Between Collaboration and Disobedience:
The Behavior of the Guantánamo Detainees and its Consequences

Emanuel Deutschmann
Bremen International Graduate School of Social Sciences
Jacobs University Bremen, University of Bremen

Department of Sociology
University of Oxford
Manor Road
Oxford OX1 3UQ

http://www.sociology.ox.ac.uk/index.php/publications/working-papers.html
Between Collaboration and Disobedience:

The Behavior of the Guantánamo Detainees and its Consequences

Emanuel Deutschmann

Bremen International Graduate School of Social Sciences
Jacobs University Bremen, University of Bremen

Abstract: The Guantánamo detainees find themselves in a prisoner’s-dilemma-like situation characterized by uncertainty where they may incriminate others, remain silent, or disobey. We examine their behavior under these conditions and how it influences their chances of getting a release recommendation. We use JTF-GTMO-authored memoranda on 765 detainees to create a social network of the accusations between detainees and an attribute dataset, which we analyze using multivariate regression and Kolmogorov-Smirnov tests. We find that the distribution of incriminating statements obeys a power law. Yemenites and Saudi Arabians heavily over-contribute in terms of incriminating statements and disobedient actions, whereas Afghans and Pakistanis under-contribute. Disobedient behaviour does not affect the likelihood of getting released, except for hunger strike, which has a negative effect. By releasing information on others, detainees do not improve their own situation but impair that of those they talk about.

Key words: Guantánamo, prisoner's dilemma, detainee, uncertainty, power law, social network analysis, terrorism

Correspondence: e.deutschmann@jacobs-university.de

1 Earlier versions of this paper have been presented at the 16th Annual Aage Sørensen Memorial Conference at Stockholm University and at the 5th Analytical Sociology Conference at Columbia University. I would like to thank the participants of both conferences for their feedback. Special thanks to Paolo Campana for his excellent supervision at the University of Oxford, Adam Obeng for generously contributing to this study with a Python script, Andy Worthington for responding to my queries with invaluable information, James Hollway for his helpful advice, and Natascha Ginsbourger for her great support. All errors are my own.
Introduction

Ten years after its installment by the Bush administration in early January 2002 and four years after Obama’s promise to close it down, the Guantánamo Bay Detention Camp is still operating and continues to attract wide-spread public attention around the globe. The great general interest however stands vis-à-vis little actual knowledge about what is occurring in what has become one of the world’s most notorious prison camps. The non-scientific work that has been published on Guantánamo during the last decade consists mostly of ideographic eyewitness accounts of ex-detainees (Begg 2006, Willemsen 2006), military personnel (Saar & Novak 2005, Cucullu 2009) and attorneys (Margulies 2006, Smith 2007, Khan 2008, Denbeaux & Hafetz 2009), as well as journalistic reports (Miller 2002, Worthington 2007, 2011, Emcke 2012). While the importance of these narrations must not be depreciated, they all fail to give a more encompassing, cohesive picture of what is occurring at Guantánamo.

The academic work on the topic focuses almost exclusively on legal aspects of the American prison on the southern Cuban shore (Steyn 2004, Amann 2004, Chesney 2006), sometimes combined with medical (Bloche & Marks 2005, Miles 2007) or geographic-philosophical (Gregory 2006) aspects, but with little quantitative social scientific work being produced to date. So far, the only statistics-based analyses of Guantánamo were presented by Denbeaux et Al. (2006a, b, c, 2012). Their 2006 work contributed to the understanding of the composition of the population of detainees, but failed to go beyond that, to describe any mechanisms at work. The first (and hitherto only) published piece of work going into that direction is their 2012 working paper, which, however, suffers from serious technical flaws (cf. below). The persisting quasi-non-existence of social scientific work on Guantánamo is even more noticeable given the long history of interest in US-Cuban relations in international relations (Fagen 1962, Ekman et Al. 1966), an equally long history of sociological research on
prisons and the social interaction of detainees (Clemmer 1940, Goffman 1961, Garabedian 1963, Heffernan 1972, Kaminski 2004), and a general interest in the treatment of prisoners in political science (Wallace 2012). Hence, there is an urgent need to conduct social scientific work capable of describing and explaining the socio-political micro-cosmos of Guantánamo. This paper aims to contribute to fill this gap.

One topic that has not been studied systematically enough as yet is the behavior of the Guantánamo detainees and how US authorities react to it. From qualitative accounts such as those cited above we are aware of individual detainees collaborating with interrogators or resisting to do so, participating in hunger strikes or throwing water on guards. We know about small rewards single detainees received for being cooperative and cases of violent suppression of disobedient acts. But we have little knowledge of the overall picture of the detainees’ behavior and its consequences. This paper attempts to enhance our understanding of some of the underlying patterns. We argue that the Guantánamo detainees, who differ concerning a variety of characteristics, find themselves in a prisoner’s-dilemma-like situation under conditions of uncertainty where they may collaborate, remain silent, or disobey. Based on this conception, we examine empirically (a) how the Guantánamo detainees behave in this situation and (b) which consequences this behavior has on their situation in terms of getting a release/transfer recommendation.

In order to overcome the lack of quantitatively usable data on Guantánamo, we created a new dataset by manually coding information contained in memoranda on 765 Guantánamo detainees, so-called Detainee Assessment Briefs (DABs), compiled by the Joint Task Force Guantanamo (JTF-GTMO) and published by WikiLeaks in April 2011. The resulting dataset consists of 23 composition variables and a social network where directed ties represent the incriminating statements between detainees. The data was analyzed using multivariate linear and logistic regression as well as Kolmogorov-Smirnov tests.
The paper is structured as follows: after a short critique of the existing literature, the following section reflects on the situation of the Guantánamo detainees, resulting in a precise formulation of the two research questions of this paper. Next, we describe the dataset and the methodology we applied to analyze it. Thereafter, the detainees are examined demographically concerning a variety of objective and subjective measures. Next, the behavior of the detainees and the impact of the detainees’ behavior on their situation are examined. Finally, the results are summarized and the implications are discussed.

**Understanding the situation of the Guantánamo detainees**

In this section, we search for a theoretical lens that may help us get a better view of the social world of Guantánamo. In general, the starting point for such endeavors is the existing literature on the topic. In our case, however, (almost) no social-scientific attempts to understand the behavior of the Guantánamo detainees and its consequences have been made. As mentioned above, Denbeaux *et Al.* (2012), who investigate factors that influence the release of a detainee, may be deemed the only exception. This working paper, however, does not contain any theoretical considerations and its quality is seriously reduced by various technical flaws.² These methodological shortcomings combined with the manifest substantial limitations of the paper point to the necessity to go beyond the existing literature.

