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DEPARTMENT OF DEFENSE  
HEADQUARTERS, COMBINED/JOINT TASK FORCE-82  
BAGRAM AIRFIELD, AFGHANISTAN  
APO AE 09354

REPLY TO  
ATTENTION OF:

CJTTF-82

OCT 28 2009

MEMORANDUM THRU Staff Judge Advocate, Combined/Joint Task Force (CJTTF)-82,  
Bagram Airfield, Afghanistan, APO AE 09354

FOR Commander, Detainee Operations, Task Force Protector, Bagram Airfield, Afghanistan,  
APO AE 09354

SUBJECT: 8 October 2009 Detainee Review Board (DRB) Recommendation  
Approval/Disapproval

1. I have reviewed the findings and recommendations of the DRB conducted on 8 October 2009 concerning the internment of Detainee 3748. The DRB made the following findings and recommendations:

a. That ISN 3748 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.

b. That internment is necessary to mitigate the threat ISN 3748 poses.

c. That ISN 3748 is not an Enduring Security Threat.

2. I approved ~~disapprove~~ the transfer of ISN 3748 to the Afghan authorities for criminal prosecution.

3. The point of contact for this memorandum is CPT <sup>(b)(3), 10 USC 130b; (b)(6)</sup>, TF Protector, at DSN (b)(2) (b)(2) or (b)(2); (b)(3), 10 USC 130b; (b)(6).

4 Encls

1. DRB Voting Packet
2. Summarized written record
3. Status Summary
4. Legal Review

  
CURTIS M. SCAPARROTTI  
Major General, USA  
Commanding

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Bagram-CENTCOM-DRB-104

Detainee Review Board Report of Findings and Recommendations

Date of Board	Detainee Name	Detainee ISN
08 OCT 09	SHAH BODIN	3748

STEP 1 (FINDINGS): By a preponderance of the information presented, the Detainee Review Board (DRB) determines:

The detainee meets the following criteria:

The detainee listed above 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;

The detainee listed above 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.

The detainee does not meet the criteria for internment. *(Stop here and sign at the bottom. Otherwise, continue with Step 2).*

STEP 2 (THREAT ASSESSMENT): Taking into account the detainee's potential for rehabilitation, reconciliation, and eventual reintegration into society:

Internment is necessary to mitigate the threat the detainee poses

Yes/ No

STEP 3 (RECOMMENDATIONS): In light of the findings listed above, the DRB makes the following recommendation:

The detainee should be released without conditions.

The detainee should continue to be interned at the Bagram Theater Internment Facility (BTIF).

The detainee should be transferred to Afghan authorities for criminal prosecution.

The detainee should be transferred to Afghan authorities for participation in a reconciliation program.

*(In the case of non-Afghan and non-U.S. third-country nationals):* The detainee should be transferred to a third country for criminal prosecution, participation in a reconciliation program, or release.

STEP 4: The Detainee Review Board assesses that the detainee (is) ~~(is not)~~ *(circle one)* an "Enduring Security Threat." (See classified annex to this form).

(b)(3), 10 USC 130b; (b)(6)

DRB President Signature

(b)(1); (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)

(b)(1); (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)



UNCLASSIFIED SUMMARY ISN 3748

1. ISN 3748 was detained (b)(1); (b)(2); (b)(5) . During his incarceration with the ASG, ISN 3748 confessed to IED activity and led the ASG to a site where he had hidden IED material. On 24 Sept he was turned over to ANP along with the evidence. While in ANP custody, evidence of abuse by the ASG came to light through medical examination and interview with an HCT.
2. ISN 3748 is a person whom is part of, or substantially supported, Taliban or al-Qaida forces or associated forcers 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.
3. ISN 3748 confessed to placing IEDs with intent to target CF during the interview. ISN 3748 was transferred to US custody 29 Sept.

[Detainee 3748 entered the boardroom and took his seat in front of the board members.]

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.

The president also notified the detainee that he may be present at all open sessions of the board permitting that he acted appropriately. ISN 3748 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.

Further, ISN 3748 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 Bagram Theater Internment Facility. 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.

**[The unclassified hearing was called to order at 1003, 8 October 2009.]**

Major <sup>(b)(3), 10 USC 190b, (b)(6)</sup> presented the following unclassified information to the board:

ISN 3748 was captured (b)(1); (b)(2); (b)(5).  
He was then transferred to U.S. Forces 29 September 2008.  
He confessed to placing two IEDs intended for Coalition Forces.

[Major <sup>(b)(3), 10 USC 190b, (b)(6)</sup> presented the members of the board with Recorder Exhibits R-3478-1, R-3478-2, and R-3478-3.]

[Per the recorders request, the president granted a classified hearing at the culmination of the unclassified hearing.]

The detainee, ISN 3748, made the following statement to the board:

I have been here for 30 months, I am an afghan and I would not destroy my country. I was present with the IEDs/mines where placed. I turned myself in because I realized it was wrong. I took the authorities to show them where they were placed.

The president allowed the board to ask the following questions of Detainee 3748:

QUESTIONING OF ISN 3748

**Questions by recorder 1:**

I went to a different province and 2 months.

**Questions by President:**

In Ghazini I would ship bread to Pakistan. The names of who placed the mines where "(b)(6)" and "(b)(6) (b)(6)", I was the watch man.

**Questions by member 1:**

I did not know "(b)(6)" before this. He gave me a speech about the Americans being bad and how he wanted to kill them.

**Questions by member 2:**

I have never thrown anything at the BTIF guards.

The president announced the conclusion of the unclassified hearing.

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 Bagram Theater Internment Facility, released to Afghan authorities for participation in a reconciliation program, or released without conditions. Furthermore, if continued internment was recommended, then an additional Detainee Review Board would be reconvened in 6 months.

**[The unclassified hearing adjourned at 1021, 8 October 2009.]**

[Detainee 3487 withdrew from the boardroom.]

**[The classified hearing was called to order at 1021, 8 October 2009.]**

The recorder presented the following information to the board:

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

The personal representative presented the following information to the board:

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

The president and members of the board voted on ISN 3748. The votes were then collected and handed to the legal representative.

**[The classified session adjourned at 1025, 8 October 2009.]**

**[END OF PAGE]**

