

**RELEASED GUANTÁNAMO DETAINEES AND THE DEPARTMENT OF DEFENSE:
PROPAGANDA BY THE NUMBERS?**

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PROPAGANDA AS TERRORISM: RECIDIVISM BY THE NUMBERS

Time and time again, the Department of Defense, the Executive Branch, and other government officials have claimed publicly that Guantánamo Bay detainees who have been released have “returned to the battlefield” where they have then been re-captured or killed. On January 13, 2009, during a press conference the Department of Defense provided its 43rd attempt to report on the number of detainees released from Guantanamo who returned to the battlefield. This latest report alleges that 61 detainees have returned to the battlefield. This report seeks to examine the last numbers.

EXECUTIVE SUMMARY

1. The 43rd attempt to enumerate the number of detainees who have returned to the battlefield is false by the Department of Defense’s own data and prior reports.
2. In each of its forty-three attempts to provide the numbers of the recidivist detainees, the Department of Defense has given different sets of numbers that are contradictory and internally inconsistent with the Department’s own data.
3. The Department of Defense does not keep track of released detainees nor does it follow their post release conduct.
4. The Department of Defense’s previous statements about the post release conduct of former Guantanamo detainees were produced in writing in July 2007 and May 2008.
5. The January 13, 2009 press statement identifies no names, dates, places nor any conduct by released detainees. The raw numbers that are cited are unsupported, inconsistent with all other statements and appear to be presented to support the internal Department of Defense purposes.

POINT I: The Department of Defense's First 42 Reports of Released Guantanamo Detainees: Recidivism

1. Among the previous numbers of recidivist detainees, the Department of Defense has alleged variously: one, several, some, a couple, a few, 5, 7, 10, 12, 15, 12-24, 25, 29, and 30. (See Appendix 1).
2. Eighty-two percent (82%) of the publicly made claims catalogued in Appendix 1 of this report contain qualifying language, including terms such as: “at least”;¹ “somewhere on the order of”;² “approximately”;³ “around”;⁴ “just short of”;⁵ “we believe”;⁶ “estimated”;⁷ “roughly”;⁸ “more than”;⁹ “a couple”;¹⁰ “a few”;¹¹ “some”;¹² “several”;¹³ and “about.”¹⁴
3. One would suppose that the number of “recidivists” would increase over time. However, while the timeline does reveal a trend in a general upward direction over time, there are notable deviations. For instance, in the months leading up to the mid-term election—from May 2006 until September 2006—the numbers proffered range from “a couple”¹⁵ to “twenty-five (25)”¹⁶ During this same period, however, the Department of Defense number remains constant at twelve (12). (See Appendix 1).

¹ H.R. Comm. on Armed Services, *Guantanamo Bay*, Statement of Patrick F. Philbin Associate Deputy Attorney U.S. Department of Justice, 110th Cong. (Mar. 29, 2007).

² H.R. Subcomm. on Def. of the Comm. On Appropriations, *Rep. John P. Murtha Holds a Hearing of the Military Detention Center at Guantanamo Bay, Cuba*, 110th Cong. (May, 9, 2007).

³ H.R. Subcomm. on Def. of the Comm. On Appropriations, *Rep. John P. Murtha Holds a Hearing of the Military Detention Center at Guantanamo Bay, Cuba*, 110th Cong. (May, 9, 2007).

⁴ Sen. Comm. on Armed Services, *To Receive Testimony on Legislative Issues Regarding Individuals Detained by the Department of Defense as Unlawful Enemy Combatants*, 110th Cong. 108 (Apr.26, 2007).

⁵ Sen. Comm. on Armed Services, *To Receive Testimony on Legislative Issues Regarding Individuals Detained by the Department of Defense as Unlawful Enemy Combatants*, 110th Cong. 108 (Apr.26, 2007).

⁶ Sen. Comm. on Armed Services, *U.S. Senator John W. Warner (R-VA) Holds a Hearing on Guantanamo Bay Detainee Treatment*, 110th Cong. (July 13, 2005).

⁷ Sen. Comm. on the Judiciary, *U.S. Senator Arlen Specter (R-PA) Holds a Hearing on the Detainee Trials*, 110th Cong. (Aug. 2, 2006).

⁸ Vince Crawley, *Releasing Guantanamo Detainees Would Endanger World, U.S. Says State Department legal adviser discusses human-rights concerns in webchat*, <http://usinfo.state.gov/dhr/Archive/2006/May/26-543698.html> (May 25, 2006).

