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Summary of Administrative Review Board Proceedings for ISN 874

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

The Presiding Officer announced the convening authority and purpose of the Administrative Review Board proceedings.

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

The Presiding Officer asked the Detainee if he wishes to make a statement under oath. (Muslim oath offered).

The Detainee accepted taking the Muslim oath.

The Presiding Officer read the hearing instructions to the Detainee and confirmed that he understood.

The Assisting Military Officer presented the Enemy Combatant Notification form, Exhibit EC-A, to the Administrative Review Board.

The Assisting Military Officer presented the Enemy Combatant Election Form, Exhibit EC-B, to the Administrative Review Board.

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's initial ARB interview occurred on 06 September 2005 and lasted for 30 minutes. After a review of the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the ARB, comment on the Unclassified Summary of Evidence, provide a written statement, give an oral statement, or provide the AMO comments to present on his behalf, the Detainee said he only wished to make an oral statement after the entire Summary of Evidence had been read during the ARB.

(The Detainee interrupts with the following statement:)

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Detainee: I told you the other day I would answer each allegation one by one.

Presiding Officer: At this time would you like to answer the Unclassified Summary of Evidence as each item is presented? Is that my understanding?

Detainee: Yes, sir.

(The Assisting Military Officer continued to read his comments from the Enemy Combatant Election Form.)

Assisting Military Officer: The Detainee elected to have the Assisting Military Officer submit a letter from his family to the board members. A follow up interview was necessary for the Detainee to bring the letter he wished to be presented to the board members. The Detainee was cooperative and polite during both interviews. The Detainee declined a copy of the Pashtu translated Unclassified Summary of Evidence for review.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and the FBI Redaction Memorandum, DMO-2, to the Administrative Review Board.

The Designated Military Officer stated that a copy of these exhibits had been previously distributed to the Assisting Military Officer.

The Presiding Officer noted from the Detainee that he wanted to respond to each item of information in the Unclassified Summary of Evidence as it was presented instead of after the entire Unclassified Summary of Evidence was presented as indicated on the Enemy Combatant Election Form.

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1 to the Administrative Review Board to assist the Detainee with answering the statements.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee was identified as a student at jihad madrassas preparing for the front lines.

Detainee: All Islamic Madrassas have names. Is that [referring] to all Islamic Madrassas or is Jihad Madrassa a particular name or special madrassa?

Designated Military Officer: Are you asking a question?

Detainee: Yes.

Designated Military Officer: No. It is not a specific name but several madrassas that you attended in general.

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Detainee: That word is not true because each madrassa does not do jihad things. In Islamic countries there are thousands of madrassas. Are they all for jihad? Even in America there are a lot of Islamic Madrassas. Will they all be for jihad too?

Presiding Officer: What did you say?

Detainee: I want an answer.

Presiding Officer: We will give you answers when we ask you questions. Right now all you are looking to do is comment on the factors that the Designated Military Officer is going to present to you. You can do them line-by-line, but we will ask the questions later and hopefully answer your questions.

Detainee: I just want to know about the question. Any madrassa I attended...I attended a lot of madrassas, but they are not jihadist. Which one do you want to know about? I need to understand the question.

Presiding Officer: It is not a question it is a statement. It just says that you went to a number of madrassas as a student preparing for the front lines and at some of them, and it does not identify which ones, that you studied and prepared for jihad. You are absolutely right; every madrassa does not study for jihad. You are absolutely right.

Detainee: In the madrassas we learn about our religion and when you get ready for the front lines you need a lot of training. We didn't have the training. It should belong to the government or some kind of training place. It is not available in the madrassa. I gave the names of the books I studied in the madrassa to the previous court.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.2) The Detainee reportedly disclosed that he had been involved in a grenade attack against a U.S. military truck in Kabul City, Afghanistan, and then fled to a mosque.

Detainee: Lie. The people lie and they should arrange it better. I was born in Khowst and I was in Paktia. I was in Pakistan and Kabul is a long way [from there].

Designated Military Officer: (3.b) Training (3.b.1) The Detainee was reportedly seen in a military training camp in Peshawar province of Pakistan before he was captured. The Detainee was training in the use of rockets, heavy machine guns, AK-47s, and hand grenades.

Detainee: This is totally a lie.

Designated Military Officer: (3.c) Connections/Associations (3.c.1) The Detainee stated that while attending the Taleemolquran Madrassa, Qari Inamullah asked him numerous times to join the Taliban.

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Detainee: Telling me or inviting me to join the Taliban is not a crime, but I haven't joined.

Designated Military Officer: (3.c.2) The Detainee stated Qari Inamullah was a good character, but he knew he was involved in the Taliban.

Detainee: Yes.

Designated Military Officer: (3.c.3) Detainee stated Qari Inamullah claimed to be a driver for a high level Taliban official. Inamullah told the Detainee he often traveled to Afghanistan to meet this official. Inamullah claimed to be on Taliban business when going to Lahore, Pakistan.

