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HEARING BEFORE THE SENATE ARMED SERVICES COMMITTEE

# Guantanamo Detention Facility and the Future of U.S. Detention Policy

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## Opening

Good Morning Chairman McCain, Ranking Member Reed, and members of the Committee. Thank you for the opportunity to appear before you today.

## Intelligence Community Support to Transfer Process

The Intelligence Community (IC) produces a range of tailored analysis aimed at helping policymakers make decisions regarding the potential transfer of detainees from the Guantanamo Bay detention facility. These assessments include profiles that examine factors relevant to whether individual detainees pose continuing threats to the US and its allies.

To echo Principal Deputy Under Secretary McKeon's statement, we take the risk of reengagement very seriously. The IC is continuously evaluating the global threat environment and works to keep decisionmakers informed of developments, especially with respect to threats to the United States. Those assessments inform a range of national security policy decisions, including transfer considerations.

Accordingly, the IC's analysis on current Guantanamo detainees focuses on the potential for those detainees to threaten the US and its interests overseas after they leave Guantanamo. These rigorous assessments aim to provide a comprehensive understanding of the detainee's background, current mindset, and any links to individuals or groups that pose a terrorist threat to US interests. They also take into account the evolving terrorism threat to the US, as well as security developments overseas, including in the detainee's home country and in conflict zones. IC products do not state whether a detainee poses a high, medium, or low risk of reengagement because we assess that likelihood to reengage is shaped by a synthesis of personal and environmental factors. In addition to the individually focused analysis, the IC also provides assessments about potential destination countries' capabilities and willingness to mitigate a detainee's threat.

## Monitoring for Reengagement

Once a detainee is transferred from Guantanamo, the IC continuously monitors for indications of reengagement and works closely with liaison partners to ensure the fullest understanding of a former detainee's activities. Through a rigorous IC coordination process that draws on the assessments of eight IC agencies, we determine whether to designate a former detainee as reengaged. We say that a former detainee is "confirmed" as re-engaging in terrorism when a preponderance of information identifies that individual as directly involved in terrorist or insurgent activities. We say that a former detainee is "suspected" of re-engaging in terrorism when plausible but unverified or single-source reporting indicates that the individual is directly involved in terrorist or insurgent activities. For the purposes of these definitions, engagement in anti-US statements or propaganda does not qualify as terrorist or insurgent activity. Moreover, a detainee may be confirmed as having reengaged in the absence of information that the detainee has engaged in conduct that poses a near-term threat to the United States or to U.S. persons or interests. Some former detainees have been added to the suspected list and later removed after information came to light suggesting that the individual had not reengaged, after all.

As Brian stated, 107 or 17.3% of the 620 detainees who had been transferred from Guantanamo had been confirmed of reengagement in terrorist or insurgent activities as of September 2014, and the IC assessed that an additional 77 former detainees, or 12.4%, were suspected of reengagement. Of the 88 transfers that occurred since the interagency process the DNI participates in was implemented in 2009, 6 or 6.8% were confirmed of reengagement in terrorist or insurgent activities, and 1 or 1.1% was suspected. The next unclassified report on reengagement, expected in early March, will update those numbers and reflect the most recent transfers.

Mr. Chairman, Mr. Ranking Member, this concludes my testimony. I look forward to your questions.

