mr. Kadidal, the private counsel for Mr. Kamin, for his opening statement.

PM: Thank you very much.

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Private counsel, you may now proceed with your opening statements.

PC: Good morning, thank you. My name is Shayana Kadidal. I am the managing attorney of the Guantanamo litigation project at the Center for Constitutional Rights in New York City. And it is my privilege to represent Mohammad Kamin and to appear before this Board today. I do so on behalf of my fellow private counsel, Wells Dixon of CCR and Paul Rashkind. Mr. Rashkind has represented Mr. Kamin for over six years and throughout that time has had the benefit of sharing research with a succession of excellent military commission defense counsel, including his Army counsel, whose letter of support the Board has before it. Over the course of those many years, we as a group have gotten to know Mr. Kamin quite well. And based on that long experience we can say a few things about him without reservation.

First of all, our client desires nothing more than to return to life with his extended family, his elderly father, his wife and his young son in Afghanistan. The Army counsel's letter speaks eloquently of how Kamin begins meetings with him by asking after the counsel's family, how Kamin has "more than once indicated the respect he has for his wife who remained by his side through all these years," and how "he yearns for the day when he can once again hold

his family members in his arms and tell them, in person, that he loves them.

His family support network in Afghanistan is strong. He has been in regular contact with them thru the video calls facilitated by the Red Cross. As the stack of letters, videos and photographs we submitted to the Board attests, the members of his extended family and community have been ready and eager to have him back throughout the length of his detention, and they remain so today.

The life he would return to is the same life his father has known: a simple local existence. His father was a farmer who has made the upwardly-mobile transition to being a small-scale merchant. Now, that is a life uncomplicated enough to facilitate the sometimes-difficult transition back to civilian society, but would also provide opportunities to accommodate normal aspirations for social mobility that may arise once Mr. Kamin's transition back to life outside this prison is complete.

There is every reason to believe that he will make that transition successfully. By no one's account is our client ideological in his mindset. Throughout his detention he has dealt exceptionally well with others, with the guards and the authorities, with the Arabic-speaking detainees who comprise the majority of the

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prison population, and with a variety of his own counsel and Pashtu language interpreters. Guantanamo is obviously a difficult place to be and can be especially so for those whose linguistic community comprises only a tiny subset of the prison, but Mr. Kamin has dealt with his prolonged detention with grace throughout his 11 years here. Both his open-mindedness and his respect for others have been noted throughout the record before this Board. The Army counsel's letter says, "Mr. Kamin has been unfailingly polite, cordial, and pleasant in every interaction I or any member of his team have had with him," and that the Army counsel has "found him to be both intelligent and intellectually curious, and has come to appreciate his perspective on historical, cultural and political matters." The Army counsel even notes "as one seemingly minor, but illuminating example, that, unlike many detainees, Mr. Kamin has no objection to the participation of a female translator on his team and has in fact has built a relationship of mutual trust and respect with his female translator, routinely addressing her by the respectful, if colloquial, term of aunt during our meetings."

His previous Navy military counsel has reinforced every one of those points in her letter of support, stating that in three years and over 30 meetings, Kamin "never spoke or acted in any way that one might associate with religious extremism" and that she "never saw him

act in any way that led me to believe he had anti-American views." Now, these are not the judgments of people naïve to the consequences of religious extremism or antipathy to the United States. The Army counsel is himself a decorated combat veteran deployed to Baghdad in 2003 and 2004. For other individuals whose detention is reviewed here, this Board may feel the need to question whether the detainee harbors longstanding feelings of resentment against the United States or its foreign policy against unfamiliar cultures or different religions. But none of those issues are remotely present in this case.

That Kamin is a respectful, tolerant, and introspective man who simply aspires to return to a family and community that are ready to receive him back has been consistently demonstrated over the many years of his detention. It is not a portrait that was manufactured for the benefit of this periodic review board as today's hearing date has approached. Nor has the picture of his personality changed radically since the widespread improvement in camp conditions that took place in early 2009. Instead, as the materials before this Board indicate, these personal traits and the strong support of his family have been on consistent display over the many years he has spent here in Guantanamo.

Now, though this is not a court of law, I mention two legal

matters only because they bear on the question of whether there remain viable alternatives to clearing our client for release. First, recent decisions of the D.C. Circuit have now made it entirely clear that Kamin cannot be charged by military commission. And second, the President has repeatedly stated that our direct involvement in the conflict in Afghanistan, the ongoing nature of which has been the justification for Kamin's continued detention without charge, is at an end, which must bring into question the legal basis for that detention. Fortunately, as an Afghan, his repatriation would not be problematic.

Kamin's private counsel stand ready to assist his repatriation and reintegration into society. CCR has special expertise in this regard, having done the same for a large number of clients repatriated or resettled around the world. For several clients who were resettled and repatriated by the Administration from 2009 onwards, we worked with the State Department and host governments on transition plans for clients; we visited the clients multiple times after release; we served as an ongoing point of contact for local authorities; we provided financial assistance and referrals for needs ranging from live-in interpreters to mental health care where needed; and we partnered with other NGOs and organizations to help address these special needs. We were a trusted

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and experienced resource in facilitating a successful transition for these clients, who are now rebuilding their lives. A number of former CCR clients have even successfully pursued higher education at universities after leaving Guantanamo. And finally, we have specific experience working with groups on the ground in Afghanistan. We would, of course, offer the same assistance for Mr. Kamin.

CCR and Mr. Rashkind have represented dozens of detainees here at Guantanamo since 2002, and we have absolute confidence that Mr. Kamin will not pose a threat to the national security of the United States if released. We respectfully submit that he should be approved for transfer from Guantanamo consistent with the President's mandate to close the prison.

PM: Thank you very much for your opening statement.

We understand that Board members may reserve questions until detainee and witness statements have been presented in their entirety.

Does any member of the Board have a question for the personal representatives or private counsel in this session?

TRANS 1: [Translation of above.]

[No verbal response from the members.]

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PM: Seeing no questions, this concludes this portion of the hearing. I ask that all remain seated until further instructed by the case administrator.

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

[The public session closed at 0928, 18 August 2015.]

[At this point, the unclassified portion of the hearing ended.]

[END OF PAGE]

ABBREVIATION AND ACRONYM KEY

BM: BOARD MEMBER

DET: DETAINEE

PC: PRIVATE COUNSEL

PM: PRESIDING MEMBER

PR 1: PERSONAL REPRESENTATIVE ONE

PR 2: PERSONAL REPRESENTATIVE TWO

TRANS 1: TRANSLATOR ONE (LOCATED AT PRS HQ)

TRANS 2: TRANSLATOR TWO (LOCATED AT GUANTANAMO BAY)