

UNCLASSIFIED//~~FOUO~~



REPLY TO
ATTENTION OF:

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



JTF-435-LO

JUN 18 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 20265

1. I reviewed the findings and recommendation of the DRB conducted on 3 June 2010 concerning the internment of Detainee ISN 20265. By a vote of 3 to 0, the board members found that internment is necessary to mitigate the threat ISN 20265 poses. After consideration, I approve the DRB's finding and direct that ISN 20265 continue to be detained at the Detention Facility in Parwan.
2. The DRB's recommendation that ISN 20265 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)

A handwritten signature in black ink, appearing to read "MSM".

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

UNCLASSIFIED//~~FOUO~~

Bagram-CENTCOM-DRB-460

~~SECRET//NOFORN~~



REPLY TO
ATTENTION OF:

DEPARTMENT OF DEFENSE
DEPUTY COMMANDER - DETAINEE OPERATIONS
US FORCES AFGHANISTAN
JOINT TASK FORCE 435
APO AE 09356



JTF-435-LO

3 June 2010

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

SUBJECT: 3 June 2010 Detainee Review Board Recommendation for the Continued Internment
of Talib Gul (ISN 20265)

1. The Detainee Review Board (DRB) met on 3 June 2010 and made the following findings and
recommendations concerning the internment of Talib Gul (ISN 20265):

- a. Talib Gul (ISN 20265) meets the criteria for internment.
- b. The continued internment of Talib Gul (ISN 20265) is necessary to mitigate the threat
he poses.
- c. Talib Gul (ISN 20265) should be considered for Reintegration programs within the
Detention Facility in Parwan.
- d. Talib Gul (ISN 20265) is not an Enduring Security Threat.

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

3. (b)(1); (b)(2); (b)(5)
detained Talib Gul (ISN 20265), (b)(1); (b)(2); (b)(5)

, captured and

~~SECRET//NOFORN~~

Bagram-CENTCOM-DRB-461

JTF-435-LO

SUBJECT: 3 June 2010 Detainee Review Board Recommendation for the Continued Internment of Talib Gul (ISN 20265)

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

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

5. (b)(1); (b)(2); (b)(5) during his 3 June 2010 DRB, Talib Gul (ISN 20265) denied knowing (b)(6) other than on the day of their 24 March 2010 capture, when he had stopped to help (b)(6) fix a flat tire on his motorcycle. Talib Gul (ISN 20265) denies any knowledge of Taliban or other insurgent or anti-Coalition forces. Talib Gul (ISN 20265) denied ownership of either of the two mobile cellular phones recovered on 24 March 2010. Talib Gul (ISN 20265) claims to be a simple farmer.

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

– the 3 May 2010 Detainee Criminal Investigation Detachment Report of Investigation, and the Theater Internment Facility Progress Report. The Personal Representative submitted copies of Talib Gul's (ISN 20265) Initial Interview Checklist and Notification Worksheet. The DRB considered also Talib Gul's (ISN 20265) testimony, as well as his responses to questions posed to him by all parties to the DRB.

7. The Personal Representative called the following witness who testified by telephone in the open session and in the presence of Talib Gul (ISN 20265):

a. (b)(6) testified that he is Talib Gul's (ISN 20265) maternal cousin. (b)(6) identified himself as a 29-30 year old farmer who has known Talib Gul (ISN 20265) all his life. He identified Talib Gul (ISN 20265) as someone who works as a laborer in a wheat field, and is not associated with Taliban or insurgent activity in Kandahar Province.

