



August 2, 2017

The Honorable James Mattis
Secretary of Defense
Department of Defense
1000 Defense Pentagon
Washington, D.C. 22202

The Honorable Mike Pompeo
Director, Central Intelligence Agency
Office of the Director
Washington, D.C. 20505

The Honorable Andrew McCabe
Acting Director
Federal Bureau of Investigation
FBI Headquarters
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001

VIA EMAIL AND REGULAR MAIL

Re: US Cooperation with Abusive Allied Forces in Yemen

Dear Secretary Mattis, Director Pompeo, and Acting Director McCabe:

We, the undersigned human rights, civil liberties, and religious organizations, write to urge you to make public to the fullest extent possible without disclosing sources and methods, any reviews conducted by your agencies into allegations that US-allied forces of the United Arab Emirates (UAE)

and UAE-backed Yemeni forces have been responsible for serious abuses in Yemen.¹ These include arbitrary detentions, torture, mistreatment, enforced disappearances, and unlawful prisoner transfers.² We also ask that your agencies publicly disclose any actions the United States has taken with respect to any UAE or Yemeni forces implicated in serious abuses. For the Defense Department, this would include, but not be limited to, actions with respect to enforcement of the Leahy law.

We understand that Secretary Mattis has responded in classified form to a letter sent by the Chair and Ranking members of the Senate Armed Services Committee that requested the Secretary to direct an immediate review of the facts and circumstances surrounding these allegations.³ Disclosing the material contents of this response – including whether the Defense Department has initiated or completed such a review – would help assure the public that the United States is appropriately responding to the allegations.

We are unaware of any similar review being conducted by the Central Intelligence Agency (CIA), the Federal Bureau of Investigation, or other US government agencies. It is important that these agencies, and possibly others, conduct reviews as well given that the U.S. military denied involvement in some alleged interrogations in which detainees said U.S. personnel were involved. In particular, the Associated Press (AP) reported that some prisoners were transferred to a ship where US “polygraph experts” and “psychological experts” conducted interrogations. A CIA spokesman provided no comment on the specific claims. The allegations of abuse also involve the possible unlawful transfer of prisoners by US allied forces, which the CIA has been involved with in the past, including with the UAE.⁴

The AP report included statements by U.S. Defense Department officials saying that the United States conducts interrogations in detention facilities in Yemen, provides questions to the Emirati forces holding detainees, and receives transcripts of their interrogations in response. The AP article and a subsequent one also alleged that the United States provides information to the UAE on suspected militants that the United States believes should be apprehended or questioned.⁵ A

¹ Maggie Michael, “In Yemen’s secret prisons, UAE tortures and US interrogates,” Associated Press, June 22, 2017, <https://www.apnews.com/4925f7f0fa654853bd6f2f57174179fe/In-Yemen%27s-secret-prisons,-UAE-tortures-and-US-interrogates>; see also Maggie Michael, “Inside Yemen’s secret prisons: ‘We could hear the screams,’” Associated Press, June 23, 2017, <https://apnews.com/b2a5ecfd1adb442a86df5bd05bc6599e/%22You-can-hear-the-screams%22:-Inside-Yemen's-secret-prisons>.

² See “Yemen: UAE Backs Abusive Local Forces,” Human Rights Watch news release, June 22, 2017, <https://www.hrw.org/news/2017/06/22/yemen-uae-backs-abusive-local-forces>; see also, “Final Report of the Panel of Experts on Yemen,” January 11, 2017, http://www.un.org/ga/search/view_doc.asp?symbol=S/2017/81, pp. 132-134; see also “We Lived Days in Hell: Civilian Perspectives on the Conflict in Yemen,” Center for Civilians in Conflict, 2016, http://civiliansinconflict.org/uploads/files/pressers/CIVIC_Report_Yemen_2016.pdf, pp. 20-22, 31, 38-39.

³ Letter from Senators John McCain and Jack Reed, Chair and Ranking Members of the Senate Armed Services Committee to Secretary of Defense James Mattis, June 22, 2017, <https://www.documentcloud.org/documents/3873444-2017-06-22-McCain-Reed-Letter-to-SECDEF-Re-UAE.html>.

⁴ “The Rendition Project, Sanad al-Kazemi,” <https://www.therenditionproject.org.uk/prisoners/kazimi.html>; “Who are the Guantanamo Detainees,” Case Sheet 25, Amnesty International, May 1, 2008, <https://www.therenditionproject.org.uk/documents/RDI/080501-Amnesty-Kazimi-Case-Sheet.pdf>.

