



~~UNCLASSIFIED//FOUO~~

DEPARTMENT OF DEFENSE
JOINT TASK FORCE 435
APO AE 09356

IN REPLY REFER TO:

JUL 16 2010

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

SUBJECT: 7 June 2010 Detainee Review Board (DRB) Recommendation for Continued Internment Approval for ISN 20271

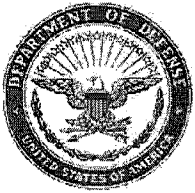
1. I reviewed the findings and recommendations of the DRB that convened on 7 June 2010 concerning the internment of Detainee ISN 20271. By a vote of 3 to 0, the board members found that internment is necessary to mitigate the threat ISN 20271 poses. After consideration, I approve the DRB's finding and direct that ISN 20271 continue to be detained at the Detention Facility in Parwan.
2. The DRB's recommendation that ISN 20271 not 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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Bagram-CENTCOM-DRB-482

~~SECRET//NOFORN~~



REPLY TO
ATTENTION OF:

DEPARTMENT OF DEFENSE
JOINT TASK FORCE 435
APO AE 09354



JTF-435-LO

7 June 2010

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

SUBJECT: 7 June 2010 Detainee Review Board Recommendation for the Continued Internment
of Nida Mohammad (ISN 20271)

1. The Detainee Review Board (DRB) met on 7 June 2010 and made the following findings and
recommendations concerning the internment of Nida Mohammad (ISN 20271):

a. Nida Mohammad (ISN 20271) meets the criteria for internment.

b. The continued internment of Nida Mohammad (ISN 20271) is necessary to mitigate
the threat he poses.

c. Nida Mohammad (ISN 20271) should be considered for Reintegration programs within
the Detention Facility in Parwan.

d. Nida Mohammad (ISN 20271) is not an Enduring Security Threat.

2. In arriving at its recommendation, the DRB found that Nida Mohammad (ISN 20271) meets
internment criteria based on a preponderance of the evidence, (b)(1); (b)(2); (b)(5)

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

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SUBJECT: 7 June 2010 Detainee Review Board Recommendation for the Continued Internment of Nida Mohammad (ISN 20271)

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

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

5. (b)(1); (b)(2); (b)(5) during his 7 June 2010 DRB, Nida Mohammad (ISN 20271) denied involvement with the Taliban and IED activities. Nida Mohammad (ISN 20271) stated that he is an uneducated construction laborer who has worked for the Afghan government in the past. Nida Mohammad (ISN 20271) claimed that he works to support fourteen members of his family. (b)(1); (b)(2); (b)(5); (b)(6)

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

the 19 April 2010 Detainee Criminal Investigation Detachment Report of Investigation, and the Theater Internment Facility Progress Report. The Personal Representative

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submitted copies of Nida Mohammad's (ISN 20271) Initial Interview Checklist and Notification Worksheet. The DRB considered also Nida Mohammad's (ISN 20271) testimony, as well as his responses to questions posed to him by all parties to the DRB.

7. The Personal Representative called (b)(6), Nida Mohammad's (ISN 20271) father as a witness, who testified by telephone in the open session and in the presence of Nida Mohammad (ISN 20271). (b)(6) stated that his son worked as a construction worker and helped provide for his family. (b)(6) claimed that his son was a hard worker, was not against the government or Coalition Forces, and has not participated in any attacks against Coalition Forces. (b)(6) said that his family was close, and Nida Mohammad (ISN 20271) and his uncle (b)(6) got along well.

8. The Recorder called (b)(6), Nida Mohammad's (ISN 20271) uncle as a witness, who was also detained on the same date and location. (b)(6) testified in the open session of the DRB and in the presence of Nida Mohammad (ISN 20271). (b)(6) claimed that Nida Mohammad (ISN 20271) had never worked for (b)(6) and that Nida Mohammad (ISN 20271) was not involved with the Taliban.

9. In determining whether continued internment is necessary to mitigate the threat Nida Mohammad (ISN 20271) 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 7 June 2010 DRB, the continued internment of Nida Mohammad (ISN 20271) is necessary to mitigate the threat he poses.

