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REPLY TO
ATTENTION OF:

DEPARTMENT OF DEFENSE
DEPUTY COMMANDER - DETAINEE OPERATIONS
JOINT TASK FORCE 435
APO AE 09354



JTF-435-LO

JUL 1 2010

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

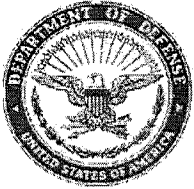
SUBJECT: 5 June 2010 Detainee Review Board (DRB) Recommendation for Continued
Internment Approval for ISN 4189

1. I reviewed the findings and recommendation of the DRB conducted on 5 June 2010 concerning the internment of Detainee ISN 4189. By a vote of 3 to 0, the board members found that internment is necessary to mitigate the threat ISN 4189 poses. After consideration, I approve the DRB's finding and direct that ISN 4189 continue to be detained at the Detention Facility in Parwan.
2. The DRB's recommendation that ISN 4189 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)}

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

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Bagram-CENTCOM-DRB-653



REPLY TO
ATTENTION OF:

DEPARTMENT OF DEFENSE
LEGAL DIRECTORATE - DETAINEE OPERATIONS
US FORCES AFGHANISTAN
JOINT TASK FORCE 435
APO AE 09356



JTF-435-LO

7 June 2010

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

SUBJECT: 5 June 2010 Detainee Review Board (DRB) Recommendation, Continue Internment of Matiullah, ISN 4189

1. DRB FINDINGS AND RECOMMENDATIONS. The DRB met on 5 June 2010 and made the following findings and recommendations concerning the internment of Matiullah, ISN 4189:

a. That Matiullah, ISN 4189, met criteria for initial internment because he was assessed to be a part of or a substantial supporter of insurgent forces opposing Coalition Forces.

b. That internment is necessary to mitigate the threat posed by Matiullah, ISN 4189. That Matiullah, ISN 4189, should continue to be interned at the Detention Facility in Parwan.

c. The DRB recommends approval for the continued internment of Matiullah, ISN 4189.

d. That Matiullah, ISN 4189, should be considered for reintegration programs within the DFIP.

e. That Matiullah, ISN 4189, is not an Enduring Security Threat.

2. DRB ASSESSMENT. There were three confidential sources, providing live testimony against the detainee.

Matiullah, ISN 4189, was an ANA Police Lieutenant in Bagram. He apparently visited in the neighborhood of some notorious Taliban. The citizenry appeared to have inferred nefarious activity from the close physical proximity between the Police Chief and Taliban Commanders. All of the anti-detainee witnesses mentioned that he must have had a "peace agreement" with the Taliban just to drive in and out of his neighborhood. They found this type of association with the Taliban to be unacceptable behavior for their police lieutenant and indicative of worse behavior.

The DRB found that Matiullah had a relationship with Taliban that led to meeting internment criteria. The strongest allegations paint Matiullah as a police lieutenant who abused his power, consorted with Taliban, allowed Taliban free reign to perpetrate mayhem, and even engaged in direct attacks against innocents.

(b)(1), (b)(2), (b)(5)

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(b)(1), (b)(2), (b)(5)

3. CIRCUMSTANCES OF CAPTURE. Matiullah, ISN 4189, was captured (b)(1), (b)(2), (b)(5)

4. BASIS FOR TARGETING AND INTERNMENT. In making its findings and recommendations, the DRB considered the following evidence:

a. Physical Evidence: Cell phone.

b. (b)(1), (b)(2), (b)(5)

c. (b)(1), (b)(2), (b)(5)

d. (b)(1), (b)(2), (b)(5)

5. DETAINEE ADMISSIONS AND CLAIMS (PRE-DRB). In making its findings and recommendations, the DRB considered information from interrogations and interviews, including but not limited to the following:

a. (b)(1), (b)(2), (b)(5)

b. (b)(1), (b)(2), (b)(5)

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6. EXHIBITS SUBMITTED & DETAINEE TESTIMONY AT DRB. In making its findings and recommendations, the DRB considered the following exhibits and detainee testimony:

a. Recorder's Unclassified and Classified Exhibits.

b. Personal Representative's Exhibits. Exhibit A, indicating that Matiullah, ISN 4189, was advised of the basis for internment and the facts supporting internment. Exhibit B, indicating that Matiullah, ISN 4189, met with a personal representative and was advised of his rights at the DRB.

c. Detainee Criminal Investigative Detachment (DCID) Report of Investigation (ROI) dated 21 April 2010.

d. Disciplinary and Observation Reports (Theater Internment Facility Progress Report): No DRs and no disrespect to staff in DFIP.

e. (b)(1), (b)(2), (b)(5)

f. Detainee's DRB Statement and Responses to Questions: Matiullah, ISN 4189, told the DRB he is not a Taliban. He said he was an ANP commander. He was beloved in his village and beloved in his job. For this reason, he did not recognize his enemies. He is personally very happy with Coalition Forces. Coalition Forces have done a lot to help Kohe Safi.

