

PERIODIC REVIEW BOARD INITIAL HEARING, 18 AUG 2015
MUHAMMAD KAMIN, ISN 1045
OPENING STATEMENT OF PERSONAL REPRESENTATIVE

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 Pashto Linguist. I have met Mr. Kamin twelve 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 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 also a large amount of tribal support. He harbors no ill will towards the U.S. He is here today ready to answer your questions so that you can see for yourself that he does not pose a significant threat toward 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 proceeding. I will now defer to Mr. Kadidal, the Private Counsel for Mr. Kamin, for his opening statement.

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MOHAMMED KAMIN, ISN 1045
PRIVATE COUNSEL STATEMENT

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. It is my privilege to represent Mohammed 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 former 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, and wife and young son in Afghanistan. The former 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 has 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. That is a life uncomplicated enough to facilitate the sometimes-difficult transition back to civilian society, but that also would 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 prison population, and with a variety of his own counsel and Pashto-language interpreters. Guantanamo is 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 eleven years here.

Both his open-mindedness and his respect for others have been noted throughout the record before this Board. The former Army counsel's letter says that "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 "[a]s 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 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 a way that led me to believe he had anti-American views." These are not the judgments of people naïve to the consequences of religious extremism or antipathy to the United States – The former 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. 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 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 demonstrate – 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.

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. 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 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; and we partnered with other NGOs and organizations to help address other needs. We were a trusted 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. 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 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.