



On January 22, 2009, President Barack Obama ordered the initiation of a process to close the Guantánamo Bay detention facility. This supplement updates the report from the time of its completion on December 16, 2008 to reflect the current detainee population as it continues to evolve following the new presidential directive. It includes lists of the detainees who have been transferred or released since December 16, 2008 and those who have been charged in military commissions following that date – commissions whose rules the administration is in the process of revising – as well as breakdowns of the residual population that keep current those provided in the report’s main text. Finally, this supplement includes a section on the 17 *habeas* rulings, affecting 38 detainees, that judges of the U.S. District Court for the District of Columbia have issued since the Supreme Court’s decision to extend *habeas* rights to detainees at Guantánamo in *Boumediene v. Bush*.

This document is current as of October 21, 2009, on which date our data show the population of Guantánamo to include 221 detainees.

## HABEAS RULINGS

As of this writing, judges on the U.S. District Court for the District of Columbia have issued merits rulings in 17 separate *habeas* cases affecting 38 Guantánamo detainees. These rulings have held that 30 detainees, including 17 Uighurs and 5 of the 6 *Boumediene* petitioners, are unlawfully detained. In eight detainees’ cases, they have affirmed the legal propriety of detentions under the laws of war.

Notices of appeal have been filed in the U.S. Court of Appeals for the District of Columbia in the cases of nine detainees, indicating a decision to contest lower-court *habeas* judgments. (An appeal in *Kiyemba v. Bush*, dealt only with the lower court’s order to bring 17 Uighur petitioners to the United States for release and did not consider its judgment that the petitioners were detained unlawfully.)

A list of the cases to date, including the decisions made and the detainees they affect, follows:

Date	Case	Detainees Affected	Decision	Appeal
October 9, 2008	<i>Ghaffar v. Bush</i>  Memorandum Opinion; 08-cv-1310; Doc. 45	ISN 102 Nag Mohammed	Unlawfully Detained	None
		ISN 103 Arkin Mahmud		
		ISN 201 Ahmad Tourson		
		ISN 219 Abdul Razak		
		ISN 250 Hassan Anvar		
		ISN 275 Yusef Abbas		
		ISN 277 Bahtiyar Mahnut		
		ISN 278 Abdul Helil Mahmut		
		ISN 280 Saidullah Khalik		
		ISN 281 Abdul Ghappar Abdul Rahman		
		ISN 282 Hajiakbar Abdulghupur		
		ISN 285 Abdullah Abdulqadirakhun		
		ISN 289 Dawut Abdurehim		

		ISN 295 Emam Abdulahat		
		ISN 320 Hozaifa Parhat		
		ISN 328 Ahmed Mohamed		
		ISN 584 Adel Noori		
November 20, 2008	<i>Boumediene v. Bush</i>	ISN 10001 Bensayah Belkacem	Lawfully Detained	Petitioner Notice of Appeal; Doc. 281; 12/30/2008
	Memorandum Order; 04-cv-1166; Doc. 276	ISN 10002 Sabir Mahfouz Lahmar	Unlawfully Detained	None
		ISN 10003 Mohammad Nechle	Unlawfully Detained	None
		ISN 10004 Mustafa Ait Idr	Unlawfully Detained	None
		ISN 10005 Lakhdar Boumediene	Unlawfully Detained	None
		ISN 10006 Boudella Al Hajj	Unlawfully Detained	None
December 30, 2008	<i>Ghazy v. Bush</i>	ISN 28 Muaz Hamza Ahmad Alawi	Lawfully Detained	Petitioner Notice of Appeal; Doc. 126; 4/10/2009
	Memorandum Order; 05-cv-2223; Doc. 107			
December 30, 2008	<i>Sliti v. Bush</i>	ISN 174 Hisham Bin Ali Bin Amor Sliti	Lawfully Detained	Petitioner Notice of Appeal; Doc. 223; 3/27/2009
	Memorandum Order; 05-cv-0429; Doc. 189			
January 14, 2009	<i>Sliti v. Bush</i>	ISN 269 Muhammad Hamid Al Qarani	Unlawfully Detained	None
	Memorandum Order; 05-cv-0429; Doc. 202			
January 28, 2009	<i>Al Bihani v. Obama</i>	ISN 128 Ghaleb Nasser Al Bihani	Lawfully Detained	Petitioner Notice of Appeal; Doc. 91; 2/13/2009
	Memorandum			