He would always guide Coalition Forces along the roads, showing them the safe way. Sometimes he would guide special forces. Often he would guide American Forces to one of the Bagram gates. On those days he would often eat lunch with the Americans before returning to Kohe Safi.

One of his main jobs in the ANP was logistics. Then he was promoted to commander. As commander, his job changed to physical security. He ran patrols and escorted Americans. Then someone else took that post. At the time of the change, Matiullah re-assumed logistics duties. Prior to capture, he was expecting eventually to be reassigned to security duties.

Matiullah denied knowledge of murders and kidnapping in his jurisdiction, including specifically some notorious murders perpetrated by his alleged friend, Taliban Commander Atiqullah Rahman. Matiullah claimed not to have seen or heard from Atiqullah Rahman for several years.

Matiullah said he is a friend of the United States and Coalition Forces.

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Matiullah denied fully knowing the other Taliban contacts who are allegedly his friends and neighbors. He admitted that Sur-Gul was from Pacha Khak Village.

7. WITNESS INFORMATION. In making its findings and recommendations, the DRB considered the following witness information:

WRITTEN WITNESS INFORMATION IN FAVOR OF MATIULLA

(2x) letters from village elders (written statements). The letters express the authors' and signatories' belief in Matiullah's good character and ask that he be returned to the community.

SOURCES (WITNESSES TESTIFYING CONFIDENTIALLY AGAINST THE MATIULLA)

Three witnesses (b)(1), (b)(2), (b)(5) testified that Matiullah visits a dangerous Taliban-controlled area in Kohe Safi District. They think this means he is a dangerous affiliate of Taliban. The witnesses provided testimony due to their belief that Matiullah has a bad reputation. Two of the witnesses testified as to their fear of Matiullah because his "goup" is still in the district. One witness testified that

(b)(6) local citizen providing information against Matiullah, ISN 4189 (local villager-live witness). (b)(6) is from Dandar Village. Dandar Village is about 3-4 kilometers distance from Matiullah's village, Pacha Khak. (b)(6)

He has been at this new job for about seven months.

He is a first time source reporter.

Matiullah used to work for ANP. At Warzak checkpoint, in the days when Taliban controlled the government, Matiullah used to force people to take water to other checkpoints. The Taliban would drink that water. After President Karzai took over the government, Matiullah "was quiet."

(b)(6) related some information about nefarious contacts. Matiullah is friends with (b)(6) and Sur Gul. Sur Gul has been killed. Both (b)(6) and Sur Gul are associated with Taliban. There was another person named Wazir who worked together with (b)(6) and Sur Gul. After a certain attack, Matiullah "went quiet again."

(b)(6) brother was killed during an attack perpetrated by (b)(6) and Sur Gul three years ago. The brother was an ANP officer. The brother was a body guard of the ANP Chief, (b)(6), who was also killed by (b)(6) and Sur Gul. The witness learned, after the fact, that Matiullah "was involved in the group." The involvement was passed by various

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sources to (b)(6). The same group killed Ibrahim Jan, because Ibrahim Jan knew details of the police chief killing.

The witness testified to the general reputation of Matiullah as "the kind of person who likes to kill people." When asked, he could not link Matiullah directly or indirectly to the specific killings he described to the DRB (murder of police chief and murder of a person named Ibrahim Jan).

(b)(6) said that Matiullah has a "peace agreement" with the group of Taliban killers. He knows this, because Matiullah can travel easily through dangerous areas.

Generally, (b)(6) Taliban became more public with their nefarious activities when Matiullah became ANP officer in the district.

(b)(6) chief concern, and the reason he gave as the reason for testifying, is because "Matiullah has punished people and he wants to say he is a bad person." Matiullah is a criminal who should be punished and not released.

