

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

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,



Charles E. Grassley
Chairman
Senate Committee on the Judiciary



Lindsey O. Graham
United States Senator



Kelly A. Ayotte
United States Senator