

UNCLASSIFIED//~~FOUO~~



REPLY TO  
ATTENTION OF:

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



JTF-435-LO

JUL 1 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 20260

1. I reviewed the findings and recommendation of the DRB conducted on 3 June 2010 concerning the internment of Detainee ISN 20260. By a vote of 3 to 0, the board members found that internment is necessary to mitigate the threat ISN 20260 poses. After consideration, I approve the DRB's finding and direct that ISN 20260 continue to be detained at the Detention Facility in Parwan.
2. The DRB's recommendation that ISN 20260 not be assessed as an Enduring Security Threat is approved.
3. The point of contact for this memorandum is CAPT <sup>(b)(3), 10 USC 130b; (b)(6)</sup>, Director of Legal Operations, JTF 435, at DSN (b)(2)

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

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Bagram-CENTCOM-DRB-424

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REPLY TO  
ATTENTION OF:

JTF-435-LO

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



6 June 2010

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

SUBJECT: 3 June 2010 Detainee Review Board (DRB) Recommendation, Continue Internment of Abdul Manan s/o Ghulam Nabi, ISN 20260

1. DRB FINDINGS AND RECOMMENDATIONS. The DRB met on 3 June 2010 and made the following findings and recommendations concerning the internment of Abdul Manan s/o Ghulam Nabi, ISN 20260:

a. That Abdul Manan, ISN 20260, 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 necessary to mitigate the threat posed by Abdul Manan, ISN 20260. That Abdul Manan, ISN 20260, should continue to be interned at the Detention Facility in Parwan.

c. The DRB recommends approval for the continued internment of Abdul Manan, ISN 20260.

d. That Abdul Manan, ISN 20260, should be considered for reintegration programs within the DFIP.

e. That Abdul Manan, ISN 20260, is not an Enduring Security Threat.

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

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

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

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

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

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 Abdul Manan, ISN 20260, was advised of the basis for internment and the facts supporting internment. Exhibit B, indicating that Abdul Manan, ISN 20260, met with a personal representative and was advised of his rights at the DRB.

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c. Detainee Criminal Investigative Detachment (DCID) Report of Investigation (ROI) dated 12 May 2010.

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

e. Detainee's DRB Statement and Responses to Questions: Abdul Manan, ISN 20260, said that the (b)(1); (b)(2); (b)(5) was not his. He said (b)(1); (b)(2); (b)(5)

He also denied being a Taliban commander.

After the short opening, the Personal Representative read into the record a short opening statement that he and Abdul Manan created during preparatory sessions. Abdul Manan wanted the written portion of the opening, because he was afraid he might forget to say something.

Abdul Manan related a story to the DRB, explaining why he was at the point of capture. (b)(1); (b)(2); (b)(5)

He aspires to work on an American community development program. He may have been referring to the PRT.

(The witnesses did not corroborate Abdul Manan's story. In particular (b)(6)  
(b)(1); (b)(2); (b)(5) Abdul Manan, ISN 20260.)

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

7. WITNESS INFORMATION. In making its findings and recommendations, the DRB considered the following witness information:

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

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

8. **SUMMATION OF DRB FINDINGS AND RECOMMENDATIONS, THREAT ASSESSMENT.** In determining whether continued internment is necessary to mitigate the threat posed by Abdul Manan, ISN 20260, 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 Abdul Manan, ISN 20260, (b)(1); (b)(2); (b)(5)

. As a result of all of these considerations, the DRB believes that internment is necessary to mitigate the threat posed by Abdul Manan, ISN 20260.

9. The point of contact for this review is MAJ <sup>(b)(3), 10 USC 130b; (b)(6)</sup>, JTF-435 DRB, 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
2. Summarized Testimony

COL, ~~QM~~, USA  
President, Detainee Review Board

<b>Date of Board</b> 3 Jun 10	<b>Detainee Name</b> Abdul Manan s/o Ghulam Nabi	<b>Detainee ISN</b> 20260
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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):

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

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

**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)

(U//~~FOUO~~) [ISN (b)(2)-020260DP, ABDUL MANAN entered the boardroom, took seat in front of the board members, and the unclassified hearing was called to order at 0811, 3 June 2010.]

