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DEPARTMENT OF DEFENSE  
JOINT TASK FORCE 435  
APO AE 09356

IN REPLY REFER TO:  
JTF-435-LO

JUL 16 2010

MEMORANDUM FOR Commander, Task Force Protector, Bagram Airfield, Afghanistan  
Director, Legal Operations, Bagram Airfield, Afghanistan

SUBJECT: 9 June 2010 Detainee Review Board (DRB) Recommendation for Continued Internment Approval for ISN 3990

1. I reviewed the findings and recommendations of the DRB that convened on 9 June 2010 concerning the internment of Detainee ISN 3990. By a vote of 3 to 0, the board members found that internment is necessary to mitigate the threat ISN 3990 poses. After consideration, I approve the DRB's finding and direct that ISN 3990 continue to be detained at the Detention Facility in Parwan.
2. The DRB's recommendation that ISN 3990 not be assessed as an Enduring Security Threat is approved.
3. The point of contact for this memorandum is CAPT<sup>(b)(3), 10 USC 130b; (b)(6)</sup>, Director of Legal Operations, JTF 435, at DSN(b)(2)

ROBERT S. HARWARD  
Vice Admiral, U.S. Navy

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Bagram-CENTCOM-DRB-585

~~SECRET//NOFORN~~



REPLY TO  
ATTENTION OF:

DEPARTMENT OF DEFENSE  
JOINT TASK FORCE 435  
APO AE 09354



JTF-435-LO

9 June 2010

MEMORANDUM FOR Deputy Commander, Joint Task Force 435, Kabul, Afghanistan, APO  
AE 09356

SUBJECT: 9 June 2010 Detainee Review Board Recommendation for the Continued Internment  
of Abdul Samad (ISN 3990)

1. The Detainee Review Board (DRB) met on 9 June 2010 and made the following findings and  
recommendations concerning the internment of Abdul Samad (ISN 3990):

a. Abdul Samad (ISN 3990) meets the criteria for internment.

b. The continued internment of Abdul Samad (ISN 3990) is necessary to mitigate the  
threat he poses.

c. Abdul Samad (ISN 3990) should be considered for Reintegration programs within the  
Detention Facility in Parwan.

d. Abdul Samad (ISN 3990) is not an Enduring Security Threat.

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

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

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Bagram-CENTCOM-DRB-586

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SUBJECT: 9 June 2010 Detainee Review Board Recommendation for the Continued Internment of Abdul Samad (ISN 3990)

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

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

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

6. (b)(1); (b)(2); (b)(5) during his 9 June 2010 DRB, Abdul Samad (ISN 3990) claimed that he was innocent. Abdul Samad (ISN 3990) claimed that he was a student and owned only notebooks and books. Abdul Samad (ISN 3990) further claimed that the items found at the point of capture did not belong to him, stating that a machine gun that he initially claimed as his family's weapon was not in the compound at his point of capture. Abdul Samad (ISN 3990) denied that a school time table found in the same building where he was captured was his.

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Likewise, Abdul Samad (ISN 3990) denied all of the items inventoried on the DA 4137 attributed to him and claimed that he did not recognize any of the items in a photograph taken at the point of capture. Abdul Samad (ISN 3990) denied touching the spool of copper wire on which his fingerprint was found. Abdul Samad (ISN 3990) said that he put blasting caps in his pocket, but he didn't know what they were. However, Abdul Samad (ISN 3990) did claim one phone found on the objective, a black Nokia. Abdul Samad (ISN 3990) also indicated that his brother had probably gotten the bolt cutters found in the compound.

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

– the 15 May 2010 Detainee Criminal Investigation Detachment Report of Investigation, and the Theater Internment Facility Progress Report. The Personal Representative submitted copies of Abdul Samad's (ISN 3990) Initial Interview Checklist and Notification Worksheet. The DRB considered also Abdul Samad's (ISN 3990) testimony, as well as his responses to questions posed to him by all parties to the DRB.

7. In determining whether continued internment is necessary to mitigate the threat Abdul Samad (ISN 3990) 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 also (b)(1); (b)(2); (b)(5)

In sum, based upon the evidence and testimony presented during Abdul Samad (ISN 3990)'s 9 June 2010 DRB, his continued internment is necessary to mitigate the threat he poses.

8. The point of contact for this review is CPT <sup>(b)(3), 10 USC 130b; (b)(6)</sup> Joint Task Force 435 at DSN (b)(2) (b)(2) or (b)(2); (b)(3), 10 USC 130b; (b)(6)

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

2 Enclosures:

- |                                       |                                  |
|---------------------------------------|----------------------------------|
| 1. DRB Voting Packet                  | MAJ, IN, USA                     |
| 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> 9 Jun 10	<u>Detainee Name</u> Abdul ((Samad))	<u>Detainee ISN</u> (b)(2) -005990DFP
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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*).  
(b)(3), 10 USC 130b; (b)(6)

DRB President's Signature  
(b)(3), 10 USC 130b; (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)(2); (b)(3), 10 USC 130b; (b)(5); (b)(6)



(b)(1); (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)-003990DP, Abdul Samad, entered the boardroom, took seat in front of the board members, and the unclassified hearing was called to order at 0915, 9 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) (U) LIEUTENANT JUNIOR GRADE (b)(3), 10 USC 130b; (b)(6),  
PERSONAL REPRESENTATIVE TWO;

(U) CAPTAIN (b)(3), 10 USC 130b; (b)(6), DETAINEE REVIEW  
BOARD RECO

(U) CAPTAIN (b)(3), 10 USC 130b; (b)(6) LEGAL REPRESENTATIVE;

(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 of the board stated that a document was given by the personal representative that stated that the detainee was advised of his hearing and the rights that were provided therein. The president further stated that the documents will be included into the final record or proceeding.

