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PERIODIC REVIEW BOARD FILE REVIEW, 26 JUN 2018
HAROON AL-AFGHANI, ISN 3148
PERSONAL REPRESENTATIVE STATEMENT

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 / 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 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 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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[REPRIEVE U.S.]

30 May 2018

Periodic Review Board
c/o Periodic Review Secretariat
U.S. Department of Defense

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RE: PRS Full Review for Haroon "al-Afghani" Gul, ISN 3148

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-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 him with a crime in a military commission proceeding or any other.

In light of the Trump Administration's clear policy against the release of Guantánamo 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. This advice takes into account many factors—all of which stem from recent action (and inaction) on the part of the Executive. It takes no mathematical prowess to determine this past year's rate of affirmative determinations in the PRB process: 0%. Nor does it defy connection that this rate-drop—from approximately 59.4% to 0%¹—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."²

As you well know, the Administration has also closed the Office of the Special Envoy for Guantánamo 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.³ 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

¹ The figure 59.4% is derived from data found on prs.mil and accounts for the number of detainees who received an affirmative post-hearing determination in the cumulative history of the PRB process up until January 20, 2017. The figure 0% represents not only the percentage of men who received such an approval for transfer since January 20, 2017, but also the percentage of those who received an affirmative determination in the File Review process.

² See <http://abcnews.go.com/Politics/donald-trump-authorize-waterboarding/story?id=36760677>; see <https://twitter.com/realdonaldtrump/status/816333480409833472?lang=en>.

³ See <https://www.nytimes.com/2013/01/29/us/politics/state-dept-closes-office-working-on-closing-guantanamo-prison.html>.

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demote and dismiss former Envoy's Office staff, forbidding them to work on former detainee affairs altogether.⁴

Further cementing that path is a court filing made by the Department of Justice in response to a January 18, 2018 court order requiring the Government to address "whether [it] intends to transfer the Petitioners previously designated for transfer by the Task Force and/or PRB."⁵ The Government's response, filed February 16, 2018 in the consolidated cases of eight current detainees, contained no plans for the release of currently cleared men.⁶ 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.⁷

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.⁸

With all due respect for your efforts to continue 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 US 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 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 Guantánamo 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 Guantánamo today and I see no indication that his behavior or statements over the last decade contradict that

⁴ See <http://thehill.com/homenews/administration/370944-some-state-dept-employees-retain-lawyers-amid-career-concerns-report>; see <https://www.nytimes.com/2018/04/05/us/politics/guantanamo-detainees-senegal-libya.html> ("We understood that we had an obligation to follow up with the receiving government on the detainees," said Daniel Fried, a former ambassador who was the special envoy in the Obama administration's first term. "It sounds great to abolish the office—we are not closing Gitmo, therefore we don't need a Gitmo closure office, ha-ha, look how clever we are"—but what you in fact are doing is losing the ability to follow up on these people, which is essential to security."); the above narrative is supported by a catalogue of evidence collected by undersigned counsel from myriad phone calls, emails, and voicemails from former Envoy's Office staffers as well as representatives of foreign governments.

⁵ Eleven petitioners in the following cases filed a Motion for Order Granting Writ of Habeas Corpus on January 11, 2018: 04-cv-1194 (TFH) (ISN 569), 05-cv-23 (UNA) (ISN 841), 05-cv-764 (CKK) (ISN 244), 05-cv-1607 (RCL) (ISNs 1460, 1461), 05-cv-2386 (RBW) (ISNs 893, 1453), 08-cv-1360 (EGS) (ISN 10016), 08-cv-1440 (CKK) (ISN 10025), 09-cv-745 (RCL) (ISN 1457), 10-cv-1020 (RJJ) (ISN 685)—see

https://ccrjustice.org/sites/default/files/attach/2018/01/AlBihani_et_al_v_Trump_MotionforOrderGrantingWrit.pdf; Judge Kollar-Kotelly then entered a Scheduling Order on January 18, 2018, in the consolidated cases of eight of the original eleven detainees, including Mr. Rabbani—see

<https://ccrjustice.org/sites/default/files/attach/2018/01/CKK%20Order%20of%20Jan%2018%202018.pdf>.

⁶ See <https://ccrjustice.org/sites/default/files/attach/2018/02/2018-02->

<https://ccrjustice.org/sites/default/files/attach/2018/02/2018-02->

⁷ In addition to the two men cleared by the PRB process, the Administration has failed to facilitate the transfers of those with affirmative determinations from the PRB's predecessor process: former President Obama's "Guantánamo Review Task Force," which approved three of the remaining five men approved for transfer today.

⁸ Memorandum Opinion, *Nasser v. Trump*, No. 05-cv-00764 (D.D.C. Jan. 19, 2017), ECF No. 262.

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assertion. If this review is intended to be a true evaluation of the threat he poses today, as opposed to 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.

Sincerely,

Shelby Sullivan-Bennis

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