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DEPARTMENT OF DEFENSE
JOINT TASK FORCE 435
APO AE 09356

IN REPLY REFER TO:
JTF-435-LO

JUL 16 2010

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

SUBJECT: 5 June 2010 Detainee Review Board (DRB) Recommendation for Continued Internment Approval for ISN 1432

1. I reviewed the findings and recommendations of the DRB that convened on 5 June 2010 concerning the internment of Detainee ISN 1432. By a vote of 3 to 0, the board members found that internment is necessary to mitigate the threat ISN 1432 poses. After consideration, I approve the DRB's finding and direct that ISN 1432 continue to be detained at the Detention Facility in Parwan.
2. The DRB's recommendation that ISN 1432 to 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)

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

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REPLY TO
ATTENTION OF:

DEPARTMENT OF DEFENSE
JOINT TASK FORCE 435
APO AE 09354



JTF-435-LO

5 June 2010

MEMORANDUM FOR Deputy Commander, Joint Task Force 435, Kabul, Afghanistan, APO
AE 0935

SUBJECT: 5 June 2010 Detainee Review Board Recommendation for the Continued Internment
of Ahmad Dilshad (ISN 1432)

1. The Detainee Review Board (DRB) met on 5 June 2010 and made the following findings and
recommendations concerning the internment of Ahmad Dilshad (ISN 1432):

a. Ahmad Dilshad (ISN 1432) meets the criteria for internment.

b. The continued internment of Ahmad Dilshad (ISN 1432) is necessary to mitigate the
threat he poses.

d. Ahmad Dilshad (ISN 1432) should not be considered for Reintegration programs
within the Detention Facility in Parwan.

e. Ahmad Dilshad (ISN 1432) should be classified as an Enduring Security Threat.

2. (b)(1); (b)(5); (b)(6)

3. (b)(1); (b)(5)

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

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

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

6. (b)(1); (b)(5)

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

7. The Recorder called the following witnesses:

a. (b)(1); (b)(5); (b)(6)

b. (b)(1); (b)(3), 10 USC 130b; (b)(5); (b)(6)

8. (b)(1); (b)(5); (b)(6)

9. (b)(1); (b)(5); (b)(6)

In sum, based upon the evidence and testimony presented during his 5 June 2010 DRB, the continued internment of Ahmad Dilshad (ISN 1432) is necessary to mitigate the threat he poses and he should be

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continually interned at the DFIP. Furthermore, the DRB assessed Ahmad Dilshad (ISN 1432) to be an Enduring Security Threat.

10. The point of contact for this review is CPI (b)(3); 10 USC 130b; (b)(6), 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 Encls.

1. DRB Voting Packet

MAJ, IN

2. Summarized Testimony with Exhibits

President, Detainee Review Board

Date of Board 05 Jun 10	Detainee Name Ahmad (CDILSHAD)	Detainee ISN (b)(2) - 001432DP
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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):

see attached DRB report of findings & recommendation

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.

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

STEP 4: The Detainee IS or IS NOT an Enduring Security Threat (*circle one*).

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)-001432DP, Ahmad Dilshad, entered the boardroom, took seat in front of the board members, and the unclassified hearing was called to order at 0912, 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) MAJOR (b)(3), 10 USC 130b; (b)(6), DETAINEE REVIEW BOARD RECORDER
- (U) LIEUTENANT COLONEL (b)(3), 10 USC 130b; (b)(6), PERSONAL REPRESENTATIVE TWO;
- (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 previously 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 1432 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 1432 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. If he did meet the criteria, then

he would be recommended for further internment or transferred to Pakistan authorities.

(U) Major (b)(3), 10 USC 130b; (b)(6) presented the following unclassified information to the board:

(U//FOUO) He was captured by coalition forces (b)(1); (b)(2)

(U//~~FOUO~~) Physical evidence includes address books, cell phone, IDs, passports, business documents, and compact disks.

(U//FOUO) (b)(2); (b)(5)

(U//FOUO) (b)(2); (b)(5)

(U//FOUO) (b)(2); (b)(5)

(U//~~FOUO~~) He meets internment criteria because he is 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 forces.

(U) The detainee, ISN 1432, made the following statement to the board:

(U//~~FOUO~~) It's not only about the capture I am trying to defend myself, it's about myself too. It's about my defense. I want to know if I will get an answer to whatever defense I present.

