

Revisionist Recidivism:

AN ANALYSIS OF THE GOVERNMENT'S REPRESENTATIONS OF
ALLEGED "RECIDIVISM" OF THE GUANTÁNAMO DETAINEES

By

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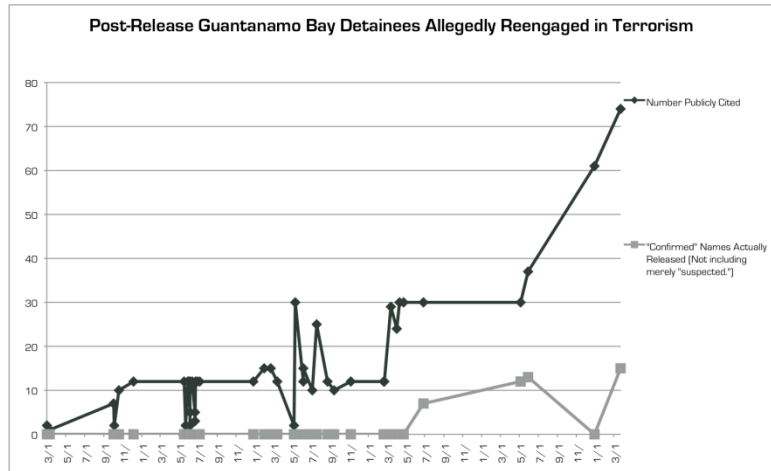
Executive Summary

The latest “Fact Sheet” drafted by the Department of Defense (“DOD”), dated April 7, 2009 claims that 74 out of more than 530 former Guantánamo detainees have “reengaged in terrorist activities.” Undermining that claim is the further assertion that out of the 74, only 27 are considered “confirmed” recidivists. The total shrinks further since only 15 of the alleged 27 are named in the document, and only 13 of these 15 can be shown to have actually been detained at Guantánamo. Even assuming that the DOD’s number of 13 “Confirmed” recidivist former Guantánamo detainees is accurate, this number represents virtually no change over the past year, and remains a far cry from the alleged 74. The April 2009 report marks the fourth list of names issued by the DOD since 2007, and, in an ongoing trend, each of these “partial” lists has proven rife with errors, inconsistencies, and inflated statistics. In this report as well as in previous reports, all relying on the Government’s own data and official statements, the Seton Hall Center for Law and Policy concludes the following:

1. While the Government has stated a number of detainee recidivists on at least 45 occasions, on 41 of those occasions it provided no names to corroborate the number. There has never been a list of names released that equals the concurrently purported number of total recidivists.
2. The DOD’s previous statements about post-release conduct of detainees released from Guantánamo Bay were produced in July 2007, May 2008, and June 2008. The DOD has not asserted a change in policy in the time since.
3. The April 7, 2009 report announces 74 alleged recidivists, but lacks 45 names. Of the 29 names given, only half are labeled “confirmed” recidivists. This number is representative of previous claims by the DOD and makes the “74” figure appear inflated.
4. Even of the names provided in the latest report, many pose the same problems regarding identity and consistency posted by earlier DOD reports.
5. The scope of “reengaged in terrorism” extends far beyond the battlefield, and raises questions as to the ends the Department of Defense takes the term “recidivism.”
6. With each new DOD report, the difference between the asserted total number of recidivists and the number of named and confirmed recidivists grows greater.

Introduction

With respect to its previous numbers of claimed recidivist detainees, the Department of Defense has alleged variously: one, several, some, a couple, a few, 5, 7, 10, 12-24, 25, 29, and 30; not in that order.¹ More recently, the Department of Defense has claimed 61 former detainees as “returning to the fight.”² The most recent, April 2009 claim makes the number now allegedly 74. Furthermore, a timeline of publicly cited numbers reveals sudden, unexplained spikes and decreases, as well as a large discrepancy between the number cited by public officials and actual names of those detainees “confirmed” as having committed post-release terrorist acts.³



of reengaging in terrorist activity.⁶ However, of the 74 alleged recidivists, the DOD provides names for only 29 detainees. Of these 29 names, only 15 are “confirmed” as recidivists, at least according to the government. Of the 15 “confirmed”, only 13 appear on the list of detainees in Guantánamo.⁷

A Pattern of Errors

Each of the four DOD lists of names differs widely from the others in ways that cannot be explained by the passage of time. The number of names has remained within the range between 7 to 15 “confirmed” names, while the alleged total, including unnamed individuals, has grown disproportionately. Often, individual names are spelled inconsistently. Only five of the detainees appear on all four lists⁸, and of those five, two (Mohammed Nayim Farouq and Ruslan Anatolovich Odijev) are among the three detainees downgraded to “suspected” status in the latest report. That leaves only three of the original seven from the July 2007 list as consistently “confirmed” recidivists, and reduces the totals of the May and June 2008 lists as well. These status changes call into question the accuracy of every previous list, since they directly contradict them all.

Three of the cases discussed in the April 2009 DOD report reflect a major reversal from its last report. Specifically, the statuses of at least three former detainees have been changed from “confirmed reengagement” to “suspected reengagement.” This is significant because “unverified or single-source...reporting” is sufficient to classify a person as “suspected” of “reengaging in terrorist activities.”⁹

- **Ruslan Anatolovich Odijev (aka “Ruslan Odizhev”):** Ruslan Odijev, a Russian, was reportedly killed in a June 2007 battle with Russia’s federal Security Service. Russian authorities stated that Odijev participated in several terrorist acts, including an attack in October 2005 in the Caucasus region. His status as “confirmed” has been changed, without explanation, to “suspected reengagement.”¹⁰
- **Sabi Jahn Abdul Ghaffar (aka “Maulvi Abdul Ghaffar”):** Ghaffar was reportedly “killed in a raid by Afghan security forces” in September 2004. The DOD reports that Ghaffar became Taliban’s regional commander in the Uruzgan and Helmand provinces and carried out attacks against U.S. and Afghan forces. However, since the last DOD report Ghaffar’s status has been changed from

⁶ On April 7, 2009, the DOD issued a press release, “Department of Defense Fact Sheet: Former Guantánamo Detainee Terrorism Trends.” This press release was accessible as of June 2, 2009 at www.weeklystandard.com/weblogs/TWSFP/guantanamo_recidivism_list_090526.pdf. However, at the time of writing, the report has yet to be published on the DOD’s webpage. See Appendix B.4.