⁹ George W. Bush, *Remarks on the War on Terror*, Sept. 11, 2006 Pub. Papers.

¹⁰ John D. Banusiewicz, *Rice Responds to Call for Guantanamo Detention Facility's Closing*, <http://www.defenselink.mil/news/newsarticle.aspx?id=15706> (May, 21 2006).

¹¹ U.S. Dept. of St., *Press Gaggle with Scott McClellan and Faryar Shirzad, Aboard Air Force One En Route Prestwick, Scotland*, <http://www.state.gov/p/eur/rls/rm/49002.htm> (July 6, 2005).

¹² Donna Miles, *Bush: Guantanamo Detainees Receiving Humane Treatment*, <http://www.defenselink.mil/news/newsarticle.aspx?id=16359> (June 20, 2005).

¹³ U.S. Dept. of St., *Guantanamo Detainees*, <http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2004&m=March&x=20040316162613maduobba0.2819483> (Mar. 16, 2004).

¹⁴ U.S. Dept. of Def., *Defense Department Special Briefing on Administrative Review Boards for Detainees at Guantanamo Bay, Cuba*, <http://www.defenselink.mil/transcripts/transcript.aspx?transcriptid=3171> (July 8, 2005).

¹⁵ Condoleezza Rice, Secretary of State, quoted by John D. Banusiewicz, *Rice Responds to Call for Guantanamo Detention Facility's Closing*, <http://www.defenselink.mil/news/newsarticle.aspx?id=15706> (May, 21 2006).

¹⁶ Sen. Comm. On the Judiciary, *U.S. Senator Arlen Specter (R-PA) Holds a Hearing on the Detainee Trials*, 110th Cong. (Aug. 2, 2006).

4. A timeline of publicly cited numbers reveals sudden, unexplained spikes, as well as unexplained *decreases* in the number of former detainees who have been re-captured or killed. (See Appendix 3).

POINT II: The Department of Defense's Written Reports of Post Release Detainee Recidivism

Department of Defense statements about the number of recidivist detainees, which do not identify the detainee, the act of recidivism, the place, or the time, are especially unreliable. In the two instances in which DOD provided written support (The July 12, 2007 Press Release¹⁷ and the May 20 Report to the House Foreign Relations Committee) the previous oral assertions were repudiated. For instance, in the July 12, 2007 DOD press release, the 30 recidivists reported by DOD in April 2007 is reduced to five.

As of July 12, 2007 Only Five (5) Individuals For Whom a Classification as Released Detainee is Even Plausible—and Even These Are Problematic.

As of July of 2007 the Department of Defense, in its release, identifies seven prisoners by name, but as many two of those seven named were never in Guantanamo, according to the DOD list of all detainees ever held in Guantanamo; two of the remaining five were never killed or captured anywhere. Of the three remaining, one was killed in his apartment in Russia by Russian authorities. None of them is alleged to have left their homeland or attacked Americans on a battlefield or otherwise.

The seven identified in the July 12, 2007 Department of Defense Press release as having been released from Guantanamo and then returned to the battlefield were:

Abdul Rahman Noor

The name “Abdul Rahman Noor” does not appear in either of the official lists of prisoners that the Department of Defense was ordered to release in 2006.¹⁸ According to the Government, this individual was released in July 2003, before Combatant Status Review Tribunals were convened. The Department of Defense claims to have identified Abdul Rahman Noor “fighting against U.S. forces near Kandahar,” but he apparently has neither been captured nor killed.¹⁹

Mohammed Nayim Farouq

¹⁷ On July 12, 2007, the DoD issued a press release, “Former Guantanamo Detainees Who Have Returned to the Fight” Department of Defense News Release, July 12, 2007. This press release was accessible as of November 26, 2007 at <http://www.defenselink.mil/news/d20070712formergtmo.pdf>, but has since been removed without comment.

¹⁸ See List of Individuals Detained by the Department of Defense at Guantanamo Bay, Cuba from January 2002 through May 15, 2006, available at <http://www.dod.mil/pubs/foi/detainees/detaineesFOIArelease15May2006.pdf>, (hereinafter “List of Individuals Detained”).

¹⁹ Press Release, *supra* note 17.