We do so by arguing that the Guantánamo detainees’ position (the comprehension of which is a prerequisite for understanding their behavior) can be interpreted as a prisoner’s-dilemma-like situation characterized by uncertainty. Our chain of thought, which will lead to the two

² Firstly, the authors use the number of paragraphs which describe the charges against a detainee as an indicator of the severity of these allegations. This is a highly unreliable method as the substantial content of these paragraphs is not qualitatively assessed. Secondly, they only analyze correlations between two variables at a time, which may lead to wrong conclusions as spurious correlations are not sorted out. Thirdly, in several cases, they exclude the observations with the highest and lowest values, claiming that they “are not significant” (Ibd: 17). Yet, as they are outliers in the population and *de facto* exist, assessing their significance is plainly inaccurate.
research questions of this paper, starts with (a) a hypothesis about Guantánamo as an institution and (b) an assumption about the detainees as actors in it. We draw on anecdotal evidence from our data as well as other sources to back up our argument.

(a) The primary objective of Guantánamo as an institution is not penalization, incapacitation, or deterrence, but the collection of information. This hypothesis is not only put forward by various observers (Ratner & Ray 2004: 3, Fletcher & Stover 2009: xiii), but is also very well supported by the data we collect. One of the DABs lists the provision of “tactical intelligence” as the first of three “critical objectives” of Guantánamo (ISN 356\(^3\)), and for no less than 83.7% of the detainees, the single explicit reason for transfer to Guantánamo is “to provide information”.\(^4\)

(b) The behavior of detainees is “the product of rational persons who calculate the consequences of their actions and try to maximize their payoffs subject to environmental constraints” (Kaminski 2004: 4).

If the primary function of Guantánamo is the collection of information and if the detainees at Guantánamo are self-interested, rational decision-makers as Kaminski’s words suggest, then the situation in which these detainees find themselves resembles a literal prisoner’s dilemma. Prisoner’s dilemmas have been defined as “situations in which what is best for each person individually leads to mutual defection, whereas everyone would have been better off with mutual cooperation” (Axelrod 1984: 9). At Guantánamo, detainees are interrogated with the aim of obtaining information on terrorist activities and, as a central part of that, on other detainees (Begg 2006: 210). In order to induce detainees to collaborate, compliant behavior is rewarded (ISN 974, 157, 252, Ratner & Ray 2004: 37, Saar & Novak 2005: 65). Conversely,\(^3\) Each detainee at Guantánamo is given an individual Internment Serial Number (ISN). This and similar ISN [X] references allude to individual reports which can be found in WikiLeaks (2011).

\(^4\) The remaining percentage is split in the following way: 6.8% of the detainees were brought to Guantánamo because of an alleged affiliation with Al Qaida or similar incriminating circumstances. In 1.6% of the cases, the reason was an alleged affiliation with Al Qaida and the provision of information. Only 12 detainees (1.75%) have been brought to Guantánamo “to face prosecution for terrorist activities against the U.S.” The reports of forty-two detainees (6.1%) state that the records show “no reasons for transfer to GTMO”.
testimonies of collaborators are used as direct evidence against the incriminated person, as the following statement by the JTF-GTMO exemplarily shows: “[Detainee’s] claims that he was not involved in any terrorist activity [...] lack credibility, as he was identified by others as an active extremist.” (ISN 839, emphasis added). Consequently, from the collective perspective of all detainees, it would be best if no detainee provided any data whatsoever on any other detainee (cooperation), as the US would not receive any additional incriminating information on any of them. However, from the individual perspective of a single detainee it may be best to give information on fellow prisoners as demanded (defection) because of such rewards. If the negative consequences of getting incriminated are larger than the positive effects of collaboration, a prisoner’s dilemma evolves.

Despite the evident parallels between the classic prisoner’s dilemma and the situation of the Guantánamo detainees, there are several deviations, including (1) uncertainty, (2) disobedience as third way to behave, and (3) the potential role of attributes:

(1) The effect of incriminating others is not as clear-cut as presupposed above. On the one hand, a detainee could benefit from collaborating with his interrogators, because he may (a) get rewarded for his behavior as suggested above, or (b) become “fully exploited” and therefore useless to the US. On the other hand, releasing information might have detrimental effects for a detainee, because (c) possessing information on alleged terrorists implies a connection to terrorism, or since (d) releasing information may convey the impression that he has more knowledge than previously assumed. Thus, collaborating by incriminating others has antithetic sub-effects which make the overall effect unclear. In the classic version of the prisoner’s dilemma, the actors have certainty that the negative sub-effects of incriminating others do no longer have consequences. The “legal framework” they are in guarantees that collaborative behavior shortens their sentence. At Guantánamo, however, this is not the case. The American prison camp on Cuba presents a “legal black hole” (Steyn 2004, Annas 2006), an intentionally
unspecified juridical space where traditional laws don’t apply and where the positive sub-effects of releasing information on others are neither enforceable nor expectable with certainty. Almost no detainee at Guantánamo has ever been taken to court or been charged with anything. As they have never been sentenced, they do not know if or when they will get released (Ratner & Ray 2004: 38). Desperation and mistrust evolve among the detainees as a result (Denbeaux & Hafetz 2009: 268) and inconsistent and irrational responses to detainee’s actions do not pass unnoticed (Willemsen 2006: 64). In fine, the detainees at Guantánamo live and act under conditions of uncertainty. This form of uncertainty is qualitatively different from the uncertainty inherent to the original prisoner’s dilemma, or types of uncertainty that game theorists have applied to it (e.g., Samuelson 1987, Kahn & Murnighan 1993). Under the conditions of uncertainty present at Guantánamo, consequences of behavior become unpredictable, rendering rational decision-making impossible.

(2) In contrast to the simple model of the prisoner’s dilemma, the Guantánamo detainees have more than two options of behavior. They may not only talk about others (“defect”) or remain silent (“cooperate”), but may also disobey. Detainees may participate in hunger strikes, attack guards, or refuse to take orders. However, the effect of disobedient behavior on the detainees’ situation is unclear a priori, too. On the one hand, a disobedient detainee may (a) get punished for his behavior, or (b) give the impression that he is linked to terrorism, with accordant negative consequences. On the other hand, disobedience could lead to (c) improvements of conditions of detention as part of an appeasement strategy, or (d) a release recommendation, if the JTF-GTMO expects to be able to get the same information from another detainee at lower costs (cf. ISN 590).

(3) In a real-world prison, detainees are not uniform actors who differ only in terms of their behavior, but instead vary concerning a multitude of attributes which may all influence their situation. Anecdotal evidence suggests that e.g. bad health may lead to release
recommendations (ISN 356, 503). In order to be able to carve out the effects of a detainee’s behavior, it is therefore vital to take his characteristics into account.

