

# Trump, honor Obama's agreement to release Guantanamo detainee

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If President [Donald Trump](#) is interested in bringing swift justice to captured al Qaeda leaders, he can start by releasing a single detainee from Guantanamo Bay.

More precisely, Trump should honor the pretrial agreement struck between prosecutors and Ahmed Mohammed Ahmed Haza al Darbi, an admitted member of al Qaeda and Guantanamo Bay detainee who has pled guilty to a slew of terrorism-related offenses committed around the turn of the millennium.

Originally captured in 2002 in Azerbaijan, al Darbi offered his guilty plea and cooperation with the United States government in exchange for a sentence not to exceed 15 years, part of which may be satisfied by his participation in a reintegration program for repatriated detainees run by the Riyadh-based Prince Mohammed bin Naif Counseling and Care Center.

That agreement, however, was made in the Obama years. Although prosecutors remain optimistic Defense Secretary James Mattis will honor the deal, it is uncertain whether President Trump is on board. In January, then-President-elect Trump tweeted “There should be no further releases from Gitmo. These are extremely dangerous people and should not be allowed back onto the battlefield.”

When it comes to al Darbi’s case, however, the president should reconsider his position. While al Darbi deserves every second of the multiple life sentences he would normally receive for such heinous crimes, there is much more at stake.

First, there is the value of the carrot over the stick. For most detainees at Guantanamo Bay, the prospect of one day returning home, seeing their families, and freely roaming the earth is nearly irresistible. Prosecutors can and should exploit this longing for home, and in al Darbi’s case, securing the Saudi national’s cooperation proved exceptionally fruitful.

Over the span of a few weeks, al Darbi provided critically inculcating testimony against two senior al Qaeda leaders: Abd al-Rahim Hussein Muhammed Abdu Al-Nashiri, mastermind of the 2000 attack on the USS Cole that killed 17 U.S. sailors, and Abd al Hadi al-Iraqi, commander of al Qaeda’s fighters in Afghanistan and Pakistan between 2002 and 2004, and senior advisor to Osama bin Laden. In his courtroom deposition against Hadi, which I personally observed on behalf of Judicial Watch and the National Security Institute, al Darbi positively identified the defendant as the culprit, dealing a forceful blow to the defense’s argument of mistaken identity.

If Trump reneges on the pretrial agreement to satisfy his base, however, doing so may foreclose future opportunities to gain similarly incriminating testimony from other detainees. Once prosecutors’ credibility is tarnished, detainees will have very little incentive to cooperate, protracting even further what has become a nearly two-decade administration of justice.

Second, there is also the issue of U.S. credibility abroad. Part of al Darbi’s pretrial agreement relied on the Saudi Arabian government’s acquiescence to

its terms. The United States and the Kingdom of Saudi Arabia currently have an amicable relationship due in part to the latter's willingness to accept and rehabilitate Islamic extremists. A course reversal by the Trump administration would signal unreliability and possibly lead the Saudi Arabian government to hesitate before engaging in future repatriation talks, which could in turn hinder deradicalization efforts.

According to a special report by the University for Peace, having a predominantly-Muslim nation as a partner is crucial in preventing recidivism. "To understand why the Kingdom's (deradicalization) program has worked to date is to understand Saudi society," observed Saudi-based journalist Rob Wagner. "Saudis live their lives according to principles of the Koran, which not only serves the spiritual needs of Muslims but is also looked upon as a behavioral guide."

For more retributively-minded Americans, no doubt the thought of al Darbi escaping the imprisonment he deserves will be difficult to stomach. It is worth remembering, however, that although the U.S. may be relinquishing custody of an admitted Islamic extremist, the piper may still come to collect on al Darbi's years of terrorizing the West.

Ahmed al Darbi has offered critically inculcating evidence against former senior al Qaeda leaders and personal friends of Osama bin Laden; it is perhaps wishful thinking to believe one of the world's most resourceful and vicious terror syndicates would not have an interest in making an example of al Darbi's betrayal. Whether one considers such retaliation in derogation of the rule of law or the exemplar of poetic justice, or both, al Qaeda exacting revenge on al Darbi is a distinct possibility.

Questions of fairness aside, there is a strategic advantage in honoring al Darbi's pretrial agreement. President Trump should seize it.

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