	Order; 05-cv-1312; Doc. 89			
March 31, 2009	<i>Basardh v. Bush</i>  Final Judgment; 05-cv-0889; Doc. 131	ISN 252 Yasim Muhammed Basardh	Unlawfully Detained	Respondent Notice of Appeal; Doc. 150; 5/29/2009
April 2, 2009	<i>Sliti v. Bush</i>  Memorandum Order; 05-cv-0429; Doc. 226	ISN 717 Abdul Haddi Bin Haddidi	Lawfully Detained	Petitioner Notice of Appeal; Doc. 235; 5/1/2009
May 5, 2009	<i>Ali Ahmed v. Obama</i>  Memorandum Opinion; 05-cv-1678; Doc 220	ISN 692 Ali Bin Ali Aleh	Unlawfully Detained	None
June 22, 2009	<i>Al Ginco v. Obama</i>  Memorandum Order; 05-cv-1310; Doc. 162	ISN 489 Abd Al Rahim Abdul Rassak Janko	Unlawfully Detained	None
July 29, 2009	<i>Al Odah v. USA</i>  Order; 02-cv-0828; Doc. 606	ISN 213 Khalid Bin Abdullah Mishal Thamer Al Hameydani	Unlawfully Detained	None
July 30, 2009	<i>Al Halmandy v. Bush</i>  Order; 05-cv-2385; Doc. 323	ISN 900 Mohamed Jawad	Unlawfully Detained	None
August 12, 2009	<i>Awad v. Obama</i>  Memorandum Order Denying Writ of Habeas Corpus; 05-cv-2379; Doc. 178	ISN 88 Waqas Mohammed Ali Awad	Lawfully Detained	Petitioner Notice of Appeal; Doc. 179; 10/8/2009
August 17, 2009	<i>Al-Adahi v. Obama</i>  Order; 05-cv-0280; Doc. 457	ISN 33  Mohammed Ahmad Said Al Edah	Unlawfully Detained	Respondent Notice of Appeal; Doc. 463; 9/21/2009
August 24, 2009	<i>Al Odah v. USA</i>  Order; 02-cv-0828; Doc. 638	ISN 232  Fouzi Khalid Abdullah Al Awda	Lawfully Detained	Petitioner Notice of Appeal; Doc. 640; 9/8/2009

September 3, 2009	<i>Barhoumi v. Obama</i>  Order; 05-cv-1506; Doc. 219	ISN 694  Sufyian Barhoumi	Lawfully Detained	None
September 17, 2009	<i>Al Odah v. USA</i>  Order; 02-cv-0828; Doc. 643	ISN 551  Fouad Mahoud Hasan Al Rabia	Unlawfully Detained	None

In addition, the DC District Court dismissed the *habeas* petition of Ghassan Abdallah Ghazi Al Shirbi, ISN #682, without prejudice on March 10, 2009. In a handwritten statement dated August 8, 2008 and received by the Court in January, Al Shirbi requested the dismissal of his petition and rejected representation in U.S. courts. Following a hearing in which Al Shirbi participated by videoconference from Guantánamo, Judge Emmet G. Sullivan granted the detainee's request. See Order, *Al Sharbi v. Bush*, No. 05-cv-2348 (D.D.C. March 10, 2009) (Doc. 97).

Of the detainees who have prevailed in their *habeas* cases, 12 have been repatriated; the rest remain at Guantánamo.

#### DETAINEES TRANSFERRED FROM GUANTÁNAMO TO FOREIGN COUNTRIES AFTER DECEMBER 16, 2008

ISN	Name	Nationality	Basis for Conclusion
22	Shakhrukh Hamiduva	Uzbekistan	Press Release, "United States Transfers Three Guantanamo Bay Detainees," Department of Justice Office of Public Affairs, 9/26/2009; Mary Fitzgerald, "Two Men Detained by U.S. Resettle in Ireland," <i>The Irish Times</i> , 9/28/2009
111	Ali Abdul Motalib Awayd Hassan Al Tayeea	Iraq	Habeas Petition: Notice of Transfer of Petitioner; 05-cv-1239; Doc. 61; 1/21/2009
175	Hassan Mujamma Rabai Said (Alias: Bashir Ghalaab)	Algeria	Habeas Petition: Notice of Transfer of Petitioner; 08-cv-1104; Doc. 59; 1/21/2009
213	Khalid Bin Abdullah Mishal Thamer Al Hameydani	Kuwait	Press Release, "United States Transfers Two Guantanamo Bay Detainees to Kuwait and Belgium," Department of Justice Office of Public Affairs, 10/9/2009
269	Muhammad Hamid Al Qarani	Chad	Habeas Petition: Notice of Transfer of Petitioner; 05-cv-0429; Doc. 242; 6/11/2009

