



~~UNCLASSIFIED//FOUO~~

DEPARTMENT OF DEFENSE  
JOINT TASK FORCE 435  
APO AE 09356

IN REPLY REFER TO:

JUL 16 2010

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

SUBJECT: 7 June 2010 Detainee Review Board (DRB) Recommendation for Continued Internment Approval for ISN 4188

1. I reviewed the findings and recommendations of the DRB that convened on 7 June 2010 concerning the internment of Detainee ISN 4188. By a vote of 3 to 0, the board members found that internment is necessary to mitigate the threat ISN 4188 poses. After consideration, I approve the DRB's finding and direct that ISN 4188 continue to be detained at the Detention Facility in Parwan.
2. The DRB's recommendation that ISN 4188 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<sup>(b)(2)</sup>

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

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~~SECRET//NOFORN~~



DEPARTMENT OF DEFENSE  
JOINT TASK FORCE 435  
APO AE 09354



REPLY TO  
ATTENTION OF:

JTF-435-LO

7 June 2010

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

SUBJECT: 7 June 2010 Detainee Review Board Recommendation for the Continued Internment  
of Abdul Salam (ISN 4188)

1. The Detainee Review Board (DRB) met on 7 June 2010 and made the following findings and  
recommendations concerning the internment of Abdul Salam (ISN 4188):

a. Abdul Salam (ISN 4188) meets the criteria for internment.

b. The continued internment of Abdul Salam (ISN 4188) is necessary to mitigate the  
threat he poses.

c. Abdul Salam (ISN 4188) should be considered for Reintegration programs within the  
Detention Facility in Parwan.

d. Abdul Salam (ISN 4188) is not an Enduring Security Threat.

2. In arriving at its recommendation, the DRB found that Abdul Salam (ISN 4188) meets  
internment criteria (b)(1); (b)(2); (b)(5)

3. (b)(1); (b)(2); (b)(5) captured Abdul Salam (ISN 4188) on (b)(1); (b)(2); (b)(5)

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SUBJECT: 7 June 2010 Detainee Review Board Recommendation for the Continued Internment of Abdul Salam (ISN 4188)

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

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

5. (b)(1); (b)(2); (b)(5) during his 7 June 2010 DRB, Abdul Salam (ISN 4188) claimed that he lived with his three uncles on his father's side and he grew up in that home. Abdul Salam (ISN 4188) indicated that he was seventeen years old and worked as a wheat farmer. Abdul Salam (ISN 4188) stated that he did not go to school because there was not a school in the area. On his (b)(1); (b)(2); (b)(5) capture, Abdul Salam (ISN 4188) claimed that he (b)(1); (b)(2); (b)(5) Abdul Salam (ISN 4188) denied ownership of the weapons (b)(1); (b)(2); (b)(5) and continually stated that he had not touched any explosive materials. Abdul Salam (ISN 4188) further denied that his uncles owned the weapons and explosive materials found at his home. Abdul Salam (ISN 4188) also said that he does not care whether he stays at the DFIP or goes home.

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

– the 2 May 2010 Detainee Criminal Investigation Detachment Report of Investigation, and the Theater Internment Facility Progress Report. The Personal Representative submitted copies of Abdul Salam's (ISN 4188) Initial Interview Checklist and Notification Worksheet. The DRB considered also Abdul Salam's (ISN 4188) 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 Salam (ISN 4188) may pose, the DRB assessed his level of threat and weighed, among other things, his

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potential for rehabilitation, reconciliation, and eventual reintegration into society. The DRB considered (b)(1); (b)(2); (b)(5)

In sum, based upon the evidence and testimony presented during Abdul Salam (ISN 4188)'s 7 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

COL, QM

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> 7 Jun 10	<u>Detainee Name</u> Abdul Usalam	<u>Detainee ISN</u> (b)(2) - 00418809
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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)(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)

1 ~~(S//REL TO US, ISAF, NATO)~~ [ISN (b)(2)-004188DP, Abdul Salam,  
2 entered the boardroom, took his in front of the board  
3 members, and the unclassified hearing was called to order at  
4 1500, 7 June 2010.]

5  
6 (U) Persons Present:

7  
8 (U) COLONEL (b)(3), 10 USC 130b; (b)(6), PRESIDENT OF THE BOARD;

9  
10 (U) MAJOR (b)(3), 10 USC 130b; (b)(6), MEMBER ONE;

11  
12 (U) MAJOR (b)(3), 10 USC 130b; (b)(6), MEMBER TWO;

13  
14 (U) CAPTAIN (b)(3), 10 USC 130b; (b)(6), DETAINEE REVIEW BOARD  
15 RECORDER F

16  
17 (U) LIEUTENANT (b)(3), 10 USC 130b; (b)(6), PERSONAL  
18 REPRESENTATIV

19  
20 (U) CAPTAIN (b)(3), 10 USC 130b; (b)(6), LEGAL ADVISOR; and

21  
22 (U) STAFF SERGEANT (b)(3), 10 USC 130b; (b)(6), COURT REPORTER.

