

Exhibit L

~~UNCLASSIFIED//FOUO~~



DEPARTMENT OF DEFENSE
JOINT TASK FORCE 435
APO AE 09356

IN REPLY REFER TO:
JTF-435-LO

JUL 16 2010

MEMORANDUM FOR Commander, Task Force Protector, Bagram Airfield, Afghanistan
Director, Legal Operations, Bagram Airfield, Afghanistan

SUBJECT: 5 June 2010 Detainee Review Board (DRB) Recommendation for Continued Internment Approval for ISN 1432

1. I reviewed the findings and recommendations of the DRB that convened on 5 June 2010 concerning the internment of Detainee ISN 1432. By a vote of 3 to 0, the board members found that internment is necessary to mitigate the threat ISN 1432 poses. After consideration, I approve the DRB's finding and direct that ISN 1432 continue to be detained at the Detention Facility in Parwan.
2. The DRB's recommendation that ISN 1432 to be assessed as an Enduring Security Threat is approved.
3. The point of contact for this memorandum is CAPT ^{(b)(3), 10 USC 130b; (b)(6)}, Director of Legal Operations, JTF 435, at DSN(b)(2)

ROBERT S. HARWARD
Vice Admiral, U.S. Navy

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REPLY TO
ATTENTION OF:

DEPARTMENT OF DEFENSE
JOINT TASK FORCE 435
APO AE 09354



JTF-435-LO

5 June 2010

MEMORANDUM FOR Deputy Commander, Joint Task Force 435, Kabul, Afghanistan, APO
AE 0935

SUBJECT: 5 June 2010 Detainee Review Board Recommendation for the Continued Internment
of Ahmad Dilshad (ISN 1432)

1. The Detainee Review Board (DRB) met on 5 June 2010 and made the following findings and
recommendations concerning the internment of Ahmad Dilshad (ISN 1432):

a. Ahmad Dilshad (ISN 1432) meets the criteria for internment.

b. The continued internment of Ahmad Dilshad (ISN 1432) is necessary to mitigate the
threat he poses.

d. Ahmad Dilshad (ISN 1432) should not be considered for Reintegration programs
within the Detention Facility in Parwan.

e. Ahmad Dilshad (ISN 1432) should be classified as an Enduring Security Threat.

2. (b)(1); (b)(5); (b)(6)

3. (b)(1); (b)(5)

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Bagram-CENTCOM-DRB-366

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JTF-435-LO

SUBJECT: 5 June 2010 Detainee Review Board Recommendation for the Continued Internment of Ahmad Dilshad (ISN 1432)

(b)(1); (b)(5)

4. (b)(1); (b)(5)

5. (b)(1); (b)(5)

6. (b)(1); (b)(5)

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JTF-435-LO

SUBJECT: 5 June 2010 Detainee Review Board Recommendation for the Continued Internment of Ahmad Dilshad (ISN 1432)

(b)(1); (b)(5)

7. The Recorder called the following witnesses:

a. (b)(1); (b)(5); (b)(6)

b. (b)(1); (b)(3), 10 USC 130b; (b)(5); (b)(6)

8. (b)(1); (b)(5); (b)(6)

9. (b)(1); (b)(5); (b)(6)

In sum, based upon the evidence and testimony presented during his 5 June 2010 DRB, the continued internment of Ahmad Dilshad (ISN 1432) is necessary to mitigate the threat he poses and he should be

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JTF-435-LO

SUBJECT: 5 June 2010 Detainee Review Board Recommendation for the Continued Internment of Ahmad Dilshad (ISN 1432)

continually interned at the DFIP. Furthermore, the DRB assessed Ahmad Dilshad (ISN 1432) to be an Enduring Security Threat.

10. The point of contact for this review is CPI (b)(3); 10 USC 130b; (b)(6), Joint Task Force 435 at DSN(b)(2) (b)(2) or (b)(2); (b)(3), 10 USC 130b; (b)(6)

(b)(3), 10 USC 130b; (b)(6)

2 Encls.

1. DRB Voting Packet

MAJ, IN

2. Summarized Testimony with Exhibits

President, Detainee Review Board

Detainee Review Board report of Findings and Recommendations – Final Board Result v.22 Feb 2010

Date of Board 05 Jun 10	Detainee Name Ahmad (CDILSHAD)	Detainee ISN (b)(2) - 001432DP
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STEP 1 (FINDINGS): By a preponderance of the information presented, as a member of the Detainee Review Board (DRB), I find that:

The detainee DOES NOT MEET THE CRITERIA for internment and will be released. *Stop here and sign at the bottom.*

OR

The detainee listed above MEETS CRITERIA FOR INTERNMENT because he is a person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, and persons who harbored those responsible for those attacks; (*Continue to Step 2*) OR

The detainee listed above MEETS CRITERIA FOR INTERNMENT because he is a person who was part of, or substantially supported, Taliban or al-Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act, or has directly supported hostilities, in aid of such enemy armed forces. (*Continue to Step 2*)

STEP 2 (THREAT ASSESSMENT RECOMMENDATION): After taking into account the detainee's potential for rehabilitation, reconciliation, and eventual reintegration into society, by a preponderance of the information, I find that continued internment:

(b)(1); (b)(5)

IS NOT NECESSARY to mitigate the threat the detainee poses; (Go to Step 3A)

OR

IS NECESSARY to mitigate the threat the detainee poses (* the detainee will remain at the Detention Facility in Parwan (DFIP) to ensure detention required to mitigate his threat) (Go to Step 3B);

Explain the facts presented at the DRB which led to your recommendation/
(Mandatory regardless of which threat assessment is made):

see attached DRB report of findings & recommendation

STEP 3A: If your Recommendation in STEP 2 is that continued internment is not necessary to mitigate the threat the Detainee poses, then make one of the following recommendations: In light of the findings listed above, I recommend that the detainee be (PICK ONLY 1):

- Released without conditions; or
- Transferred to Afghan authorities for their consideration of criminal prosecution.
- Transferred to Afghan authorities for participation in a reconciliation or reintegration program.
- (For non-Afghan and non-U.S. third-country national): Transferred to a third country for: criminal prosecution // participation in a reconciliation program // or release. (*circle one*)

STEP 3B: If your Recommendation in STEP 2 is that continued internment is necessary to mitigate the threat the Detainee poses, make the following further recommendation, and then Go to Step 4.

(b)(1); (b)(5)

STEP 4: The Detainee IS or IS NOT an Enduring Security Threat (*circle one*).

DRB President (Printed) (b)(3), 10 USC 130b; (b)(6)

DRB President (Signature)

(b)(1); (b)(2); (b)(3), 10 USC 130b; (b)(5); (b)(6)

(b)(1); (b)(2); (b)(3), 10 USC 130b; (b)(5); (b)(6)

(b)(1); (b)(2); (b)(3), 10 USC 130b; (b)(5); (b)(6)

(b)(1); (b)(2); (b)(3), 10 USC 130b; (b)(5); (b)(6)

(b)(1); (b)(2); (b)(3), 10 USC 130b; (b)(5); (b)(6)

(b)(1); (b)(2); (b)(3), 10 USC 130b; (b)(5); (b)(6)

(U//~~FOUO~~) [ISN (b)(2)-001432DP, Ahmad Dilshad, entered the boardroom, took seat in front of the board members, and the unclassified hearing was called to order at 0912, 5 June 2010.]

(U) Persons Present:

(U) MAJOR (b)(3), 10 USC 130b; (b)(6), PRESIDENT OF THE BOARD;

(U) MAJOR (b)(3), 10 USC 130b; (b)(6), MEMBER ONE;

(U) MAJOR (b)(3), 10 USC 130b; (b)(6) MEMBER TWO;

(U) MAJOR (b)(3), 10 USC 130b; (b)(6), DETAINEE REVIEW BOARD
RECORDER

(U) LIEUTENANT COLONEL (b)(3), 10 USC 130b; (b)(6), PERSONAL
REPRESENTATIVE TWO;

(U) CAPTAIN (b)(3), 10 USC 130b; (b)(6), LEGAL ADVISOR; and

(U) STAFF SERGEANT (b)(3), 10 USC 130b; (b)(6), COURT REPORTER.

(U) The recorder was previously sworn.

(U) The detainee was advised by the president of how this board was not a criminal trial and how this board was to determine whether or not he met the criteria for further internment.

(U) The president also notified the detainee that he may be present at all open sessions of the board permitting that he acted appropriately. ISN 1432 was also advised that he could testify under oath or unsworn if he wished to do so, that he had a personal representative which was present at the hearing, that he may present information at the hearing including the testimony of witnesses, and that he can examine documents presented to the board all of which the detainee understood.

(U) Further, ISN 1432 was instructed that, at the conclusion of the board after the legal review, the board would determine whether he met the criteria for further internment at the Detention Facility in Parwan. If he did meet the criteria, then

he would be recommended for further internment or transferred to Pakistan authorities.

(U) Major (b)(3), 10 USC 130b; (b)(6) presented the following unclassified information to the board:

(U//FOUO) He was captured by coalition forces (b)(1); (b)(2)

(U//~~FOUO~~) Physical evidence includes address books, cell phone, IDs, passports, business documents, and compact disks.

(U//FOUO) (b)(2); (b)(5)

(U//FOUO) (b)(2); (b)(5)

(U//FOUO) (b)(2); (b)(5)

(U//~~FOUO~~) He meets internment criteria because he is part of, or substantially supported Al-Qaeda or LET forces or associated forces that were engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act or has directly supported hostilities in aid of such enemy forces.

(U) The detainee, ISN 1432, made the following statement to the board:

(U//~~FOUO~~) It's not only about the capture I am trying to defense myself, it's about myself too. It's about my defense. I want to know if I will get an answer to whatever defense I present.

(U) [The president of the board explained to the detainee that he and his personal representative will have an opportunity to present his case.]

(U) [The detainee continued.]

(U//~~FOUO~~) When I was captured and they told me that I was captured by (b)(1); (b)(2) forces, I don't know about that.

(b)(1); (b)(2)

(U//~~FOUO~~) Is there any rule that someone put a blank paper in front of you and tell you just to sign on that paper in front of the cameras? In a condition where the person is beaten, wounded, and scars on his face, and still the scars are visible. And in that condition, if a detainee give any statement, what do you think? Any court or independent court will accept that statement? Your language is English. If I write something in Urdu, which you don't understand because it's not your language and tell you sign on a paper and your language is English and nobody translated to you what has been written in English, would you do that?

(U//~~FOUO~~) I am a detainee here. I don't have any power. He is in your command. You are his boss. He does not have any relation with me. Whatever he is saying, he will just say for your favor not for my favor.

(U//~~FOUO~~) I have been put to sign, thumbprint on paper that was written in either English, Pashtu, or in Dari. None of these three are not my language. I don't understand them. My language is Urdu. I just said, okay, and I just put my

thumbprint on the paper. Two days ago, my PR came and showed some papers, and they said put the fingerprint on the paper for the DRB process. I put my fingerprint on it. These papers have not been translated to me but I just trusted them and put my thumbprint.

(U) [The PR explained to the board that the detainee has been explained the board process and the presentent allowed the detainee to continue but to stop repeating himself and move onto another subject.]

(U//~~FOUO~~) This is basically my purpose. I'm trying to tell you what happened to me before and this is the way I'm trying to explain. If you're not going to listen, who will listen?

(U//~~FOUO~~) (b)(1); (b)(2)

(U//~~FOUO~~) (b)(1); (b)(2)

(U//~~FOUO~~) Today there is another acquisition on me during the board that's about (b)(1); (b)(2); (b)(5). I don't know what that is. It proves to me that even they don't know what they want to accuse me of. It looks like to me that they are not in a stable condition. They don't even know what they should accuse detainees of. I am innocent.

(U//~~FOUO~~) (b)(1); (b)(2); (b)(5)

(U//~~FOUO~~) Did you detain anybody else after you detained me when you think that I'm a big commander or I'm a big fish. So you should have some information from me about other people too. Did you detain anybody else after me or any organization? When I gave these statements, I was in a condition when I had broken ribs, my eyes was swollen, and blood was coming from my mouth and my eyes were swollen for almost three months, so I gave my statement in these conditions.

(U//~~FOUO~~) (b)(1); (b)(2); (b)(5)

I do not know why I was captured. I do not know. Please provide me any proof of that the associations that you're telling me that I'm associated with. Please provide me any proof of these associations. Thanks.

(U) Detainee Review Board Recorder One asked, in substance, the following questions to ISN 1432:

(U//~~FOUO~~) My name is Ahmad Dilshad.

(U) [The president of the board requested the written statement of ISN 1432 be included in the file of ISN 1432 for the next PR.]

(U) [The detainee continued.]

(U//FOUO) (b)(1); (b)(2)

(U//FOUO) (b)(1); (b)(2)

(U//FOUO) (b)(1); (b)(2)

(U//FOUO) (b)(1); (b)(2)

(b)(1); (b)(2)

(U//~~FOUO~~) I was never a member of LET. I never collected donations for LET. I was in the rice business. I'm a farmer, but I'm involved in the rice business too. The area that I belong to, everybody has rice. I was just buying rice and selling it. (b)(1); (b)(2)

(U//~~FOUO~~) I just started the company. It was not under my name. I had just started in Pakistan. I forgot the name of the company. I had just paid an agent for the company, but I don't know the agent's name. I don't remember the name of the company. The agent took care of everything. He chose the name and everything.

(U//~~FOUO~~) [Unclass Exhibit 2] That is my company's certificate. I never conducted any training or teaching with LET training.

(U//~~FOUO~~) [Unclass Exhibit 4] I cannot read that. When I was captured, I had about \$2,000 with me, Pakistan Rupees, two radios with me, a wrist watch, and I had a telephone. I don't remember the name of the company of telephone. I had a bag and there was some clothes in that bag.

(U//~~FOUO~~) [Unclass Exhibit 3] There was a deposit of 800,000 Rupees. The agent deposited the money to prepare my papers. I don't know why he did it, but my agent did that. That was not my funds. He did that to create an image that I could have a business. The agent told me that

when there are transactions going in and out from your account, you will show that you are a business man. The money does not belong to the agent, but the agent took some commission.

(U//~~FOUO~~) [Unclass Exhibit 6] No, that address book is not mine. It's not my language, it's Arabic. Everything that I have is Urdu language.

(U//~~FOUO~~) [Unclass Exhibit 8] No, this address book is not mine. I don't remember the names in the address book. When I see the diary, I can you it's my diary, but I don't remember these things. I don't remember the brand of my cell phone. It was a larger phone with a SIM card.

(U//~~FOUO~~) I stayed in Teheran and Qom in Iran for a total of three to four months. Qom, is a holy place. If you go there, most of the people provide you shelter at a nominal charge. It's a holy place, and you can stay in their home. Food is available there and you can eat there free. If you stay any from Qom somewhere else, then you have to pay more money.

(U//~~FOUO~~) Yes, I paid for my passport. I paid about 16 or 17,000 Pakistan Rupees, maybe more than that. Yes, I was jailed for my other passport, but I was bailed out after two weeks. Yes, there was an incident where there was in interpreter and he was trying to say something that I didn't say and I understand a few words and it wasn't what I said and I cussed him. I didn't threaten him, but I did cuss him. After that, that commander brought tea for me in the same place and I've never seen that interpreter again. I have spit on the guards.

(U//~~FOUO~~) After I traveled from Pakistan and Iran, I went to Qom and after that I was traveling between Qom and Teheran. I also went to Syria.

(U) [The detainee requested a break and the president announced a ten-minute break.]

(U) Personal Representative two asked, in substance, continued with the following questions to ISN 1432:

(U//~~FOUO~~) (b)(1); (b)(2); (b)(5)

(U//~~FOUO~~) (b)(1); (b)(2)

(U//~~FOUO~~) My rice business in Pakistan is on a small scale. Sometimes I was buying from one market and selling it to another market. I went to Iran and took samples trying to start my business. I went to Syria for the rice business, but it was too expensive to bring rice from other countries to Syria. (b)(1); (b)(2)

(b)(1); (b)(2)

(U) The President of the Board asked, in substance, the following questions to ISN 1432:

(U//~~FOUO~~) My father's name is (b)(6), and it's the only name he has. (b)(1); (b)

(U) Personal Representative two asked, in substance, the following questions to ISN 1432:

(U//FOUO) No, I don't know anything about LET. I do not know (b)(6).

(U) [Recorder requested temporary closed session.]

(U) [The detainee withdrew from the boardroom.]

(U) [Temporary closed session convened 1100 at 5 June 2010.]

(U) DETAINEE WITNESS TESTIMONY

(U//FOUO) (b)(6), was called as a witness for the board, and testified, in substance, as follows:

(U) The detainee witness was advised that this was not a criminal trial and that he will be testifying in another detainee's board.

(U) The detainee witness was not willing to testify in front of ISN 1432.

(U) DIRECT EXAMINATION

(U) Detainee Review Board Recorder two asked, in substance, the following questions:

(U//~~FOUO~~) I don't know anything about him. I am not willing to testify in front of the board.

(U) [The witness withdrew from the boardroom.]

(U) [The detainee was brought back into the boardroom.]

(U) [The unclassified session reconvened at 1104 at 5 June 2010.]

(U) The recorder did offer unclassified exhibits.

(U) The personal representative did offer unclassified exhibits.

(U) The recorder had no further unclassified information to offer the board and, per the recorders request, the president granted a closed hearing at the culmination of the unclassified hearing.

(U) The president announced the conclusion of the unclassified hearing.

(U) The president of the board instructed the detainee that he would be notified of the board's decision within a couple of weeks. If the board decided that further internment is required, he would be retained at the Detention Facility in Parwan, or transferred to Pakistan authorities for participation in a reconciliation program, or released transferred to his national country for participation in a reconciliation program. Furthermore, if continued internment was recommended, then an additional Detainee Review Board would be reconvened in 6 months.

(U) The detainee did not make a statement.

(U) [The unclassified hearing adjourned at 1114, 5 June 2010.]

(U) [The detainee withdrew from the boardroom.]

(U) [The classified hearing was called to order at 1116, 5 June 2010.]

(U) The recorder presented the following information to the board:

~~(S//NF)~~ (b)(1); (b)(2); (b)(5)

(U) [The personal representative clarified that the detainee was talking about Exhibits A and B and that it wasn't in his language.]

(U) The recorder continued to present the following information to the board:

~~(S//NF)~~ (b)(1); (b)(2); (b)(5)

(b)(1); (b)(2); (b)(5)

(U) The personal representative presented the following information to the board:

~~(S//NF)~~ (b)(1); (b)(2); (b)(5)

(U) [Recorder two talked about Classified Exhibits 4, 5, and 6
(b)(1); (b)(2); (b)(5)]

(U) [Recorder two talked about ISN 1432 in that he didn't have any documentation showing that he was a targeted individual, and there is a lot of old information.]