Detainee: Yes. Are you reading somebody else's allegations or my allegations? Ask me about myself and what I have done not other people.

Designated Military Officer: (3.c.4) Qari Inamullah invited the Detainee to another madrassa located in Wana, Pakistan.

Detainee: Yes.

Designated Military Officer: (3.c.5) Qari Inamullah paid for all of the Detainee's expenses during the six weeks he stayed in Wana, Pakistan.

Detainee: It was not only for me. In Islam they have some kind of donation and it was not only for me. They were paying for a lot of other people too.

Designated Military Officer: (3.c.6) Wana, Pakistan is an area known as an ingress and egress route for al Qaida and the Taliban to flee into Pakistan.

Detainee: That has nothing to do with me.

Designated Military Officer: (3.d) Other Relevant Data (3.d.1) While at Wana, Pakistan, the Detainee and 30 individuals attacked an American Base.

Detainee: I have not attacked. Other people did, but not me.

Designated Military Officer: (3.d.2) Upon arriving at the location Qari Inamullah handed the Detainee an AK-47, which the Detainee accepted. The Detainee witnessed Qari Inamullah firing an RPG at the American base. The Detainee stated Inamullah was the leader of the attack.

Detainee: Yes, Qari Inamullah was the leader and he gave me the Kalashnikov. It takes a little more [information] to explain it. Do you want me to explain it now?

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Presiding Officer: You can answer the question. You said he was the leader, but if you need to explain more you will have time to comment on it. You can comment now if you like.

Detainee: You mentioned earlier that he invited me to another madrassa. When I came to Wana he said wait for him and he would take me to the madrassa. I was sitting in the hotel and it was during the evening. He came and told me that we were going to the madrassa. I got the books and my clothes and everything. The vehicle was parked beside the hotel center. I got in the vehicle and there were some mattresses in the vehicle and people were sitting on them. I was expecting him to take me to the madrassa because I waited six weeks for him. I did not know that they were going to attack. In my mind I thought I was going to the madrassa. These other guys were speaking Panjarib. They were Pakistani. Qari Inamullah was sitting all the way in the front and I could not reach him. It was around nine or ten o'clock at night and the vehicle stopped. When the vehicle stopped I had to go [use the restroom]. When I came back the other people were trying to take out the mattresses from the vehicle. When they took out the mattresses there were weapons [underneath]. When I came back the vehicle was already gone and the mattresses were outside. The people and the weapons were outside and it was dark. I was not oriented or familiar with the area. I asked Qari Inamullah if he was taking me to the madrassa and he said he [used] it as an excuse [to bring me there]. He already told me before to join the Taliban and I said no, so this time he brought me [with him]. I was thinking that it was in the darkness of the night and I was not familiar with this area and if I don't go with them somebody else will capture me. I was with them to find [my] way. Inamullah said [since you are] going with us we brought you this gun and these grenades. He said this is for you, we brought it for you, who [else] is going to carry it? When we went to attack, there was a hill, and we were on the lower part of the hill and they were fighting. When they attacked, all of them had training and were strong, and when they were running away I was walking slowly. I saw Afghan soldiers and I went by myself and surrendered and gave them the weapons. I told them how it happened. [The Afghans] said to talk to them, I told them the whole story, and they said they would let me go. Then the Americans came and they took me to Bagram and I ended up in Cuba. I have been here one month [shy] of three years. That is the story of the Kalashnikov and Qari Inamullah.

Designated Military Officer: (3.d.3) The Detainee stated the attack only lasted a moment before they fled. The Detainee stated he could not remember the direction he was supposed to go to regroup. He was then met by American and Afghan soldiers. He surrendered and was detained.

Detainee: The group was with me, but they ran and I started walking my own way.

Designated Military Officer: (3.d.4) The Detainee was captured with seven hand grenades and a magazine for the AK-47.

Detainee: Yes.

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Designated Military Officer: (4) The following primary factors favor release or transfer:
(4.a) The Detainee stated Inamullah admitted to tricking him into going along with the attack on the American base.

Detainee: I already told you the whole story.

Designated Military Officer: (4.b) The Detainee stated he never fired his weapon in the attack on the American base.

Detainee: Yes.

The Designated Military Officer confirmed that he had no further unclassified information and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer acknowledged the request.

The Presiding Officer opened the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer.

Presiding Officer: Assisting Military Officer does the Detainee want to submit any information to this Administrative Review Board including written statements, oral statement, witness statements prepared on his behalf, or for you to speak on his behalf?

Assisting Military Officer: Yes sir. He would like to make and oral statement and present a witness statement from a family member.

The Assisting Military Officer presented the family member witness letter, Exhibit EC-C to EC-C1, to the Administrative Review Board.