⁷ 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”).

⁸ See Appendix G.

⁹ Press Release, *supra* note 6.

¹⁰ Press Release, *supra* note 6.

“confirmed” to “suspected.”¹¹ In addition, as previously reported by the Center, his name does not appear on the list of detainees in Guantánamo. While there are two detainees with similar names, both were still imprisoned when Ghaffar was allegedly killed.¹²

- **Mohammed Nayim Farouq:** According to the Department of Defense, Farouq, who was released from Guantánamo before the Combatant Status Review Tribunals were convened, “has since become re-involved in anti-coalition militant activity,” but has neither been recaptured nor killed.¹³

The statuses of these four former detainees were changed from “confirmed” to “suspected” without comment. It is unclear why, considering that a July 2007 news release from the DOD listed each of the above three detainees as examples of those who “returned to combat against the US and its allies after being released from Guantánamo.”¹⁴ Presumably, these individuals are included in the total of 74 reported in the latest DOD report. Given this fact, the flux between these two categories of recidivism and the public concern of the overall number asserted by the DOD creates a serious question as to the consistency of reporting on matters of recidivism. *Indeed, this change in status can only reflect one of two possibilities: either these detainees were always merely “suspected” recidivists previously reported as “confirmed”, or the DOD has found cause to doubt its own previous evidence upon which the “confirmed” status was based.*

An additional detainee, Abdul Rahman Noor, appeared in the first list in July of 2007

- **Abdul Rahman Noor:** The DOD previously claimed that Noor was participating in fighting against U.S. forces near Kandahar. The DOD described Noor as participating in a video interview with al-Jazeera television, wherein he was identified as the “deputy defense minister of the Taliban.”¹⁵

As of the April 7, 2009 report Noor is no longer listed as a recidivist -- neither confirmed nor suspected. This may be a sign that the Department of Defense agrees with earlier assertions that Mr. Noor was “never officially detained at Guantánamo”¹⁶. However, without an explanation from the DOD, the basis for Noor’s omission from the recent report would only be conjecture. This additional DOD shift further raises serious questions regarding the consistency and accuracy of the DOD allegations.

In addition, the DOD maintains another inconsistency described in earlier reports:

¹¹ Press Release, *supra* note 6.

¹² List of Individuals Detained

¹³ Press Release, *supra* note 6.

¹⁴ See Appendix B.1.

¹⁵ On June 13, 2008, the DOD issued a press release, “Department of Defense Fact Sheet: Former Guantánamo Detainee Terrorism Trends.” This press release was accessible as of June 2, 2009 at <http://www.defenselink.mil/news/d20080613Returntothefightfactsheet.pdf>.

¹⁶ See *The Meaning of “Battlefield”: An Analysis of the Government’s Representations of “Battlefield” Capture and “Recidivism” of the Guantánamo Detainees* at 12.

- **Mullah Shazada:** According to the Department of Defense, Mullah Shazada “Was killed on May 7, 2004 while fighting against U.S. forces.”¹⁷ However, the name Mullah Shazada does not appear on the official list of prisoners.

As discussed in *Propaganda by the Numbers*, it is not at all clear that Shazada is actually a former Guantánamo detainee.¹⁸ After Shazada’s death, the Government announced that he had been previously detained in Guantánamo under the name “Mohamed Yusif Yaqub.”¹⁹ No information is publicly available regarding an individual by that name, and Yaqub is one of seven Afghan detainees for whom date of birth is “unknown.”²⁰

Finally, on the May 20, 2008 list of recidivists,²¹ the name **Shai Jahn Ghafoor**, ISN 363, appears. Ghafoor did not appear on the previous list, and his name disappears from all later lists. He is alleged to have been killed in Afghanistan. The May 2008 report also states that Ghafoor’s name was included on the 2007 Press Release, which is incorrect. Without speculating as to what conclusions might be drawn from these types of inconsistencies, they are typical of the DOD releases. None is free from error.

Return to the Fight v. Reengagement in Terrorism

The language used by the government and other officials in recent years framed alleged recidivists as “returning to the battlefield.”²² Alternatively, the issue had been framed as recidivists returning to fight against the United States. Beginning with the June 2008 report, the DOD started using the more general “reengaging in terrorism” in terms of allegations of recidivism.²³ The language of “reengagement” and “terrorism” abandons any implication that a detainee had to have engaged in post-Guantánamo acts against the United States for the DOD to consider him a recidivist. This category shift seems to be a way to increase the number of recidivists.

Earlier reports from the Department of Justice painted terrorist activity with a broad brush, but they were always framed as acts against the United States. In fact, the scope of conduct that the Department of Defense included in “returning to the fight” once extended to those former detainees who had merely “spoken critically of the Government’s detention policy.”²⁴ The July 2007 press release issued by the Department of Defense repeated earlier claims that 30 former Guantánamo detainees “returned to the fight.” However, the DOD

¹⁷ Press Release, *Supra* note 6.

¹⁸ See *Released Guantánamo Detainees and the Department of Defense: Propaganda by the Numbers?* at 4.

¹⁹ Press Release, *Supra* note 6.

²⁰ 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”).

²¹ *Justice Scalia, the Department of Defense, and the Perpetuation of an Urban Legend: The Truth About the Alleged Recidivism of Released Guantánamo Detainees* at 8.

²² See *Boumediene v. Bush*, 128 S. Ct. 2229, 2294-95 (U.S. 2008) (Scalia dissenting) (Scalia wrote that [a]t least 30 of those prisoners hitherto released from Guantánamo Bay have returned to the battlefield.”)

²³ June 13 DOD report.