U) WITNESS TESTIMONY

(U//~~FOUO~~) (b)(3), 10 USC 130b; (b)(6), DRB analyst, was called as a witness for the boardroom, and testified, in substance, as follows:

EXAMINATION BY THE BOARD

(U) The President of the Board asked, in substance, the following questions:

~~(S//NF)~~ (b)(1); (b)(2); (b)(5); (b)(6)

(U) [Personal Recorder two had no questions on direct examination.]

(U) CROSS-EXAMINATION

(U) Personal Representative Two asked, in substance, the following questions:

~~(S//NF)~~ (b)(1); (b)(2); (b)(5)

(U) REDIRECT EXAMINATION

(U) Recorder Two asked, in substance, the following questions:

~~(S//NF)~~ (b)(1); (b)(2); (b)(5)

(U) [The witness withdrew from the boardroom.]

(U) The recorder did offer classified exhibits.

(U) The personal representative did not offer classified exhibits.

(U) [The recorder printed out baseball cards on IR's and TR's.]

(U) The president and members of the board voted on ISN 1432. The votes were then collected and handed to the legal representative.

(U) [The classified session adjourned at 1155, 5 June 2010.]

[END OF PAGE]

Exhibit M

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DEPARTMENT OF DEFENSE
JOINT TASK FORCE 435
APO AE 09356

IN REPLY REFER TO:
JTF-435-LO

JUL 16 2010

MEMORANDUM FOR Commander, Task Force Protector, Bagram Airfield, Afghanistan
Director, Legal Operations, Bagram Airfield, Afghanistan

SUBJECT: 3 June 2010 Detainee Review Board (DRB) Recommendation for Continued Internment Approval for ISN 20256

1. I reviewed the findings and recommendations of the DRB that convened on 3 June 2010 concerning the internment of Detainee ISN 20256. By a vote of 3 to 0, the board members found that internment is necessary to mitigate the threat ISN 20256 poses. After consideration, I approve the DRB's finding and direct that ISN 20256 continue to be detained at the Detention Facility in Parwan.
2. The DRB's recommendation that ISN 20256 not be assessed as an Enduring Security Threat is approved.
3. The point of contact for this memorandum is CAPT [REDACTED] (b)(3), (b)(6), Director of Legal Operations, JTF 435, at DSN [REDACTED] (b)(2)

ROBERT S. HARWARD
Vice Admiral, U.S. Navy

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REPLY TO
ATTENTION OF:

DEPARTMENT OF DEFENSE
DEPUTY COMMANDER – DETAINEE OPERATIONS
US FORCES AFGHANISTAN
JOINT TASK FORCE 435
APO AE 09356



JTF-435-LO

3 June 2010

MEMORANDUM FOR Deputy Commander, Joint Task Force 435, Kabul, Afghanistan, APO AE 09356

SUBJECT: 3 June 2010 Detainee Review Board Legal Review: Rozi Mohammad (ISN 20256)

1. I reviewed Enclosure 1, the findings and recommendations of Rozi Mohammad's (ISN 20256) 3 June 2010 Detainee Review Board (DRB), and find them to be legally sufficient.
2. The DRB found that Rozi Mohammad (ISN 20256) meets the criteria for internment.
3. The DRB recommends that the continued internment of Rozi Mohammad (ISN 20256) is necessary to mitigate the threat he poses.
4. The DRB recommends that Rozi Mohammad (ISN 20256) should be considered for Reintegration programs at the Detention Facility in Parwan.
5. The DRB assessed Rozi Mohammad (ISN 20256) not to be an Enduring Security Threat.
6. The point of contact for this review is MAJ [redacted] Joint Task Force 435 at DSN [redacted] or [redacted].

- 3 Encls.
1. DRB Recommendation Memorandum
 2. DRB Voting Packet
 3. Summarized Testimony with Exhibits

[redacted]
(b)(3), (b)(6)

MAJ, JA
Legal Advisor, Detainee Review Board

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DEPARTMENT OF DEFENSE
DEPUTY COMMANDER – DETAINEE OPERATIONS
US FORCES AFGHANISTAN
JOINT TASK FORCE 435
APO AE 09356



REPLY TO
ATTENTION OF:

JTF-435-LO

3 June 2010

MEMORANDUM FOR Deputy Commander, Joint Task Force 435, Kabul, Afghanistan, APO
AE 09356

SUBJECT: 3 June 2010 Detainee Review Board Recommendation for the Continued Internment
of Rozi Mohammad (ISN 20256)

1. The Detainee Review Board (DRB) met on 3 June 2010 and made the following findings and recommendations concerning the internment of Rozi Mohammad (ISN 20256):
 - a. Rozi Mohammad (ISN 20256) meets the criteria for internment.
 - b. The continued internment of Rozi Mohammad (ISN 20256) is necessary to mitigate the threat he poses.
 - c. Rozi Mohammad (ISN 20256) should be considered for Reintegration programs within the Detention Facility in Parwan.
 - d. Rozi Mohammad (ISN 20256) is not Enduring Security Threat.
2. In arriving at its recommendation, the DRB found significant evidence, including an explosive residue test confirming exposure to explosive materials (RDX, TNT and PETN), links Rozi Mohammad (ISN 20256) to IED activity. A number of sensitive intelligence communications identify the user of the phone of interest as Rozi Mohammad (ISN 20256). Testimony from an analyst with the capturing unit confirmed the positive identification of Rozi Mohammad's (ISN 20256) voice which links him to the substance of the incriminating communications – activities linked to IED facilitation and the Taliban. All of which evidence provides further confirmation linking the phone of interest to Rozi Mohammad (ISN 20256). Rozi Mohammad's (ISN 20256) testimony appeared inconsistent with statements made earlier under interrogation. Two members of the DRB assessed Rozi Mohammad (ISN 20256) to be a Provincial Threat to the Government of the Islamic Republic of Afghanistan. A third member assessed Rozi Mohammad (ISN 20256) to be a Regional Threat to the Government of the Islamic Republic of Afghanistan.
3. Coalition Forces (Task Force 3-10) and Afghan Partnering Units targeted, captured and detained Rozi Mohammad (ISN 20256), a reported Taliban sub-commander operating in Argandab District, Kandahar Province, near the village of Jazah, Argandab District, Kandahar

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JTF-435-LO

SUBJECT: 3 June 2010 Detainee Review Board Recommendation for the Continued Internment of Rozi Mohammad (ISN 20256)

(b)(1)1.4a, (b)(1)1.4c Musa Kalim (ISN 20257), a suspected Taliban explosives expert and transporter of IEDs was also captured. (b)(1)1.4a, (b)(1)1.4c captured Rozi Mohammad (ISN 20256) and (b)(1)1.4a, (b)(1)1.4c, (b)(6) (ISN 20257) during a daylight vehicle interdiction operation as they were traveling by motorcycle near the village of Jazah. Explosive residue tests disclosed items associated with Rozi Mohammad (ISN 20256) and (b)(1)1.4a, (b)(1)1.4c, (b)(6) (ISN 20257) to have been exposed to TNT at the point of capture; the tests disclosed no exposure of their hands to explosive materials. No weapons or IED-related components were recovered at the time of Rozi Mohammad's (ISN 20256) capture. Two mobile cellular phones were recovered; subsequent exploitation of the mobile cellular phone disclosed a limited number of insurgent contacts.

4. The capture and subsequent detention of Rozi Mohammad (ISN 20256) stems in part, from the circumstances surrounding his (b)(1)1.4a, (b)(1)1.4c. Rozi Mohammad (ISN 20256) was co-located with a suspected Taliban explosives expert and transporter of IEDs, (b)(1)1.4a, (b)(1)1.4c, (b)(6) (ISN 20257), and items associated with them were determined to have been exposed to explosives materials. In addition, sensitive intelligence disclosed Rozi Mohammad (ISN 20256) may be associated with (b)(1)1.4a, (b)(1)1.4c, (b)(6) a Taliban commander operating on Argandab District, and that he may have been involved in IED facilitation, to include the transportation, emplacement and supply of IED-related materials and components.

5. Under earlier interrogation and during his 3 June 2010 DRB, Rozi Mohammad (ISN 20256) denied knowing (b)(1)1.4a, (b)(1)1.4c, (b)(6) (ISN 20257) other than on the day of their (b)(1)1.4a, (b)(1)1.4c capture, when he had stopped to help (b)(1)1.4a, (b)(1)1.4c, (b)(6) (ISN 20257) fix a flat tire on his motorcycle. Rozi Mohammad (ISN 20256) denies any knowledge of Taliban or other insurgent or anti-Coalition forces. Rozi Mohammad (ISN 20256) denied ownership of either of the two mobile cellular phones recovered on (b)(1)1.4a, (b)(1)1.4c. Rozi Mohammad (ISN 20256) claims to be a simple farmer.

6. In making its recommendation the DRB considered the Recorder's unclassified and classified exhibits -- including a (b)(1)1.4a, (b)(1)1.4c (b)(1)1.4a, (b)(1)1.4c -- the 1 May 2010 Detainee Criminal Investigation Detachment Report of Investigation, and the Theater Internment Facility Progress Report. The Personal Representative submitted copies of Rozi Mohammad's (ISN 20256) Initial Interview Checklist and Notification Worksheet. The DRB considered also Rozi Mohammad's (ISN 20256) testimony, as well as his responses to questions posed to him by all parties to the DRB.

7. The Recorder called the following witness, who testified in the closed session and outside the presence of Rozi Mohammad (ISN 20256):

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JTF-435-LO

SUBJECT: 3 June 2010 Detainee Review Board Recommendation for the Continued Internment of Rozi Mohammad (ISN 20256)

a. LTJG (b)(3), (b)(6), Analyst, (b)(1)1.4a, (b)(1)1.4c, Bagram, Afghanistan. LTJG (b)(3), (b)(6) testified about the (b)(1)1.4a, (b)(1)1.4c (b)(1)1.4a, (b)(1)1.4c Rozi Mohammad (ISN 20256). (b)(1)1.4a, (b)(1)1.4c

(b)(1)1.4a, (b)(1)1.4c Rozi Mohammad (ISN 20256). Positive identification of Rozi Mohammad's (ISN 20256) voice and the substance of the communications provide further confirmation linking the phone of interest to Rozi Mohammad (ISN 20256).

8. The Personal Representative called no witnesses during Rozi Mohammad's (ISN 20256) 3 June 2010 DRB.

9. In determining whether continued internment is necessary to mitigate the threat Rozi Mohammad (ISN 20256) may pose, the DRB assessed his level of threat and weighed, among other things, his potential for rehabilitation, reconciliation, and eventual reintegration into society. The DRB considered also Rozi Mohammad's (ISN 20256) (b)(1)1.4a, (b)(1)1.4c (b)(1)1.4a, (b)(1)1.4c

(b)(1)1.4a, (b)(1)1.4c sum, based upon the evidence and testimony presented during his 3 June 2010 DRB, the continued internment of Rozi Mohammad (ISN 20256) is necessary to mitigate the threat he poses.

10. The point of contact for this review is MAJ (b)(3), (b)(6) Joint Task Force 435 at DSN (b)(2) or (b)(2), (b)(3), (b)(6)

(b)(3), (b)(6)

2 Encls.

- 1. DRB Voting Packet
 - 2. Summarized Testimony with Exhibits
- MAJ, IN (b)(3), (b)(6)
President, Detainee Review Board

SECRET//NOFORN

(U//FOUO) [redacted] -020256 [redacted]

Rozi ((MOHAMMAD)), s/o [redacted]

POC: [redacted] DOC [redacted]

(S//REL USA, CCFE, ISAF, NATO) Capturing Unit: [redacted]

(b)(1)1.4a, (b)(1)1.4c

(U//FOUO) POR: Jazab, Arghandab, Kandahar Tribe/SubTribe: Alizai/Omarzai Primary Language: Pashto (S//REL USA, CCFE, ISAF, NATO) [redacted]

Circumstances of Capture: (S//REL USA, ISAF, NATO) Rozi Mohammad (CT 5164477), [redacted] -020256 [redacted] was targeted and captured during a combined CF/APU operation on [redacted] in which they stopped two motorcycles being driven by Rozi Mohammad and [redacted]

Internment Criteria: (U//FOUO) Was a part of, or substantially supported, Taliban or al-Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act, or has directly supported hostilities in aid of such enemy armed forces.

SSE: (U//FOUO) 2 phones and Tawiz.

Exploitation:

- (S//REL USA, FVEY) [redacted]
- (S//NF) [redacted]
- (U//FOUO) Items associated with Rozi Mohammad tested positive for RDX, TNT and PETN, and negative for HMX, chlorate and perchlorate.
- (U//FOUO) DNA sample from Rozi Mohammad did not produce any hits in the common database or local site's database.

Reporting:

(S//REL to USA, ACCU) [redacted]

[Large redacted area]

(S//REL USA, CCFE, ISAF, NATO)

Organization & Role:

TB Sub-Commander
ORB Hearing: 3 June 2010

(S//REL USA, ISAF, NATO)

Associated Personalities

[redacted]

(U//FOUO)

Other Names/Alias

[redacted]

SECRET//NOFORN

BAGRAM / CENTCOM / 001366

~~SECRET//NOFORN~~

(U//FOUO) [redacted] -0202561

Rozi ((MOHAMMAD)) s/o [redacted]

POC: [redacted], DOC: [redacted]

(C//REL USA, GCTF, ISAF, NATO) Capturing Unit: [redacted]

SLIDE #2

Detainee Statement:

- (S//REL TO USA, ACGU) Denied owning either cell phone found on site. [redacted]
- (S//REL TO USA, ACGU) Initially denied knowing [redacted] prior to day of capture [redacted] but later admitted that they have been working together for TB Commander Saifurrahman for the last year and a half [redacted].
- (S//REL TO USA, ACGU) Admits to working for the TB for the last year and a half. (Screening Sheet). Provides information on TB safe houses [redacted] and TB TTPs for 2010 (TIR5). Claims he killed 2 of his cousins who worked for the local government and had no choice but to join the TB afterwards. [redacted].
- (S//REL TO USA, ACGU) Initially claims his involvement is limited to observing others emplace IEDs, then reporting the explosion back to [redacted] (Screening Sheet), but later admits to delivering land mines to TB commanders around Arghandab and to having attended IED training in PK. [redacted].
- (S//REL TO USA, ACGU) Admits to going by Abdullah (aka. Hajji Abdullah, Abdullah Salim and ICOM call sign Maiwandi). [redacted].

BSCT Assessment: (S//NF) Risk Level: IV, COIN: Yellow (Confidence: Medium-High) 6Apr10.

DR/OR Summary: (S//NF) See DFIP Progress Report.

BAGRAM / CENTCOM / 001367

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Detainee Review Board Report of Findings and Recommendations – Final Board Result

v.22 Feb 2010

<u>Date of Board</u> 3 June 2010	<u>Detainee Name</u> ROZI MOHAMMAD	<u>Detainee ISN</u> (b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4d, (b)(1)1.4e, (b)(1)1.4f, (b)(1)1.4g, (b)(1)1.4h, (b)(1)1.4i, (b)(1)1.4j, (b)(1)1.4k, (b)(1)1.4l, (b)(1)1.4m, (b)(1)1.4n, (b)(1)1.4o, (b)(1)1.4p, (b)(1)1.4q, (b)(1)1.4r, (b)(1)1.4s, (b)(1)1.4t, (b)(1)1.4u, (b)(1)1.4v, (b)(1)1.4w, (b)(1)1.4x, (b)(1)1.4y, (b)(1)1.4z
-------------------------------------	---------------------------------------	---

STEP 1 (FINDINGS): By a preponderance of the information presented, as a member of the Detainee Review Board (DRB), I find that:

The detainee DOES NOT MEET THE CRITERIA for internment and will be released. *Stop here and sign at the bottom.*

OR

The detainee listed above MEETS CRITERIA FOR INTERNMENT because he is a person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, and persons who harbored those responsible for those attacks; *(Continue to Step 2)* OR

The detainee listed above MEETS CRITERIA FOR INTERNMENT because he is a person who was part of, or substantially supported, Taliban or al-Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act, or has directly supported hostilities, in aid of such enemy armed forces. *(Continue to Step 2)*

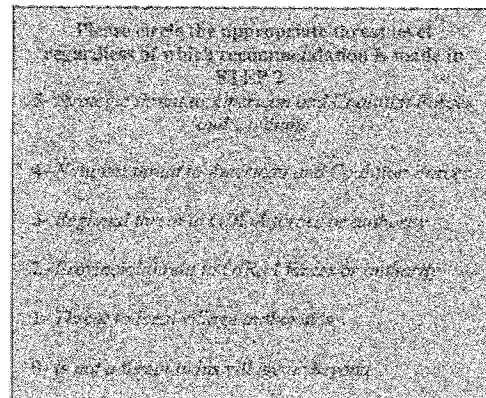
STEP 2 (THREAT ASSESSMENT RECOMMENDATION): After taking into account the detainee's potential for rehabilitation, reconciliation, and eventual reintegration into society, by a preponderance of the information, I find that continued internment:

IS NOT NECESSARY to mitigate the threat the detainee poses; *(Go to Step 3A)*

OR

IS NECESSARY to mitigate the threat the detainee poses (the detainee will remain at the Detention Facility in Parwan (DFIP) to ensure detention required to mitigate his threat) *(Go to Step 3B)*

Explain the facts presented at the DRB which led to your recommendation/
(Mandatory regardless of which threat assessment is made):



STEP 3A: If your Recommendation in STEP 2 is that continued internment is not necessary to mitigate the threat the Detainee poses, then make one of the following recommendations: In light of the findings listed above, I recommend that the detainee be (PICK ONLY 1):

- Released without conditions; or
- Transferred to Afghan authorities for their consideration of criminal prosecution.
- Transferred to Afghan authorities for participation in a reconciliation or reintegration program.
- (For non-Afghan and non-U.S. third-country national):* Transferred to a third country for: criminal prosecution // participation in a reconciliation program // or release. *(circle one)*

STEP 3B: If your Recommendation in STEP 2 is that continued internment is necessary to mitigate the threat the Detainee poses, make the following further recommendation, and then Go to Step 4.

While the Detainee remains interned at the DFIP, he SHOULD / SHOULD NOT *(circle one)* be considered for Reintegration programs within the DFIP.

STEP 4: The Detainee IS or IS NOT an Enduring Security Threat *(circle one)*.