Due to the problem of uncertainty combined with the equivocality of the effects of incriminating behavior, the existence of disobedience as another way to behave with equally ambiguous outcome, and the possible influence of attributes, it is not possible to delineate directed hypotheses about the behavior of the Guantánamo detainees and its consequences ex ante. Therefore, instead of developing a formal game-theoretic model based on doubtful assumptions or presenting hypotheses whose direction would necessarily be arbitrary, we take an unprejudiced approach towards the empirical data and formulate the puzzles that the presence of a prisoner’s-dilemma-like situation characterized by uncertainty at Guantánamo entails in the form of two questions:

1. How do the Guantánamo detainees behave in terms of (a) collaborating with their interrogators by incriminating other detainees and (b) conducting disobedient actions, controlling for relevant attributes?

2. How does their behavior (in terms of incriminating other detainees and conducting disobedient actions) influence their situation as to getting a release/transfer recommendation, controlling for relevant attributes?

Data and methodology

In an effort to overcome the lack of quantitatively usable data on Guantánamo, we created an entirely novel dataset. The sources of this dataset are JTF-GTMO-authored DABs on 765 detainees at Guantánamo, which were published by WikiLeaks in April 2011 and are publicly available (WikiLeaks 2011). There is one DAB available for each of the 765 detainees. The date of the DABs ranges from 2002 to 2009, with a considerable amount of reports (45 to
176) available for every year except 2009 (two reports). Each DAB gives a summary of the current state of knowledge that the JTF-GTMO has on the detainee and assesses whether he should remain under Department of Defense (DoD) control (consequently referred to as “stay at Guantánamo”) or be released/ transferred.

Information was extracted from the DABs and coded manually in order to create (a) a dataset on the characteristics of the detainees (attribute variables) and (b) a one-mode social network\(^5\) of the incriminating statements between them (structural variable). There are 23 attribute variables including age, nationality, health status, year of transfer to Guantánamo, assessed risk, intelligence value, risk from the detention perspective, affiliation with terrorist organizations, and release recommendation. The attribute variables are available for up to 770 detainees, while 797 detainees are part of the social network. Hence, the dataset contains information on almost the whole population\(^6\) of Guantánamo detainees and is likely to be highly representative of it for most variables.

The structural variable consists of incriminating statements (ties) of one detainee (sender) against another detainee (receiver) during interrogations. The information about these ties was mainly obtained from a section in the DABs called “Reasons for Continued Detention”. In order to count as a tie, a statement had to fulfill five conditions: it has to be certain, direct, deliberate, explicit, and incriminating.

**Certain** means that it has to be sure that X released information on Y. For instance, the statement, “[X] possibly recognized detainee [Y] from the al-Zubayr Guesthouse,” (ISN 324, emphasis added) does not fulfill this condition. **Direct** signifies that the statement has to be

---

\(^5\) For details on the social network analysis terminology used in this paper, cf. Wasserman & Faust 1994.

\(^6\) There is no precise official information available on the total number of Guantánamo detainees. A list released by the DoD in 2006 states that 759 prisoners were held at Guantánamo “from January 2002 through May 15, 2006” (OARDEC 2006). Worthington (2011) states that the total number is 779 (759 “old” detainees plus 20 new arrivals from 2006 to 2008). The fact that a total of 797 detainees (identifiable by their ISNs) are involved in our network of incriminating statements could mean that the total number of Guantánamo detainees is even higher than previously assumed, but it is also possible that the additional ISNs refer to detainees at other American prisons outside the US, where detainees were also given ISNs. Worthington (personal communication, 4 July 2012) states that the total number of Guantánamo detainees is 779 plus an unspecified number of high value detainees who were held in a secret CIA prison in Guantánamo for six months in 2003 to 2004 and that the DABs do contain ISNs of detainees from other prisons, e.g. in Iraq.
made personally by the sender. E.g., the statement, “[X] stated that [Y], a high-level explosive trainer for Al-Qaida, informed him that detainee [Z] was a spy who used to work for Al-Qaida before they discovered him,” (ISN 653) contains the incriminating ties X→Y and X→Z, but not the tie Y→Z. The statement has to be made deliberately during interrogations, indicating that for instance information on Y gathered from a hard disk obtained from X would not count as an incriminating tie X→Y. Explicit means that the statement has to be directed against a specific individual. For example, this is not true for the statement, “If you were in Tora Bora, you were not innocent. You were there to fight.” (ISN 252). Finally, incriminating means that the statement has to contain information that could be used against the receiver in the “war on terror” (defined very broadly). E.g., the sentence “[X] reported that [Y] intended to commit suicide at JTF-GTMO” (ISN 114) is not treated as an incriminating statement. The phrase “[X] stated detainee [Y] was a bodyguard who was very close to UBL [Usama Bin Laden] and had been with UBL for a long time” (ISN 37) is an example for a statement that fulfills all five conditions and would accordingly be coded as an incriminating tie (X→Y).

There are a number of methodological issues resulting from the nature of the data, most of which are connected to the fact that the date of the DABs ranges from 2002 to 2009. Firstly, the composition of the DABs changes over time. The files from the later years are far more detailed than earlier ones. This problem leads to missing values for some variables. In order to avoid biases, these variables are not included in the regression models.

Secondly, the qualitative meaning of some categories seems to have changed over the years (cf. ISN 167), most importantly for the central variable “release recommendation”. The original variable in the dataset has eight categories, some of which are not unambiguously orderable. For instance, it is not clear whether “transfer to the control of another government” is a “lower” category than “transfer to the control of another government for continued detention”, or if the scaling system which the JTF-GTMO applies has just become more detailed over time. In order to tackle this problem, we merge various classes to create a binary
variable consisting of the two categories “release/transfer” and “stay at Guantánamo”. This is not only more reliable than imposing disputable assumptions about the order of various categories, but also has the advantage of increasing the comparability with Denbeaux et Al. (2012), who use a similar binary variable.

Thirdly, later DABs might contain more release/transfer recommendations because as the years passed by, voices lamenting the situation of the detainees became stronger and the political pressure to release prisoners from Guantánamo grew. In order to sort out this external effect from those intrinsic to the detainees, the DAB-date is included as a control variable in the regression models.

Fourthly, the outdegree does not necessarily match the date of the DAB perfectly. The DAB of a given detainee contains mainly information on his indegree, while his outdegree is usually composed by information contained in the DABs of other detainees. Hypothetically, this could lead to a mismatch, e.g. if a detainee has been recommended to stay at Guantánamo in 2004 (available), while his outdegree, dating from 2006 (available), would have resulted in a release/transfer recommendation in 2006 (unavailable). In this case, the time difference would lead to wrong conclusions. This problem is not easily solvable as it is not possible to link the incriminating ties to specific dates. However, its impact on the validity of the results should be manageable, as there is no reason to believe that higher- and lower-than-expected outdegrees do not balance out.

