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1 CA: This Periodic Review Board is being conducted at 0903, on  
2 29 June 2021 with regard to the following detainee: Haroon  
3 al-Afghani (ISN 3148).

4 DC Translator: *Translates above.*

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

8 DC Translator: *Translates above.*

9 CA: Representatives from the following agencies are present and  
10 are members of the Board: Department of Defense, Department  
11 of State, Department of Justice, Department of Homeland  
12 Security, Office of the Director of National Intelligence  
13 and Office of the Chairman of the Joint Chiefs of Staff.

14 DC Translator: *Translates above*

15 CA: The following personnel are also present: Legal Advisor to  
16 the Board, Case Administrators, Personal Representative,  
17 translators, Private Counsel, the detainee and the Security  
18 Officer.

19 DC Translator: *Translates above.*

20 CA: The detainee's Personal Representative, Private Counsel,  
21 the detainee, and translator are located at the detention  
22 facility, U.S. Naval Station Guantanamo Bay, Cuba. They are  
23 attending via video teleconference. The detainee has waived  
24 translation of the unclassified summary and the Personal  
25 Representative statement and Private Counsel statement.  
26 The Personal Representative opening state has been posted  
27 to the Periodic Review Secretariat website. Foreign,  
28 national and local media; Foreign Government Officials and  
29 Representatives from Non-Governmental Organizations may be  
30 observing this session.

31 DC Translator: *Translates above.*

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32 PM: This Board is convened to determine whether continued law  
33 of war detention is warranted for Haroon al-Afghani (ISN  
34 3148) to protect against a continuing significant threat to  
35 the security of the United States. From here on forward we  
36 will refer to the detainee as Asad.

37 DC Translator: *Translates above.*

38 PM: This session of the hearing is unclassified.

39 This session of the hearing is unclassified.

40 PM: Asad this is your Period Review Board to determine whether  
41 continue law of war detention is warranted in your case.  
42 Continued law of detention will be warranted if it is  
43 necessary to protect against the continuing significant  
44 threat to the national security of the United States. The  
45 focus of this hear is on your threat, the threat you may  
46 pose to the United States and its interest if transferred  
47 or released from U.S. custody. It is not on the lawfulness  
48 of your detention.

49 DC Translator: *Translates above.*

50 PM: The Personal Representative is your representative to  
51 assist you during this process. Finally, the translator  
52 ensure that everyone understands your statements and that  
53 you understand what is being said during this hearing.

54 DC Translator: *Translates above.*

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

57 DC Translator: *Translates above.*

58 PR: Yes, Sir.

59 PC: Yes, Sir.

60 PM: Thank you. I will now read the UNCLASSIFIED SUMMARY: Haroon  
61 al-Afghani (ISN 3148) was a Hezb-e Islami Gulbuddin (HIG)  
62 commander who organized and led attacks against coalition  
63 forces in Afghanistan and served as a link between senior

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64 Al-Qaeda members and the anti-coalition fighters. He was a  
65 courier for Al-Qaeda military commander 'Abd al-Hadi al-  
66 Iraqi (ISN-10026) until 2003 or 2004. Afghani was arrested  
67 along with other HIG associates in 2007, according to  
68 Afghan authorities. Does the Personal Representative wish  
69 to make unclassified Opening Statement at this time?

70 DC Translator: *Translates above.*

71 PR: Yes, Sir.

72 PC: Yes, Sir.

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

78 DC Translator: *Translates above.*

79 PM: Has the detainee had the opportunity to review your  
80 statements?

81 DC Translator: *Translates above.*

82 PR: Yes, Sir.

83 GTMO Translator: *Translates above.*

84 PM: Personal Representative, you may now proceed.

85 DCTranslator: *Translates above*

86 PR: Honorable Board Members, thank you for the opportunity to  
87 provide a statement on behalf of Mr. al-Afghani in hopes of  
88 securing a recommendation for transfer from Guantanamo Bay.  
89 Despite receiving a negative result from his last hearing,  
90 Mr. al-Afghani continues to express hope in the PRB  
91 process. He has stressed that his only desire is to be  
92 reunited with his family in order to live a peaceful life.  
93 As the sole Afghan in his section of detention, he feels  
94 isolated and cut off from his culture and language. In  
95 addition, the group that Mr. al-Afghani fully admits to

