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DEPARTMENT OF DEFENSE  
JOINT TASK FORCE 435  
APO AE 09356

IN REPLY REFER TO:  
JTF-435-LO

JUL 17 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 to Transfer ISN 3995 to Afghanistan Authorities for Consideration to Participate in a Reconciliation or a Reintegration Program

1. I reviewed the findings and recommendations of the DRB conducted on 7 June 2010 concerning the internment of Detainee ISN 3995. By a vote of 3 to 0, the board members recommended that ISN 3995 be transferred to Afghan authorities for their consideration of a reconciliation or reintegration program. After consideration, the board's recommendation is approved and I direct that it be carried out under the Afghan led Shura reconciliation and reintegration process.
2. The DRB's recommendation that ISN 3995 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-596

~~SECRET//NOFORN~~



REPLY TO  
ATTENTION FOR:

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 Reintegration of Hajji  
Agha Jan (ISN 3995)

1. The Detainee Review Board (DRB) met on 7 June 2010 and made the following findings and  
recommendations concerning the internment of Hajji Agha Jan (ISN 3995):

- a. Hajji Agha Jan (ISN 3995) does meet the criteria for internment.
- b. Continued Internment is not necessary to mitigate the threat Hajji Agha Jan (ISN 3995)  
poses.
- c. Hajji Agha Jan (ISN 3995) should be transferred to Afghan authorities for participation  
in a reconciliation or reintegration program.
- d. Hajji Agha Jan (ISN 3995) is not an Enduring Security Threat.

2. In arriving at its recommendation, the DRB found support to a preponderance of the evidence  
that Hajji Agha Jan meets the criteria for internment, but continued internment is not necessary  
to mitigate the threat he poses. (b)(1); (b)(2); (b)(5); (b)(6)

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

hard drives, 1 laptop computer, a camcorder with tape, nine SIM cards, still camera, Polaroid  
camera with scope, ids, 3 passports, and an airline ticket receipt book. MEDEX of the laptop  
and hard drives revealed video of IED attacks and beheading of a local national who was a CF  
informant, as well as videos of poppy farmers.

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SUBJECT: 7 June 2010 Detainee Review Board Recommendation for the Release of Hajji Agha Jan (ISN 3995)

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

5. During his 7 June 2010 DRB, Hajji Agha Jan (ISN 3995) denied the allegations against him. He said he was a businessman with no need to do the activities of which he is accused. As a businessman, he did own phones. He bought the computers for his sons but does not know much about them. Hajji Agha Jan pointed out to the Board that he has not committed any DRs while detained. He does not have any Taliban ties. He denied ownership of the computer on page 6 of the Unclassified Exhibits. When asked about the videos found on the computer, he denied knowledge of any such videos. He said he traveled to Pakistan because he has a factory and also for medical care for family members. He has been to Dubai for his business involving cooking oil, sugar, dry milk. (b)(6) was a Taliban commander when the Taliban was in power in Afghanistan and is still in the Taliban, but he does not have any close ties to (b)(6). He denied any connections to (b)(1); (b)(2); (b)(5).

He knows of (b)(6) as a (now deceased) commander when the Taliban was in power but did not do any business with him, and he knows of Ahmed Wali Karzai as the President's brother but has never done business with him. He has ten sons who use the laptop but does not monitor their computer activity. Hajji Agha Jan (ISN 3995) says there is no Taliban influence where he lives. If released, he will go back to his old businesses and orchards and lanes. He supervises several farmers who work and lease his 5,000 jaribs of land. He does not know anyone who raises poppies. He has two passports because one is almost full and about to expire. He does not know why his passports list different places of birth; he was born in Helmand. In a previous DRB, he said he thought his brother (b)(6) was rumored to be involved in narcotics (page 22 of the Unclassified Exhibits). Before the Board, he said that it's been 24 years since his father's death that he's had connections to his brother. He denied ever accusing his brother of being involved in narcotics.

