

Summary of Administrative Review Board Proceedings for ISN 129

*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 was sworn.*

*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.*

*The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and the FBI Redaction Certification, 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 and Detainee.*

*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.*

*(The Detainee interrupts and makes the following statement.)*

Detainee: I would like to say something about this summary.

Presiding Officer: You will have an opportunity a little later, if you can be patient and wait please.

Detainee: OK.

*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.*

*The Assisting Military Officer made a statement on the Detainee's behalf.*

Assisting Military Officer: The initial Administrative Review Board interview took place on 11 Jul 05 and lasted 60 minutes. After a review of the Administrative Review Board purpose and procedures, the Arabic translation of the unclassified Summary of Evidence was read to the Detainee. The Detainee said he would attend the Administrative Review Board, but that he had little confidence that the process would lead to his release.

*(The Detainee interrupts with the following statement)*

Detainee: I don't agree [with that statement]...this board will release me.

Presiding Officer: *(Reading back from the Unclassified Summary of Evidence)* 'The Detainee said that he would attend the Administrative Review Board, but he had little confidence that the process would lead to his release' and you disagree with that?

Detainee: Yes, I agree...I agree [that] this Administrative [Review Board] will help release...may lead to [my] release.

Presiding Officer: OK. Thank you.

Assisting Military Officer: He retained both the Arabic and English copy of the Unclassified Summary of Evidence in order to work on a written statement. A follow up interview was conducted on 13 Jul 05 for about 30 minutes to translate the Detainee's written statement. However, the Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence. Throughout both interviews the Detainee was cooperative and respectful.

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

*The Detainee declined taking the (Muslim) oath.*

*The Detainee made the following statement:*

Detainee: Concerning the point...yes I went to Afghanistan [in anticipation of]...I went to Afghanistan to immigrate [there] and to participate in the jihad too. When I left Yemen it was just for me to immigrate to Afghanistan. When I reached Afghanistan they pulled my leg and they said there is a jihad. I said there is no problem...yes I will go and participate with the jihad, but when I was in Afghanistan I did not do anything. They pulled my leg and laughed at me and they [asked], "are you going to participate with the jihad and I said no." Yes, Sheik Abdel al-Majid al-Zindani convinced me to go to Afghanistan but he said that there [are] a lot of problems there...don't participate in them. I stayed at the Said Taliban center and I was a cook there and I stayed there four months. I went one time to the front [lines] but when I saw something I didn't like I was afraid and turned back to the Omar Saif center. I mentioned before I lost my passport in Al Jenke. I want[ed] to return back to Yemen from the north but I lost my passport...and my passport...I am the only one that used it...nobody [had] it. Yes that's true, 'Other Relevant Data'...the Detainee surrendered to Dotsum's forces...the whole statement is true.

Presiding Officer: So, 3 'Charlie' is true. OK.

Detainee: Yes, I regret going to Afghanistan and I was willing to go back to Yemen and I mentioned that I never [fought against the] allied forces...and I mentioned that before too...I don't want to fight. I want to say it now in front of you, I will say it now and many times after that I regret going to Afghanistan. I went to Afghanistan...because of the people they laugh at me, they pull my leg...when I reached Afghanistan I found out that there [were] a lot of problems there. I wish I would [have] gone back right away, but [with] what was going on there I could not go back to Yemen. I want to go back to Yemen to build a new life for myself. I will never do what I did before. I was so young [and] I didn't know things right...now I know. Now I understand everything is about peace...peace with all nations of the world and God willing I will go back to Yemen. I wish that my cooperation with you would help [in] releasing me. I will sign [that] if I go to Yemen I will never go with those people...the ones that laugh at people and make them do things they don't like. I don't want to be an enemy of anybody.

Presiding Officer: Toufiq, does that conclude your statement?

Detainee: Yes.

Presiding Officer: If you have anything else you would like to add, now is the time.

Detainee: When Sheik Abdel al-Majid al Zindani asked me to go to Afghanistan...I met him in a mosque and I met him one time. He said if I went to Afghanistan do not go with the Arabs and do not fight. He said there are a lot of problems...don't go close to them because maybe you will die. When I found those problems myself, I was scared [for] my life. I [didn't] want to die. I tried to get back to Yemen, but [with] the problems in Afghanistan, I couldn't do it. Also, when I worked as a cook [for] the Taliban I didn't

know I was working for the Taliban. I was with people, Afghani people, but later on I found out they were working [for] the Taliban and I left them.

*The Assisting Military Officer had no further questions for the Detainee.*

*The Designated Military Officer had no further questions for the Detainee.*

*Administrative Review Board Member's questions:*

Board Member: Toufiq, what did the Sheik tell you to do in Afghanistan? If he told you not to fight or participate in the fight, what did he tell you to do?

