

## U.S. Dilemma: Yemeni Detainees At Guantanamo

by ARI SHAPIRO



Enlarge

Khaled Fazaal/AFP/Getty Images

Protesters, including two dressed as Guantanamo Bay detainees, call on the government to step up efforts to get Yemenis held at the prison released, in San'a, Yemen, last May.

January 4, 2010

text size **A A A**

The Obama administration has always acknowledged that the Yemeni population at Guantanamo presents one of the most significant challenges to closing the prison camp. Of the 198 men currently at the detention center, 91 are from the small country on the Arabian peninsula.

Now President Obama acknowledges the man accused of trying to blow up an airplane on Christmas Day reportedly trained with al-Qaida in Yemen, which makes the problem of handling the Yemenis held at the Guantanamo Bay facility even more acute.

Yemen has always played a disproportionately large role in the global jihadist movement, according to Benjamin Wittes, a senior fellow at the Brookings Institution. "Of the original nearly 800 people who went to Guantanamo, more than 1 in 8 was from Yemen," he says, "which is astonishing when you think about how small the country is."

Conservatives in Congress are urging President Obama not to release any more Guantanamo detainees to the Yemeni government. Another option is indefinite detention in the U.S. without trial, but that angers liberals in Congress. All of which

helps explain why Obama will not meet his original deadline to close Guantanamo later this month.

The U.S. has been slower to release Yemenis than detainees from any other country.

"Saudi Arabia had a little over 130 detainees at Guantanamo over the years, and about 120 of those have been returned," says Shayana Kadidal, an attorney with the Center for Constitutional Rights who works with lawyers representing Yemenis at Guantanamo. In contrast, only 21 of the 112 Yemeni detainees originally at Guantanamo have been returned to their home country, "so you basically have a situation where hardly anybody [from Yemen] has gone home."

The Bush administration returned 14 Guantanamo detainees to the Yemeni government; the Obama administration has returned seven.

"Part of the calculus in terms of returning detainees to their home governments is the ability of the home government to actually deal with those individuals," says Juan Zarate, who served as a counterterrorism adviser to President George W. Bush. "And I think over the past few years there's been greater confidence in the Saudi government's ability to do precisely that."

The U.S. does not consider the Yemeni government totally reliable. Some Yemenis who have been released have reportedly returned to al-Qaida.

### A Political Calculation

On Sunday, Obama's counterterrorism adviser, John Brennan, said the administration will continue to transfer Yemenis in a way that does not put Americans at risk.

"We made a decision that we would send back six because we were very pleased with the way the Yemeni government handled the one individual we sent back about eight weeks ago," Brennan told CNN. "And so we're making sure that the situation on the ground is taken into account, that we continue to work with the Yemeni government, and that we do this in a very common-sense fashion, because we want to make sure that we are able to close Guantanamo."

**You don't really know  
who's going to go back to  
the fight and who's not,  
so when you release  
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some risk.**

- Benjamin Wittes of the Brookings

Closing Guantanamo requires the administration to address *Institution* the Yemeni problem in some fashion.

The administration is asking how much of a threat each detainee poses. In a speech on national security last year, Obama promised he was "not going to release individuals who endanger the American people."

Wittes calls that standard impossibly high.

"Politicians say those sorts of things, but it's actually nonsense," he says. "You're dealing with a population about which you have imperfect information. You don't really know who's going to go back to the fight and who's not, so when you release somebody you assume some risk."

That risk involves a political calculation, and Zarate believes the calculation changed when a man who trained with al-Qaida in Yemen allegedly tried to blow up an airplane last month.

"This case highlights politically and publicly the fact that you've got a direct threat to the homeland coming out of the adaptations of al-Qaida in Yemen," he says. "To send known al-Qaida operatives back to Yemen at this time, I think, is politically untenable."

Kadidal, whose group represents Yemenis at Guantanamo, fears Zarate may be right.

"Obviously the timing on this couldn't have been worse," he says, "but the people who are being sent home now are people who've been cleared by an exhaustive review by the interagency task force, so you have a much more cautious process that's being undertaken now, and if people get cleared by that process they ought to be sent home."

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Recent First



**H. R. III (jheadatunm)** wrote:  
Joseph Torrell (PAJoe) wrote:

Afghanistan, Yemen, Somalia...  
What do these countries have in common?  
Poverty and corrupt or non-existent governments.  
Fertile ground for recruitment and bases of operation.

BINGO! You hit the nail on the head. Now how does the international community deal with such a problem? Throw money at it from a distance? Or maybe, just maybe, we all need to have a physical presence to assist these countries in trying to fix these problems. But wait, we are doing that (and in more places than most of you think BTW...) and yet we are called occupational forces. Or should we just pretend these problems don't exist and that if we leave them alone, they will just leave us alone? Now that is a pipe-dream...