10. The point of contact for this review is CPT (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 Enclosures:

1. DRB Voting Packet

COL, QM

2. Summarized Testimony with Exhibits

President, Detainee Review Board

Date of Board 07 June 2010	Detainee Name Nida (Mohammad)	Detainee ISN (b)(2) -20271
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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):

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's Signature

awl (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)-0020271DP, Nida Mohammad, entered the boardroom, took seat in front of the board members, and the unclassified hearing was called to order at 1025, 7 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 RECO
- (U) LIEUTENANT (b)(3), 10 USC 130b; (b)(6), PERSONAL REPRESENTATIVE THREE;
- (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 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 20271 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 20271 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) RECORDER THREE presented the following unclassified information to the board:

(U//~~FOUO~~) ISN 20271, Nida Mohammad was captured by
(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)**

(U//~~FOUO~~) He meets internment criteria if he was part of, or substantially supported Taliban or associated forces engaged in hostilities against the United States or its coalition partners.

(U) The detainee, ISN 20271, made the following statement to the board:

(U//~~FOUO~~) I usually work in construction and all the claims that I am involved with Taliban or IED activity are not true. I'm sure there will be no evidence because I always am a construction worker, and I work with the government agencies in building schools in different places. I have 14 members of my family that I have to take care of. If I worked with Taliban, no one would take care of my family. If you find any evidence that I am involved with Taliban or IED activity, you can just kill me. I got a letter three times from the Taliban saying I shouldn't build schools. I also told them about the people who brought me the letter

and told them I would give them information. If I was Taliban, I wouldn't give information about Taliban.

(U//~~FOUO~~) There was one telephone captured with me. There was nothing else from my home captured with me. You are the guys who make the decision, and I have nothing else to say.

(U//~~FOUO~~) Before Afghan New Years, I was in a ceremony to start building another school and the Afghan governor and head of education of Kandahar was there. Everybody was there, and I even took my picture with them. I was always involved in construction. I know that I have to help my country. I will never do anything against my people. I don't have an education, but I build schools for my people for my country. I'm proud of that. I am not involved in anything against my people or my government. I can give you the company that I work with the last six years, they can provide information about me.

(U) RECORDER THREE asked, in substance, the following questions TO ISN 20271:

(U//~~FOUO~~) My full name is Nida Mohammad. I have not gone by any other name. My father's name is (b)(6). My uncle, (b)(6), was also detained with me. During the last six months, I haven't spoken with him. We lived in the same area, but everybody minded their life. I didn't have anything to do with him. We lived together in the same compound, but did not work together.

(U//~~FOUO~~) I don't recall telling anyone after I was captured that my uncle was involved in making IEDs. I had a feud with my uncle because when I had my wedding, I asked him for money. He had money, but he didn't give me money. I had to find money and had to wait a couple more years to get married. That's why I was not happy with my uncle and why I wasn't talking with him. I told them that he might or might not be involved with Taliban. I told them I didn't know exactly.

(U//~~FOUO~~) I know (b)(6) . I have not ever worked for him. I know (b)(6) is the same as (b)(6) . I knew that he was Taliban. He told me a couple of times he would kill me if I didn't take a package from one area to another or one person to another person. So I delived packages a couple of time for him because he told me he was going to kill me. The only thing that he asked me to do was take money from one person and give it to another person. I took the money to (b)(6) .

(U//~~FOUO~~) Before I was captured, I told someone in government that (b)(6) is involved in Taliban, and they captured him. I only delivered money for (b)(6) . I only delivered money after he threatened to kill me. I never delivered packages that I didn't know what they were for (b)(6) . I only delivered money and the light for a motorcycle for (b)(6) . He did not trust me becaue I was working with the government, so he tried to involve me with them so the government wouldn't believe or trust me after that.

(U) [RECORDER THREE showed the detainee Unclass Exhibit page 5 and page 6.]

(U) [The detainee continued.]

(U//~~FOUO~~) I don't know (b)(6) or (b)(6), (b)(6) or (b)(6). (b)(1); (b)(2); (b)(5) The phone was used. I bought it from someone that I was working with. I was working in his house. He is a baker, and I bought the used telephone from him. I did not buy the SIM card from him, that was mine. One SIM card was my wife's and one was mine.

(U//~~FOUO~~) I have had the SIM card for a long time. The numbers were already on my SIM card, so they were on my phone. I didn't know how to save numbers when someone would call. I would have someone save the numbers for me. I only had 18 numbers in my telephone.