DRB President (Printed)

DRB President (Signature)

(b)(3), (b)(6)

Detainee Review Board Report of Findings and Recommendations

v. 5 Feb 2010

Date of Board	Detainee Name	Detainee ISN
3 JUN 10	ROZI MOHAMMAD	(b)(1)1.4a, (b)(1)1.4c 020088 (b)(1)1.4a, (b)(1)1.4c

STEP 1 (FINDINGS): By a preponderance of the information presented, as a member of the Detainee Review Board (DRB), I find that:

The detainee DOES NOT MEET THE CRITERIA for internment and will be released. *Stop here and sign at the bottom.*

OR

The detainee listed above MEETS CRITERIA FOR INTERNMENT because he is a person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, and persons who harbored those responsible for those attacks; *(Continue to Step 2)*

OR

(b)(3), (b)(6) The detainee listed above MEETS CRITERIA FOR INTERNMENT because he is a person who was part of, or substantially supported, Taliban or al-Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act, or has directly supported hostilities, in aid of such enemy armed forces. *(Continue to Step 2)*

STEP 2 (THREAT ASSESSMENT RECOMMENDATION): After taking into account the detainee's potential for rehabilitation, reconciliation, and eventual reintegration into society, by a preponderance of the information, I find that continued internment:

IS NOT NECESSARY to mitigate the threat the detainee poses; *(Go to Step 3A)*

OR

(b)(3), (b)(6) IS NECESSARY to mitigate the threat the detainee poses (* the detainee will remain in the Detention Facility in Parwan (DFIP) to ensure detention required to mitigate his threat) *(Go to Step 3B)*

Please circle the appropriate threat level regardless of which recommendation is made in STEP 2

- 5- Strategic threat to American and Coalition Forces and Civilians
- 4- National threat to American and Coalition Forces
- 3- Regional threat to US/Coalition forces or authority
- 2- Provincial threat to US/Coalition forces or authority
- 1- Threat to local village authorities
- 0- Is not a threat to his village or beyond

Explain the facts presented at the DRB which led to your recommendation/ (Mandatory regardless of which threat assessment is made):

(b)(1)1.4a, (b)(1)1.4c
 TO TB AND ANTI-CP ACTIVITY, IED FACILITY/TRANSPORT. EXPLOSIVE TEST WAS POSITIVE SUPPORTING REPORTING. DECEPTIVE - STATEMENTS TO BOARD DIFFERENT THAN THOSE MADE IN INTERROGATIONS. ADMITTED TO ATTACKING AN INTERPRETER DURING INTERROGATION.

STEP 3A: If your Recommendation in STEP 2 is that continued internment is not necessary to mitigate the threat the Detainee poses, then make one of the following recommendations: In light of the findings listed above, I recommend that the detainee be:

- Released without conditions; or
- Transferred to Afghan authorities for their consideration of criminal prosecution.
- Transferred to Afghan authorities for participation in a reconciliation or reintegration program.
- (For non-Afghan and non-U.S. third-country national):* Transferred to a third country for: criminal prosecution // participation in a reconciliation program // or release. *(circle one)*

STEP 3B: If your Recommendation in STEP 2 is that continued internment is necessary to mitigate the threat the Detainee poses, make the following further recommendation, and then Go to Step 4.

While the Detainee remains interned at the DFIP, he SHOULD / SHOULD NOT *(circle one)* be considered for Reintegration programs within the DFIP.

STEP 4: "Enduring Security Threat" Assessment --- * Prior to completing your Enduring Security Threat Assessment, go to page 2 of this form and complete the EST Worksheet, paying particular attention to the criteria and definitions.

(b)(3), (b)(6) The Detainee IS or IS NOT an Enduring Security Threat *(circle one)*.

(b)(3), (b)(6)
 DRB members (signature)
 (b)(3), (b)(6) (b)(3), (b)(6)
 (b)(3), (b)(6)

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/001369

Page 10 redacted for the following reason:

(b)(1)1.4a, (b)(1)1.4c

Detainee Review Board Report of Findings and Recommendations

v. 5 Feb 2010

<u>Date of Board</u> 30 JUNE 10	<u>Detainee Name</u> Rozi (MOHAMMAD)	<u>Detainee ISN</u> 0202 (b)(3) 4a, (b)(1)1.4c
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STEP 1 (FINDINGS): By a preponderance of the information presented, as a member of the Detainee Review Board (DRB), I find that:

The detainee DOES NOT MEET THE CRITERIA for internment and will be released. *Stop here and sign at the bottom.*

OR

The detainee listed above MEETS CRITERIA FOR INTERNMENT because he is a person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, and persons who harbored those responsible for those attacks; *(Continue to Step 2)*

(b)(3), (b)(6) The detainee listed above MEETS CRITERIA FOR INTERNMENT because he is a person who was part of, or substantially supported, or al-Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act, or has directly supported hostilities, in aid of such enemy armed forces. *(Continue to Step 2)*

STEP 2 (THREAT ASSESSMENT RECOMMENDATION): After taking into account the detainee's potential for rehabilitation, reconciliation, and eventual reintegration into society, by a preponderance of the information, I find that continued internment:

IS NOT NECESSARY to mitigate the threat the detainee poses; *(Go to Step 3A)*

OR

(b)(3), (b)(6) IS NECESSARY to mitigate the threat the detainee poses (* the detainee will remain at the Detention Facility in Parwan (DFIP) to ensure detention required to mitigate his threat) *(Go to Step 3B)*

Explain the facts presented at the DRB which led to your recommendation/
(Mandatory regardless of which threat assessment is made):

(b)(1)1.4a, (b)(1)1.4c

Please circle the appropriate threat level regardless of which recommendation is made in STEP 2

- 5- Strategic threat to American and Coalition Forces and Civilians
- 4- National threat to American and Coalition Forces
- 3- Regional threat to US/Coal forces or ally/ity
- 2- Provincial threat to US/Coal forces or ally/ity
- 1- Threat to local village authorities
- 0- Is not a threat to his village or beyond

(b)(1)1.4a, (b)(1)1.4c

STEP 3A: If your Recommendation in STEP 2 is that continued internment is not necessary to mitigate the threat the Detainee poses, then make one of the following recommendations: In light of the findings listed above, I recommend that the detainee be:

- Released without conditions; or
- Transferred to Afghan authorities for their consideration of criminal prosecution.
- Transferred to Afghan authorities for participation in a reconciliation or reintegration program.
- (For non-Afghan and non-U.S. third-country national):* Transferred to a third country for: criminal prosecution // participation in a reconciliation program // or release. *(circle one)*

STEP 3B: If your Recommendation in STEP 2 is that continued internment is necessary to mitigate the threat the Detainee poses, make the following further recommendation, and then Go to Step 4.

While the Detainee remains interned at the DFIP, he SHOULD / SHOULD NOT *(circle one)* be considered for Reintegration programs within the DFIP.

STEP 4: "Enduring Security Threat" Assessment --- * Prior to completing your Enduring Security Threat Assessment, go to page 2 of this form and complete the EST Worksheet, paying particular attention to the *criteria and definitions*.

The Detainee IS or IS NOT an Enduring Security Threat *(circle one)*. / A

(b)(3), (b)(6)

MAJ

(b)(3), (b)(6)

Page 12 redacted for the following reason:

(b)(1)1.4a, (b)(1)1.4c

Detainee Review Board Report of Findings and Recommendations

v. 5 Feb 2010

Date of Board	Detainee Name	Detainee ISN
03 Jun 10	Razi, Mohammad	(b)(1)1.4a, (b)(1)1.4c 020207(b)(1)1.4a, (b)(1)1.4c

STEP 1 (FINDINGS): By a preponderance of the information presented, as a member of the Detainee Review Board (DRB), I find that:

The detainee DOES NOT MEET THE CRITERIA for internment and will be released. *Stop here and sign at the bottom.*

OR

The detainee listed above MEETS CRITERIA FOR INTERNMENT because he is a person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, and persons who harbored those responsible for those attacks: **(Continue to Step 2)**

OR

The detainee listed above MEETS CRITERIA FOR INTERNMENT because he is a person who was part of, or substantially supported, Taliban or al-Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act, or has directly supported hostilities, in aid of such enemy armed forces. **(Continue to Step 2)**

STEP 2 (THREAT ASSESSMENT RECOMMENDATION): After taking into account the detainee's potential for rehabilitation, reconciliation, and eventual reintegration into society, by a preponderance of the information, I find that **continued internment:**

IS NOT NECESSARY to mitigate the threat the detainee poses; **(Go to Step 3A)**

OR

IS NECESSARY to mitigate the threat the detainee poses (* the detainee will remain at the Detention Facility in Parwan (DFIP) to ensure detention required to mitigate his threat) **(Go to Step 3B)**

Explain the facts presented at the DRB which led to your recommendation/

(Mandatory regardless of which threat assessment is made):

- Clothes tested Positive for Explosives (RDX, TNT, PETN)

(b)(1)1.4a, (b)(1)1.4c

Please circle the appropriate threat level regardless of which recommendation is made in STEP 2.

- 5- Strategic threat to American and Coalition Forces and Civilians
- 4- National threat to American and Coalition Forces
- 3- Regional threat to G/ROA forces or authority
- 2- Provincial threat to G/ROA forces or authority
- 1- Threat to local village authorities
- 0- Is not a threat to his village or beyond

STEP 3A: If your Recommendation in STEP 2 is that continued internment is not necessary to mitigate the threat the Detainee poses, then make one of the following recommendations: In light of the findings listed above, I recommend that the detainee be:

- Released without conditions; or
- Transferred to Afghan authorities for their consideration of criminal prosecution.
- Transferred to Afghan authorities for participation in a reconciliation or reintegration program.
- (For non-Afghan and non-U.S. third-country national): Transferred to a third country for: criminal prosecution // participation in a reconciliation program // or release. **(circle one)**

STEP 3B: If your Recommendation in STEP 2 is that continued internment is necessary to mitigate the threat the Detainee poses, make the following further recommendation, and then go to Step 4:

While the Detainee remains interned at the DFIP, he SHOULD / SHOULD NOT **(circle one)** be considered for Reintegration programs within the DFIP.

STEP 4: "Enduring Security Threat" Assessment — * Prior to completing your Enduring Security Threat Assessment, go to page 2 of this form and complete the EST Worksheet, paying particular attention to the criteria and definitions.

The Detainee IS or IS NOT an Enduring Security Threat **(circle one)**.

(b)(3), (b)(6)

Page 14 redacted for the following reason:

(b)(1)1.4a, (b)(1)1.4c

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1 (U//FOUO) [ISN 1.4a, (b)(1)+0020256, (b)(1) Razi Mohammad, entered the
 2 boardroom, took his seat in front of the board members, and the
 3 unclassified hearing was called to order at 1029, 3 June 2010.]

4
 5 (U) Persons Present:

6 (U) MAJOR [REDACTED] (b)(3), (b)(6), PRESIDENT OF THE BOARD;

7 (U) MAJOR [REDACTED] (b)(3), (b)(6), MEMBER ONE;

8 (U) MAJOR [REDACTED] (b)(3), (b)(6), MEMBER TWO;

9 (U) CAPTAIN [REDACTED] (b)(3), (b)(6), DETAINEE REVIEW BOARD
 10 RECORDER TWO;

11 (U) LIEUTENANT COLONEL [REDACTED] (b)(3), (b)(6), PERSONAL
 12 REPRESENTATIVE TWO;

13 (U) MAJOR [REDACTED] (b)(3), (b)(6), LEGAL REPRESENTATIVE; and

14 (U) SENIOR AIRMAN [REDACTED] (b)(3), (b)(6), PARALEGAL.

15 (U) [The recorder was sworn.]

16 (U) The detainee was advised by the president of how this board
 17 was not a criminal trial and how this board was to determine
 18 whether or not he met the criteria for further internment.

19 (U) The president of the board stated that a document was given
 20 by the personal representative that stated that the detainee was
 21 advised of his hearing and the rights that were provided
 22 therein. The president further stated that the documents will
 23 be included into the final record or proceeding.

24 (U) The president also notified the detainee that he may be
 25 present at all open sessions of the board permitting that he
 26 acted appropriately. ISN 20256 was also advised that he could
 27 testify under oath or unsworn if he wished to do so, that he had
 28 a personal representative who was present at the hearing, that
 29 he may present information at the hearing including the

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~~SECRET//NOFORN~~

1 testimony of witnesses, and that he can examine documents
2 presented to the board all of which the detainee understood.

3
4 (U) Further, ISN 20256 was instructed that, at the conclusion of
5 the board after the legal review, the board would determine
6 whether he met the criteria for further internment at the
7 Detention Facility in Parwan. The detainee understood the fact
8 that if he does not meet the criteria, he would be released as
9 soon as possible. However, if he did meet the criteria, then he
10 would be recommended for further internment, transferred to
11 Afghan authorities, or released without conditions.

12
13 (U) CPT (b)(3), (b)(6) presented the following unclassified information
14 to the board:

15
16 (U//FOUO) ISN 20256, Rozi Mohammad, was (b)(1)1.4a, (b)(1)1.4c
17 (b)(1)1.4a, (b)(1)1.4c after he and (b)(1)1.4a, (b)(1)1.4c, (b)(6)
18 (b)(1)1.4a, (b)(1)1.4c. Both individuals
19 were contained.

20
21 (U//FOUO) Items associated with both Rozi Mohammad (b)(1)1.4a, (b)(1)1.4c, (b)(6)
22 (b)(1)1.4a, (b)(1)1.4c, (b)(6) tested positive for RDX, TNT, and PETN. Items
23 associated with (b)(1)1.4a, (b)(1)1.4c, (b)(6) also tested positive for
24 chlorates.

25
26 (U//FOUO) Rozi Mohammad has been linked with the aliases
27 Hajji Abdullah and Abdullah Sahib.

28
29 (U//FOUO) Rozi Mohammad has been linked to Taliban
30 Commander (b)(1)1.4a, (b)(1)1.4c, (b)(6)

31
32 (U//FOUO) Rozi Mohammad has been identified as a Taliban
33 sub-commander involved in IED supply and emplacement.

34
35 (U//FOUO) Initially Rozi Mohammad admitted to Taliban
36 involvement under (b)(1)1.4a, (b)(1)1.4c, (b)(6) provided information on
37 Taliban tactics, and identified (b)(1)1.4a, (b)(1)1.4c, (b)(6) as a fellow
38 Taliban member. However, he later claimed innocence and
39 denied any knowledge of IEDs or Taliban.
40

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~~SECRET//NOFORN~~

1 (U//~~FOUO~~) ISN 20256 meets the internment criteria if he was
2 a part of, or substantially supported Taliban or associated
3 forces that are engaged in hostilities against the United
4 States or its coalition partners, including any person who
5 has committed a belligerent act, or has directly supported
6 hostilities in aid of such enemy armed forces.

7
8 (U) The detainee, ISN 20256 made the following statements to the
9 board:

10
11 (U//~~FOUO~~) The allegations that you describe I have nothing
12 to do with. I do not know ~~(b)(1)14a, (b)(1)14c, (b)(6)~~ I only know
13 ~~(b)(1)14a, (b)(1)14c, (b)(6)~~. My only name is Rozi
14 Mohammad. I already answered these questions.

15
16 (U//~~FOUO~~) I do not know Taliban; I do not associate with
17 the Taliban. I have never eaten food with Taliban except
18 for one time. I am not involved in Taliban or with the
19 government. I try to hide from both. I am a poor farmer.
20 I have one hunting gun but I do not even know how to
21 operate it. It is not true that I am operating with the
22 Taliban. For the past 6 years I have been a farmer.

23
24 (U//~~FOUO~~) I have one brother, one half brother and one
25 step-brother. That is all. I mentioned earlier that I am
26 a poor person and I am not operating with the Taliban.

27
28 (U//~~FOUO~~) If they seize items that are part of a Taliban
29 then I must be a Taliban. But if they just seize me and
30 nothing else it doesn't mean I am a Taliban. It is very
31 simple to find out who I am. Get some information from my
32 village; ask them if I am a Taliban.

33
34 (U//~~FOUO~~) If I shave the Taliban will capture me thinking
35 that I am a spy for the Coalition Forces. If I keep my
36 beard the Coalition Forces will capture me. I preferably
37 would like to stay inside so the Taliban and Coalition
38 Forces won't capture me.

39
40 (U//~~FOUO~~) I only had two batteries when I was captured.

41

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

1 (U//FOUO) The (b)(1)1.4a, (b)(1)1.4c kept insisting that they
 2 captured me with a telephone but I do not own a telephone.
 3 I do not know who to believe. It is possible that someone
 4 may have thrown the telephone on the road at the same time
 5 the helicopter came and captured us.

6
 7 (U) DETAINEE TESTIMONY

8
 9 (U) RAZI MOHAMMAD, (b)(1)1.4a, (b)(1)1.4c #020255, (b)(1)1.4a, (b)(1)1.4c was called for the board and
 10 testified, in substance, as follows:

11
 12 (U) DIRECT EXAMINATION

13
 14 (U) CPT (b)(3), (b)(6) asked, in substance, the following questions:

15
 16 (U//FOUO) I have not completed any studies to get the name
 17 Hajji or Khari. I have never gone by any other name
 18 besides Rozi Mohammad.

19
 20 (U//FOUO) I am a farmer. That is how I make my living. I
 21 farm cotton, peas, and different kind of vegetables. Other
 22 people own the land that I farm. I have land in other
 23 areas but there is no water for the crop. I work close to
 24 my village.

25
 26 (U//FOUO) I work for (b)(6), (b)(1)1.4a, (b)(1)1.4c and (b)(6), (b)(1)1.4a, (b)(1)1.4c
 27 (b)(6), (b)(1)1.4a, (b)(1)1.4c If you call these people they will tell you I am
 28 a farmer. They live in my village. I have been farming
 29 for them for six years.

30
 31 (U//FOUO) Sometimes I spend the whole day working in the
 32 farms and other days it's a few hours. I farm by myself.
 33 Usually, when the season is over, the farmland owners sell
 34 the merchandise and I get one fifth of the profit. 1/3
 35 profit from the sale of corn, 1/4 profit from the sale of
 36 beats, 1/5 profit from the sale of cotton, and 1/6 profit
 37 from the sale of peanuts. I get this automatic no matter
 38 how much I work.

39
 40 (U//FOUO) If I didn't show up for farming one day the
 41 people would notice. They will notice that I disappear on

~~SECRET//NOFORN~~

SECRET//NOFORN

1 a certain date. The land owners are two people. They
2 come and check on the lands and the farms. I do not have a
3 cell phone.

4
5 (U) [Recorder showed detainee unclassified exhibit page 2.]

6
7 (U//~~FOUO~~) I do not know whose cell phone those are. I was
8 captured with two batteries. I own some of the stuff in
9 the picture. I own the toothbrush, watch, and Tabbi's.

