Summary of the Reengagement of Detainees Formerly Held at Guantanamo Bay, Cuba

The Director of National Intelligence submits this summary consistent with direction in the Fiscal Year 2012 Intelligence Authorization Act, Section 307, which states:

(a) "The Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of,

(1) intelligence relating to recidivism of detainees currently or formerly held at the Detention Facility at Guantanamo Bay, Cuba, by the Department of Defense; and

(2) an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

(b) Updates – Not less frequently than once every 6 months, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Secretary of Defense, shall update and make publicly available an unclassified summary consisting of the information required by subsection (a) and the number of individuals formerly detained at Naval Station, Guantanamo Bay, Cuba, who are confirmed or suspected of returning to terrorist activities after release or transfer from such Naval Station."

Section 307 (a) (1) Intelligence relating to recidivism of detainees currently or formerly held at the Detention Facility at Guantanamo Bay, Cuba, by the Department of Defense.

Reengagement of Former Guantanamo Bay (GTMO) Detainees as of 15 July 2017			
	Total	Pre-22 January 2009[a]	Post-22 January 2009
Detainees Transferred	728*	532	196
Confirmed of Reengaging[b]	122 of 728 (16.7%)	114 of 532 (21.4%)	8 of 196 (4.1%)**
Deceased – *33 of 122*		31	2
In Foreign Custody – *22 of 122*		22	0
At Large – *67 of 122*		61	6
Suspected of Reengaging[c]	90 of 728 (12.4%)	74 of 532 (13.9%)**	16 of 196 (8.2%)**
Deceased – *4 of 90*		2	2
In Foreign Custody – *16 of 90*		15	1
At Large – *70 of 90*		57	13

*An additional nine detainees died while at GTMO, and one was transferred to New York for trial, was convicted, and is now imprisoned in Colorado.

[a] Executive Order 13492 was signed on January 22, 2009 to determine the disposition of 240 detainees remaining at the detention facility at Guantanamo Bay, Cuba.

[b] The Defense Intelligence Agency assesses one additional detainee is confirmed of reengagement.

[c] The Defense Intelligence Agency assesses two additional detainees are suspected of reengagement.

**Each of these categories includes detainees who were transferred pursuant to a court order.

Section 307 (a) (2) An assessment of the likelihood that such detainees will engage in terrorism.

Based on trends identified during the past 14 years, we assess that some detainees currently at GTMO will seek to reengage in terrorist or insurgent activities after they are transferred. Transfers to countries with ongoing conflicts and internal instability as well as recruitment by insurgent and terrorist organizations could pose problems. While enforcement of transfer conditions may deter reengagement by many former detainees and delay reengagement by others, some detainees who are determined to reengage will do so regardless of any transfer conditions, albeit probably at a lower rate than if they were transferred without conditions.

Section 307 (a) (2) An assessment of the likelihood that such detainees will communicate with persons in terrorist organizations.

Former GTMO detainees routinely communicate with each other, families of other former detainees, and previous associates who are members of terrorist organizations. The reasons for communication span from the mundane (reminiscing about shared experiences) to the nefarious (planning terrorist operations). We assess that some GTMO detainees transferred in the future probably would communicate with other former GTMO detainees and persons in terrorist organizations. We do not consider mere communication with individuals or organizations—including other former GTMO detainees—an indicator of reengagement. Rather, the motives, intentions, and purposes of each communication are taken into account when assessing whether the individual has reengaged.

Definitions

Terrorist Activities: Activities such as the following indicate involvement in terrorist or insurgent activities: planning terrorist operations, conducting a terrorist or insurgent attack against Coalition or host-nation forces or civilians, conducting a suicide bombing, financing terrorist operations, recruiting others for terrorist operations, and arranging for movement of individuals involved in terrorist operations. It does not include mere communications with individuals or organizations—including other former GTMO detainees—on issues not related to terrorist operations, such as reminiscing about shared experiences at GTMO, communicating with past terrorist associates about non-nefarious activities, writing anti-US books or articles, or making anti-US propaganda statements.

Confirmed Activities: A preponderance of information—biometrics (fingerprints, conclusive photographic match, or other similar information) and/or reliable, verified, or well-corroborated intelligence reporting—which identifies a specific former GTMO detainee as directly involved in terrorist or insurgent activities. For the purposes of this definition, engagement in anti-US statements or propaganda does not qualify as terrorist or insurgent activity.

Suspected Activities: Plausible, but unverified, or single-source reporting indicating a specific former GTMO detainee is directly involved in terrorist or insurgent activities. For the purposes of this definition, engagement in anti-US statements or propaganda does not qualify as terrorist or insurgent activity.