(U) Persons Present:

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

(U) MAJOR (b)(3), 10 USC 130b; (b)(6), LEGAL REPRESENTATIVE; and

(U) (b)(3), 10 USC 130b; (b)(6), COURT REPORTER/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 20260 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 20260 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, 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.

(U) Captain <sup>(b)(3), 10 USC 1302; (b)(1)</sup> presented the following unclassified information to the board:

(U//~~FOUO~~) Abdul Manan ((b)(1); (b)(2); ISN 20260) was captured (b)(1); (b)(2); (b)(5)

(U//~~FOUO~~) He meets Internment criteria if he was part of, or substantially supported Taliban 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 armed forces.

(U) The detainee, ISN 20260, made the following statement to the board:

(U//~~FOUO~~) I know nothing about the things I'm accused of. I don't know what I did that they brought me here. I was buying and selling animals, like cows. Before that I had a shop. I didn't do anything wrong. (b)(1); (b)(2); (b)(5)

I am not a commander of Taliban. I asked my PR to read a statement for me because sometimes my brain doesn't function.

(U//~~FOUO~~) Mr. Manan is a cattleman. He has been a cattleman for four months. He was taking cattle to sell. He formerly owned a grocery shop. He was at (b)(6) house because (b)(6) owes him money. (b)(6) was not there, so he stayed the night. He was captured around midnight with four or five others and does not know why he is here.

(U) DETAINEE TESTIMONY

(U//~~FOUO~~) Abdul Manan, (b)(2)-020260DP, was called for the board and testified, in subst as follows:

(U) DIRECT EXAMINATION

(U) Detainee Review Board Recorder 1 asked, in substance, the following questions:

(U//~~FOUO~~) Someone owed me money. I came to take money from them. I stayed at the house in case he was hiding from me. The raid happened and I was captured. I did not know and was not related to anyone in that house. I traveled there alone. His house is 50 minutes to an hour from me. I walked there. (b)(1); (b)(2); (b)(5)

I was waiting for him outside so I don't know who was in the house. I

was waiting for (b)(6) in the road so I could see him coming. I didn't stay in the house, I stayed in the house next door.

(b)(6) is the owner of the house next door, (b)(1); (b)(2); (b)(5)

There were three people

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

I didn't know them, but they told me their names later. I don't know (b)(6). I don't know (b)(6). [Recorder showed detainee unclassified slide 4.] I don't recognize that phone. The battery, perfume and watch are mine. Only the phone is not mine. I had a phone charger on me at the time. I have not dealt with explosives. I was a farmer and selling animals. I also had money in my pocket; I don't know why there is no picture of it. There was never government or CF in our area so I have no opinion on them. I don't know anything about the Taliban either. I don't know anyone who had anything to do with the Taliban. I don't know the name of the people. They showed (b)(6) picture and he was in the house, yes. I didn't know them.

#### CROSS-EXAMINATION

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

(U//~~FOUO~~) (b)(6) owed me 24 or 25,000 kaldari. The Taliban never threatened me. Sometimes they would come by and ask for food. Why would I be scared of them? I did not have a weapon with me when I was captured. I don't know how to build a bomb or a mine. I never placed any bombs. I've seen the Marines and they would talk to us. Not like you guys; you're not that good. My house in Marjah is okay. I was away during the fighting but when I came back people were happy with what Americans did. I have parents and siblings. I am not married. My father is working and supports them. If released I'd like to work for the projects that clean the roads.

#### EXAMINATION BY THE BOARD

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

(U//~~FOUO~~) I asked them and they asked me to stay at (b)(6) house.

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

(U//~~FOUO~~) (b)(6) bought a cow from me and he owed me money for that. I don't know why anyone would make false accusations about me. I don't have enemies.

(U) REDIRECT EXAMINATION

(U) Detainee Review Board Recorder 1 asked, in substance, the following questions:

(U//~~FOUO~~) I don't go by Pir Mohammad. I don't know a Pir Mohammad.

(U) RECROSS-EXAMINATION

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

(U//~~FOUO~~) Pir Mohammad is a common name but I don't know anyone with that name.

(U) DETAINEE WITNESS TESTIMONY

(U//~~FOUO~~) (b)(6) , was called as a witness for the board, ent oom, 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 willing to testify in front of ISN 20260.