278	Abdul Helil Mahmut	China	Habeas Petition: Notice of Transfer of Petitioners and Withdrawal of Request to Seal Court's Order of June 9, 2009; 05-cv-1509; Doc. 232; 6/11/2009
285	Abdullah Abdulqadirakhun	China	Habeas Petition: Notice of Transfer of Petitioners and Withdrawal of Request to Seal Court's Order of June 9, 2009; 05-cv-1509; Doc. 232; 6/11/2009
295	Emam Abdulahat	China	Habeas Petition: Notice of Transfer of Petitioners and Withdrawal of Request to Seal Court's Order of June 9, 2009; 05-cv-1509; Doc. 232; 6/11/2009
312	Muhammad Abd Al Nasir Muhammad Khantumani	Syria	Habeas Petition: Notice of Transfer of Petitioner Mohammed Khan Tumani (ISN 312); 05-0526; Doc. 230; 8/30/2009
317	Moammar Badawi Dokhan	Syria	Habeas Petition: Notice of Transfer of Petitioner; 08-0987; Doc. 152; 8/30/2009
320	Hozaiifa Parhat	China	Habeas Petition: Notice of Transfer of Petitioners and Withdrawal of Request to Seal Court's Order of June 9, 2009; 05-cv-1509; Doc. 232; 6/11/2009
335	Kahlid Saad Mohammed	Saudi Arabia	Press Release, "United States Transfers Three Guantanamo Detainees to the Kingdom of Saudi Arabia," Department of Justice Office of Public Affairs, 6/12/2009
433	Jawad Jabber Sadkhan	Iraq	Habeas Petition: Respondents' Notice of Transfer of Petitioner and Withdrawal of Request for Designation of Certain Information as Protected Information; 05-cv-1487; Doc. 207; 6/11/2009
435	Hassan Abdul Said	Iraq	Habeas Petition: Notice of Transfer of Petitioner; 08-cv-1733; Doc. 30; 1/21/2009
452	Abu Bakir Jamaludinovich	Uzbekistan	Press Release, "United States Transfers Three Guantanamo Bay Detainees," Department of Justice Office of Public Affairs, 9/26/2009; Mary Fitzgerald, "Two Men Detained by U.S. Resettle in Ireland," <i>The Irish Times</i> , 9/28/2009
653	Arkan Mohammad Ghafil Al Karim	Iraq	Habeas Petition: Notice of Transfer of Petitioner and Withdrawal of Request for Designation of Certain Information as Protected Information; 05-cv-0998; Doc. 100; 1/21/2009
669	Ahmed Zaid Salim Zuhair	Saudi Arabia	Press Release, "United States Transfers Three Guantanamo Detainees to the Kingdom of Saudi Arabia," Department of Justice Office of Public Affairs, 6/12/2009
687	Abdalaziz Kareem Salim Al Noofayae	Saudi Arabia	Press Release, "United States Transfers Three Guantanamo Detainees to the Kingdom of Saudi Arabia," Department of Justice Office of Public Affairs, 6/12/2009
692	Ali Bin Ali Aleh	Yemen	Press Release, "United States Transfers Three Guantanamo Bay Detainees," Department of

			Justice Office of Public Affairs, 9/26/2009
758	Abbas Habid Rumi Al Naely	Iraq	Habeas Petition: Notice of Transfer of Petitioner; 06-cv-0619; Doc. 77; 1/21/2009
900	Mohamed Jawad	Afghanistan	Press Release, "United States Transfers Guantanamo Bay Detainee to Afghanistan," Department of Justice Office of Public Affairs, 8/24/2009
968	Haji Bismullah	Afghanistan	1) DTA Appeal: Notice; Doc. filed 1/14/2009; Docketed 6/9/2006 2) "6 more detainees freed from Gitmo," <i>The Miami Herald</i> , 1/17/2009
1458	Binyam Ahmed Mohammad	Ethiopia	Press Release, "United States Transfers Binyam Mohammed to United Kingdom," Department of Justice Office of Public Affairs, 2/23/2009
10005	Lakhdar Boumediene	Algeria	Press Release, "United States Transfers Lakhdar Boumediene to France," Department of Justice Office of Public Affairs, 5/15/2009

