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DEPARTMENT OF DEFENSE  
JOINT TASK FORCE 435  
APO AE 09356

IN REPLY REFER TO:

JUL 6 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 Vote for Release for ISN 20060

1. I reviewed the findings and recommendation of the DRB conducted on 5 June 2010 concerning the internment of Detainee ISN 20060. By a vote of 3 to 0, the board members found that ISN 20060 did not meet the criteria for internment. Pursuant to Deputy Secretary of Defense Policy Guidance on Review Procedures and Transfer and Release Authority at Bagram Theater Internment Facility dated 2 July 2009, I approve the DRB's finding and direct that ISN 20060 be released from the Detention Facility in Parwan.
2. 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-389

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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 09356

SUBJECT: 5 June 2010 Detainee Review Board Recommendation for the Continued Internment  
of Abdul Rahman (ISN 20060)

1. The Detainee Review Board (DRB) met on 5 June 2010 and found that Abdul Rahman (ISN  
20060) does not meet the criteria for internment.

2. In arriving at its recommendation that Abdul Rahman (ISN 20060) does not meet the criteria  
for internment, the DRB found (b)(1); (b)(2); (b)(5)

3. (b)(1); (b)(2); (b)(5) captured Abdul Rahman (ISN 20060) (b)(1); (b)(2); (b)(5); (b)(6)

4. Abdul Rahman (ISN 20060) was captured (b)(1); (b)(2); (b)(5)

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Bagram-CENTCOM-DRB-390

JTF-435-LO

SUBJECT: 5 June 2010 Detainee Review Board Recommendation for the Release of Abdul Rahman (ISN 20060) (Does Not Meet Criteria)

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

5. (b)(1); (b)(2); (b)(5) during his 5 June 2010 DRB, Abdul Rahman (ISN 20060) claimed that he was innocent and that he was simply a poor farmer and shopkeeper in a bazaar. Abdul Rahman (ISN 20060) claimed that he lived in an area called Wali village. Abdul Rahman (ISN 20060) stated that he used no aliases and did not have any vehicles except a motorcycle. Abdul Rahman (ISN 20060) denied any involvement with the Taliban and stated that he has not travelled to Pakistan. Abdul Rahman (ISN 20060) claimed that he bought his phone from someone else approximately five months prior to his 16 November 2009 capture and after his original phone had been stolen. Abdul Rahman (ISN 20060) denied owning any weapons or ICOM radios.

6. The Personal Representative did not call any witnesses during the DRB; however, he did present two letters on Abdul Rahman's (ISN 20060) behalf. One letter was written by Abdul Rahman's fellow villagers. The other letter was submitted by the Islamic Republic of Afghanistan National Independent for Peace and Reconciliation.

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

the 18 January 2010 Detainee Criminal Investigation Detachment Report of Investigation, and the Theater Internment Facility Progress Report. The Personal Representative submitted copies of Abdul Rahman's (ISN 20060) Initial Interview Checklist and Notification Worksheet. The DRB also considered two letters presented by the Personal Representative on Abdul Rahman's behalf. The DRB considered also Abdul Rahman's (ISN 20060) testimony, as well as his responses to questions posed to him by all parties to the DRB.

8. In determining whether continued internment is necessary to mitigate the threat Abdul Rahman (ISN 20060) 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)

Abdul Rahman (ISN 20060) does not meet the criteria for internment and should be released.

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JTF-435-LO

SUBJECT: 5 June 2010 Detainee Review Board Recommendation for the Release of Abdul Rahman (ISN 20060) (Does Not Meet Criteria)

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

|                                |                                      |                                    |
|--------------------------------|--------------------------------------|------------------------------------|
| <u>Date of Board</u><br>SJW 10 | <u>Detainee Name</u><br>Abdul Rahman | <u>Detainee ISN</u><br>ISN 0020060 |
|--------------------------------|--------------------------------------|------------------------------------|

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*).

(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)(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)-020060DP, Abdul Rahman, entered the boardroom, took seat in front of the board members, and the unclassified hearing was called to order at 1805, 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) CAPTAIN (b)(3), 10 USC 130b; (b)(6), DETAINEE REVIEW BOARD  
RECORDER T
- (U) LIEUTENANT COLONEL (b)(3), 10 USC 130b; (b)(6), PERSONAL  
REPRESENTATIVE TWO;
- (U) CAPTAIN (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 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 20060 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 20060 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 130b; (b)(6)</sup> presented the following unclassified information to the board:

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

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

(U//~~FOUO~~) (b)(1); (b)(2); (b)(5)  
He states that he is an innocent poor farmer.

(U//~~FOUO~~) 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 US, its collation partners, or if he has committed a belligerent act, or has directly supported hostilities in aid of such enemy armed forces.

(U) The detainee, ISN 20060, made the following statement to the board:

(U//~~FOUO~~) (b)(1); (b)(2); (b)(5)  
You killed my father. I am a shop keeper.

(U//~~FOUO~~) I had a store in the district and I am not involved with the government. (b)(1); (b)(2); (b)(5)

You didn't find anything against me at my house. This is my second board and you never told me that the results of my first board.

(U//~~FOUO~~) You guys don't have any proof and you captured me for no reasons. Why didn't you capture me at the bazaar? Why did you (b)(1); (b)(2); (b)(5)

(U//~~FOUO~~) If I was against you guys why would I be working at the bazaar?

