



## Transcript

# Yemeni Detainees and Jihadis: Guantánamo Repatriation and Saudi Arabia

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## David Remes:

Good afternoon, it's a pleasure to be here. Thank you all very much for coming and thanks to Chatham House for sponsoring this. I thought that I would talk a little bit about what I do and then make some observations about the difficulties of closing Guantánamo, which I think are more political than practical.

I was at a very large corporate law firm until last summer but in 2004 I began representing Guantánamo prisoners as part of our public interest work and as the four years went on, I became less and less interested in the commercial work and more and more interested in the human rights aspect of Guantánamo. Frankly when I came back from Guantánamo and when I came back from Yemen I'd feel that nothing else mattered and that nothing else was important. I'm not making a statement of universal truth there, this was just me. I met the men, the lawyers who went down there. We call them habeas council because the form of legal action in the US is called habeas corpus and it actually goes back to the Magna Carta. It's a form of going to court and forcing the government to defend the detention of a particular individual.

The government fought us very hard on whether the men had the right to go to court, but finally in 2004 the Supreme Court said yes, the men do have a right to go to court and the lawyers started going down. The government still kept fighting us, but by 2008 I decided that this was what I wanted to do for the rest of my career.

So I formed a group called Appeal for Justice and it's still in very embryonic form. I'm Executive Director, Legal Director, Legal Assistant and Secretary. I have sixteen Yemenis who I represent, plus a couple of others who I represent but I'm not the lead lawyer. Yemenis account for 40 percent of the Guantánamo population, and it's been said by the Yemen ambassador's press aide in Washington that if you solve the Yemen problem you solve the Guantánamo problem, and that's largely true.

One question is why are they there? There have been perhaps 110 or so, 90 remain, maybe more, so between 94 and 100. And yet 90 to 94 percent of the Saudis are home. Only about ten percent of them remain. All of the Europeans are back except for one Pakistani resident of England, Amir, and efforts are being made to bring him back as well. The Europeans were really the first to return and a lot of that is purely political, because the Europeans are sometimes our allies and we depend on them very much. And they have leverage. Saudi Arabia has leverage. We depend on them too, militarily, and

obviously for oil. And this is true of other Middle Eastern countries where men have returned.

We don't depend on Yemen, at all, for anything, as far as I know. Except for maybe squid fishing, and that's not a heavy dependency. So the question is why aren't the Yemenis going home? For a long time, the US had a condition that Yemen promised not to torture people who went back. And President Saleh, the great humanitarian, said, 'We don't torture people and it is insulting to make us promise not to torture people'.

So that went on for a while, and then that demand faded and two new demands were set forth. One was to put the men who returned through a so-called 'de-programming' or re-education programme, where they would be talked out of their militant jihadist ways. And then the other condition was somehow security monitoring by the government, in order to make sure that these men did not return to the battlefield.

My belief is that President Saleh doesn't care about the people at Guantánamo who are from Yemen. President Saleh, in my opinion, and I hope there are no Yemeni officials here but I'll say it anyway, is interested in preserving his power and his wealth and not in the fate of 94 Yemenis in Guantánamo. Apart from those personal issues, just look at what he's facing. His country is disintegrating. I had lunch last week with a Yemen expert at the Carnegie Endowment, who said, 'How can we let Yemen become a failed state? You need to be a *state* before you can become a failed state'.

You can basically divide the problems into three parts. There is civil war, rebellion, in the north between the government and the tribes, which some people see as a Shiite-Sunni civil war. There is a secessionist movement in the south with two factions, one of which is a discontented military faction, a sort of economic issue because the central government doesn't trust the southern military. And then there's a more political, even socialist faction, which has actually elected a shadow government in the south.

There is no Republic of South Yemen yet, but I think that there may be. I think that with Yemen running out of oil and water, with the divide in the south and north, and perhaps a key element, the resurgence of Al-Qaeda activity throughout Yemen, it's very possible that Yemen will just disintegrate. Some people think that President Saleh just floats like a raft on an ocean of tribal support. And he uses Al-Qaeda in the south to fight his political opposition. He's very devious, and I don't mean that to make a moral judgement, I mean that as a factual description. He's very good at manipulation. But his power is ebbing, even in the areas where the government maintains power.

The US has been demanding security guarantees, that the Yemen government would prevent the returned Yemenis from going back to the battlefield, which I think is completely unrealistic. It's possible that Saleh will make a pretend promise and have a pretend programme, but he doesn't wake up every morning thinking about Guantánamo and he really doesn't care.

As for re-education, there was a fake re-education programme started maybe five or six years ago by Judge Hitar who is now Head of the Ministry of the Endowment, which is a concept that took me about an hour to understand because it's so alien to our ways in the US. It's a ministry whose purpose is to fund and extend Islam, and with our separation of church and state enshrined in our constitution it really was hard to get my mind around the fact that they had a cabinet level position to do this.