23  
24 (U) [The recorder was sworn.]

25  
26 (U) The detainee was advised by the president of how this board  
27 was not a criminal trial and how this board was to determine  
28 whether or not he met the criteria for further internment.

29  
30 (U) The president also notified the detainee that he may be  
31 present at all open sessions of the board permitting that he  
32 acted appropriately. ISN 4188 was also advised that he could  
33 testify under oath or unsworn if he wished to do so, that he had  
34 a personal representative who was present at the hearing, that  
35 he may present information at the hearing including the  
36 testimony of witnesses, and that he can examine documents  
37 presented to the board all of which the detainee understood.

38  
39 (U) Further, ISN 4188 was instructed that, at the conclusion of  
40 the board after the legal review, the board would determine  
41 whether he met the criteria for further internment at the

1 Detention Facility in Parwan. The detainee understood the fact  
2 that if he does not meet the criteria, he would be released as  
3 soon as possible. However, if he did meet the criteria, then he  
4 would be recommended for further internment, transferred to  
5 Afghan authorities, or released without conditions.

6  
7 **(U) RECORDER FIVE presented the following unclassified**  
8 **information to the board:**

9  
10 (U//~~FOUO~~) ISN 4188, Abdul Salam, was captured <sup>(b)(1); (b)(2); (b)(5)</sup>  
11 **(b)(1); (b)(2); (b)(5)**

12  
13 (U//~~FOUO~~) The detainee was captured with a large cache of  
14 weapons and explosive materials. The detainees' hands and  
15 clothing tested positive for explosive residue.

16  
17 (U//~~FOUO~~) The detainee denies having contact with explosive  
18 material and claims that he is not associated with the  
19 Taliban.

20  
21 (U//~~FOUO~~) **(b)(1); (b)(2); (b)(5)**

22  
23  
24  
25 (U//~~FOUO~~) He meets internment criteria if he was part of,  
26 or substantially supported Taliban forces or associated  
27 forces that were engaged in hostilities against the United  
28 States or its coalition partners, including any person who  
29 has committed a belligerent act, or has directly supported  
30 hostilities, in aid of such enemy armed forces.

31  
32 **(U) The detainee, ISN 4188, made the following statements to the**  
33 **board:**

34  
35 (U//~~FOUO~~) All the items that were collected with my capture  
36 were not mine. They told me a weapon was captured with me.  
37 **(b)(1); (b)(2); (b)(5)**

40 I never touched any explosives.  
I don't know what a bomb is. The weapon did not belong to

1 me. It's your decision if you want to keep me here or  
2 release me.

3  
4 (U) DETAINEE TESTIMONY

5  
6 ~~(S//REL TO US, ISAF, NATO)~~ ABDUL SALAM, (b)(2)-004188DP, was  
7 called for the board and testified, in substance, as follows:

8  
9 (U) DIRECT EXAMINATION

10  
11 (U) RECORDER FIVE asked, in substance, the following questions:

12  
13 (U//~~FOUO~~) I was born in Kandahar. I am seventeen. I have  
14 a mother and no father. I live with my uncle from my  
15 father's side, my father's brothers. My uncles' names are  
16 (b)(6), (b)(6), and (b)(6). I live all  
17 three of my uncles.

18  
19 (U//~~FOUO~~) When I was captured, (b)(1); (b)(2); (b)(5)  
[RECORDER FIVE referred to  
21 Unclassified Exhibits, page 4] It looks like a garden. I  
22 don't know the map where my garden was, but it looks like  
23 my garden. Our garden was behind our house.

24  
25 (U//~~FOUO~~) [RECORDER FIVE referred to Unclassified Exhibits,  
26 page 5] I never saw these items before until they showed me  
27 here. I have never touched the items if I have never seen  
28 the items.

29  
30 (U//~~FOUO~~) I don't know how explosive material was found on  
31 me because I have never touched it. I don't know anyone  
32 who made bombs.

33  
34 (U//~~FOUO~~) [RECORDER FIVE referred to Unclassified Exhibit,  
35 page 6] I have never seen that picture before. I don't  
36 know (b)(6). I don't know (b)(6). I don't know (b)(6)  
37 (b)(6). I don't know anyone that has helped the Taliban.  
38 I have never transported weapons for anyone. I have never  
39 supported any Taliban at all.  
40

1 (U//~~FOUO~~) I own a cell phone, black Nokia. I don't  
2 remember the phone number. I don't know anything. I have  
3 never worked for the government. I have no information. I  
4 have never thought about how I feel about Americans being  
5 here.

6  
7 (U//~~FOUO~~) (b)(1); (b)(2); (b)(5)

16 don't know how I feel about the  
17 Taliban. I have never worked with them.

18 (U//~~FOUO~~) I don't know anything about Americans. I don't  
19 go to school. I have never been to school. There is no  
20 school in our area. I am a farmer. I was farming wheat.  
21 If I was released, I would go back to farming. There is no  
22 reason for the Taliban to come ask me to transport  
23 anything. I will not help the Taliban because I would be  
24 back here, and I don't want to come back. I have never  
25 touched explosives.