(U) [The president of the board explained to the detainee that he and his personal representative will have an opportunity to present his case.]

(U) [The detainee continued.]

(U//~~FOUO~~) When I was captured and they told me that I was captured by (b)(1); (b)(2) forces, I don't know about that.

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

(U//~~FOUO~~) Is there any rule that someone put a blank paper in front of you and tell you just to sign on that paper in front of the cameras? In a condition where the person is beaten, wounded, and scars on his face, and still the scars are visible. And in that condition, if a detainee give any statement, what do you think? Any court or independent court will accept that statement? Your language is English. If I write something in Urdu, which you don't understand because it's not your language and tell you sign on a paper and your language is English and nobody translated to you what has been written in English, would you do that?

(U//~~FOUO~~) I am a detainee here. I don't have any power. He is in your command. You are his boss. He does not have any relation with me. Whatever he is saying, he will just say for your favor not for my favor.

(U//~~FOUO~~) I have been put to sign, thumbprint on paper that was written in either English, Pashtu, or in Dari. None of these three are not my language. I don't understand them. My language is Urdu. I just said, okay, and I just put my

thumbprint on the paper. Two days ago, my PR came and showed some papers, and they said put the fingerprint on the paper for the DRB process. I put my fingerprint on it. These papers have not been translated to me but I just trusted them and put my thumbprint.

(U) [The PR explained to the board that the detainee has been explained the board process and the president allowed the detainee to continue but to stop repeating himself and move onto another subject.]

(U//~~FOUO~~) This is basically my purpose. I'm trying to tell you what happened to me before and this is the way I'm trying to explain. If you're not going to listen, who will listen?

(U//~~FOUO~~) (b)(1); (b)(2)

(U//~~FOUO~~) (b)(1); (b)(2)

(U//~~FOUO~~) Today there is another acquisition on me during the board that's about (b)(1); (b)(2); (b)(5). I don't know what that is. It proves to me that even they don't know what they want to accuse me of. It looks like to me that they are not in a stable condition. They don't even know what they should accuse detainees of. I am innocent.

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

(U//~~FOUO~~) Did you detain anybody else after you detained me when you think that I'm a big commander or I'm a big fish. So you should have some information from me about other people too. Did you detain anybody else after me or any organization? When I gave these statements, I was in a condition when I had broken ribs, my eyes was swollen, and blood was coming from my mouth and my eyes were swollen for almost three months, so I gave my statement in these conditions.

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

I do not know why I was captured. I do not know. Please provide me any proof of that the associations that you're telling me that I'm associated with. Please provide me any proof of these associations. Thanks.

(U) Detainee Review Board Recorder One asked, in substance, the following questions to ISN 1432:

(U//~~FOUO~~) My name is Ahmad Dilshad.

(U) [The president of the board requested the written statement of ISN 1432 be included in the file of ISN 1432 for the next PR.]

(U) [The detainee continued.]

(U//FOUO) (b)(1); (b)(2)

(U//FOUO) (b)(1); (b)(2)

(U//FOUO) (b)(1); (b)(2)

(U//FOUO) (b)(1); (b)(2)

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

(U//~~FOUO~~) I was never a member of LET. I never collected donations for LET. I was in the rice business. I'm a farmer, but I'm involved in the rice business too. The area that I belong to, everybody has rice. I was just buying rice and selling it. (b)(1); (b)(2)

(U//~~FOUO~~) I just started the company. It was not under my name. I had just started in Pakistan. I forgot the name of the company. I had just paid an agent for the company, but I don't know the agent's name. I don't remember the name of the company. The agent took care of everything. He chose the name and everything.

(U//~~FOUO~~) [Unclass Exhibit 2] That is my company's certificate. I never conducted any training or teaching with LET training.

(U//~~FOUO~~) [Unclass Exhibit 4] I cannot read that. When I was captured, I had about \$2,000 with me, Pakistan Rupees, two radios with me, a wrist watch, and I had a telephone. I don't remember the name of the company of telephone. I had a bag and there was some clothes in that bag.

(U//~~FOUO~~) [Unclass Exhibit 3] There was a deposit of 800,000 Rupees. The agent deposited the money to prepare my papers. I don't know why he did it, but my agent did that. That was not my funds. He did that to create an image that I could have a business. The agent told me that

when there are transactions going in and out from your account, you will show that you are a business man. The money does not belong to the agent, but the agent took some commission.

