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## Commentary: How many Gitmo prisoners return to fight?

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By Peter Bergen and Katherine Tiedemann  
Special to CNN

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**(CNN)** -- As President Obama awaits formal recommendations this month on issues surrounding the U.S. military prison at Guantanamo Bay, Cuba, it is crucial that policymakers and the public have an accurate picture of the threat to the United States posed by those detainees already released.

Contrary to recent assertions that one in seven, or 14 percent, of the former prisoners had "returned to the battlefield," our analysis of Pentagon reports, news stories and other public records indicates that the number who were confirmed or suspected to be involved in anti-U.S. violence is closer to one in 25, or 4 percent.

During his first week in office, Obama signed an executive order directing that the Guantanamo prison be closed by January 22, 2010, and suspending the system of military commissions that existed to deal with detainees in what the Bush administration termed the war on terror.

The president also set up interagency task forces to develop recommendations about what steps should be taken to hold, try or release the [Guantanamo](#) prisoners and what policies should be implemented for handling captured suspected militants in the future. The report on detention policies was due this week but has now been pushed back six months.

As of July 1, there were about 230 prisoners left at Guantanamo, although over the past eight years a total of nearly 800 men have been held in the camp, mostly without charge or trial. Of the total, 544 have been released, repatriated or otherwise transferred to one of about 40 countries, including at least 194 to Afghanistan and 120 to Saudi Arabia.

In May, a Pentagon [fact sheet](#) on former Guantanamo detainee "terrorism trends" was made available to news organizations. What dominated coverage of the report was the claim that 74 of those released from Guantanamo, or one in seven, were linked to terrorist activities. These former detainees were popularly characterized as having "returned to the battlefield."

The New York Times [story](#) about the report, published May 21 in the lead position on the front page, ran under the headline "1 in 7 Detainees Rejoined Jihad, Pentagon Finds."

An "editors' note," published in the paper more than two weeks later, noted that the article had conflated those "confirmed" by the Pentagon of having engaged in terrorism and a larger group "suspected" of such activity, but the media splash surrounding the report overwhelmed the later correction.

On the same day that the Times story appeared in print, Obama and former Vice President Dick Cheney both gave major policy speeches in Washington that addressed Guantanamo.

Unsurprisingly, Cheney seized on the new report, saying of the released detainees, "One in seven cut a straight path back to their prior line of work and have conducted murderous attacks in the Middle East."

However, our analysis -- based on previously released Pentagon reports, news stories and other publicly available documents -- indicates that when threats to the United States are considered, the true rate for those who either have taken up arms, or may have, is barely 4 percent, or 1 in 25.

The claim that one in seven "returned to the fight," as some represent it, is seriously flawed in several ways, primarily because the Pentagon's list of supposed recidivists included not only those "confirmed" of "re-engaging in terrorist activity" but also those "suspected" of terrorism or militant activities anywhere in the world, whether or not those actions were directed against the United States.

The Pentagon stated that of the more than 530 men who had been released or transferred from Guantanamo as of mid-March, 27 were confirmed and 47 were suspected of "re-engaging in [terrorist](#) activity."

This would indicate a total recidivism rate of 14 percent. However, the report listed only 29 of these individuals by name, 15 "confirmed" and 14 "suspected." Citing national security concerns, the Pentagon did not list the names of the 45 others.

Pentagon spokesman Cmdr. Jeffrey D. Gordon told CNN that the [Pentagon](#) continues to stand by its findings that one in seven of the released detainees "are confirmed or suspected of having returned to terrorism."

Gordon explained the Department of Defense decided not to release the additional 45 names of confirmed or suspected terrorists because "listing them may compromise sources and methods of intelligence collection, while possibly jeopardizing the lives of operatives in the field."

There is surely some merit to this, although as we have learned to our detriment in recent years, merely because information is classified doesn't mean that it is accurate. And the Pentagon has had a long history of describing the Guantanamo prisoners as "the worst of the worst," as Defense Secretary Donald Rumsfeld famously described them in 2002.

We conducted our own investigation to determine how many Guantanamo ex-prisoners have engaged in what could be construed as any form of militant activity, covering the spectrum from murderous acts of terrorism to simple speech, such as giving an anti-American media interview.

Using The New York Times Guantanamo docket database and previously released Pentagon reports, news stories and other public records, we examined the cases of the 544 prisoners transferred out of Guantanamo and have been able to identify by name 64 individuals who could possibly fall into the category of recidivist.

We divided the 64 individuals into three categories. In the first category are those, such as Abdullah Ghulam Rasoul who can pose a real risk to U.S. interests. Rasoul, who was transferred under the Bush administration to Afghanistan in 2007 and then released by the Kabul government, is now reported to be the commander of operations for the Taliban in southern Afghanistan.

In the second are those who have targeted or attempted to target non-U.S. interests. And in the third category are those former detainees, such as the British "Tipton Three" and Muslim Uyghurs from China who were sent to Albania, who have criticized the U.S. government or military.