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

-- the 17 May 2010 Detainee Criminal Investigation Detachment Report of Investigation, and the Theater Internment Facility Progress Report. The Personal Representative submitted copies of Hajji Agha Jan's (ISN 3995) Initial Interview Checklist and Notification Worksheet and two letters on behalf of Hajji Agha Jan (ISN 3995), one signed by seven provincial leaders and one petition signed by eighty-six villagers.

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7. The Recorder called the following witnesses to testify before the board:

a. (b)(6) (ISN(b)(6)), currently detained at the DFIP, was called in a temporary closed session. However, Azizullah said he did not know Hajji Agha Jan and had no information to provide to the board and withdrew from the hearing room.

b. (b)(3), 10 USC 130b; (b)(6), DRB analyst, testified in the closed classified session. He explained (b)(1); (b)(2); (b)(5); (b)(6)

8. The Personal Representative called the following Afghan civilians to testify on behalf of Hajji Agha Jan (ISN 3995) in an open session and in the presence of Hajji Agha Jan:

a. (b)(6), from Helmand province, Musakala district, testified that he knows Hajji Agha Jan (ISN 3995) as they are from the same district and tribe, of which the witness is a tribal leader. He has known Hajji Agha Jan (ISN 3995) since Hajji Agha Jan was about 20 years old. Hajji Agha Jan (ISN 3995) is a business man in Khandahar city, where he moved to get away from Taliban (although he did not have ties with Taliban; they harassed him because he is wealthy) and to conduct his business. (b)(6) testified that Hajji Agha Jan (ISN 3995) could not be against the government because as a businessman, he depends on the stability it provides. He said that people will seldom grow poppies in Hajji Agha Jan's (ISN 3995) fields but some do. Poppies production has been reduced in Hajji Agha Jan's fields since it became illegal. He said Hajji Agha Jan (ISN 3995) does not speak to his brother – they might talk in meeting face-to-face, but they are not “brotherly”. He does not know if Hajji Agha Jan had a trucking business. He knows two adult (b)(6) s in his village and a third who's an elder and fourth teenager in the next village. One of the (b)(6) s in his village does know Hajji Agha Jan but is not Taliban. He has never heard of Hajji Agha Jan assisting Taliban with proceeds from poppy farming. He presented the board with the original versions of PR Exhibits A, B, and C, which were summarized.

b. (b)(6), son of Hajji Agha Jan (ISN 3995), testified before the Board that his father is a businessman. His father does not travel often for business but has traveled to Dubai to import cooking oil and purchased gas in Afghanistan for resell. His father would travel to Pakistan when sick. His father's relationship with his brother (witness's uncle) is “okay”. He does not remember the last time he saw his uncle. He has no information on whether his father has seen (b)(6) in Kabul. When shown page 6 of the Unclassified Exhibits, he did not recognize the computer. He has not known his father to be involved with Taliban; there are no Taliban where his father lives in Khandahar. He said they moved to Khandahar for schools and because it was not safe where they lived before. The goods his father buys are shipped by truck. His father does not pay the Taliban to not attack the trucks.

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9. In determining whether continued internment is necessary to mitigate the threat Hajji Agha Jan (ISN 3995) 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)

Based upon the reasonably available evidence, the DRB found that Hajji Agha Jan meets internment criteria but does not need to be interned to mitigate his threat. Therefore, the DRB found that Hajji Agha Jan (ISN 3995) should be transferred to Afghan authorities for participation in a reconciliation or reintegration program.