(U//~~FOUO~~) The past six months I've been here and didn't know my results you guys were wrong by killing my father. You know yourself that I didn't do anything wrong and you don't have any evidence on me so you should release me already.

(U) DETAINEE TESTIMONY

(U//~~FOUO~~) Abdul Rahman, (b)(2)-020060DP, was called for the board and testified, in substa as follows:

(U) DIRECT EXAMINATION

(U) Detainee Review Board Recorder 3 asked, in substance, the following questions:

(U//~~FOUO~~) My name is Abdul Rahman.

(U//~~FOUO~~) I don't have any alias.

(U//~~FOUO~~) I don't own a car, but I have a motorcycle. I use it daily to go to the bizarre.

(U//~~FOUO~~) I have a little piece of farm land and do some farming for myself. I do both farming and tend to my shop.

(U//~~FOUO~~) I did own a cell phone when I was captured.

(U//~~FOUO~~) (Recorder showed exhibit 2 to the detainee) This is my ID card.

(U//~~FOUO~~) (Recorder showed exhibit 3 to the detainee) The picture is mine. That's not my vehicle registration. I've never owned a Toyota corolla just a motorcycle.

(U//~~FOUO~~) (Recorder showed exhibit 4 to the detainee) One is my motorcycle title and the other one is ID card registration and my telephone receipt.

(U//~~FOUO~~) (Recorder showed exhibit 5 to the detainee) I'm not sure if this is my phone. It was a dark night so I'm not sure what I had with me that night when I was captured. Yes, the watch is mine.

(U//~~FOUO~~) I have never traveled to Pakistan.

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

(U//~~FOUO~~) I was never in any group that was against CF.

(U//~~FOUO~~) I don't know of any groups in my area that are against CF.

(U//~~FOUO~~) I don't know anyone in the Taliban or heard of anyone in the Taliban.

(U//~~FOUO~~) Yes, I've heard of (b)(6). I don't know if he's involved in the Taliban or not. I've just heard the name on the radio.

(U//~~FOUO~~) I don't know anyone named (b)(6).

(U//~~FOUO~~) I don't know anyone else named Abdul Rahman.

(U//~~FOUO~~) I'm not interested in the Taliban. I have other things to worry about.

(U//~~FOUO~~) I don't have an opinion about CF being in Afghanistan, I just keep busy running my store.

(U//~~FOUO~~) I don't know why anyone would say I was in the Taliban, they are only lies.

(U//~~FOUO~~) The only enemy I have is US money. You pay people who turn in innocent people.

(U//~~FOUO~~) I've never been to Nakhil Village and do not have a nephew that lives there. We all live together in my village.

(U//~~FOUO~~) I've been treated well here since I've been detained.

(U//~~FOUO~~) I have never been involved in placing IEDs.

(U//~~FOUO~~) I owned my cell phone for about 5 months before I was captured, but someone stole it so I used someone else's phone for awhile.

(U//~~FOUO~~) (b)(6) was the number of the cell phone that I used before I was captured.

(U//~~FOUO~~) If I am released I'll go back to work.

#### CROSS-EXAMINATION

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

(U//~~FOUO~~) I am from Wali village.

(U//~~FOUO~~) I have lived there all my life.

(U//~~FOUO~~) I have owned my shop for 12- 13 years. I sell groceries.

(U//~~FOUO~~) My shop is located in Karbal district in a traffic circle in district.

(U//~~FOUO~~) There is CF present in my village but I don't know about Taliban.

(U//~~FOUO~~) There are about 25 families in my village.

(U//~~FOUO~~) I do not own a weapon of any type.

(U//~~FOUO~~) I do not own any kind of walkie talkie or radio.



(U//~~FOUO~~) My villagers are good to me.

(U//~~FOUO~~) I do not have any enemies in my village.

(U//~~FOUO~~) I don't know if I have any animosity with anyone in my village.

(U//~~FOUO~~) I don't know if anyone in my village is involved in anti CF activities.

(U//~~FOUO~~) I have not housed or helped anyone that was involved in anti-coalition forces activities.

(U//~~FOUO~~) I know an (b)(6) .

#### EXAMINATION BY THE BOARD

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

(U//~~FOUO~~) I have never traveled to Pakistan

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

(U//~~FOUO~~) I did not enforce Taliban night curfew.

(U//~~FOUO~~) I did not participate in an attack on a police force. I wouldn't do anything like that.

(U//~~FOUO~~) I am not sure who killed my father, but I ask you why (b)(1); (b)(2); (b)(5) killed my father.

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

#### RE-CROSS-EXAMINATION

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

(U//~~FOUO~~) I never bullied the people in my village.

(U//~~FOUO~~) My father was an old man and you killed him and now I'm here being detained.

(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~~) All the elders and villagers want me released so what else do you want. There is no reason that I'm here. You killed my father.

(U) [The unclassified hearing adjourned at 1854, 5 June 2010.]

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

(U) [The classified hearing was called to order at 1854, 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 presented the following information to the board:

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

#### EXAMINATION BY THE BOARD

(U) The President of the Board 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) Member 1 asked, in substance, the following questions:

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

(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 20060. The votes were then collected and handed to the legal representative.

(U) [The classified session adjourned at 1911, 5 June 2010.]

[END OF PAGE]