According to the Department of Defense, Mohammed Nayim Farouq—who was released from Guantánamo in July 2003, before Combatant Status Review Tribunals were convened—“has since become re-involved in anti-Coalition militant activity,” but has neither been re-captured nor killed.²⁰

Mullah Shazada

According to the Department of Defense, Mullah Shazada “was killed on May 7, 2004 while fighting against U.S. forces.”²¹ The name Mullah Shazada does not appear on the official list of prisoners²²; however, after Mullah Shazada’s death, the Government announced that he had been previously detained in Guantánamo under the name “Mohamed Yusif Yaqub.”²³ No information is publicly available regarding an individual by that name, and Mohamed Yusif Yaqub is one of seven Afghan detainees for whom date of birth is “unknown.”²⁴

Abdullah Mehsud

Abdullah Mehsud committed suicide during a raid by Pakistani authorities in what the Department of Defense characterizes as a “suicide bombing.”²⁵ (No one but Mehsud was harmed in the suicide.)²⁶ The name “Abdullah Mehsud” does not appear in the official list of prisoners; neither does the name “Noor Alam”—another name that has been associated with Abdullah Mehsud²⁷—appear on the list. According to the Government, Abdullah Mehsud was released from Guantánamo in March 2004, before Combatant Status Review Tribunals were convened.

Maulavi Abdul Ghaffar

Maulavi Abdul Ghaffar was reportedly “killed in a raid by Afghan security forces” in September 2004.²⁸ The name “Maulavi Abdul Ghaffar” does not appear on the list of detainees in Guantánamo. Two detainees with similar names were still imprisoned when Ghaffar was allegedly killed.²⁹

Ruslan Odizhev

²⁰ Press Release, *supra* note 17.

²¹ Press Release, *supra* note 17.

²² List of Individuals Detained, *supra* note 18.

²³ Press Release, *supra* note 17.

²⁴ List of Individuals Detained, *supra* note 18.

²⁵ Press Release, *supra* note 17.

²⁶ “Pakistani Militant Blows Self Up To Avoid Arrest” Associated Press. July 24, 2007. Retrieved November 26, 2007 at <http://www.msnbc.msn.com/id/19923800/>.

²⁷ “Profile: Abdullah Mehsud” BBC, October 15, 2004. Retrieved November 26, 2007 at http://news.bbc.co.uk/2/hi/south_asia/3745962.stm

²⁸ Press Release, *supra* note 17.

²⁹ List of Individuals Detained, *supra* note 18.

Ruslan Odizhev, a Russian, reportedly was killed in an apartment complex by Russia's Federal Security Service in June 2007.³⁰ The Service did not specify why they were trying to detain him.³¹

The Department of Defense's Position as of May 20, 2008

On May 20, 2008, the Subcommittee on International Organizations, Human Rights and Oversight of the House Foreign Affairs Committee held a hearing on issues concerning Guantánamo. At that hearing, considerable skepticism was expressed about the reliability of the cited number of recidivists. The highpoint of the hearing, in this regard, was the production by the Department of Defense of a document (on plain paper, without letterhead), sent by facsimile to Congressman Dana Rohrabacher (R. Cal.).

ISN	Name	On July 2007 Press Release	Disposition	Citizenship	Country of Act	Killed Americans
92	SHAH, SAID MOHAMMED ALIM	Yes	Killed	Afghanistan	Afghanistan	No
930	ISMAIL, MOHAMMED	Yes	Capture	Afghanistan	Afghanistan	No
363	GHAFOOR, SHAI JAHN	Yes	Killed	Afghanistan	Afghanistan	No
367	YAQUB, MOHAMMED YUSIF	Yes	Killed	Afghanistan	Afghanistan	No
633	FAROUQ, MOHAMMED NAYIM	Yes	At Large	Afghanistan	Afghanistan	No
211	ODIJEV, RUSLAN ANATOLIVICH	Yes	Killed	Russia	Russia	No
203	GUMAROV, RAVIL SHAFEYAVICH	No	Arrest	Russia	Russia	No
674	ISHMURAT, TIMUR RAVILICH	No	Arrest	Russia	Russia	No
297	SEN, IBRAHIM SHAFIR	No	Arrest	Turkey	Turkey	No
587	SHAKARAN, IBRAHIM BIN	No	Arrest	Morocco	Morocco	No
294	MIZOUZ, MOHAMMED	No	Arrest	Morocco	Morocco	No
220	AL AJMI, ABDALLAH SALEH AII	No	Killed	Kuwait	Iraq	No

The May 20 document expressly distinguishes between the twelve names (together with eleven ISN numbers) it lists as having “returned to the fight” and former detainees who have merely “spoken critically of the Government’s detention policy.” Six of the twelve names were listed in the July 2007 press release, and six are new. It is not clear whether the six new names represent individuals who had “returned to the fight” after July 2007, or were omitted from the July 2007 press release for some other reason.³²

³⁰ “Russian Agents Kill Ex-Gitmo Detainee” CBS News. June 27, 2007. Retrieved November 26, 2007 at <http://www.cbsnews.com/stories/2007/06/27/world/printable2987393.shtml>.