10. 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

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> 7 June 10	<u>Detainee Name</u> Hajji Agha Jan	<u>Detainee ISN</u> (b)(2) - 0039950P
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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).*

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)(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)

~~(S//REL TO USA, ISAF, NATO)~~ [ISN (b)(2)-003995DP, Hajji Agha Jan, entered the boardroom, took his s n front of the board members, and the unclassified hearing was called to order at 1143, 7 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 JUNIOR GRADE (b)(3), 10 USC 130b; (b)(6), PERSONAL  
REPRESENTATIVE TWO;

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

(U) SGT (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 3995 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 3995 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) **CAPTAIN** (b)(3), 10 USC 130b; (b)(6) presented the following unclassified information to the board:

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

~~(U//FOUO)~~ (b)(1); (b)(2); (b)(5) found six hard drives, one laptop computer, nine SIM cards, loose papers, business cards, telephone directories, 1630 Afghani, 1690 Pakistani Rupees, 20 U.S. dollars, camcorder with tape, still camera and case, Polaroid camera with scope, four ID books, five ID cards, three Afghanistan passports indicating numerous trips to Pakistan, airline ticket receipt book, photo album, phone book, and audio cassette. No phones were taken (b)(1); (b)(2); (b)(5).

~~(U//FOUO)~~ Detainee's computer and hard drives contained anti-coalition propaganda. Detainee claimed in his last Detainee Review Board hearing that his son was responsible for these materials.

~~(U//FOUO)~~ (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 3995, made the following statements to the board:

~~(U//FOUO)~~ [11:57:43] The allegation that I've heard here are entirely false. If there is any proof, then, of course, I am guilty. But there is no truth to these allegations. While I am making my statements my witnesses hear me and listen to me. I am a business man. I don't need to be involved in these activities. Of course, I have telephones. That doesn't mean that I am part of the Taliban. I don't know how to operate a computer. I bought it for my sons, for their education. There is nothing on the computer against the government or against the coalition forces. If you have any proof from outside my house, if someone in the village said something, I will take responsibility for that. You will not find anyone in the village who will accuse me of these things. While I have been detained in the facility, I have not cause any problems or been involved in any detainee reports (DR's). At the time of the search, I left \$28,500 US dollars with my passports and some other business cards. How come they only mentioned 20 US dollars? Any witnesses that will testify against me, or any documents against me, I have a right to know about them. I am a business man. I don't hide anything from the board. Anyone who knows me knows that I am an innocent man, I not involved in any activities against the government, nor do I have any ties to the Taliban.

**(U) DETAINEE TESTIMONY**

~~(S//REL TO USA, ISAF, NATO)~~ Hajji Agha Jan, (b)(2)-003995DP, was called for the board and testified, in subst as follows:

**(U) DIRECT EXAMINATION**

(U) CAPTAIN (b)(3), 10 USC 130b; (b)(6) asked, in substance, the following questions:

(U//~~FOUO~~) I can't tell if that is my computer. I don't know how to run a computer. I know that it is a computer, but I can't identify it. (b)(1); (b)(2); (b)(5)

it's common in Afghanistan now to find videos of beheadings and IED explosions in the bazaar. Maybe my kids bought them just for fun. I myself am not involved. I didn't buy them. I have never been against the government or the coalition forces. I'm a well-liked businessman, and I have nothing to do with those kinds of videos.

(U//~~FOUO~~) I have made some trips to Pakistan because I have a cooking oil factory there. I go there to take care of business. Also, sometimes when someone in my family gets sick, I take them to Pakistan for treatment. I do business in Dubai involving cooking oil, dry milk and sugar.

(U//~~FOUO~~) I do not have any connection to (b)(6), but I know of him from the time of the Russians. He is a commander in the Taliban when the Taliban was in power, and he is still with them. The whole village knows him, but I don't have any close ties with him. I don't have any connection to the hospital in Mussacala.

(U//~~FOUO~~) I don't know (b)(6). I don't know anyone by the name of (b)(6) in my village. (b)(6) was a commander at the time of the Taliban, but he is deceased. I know him only by name. I never did any business with him. I don't know (b)(6), (b)(6), (b)(6), or (b)(6). Ahmed Wali Karzai is a well-known person. He is the brother of the president. I never heard that he is business person.

