United States Senate

WASHINGTON, DC 20510

January 27, 2016

The Honorable Thad Cochran
Chairman
Senate Appropriations Committee
S-128, The Capitol
Washington, DC 20510

The Honorable Lindsey Graham
Chairman
Subcommittee on State, Foreign
Operations, and Related Programs
Senate Appropriations Committee
131 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Cochran and Chairman Graham:

We are concerned about the Administration's transfer of two Guantanamo terrorist detainees to Ghana on January 6, 2016, and the Ghanaian government's capacity to hold, monitor, and ensure these terrorist detainees do not reengage in terrorism against the United States and our allies.

As you know, the Administration transferred Yemeni detainees Mahmoud Omar Mohammed Bin Atef, a Taliban fighter and member of Osama bin Laden's "55th Brigade" who threatened to cut the throats of American guards and their families upon release, and Khalid Mohammed Salih al Dhuby, an al Qaeda fighter in Afghanistan who reportedly threatened to kill guards at Guantanamo Bay, to Ghana after President John Dramani Mahama agreed to host them for two years. While the Administration's own Guantanamo task force neither cleared Atef and Dhuby of their involvement in terrorism nor recommend them for outright release, U.S. Embassy in Ghana spokesman Daniel Fennell inexplicably told Ghanaian media the "current assessment is that these two people coming to Ghana do not pose a security threat."

President Mahama, who also maintains these terrorist detainees pose no threat, asserts they are housed safely on a security compound. The security procedures for the terrorist detainees' compound remain unclear, however. What is clear is Ghana's Foreign Ministry says their nation will accept the terrorist detainees "for a period of two years, after which they may leave the country."

While Ghana has not previously held terrorist detainees, the nation's prison system provides an illustrative indicator of the country's limitations in credibly detaining and monitoring these hardened terrorists. The prison system is plagued by decay and mismanagement. The majority of Ghana's prison facilities were constructed during the colonial era and lack the modern infrastructure required to hold inmates. According to one third-party study, the country's prison system operates at 145 percent capacity nationally, with some prisons operating up to 300 percent over capacity. In recent years, 30 or more prisoners have escaped from Ghana's prisons annually. It is clear no facility in the world, let alone in Ghana, could detain terrorists as securely as Guantanamo.

We are grateful for Ghana's friendship and the strong bilateral relationship between our two countries. As members of the Senate Appropriations Committee, we have consistently voted to

support foreign assistance to Ghana. However, with the U.S. Intelligence Community in agreement that 30 percent of the terrorists released from Guantanamo are known or suspected to have re-joined the fight against Americans, it is reckless to release more of these prisoners, particularly when the ability of the host country to hold and monitor these detainees is in doubt.

We therefore request the Committee to include in the fiscal year 2017 State, Foreign Operations, and Related Programs appropriations bill, language that would reduce assistance to Ghana by $10 million per detainee in the event either of these detainees escapes from confinement or reengages in terrorism while in Ghana's custody. Such language would incentivize Ghanaian authorities to allocate appropriate resources to closely and securely monitor the activities of these terrorist detainees.

Thank you for your leadership of the Senate Appropriations Committee and the Subcommittee on State, Foreign Operations, and Related Programs. We appreciate your consideration of our request.

Sincerely,

Mark Kirk
United States Senator

Roy Blunt
United States Senator

James Lankford
United States Senator

Steve Daines
United States Senator