²⁴ *Justice Scalia, the Department of Defense, and the Perpetuation of an Urban Legend: The Truth About the Alleged Recidivism of Released Guantánamo Detainees* at 6.

included within that number not only those former detainees who could have in any sense been said to have engaged in combat against the United States or its allies but also those who returned “to militant activities, participat[ed] in anti-U.S. propaganda or other activities through intelligence gathering and media reports.”²⁵ Furthermore, in that same DOD report the “Tipton Three” and their discussions of their experiences in Guantánamo Bay for Michael Winterbottom’s commercial film, *The Road to Guantánamo*, were used as examples of anti-American behavior.²⁶ If the newest DOD release is correct, it would appear that this policy has been revised since publication of the Center’s previous report on the DOD’s allegations of recidivism.²⁷

Nationality of Released Detainees and Scope of the “Fight”:

It seems clear from the language used by the DOD in recent reports and the names cited in these reports (when the DOD actually provides names), that the government has moved away from defining “return to the fight” in terms of Afghanistan. For instance, when Pentagon spokesman Geoff Morrell discussed with reporters detainees “returning to the fight” he stated, “This is [sic] acts of terrorism. It could be Iraq, Afghanistan, it could be acts of terrorism around the world.”²⁸ The importance of this fact cannot be overemphasized considering the public’s concern that detainees released from Guantánamo might return to the battlefield and harm U.S. soldiers.

Many of the former Guantánamo Bay detainees who are classified as recidivists are not accused of participating in anti-coalition activity. Instead, under the more generalized “terrorist activities” individuals from Russia, Morocco and Turkey are listed in the latest report. Proportional to the number of Guantánamo detainees released for nation, Turkey and Russia have the greatest number of named recidivists, with 50% and 42% respectively.²⁹ In contrast, those detainees originating from Afghanistan and Pakistan (arguably the front lines in the “War on Terror”) have the lowest alleged recidivism rate – representing 9 % and 4% of the total number of detainees released to each of these nations, respectively.³⁰

²⁵ *Justice Scalia, the Department of Defense, and the Perpetuation of an Urban Legend: The Truth About the Alleged Recidivism of Released Guantánamo Detainees* at 5.

²⁶ See Appendix B.1.

²⁷ The definitions of “confirmed” and “suspected” in the April 7, 2009 DOD report are virtually identical other than the following sentence added to the end of each definition: “For the purposes of this definition, engagement in anti-U.S. propaganda alone does not qualify as terrorist activity.” See Appendix B.4.

²⁸ See David Morgan, “Pentagon: 61 ex-Guantanamo inmates return to terrorism”. Jan. 13, 2009.

<http://www.reuters.com/article/topNews/idUSTRE50C5JX20090113?feedType=RSS&feedName=topNews&rpc=22&sp=true> (June 3, 2009).

²⁹ See Appendix C.

³⁰ *Id.*

The Uighurs:

In the July 2007 DOD news release, the Uighurs in Albania were listed as examples of recidivist activity.³¹ No press release from the DOD since has retracted that earlier assertion.

Five Uighurs—ethnic Chinese who practice Islam—were sent in May 2006 from Guantánamo Bay to Albania, where they were taken in as refugees.³² 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.”³³

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.³⁴ 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 Uighurs detained in Guantánamo are threats to national security, and they have been approved for release. If the Uighurs are amongst those 44 unnamed alleged “recidivists”, there remains no apparent basis for this classification on the part of the Department of Defense.

Conclusions

The latest DOD report claims that 74 detainees are recidivists. But only 29 names are listed, and even the 29 includes only 15 named individuals who are “confirmed” as having reengaged. And only 13 of these 15 can conclusively be said to have been incarcerated at Guantánamo.

Thirteen is a number closely in line with the reported number of “confirmed” recidivists for over a year³⁵, and far less than the purported 74. This would put the proportion of all former Guantánamo detainees who are alleged to have “reengaged” post-release at roughly *1 out of 41*, or just under 2.5%.

³¹ See Appendix B.1.

³² Department of Defense Press Release. May 5, 2006. Retrieved November 26, 2007 at <http://www.defenselink.mil/Releases/Release.aspx?ReleaseID=9527>

³³ 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>.

³⁴ 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>.

³⁵ The totals for the four lists are 7, 12, 13, 15, respectively. See Appendix B.

As of this writing, the Government has attempted to state the number of recidivists at least 45 times.³⁶ On 41 of these occasions, they gave no names to corroborate their numbers. On the other four occasions, the number of names has always fallen far below the total purported number, and the lists that were given contained glaring errors. Therefore, 92% of the time that the government has quoted a number of recidivists, they have not given names, and 100% of the instances in which they have given a partial list, they have been wrong about something.

Without a full accounting of who is suspected of “recidivism” and for what reasons, it remains irresponsible to use recidivism claims to justify continued denial of *habeas* to detainees who remain to this day jailed in Guantánamo. Of the alleged 27 “Confirmed” recidivist former detainees, nearly half remain unnamed. Overall, with only 29 detainees named there is a greater than 2:1 ratio between unnamed and named recidivists. If one looks at the “Suspected” recidivists³⁷ only, the ratio rises to more than 3:1.³⁸ This lack of corroborating information, as well as the repetition of past inconsistencies and errors in named “recidivists” in the current report, casts serious doubt on the accuracy of the number 74.

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³⁶ See Appendix E.

³⁷ “Suspected” according to the DOD.

³⁸ See Press Release, *Supra* note 6. (47 total suspected recidivists versus only 15 named).

APPENDIX A

**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 , Associate	“The danger that these detainees potentially pose is quite real, as has	5

		Deputy Attorney, U.S. Dept. of Justice	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. A number estimated as high as 25 have been released and returned to the battlefield, so that's not a desirable thing to happen.”	11
July 19, 2006	**At Least 10	Senator James M.	“ At least 10 detainees we have	12

		Inhofe	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.”	
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 detainee operations started at Guantanamo are known to have returned to the battlefield.”	17
Mar. 07, 2006	**At Least 15	Alberto 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	18

			recaptured or killed on the battlefield.”	
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 -- 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.”	24
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,	12	Senator Jim	“I could describe many individuals	26

2005		Bunning, (KY)	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."	
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 coalition troops, he said.	28
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 , Secretary of The Navy	“And as you are aware, there's been at least 12 of the more than 200 detainees that have been previously released or transferred from Guantanamo that have indeed returned to terrorism.”	35
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. 2004	25,	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. 2004	16,	“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 B

The DOD has released four lists of allegedly recidivist detainees. Those four documents are reproduced in this Appendix as follows:

- B.1 July 7, 2007
- B.2 May 20, 2008
- B.3 June 13, 2008
- B.4 April 7, 2009

APPENDIX B.1

The following is an exact reproduction of the Department of Defense news release of July 12, 2007, titled "Former Guantánamo Detainees Who Have Returned to the Fight." This press release was accessible as of November 26, 2007 at <http://defenselink.mil.news/d20070712formergtmo.prg>, 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 B.2³⁹

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
587	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

APPENDIX B.3⁴⁰

³⁹ On May 20, 2008, the Subcommittee on International Organizations, Human Rights and Oversight of the House Foreign Affairs Committee held a hearing on this question, among others 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.). The document, reproduced here as Appendix B.2, was provided to Professor Denbeaux after his testimony.