10
11 (U//~~FOUO~~) Besides me and ~~(b)(1)14a, (b)(1)14c, (b)(6)~~ there were three other
12 riders on motorcycles. They were not stopped by Coalition
13 Forces. Coalition Forces did not spot them. I do not know
14 if someone threw their telephone or dropped it. The phone
15 is not mine.

16
17 (U//~~FOUO~~) It is not in my interest to ask if anyone is
18 involved with the Taliban.

19
20 (U//~~FOUO~~) Before my capture, I have never met ~~(b)(1)14a, (b)(1)14c, (b)(6)~~
21 I met ~~(b)(1)14a, (b)(1)14c, (b)(6)~~ while helping him fix his flat tire.

22
23 (U//~~FOUO~~) I have been to Pakistan three times because I had
24 a mental sickness. I went to Pakistan last summer. I have
25 never been involved with the Taliban. I have never tasted
26 their food except for once.

27
28 (U//~~FOUO~~) When I was captured and detained at the prison of
29 Kandahar. I asked the guy there why I was captured and the
30 translator told me that they say I was involved with the
31 Taliban. I told them it was not true.

32
33 (U) [Recorder showed detainee unclassified exhibit page 4 and
34 page 5.]

35
36 (U//~~FOUO~~) I do not know why I had explosive residue on my
37 clothes. I swear I have not been involved with explosives.
38 I do not have any family members that work in the
39 Government.

40 (U) CROSS-EXAMINATION

SECRET//NOFORN

~~SECRET//NOFORN~~

1 (U) LTC (b)(3), (b)(6) asked, in substance, the following questions:

2
3 (U//~~FOUO~~) On the day of my capture I was heading home. I
4 am not familiar with an ICOM radio.

5
6 (U//~~FOUO~~) I went to Pakistan for medical reasons.

7
8 (U//~~FOUO~~) When I was captured by (b)(1)14a, (b)(1)14c they took
9 my shirt, vest, pajamas and hat.

10
11 (U//~~FOUO~~) There are no Taliban in my village. The
12 Coalition Forces are not stationed in my village. I have
13 lived in my village for six years.

14
15 (U//~~FOUO~~) There are four people in my family. If I was
16 released I would continue my old job and work as a farmer.

17
18
19 (U//~~FOUO~~) I do not know where on my body they tested for
20 explosive residue.

21
22 (U) EXAMINATION BY THE BOARD

23
24 (U) Member 1 asked, in substance, the following questions:

25
26 (U//~~FOUO~~) If you think I'm guilty keep me in detention. If
27 you feel I'm not guilty let me go.

28
29 (U) The President of the Board asked, in substance, the
30 following questions:

31
32 (U//~~FOUO~~) I was coming from the village of Jilawer. My
33 brother lives in Jilawer. I went to my brother's house
34 early in the morning. I did not spend the night there. I
35 needed some money for the farms. My brother didn't have
36 any money to give me.

37
38 (U//~~FOUO~~) I use black and white fertilizer on my farm. I
39 do not know the name of the fertilizer. When we go out and
40 buy fertilizer we ask the shop keeper for fertilizer and he
41 gives us the kind we need.

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

(U) RECROSS-EXAMINATION

1
2
3
4 (U) LTC [REDACTED] asked, in substance, the following questions:

5
6 (U//FOUO) I have never admitted that I worked for the
7 Taliban. In my interrogations I have never told them that
8 I have been involved or associated with the Taliban.
9

10 (U//FOUO) I was interrogated 20-25 times the night I was
11 captured. I feel the translator mis-translated my
12 information I was telling them.
13

14 (U)(b)(1)1.4a, (b)(1)1.4c, (b)(6) was available as a witness but his testimony was
15 not deemed relevant by the board.]
16

17 (U) The recorder did offer unclassified exhibits.
18

19 (U) The personal representative did offer unclassified exhibits.
20

21 (U) The recorder had no further unclassified information to
22 offer the board and, per the recorders request, the president
23 granted a closed hearing at the culmination of the unclassified
24 hearing.
25

26 (U) The president announced the conclusion of the unclassified
27 hearing.
28

29 (U) The president of the board instructed the detainee that he
30 would be notified of the board's decision within a couple of
31 weeks and that he would be released if the decision is made that
32 further internment would not be required. However, if the board
33 decided that further internment is required, he would be
34 retained at the Detention Facility in Parwan, transferred to
35 Afghan authorities for participation in a reconciliation
36 program, or released transferred to his national country for
37 participation in a reconciliation program. Furthermore, if
38 continued internment was recommended, then an additional
39 Detainee Review Board would be reconvened in 6 months.
40

41 (U) The detainee made the following statement:

~~SECRET//NOFORN~~

SECRET//NOFORN

1
2 (U//FOUO) I do not wish to make a final statement.

3
4 (U) [The unclassified hearing adjourned at 1129, 3 June 2010.]

5
6 (U) [The detainee withdrew from the boardroom.]

7
8 (U) [The classified hearing was called to order at 1129, 3 June
9 2010.]

10
11 (U) CPT (b)(3), (b)(6) presented the following information to the board:

12
13 (S//NF) [redacted] (b)(1)1.4a, (b)(1)1.4c
14 [redacted] (b)(1)1.4a, (b)(1)1.4c Rozi
15 Mohammad. [redacted] (b)(1)1.4a, (b)(1)1.4c
16 [redacted] (b)(1)1.4a, (b)(1)1.4c
17 [redacted] (b)(1)1.4a, (b)(1)1.4c Rozi Mohammad (b)(1)1.4a, (b)(1)1.4c
18 [redacted] (b)(1)1.4a, (b)(1)1.4c

19
20 (U) CIVILIAN ANALYST WITNESS TESTIMONY

21
22 (U) Lieutenant (b)(3), (b)(6), United States Army, entered the
23 boardroom, and testified, in substance, as follows:

24
25 (U) DIRECT EXAMINATION

26
27 (U) CPT (b)(3), (b)(6) asked, in substance, the following questions:

28
29 (S//NF) My name is [redacted] (b)(1)1.4a, (b)(1)1.4c, (b)(3), (b)(6). I have read
30 all the intelligence pertaining to this case.

31
32 (S//NF) [redacted] (b)(1)1.4a, (b)(1)1.4c Rozi Mohammad. [redacted] (b)(1)1.4a, (b)(1)1.4c
33 [redacted] (b)(1)1.4a, (b)(1)1.4c
34 [redacted] (b)(1)1.4a, (b)(1)1.4c
35 [redacted] (b)(1)1.4a, (b)(1)1.4c [redacted] (b)(1)1.4a, (b)(1)1.4c
36 [redacted] (b)(1)1.4a, (b)(1)1.4c Razi mohammad

37
38 (U) CROSS-EXAMINATION

39
40 (U) LTC (b)(3), (b)(6) asked, in substance, the following questions:

41
SECRET//NOFORN

~~SECRET // NOFORN~~

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(b)(1)1.4a, (b)(1)1.4c

(U) EXAMINATION BY THE BOARD

(U) Member 2 asked, in substance, the following questions:

(b)(1)1.4a, (b)(1)1.4c

~~(S//FN)~~ Rozi Mohammad was tested positive for explosives.

(U) The President of the Board asked, in substance, the following questions:

~~(S//FN)~~ (b)(1)1.4a, (b)(1)1.4c

(U) [The witness withdrew from the boardroom.]

(U) CPT b(3), (b)(6) asked, in substance, the following questions:

~~(S//FN)~~ (b)(1)1.4a, (b)(1)1.4c

We have detainee statements. Detainee stated he was Taliban and provided details on bed-down location and Taliban activities. The detainee argued that this was translation error but this would have to be much more than translation error to get the details involved. Essentially

~~SECRET // NOFORN~~

~~SECRET//NOFORN~~

(b)(1)1.4a, (b)(1)1.4c

(b)(1)1.4a, (b)(1)1.4c. He admits to IED involvement. At first he was hesitant but later he admitted it. Since arriving at the DFIP the detainee has claimed innocence. (b)(1)1.4a, (b)(1)1.4c

(b)(1)1.4a, (b)(1)1.4c

LTC (b)(3), (b)(6) asked, in substance, the following questions:

~~(S//NF)~~ Detainee's statements denied any Taliban activities. The witness who spoke stated the detainee is not Taliban. The phone was not found on him. Everything that he has stated today has been along the same line as when he first arrived at the facility. The phone was not found on him. He didn't explain how the explosive residue was found on him.

(U) The recorder did offer classified exhibits.

(U) The personal representative did offer classified exhibits.

(U) The president and members of the board voted on ISN 20256. The votes were then collected and handed to the legal representative.

(U) [The classified session adjourned at 1150, 3 June 2010.]

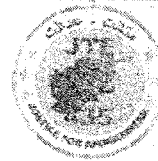
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~~SECRET//NOFORN~~



STAFF SUMMARY ROUTING SHEET

JTF 435/DCDO USFOR-A



SUBJECT: Status recommendation for ISN 20256 at the Detention Facility in Parwan (DFIP)

DATE: 3 June 2010

PROBLEM OR REASON FOR ACTION: To obtain DC JTF 435 approval or disapproval to change or validate the status of ISN 20256 to be continually interned at the DFIP.

ACTION OFFICER NAME/SECTION/PHONE NUMBER:
 CAPT Gregory Belanger, Director Legal Operations
 DSN (318) 481-8483

Office Primarily Responsible (OPR): JTF 435 Dir Leg Ops
Office Supporting Response (OSR):

COORDINATION

#	TO	ACTION	SIGNATURE (SURNAME), GRADE AND DATE	#	TO	ACTION	SIGNATURE (SURNAME), GRADE AND DATE
1	DRB President	Review/Sign	(b)(3), (b)(6) <i>MAS</i>	5	DC JTF 435	Sign	
2	<i>Captain</i> Recorder	Review	(b)(3), (b)(6) <i>11/15/10</i> <i>ZIGUENLO</i>	6			
3	DRB Legal Advisor	Review/Sign	(b)(3), (b)(6) <i>MAS, SA 5 June 2010</i>	7			
4	JTF 435 Director Legal Ops	Review	(b)(3), (b)(6)	8			

Transmitting for corrections security

(b)(1)1.4a, (b)(1)1.4c

but make sure have

connected to Detention. R. Approve (b)(3), (b)(6)

UNCLASSIFIED WHEN SEPARATED FROM ATTACHMENTS

SCJS TRACKING NUMBER

DATE Logged

Exhibit N

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THE WALL STREET JOURNAL.

WSJ.com

ASIA NEWS | SEPTEMBER 22, 2010

U.S. Seeks Role in Afghan Jail

Military May Retain Control of Part of Key Prison After Handoff, Officials Say

By JULIAN E. BARNES



Agence France-Presse/Getty Images

The U.S.-run detention center at Bagram Air Field, shown above last November, is set to be turned over to the Afghanistan government next year.

BAGRAM AIR FIELD, Afghanistan—The U.S. military is likely to retain control of a portion of its prison here even after it hands formal responsibility to the Afghan government next year, according to the top American admiral in charge of U.S. detention operations in Afghanistan.

The move is a bid to prevent the release of detainees who could pose a danger to allied troops, said Vice Admiral Robert Harward. Such a carve-out could also be used to hold accused terrorists captured far from the battlefields of Afghanistan, according to U.S. officials.

The detention facility at Bagram Air Field is the only permanent U.S. prison in Afghanistan, and is a central piece in U.S. counterterrorism efforts in the region. As the administration of President Barack Obama works to close the Guantanamo Bay prison, the U.S. currently doesn't have a facility to hold suspects captured in countries where it fears they may not be held securely.

Bagram prison is one of the first security institutions Kabul will take over as part of the White House strategy of giving security responsibility to Afghanistan, and its handover will mark a crucial first test of the U.S. strategy. It will also be a critical milestone for the Afghan government, which doesn't want significant numbers of its citizens in U.S. military custody.

The handover is complicated by another Obama administration imperative: retaining a secure facility where it can send suspected terrorists captured in places such as Yemen or Somalia. Early in the Afghanistan war, a handful of prisoners from outside Afghanistan were brought to Bagram, but no such detainees have been brought here under the Obama administration.

Adm. Harward, the commander of Task Force 435, which oversees the prison, says a small number of prisoners will likely remain in U.S. custody after the handover. The U.S. would retain control of one of the hangar-like buildings where prisoners are held, U.S. officials say, adding they anticipate holding fewer than 100 detainees.

Afghan lawmakers haven't commented on the prospects of a such a carve-out, but have said they don't want non-Afghan prisoners transferred to the prison from Guantanamo. U.S. officials have said there are no plans to move non-Afghan detainees here from Guantanamo.

Adm. Harward said he hopes to make the handoff between March and June 2011. The timeline will be based the capacity of the Afghan justice system and training of the corrections officials.

"I anticipate having a subset of unilateral U.S. detention operations, including Pakistanis we can't repatriate and enduring security threats," he said.

Of the approximately 1,100 detainees currently in the prison, Adm. Harward estimates about 60% of the cases have strong evidence that can be presented in Afghan courts. The remainder are being held on the basis of classified intelligence that the U.S. can't, or won't, submit to an Afghan court. For these detainees, the U.S. lacks the direct eyewitness accounts that would bring an easy conviction in an Afghan courts.

Such detainees could be signed over to Afghanistan, released or held in U.S. custody as a "continuing security threat," Adm. Harward said. In the Iraq war, thousands of prisoners were handed over to the central government in Baghdad, which ultimately released most of them.

Transferring suspected terrorists to Bagram from outside Afghanistan would require the approval of Afghan President Hamid Karzai. A senior U.S. official said a final decision on whether to use the prison to hold such prisoners wouldn't be made until the administration is confronted with an actual case.

To help build support for the handover, the U.S. military's detainee task force has been giving Afghan lawmakers tours of the facility, where detainees are held communally in large cages inside several detention buildings.

On one recent visit, the Afghan lawmakers were handed eyeglasses to protect them if the detainees threw feces. Detainees appeared more interested in pleading their case to the visitors than assaulting them.

Officials said the cells, which each hold about 24 men, are more culturally sensitive than confining the detainees two or three to a cell. The prison also has small cells where new detainees and prisoners who have caused problems are held in solitary confinement for a limited time, military officials said. Since January, 220 detainees have been released, 175 transferred the custody of the Afghan government, and 16 trials have been held at Bagram.

At the end of the tour, Sen. Fazil Hadi Muslimyar questioned Adm. Harward and other prison officials over the lack of specific sentences for most prisoners.

"I do not support people who kill civilians. They should be in prison," said Sen. Muslimyar. "But how long are they going to be there?"

Adm. Harward said that because prisoners in U.S. custody are held under the law of armed conflict, most haven't been sentenced to a specific term but they will be tried once handed over to the Afghans.

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Exhibit O

~~UNCLASSIFIED//FOUO~~



REPLY TO
ATTENTION OF:

DEPARTMENT OF DEFENSE
DEPUTY COMMANDER – DETAINEE OPERATIONS
JOINT TASK FORCE 435
APO AE 09354



JUN 14 2010

JTF-435-LO

MEMORANDUM FOR Commander, Task Force Protector, Bagram Airfield, Afghanistan, APO AE 09354

SUBJECT: 2 June 2010 Detainee Review Board (DRB) Recommendation Vote for Release for ISN 3111

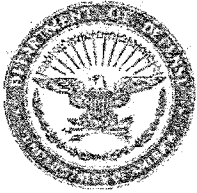
1. I have reviewed the findings and recommendation of the DRB conducted on 2 June 2010 concerning the internment of Detainee ISN 3111. By a vote of 2 to 1, the board members found that ISN 3111 does meet the detention criteria, but recommended internment is not necessary to mitigate the threat that ISN 3111 poses. I disapprove the DRB's findings and direct that ISN 3111 continue to be detained at the Detention Facility in Parwan.
2. The DRB's recommendation that ISN 3111 not be assessed as an Enduring Security Threat is approved.
3. The point of contact for this memorandum is CAPT [redacted (b)(3), (b)(6)] Director of Legal Operations, JTF 435, at DSN [redacted (b)(2)].

MARK S. MARTINS
Brigadier General, U.S. Army
Deputy Commander

~~UNCLASSIFIED//FOUO~~

BAGRAM / CENTCOM /001411

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DEPARTMENT OF DEFENSE
LEGAL DIRECTORATE – DETAINEE OPERATIONS
US FORCES AFGHANISTAN
JOINT TASK FORCE 435
APO AE 09356



REPLY TO
ATTENTION OF:

JTF-435-LO

6 June 2010

MEMORANDUM FOR Deputy Commander, Joint Task Force 435, Kabul, Afghanistan, APO AE 09356

SUBJECT: 2 June 2010 Detainee Review Board (DRB) Legal Review, Gul Agha, ISN 3111 (b)(1)1.4(a), (b)(1)1.4(c), (b)(6)

1. Gul Agha, ISN 3111, was captured by (b)(1)1.4a, (b)(1)1.4c. The predicate for capture was reporting against Gul Agha. The reporting indicated he is an IED facilitator and insurgent fighter.

2. I reviewed Enclosure 1, the findings and recommendations of Gul Agha, ISN 3111's DRB, and find them to be legally sufficient.

3. The DRB found that Gul Agha, ISN 3111, does meet the criteria for internment for reasons stated in Enclosures 1 and 2.

4. The DRB recommended that Gul Agha, ISN 3111, be released without conditions. The DRB further determined that internment is not necessary to mitigate the threat posed by Gul Agha, ISN 3111.

5. The DRB also recommended that Gul Agha, ISN 3111, not be classified as an Enduring Security Threat.

6. The point of contact for this review is MAJ (b)(3), (b)(6), JTF-435 DRB, at DSN (b)(2) or (b)(2), (b)(3), (b)(6).

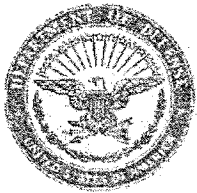
(b)(3), (b)(6)

- 4 Encls.
- 1. DRB President's Memo
- 2. DRB Voting Packet
- 3. Summarized Testimony with Exhibits
- 4. DC JTF 435 Release Approval/Disapproval Memo

MAJ, JA
Detainee Review Board Legal Advisor

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REPLY TO
ATTENTION OF:

DEPARTMENT OF DEFENSE
LEGAL DIRECTORATE – DETAINEE OPERATIONS
US FORCES AFGHANISTAN
JOINT TASK FORCE 435
APO AE 09356



JTF-435-LO

6 June 2010

MEMORANDUM FOR Deputy Commander, Joint Task Force 435, Kabul Afghanistan, APO AE 09356

SUBJECT: 2 June 2010 Detainee Review Board (DRB) Recommendation, Release Without Conditions of Gul Agha s/o Gul Jan, ISN 3111

1. DRB FINDINGS AND RECOMMENDATIONS. The DRB met on 2 June 2010 and made the following findings and recommendations concerning the internment of Gul Agha s/o Gul Jan, ISN 3111: (b)(1)1.4(a), (b)(1)1.4(c), (b)(6)

- a. That Gul Agha, ISN 3111, met criteria for initial internment because he was assessed to be a part of or a substantial supporter of insurgent forces opposing Coalition Forces.
- b. That internment is not necessary to mitigate the threat posed by Gul Agha, ISN 3111. That Gul Agha, ISN 3111, should not continue to be interned at the Detention Facility in Parwan.
- c. The DRB recommends approval for release without conditions of Gul Agha, ISN 3111.
- d. That Gul Agha, ISN 3111, should be considered for reintegration programs within the DFIP.
- e. That Gul Agha, ISN 3111, is not an Enduring Security Threat.