Fifthly, the differing time that a detainee has been at Guantánamo is another issue. For instance, someone who was brought to Cuba in 2006 is less likely to have the same number of disobedient actions or outdegree as someone who was brought there in 2002, simply because he was there for a shorter time period. We deal with this problem by including the transfer year as a control variable in the regression models.

Sixthly, the distribution of incriminating statements may be biased for other reasons. For instance, if two detainees were captured together, the JTF-GTMO may not describe or even
inquire incriminating statements between them, as their connection is obvious and has not to be proven or corroborated. Or, a detainee who has released a lot of information on other detainees may not be incriminated by others, simply because the interrogators do not ask others to do so, as he has already substantiated his own involvement by releasing information on others.

Finally, there is no information available on the accuracy of the incriminations made or the conditions under which they were pumped from the detainees (e.g., voluntarily or under torture). This is not necessarily a problem for our purposes, but should be kept in mind when reading the following sections.

Methodologically, we first apply multivariate linear regression, using the number of outdegrees as dependent variable. In addition, Kolmogorov-Smirnov-tests are conducted to test the existence of power-law distributions. Later, logistic regression is used where the binary version of release recommendation serves as dependent variable. Over and above, graphical social network analysis is used for illustrative purposes.

Results

The Guantánamo detainees

Information on the demographic composition of the population of Guantánamo detainees is still unsatisfactorily scarce. The US government has long been reluctant to release information on whom they hold captive on Cuba and when finally forced to reveal some data in the wake of the 2004 Rasul v. Bush Supreme Court decision, the resulting list contained nothing but the name, nationality, date and place of birth, as well as the ISN of 759 detainees (OARDEC 2006). While Denbeaux et Al. (2006a, b, c) managed to publish more details on these detainees, spanning a variety of topics, their reports are far from complete. The demographic
information presented here is based on new data, includes the late arrivals (2006-2008) that were missing in earlier reports, and uses variables that the former analyses did not contain. What follows might therefore be considered a valuable addition to the existing knowledge on the population of Guantánamo detainees.

Guantánamo brings together people from all over the world. While the large majority of detainees are from the Greater Middle East, some come from countries as diverse as Canada, Australia, Sweden, Denmark, Great Britain, Spain, Turkey, Russia, China, Bangladesh, Sudan, Uganda, Zambia, Indonesia, Malaysia and the Maldives. All in all, 50 different nationalities are present at Guantánamo. The largest national groups are the Afghans (28.6%), Saudi Arabians (17.1%), Yemenites (15.1%), Pakistanis (9.4%), and Algerians (3.38%).

Despite coming from so many backgrounds, almost all of the detainees (95.9%) have been caught in either Afghanistan (51.5%) or Pakistan (44.4%). The vast majority (80.6%) of the detainees were transferred to Guantánamo in 2002. Fewer people were brought to Cuba in 2003 (12.7%), 2004 (3.0%), 2006 (2.4%), and 2007 (1.2%). There were no transfers in 2005, 2008, or 2009.

**Fig. 1: The age structure of the Guantánamo detainees**
All detainees are male. Their age at the time they were transferred to Guantánamo ranges from 14 to 89 with a mean age of 29.3 years. As Fig. 1 shows, there are disproportionately many young men in their twenties at Guantánamo, who make up for more than half of the detainees (54.6%). Those in their twenties and thirties taken together constitute more than four fifths (82.2%) of all detainees. Twenty detainees were probably minors (≤18 years of age) when transferred to Guantánamo, and there are six elderly persons (60 to 89 years). Minors and elderly persons taken together constitute 3.8% of all detainees.

The DABs contain a section on the “health status” of a detainee. However, the actual health of the detainees is hard to assess, as the JTG-GTMO tends to rate detainees as at “good” health even when they are clearly not (cf. ISN 497 for a graphic example). The categories created here are therefore detached from the verbal text in the DABs. According to this non-official assessment, 44.71% of all detainees are at “good” health without any present medical problems, while 15.6% are at “overall good” health, 26.6% are “overall good with some stable medical problems” (which often denotes a latent tuberculosis infection); 8.3% of all detainees could be described as being of “medium”, and 4.6% of “poor” health.

Several variables assess the dangerousness of a detainee. Firstly, the detainees’ “risk”, an indicator of the future threat a detainee may pose to the US and its allies, is assessed. It shows that 42.0% of the detainees are seen as a “high” risk, 37.7% as a “medium”, 8.2% as a “low”, and 12.1% as “no” risk. Secondly, the detainees are assessed to be associated or affiliated with 30 different organizations which the JTF-GTMO rates as terrorist entities (complete list available upon request). Al Qaida constitutes the most central organization, with 49.5% of the detainees being assessed to be associated or affiliated with it, followed by the Taliban with 13.0%. The two groups partially overlap, as 4.2% are assessed to be affiliated with Al Qaida and the Taliban. 18.5% are assessed to be affiliated with a terrorist organization other than Al

---

7 We do not differentiate between “affiliated”, “associated”, “member of”, “links to”, or similar expressions as they appear to be the result of imprecise language rather than distinct categories. The (lack of) evidence Denbeaux et Al. (2012: 14) find seems to support this decision.
Qaida and the Taliban. Almost a quarter (23.3%) of all detainees is assessed not to be affiliated with any terrorist organization at all. Thirdly, most files after 2002 also assess the detainees’ so-called Enemy Combatant (EC) status. The US Deputy Secretary of Defense defines an EC as

“Any person that US or allied forces could properly detain under the laws and customs of war. For purposes of the war on terror, an enemy combatant includes, but is not necessarily limited to, a member or agent of Al Qaeda, Taliban, or another international terrorist organisation against which United States is engaged in an armed conflict.” (cited in Schmitt & Pejic 2007: 343).

In 97.6% of the DABs for which the EC status was assessed, the detainee is assessed to remain an EC. Seven detainees (1.3%) are no longer classified as ECs, and in six cases (1.1%) the file states that there is currently not enough information available to assess the detainee’s EC status. Surprisingly, 96.8% of those who were assessed not to be affiliated with any terrorist organisation were still classified as enemy combatants.

