

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NASSER AL-AULAQI,

Plaintiff,

v.

No. 10-cv-01469 (JDB)

BARACK H. OBAMA, *et al.*,

Defendants.

DECLARATION OF PROF. BERNARD HAYKEL

I, Bernard Haykel, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a Professor of Near Eastern Studies at Princeton University with tenure. I have held this position since July 2007 and the areas I teach, at both the graduate and undergraduate levels, pertain to the history and politics of the Middle East, Islamic law, Islamic political movements and Islamic political thought. My particular area of research is the Arabian Peninsula and the countries of Yemen and Saudi Arabia.

2. Before joining the faculty at Princeton University, I was an associate professor at New York University with tenure. I joined NYU's faculty in 1998 and before that I was a post-doctoral research fellow at Oxford University in Islamic studies. It is from Oxford University that I obtained my MA, M.Phil. and D.Phil. (=Ph.D.) in

Islamic and Middle Eastern studies. I obtained my undergraduate Bachelor's degree in International Politics from the Georgetown University 's School of Foreign Service.

3. I have lived and traveled extensively in the Middle East and South Asia and was awarded a Fulbright Fellowship in Yemen in 1992-1993. My doctoral dissertation was a study of the Salafi movement in Yemen from its roots in the 18th century until modern times. I revised this for publication and it was published as a book entitled "Revival and Reform in Islam" (Cambridge University Press, 2003). I have also published extensively on Islamic political movements in major refereed journals as well as in the press. The book project I am presently completing is a history of the Salafi movement as it has emerged in modern times in Saudi Arabia. I have conducted fieldwork research in both Yemen and Saudi Arabia and regularly visit both countries for this purpose.

4. I have native fluency in Arabic and French. I have taught Arabic at both the advanced undergraduate and graduate levels, in Oxford, New York and Princeton Universities.

5. In the course of my research and academic publications I regularly read Al-Qaeda's various websites, publications and all media output, including all that Al-Qaeda in the Arabian Peninsula (AQAP) has produced. I also follow the political situation in Yemen very closely and am regularly consulted by the US government on this matter.

6. Since the tragic events of September 11, 2001, I have regularly advised the CIA, the State Department and the US armed forces on matters relating to al-Qaeda and Islamic terrorism.

7. Al-Qaeda in the Arabian Peninsula (AQAP) is a fragmented group numbering no more than a couple of hundred men at most. The divisions among its members are generational, regional, and by nationality of origin. A majority of its members are Yemeni by origin but it also includes a small number of Saudi nationals. AQAP is best understood as a group consisting of separate distinct gangs with differing interests and no unified strategy. Some, for example, wish to reach an accommodation with the Yemeni government, others wish to fight the Saudi royal family and still others want to attack the Yemeni government in Sanaa. Unlike Al-Qaeda in Mesopotamia or Al-Qaeda in Pakistan, AQAP does not have an organizational chart that lays out its various levels of leadership, command and control or the various committees that manage if different affairs. The movement is not sufficiently coherent to be organized in a stable fashion. What is known are the names of some of the individual members, including its alleged leader Nasser al-Wuhayshi, but not how these relate to one another.

8. The situation with AQAP is further complicated by two additional factors. First, the government in Yemen has a dubious relationship with members of this group. It has struck deals with them, released them from prison at different times, and at others times co-opted them into the fight against its various domestic enemies. Furthermore, the government has and continues to inflate the threat posed by AQAP as well as its membership numbers. It does this in order to generate support (financial and military) from Western nations, especially the United States. The US has given Yemen considerable sums of money and has a small number military personnel in Yemen training its counter-terrorism force. The Yemeni government's own internal financial resources are dwindling because oil is running out and because support from oil-rich

Arab neighbors has been reduced significantly. The external support that the Yemeni government generates from its claims about Al-Qaeda is not used exclusively against AQAP. Rather, the regime in Sanaa seeks to have this financial and military support in order to strengthen itself against its numerous local enemies and competitors and to assure its survival. AQAP, in other words, is not the Yemeni government's principal enemy nor is it its top priority in terms of whom to fight. Second, individual members of AQAP have created links with various tribes in Yemen, either because they as individuals hail from these tribes or because they have married into them. The tribes, all of whose members are heavily armed, essentially promise to give protection to an individual or a group, as is the custom in Arabia. This tribal offer of safety is not due to any ideological affinity with AQAP's views and tactics, but rather because of a bond of blood or marriage. Furthermore, tribes are made up of large numbers of people and they control specific territory in Yemen, and if one of these offers safety to an individual or individuals from AQAP, this might give the mistaken appearance that AQAP is larger than it actually is and in control of territory which it is not. Moreover, tribal violence against the government, which is a regular feature of Yemeni politics, might be easily attributed to AQAP by Sanaa. It is important to note that AQAP does not control any territory in Yemen, but that individuals or small groups take advantage of the tribal system and inhabit areas where they are afforded a degree of protection.

