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PERMANENT SELECT COMMITTEE ON INTELLIGENCE HVC–304, THE CAPITOL WASHINGTON, DC 20515 (202) 225–4121

> Damon Nelson Staff Director Michael Bahar

MICHAEL BAHAR MINORITY STAFF DIRECTOR

August 31, 2016

The Honorable Barack Obama President of the United States 1600 Pennsylvania Avenue NW Washington, DC 20500

Dear President Obama:

We take this opportunity to express our strong objection to the August 15, 2016, transfer of 15 detainees from the detention facility at Guantanamo Bay to the Government of the United Arab Emirates.

As you continue to draw down the prisoner population at Guantanamo Bay, you are releasing increasingly dangerous terrorists who are more closely linked to al-Qa'ida and attacks against the U.S. and coalition forces in Afghanistan. This largest-ever release includes several who trained in al-Qa'ida training camps, were bodyguards for Usama bin Laden, and fought at Tora Bora. They were non-compliant with their interrogators and hostile towards the Joint Task Force Guantanamo guards. According to the Periodic Review Board, Obaidullah, an Afghan detainee, was "mostly compliant" because he committed "less than 100 infractions since his arrival—a low number relative to the other detainees." If 100 infractions is considered a low number, then the bar for acceptable behavior has skewed far from reality.

Obaidullah was part of an al-Qa'ida-associated improvised explosive device cell that targeted coalition forces in Khowst, Afghanistan, and was captured with 23 antitank landmines and a notebook containing electronic and detonator schematics involving explosives and mines. His lack of stated intent to re-engage in terrorist activities is due to his lack of candor with his interrogators who admit that they "lack insight into his current mindset." That is no rationalization for his transfer.

Your justification for emptying Guantanamo, despite the significant known risks, are not credible. Nearly one third of detainees released from Guantanamo have reengaged in terrorist activities; the costs associated with maintaining the facility have not significantly diminished

because of the transfers; and the facility does not feature prominently in terrorist propaganda or recruitment efforts.

Your actions increase the risk to U.S. forces and any injuries or deaths as a result are solely your responsibility. Therefore, we urge you again to stop transferring dangerous detainees from the Guantanamo detention facility and instead generate a comprehensive strategic plan to combat the growing terrorist threat to the United States and our allies.

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Sincerely,