³¹ *Id.*

³² Although the May 20 document clarified mistakes in the July 2007 press release, the May 20 document is itself inaccurate in at least one respect. It lists the same ISN number for two different detainees. A Moroccan named “Ibrahim Bin Shakaran” is listed as ISN 587 is an Afghan named “Mohamed Yusif Yaaqoub aka Mullah Shanzada.” According to the May 20 document, the Moroccan remains alive and was arrested in Morocco; however, the May 20 document reports the individual as killed.

As *The Meaning of “Battlefield”* reports, Department of Defense records do not have record of any detainee named “Mullah Shazda,” though there is record of an ISN 367 with the name “Mohammed Yusif Yaqub.” *Id.* The May 2008 document indicates that this detainee (now numbered ISN 587) was transferred to Afghanistan in March 2003. Department of Defense records indicate, however, that ISN 367 was still in Guantánamo until at least April 17, 2003.

Accordingly, it appears that even considering the May 2008 document, the Department of Defense is unclear as to the identities of some of the twelve detainees that it claims are recidivists.

Of the twelve, five are listed as “killed” and one is listed as “at large.” There are five more listed as “arrested” and only one listed as “captured.” The “arrested individuals” included two Moroccans, two Russians, and one Turkish national, all of whom were arrested in their home countries. Further, it is not clear that actions against Morocco, Russia, and Turkey can be fairly characterized as “return[ing] to the fight.”

In short, the May 20, 2008 Department of Defense document claimed twelve, not thirty, detainees had returned to the fight. While this represents a significant difference, it is not clear that twelve is the correct number either. As this report has developed, the information provided is too fragmented to ensure that all twelve actually returned to the battlefield. Further, the history of the Department of Defense’s disclosures in this area provides no basis for confidence in its accuracy or completeness. The Center for Policy and Research (“The Center”) has documented at least three instances wherein the Department of Defense erred in its releases: the misidentification of one of the named individuals in the July 2007 press release (Noor); the mistake in the May 20 facsimile as to ISN 587 (or perhaps 367); and the Department’s admission in the May 20 facsimile that its earlier claim that there have been thirty recidivists was mischaracterized.

POINT III: DOD Considers Engaging in Anti-US Propaganda as Returning to the Battlefield

Engaging in “anti-US propaganda” constitutes a “return to the fight.” The Uighers in Albania and the Tipton Three, have clearly been quite vocal in their criticism of Guantánamo and their treatment at the hands of the United States.

The “Tipton Three”

The “Tipton Three”—Shafiq Rasul, Asif Iqbal and Ruhel Ahmed—are three childhood friends from England who became the first English-speaking detainees released from Guantánamo after they had been imprisoned without charges for more than two years.³³ Since their release in 2004, the young men have been living freely in their native Britain and have not been charged with any crime. They have, however, been vocal regarding what they perceive to be the injustices suffered by them during their detention.

In 2006, the “Tipton Three” recounted their Guantánamo experiences for Michael Winterbottom’s commercial film, *The Road to Guantánamo*, which opened at major film festivals including Berlin and Tribeca.³⁴ The film features interviews with the men, as well as

³³ David Rose, “Using Terror to Fight Terror” *The Observer*, February 26, 2006. Retrieved November 26, 2007 at <http://film.guardian.co.uk/features/featurepages/0,,1717953,00.html>.

³⁴ Caryn James. “Critics Notebook: At the Tribeca Film Festival, Foreign Movies Hit Close to Home” *New York Times*. Retrieved November 26, 2007 at http://www.roadtoguantanamo.com/reviews/nytimes/nyt_01.html.

dramatic re-enactments of them being bound in “stress” positions for hours and forced to listen to excessively loud music.³⁵

The men’s contributions to the film are not “militant” in nature, and cannot constitute a return to the battlefield. The “Tipton Three” have participated neither in “battle” or “fighting” of any kind; nor do they fall in the category of having been “re-captured” or “killed.” For the Department of Defense, however, the men’s participation in *The Road to Guantánamo*—in the absence of any other allegations—appears to be enough to justify their inclusion among the “at least thirty former GTMO detainees [who] have taken part in anti-coalition militant activities after leaving U.S. detention.”³⁶

