United States Senate

WASHINGTON, DC 20510

April 14, 2015

VIA ELECTRONIC TRANSMISSION

The Honorable James R. Clapper Director of National Intelligence Office of the Director of National Intelligence Washington DC 20511

Dear Director Clapper:

On March 4, 2015, your office released its semiannual "Summary of the Reengagement of Detainees Formerly Held at Guantanamo Bay, Cuba."¹ According to that summary, one former detainee who has been confirmed reengaging in terrorist or insurgent activities since his transfer from Guantanamo Bay was transferred pursuant to a court order. The summary similarly reports that two other former detainees who are suspected of reengaging in terrorist or insurgent activities since their transfer from Guantanamo Bay were also transferred pursuant to court orders. In order to address the extent to which court decisions such as these have affected terrorist reengagement, please provide written responses to the following questions by April 30, 2015:

- 1. Who is the former detainee transferred from Guantanamo pursuant to a court order and subsequently confirmed reengaging in terrorist or insurgent activities?
 - a. Which court case resulted in his transfer order?
 - b. Had he otherwise been approved for transfer or release by the executive branch as a result of any of the executive branch's review procedures for Guantanamo detainees, including the Combatant Status Review Tribunals (CSRT), Administrative Review Boards (ARB), Guantanamo Review Task Force, or the Periodic Review Boards (PRB)?
 - c. The ODNI reengagement summary defines a former detainee as "confirmed" reengaging where there is "[a] preponderance of information which identifies a specific former GTMO detainee as directly involved in terrorist or insurgent

¹ Available at http://www.dni.gov/files/documents/Guantanamo%20Unclassified%20Release_March%202015 _FINAL.pdf

activities." In what terrorist or insurgent activities did the detainee who was transferred pursuant to a court order participate?

- i. Were any U.S. or coalition personnel injured or killed as a result of the terrorist or insurgent activities in which he participated?
- ii. Was anyone, regardless of nationality, injured or killed as a result of the terrorist or insurgent activities in which he participated?
- d. Is the former detainee still alive?
 - i. If so, is he currently or has he been in custody since his transfer?
 - 1. If so, by whom?
- 2. Who are the two former detainees transferred from Guantanamo pursuant to court orders and subsequently suspected of reengaging in terrorist or insurgent activities?
 - a. Which court cases resulted in their transfer orders?
 - b. Had they otherwise been approved for transfer or release by the executive branch as a result of any of the executive branch's review procedures for Guantanamo detainees, including the CSRT, ARB, Guantanamo Review Task Force, or the PRB?
 - c. The ODNI reengagement summary defines a former detainee as "suspected" of reengaging where there is "[p]lausible but unverified or single-source reporting indicating a specific former GTMO detainee is directly involved in terrorist or insurgent activities." In what terrorist or insurgent activities were these detainees reportedly involved?
 - i. Were any U.S. or coalition personnel injured or killed as a result of the terrorist or insurgent activities in which they were reportedly involved?
 - ii. Was anyone, regardless of nationality, injured or killed as a result of the terrorist or insurgent activities in which they were reportedly involved?
 - d. Are the two former detainees still alive?

- i. If so, are they currently or have they been in custody since their transfer?
 - 1. If so, by whom?

Please number your responses according to their corresponding questions. If you have any questions about this request, feel free to contact Patrick Davis of the Judiciary Committee staff at (202) 224-5225. Thank you for your attention to this important matter.

Sincerely,

Churck Grassley

Charles E. Grassley Chairman Senate Committee on the Judiciary

Lindsey Q Graham United States Senator

Kelly a. ayotte

Kelly A. Ayotte United States Senator