(b)(6) from Ter Le Village, Kohe Safi District (local villager-live witness). (b)(6) is a vehicle escort (security guard). He works for a private company that transports American goods. (b)(6)

. He has known Matiullah since the Taliban collapsed and lost power. Matiullah joined the anti-Taliban forces after the Taliban collapsed, becoming a sub-commander. (b)(6) is also a first-time reporter. He came to testify because his friends were coming to the DRB and provide information against Matiullah.

He knows that Matiullah was a police officer who is able to travel through Taliban-controlled areas in a police vehicle. Matiullah could go freely to Pechawar. Sur Gul was Matiullah's best friend. When Sur Gul was arrested, he was wearing a police uniform. (b)(6) suspects Matiullah provided the police uniform to Sur Gul because of the apparent friendship between the two. (b)(6) has seen Sur Gul and Matiullah together. Sur Gul was accused of killing the brother of the other witness, (b)(6).

(b)(6) has never seen Matiullah, ISN 4189, commit an illegal act. At 2200 Matiullah would routinely travel to the dangerous Taliban-controlled area. (b)(6) has known (b)(6) (witness #1) family and the group of brothers for about 12 years.

(b)(6) from Sakandaria (reporting source, local villager-live witness). He is an escort, working for the same security company (b)(6) as (b)(6). He is from the same district as Matiullah. (b)(6) two years ago. He was an ANP officer for two years. He was hired by the ANP the same day as

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(b)(6) told the DRB he is still friends with Matiullah. He knows all of the background of Matiullah.

Matiullah is neighbors with the Taliban. He is from the same village as the Taliban.

(b)(6) recounts that Matiullah goes freely to Taliban areas.

He told the DRB that Matiullah used to transport Taliban in police vehicles. Other police officers told him about the transporting.

Once three officers went to Matiullah's house. Several Taliban came into the room, and the officers became afraid. (b)(6), Sur Gul, and (b)(6) were the people who came to the room. No one was harmed. The officers told (b)(6) of this scary contact and unusual incident after they returned to the police station. This occurred about one year ago, about six months before Matiullah was detained.

(b)(6) said he is not aware of any other particulars about Matiullah. He has given information before about members of the Taliban group including (b)(6), Sur Gul, and (b)(6). He is not afraid of Matiullah. He has been back and forth to his house.

(b)(6) said he is willing to testify in front of Matiullah.¹

If he's not working with the police, it's possible he won't be a threat if released ("he won't be able to do anything"). He might be a teacher or a farmer.

BATTLE SPACE OWNER & CAPTURING UNIT

(b)(3), 10 USC 130b; (b)(6), (b)(1), (b)(2); (b)(5) Battle Space Owner (live witness).

(b)(3), 10 USC 130b; (b)(6) was the battle space owner at the time of capture. (b)(3), 10 USC 130b; (b)(6) talked to (b)(3), 10 USC 130b; (b)(6) about the case. (b)(1), (b)(2), (b)(5)

(b)(1), (b)(2), (b)(5)

¹ The Board President conducted an examination of (b)(6) about testifying in front of Matiullah. (b)(5)

² (b)(1), (b)(2), (b)(5)

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Written statement from (b)(6) (written statement). Several threats are associated with Matiullah's potential risk, including the following: Will join the Taliban due to unemployment and lack of employment opportunities (lost ANP Commander job); and he will likely conduct retaliatory murders against people responsible for reporting against him.

CPT (b)(3), 10 USC 130b; (b)(6) (b)(6) AFOSI (b)(1), (b)(2), (b)(5) arriving to theater and assuming billet on 24 April 2010 (live witness). (b)(1), (b)(2), (b)(5)

WITNESSES IN SUPPORT OF MATIULLAH

There were three non-speaking observers.

(b)(6) tribal elder (live witness). He knows Matiullah, ISN 4189, from his village. He has known Matiullah since he was a teen-ager. (b)(6) said Matiullah has never been involved with Taliban. He will help Matiullah financially. Matiullah can support himself with farming and some side jobs. Matiullah has experience farming. He was also a doctor. Matiullah was a doctor when the Taliban were in power. (b)(6) is a retired military officer.