⁴⁰ Available as of June 4, 2009 at:

<http://www.defenselink.mil/news/d20080613Returntothefightfactsheet.pdf>

FACT SHEET

Former GTMO Detainee Terrorism Trends

A DIA report dated May 12, 2008 cites the figure of 36 ex-GTMO men "confirmed or suspected" of having returned to terrorism... with Kuwaiti ex-detainee Abdallah Salih Al-Ajmi's confirmation of suicide bombing in Iraq, the figure is 37.

The number of former Guantanamo Bay (GTMO) detainees confirmed or suspected of returning to terrorist activities is about 7 percent of those transferred from U.S. custody. The identified rate of reengagement over three years of tracking has remained relatively constant between 5 and 8 percent.

General Trends

Of former detainees known or suspected of returning to terrorist activities, those transferred to Afghanistan and Pakistan generally have reengaged in local, tactical-level, anti-coalition activity. Alternately, those former detainees known or suspected of reengaging in terrorism who were transferred to Europe, the Middle East, and North Africa have more often reconnected with terrorist networks associated with transnational terrorist activity, usually the same networks they were associated with prior to capture. Those returning to the transnational networks are assessed as more likely to be involved in future major transnational acts of terrorism.

In most cases, the time lapse between release and subsequent indications of post-transfer terrorist activity is approximately a year and a half, with reporting of such activity often lagging actual events by months or even years. Upon return, many detainees are held for varying lengths of time ranging from less than 24 hours up to several years. Due to the reporting delay and a general lack of information regarding former detainees, additional former GTMO detainees are likely to have been involved in subsequent terrorist activities.

Former detainees have participated in terrorist activities ranging from small-scale attacks to transnational facilitation and attack planning. However, the former GTMO detainees known or suspected to have returned to terrorism represent a small proportion of the total transferred/released.

Open-Source Reporting Identifies Detainees Reengaging in Terrorism

Ibrahim Shafir Sen was transferred to Turkey in November 2003. In January 2008, Sen was arrested in Van, Turkey, and charged as the leader of an active al-Qaida cell.

Ibrahim Bin Shakaran and *Mohammed Bin Ahmad Mizouz* were transferred to Morocco in July 2004. In September 2007, they were convicted for their post-release involvement in a terrorist network recruiting Moroccans to fight for Abu-Musab al-Zarqawi's al-Qaida in Iraq (AQI). Recruits were to receive weapons and explosives training in Algeria from the Salafist Group for Preaching and Combat, which has since become al-Qaida in the Lands of the

Maghreb, before going to fight in Iraq or returning to Morocco as sleeper cells. The organizers of the group reportedly intended to create an al-Qaida-affiliated network in the Maghreb similar to AQI. According to testimony presented at the trial, Bin Shakaran had already recruited other jihadists when Moroccan authorities broke up the plot in November 2005. Bin Shakaran received a 10-year sentence for his role in the plot, while Mizouz received a two-year sentence.

Abdullah Mahsud blew himself up to avoid capture by Pakistani forces in July 2007. According to a Pakistani government official, Mahsud directed a suicide attack in April 2007 that killed 31 people. After being transferred to Afghanistan in March 2004, Mahsud sought several media interviews and became well known for his attacks in Pakistan. In October 2004, he kidnapped two Chinese engineers and claimed responsibility for an Islamabad hotel bombing.

Ruslan Anatolovich Odishev, transferred to Russia in March 2004, was killed in a June 2007 gun battle with Russia's Federal Security Service. Russian authorities stated that Odishev had taken part in several terrorist acts including an October 2005 attack in the Caucasus region that killed and injured several police officers. Odishev was found with pistols, a grenade, and homemade explosive devices on his body.

Ravil Shafeyavich Gumarov and **Timur Ravilich Ishmurat** were transferred to Russia in March 2004 and quickly released. Russian authorities arrested them in January 2005 for involvement in a gas line bombing. In May 2006 a Russian court convicted both, sentencing Gumarov to 13 years in prison and Ishmurat to 11 years.

Mohammed Ismail was one of the "juveniles" 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 U.S. forces near Kandahar. At the time of his recapture, Ismail carried a letter confirming his status as a Taliban member in good standing.

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

Yousef Muhammed Yaaqoub, better known as Mullah Shazada, was released from GTMO in May 2003. Shazada quickly rejoined the Taliban as a commander 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 7 May 2004 fighting U.S. forces. His memorial in Quetta, Pakistan, drew many Taliban leaders wanted by U.S. forces. At the time of his release, there was no indication he was a member of any terrorist organization or posed a risk to U.S. or Allied interests.

Mohammed Nayim Farouq: After his release from U.S. 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.

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.

Abdallah Salih al-Ajmi: Was transferred to Kuwait in 2005 and subsequently conducted a suicide bombing attack in Mosul, Iraq in April 2008. Three suicide bombers struck in Mosul on April 26, 2008, killing 7 people. Al-Ajmi had returned to Kuwait following his release from Guantanamo Bay and traveled to Iraq via Syria. He was apparently living a productive life in Kuwait prior to his traveling to Iraq to be a suicide bomber. It is unknown what motivated him to leave Kuwait and go to Iraq. His family members were reportedly shocked to hear he had conducted a suicide bombing.

Definitions for Confirmed and Suspected Cases

Definition of "Confirmed" — A preponderance of evidence—fingerprints, DNA, conclusive photographic match, or reliable, verified, or well-corroborated intelligence reporting—identifies a specific former Defense Department detainee as directly involved in terrorist activities.