(U) CROSS-EXAMINATION

(U) LIEUTENANT JUNIOR GRADE (b)(3), 10 USC 130b; (b)(6) asked, in substance, the following que



(U//~~FOUO~~) [12:15:15] Aside from the cooking oil, sugar and dry milk, I use to be in the dry food business, like almonds and all kinds of stuff. I would take them from the village and sell them in the bazaar, and then I would buy beans, sugar, cooking oil, or powder milk and take them back to the village to sell. I use to have big trucks. I have a location in Kandahar as well. I would go to the country buy things, like nuts and almonds, in bulk and bring them to the bazaar and sell them in the Kandahar area. At the time of the Russians, I had some workers who would sell the merchandise for me. But lately I have come to the bazaar and sold things personally.

(U//~~FOUO~~) I have ten sons, all of which live with me. They all use the same laptop. I don't know how to work the computer, so I don't know how to keep track of what they are doing on it. My sons are not dangerous people. They are my kids. In the area where I live, there is no Taliban. I live in the middle of the city for the last sixteen years. I live in Sahino, and there is not Taliban influence. If I were released, I would just continue with my businesses. I have some house, shops and lands. I own about 2,500 acres of land. I am not in favor of those who want to destroy the country. I am in favor of those who build the country. I am in favor of the government, the Coalition Forces, and American Forces. I have farmers and supervisors who take care of my land. I lease my lands to other people, and they grow grain and wheat on it. I do not personally work on the land. I am not a farmer. I have a brother-in-law in (b)(6), who takes care of leasing the lands to people.

**(U) EXAMINATION BY THE BOARD**

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

(U//~~FOUO~~) Videos of beheadings not for fun. These are just letting people know what the Taliban are doing, what type of people the Taliban are. I've never cultivated poppy on my lands, you can ask my witnesses. They know me, what I do, and what kind of person I am.

(U//~~FOUO~~) I'm not the wealthiest in the country, but I am fairly wealthy. I have three body guards. I live in an area that is in complete control of the government. There are obvious police. They keep an eye on him. I am in a very secure area.

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

(U//~~FOUO~~) I have two passports because one is almost full and it is close to expiring. That's the only reason I got another one. I haven't used my old passport since I got my new one. The passport on the right, with holes on it starting with TR0, was issued in 2002. The passport on the left was issued in 2008. The holes on that passport are OR83. On page 18 of the unclassified exhibit there are stamps from the old passport, some are marked 2007, 2008 and 2009. There is nothing wrong with those dates on the passport, it was not expired. The other passport was still being processed. There is nothing fake in the passport. They are legal passport, both in my name.

(U//~~FOUO~~) I severed my connection with my brother, (b)(6), twenty four years ago, after our father died. I don't know what he is doing or what his business is for the last five years. I didn't accuse my brother of being involved in narcotics. At my last board, I said (b)(6) is my brother, he is living in Kabul. I live in Kandahar. There are rumors that he is involved in narcotics. My brother says that he isn't. I was asked by that board where my brother lived, and I said he lives in Kabul and I live in Kandahar.

(U//~~FOUO~~) I have about 70 shops. I rent my shops to other people. They sell different things. My business is of sugar and flour, but I don't sell them in single shops. I have a whole sale business; I sell these things to retailers. I gave the same information to the previous Board.

(U) REDIRECT EXAMINATION

(U) CAPTAIN (b)(3), 10 USC 130b; (b)(6) asked, in substance, the following questions:

(U//~~FOUO~~) I use to have a trucking company during the time of the Russians, but I got rid of them. I don't have them anymore. I was born in Helmand. It shouldn't be a problem that the other passport says Khandahar. Since I live in Kandahar, it is possible they just wrote Kandahar.

