

Yemen

The security situation in Yemen continued to deteriorate during 2008 and was marked by a series of attacks against both Western and Yemeni interests, culminating in the September 17 suicide bombing of the U.S. Embassy in Sanaa that killed 18. This strategy of constant offense continued despite highly publicized raids on suspected terrorist cells by Yemeni security forces.

Recruitment for al-Qa'ida in Yemen (AQY) remained strong, and the use of vehicle borne improvised explosive devices (VBIEDs) and suicide vests indicated a high level of training, coordination, and sophistication by Yemen's terrorist leadership. Conversely, the government's response to the terrorist threat was intermittent and its ability to pursue and prosecute suspected terrorists remained weak due to a number of shortcomings, including stalled draft counterterrorism legislation. The government's focus on the al-Houthi rebellion in the Sada'a governorate in the North of the country and internal security concerns distracted its forces from focusing on counterterrorism activities.

The largest success for Yemen's security forces in 2008 was an August raid on an AQY cell in Tarim, in the governorate of Hadramaut. Hamza al-Qaiti was killed along with four other suspected militants. Large numbers of weapons, devices to build car bombs, and explosives, including mortars that were similar to those used in the March attack on the U.S. Embassy, were uncovered.

In spite of this, the raid did little to deter or disrupt other AQY cells. One month after the August raid, at least seven assailants dressed in Yemeni security-service uniforms attacked the U.S. Embassy using two VBIEDs and suicide vests. While unable to gain access to the Embassy itself, the attack was sophisticated and well-coordinated. Final tallies brought the death toll to 18, including one American.

A formerly unknown group calling itself Islamic Jihad in Yemen immediately claimed responsibility for the attack. The group stated the attack was motivated by the August 11 raid in Tarim, among other reasons. Initially the Yemeni government allowed an FBI investigative team full access to evidence from the attack, but cooperation has since waned. Both Yemeni and U.S. officials believe that Islamic Jihad is AQ affiliated. AQY later claimed responsibility for the attack in an online extremist magazine.

In addition to the September 17 assault, there were over half a dozen terrorist attacks in 2008:

- In January, AQY claimed responsibility for the shooting deaths of two Belgian tourists and two Yemeni drivers in the southern governorate of Hadramaut.
- On March 18, four mortars fell short of the U.S. Embassy, injuring dozens at an adjacent girls' school.
- On April 6, three mortars hit residential complex housing western workers, including several U.S. Embassy employees in Sanaa, prompting the ordered departure of non-essential U.S. Embassy staff and family members.
- On April 30, two mortars hit the Customs Administration parking lot, causing a large explosion just adjacent to the Italian Embassy, believed by many to have been the intended target.

- In May, an AQY-affiliated group claimed that it fired a mortar onto the grounds of the presidential palace in Sanaa, but no official statement was released acknowledging the incident.
- In July, AQY claimed responsibility for a suicide car bomb attack of a central security forces compound in Hadramaut that killed eight people.

Prosecuting terrorists remained a large hurdle for Yemeni courts, largely because current law, as applied to counterterrorism and the financing of terrorism, remained weak. A working group drafted new counterterrorism legislation that was sent to a committee for review, where it remained at year's end.

The absence of effective counterterrorism legislation that criminalized the activities of those engaged in planning, facilitating, or carrying out acts of terrorism, both in Yemen and abroad, contributed to Yemen's appeal as safe haven and potential base of offensive operations for terrorists. For this reason, the government was forced to apply other available laws, including fraudulent document charges, to thwart foreign fighters going to Iraq.

The Government of Yemen continued to run its surrender program for wanted terrorists that it believes it cannot apprehend. The program provides lenient requirements for completion of convictions to those who surrender. In 2008, however, 17 prior program participants were returned to custody for recidivism. In March, convicted terrorist and February 2006 prison escapee Jaber al-Banna walked into a Yemeni security court and posted bond. His sentence was later reduced from 10 to five years, supposedly for handing himself in to the authorities. The decision will need to be ratified by the Yemeni Supreme Court before it is implemented, and it remained unclear whether the time al-Banna had already served, including time he spent outside prison once he escaped, will count against the five-year sentence. Jaber al-Banna is wanted by the United States for providing material support to a terrorist organization and conspiring to provide support to AQ. Al-Banna is on the FBI's most wanted list, but the Yemeni constitution precludes extradition of Yemeni citizens, even though he also has American citizenship.