

Center for Constitutional Rights

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

<https://ccrjustice.org/mohammed-kamin>

Campaign and Advocacy

Mohammed Kamin is an Afghan who has been detained at Guantnamo since 2004.

Kamin was detained in U.S. custody in Khowst, Afghanistan in 2003 when his son, now 13 years old, was just a small boy. He was among the last group of non-high value detainees transferred to Guantnamo in September 2004, several months *after* the Supreme Courts decision in *Rasul v. Bush* extended the right to judicial review to Guantnamo detainees. It appears that a number of those late-arriving detainees were brought to Guantnamo 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 the U.S.s 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, and with it the legal basis for Kamins indefinite detention should expire as well.

Because of this legal limbo, Kamin was eligible for review by the Periodic Review Board (PRB), an administrative process created to review the cases of those Guantnamo 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. 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 is one of a handful of detainees who were formerly charged before military commission, and eventually cleared by the PRB.

Kamin was resettled on August 15, 2016 in the United Arab Emirates. He has a wife, child, and larger family living in Khowst, Afghanistan.

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