Definition of "Suspected" — Significant reporting indicates a former Defense Department detainee is involved in terrorist activities, and analysis indicates the detainee most likely is associated with a specific former detainee *or* unverified or single-source, but plausible, reporting indicates a specific former detainee is involved in terrorist activities.

4/7/2009

FACT SHEET

Former Guantanamo Detainee Terrorism Trends

Based on a comprehensive review of available information as of mid-March 2009, the Defense Intelligence Agency reported 14 percent as the overall rate of former Guantanamo detainees confirmed or suspected of reengaging in terrorist activities. Of the more than 530 Guantanamo detainees transferred from Department of Defense custody at Guantanamo Bay, 27 were confirmed and 47 were suspected of reengaging in terrorist activity. Between December 2008 and March 2009, nine detainees were added to the confirmed list, six of whom were previously on the suspected list.

Various former Guantanamo detainees are known to have reengaged in terrorist activity associated with the al-Qaida network, and have been arrested for reengaging in terrorist activities including facilitating the travel of terrorists into war zones, providing funds to al-Qaida, and supporting and associating with known terrorists.

The following summary, based on DIA assessments and analysis, is as comprehensive as possible given national security concerns; much of the information regarding specific former GTMO detainees' involvement in terrorist activities remains classified.

Definitions for Confirmed and Suspected Cases

Definition of "Confirmed" — A preponderance of evidence—fingerprints, DNA, conclusive photographic match, or reliable, verified, or well-corroborated intelligence reporting—identifies a specific former Guantanamo detainee as directly involved in terrorist activities. For the purposes of this definition, engagement in anti-U.S. propaganda alone does not qualify as terrorist activity.

Definition of "Suspected" — Significant reporting indicates an individual is involved in terrorist activities and analysis of that reporting indicates the individual's identity matches that of a specific former Guantanamo detainee. Or, unverified or single-source, but plausible, reporting indicates a specific former detainee is involved in terrorist activities. For the purposes of this definition, engagement in anti-U.S. propaganda alone does not qualify as terrorist activity.

Review of Specific Cases Identified in May 2008

Confirmed Reengagement:

Abdullah Saleh Ali al-Ajmi – repatriated to Kuwait in 2005. In April 2008 he conducted a suicide bombing in the city of Mosul in northern Iraq. The attack resulted in the deaths of numerous Iraqi citizens.

⁴¹ This DOD report, dated 4/7/2009, has not been published by the DOD as of this writing. The report was posted online at www.weeklystandard.com/weblogs/TWSFP/guantanamo_recidivism_list_090526.pdf, and referenced in a New York Times article available at <http://www.nytimes.com/2009/05/21/us/politics/21gitmo.html>.

Abu Sufyan al-Azdi al-Shihri – repatriated to Saudi Arabia in November 2007, and Mazin Salih Musaid al-Alawi al-Awfi – repatriated to Saudi Arabia in July 2007. On 24 January, a 19-minute video was released wherein al-Shihri and al-Awfi announced their leadership within the newly established al-Qaida in Arabian Peninsula.

Ibrahim Bin Shakaran and Mohammed Bin Ahmad Mizouz – repatriated to Morocco in July 2004. In September 2007, they were convicted for their post-release involvement in a terrorist network recruiting Moroccans to fight for Abu Musab al-Zarqawi's al-Qaida in Iraq (AQI). Recruits were to receive weapons and explosives training in Algeria from the Salafist Group for Preaching and Combat, which has since become al-Qaida in the Lands of the Islamic Maghreb, before going to fight in Iraq or returning to Morocco as sleeper cells. The organizers of the group reportedly intended to create an al-Qaida-affiliated network in the Maghreb similar to AQI. According to testimony presented at the trial, Bin Shakaran had already recruited other jihadists when Moroccan authorities broke up the plot in November 2005. For their roles in this plot, Bin Shakaran received a 10-year sentence and Mizouz received a two-year sentence.

Ibrahim Shair Sen – repatriated to Turkey in November 2003. In January 2008, Sen was arrested in Van, Turkey, and indicted in June 2008 as the leader of al-Qaida cells in Van. In addition, Sen also recruited and trained new members, provided illegal weapons to the group, and facilitated the movement of jihadists.

Ravil Shafeyavich Gumarov and Timur Ravilich Ishmurat – repatriated to Russia in March 2004. Russian authorities arrested them in January 2005 for involvement in a gas line bombing. A Russian court convicted both in May 2006, sentencing Gumarov to 13 years in prison and Ishmurat to 11 years.

Said Mohammed Alim Shah, also known as Abdullah Mahsud – repatriated to Afghanistan in March 2004. Alim Shah blew himself up to avoid capture by Pakistani forces in July 2007. According to a Pakistani government official, Mahsud directed a suicide attack in April 2007 that killed 31 people. After his transfer out of Guantanamo, Mahsud sought several media interviews and became well-known for his attacks in Pakistan. In October 2004, he kidnapped two Chinese engineers, and claimed responsibility for an Islamabad hotel bombing.

Mohammed Ismail – repatriated to Afghanistan in 2004, reengagement confirmed. 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 was recaptured four months later in May 2004, participating in an attack against U.S. forces near Kandahar. At the time of his recapture, Ismail carried a letter confirming his status as a Taliban member in good standing.

Yousef Muhammed Yaaqoub, better known as Mullah Shazada – repatriated to Afghanistan in May 2003. Shazada quickly rejoined the Taliban as a commander in southern Afghanistan. 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 7 May 2004 fighting U.S. forces. His memorial in Quetta, Pakistan, drew many Taliban leaders wanted by U.S. forces.

Suspected Reengagement:

Ruslan Anatolovich Odijev, repatriated to Russia in March 2004. Odijev was killed in a June 2007 in battle with Russia's federal Security Service. Russian authorities stated Odijev participated in several terrorist acts including an October 2005 attack in the Caucasus region that killed and injured several police officers. Odijev was found with pistols, a grenade, and homemade explosive devices on his body.

Sabi Jahn Abdul Ghafour, also known as Maulvi Abdul Ghaffar – repatriated to Afghanistan in March 2003. After his repatriation, Ghaffar reportedly became the Taliban's regional commander in Uruzgan and Helmand provinces, carrying out attacks against U.S. and Afghan forces. On 25 September 2004, while planning an attack against Afghan police, Ghaffar and two of his men were killed in a raid by Afghan security forces.