There are three indicators of a detainee’s (potential) knowledge. Firstly, the JTF-GTMO assesses the detainees’ intelligence value. Here, 21.6% of the detainees are assessed to be of “high” intelligence value, compared to 37.4% of “medium”, 22.8% of “low/moderate”, and 18.3% of “no” intelligence value. Secondly, the DABs list the areas in which JTF-GTMO expected the detainee to have valuable knowledge at the time they were transferred to Guantánamo (pre-APE). The number of items on these lists ranges from 0 to 20 with a mean of 2.6 items. Thirdly, the DABs also contain an inventory of “potential areas of exploitation” (APE), i.e. a list of areas in which the JTF-GTMO expects the detainee to have valuable knowledge at the time the DAB was written. The number of items on these lists ranges from 0 to 34 with a mean of 5.7 items. There is no significant correlation between the former and the latter variable. In fact, the former is not correlated with any other variable in the dataset, whereas the latter is correlated with the majority of them, including the likelihood of getting a release/transfer recommendation. This difference between the two variables suggests that (a)
the US transported people to Cuba without having assessed how much they actually knew, as
the initial allegations had no factual basis, and that (b) a process of learning took place where
those who actually had knowledge were separated from those who didn’t.

The Guantánamo detainees’ behavior

Collaborative behavior

We use the number of incriminating statements a detainee makes as an indicator for his
collaborative behavior. In total, there are 1,545 ties between the 797 detainees in our network.
This would be equivalent to 1.9 incriminating statements per detainee, were they equally
distributed. However, not everybody released an equal amount of information on others. Most
notably, 62.6% of the detainees did not incriminate any other detainee. For those detainees
who did talk and/or were talked about, Fig. 2 shows the distribution of the outdegrees
(number of statements sent) and the indegrees (number of statements received), ranked by
their size. The distribution of the outdegrees (depicted by the solid line) shows that a small
portion of all detainees is responsible for a large share of all incriminations, while a large
number of individuals are each responsible for a small share of all incriminations. The shape
of the curve suggests that the distribution obeys a power law. In order to test whether this is
actually the case, we conduct a Kolmogorov-Smirnov test as proposed by Clauset, Shalizi &
Newman (2009). In order to be able to include the detainees with an outdegree of 0 for which
the logarithm is undefined, the whole distribution is shifted up by 1 (which does not change
its shape). When using \( x_{\text{min}} = 2 \) as the lower bound in this distribution, the resulting \( p \)-value

\[ p(x) \propto x^{-\alpha}, \]

where \( \alpha \) is a constant parameter of the distribution which usually lies in the range \( 2 < \alpha < 3 \). The value \( x_{\text{min}} \)
defines the lower bound of the power-law distribution (Clauset, Shalizi & Newman 2009: 662; cf. Mitzenmacher

The test is carried out using the Python script provided on Clauset’s website (http://tuvalu.santafe.edu/~aaronc-
/powerlaws/, accessed 18/7/2012) together with an additional script written by Adam Obeng.
for the distribution of outdegrees is $p = 0.59$ after 1,000 repetitions. This indicates that the data indeed fits a power-law distribution very well and that the hypothesis that the fit occurs by chance can be rejected.\textsuperscript{10}

The existence of this power-law relation is notable, because it uncovers that apart from the small number of “high-value detainees” whose central role in incriminating others has been described in the past (Worthington 2011), a large number of low-level contributors, whose statements accumulate to an equally substantial amount of information, exists as well. To give an example, the three people with the highest amount of information released on other detainees account for about one fifth (21.0\%) of all incriminating ties, while the 213 people with the smallest amount of information released (outdegrees of 1-3) equally contribute to one fifth (21.4\%).

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure2.png}
\caption{The distribution of the out- and indegrees}
\end{figure}

\textsuperscript{10}Clauset, Shalizi & Newman (2009) rule out the power-law hypothesis when $p \leq 0.1$. 
The distribution of the indegrees (depicted by the dotted line in Fig. 2) is different from that of the outdegrees and clearly doesn’t resemble a power-law distribution. Instead, the indegrees are more evenly spread across the detainees. The highest indegree (21) is far lower than the highest outdegree (144) and while only 37.4% of all detainees talked about others, more than half of all detainees (53.0%) were talked about.

The divergence of the two distributions indicates that those detainees who talk are not necessarily identical with those they talk about. A closer look reinforces this picture. Almost half (48.6%) of the detainees who were incriminated did not release any information on others and 27.2% of those who released information on others were not incriminated themselves. There is only a relatively weak positive correlation (r=.29) between the indegree and the outdegree of a detainee and only 6.3% of all dyads are reciprocal. These figures are not a trivial result if we accept the (highly plausible) assumption that if detainee A has information on detainee B, detainee B is also highly likely to have information on detainee A. They indicate that the detainees are not just stratified in terms of centrality and the amount of knowledge they have, but that they actually make a choice to talk or not to talk. Detainees do not respond in a uniform manner to the situation of uncertainty they are in: some opt for releasing information, while others don’t.

Against this background, the question arises whether detainees who collaborate are different from those who remain silent. As we have seen above, one central difference between the detainees is their nationality. Fig. 3 shows a representative sample (N=244) of the ties between detainees from the four largest national groups at Guantánamo, depicting Afghans as circles, Pakistanis as squares, Saudi-Arabians as triangles, and Yemenites as diamonds. The size of the nodes indicates the outdegree of the detainee in the whole network. The graph illustrates that the detainees from these four nations behave very differently in terms of releasing information on other detainees. Most of the incriminating ties can be found among Yemenites, among Saudi-Arabians, and between Yemenites and Saudi-Arabians. Afghans and
Pakistanis contribute far less to the body of information relative to the size of their groups and only very few individual Pakistanis or Afghans are connected to the Yemenites and the Saudi Arabians. Expressed in numbers, the average outdegree per detainee is 3.6 for Yemenites and 2.5 for Saudi Arabians, but only 0.5 for Afghans and 0.9 for Pakistanis. Only 12.1% of all Yemenites do not get incriminated by others, compared to 75.0% for Afghans. Yemenites, who constitute 15.1% of all detainees, are responsible for making 27.3% of all incriminating statements, while Afghans, who constitute 28.6% of all detainees, are responsible for making only 7.6% of them.

**Fig. 3: Incriminations between detainees from the four largest national groups**

Nationality seems to play a central role, but it seems unlikely that Yemenites and Saudi Arabians are *per se* more talkative than Afghans and Pakistanis. Instead, the former could differ from the latter concerning *individual* characteristics which have not been taken into account so far. In order to test this hypothesis, two linear regression models are constructed...
Model 1 contains only nationality as a regressor and shows that Yemenites (Saudi Arabians, detainees with other nationalities) make 3.1 (1.9, 2.0) more incriminating statements than Afghans, while Afghans and Pakistanis do not statistically significantly differ in terms of their outdegrees. This is very close to what we already knew. The R² indicates that nationality alone can explain only 2.1% of the variation in the outdegrees.

