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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

SEP 30 2009

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

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

FOR Commander, Detainee Operations, Combined/Joint Task Force (CJTF)-82, Bagram  
Airfield, Afghanistan, APO AE 09354

SUBJECT: 17 September 2009 Detainee Review Board (DRB) Recommendation Approval

1. I have reviewed the findings and recommendations of the DRB conducted on 17 September 2009 concerning the internment of Detainee ISN 4133. The DRB made the finding and recommendation that ISN 4133 does not meet the criteria for internment.

2. I approve the release of ISN 4133.

3. The point of contact for this review 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)

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

4 Encls

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

Colonel, USA  
Deputy Commanding General,  
Support

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Bagram-CENTCOM-DRB-239

**Detainee Review Board Report of Findings and Recommendations**

<u>Date of Board</u> 17 Sept 09	<u>Detainee Name</u> JANAN	<u>Detainee ISN</u> 4133
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**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

Explanation (Mandatory):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**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.

Explanation (Optional): (Provide a brief explanation for findings and recommendations. Attach a continuation sheet as necessary):  
 \_\_\_\_\_  
 \_\_\_\_\_

**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

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(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, ISN 4133, entered the courtroom and took his seat in front of the board members.]

**[The open session was called to order at 1644, 17 September 2009.]**

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 4133 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 4133 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 recorder, Captain <sup>(b)(3), 10 USC 130b; (b)(6)</sup>, presented the board with the unclassified information and internment criteria.

**[A closed hearing was requested by the recorder and granted by the president of the board at 1647, 17 September 2009.]**

The detainee made his statement to the board and stated that he knows who the Taliban is and stays away from them.

The president of the board asked the board panel if there were any questions for the detainee.

The president of the board asked the detainee questions.

**[The unclassified session was closed at 1650, 17 September 2009.]**

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 withdrew from the boardroom.]

**[The unclassified session adjourned and the classified session was called to order at 1653, 17 September 2009.]**

Captain <sup>(b)(3), 10 USC 130b; (b)(6)</sup> presented the board with the classified information pertaining to ISN 4133.

Lieutenant <sup>(b)(3), 10 USC 130b; (b)(6)</sup> presented the board with the classified information pertaining to ISN 4133.

**[The classified session was adjourned at 1655, 17 September 2009.]**

The president and members of the board voted on ISN 4133. The votes were then collected and handed to the legal representative.

**[END OF PAGE]**