Mohammed Nayim Farouq – repatriated to Afghanistan 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.

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Appendix A: Partial Listing of Former GTMO Detainees Who Have Reengaged in Terrorism

Name	Nationality	Repatriated	Activity	Status
Sabi Jahn Abdul Ghafour <i>also known as Maulvi Abdul Ghaffar</i>	Afghanistan	March 2003	Died fighting Afghan forces	Suspected
Shah Mohammed	Pakistan	May 2003	Killed fighting U.S. forces in Afghanistan	Confirmed
Yousef Mohammed Yasaqouh <i>also known as Mullah Shazada</i>	Afghanistan	May 2003	Taliban commander in Afghanistan; Organized jailbreak in Kandahar; killed on 7 May 2004 fighting U.S. forces	Confirmed
Mohammed Nayim Farouq	Afghanistan	July 2003	Association with Taliban and al-Qaida; involved in anti-coalition activity	Suspected
Ibrahim Shafr Sen	Turkey	November 2003	Leader of al-Qaida cells in Van; recruited and trained members, provided illegal weapons, and facilitation	Confirmed
Mohammed Ismail	Afghanistan	January 2004	Participated in an attack against U.S. forces; Taliban member	Confirmed
Abdullah D. Kufkas	Russia	March 2004	Suspected involvement in an attack against a traffic police checkpoint in Nalchik in October 2005	Suspected
Almasm Rabilavich Sharipev	Russia	March 2004	Association with terrorist group Hezb-e-Tahrir	Suspected
Timur Ravilich Ishmurat	Russia	March 2004	Involved in a gas line bombing	Confirmed
Ruslan Anatolievich Odjev	Russia	March 2004	Participated in several terrorist acts including an October 2005 attack in the Caucasus region that killed and injured several police officers	Suspected
Saif Mohammed Alim Shah <i>also known as Abdullah Mahsud</i>	Afghanistan	March 2004	Kidnapped two Chinese engineers; Claimed responsibility for an Islamabad hotel bombing; directed a suicide attack in April 2007 killing 31 people	Confirmed
Ravil	Russia	March 2004	Involved in a gas line	Confirmed

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Shafeyavich Gumarov			bombing	
Abdullah Ghofoor	Afghanistan	March 2004	Taliban commander; planning attacks on U.S. and Afghan forces; killed in a raid by Afghan security forces	Suspected
Mohammed Bin Ahmad Mizouz	Morocco	July 2004	Recruiter for al-Qaida in Iraq	Confirmed
Ibrahim Bin Shakarun	Morocco	July 2004	Recruiter for al-Qaida in Iraq	Confirmed
Isa Khan	Pakistan	September 2004	Association with Tehrik-i-Taliban	Suspected
Mahibullah	Afghanistan	July 2005	Association with the Taliban	Suspected
Abdallah Saleh Ali al-Ajmi	Kuwait	November 2005	Conducted a suicide attack in Iraq	Confirmed
Abdullah Majid al-Naimi	Bahrain	November 2005	Arrested in October 2008; involved in terrorist facilitation; has known associations with al-Qaida	Confirmed
Saad Mudhi Saad Hawash al-Azmi	Kuwait	November 2005	Association with al-Qaida	Suspected
Majid Abdullah Laheq al Joudi	Saudi Arabia	February 2007	Terrorist facilitation	Confirmed
Humud Dakhil Humud Saïd al-Jadan	Saudi Arabia	July 2007	Association with known terrorists	Suspected
Mazin Salib Musaid al-Alawi al-Awfi <i>also known as</i> Abu al-Hareth Muhammad al-Awfi	Saudi Arabia	July 2007	Leadership figure in al-Qaida in Arabian Peninsula	Confirmed
Abd al Razzaq Abdallah Ibrahim al-Sharikh	Saudi Arabia	September 2007	Arrested in September 2008 for supporting terrorism	Suspected
Abd al Hadi Abdallah Ibrahim al-Sharikh	Saudi Arabia	September 2007	Arrested in September 2008 for association with terrorist members; supporting terrorism	Suspected
Zahir Shah	Afghanistan	November 2007	Participation in terrorist training	Confirmed
Abu Sufyan al-Azdi al-Shihri	Saudi Arabia	November 2007	Leadership figure in al-Qaida in Arabian Peninsula	Confirmed