(U//~~FOUO~~) [Unclass Exhibit 6] No, that address book is not mine. It's not my language, it's Arabic. Everything that I have is Urdu language.

(U//~~FOUO~~) [Unclass Exhibit 8] No, this address book is not mine. I don't remember the names in the address book. When I see the diary, I can you it's my diary, but I don't remember these things. I don't remember the brand of my cell phone. It was a larger phone with a SIM card.

(U//~~FOUO~~) I stayed in Teheran and Qom in Iran for a total of three to four months. Qom, is a holy place. If you go there, most of the people provide you shelter at a nominal charge. It's a holy place, and you can stay in their home. Food is available there and you can eat there free. If you stay any from Qom somewhere else, then you have to pay more money.

(U//~~FOUO~~) Yes, I paid for my passport. I paid about 16 or 17,000 Pakistan Rupees, maybe more than that. Yes, I was jailed for my other passport, but I was bailed out after two weeks. Yes, there was an incident where there was in interpreter and he was trying to say something that I didn't say and I understand a few words and it wasn't what I said and I cussed him. I didn't threaten him, but I did cuss him. After that, that commander brought tea for me in the same place and I've never seen that interpreter again. I have spit on the guards.

(U//~~FOUO~~) After I traveled from Pakistan and Iran, I went to Qom and after that I was traveling between Qom and Teheran. I also went to Syria.

(U) [The detainee requested a break and the president announced a ten-minute break.]

(U) Personal Representative two asked, in substance, continued with the following questions to ISN 1432:

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

(U//~~FOUO~~) (b)(1); (b)(2)

(U//~~FOUO~~) My rice business in Pakistan is on a small scale. Sometimes I was buying from one market and selling it to another market. I went to Iran and took samples trying to start my business. I went to Syria for the rice business, but it was too expensive to bring rice from other countries to Syria. (b)(1); (b)(2)

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

(U) The President of the Board asked, in substance, the following questions to ISN 1432:

(U//~~FOUO~~) My father's name is (b)(6), and it's the only name he has. (b)(1); (b)

(U) Personal Representative two asked, in substance, the following questions to ISN 1432:

(U//FOUO) No, I don't know anything about LET. I do not know (b)(6).

(U) [Recorder requested temporary closed session.]

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

(U) [Temporary closed session convened 1100 at 5 June 2010.]

(U) DETAINEE WITNESS TESTIMONY

(U//FOUO) (b)(6), was called as a witness for the board, and testified, in substance, 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 not willing to testify in front of ISN 1432.

(U) DIRECT EXAMINATION

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

(U//~~FOUO~~) I don't know anything about him. I am not willing to testify in front of the board.

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

(U) [The detainee was brought back into the boardroom.]

(U) [The unclassified session reconvened at 1104 at 5 June 2010.]

(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. If the board decided that further internment is required, he would be retained at the Detention Facility in Parwan, or transferred to Pakistan 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 did not make a statement.

(U) [The unclassified hearing adjourned at 1114, 5 June 2010.]

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

(U) [The classified hearing was called to order at 1116, 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 clarified that the detainee was talking about Exhibits A and B and that it wasn't in his language.]

(U) The recorder continued to present the following information to the board:

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

(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) [Recorder two talked about Classified Exhibits 4, 5, and 6
(b)(1); (b)(2); (b)(5)]

(U) [Recorder two talked about ISN 1432 in that he didn't have any documentation showing that he was a targeted individual, and there is a lot of old information.]

U) WITNESS TESTIMONY

(U//~~FOUO~~) (b)(3), 10 USC 130b; (b)(6), DRB analyst, was called as a witness for the boardroom, and testified, in substance, as follows:

EXAMINATION BY THE BOARD

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

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

(U) [Personal Recorder two had no questions on direct examination.]

(U) CROSS-EXAMINATION

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

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

(U) REDIRECT EXAMINATION

(U) Recorder Two asked, in substance, the following questions:

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

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

(U) The recorder did offer classified exhibits.

(U) The personal representative did not offer classified exhibits.

(U) [The recorder printed out baseball cards on IR's and TR's.]

(U) The president and members of the board voted on ISN 1432. The votes were then collected and handed to the legal representative.

(U) [The classified session adjourned at 1155, 5 June 2010.]

[END OF PAGE]