

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

AMERICAN CIVIL LIBERTIES UNION;  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION,

Plaintiffs,

v.

DEPARTMENT OF DEFENSE; CENTRAL  
INTELLIGENCE AGENCY; DEPARTMENT OF  
STATE; DEPARTMENT OF JUSTICE,

Defendants.

**DECLARATION OF  
ANDREA J. PRASOW**

09 Civ. 8071 (BSJ) (FM)

ECF Case

**DECLARATION OF ANDREA J. PRASOW**

I, Andrea J. Prasow, under penalty of perjury declare as follows:

1. I am an attorney admitted to practice in the State of New York and the District of Columbia. I am currently employed by Human Rights Watch as Senior Counsel in the Terrorism and Counterterrorism Program.
2. Among other duties, I conduct research about U.S. detention policies and practices in Afghanistan. I recently traveled to Afghanistan and observed the Detainee Review Boards (“DRBs”) being conducted by the U.S. military at the Detention Facility in Parwan (“DFIP”), at Bagram Air Base. The DFIP has replaced the detention facility that was known as the Bagram Theater Internment Facility and was often referred to as “Bagram.”
3. I was present as an observer at DRBs conducted on March 23, 2010. That day, I observed five DRB proceedings. It is my understanding that in a separate hearing room, five other DRBs were conducted on that same day. It is also my understanding

that DRBs are held five days per week, five sessions a day, in two hearing rooms, on an ongoing basis.

4. On March 23, 2010, two other observers from other international human rights organizations also observed the DRB proceedings.

5. The DRBs included both open and closed sessions. All information presented in the open session was unclassified. At no point was I instructed not to discuss or write about anything I observed during the open sessions.

6. Each DRB I observed lasted for approximately one to three hours. During each open session, the Recorder presented an unclassified summary of the evidence relating to the detainee. During each open session that I observed, either through the Recorder or through the course of other testimony, the detainee's name, short ISN, place of origin, place of capture and date of capture were discussed.


7. In four of the five DRBs I observed, witnesses presented evidence. In some instances, witnesses were called by the Personal Representative. In some instances, witnesses were called by the Recorder.

8. During one DRB, a detainee's country of citizenship was discussed. The detainee had lived in Pakistan but appeared to identify himself as ethnically Afghan. During the open session, there was a discussion about whether the detainee should properly be considered Pakistani or Afghan.

9. It is my understanding the human rights observers such as myself will be able to attend future proceedings. It is also my understanding that members of the Afghan Independent Human Rights Commission will attend DRB proceedings in the

future. It is also my understanding that members of the international media will attend DRB proceedings in the near future.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief. Executed on this 6th day of May 2010.

  
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Andrea J. Prasow.