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Guantánamo and Yemen: Obama Capitulates to Critics and Suspends Prisoner Transfers

by Andy Worthington

For the last 12 days, since Umar Farouk Abdulmutallab slipped through every security net going, and allegedly tried and failed to blow up Northwest Airlines Flight 253 from Amsterdam to Detroit, Republican critics of Barack Obama have tried every trick in the book to undermine the president's authority, with former Vice President Dick Cheney claiming that the incident demonstrated that Obama's "low key response" to the failed attack "makes us less safe," and numerous lawmakers and pundits — joined by a few easily frightened Democrats — stating that no more Yemeni prisoners should be released from Guantánamo, following the transfer to Yemeni custody of six men the weekend before the failed attack.

Supporters of Guantánamo, and critics of releasing any more of the 198 men still held, were fired up in particular by [an inaccurate report on ABC News](#), in which it was stated that two former Guantánamo prisoners were amongst the leaders of the al-Qaeda-inspired group in Yemen that claimed responsibility for the failed attack. ABC News later conceded that one of these two men had in fact surrendered to the Yemeni authorities in February 2009, and therefore could have had nothing to do with the plot, but by then the damage had been done.

For these critics, the truth is nothing more than an inconvenient obstacle to their political maneuvering. None of them care that the solitary former prisoner accused of involvement with the terrorist group is a Saudi, and that he was released by President George W. Bush, despite the intelligence services' insistence that he posed a threat to the United States. Neither do they care that no proof has been provided that he was directly involved in the failed plane bombing. Moreover, none of them has paused for a moment to consider that there is no reason whatsoever to dream up connections between the Saudi — Said al-Shihri — and the 40 or so Yemenis in Guantánamo that the Obama administration proposes to transfer to Yemeni custody, because, unlike President Bush, the Obama administration had been reviewing the cases of these men throughout 2009, and has no intention of repeating its predecessors' mistakes.

On Sunday, John Brennan, Deputy Assistant to the President and Deputy National Security Adviser for Homeland Security and Counterterrorism, attempted to seize the initiative on this issue. A CIA veteran who was “widely seen as Mr. Obama’s likeliest choice to head the intelligence agency,” until he “withdrew his name from consideration after liberal critics attacked his alleged role in the agency’s detention and interrogation program” (as the [New York Times](#) explained in December 2008), Brennan has the necessary experience to challenge Republican opportunists. On CNN’s “State of the Union,” when Gloria Borger named a second Saudi — Ibrahim al-Rubaysh — who is reportedly connected to the Yemeni al-Qaeda cell, declared (without providing proof) that he was connected to the Christmas plot, and asked, “Does it make you rethink your decision to release six prisoners back into Yemen last month from Guantánamo?” Brennan [delivered a stout defense of the administration’s policies](#):

No, it doesn't, because that was the result of a very meticulous and rigorous process that we've had in place since the beginning of this administration. Now let me put some facts out here. The last administration released 532 detainees from Guantánamo. During this administration, we have transferred in fact 42 of these individuals overseas. I have been in constant dialogue with the Yemenis about the arrangements that are in place.

Several of those individuals were put into custody as soon as they returned to Yemen. So we are making sure that we don't do anything that is going to put American citizens, whether they be in Yemen or here in the States, at risk by our decisions about releasing — transferring these detainees.

Pressed as to what would happen to the Yemenis approved for transfer to Yemen by the administration’s interagency Task Force (up to half of the 90 or so Yemenis still in Guantánamo), Brennan explained that they would be “transferred back to Yemen at the right time and the right pace and in the right way,” and elaborated on the procedures that had already taken place regarding the release of the six men on the weekend of December 19/20, whose stories I described in [an article last week](#):

[W]e made a decision that we would send back six because we were very pleased with the way of Yemeni government handled the one individual we sent back about eight weeks ago [[Alla Ali Bin Ali Ahmed](#), whose release was ordered by a U.S. judge in May]. 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 we do this in a very common-sense fashion because we want to make sure that we are able to close Guantánamo. Guantánamo has been used as a propaganda tool by al-Qaeda and others. We need to close that facility. And we're determined to do that.

Pressed further, Brennan refused to draw spurious connections between the Christmas plot and the cleared Yemenis in Guantánamo, telling Borger, “The attempted attack by Mr. Abdulmutallab on Christmas Day was a unique incident. We have been monitoring and watching the situation in Yemen develop over time. That one incident on the 25th of December doesn't change the situation on the ground in Yemen one bit.”

As far as I was concerned, John Brennan's appearance was a masterful display of common sense in the face of a whirlwind of manufactured fear, but it is a sign of how skewed what passes for debate is nowadays that his resounding defense of his boss's anti-terror credentials is necessary at all, as, for the most part, Obama's defense of Bush-era policies [regarding Military Commissions](#), [indefinite detention](#), [Bagram](#) and “[state secrets](#)” — as well as his surge in Afghanistan — has left everyone else (from progressives to libertarians) wondering how much difference there actually is between Obama and his predecessor.

Moreover, it seems that not everyone in the White House was impressed by Brennan's performance, and, no doubt making decisions based on voter feedback rather than on fixed principles, the administration took a step back on Tuesday, sending White House spokesman Robert Gibbs out to tell reporters, “While we remain committed to closing the facility, the determination has been made that right now any additional transfers to Yemen is not a good idea.”

Later in the evening, in a televised statement, President Obama reiterated the message, saying, “Given the unsettled situation, I've spoken to the attorney general and we've agreed that we will not be transferring additional detainees back to Yemen at this time.” He added, “Make no mistake. We will close Guantánamo prison, which has damaged our national security interests and become a tremendous recruiting tool for al-Qaeda. In fact, that was an explicit rationale for the formation of al-Qaeda in the Arabian Peninsula.”

If this is the case, it might have made more sense to defuse the “recruiting tool” sooner rather than later, sending back some more of the [patently innocent Yemenis](#) still in Guantánamo rather than allowing the eighth anniversary of the prison's opening on Monday to be marked by inaction.

Moreover, by capitulating to pressure from unprincipled critics, the Obama administration has also tacitly acknowledged that Cheney-style rhetoric, and mistaken inferences about Saudi prisoners released by George W. Bush, in spite of advice not to do so, are being allowed to dictate the current government's more considered response to Yemenis deprived of their liberty for no reason for eight years. As the [Center for Constitutional Rights](#) complained in a press release following the announcement:

Dozens of men from Yemen who have been cleared for release after extensive scrutiny by the government's Guantánamo Review Task Force are about to be left in

limbo once more due to politics, not facts ... Halting the repatriation of Yemeni men cleared by the Task Force after months of careful review is unconscionable.

When he accepted his Nobel Peace Prize, President Obama said, “We lose ourselves when we compromise the very ideals that we fight to defend. And we honor those ideals by upholding them not when it's easy, but when it is hard.” What he said in December should be just a true a month later.

Andy Worthington is the author of [The Guantánamo Files: The Stories of the 774 Detainees in America's Illegal Prison](#) (published by Pluto Press) and serves as policy advisor to the Future of Freedom Foundation. Visit his website at: www.andyworthington.co.uk.

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