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CONFIDENTIAL PTQ9024

PAGE 01 SANAA 03428 01 OF 03 291612Z

ACTION SCT-00

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P 291606Z SEP 02
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C O N F I D E N T I A L SECTION 01 OF 03 SANAA 003428

E.O. 12958: DECL: 09/29/2008
 TAGS: PGOV, PTER, SOCI, PHUM YM US
 SUBJECT: YEMENI PARLIAMENTARY REPORT ON DETAINEES IN COLE,
 SEP 11 INVESTIGATIONS

CONFIDENTIAL

PAGE 02 SANAA 03428 01 OF 03 291612Z

CLASSIFIED BY: DCM: AMISENHEIMER. REASONS 1.5 (B) AND (D)

1. (C) BEGIN SUMMARY: A PARLIAMENTARY COMMITTEE HAS FOUND THE ROYG IN VIOLATION OF ITS CONSTITUTION AND LAWS IN ITS DETENTION OF MORE THAN ONE HUNDRED SUSPECTS RELATED TO THE CASES OF THE USS COLE AND SEPTEMBER 11 ATTACKS. A LENGTHY REPORT, SUMMARIZED BELOW, DETAILS THE COMMITTEE'S QUESTIONS AND THE GOVERNMENT'S RESPONSES ACROSS A WIDE RANGE OF SECURITY AND HUMAN RIGHTS ISSUES.

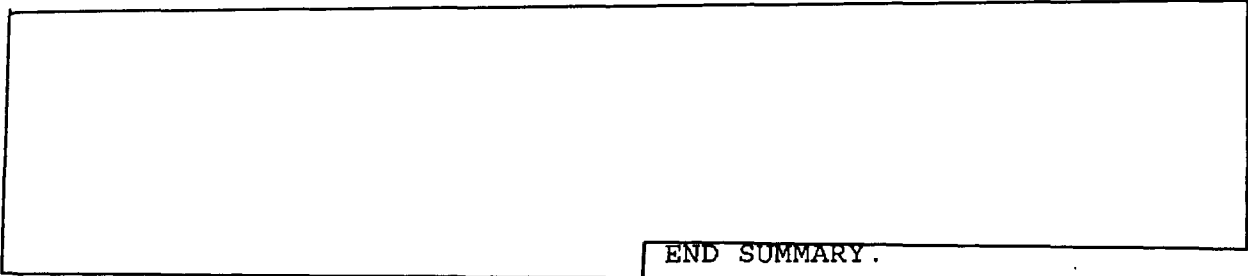
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THE ROYG FACES STRONG PRESSURES FROM THE PARLIAMENT, MEDIA, AND DETAINEES

Current Class: CONFIDENTIAL

Page: 1

FAMILY MEMBERS. FOLLOW-UP GOVERNMENT RESPONSE TO THE REPORT WILL COME IN EARLY DECEMBER AFTER THE PARLIAMENT RECONVENES.



END SUMMARY.

2. (SBU) A SPECIAL 10-MAN FACT-FINDING COMMITTEE WAS FORMED SEPTEMBER 17 BY YEMEN'S PARLIAMENT (HOUSE OF DEPUTIES) TO INVESTIGATE THE SITUATION OF THOSE ARRESTED AS A RESULT OF THE OCTOBER 2000 BOMBING OF THE USS COLE AND THE SEPTEMBER 2001 ATTACKS AGAINST U.S. TARGETS. THE COMMITTEE, CHAIRED BY RAJIH SAAD HUNAYSH, ISSUED ITS 17-PAGE REPORT SEPTEMBER 24 FOLLOWING MEETINGS WITH: FAMILIES OF THE DETAINED, THE MINISTER OF INTERIOR, THE ATTORNEY GENERAL, THE DEPUTY HEAD
CONFIDENTIAL

PAGE 03 SANAA 03428 01 OF 03 291612Z
OF THE POLITICAL SECURITY ORGANIZATION (PSO), SOME OF THE DETAINEES, THE MINISTER OF FOREIGN AFFAIRS, THE MINISTER OF JUSTICE, THE MINISTER OF STATE FOR HUMAN RIGHTS, AND THE DIRECTOR OF CRIMINAL RESEARCH AT THE SANAA SECRETARIAT. AMONG THE COMMITTEE'S FINDINGS ARE THAT GOVERNMENT AUTHORITIES VIOLATED YEMEN'S CONSTITUTION AND LAWS REGARDING THE MANNER AND LENGTH OF SOME OF THE DETENTIONS. AMONG ITS RECOMMENDATIONS ARE THAT THE PSO REFER FOR PROSECUTION ALL CASES OF THOSE DETAINED OR RELEASE THEM. THE COMMITTEE ALSO RECOMMENDED THAT THE ATTORNEY GENERAL IDENTIFY AND PROSECUTE OFFICIALS RESPONSIBLE FOR THE CONSTITUTIONAL AND LEGAL VIOLATIONS.