Presiding Officer: You may begin your statement now.

The Detainee made the following statement:

Detainee: I was a student of the madrassa. In that madrassa I learned my religion and my book, the Koran. It is mandatory for each Mualim to learn about his religion. We are not going to ignore it or leave it alone under any condition. I am not that old to concern [myself] with politics. I have never been with the Taliban and other groups. I am not that age. You heard my story about how I came with Qari Inamullah. I have never fought in my whole life and I have not been involved with any political things. Why did they bring me here for three years? If they have a law that says going to a madrassa is against the law that is okay with me. If it is not true and they don't have a law against the madrassa and they can prove that I have fought or done anything against them...yes I am not lying and they caught me with seven grenades. They caught me with the belt, the ammunition belt, but they did not catch me with the Kalashnikov, but I had one. Is it a crime to have those things or to use those things? If having weapons is a crime then you

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better bring all of Afghanistan [here]. If I fought or have been with the Taliban then I would agree with you. If you don't have any witnesses or documents...you did not even accept the letter that came from my home. I am a student. Why did you put me here for three years? Why don't you say something?

Presiding Officer: We are listening to your comments. It is your time to speak not ours.

Detainee: I am only a student. I don't have any involvement with politics, I don't have any involvement with fighting, and I am only a student.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: Were you ever in Peshawar province Pakistan?

Detainee: Yes.

Board Member: Were any of the madrassas you attended there?

Detainee: Yes.

Board Member: When it was reported that you were in that province you could have received military training there.

Detainee: I could or I could not have, but I have not.

Board Member: Was the Taleemolquran Madrassa in Peshawar province?

Detainee: Yes.

Board Member: You stated that Inamullah was a good character. Did you agree with his feeling or his teachings?

Detainee: I said he is a good character because during the...his behavior, his good treatment and his good teaching.

Board Member: And he was Talib.

Detainee: Yes sir.

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Board Member: And you agreed with his teaching.

Detainee: There were a lot of students and they were in the Taliban motivation group and they were studying at the madrassa too. The respect and friendship that I have is based on the madrassa. Even if American soldiers came to our village some have good character and they treat us very nice and some do not.

Board Member: Inamullah paid for your stay in Pakistan and you said he paid for others. Were any of those others part of the 30 that attacked the American base?

Detainee: I am not aware if he paid for them or not. It is not like he gave me a salary or put money in my hand. In the Muslim community everybody gives to everybody. When you have more than enough you give it away.

Board Member: When Inamullah gave you the Kalashnikov and the hand grenades why did you accept them? If you did not want to fight why did you take them?

Detainee: I wanted to go with them to find my way. When they said I was coming with them ... I had to carry them. What [else] could I do on that dark night?

Board Member: Did you think that it was somewhat odd that you and 30 other individuals were going to a madrassa in the middle of the night?

Detainee: No, this is not odd. Day and night vehicles are moving. I was not familiar [with the area] and it was in the evening so I got in the vehicle. I did not know how far we were going.

Board Member: Did all 30 of the people in the attack think that they were going to a madrassa?

Detainee: That was kind of a rental vehicle and I thought they were riders. I thought they were going for their own business or other things.

Board Member: What kind of vehicle was it?

Detainee: It was a white Datsun?

Board Member: Was it a pick-up truck or a sedan?

Detainee: It was a Datsun pick-up. There were two of them.

Board Member: You had attended a madrassa in Wana for six weeks prior to this attack correct?

Detainee: I was waiting for him [Inamullah] in the hotel.

Board Member: So, you did not attend any madrassa in Wana?

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Detainee: I was going to now.

Board Member: Can you tell us some details about what you studied in the madrassa?

Detainee: In our religion there are a lot of orders. That is what I studied. They tell us what to do.

Board Member: Commandments.

Detainee: Yes.

Board Member: It was just religion, not math, biology, or other things?

Detainee: I don't know biology.

Board Member: How old are you?

Detainee: I am 24.

Board Member: Is Inamullah Pakistani or Afghani?

Detainee: Pakistani.

Board Member: Did you meet him in Afghanistan or Pakistan?

Detainee: Pakistan. We came to Afghanistan together when I got captured.

Board Member: If you go back to Afghanistan what do you think you will be doing?

Detainee: I will be in my home and I will farm. I have land. I have to get married because I have not gotten married yet.

Board Member: So, you won't study anymore if you go back?

Detainee: No, I have had enough. If I do it [study] I will do it in my own country.

Presiding Officer: Getting back to the night attack. When did you load up on the vehicles to leave? What time was it? Was it evening or late afternoon?

Detainee: Approximately evening. When the darkness came a little bit.

Presiding Officer: It wasn't dark yet and the sun was still up.

Detainee: It just started getting dark.

Presiding Officer: Thank you.

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The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.


Colonel, U.S. Marine Corps
Presiding Officer

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