

EXECUTIVE SUMMARY

The following report represents an effort both to document and to describe in as much detail as the public record will permit the current detainee population in American military custody at the Guantánamo Bay Naval Station in Cuba. Since the military brought the first detainees to Guantánamo in January 2002, the Pentagon has consistently refused to comprehensively identify those it holds. While it has, at various times, released information about individuals who have been detained at Guantánamo, it has always maintained ambiguity about the population of the facility at any given moment, declining even to specify precisely the number of detainees held at the base.

We have sought to identify the detainee population using a variety of records, mostly from *habeas corpus* litigation, and we have sorted the current population into subgroups using both the government's allegations against detainees and detainee statements about their own affiliations and conduct.

As of December 16 2008, the detention facility at Guantánamo Bay, Cuba held 248 detainees (see Appendix I). This figure represents only a fraction of the 779 detainees who have passed through the facility since it opened in 2002. Since 2004, when the Pentagon set up a review system to evaluate the 558 detainees remaining at the base, 330 detainees have been transferred or released (see Appendix II).

Our analysis of both government allegations against the remaining detainees and detainee statements relies on transcripts and evidentiary summaries from the various review mechanisms the military has set up to evaluate detainee cases. These are, we stress, highly imperfect documents for a number of reasons. For example, key terms in government allegations are often imprecise or undefined; detainee statements were given without the assistance of counsel; transcripts are not always verbatim and sometimes contain translation errors; detainee lawyers have suggested that some detainee statements may repeat earlier statements given under coercion. Still, they offer the best window both on government claims about the detainee population and on the population's self-description available to the public at the present time.

If the government's allegations against detainees are uniformly credited, the following picture of the current population emerges:

- 81 detainees traveled to Afghanistan for jihad.
- 130 stayed in Al Qaeda, Taliban, or other guest- or safehouses.
- 169 detainees took military or terrorist training in Afghanistan.
- 84 actually fought for the Taliban, many of them on the front lines against the Northern Alliance.
- 88 were at Tora Bora.
- 71 detainees' names or aliases were found on computers, hard drives, physical lists of Al Qaeda operatives, or other material seized in raids on Al Qaeda safehouses and facilities.
- 64 detainees were captured under circumstances—military surrenders, live combat actions, traveling in a large pack of Mujahideen, or in the company of senior Al Qaeda figures, for example—that strongly suggest belligerency.

- 28 detainees served on Osama Bin Laden’s security detail.

To make more concrete the government’s allegations against each of the current detainees, we created five broad categories that help illuminate the role each detainee allegedly played in the Taliban, Al Qaeda, or associated hostile groups. Viewed through that prism, government allegations present the following picture of the current detainee population:

- 27 members of Al Qaeda’s leadership cadre,
- 99 lower-level Al Qaeda operatives,
- 9 members of the Taliban’s leadership cadre,
- 93 foreign fighters, and
- 14 Taliban fighters and operatives.


The concentration of detainees in these various categories has changed markedly as Guantánamo’s population has declined. Foreign fighters were, earlier in the history of the detention facility, the plurality of detainees held at the base. By contrast, Al Qaeda leaders and operatives together, now a slim majority of detainees, accounted then for only 36 percent. The concentration of Taliban operatives has dropped notably as well. The shift in the detainee population towards Al Qaeda personnel and away from Afghan Taliban and foreign fighters suggests that the many releases from Guantánamo have tended to concentrate detainees whom the government believes to be the most dangerous. This trend is significantly confounded, however, by the fact that releases have also tended to concentrate Yemeni detainees, now a plurality of the population, and thin the ranks of those detainees—some quite dangerous—whose home countries have shown more ability and willingness to manage whatever threat they might pose.

We also evaluated statements from the 143 men who gave statements before the review tribunals and were not ethnic Uighur Chinese detainees the military no longer treats as enemy combatants. Of these detainees, 92 admit some degree of affiliation with terrorist organizations, as alleged by the government, whereas 51 deny any association with enemy forces. The 92 who admit some association break down as follows:

- 36 openly admit either membership or significant association with Al Qaeda, the Taliban, or some other armed group the government considers militarily hostile to the United States.
- 1 acknowledges being affiliated with the Taliban but claims to have been pressed into service.
- 21 deny affiliation with Al Qaeda or the Taliban yet admit facts that, under the broad authority the laws of war give armed parties to detain the enemy, offer the government ample legal justification for its detention decisions.
- 34 admit to some lesser measure of affiliation—like staying in Taliban or Al Qaeda guesthouses or spending time at one of their training camps.

An additional 82 detainees made no statement to review tribunals or made statements that do not bear materially on the military’s allegations against them.

Another method of analyzing detainee statements is to look not at the degree of affiliation



the detainee concedes but at exactly what *activity* each detainee says he engaged in. Consequently, we also examined each detainee's statement for *the most significant conduct* he describes himself as taking part in. Viewed from this vantage point, the current detainee population breaks down as follows:

- 4 detainees describe themselves as Al Qaeda leaders.
- 9 detainees describe themselves as Al Qaeda operatives.
- 5 detainees describe themselves as Taliban leaders.
- 20 detainees admit fighting on behalf of Al Qaeda or the Taliban.
- 5 detainees admit providing combat support to Al Qaeda or the Taliban.
- 15 detainees admit to training at Al Qaeda or Taliban camps.
- 5 detainees admit to serving Al Qaeda or the Taliban in some non-military capacity.
- 24 detainees admit some form of associational conduct with respect to Al Qaeda, the Taliban, or some other armed group the government considers militarily hostile to the United States.
- 17 detainees are Uighurs who fit into none of the above-mentioned categories.
- An additional 8 detainees are non-Uighurs who also fit into none of the other categories.

In contrast to our analysis of the government's allegations, our analysis of detainee statements shows little evidence of a concentration of the most dangerous detainees resulting from the dwindling of the Guantánamo population.