(When an individual fit into more than one category, we placed him in the highest category, and in cases where we could not independently verify the Pentagon's assessment of a named individual's confirmed or suspected involvement in any form of militant activity, we took the Pentagon's assessment at face value.)

Our analysis found 21 former detainees who either subsequently engaged or may have engaged in anti-American terrorist or insurgent activities, representing 3.9 per cent of the men transferred from Guantanamo. Among them are Said Al-Shihri, sent back to his native Saudi Arabia in 2007, who is now a leader of [al Qaeda](#)'s affiliate in Yemen.

Al-Shihri seems to have been a career terrorist. But Abdullah Salih al Ajmi appears to be another matter. Ajmi, a Kuwaiti held in Guantanamo until November 2005, following his release conducted a suicide attack on April 26, 2008, in the Iraqi city of Mosul, killing 13 Iraqi soldiers. According to Thomas Wilner, his American lawyer, Ajmi became more radicalized while he was jailed in Guantanamo. Wilner observed: "Guantanamo took a kid -- a kid who wasn't all that bad -- and it turned him into a hostile, hardened individual."

In the second category, we counted 20 ex-detainees, or 3.7 percent, as having engaged in alleged terrorism or anti-government activities somewhere in the world, but not directed against the United States or its immediate allies in the current U.S.-led wars -- the governments of Iraq, Afghanistan and Pakistan. In this category is a group of 11 Saudis who were put on a "most wanted" list issued by the Saudi government in February.

While two former Guantanamo detainees in this group had clearly taken up the fight against the United States as al Qaeda commanders in Yemen, the nine others stand accused of fomenting resistance only to the Saudi monarchy. According to Christopher Boucek of the Carnegie Endowment for International Peace, a top American expert on the Saudi program for the rehabilitation of terrorists, "None of these guys has engaged in violence."

This group also includes men such as Timur Ishmurat and Ravil Gumarov, who were convicted of blowing up a gas pipeline in Russia three years ago, while Almasm Sharipov, also a Russian, made the Pentagon's list for "association" with Hizb ut-Tahrir, a pan-Islamist group that

the United States does not consider a terrorist organization.

The individuals in category two are all accused of being part of a militant group of one form or another, while some are engaged in violence against legitimate governments. We do not condone the latter but rather make the point that the militants in this category do not attack American interests and in, any event, many are accused only of the vague charge of association with a terrorist or militant group.

In the final category, there are 23 men who have written critical op-eds, given negative interviews or appeared in films about their experiences at Guantanamo. The Tipton Three are three Britons who were the focus of the 2006 film "The Road to Guantanamo," which recounted their experiences in the prison camp after they were captured in Afghanistan.

None of the three has been arrested since their release. And as far as we can discern from publicly available documents and press reports, none of the Uyghurs in Albania has done anything more threatening than criticizing U.S. policy in media interviews -- not an unnatural reaction after being locked up for years without trial.

The Tipton Three and the Uyghurs in Albania are examples of former Guantanamo detainees who might be considered recidivists by some observers because they have been critical of the United States since their release: Of the 544 men released so far, 4.2 percent are in this category. Gordon, the Pentagon spokesman, however, says, "Mere propaganda efforts have never counted for consideration into the return to terrorism list."

Because the Pentagon's reporting of the perceived overall threat lacks detail -- specifically, names -- in many individual cases, there could be additional ex-detainees who might fit into one of our categories. However, they did not surface in our review of the publicly available information.

And because al Qaeda and the Taliban consider the recruitment of former Guantanamo prisoners to be a major propaganda victory, which they promote by having the ex-detainees give interviews to journalists or appear in their own propaganda videos, it seems unlikely that significant numbers of additional former detainees now involved with these groups would have gone unheralded.

Even if the first two categories in our analysis are combined -- ex-detainees who have or may have taken up arms against U.S. or against any foreign interests anywhere in the world -- the number is 7.5 percent, or about half of the Pentagon's recent figure of 14 percent.

Some may argue that even if 1 percent of the men released from Guantanamo go on to commit violence against the United States or U.S. interests, the number would be too high. Others may observe that, in comparison, recidivism rates among convicted criminals in the United States are much higher than any of the Pentagon estimates or tallies concerning the former detainees.

We make a different point: That the Pentagon should be as precise and transparent as possible in ascertaining how many of those released from Guantanamo have posed any kind of threat to the United States and U.S. interests. Whether it is 14 percent, as the Pentagon fact sheet would indicate, or more like 4 percent, as our analysis suggests, the number has implications for how legislators and other policy makers address the problems and challenges posed by the proposed closure of the prison.

[Available [here](#) is the list of the 64 former Guantanamo detainees Bergen and Tiedemann identified from publicly available documents and news sources as fitting into one of the three categories outlined above and [here](#) is a link to a more detailed paper on this issue.]

*The opinions expressed in this commentary are solely those of Peter Bergen and Katherine Tiedemann.*

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