He is sort of a figurehead; he was the head of the so-called dialogue committee which I don't believe accomplished much and is now in Yemen regarded as a failure. Last summer, Yemen started promising that this time they would set up a real rehabilitation programme but they handed the US only one or two pages of bullet points; it was not the Americans' idea of a plan. So that was dismissed. But now since Obama has taken office, I don't think the problem anymore is the inability of the Yemen government to give guarantees. To be sure, it doesn't help that Yemen is disintegrating and that Yemen seems to be headed in the direction of the Republic of Al-Qaeda.

The real problem is that President Obama has placed himself in a box where he can't and won't release anyone without a very high degree of confidence that anyone he releases won't turn into a suicide bomber or other form of terrorist. I'm second to none in my dislike of the Bush administration; I hope that nobody thought otherwise. I have to say though, there were 778 prisoners at its peak in Guantánamo in 2002 or 2003. By the time that the Supreme Court held that the men were entitled to lawyers, that figure had dropped to 535. By the time Obama took office in January, that figure had dropped to 245.

So you're talking about 520 or 530 prisoners released from Guantánamo during Bush's administration, much as he fought us in court tooth and nail. And in three months, Obama has released exactly one man. And that was only because of the acute embarrassment to the English government over torture allegations. Obama has been talking a good game, but what has he actually done?

Obama is under a special spotlight because he made closing Guantánamo such a big deal, and he was right to do so, but now everybody is focussing on every decision he makes and he's terrified politically that he'll release someone and they'll become a suicide bomber. So he's instituted a new programme to examine each and every man's file, which I think is a bit of a fool's errand because most of the men in Guantánamo were scooped up indiscriminately, but our own former Chief of Staff to Secretary of State Colin Powell made a statement on this a couple of weeks ago.

The evidence against most of the men is testimony by other prisoners, which is highly unreliable, or by the prisoners themselves which is also highly unreliable. So how does the administration make a solid, reliable, predictive judgement about what will happen when these men are released? That for me is the central problem facing the Obama administration.

### **Dr Mai Yamani:**

I would like to start with a saying by the Prophet Mohammed. *'If disorder threatens, take refuge in Yemen'*. The Prophet Mohammed was referring to the ancient kingdom of Yemen, which was then the centre of culture and prosperity in the Arabian Peninsula. This has become prominent since the 1980s, when states like Saudi Arabia, in line with the US agenda of fighting communism, exported dissent in the form of Osama bin Laden, who is a Yemeni of Saudi birth, to fight Soviet infidels in Afghanistan.

Although dissent was diverted to Afghanistan, where the mountains of Tora Bora resemble those of Yemen, bin Laden's trusted companions and his wife remain Yemeni. But bin Laden and his followers, whether hiding in caves in Afghanistan or roaming through the lands of the fragmented and radicalized Umma, continue to view Yemen as the prescribed haven for Al-Qaeda, the base.

There is another hadith by the Prophet Mohammed that shows that the Prophet already had an understanding of what we now call blowback. *'Najd is the devil's horn, from Najd comes dissention, and to Najd dissention returns'*. The transnational jihadis who make Yemen their base would return to *Najd*, the centre of the region of the Arabian Peninsula, and the site of power of the rulers.

My focus today is on the intricate and troubled links between Yemen and Saudi Arabia as they confront the threats of Al-Qaeda. I will suggest a few policy solutions.

Yemen is a bubbling cauldron of jihadis. While Saudi Arabia launched a victorious conquest of the lost segments, the best choice of terrorists for a replacement of Afghanistan or Iraq appears to be Yemen, where the institutions of the state are weak. President Obama's order on the 22<sup>nd</sup> of January to shut Guantánamo Bay brings the challenge to the forefront. One third of the detainees are Yemeni, but Yemen is unable to provide security guarantees which satisfy the United States.

According to the Saudi Interior Ministry, 90 percent of their detainees are back in the country. Unlike Yemen, Saudi Arabia has created what is viewed as a model system for reintegrating Guantánamo Bay detainees, rehabilitation centres for curing jihadi passions. However, the last month has seen Saudi detainees from Guantánamo Bay who graduated and were offered jobs and wives relapse and escape to Yemen through the porous mountainous tribal borders. Seven Saudis escaped to Yemen and started jihadi activity there. All signs indicate that the Saudi-Yemeni borders are united and that the two countries face a hot summer.

This is a tale of two countries. One, Saudi Arabia, the richest in the Arab world, and the other, Yemen, the poorest. Saudi Arabia is the world's largest producer of oil, and with oil prices almost quintupling between 2003 and 2008, the regime had gained more clout in fighting terrorism. Yemen has the lowest output of all oil-producing Middle Eastern countries and Yemen's oil story is one of danger and decline. Since the 1970s, and until the unification of north and south Yemen in 1990, both Yemens lived in the shadow of the Saudi state. Wealth came from remittances or political subventions by the Saudis. In addition, there was migration from the overpopulated, underprivileged Yemen to the rich neighbour.