2. DRB ASSESSMENT. (b)(1)1.4(a), (b)(1)1.4(c). The DRB found the HUMINT to be unreliable in some instances and unattributable to ISN 3111 in other instances. The CELLEX revealed only two nefarious contacts. The quantity and quality of contacts was inconsistent with the reporting. The DRB noted that lack of a "smoking gun" that might have justified more than three years of continuous internment at the BTIF/DFIP.

The DRB assessed that Gul Agha, ISN 3111, really is the vegetable retailer that he said he is. As part of his business he shared a jingle truck, taking vegetables from the wholesaler to his shop in the bazaar.

3. CIRCUMSTANCES OF CAPTURE. Gul Agha s/o Gul Jan, ISN 3111, was captured by (b)(1)1.4a, (b)(1)1.4c (b)(1)1.4a, (b)(1)1.4c. The predicate for capture was reporting against Gul Agha. The reporting indicated he is an IED facilitator, smuggler, and insurgent fighter.

~~SECRET//NOFORN~~

BAGRAM / CENTCOM /001413

~~SECRET//NOFORN~~

JTF-435-LO

SUBJECT: 2 June 2010 Detainee Review Board (DRB) Recommendation, Release Without Conditions of Gul Agha, (a), (b)(1)1.4(d), (b)(6) ISN 3111

4. BASIS FOR TARGETING AND INTERNMENT. In making its findings and recommendations, the DRB considered the following evidence:

a. Physical Evidence: Cell phone and SIM card.

b. CELLEX: Limited, only two contacts.

c. Classified Reporting: Seven sources reported that Gul Agha was involved in various nefarious activities. He was accused of being a RCIED cell member; weapons facilitator; killer of government employees; and planner of kidnappings.

5. DETAINEE ADMISSIONS AND CLAIMS (PRE-DRB). In making its findings and recommendations, the DRB considered information from interrogations and interviews, including but not limited to the following:

a. Interrogations and Interviews: Gul Agha interrelated his profession with his reason for being at the point of capture (b)(1)1.4a, (b)(1)1.4c, (b)(6). Gul Agha's profession is vegetable sales. He was captured (b)(1)1.4a, (b)(1)1.4c. He buys vegetables from (b)(1)1.4(c), (b)(6)

b. Polygraph: None.

6. EXHIBITS SUBMITTED & DETAINEE TESTIMONY AT DRB. In making its findings and recommendations, the DRB considered the following exhibits and detainee testimony:

a. Recorder's Unclassified and Classified Exhibits.

b. Personal Representative's Exhibits. Exhibit A, indicating that Gul Agha, ISN 3111, was advised of the basis for internment and the facts supporting internment. Exhibit B, indicating that Gul Agha, ISN 3111, met with a personal representative and was advised of his rights at the DRB.

c. Detainee Criminal Investigative Detachment (DCID) Report of Investigation (ROI) dated 30 April 2010.

d. Disciplinary and Observation Reports (Theater Internment Facility Progress Report) dated 2 June 2010: Five DRs in 2009; zero DRs in 2010. In his testimony to the DRB, he said he is being respectful.

(b)(1)1.4(a), (b)(1)1.4(c)

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

JTF-435-LO

SUBJECT: 2 June 2010 Detainee Review Board (DRB) Recommendation, Release Without Conditions of Gul Agha, (b)(1), (b)(1)1, (b)(1)1.4, (b)(1)1.4.1, (b)(1)1.4.1.1

f. Detainee's DRB Statement and Responses to Questions: Gul Agha opened by saying he had no guns at the time of capture. There were Hig throughout his area of daily living. He was forthcoming about that fact that some of his contacts might have Hig affiliation. He was careful to explain that his purpose for contacting these people was to conduct his vegetable sales business. He traveled on a regular basis from Pakistan to Jalalabad, Afghanistan as part of his vegetable business. He has had the same phone/SIM for about five years. Consequently, there are many phone numbers recorded, saved, and otherwise preserved on that phone. Gul Agha explained that making and keeping contacts is part of his international vegetable sales business. He ended his explanation by offering to change jobs. Gul Agha said he would give up his phone if he had a different job, even if he had to take a small pay cut.

Gul Agha was captured, (b)(1)1.4a, (b)(1)1.4c, (b)(6) is the person from whom he bought his vegetables. It sounds like (b)(1)1.4(a) is a large scale wholesaler, a "big business man." Gul Agha cleared up the question of debt between (b)(6) and (b)(1)1.4(a), (b)(1)1.4(a) does not owe Gul Agha money. To the contrary, Gul Agha (b)(6) (b)(1)1.4(a), (b)(1)1.4(a) money for vegetable produce received.

Gul Agha harbors no ill will against the United States, and he told the DRB he is not a danger to Coalition Forces.

He denied smuggling weapons in vegetable trucks. He said there are no weapons in the bazaar. Instead he just loads up vegetables in the bazaar without weapons. He described renting large trucks to ship the vegetables from Pakistan (mostly spinach and tomatoes). The trucks were large, but he shared the cargo space.

Gul Agha's best memory of internment is learning the Koran. Even though he is uneducated, he has worked on memorizing the Koran. He values this experience very much.

7. WITNESS INFORMATION. In making its findings and recommendations, the DRB considered the following witness information: The Personal Representative admitted three written statements. Two are from government persons, village and provincial shuras, both forwarded through the district chief. The third was a sworn statement from his brother, (b)(1)1.4(a), (b)(1)1.4(c), (b)(6), (b)(1)1.4(a), (b)(1)1.4(c) DRB President read these documents, verbatim, into the court record. The Personal Representative tried to arrange telephonic testimony from the brother, Gul Agha. However, he was unable to contact the brother via phone, citing systematic phone problems.

8. SUMMATION OF DRB FINDINGS AND RECOMMENDATIONS, THREAT ASSESSMENT. In determining whether continued internment is necessary to mitigate the threat posed by Gul Agha, ISN 3111, the DRB assessed the detainee's level of threat and weighed, among other things, his potential for rehabilitation, reconciliation, and eventual reintegration into society. In considering this recommendation, the DRB noted the risk posed by Gul Agha, ISN 3111, in relation to the COIN impact of release versus continued internment. The DRB thinks

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JTF-435-LO

SUBJECT: 2 June 2010 Detainee Review Board (DRB) Recommendation, Release Without Conditions of Gul Agha (b)(1), (b)(1.4(a)), (b)(3), (b)(6), (b)(7)(C), (b)(7)(D), (b)(7)(E), (b)(7)(F), (b)(7)(G), (b)(7)(H), (b)(7)(I), (b)(7)(J), (b)(7)(K), (b)(7)(L), (b)(7)(M), (b)(7)(N), (b)(7)(O), (b)(7)(P), (b)(7)(Q), (b)(7)(R), (b)(7)(S), (b)(7)(T), (b)(7)(U), (b)(7)(V), (b)(7)(W), (b)(7)(X), (b)(7)(Y), (b)(7)(Z), (b)(8), (b)(9), (b)(10), (b)(11), (b)(12), (b)(13), (b)(14), (b)(15), (b)(16), (b)(17), (b)(18), (b)(19), (b)(20), (b)(21), (b)(22), (b)(23), (b)(24), (b)(25), (b)(26), (b)(27), (b)(28), (b)(29), (b)(30), (b)(31), (b)(32), (b)(33), (b)(34), (b)(35), (b)(36), (b)(37), (b)(38), (b)(39), (b)(40), (b)(41), (b)(42), (b)(43), (b)(44), (b)(45), (b)(46), (b)(47), (b)(48), (b)(49), (b)(50), (b)(51), (b)(52), (b)(53), (b)(54), (b)(55), (b)(56), (b)(57), (b)(58), (b)(59), (b)(60), (b)(61), (b)(62), (b)(63), (b)(64), (b)(65), (b)(66), (b)(67), (b)(68), (b)(69), (b)(70), (b)(71), (b)(72), (b)(73), (b)(74), (b)(75), (b)(76), (b)(77), (b)(78), (b)(79), (b)(80), (b)(81), (b)(82), (b)(83), (b)(84), (b)(85), (b)(86), (b)(87), (b)(88), (b)(89), (b)(90), (b)(91), (b)(92), (b)(93), (b)(94), (b)(95), (b)(96), (b)(97), (b)(98), (b)(99), (b)(100)

that after more than three years interned Gul Agha does not pose a threat. As a result of all of these considerations, the DRB believes release without conditions is the best alternative.

9. The point of contact for this review is MAJ (b)(3), (b)(6), JTF-435 DRB, at DSN (b)(2) (b)(2) or (b)(2), (b)(3), (b)(6)

(b)(3), (b)(6)

2 Encls.

- 1. DRB Voting Packet
- 2. Summarized Testimony

COL, QM, USA
President, Detainee Review Board

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

(U//FOUO) [redacted] -003 F11
Gul ((AGHA)) s/o [redacted]

POC: [redacted] DOC: [redacted]

~~(C//REL USA, GCTF, ISAF, NATO)~~ Capturing Unit: [redacted]

(U//FOUO) POB/POR: [redacted] Tribe/SubTribe: [redacted] Primary Language: Pashto ~~(S//NF)~~ Interrogations/TIRs: 14/15

Circumstances of Capture: ~~(C//REL USA, ISAF, NATO)~~: Gul Agha [redacted]

Internment Criteria: (U//FOUO) Was a part of, or substantially-supported, Taliban or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act, or has directly supported hostilities in aid of such enemy armed forces.

SSE: (U//FOUO) Cell phone, SIM card.

Exploitation: (U//FOUO) None.

Reporting:

~~(C//REL TO USA, AUS, CAN, GBR, NLD)~~ Reporting indicated that Gul Agha received 4 RCIED parts from [redacted]. CF were the intended targets of the IED [redacted] 7 Jan 07).

~~(S//NF)~~ [redacted], reported that ACM member Gul Agha planned on kidnapping Chinese laborers working on the bypass and ransoming them for executing them to gain respect [redacted].

~~(S//NF)~~ [redacted], reported that Gul Agha acknowledged that he took part in an attack in Khogiani district that resulted in the deaths of several government employees [redacted].

~~(S//NF)~~ [redacted] ~~(C//REL TO USA, AUS, CAN, GBR, NLD)~~ Gul Agha had RCIED parts shipped from Pakistan and plans on concealing the IED antenna in a grass-like plant with a hollow center. [redacted]

~~(S//NF)~~ [redacted] ~~(C//REL TO USA, NATO, GCTF, ISAF)~~ Gul Agha is a TB weapons facilitator who was associated with [redacted] (now deceased), and he smuggles IED parts in trucks with false bottoms [redacted].

~~(S//NF)~~ [redacted], reported that ~~(C//REL TO USA, NATO, GCTF, ISAF)~~ HIG and ~~(S//NF)~~ BK groups did not plan to operate in Khogiani district because of Gul Agha's arrest [redacted].

~~(S//NF)~~ [redacted], reported that Gul Agha, resident of Khogiani district, is a member of [redacted] HIG group [redacted].

~~(S//NF)~~ [redacted], reported that Gul Agha, is a member of [redacted] RCIED Cell in Khogiani, Nangarhar [redacted].

Detainee Statement: ~~(C//REL TO USA, GCTF, ISAF, NATO)~~ [redacted] captured at [redacted] house because Detainee went to socialize since [redacted] owed him money [redacted]. Owns two phones besides the one he had in his possession. [redacted] smuggles children from Afghanistan to the UK through Iran and Turkey [redacted]. There are three reasons he might have had reporting against him, and they all stem from "woman problems" [redacted]. The Wazir bazaar stores were probably attacked because they sold music [redacted]. He is wealthy and he did not give money to Detainee (IR 10, 6 Oct 07). Stated he had had sex with George Bush's wife because he was in jail and that was how he feels. Not associated with Taliban [redacted]. Coordinated with [redacted] to transport vegetables to Pakistan on jingle trucks. Cannot read or write. Was aware of Chinese laborers in the countryside, fixing roads [redacted].

BSCT Assessment: ~~(S//NF)~~ [redacted]

DR/OR Summary: ~~(S//NF)~~ [redacted]

~~(C//REL USA, GCTF, ISAF, NATO)~~ ~~(S//REL USA, ISAF, NATO)~~ (U//FOUO)

Organization & Role:

ACM Commander
DRB Hearing: 2 June 2010

Associated Personalities

[redacted]

Other Names/Alias

[redacted]

BAGRAM / CENTCOM /001417

~~SECRET//NOFORN~~

Detainee Review Board Report of Findings and Recommendations – Final Board Result

v.22 Feb 2010

<u>Date of Board</u> 2 JUN 10	<u>Detainee Name</u> Gul Agha S/	(b)(6), (b)(1)1.4(a), (b)(1)1.4(c)	<u>Detainee ISN</u> 3111
----------------------------------	-------------------------------------	------------------------------------	-----------------------------

STEP 1 (FINDINGS): By a preponderance of the information presented, as a member of the Detainee Review Board (DRB), I find that:

The detainee DOES NOT MEET THE CRITERIA for internment and will be released. *Stop here and sign at the bottom.*

OR

The detainee listed above MEETS CRITERIA FOR INTERNMENT because he is a person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, and persons who harbored those responsible for those attacks: *(Continue to Step 2)* OR

The detainee listed above MEETS CRITERIA FOR INTERNMENT because he is a person who was part of, or substantially supported, Taliban or al-Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act, or has directly supported hostilities, in aid of such enemy armed forces. *(Continue to Step 2)*

STEP 2 (THREAT ASSESSMENT RECOMMENDATION): After taking into account the detainee's potential for rehabilitation, reconciliation, and eventual reintegration into society, by a preponderance of the information, I find that continued internment:

Please circle the appropriate threat level, regardless of which recommendation is made in STEP 2.

- 5 - Strategic threat to the U.S. and its allies, friends, and allies.
- 4 - National level threat to the U.S. and its allies, friends, and allies.
- 3 - Regional level threat to all of our interests.
- 2 - Global level threat to U.S. interests.
- 1 - Threat to local allies.
- 0 - No threat to the U.S. or its allies.

5

IS NOT NECESSARY to mitigate the threat the detainee poses; *(Go to Step 3A)*

OR

IS NECESSARY to mitigate the threat the detainee poses (* the detainee will remain at the Detention Facility in Parwan (DFIP) to ensure detention required to mitigate his threat) *(Go to Step 3B)*

Explain the facts presented at the DRB which led to your recommendation/
(Mandatory regardless of which threat assessment is made):

(b)(1)1.4a, (b)(1)1.4c Context ready
copy fact retention contacts. The fact that he should be daily with - should be used for retention analysis - no evidence that Gul Agha involved with retaining (see lot 6) jungle track.

STEP 3A: If your Recommendation in STEP 2 is that continued internment is not necessary to mitigate the threat the Detainee poses, then make one of the following recommendations: In light of the findings listed above, I recommend that the detainee be (PICK ONLY 1):

- Released without conditions; or
- Transferred to Afghan authorities for their consideration of criminal prosecution.
- Transferred to Afghan authorities for participation in a reconciliation or reintegration program.
- (For non-Afghan and non-U.S. third-country national): Transferred to a third-country for: criminal prosecution // participation in a reconciliation program // or release: *(circle one)*

STEP 3B: If your Recommendation in STEP 2 is that continued internment is necessary to mitigate the threat the Detainee poses, make the following further recommendation, and then Go to Step 4.

While the Detainee remains interned at the DFIP, SHOULD / SHOULD NOT *(circle one)* be considered for Reintegration programs within the DFIP.

STEP 4: The Detainee IS or IS NOT an Enduring Security Threat *(circle one)*.

DRB President (Printed)

(b)(3), (b)(6)

DRB President (Signature)

Detainee Review Board Report of Findings and Recommendations

v. 5 Feb 2010

Date of Board	Detainee Name	Detainee ISN
2 JUNE 11	Gul Agha	00 BXMM 4a, (b)(1) 4c (b)(1) 4a, (b)(1) 4c

STEP 1 (FINDINGS): By a preponderance of the information presented, as a member of the Detainee Review Board (DRB), I find that:

The detainee DOES NOT MEET THE CRITERIA for internment and will be released. *Stop here and sign at the bottom.*

OR

The detainee listed above MEETS CRITERIA FOR INTERNMENT because he is a person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, and persons who harbored those responsible for those attacks. *(Continue to Step 2)*

OR

The detainee listed above MEETS CRITERIA FOR INTERNMENT because he is a person who was part of, or substantially supported, Taliban or al-Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act, or has directly supported hostilities, in aid of such enemy armed forces. *(Continue to Step 2)*

STEP 2 (THREAT ASSESSMENT RECOMMENDATION): After taking into account the detainee's potential for rehabilitation, reconciliation, and eventual reintegration into society, by a preponderance of the information, I find that continued internment:

IS NOT NECESSARY to mitigate the threat the detainee poses; *(Go to Step 3A)*

OR

IS NECESSARY to mitigate the threat the detainee poses. * The detainee will remain at the Detention Facility in Pursuit (DFIP) to ensure detention required to mitigate his threat. *(Go to Step 3B);*

Explain the facts presented at the DRB which led to your recommendation/ (Mandatory regardless of which threat assessment is made):

(b)(1)1.4a, (b)(1)1.4c
 Limited contact with his support network
 Detainee included in list of held

Please circle the appropriate threat level regardless of which recommendation is made to STEP 2

- 5- Strategic threat to American and Coalition Forces and Civilians
- 4- National threat to American and Coalition Forces
- 3- Regional threat to Coalition forces or authority
- 2- Provincial threat to CIA forces or authority
- 1- Threat to local village authorities
- 0- Not a threat to his village or beyond

STEP 3A: If your Recommendation in STEP 2 is that continued internment is not necessary to mitigate the threat the Detainee poses, then make one of the following recommendations: In light of the findings listed above, I recommend that the detainee be:

- Released without conditions; or
- Transferred to Afghan authorities for their consideration of criminal prosecution.
- Transferred to Afghan authorities for participation in a reconciliation or reintegration program.
- (For non-Afghan and non-U.S. third-country national):* Transferred to a third country for: criminal prosecution // participation in a reconciliation program // or release. *(circle one)*

STEP 3B: If your Recommendation in STEP 2 is that continued internment is necessary to mitigate the threat the Detainee poses, make the following further recommendation, and then Go to Step 4.

