



Written by [Thomas R. Eddlem](#) on May 27, 2009

Guantanamo Recidivism: Numbers Inflated?

Does an alleged one-in-seven recidivism rate mean that transfers from Guantanamo should end? Former Vice President Dick Cheney apparently thinks so, as he claimed in [his speech](#) before the American Enterprise Institute last week, saying, "The ones that were considered low risk were released a long time ago. And among these, it turns out that many were treated too leniently, because they cut a straight path back to their prior line of work and have conducted murderous attacks in the Middle East. An estimated 14 percent of those released previously are believed to be back in the business of jihad." Cheney must have been quoting from the same study, as 14 percent equals one-in-seven.



But the *New York Times* [pointed out](#): "There was no evidence that any of those released had engaged in elaborate operations like the Sept. 11 attacks."

The key phrase in the *New York Times* lead that one-in-seven are "are engaged in terrorism or militant activity" may be the "or militant activity." Seton Hall Law School Professor Mark Denbeaux has published two studies of previous Defense Department claims of recidivism from those released from Guantanamo Bay and found that in the past the federal government has inflated the recidivism numbers by including "militant activity" as well as actual terrorism. Denbeaux's studies were entitled [The Government's Story Then and Now](#) and [Propaganda by the Numbers](#).

While only finding less than 20 actual allegations of terrorists acts among those released from Guantanamo in the public record, Denbeaux [pointed out](#) that a July 12, 2007 press release from the Department of Defense noted that "at least 30 former GTMO detainees have taken part in anti-coalition militant activities after leaving U.S. detention." Among the "anti-coalition militant activities" the Department of Defense (DoD) included was "anti-US propaganda ... and media reports."

Giving an interview to the press is hardly conducting terrorism, but that's essentially what past DoD studies have claimed as "anti-coalition militant activities." Examples include three British citizens who were brutalized at Guantanamo and who subsequently gave an interview to the 2006 documentary film [The Road to Guantánamo](#). These three high-school friends, dubbed the "[Tipton Three](#)" by the British media (after their home town), are quite possibly among the DoD's most recent list of recidivist former detainees.

So is Abu Bakker Qassim, a Uighur (an ethnic Turk from China) who even the DoD's own investigations have indicated was picked up innocently by greedy bounty hunters in the months after the invasion of Afghanistan. Qassim wrote [an opinion column for the New York Times](#) in September 2006 after his release calling for habeas corpus protections for detainees so that they too could prove their innocence. Qassim wrote, "I am a great admirer of the American legal and political systems. I have the utmost



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respect for the United States Congress. So I respectfully ask American lawmakers to protect habeas corpus and let justice prevail." That hardly sounds terroristic, especially coming from a man who spent four years in jail for a crime he didn't commit. But he too engaged in "anti-coalition militant activities" by engaging in "media reports," according to the standard outlined by the July 2007 DoD press release.

The new DoD study of former Guantanamo detainees' recidivism remains classified, and thus the information available to the public is as vague as were past federal claims of recidivism. Two hundred and forty prisoners remain at Guantanamo, and the details of the DoD study may prove informative.

But even if the government's numbers eventually prove accurate this time (as opposed to the phony numbers Denbeaux exploded), the current DoD estimate indicates an unconscionable miscarriage of justice. "Terrorism experts said a 14 percent recidivism rate was far lower than the rate for prisoners in the United States, which, they said, can run as high as 68 percent three years after release." The extraordinarily low recidivism rate compared with those who commit other crimes may well reflect the fact that [an extraordinary proportion of those who were incarcerated at Guantanamo were innocent](#), like Qassim and the Tipton Three and [several dozen](#) other well-known innocents.

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