Detainee: I made the decision to leave...when I showed him (*referring to Sheik Abdel al-Majid al Zindani*) that I was insisting on leaving Yemen...I did not want to go to Afghanistan, he said go but don't do anything there. Don't do any troubles there. I had money...I wanted to go like a tourist and he advised me to go to Afghanistan.

Board Member: What did you plan to do in Afghanistan?

Detainee: I was tired of Yemen. Just to change he asked me to go to Afghanistan.

Board Member: Do you remember how many days you were in the Al Jenke prison?

Detainee: Seven days.

Board Member: Could you have left earlier after two days or three days in the prison? Did you have an opportunity to leave the prison?

Detainee: No, I could not. When the problems start[ed] on the first day I went down [to the basement]. I did not want to go outside because I did not want to die. I stayed down [in the basement]. I did not know what happened up there.

Board Member: What do you plan to do when you return to Yemen...if you return to Yemen?

Detainee: [If it is] God's will, I will go to Yemen because I don't have any problems and I will never create any problems. I [have] never hurt anybody. If it's from Northern Alliance or in Yemen...if I am going back to Yemen I will build a new life, get married, find a job, and I [will not] go with some people I do not know.

Board Member: What kind of job will you look for?

Detainee: I don't know what the situation is [like] in Yemen now. I will go and look for a job and when I find one that suits me...a good job...a clean job...I will work.

Board Member: Do the Detainees at Camp Delta laugh at you?

Detainee: What do you mean?

Board Member: You said they laughed at you in Afghanistan; do they laugh at you here?

Detainee: Yes, they said I am doing something wrong. They advised me to cooperate. Don't [make] any problems here and if I go back to Yemen look at myself and [stay] away from problems. My answer was 'that is a good thing to tell [me] and that is what I am going to do'. Because I have been here for four years, three years, I don't know how long. This time I [have spent] here is enough time to be away from my family. I don't want to [get trapped] in those problems again.

Board Member: When you visited the front lines in Afghanistan, how long did you stay there?

Detainee: I didn't stay there. I went there just for [a few] hours. I went by car and when I saw shooting up there I was scared and I went back right away. I stayed just for [a few] hours. I didn't go to the front lines...when I saw what I saw...shooting I escaped. That was the only visit. I didn't stay more than that.

Board Member: Did you carry a weapon during your visit?

Detainee: No, sir. I [didn't] have any weapons on me.

Board Member: When you were a cook at the Saif house did you ever have the opportunity to leave?

Detainee: Yes, [I did], but at the time I went to Afghanistan...first I didn't know the problems [it] would create later on and I thought things would be OK and I decided to stay five months or six months and then I would go back to Yemen but when I stayed four months, [the] problems started. I wanted to go back to Yemen, but when problems started I could not.

Presiding Officer: As a follow-up to that question, the Sheik told you to go, but told you not to go with Arabs and don't fight. You said in [response] to 3.b.4 you visited the front lines and saw something you didn't like. What did you see that made you want to go back to Yemen?

Detainee: I found out that there were [different] groups [of Muslims] and those groups [would] say [things] like this group is unbelievers and other people are unbelievers, plus there was a lot of killing going on. I knew all of the people were Muslims, but [they were] from different denominations. I decided that I would like to get away from those people and it [was] better for me to go back to Yemen.

Presiding Officer: You mentioned that you were very young when you went to Afghanistan, how old were you when you went?

Detainee: Maybe twenty.

Presiding Officer: You also said you regret going to Afghanistan; you never fought against the coalition or the U.S. Forces. Apparently you were relatively safe cooking at this Taliban center. You say you didn't carry a weapon, why put yourself in harms way by going to the front?

Detainee: Somebody told me...we went to buy some stuff from the city and on our way back he mentioned to me let's go to the front line. I asked him what is that [the front line]? When I went there and I saw what I saw I came back right away. If I knew in advance that there were such kinds of problems I would not [have] gone. This is what makes me make the decision to go back to Yemen. I don't like these things...to see people dying...I don't like criminals. I like to see peace among people.

Presiding Officer: Your desire is to go back to Yemen and we have already asked you what you would do if you went there and we understand that you want to get married, find work, and not return to this kind of situation, but like yourself being influenced, we would not want you to go back and influence others to go and do this similar thing.

Detainee: If I see somebody and he wants to do so...or go create problems, I will advise him not to do that and I will remind him of the three years that I spent here. I want to live by myself and I don't want to go...I need to take care of myself; I don't want to be in the same [situation] again.

Presiding Officer: You said that you did know you were working for the Taliban.

Detainee: Yes, I did know.

Presiding Officer: Thank you.

*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.*

UNCLASSIFIED//~~FOUO~~

AUTHENTICATION

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



Colonel, USMC  
Presiding Officer

ISN 129  
Enclosure (5)  
Page 7 of 7