DETAINEE WITNESS IN OPPOSITION TO MATIULLAH

(b)(6) (detainee witness). (b)(1), (b)(2), (b)(5)
He would like to speak in Matiullah's presence. (b)(6) is from Kabul. He is willing to speak in front of both Matiullah and three witnesses. (b)(6) is uncertain about the physical appearance of Matiullah, but he heard that Matiullah was ANP from Pacha Khak Village in Kohe Safi District. He heard that this Matiullah is friends with (b)(6)

(b)(6) did not recognize the physical appearance of Matiullah, ISN 4189. He was dismissed without providing further testimony.

8. SUMMATION OF DRB FINDINGS AND RECOMMENDATIONS, THREAT ASSESSMENT. In determining whether continued internment is necessary to mitigate the threat posed by Matiullah, ISN 4189, the DRB assessed the detainee's level of threat and weighed, among other things, his potential for rehabilitation, reconciliation, and eventual reintegration into

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

As a result of all of these considerations, the DRB believes that internment is necessary to mitigate the threat posed by Matiullah, ISN 4189.

9. The point of contact for this review is MAJ ^{(b)(3), 10 USC 130b; (b)(6)}, JTF-435 DRB, at DSN (b)(2) (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
2. Summarized Testimony

COL, QM, USA
President, Detainee Review Board

Date of Board 5 JUN 10	Detainee Name Matiullah	Detainee ISN 4189
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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):

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

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 (Printed)

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

DRB President (Signature)

(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)

(U//~~FOUO~~) [ISN (b)(2)-004189DP, Matiullah, entered the boardroom, took his seat in front of the board members, and the unclassified hearing was called to order at 1514, 5 June 2010.]

(U) Persons Present:

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

(U) MAJOR (b)(3), 10 USC 130b; (b)(6), PERSONAL REPRESENTATIVE
TWO;

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

(U) TECHNICAL SERGEANT (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 also notified the detainee that he may be present at all open sessions of the board permitting that he acted appropriately. ISN 4189 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 4189 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) ^{(b)(3), 10 USC 1308; (b)(6)} **CPT** presented the following unclassified information to the board:

~~(U//FOUO)~~ Detainee ISN 4109 Matiullah - was detained ^{(b)(1); (b)(2); (b)(5)}
(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); (b)(6)**

~~(U//FOUO)~~ He meets Internment criteria if he was part of, or substantially supported, Taliban or associated forces that are engaged in hostilities against the US 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 4189 made the following statements to the board:

(U//~~FOUO~~) I appreciate you giving me the opportunity to defend myself. I'm not involved with Taliban. I'm a commanding officer in ANP. When I was coming to Bagram, Capt ^{(b)(3), 10 USC 130b; (b)(6)} translator rode in my vehicle. When I was taken, someone took a picture of my eyes and took everything out of my pockets. I am a beloved one in my village and a beloved one in my job. I was always guiding CF's, I was in front of them to show them the way. I am very pleased with CF because they've done a lot of great things in my village. I've been detained here for 9 months though I have no connection with Taliban. If there's proof show me. Since I've been here I haven't committed any DR's or upset anybody in the detention center. You can ask others in the detention facility about me. Do not listen to the people who report bad information about me they are my enemies.

(U) DETAINEE TESTIMONY

(U//~~FOUO~~) MATIULLAH, ^{(b)(1); (b)(2); (b)(6)} -004189DP, was called for the board and testified, in sub e, as follows:

(U) DIRECT EXAMINATION

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

(U//~~FOUO~~) My name is Matiullah. My father is (b)(6). I also go by Haji Gul. I got that name from my family, it is a nickname. I have never been a member or involved with the Taliban. When the Taliban was the government I still did not work with them. My village is Patchahal. My village is 15-20 kilometers from the Warsak Province. When I was ANP I worked in the center of Kowisafi. I received two calls from ^{(b)(3), 10 USC 130b; (b)(6)} to come to Bagram the day I was captured. I wasn't told why I was being detained. I was not asked until later if I was Taliban. I do not know any Taliban members. I know (b)(6) but haven't seen

(U//~~FOUO~~) him for 3 years. He is a fellow villager. I haven't seen him since 3-4 years before I was captured. I haven't heard where (b)(6) is. I heard (b)(6) is Taliban but I do not know personally. When I was a police officer I did receive information that (b)(6) was a Taliban member. As a police officer I never committed any such crimes with or without the Taliban because I served the people. As a police officer I never heard, saw and do not know of people committing such crimes in my village. (b)(6) killed (b)(6) in my village. 1546... in the killing of (b)(6) people were suspicious. I do know (b)(6). I don't know if he is Taliban. I don't know (b)(6). Col (b)(6) is ANP commander. I know (b)(6) is in Afghan prison. It is not possible to help anybody escape from an Afghan prison. I have not helped any detainee escape. People report that I attack CF but there is no proof. I have never been a part of any attacks on CF. I am happy CF is here. I do not know who would make such an accusation that I am an informant for the Taliban.

