



DEPARTMENT OF DEFENSE
JOINT TASK FORCE GUANTANAMO
GUANTANAMO BAY, CUBA
APO AE 09360

JTF GTMO-CG

12 September 2003

MEMORANDUM FOR the Brig Officer, Naval Air Station Jacksonville Brig

SUBJECT: Independent Review of Pretrial Confinement Order - CPT James J. Yee, USA

Ref: (a) R.C.M. 305, MCM (1998 Edition)
(b) SECNAVINST 1640.10

1. In accordance with references (a) and (b), the following information is provided for the purpose of conducting a hearing into the pretrial confinement of CPT James J. Yee, USA, [REDACTED] (b) (c)

(a) HOUR, DATE, AND PLACE OF PRETRIAL CONFINEMENT:

2230 10 Sep 03, Waterfront Brig, Naval Air Station, Jacksonville, FL.

(b) OFFENSES CHARGED:

Violation of the UCMJ, Article 92, Failure to Obey a Lawful General Order, Article 94, Mutiny and Sedition, Article 104, Aiding the Enemy, Article 106, Spying, Article 106a, Espionage.

2. CPT James Yee is the Muslim chaplain assigned to JTF Guantanamo. His primary responsibility is to provide ministry to the Islamic troopers at Guantanamo Bay. He also provides advice to the command on Islamic issues. Because of his position, CPT Yee had direct access to the detainees at Guantanamo Bay, as well as access to classified information regarding JTF Guantanamo and its overall operations. On 10 Sep 03, CPT Yee commenced a period of authorized leave. While crossing through U.S. Customs in Jacksonville, FL, he attempted to avoid a Customs interview by leaving the airport through an unauthorized exit. When questioned, CPT Yee denied he had any baggage. The Customs agent knew this information to be false. In accordance with Military Rule of Evidence (MRE) 314(b), the Customs agents then searched CPT Yee and his baggage. CPT Yee was found to possess classified information regarding detainees at JTF Guantanamo. CPT Yee's personal computer was seized as a result of the search and is currently being analyzed. [REDACTED] (b) (c)

3. Upon an authorized search of CPT Yee's personal quarters at Guantanamo Bay, Federal agents found receipts and copies of airline tickets to London. An ongoing investigation is in process. (A) (C)

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(c) PREVIOUS DISCIPLINARY ACTION: None.

(d) EXTENUATING OR MITIGATING CIRCUMSTANCES: The extremely serious nature of the material discovered in CPT Yee's bags, the serious nature of the potential charges, and CPT Yee's ability to travel outside the United States make pretrial confinement an absolute necessity.

4. Based on the above information, continued pretrial confinement is necessary in this case. CPT Yee is suspected of several extremely serious crimes, including espionage, which potentially carries the death penalty. Due to the serious nature of the crimes, the potential punishment and known associates of CPT Yee, he is considered deemed to be a flight risk. Lesser forms of restraint have been considered and determined insufficient to ensure CPT Yee is present at trial. Charges will be preferred in the near future, and no usual delays are expected in this case.

[REDACTED]
[REDACTED]
[REDACTED] D. MILLER
[REDACTED] Major General, US Army
[REDACTED] Commanding
[REDACTED]

(b)(c)