

**AMNESTY
INTERNATIONAL**



March 13, 2017

President Donald Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

Amnesty International is deeply concerned by credible reports that your administration plans to approve a \$300 million sale of precision-guided missile (PGMs) technology to the Government of Saudi Arabia and a \$3 billion dollar sale of F-16 fighter jets to the Government of Bahrain. The Saudi Arabia-led coalition, including Bahrain, has engaged in widespread violations of international humanitarian law in its armed conflict with the Huthi armed group and allied forces in Yemen.

Amnesty International urges you not to approve these arms sales. We also urge you to support a comprehensive embargo on all arms transfers that could be used by any party to the conflict in Yemen. Such an arms embargo must remain in place so long as there is a substantial risk the arms would be used to commit or facilitate war crimes or other serious violations.

There is substantial risk that Saudi Arabia, Bahrain, and other coalition members could use new U.S. arms to further devastate civilian lives in Yemen. This could implicate your administration in war crimes or violations of international humanitarian law. Amnesty International researchers have already found both unexploded U.S. bombs and identifiable fragments of exploded U.S. bombs among the ruins of Yemeni homes and other civilian objects.

Yemen's Human Rights Crisis

Since the conflict in Yemen began, more than 12,000 civilians have been injured or killed. While all parties to the conflict have committed serious violations, including war crimes, the Saudi Arabia-led coalition's pattern of attacks across Yemen raises serious concerns about an apparent disregard for civilian life. This is reflected in a failure to take feasible precautions to spare civilians, as required by international humanitarian law.

The Office of the U.N. High Commissioner for Human Rights (OHCHR) reported in February 2017 that 4,667 civilians had been killed and 8,180 civilians injured in the conflict so far.ⁱ In August 2016, the OHCHR reported that airstrikes have been the “single largest cause of casualties” over the past year.

The U.N. further reports that nearly 19 million people, including 9 million children, are in need of some form of humanitarian assistance, and at least three million people have been forced to flee their homes since March 2015.ⁱⁱ Yemen is clearly facing a humanitarian crisis.

Amnesty International Research in Yemen

Over the course of five field missions to Yemen between May 2015 and November 2016, Amnesty International has gathered information according to which all parties to the conflict, including the Saudi Arabia-led coalition and the Huthi armed group and allied forces, have committed serious violations of international humanitarian law and violations and abuses of human rights law in ground and air attacks. Some of these attacks should be investigated as war crimes.

For example, in May 2015 the Saudi Arabia-led coalition declared the entire Yemeni city of Sa’da a military target, in direct violation of international humanitarian law. When Amnesty International visited in early July 2015, we found that hundreds of airstrikes had destroyed or damaged beyond repair scores of homes, several markets, the entire main shopping street, and virtually every public building.

Amnesty International has documented at least 34 apparently unlawful coalition airstrikes that have killed 494 civilians (including at least 148 children) and injured 359 civilians. Human Rights Watch, Mwatana Organization for Human Rights, one of Yemen’s leading human rights organizations, and the United Nations have documented scores more apparently unlawful coalition air strikes.

Amnesty International researchers investigated multiple unlawful airstrikes, including through visits to sites bombed by the Saudi Arabia-led coalition and remote research. We have found both unexploded U.S. bombs and identifiable fragments of exploded U.S. bombs among the ruins of Yemeni homes and other civilian structures, including a hospital, school and mosque.

One airstrike on a Médecins Sans Frontières (MSF) hospital on August 15, 2016 killed at least 19 people and injured 24 others. Sixteen-year-old ambulance driver Ayman Issa Bakri was among those killed by a U.S.-made bomb in the attack.ⁱⁱⁱ

When his body was found, he was still holding the body of the woman he had been transferring from the ambulance.

Lack of accountability

Without an effective investigative mechanism, there is no assurance that victims will receive reparations or that perpetrators will be brought to justice. Thus, additional crimes can be carried out with impunity. Amnesty International has assessed that both the Saudi Arabia-led coalition's investigative mechanism for alleged violations of international humanitarian law, the Joint Incidents Assessment Team (JIAT), and the Yemeni National Commission of Inquiry, which was set up by the Yemeni government, appear to fall short of international standards. These standards include transparency, independence, impartiality and effectiveness.

The JIAT has only investigated 18 incidents and absolved the coalition of any responsibility in all but five of those incidents. The JIAT recommended reparations to victims in four of those cases and recommended action be taken against perpetrators in two of those cases. Despite these recommendations, Amnesty International is not aware of any progress made to either provide remedies to victims or ensure prosecution of those suspected of criminal responsibility for crimes under international law. Furthermore, it remains unclear if the coalition members revised their rules of engagement since the JIAT has issued recommendations. The JIAT's published factual and legal analysis contradicts the findings of Amnesty International as well as the United Nations, Human Rights Watch, and Medecins Sans Frontieres/Doctors Without Borders (MSF).

Do Not Approve the \$300 Million U.S. Arms Sale to Saudi Arabia or the \$3 Billion U.S. Arms Sale to Bahrain

In light of the disturbing eyewitness reports and other credible information gathered by Amnesty International, we urge you to not to approve the \$300 million arms sale of PGM technology to Saudi Arabia. This sale would provide Saudi Arabia with the capability to modify thousands of air-to-ground munitions that bear significant risk of being used to kill civilians and violate international law. The Saudi Arabia-led coalition has already used U.S.-designed or produced weapons in its attacks on civilian communities in Yemen.

Despite the Saudi Arabia-led coalition's record, the Obama administration persisted in selling billions of dollars in arms to it. Following the Obama administration's lead and continuing to sell arms to members of the Saudi Arabia-led coalition risks your complicity in the coalition's serious violations of international humanitarian law in Yemen, including war crimes. On behalf of Amnesty International, we urge you not to approve the \$300 million PGM technology arms sale or the \$3 billion F-16 arms sale. We also urge you to support a comprehensive embargo on arms transfers that

could be used by any party to the conflict in Yemen while there remains a substantial risk the arms would be used to commit or facilitate war crimes or other serious violations.

Sincerely,



Margaret Huang
Executive Director
Amnesty International USA

CC: U.S. Secretary of Defense James Mattis
U.S. Secretary of State Rex Tillerson

ⁱ "Press briefing notes on Thailand and Yemen," , Office of the United Nations High Commissioner for Human Rights (OHCHR), February 28, 2017

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21244&LangID=E>

ⁱⁱ "Zeid urges accountability for violations in Yemen," Office of the United Nations High Commissioner for Human Rights (OHCHR), August 25, 2016,

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20411&LangID=E>

ⁱⁱⁱ "Yemen: Evidence indicates US-made bomb was used in attack on MSF hospital," Amnesty International, September 19, 2016, <https://www.amnesty.org/en/latest/news/2016/09/yemen-evidence-indicates-us-made-bomb-was-used-in-attack-on-msf-hospital/>