8. The Recorder called the following witness, who testified in the closed session and outside the presence of Talib Gul (ISN 20265):

a. LT^{(b)(3), 10 USC 130b; (b)(6)}, Analyst, Task Force 3-10, Bagram, Afghanistan. LT^{(b)(3), 10 USC} testified (b)(1); (b)(2); (b)(5)

JTF-435-LO

SUBJECT: 3 June 2010 Detainee Review Board Recommendation for the Continued Internment of Talib Gul (ISN 20265)

(b)(1); (b)(2); (b)(3), 10 USC 130b; (b)(5); (b)(6)

9. In determining whether continued internment is necessary to mitigate the threat Talib Gul (ISN 20265) 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 3 June 2010 DRB, the continued internment of Talib Gul (ISN 20265) is necessary to mitigate the threat he poses.

10. The point of contact for this review is MAJ (b)(3), 10 USC 130b; (b)(6), 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

<u>Date of Board</u> 3/14/10	<u>Detainee Name</u> Talib ((GULL))	<u>Detainee ISN</u> (b)(2) -02026JDP
---------------------------------	--	---

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 (Printed) NAJ (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)(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)(1), (b)(2), (b)(3), 1} -020265DP, TALIB GUL, entered the boardroom, took his seat in front of the board members, and the unclassified hearing was called to order at 1509, 3 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 FOU
- (U) LIEUTENANT (b)(3), 10 USC 130b; (b)(6), PERSONAL
REPRESENTATIVE
- (U) MAJOR (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 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 of the board stated that a document was given by the personal representative that stated that the detainee was advised of his hearing and the rights that were provided therein. The president further stated that the documents will be included into the final record or proceeding.

(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 20265 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 20265 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) CPT ^{(b)(3), 10 USC 1305} presented the following unclassified information to the board:

(U//~~FOUO~~) (b)(1); (b)(2); (b)(5); (b)(6)

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

(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 or its coalition 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 20265 made the following statements to the board:

(U//~~FOUO~~) We are a poor family. We are working for another family at a farm. I did not see any Taliban.

(U) DETAINEE TESTIMONY

(U) TALIB GUL, ^{(b)(1); (b)(2); (b)(3); (b)(5)} -020265DP, was called for the board and testified, in substance, as follows:

(U) DIRECT EXAMINATION

(U) CPT ^{(b)(3), 10 USC 1306:} asked, in substance, the following questions:

(U//~~FOUO~~) My name is Talib Gul. I do not have any aliases. I am from Adirah village, Arghandab district, Kandahar province. I was captured at home.

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

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

(U//~~FOUO~~) Only my family lives in the home. My cousin was visiting.

(U//~~FOUO~~) I know how to read and write a little bit.

(U//~~FOUO~~) The first thing I do is work for different people on the farms. We grow the crops and split the profit. We buy animals and sell them. We also buy motorcycles, fix them up, and sell them.

(U//~~FOUO~~) All the kids in my family go to school. It doesn't cost anything to go to school.

(U//~~FOUO~~) I have never owned a cell phone.

(U) [Recorder showed detainee unclassified exhibit page 2.]

(U//~~FOUO~~) That is my old cell phone that they took from me when I was first captured. As soon as I got home I sold it. I didn't buy a new phone after I sold it. I didn't

buy a new phone because I didn't like it. Before I sold my phone I spoke with my all of my family member.

(U//~~FOUO~~) I do not know (b)(6) .

(U//~~FOUO~~) I know one person by the name of (b)(6). He is a motorcycle mechanic. (b)(6) is not associated with the Taliban.

(U//~~FOUO~~) I do not know (b)(6) .

(U//~~FOUO~~) I do not know (b)(6) .

(U//~~FOUO~~) I do not know (b)(6) .

(U//~~FOUO~~) I do not know (b)(6) .

(U//~~FOUO~~) I do not know anyone associated with the Taliban.

(U//~~FOUO~~) When I was a kid there were Taliban in my village in Afghanistan. There were three men there and when the Coalition Forces came, they all ran away.

(U//~~FOUO~~) There are no Taliban members in my village.

(U//~~FOUO~~) I have never been part of the Taliban.

(U//~~FOUO~~) I have never tried to deliver IEDs to Taliban members.

(U//~~FOUO~~) American Forces are good people.

