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Yemen

Response to Information Request Number:	YEM03002.OGC
Date:	April 24, 2003
Subject:	Yemen: Information on Return to Yemen of Individuals Suspected of Involvement in the 9/11 Terrorist Hijackings in the U.S.
From:	BCIS Resource Information Center
Keywords:	Yemen / Accused persons / Deportation / Detained persons / Imprisonment / Suspected persons

Query:

1. What is the probability that an individual who has been connected in the press to the 9/11 hijackers but who has been cleared by the U.S. government would face persecution or torture by the government of Yemen if deported there?
2. Have any NGOs reported any instances of individuals connected to 9/11 being tortured upon return to Yemen?
3. Have there been any media-reported instances of individuals connected to 9/11 facing torture upon return to Yemen?
4. Has Human Rights Watch, or any other comparable NGO, made any official recommendations that individuals who have been questioned (but not charged or convicted) regarding 9/11 not be returned to Yemen because they would face persecution or torture?

Response:

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The following query response includes and updates information provided in YEM03001.OGC: "Information on Return to Saudi Arabia or Yemen of Individuals Suspected of Involvement in the 9/11 Terrorist Hijackings in the U.S.," of 18 December 2002.

1. PROBABILITY THAT AN INDIVIDUAL WHO HAS BEEN CONNECTED IN THE PRESS TO THE 9/11 HIJACKERS BUT WHO HAS BEEN CLEARED BY THE U.S. GOVERNMENT WOULD FACE PERSECUTION OR TORTURE BY THE GOVERNMENT OF YEMEN IF DEPORTED THERE.

The Resource Information Center (RIC) interviewed an Amnesty International researcher who spent 10 to 12 days in Yemen in February and August 2002 as part of an Amnesty delegation to that country. The purpose of the delegation was to "discuss issues relating to the backlash [in Yemen] following the events of 11 September 2001, as well as the promotion and protection of human rights in Yemen" (AI 27 Aug 2002). Members of the delegation met with Yemeni government officials and representatives of embassies whose nationals were detained in Yemen. (For more information on the delegation, please see the attached Amnesty International Media Advisory.)

In the interview with the Resource Information Center, the researcher stated the following:

In the aftermath of the 9/11/01 terrorist attacks in the U.S., the Yemeni government has been "very clear" that they are casting a wide net in rounding up individuals they believe should be investigated in connection with Islamist groups or terrorist activities (Researcher 22 Apr 2003). He stated that it is "very likely" that an individual returned from the U.S. to Yemen after detention in the U.S. for linkage to the 9/11/01 hijackers, but who has been cleared by the U.S. government of wrong-doing in connection with the terrorist attacks, would be "interrogated," probably "for days" (Researcher 22 Apr 2003). The researcher said this would occur "without a doubt," but was not so convinced that such an individual would be detained for a long period of time (Researcher 22 Apr 2003). He stated that such an individual would probably only be released upon arrival in Yemen "within the context of clear cooperation between the U.S. Department of State and the Yemeni government," but that the Yemeni government will continue to keep the person under surveillance (Researcher 22 Apr 2003).

The researcher stated that in the context of the post-9/11/01 backlash in Yemen, persons arrested for suspected involvement with Islamist groups are denied all rights available to them under Yemeni law. They are held incommunicado for days and sometimes weeks, they do not have access to an attorney, often no charges are brought against them, and they do not go to trial. Some detainees are eventually given access to family members. The Amnesty International delegation pointed out to Yemeni authorities that these practices are in breach of Yemeni law but Yemeni officials were "very frank" in stating that they have no choice but to violate their own laws in interest of the post-9/11/01 political

environment (Researcher 22 Apr 2003). The government of Yemen has publicly stated that this is their policy and they shall continue to implement it (Researcher 22 Apr 2003).

The U.S. Department of State 2003 report on human rights in Yemen (covering events of 2002) (attached) states:

"[Yemeni] law provides due process safeguards; however, security forces arbitrarily arrest and detain persons. Enforcement of the law was irregular and in some cases nonexistent, particularly in cases involving security offenses. According to the law, detainees must be arraigned within 24 hours of arrest or be released. The judge or prosecuting attorney must inform the accused of the basis for the arrest and decide whether detention is required. In no case may a detainee legally be held longer than 7 days without a court order. Despite these constitutional and other legal provisions, arbitrary arrest and prolonged detention without charge were common practices" (U.S. DOS 31 Mar 2003).

"During the year, in concert with partners in the war on terrorism, the Government continued to detain suspects accused of links to terrorism. According to the YEMEN TIMES, in July [2002], the Government released 104 detainees. A parliamentary report issued in September contained an acknowledgement by the Minister of Interior that such detentions violated the Constitution; however, it asserted that they were necessary for national security. In November the President celebrated the Islamic holy month of Ramadan by arranging for the release of approximately 30 detainees; at year's end, approximately 80 persons remained in detention" (U.S. DOS 31 Mar 2003).

