

FOR IMMEDIATE RELEASE

ATLANTA — Awal Gul passed away on February 1, 2011, from an apparent heart attack, although we have no way of knowing whether the government is telling us the truth. It is ironic that Mr. Gul may have died doing the very thing that many middle-aged Americans do every day: exercising. Among the government's three categories of Guantanamo prisoners -- court prosecution, cleared for release, or indefinite detention -- I am sorry to say he was in the last category. Mr. Gul was kind, philosophical, devout, and hopeful to the end, in spite of all that our government has put him through. He was in American custody from December 25, 2001, until now. The government charged that he was a prominent member of the Taliban and its military, but we proved that this is false. Indeed, we have documents from Afghanistan, even a letter from Mullah Omar himself on Taliban letterhead, discussing Mr. Gul's efforts to resign from the Taliban a year or more before 9/11/01. He resigned because he was disgusted by the Taliban's growing penchant for corruption and abuse. Mr. Gul was never an enemy of the United States in any way.

It is a shame that the government will finally fly him home not in handcuffs and a hood, but in a casket. It is also a shame that Mr. Gul sat imprisoned for years while the Congress (including Democrats and Republicans), two Presidents (Democratic and Republican), the federal courts, and the Departments of State, Defense, and Justice failed to show the maturity and leadership necessary to resolve Mr. Gul's case. He deserved better. His family, including his many children and grandchildren, deserved better.

Mr. Gul's enduring hope for Afghanistan, and even the United States forces in Afghanistan, is captured in an Afghan proverb he quoted to us more than once: "You cannot wash blood with blood."

The Department of Defense's press release earlier today is outrageous for a couple reasons. The government, through this post-death statement, makes claims more outlandish even than the government lawyers in Mr. Gul's habeas case. We now hear for the very first time in the nearly 10 years since Mr. Gul's arrest, that (1) he operated a guesthouse for Al-Qaida members, and (2) that he admitted providing bin Laden operational support on several occasions. Over the course of almost 3 years in court, the government has never provided any evidence at all to support this slander. Neither Mr. Gul nor any credible witness has ever said such things. Indeed, this is why the government placed Mr. Gul in the group of prisoners set for "indefinite detention;" it admitted that it lacked any credible evidence to prove its suspicions in a court of law. The government never even made these claims until now, when Mr. Gul is not alive to defend himself.

Beginning in the early 1980's, Mr. Gul was a member of local forces who were allied with the United States against the Soviets. From 1989-1996, he continued to run the local weapons depot in his hometown, not unlike a police commander, which he used to keep the peace. In 1996, the Taliban swept through eastern Afghanistan and took over his city at the barrel of a gun. Mr. Gul was given two options: flee with your family to Pakistan or stay home and operate the depot at the command of the Taliban. It must be remembered that the Taliban was initially greeted warmly by many Afghans, and even the American government, as a source of hope. Mr. Gul stayed home. The Taliban soon proved themselves to be as corrupt and abusive as we can imagine. Mr. Gul discovered this change over time and resigned from the Taliban more than one year before September 11, 2001. He was arrested in December 2001 when he voluntarily traveled to meet American military officials. He had nothing to hide then and has nothing to hide now. We shared all the evidence from Afghanistan that proves his innocence with the government and the federal court. Mr. Gul hoped for justice in heaven. He found none on Earth.

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