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DEPARTMENT OF DEFENSE  
JOINT TASK FORCE 435  
APO AE 09356

IN REPLY REFER TO:  
JTF-435-LO

JUL 15 2010

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

SUBJECT: 9 June 2010 Detainee Review Board (DRB) Recommendation Vote for Release for ISN 3776

1. I have reviewed the findings and recommendation of the DRB conducted on 9 June 2010 concerning the internment of ISN 3776. By a vote of 3 to 0, the board members found that ISN 3776 does meet detention criteria, but recommended internment is not necessary to mitigate the threat that ISN 3776 poses. I approve the DRB's finding and direct that ISN 3776 be released from the Detention Facility in Parwan.
2. The DRB's recommendation that ISN 3776 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)

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

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Bagram-CENTCOM-DRB-526

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REPLY TO  
ATTENTION OF:

DEPARTMENT OF DEFENSE  
JOINT TASK FORCE 435  
APO AE 09356



JTF-435-LO

9 June 2010

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

SUBJECT: 9 June 2010 Detainee Review Board Recommendation for the Release of Gul Haider  
(ISN 3776)

1. The Detainee Review Board (DRB) met on 9 June 2010 and made the following findings and recommendations concerning the internment of Gul Haider (ISN 3776):

- a. Gul Haider (ISN 3776) does meet the criteria for internment.
- b. Gul Haider (ISN 3776) does not need to be interned to mitigate the threat he poses.
- c. Gul Haider (ISN 3776) should be released without conditions.
- d. Gul Haider (ISN 3776) is not an Enduring Security Threat.

2. In arriving at its recommendation, the DRB found evidence that the detainee does meet the internment criteria. (b)(1); (b)(2); (b)(5)

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

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

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Bagram-CENTCOM-DRB-527

JTF-435-LO

SUBJECT: 9 June 2010 Detainee Review Board Recommendation for the Release of Gul Haider (ISN 3776)

5. During his 9 June 2010 DRB, Gul Haider (ISN 3776) denied being a member of or involved in Taliban. He said he would not have gone to visit his father in an American hospital in Kabul if he were Taliban. He says he felt safe when he knew he was captured by Americans, who are good people and treated him well. He has enjoyed the education programs – sewing and farming classes – in which he has participated at the DFIP. He said he did own a phone before his capture, he bought it used and had owned it for more than a month. He also owned SIM cards given to him by his brother. He denied ever wanting to be part of the Taliban. He denied ever participating in attacks on Coalition Forces. He admitted to giving food to Taliban who came to his house once under fear. He has about ten years of education. He says he does not admire his brother, since it is his brother's fault he has been detained for two years. He says he does not have the same mentality as his brother. He has been educated and thinks differently from his brother. He says he provided food to the Taliban because they came to his house and that is his culture, to provide hospitality.

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

The Personal Representative submitted copies of Gul Haider's (ISN 3776) Initial Interview Checklist and Notification Worksheet. The DRB considered also Gul Haider's (ISN 3776) testimony, as well as his responses to questions posed to him by all parties to the DRB.

7. The Personal Representative did not call any witnesses on behalf of Gul Haider (ISN 3776).

8. In determining whether continued internment is necessary to mitigate the threat Gul Haider (ISN 3776) 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 (b)(1); (b)(2); (b)(5)

The DRB found support to a preponderance of the evidence for the internment of Gul Haider (ISN 3776). However, the DRB found that Gul Haider (ISN 3776) poses little threat and has already been interned for two years and recommends his release without conditions.

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SUBJECT: 9 June 2010 Detainee Review Board Recommendation for the Release of Gul Haider  
(ISN 3776)

9. The point of contact for this review is Capt<sup>(b)(3), 10 USC 130b; (b)(6)</sup>, 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

COL, QM

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> 9 June 2010	<u>Detainee Name</u> Gul Haider	<u>Detainee ISN</u> (b)(2) - 0037760P
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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):

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**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*).

