

Report to Congress on the Guantanamo Bay Detention Facility

Submitted in response to the request
contained in House Report 117-88, page 103, accompanying H.R. 4432, the
Department of Defense Appropriations Bill, 2022

Preparation of this report cost the Department of Defense a total of approximately
\$3,500.00 in Fiscal Year 2022.
Generated on December 6, 2022
RefID: 5-6DS70E2

Report to the Appropriations Committees as requested in House Report 117-88, page 103, accompanying H.R. 4432, the Department of Defense Appropriations Bill, 2022

House Report 117-88, page 103, accompanying H.R. 4432, the Department of Defense Appropriations Bill, 2022, requests that the Secretary of Defense submit to Congress a report on the current number of detainees at the Guantanamo Bay detention facility; their legal status; a description of all Department of Defense costs associated with the facility during the last two fiscal years by program, account, and activity; the status of funds for the current fiscal year; and a description of steps taken to close the facility.

Current Legal Status of Detainees at the Guantanamo Bay Detention Facility

There are 35 detainees at the Guantanamo Bay Detention Facility. The detainees are divided into four categories: detainees who are Transfer Eligible, detainees in the Periodic Review Board (PRB) process, detainees subject to Military Commissions Prosecution, and detainees who are Convicted. Twenty detainees are transfer eligible; the threat associated with these detainees can be mitigated through feasible and appropriate security measures related to a transfer from the Guantanamo Bay Detention Facility to their home country or to another appropriate third country that is willing to accept the transfer. There are three detainees who are in the PRB Process. There are nine detainees currently involved in ongoing Military Commissions Prosecution. Finally, three detainees have been convicted in Military Commissions. One convicted detainee, Ali Hamza Ahmad Sulayman Bahlul, is held at the Guantanamo Bay Detention Facility pursuant to a sentence of confinement. Another, Majid Khan, was convicted but has completed his sentence. The third convicted detainee, Nashwan abd al-Razzaq abd al Baqi, is convicted and is waiting to be sentenced. The graphic at Tab A provides details on which detainees are in each category.

Description of all Department of Defense Costs Associated with the Guantanamo Bay Detention Facility

Please see the attached information detailing all costs associated with the Guantanamo Bay Detention Facility (Tab B).

Description of Steps Taken to Close the Facility

~~CONTROLLED UNCLASSIFIED INFORMATION (CUI)~~

During the past year the Department accelerated the PRB process, conducting full PRB reviews with hearings for all eligible detainees within the past year instead of holding them once every three years. More than half of the remaining detainees are now Transfer Eligible. It is anticipated that, as those eligible for transfer are moved back to their home country or to a third country, the Department will continue to consider a number of courses of action to consolidate the footprint of the facility without compromising force protection or the Military Commissions process.

~~CONTROLLED UNCLASSIFIED INFORMATION (CUI)~~

Guantanamo Detainee Tracker – Summary

31-Oct-2022

Category	ISN	Country	Name
Transfer Eligible (20)	027	Yemen	Uthman Abd al-Rahim Muhammad Uthman
	028	Yemen	Moath Hamza Ahmed Al-Alwi
	038	Tunisia	Ridah Bin Saleh al Yazidi
	242	Yemen	Khalid Ahmed Qasim
	309	UAE (ethnic Rohingya)	Mjuayn Al-Din Jamal Al-Din Abd Al Fadhil Abd Al-Sattar
	569	Yemen	Suhayl Abdul Anam al Sharabi
	682	Saudi Arabia	Abdullah Al Sharbi
	685	Algeria	Said bin Brahim bin Umran Bakush
	708	Libya	Ismael Ali Faraj Ali Bakush
	841	Yemen	Said Salih Said Nashir
	893	Yemen	Tawfiq Nasir Awad Al-Bihani
	1017	Yemen	Omar Mohammed Ali Al-Rammah
	1453	Yemen	Sanad Al Kazimi
	1456	Yemen	Hassan Bin Attash
	1457	Yemen	Sharqawi Abdu Ali Al Hajj
	1460	Pakistan	Abdul Rabbani
	1461	Pakistan	Mohammed Rabbani
	1463	Yemen	Abd Al-Salam Al-Hilah
	10023	Somalia	Guleed Hassan Ahmed
	10025	Kenya	Mohammed Abdul Malik Bajabu
PRB Eligible (3)	10016	Gaza (Palestine)	Zayn al-Ibidin Muhammed Husayn (Abu Zubaydah)
	10017	Libya	Mustafa Faraj Muhammad Masud al-Jadid al-Uzaybi
	10029	Afghanistan	Muhammad Rahim
Military Commissions Prosecution (9)	10011	Saudi Arabia	Mustafa Ahmad al Hawsawi
	10013	Yemen	Ramzi Bin Al Shibh
	10014	Yemen	Walid Mohammed Bin Attash
	10015	Saudi Arabia	Mohammed al Nashiri
	10018	Pakistan	Ali abd al Aziz Ali (Ammar Al Baluchi)
	10019	Indonesia	Encep Nurjaman (Hambali)
	10021	Malaysia	Mohd Farik bin Amin (Zubair)
	10022	Malaysia	Bashir bin Lep
	10024	Kuwait	Khalid Sheikh Mohammed
Convicted (3)	39	Yemen	Ali Hamza Ahmad Sulayman Bahul
	10020	Pakistan	Majid Khan
	10026	Iraq	Nashwan abd al-Razzaq abd al-Baqi (Hadi)