**Table 1: Linear regression predicting the outdegree**

<table>
<thead>
<tr>
<th></th>
<th>(1)</th>
<th>(2)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Nationality</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yemen</td>
<td>3.098**</td>
<td>2.009</td>
</tr>
<tr>
<td></td>
<td>(.885)</td>
<td>(1.446)</td>
</tr>
<tr>
<td>Yemen</td>
<td>.329</td>
<td>-.104</td>
</tr>
<tr>
<td></td>
<td>(1.047)</td>
<td>(1.857)</td>
</tr>
<tr>
<td>Pakistan</td>
<td>1.930*</td>
<td>2.194</td>
</tr>
<tr>
<td></td>
<td>(.849)</td>
<td>(1.355)</td>
</tr>
<tr>
<td>Saudi Arabia</td>
<td>1.990**</td>
<td>1.711</td>
</tr>
<tr>
<td></td>
<td>(.727)</td>
<td>(1.193)</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Transfer-year</strong></td>
<td>1.998**</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(.542)</td>
<td></td>
</tr>
<tr>
<td><strong>DAB-year</strong></td>
<td></td>
<td>.173</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(.335)</td>
</tr>
<tr>
<td><strong>Indegree</strong></td>
<td>.453**</td>
<td>(.143)</td>
</tr>
<tr>
<td><strong>Risk</strong></td>
<td></td>
<td>-2.643**</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(.878)</td>
</tr>
<tr>
<td><strong>Intelligence Value</strong></td>
<td>3.145**</td>
<td>(.762)</td>
</tr>
<tr>
<td><strong>Detention Risk</strong></td>
<td></td>
<td>-.786</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(.481)</td>
</tr>
<tr>
<td><strong>Terrorist Organization</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Al Qaida</td>
<td>.966</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1.063)</td>
<td></td>
</tr>
<tr>
<td>Taliban</td>
<td>-.574</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1.463)</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>.212</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1.207)</td>
<td></td>
</tr>
<tr>
<td><strong>Constant</strong></td>
<td>.532</td>
<td>-4346.863**</td>
</tr>
<tr>
<td></td>
<td>(.520)</td>
<td>(1288.758)</td>
</tr>
<tr>
<td><strong>N</strong></td>
<td>770</td>
<td>536</td>
</tr>
<tr>
<td><strong>R²</strong></td>
<td>.021</td>
<td>.130</td>
</tr>
<tr>
<td><strong>Adjusted R²</strong></td>
<td>.016</td>
<td>.109</td>
</tr>
</tbody>
</table>

*Note:* Omitted category for Nationality is “Afghanistan”; omitted category for Terrorist Organization is “no affiliation”. Main entries are OLS regression coefficients, standard errors are in parentheses. † p<.10 *p<.05 **p<.01
Model 2 adds several individual attributes and forms of behavior. While the year of the DAB has no significant effect, the transfer-year has a counterintuitive one. A detainee who was transferred to Guantánamo one year later makes two additional incriminating statements. This could indicate that the later arrivals were more carefully selected and contain more people who actually had relevant information, or that the interrogation techniques have improved over time. People who are assessed to be a higher risk talk less about their fellow detainees, whereas those estimated to be of higher intelligence value release more information on others, indicating that the US intelligence assessment is valid in a sense (though of course not necessarily in a substantial one). The more disobedient a detainee, the less cooperative he seems to be in terms of releasing information on others, but this effect is not statistically significant. There is no significant difference between people who are assessed not to be affiliated with a terrorist organization and those evaluated to be affiliated with Al Qaida, the Taliban or other organizations, controlling for the other variables in the model.

In Model 2, the difference between Afghans and Yemenites, Saudi Arabians and other nationalities become statistically insignificant. This seems to indicate that it is not nationality per se, but indeed individual characteristics that determine how much detainees talk. The R² reveals that 12.3% in the variation of the outdegrees can be explained by the independent variables, disclosing that there are probably other (unobserved) factors that play a role, too. These may include differences in knowledge, treatment (e.g. torture), and moral/religious beliefs, which we do not have sufficient information on.
**Disobedient behavior**

Concerning disobedient behavior, four different indicators can be identified: the assessed “risk from the detention perspective”, participation in hunger strikes, the number of “Reports of Disciplinary Infraction” (RDIs), and the quantity of “assaults”. Concerning the first, 26.9% of the detainees are assessed to be a “high”, 20.4% a “medium”, 36.1% a “low”, and 16.6% “no” risk from the detention perspective. In 54 cases (8.9%), hunger strike has been reported. The total number of RDIs is 15,854 for the 318 detainees for whom according information is available. The RDIs are very unevenly distributed, ranging from 0 to 456 with a mean of 49.9 RDIs. The total number of assaults is 2,594 for the 290 detainees for whom appropriate data can be found, ranging from 0 to 153 with a mean of 9.0. Similar to the dispersion of incriminating statements, the two distributions have long tails, but Kolmogorov-Smirnov tests lead to p-values of $p = 0.00$, indicating that the power-law hypothesis can be ruled out in these cases.

As the number of RDIs is only available for a (biased) selection of 318 detainees, conducting a linear regression as in the case of incriminating behavior would not lead to reliable results. In order to still get an approximate picture of the role of at least one attribute, Fig. 4 shows the number of RDIs and assaults for detainees from the four largest national groups, ranked by their size. It can be seen that in both cases a remarkably clear order is visible. Yemenites behave most aggressively, followed by Saudi Arabians, Afghans and finally Pakistanis. In all four groups a very small number of detainees exist that are disproportionally aggressive compared to detainees from the same national group. The small number of observations for Afghans and Pakistanis is a result of fewer post-2004 DABs for these groups, indicating that many Afghans and Pakistanis had already been released by 2005.

---

11 These numbers are likely to overestimate the average amount of disobedient behavior, as they are not available in the files from 2002-04. These years, however, contain more detainees who are likely to be a lower risk from the detention perspective. As risk from the detention perspective is also correlated positively with RDI ($r=.50$) and assault ($r=.37$), the early prisoners are likely to have less RDIs and assaults, had they been reported.
Explaning the outcomes

The above results raise the question why a very large number of Afghans and Pakistanis who have little to no intelligence value (and besides behave non-aggressively) were brought to Guantánamo in the first place. One explanation is the existence of a misguided selection process. After invading Afghanistan, the US paid between US-$5,000 and US-$25,000 in
bounty money for each “terrorist” handed in. At a mean monthly income of US-$58 in Afghanistan and US-$175 in Pakistan (Index Mundi 2011), these sums provided enormous incentives to ordinary Afghans and Pakistanis to betray business competitors, enemy clan members, and strangers to the Americans (Khan 2008: 55). As a result, a large number of Afghans and Pakistanis without any connection to terrorism whatsoever was abducted and brought to Guantánamo on the basis of such allegations. The nationality-specific asymmetry is therefore likely to be the result of the Bush administration’s decision to invade Afghanistan and the subsequent capture policy. Fig. 3 and the corresponding numbers illustrate that these strategies were extremely inefficient from the standpoint of intelligence-gathering, to say nothing of the consequences of the injustice it entails.