(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 3990 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 3990 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 <sup>(b)(3), 10 USC 1306, (b)(6)</sup> presented the following unclassified information to the board:

(U//~~FOUO~~) Detainee 3990 was captured (b)(1); (b)(2); (b)(5)

(U//~~FOUO~~) The following SSE was recovered (b)(1); (b)(2); (b)(5)  
: Spools of copper wiring, car batteries and battery chargers, remote controls, electrical tape and clips with trip wires, ammunition, two frag-grenades, and multiple blasting caps with some caps found in the Detainee's pocket, three cell phones-one cell phone found (b)(1); (b)(2); (b)(5), three walkie-talkies, 14 SIM cards, inventories of nefarious materials, ledgers, and Jihad poetry.

(U//~~FOUO~~) The following were found in (b)(1); (b)(2); (b)(5)  
RPK machine gun, with used ammunition.

(U//~~FOUO~~) The following were found in (b)(1); (b)(2); (b)(5)  
part of "Stars and Stripes" newspaper, a DVD, and a used bandolier.

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

(U//~~FOUO~~) Detainee meets internment criteria if he is a person, who was part of, or substantially supported Taliban or al-Qaida 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 3990 made the following statements to the board:

(U//~~FOUO~~) All reports you have read to me I have accepted. I am an honest person. These things that you have read to me I do not have. The only things that are mine are my store books. I am a student and I am not involved with IEDs at all. I do not have anything else to say feel free to ask me questions.

(U) DETAINEE TESTIMONY

(U) ABDUL SAMAD, (b)(2)-003990DP, was called for the board and testified, in sub e, as follows:

(U) DIRECT EXAMINATION

(U) CPT <sup>(b)(3), 10 USC 130b; (b)(6)</sup> asked, in substance, the following questions:

(U//~~FOUO~~) My name is Abdul Sammad and my ISN number is 3990. My father's name is (b)(6). I am from Khowst province. I am living in Magul Porta.

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

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

(U//~~FOUO~~) The machine gun does not belong to me.

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

(U//~~FOUO~~) The person in the picture is me and it was taken the night of my capture.

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

(U//~~FOUO~~) I do not recognize anything in this picture.  
(U) [Recorder showed detainee unclassified exhibit page five.]

(U//~~FOUO~~) The white phone belongs to my family; the other phone belongs to me. I do not use the white phone. I do not know how to use it. I carried the white phone with me the day I was captured.

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

(U//~~FOUO~~) I do not recognize anything in this picture.

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

(U//~~FOUO~~) None of the stuff in the picture belongs to me.

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

(U//~~FOUO~~) I do not recognize anything in the picture.

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

(U//~~FOUO~~) The books belong to me, nothing else.

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

(U//~~FOUO~~) I do not recognize anything in the picture.

(U//~~FOUO~~) None of the items are mine. They did not find them on me when I was captured.

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

(U//~~FOUO~~) Nothing in this picture is mine.

(U//~~FOUO~~) I do not know why there is a stars and stripes newspaper that was found.

(U//~~FOUO~~) The DVD is not mine.

(U//~~FOUO~~) I found the blasting caps on my way from school. I put them in my pocket.

(U//~~FOUO~~) My brother brought bolt cutters. I do not know if my family owns them.

(U//~~FOUO~~) I have never researched coalition forces movement. I have never witnessed an IED attack.

(U//~~FOUO~~) In school I am studying the basic classes.

(U//~~FOUO~~) If I was released I'd finish my schooling.

(U//~~FOUO~~) After school I do not know what I will do. I hope to continue tailoring after I am released. It is hard for me to learn but I will do my best.

(U) CROSS-EXAMINATION

(U) LT <sup>(b)(3), 10 USC 1306</sup> asked, in substance, the following questions:

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

My uncle's have cookie shops. 1



have never heard my uncle's speak badly about the Coalition Forces.

(U//~~FOUO~~) Coalition Forces help my school that I go to. I do not know if they are doing good things.

(U//~~FOUO~~) The Taliban are bad people.

(U//~~FOUO~~) Since being detained the Coalition Forces respect me.

(U//~~FOUO~~) If I am released here I will tell them that Coalition Forces respected me and didn't beat me up.

**(U) EXAMINATION BY THE BOARD**

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

(U//~~FOUO~~) I do not know why I was detained. I do not know if others are guilty or not guilty but I do know that I am innocent.

(U//~~FOUO~~) I don't have an enemy personally, but our tribe is against others.

(U//~~FOUO~~) There were four of us detained, my two uncles and one cousin.

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

(U) [Member 2 showed detainee unclassified exhibit page 15.]

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

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

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

(U) (Recorder showed detainee unclassified exhibit page nineteen.)

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

(U) (Recorder showed detainee unclassified exhibit page six.)

(U//~~FOUO~~) I do not know whose spool of copper wire that is. I did not touch it. I did not know it was there. I do not know how my finger print got on it. I understand what a fingerprint is but I did not touch it.

**(U) REDIRECT EXAMINATION**

(U) CPT <sup>(b)(3), 10 USC 130b; (b)(6)</sup> asked, in substance, the following questions:

(U//~~FOUO~~) The cousin I was referring to is (b)(6) but he also goes by (b)(6)

(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 an honest person and I have never been involved with these types of things. I have nothing else to say.

(U) [The unclassified hearing adjourned at 1006, 9 June 2010.]

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

(U) [The classified hearing was called to order at 1007, 9 June 2010.]

(U) CPT <sup>(b)(3), 10 USC 130b; (b)(6)</sup> presented the following information to the board:

~~(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) 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 3990. The votes were then collected and handed to the legal representative.

(U) [The classified session adjourned at 1013, 9 June 2010.]

[END OF PAGE]