While the Detainee remains interned at the DFIP, he SHOULD / SHOULD NOT *(circle one)* be considered for Reintegration programs within the DFIP.

STEP 4: "Enduring Security Threat" Assessment --- * Prior to completing your Enduring Security Threat Assessment, go to page 2 of this form and complete the EST Worksheet, paying particular attention to the criteria and definitions.

The Detainee IS / IS NOT an Enduring Security Threat *(circle one)*.

(b)(3), (b)(6)

Page 10 redacted for the following reason:

(b)(1)1.4(a), (b)(1)1.4(e)

Detainee Review Board Report of Findings and Recommendations

v. 5 Feb 2010

<u>Date of Board</u> 06-02-10	<u>Detainee Name</u> Gul AGHA	<u>Detainee ISN</u> (b)(1)1.4a, (b)(1)1.4c-00311	(b)(1)1.4a, (b)(1)1.4c
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STEP 1 (FINDINGS): By a preponderance of the information presented, as a member of the Detainee Review Board (DRB), I find that:

The detainee DOES NOT MEET THE CRITERIA for internment and will be released. *Stop here and sign at the bottom.*

(b)(3), (b)(6) OR

The detainee listed above MEETS CRITERIA FOR INTERNMENT because he is a person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, and persons who harbored those responsible for those attacks; *(Continue to Step 2)*

OR
The detainee listed above MEETS CRITERIA FOR INTERNMENT because he is a person who was part of, or substantially supported, Taliban or al-Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act, or has directly supported hostilities, in aid of such enemy armed forces. *(Continue to Step 2)*

STEP 2 (THREAT ASSESSMENT RECOMMENDATION): After taking into account the detainee's potential for rehabilitation, reconciliation, and eventual reintegration into society, by a preponderance of the information, I find that continued internment:

Please circle the appropriate threat level regardless of which recommendation is made in STEP 2.

- 5- Strategic threat to American and Coalition Forces and Civilians
- 4- National threat to American and Coalition Forces
- 3- Regional threat to GCCA forces or authority
- 2- Provincial threat to GCCA forces or authority
- 1- Threat to local village authorities
- 0- Is not a threat to his village or beyond

IS NOT NECESSARY to mitigate the threat the detainee poses; *(Go to Step 3A)*

IS NECESSARY to mitigate the threat the detainee poses (* The detainee will remain at the Detention Facility in Parwan (DFIP) to ensure detention required to mitigate his threat) *(Go to Step 3B);*

Explain the facts presented at the DRB which led to your recommendation/ (Mandatory regardless of which threat assessment is made):

(b)(1)1.4a, (b)(1)1.4c
Limited info

STEP 3A: If your Recommendation in STEP 2 is that continued internment is not necessary to mitigate the threat the Detainee poses, then make one of the following recommendations: In light of the findings listed above, I recommend that the detainee be:

- Released without conditions; or
- Transferred to Afghan authorities for their consideration of criminal prosecution.
- Transferred to Afghan authorities for participation in a reconciliation or reintegration program.
- (For non-Afghan and non-U.S. third-country national):* Transferred to a third country for: criminal prosecution // participation in a reconciliation program // or release, *(circle one)*

STEP 3B: If your Recommendation in STEP 2 is that continued internment is necessary to mitigate the threat the Detainee poses, make the following further recommendation, and then Go to Step 4:

While the Detainee remains interned at the DFIP, he (SHOULD) / SHOULD NOT *(circle one)* be considered for Reintegration programs within the DFIP.

STEP 4: "Enduring Security Threat" Assessment — * Prior to completing your Enduring Security Threat Assessment, go to page 2 of this form and complete the EST Worksheet, paying particular attention to the *criteria and definitions*.

The Detainee IS or (IS NOT) an Enduring Security Threat *(circle one)*.

(b)(3), (b)(6)

Page 12 redacted for the following reason:

(b)(1)1.4(a), (b)(1)1.4(c)

Detainee Review Board Report of Findings and Recommendations

v. 5 Feb 2010

Date of Board 2 JUN 10	Detainee Name GUL ABHA	Detainee ISN 0081M(a), (b)(1)1.4c
----------------------------------	----------------------------------	---

STEP 1 (FINDINGS): By a preponderance of the information presented, as a member of the Detainee Review Board (DRB), I find that:

The detainee DOES NOT MEET THE CRITERIA for internment and will be released. *Stop here and sign at the bottom.*

OR

The detainee listed above MEETS CRITERIA FOR INTERNMENT because he is a person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, and persons who harbored those responsible for those attacks: *(Continue to Step 2)*

The detainee listed above MEETS CRITERIA FOR INTERNMENT because he is a person who was part of, or substantially supported, Taliban or al-Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act, or has directly supported hostilities, in aid of such enemy armed forces. *(Continue to Step 2)*

STEP 2 (THREAT ASSESSMENT RECOMMENDATION): After taking into account the detainee's potential for rehabilitation, reconciliation, and eventual reintegration into society, by a preponderance of the information, I find that continued internment:

IS NOT NECESSARY to mitigate the threat the detainee poses; (Go to Step 3A)

OR

IS NECESSARY to mitigate the threat the detainee poses ("the detainee will remain at the Detention Facility in Bagram (DFB) to ensure detention required to mitigate his threat") (Go to Step 3B):

Explain the facts presented at the DRB which led to your recommendation/ (Mandatory regardless of which threat assessment is made):

(b)(1)1.4a, (b)(1)1.4c

Please circle the appropriate threat level regardless of which recommendation is made in STEP 2.

- 5- Strategic threat to American and Coalition Forces and Civilians
- 4- National threat to American and Coalition Forces
- 3- Regional threat to Global forces or authority
- 2- Provincial threat to Global forces or authority
- 1- Threat to local village authority
- 0- It is not a threat to his village or beyond

STEP 3A: If your Recommendation in STEP 2 is that continued internment is not necessary to mitigate the threat the Detainee poses, then make one of the following recommendations: In light of the findings listed above, I recommend that the detainee be:

- Released without conditions; or
- Transferred to Afghan authorities for their consideration of criminal prosecution.
- Transferred to Afghan authorities for participation in a reconciliation or reintegration program.
- (For non-Afghan and non-U.S. third-country national): Transferred to a third country for: criminal prosecution // participation in a reconciliation program // or release. (circle one)

STEP 3B: If your Recommendation in STEP 2 is that continued internment is necessary to mitigate the threat the Detainee poses, make the following further recommendation, and then Go to Step 4:

While the Detainee remains interned at the DFB, he SHOULD / SHOULD NOT (circle one) be considered for Reintegration programs within the DFB.

STEP 4: "Enduring Security Threat" Assessment --- * Prior to completing your Enduring Security Threat Assessment, go to page 2 of this form and complete the ESE Worksheet, paying particular attention to the criteria and definitions.

The Detainee IS / IS NOT an Enduring Security Threat (circle one).

(b)(3), (b)(6)

Page 14 redacted for the following reason:

(b)(1)1.4(a), (b)(1)1.4(c)

~~SECRET // REL TO USA, ISAF, NATO~~

1 (U//FOUO) [ISN 1.4a, (b)(1) 3111] (U//FOUO) [ISN 1.4a, (b)(1) 3111] Carl Agha, entered the boardroom,
 2 took his seat in front of the board members, and the
 3 unclassified hearing was called to order at 0826, 2 June 2010.]

4
 5 (U) Persons Present:

6
 7 (U) COLONEL [REDACTED], PRESIDENT OF THE BOARD;

8
 9 (U) MAJOR [REDACTED], MEMBER ONE;

10
 11 (U) MAJOR [REDACTED], MEMBER TWO;

12
 13 (U) CAPTAIN [REDACTED], DETAINEE REVIEW BOARD
 14 RECORDER ONE;

15
 16 (U) LIEUTENANT [REDACTED], PERSONAL REPRESENTATIVE
 17 ONE;

18
 19 (U) MAJOR [REDACTED], LEGAL REPRESENTATIVE; and

20
 21 (U) SERGEANT [REDACTED], COURT REPORTER.

22
 23 (U) [The recorder was previously sworn.]

24
 25 (U) The detainee was advised by the president of how this board
 26 was not a criminal trial and how this board was to determine
 27 whether or not he met the criteria for further internment.

28
 29 (U) The president also notified the detainee that he may be
 30 present at all open sessions of the board permitting that he
 31 acted appropriately. ISN 3111 was also advised that he could
 32 testify under oath or unsworn if he wished to do so, that he had
 33 a personal representative who was present at the hearing, that
 34 he may present information at the hearing including the
 35 testimony of witnesses, and that he can examine documents
 36 presented to the board all of which the detainee understood.

37
 38 (U) Further, ISN 3111 was instructed that, at the conclusion of
 39 the board after the legal review, the board would determine
 40 whether he met the criteria for further internment at the
 41 Detention Facility in Parwan. The detainee understood the fact

~~SECRET // REL TO USA, ISAF, NATO~~

~~SECRET // REL TO USA, ISAF, NATO~~

1 that if he does not meet the criteria, he would be released as
2 soon as possible. However, if he did meet the criteria, then he
3 would be recommended for further internment, transferred to
4 Afghan authorities, or released without conditions.

5
6 (U) Captain (b)(3), (b)(6) presented the following unclassified
7 information to the board:

8
9 (U//~~FOUO~~) On (b)(1)1.4a, (b)(1)1.4c, Gul Agha, Detainee 3111, was
10 captured by (b)(1)1.4a, (b)(1)1.4c during a raid targeting him.
11 He was captured with a phone and a SIM card.

12
13 (U//~~FOUO~~) Gul Agha is assessed to be an anti-coalition
14 militia commander associated with the Hezb I-Islami
15 Gulbuddin (HIG) group.

16
17 (U//~~FOUO~~) The detainee meets the internment criteria if
18 this board determines that he was part of or substantially
19 supported the Taliban or associated forces that are engaged
20 in hostilities against the U.S or its coalition partners,
21 or if he has committed a belligerent act, or directly
22 supported hostilities in aid of such enemy armed forces.

23
24 (U) The detainee, ISN 3111, made the following statements to the
25 board:

26
27 (U//~~FOUO~~) The whole time that I have been here, I have
28 behaved very well. You will not find any Soldier that has
29 given me a DR. Without the person that reported on me --
30 you can ask about me in my village and you will not find
31 anyone that says that I carried an AK-47 or a gun.

32
33 (U//~~FOUO~~) Concerning the allegation that I am a member of
34 the HIG, there are Taliban and HIG people all around. This
35 is a very common thing now that those people are living
36 there. I had a motorcycle that I sold (b)(6), (b)(1)1.4(a), (b)(1)1.4c. During
37 this transaction, I gave him my number and he gave me his
38 number. Other than that, I had no other transactions.

39
~~SECRET // REL TO USA, ISAF, NATO~~

~~SECRET // REL TO USA, ISAF, NATO~~

1 (U//~~FOUO~~) The person that was the intermediary in that
 2 transaction name is (b)(6), (b)(1)1.4(a), (b)(1)1.4(c) and he is an engineer. He
 3 is still in Jalalabad.

4
 5 (U//~~FOUO~~) We did not come to an agreement on that price
 6 between us when I was trying to sell my motorcycle.

7
 8 (U//~~FOUO~~) My SIM card is from Peshawar, Pakistan and I got
 9 my telephone in Afghanistan. I do my business from
 10 Peshawar to Jalalabad and I am in the business of
 11 vegetables. Everyone in the market knows my number and I
 12 know lots of other people's number, because we are in the
 13 same business.

14
 15 (U//~~FOUO~~) I have had that card for 3 to 4 years.

16
 17 (U//~~FOUO~~) If you want me to quit that job, then that is
 18 fine with me. I will work with you or you can find me a
 19 job, even if I make less than I do in the vegetable
 20 business.

21
 22 (U//~~FOUO~~) Where ever you assign me a job, I will take that
 23 assignment just to prove that I am not a danger to the
 24 Afghan Government and the Coalition Forces.

25
 26 (U//~~FOUO~~) That is the end of my statement.

27
 28 (U) DETAINEE TESTIMONY

29
 30 (U//~~FOUO~~) GUL AGHA (b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4d was called for the board and
 31 testified, in substance, as follows:

32
 33 (U) DIRECT EXAMINATION

34
 35 (U) Capt. (b)(3), (b)(6) asked, in substance, the following questions:

36
 37 (U//~~FOUO~~) My name is Gul Agha. I do not go by anything
 38 else. I have lived (b)(6), (b)(1)1.4(a), (b)(1)1.4(c) whole life.

39
 40 (U//~~FOUO~~) I was spending the night at my friend's house the
 41 night I was captured. After dinner, we decided to go to

~~SECRET // REL TO USA, ISAF, NATO~~

~~SECRET // REL TO USA, ISAF, NATO~~

1 sleep and then the [redacted] (b)(1)1.4a, (b)(1)1.4c came and captured me.
 2 They told me that I was a Talib and I told them that I was
 3 not, that I was just a guest there.

4
 5 (U//~~FOUO~~) I was staying at [redacted] (b)(1)1.4a, (b)(1)1.4c, (b)(6).
 6

7 (U//~~FOUO~~) [redacted] (b)(1)1.4(a), (b)(6) does not owe me money.
 8

9 (U//~~FOUO~~) I did not run out of the house when the [redacted] (b)(1)1.4a, (b)(1)1.4c
 10 (b)(1)1.4a, (b)(1)1.4c came, I was inside the house.

11
 12 (U//~~FOUO~~) [redacted] (b)(1)1.4(a), (b)(6) is the top person of our vegetable business
 13 and we always contact him for business. He supplies us
 14 with the merchandise, which was why I was at his house. We
 15 discussed business. I actually owed him some money. I did
 16 not say that I went [redacted] (b)(1)1.4a, (b)(1)1.4c, (b)(6) because he owed me
 17 money.
 18

19 (U//~~FOUO~~) What do you want me to explain about the American
 20 Forces in Afghanistan? I know that the American Forces are
 21 helping this country and I realized that they are building
 22 roads and buildings. I've known this from the beginning.
 23 I got fresh information while being here in detainment.
 24

25 (U//~~FOUO~~) I apologized that I said something about
 26 President Bush's wife. I also said that it was President
 27 Bush's fault that we are all here. It was just because I
 28 was here; I made a mistake and said something bad. That
 29 does not reflect how I feel about America. I will not
 30 create any opposition against America because of what has
 31 happened here.
 32

33 (U//~~FOUO~~) I have never heard of [redacted] (b)(1)1.4(a), (b)(1)1.4(c), (b)(6) [Name]. It is
 34 possible that I talked to this person, but he might have
 35 given me a different name.
 36

37 [The recorder presented the detainee with slide 2 of the
 38 unclassified exhibit.]
 39

40 (U//~~FOUO~~) This is just personal stuff: notebook, telephone,
 41 keys. The rest of the stuff I don't know.

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1
2 (U//~~FOUO~~) The phone on the left in the picture on slide
3 three is mine.
4

5 (U//~~FOUO~~) I don't recall what was written in the notebook.
6 It has been quite a while, three and a half years. I had
7 no education before I came to this facility. I have gained
8 some education while I have been here. I was not able to
9 read or write before I came here, now I can read the Koran.
10 I can recognize phone numbers, but I don't remember the
11 numbers in the notebook. If you mention names, I might
12 remember.
13

14 (U//~~FOUO~~) Yes I recognize the names on pages 5-10 of the
15 exhibit and I recognize the pages from the notebook.
16

17 (U//~~FOUO~~) I have never been associated with any anti-
18 coalition militia groups and I don't know anyone who was.
19 I have lived all my life in the city (b)(6), (b)(1)1.4(a), (b)(1)1.4(c) the person
20 I was trying to sell my motorcycle to. I (b)(6), (b)(1)1.4(a), (b)(1)1.4(c) is
21 a leader in my village. During the daytime, I don't know
22 of them associating with anti-coalition forces. At night
23 time, I don't know what goes on. I don't (b)(6), (b)(1)1.4(a), (b)(1)1.4(c)
24 only time I met him was during our transaction.
25

26 (U//~~FOUO~~) I brought (b)(6), (b)(1)1.4(a), (b)(1)1.4(c) up (b)(6), (b)(1)1.4(a), (b)(1)1.4(c)
27 earlier because I have been
28 asked who he was.

29 (U//~~FOUO~~) I took trips almost every week to Pakistan for my
30 work. I have never used vegetable trucks to smuggle
31 weapons. There are no weapons in the vegetable market. We
32 just buy vegetables, load them on the truck and bring them
33 to Jalalabad.
34

35 (U//~~FOUO~~) I have never been involved bringing remote
36 control IED parts from Pakistan.
37

38 (U//~~FOUO~~) I do not know why people would report these
39 things about me.
40

~~SECRET // REL TO USA, ISAF, NATO~~

~~SECRET // REL TO USA, ISAF, NATO~~

1 (U//~~FOUO~~) I don't feel like this is a detention facility.
 2 The hospitality has been excellent.

3
 4 (U//~~FOUO~~) If I get released, the first step would be to
 5 take care of my kids. For work, if you gave me an
 6 assignment, I would take it. Otherwise, I would go back to
 7 my old job. If you gave me a job, I would work for less
 8 than and harder than any other man.

9
 10 (U//~~FOUO~~) This is the first time I've heard of (b)(6), (b)(1)1.4(a), (b)(1)1.4(c)
 11 (b)(6), (b)(1)1.4(a), (b)(1)1.4(a)]. I've never claimed to take place in an
 12 attack which killed this man.

13
 14 (U//~~FOUO~~) I was in Jalalabad. I was asleep. It was during
 15 fasting month. It was around 1 am. I woke up when I heard
 16 a person crying, I went out and asked him what was going
 17 on (b)(6), (b)(1)1.4(a), (b)(1)1.4(a) the person who was crying, told me there was
 18 bad news. He told me (b)(6), (b)(1)1.4(a), (b)(1)1.4(c) killed by a mine. I
 19 said, don't worry, maybe it isn't true. And he said, No
 20 they just called me and said make a grave for him, he is
 21 dead. There are a hundred witnesses that I was not
 22 involved in this mine explosion. Everybody knows I was not
 23 involved in this. You can call and ask.