The effect of the Guantánamo detainees’ behavior on their situation

In this section, we examine the effect of collaborative and disobedient actions on the chances of getting a release/transfer recommendation by creating four different binary logistic regression models (Table 2).

In Model 1, the effects of the out- and indegree on the likelihood of getting a release/transfer recommendation are predicted. The model shows that every additional incriminating statement by others about a detainee decreases his chances of getting released/transferred. Conversely, releasing information on another detainee has no statistically significant impact for the collaborator. Hence, by releasing information, detainees seem to harm those they talk about while not benefiting themselves from collaborating with their interrogators.

In order to test whether this picture holds once other variables are controlled for, various attributes and disobedient behavior are added in Model 2. While the transfer year has no statistically significant effect on the log odds of getting a release/transfer recommendation, the
date of the reports is influential. When a DAB dates from one year later, the chances of it containing a release/transfer recommendation are statistically significantly lower. This effect contradicts the hypothesis that general political pressure has grown over the years, resulting in more release/transfer recommendations in later years. Instead, the remaining detainees have a lower likelihood to get released. The model also shows that the likelihood of getting a release/transfer recommendation is higher for detainees who are at bad health and for those who are minors or elderly persons. These effects contradict the conclusion of Denbeaux et Al. (2012) that the only attribute affecting detainees’ release recommendations is their nationality.

The assessed threat and utility to the US have great influence. Scoring one level higher on the risk assessment scale has a strong negative effect on the log odds of getting a release recommendation. Being ranked higher on the intelligence value scale similarly decreases the log odds of getting released/transferred, though the latter effect is not as strong as the former (NB: both variables use the same scale).

Concerning disobedient behavior, it can be observed that scoring one level higher on the “risk from the detention perspective” scale has no significant impact on the chances of getting released/transferred. Participation in a hunger strike, however, decreases the likelihood of getting a release/transfer recommendation, controlling for the other variables, including bad health (which is more common for hunger strikers but influences the likelihood of getting released/transferred positively). One explanation for this effect might be the fact that the JTF-JTMO perceived hunger strikes as a form of “asymmetric warfare” (Denbeaux & Hafetz 2009) which apparently was contested accordingly.

Controlling for the additional aspects in Model 2, the negative impact of getting incriminated on the log odds of getting a release/transfer recommendation remains significant, even though it gets smaller. Incriminating others has still no effect on the collaborator.
Table 2: Logistic regression predicting the log odds of getting a release/transfer recommendation

<table>
<thead>
<tr>
<th></th>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
<th>(4)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Outdegree</strong></td>
<td>.001</td>
<td>.032</td>
<td>-.031</td>
<td>.033</td>
</tr>
<tr>
<td></td>
<td>(.012)</td>
<td>(.025)</td>
<td>(.025)</td>
<td>(.049)</td>
</tr>
<tr>
<td><strong>Indegree</strong></td>
<td>-.682**</td>
<td>-.289*</td>
<td>-.294*</td>
<td>-.292*</td>
</tr>
<tr>
<td></td>
<td>(.061)</td>
<td>(.132)</td>
<td>(.137)</td>
<td>(.146)</td>
</tr>
<tr>
<td><strong>Transfer-year</strong></td>
<td>-.933</td>
<td>-.902</td>
<td>-.900</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(.591)</td>
<td>(.624)</td>
<td>(.625)</td>
<td></td>
</tr>
<tr>
<td><strong>DAB-year</strong></td>
<td>-.818**</td>
<td>-.809**</td>
<td>-.810**</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(.183)</td>
<td>(.194)</td>
<td>(.194)</td>
<td></td>
</tr>
<tr>
<td><strong>Bad Health (1=yes)</strong></td>
<td>3.525**</td>
<td>3.690**</td>
<td>3.691**</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(.992)</td>
<td>(1.015)</td>
<td>(1.015)</td>
<td></td>
</tr>
<tr>
<td><strong>Minor/Elderly Person (1=yes)</strong></td>
<td>2.047†</td>
<td>2.213†</td>
<td>2.213†</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1.226)</td>
<td>(1.301)</td>
<td>(1.302)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(.459)</td>
<td>(.468)</td>
<td>(.469)</td>
<td></td>
</tr>
<tr>
<td><strong>Intelligence Value</strong></td>
<td>-2.317**</td>
<td>-2.372**</td>
<td>-2.372**</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(.466)</td>
<td>(.479)</td>
<td>(.479)</td>
<td></td>
</tr>
<tr>
<td><strong>Detention Risk</strong></td>
<td>-.093</td>
<td>-.105</td>
<td>-.105</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(.241)</td>
<td>(.241)</td>
<td>(.241)</td>
<td></td>
</tr>
<tr>
<td><strong>Hunger strike (1=yes)</strong></td>
<td>-2.146**</td>
<td>-2.250**</td>
<td>-2.251**</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(.627)</td>
<td>(.659)</td>
<td>(.660)</td>
<td></td>
</tr>
<tr>
<td><strong>Terrorist Organisation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Al Qaida</strong></td>
<td>-2.14</td>
<td>-2.10</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(.576)</td>
<td>(.580)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Taliban</strong></td>
<td>-2.82</td>
<td>-2.86</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(.976)</td>
<td>(.978)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td>-2.795</td>
<td>-2.792</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(.690)</td>
<td>(.692)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Outdegree*Indegree</strong></td>
<td></td>
<td></td>
<td>-.001</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(.019)</td>
<td></td>
</tr>
<tr>
<td><strong>Constant</strong></td>
<td>1.301**</td>
<td>3524.21**</td>
<td>3443.364*</td>
<td>3441.403*</td>
</tr>
<tr>
<td></td>
<td>(.115)</td>
<td>(1313.97)</td>
<td>(1367.05)</td>
<td>(1367.55)</td>
</tr>
</tbody>
</table>

| N         | 745     | 502     | 482     | 482     |
| LR Chi²   | 256.32**| 522.15**| 500.62**| 500.62**|
| Degrees of Freedom | 2       | 10      | 13      | 14      |
| Pseudo-R² | .25     | .75     | .75     | .75     |

Note: Omitted category for Terrorist Organisation is “No Affiliation”. Main entries are log odds, standard errors are in parentheses. † p<.10 *p<.05 **p<.01

In Model 3, a simplified version of the detainee’s alleged affiliation with terrorist organizations is added. The coefficients show no significant difference between the log odds of getting a release/transfer recommendation of someone with no affiliation with any terrorist organization and someone assessed to be affiliated with Al Qaida, the Taliban or another terrorist organization, controlling for the other variables in the model. While possibly
startling, this result is in line with Denbeaux et al., who find “surprisingly little correlation between association with a terrorist group and a detainee’s release date from Guantánamo” and “little or no distinction between [terrorist] groups” (2012: 15). The regression models presented here indicate that, comparable to the difference between the areas of potential exploitation when transferred and at the time the DAB was released (see above), the affiliation with terrorist organizations presents rather arbitrary initial accusations with no consequential impact, whereas the incriminations by fellow detainees and the assessed threat risk are more substantial and have serious consequences.

