

AFFIDAVIT

[REDACTED] make the following statement regarding the detention of Captain JAMES JOSEPH YEE, USAR.

I am an Investigator employed by the Naval Criminal Investigative Service (NCIS); I have been working full-time in this capacity, since 1999. Previously I was affiliated with NCIS as a reserve agent [REDACTED]

I am a retired police officer [REDACTED]  
[REDACTED]

On Tuesday, 9 September 2003 I was informed by [REDACTED] that agents of the FBI would be meeting a subject at the air terminal aboard NAS Jacksonville. The subject would be arriving about a military aircraft from Guantanamo Bay Naval Station, he would also be met by U.S. Customs who would conduct a search of the subject's luggage and personal belongings. My involvement in the matter was to represent the Navy and facilitate the process if any obstacles arose. [REDACTED] further advised the subject was possibly involved in a [REDACTED] case (espionage) related to a prior incident involving co-defendants from Guantanamo Bay.

On Wednesday, 10 September 2003, I received a phone call from Guantanamo from Special Agent [REDACTED]. He advised that the plane was about to depart and that the subject would be aboard, he further advised that he was carrying a laptop computer and officials aboard the base were concerned about what information might be contained in the laptop. I then contacted Special Agent [REDACTED] by phone and asked him to meet with the legal office and determine if there were any legal grounds for us to impound the laptop computer. I was not present for any of the subsequent conversations or actions that lead to the issuance of the Search and Seizure Order.

At about 1500 hrs I responded to the air terminal aboard NAS Jacksonville. Two agents from the FBI had already arrived and customs was in the process of searching the luggage of the subject in question. Customs Officer [REDACTED] who was searching the luggage advised the subject,

Captain, Yee had attempted to exit the air terminal, when confronted by Customs Officials he advised he had no luggage that needed to be searched.

It was during this portion of during of the incident that I advised both Customs and the FBI that an Order to Search and Seize the property, including the laptop, was being issued by the base commander.

When customs officials advised they had completed their interview and search of the Captain Yee, Special Agent [REDACTED] arrived with the Search and Seizure Order. At this time SA Thomas conducted an inventory search of Captain Yee and his belongings, NCIS Evidence Custody Document of 10 September 2003, 1645 hours, CCN: 09SEP03-MPGT-0100-3XNS reflective of the items taken from Captain Yee.

At this time I ended my tour of duty, not knowing that Captain Yee was to be incarcerated as a result of a detention order issued out of Guantanamo Bay.

I have no further knowledge of this incident.

[REDACTED]

Subscribed and sworn before me  
this 15TH DAY OF SEP, 2003  
at NCISRA Jacksonville, FL

[REDACTED]  
SSA NCIS JAX, FL [REDACTED]

(b) (7) (C)