**(U//~~CS~~) FY 2020-2022 Department of Defense
Funding for Guantanamo Bay, Cuba JTF/Detainee**

Program (\$ Millions)	FY 2020* (Base + OCO)	FY 2021* (Base + OCO)	FY 2022 Base	FY 2022 Enduring/ Direct War	FY 2022 Total
Operation & Maintenance (O&M)					
Department of the Army	\$ 86.5	\$ 85.5	\$ -	\$ 96.8	\$ 96.8
Total	\$ 86.5	\$ 85.5	\$ -	\$ 96.8	\$ 96.8
Base operations support	\$ 23.5	\$ 18.5	\$ -	\$ 24.6	\$ 24.6
JTF mission operations	\$ 40.5	\$ 45.7	\$ -	\$ 55.4	\$ 55.4
Facility, Sustainment, Restoration, and Modernization	\$ 22.5	\$ 21.3	\$ -	\$ 16.8	\$ 16.8
Department of the Navy	\$ 3.0	\$ 2.4	\$ 2.4	\$ 1.7	\$ 4.1
Total	\$ 3.0	\$ 2.4	\$ 2.4	\$ 1.7	\$ 4.1
Administrative Support	\$ 3.0	\$ 2.4	\$ 2.4	\$ 1.7	\$ 4.1
Defense-Wide	\$ 50.8	\$ 44.7	\$ -	\$ 64.4	\$ 64.4
Total	\$ 50.8	\$ 44.7	\$ -	\$ 64.4	\$ 64.4
Defense Legal Services Agency:	\$ 50.8	\$ 44.7	\$ -	\$ 64.4	\$ 64.4
Lease & Sustainment	\$ 1.5	\$ 6.2	\$ -	\$ 8.8	\$ 8.8
Information Technology	\$ 12.6	\$ 6.0	\$ -	\$ 3.8	\$ 3.8
Contracts	\$ 23.9	\$ 18.0	\$ -	\$ 8.1	\$ 8.1
Support Agreements	\$ 0.5	\$ 1.8	\$ -	\$ 24.3	\$ 24.3
Administrative Support	\$ 5.1	\$ 12.5	\$ -	\$ 14.5	\$ 14.5
DTS Travel & Per Diem	\$ 0.1	\$ 0.1	\$ -	\$ 0.1	\$ 0.1
ELC* Operations & Installation Support	\$ 7.1	\$ 0.1	\$ -	\$ 4.8	\$ 4.8
Subtotal	\$ 140.3	\$ 132.6	\$ 2.4	\$ 162.9	\$ 165.3
Military Construction (MILCON)					
Department of the Army	\$ 38.9	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ 38.9	\$ -	\$ -	\$ -	\$ -
Procurement (PROC)					
Department of the Army	\$ 31.0	\$ 2.7	\$ 11.1	\$ -	\$ 11.1
Subtotal	\$ 31.0	\$ 2.7	\$ 11.1	\$ -	\$ 11.1
Military Personnel (MILPERS)					
Department of the Army	\$ 134.0	\$ 98.0	\$ -	\$ 97.5	\$ 97.5
Department of the Navy¹	\$ 1.7	\$ 1.8	\$ 1.9	\$ -	\$ 1.9
Subtotal	\$ 135.7	\$ 99.8	\$ 1.9	\$ 97.5	\$ 99.4
TOTAL	\$ 345.9	\$ 235.1	\$ 15.4	\$ 260.4	\$ 275.7

^{1/} Includes MILPERS costs for U.S. Marine Corps

^{*} Expeditionary Legal Complex (ELC)

FY 2022 Status of Funds (as of 09/30/2022)			
Appropriation (\$ Millions)	Funding	Obligations	% Obligated
Operation & Maintenance (O&M)			
Department of the Army	\$ 96.8	\$ 88.6	91.6%
Department of the Navy	\$ 4.1	\$ 2.4	58.5%
Defense-Wide (DLSA)	\$ 64.4	\$ 59.0	91.6%
Subtotal, O&M	\$ 165.3	\$ 150.0	90.8%
Procurement (PROC)			
Department of the Army	\$ 11.1	\$ 11.0	99.1%
Subtotal, PROC	\$ 11.1	\$ 11.0	99.1%
Military Personnel (MILPERS)			
Department of the Army	\$ 97.5	\$ 79.5	81.5%
Department of the Navy	\$ 1.9	\$ 1.9	100.0%
Subtotal, MILPERS	\$ 99.4	\$ 81.4	81.9%
TOTAL	\$ 275.7	\$ 242.4	87.9%