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Opening Statement of the Honorable **Ed Royce (R-CA), Chairman**
House Foreign Affairs Committee Hearing:
“Demanding Accountability: The Administration’s Reckless Release of
Terrorists from Guantanamo”
July 7, 2016

(As prepared for delivery)

This hearing will come to order. Today we welcome back the Obama Administration’s top officials for closing the detention center at Guantanamo Bay.

In March, these two gentlemen appeared before the Committee to discuss the Administration’s proposal to relocate the prison and its detainees to the continental United States, as well as the process of releasing individuals to foreign countries.

Much of the news from that hearing surrounded Mr. Lewis’s revelation that, “unfortunately, there have been Americans that have died because of Gitmo detainees.” Indeed, last month the *Washington Post* reported that the Administration believes that at least 12 detainees released from the Guantanamo facility have since attacked U.S. or allied forces in Afghanistan, killing about a half-dozen Americans. That was startling enough.

But it is particularly disturbing that – upon close examination – these witnesses made statements to the Committee that are inconsistent with the documents and information that the Administration has supplied the Committee under the law.

Specifically, the Committee asked whether the Department of Defense ever knowingly transferred a detainee to a country that did not exhibit an ability to substantially mitigate the risk of recidivism or maintain custody or control of that individual. *Mr. Lewis and Mr. Wolosky assured Committee Members that it had **not**.* Yet numerous intelligence reports provided by the Administration suggest that their answers were inaccurate: in fact, the Defense Department had done so on numerous occasions.

The Secretary of State has the sole responsibility to negotiate transfers, including agreements to monitor released detainees. Under the law, Congress regularly receives information from the Intelligence Community on the return to terrorism rate of individuals released to foreign countries, as well as assessments of a country’s ability to prevent terrorists from returning to the fight.

Simply put, many countries just aren't up to the job. And a diplomatic agreement to do the job isn't worth the paper it is written on if a country doesn't have the resources or training to keep committed terrorists from returning to the battlefield.

Yet the Administration has sent Guantanamo terrorists to these countries *anyway*. To then deceive this Committee and the American people is deeply disturbing. And when given the opportunity to correct the record for the Committee – *they ignored us*.

I appreciate that the Administration finally responded on Tuesday. But it shouldn't take the calling of a hearing to elicit a return letter, especially on something as consequential as this. This Committee has an obligation to conduct oversight. While we have differences of opinion over Guantanamo policy, I don't think anyone here finds the Administration's dismissiveness acceptable.

And should anyone think the Committee's concerns are theoretical, take the case of ***Jihad Diyab***, who was sent from Guantanamo to Uruguay in December 2014. This Committee sounded the alarm about Uruguay's lack of legal framework and critical resources to prevent travel outside the country. The result? Last month, Jihad Diyab disappeared from Uruguay – current whereabouts ***unknown***. This was after Mr. Wolosky testified to us in March that, "we are confident...that the government of Uruguay is taking appropriate steps to substantially mitigate the risk" of this former detainee and others sent to Uruguay. Yesterday, CNN – citing U.S. officials – reported that this terrorist was last spotted in Venezuela, and is believed to be headed back to Syria or Yemen.

We have been awaiting answers to the Committee's inquiry. But while I've been patient, the *President has been in a **rush*** – seemingly willing to release Guantanamo terrorists to wherever he can.

I wish we were not here today. Holding another Guantanamo hearing this week was not my intention. But my patience has run out.

I now turn to the Ranking Member.