(U) AFGHAN CIVILIAN WITNESS TESTIMONY

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

(U) DIRECT EXAMINATION

(U) LIEUTENANT JUNIOR GRADE (b)(3), 10 USC 130b; (b)(6) asked, in substance, the following que

(U//~~FOUO~~) I am (b)(6) s/o (b)(6) from Helmand Province, Musakula District. I know the detainee because we are from the same district. His name is Hajji Agha Jan. I am a tribal leader, which is how I know him. I have known him since he was about 20 years old. He has been a business man for several years. Previously, he had some trucks. He would buy some wool, almonds, and those kinds of things, from the country and bring them down to Kandahar. Then he would buy things from the city and bring them back to the village and sell them. When he moved to Kandahar four or five years ago, he started a business with cooking oil, sugar, and those kinds of things. I know that he moved away from Helmand because Taliban influence in that area. They were bothering some people. He never had any ties with the Taliban, but because he was a wealthy person, the Taliban was always trying to get money from these people. I got in trouble with the Taliban once, as well. The Taliban captured me and it took 1800 Afghani bribe from my village for the Taliban to release me. If

you have money, and are a wealthy person in an area controlled by the Taliban, you not secure. They always bother you, and try to take money from you. If you are wealthy or are a businessman, you can't be against the government. You can't handle your business and be against the government. Business is closely ties to security. If there is no security, there is no business.

(U//~~FOUO~~) I know that he has a lot of land. Before the time of Hamid Kharzai, people could grow anything they want. With Hamid Kharzai's government, whatever is legal, wheat, orchards, vineyards, and other food products are grown on those lands now. It was very common for poppy to be grown on these lands before Hamid Kharzai. A farmer would not agree to work on your land if you wouldn't grow poppy because poppy was the only thing that supported the farmers financially. If people only grew grain or peas, it was not enough to support them. It was a normal thing, before. Very seldom do people grow poppies now, maybe twenty percent. Most people grow legal crops.

(U//~~FOUO~~) I know his brother, (b)(6) . I know that they are separated from each other. There were some disputes when they divided the lands between the two brothers. Since then, they don't act like they are really brothers. If they come face to face, they might talk, but it is not brotherly. They don't consider each other as really brothers.

**(U) CROSS-EXAMINATION**

**(U) CAPTAIN** (b)(3), 10 USC 130b; (b)(6) **asked, in substance, the following questions:**

(U//~~FOUO~~) The disputes between the detainee and his brother were about money and lands. All I know is that he is currently in business of cooking oil and sugar. I don't know exactly what all his business is. That is not my concern. I am a tribal leader. Some people move to Herat and Kandahar to avoid the Taliban, it's a big district. As far as I know, some families move to Herat and Leshtergon

because of the Taliban. Maybe some go to Kandahar, as well. That could be one of the obvious reasons, since he is a wealthy person, also he had some land in Kandahar. Kandahar is, of course, much safer than Helmand.

**(U) EXAMINATION BY THE BOARD**

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

(U//~~FOUO~~) I know three people named (b)(6). There are two in my village and there is a third who is seven or eight years only. The fourth is in another village and he is a teenager. There are two adults with that name in my village, they are in their twenties. One of them is my farmer. They know the detainee, but neither of them is connected to the Taliban. There is another (b)(6) who is a known member of the Taliban, but the detainee isn't the kind of person to help that (b)(6).

(U//~~FOUO~~) He got rid of the label that he was dealing poppy way before the time of Hamid Kharzai. Before the time of Hamid Kharzai, it was a very normal crop. Everyone has to do something to make some money. There were no rules against growing poppy. Now it is an illegal narcotic and it is forbidden, so he got rid of them. There are fewer than twenty percent of farmers growing poppy. I have not heard that the detainee is helping the Taliban or selling narcotics. But the Taliban will kill someone, if they won't help them financially. That is one of the reasons that he moved to Kandahar.