COMPLAINTS FROM FAMILY MEMBERS

3. (SBU) FOR EACH OF THE COMMITTEE'S MEETINGS NOTED ABOVE, THE REPORT LISTS THE SPECIFIC QUESTIONS POSED AND THE RESPONSES PROVIDED BY THE RELEVANT OFFICIAL OR FAMILY GROUP. THUS, FAMILY MEMBERS ARE CITED AS SAYING THAT FOR MOST OF THOSE ARRESTED, THEIR FAMILIES LEARNED OF THIS ONE TO SIX MONTHS LATER, AND ONLY UNOFFICIALLY. FAMILY VISITS WERE ALLOWED ONLY AFTER ONE TO SIX MONTHS, TWICE WEEKLY, FOR FIVE MINUTES. IN SOME CASES, RELATIVES OF DETAINEES WERE THEMSELVES DETAINED. SOME DETAINEES WERE ALLEGED TO HAVE BEEN PHYSICALLY TORTURED, AND SOME WERE DETAINED IN ISOLATION

FOR VARIOUS PERIODS.

MINISTER OF INTERIOR RESPONDS TO QUESTIONS
CONFIDENTIAL

PAGE 04 SANAA 03428 01 OF 03 291612Z

4. (SBU) ACCORDING TO THE REPORT, THE MINISTER OF INTERIOR IN RESPONDING TO QUESTIONS WROTE THAT THE NUMBER OF THOSE ARRESTED IN THE USS COLE INVESTIGATION IS FIFTEEN, AND THEIR INVESTIGATIONS HAVE BEEN COMPLETED AND THEIR FILES HANDED OVER TO THE ATTORNEY GENERAL. THE MINISTER ADDED THAT "WE ARE AWAITING THE APPROPRIATE MOMENT FOR (THEIR) TRIAL. THAT IS OUR POINT OF VIEW, OF WHICH WE ARE CONVINCED AT THE GOVERNMENT LEVEL. THERE IS ANOTHER VIEW NOT TO PUT THEM ON TRIAL UNTIL THE SEIZURE OF THE REST OF THE GROUP WHO ARE STILL AT LARGE."

5. (SBU) THE REPORT CITES THE MINISTER OF INTERIOR AS SAYING THAT INVESTIGATION IS ONGOING FOR THOSE ARRESTED REGARDING THE SEPTEMBER 11, 2001 ATTACKS, AND AT THE APPROPRIATE TIME, IF THERE IS SUFFICIENT EVIDENCE, THEY WILL BE PROSECUTED. OTHERWISE THEY WILL BE RELEASED. THE MINISTER'S INITIAL RESPONSE NUMBERED THESE DETAINED AS NINETY-ONE, BUT IN ADDITIONAL INFORMATION, THE NUMBER IS REDUCED TO EIGHTY-NINE. RESPONDING TO THE COMMITTEE'S SPECIFIC QUESTIONS ON ANY ROLE OF FOREIGN PARTIES, THE MINISTER REPLIED THAT NO YEMENI HAS BEEN HANDED OVER TO ANY FOREIGN AGENCY/PARTY, NO SUCH REQUEST HAD BEEN RECEIVED, AND (IN ANY EVENT) THAT WOULD NOT HAPPEN. THE MINISTER ACKNOWLEDGED DETAINING PERSONS FOR LONGER THAN THE LEGAL PERIOD, ADDING THAT THIS WAS NECESSARY IN ORDER TO

CONFIDENTIAL

CONFIDENTIAL PTQ9025

PAGE 01 SANAA 03428 02 OF 03 291613Z
ACTION SCT-00

INFO	LOG-00	NP-00	AID-00	A-00	CCO-00	CG-00	CIAE-00
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CONFIDENTIAL

PAGE 02 SANAA 03428 02 OF 03 291613Z

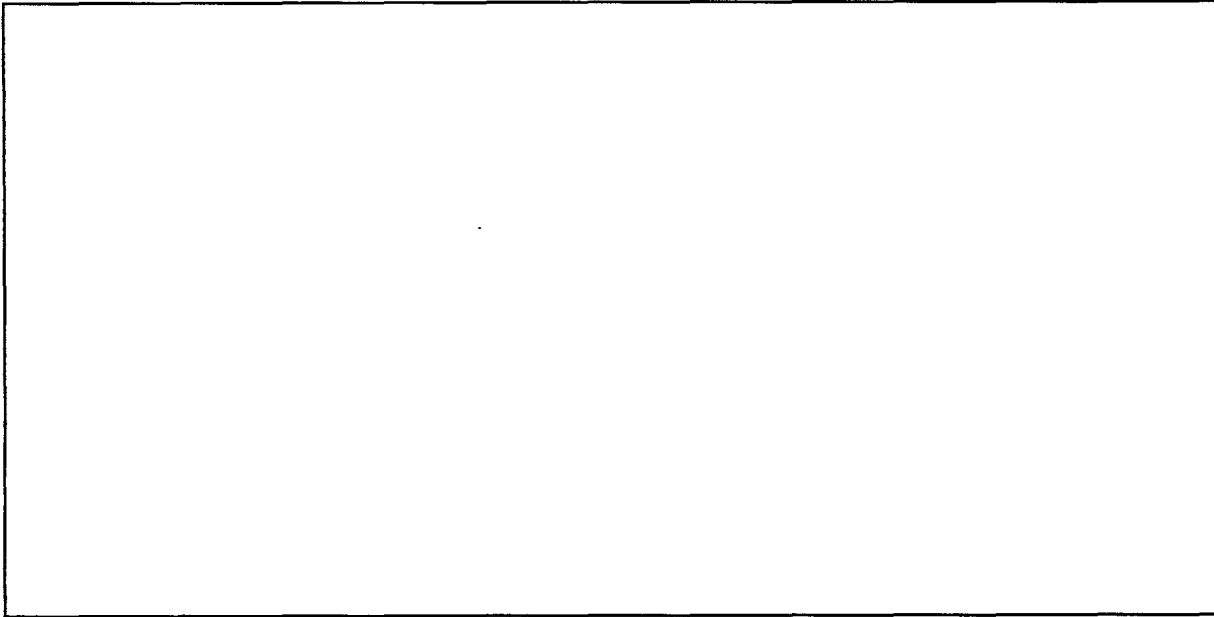
PREVENT THEM FROM IMPLEMENTING THEIR PLANNED "ACTS OF
MADNESS" WHICH HAD BEEN DISCOVERED THROUGH RECORDINGS OF
TELEPHONE CONVERSATIONS BETWEEN THEM.