⁵ Desmond Butler and Maggie Michael, “Senators ask military to clarify US role in Yemen torture,” Associated Press, June 25, 2017, <https://apnews.com/5c645174e6614eb499a4151af23bf864>.

Yemeni brigadier general told the AP that the United States provided “coalition authorities” a list of most-wanted men, many of whom were later arrested.⁶

We are concerned by comments from several U.S. defense officials and military leaders that they had looked into allegations of abuse by UAE and Yemeni forces but were confident no abuses had taken place “when US forces [were] present.”⁷ Under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the United States is a party, authorities receiving intelligence information that may have been obtained by torture or ill-treatment have a responsibility to make genuine inquiries with the sending country to determine whether torture was used to obtain it, and whether any actions were taken to appropriately punish those responsible. Willfully making use of information obtained through coercive means may amount to complicity in torture or ill-treatment.⁸

The United States should also inquire into and report on credible allegations from family members of detainees and Yemeni government officials that some prisoners had been transferred from UAE or Yemeni custody to a UAE-run military base in Eritrea without a fair means to contest the transfer.

The United States doubtless recognizes that continued cooperation with forces engaged in serious abuses places U.S. personnel at risk of being complicit in violations of international human rights and humanitarian law. We hope this brings a sense of urgency to U.S. investigations into the alleged abuses and the prompt implementation of necessary corrective action. The aim should be the elimination of arbitrary detention, torture and ill-treatment, and enforced disappearances, among other abuses. Until the risk of such abuses is substantially reduced, the United States should not receive information from such forces unless it can be demonstrated that the information was not obtained through torture or ill treatment.⁹

The US should also press the UAE and other forces implicated to make publicly available a list of all detention sites and provide information on all those in custody or who died in detention. These forces should fully cooperate with the committee established by Yemeni President Abdu Rabbu Mansour Hadi on June 22, 2017 to investigate the abuses. The committee should be able to operate independently with access to all detention facilities, and exchange information with nongovernmental organizations.¹⁰

⁶ Maggie Michael, “In Yemen’s secret prisons, UAE tortures and US interrogates,” Associated Press, June 22, 2017; <https://www.apnews.com/4925f7f0fa654853bd6f2f57174179fe/In-Yemen%27s-secret-prisons,-UAE-tortures-and-US-interrogates>.

⁷ Laura Pitter, “US Ignores Allies’ Torture in Yemen: Evidence of US Complicity in Abuses by UAE and Yemeni Forces,” Human Rights Watch, June 22, 2017, <https://www.hrw.org/news/2017/06/22/us-ignores-allies-torture-yemen>.

⁸ Martin Scheinin, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, A/HRC/10/3, February 4, 2009, <http://www2.ohchr.org/english/issues/terrorism/rapporteur/docs/A.HRC.10.3.pdf>, para. 55; Joint Committee on Human Rights, “Allegations of UK Complicity in Torture,” Twenty-third report of Session 2008-09, August 4, 2009, <http://www.publications.parliament.uk/pa/jt200809/jtselect/jtrights/152/15202.htm>, para. 42.

⁹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted December 10, 1984, G.A. Res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, art. 15, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx> (accessed November 12, 2015).

¹⁰ Kristine Beckerle, “US, Gulf Allies, Must Open to Their Own Role in Yemen’s Human Rights Abuses,” *The Progressive*, June 29, 2017, <https://www.hrw.org/news/2017/06/29/us-gulf-allies-must-own-their-role-yemens-human-rights-abuses>.

We appreciate the Defense Department's prompt response to the letter from the Senate Armed Services Committee. However, we strongly believe the public needs more information to assess the U.S. government's response to this urgent issue, which has implications for US military operations beyond the situation in Yemen.

We look forward to your response.

Sincerely,

American Civil Liberties Union
Center for Victims of Torture
Human Rights First
Human Rights Watch
National Religious Campaign Against Torture
Physicians for Human Rights
The Constitution Project
Win Without War

cc: Secretary of State Rex Tillerson, Attorney General Jeff Sessions, Chair and Ranking Members of the Senate Armed Services Committee, House Armed Services Committee, Senate Select Committee on Intelligence, House Permanent Select Committee on Intelligence, Senate Judiciary Committee, House Judiciary Committee, and National Security Adviser H.R. McMaster.