The Uighurs

Five Uighurs—ethnic Chinese who practice Islam—were extradited in May 2006 from Guantánamo Bay to Albania, where they were taken in as refugees.³⁷ Since their release—following three years of incarceration at Guantánamo—the five men have lived at the same refugee camp in Tirana, Albania. According to the camp director, Hidajet Cera, “They are the best guys in the place. They have never given us one minute’s problem.”³⁸

The Department of Defense has never recanted its assertion that the Uighurs had been improperly classified as “enemy combatants,” and has not accused the Uighurs of any wrongdoing since their rendition. Rather, by all accounts, the five Uighur men remain today at the Albanian refugee camp, where they have almost no contact with the outside world. They have been neither “re-captured” nor “killed.”

However, one of the Uighur men did write an opinion piece, published in the New York Times, in which he urged American lawmakers to protect habeas corpus.³⁹ Perhaps this is an example of what the Department of Defense designates “anti-coalition militant activity.”

The United States has admitted in open court that none of the Uighers detained in Guantanamo are threats to national security, and they have been approved for release.

³⁵ David Rose, *supra* note 33.

³⁶ Press Release, *supra* note 17.

³⁷ Department of Defense Press Release. May 5, 2006. Retrieved November 26, 2007 at <http://www.defenselink.mil/Releases/Release.aspx?ReleaseID=9527>

³⁸ Jonathan Finer, “After Guantanamo, An Empty Freedom” Washington Post Foreign Service. October 17, 2007. Page A13. Retrieved November 26, 2007 at <http://www.washingtonpost.com/wp-dyn/content/article/2007/10/16/AR2007101602078.html>.

³⁹ Abu Bakker Qassim. “The View From Guantánamo” New York Times. September 17, 2006. Retrieved November 26, 2007 at http://www.nytimes.com/2006/09/17/opinion/17qassim.html?_r=2&oref=slogin&oref=slogin.

APPENDIX 1

**GUANTÁNAMO BAY DETAINEES ALLEGEDLY RELEASED
AND SUBSEQUENTLY RE-CAPTURED OR KILLED
IN COMBAT AGAINST THE UNITED STATES**

TIME LINE OF NUMBERS CITED PUBLICLY BY GOVERNMENT OFFICIALS:

DATE:	NUMBER CITED:	GOV. OFFICIAL:	QUOTE:	**CITE
May 09, 2007	*Approx. 30	Joseph A. Benkert , Principal Deputy Assistant Secretary of Def. for Global Affairs	“Reporting to us has led the department to believe that somewhere on the order of 30 individuals whom we have released from Guantanamo have rejoined the fight against us”	1
May 09, 2007	*Approx. 30	Rear Admiral Harry B. Harris Jr. (USN), Commander, Joint Task Force Guantanamo	“Of those detainees transferred or released, we believe approximately 30 have returned to the fight.”	2
Apr. 26, 2007	*Approx. 30	Daniel J. Dell’Orto , Principal Deputy General Counsel Dept. of Def.	“The General number is around – just short of 30, I think ” “It’s a combination of 30 we believe have either been captured or killed on the battlefield, so some of them have actually died on the battlefield.”	3
Apr. 17, 2007	24	Michael F. Scheuer , Former Chief, Bin Laden Unit, C.I.A.	“But the rub comes with the release, and that is where we are going to eventually have to come down and sit down and do some hard talking, as the Europeans said, because we have had already two dozen of these people come back from Guantanamo Bay and either be killed in action against us or recaptured.”	4
Mar. 29, 2007	**At Least 29	Patrick F. Philbin ,	“The danger that these detainees	5

DATE:	NUMBER CITED:	GOV. OFFICIAL:	QUOTE:	**CITE
		Associate Deputy Attorney, U.S. Dept. of Justice	potentially pose is quite real, as has been demonstrated by the fact that to date at least 29 detainees released from Guantanamo re-engaged in terrorist activities, some by rejoining hostilities in Afghanistan where they were either killed or captured on the battlefield.”	
Mar. 08, 2007	12	Senator Lindsey Graham (SC)	“ Twelve of the people released have gone back to the fight, have gone back to trying to kill Americans and civilians.”	6
Mar. 06, 2007	**At Least 12-24	Sr. Defense Official	“I can tell you that we have confirmed 12 individuals have returned to the fight, and we have strong evidence that about another dozen have returned to the fight.”	7
Nov. 20, 2006	**At Least 12	Alberto R. Gonzales, U.S. Atty. Gen.	“As you may know, there have been over a dozen occasions where a detainee was released but then returned to fight against the United States and our allies again.”	8
Sept. 27, 2006	**At Least 10	Senator Jon Kyl (AZ)	“According to a October 22, 2004 story in the Washington Post, at least 10 detainees released from Guantanamo have been recaptured or killed fighting U.S. or coalition forces in Afghanistan or Pakistan.”	9
Sept. 06, 2006	**At Least 12	President George W. Bush	“Other countries have not provided adequate assurances that their nationals will not be mistreated or they will not return to the battlefield, as more than a dozen people released from Guantanamo already have.”	10
Aug. 02, 2006	*Approx. 25	Senator Arlen Specter (PA)	“as you know, we have several hundred detainees in Guantanamo.	11

