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

REPLY TO  
ATTENTION OF

OCT 07 2009

CJTF-82

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

7 Oct 09

MEMORANDUM THRU Staff Judge Advocate, 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: 24 September 2009 Detainee Review Board (DRB) Recommendation Approval

1. I have reviewed the findings and recommendations of DRB conducted on 24 September 2009 concerning the internment of Detainee 20002. The DRB made the following findings and recommendation:

- a. That ISN 20002 does not meet the criteria for internment.
- b. That internment is not necessary to mitigate the threat ISN 20002 poses.
- c. That ISN 20002 should not continue to be interned at the Bagram Theater internment Facility (BTIF).
- d. That ISN 20002 is not an Enduring Security Threat.

2. I approve the release of ISN 20002.

3. The point of contact for this memorandum is CPT <sup>(b)(3), 10 USC 130b; (b)(6)</sup> TF Protector, at DSN <sup>(b)(2)</sup> (b)(2) or <sup>(b)(2)</sup> (b)(2); <sup>(b)(3), 10 USC 130b; (b)(6)</sup> (b)(6).

<sup>(b)(3), 10 USC 130b; (b)(6)</sup> (b)(6)

5 Encls

- 1. DRB Voting Packet
- 2. Summarized written record
- 3. Status Summary
- 4. Evidence (to be added at a later date)
- 5. Legal Review

Colonel, USA  
Deputy Commanding General  
Support

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Bagram-CENTCOM-DRB-8

Detainee Review Board Report of Findings and Recommendations

Date of Board	Detainee Name	Detainee ISN
28 Sep 09	Mullah Zarghan	20002

**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)  Yes

**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

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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)



1 [Detainee 20002 entered the boardroom and took his seat in front  
2 of the board members.]

3  
4 The detainee was advised by the president of how this board was  
5 not a criminal trial and how this board was to determine whether  
6 or not he met the criteria for further internment.

7  
8 The president also notified the detainee that he may be present  
9 at all open sessions of the board permitting that he acted  
10 appropriately. ISN 20002 was also advised that he could testify  
11 under oath or unsworn if he wished to do so, that he had a  
12 personal representative which was present at the hearing, that  
13 he may present information at the hearing including the  
14 testimony of witnesses, and that he can examine documents  
15 presented to the board all of which the detainee understood.

16  
17 Further, ISN 20002 was instructed that, at the conclusion of the  
18 board after the legal review, the board would determine whether  
19 he met the criteria for further internment at the Bagram Theater  
20 Internment Facility. The detainee understood the fact that if  
21 he does not meet the criteria, then he would be released as soon  
22 as possible. However, if he did meet the criteria, then he  
23 would be recommended for further internment, transferred to  
24 Afghan authorities, or released without conditions.

25  
26 **[The unclassified hearing was called to order at 1415,**  
27 **24 September 2009.]**

28  
29 Major <sup>(b)(3), 10 USC 130b; (b)(6)</sup> presented the following unclassified information  
30 to the board:

31  
32 ISN 20002 was captured (b)(1); (b)(2); (b)(5)

36  
37 [Per the recorders request, the president granted a classified  
38 hearing at the culmination of the unclassified hearing.]

1 The detainee, ISN 20002, made the following statement:  
2

3 My father was a rich and famous man. People are very  
4 jealous of me and my family. I am so bus with my work that  
5 I do not have time to be involved with things like this. I  
6 do not know why I am detained.  
7

8 The president allowed the board to ask the following questions  
9 of Detainee 20002:  
10

11 QUESTIONING OF ISN 20002  
12

13 **Questions by JA Recorder 2:**  
14

15 The leader of my tribe has a son named "(b)(6)".  
16 "(b)(6)" was in parliament. I am a shurah leader. If  
17 I am released, I will run my shurah and lead my people. I  
18 know I was threatened but I do not know if it was Taliban  
19 or not. My brother works for the government. I have  
20 another brother that lives in the United Kingdom and he has  
21 been there for two and a half years.  
22

23 **Questions by the president of the board:**  
24

25 The tunnel in my father's compound is from Russian times.  
26 I never gave a speech in Kabul. My family lives in Kabul.  
27 Those weapons in the photo are not mine.  
28

29 **Questions by Member 2:**  
30

31 We saw Taliban in Ghazi, Baraki Barak.  
32

33 **Questions by Member 1:**  
34

35 As a leader, I would not have to meet with the Taliban. I  
36 received my education in Pakistan.  
37

38 **Questions by JA Recorder 2:**  
39

40 I do not own a business. The Taliban has never come to me  
41 for support or money.

1 **Questions from the Member 1:**

2  
3 I was detained because we are a respected family and others  
4 are jealous of us.  
5

6 **Questions by Member 2:**

7  
8 We see the Haqqani fighters every day moving around on  
9 bikes.  
10

11 The president announced the conclusion of the unclassified  
12 hearing.  
13

14 The president of the board instructed the detainee that he would  
15 be notified of the board's decision within a couple of weeks and  
16 that he would be released if the decision is made that further  
17 internment would not be required. However, if the board decided  
18 that further internment is required, he would be retained at the  
19 Bagram Theater Internment Facility, released to Afghan  
20 authorities for participation in a reconciliation program, or  
21 released without conditions. Furthermore, if continued  
22 internment was recommended, then an additional Detainee Review  
23 Board would be reconvened in 6 months.  
24

25 **[The unclassified hearing adjourned at 1434, 24 September 2009.]**

26  
27 [Detainee 20002 withdrew from the boardroom.]  
28

29 **[The classified hearing was called to order at 1434,**  
30 **24 September 2009.]**  
31

32 The recorder presented the following information to the board:  
33

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

37

1 The personal representative presented the following information  
2 to the board:

3

4

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

7

8 The president and members of the board voted on ISN 20002. The  
9 votes were then collected and handed to the legal  
10 representative.

11

12 [The classified session adjourned at 1446, 24 September 2009.]

13

14

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15