(U//~~FOUO~~) I know (b)(6) . Two years ago, I did some construction on (b)(6) house. That's how he knows me. When I started working for the government, he told me that I should stop working with them. I also saw (b)(6) when I was working in (b)(6) house. I don't know when I last talked to (b)(6) but he didn't tell me where he was because I wanted to know his location. I am an uneducated person.

(U//~~FOUO~~) I bought a water pump from (b)(6) . He is detained right now. The Taliban numbers were saved in my SIM card. I have had those numbers for some time. I had the numbers in case I needed some help.

(U//~~FOUO~~) I was not ever involved in any attacks against Afghan government because I was helping them in construction and building schools. (b)(6) forced me to deliver packages but never be involved in any attacks. He had me deliver money because he was trying to trick the Afghan government into not trusting me. My brother and father were also detained with me. I had a close relationship with both of them.

(U) PERSONAL REPRESENTATIVE THREE asked, in substance, the following questions TO ISN 20271:

(U//~~FOUO~~) When I was working for (b)(6) , he never paid me. He never paid me when I transferred money between the two individuals. He paid me for construction work but not for delivering money.

(U//~~FOUO~~) I first met (b)(6) two years before when I was working in construction. I only saw him one time after that. The first time I met (b)(6) is when I doing construction on (b)(6) house. I don't remember my phone number. My uncle, (b)(6) , was the one who taught me how to work construction. I don't know if (b)(6) knew (b)(6) . I never saw my uncle with any electrical devices or components. I said I wasn't speaking with him.

(U//~~FOUO~~) I have no education. I have never been called Mullah. I am now learning Koran. I am happy here because I have been learning. I am trying to learn how to read and write. I am treated with respect.

(U) RECORDER THREE asked, in substance, the following questions TO ISN 20271:

(U//~~FOUO~~) I don't know anyone else by my name but there might be.

(U) BOARD MEMBER TWO asked, in substance, the following questions TO ISN 20271:

(U//~~FOUO~~) The numbers of the Taliban members were there because I told on (b)(6) and he was captured. He called because I owed him money.

(U) WITNESS TESTIMONY

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

(U) DIRECT EXAMINATION

(U) PERSONAL REPRESENTATIVE THREE asked, in substance, the following questions:

(U//~~FOUO~~) My name is (b)(6). I am alone in the room. I have never known my son to be involved in activities against Coalition Forces. I don't know (b)(6). We are poor people and working hard and involved in construction and find money to live our life. We are not involved in anything against our government or Coalition Forces.

(U//~~FOUO~~) Before the detainee was captured, he was providing for his family. Now I am old and have a problem with my hand, but now I have to work because he's not here

to provide for his family. We weren't involved and will never be involved because we work hard in construction and will never be involved.

(U//~~FOUO~~) I was not able to come to the hearing today as a live witness because they call me several time and told me that the date has changed and they called me last night and said it was today. I couldn't get there in one night.

(U) CROSS-EXAMINATION

(U) RECORDER THREE asked, in substance, the following questions:

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

(U//~~FOUO~~) and Nida have a good relationship and live together in a small house. There are no problems between (b)(6) and Nida. They were like two brothers.

(U) [RECORDER THREE requested a temporary closed session.]

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

(U) DETAINEE WITNESS TESTIMONY

(U//~~FOUO~~) (b)(6)
the board

, was called as a witness for
nce, 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 20271.

(U) The unclassified session reconvened.

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

(U) DIRECT EXAMINATION

(U) RECORDER THREE asked, in substance, the following questions:

(U//~~FOUO~~) The detainee is Nida Mohammad. The detainee and I were detained on the same day. I don't know if the detainee ever worked for (b)(6). He was never involved with Taliban.

(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 want to be in my cell. I want to transfer to another cell. There are a lot of people that cause a lot of problems, and I don't want to be a part of that. I just want to transfer cells. I respect the law of

this facility and people cause problems and I don't want to be a part of that.

(U) [The president of the board informed the detainee that the board is not involved in moving detainees to different cells.]

(U) [The unclassified hearing adjourned at 1141, 7 June 2010.]

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

(U) [The classified hearing was called to order at 1141, 7 June 2010.]

(U) RECORDER THREE presented the following information to the board:

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

(U) PERSONAL REPRESENTATIVE THREE presented the following information to the board:

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

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

(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 20271. The votes were then collected and handed to the legal representative.

(U) [The classified session adjourned at 1150, 7 June 2010.]

[END OF PAGE]