24
 25 (U//~~FOUO~~) I am 100% guilty, if somebody proves that I was
 26 involved in placing these mines and explosives to kill
 27 people.

28
 29 (U) The translator explains that this is to emphasize that he
 30 was not involved.

31
 32 (U//~~FOUO~~) I wasn't thinking about the district chief when I
 33 heard you say that name. I realized it later. I only knew
 34 this person (b)(6), (b)(1)1.4(a), (b)(1)1.4(a) though I heard of him, I never met
 35 that person.

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(U) CROSS-EXAMINATION

1
2
3 (U) Lieutenant (b)(3), (b)(6) asked, in substance, the following
4 questions:

5
6 (U//~~FOUO~~) I traveled to Pakistan with a bus pass. Once
7 there, we'd rent a truck and load it. Sometimes I would
8 ride back with the truck, other times I would take the bus
9 back. I don't own a vehicle. Nor do I own any property in
10 Pakistan.

11
12 (U//~~FOUO~~) I never reached an agreement to sell my
13 motorcycle. (b)(6), (b)(1)1.4(a), (b)(1)1.4(c) approached me and asked me if I would
14 like to sell my motorcycle, and I told him no. I had never
15 met him prior to this, I don't even know his father's name
16 or where he comes from.

17
18 (U//~~FOUO~~) I was staying at (b)(6), (b)(1)1.4a, (b)(1)1.4c house the night that I
19 was captured. He's a big man in the vegetable business.

20
21 (U//~~FOUO~~) I am not acquainted with (b)(6), (b)(1)1.4(a), (b)(1)1.4(d) [Name], but
22 I know of him. He is a business partner (b)(6), (b)(1)1.4(a), (b)(1)1.4(c)
23 vegetable business owner. He is a big person, I am a poor
24 person, and I don't know him. I've never even said hello
25 to him, how would I know if he has any involvement in the
26 Taliban or HIG?

27
28 (U//~~FOUO~~) If I were released, I would tell people how I
29 memorized the Koran here in this facility. That is a very
30 big deal for me.

31
32 (U//~~FOUO~~) I don't have enough knowledge to say what the
33 full meaning of Jihad according to the Koran. I don't know
34 the exact translation of Koran, so I cannot say if the
35 Taliban and al Qaeda and HIG are right about Jihad. Poor
36 people are the ones who suffer, during the time of the
37 Russians, when the Taliban were training. They are not
38 fighting for the country.

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(U) EXAMINATION BY THE BOARD

1
2
3 (U) Member 1 asked, in substance, the following questions:

4
5 (U//~~FOUO~~) I mostly transport spinach and tomatoes. There
6 is no average amount that I make in a month, some months we
7 make a profit, some months we don't. I was barely making
8 expenses. The trucks I rented to transport the vegetables
9 were huge. I wasn't the only person using them; other
10 business people would buy things and load them in the
11 truck. I never noticed anything suspicious about these
12 trucks. There is no room for hidden compartments and these
13 things.

14
15 (U) Member 2 asked, in substance, the following questions:

16
17 (U//~~FOUO~~) I don't remember making a statement saying that
18 the reasons people might report on me was due to women
19 problems.

20
21 (U//~~FOUO~~) I am a vegetable merchant not a day worker.

22
23 (U) The personal representative admitted statements from the
24 detainee's brother (b)(6), (b)(1)1.4(a), (b)(1)1.4(c)

25
26 (U) The President read the statements.

27
28 (U) The recorder did offer unclassified exhibits.

29
30 (U) The personal representative did offer unclassified exhibits.

31
32 (U) The recorder had no further unclassified information to
33 offer the board and, per the recorders request, the president
34 granted a closed hearing at the culmination of the unclassified
35 hearing.

36
37 (U) The president announced the conclusion of the unclassified
38 hearing.

39
40 (U) The president of the board instructed the detainee that he
41 would be notified of the board's decision within a couple of

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~~SECRET // REL TO USA, ISAF, NATO~~

1 weeks and that he would be released if the decision is made that
 2 further internment would not be required. However, if the board
 3 decided that further internment is required, he would be
 4 retained at the Detention Facility in Parwan, transferred to
 5 Afghan authorities for participation in a reconciliation
 6 program, or released transferred to his national country for
 7 participation in a reconciliation program. Furthermore, if
 8 continued internment was recommended, then an additional
 9 Detainee Review Board would be reconvened in 6 months.

10
 11 (U) The detainee made the following statement:

12
 13 (U//~~FOUO~~) I would like to say again that I have behaved
 14 well with the Soldiers and everyone.

15
 16 (U) [The unclassified hearing adjourned at 9:40, 2 June 2010.]

17
 18 (U) [The detainee withdrew from the boardroom.]

19
 20 (U) [The classified hearing was called to order at 9:40, 2 June
 21 2010.]

22
 23 (U) Capt. (b)(3), (b)(6) presented the following information to the
 24 board:

25
 26 (~~S//REL TO USA, ISAF, NATO~~) Exhibits 2-10 are his reports,
 27 eight of them. Exhibits 10-19 are his statements. There
 28 are some inconsistencies between what he's said before and
 29 what he said today. There's also some reporting (b)(6), (b)(1)1.4(a), (b)(1)1.4(c)
 30 (b)(6), (b)(1)1.4(a), (b)(1)1.4(c) of the people mentioned in the original
 31 reporting. This is a reporting case, the CELLEX is pretty
 32 limited. The phone and notebook are his, but there's not
 33 much in there. His credibility is counting against him,
 34 his story changing as to why he was at (b)(6), (b)(1)1.4(a), (b)(1)1.4(c) He
 35 distanced himself, without prompting, (b)(6), (b)(1)1.4(a), (b)(1)1.4(c) is
 36 connected to the vegetable trucks. The reporting was
 37 consistent, and we know we are reporting on the right guy.
 38 He wouldn't discuss why he thought there is this reporting
 39 on him, but that may be cultural, even though he was
 40 willing to talk about it before.

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1 (U) Lt (b)(3), (b)(6) presented the following information to the board:
2

3 ~~(S//REL TO USA, ISAF, NATO)~~ This is pretty much a HUMINT
4 case. Most of the source credibility is pretty low. There
5 is one credible source, which speaks about a vegetable
6 truck and reports. There were multiple people using the
7 truck, perhaps he didn't inspect them. He has served over
8 1205 days. I tried to contact the detainee's brother as a
9 witness, but wasn't able to get a hold of him. There may
10 have been a misinterpretation of who was buying the
11 motorcycle between (b)(6), (b)(1)1.4(a), (b)(1)1.4(b)
12

13 (U) The recorder did offer classified exhibits.
14

15 (U) The personal representative did not offer classified
16 exhibits.
17

18 (U) The president and members of the board voted on ISN 3111.
19 The votes were then collected and handed to the legal
20 representative.
21

22 (U) [The classified session adjourned at 0947, 2 June 2010.]
23

24 [END OF PAGE]
25

~~SECRET // REL TO USA, ISAF, NATO~~

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STAFF SUMMARY ROUTING SHEET

JTF 435/DCDO USFOR-A



SUBJECT: Status recommendation for ISN 3111 to be released from the Detention Facility In Parwan (DFIP).

DATE: 7 June 2010

PROBLEM OR REASON FOR ACTION: To obtain DC JTF 435 approval or disapproval to change or validate the status of ISN 3111 to be released without conditions from the DFIP.

ACTION OFFICER NAME/SECTION/PHONE NUMBER:
 CAPT (b)(3), (b)(6), Director Legal Operations
 DSN (b)(2)

Office Primarily Responsible (OPR): JTF 435 Dir Legal
Office Supporting Response (OSR):

COORDINATION

TO	ACTION	SIGNATURE (SURNAME), GRADE AND DATE	TO	ACTION	SIGNATURE (SURNAME), GRADE AND DATE
1 DRB President	Review/ Sign	(b)(3), (b)(6)	6 DC JTF 435	Sign	
2 DRB Recorder	Review		7		
4 DRB Legal Advisor	Review/ Sign		9		
5 JTF 435 Director Legal Operations	Review		10		

Never EST

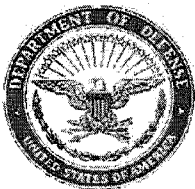
UNCLASSIFIED WHEN SEPARATED FROM ATTACHMENTS

SCJS TRACKING NUMBER	DATE Logged
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BAGRAM / CENTCOM /001435

Exhibit P

UNCLASSIFIED//~~FOUO~~



REPLY TO
ATTENTION OF:

DEPARTMENT OF DEFENSE
DEPUTY COMMANDER – DETAINEE OPERATIONS
JOINT TASK FORCE 435
APO AE 09354



JTF-435-LO

JUN 18 2010

MEMORANDUM FOR Commander, Task Force Protector, Bagram Airfield, Afghanistan, APO
AE 09354

SUBJECT: 3 June 2010 Detainee Review Board (DRB) Recommendation for Continued
Internment Approval for ISN 20257

1. I reviewed the findings and recommendation of the DRB conducted on 3 June 2010 concerning the internment of Detainee ISN 20257. By a vote of 3 to 0, the board members found that internment is necessary to mitigate the threat ISN 20257 poses. After consideration, I approve the DRB's finding and direct that ISN 20257 continue to be detained at the Detention Facility in Parwan.
2. The DRB's recommendation that ISN 20257 not be assessed as an Enduring Security Threat is disapproved and is reassessed as an Enduring Security Threat.
3. The point of contact for this memorandum is CAPT ^{(b)(3), 10 USC 130b; (b)(6)}, Director of Legal Operations, JTF 435, at DSN ^{(b)(2)}

A handwritten signature in black ink, appearing to read "Mark S. Martins".

MARK S. MARTINS
Brigadier General, U.S. Army
Deputy Commander

UNCLASSIFIED//~~FOUO~~

Bagram-CENTCOM-DRB-400

~~SECRET//NOFORN~~



REPLY TO
ATTENTION OF:

DEPARTMENT OF DEFENSE
DEPUTY COMMANDER – DETAINEE OPERATIONS
US FORCES AFGHANISTAN
JOINT TASK FORCE 435
APO AE 09356



JTF-435-LO

3 June 2010

MEMORANDUM FOR Deputy Commander, Joint Task Force 435, Kabul, Afghanistan, APO
AE 09356

SUBJECT: 3 June 2010 Detainee Review Board Recommendation for the Continued Internment
of Musa Kalim (ISN 20257)

1. The Detainee Review Board (DRB) met on 3 June 2010 and made the following findings and
recommendations concerning the internment of Musa Kalim (ISN 20257):

a. Musa Kalim (ISN 20257) meets the criteria for internment.

b. The continued internment of Musa Kalim (ISN 20257) is necessary to mitigate the
threat he poses.

c. Musa Kalim (ISN 20257) should be considered for Reintegration programs within the
Detention Facility in Parwan.

d. Musa Kalim (ISN 20257) is not Enduring Security Threat.

2. In arriving at its recommendation, the DRB found (b)(1); (b)(2); (b)(5)

3. (b)(1); (b)(2); (b)(5)
Kalim (ISN 20257), (b)(1); (b)(2); (b)(5)

captured and detained Musa

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Bagram-CENTCOM-DRB-401

~~SECRET//NOFORN~~

JTF-435-LO

SUBJECT: 3 June 2010 Detainee Review Board Recommendation for the Continued Internment of Musa Kalim (ISN 20257)

(b)(1); (b)(2); (b)(5)

4. (b)(1); (b)(2); (b)(5)

5. (b)(1); (b)(2); (b)(5) during his 3 June 2010 DRB, Musa Kalim (ISN 20257) denied knowing (b)(6) other than on the day of his 24 March 2010 capture, when (b)(6) had stopped to help him fix a flat tire on his motorcycle. Musa Khalim (ISN 20257) denies any knowledge of Taliban or other insurgent or anti-Coalition forces. Musa Khalim (ISN 20257) claimed ownership of one of the mobile cellular phones recovered on (b)(1); (b)(2); (b)(5)

6. In making its recommendation the DRB considered the Recorder's unclassified and classified exhibits -- (b)(1); (b)(2); (b)(5)

the 1 May 2010 Detainee Criminal Investigation Detachment Report of Investigation, and the Theater Internment Facility Progress Report. The Personal Representative submitted copies of Musa Kalim's (ISN 20257) Initial Interview Checklist and Notification Worksheet. The DRB considered also Musa Kalim's (ISN 20257) testimony, as well as his responses to questions posed to him by all parties to the DRB.

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JTF-435-LO

SUBJECT: 3 June 2010 Detainee Review Board Recommendation for the Continued Internment of Musa Kalim (ISN 20257)

7. The Recorder called the following witness, who is detained currently at the Detention Facility in Parwan, and who testified in the open session and in the presence of Musa Kalim (ISN 20257):

a. (b)(1); (b)(2); (b)(5); (b)(6)

8. The Recorder called the following witness, who testified in the closed session and outside the presence of Musa Kalim (ISN 20257):

a. Mr. (b)(3), 10 USC 130b; (b)(6), Analyst, Detainee Review Board, Joint Task Force 435, Detention Facility in Parwan, Bagram, Afghanistan. ^{(b)(3), 10 USC 130b; (b)(6)} testified that ^{(b)(1); (b)(2); (b)(5); (b)(6)}

9. The Personal Representative called no witnesses during Musa Kalim's (ISN 20257) 3 June 2010 DRB.

10. In determining whether continued internment is necessary to mitigate the threat Musa Kalim (ISN 20257) may pose, the DRB assessed his level of threat and weighed, among other things, his potential for rehabilitation, reconciliation, and eventual reintegration into society. The DRB considered (b)(1); (b)(2); (b)(5)

In sum, based upon the evidence and testimony presented during his 3 June 2010 DRB, the continued internment of Musa Kalim (ISN 20257) is necessary to mitigate the threat he poses.

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JTF-435-LO

SUBJECT: 3 June 2010 Detainee Review Board Recommendation for the Continued Internment of Musa Kalim (ISN 20257)

11. The point of contact for this review is MAJ^{(b)(3), 10 USC 130b; (b)(6)}, Joint Task Force 435 at DSN
(b)(2) or (b)(2); (b)(3), 10 USC 130b; (b)(6) .

(b)(3), 10 USC 130b; (b)(6)

2 Encls.

1. DRB Voting Packet

MAJ, IN

2. Summarized Testimony with Exhibits

President, Detainee Review Board

Detainee Review Board Report of Findings and Recommendations – Final Board Result v.22 Feb 2010

<u>Date of Board</u> 3 June 2010	<u>Detainee Name</u> MUSA KALIM	<u>Detainee ISN</u> (b)(2) - 0020257DP
-------------------------------------	------------------------------------	---

STEP 1 (FINDINGS): By a preponderance of the information presented, as a member of the Detainee Review Board (DRB), I find that:

The detainee DOES NOT MEET THE CRITERIA for internment and will be released. *Stop here and sign at the bottom.*

OR

The detainee listed above MEETS CRITERIA FOR INTERNMENT because he is a person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, and persons who harbored those responsible for those attacks; *(Continue to Step 2) OR*

The detainee listed above MEETS CRITERIA FOR INTERNMENT because he is a person who was part of, or substantially supported, Taliban or al-Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act, or has directly supported hostilities, in aid of such enemy armed forces; *(Continue to Step 2)*

STEP 2 (THREAT ASSESSMENT RECOMMENDATION): After taking into account the detainee's potential for rehabilitation, reconciliation, and eventual reintegration into society, by a preponderance of the information, I find that continued internment:

(b)(1); (b)(5)

IS NOT NECESSARY to mitigate the threat the detainee poses; *(Go to Step 3A)*

OR

IS NECESSARY to mitigate the threat the detainee poses (* the detainee will remain at the Detention Facility in Parwan (DFIP) to ensure detention required to mitigate his threat) *(Go to Step 3B;*

Explain the facts presented at the DRB which led to your recommendation/
(Mandatory regardless of which threat assessment is made):

STEP 3A: If your Recommendation in STEP 2 is that continued internment is not necessary to mitigate the threat the Detainee poses, then make one of the following recommendations: In light of the findings listed above, I recommend that the detainee be (PICK ONLY 1):

- Released without conditions; or
- Transferred to Afghan authorities for their consideration of criminal prosecution.
- Transferred to Afghan authorities for participation in a reconciliation or reintegration program.
- (For non-Afghan and non-U.S. third-country national): Transferred to a third country for: criminal prosecution // participation in a reconciliation program // or release. *(circle one)*

STEP 3B: If your Recommendation in STEP 2 is that continued internment is necessary to mitigate the threat the Detainee poses, make the following further recommendation, and then Go to Step 4.

While the Detainee remains interned at the DFIP, he SHOULD ~~SHOULD NOT~~ *(circle one)* be considered for Reintegration programs within the DFIP.

STEP 4: The Detainee IS or IS NOT an Enduring Security Threat *(circle one)*.

DRB President (Printed) (b)(3), 10 USC 130b; (b)(6)
 DRB President (Signature) (b)(3), 10 USC 130b; (b)(6)

(b)(1); (b)(2); (b)(3), 10 USC 130b; (b)(5); (b)(6)

(b)(1); (b)(2); (b)(3), 10 USC 130b; (b)(5); (b)(6)

(b)(1); (b)(2); (b)(3), 10 USC 130b; (b)(5); (b)(6)

(b)(1); (b)(2); (b)(3), 10 USC 130b, (b)(5), (b)(6)

(b)(1); (b)(2); (b)(3), 10 USC 130b, (b)(5), (b)(6)

(b)(1); (b)(2); (b)(3), 10 USC 130b; (b)(5); (b)(6)

~~(U//FOUO)~~ [ISN (b)(2)-020257DP, Musa Kalim, entered the boardroom, took seat in front of the board members, and the unclassified hearing was called to order at 0812, 3 June 2010.]

(U) Persons Present:

- (U) MAJOR (b)(3), 10 USC 130b; (b)(6), PRESIDENT OF THE BOARD;
- (U) MAJOR (b)(3), 10 USC 130b; (b)(6), MEMBER ONE;
- (U) MAJOR (b)(3), 10 USC 130b; (b)(6), MEMBER TWO;
- (U) CAPTAIN (b)(3), 10 USC 130b; (b)(6) DETAINEE REVIEW BOARD
RECORDER O
- (U) CAPTAIN (b)(3), 10 USC 130b; (b)(6), PERSONAL REPRESENTATIVE
ONE;
- (U) MAJOR (b)(3), 10 USC 130b; (b)(6), LEGAL REPRESENTATIVE; and
- (U) SENIOR AIRMAN (b)(3), 10 USC 130b; (b)(6), PARALEGAL

(U) [The recorder was sworn.]

(U) The detainee was advised by the president of how this board was not a criminal trial and how this board was to determine whether or not he met the criteria for further internment.

