

S E C R E T // N O F O R N



REPLY TO  
ATTENTION OF

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

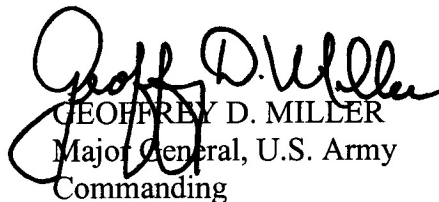
JTF GTMO-CG

31 January 2004

MEMORANDUM FOR Commander, United States Southern Command, 3511 NW 91st Avenue, Miami, FL 33172.

SUBJECT: (S) Annual Enemy Combatant Review

1. (S/NF) On 17 June 2002, ISN US9IR-000623DP, Baktian Bamari was transferred to JTF Guantanamo (GTMO). Although he was assessed as an enemy combatant at the time of his transfer to GTMO, on-going assessment and determination of his status as an EC is required by the Implementing Guidance for Release or Transfer of Detainees under US Department of Defense Control to Foreign government Control, dated 11 December 2002, and approved by the Secretary of Defense on 26 December 2002.
2. (U) Enemy combatant is defined by the above guidance as "any person that U.S. or allied forces could properly detain under laws and customs of war." For purposes of this conflict, an enemy combatant includes, but is not necessarily limited to, a member or agent of al-Qaida, the Taliban, or another international terrorist organization against which the United States is engaged in armed conflict.
3. (S/NF) Detainee approached the guards at the American airbase in Kandahar, where he offered his services as a translator and guide. Source was arrested in Kandahar, Afghanistan while attempting to gain access to the airbase in order to talk to the U.S. forces. Since his arrival at GTMO, the detainee admitted to a long history (since age 11) of theft, drug use, drug and weapons smuggling across the Iranian/Afghan border. He also admitted to one incident of attempted murder in Iran. GTMO has determined that this detainee is not a member of Al-Qaida or the Taliban. Furthermore, no information has developed to support his determination as an EC under any other aspect of the EC definition above. Therefore, after reviewing all relevant and reasonably available information, it is GTMO's assessment that this detainee is not an enemy combatant.
4. (S/NF) This case is being processed by the Department of Defense Detainee Assessment Team for release.

  
GEOFFREY D. MILLER  
Major General, U.S. Army  
Commanding

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