During the mid 1980s millions of Yemenis worked in the Saudi Kingdom, until the Gulf War of 1990-1991 when 800,000 were expelled in one go. Yemen's fragile and failing state is due to economic problems and tribal loyalties. These are due to a religious ideology imported from its northern neighbour. The fact is that Saudi Arabia has fought every 'ism' that has sought to dominate the Middle East. From the pan-Arabism of Egypt, to communism, to today's Islamism of the Muslim Brotherhood and Hamas. The tools of the foreign policy were oil money and the kingdom's Wahhabi Islam.

During the 1980s, Saudi Arabia spent more than 75 billion dollars on the propagation of the kingdom's Sunni Wahhabi Islam, funding schools, mosques and charities across the Islamic world. Thousands of schools were set up in every city and every village in Yemen. Saudi Arabia created in

Yemen a strong Wahhabi current that was politically and ideologically loyal. Among the most prominent missionaries is Abdul Majeed al-Zindani, who studied in the religious schools and universities of Saudi Arabia and established the University of Piety in Sana'a.

The paradox is that both Saudi Arabia and Yemen are using the Salafis. President Ali Abdullah Saleh invested in this Salafi movement in order to defeat his opponents. However, Salafism or Wahhabism could not be controlled. The technologies of globalisation contributed to the creation of the transnational political Islamist movement, in which Saudi and Yemeni youth indoctrinated in traditional Wahhabi thought became exposed to the diversity of Salafi and other youth movements in the region, some of which adhere to the rhetoric of Al-Qaeda.

As a result, the Al Saud came under direct threat from some of the very people they had financed and trusted. As a result, the Committee of Advice was established by the interior ministry to monitor all websites associated with Al-Qaeda. Such websites numbered 20,000 in 2003. When the jihadis, indoctrinated in Wahhabi ideology, broke away from the Al Saud in the 1990s, the same split took place in Yemen. The split activated tribal, economic, ideological and political factors and resulted in violence.

The violence was witnessed in the US. 15 out of the 19 hijackers were Saudis of Yemeni origin. Yemen and Saudi Arabia are stuck to each other through historical, ethnic, tribal and cultural ties, but they do not have a way to solve popular resentment and resistance. Saudi Arabia's relationship with Yemen is unlike that with any other Arab country. The Yemeni president accepted the demarcation of the borders in 2000 and the cancellation of the five agreements in return for economic benefits.

But that did not change the reality that in most of the tribal land and many of the main cities thousands of families are of Yemeni origin. I am a case study. The Saudi tradition of foreign policy, of quiet diplomacy, oil money and soft power, is no longer effective. Building fences and sending helicopters to police the borders are not sufficient. The myth of rehabilitation is not a solution, even when it is coupled with the wife and the job. No medicine works if you keep injecting the same virus; institutionalised Wahhabism.

So how can we proceed with the vaccination? The answer is Wahhabi reform and containment. The tentative moves that King Abdullah has made have to be speeded up and must become more daring and more effective in removing the Wahhabi agency as a catalyst for radicalism. The Wahhabis inspire the radicals and, when combined with economic misery, it is a lethal concoction.

So long as the export of Zindani's ideas and his enthusiastic disciples continues, the feeling of violence will mushroom in Yemen and beyond.

Both Saudi Arabia and Yemen have indigenous traditions of moderate Islam. If given the financial support that the Wahhabis received, they could reverse the current picture of fanaticism. Both King Abdullah and President Saleh understand the problem, but they need to stop using the old tactics, and understand the strategic necessity of following their true convictions.

A new economic strategy is also necessary. The inclusion of Yemeni manpower would be of benefit to Saudi Arabia, as it relies heavily on expatriate workers. Yemenis are known to be skilled workers. So instead of exporting religious radicalism, importing manpower could neutralise the region. If you bring us in, we will be less trouble. Many isolated societies have found greater confidence when they were accepted in wider communities.

Yemeni officials have continuously voiced the request to be included in the GCC. This they see as their natural right as part of the Arabian Peninsula. However, the case of Yemen with regards to the GCC is like that of Turkey and the EU. Yemen is the most populous country in the Arabian Peninsula. In fact, Yemen's population exceeds that of the six member countries of the GCC. Yemen is strategically important to the West; it is geographically positioned as the only country in the Arabian Peninsula and the Gulf where oil goes to the open seas without passing through the straits or the Suez Canal.

Yemen must first fight terrorists in land and pirates on the seas, in order to regain the prosperity and balance that Prophet Mohammed once praised. Thank you.