

# Facts About the Transfer of Guantanamo Detainees

✓ **The vast majority of Guantanamo detainees were transferred or released to other countries before 2009.** A total of 780 detainees have been held at Guantanamo Bay since the detention center was opened in 2001. During the Bush Administration, 500 detainees were transferred out of the prison or released. During the Obama Administration, 197 detainees were transferred, repatriated or resettled in third countries. During the Trump Administration, one detainee was transferred to his home country to finish out his sentence.<sup>1</sup>

✓ **More than 85 percent of detainees transferred out of Guantanamo by the Obama Administration are not even suspected of engaging in any terrorist activity.**<sup>2</sup> Under the Obama Administration, the evaluation criteria for assessing possible transfers have been revamped to mitigate any risks associated with transferring detainees. Accordingly, the percentage of confirmed or suspected “recidivists” under these new criteria has dropped considerably, from 36 percent of detainees transferred by the Bush Administration (21.4 percent confirmed and 14.7 percent suspected) to 12.8 percent of detainees transferred by the Obama Administration (4.6 percent confirmed and 8.2 percent suspected).<sup>3</sup> In the process of evaluating a detainee’s potential release, many factors are taken into

consideration and according to Rear Admiral John Kirby, the Department of Defense consults with commanders in the field, whose opinions on the security risk of transfers are “heavily relied upon.”<sup>4</sup>

✓ **Professionals charged with protecting U.S. national security make all transfer determinations.** Every national security and intelligence agency—the Department of Defense, Office of the Director of National Intelligence, Joint Chiefs of Staff, Department of Homeland Security, Department of Justice, and State Department—signs off on any decision to transfer a detainee from Guantanamo. Before a transfer can happen, the Secretary of Defense, in coordination with these agencies, must determine that the transfer is in the national security interest of the United States, and that any risks associated with transfer can be substantially mitigated by appropriate security arrangements.

✓ **Any risks created by transferring Guantanamo detainees must be weighed against the risks that arise from keeping Guantanamo open.** As Major General William L. Nash, USA (Ret.) said: “Keeping someone in prison that we do not have any reason to do so ... does [increase risk to American troops], because it gives al Qaeda propaganda tools

<sup>1</sup> <http://projects.nytimes.com/guantanamo>.

<sup>2</sup> <https://www.dni.gov/index.php/newsroom/reports-publications/item/1852-summary-of-the-reengagement-of-detainees-formerly-held-at-guantanamo-bay-gtmo-cuba>

<sup>3</sup> Ibid.

<sup>4</sup> <https://www.nytimes.com/2014/11/06/us/guantanamo-kuwait-fawzi-al-odah-released.html>.

used to fill their coffers with new recruits. We must cease focusing on recidivism numbers that are flimsy at best and focus on ways to disincentivize terror recruiting.” Admiral Dennis Blair, former Director of National Intelligence, similarly said: “[T]he detention center at Guantanamo has become a damaging symbol to the world and that it must be closed. It is a rallying cry for terrorist recruitment and harmful to our national security, so closing it is important for our national security.”<sup>5</sup>

- ☑ **The reporting of large numbers of former detainees joining ISIL is untrue.** A *Fox News* report in October 2014 erroneously stated that “as many as 20 to 30 former Guantanamo Bay detainees released within the last two to three years are suspected by intelligence and Defense officials of having joined forces with the Islamic State and other militant groups inside Syria.” This report was false.<sup>6</sup>

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<sup>5</sup> <http://www.nytimes.com/2009/01/22/us/politics/23blair-text.html>.

<sup>6</sup> <http://www.c-span.org/video/?322642-1/hearing-us-strategy-isis>, <http://www.nytimes.com/2014/11/06/us/guantanamo-kuwait-fawzi-al-odah-released.html>.