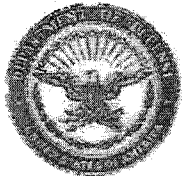


~~UNCLASSIFIED//FOUO~~



REPLY TO
ATTENTION OF:

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



JTF-435-LO

JUN 16

MEMORANDUM THRU

Chief of Staff, United States Central Command, 7115 South Boundary Blvd., MacDill Air Force Base, Florida 33621-5101

Director Joint Staff, The Joint Staff, 9999 Joint Staff Pentagon, Washington D.C. 20318-9999

FOR Under Secretary of Defense for Policy, 1010 Defense Pentagon, Washington, DC 20310-1010

SUBJECT: Repatriation to (b)(2) - Salah Mohammad Ali

Reference: Deputy Secretary of Defense Memorandum: Policy Guidance on review Procedures and Transfer and Release Authority at Bagram Theater Internment Facility (BTIF) Afghanistan (2 Jul 09)

1. Salah Mohammad Ali, ISN 1433, is a (b)(2) captured by U.S. Forces on (b)(2) (b)(2). He is currently detained at the Detention Facility in Parwan. A Detainee Review Board on 5 June 2010 found that the criteria for internment had been met, but that continued internment was not necessary to mitigate the threat Salah Mohammad Ali posed. After my Staff Judge Advocate reviewed the board proceedings and found them legally sufficient, I approve the Board's finding and have directed Salah Mohammad Ali's release as soon as practicable.
2. Per the reference, because the detainee is a third country national, return to his home country, (b)(2), requires approval by the Deputy Secretary of Defense or his designee. The reference also states that recommendations for transfer and repatriation shall be transmitted to the Under Secretary of Defense for Policy, through the Director, Joint Staff. The Office of the Secretary of Defense is to ensure that recommendations are coordinated with the Department of State prior to seeking approval from the Deputy Secretary or his designee. I recommend approval of this transfer and repatriation and hereby seek disposition for further action in accordance with the reference.

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Bagram-CENTCOM-DRB-377

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JTF-435-LO

SUBJECT: Repatriation to (b)(2) – Salah Mohammad Ali

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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~~SECRET//NOFORN~~



DEPARTMENT OF DEFENSE
JOINT TASK FORCE 435
APO AE 09354



REPLY TO
ATTENTION OF:

JTF-435-LO

5 June 2010

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

SUBJECT: 5 June 2010 Detainee Review Board Recommendation for the Release of Salah
Mohammad Ali (ISN 1433)

1. The Detainee Review Board (DRB) met on 5 June 2010 and made the following findings and
recommendations concerning the internment of Salah Mohammad Ali (ISN 1433):

- a. Salah Mohammad Ali (ISN 1433) meets the criteria for internment.
- b. The continued internment of Salah Mohammad Ali (ISN 1433) is not necessary to
mitigate the threat he poses.
- c. Salah Mohammad Ali (ISN 1433) should be transferred to Pakistan for release.
- d. Salah Mohammad Ali (ISN 1433) should be considered for Reintegration programs
within the Detention Facility in Parwan.
- e. Salah Mohammad Ali (ISN 1433) is not an Enduring Security Threat.

2. In arriving at its recommendation, the DRB found that Salah Mohammad Ali (ISN 1433)
meets internment criteria based upon (b)(1); (b)(5)

3. Salah Mohammad Ali (ISN 1433) was captured (b)(1); (b)(2); (b)(5)

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Bagram-CENTCOM-DRB-379

JTF-435-LO

SUBJECT: 5 June 2010 Detainee Review Board Recommendation for the Release of Salah
Mohammad Ali (ISN 1433) (Meets Internment Criteria)

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

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

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

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

The DRB considered also Salah Mohammad Ali's (ISN 1433) testimony, as well as his responses to questions posed to him by all parties to the DRB.

7. In determining whether continued internment was necessary to mitigate the threat Salah Mohammad Ali (ISN 1433) may pose, the DRB assessed his level of threat and weighed, among

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JTF-435-LO

SUBJECT: 5 June 2010 Detainee Review Board Recommendation for the Release of Salah Mohammad Ali (ISN 1433) (Meets Internment Criteria)

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 his 5 June 2010 DRB, the continued internment of Salah Mohammad Ali (ISN 1433) is not necessary to mitigate the threat he poses and he should be released to Pakistan.

8. The point of contact for this review is CPT ^{(b)(3), 10 USC 130b; (b)(6)}, Joint Task Force 435 at DSN
(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 with Exhibits

MAJ, IN /

President, Detainee Review Board

Detainee Review Board Report of Findings and Recommendations – Final Board Result

v.22 Feb 2010

Date of Board 05 Jun 2010	Detainee Name Salah Mohammad (CALI)	Detainee ISN (b)(2) -001433DP
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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 Darwin (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):

See attached DRB report of findings and recommendations

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 // 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 / IS NOT an Enduring Security Threat (circle one).

DRB President (Printed) (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)(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)-001433DP, SALAH MOHAMMAD, entered the boardroom, took seat in front of the board members, and the unclassified hearing was called to order at 0804, 5 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) LIEUTENANT (b)(3); 10 USC 130b; (b)(6), DETAINEE REVIEW BOARD RECORDER

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

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

(U) STAFF SERGEANT (b)(3); 10 USC 130b; (b)(6), COURT REPORTER.