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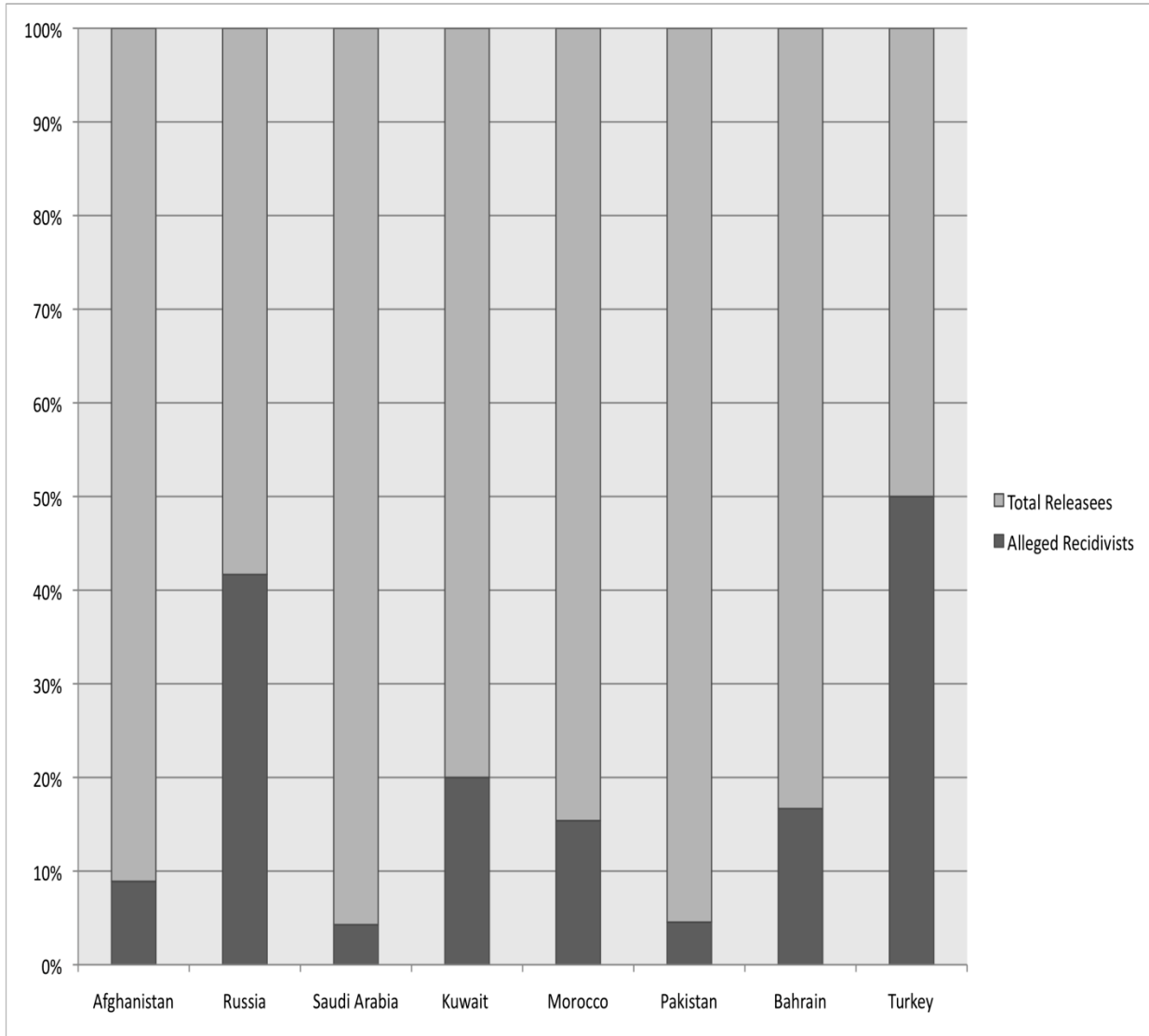
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Abdullah Gulam Rasoul	Afghanistan	December 2007	Taliban military commander for Afghanistan; Organized an assault on U.S. military aircraft in Afghanistan	Suspected
Haji Sahib Rohullah Wakil	Afghanistan	April 2008	Association with terrorist groups	Suspected