DATE:	NUMBER CITED:	GOV. OFFICIAL:	QUOTE:	**CITE
			A number estimated as high as 25 have been released and returned to the battlefield, so that's not a desirable thing to happen.”	
July 19, 2006	**At Least 10	Senator James M. Inhofe	“ At least 10 detainees we have documented that were released in Guantanamo, after U.S. officials concluded that they posed no real threat or no significant threat, have been recaptured or killed by the U.S. fighting and coalition forces, mostly in Afghanistan.”	12
June 20, 2006	15	Senator Jeff Sessions (AL)	“They have released several hundred already, and 15 of those have been rearrested on the battlefield where they are presumably attempting to fight the United States of America and our soldiers and our allies around the world.”	13
June 20, 2006	*Approx. 12	Senator Lindsey Graham (SC)	“ About a dozen of them have gone back to the fight, unfortunately. So there have been mistakes at Guantanamo Bay by putting people in prison that were not properly classified.”	14
May 25, 2006	*Approx. 10% of “hundreds”	John B. Bellinger III , Senior Legal Adviser to Sec. of St. Condoleezza Rice.	“ Roughly 10 percent of the hundreds of individuals who have been released from Guantanamo ‘have returned to fighting us in Afghanistan,’ Bellinger said.”	15
May 21, 2006	“ a couple ”	Condoleezza Rice , U.S. Sec. of St.	“because the day that we are facing them again on the battlefield -- and, by the way, that has happened in a couple of cases that people were released from Guantanamo.”	16
Mar. 28, 2006	*Approx. 12	U.S. Dept. of Def.	“ Approximately a dozen of the more than 230 detainees who have been released or transferred since	17

DATE:	NUMBER CITED:	GOV. OFFICIAL:	QUOTE:	**CITE
			detainee operations started at Guantanamo are known to have returned to the battlefield.”	
DATE:	NUMBER CITED:	GOV. OFFICIAL:	QUOTE:	**CITE
Mar. 07, 2006	**At Least 15	Alberto R. Gonzales , U.S. Atty. Gen.	“Unfortunately, despite assurances from those released, the Department of Defense reports that at least 15 have returned to the fight and been recaptured or killed on the battlefield.”	18
Feb.14, 2006	*Approx. 15	U.S. Embassy in Tirana - Albania	“Unfortunately, of those already released from Guantanamo Bay, approximately fifteen have returned to acts of terror and been recaptured.”	19
Jan. 10, 2006	12	Donald H. Rumsfeld , Defense Secretary	Twelve detainees who'd been released from Guantanamo had returned to the battlefield and had been re-captured by U.S. forces	20
July 21, 2005	*Approx. 12	Matthew Waxman , Dep. Ass. Sec. of Def. for detainee affairs	About a dozen individuals who were released previously, he said, returned to the battlefield “and tried to harm us again.”	21
July 13, 2005	*Approx. 12	Gen. Bantz Craddock , Commander, U.S. Southern Command	“ We believe the number's 12 right now -- confirmed 12 either recaptured or killed on the battlefield.”	22
July 08, 2005	*Approx. 12	Rear Adm. James McGarrah	“ About a dozen of the 234 that have been released since detainee operations started in Gitmo we know have returned to the battlefield -- about a dozen. ”	23
July 06, 2005	“ a few ”	Scott McClellan , White House Press Sec.	“I mean, the President talked about how these are dangerous individuals; they are at Guantanamo Bay for a reason --	24

