

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 20257

1. I reviewed the findings and recommendation of the DRB conducted on 3 June 2010 concerning the internment of Detainee ISN 20257. By a vote of 3 to 0, the board members found that internment is necessary to mitigate the threat ISN 20257 poses. After consideration, I approve the DRB's finding and direct that ISN 20257 continue to be detained at the Detention Facility in Parwan.
2. The DRB's recommendation that ISN 20257 not be assessed as an Enduring Security Threat is disapproved and is reassessed as an Enduring Security Threat.
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 "Mark S. Martins".

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

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Bagram-CENTCOM-DRB-400

~~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 Musa Kalim (ISN 20257)

1. The Detainee Review Board (DRB) met on 3 June 2010 and made the following findings and
recommendations concerning the internment of Musa Kalim (ISN 20257):

a. Musa Kalim (ISN 20257) meets the criteria for internment.

b. The continued internment of Musa Kalim (ISN 20257) is necessary to mitigate the
threat he poses.

c. Musa Kalim (ISN 20257) should be considered for Reintegration programs within the
Detention Facility in Parwan.

d. Musa Kalim (ISN 20257) is not Enduring Security Threat.

2. In arriving at its recommendation, the DRB found (b)(1); (b)(2); (b)(5)

3. (b)(1); (b)(2); (b)(5)
Kalim (ISN 20257), (b)(1); (b)(2); (b)(5)

captured and detained Musa

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(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, Musa Kalim (ISN 20257) denied knowing (b)(6) other than on the day of his 24 March 2010 capture, when (b)(6) had stopped to help him fix a flat tire on his motorcycle. Musa Khalim (ISN 20257) denies any knowledge of Taliban or other insurgent or anti-Coalition forces. Musa Khalim (ISN 20257) claimed ownership of one of the mobile cellular phones recovered on (b)(1); (b)(2); (b)(5)

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

the 1 May 2010 Detainee Criminal Investigation Detachment Report of Investigation, and the Theater Internment Facility Progress Report. The Personal Representative submitted copies of Musa Kalim's (ISN 20257) Initial Interview Checklist and Notification Worksheet. The DRB considered also Musa Kalim's (ISN 20257) testimony, as well as his responses to questions posed to him by all parties to the DRB.

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7. The Recorder called the following witness, who is detained currently at the Detention Facility in Parwan, and who testified in the open session and in the presence of Musa Kalim (ISN 20257):

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

8. The Recorder called the following witness, who testified in the closed session and outside the presence of Musa Kalim (ISN 20257):

a. Mr. (b)(3), 10 USC 130b; (b)(6), Analyst, Detainee Review Board, Joint Task Force 435, Detention Facility in Parwan, Bagram, Afghanistan. ^{(b)(3), 10 USC 130b; (b)(6)} testified that ^{(b)(1); (b)(2); (b)(5); (b)(6)}

9. The Personal Representative called no witnesses during Musa Kalim's (ISN 20257) 3 June 2010 DRB.

10. In determining whether continued internment is necessary to mitigate the threat Musa Kalim (ISN 20257) 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 Musa Kalim (ISN 20257) is necessary to mitigate the threat he poses.

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11. 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

Date of Board 3 June 2010	Detainee Name MUSA KALIM	Detainee ISN (b)(2) - 0020257DP
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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 (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)(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)-020257DP, Musa Kalim, entered the boardroom, took seat in front of the board members, and the unclassified hearing was called to order at 0812, 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 O
- (U) CAPTAIN (b)(3), 10 USC 130b; (b)(6), PERSONAL REPRESENTATIVE
ONE;
- (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 also notified the detainee that he may be present at all open sessions of the board permitting that he acted appropriately. ISN 20257 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 20257 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 1306; (b)(7)(C)} presented the following unclassified information to the board:

~~(U//FOUO)~~ Musa Kalim, ISN 20257, was captured (b)(1); (b)(2); (b)(5)

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

~~(U//FOUO)~~ (b)(6), who was captured with detainee ISN 20257, (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); (b)(6)

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

~~(U//FOUO)~~ Detainee meets internment criteria if he was a part of or substantially supported Taliban or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act, or who has directly supported hostilities in aid of such enemy armed forces.

(U) The detainee, ISN 20257, made the following statements to the board:

(U//~~FOUO~~) I only have one telephone that I bought nine days prior to my capture. There are propaganda videos on my cell phone but they are for music.

(U//~~FOUO~~) I have never been involved with the Taliban. Not even one day. I have never even met with the Taliban for even five minutes. How can I be accused (b)(1); (b)(2); (b)(5) if I have never even been around them for one minute.

(U//~~FOUO~~) I deserve to be punished if you can prove to me that I have been involved with the Taliban.

(U//~~FOUO~~) My situation is very simple just like black and white. (b)(1); (b)(2); (b)(5)

(U//~~FOUO~~) I would be more than happy to sit twenty years sentence if you can prove I was involved with the Taliban

(U) DETAINEE TESTIMONY

(U//~~FOUO~~) Musa Kalim, (b)(2)-020257DP, was called for the board and testified, in subs , as follows:

(U) DIRECT EXAMINATION

(U) CPT ^{(b)(3), 10 USC 1305; (b)(7)(C)} asked in substance, the following questions:

(U//~~FOUO~~) My father's name is (b)(6)

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

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

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

(U//~~FOUO~~) I have never met (b)(6) prior to the day I was captured.

(U//~~FOUO~~) I have been captured by (b)(1); (b)(2); (b)(5) along with three other people a long time ago for one night. I do not know the three other people by name. They were just workers.

(U//~~FOUO~~) I do not know (b)(6). He was not with me when I was detained last time.

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

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

(U//~~FOUO~~) The second time I was detained I had a cell phone on me.