(U) CROSS-EXAMINATION

(U) MAJ ^{(b)(3), 10 USC 1302, (b)(7)} asked, in substance, the following questions:

(U//~~FOUO~~) I am friends with the US and CF. When I worked (b)(1); (b)(2); (b)(5). I escorted CF to Bagram and most of the time I'd have lunch with them. I was never attacked when working with CF. I came to the gate when I was captured with nothing to hide. That's why I was escorted.

(U) EXAMINATION BY THE BOARD

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

(U//~~FOUO~~) Some people call me doctor only because I have a little bit of experience with medication. 10 years ago while the Taliban was in control I was a farmer. If I don't get my ANP job back I'll go back to farming.

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

(U//~~FOUO~~) When I was ANP I was a commander, I provided security for CF and I also worked in logistics.

(U) REDIRECT EXAMINATION

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

(U//~~FOUO~~) I was never involved with the Northern Alliance. I know (b)(6). I did know him before he went to prison.

(U) AFGHAN CIVILIAN WITNESS TESTIMONY

(U//~~FOUO~~) (b)(6), Afghan civilian, entered the boardroom, and testified as follows:

(U) DIRECT EXAMINATION

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

(U//~~FOUO~~) My name is (b)(6). I know the detainee because we live in the same village. I've known him since he was a teenager. The detainee was never involved with Taliban or anti CF. I feel the detainee should be released. If he is released I will not allow him to do anything wrong or unlawful. He owns a farm and we will help him to get started with farming. If he is released he will be able to start farming again if he does not become ANP again. He was a farmer about 10 years ago.

(U) CROSS-EXAMINATION

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

(U//~~FOUO~~) There were no Taliban presents when the detainee was captured. There were no problems with kidnappings or killings in our area when the detainee was captured.

(U//~~FOUO~~) The detainee has searched for the Taliban. He is part of the Police.

(U//~~FOUO~~) There are several people named (b)(6). I do not know the (b)(6) who was killed. I know (b)(6). I don't know why (b)(6) was killed by the Taliban.

(U) EXAMINATION BY THE BOARD

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

(U//~~FOUO~~) Matuillah did not work as a police man under the Taliban rule. The detainee was not a part of the ANP 10 years ago during Taliban rule.

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

(U) DETAINEE WITNESS TESTIMONY

(U//~~FOUO~~) (b)(6)
the boardr

Detainee witness entered
tance, as follows:

(U) The detainee witness was advised that this was not a criminal trial and that he will be testifying in another detainee's board.

(U) The detainee witness was willing to testify in front of ISN (4189).

(U) DIRECT EXAMINATION

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

[Recorder is showing detainee exhibit picture #21]

(U//~~FOUO~~) The Matiullah I provided information on was working for the ANP. I am willing to testify in the presence of Matiullah.

[Detainee Matiullah, ISN 4189 entered the boardroom]

(U//~~FOUO~~) I do not recognize this person as being the same Matiullah who I have spoken of. I only know one person named Matiullah. I don't know if the Matiullah I know is working for ANP.

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

(U//~~FOUO~~) I am not from the same village as Matiullah. I am from the province of Kabul, Matiullah is not. I am willing to testify in front of Matiullah and/or the villagers who are also here as witnesses. I want to make sure Matiullah is the same man I have given information about.

[The witness withdrew from the boardroom.]

(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 want to thank you sir. I have behaved well over the last 9 months and you can confirm this by asking anybody. It doesn't matter how long I've been here and you need to please take into consideration what people have said about me. I am an innocent man.

(U) [The unclassified hearing adjourned at 1711, 5 June 2010.]

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

[The classified hearing for (b)(2)-004189 was called to order at 0929, 5 June 2010.]

[Board recorder has been sworn in.]

