

~~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: 7 June 2010 Detainee Review Board (DRB) Recommendation for Continued
Internment Approval for ISN 20270

1. I reviewed the findings and recommendation of the DRB conducted on 7 June 2010 concerning the internment of Detainee ISN 20270. By a vote of 3 to 0, the board members found that internment is necessary to mitigate the threat ISN 20270 poses. After consideration, I approve the DRB's finding and direct that ISN 20270 continue to be detained at the Detention Facility in Parwan.
2. The DRB's recommendation that ISN 20270 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 "Mark S. Martins".

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

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Bagram-CENTCOM-DRB-471

~~SECRET//NOFORN~~



DEPARTMENT OF DEFENSE
JOINT TASK FORCE 435
APO AE 09356



REPLY TO
ATTENTION OF:

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 Continued Internment
of Noor Mohammad (ISN 20270)

1. The Detainee Review Board (DRB) met on 7 June 2010 and made the following findings and
recommendations concerning the internment of Noor Mohammad (ISN 20270):

a. Noor Mohammad (ISN 20270) does meet the criteria for internment.

b. Noor Mohammad (ISN 20270) should continued to be interned and be considered for
Reintegration programs within the Detention Facility in Parwan.

c. Noor Mohammad (ISN 20270) is not Enduring Security Threat.

2. In arriving at its recommendation, the DRB found to a preponderance of the evidence to
support the internment of Noor Mohammad (ISN 20270). (b)(1); (b)(2); (b)(3), 10 USC 130b; (b)(5); (b)(6)

3. (b)(1); (b)(2); (b)(5)
(ISN 20270) (b)(1); (b)(2); (b)(5)

captured Noor Mohammad

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

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Bagram-CENTCOM-DRB-472

JTF-435-LO

SUBJECT: 7 June 2010 Detainee Review Board Recommendation for the Release of Noor Mohammad (ISN 20270)

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

5. During his 7 June 2010 DRB, Noor Mohammad (ISN 20270) denied being Taliban or having any ties with Taliban. He says he is busy with his job buying and selling cars. He denied owning any phones but said his brother might have a phone. He claims the documents he was captured with belong to his partner, (b)(6), and are related to their car business. His business partner has a phone but he does not know the number. He denied going by any other names (Fazil, Faizli) besides Noor Mohammad. He identified (b)(6) as someone he does occasional business with. (b)(6) is a spare parts dealer. Noor Mohammad (ISN 20270) was captured with his brothers and brother-in-law, who might have telephones. He said he has been treated well at the DFIP and has been taking Pashto and tailoring classes, which he enjoys. He identified all the objects pictured on page 6 of the Unclassified Exhibits as his. He denied ownership of the MP3 player on page 8 and the passport on pages 8 and 9 of the Unclassified Exhibits. He did not recognize the phone on page 7 of the Unclassified Exhibits. He denied ownership of the document on page 10 of the Unclassified Exhibits. (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 19 April 2010 Detainee Criminal Investigation Detachment Report of Investigation, and the Theater Internment Facility Progress Report. The Personal Representative submitted copies of Noor Mohammad's (ISN 20270) Initial Interview Checklist and Notification Worksheet.

7. The Recorder called LT^{(b)(3), 10 USC 130b; (b)(6)} of (b)(1); (b)(2); (b)(5) LT^{(b)(3), 10 USC} testified that (b)(1); (b)(2); (b)(5) (b)(1); (b)(2); (b)(3), 10 USC 130b; (b)(5); (b)(6)

8. The Personal Representative did not call any witnesses. He tried but could not find a working phone number for Noor Mohammad's (ISN 20270) brother.

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9. In determining whether continued internment is necessary to mitigate the threat Noor Mohammad (ISN 20270) 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)

Based upon the preponderance of the evidence, the DRB found support for the internment of Noor Mohammad (ISN 20270). Therefore, the DRB found that Noor Mohammad (ISN 20270) does meet the criteria for internment and should be continue to be interned at the DFIP. The Board recommended he be considered for reintegration programs while interned.

10. The point of contact for this review is Capt^{(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 |

Detainee Review Board Report of Findings and Recommendations – Final Board Result

v.22 Feb 2010

<u>Date of Board</u> 7 June 2010	<u>Detainee Name</u> Noor Mohammad	<u>Detainee ISN</u> (b)(2) - 02027009
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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)

~~(S//REL TO USA, ISAF, NATO)~~ [ISN (b)(2)-0020270DP, Noor Mohammad, entered the boardroom, took his s n front of the board members, and the unclassified hearing was called to order at 0943, 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) LIEUTENANT (b)(3), 10 USC 130b; (b)(6), DETAINEE REVIEW BOARD
RECORDER ONE;

(U) LIEUTENANT COMMANDER (b)(3), 10 USC 130b; (b)(6),
PERSONAL REPRESENTATIVE

(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 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 20270 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 20270 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) **LIEUTENANT** (b)(3), 10 USC 130b; (b)(6) presented the following unclassified information to the board:

~~(U//FOUO)~~ ISN 20270, Noor Mohammad was captured (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)

~~(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 20270 made the following statements to the board:

~~(U//FOUO)~~ The allegations that I am involved with the Taliban and am an IED facilitator are false. I am a poor person. All I do is take care of my life. I buy and sell cars all day, then go home on my motorcycle. I swear to God, I am not Taliban and I don't have any ties to the Taliban.