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APPENDIX C

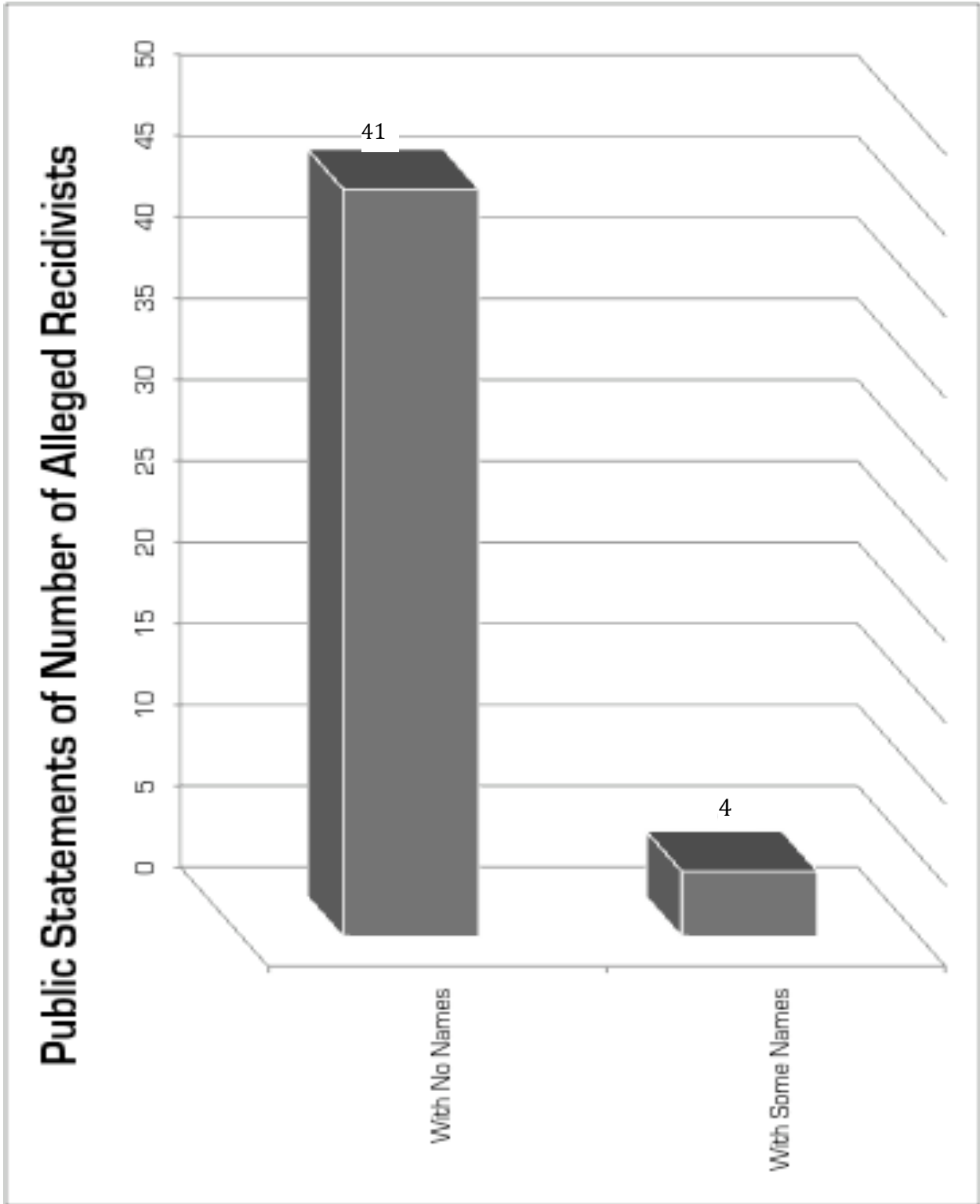


APPENDIX E

Post-Release Guantanamo Bay Detainees Allegedly Reengaged in Terrorism

Date	Number Publicly Cited	"Confirmed" Names Actually Released	Total Names Released
3/16/04	2	0	0
3/25/04	1	0	0
10/17/04	7	0	0
10/19/04	2	0	0
11/3/04	10	0	0
12/20/04	12	0	0
6/1/05	12	0	0
6/6/05	2	0	0
6/13/05	12	0	0
6/14/05	10	0	0
6/16/05	12	0	0
6/17/05	10	0	0
6/20/05	5	0	0
6/20/05	2	0	0
6/20/05	12	0	0
6/27/05	12	0	0
7/6/05	5	0	0
7/6/05	3	0	0
7/8/05	12	0	0
7/13/05	12	0	0
7/21/05	12	0	0
1/10/06	12	0	0
2/14/06	15	0	0
3/7/06	15	0	0
3/28/06	12	0	0
5/21/06	2	0	0
5/25/06	30	0	0
6/20/06	12	0	0
6/20/06	15	0	0
7/19/06	10	0	0
8/2/06	25	0	0
9/6/06	12	0	0
9/27/06	10	0	0
11/20/06	12	0	0
3/6/07	12	0	0
3/8/07	12	0	0
3/29/07	29	0	0
4/17/07	24	0	0
4/26/07	30	0	0
5/9/07	30	0	0
5/9/07	30	0	0
7/12/07	30	7	7
5/20/08	30	12	12
6/13/08	37	13	13
1/13/09	61	0	0
4/7/09	74	15	29

APPENDIX F

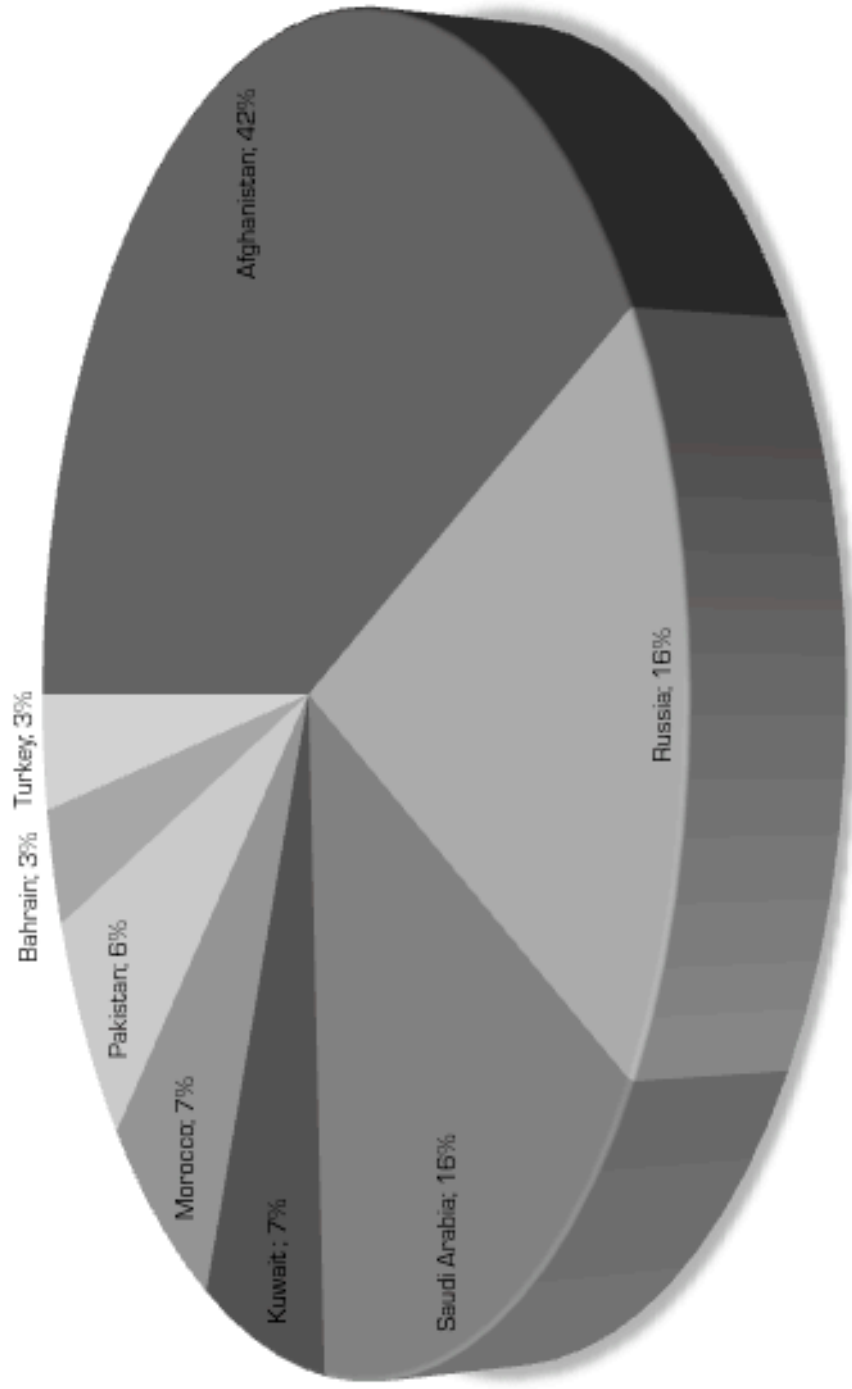


APPENDIX G

DOD Reports by DATE						
7/12/07	5/20/08	6/13/08	4/7/09			
			8	Detainees by ISN		
			19			
			23		Appearing on ALL 4	5
			25			
			82		Appearing on Most Recent 3	6
92	92	92	92			
			154		NEW to 4/7 Report	17
			159			
	203	203	203		Appears ONLY on 5/20	1
			209			
211	211	211	211		Appears ONLY on 7/12 & 6/13	1
	220	220	220			
			230		Appears on ALL BUT 5/20	1
			231			
	294	294	294			
	297	297	297			
			351			
	363					
367	367	367	367			
			546			
			571			
582		582				
	587	587	587			
633	633	633	633			
	674	674	674			
			798			
			923			
930	930	930	930			
954		954	954			
			UN#-X			
			UN#-Y			

APPENDIX H

Alleged Recidivists by Nationality



APPENDIX I

Percentage of Released / Transferred Detainees Allegedly Reengaged