6. (SBU) RESPONDING TO THE COMMITTEE'S QUESTIONS ABOUT
CHARGES AGAINST THE DETAINED, THE MINISTER OF INTERIOR SAID
THE FIRST GROUP WERE CHARGED ACCORDING TO YEMENI LAW WITH
BOMBING THE USS COLE. REGARDING THE SEPTEMBER 11 GROUP, SOME
WERE ARRESTED WHILE PLANNING OPERATIONS INFRINGING UPON THE
SECURITY AND WELL-BEING OF THE COUNTRY AND CITIZENS, WITH
QUANTITIES OF WEAPONS, AMMUNITION, AND EXPLOSIVES SEIZED AT
LOCATIONS THEY HAD SET UP, AND SOME OF THE DETAINED HAD MADE
STATEMENTS IMPLICATING THEMSELVES IN ACTS OF SABOTAGE
INFRINGING UPON THE SECURITY AND WELL-BEING OF THE COUNTRY
AND CITIZENS. SOME DETAINEES HAVE BEEN RELEASED, ACCORDING
TO THE MINISTER, ALTHOUGH THE REPORT PROVIDES NO FURTHER
INFORMATION.

PSO DEPUTY DIRECTOR RESPONDS

7. (SBU) THE DEPUTY DIRECTOR OF THE PSO, RESPONDING TO
COMMITTEE QUESTIONS, SAID THAT LEGAL STEPS AGAINST THOSE
DETAINED WERE TAKEN WITH THE PERMISSION AND PREPARATION OF
THE ATTORNEY GENERAL. HE ADDED THAT NONE HAS BEEN RELEASED

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B1

CONFIDENTIAL

CONFIDENTIAL PTQ9026

PAGE 01 SANAA 03428 03 OF 03 291613Z
ACTION SCT-00

INFO	LOG-00	NP-00	AID-00	A-00	CCO-00	CG-00	CIAE-00
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P 291606Z SEP 02
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C O N F I D E N T I A L SECTION 03 OF 03 SANAA 003428

Current Class: CONFIDENTIAL

Page: 6

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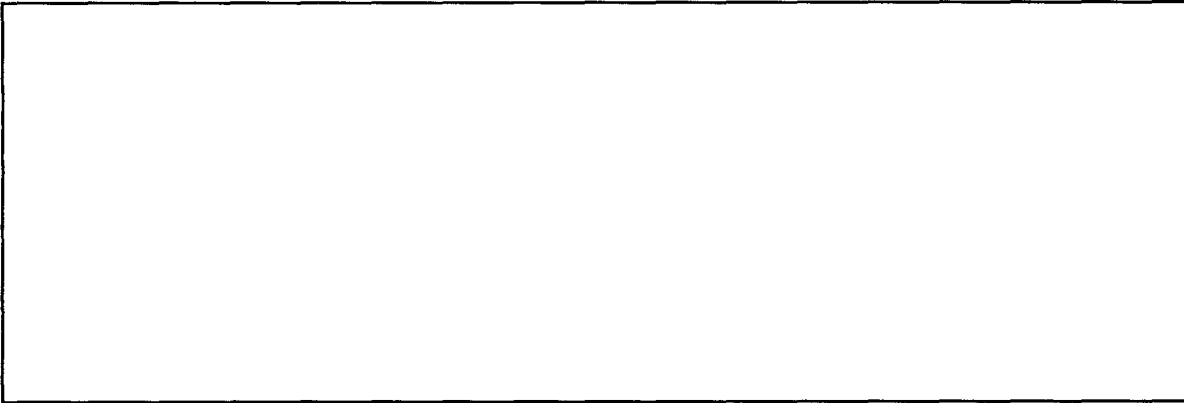
Page: 7

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PAGE 02 SANAA 03428 03 OF 03 291613Z



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Current Class: CONFIDENTIAL

Page: 7

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