Tuesday, January 05, 2010 1:55:03 PM

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**H. R. III (jheadatunm)** wrote:

Dissenter wrote: "Dude, if look in the front page, there's a nice article on psychiatric drugs which can be used to make some very potent cocktail. May I suggest you look the article over and, perhaps, mix yourself a cocktail? Sounds like you could use it - only a highly delusional individual could make a statement such as the one above."

Not sure how your comments are helpful... But if you would like to educate yourself on what an occupation is, try reading from the link below. Maybe a course in PoliSci would do you well also... Furthermore, having been to all of these places for quite some time, it is my opinion that we are not an occupation force because we are allowing - and forcing - the host country governments to take control of their problems by supporting them with education, mentorship, and needed "muscle" when required/REQUESTED. Maybe from your armchair it APPEARS that we are occupying these countries, but in my OPINION we aren't. Whether we belong there or not is a different discussion, which I did not broach. Maybe you are blending the two very different topics?

[http://en.wikipedia.org/wiki/Military\\_occupation](http://en.wikipedia.org/wiki/Military_occupation)

Tuesday, January 05, 2010 1:51:14 PM

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**John Carlton (Archtype)** wrote:

So, according to Ari Shapiro, the problem isn't that we have an 800 year tradition of habeas corpus in the West, it's that there are some "angry liberals" who would object to locking people in cages indefinitely without any charges. Got it.

Tuesday, January 05, 2010 11:46:44 AM

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**boulder dude (BeeDeeToo)** wrote:

Oh look, Ari Shapiro wet his beed again and had to find some nice Republican father figures to come and tell him that if we just toss out the Constitution, lock up or kill all the brown people he can sleep soundly at night.

Disgusting.

Remember folks, if you give money to NPR not only are you a sucker, you are part of the problem.

Tuesday, January 05, 2010 10:04:03 AM

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**The Modest Egotist (Dances\_With\_Typos)** wrote:

Thanks Ari for the "balanced" interview: TWO GOP lawyers, always nice to here a broad spectrum of opinion Right and Extreme Right.

Wouldn't want to violate NPR's ban on lawyers with actual Human Rights experience.

Heck of a job, Ari!

Tuesday, January 05, 2010 9:04:15 AM

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**Margaret Leafe (poetmaggie)** wrote:

We are witnessing a different kind of warfare than we are used to. We are like the British who came to the colonies to put down the rebels against the crown.

We are dealing with groups who war with nations. It is incredible. They are winning. And it is fruitless to warehouse a few because they might go back and join the rebels. There are too many rebels, and they have plenty of fodder for their actions. These few we have imprisoned are not really very important or our security would have said so. We don't need to keep them. We do need to get sensible about how to respond to the terrious groups. Thinking about how do deal with them has made some progress but it is still not able to deal with these groups.

Tuesday, January 05, 2010 8:46:31 AM

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**Joseph Torrell (PAJoe)** wrote:

Afghanistan, Yemen, Somalia...

What do these countries have in common?

Poverty and corrupt or non-existent governments.

Fertile ground for recruitment and bases of operation.

And I DO wish we would stop calling America "the Homeland".

Tuesday, January 05, 2010 6:04:26 AM

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**Ahmed Bamatraf (zuter)** wrote:

The problem with Yemen is that for so long the Yemeni president has been holding onto power (for over 31 years), and every year is worse than the one before it. When the president acts like a gang leader, no one can do business without giving kickbacks to him and his family. There is no good education. The government is so corrupt that the people lost hope. They find the only way to get out of this is through religion, which then leads them to fundamentalism. I wish all the best for the new year to my new country the USA and the Yemeni people who have had lots of hard times.

Monday, January 04, 2010 11:52:46 PM  
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**Don Hillier (Roadrunner12)** wrote:

We need to look at what the circumstances are. Before, in most wars, people welcomed America, and supported us. The Middle East DOES NOT welcome us or support us. We should not be building all this infrastructure, period! If we must be there, let it be a small military and intelligence scenario with one focus only...hunt these terrorists and KILL THEM, none of this prisoner crap with all the rights of Americans, lawyers, trials, etc. What the hell is wrong with everyone? These people(terrorists) do not qualify for "rights" of citizens of Americans.

Monday, January 04, 2010 9:49:16 PM  
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**The Dissenter (NameWitheld)** wrote:

H. R III (jheadatum) wrote:

Occupation? Name one country that we are "occupying?" We occupied Japan and Germany after WWII which is nothing like what we are doing now. And unless you have set foot in either Iraq or Afg, you can't really say we are "occupying" them. In my personal experience, we are not an occupation force there. But I will agree with the loss of freedoms and costs of the war!

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Dude, if look in the front page, there's a nice article on psychiatric drugs which can be used to make some very potent cocktail. May I suggest you look the article over and, perhaps, mix yourself a cocktail? Sounds like you could use it - only a highly delusional individual could make a statement such as the one above.

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