DATE:	NUMBER CITED:	GOV. OFFICIAL:	QUOTE:	**CITE
			they were picked up on the battlefield. And we've returned a number of those, some 200-plus, we've returned a number of those enemy combatants to their country of origin. Some of -- a few of them have actually been picked up again fighting us on the battlefield in the war on terrorism.”	
July 06, 2005	**At Least 5	Anonymous Defense Official	“ At least five detainees released from Guantanamo have returned to the (Afghan) battlefield,” said the defense official, who requested anonymity.”	25
June 27, 2005	12	Senator Jim Bunning, (KY)	“I could describe many individuals held at Guantanamo and give reasons they need to remain in our custody, but I only will mention a few more_ 12, to be exact. That is the number of those we know who have been released from Guantanamo and returned to fight against the coalition troops.”	26
June 20, 2005	*Approx. 12	Scott McClellan, White House Press Sec.	“ I think that our belief is that about a dozen or so detainees that have been released from Guantanamo Bay have actually returned to the battlefield, and we've either recaptured them or otherwise dealt with them, namely killing them on the battlefield when they were again attacking our forces.”	27
June 20, 2005	“ some ”	President George W. Bush	The president was quick to point out that many of the detainees being held "are dangerous people" who pose a threat to U.S. security. Some of those who have been released have already returned to the battlefield to fight U.S. and	28

DATE:	NUMBER CITED:	GOV. OFFICIAL:	QUOTE:	**CITE
			coalition troops, he said.	
June 17, 2005	*Approx. 10	Vice President Dick Cheney	“In some cases, about 10 cases, some of them have then gone back into the battle against our guys. We've had two or three that I know of specifically by name that ended up back on the battlefield in Afghanistan where they were killed by U.S. or Afghan forces.”	29
June 16, 2005	12	Congressman Bill Shuster (PA)	“In fact, about two-hundred of these detainees have been released and it’s been proven that twelve have already returned to the fight.”	30
June 14, 2005	**At Least 10	Vice President Dick Cheney	He provided new details about what he said had been at least 10 released detainees who later turned up on battlefields to try to kill American troops.	31
June 13, 2005	**At Least 12	Scott McClellan, White House Press Sec.	“There have been -- and Secretary Rumsfeld talked about this recently -- at least a dozen or so individuals that were released from Guantanamo Bay, and they have since been caught and picked up on the battlefield seeking to kidnap or kill Americans.”	32
June 06, 2005	“ some ”	Air Force Gen. Richard B. Myers	“We've released 248 detainees, some of whom have come back to the battlefield, some of whom have killed Americans after they have been released.”	33
June 01, 2005	**At Least 12	Donald H. Rumsfeld, Defense Secretary	“At least a dozen of the 200 already released from GITMO have already been caught back on the battlefield, involved in efforts to kidnap and kill Americans.”	34
Dec. 20, 2004	**At Least 12	Gordon England,	“And as you are aware, there's been	35

DATE:	NUMBER CITED:	GOV. OFFICIAL:	QUOTE:	**CITE
		Secretary of The Navy	at least 12 of the more than 200 detainees that have been previously released or transferred from Guantanamo that have indeed returned to terrorism.”	
Nov. 03, 2004	**At Least 10	Charles Douglas "Cully" Stimson , Dep. Ass. Sec. of Def. for Detainee Affairs	Of the roughly 200 detainees the United States has released from its Guantanamo Bay, Cuba, detention facility, intelligence claims that at least 10 returned to terrorist activity, the deputy assistant secretary of defense for detainee affairs said here Nov. 2.	36
Oct. 19, 2004	“ a couple ”	Vice President Dick Cheney	“And we have had a couple of instances where people that were released, that were believed not to be dangerous have, in fact, found their way back onto the battlefield in the Middle East.”	37
Oct. 17, 2004	**At Least 7	U.S. Military Officials	at least seven former prisoners of the United States at Guantanamo Bay, Cuba, have returned to terrorism, at times with deadly consequences.	38
Mar. 25, 2004	1	Donald H. Rumsfeld , Defense Secretary	“Now, have we made a mistake? Yeah. I've mentioned earlier that I do believe we made a mistake in one case and that one of the people that was released earlier may very well have gone back to being a terrorist.”	39
Mar. 16, 2004	“ several ”	Dept. of Def.	“Releases are not without risk. Even though the threat assessment process is careful and thorough, the U.S. now believes that several detainees released from Guantanamo have returned to the fight against U.S. and coalition forces.”	40

* “Approx.” indicates the specific language used was an approximation; the specific number cited was used contextually with qualifying language; *See* “QUOTE” column for actual qualifying language used within the immediate textual area of the number cited.