(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 1433 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.

(U) Further, ISN 1433 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, 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.

(U) Lieutenant ^{(b)(3); 10 USC 130b; (b)(6)} presented the following unclassified information to the board:

(U//~~FOUO~~) He was captured on (b)(1); (b)(2); (b)(5)

He meets internment criteria if he was a part of, or substantially supported Al-Qaeda or LET 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. The detainee has provided a written statement admitting to his involvement with LET and insurgent activities. The detainee is assessed to be an LET member and/or facilitator.

(U) The president of the board informed the detainee that he has an opportunity to make an oral statement to the board and he has the assistance of his personal representative and translator to do so.

(U) The detainee, ISN 1433, made the following statement to the board:

(U//~~FOUO~~) I want to thank everyone for giving me the chance to appear here, and I want to thank my PR who has helped me a lot. I'd like to say a few words in English. I came to the DRB six months ago, 2 December 2009. I had said everything I wanted to say. The result was given to me on 22 February 2010 and was given to me and my government. Nothing changed in my case or in my manners. I still have good behavior. If I am obligated to talk in DRB, I will talk. If not, I won't talk because nothing has changed. I will take Commander ^{(b)(3); 10 USC 130b; (b)(6)} advice, but my statement remains the same.

[After explanation by the president that this is a new board, the detainee continued his statement.]

(U//~~FOUO~~) I understand. I'll give my statement. Please explain the charges.

[The charges were re-read and the detainee continued.]

(U//~~FOUO~~) I was captured ^{(b)(1); (b)(2); (b)(5)}. I don't remember the exact date. I was captured **(b)(1); (b)(2); (b)(5)** I never belonged to any of the organizations that were mentioned. I came to study at a madrassa in Lahore. A group came to the madrassa school based on Islamic teaching. They brainwashed me against Americans. They talked a lot about Americans and that they are very bad people. They said Americans did bad things in Iraq, killing innocent kids and raping women. They said Americans came for the oil. I am not associated with any organization like LET or Al-Qaeda. No one told me to join them. The other people who came to the madrassa might belong to them, ^{(b)(1); (b)(2); (b)(5)} **(b)(1); (b)(2); (b)(5)** I accept that I went there for Jihad. That was a serious mistake in my life and I was too young to understand the consequences of that.

(U) DETAINEE TESTIMONY

(U//~~FOUO~~) Salah Mohammad, **(b)(2)**-001433DP, was called for the board and testified, in substance, as follows:

(U) DIRECT EXAMINATION

(U) Detainee Review Board Recorder 1 asked, in substance, the following questions:

(U//~~FOUO~~) I recognize this document. [Exhibit 1 unclassified exhibits, 11-page confession.] I was not under duress or threatened in any way when I wrote that confession. I wrote it willingly and of my own free accord. **(b)(1); (b)(2); (b)(5)**

CROSS-EXAMINATION

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

(U//~~FOUO~~) When I arrived in ^{(b)(1); (b)(2); (b)(5)}, I realized I'd been brainwashed. I am a mullah. In the time I have spent in the cell, I have tried to teach the other detainees Koran. And since most of the people who come here are young kids and they are totally brainwashed, I teach them what Jihad really is, what the conditions for Jihad are, and the meaning of Jihad. Sometimes it works very well. Not always, but sometimes. I want to change cells because my cellmates say I am an American spy and the other mullahs in the cell do not like me to explain the exact meaning of Jihad. During my interrogations, I have reported on the people I was captured with. I don't remember the details about the information.

EXAMINATION BY THE BOARD

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

(U//~~FOUO~~) I was 20 years old when I went to ^{(b)(1); (b)(2); (b)(5)}. Right now there is no Jihad in Pakistan, Iraq, and Afghanistan. The people that are fighting Jihad, this is not Jihad. Americans did not come here to abuse or kill the people. They came here to change them from wrong to right. Jihad has different meanings. It can mean to serve or help your parents. This too is Jihad. To educate and help out your own country by construction and reconstruction is also Jihad.

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

(U//~~FOUO~~) I have not been treated badly since I have been here. In my statement I said that I would like to continue to teach. In the future I will tell my story by saying whatever I did was a big mistake and I spent six and a half years in prison for that. I accept what I did was wrong. I will tell everyone not to make my mistake. The advantage of being here is that I

read Koran, and developed my manners. I am a good-mannered man now, and my thoughts changed from wrong to right.

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

(U//~~FOUO~~) My family is in Pakistan. I've been able to talk to them.

(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 request that you help me get released as soon as possible. I want to go back and get married and see my parents.

(U) [The unclassified hearing adjourned at 0842, 5 June 2010.]

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

(U) [The classified hearing was called to order at 0843, 5 June 2010.]

(U) The recorder presented the following information to the board:

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

(U) The personal representative 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 not offer classified exhibits.

(U) The president and members of the board voted on ISN 1433. The votes were then collected and handed to the legal representative.

(U) [The classified session adjourned at 0850, 5 June 2010.]

[END OF PAGE]