(U) DIRECT EXAMINATION

(U) Detainee Review Board Recorder 1 asked, in substance, the following questions:

(U//~~FOUO~~) I know 20260 by the name of Pir Mohammad. I can talk in front of him.

**(U) CROSS-EXAMINATION**

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

(U//~~FOUO~~) I know that detainee. He was in my area and I know him. I know him as Pir Mohammad. It was evening and he came to my house. I'd seen him one time before, maybe nine or ten years before. He is related to me. He is my maternal uncle. I did not give him a yellow container (b)(1); (b)(2); (b)(5) I did not leave a yellow container for him. I did not have two yellow containers. [Recorder showed witness exhibit 4.] That is 20260's phone. I saw him with it (b)(1); (b)(2); (b)(5) He had some money with (b)(6) my uncle so that is why he came. (b)(6) is a little bit away from us. He is a shopkeeper. His house is close but not next door. I don't know if 20260 was looking for (b)(6) or not.

Personal Representative 1 asked:

(U//~~FOUO~~) I don't know why 20260 never came to our house in 10 years. I saw him with that black cell phone. I don't know if it was his phone or not, whether he borrowed it or bought it. I never said I had yellow containers. If you want to believe the phone was his, believe it. If not, don't. You can find if there is a fingerprint on the phone. I have nothing else to say. He had a telephone with him. I saw him with it. If he borrowed or bought it I don't know, but I saw it (b)(1); (b)(2); (b)(5)

**(U) EXAMINATION BY THE BOARD**

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

(U//~~FOUO~~) [The detainee stated in substance that he didn't know the witness and the witness is not his nephew.]

(U//~~FOUO~~) [The witness continued.] Yes, he's my uncle. If he denies it, it's his business.

(U) REDIRECT EXAMINATION

(U) Detainee Review Board Recorder 1 asked, in substance, the following questions:

(U//~~FOUO~~) I don't know if Pir Mohammad has dealt with explosives.

(U) RECROSS-EXAMINATION

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

(U//~~FOUO~~) I do not have a brother named (b)(6)

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

(U) DETAINEE WITNESS TESTIMONY

(U//~~FOUO~~) (b)(6) , was called as a witness for the board, ent 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 willing to testify in front of ISN 20260.

(U) DIRECT EXAMINATION

(U) Detainee Review Board Recorder 1 asked, in substance, the following questions:

(U//~~FOUO~~) (b)(1); (b)(2); (b)(5) but I don't know him. I ate dinner with him and I hadn't met him before. I never heard his name until I was detained. They told me his

name is Abdul Manan. I don't know if it's his cell phone. I don't know whose it is. I don't know if it was picked up when we were captured. I don't know if he's dealt with explosives. I don't know if he is an associate of (b)(6) , aka (b)(6).

(U) CROSS-EXAMINATION

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

(U//~~FOUO~~) I didn't say anything about this man.

(U) EXAMINATION BY THE BOARD

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

(U//~~FOUO~~) I didn't know his name, but they told me here it's Abdul Manan.

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

(U//~~FOUO~~) I was traveling and I went to stay the night and eat dinner there. I went there, knocked, and asked if I could spend the night because I didn't know anyone at that village. It's common in Afghan culture.

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

(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 don't wish to make a statement. I am not that man's uncle and I do not know him. He is lying. He is also lying about the telephone; it is not mine. I have four sisters. One is married. You cannot call her; she is very far away. She lives in the mountains. There is no telephone there.

**(U) [The unclassified hearing adjourned at 0930 3 June 2010.]**

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

**(U) [The classified hearing was called to order at 0930 3 June 2010.]**

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

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

(b)(1): (b)(2): (b)(5)

(U) CROSS-EXAMINATION

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

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

(U) REDIRECT EXAMINATION

(U) Detainee Review Board Recorder 1 asked, in substance, the following questions:

He said his phone was red and left in a truck.

(U) The recorder did offer classified exhibits.

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

(U) The president and members of the board voted on ISN 20260. The votes were then collected and handed to the legal representative.

(U) [The classified session adjourned at 0938, 3 June 2010.]

[END OF PAGE]

