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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 2010 Intelligence Authorization Act, P.L. 111-259, Section 334, which states:

“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 Naval 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.”

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

As of 1 October 2010, 598 detainees have been transferred out of Department of Defense (DoD) custody at the U.S. Naval Base, Guantanamo Bay, Cuba (GTMO) detention facility. The Intelligence Community assesses that 81 (13.5 percent) are confirmed and 69 (11.5 percent) are suspected of reengaging in terrorist or insurgent activities after transfer. Of the 150 former GTMO detainees assessed as confirmed or suspected of reengaging in terrorist or insurgent activities, the Intelligence Community assesses that 13 are dead, 54 are in custody, and 83 remain at large.

On 22 January 2009, the President signed Executive Order 13492, calling for a comprehensive interagency review of the status of all individuals currently detained at Guantanamo Bay. Every decision to transfer a detainee to a foreign country under this review was made after a full assessment of intelligence and threat information. Since the implementation of Executive Order 13492 and under the enhanced interagency review process, 66 of the 598 detainees noted above have been transferred. Of those 66 individuals transferred since January 2009, 2 are confirmed and 3 are suspected of reengaging in terrorist or insurgent activities.

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

The Intelligence Community assesses that the number of former detainees identified as reengaged in terrorist or insurgent activity will increase. A February 2010 review of GTMO detainees’ release dates compared to first reporting of confirmed or suspected reengagement shows about 2.5 years between leaving GTMO and the first identified reengagement reports. Based on trends identified during the past 6 years, the Intelligence Community further assesses that if additional detainees are transferred from GTMO, some of them will reengage in terrorist or insurgent activities.

(2b) An assessment of the likelihood that such detainees will communicate with persons in terrorist organizations

It is not unusual for former GTMO detainees to communicate with persons in terrorist organizations. The reasons for communication span from the mundane (reminiscing about shared experiences) to the nefarious (planning future terrorist operations). Correspondingly, the Intelligence Community assesses that additional former GTMO detainees will communicate with persons in terrorist organizations. Based on trends identified during the past 6 years, the Intelligence Community further assesses that if additional detainees are transferred from GTMO, some of them will communicate with persons in terrorist organizations.

Definition of “Terrorist” or “Insurgent” Activities

For the purposes of this assessment, 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, arranging for movement of individuals involved in terrorist operations, etc. 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 over shared experiences at GTMO, communicating with past terrorist associates about non-nefarious activities, writing anti-U.S. books or articles, or making anti-U.S. propaganda statements.

Reporting Qualifications for “Confirmed”

A preponderance of information identifying a specific former GTMO detainee as directly involved in terrorist or insurgent activities. For the purposes of this definition, engagement in anti-U.S. statements or propaganda does not qualify as terrorist or insurgent activity.

Reporting Qualifications for “Suspected”

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-U.S. statements or propaganda does not qualify as terrorist or insurgent activity.