The Pentagon repatriated Bismullah after a new CSRT hearing, convened in light of new evidence concerning his case, determined that he is no longer an enemy combatant. It also transferred nine detainees – four Uighurs as well as Aleh, Al Hameydani, Zuhair, Boumediene, and Jawad – after *habeas* court determinations that they were not properly categorized as enemy combatants. The other detainees who have been recently transferred retained their enemy combatant status.

On June 2, 2009, Joint Task Force-Guantánamo announced that a Yemeni detainee, Mohammad Ahmed Abdullah Saleh Al Hanashi, ISN #78, had apparently committed suicide the night before. See "Detainee Death at Guantánamo Bay," U.S. Southern Command News, available at <http://www.southcom.mil/appssc/news.php?storyId=1785>.

Note: The Department of Justice did not disclose the identities of three detainees who were recently transferred to Ireland and Belgium, respectively, citing those countries' requests for privacy. On September 28, 2009, however, *The Irish Times* identified the two detainees who were resettled in Ireland as Shakhrukh Hamiduva and Abu Bakir Jamaludinovich; *The New York Times* corroborates this information in its online database tracking the detainee population. The identity of the detainee recently transferred to Belgium remains unknown. Until more information is available, we can only account for this detainee in the updated count of the residual detainee population. We do not include him in any other updated figures or breakdowns.

DETAINEES TRANSFERRED FROM GUANTÁNAMO TO THE UNITED STATES FOR PROSECUTION IN FEDERAL COURT

**ISN    Name                      Nationality    Documentation**

10012	Ahmed Khalfan Ghailani	Tanzania	Press Release, “Ahmed Ghailani Transferred from Guantanamo Bay to New York for Prosecution on Terror Charges,” Department of Justice Office of Public Affairs, 6/9/2009
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Of the 52 detainees the report identified as still at Guantánamo and cleared for transfer or release under the Bush administration, 12 have since been transferred. On February 4, 2009, the government released three lists in the context of *habeas* litigation indicating that eight detainees the report had not identified had also been cleared to leave Guantánamo. On March 30, 2009, the Department of Justice announced that the administration had cleared a Yemeni detainee, Ayman Saeed Abdullah Batarfi, ISN #627, for transfer. Finally, in an oversight, we failed to note that Slah Muhamed Salih Al Zabe, ISN #572, was cleared for transfer on February 15, 2005 following his ARB 1 hearing. These changes cumulatively bring the total number of detainees currently at Guantánamo and whom we have confirmed were cleared for transfer or release under the Bush administration to 50. We list these individuals below.

DETAINEES STILL AT GUANTÁNAMO AND CLEARED FOR TRANSFER OR RELEASE

**ISN    Name    Nationality    Basis for Conclusion**

26	Fahed Abdullah Ahmad Ghazi	Yemen	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-3; 2/4/2009
34	Al Khadr Abdallah Muhammed Al Yafi	Yemen	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
38	Ridah Bin Saleh Al Yazidi	Tunisia	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
46	Sayf Bin Abdallah	Tunisia	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
49	Assem Matruq Mohammad Al Aasmi	Saudi Arabia/Palestine	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
102	Nag Mohammed	China	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009



103	Arkin Mahmud	China	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
148	Adil Mabrouk Bin Hamida	Tunisia	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
152	Asim Thahit Abdullah Al Khalaqi	Yemen	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
165	Adil Said Al Haj Obeid Al Busayss	Yemen	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
167	Al Yahya Mahdi Al Raimi	Yemen	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
168	Muhammed Ibn Arfan Shaheen	Tunisia	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-3; 2/4/2009
200	Said Muhammad Husayn Qahtani	Saudi Arabia	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
201	Ahmad Tourson	China	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
219	Abdul Razak	China	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
238	Nabil Hadjarab	Algeria	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
239	Shakir Abdurahim Mohamed Ami	Saudi Arabia	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
250	Hassan Anvar	China	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
251	Muhhammad Said Bin Salem	Yemen	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
257	Omar Hamzayavich Abdulayev	Tajikistan	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
259	Fadil Husayn Salih Hintif	Yemen	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
275	Yusef Abbas	China	Habeas Litigation: Detainees with

			Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
277	Bahtiyar Mahnut	China	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
280	Saidullah Khalik	China	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
281	Abdul Ghappar Abdul Rahman	China	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
282	Hajiakbar Abdulghupur	China	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
288	Mutij Sadiz Ahmad Sayab	Algeria	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
289	Dawut Abdurehim	China	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
290	Ahmed Bin Saleh Bel Bacha	Algeria	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
311	Saiid Farhi	Algeria	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
328	Ahmed Mohamed	China	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
331	Ohmed Ahmed Mahamoud Al Shurfa	Saudi Arabia	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-3; 2/4/2009
369	Adel Fattough Ali Algazzar	Egypt	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
455	Ali Sher Hamidullah	Uzbekistan	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
461	Abdul Rahman Umir Al Qyati	Yemen	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
502	Abdul Bin Mohammed Bin Abess Ourgy	Tunisia	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
511	Sulaiman Awath Sulaiman Bin Ageel Al	Yemen	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-

	Nahdi		1645; Doc. 113-2; 2/4/2009
519	Mahrar Rafat Al Quwari	Palestine	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
554	Fahmi Salem Said Al Sani	Yemen	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
566	Mansoor Muhammed Ali Qattaa	Saudi Arabia	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
572	Slah Muhamed Salih Al Zabe	Saudi Arabia	ARB Round I hearing for Al Zabe, ARB I Decision Memo, 289-292
584	Adel Noori	China	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
627	Ayman Saeed Abdullah Batarfi	Yemen	Habeas Litigation: Joint Motion for Stay of Proceedings; 05-cv-0409; Doc. 178; 3/30/2009
675	Kamaluddin Kasimbekov	Uzbekistan	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
681	Mohammed Mohammed Hassen	Yemen	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
709	Abdul Rauf Omar Mohammed Abu Al Qusin	Libya	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
717	Abdul Haddi Bin Hadiddi	Tunisia	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-3; 2/4/2009
892	Rafiq Bin Bashir Bin Jalud Al Hami	Tunisia	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
894	Mohammed Abdul Rahman	Tunisia	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009
1015	Hussein Salem Mohammed	Yemen	Habeas Litigation: Detainees with Pending <i>Habeas Corpus</i> Petitions; 05-cv-1645; Doc. 113-2; 2/4/2009

NOTE: In an annotated list published on March 3, 2009, Guantánamo researcher Andy Worthington indicated that Aziz Abdul Naji, ISN #744, has also been cleared for transfer or release. We have not been able to find clear documentation that corroborates Mr. Worthington's finding. Counsel for Naji, in addition, did not confirm or deny his claim.



10013	Ramzi Bin Al-Shibh	Yemen
10014	Walid Muhammad Salih Mubarek Bin ' Attash	Yemen
10018	Ali Abdul Aziz Ali	Kuwait
10024	Khalid Sheikh Muhammad	Kuwait

The following seven detainees face sworn (and, in some cases, re-sworn) charges:

**ISN Name Nationality**

535	Tariq Mahmoud Ahmed Al Sawah	Egypt
551	Fouad Mahmoud Hasan Al Rabia	Kuwait
552	Faiz Mohammed Ahmed Al Kandari	Kuwait
682	Ghassan Abdullah Al Sharbi	Saudi Arabia
694	Sufyian Barhoumi	Algeria
696	Jabran Said Bin Al Qahtani	Saudi Arabia
762	Obaidullah	Afghanistan

Charges have been dismissed without prejudice against the following five detainees:

**ISN Name Nationality**

63	Mohammed Al Qahtani	Saudi Arabia
753	Abdul Zahir	Afghanistan
850	Mohammed Hashim	Afghanistan
934	Abdul Ghani	Afghanistan
10015	Abdal-Rahim Hussein Muhammed Abdul Al-Nashiri	Saudi Arabia

Three detainees transferred since the report's release, Binyam Mohammad, Ahmed Khalfan Ghailani, and Mohamed Jawad, also had military commission charges against them that were dismissed without prejudice.