(U//~~FOUO~~) I'm happy to be in detention.

(U//~~FOUO~~) I do not feel like I am in prison, I feel like I am in school. I have all the time to do school.

(U//~~FOUO~~) Before I was captured, I had to skip work to go to school. We only had a little bit of time to do school.

(U//~~FOUO~~) I haven't seen the Taliban. I have no feelings on them.

(U) CROSS-EXAMINATION

(U) LT ^{(b)(3), 10 USC 1306} asked, in substance, the following questions:

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

Personal Representative showed detainee unclassified exhibit page 2.]

(U//~~FOUO~~) I do not know if that cell phone belongs to anyone I was captured with.

(U//~~FOUO~~) I do not know if (b)(6) was captured with me.

(U) EXAMINATION BY THE BOARD

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

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

(U//~~FOUO~~) (b)(6) is my older brother.

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

(U) AFGHAN CIVILIAN WITNESS TESTIMONY

(U) (b)(6), Afghan Civilian, was called telephonically as a witness or the board and testified, in substance, as follows:

(U) DIRECT EXAMINATION

(U) LT ^{(b)(3), 10 USC 1306} asked, in substance, the following questions:

(U//~~FOUO~~) My name is (b)(6) but people know me by (b)(6).

(U//~~FOUO~~) The detainee is my cousin from my mother's side.

(U//~~FOUO~~) I am very close to my cousin. He is my friend.

(U//~~FOUO~~) My cousin works on a farm.

(U//~~FOUO~~) After the first capture, the detainee told me that he was just detained not any reasoning.

(U//~~FOUO~~) The people who arrested the detainee were very respectful and treated him good.

(U//~~FOUO~~) My cousin does not have any ties to the Taliban.

(U//~~FOUO~~) The detainee doesn't have any friends that are involved with the Taliban.

(U) Capt ^{(b)(3), 10 USC 1305:} , asked, in substance, the following questions:

(U//~~FOUO~~) One of the detainee's brothers is in school. The other brother is working on the farm. For a while the Taliban closed down all the schools but they are all now open. This happened a few months ago.

(U//~~FOUO~~) I have spoken to the detainee's cousin since he's been captured.

(U//~~FOUO~~) If (b)(6) ever did anything bad I would report him to the authorities. I will vouch for the detainee that he has never done anything wrong.

(U//~~FOUO~~) After the detainee's first capture his father took his cell phone away and told him that he will not have any phone.

(U//~~FOUO~~) The detainee does not own a cell phone.

(U) EXAMINATION BY THE BOARD

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

(U//~~FOUO~~) I am 29-30 years old.

(U) [The call was terminated.]

(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~~) Talk to my entire village and they will tell you that I am good person.

(U) [The unclassified hearing adjourned at 1614, 3 June 2010.]

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

(U) [The classified hearing was called to order at 1615, 3 June 2010.]

(U) MILITARY WITNESS TESTIMONY

(U) LT ^{(b)(3), 10 USC 130b; (b)(6)}, United States Navy, entered the boardroom, and tes bstance, as follows:

(U) DIRECT EXAMINATION

(U) CPT ^{(b)(3), 10 USC 130b:} asked, in substance, the following questions:

~~(S//FN)~~ My name is Lt ^{(b)(3), 10 USC 130b; (b)(6)}. I am an intelligence analyst. I analyzed all the information pertaining to the detainee's capture.

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

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

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

(U) CROSS-EXAMINATION

(U) LT ^{(b)(3), 10 USC 130b:} asked, in substance, the following questions:

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

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

(U) REDIRECT EXAMINATION

(U) CPT ^{(b)(3), 10 USC 130b;} asked, in substance, the following questions:

~~(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 offer classified exhibits.

(U) The president and members of the board voted on ISN 20265. The votes were then collected and handed to the legal representative.

(U) [The classified session adjourned at 1638, 3 June 2010.]

[END OF PAGE]