

Center for Constitutional Rights

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://ccrjustice.org/home/what-we-do/our-cases/mohammed-kamin-periodic-review-board-prb-proceedings>

Campaign and Advocacy

Kamin's PRB hearing took place on August 18, 2015; he was notified that the board decided he should be cleared for transfer on October 7, 2015, and 10 1/2 months later, he was transferred to the United Arab Emirates on August 15, 2016.

Paul Rashkind, Florida Federal Public Defender's Office (Kamin's Habeas Lawyer)

[Mohammed Kamin](#)

Mohammed Kamins Periodic Review Board (PRB) proceedings were part of an administrative process created to review the cases of those Guantanamo detainees who are neither already cleared for release nor currently charged by military commission, in order to determine whether they, too, can be safely cleared for release.

After being held in U.S. custody in Khowst, Afghanistan for more than a year, Kamin was eventually among the last group of conventional detainees transferred into Guantanamo in September 2004, several months *after* the Supreme Courts decision in [Rasul v. Bush](#) extended the right to judicial review to Guantanamo detainees. It appears that a number of those late-arriving detainees were brought to Guantanamo in order to be charged and serve as success stories for the troubled military commission process. Like several of them, Kamin was eventually charged before military commission, accused of having participated in the Afghan insurgency for some five months before his capture. Those material support charges were eventually dropped, and D.C. Circuit decisions have since determined that the offense of providing material support cannot be tried by military commission, meaning that Kamin cannot ever legally be charged. Moreover, the president has repeatedly stated that our direct involvement in the conflict in Afghanistan the ongoing nature of which has been the justification for Kamins continued detention without charge is at an end: with it the legal basis for Kamins indefinite detention should expire as well.

Nothing in the accusations lodged against Kamin would indicate that he served as anything other than a paid foot soldier for the insurgency. He is *not* accused of being a religious fanatic or a political ideologue motivated by hatred of the United States. Had he remained in coalition detention in Afghanistan (rather than being sent to Guantanamo to validate the military commission system), he would likely have been put through the national reconciliation system after a few years and released back to the care of his family and made the responsibility of his local community and village leaders. Instead, having been brought to Guantanamo, he has remained there for over a decade.

Kamin has received an enormous number of support letters as part of his PRB submissions. Four of the military lawyers who worked on his commissions defense over the years have written letters in support of his clearance, including among their number individuals who served in combat in Iraq and in Afghanistan and several Bronze Star recipients. Those letters attest that he is not bitter about his years of detention, and wants nothing more than to return to life with his wife, child, and larger family in Khowst. He has also received letters of support from various civil society and political leaders in Afghanistan: elders, maliks, and imams from Khowst province, local senators and members of parliament, the president of his provincial council, and the president of the Afghan Human Rights Organization all endorsing his release and offering their support in assisting his transition back to life as a free man. CCR hopes to work with Kamin after his release to ensure a successful transition back to civilian life, as we have with many other former detainees, working in conjunction with the State Department, the Afghan government and international and Afghan NGOs to provide educational, financial, medical, psychological, and other forms of support as needed.

On October 7, 2015, Kamin was informed that he has been cleared for transfer by the PRB, which cited his "candor" about past activities, the fact that he was one of the "more compliant" detainees, the absence of any sign that he holds "extremist" or "anti-American views," and his strong "family and tribal support." Kamin was the third detainee formerly charged before military commission who has been cleared by his PRB (as of August 9, 2016 a total of seven others charged or designated for charge by the Guantanamo Review Task Force also have been cleared).

Kamin's initial PRB decision implied that he would be sent home to some part of Afghanistan "with appropriate security assurances," but apparently the U.S. government decided to resettle rather than repatriate several PRB-cleared Afghans, and, along with two other countrymen, he was resettled in the United Arab Emirates on August 15, 2016 some 10 1/2 months after his initial clearance decision.

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