

(Note: Gordon Haberman was one of the few 9/11 Family Members who attended one of the military trials at Guantanamo Detection Center.)

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Mr. David Kris, Assistant Attorney General for National Security
Mr. Matthew Olsen, Executive Director, Guantanamo Review Task Force
Mr. Charles Steele, Deputy Director, Guantanamo Review Task Force
Colonel Mark Martins, Co-Chair, Detention Policy Task Force
Mr. Brad Wiegman, Co-Chair Detention Policy Task Force

RE: Guantanamo Review Task Force and Detention Task Force
Meeting of June 17th, 2009 regarding prosecution and disposition of detainees
currently held at the Guantanamo detention facility

Gentlemen:

I wish to express my gratitude for the opportunity of attending this most extraordinary meeting. I found it to be informative and encompassing in its scope as to the challenges the Review Task Forces face in complying with the Executive Order of January 22, 2009. I came away with the feeling that all of you will approach this daunting task with an acute appreciation for the gravity your recommendations will have on the future.

Listening to the impassioned and articulate comments of those in attendance, I was struck by the fact that in one room were gathered a living history of the terrorist acts committed by Al-Qaeda. What you heard from the victims and survivors of the Bali bombing, the Embassy bombings, the Cole bombing and the attacks of 9/11; were the comments of those that have been most directly affected by these acts. They were the comments of those who desperately wished they would not have to be there, however once thrust into this terrible situation of being a 'victim'; decided to educate themselves, to become involved and to remain an advocate for those who have been lost. All of us fervently hope you will never in the future need to meet with another group such as us. After studying Al-Qaeda these past seven years and nine months I fear that will not be the case.

It is also my hope that you remember our comments as you make your recommendations to the President.

I wish to go on the record as being opposed to the closing of Guantanamo. I had asked all of you if the comments we made could possibly affect policy. You indicated yes. I think that by a show of hands that the message from the victims was clear. Guantanamo should be kept open. Guantanamo provides a safe and secure setting for the detainees and an in place venue for the trial of present and or future high level detainees. Certainly the errors

of the past (if any) in the treatment and interrogation of detainees have been corrected. I heard very little said about where future foreign defendants; detained in the field battle, will be transferred to and what their disposition will be. Guantanamo is in place for this purpose.

I also wish to go on the record as being in favor of continuing the trials of the five defendants; led by Khalid Sheik Mohammed, to a conclusion at Guantanamo. These defendants, who so proudly proclaim to be the architects of 9/11; are already well along in their trials, are being adequately and admirably defended and are being accorded the rights of the detained pursuant to law. I realize pursuant to the Executive Order, further reiterated in the Presidents press conference of May 21st and then again in his speech in Cairo in early June, this does not appear to be an option. That is unfortunate. Section 4 (c) (2) of the Presidents order indicates that the Review Task Force is charged with determining “whether it is possible” to transfer or release these detainees. Neither of those should be an option in the case of these five defendants. It appears that while the rights of the detainees are adequately being addressed, debated and agonized over by the highest levels of government; the rights of those gathered last week have become caught up in a political agenda of which we had no input. While the meeting of last week was extraordinary it should have been the third or forth meeting in a series of updates on the vital issues you are empowered to review.

It is unconscionable that we would even entertain the thought of bringing those individuals; whose trials are in process, to American soil, accord them the full legal rights of American citizens, and try them in the Federal Courts. Many of us have witnessed the plea and penalty trial of Moussaoui. I was honored to submit a statement to the court and attend the resentencing of Ahmed Ressay in Seattle last December. We have seen how Al Qaeda operates in the Federal Court system. We have seen these defendants carry their Jihad into a public venue. In the case of these two defendants there was no option as to venue. Moussaoui is now appealing his plea and I sat in stunned silence as the court reaffirmed a reduced sentence (which was based on cooperation in other AQ related trials) in the matter of Ressay. I have been privileged to meet with and talk with the incredibly dedicated and motivated prosecutors in the United States Attorneys and in the Department of Justice offices. Certainly for those arrested in our country for crimes related to terrorist activity the Federal Court System is the proper forum for trial. The Executive Order of 1/22/09 indicates “promptly to close detention facilities at Guantanamo consistent with the *national security interests* and foreign policy interests of the United States and the *interests of justice*...” (italics added). Trying the foreign nationals captured in war, in Federal Court, would serve neither our national security interest nor serve our system of justice. In the case of the high level detainees, being brought into the Federal Court system may mean that evidence obtained in their apprehension in the field of battle and then during their subsequent detention has a potential of being rendered non-admissible because of the methods used in obtaining it. As Colonel Martins and Mr. Kris affirmed, we are at war. A military courtroom is the proper jurisdiction for these individuals and presents the best opportunity to serve both the security interests and the interests of justice of the United States of America.

As you decide the proper venue of those to go to trial and also the disposition of those to be released I have no need to remind you that Al-Qaeda is dedicated, motivated and unshakeable in their twisted mission. And as you are aware that mission is clear...the destruction and disruption of the United States of America unless we bow to their demands. They are indiscriminate as to who they will kill and maim in order to accomplish this mission. It would be a travesty on top of the atrocity of 9/11 and to the victims of the other acts of murder and torture in which they perpetrated and participated in; and a mockery to the brave servicemen killed and the many thousands injured in this war **if even one** of those detainees released resumes his Jihad...his mission.

What follow up are you planning on those released?

Some of those released will or have already been released to countries of mixed and volatile political climates favorable to terrorist activities. Saudi Arabia and Yemen are two of the countries you have released or you plan to release detainees. Both have purportedly provided support to terrorist organizations in the past.

What guarantees from these governments do you have that the detainees released will not return to the field of battle?

In closing I am reminded of a quote attributed to bin-Laden: "Patience, Patience, Patience... until even God Himself has no Patience." And that is what those who mean to harm us will do... patiently wait. You are charged with a formidable task. Please complete that task with the awareness that those whose intent is to maim and kill American citizens are waiting and watching what you do also. I would also ask that you remember; as you go forth and make your recommendations, the reason we were all gathered on the 17th. My beautiful daughter Andrea is representative of that reason. While committing no crime, she was stripped of her rights; detained, tortured and brutally murdered. If you do not speak for her rights; for all of the past and future victims' rights of this senseless ideological insanity perpetrated by those whose intent is to harm ...then you will have been remiss in your duties.

America is the greatest country in the world. I am confident that whatever problems that may have been encountered in the apprehension detention and trial of detainees will be solved in a manner consistent with our tradition of justice and fairness.

Thank you for your time and consideration.

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CC:
Ms. Karen Loftus, OSD DMC
Representative James Sensenbrenner

Senator Herb Kohl
Senator Russell D Feingold