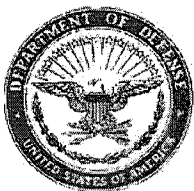


~~UNCLASSIFIED//FOUO~~



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 3273

1. I reviewed the findings and recommendations of the DRB that convened on 7 June 2010 concerning the internment of Detainee ISN 3273. By a vote of 3 to 0, the board members found that internment is necessary to mitigate the threat ISN 3273 poses. After consideration, I approve the DRB's finding and direct that ISN 3273 continue to be detained at the Detention Facility in Parwan.
2. The DRB's recommendation that ISN 3273 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

~~UNCLASSIFIED//FOUO~~

Bagram-CENTCOM-DRB-503

~~SECRET//NOFORN~~



REPLY TO
ATTENTION OF:

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 Continued Internment
of Said Wali Jan (ISN 3273)

1. The Detainee Review Board (DRB) met on 7 June 2010 and made the following findings and
recommendations concerning the internment of Said Wali Jan (ISN 3273):

- a. Said Wali Jan (ISN 3273) meets the criteria for internment
- b. Said Wali Jan (ISN 3273) should continue to be interned to mitigate the threat he
poses.
- c. Said Wali Jan (ISN 3273) should be considered for Reintegration programs within the
Detention Facility in Parwan.
- d. Said Wali Jan (ISN 3273) 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) captured Said Wali Jan (ISN 3273) on (b)(1); (b)(2); (b)(5)

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

~~SECRET//NOFORN~~

Bagram-CENTCOM-DRB-504

JTF-435-LO

SUBJECT: 2 June 2010 Detainee Review Board Recommendation for the Continued Internment of Said Wali Jan (ISN 3273)

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

5. During his 7 June 2010 DRB, Said Wali Jan (ISN 3273) denied the accusations against him as lacking proof, specifically the allegations of (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 Personal Representative submitted copies of Said Wali Jan's (ISN 3273) Initial Interview Checklist and Notification Worksheet. The DRB considered also Said Wali Jan's (ISN 3273) testimony, as well as his responses to questions posed to him by all parties to the DRB.

7. The Personal Representative did not call any witnesses on behalf of Said Wali Jan (ISN 3273). In response to the Board's question as to why did not have any villagers submit letters on his behalf (after he claimed they would speak to his innocence if asked), Said Wali Jan (ISN 3273) claimed that his Personal Representative did not tell him that he could have witnesses testify on his behalf. However, the Personal Representative informed the Board that he went through his mandatory checklist when meeting with the detainee, including the possibility of calling witnesses, that the detainee understood this right but refused to thumbprint the document attesting to such. The Personal Representative also searched the detainee's file for any letters previously submitted on behalf of the detainee but could not find any.

8. In determining whether continued internment is necessary to mitigate the threat Said Wali Jan (ISN 3273) may pose, the DRB assessed his level of threat and weighed, among other things, his potential for rehabilitation, reconciliation, and eventual reintegration into society. (b)(1); (b)(2); (b)(5)

JTF-435-LO

SUBJECT: 2 June 2010 Detainee Review Board Recommendation for the Continued Internment of Said Wali Jan (ISN 3273)

(b)(1); (b)(2); (b)(5) Therefore, the DRB found that Said Wali Jan (ISN 3273) meets the criteria for internment and should continue to be interned to mitigate the threat he poses.

9. 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

(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>Date of Board</u> 7 June 2010	<u>Detainee Name</u> Said Wali Jan	<u>Detainee ISN</u> (b)(2) - 0032730P
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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)

~~(S//REL TO USA, ISAF, NATO)~~ [ISN (b)(2)-0003273DP, Said Wali Jan, entered the boardroom, took his s n front of the board members, and the unclassified hearing was called to order at 0802, 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 3273 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 3273 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 3273, Said Wali was detained on (b)(1); (b)(2); (b)(5)
(b)(1); (b)(2); (b)(5)

~~(U//FOUO)~~ Items attributed to detainee at the time of capture were a notebook, Nokia 2600 cell phone, and various papers and pocket litter.

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

~~(U//FOUO)~~ He meets internment criteria if he was part of, or substantially supported Taliban 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 3273 made the following statements to the board:

~~(U//FOUO)~~ I was captured (b)(1); (b)(2); (b)(5)

There is no proof of the allegation against me. If you have proof, I am willing to take whatever punishment you give me. If you can prove that I was involved in any suicide mission against the coalition forces, either by training or supplying materials, then bring the proof to me and I will accept it. There is not any proof that I was involved in (b)(1); (b)(2); (b)(5). If I had ties to these types of attacks or operations, I would not have been captured in (b)(1); (b)(2); (b)(5). I see Coalition Forces, ANP, and ANA every day while running my bakery. These people come and buy bread from me. If I was that type of person they could have captured me anytime they wanted.