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96 having been a member of, Hezb-i-Islami Afghanistan (HIA),  
97 is now actively part of the peace process in Afghanistan.  
98 Through our discussions, he is confident that a  
99 recommendation for transfer from Guantanamo Bay would only  
100 serve to enhance that process. With the current situation  
101 in Afghanistan, I am confident that he is now more eager  
102 than ever to once again be a part of the lives of his wife  
103 and daughter and would very much appreciate a favorable  
104 recommendation from the board. Based on our interactions,  
105 I have not seen any indications that he is a continuing  
106 threat to the United States or its allies. Thank you for  
107 your time and consideration.

108 PM: Private Counsel you may now proceed.

109 DC Translator: *Translates above.*

110 PC: Periodic Review Board Members. My name is Mark Maher. It  
111 is my privilege to represent Asadullah Haroon Gul before  
112 this board today. Over the past five years, the lawyers at  
113 Reprieve and our pro bono, pro bono colleagues at Lewis  
114 Baach Kaufmann Middlemiss have come to know Asadullah very  
115 well. Based on that long experience, I can say a few  
116 things about him without reservation. First, Asadullah is  
117 an intelligent, warm-hearted, and thoughtful man. After  
118 all this time, his focus is on returning to his family and  
119 to help his daughter receive a proper education and to live  
120 the best life she possibly can. As the materials before  
121 this Board demonstrate, the support of his family and  
122 community, and his devotion to them, has been a constant  
123 for him over the many years he has spent in Guantánamo.  
124 The most important thing in Asadullah's life is his  
125 daughter, who is now 14 and whom he has not seen since she  
126 was a toddler. She hopes to one day be a doctor, and as her  
127 father, he supports this wholeheartedly. He was



128 particularly concerned with recent news concerning attacks  
129 on girls' schools, as he desperately wants his daughter to  
130 learn safely and peacefully. We have worked with Asadullah  
131 and his wife to help support her education and she now has  
132 private tutoring at her home in Kabul, so she can progress  
133 her education until Asadullah returns home. But this is a  
134 slim replacement for what he wants to give his daughter:  
135 the steady support of a parent, helping her with her  
136 homework, and discussing her day over dinner each evening.  
137 Asadullah's intelligence has been on full display since I  
138 first met him some three years ago. During our first  
139 meeting, he presented to me his study of female education  
140 in Afghanistan, a report which emphasized his own  
141 admiration for educators who promote female empowerment  
142 despite pushback from hardline groups. During that same  
143 meeting, I realized just how devoted to his daughter  
144 Asadullah is. Before we spoke about his habeas case, he  
145 told me about his most-recent call with his daughter, where  
146 they spent time going over her homework. I noticed in his  
147 voice that he felt a great deal of pride in knowing that  
148 his daughter came to him for help. Asadullah is university-  
149 educated and is adept with languages, and is able to speak  
150 Pashto, Farsi, Arabic, Urdu, and English. His focus at  
151 university was originally on politics, but he switched to  
152 economics, which reflects his true interests. He is of the  
153 view that his primary duty is to support his family  
154 financially rather than have anything to do with politics,  
155 so he needs to be well-versed in business. He does remain  
156 interests in politics, but almost exclusively in terms of  
157 how he can help bring stability to his country so that his  
158 daughter can enjoy a better life than he has. In  
159 discussing his country, he does not just focus on "peace"

