

Charles Carpenter

Among other clients, we represent Hani Saleh Rashid Abdullah, a Yemeni who was arrested in Pakistan, by Pakistani authorities, in September 2002. We filed a habeas petition in January 2005. My first visit with Hani was in June 2005—since then, I've been to the prison nine times, I think. Mr. Abdullah is a delicate man, birdlike. But he has a sense of humor and of patience that has carried him through torture at the notorious prison of darkness, in Kabul, when he was first arrested, and then through the long years of imprisonment, much in solitary, since then.

I was not without trepidation, then, when I decided to attend the January 2008 “Imam’s Conference” in Sana’a. The client’s brother came up to attend as well, and I planned a trip to Aden to meet with others in his family. I bought a guidebook—which said that the biggest surprise about Yemen is that it is safer and friendlier than wherever you live. My assistant engaged me a guide, and off I went.

The conference was both useful and interesting. Family members, including mothers and sisters of prisoners, were very outspoken with the Foreign Minister, and the Human Rights Minister, both of whom attended. We spoke with a number of parliamentarians, and my colleague was able to generate some real interest among them in his theories concerning the 1946 treaty between Yemen and the United States. The next day I flew down to Aden in the evening.

Ever paranoid, I arrived at the airport about ninety minutes early. My guide had other business, so I had to make do with the ten or so words of Arabic I know. There was a problem with my ticket—I had not come to the airport the day before to confirm in person (whether or not this is actually required) and my seat had been reassigned. There were no additional seats, the polite woman at the counter told me, and I would need to go to the airline’s business office. It was outside the security area, and so it was clear that I would have to wait in the chaotic line again. I was naturally a little steamed and got only more so when the clerk in the business office told me that the flight was sold out, along with the first flight out the next day. Perhaps I could come back in three days. I explained that I had checked out of my hotel, had booked a room in Aden, and was only staying one day, all in increasingly exasperated English.

Suddenly, though it occurred to him to ask if I would like to upgrade to first class. How much? Fifty dollars. This was a no brainer to me, and soon he was processing the paperwork. Just then, a clerk from the immigration office came in to talk about some people they would be deporting. He looked straight at me and asked why I was going to Aden. I explained about meeting Hani’s family. The airline clerk, the immigration clerk, and two other airline passengers had a number of questions, to make sure they understood this right, but once they got it, they became very animated. They were excited that American lawyers would represent one of their countrymen, saddened that their president had been unable to get the American president to release the Yemeni prisoners, and very disappointed in the United States, for allowing the whole thing to happen. I heard the latter over and over in Yemen; people could not believe that the United States, which they had

Charles Carpenter

grown up regarding as a beacon of human freedom, would hold people without trial.¹ As the airline clerk completed his paperwork, he announced that the upgrade would only cost forty dollars. The immigration clerk walked with me to the security line, and explained to the guards who I was—one of the few words I know in Arabic is “lawyer”—and they had me go quickly through.

The flight was uneventful, but the wait for baggage was long, and the hotel had lost my reservation. Consequently, it was nearly ten by the time I got to the hotel restaurant for dinner. There were two other men in the restaurant, but otherwise it was empty, and the staff looked eager to clean up and go home. The other men recognized me from the first class cabin on the flight, though, and summoned me to their table. One was a doctor from Sana’a who had bought a clinic on the waterfront in Aden and was turning it into a luxury hotel. The other was a scout of some kind from Dubai, representing a management company which was considering making a major investment in the hotel project. They invited me to dine with them, and I was happy to do so.

We had a lively discussion about politics, history, religion, and business. The man from Dubai spoke English very well, while the doctor was more articulate than even he would have thought. By around midnight, we had become quite familiar with each other—and they with my mission—and they had finished most of the bottle of vodka they’d gotten with dinner. The doctor then asked if I would like to meet the governor of the state of Aden. “No thank you, I’m only here tomorrow, and I don’t have an interpreter,” I told him. However, they would not take no for an answer, and the man from Dubai offered to interpret. After some argument, I agreed to let them call the governor. He was awake, and, after some discussion, ended up agreeing to meet me.

The next day, then, we trundled over to Governor Al-Kohlani’s office. We had a long wait in the ante-room: I later found out that this was because of large demonstrations (related to lingering tensions from the unification of Yemen) expected the next day. Finally, the governor’s assistant called us in, and we sat at the end of a long table. I explained who I was, what I was doing, and who the client was. The governor thanked me, and my law firm, on behalf of the people of Aden. He then had a series of questions about conditions at the camp and asked about the client’s family. We discussed rehabilitation of terror suspects, and he described a somewhat ham-handed attempt by an American official—someone from the White House—who came to give him a lecture on how to do it. Governor Al Kohlani was engaged and interested, and told me, at the end of the conversation, that return of the prisoners was his government’s top priority. He also told me, in broken English, obviously moved, that he could barely believe that the United States had engaged in its detention policy. He expected much better of us.

Back at the hotel, as I got on the elevator, a tall Yemeni man, seeing my suit and tie, said he hoped that my business had gone well. I told him that it had and described my meeting with the governor. He told me that he was the oil minister, that the Cabinet was getting

¹ I was asked if American suspects would be treated the same and had to say that they would not. I was asked if men from other countries were being treated the same: the Yemenis I met tended to blame their government more than ours for the fact that over ninety-two percent of Saudis had been sent home compared to only eleven percent of Yemenis.

Charles Carpenter

ready to act, and that he too viewed the return of the prisoners as a top priority. And he too thanked me for our efforts.

I have since corresponded with Governor Al Kohlani and his successor, and have received follow-up inquiries from the Foreign Ministry. I cannot say that this diplomatic initiative was a success, but I think some groundwork has been laid for the client's successful re-integration into ordinary life.

Al Kohlani wasn't the first politician I've met in connection with this work. In September 2005, I was in Helena, Montana for the state bar annual meeting. (I am a member; probably to only member of the Montana bar involved in Guantánamo litigation). There was a reception at the Governor's Mansion, and, at a moment when I was doing more watching than talking, the First Lady came up to make conversation. She asked if I was going directly back to Washington after the meeting, and I told her that no, I was going to Guantánamo. She asked why, but only two or three sentences into my explanation, she told me that I must meet the governor. She took me to him, in the kitchen, and explained what I was doing.

Governor Schweitzer asked me a number of questions, and then asked if I spoke Arabic. I didn't, and he said I really ought to learn some basics. Brian Schweitzer is irrepressible: animated, enthusiastic, and as charismatic as anyone I've ever met. He also speaks Arabic and started teaching me simple phrases—gesticulating energetically, making me repeat each phrase until I got it right. All the while, other lawyers were drifting in and out of the kitchen in the governor's mansion, looking on as if Arabic language lessons from the governor was the most natural thing in the world.