(U) AFGHAN CIVILIAN WITNESS TESTIMONY

(U//~~FOUO~~) (b)(6) , Afghan Civilian, entered the boardroom, and testified, _____ ance, as follows:

(U) DIRECT EXAMINATION

(U) CPT ^{(b)(3), 10 USC 1305; (b)(6)} asked, in substance, the following questions:

~~(S//NF)~~ (b)(1); (b)(2); (b)(5); (b)(6)

~~(S//NF)~~ (b)(1); (b)(2); (b)(5); (b)(6)

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

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

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

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~~(S//NF)~~ (b)(1); (b)(2); (b)(5); (b)(6)

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

~~(S//NF)~~ (b)(1); (b)(2); (b)(5); (b)(6)

~~(S//NF)~~ (b)(1); (b)(2); (b)(5); (b)(6)

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

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

~~(S//NF)~~ (b)(1); (b)(2); (b)(5); (b)(6)

~~(S//NF)~~ (b)(1); (b)(2); (b)(5); (b)(6)

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

~~(S//NF)~~ (b)(1); (b)(2); (b)(5); (b)(6)

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

(U) CROSS-EXAMINATION

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

~~(S//NF)~~ (b)(1); (b)(2); (b)(5); (b)(6)

(U) EXAMINATION BY THE BOARD

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

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

(U) [The witness remained in the boardroom as an observer.]

(U) AFGHAN CIVILIAN WITNESS TESTIMONY

(U//~~FOUO~~) (b)(6) , Afghan Civilian, entered the boardroom, and testified,
 ance, as follows:

(U) DIRECT EXAMINATION

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

~~(S//NF)~~ (b)(1); (b)(2); (b)(5); (b)(6)

~~(S//NF)~~ (b)(1); (b)(2); (b)(5); (b)(6)

(U) CROSS-EXAMINATION

(U) Maj ^{(b)(3), 10 USC 1306; (b)} asked, in substance, the following questions:

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

(U) REDIRECT EXAMINATION

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

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

(U) [The witness remained in the boardroom as an observer.]

(U) AFGHAN CIVILIAN WITNESS TESTIMONY

(U//~~FOUO~~) (b)(6) , Afghan Civilian, entered the boardroom, and testified,
ance, as follows:

(U) DIRECT EXAMINATION

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

~~(S//NF)~~ (b)(1); (b)(2); (b)(5); (b)(6)

~~(S//NF)~~ (b)(1); (b)(2); (b)(5); (b)(6)

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

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

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

(U) REDIRECT EXAMINATION

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

~~(S//NF)~~ (b)(1); (b)(2); (b)(5); (b)(6)

(U) RECROSS-EXAMINATION

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

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

(U) RECROSS-EXAMINATION

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

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

(U) [The witness remained in the boardroom as an observer.]

(U) BATTLE SPACE OWNER WITNESS TESTIMONY

(U//~~FOUO~~) Colonel ^{(b)(3), 10 USC 130b; (b)(6)} (b)(2) Battle Space Owner,
United States Army h m, and testified, in
substance, as follows:

(U) DIRECT EXAMINATION

(U) Capt ^{(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)

(U) CROSS-EXAMINATION

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

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

(U) EXAMINATION BY THE BOARD

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

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

(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.]

[The classified hearing for (b)(2)-004189DP recessed at 1206, 5 June 2010.]

(U) [The classified hearing was called to order at 1715, 5 June 2010.]

(U) OSI SPECIAL AGENT WITNESS TESTIMONY

(U//~~FOUO~~) Capt ^{(b)(3), 10 USC 130b; (b)(6)}, USAF, entered the boardroom, and testified, in s s follows:

(U) DIRECT EXAMINATION

(U) CPT ^{(b)(3), 10 USC 130b; (b)(6)} asked, in substance, the following question

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

(U) CROSS-EXAMINATION

(U) Maj ^{(b)(3), 10 USC 1306; (b)(1)} asked, in substance, the following questions:

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

(U) [The witness remained in the boardroom.]

(U) (Capt ^{(b)(3), 10 USC 1306; (b)(6)}) presented the following information to the board:

~~(S//NF)~~ (b)(1); (b)(2); (b)(5); (b)(6)

(U) (MAJ ^{(b)(3), 10 USC 1306; (b)(1)}) presented the following information to the board:

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

(U) The recorder did offer classified exhibits.

(U) The personal representative did offer classified exhibits.

(U) The president and members of the board voted on ISN 4109. The votes were then collected and handed to the legal representative.

(U) [The classified session adjourned at 1731, 5 June 2010.]

[END OF PAGE]