**(U) The witness provides petitions with fingerprints from people from the village who know the detainee by name and testify for him. There are also petitions from the Governor, Chief of Intelligence, and Chief of the District saying that this man is a good person. There is a special document from the tribal elders say that they will insure that he will not do anything wrong in the future. The document also indicates that, to their knowledge, the detainee has never done anything against the government of coalition forces and they request his release.**

(U) [The witness was excused, but remained in the boardroom to view the remainder of the unclassified proceedings.]

**(U) AFGHAN CIVILIAN WITNESS TESTIMONY**

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

**(U) DIRECT EXAMINATION**

(U) LIEUTENANT JUNIOR GRADE (b)(3), 10 USC 130b; (b)(6) asked, in substance, the following que

(U//~~FOUO~~) I am (b)(6) . Hajji Agha Jan is my father. He is a businessman in the field of sugar, tea, cooking oil, and gas. He travels occasionally for business. He imports cooking oil, usually from Arabian countries, like Dubai. He purchases gas for resale from within Afghanistan. If he is sick he goes to Pakistan, not usually for business.

(U//~~FOUO~~) The relation between my father and his brother (b)(6) is okay. (b)(6) lives in Kabul, not in Kandahar. I live in Kandahar with my father. I don't remember the last time I saw my uncle. I don't know if my father visits (b)(6) in Kabul, I've not seen him. Just our family lives in our compound.

(U//~~FOUO~~) I cannot identify the computer in picture in the exhibits. There is a computer in our house. I don't know of any videos on our computer.

(U//~~FOUO~~) I have never known my father to have any negative opinions toward the government or coalition forces. There are no Taliban were we live in Kandahar. My father has never been involved with the Taliban.

**(U) CROSS-EXAMINATION**

(U) CAPTAIN (b)(3), 10 USC 130b; (b)(6) asked, in substance, the following questions:

(U//~~FOUO~~) We moved to Kandahar because there are schools in Kandahar. Second, we moved to Kandahar because it was not safe in the area we use to live.

(U) EXAMINATION BY THE BOARD

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

(U//~~FOUO~~) My father doesn't know how to use a computer.

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

(U//~~FOUO~~) I have no interest in using the computer because I have a vision problem. My father gets cooking oil from Dubai and gets gas locally. These goods are shipped by truck. There is no need for my father to pay the Taliban for safe passage of these trucks because they don't travel through areas where they might be attacked by the Taliban. They go through the government customs.

(U) [The witness was excused. He and the other Afghan observers withdrew from the boardroom.]

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

(U) DETAINEE WITNESS TESTIMONY

TO USA, ISAF, NATO) (b)(6) , Detainee ISN (b)(2); (b)(6)  
, entered the boardr testified, in s ce, as

(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//~~FOUO~~) My name is (b)(6) s/o (b)(6). I do not know Hajji Agha Jan. There are many people with this name. I am from Haggras in the providence of Kandahar.

[Detainee witness did not know the detainee and withdrew from the board room.]

[Five guests entered the boardroom as observers.]

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've been detained here for almost a year. What is the reason for my detainment here? I have no ties with the Taliban. I have never been in favor of the Taliban. I have never lied in the previous interrogation and I will never lie in any future interrogation.



(U) [The unclassified hearing adjourned at 1400, 7 June 2010.]

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

(U) [The classified hearing was called to order at 1402, 7 June 2010.]

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

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

(U) EXPERT WITNESS TESTIMONY

(U//~~FOUO~~) (b)(3), 10 USC 130b; (b)(6), DRB Analyst, entered the boardroom, substance, as follows:

(U) DIRECT EXAMINATION

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

~~(S//NF)~~ My name is (b)(3), 10 USC 130b; (b)(6). I'm a DRB Analyst. (b)(1); (b)(2); (b)(5)

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

(U) EXAMINATION BY THE BOARD

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

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

(U) RECROSS-EXAMINATION

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

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

(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 not offer classified exhibits.

(U) The president and members of the board voted on ISN 3995. The votes were then collected and handed to the legal representative.

(U) [The classified session adjourned at 1420, 7 June 2010.]

[END OF PAGE]