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

REPLY TO
ATTENTION OF:

CJTF-82

OCT 23 2009

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

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

SUBJECT: 15 October 2009 Detainee Review Board (DRB) Recommendation Approval

1. The DRB conducted on 15 October 2009 reviewed the internment of Sadik (LNU) ISN 3670 and made the following findings and recommendation:

- a. ISN 3670 does not meet the criteria for internment;
- b. That internment is not necessary to mitigate the threat ISN 3670 poses;
- c. That ISN 3670 should not continue to be interned at the Bagram Theater Internment Facility (BTIF); and
- d. That ISN 3670 is not an Enduring Security Threat.

2. I approve the release of ISN 3670.

3. The point of contact for this memorandum is CPT ^{(b)(3), 10 USC 130b; (b)(6)}, TF Protector, at DSN (b)(2) (b)(2) or (b)(2); (b)(3), 10 USC 130b; (b)(6).

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

3 Encls

1. DRB Voting Packet
3. Status Summary
3. Legal Review

Colonel, USA
Deputy Commanding General,
Support

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Bagram-CENTCOM-DRB-70

Detainee Review Board Report of Findings and Recommendations

<u>Date of Board</u>	<u>Detainee Name</u>	<u>Detainee ISN</u>
15 OCT 09	SADIK	3670

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 ASSESMENT): 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)

[Detainee 3670 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 3670 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 3670 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 1847, 15 October 2009.]

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

ISN 3670 was captured (b)(1); (b)(2); (b)(5)

3670 is assessed to be part of or supporting Taliban engaged in hostilities against the U.S. and Coalition Forces. Capturing unit gave a U.S. sworn statement. An IR from a detainee states they did not (b)(1); (b)(2); (b)(5).

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

The detainee, ISN 3670, made the following statement to the board:

I deny any part of any forces against the U.S. My little brother is 15 years old. I am poor. I transport things in my truck. I am innocently in jail. My truck is now ruined because it was shot up. I am innocent. Are you going to pay for my truck and pay me for the time I've been here innocently? Once I'm out, I expect someone to pay for my truck.

The president allowed the board to ask the following questions of Detainee 3670:

QUESTIONING OF ISN 3670

Questions by Member 1:

The person who blew up did not come out of my vehicle. I didn't know him or I didn't see him.

Questions by the President:

I drive my vehicle. I bring wood from the mountains.

Questions by DAB Recorder 1:

I don't know when the explosion happened. I was moving my truck to the shade. I did not hear the explosion but I did hear gun fire.

Questions by Member 2:

Yes. That is my truck [looking at Recorder Exhibit R-3670-2].

Questions by Member 1:

No harm has been done in here.

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 detainee made the following final statement:

I am innocent. If I stay, it is unfair to hold an innocent person for another 6 months. First of all, I am innocent. I expect compensation for my vehicle. They brought me over here innocently. The guy did not come from my vehicle. I have seen the soldier by my own eyes. I am innocent. You try to let us get out of here and get me my vehicle.

[The unclassified hearing adjourned at 1907, 15 October 2009.]

[Detainee 3670 withdrew from the boardroom.]

[The classified hearing was called to order at 1907, 15 October 2009.]

The recorder presented the following information to the board:

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

(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 3670. The votes were then collected and handed to the legal representative.

[The classified session adjourned at 1919, 15 October 2009.]

[END OF PAGE]