26  
27 **(U) CROSS-EXAMINATION**

28  
29 **(U) PERSONAL REPRESENTATIVE FIVE asked, in substance, the**  
30 **following questions:**

31  
32 (U//~~FOUO~~) I have lived at my house my entire life. I don't  
33 know where all these stuff came from. I am not involved in  
34 this stuff, so I wouldn't know anything about it. I have  
35 never seen those people but I would have said something if  
36 I had seen them. I want to have a family of my own one  
37 day. If I had a son or nephew, I wouldn't want them to lie  
38 for me and take punishment. I would not lie for my uncle  
39 or father.

40  
41 **EXAMINATION BY THE BOARD**

1  
2 (U) Member 1 asked, in substance, the following questions:  
3

4 (U//~~FOUO~~) I don't know why I am here. Everyone tells me  
5 the same stuff you are telling me. I have three uncles and  
6 get along with all of them.  
7

8 (U) Member 2 asked, in substance, the following questions:  
9

10 (U//~~FOUO~~) Nobody can replace your father. Everyone in the  
11 house shares everything. I never saw any weapons or  
12 explosives.  
13

14 (U) The President of the Board asked, in substance, the  
15 following questions:  
16

17 (U//~~FOUO~~) My uncle's name is (b)(6) . You can call  
18 (b)(6) . I don't have my uncles' phone numbers, and I  
19 don't know their numbers. I don't need their number. I  
20 don't care if I'm released or detained. My mother does not  
21 have a phone.  
22

23 (U) RECROSS-EXAMINATION  
24

25 (U) PERSONAL REPRESENTATIVE FIVE asked, in substance, the  
26 following questions:  
27

28 (U//~~FOUO~~) I am just a kid in that house and I don't have to  
29 answer for everything in my house. I don't know anything  
30 about weapons in my house. I might be responsible if you  
31 think I am responsible but I didn't know about any weapons.  
32 If a person says they don't know about a weapon cannot be  
33 held responsible. If they don't know and don't want to say  
34 anything then they should stay in the jail.  
35

36 EXAMINATION BY THE BOARD  
37

38 (U) The President of the Board asked, in substance, the  
39 following questions:  
40



1 (U//~~FOUO~~) If there is a next board, I will not ever bring  
2 my uncles' phone numbers.

3  
4 (U) REDIRECT EXAMINATION

5  
6 (U) RECORDER FIVE asked, in substance, the following questions:

7  
8 (U//~~FOUO~~) I have only mentioned my uncle (b)(6) because  
9 no one has ever asked me about my other uncles. I can't  
10 lie. If I don't have the information, I can't do it. If  
11 you want me to stay in the jail because I don't have any  
12 information, then I will stay in jail.

13  
14 (U) RECROSS-EXAMINATION

15  
16 (U) PERSONAL REPRESENTATIVE FIVE asked, in substance, the  
17 following questions:

18  
19 (U//~~FOUO~~) I believe that honorable men take responsibility  
20 for their actions. My uncles' and I have not done  
21 anything. I don't have any information to give. My uncles  
22 have not come to see me.

23  
24 EXAMINATION BY THE BOARD

25  
26 (U) The President of the Board asked, in substance, the  
27 following questions:

28  
29 (U//~~FOUO~~) I know my mom and brother and uncle from my  
30 mother's side have come to visit so I don't care that my  
31 uncles' haven't come to visit me.

32  
33 (U) The recorder did offer unclassified exhibits.

34  
35 (U) The personal representative did offer unclassified exhibits.

36  
37 (U) The recorder had no further unclassified information to  
38 offer the board and, per the recorders request, the president  
39 granted a closed hearing at the culmination of the unclassified  
40 hearing.

1 (U) The president announced the conclusion of the unclassified  
2 hearing.

3

4 (U) The president of the board instructed the detainee that he  
5 would be notified of the board's decision within a couple of  
6 weeks and that he would be released if the decision is made that  
7 further internment would not be required. However, if the board  
8 decided that further internment is required, he would be  
9 retained at the Detention Facility in Parwan, transferred to  
10 Afghan authorities for participation in a reconciliation  
11 program, or released transferred to his national country for  
12 participation in a reconciliation program. Furthermore, if  
13 continued internment was recommended, then an additional  
14 Detainee Review Board would be reconvened in 6 months.

15

16 (U) The detainee made the following statement:

17

18 (U//~~FOUO~~) I do not wish to make a final statement to the  
19 board.

20

21 (U) [The unclassified hearing adjourned at 1548, 7 June 2010.]

22

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

24

25 (U) [The classified hearing was called to order at 1548, 7 June  
26 2010.]

27

28 (U) RECORDER FIVE presented the following information to the  
29 board:

30

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

38

39

40 (U) PERSONAL REPRESENTATIVE FIVE presented the following  
41 information to the board:

1  
2  
  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

~~(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 4188. The votes were then collected and handed to the legal advisor.

(U) [The classified session adjourned at 1555, 7 June 2010.]

[END OF PAGE]