

OSAMA BIN LADEN: “THE SHIP OF ALI ABDULLAH SALEH IS THE ONLY SHIP WE HAVE”

In May 1999, some Yemeni al Qaeda affiliates planned a series of car thefts to fund a rescue attempt of one of their members who had been sentenced to death. The Yemeni government discovered the plot and raided an al Qaeda safe house. Osama bin Laden’s sometime bodyguard, Abu Jandal, was one of the men questioned by authorities. As authorities continued to pursue the case, Abu Jandal decided to return to Afghanistan and bin Laden. After he told OBL of the raid and explained it had to do with planned theft, not a crackdown on larger al Qaeda operations, according to Ali Soufan’s *Black Banners*,

“That is good to hear,” bin Laden said, and a look of calm relief passed over his face as he invoked the president of Yemen: “The ship of Ali Abdullah Saleh is the only ship we have.”

Since that time, of course, Al Qaeda bombed the USS Cole while it was arriving in Yemen. Abd al Rahim al-Nashiri was eventually caught, tortured in a black site, brought to Gitmo, and charged for the Cole bombing.

Saleh, for his part, recently came on his own “ship” to the US for medical treatment (and to escape increasing opposition to his rule).

And so, given the ready accessibility of a witness who might testify to Yemen’s close relations with al Qaeda at the time of the Cole bombing, al-Nashiri’s defense team asked to subpoena Saleh. But the State Department is having none of it.

Yemeni President Ali Abdullah Saleh is

in the United States with full diplomatic immunity, Secretary of State Hillary Clinton's legal advisor has written the Pentagon, and should not be compelled to provide sworn testimony for the Guantánamo war court.

State Department Legal Advisor Harold Hongju Koh wrote the letter Monday to the Pentagon's chief war crimes prosecutor, Army Brig. Gen. Mark Martins, opposing a request for a subpoena by lawyers for an alleged al Qaeda bomber facing a tribunal at the U.S. Navy base in southeast Cuba.

[snip]

But Nashiri defense lawyer Richard Kammen said there's public evidence that Saleh "sought to limit the investigation of the Cole bombing," that "he personally handled evidence" and "members of his government are alleged to be complicit in the Cole bombing."

I presume the government will have their way, here—after all this is a Gitmo military commission, not a civilian court.

But I also imagine this concern for Saleh's diplomatic immunity comes as much from a desire to hide just how close Saleh has been with al Qaeda, given our subsequent reliance on him as a counterterrorism partner.