~~(U//FOUO)~~ Three telephones were captured, but I don't even have one telephone. Those are not mine.

~~(U//FOUO)~~ Right now I don't have access to any witnesses. However, if I can get my brother's telephone number, perhaps he can get some witnesses for me.

~~(U//FOUO)~~ If there is any proof that I was involved in this, then I deserve to be punished. I will accept it and stay here. But if there is not any evidence against me, then I am innocent. I ask the board to release me.

~~(U//FOUO)~~ The documents I had with me when I was captured belong to my partner. They pertain to the car business.

(U) DETAINEE TESTIMONY

~~(S//REL TO USA, ISAF, NATO)~~ Noor Mohammad, (b)(2)-020270DP, was called for the board and testified, in subs , as follows:

(U) DIRECT EXAMINATION

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

~~(U//FOUO)~~ My name is Noor Mohammad. I am not called any other name. There is a car showroom. We go and buy cars. We make sure the car is in perfect running condition, show it in the showroom, and sell it. My partner is (b)(6). The number of cars we sell varies. Sometimes we can sell a car in a week, sometimes it takes months. I don't have a record of how many cars I bought and sold in the three years that I've owned the car business. I cannot estimate. I like my job. Business fluctuates. Sometimes business is

good, sometimes it is not. Different customers come to the shop and buy the cars.

(U//~~FOUO~~) (b)(6) is a big businessman in car business as well. I don't have any partnership with him, but sometimes I see him. (b)(6) is a farmer. Every now and then, on weekends, I will go to his place. Sometimes we meet at the festival. (b)(6) is in the spare part business. He buys spare parts and takes them to the city and sells them. I don't work with him.

(U//~~FOUO~~) My brother might have a cell phone, but I don't know for sure. My brothers, (b)(6) and (b)(6), and my brother in law and cousin, (b)(6), were captured with me. It is possible that they have cell phones, but I don't know for sure. I have never asked them. I don't know if any of them go by the name Fazil. I know the people I was captured with very well.

(U) CROSS-EXAMINATION

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

(U//~~FOUO~~) I am not a Mullah. I can't give you any comment about the Americans in Afghanistan because I don't have any information about them. I attended school for six classes, and I learned the Koran.

(U//~~FOUO~~) I have been treated perfectly here. I have focused on reading the Koran while I was here. I participated in the Pashto and tailoring classes. It's a good job.

(U) EXAMINATION BY THE BOARD

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

(U//~~FOUO~~) I don't have phone. My partner is the one in charge. He has a cell phone, but I don't remember the phone number.

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

(U//~~FOUO~~) The only contact I have with customers in face to face. My brother, (b)(6), may have a telephone, but I have never asked and I haven't seen him use one. It is possible that (b)(6) has a phone. I have not seen him use one, and I have never asked. Customers bring cars to the showroom and we look them over. If we like it, we buy it. My partner decides which cars to buy.

(U) Exhibits 6, 7, 8, 9 are items attributed to the detainee at the scene.

(U//~~FOUO~~) All of the items on exhibit page six are mine. The small pictures on the upper right on exhibit page eight are mine, but none of the other items, including the passport and MP3 player, are mine. The passport on exhibit page nine is not mine. I don't recognize the phone in page seven. The phone was separate from the other items.

(U//~~FOUO~~) My father's name is (b)(6). (b)(6) is a farmer in Wiehsman. The document on the left side of exhibit page 10 was found in the house with the same name. It is not mine.

(U) The detainee made the following statement:

(U//~~FOUO~~) I have nothing further to say.

(U) The recorder did offer unclassified exhibits.

(U) The personal representative did 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 unclassified hearing adjourned at 1027, 7 June 2010.]

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

(U) [The classified hearing was called to order at 1028, 7 June 2010.]

(U) LIEUTENANT ^{(b)(3), 10 USC 130b; (b)(6)} presented the following information to

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

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

(U) EXPERT WITNESS TESTIMONY

(U//~~FOUO~~)—Lieutenant ^{(b)(3), 10 USC 130b; (b)(6)}, U.S. Navy, was called as a witness for the board ^{(b)(3), 10 USC 130b; (b)(6)} boardroom, and testified, in substance, as follows:

(U) DIRECT EXAMINATION

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

~~(S//NF)~~ (b)(1); (b)(2); (b)(3), 10 USC 130b; (b)(5); (b)(6)

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

(U) (b)(6) statement regarding his brother's phone was entered as evidence.

(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) [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 20270. The votes were then collected and handed to the legal representative.

(U) [The classified session adjourned at 1105, 7 June 2010.]

[END OF PAGE]