

HUMAN RIGHTS WATCH

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October 31, 2016

President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, DC, 20500

Re: Review of the Armed Conflict in Yemen

Dear President Obama,

We write to express our deep concern that the United States is contributing to violations of the laws of war and the humanitarian catastrophe in the armed conflict in Yemen.

Since March 2015, 4,125 civilians have been killed and 7,207 wounded, the majority by Saudi Arabia-led coalition airstrikes, according to the United Nations Office of the High Commissioner for Human Rights. Both sides have been implicated in numerous serious violations of the laws of war, many apparent war crimes. Human Rights Watch has documented 58 apparently unlawful coalition airstrikes and 16 attacks involving internationally banned cluster munitions, as well as abuses by the Houthis and allied forces.

The fighting has displaced millions of civilians from their homes. And more than 80 percent of the population is now reliant on some form of humanitarian aid.

The October 8 coalition airstrike on a crowded funeral in Sanaa is only the most recent atrocity against civilians. The bombing underscores the urgent need for independent international investigations into alleged violations. It also highlights the importance for the United States and other governments to immediately suspend arms sales and to stop shipments of weapons and materiel to Saudi Arabia.

For decades, the United States has sold a wide array of arms and weapons platforms to Saudi Arabia without regard to the kingdom's poor human rights record. During the Yemen conflict, members of congress have sought to restrict these sales, most recently with respect to a \$1.15 billion shipment of tanks, guns, and related equipment.

The White House decision in May 2016 to suspend cluster munitions transfers to Saudi Arabia was an important recognition of both the dangers posed by these weapons to civilians and the further risk of adding them to the Saudi arsenal. The United States should permanently stop cluster munition transfers to Saudi Arabia and extend it to all other countries.

With war crime allegations increasing, the administration should go a step further and suspend arms transfers in full until Saudi Arabia adopts serious measures to end its widespread violations of the laws of war and backs an international investigation of alleged violations in Yemen if it cannot credibly carry investigations out itself.

Human Rights Watch has documented coalition use of US-manufactured weapons in 21 apparently unlawful attacks in Yemen, including two of the more deadly incidents: the March 15 attack on Mastaba market, which killed at least 97 civilians, and the October 8 attack on the Sanaa funeral service, which killed at least 100 people and wounded more than 500. Both attacks appear to amount to war crimes. Fifteen of the 16 cluster munitions attacks Human Rights Watch documented in Yemen involved US-manufactured munitions.

The repeated use of US-manufactured munitions in unlawful attacks could make the US complicit for future transfers of arms to Saudi forces. As Congressman Ted Lieu said in a recent letter: “The Charles Taylor case precedent puts US officials at risk of being implicated in aiding and abetting war crimes in Yemen.”

Immediately following the October 8 funeral strike, US National Security Council spokesperson Ned Price said the US was “deeply disturbed” by the incident, which, if confirmed, “would continue the troubling series of attacks striking Yemeni civilians.” Price announced the US had “initiated an immediate review of our already significantly reduced support” to the coalition and was “prepared to adjust our support.”

A thorough review of US support for the coalition, if sufficiently broad in scope, could be an important step forward. For any review to be meaningful, the US, as a party to the conflict in Yemen, should examine alleged unlawful airstrikes in which US forces may have taken part. To date, the US has not been forthcoming about whether its forces provided aerial refueling, tactical intelligence or other participation during such incidents.

By promptly and publicly issuing its findings, the review would bring greater clarity about US participation in the conflict in Yemen, and about the remedial steps that need to be taken, including appropriately punishing those responsible for war crimes and providing compensation to victims of unlawful attacks.

Thank you for your attention to this important issue.

Sincerely,

Sarah Margon
Washington Director
Human Rights Watch

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