** “At Least” indicates that the phrase “at least” was used in connection with the number provided; the number provided is therefore a baseline, or the lowest number possible

APPENDIX 2

The following is a exact reproduction of the Department of Defense news release of July 12, 2007, titled "Former Guantanamo Detainees Who Have Returned to the Fight". This press release was accessible as of November 26, 2007 at <http://www.defenselink.mil/news/d20070712formergtmo.pdf>, but has since been removed without comment.

Former Guantanamo Detainees who have returned to the fight:

Our reports indicate that at least 30 former GTMO detainees have taken part in anti-coalition militant activities after leaving U.S. detention. Some have subsequently been killed in combat in Afghanistan.

These former detainees successfully lied to US officials, sometimes for over three years. Many detainees later identified as having returned to fight against the U.S. with terrorists falsely claimed to be farmers, truck drivers, cooks, small-scale merchants, or low-level combatants.

Other common cover stories include going to Afghanistan to buy medicines, to teach the Koran, or to find a wife. Many of these stories appear so often, and are subsequently proven false that we can only conclude they are part of their terrorist training.

Although the US government does not generally track ex-GTMO detainees after repatriation or resettlement, we are aware of dozens of cases where they have returned to militant activities, participated in anti-US propaganda or other activities through intelligence gathering and media reports. (Examples: Mehsud suicide bombing in Pakistan; Tipton Three and the Road to Guantanamo; Uighurs in Albania)

The following seven former detainees are a few examples of the 30; each returned to combat against the US and its allies after being released from Guantanamo.

Mohamed Yusif Yaqub AKA Mullah Shazada:

After his release from GTMO on May 8, 2003, Shazada assumed control of Taliban operations in Southern Afghanistan. In this role, his activities reportedly included the organization and execution of a jailbreak in Kandahar, and a nearly successful capture of the border town of Spin Boldak. Shazada was killed on May 7, 2004 while fighting against US forces. At the time of his release, the US had no indication that he was a member of any terrorist organization or posed a risk to US or allied interests.

Abdullah Mehsud:

Mehsud was captured in northern Afghanistan in late 2001 and held until March of 2004. After his release he went back to the fight, becoming a militant leader within the Mehsud tribe in southern Waziristan. We have since discovered that he had been associated with the Taliban since his teen years and has been described as an al Qaida-linked facilitator. In mid-October

2004, Mehsud directed the kidnapping of two Chinese engineers in Pakistan. During rescue operations by Pakistani forces, a kidnapper shot one of the hostages. Five of the kidnappers were killed. Mehsud was not among them. In July 2007, Mehsud carried out a suicide bombing as Pakistani Police closed in on his position. Over 1,000 people are reported to have attended his funeral services.

Maulavi Abdul Ghaffar:

After being captured in early 2002 and held at GTMO for eight months, Ghaffar reportedly became the Taliban's regional commander in Uruzgan and Helmand provinces, carrying out attacks on US and Afghan forces. On September 25, 2004, while planning an attack against Afghan police, Ghaffar and two of his men were killed in a raid by Afghan security forces.

Mohammed Ismail:

Ismail was released from GTMO in 2004. During a press interview after his release, he described the Americans saying, "they gave me a good time in Cuba. They were very nice to me, giving me English lessons." He concluded his interview saying he would have to find work once he finished visiting all his relatives. He was recaptured four months later in May 2004, participating in an attack on US forces near Kandahar. At the time of his recapture, Ismail carried a letter confirming his status as a Taliban member in good standing.

Abdul Rahman Noor:

Noor was released in July of 2003, and has since participated in fighting against US forces near Kandahar. After his release, Noor was identified as the person in an October 7, 2001, video interview with al-Jazeera TV network, wherein he is identified as the "deputy defense minister of the Taliban." In this interview, he described the defensive position of the mujahideen and claimed they had recently downed an airplane.

Mohammed Nayim Farouq:

After his release from US custody in July 2003, Farouq quickly renewed his association with Taliban and al-Qaida members and has since become re-involved in anti-Coalition militant activity.

Ruslan Odizhev:

Killed by Russian forces June 2007, shot along with another man in Nalchik, the capital of the tiny North Caucasus republic of Kabardino-Balkaria. Odizhev, born in 1973, was included in a report earlier this year by the New York-based Human Rights Watch on the alleged abuse in Russia of seven former inmates of the Guantanamo Bay prison after Washington handed them back to Moscow in 2004.

As the facts surrounding the ex-GTMO detainees indicate, there is an implied future risk to US and allied interests with every detainee who is released or transferred.

APPENDIX 3

Guantanamo Bay Detainees Allegedly Released and Subsequently Recaptured or Killed in Combat
Against the United States