(U) DETAINEE TESTIMONY

~~(S//REL TO USA, ISAF, NATO)~~ Said Wali Jan, (b)(2)-003273DP, 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)~~ (b)(1); (b)(2); (b)(5)

~~(U//FOUO)~~ I am detained here because of oppression. I have been oppressed by everyone since I was captured. I call it oppression because I have been detained here for three years without any reason, without any proof. I don't know why I was captured; I was just working in my bakery.

~~(U//FOUO)~~ I have some enemies. There have been some disputes which have been going on for many years. They have never resulted in killing or violence, but there have been vocal arguments over the lands. There are enemies that are farmers. The coalition forces pay the farmers and they accuse anyone they can.

~~(U//FOUO)~~ I am just a poor person. I just work and take care of my life. I don't have any position regarding the Coalition Forces. I know (b)(6) and (b)(6) because we've had some disputes over land.

(U) CROSS-EXAMINATION

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

~~(U//FOUO)~~ I consider myself impartial. I have nothing to do with the Taliban or with the Government. I receive orders from Soldiers sometimes. If we need more bread, I cook some more bread. That is my business.

(U) EXAMINATION BY THE BOARD

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

~~(U//FOUO)~~ I would like to hear the accusation against me from the people who made them. Bring them here so that I can hear it from them. Do you know what is going on behind the wall? Do you know who is behind the wall? Can you see who is behind the wall? No you cannot. I used to go everywhere: the government places, the authorities, intelligence. If I was guilty of these allegations how come they didn't capture me? Is that your oppression or their oppression?

~~(U//FOUO)~~ If you ask someone in Khowst Province, my local government, they will tell you what kind of person I am. Nobody asked my local government about me.

~~(U//FOUO)~~ You won't see any other injuries on my hand; only see the part that was cut. It is oppression that they have detained me here without evidence. It is not right at all.

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

~~(U//FOUO)~~ I wasn't told by my Personal Representative that I could request witnesses to speak on my behalf. The Personal Representative told me to get some people from my village, but I said, 'How can I go to my village when I am a detainee here?' I had a visit from my brother a month ago, but my Personal Representative didn't tell me that I could ask him to find someone from my village to speak on my behalf. A petition was made and signed by the village leaders and the people from the district and others, but I don't know where the petition went. I don't know if it's in my file.

~~(U//FOUO)~~ I explained earlier how I hurt my hand. I cut my hand on a machine, a thresher. I said this before. In another three years, you will say the same thing. I never said **(b)(1); (b)(2); (b)(5)**

The translator mistranslated. The injury happened in Khwat, Pakistan, and that's where I was treated.

(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 am participating in some educational programs and would like to stay here another six months.

(U) [The unclassified hearing adjourned at 0855, 7 June 2010.]

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

(U) [The classified hearing was called to order at 0855, 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)

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

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

~~(U//FOUO)~~ He previously told me that the Taliban are just regular people. The farming machine accident happened nine or ten years ago, it wasn't recent, the same with his eye. He previously told me that he didn't speak English. So I was surprised when he spoke to you in English. He said he was taking classes, but the last one he did was in April, the one before that was in October. His last visit was in October. So I don't know what he's talking about.

~~(U//FOUO)~~ My initial interview was 10 May, where I go through the checklist step by step. I tell him that its my job to get witnesses, I any witnesses. I ask everyone to thumbprint the checklist. He didn't want to give his thumb print on his checklist. He also didn't want to thumbprint his notification in Jan 2009. I saw him on May 13, as a witness Personal Representative. I did a follow up interview on 25 May. I spent an hour going over questions and reports with him. He never mentioned that he wanted

any witnesses. I saw him again on 5 June; again, there was no mention of any witnesses.

~~(U//FOUO)~~ There were no letters. When I do my initial check, I look for any letters, and there's nothing here for him. If a letter comes in within a month of a DRB, they will actually come and put it on our desk for us. So, no, there's nothing here.

~~(U//FOUO)~~ I don't have any contact information for anyone from his village, unless I pull something out of ^{(b)(1); (b)(2); (b)(5)}

. We don't usually search for a number unless the detainee tells us that they have someone they want as a witness, but they don't know their number. But if they don't request any . . . some people don't want witnesses.

(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 3273. The votes were then collected and handed to the legal representative.

(U) [The classified session adjourned at 0906, 7 June 2010.]

[END OF PAGE]