160 as an abstract concept. When we have discussed  
161 Afghanistan's future, he has noted the importance of the  
162 democratic process as a means of ensuring all Afghans feel  
163 that their voices and concerns are heard. He has also  
164 emphasized the importance of a modernized and safe  
165 infrastructure for Afghanistan. He noted, accurately, that  
166 foreign investment will be integral to Afghanistan's future  
167 success, and that ensuring tourists, goods, and moneys can  
168 be safely transported into and out of the country is a  
169 prerequisite for success. This is unsurprising: Asadullah  
170 was born into a country devastated by the Soviet invasion,  
171 the effects of which are still being felt. His primary  
172 focus is on ensuring the Afghanistan he leaves to his  
173 daughter will be safe, and prosperous. His daughter,  
174 Afghanistan, and our own nation will be better with him  
175 free and participating in his own small way in building a  
176 better future. This is not an opinion I hold alone. In  
177 fact, it is shared by the Government of the Islamic  
178 Republic of Afghanistan. This Board is well aware of the  
179 support Asadullah has received. I understand that  
180 representatives from the Afghan embassy in Washington, DC  
181 are present today to view the public portion of this  
182 hearing. Further, the government recently took the  
183 unprecedented step of filing an amicus curiae brief in  
184 Asadullah's habeas proceeding, a copy of which is before  
185 the Board. This brief is the equivalent of our own State  
186 Department formally requesting the return of an American  
187 citizen. As you can imagine, it is not a step lightly  
188 taken, and reflects just how seriously our ally wants  
189 Asadullah returned. Reading the amicus brief, it is  
190 inescapable that the Afghan government knows Asadullah, and  
191 has concluded that he is no threat to them or to the United



192 States. It is also clear that the Afghan Government  
193 engaged in lengthy negotiations with the leadership of HIA,  
194 resulting almost five years ago now in a peace agreement,  
195 an agreement that the Afghan government negotiated with  
196 full agreement from the United States. Thus, many of the  
197 leading members of HIA are now in the government, promoting  
198 peace and opposing extremism. We (his lawyers) have been  
199 to Kabul and have met with the HIA leadership as well as  
200 other members of government, and we have built the lines of  
201 communication that will allow Asadullah to reintegrate  
202 smoothly and safely into society. It should be underlined  
203 that we - along with Asadullah - have agreed to voluntary  
204 security arrangements should the Afghan government deem  
205 them necessary. We do not for a moment think that they are  
206 needed, but it is an indication of Asadullah's good faith  
207 that he is willing to agree to meet any concern that anyone  
208 might have in Afghanistan or anywhere else. In addition to  
209 the support from his government, Asadullah will also enjoy  
210 the support of Reprieve's Life After Guantánamo Project.  
211 This Board has before it a statement from my colleague,  
212 Katherine Taylor, outlining the support Asadullah will  
213 receive upon release. I will not repeat that statement,  
214 except to say that Reprieve will be able to provide  
215 Asadullah with ready access to service providers to ensure  
216 his transition back to Afghanistan is as easy and seamless  
217 as possible. Asadullah will also have the support of a  
218 loving family who is ready to ready to welcome him home  
219 immediately. When he is released, he will live with his  
220 wife, daughter, and brother-in-law in a home they are  
221 currently renting in Kabul. After he has some time to get  
222 back on his feet, they plan on moving to a larger house  
223 that they will be able to live in collectively. I have

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224 spoken at length with Asadullah and his brother and plans  
225 are already in motion for Asadullah to work as a honey bee  
226 keeper. You will have seen in Asadullah's public file his  
227 plan for a honey farm. His family has worked to make this  
228 goal a reality. I should note that this is a very  
229 lucrative and growing industry in Afghanistan. I was not  
230 aware of this before meeting Asadullah, but in my research  
231 I have found countless articles discussing the growth of  
232 the honey bee industry in Afghanistan, and what a boon it  
233 has been to entrepreneurs in recent years. I am also told  
234 that there is a specific street in Kabul where honey  
235 vendors sell their wares and provide tastings. I hope that  
236 when I visit him, Asadullah will give me a discount. I will  
237 close by again stating that it truly is an honor to be  
238 before this Board with Asadullah. I along with everyone at  
239 Reprieve look forward to continuing to support him and his  
240 family in the years to come. Thank you for your time, and  
241 consideration, and for expediting this hearing. I  
242 respectfully submit that Asadullah should be approved for  
243 transfer from Guantánamo. I am happy to answer any  
244 questions this Board may have.

245 PM: Thank you. Board Members may reserve questions until  
246 detainee and witness statements have been presented in  
247 their entirety. However, does anyone have any questions at  
248 this particular time?

249 DC Translator: *Translates above.*

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

253 DC Translator: *Translates above.*

254 CA: We will take a short recess to prepare for remaining  
255 sessions. Time now 0922.

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