## DATA UPDATES

Right around the time we released this report, the Defense Department quietly released a document entitled “Consolidated Chronological Listing of GTMO Detainees Released, Transferred or Deceased.” The list, [available here](#), attracted virtually no attention and came to our notice only after the report was public. As it purports to identify all detainees removed from Guantánamo from 2002 through October 9, 2008, a brief analysis of it has offered us the opportunity to verify a great deal of the data that appear in Appendices I and II and dramatically lower the margin of error reported in the main document.

For Appendix I, which lists the 248 detainees we believed to still be held at Guantánamo as of December 16, 2008, the document impliedly corroborates all but one of our judgments. With that one exception, every detainee we list in Appendix I *does not* appear on the Pentagon list. As we have accounted for each transfer that post-dated the list’s end date, this strongly suggests that the list of detainees we report in Appendix I—including all of those listed as having only “imperfect documentation” or “limited documentation” establishing their presence at the base—is accurate. The single exception is an Afghan detainee named Hafizullah, ISN #965, whom we had identified as present at Guantánamo based on an August 1, 2008 *habeas* status report that identified him “currently detained.” The Pentagon document, however, lists him as having been removed from Guantánamo on December 15, 2006. The government’s status report turns out to have been in error, and the government filed a correction three months later on November 10, 2008. According to this filing, Hafizullah is no longer at Guantánamo and was, in fact, repatriated in December 2006. See Notice of Errata and Transfer of Petitioner, *In Re: Guantanamo Bay Detainee Litigation*, No. 08-cv-1227 (D.D.C. November 10, 2008) (Doc. 35).

For Appendix II, which lists detainees who went through the CSRT process and were subsequently removed from Guantánamo, the Pentagon list directly corroborates our findings in all but a small number of cases. The ISNs for all detainees listed as “certain” in Appendix II and reportedly removed from Guantánamo within the time period covered by the list appear on it. In addition, with a single exception, the ISNs for each detainee listed as having “imperfect documentation” or “limited documentation” for their removal from Guantánamo appear on the list. In all but six of these cases, the names on the list match closely the names that appear on earlier Pentagon lists of Guantánamo detainees as well. The one detainee we had reported transferred who does not appear on the list is a Saudi detainee named Slah Muhamed Salih Al Zabe, ISN #572. We had tentatively classified him as having left Guantánamo based on reporting by the *New York Times*, while noting that Guantánamo researcher Andy Worthington believes Al Zabe remained at Guantánamo. The Pentagon’s list suggests that Worthington is correct.

Accounting for Hafizullah and Al Zabe, the current detainee population at Guantánamo numbers 221.

On December 31, 2008, the Pentagon released factors memos, transcripts, and transfer/release decision memos for the third Administrative Review Board proceedings (ARB 3), which was completed in March 2008. On March 9, 2009, the Pentagon also made public a *pro se* filing submitted earlier in the month by the five detainees charged under the military commissions system as September 11 conspirators. Our analysis of this information has resulted in small changes to the breakdowns provided in the report of government allegations and detainee statements. The updated breakdowns are as follows.

According to the government's allegations, the current detainee population includes:

- 26 members of Al Qaeda's leadership cadre (or 12 percent of the total population),
- 90 lower-level Al Qaeda operatives (or about 41 percent of the total),
- 8 members of the Taliban's leadership cadre (roughly 3.5 percent of the total),
- 81 foreign fighters (or about 37 percent of the total), and
- 11 Taliban fighters and operatives (or about 5 percent of the total).

The public record contains statements from 130 non-Uighur men, of the 221 detainees who make up the current population. Of these, 86, or about 39 percent of the detainee population, admit some degree of affiliation with terrorist organizations, as alleged by the government, while 44, or about 20 percent, deny any association with the Taliban or Al Qaeda. The 86 who admit some association break down as follows:

- 33 openly admit either membership or significant association with Al Qaeda, the Taliban, or some other 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.
- 20 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.
- 32 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 73 detainees made no statement to CSRT or ARB 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 at the most significant *conduct* that the detainee concedes taking part in. Viewed from this vantage point, the current detainee population breaks down as follows:



- 7 detainees admit being Al Qaeda leaders.
- 6 detainees admit being Al Qaeda operatives.
- 5 detainees admit being Taliban leaders.
- 15 detainees admit fighting on behalf of Al Qaeda or the Taliban.
- 5 detainees admit providing combat support to Al Qaeda or the Taliban.
- 16 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.
- 22 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.
- 13 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.

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