



Duncan Hunter
U.S. House of Representatives
50th District, California

January 28, 2016

The Honorable Ashton Carter
Secretary of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000

Dear Secretary Carter:

Since December 2014, the U.S. no longer operates detention facilities in Afghanistan, and the prison facility at Guantanamo Bay, Cuba, is no longer considered a viable option for detainee captures in the conflict authorized by the Authorization for Use of Military Force (AUMF). While the global terror threat continues to exist in Afghanistan and elsewhere, including areas with a U.S. military presence, the facility at Guantanamo Bay no longer receives detainees. For individuals captured under the AUMF, they are now transferred to foreign custody.

Given the clear position of Congress on the proposed closure of Guantanamo Bay and the prohibition on detainee transfers to domestic facilities, I am concerned that the Department of Defense is being forced to relinquish control of dangerous individuals captured by U.S. forces due to the President's refusal to utilize Guantanamo Bay for new detention cases. And once in foreign custody, an individual's release can occur despite the best efforts of the U.S. to keep that individual in custody. An already high-rate of recidivism adds to the probability that some individuals will subsequently reengage U.S. forces on the battlefield or resume terrorist activity. This puts American lives at risk.

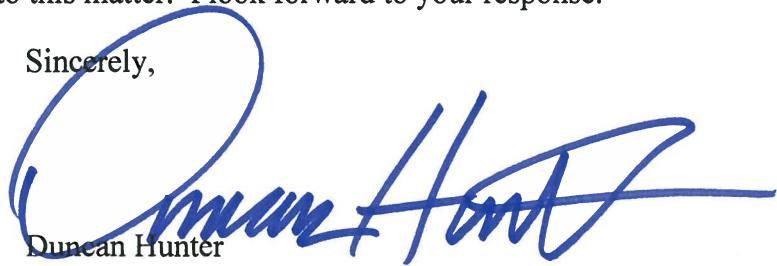
Therefore, I request answers to the following questions:

- What is the current policy with respect to the detainment of individuals in any operation in Afghanistan (to include non-Afghans)?
- What is the current policy with respect to the detainment of individuals in any operation under the AUMF?
- What is the currently policy with respect to the detainment of individuals in any operation not under the AUMF?
- Under what circumstances, if any, would U.S. forces be required to release a captured individual?

- In instances where an individual is transferred to a foreign country, what mechanisms are in place to account for that individual once a transfer occurs?
- Since 2014, how many individuals captured by U.S. forces, under the AUMF, have been transferred to foreign countries?
- Since 2014, how many individuals captured by U.S. forces, not under the AUMF, have been transferred to foreign countries.
- Since 2014, how many individuals captured by U.S. forces, not under the AUMF, have been released as a result of an inability to prosecute or denial of acceptance by a foreign country?
- Since 2014, can you determine and state how many individuals have been captured and either released or transferred to foreign custody that otherwise would have been appropriate to detain at Guantanamo Bay?

Thank you for your attention to this matter. I look forward to your response.

Sincerely,



Duncan Hunter
Member of Congress