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BUDGET

United States Senate

WASHINGTON, DC 20510–0104

December 9, 2009

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

Dear Attorney General Holder:

I am writing to you in your capacity as head of the administration's Task Force on Review of Guantanamo Detainees. At two points this year, you have vouched for the success of the Saudi Arabian program for "rehabilitating" jihadist terrorists. At the Senate Judiciary Committee's June 2009 oversight hearing, you testified to your belief that the program has been "pretty successful." On November 16, 2009, you responded to written questions I submitted to you, by stating that "the Saudi rehabilitation program appears successful."

In view of the many active terrorists who have emerged from the Saudi program, I do not believe it has been successful in "rehabilitating" detainees. To the contrary, I believe this program has been a failure and should no longer be relied on to release detainees from the U.S. Naval Base at Guantanamo Bay. Accordingly, I urge you as the chief official responsible for detainee transfer decisions to suspend all transfers to the Saudi program until the cause of these failures can be determined and the security of the program verified.

The list of failed participants in the Saudi program reads like a "who's who" of al Qaeda terrorists on the Arabian Peninsula. Those who have either graduated or escaped from the program en route to terrorist acts include:

- Said Ali al Shiri, the deputy leader of al Qaeda in Yemen;
- Ibrahim Suleiman al Rubaish, al Qaeda's Mufti, or theological leader, in the Arabian Peninsula;
- Abu Hareth Muhammad al-Awfi, who appeared in an al Qaeda video in January 2009;
- Yousef Mohammed al Shihri, who was shot by Saudi security forces in October 2009 while trying to pass through a security checkpoint wearing women's clothing and an explosives belt.

These men's cases are not isolated examples. In February, the Kingdom of Saudi Arabia's Interior Ministry issued its list of the top 85 most wanted terrorists. Eleven graduates of the Saudi program were on that list. All eleven had previously been detainees at Guantanamo.

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These failures counsel strongly against relying on the Saudi rehabilitation program. According to a May 2009 *New York Times* report, "the Pentagon believes that 74 prisoners released from Guantánamo have returned to terrorism or militant activity," which means that nearly 1 in 7 former detainees have already returned to the battlefield. If the administration continues to rely on the Saudi program, I fear this number will only increase.

I believe you should suspend all detainee transfers to the Saudi program until you, as head of the Task Force on Review of Guantanamo Detainees, have fully studied the causes of the program's failures. Such a suspension should remain in place until you are personally satisfied that appropriate reforms have been adopted that will eliminate such failures in the future.

Please let me know your thoughts on this issue, including what I can do to assist your efforts to address this important national security issue.

Very truly yours,

Jeff Sessions
United States Senator