Finally, Model 4 tests the hypothesis that releasing information on others has a positive effect on the likelihood of getting released for a given detainee as long as others don’t release information on him. This is done by adding the interaction between the outdegree and the indegree as an additional variable. The model shows no support for this hypothesis, as the interaction coefficient is very close to zero and not significant. A curvilinear relationship between the out-/indegrees and release/transfer recommendations instead of a linear one is not supported by the data either, as adding squared terms for both variables (not depicted) does not lead to significant coefficients. Hence, there is no statistical evidence that detainees benefited in terms of getting a release/transfer recommendation from releasing information on fellow detainees.

As indicated by the rise in the Pseudo-R² from .25 to .75, adding the extra variables in Model 2 highly improves the quality to the model, whereas the additional variables in Model 3 and 4 add very little (if at all) explanatory power.

In order to improve the interpretability of some of the results of Model 2, Fig. 5 illustrates the predicted probabilities of getting a release/transfer recommendation depending on the indegree and the intelligence value of a detainee with a mean outdegree, who is a medium risk, a low risk from the detention perspective, not at bad health, not a minor or an elderly person, who has not been on hunger strike, who was transferred to Guantánamo in 2001 and
whose DAB dates from 2008. The graph shows that both the intelligence value and the indegree of such a detainee have a substantial impact on the probability of getting a release/transfer recommendation. For such a detainee with an indegree of two, for instance, the probability of getting a release/transfer recommendation is 96.1% if he is assessed to be of low, 75.4% if he is of medium, and 29.2% if he is of high intelligence value. Conversely, a medium-intelligence detainee has a probability of 83.2% to get a release/transfer recommendation as long as no one has incriminated him. However, the probability drops to 31.0% when ten detainees released information on him and to 9.1% when he was incriminated by 20 others. These numbers illustrate that the Guantánamo detainees have the power to dramatically influence the situation of their fellow inmates by releasing information on them. While having no impact on their own fate, the Guantánamo detainees decide on that of others.

**Fig. 5: Predicted probability of getting a release/transfer recommendation**

Note: Predicted probabilities for a detainee with a mean outdegree (1.9), who is a medium risk, a low risk from the detention perspective, not at bad health, not a minor or an elderly person, who has not been on hunger strike, who was transferred to Guantánamo in 2001 and whose DAB dates from 2008.
Conclusion

In this paper, we argued that the Guantánamo detainees find themselves in a prisoner’s-dilemma-like situation characterized by uncertainty, where they may incriminate others, remain silent, or disobey. Due to the ambiguous effect of collaborating and disobeying, the uncertainty involved, and the possible role of attributes, it was not clear a priori how the detainees would behave and what consequences their behavior would have in such a situation. We therefore examined empirically (a) how the Guantánamo detainees behave with respect to collaboration and disobedience, and (b) how their behavior influences their situation in terms of getting a release/transfer recommendation.

Concerning (a), the analysis showed that the distribution of the outdegrees ranked by size obeys a power law, revealing that the information provided by a small number of high-level contributors is matched by a large number of low-level contributors whose statements accumulate to an equally large amount of information. At the same time, 62.6% of the detainees remained silent and did not release any information on others. The discrepancy between the in- and outdegrees revealed that the number of incriminating statements a detainee makes is not just a function of his knowledge of others but that detainees actually make a choice to talk or not to talk. With respect to the four largest nationalities at Guantánamo, Yemenites and Saudi-Arabians contribute disproportionately much and Pakistanis and Afghans disproportionately little to the total amount of incriminations made. This order is also found in the distributions of disobedient actions. The nationality-specific differences concerning incriminating statements become statistically insignificant once other attributes are controlled for, indicating that they result from disparities in individual traits rather than nationality per se.

Concerning (b), the binary logistic regression models designed to predict the effect of the detainees’ behavior on their release/transfer recommendation revealed that collaborating with
interrogators by releasing information on other detainees has no significant effect on the likelihood of getting a release/transfer recommendation for the collaborator, controlling for a variety of attributes. Conversely, getting incriminated by others decreases the chances of getting a release/transfer recommendation. Thus, the Guantánamo detainees have the power to influence the situation of their fellow detainees while having no influence on their own fate. Disobedient behavior does not have any effect on the odds of getting a release/transfer recommendation, except for participation in hunger strikes, which seems to have a negative one. The assessed utility and threat to the US, a detainee’s attributes (including his health and age) as well as his behavior all influence the chances of getting released. These results directly contradict earlier statements by Denbeaux et Al. (2012).

Our evidence raises further questions. For example, is the power-law distribution of incriminating statements a singular occurrence or an expression of a broader social phenomenon to be found in other prisoner’s-dilemma-like situations characterized by uncertainty? For instance, witchcraft accusations in early modern Scotland seem to constitute a very similar case with comparable distributions (Anna Mitschele, personal communication, 9 June 2012). Here, comparative research may lead to fascinating results. Moreover, a situation where each actor can influence the fate of all other actors but not his own appears interesting. Which mechanisms do detainees develop to guarantee that others don’t incriminate them? Do tensions or trust evolve as a result of this constellation? Tackling these and similar questions could result in interesting outcomes.

Furthermore, various policy implications emerge from this paper. The large number of completely unrelated Afghans and Pakistanis (Fig. 3) indicates that setting improper incentives by paying huge sums of bounty money is counterproductive from an intelligence-gathering point of view. Furthermore, the enormous influence detainees have on their fellow detainees’ situation (Fig. 6) demands for scrutinizing which incentives detainees have to tell the truth. The current state of uncertainty puts them in a situation where they believe they will
be held endlessly no matter what they do and where tensions, both between individuals and
groups, may easily lead to false accusations.Eliminating the “legal black hole” Guantánamo
and putting these detainees in a clear juridical framework with consistent, transparent
proceedings would likely lead to much more reliable results.

While this paper may possibly serve as a starting point, there still rests much social
scientific work to be done on Guantánamo. The dataset created as a basis for this paper has
unexploited potential and – combined with the questions our results entail – promises to
facilitate further contributions to the understanding of the social micro-cosmos of
Guantánamo in particular and to the knowledge about the behavior of people in prisoner’s-
dilemma-like situations characterized by uncertainty in general.
REFERENCES