(U) The president also notified the detainee that he may be present at all open sessions of the board permitting that he acted appropriately. ISN 20257 was also advised that he could testify under oath or unsworn if he wished to do so, that he had a personal representative who was present at the hearing, that he may present information at the hearing including the testimony of witnesses, and that he can examine documents presented to the board all of which the detainee understood.

(U) Further, ISN 20257 was instructed that, at the conclusion of the board after the legal review, the board would determine whether he met the criteria for further internment at the Detention Facility in Parwan. The detainee understood the fact

that if he does not meet the criteria, he would be released as soon as possible. However, if he did meet the criteria, then he would be recommended for further internment, transferred to Afghan authorities, or released without conditions.

(U) CPT ^{(b)(3), 10 USC 1306; (b)(7)(C)} presented the following unclassified information to the board:

~~(U//FOUO)~~ Musa Kalim, ISN 20257, was captured (b)(1); (b)(2); (b)(5)

~~(U//FOUO)~~ (b)(1); (b)(2); (b)(5)

~~(U//FOUO)~~ (b)(6), who was captured with detainee ISN 20257, (b)(1); (b)(2); (b)(5)

~~(U//FOUO)~~ (b)(1); (b)(2); (b)(5)

~~(U//FOUO)~~ (b)(1); (b)(2); (b)(5)

~~(U//FOUO)~~ (b)(1); (b)(2); (b)(5); (b)(6)

~~(U//FOUO)~~ (b)(1); (b)(2); (b)(5)

~~(U//FOUO)~~ Detainee meets internment criteria if he was a part of or substantially supported Taliban or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act, or who has directly supported hostilities in aid of such enemy armed forces.

(U) The detainee, ISN 20257, made the following statements to the board:

(U//~~FOUO~~) I only have one telephone that I bought nine days prior to my capture. There are propaganda videos on my cell phone but they are for music.

(U//~~FOUO~~) I have never been involved with the Taliban. Not even one day. I have never even met with the Taliban for even five minutes. How can I be accused (b)(1); (b)(2); (b)(5) if I have never even been around them for one minute.

(U//~~FOUO~~) I deserve to be punished if you can prove to me that I have been involved with the Taliban.

(U//~~FOUO~~) My situation is very simple just like black and white. (b)(1); (b)(2); (b)(5)

(U//~~FOUO~~) I would be more than happy to sit twenty years sentence if you can prove I was involved with the Taliban

(U) DETAINEE TESTIMONY

(U//~~FOUO~~) Musa Kalim, (b)(2)-020257DP, was called for the board and testified, in subs , as follows:

(U) DIRECT EXAMINATION

(U) CPT ^{(b)(3), 10 USC 1305; (b)(7)(C)} asked in substance, the following questions:

(U//~~FOUO~~) My father's name is (b)(6)

(U//~~FOUO~~) (b)(1); (b)(2); (b)(5)

(U//~~FOUO~~) (b)(6) (b)(1); (b)(2); (b)(5)

(U//~~FOUO~~) (b)(1); (b)(2); (b)(5)

(U//~~FOUO~~) I have never met (b)(6) prior to the day I was captured.

(U//~~FOUO~~) I have been captured by (b)(1); (b)(2); (b)(5) along with three other people a long time ago for one night. I do not know the three other people by name. They were just workers.

(U//~~FOUO~~) I do not know (b)(6). He was not with me when I was detained last time.

(U//~~FOUO~~) I do not know (b)(6).

(U//~~FOUO~~) I do not know (b)(6).

(U//~~FOUO~~) The second time I was detained I had a cell phone on me.

(U) [Recorder showed detainee unclassified exhibit page two.]

(U//~~FOUO~~) The keys don't belong to me. The black item is not mine. The telephone is mine. The two combs are not mine. The wrench is not mine. The SIM card on top is not mine. The two SIM cards underneath the top SIM card are mine.

(U//~~FOUO~~) I purchased my telephone from the market. It was a second-hand telephone. I purchased the two SIM cards at the same time as I bought the cell phone. On one of the SIM cards I put my father's number on it also. Before I bought my new cell phone I did not own a cell phone. I did not own any SIM cards prior to me buying my new SIM cards.

(U//~~FOUO~~) I only put my father's telephone number in my cell phone. (b)(6) asked if he could see my cell phone so that he could put his telephone number in it.

(U//~~FOUO~~) (b)(6) is a stranger but after I met him he gave me his number so that I could call him if I had any more problems.

(U//~~FOUO~~) (b)(6) didn't help me fix my flat tire physically; he just let me use his pump and patches.

(U//~~FOUO~~) I eventually was able to fix the tire myself.

(U//~~FOUO~~) (b)(6) had the pump and patch that I needed to fix my flat tire

(U//~~FOUO~~) I have not made any bombs or explosives.

(U) [Recorder showed detainee unclassified exhibit page 5.]

(U//~~FOUO~~) I have never been involved with any explosives.

(U//~~FOUO~~) I do not know how (b)(6) ^{a(b)(1); (b)(2); (b)(5)}
Allan is my witness. Allan will not approve of me being involved in these types of activities.

(U//~~FOUO~~) (b)(1); (b)(2); (b)(5)

(U//~~FOUO~~) I do not know (b)(6)

(U//~~FOUO~~) I do not know (b)(6)

(U//~~FOUO~~) I do not know why (b)(6) would say I was involved with the Taliban. Can I meet with (b)(6) and speak with him face to face so that I can ask him why he would say this.

(U) DETAINEE WITNESS TESTIMONY

(U//~~FOUO~~) (b)(6) , Detainee ISN (b)(2)-020256DP, entered the boardr ified, in subst as follows:

(U) The detainee witness was advised that this was not a criminal trial and that he will be testifying in another detainee's board.

(U) The detainee witness was willing to testify in front of ISN 20257.

(U) DIRECT EXAMINATION

(U) CPT ^{(b)(3), 10 USC 1306, (b)(1)} asked, in substance, the following questions:

(U//~~FOUO~~) My name is (b)(6)

(U//~~FOUO~~) I do not know the detainee other than he had a flat tire one day so I helped him and let him use my patch and pump.

(U//~~FOUO~~) (b)(1); (b)(2); (b)(5)

(U//~~FOUO~~) The detainee's rear tire was flat.

(U//~~FOUO~~) I did not have a phone the day I was captured.

(U//~~FOUO~~) I did not know the detainee's number prior to the day of capture. I do not know this number (b)(6)

(U//~~FOUO~~) I am not a member of the Taliban.

(U//~~FOUO~~) I do not know if the detainee is a member of the Taliban.

(U//~~FOUO~~) I know somebody by the name of (b)(6) who works at the Bazaar. Any time I go to the Bazaar I buy potato chips from him.

(U//~~FOUO~~) I do not know (b)(6)

(U//~~FOUO~~) (b)(1); (b)(2); (b)(5)

(U) [Recorder showed detainee witness unclassified exhibit page 7.]

(U//~~FOUO~~) I have never been involved with explosive material.

(U) [Recorder showed detainee witness unclassified exhibit page 12.]

(U//~~FOUO~~) That is not my telephone.

(U//~~FOUO~~) I was captured with two batteries. I was not carrying a cell phone with me when I was captured.

(U//~~FOUO~~) I wrote the detainee's telephone number in the dirt on the ground to memorize it.

(U) CROSS-EXAMINATION

(U) CPT ^{(b)(3), 10 USC 1306} asked, in substance, the following questions:

(U//~~FOUO~~) The detainee and I did not perform any customary greetings when we met. We did not shake hands.

(U//~~FOUO~~) The detainee and I were heading the same direction when I saw him with a flat tire. I gave the detainee a pump, glue and patches to fix his tire.

(U//~~FOUO~~) The detainee repaired his tire while I was watching.

(U//~~FOUO~~) Usually we scrub the tire to make it rough so that the patch will stick.

(U//~~FOUO~~) We didn't have a scrubber so we used a rough rock. The detainee put the glue on the patch with his finger.

(U//~~FOUO~~) I helped put the glue on the tire.

(U//~~FOUO~~) There were three holes in the same tire.

(U) EXAMINATION BY THE BOARD

(U) Member 1 asked, in substance, the following questions:

(U//~~FOUO~~) I have never used the detainee's cell phone.

(U) The President of the Board asked, in substance, the following questions:

(U//~~FOUO~~) I did not know the detainee for a year and a half. The translator may have mis-communicated the statement to the interrogators. (b)(6) has a shop in the Bazaar of Kandahar. Its name is (b)(6).

(U) [The detainee witness withdrew from the boardroom.]

(U) [The personal representative showed detainee unclassified exhibit from detainee ISN 20256 board proceedings.]

(U//~~FOUO~~) The red flashlight is mine.

(U) The recorder did offer unclassified exhibits.

(U) The personal representative did offer unclassified exhibits.

(U) The recorder had no further unclassified information to offer the board and, per the recorders request, the president granted a closed hearing at the culmination of the unclassified hearing.

(U) The president announced the conclusion of the unclassified hearing.

(U) The president of the board instructed the detainee that he would be notified of the board's decision within a couple of weeks and that he would be released if the decision is made that

further internment would not be required. However, if the board decided that further internment is required, he would be retained at the Detention Facility in Parwan, transferred to Afghan authorities for participation in a reconciliation program, or released transferred to his national country for participation in a reconciliation program. Furthermore, if continued internment was recommended, then an additional Detainee Review Board would be reconvened in 6 months.

(U) The detainee made the following statement:

(U//~~FOUO~~) I do not wish to make a statement on my behalf.

(U) [The unclassified hearing adjourned at 0935, 3 June 2010.]

(U) [The detainee withdrew from the boardroom.]

(U) [The classified hearing was called to order at 0935, 3 June 2010).]

(U) CIVILIAN ANALYST WITNESS TESTIMONY

(U//~~FOUO~~) ^{(b)(3), 10 USC 130b; (b)(6)}, Civilian Analyst, entered the boardroom, d, in substance, as follows:

(U) DIRECT EXAMINATION

(U) CPT ^{(b)(3), 10 USC 130b; (b)(6)} asked, in substance, the following questions:

~~(S//NF)~~ My name is ^{(b)(3), 10 USC 130b; (b)(6)}. I have reviewed the detainee's reports.

~~(S//NF)~~ (b)(1); (b)(2); (b)(5)

~~(S//NF)~~ (b)(1); (b)(2); (b)(5)

~~(S//NF)~~ (b)(1); (b)(2); (b)(5)

~~(S//NF)~~ (b)(1); (b)(2); (b)(5); (b)(6)

~~(S//NF)~~ (b)(1); (b)(2); (b)(5); (b)(6)

~~(S//NF)~~ (b)(1); (b)(2); (b)(5); (b)(6)

~~(S//NF)~~ (b)(1); (b)(2); (b)(5)

~~(S//NF)~~ (b)(1); (b)(2); (b)(5)

(U) CROSS-EXAMINATION

(U) CPT ^{(b)(3), 10 USC 1302:} asked, in substance, the following questions:

~~(S//NF)~~ (b)(1); (b)(2); (b)(5)

~~(S//NF)~~ (b)(1); (b)(2); (b)(5)

~~(S//NF)~~ (b)(1); (b)(2); (b)(5)

(U) REDIRECT EXAMINATION

(U) CPT ^{(b)(3), 10 USC 1302; (b)(7)} asked, in substance, the following questions:

~~(S//NF)~~ (b)(1); (b)(2); (b)(5)

~~(S//NF)~~ (b)(1); (b)(2); (b)(5); (b)(6)

~~(S//NF)~~ (b)(1); (b)(2); (b)(5)

~~(S//NF)~~ (b)(1); (b)(2); (b)(5)

(U) [The witness withdrew from the boardroom.]

(U) The recorder did offer classified exhibits.

(U) The personal representative did offer classified exhibits.

(U) The president and members of the board voted on ISN 20257. The votes were then collected and handed to the legal representative.

(U) [The classified session adjourned at 1003, 3 June 2010.]

[END OF PAGE]

Exhibit Q

~~SECRET//NOFORN~~



DEPARTMENT OF DEFENSE
HEADQUARTERS, COMBINED/JOINT TASK FORCE-82
BAGRAM AIRFIELD, AFGHANISTAN
APO AE 09354

REPLY TO
ATTENTION OF:

CJTF-82

OCT 01 2009

(b)(3), 10 USC 130b, (b)(6)

28 Sep 09

MEMORANDUM THRU Staff Judge Advocate, Combined/Joint Task Force (CJTF)-82,
Bagram Airfield, Afghanistan, APO AE 09354.

FOR Commander, Detainee Operations, Combined/Joint Task Force (CJTF)-82, Bagram
Airfield, Afghanistan, APO AE 09354

SUBJECT: 17 September 2009 Detainee Review Board (DRB) Recommendation Approval

1. I have reviewed the findings and recommendations of the DRB conducted on 17 September
2009 concerning the internment of Detainee ISN 3665. The DRB made the following findings
and recommendations:

a. That ISN 3665 is a person who was part of, or substantially supported, Taliban or al-Qaida
forces or associated forces that are engaged in hostilities against the United States or its coalition
partners, including any person who has committed a belligerent act, or has directly supported
hostilities, in as of such enemy armed forces.

b. That internment is necessary to mitigate the threat ISN 3665 poses;

c. That ISN 3665 should be transferred to Afghan authorities for criminal prosecution.

2. I approve the transfer of ISN 3665 to Afghan authorities for criminal prosecution.

3. The point of contact for this review is CPT ^{(b)(3), 10 USC 130b, (b)(6)}, TF Protector, at DSN (b)(2)
(b)(2) or (b)(2); (b)(3), 10 USC 130b; (b)(6).

CURTIS M. SCAPARROTTI
Major General, USA
Commanding

4 Encls

- 1. DRB Voting Packet
- 2. Summarized written record
- 3. Status Summary
- 4. Legal Review

~~SECRET//NOFORN~~

Bagram-CENTCOM-DRB-62

Detainee Review Board Report of Findings and Recommendations

Date of Board	Detainee Name	Detainee ISN
17 Sept 09	YAKOUB	3065

STEP 1 (FINDINGS): By a preponderance of the information presented, the Detainee Review Board (DRB) determines:

The detainee meets the following criteria:

- The detainee listed above is a person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, and persons who harbored those responsible for those attacks;
- The detainee listed above is a person who was part of, or substantially supported, Taliban or al-Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act, or has directly supported hostilities, in aid of such enemy armed forces.
- The detainee does not meet the criteria for internment. *(Stop here and sign at the bottom. Otherwise, continue with Step 2).*

STEP 2 (THREAT ASSESMENT): Taking into account the detainee's potential for rehabilitation, reconciliation, and eventual reintegration into society:

Internment is necessary to mitigate the threat the detainee poses:

YES NO

Explanation (Mandatory):

STEP 3 (RECOMMENDATIONS): In light of the findings listed above, the DRB makes the following recommendation:

- The detainee should be released without conditions.
- The detainee should continue to be interned at the Bagram Theater Internment Facility (BTIF).
- The detainee should be transferred to Afghan authorities for criminal prosecution.
- The detainee should be transferred to Afghan authorities for participation in a reconciliation program.
- (In the case of non-Afghan and non-U.S. third-country nationals):** The detainee should be transferred to a third country for criminal prosecution, participation in a reconciliation program, or release.

Explanation (Optional): (Provide a brief explanation for findings and recommendations. Attach a continuation sheet as necessary):

STEP 4: The Detainee Review Board assesses that the detainee (is) (is not) (circle one) an "Enduring Security Threat." (See classified annex to this form). (b)(3), 10 USC 130b; (b)(6)

DRB President Signature

(b)(1); (b)(3), 10 USC 130b; (b)(5); (b)(6)

(b)(1); (b)(3), 10 USC 130b; (b)(5); (b)(6)

(b)(1); (b)(3), 10 USC 130b; (b)(5); (b)(6)

(b)(1); (b)(3), 10 USC 130b; (b)(5); (b)(6)

(b)(1); (b)(3), 10 USC 130b; (b)(5); (b)(6)

(b)(1); (b)(3), 10 USC 130b; (b)(5); (b)(6)

[Detainee, ISN 3665, entered the courtroom and took his seat in front of the board members.]

[The open session was called to order at 0932, 17 September 2009.]

The detainee was advised by the president of how this board was not a criminal trial and how this board was to determine whether or not he met the criteria for further internment.

The president also notified the detainee that he may be present at all open sessions of the board permitting that he acted appropriately. ISN 3665 was also advised that he could testify under oath or unsworn if he wished to do so, that he had a personal representative which was present at the hearing, that he may present information at the hearing including the testimony of witnesses, and that he can examine documents presented to the board all of which the detainee understood.

Further, ISN 3665 was instructed that, at the conclusion of the board after the legal review, the board would determine whether he met the criteria for further internment at the Bagram Theater Internment Facility. The detainee understood the fact that if he does not meet the criteria, then he would be released as soon as possible. However, if he did meet the criteria, then he would be recommended for further internment, transferred to Afghan authorities, or released without conditions.

The recorder, Specialist ^{(b)(3), 10 USC 1306; (b)(6)}, presented the board with the unclassified information and internment criteria. The recorder further stated that a vehicle with five RPG's, six RPG propellants, one tank mine, a link of 7.62-mm rounds, one pressure plate, and two fragmentation grenades were found with the detainee.

[A closed hearing was requested by the recorder and granted by the president of the board at 0940, 17 September 2009.]

The detainee made his statement to the board. The detainee stated that he was captured at (b)(1); (b)(2); (b)(5)

The president of the board asked the board panel if there were any questions for the detainee.

The CJSOTF representative asked the detainee questions.

The members of the board asked questions of the detainee.

[The unclassified session closed at 0949, 17 September 2009.]

The president of the board instructed the detainee that he would be notified of the board's decision within a couple of weeks and that he would be released if the decision is made that further internment would not be required. However, if the board decided that further internment is required, he would be retained at the Bagram Theater Internment Facility, released to Afghan authorities for participation in a reconciliation program, or released without conditions. Furthermore, if continued internment was recommended, then an additional Detainee Review Board would be reconvened in 6 months.

[The detainee withdrew from the boardroom.]

[The unclassified session adjourned and the classified session was called to order at 0950, 17 September 2009.]

Specialist ^{(b)(3), 10 USC 1305, (b)(6)} presented the board with the classified information pertaining to ISN 3665.

Lieutenant ^{(b)(3), 10 USC 1305, (b)(6)} presented the board with the classified information pertaining to ISN 3665.

[The classified session adjourned at 0958, 17 September 2009.]

The president and members of the board voted on ISN 3665. The votes were then collected and handed to the legal representative.

[END OF PAGE]

