

# United States Senate

WASHINGTON, DC 20510

December 29, 2009

The President  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. President:

We write to express our deep concern about reports that the Administration is planning to transfer six Yemeni nationals, currently being held in Guantanamo Bay, Cuba, to the custody of the Government of Yemen. These six individuals have been identified as threats to the United States and its allies due to their connections to the Al Qaeda terrorist network. Given the security situation in Yemen and the failure of the Yemeni government to secure high-value prisoners in the past, we believe that any such transfers would be highly unwise and ill-considered. Recent events underscore why this is so.

As you well know, on Christmas Day, Umar Farouk Abdulmutallab attempted a terrorist bomb attack on a U.S. passenger jet bound from Amsterdam to Detroit, Michigan. Mr. Abdulmutallab allegedly told investigators that he traveled to Yemen for explosives and terrorist training. As of yesterday, Al Qaeda in the Arabian Peninsula (AQAP) is claiming responsibility for this terrorist attack as a direct retaliation for recent strikes against AQAP within Yemen. The December 25 attack is only the latest in a growing list of terrorist plots that have been traced back to AQAP in Yemen.

It is worth noting that AQAP's longstanding deputy, Said Ali al-Shihri, was previously held in Guantanamo Bay, but was released in 2007. He subsequently returned to the battlefield and has been implicated in numerous terrorist plots against United States interests. According to press reports, al-Shihiri may have been killed by the recent strikes against AQAP in Yemen.

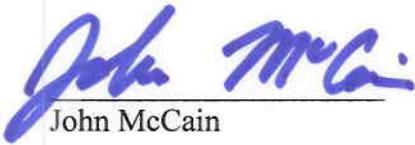
In addition, many of the other leaders of AQAP were previously held in Yemeni government custody. However, they escaped in February 2006 from a maximum-security prison in Sanaa, Yemen's capital. According to news reports, U.S. and Yemeni officials say that these prisoners -- who included several high-profile operatives responsible for the bombing of the USS Cole in Aden harbor in October 2000 -- were aided in their escape by Yemeni officials sympathetic to Al Qaeda. These incidents underscore the grave and growing importance for American national security posed by Yemen, whose territory has repeatedly been used by Al Qaeda operatives to plot, train for, and carry out acts of international terrorism.

In view of these events, the planned repatriation of six Yemeni detainees from Guantanamo Bay is especially alarming. The Department of Defense has estimated that at least fourteen percent of released Guantanamo detainees have reengaged in terrorism. The current conditions and threat of AQAP activities are clear evidence of the danger in repatriating these Yemeni detainees at this time. As a result, we request an immediate halt to the transfer of all detainees to Yemen until the American people and the Congress can be assured of the security situation in that country.

We must do everything in our power to ensure that these detainees do not pose a future threat to the United States. Until we are certain that released detainees will not return to the battlefield, all detainee transfers to Yemen should cease.

Thank you for your attention to this matter. We look forward to your prompt response.

Sincerely,

  
John McCain

  
Joseph Lieberman

  
Lindsey Graham