According to the Amnesty International 2002 annual report for Yemen (attached):

"The attacks in the USA on 11 September increased political tension in Yemen which was placed under a de facto state of emergency with the Prime Minister reportedly declaring: 'We have decided that investigations must be carried out into anyone who had any connection...[with] Afghanistan'" (AI 2002).

"Following the 11 September attacks in the USA, the government carried out widespread waves of arrests, reportedly after information was submitted by the US government on suspected supporters of Osama bin Laden. Those targeted for investigation and arrest included members of Islamist organizations and anyone who had aroused the suspicion of the authorities" (AI 2002).

For further information on Amnesty International's concerns about the situation of human rights in Yemen since the 9/11/01 attacks in the U.S., see the attached Amnesty International Press Release.

The Human Rights Watch 2002 annual report for Yemen (attached) states the following:

"In October [2002], [governmental security forces] detained Abd al-Salam Nur ad-Din Hamad and Ahmad Saif, two visiting academics affiliated to the Centre for Red Sea Studies at Exeter University in the United Kingdom. During the two-day detention, they were blindfolded and beaten while being interrogated about 'spying for foreign powers, and maintaining a relationship with Osama bin Laden, Israel and the separatists,' the latter referring to the 1994 southern Yemeni effort to declare an independent state. Yemeni officials denied that they were ill-treated and justified the detentions as one of their 'preventive measures' following the September 11 attacks in the U.S." (HRW 2002).

"Police and security forces detained suspected members of radical Islamist groups throughout [2001]; thirty-five were arrested in December, another thirteen in January, and fifteen in June. Further arrests were carried out in the aftermath of the September 11 attacks on New York and Washington, and by late October, the YEMEN TIMES reported, several hundred 'Afghan Arabs' (Islamists who had returned after spending time in Afghanistan) had been picked up for questioning in Sana'a, Taizz, and Aden. Many were reportedly released within days, however. At least eight suspects in the October 2000 attack on the USS Cole were still held without charge in November, most of whom had been held well beyond the maximum six-month period permitted under the criminal code of procedure" (HRW 2002).

In regard to torture of detainees by the Yemeni authorities, the U.S. Department of State reports:

"There have been numerous allegations and credible evidence that the authorities tortured and abused suspects and detainees to attempt to coerce confessions before or during trial. During the year, several families of persons detained in relation to terrorist activities have alleged that torture has been used during interrogation" (U.S. DOS 31 Mar 2003).

Amnesty International also reports torture and ill-treatment of detainees, and Human Rights Watch reports that torture of detainees occurs "with virtual impunity" in Yemen (AI 2002, HRW 2002).

2. NGO REPORTS OF INSTANCES OF INDIVIDUALS CONNECTED TO 9/11 BEING TORTURED UPON RETURN TO YEMEN.

The RIC was unable to locate NGO reports regarding return to Yemen from the U.S. of individuals connected to 9/11 but cleared by the U.S. government of wrong-doing in regard to 9/11.

3. MEDIA-REPORTED INSTANCES OF INDIVIDUALS CONNECTED TO 9/11 FACING TORTURE UPON RETURN TO YEMEN.

The RIC was unable to locate media reports of return to Yemen from the U.S. of individuals connected to 9/11 but cleared by the U.S. government of wrong-doing in regard to 9/11.

4. OFFICIAL RECOMMENDATIONS BY HUMAN RIGHTS WATCH, OR ANY OTHER COMPARABLE NGO, THAT INDIVIDUALS WHO HAVE BEEN QUESTIONED (BUT NOT CHARGED OR CONVICTED) REGARDING 9/11 NOT BE RETURNED TO YEMEN BECAUSE THEY WOULD BE SUBJECTED TO PERSECUTION OR TORTURE.

The RIC was unable to locate official recommendations by any international human rights monitoring organization that individuals who have been questioned in connection with 9/11 not be returned to Yemen because they would be subjected to persecution or torture.

This response was prepared after researching publicly accessible information currently available to the RIC within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

References:

Amnesty International (AI). "Yemen: Visit of an Amnesty International Delegation," Media Advisory (London: 27 Aug 2002), <http://web.amnesty.org/library/print/ENGMDE310042002> [Accessed 18 Apr 2003]

Amnesty International (AI). "Yemen: Human Rights Violations Have No Justification," Press Release (London: 17 Jul 2002, MDE 31/003/2002), <http://web.amnesty.org/library/print/ENGMDE310032002> [Accessed 18 Apr 2003]

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Attachments:

Amnesty International (AI). "Yemen: Visit of an Amnesty International Delegation," Media Advisory (London: 27 Aug 2002), <http://web.amnesty.org/library/print/ENGMDE310042002> [Accessed 18 Apr 2003]

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