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

DRB President's 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)(3), 10 USC 130b; (b)(5); (b)(6)

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

(U//FOUO) [ISN (b)(2)-003776DP, Gul Haider, entered the boardroom, took seat in front of the board members, and the unclassified hearing was called to order at 08084, 9 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) MAJOR (b)(3), 10 USC 130b; (b)(6), DETAINEE REVIEW BOARD RECORDER ONE;
- (U) LIEUTENANT (b)(3), 10 USC 130b; (b)(6), PERSONAL REPRESENTATIVE ONE;
- (U) CAPTAIN (b)(3), 10 USC 130b; (b)(6), LEGAL REPRESENTATIVE; and
- (U) SPECIALIST (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 3776 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 3776 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) MAJOR (b)(3), 10 USC 130b; (b)(6) presented the following unclassified information to the board:

(U//~~FOUO~~) Detainee, 3776, was captured (b)(1); (b)(2); (b)(5)

Gul Haider has admitted during his detention that his brother is the known Taliban member (b)(6) from Kapisa Province. Gul Haider has also expressed personal knowledge of numerous Taliban personalities and details regarding Taliban activities.

The Detainee meets the internment criteria IF this board determines he was part of, or substantially supported the 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.

(U) The detainee, ISN 3776, made the following statements to the board:

(U//~~FOUO~~) Thank you very much for giving me the time to speak here. I was never a Taliban. When my father was sick I went to Kabul and stayed at the hospital for 19 days. If I was a Taliban I would have never gone to the hospital ran by the government. I am very happy with my government and happy for the Coalition Forces. If I was a Taliban I could not have stayed in Kabul for so long. When I was captured by the Americans I knew that I would be safe but I have been captured too long. If I am released I will still say that I like the Americans. I am very happy with the

education classes here. I have signed up for English and farming. This is really nice for people here but I should not be here because I have done nothing wrong. My behavior has been good here.

**(U) DETAINEE TESTIMONY**

(U//~~FOUO~~) Gul Haider, (b)(2)-003776DP, was called for the board and testified, in subs , as follows:

**(U) DIRECT EXAMINATION**

(U) MAJOR <sup>(b)(3), 10 USC 130b; (b)(6)</sup> asked, in substance, the following questions:

(U//~~FOUO~~) My name is Gul Haider. I (b)(1); (b)(2); (b)(5)

I have never been a part of the Taliban. I have never wanted to become a part of the Taliban. I said before that the Taliban came to my house and I gave them food, but only one time.

I have seen a (b)(6) once before.

The government is not bad; with your help we can build our country. I like the Coalition Forces; they are building schools and roads. They are good for this country.

**(U) CROSS-EXAMINATION**

(U) LIEUTENANT <sup>(b)(3), 10 USC 130b; (b)(6)</sup> asked, in substance, the following questions:

(U//~~FOUO~~) I studied five years of education and then after that about five years of religious education.

How can I admire my brother; because of him I have been put in jail. He has caused me a lot of suffering so how can I like him. We are brothers and we have the same family but we each have our own five fingers. I have my own mentality and can think for myself. Each person has their own mentality so people living together don't always do the same things.

If your enemy comes in your home you have to be hospitable and when he leaves then you can say what you want.

**(U) EXAMINATION BY THE BOARD**

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

(U//~~FOUO~~) I changed my mind about wanting to join the Taliban.

(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~~) Thank you for taking the time to determine the criminals from the non-criminals in the facility.

(U) [The unclassified hearing adjourned at 0846, 9 June 2010.]

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

(U) [The classified hearing was called to order at 0846, 9 June 2010.]

(U) MAJOR <sup>(b)(3), 10 USC 130b; (b)(6)</sup> presented the following information to the board:

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

(U) LIEUTENANT <sup>(b)(3), 10 USC 130b; (b)(6)</sup> presented the following information to the board:

(U//~~FOUO~~) I challenge you to find a Detainee that has tried harder to rehabilitate. (b)(1); (b)(2); (b)(5)

He said if his brother showed up at his house he would not turn him a way.

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

He has genuinely tried to rehabilitate and I believe he has changed.

(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 3776. The votes were then collected and handed to the legal representative.

(U) [The classified session adjourned at 0850, 9 June 2010.]

[END OF PAGE]