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

(U//~~FOUO~~) The keys don't belong to me. The black item is not mine. The telephone is mine. The two combs are not mine. The wrench is not mine. The SIM card on top is not mine. The two SIM cards underneath the top SIM card are mine.

(U//~~FOUO~~) I purchased my telephone from the market. It was a second-hand telephone. I purchased the two SIM cards at the same time as I bought the cell phone. On one of the SIM cards I put my father's number on it also. Before I bought my new cell phone I did not own a cell phone. I did not own any SIM cards prior to me buying my new SIM cards.

(U//~~FOUO~~) I only put my father's telephone number in my cell phone. (b)(6) asked if he could see my cell phone so that he could put his telephone number in it.

(U//~~FOUO~~) (b)(6) is a stranger but after I met him he gave me his number so that I could call him if I had any more problems.

(U//~~FOUO~~) (b)(6) didn't help me fix my flat tire physically; he just let me use his pump and patches.

(U//~~FOUO~~) I eventually was able to fix the tire myself.

(U//~~FOUO~~) (b)(6) had the pump and patch that I needed to fix my flat tire

(U//~~FOUO~~) I have not made any bombs or explosives.

(U) [Recorder showed detainee unclassified exhibit page 5.]

(U//~~FOUO~~) I have never been involved with any explosives.

(U//~~FOUO~~) I do not know how (b)(6) ^{a(b)(1); (b)(2); (b)(5)}
Allan is my witness. Allan will not approve of me being involved in these types of activities.

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

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

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

(U//~~FOUO~~) I do not know why (b)(6) would say I was involved with the Taliban. Can I meet with (b)(6) and speak with him face to face so that I can ask him why he would say this.

(U) DETAINEE WITNESS TESTIMONY

(U//~~FOUO~~) (b)(6), Detainee ISN (b)(2)-020256DP, entered the boardr ified, in subst 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 20257.

(U) DIRECT EXAMINATION

(U) CPT ^{(b)(3), 10 USC 1306; (b)(7)} asked, in substance, the following questions:

(U//~~FOUO~~) My name is (b)(6)

(U//~~FOUO~~) I do not know the detainee other than he had a flat tire one day so I helped him and let him use my patch and pump.

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

(U//~~FOUO~~) The detainee's rear tire was flat.

(U//~~FOUO~~) I did not have a phone the day I was captured.

(U//~~FOUO~~) I did not know the detainee's number prior to the day of capture. I do not know this number (b)(6)

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

(U//~~FOUO~~) I do not know if the detainee is a member of the Taliban.

(U//~~FOUO~~) I know somebody by the name of (b)(6) who works at the Bazaar. Any time I go to the Bazaar I buy potato chips from him.

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

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

(U) [Recorder showed detainee witness unclassified exhibit page 7.]

(U//~~FOUO~~) I have never been involved with explosive material.

(U) [Recorder showed detainee witness unclassified exhibit page 12.]

(U//~~FOUO~~) That is not my telephone.

(U//~~FOUO~~) I was captured with two batteries. I was not carrying a cell phone with me when I was captured.

(U//~~FOUO~~) I wrote the detainee's telephone number in the dirt on the ground to memorize it.

(U) CROSS-EXAMINATION

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

(U//~~FOUO~~) The detainee and I did not perform any customary greetings when we met. We did not shake hands.

(U//~~FOUO~~) The detainee and I were heading the same direction when I saw him with a flat tire. I gave the detainee a pump, glue and patches to fix his tire.

(U//~~FOUO~~) The detainee repaired his tire while I was watching.

(U//~~FOUO~~) Usually we scrub the tire to make it rough so that the patch will stick.

(U//~~FOUO~~) We didn't have a scrubber so we used a rough rock. The detainee put the glue on the patch with his finger.

(U//~~FOUO~~) I helped put the glue on the tire.

(U//~~FOUO~~) There were three holes in the same tire.

(U) EXAMINATION BY THE BOARD

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

(U//~~FOUO~~) I have never used the detainee's cell phone.

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

(U//~~FOUO~~) I did not know the detainee for a year and a half. The translator may have mis-communicated the statement to the interrogators. (b)(6) has a shop in the Bazaar of Kandahar. Its name is (b)(6).

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

(U) [The personal representative showed detainee unclassified exhibit from detainee ISN 20256 board proceedings.]

(U//~~FOUO~~) The red flashlight is mine.

(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 do not wish to make a statement on my behalf.

(U) [The unclassified hearing adjourned at 0935, 3 June 2010.]

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

(U) [The classified hearing was called to order at 0935, 3 June 2010).]

(U) CIVILIAN ANALYST WITNESS TESTIMONY

(U//~~FOUO~~) ^{(b)(3), 10 USC 130b; (b)(6)}, Civilian Analyst, entered the boardroom, ^{(b)(3), 10 USC 130b; (b)(6)} d, in substance, as follows:

(U) DIRECT EXAMINATION

(U) CPT ^{(b)(3), 10 USC 130b; (b)(6)} asked, in substance, the following questions:

~~(S//NF)~~ My name is ^{(b)(3), 10 USC 130b; (b)(6)}. I have reviewed the detainee's reports.

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

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

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

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

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

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

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

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

(U) CROSS-EXAMINATION

(U) CPT ^{(b)(3), 10 USC 1302:} 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) REDIRECT EXAMINATION

(U) CPT ^{(b)(3), 10 USC 1302; (b)(7)} asked, in substance, the following questions:

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

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

~~(S//NF)~~ (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 offer classified exhibits.

(U) The president and members of the board voted on ISN 20257. The votes were then collected and handed to the legal representative.

(U) [The classified session adjourned at 1003, 3 June 2010.]

[END OF PAGE]