9. In terms of organization, AQAP appears most organized on the Internet due to its publication entitled *Sada al-Malahim* (Echo of Battles), the first issue of which appeared in January 2008 and has since erratically appeared on various online jihadi forums. The last issue (no. 12) was produced in January 2010. In these we find

interviews with members of the AQAP, statements by Nasir al-Wuhayshi, its putative leader, and various pieces on points of theology or law. Individual members of this movement, such as al-Wuhayshi, have issued video statements, but the entire online operation is amateurish and is likely to be the effort of a few dedicated individuals, not that of an organization that has a media and public relations arm such as we have seen with Al-Qaeda in Saudi Arabia before it joined forces with AQAP or Al-Qaeda in Mesopotamia (Iraq).

10. Another feature that has given AQAP a more organized appearance than its reality of a fragmented and internally divided group is that it has issued statements, again on the Internet, claiming to have joined forces with the movement's survivors from Saudi Arabia and to have changed its name from "Al-Qaeda Organization in the Southern Arabian Peninsula" (AQSAP) to "Al-Qaeda Organization in the Arabian Peninsula" (AQAP). This allegedly took place in January 2009 and the number of Saudis is not more than a handful of individuals. Several members of this group have since handed themselves over to the Yemeni and Saudi governments, while others have vowed to continue their campaign of terror against all enemies of Islam.

11. This campaign has taken various forms, notably ideological tracts, speeches and videos on the Internet. More perniciously, however, violent attacks have taken place against tourists, diplomats, oil sector workers and oil installations and facilities, and individuals within the Yemeni security and intelligence services. These attacks, some two dozen in number since 2006, have been an irritant and dangerous feature of life in Yemen, but they do not rise up to the level of a war between the Yemeni government and AQAP. By way of contrast, a war has been waged since 2004 between

the Yemeni government and a group called the Huthis in the north of the country who have been critical of the regime's policies and have resisted its attempts to control their territory. This war against the Huthis produced thousands of injured and killed victims, civilian and military, as well as tens of thousands of refugees. Many villages were destroyed and entire areas depopulated. All types of armaments, from tanks to canons to airplanes and mines, have been used in this war, which the Yemeni government as well as international groups and countries (Saudi Arabia, Qatar, the Arab League) have considered to constitute a war and have offered mediation services to reach a cease fire and resolution to all hostilities. The military engagements with AQAP do not compare with this war between the Huthis and the government in Sanaa. The number of victims, refugees, destruction wrought in the campaign against AQAP is considerably less and the use of armaments is much more limited. The number of civilian casualties has been relatively small and there has been virtually no destruction to infrastructure or homes in what amount to small arms skirmishes and AQAP suicide attacks. The nature of the struggle against elements of AQAP is more in the nature of a police action. The most recent skirmish that took place in the last week of September 2010 in a village called Hawta involved a few AQAP fighters, who fled after a botched attempt to blow up a gas pipeline. The bulk of the fighting, which lasted three days, was between government forces and southern separatist elements and local tribesmen.

12. One important feature of the AQAP is that the government in Sanaa is fearful that elements within AQAP might link up with the southern secessionist movement in the country, which is known as the "Southern Mobility Movement." Most of the oil in Yemen is in the south and a strong independence movement has emerged

here as a result of the poor governance and abuse of power by Yemen's President Ali Saleh. This is another element complicating the situation in Yemen, because it is not clear when the government claims to be attacking AQAP, that it is not in fact fighting this secessionist movement. The US appears to have been drawn in by the Yemeni government in either drone or cruise missile attacks in 2009 and 2010 and this has resulted in the injury and death of civilian tribesmen. These attacks have in turn led to tribes rebelling militarily against the government in Sanaa.

13. The relationship between Al-Qaeda Central, that is the movement's original leadership along the Pakistan-Afghan border, and AQAP is not organizationally close. AQAP uses the same language and ideology, but it is not subordinate to it. There is no example since the bombing of the USS Cole in 2000 of any member of Al-Qaeda in Yemen taking orders or following through on specific instructions from Al-Qaeda's leadership in the Afghan-Pakistan region. It is a group that has taken independent action.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on October 7, 2010



Bernard Haykel