



June 8, 2017

Dear Senator

Amnesty International is writing to urge you to support SJ. Res 42 (relating to the disapproval of the proposed export to the Government of the Kingdom of Saudi Arabia of certain defence articles) and express your disapproval and opposition to the proposed sale of precision-guided munitions to the Government of Saudi Arabia. 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 could be used to commit or facilitate war crimes or other serious violations.

There is substantial risk that Saudi Arabia, as one of the leading members of the military coalition in Yemen, could use new U.S. arms to further devastate civilian lives in Yemen and risk implicating 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 13,000 civilians have been killed and injured. While all parties to the conflict have committed serious violations, including possible 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 UN High Commissioner for Human Rights (OHCHR) reported in March 2017 that 4,773 civilians had been killed and 8,272 civilians injured in the conflict so far. 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 at least seven million are on the brink of famine and thousands have been infected by cholera, with the number of suspected cases expected to reach up to 130,000 in the next couple of weeks. Over 21 million people are in need of some form of humanitarian crisis, and at least three million people have been forced to flee their homes since March 2015.ⁱ Yemen is clearly facing a humanitarian crisis.

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 which 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. Meanwhile, Human Rights Watch has similarly documented 81 apparently unlawful coalition attacks since the conflict started in March 2015. Saudi Arabia-led coalition airstrikes have bombed civilian areas, including markets, schools, and hospitals, and have killed thousands of civilians. 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 unlawful airstrikes, including through visits to sites bombed by the Saudi Arabia-led coalition and remote research, and 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 15 August 2016 killed at least 19 people and injured 24 others. Sixteen-year-old ambulance driver Ayman Issa Bakri was among those killed by a US-made bomb in the attack.ⁱⁱ When his body was found, he was still holding the body of the woman he had been transferring from the ambulance.

Lack of accountability

Additionally, the Saudi Arabia-led coalition's investigative mechanism, the Joint Incidents Assessment Team (JIAT), published a series of legal conclusions in August,ⁱⁱⁱ October,^{iv} and December^v 2016, and February^{vi} and April^{vii} 2017 relating to specific airstrike incidents suggesting that international humanitarian law (IHL) may have been violated. Based on a review of all publicly available legal and factual conclusions published by the JIAT thus far, Amnesty International is concerned that the JIAT's investigations appear to fall short of international standards of transparency, independence, impartiality and effectiveness. Without an effective investigative mechanism, there is no assurance that victims will receive reparations or that perpetrators will be brought to justice and thus additional crimes can be carried out with impunity.

The JIAT has only investigated 25 incidents and absolved the coalition of any responsibility in all but seven of those incidents. The JIAT recommended reparations to victims in six 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).

In light of the disturbing eyewitness reports and other credible information gathered by Amnesty International, we urge you to block the sale of \$510 million worth of precision-guided munitions and related services to Saudi Arabia, by co-sponsoring and voting for the bipartisan resolution of disapproval introduced in the Senate (S.J. Res 42). This sale would pose a significant risk of being used to kill and injure civilians, in violation international humanitarian law.

Presidential Policy Directive and the Leahy Law

The announced arms sale contradicts the guidelines of Presidential Policy Directive PPD-27 on United States Conventional Arms Transfer Policy, dated January 15, 2014. The directive states that all arms transfers will take into account the "likelihood that the recipient would use the arms to commit human rights abuses or serious violations of international humanitarian law."^{viii} In addition, provisions in the Leahy Law halt assistance - including weapons, funding and training - to military units credibly linked with gross human rights violations. One of the goals of the United States Conventional Arms Transfer Policy is to ensure "that arms transfers do not contribute to human rights violations or violations of international humanitarian law." Therefore, the sale of arms to the Saudi Arabia-led coalition, which has already used U.S.-designed or produced weapons in its attacks on civilian communities in Yemen, would certainly run counter to U.S. laws and policies.

In light of the Saudi Arabia-led coalition's record in Yemen, approving an arms sale to Saudi Arabia risks your complicity in the coalition's serious violations of international humanitarian law in Yemen, including possible war crimes. On behalf of Amnesty International, we urge to support SJ. Res 42. 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.

For more information please feel free to contact Adotei Akwei at

Email: aakwei@aiusa.org

Phone: 202-509-8148

Sincerely,

Joanne Lin
Managing Director, Government Relations
Amnesty International USA

ⁱ "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>

ⁱⁱ <https://www.amnesty.org/en/latest/news/2016/09/yemen-evidence-indicates-us-made-bomb-was-used-in-attack-on-msf-hospital/>

ⁱⁱⁱ Saudi Press Agency, Joint Incidents Assessment Team (JIAT) on Yemen Responds to Claims on Coalition Forces' Violations in Decisive Storm Operations, 5 August 2016, www.spa.gov.sa/1524799

^{iv} Saudi Press Agency, Press Statement by the Joint Incidents Assessment Team (JIAT) on the Great Hall Incident in Sana'a, 15 October 2016, www.spa.gov.sa/1548647

^v Saudi Press Agency, Official Spokesman of Joint Incidents Assessment Team (JIAT) Issues Statement, 6 December 2016, www.spa.gov.sa/1567351, and Saudi Press Agency, Official Spokesman of Joint Incidents Assessment Team (JIAT) Issues Statement 1 Riyadh, 6 December 2016, www.spa.gov.sa/1567371

^{vi} Saudi Press Agency, Official Spokesman of Joint Incidents Assessment Team (JIAT) Issues Statement, 23 February 2017,

www.spa.gov.sa/1595489, and Saudi Press Agency, Official Spokesman of Joint Incidents Assessment Team (JIAT) Issues Statement 23 February 2017, www.spa.gov.sa/1595491, and Saudi Press Agency, Official Spokesman of Joint Incidents Assessment Team (JIAT) Issues Statement 23 February 2017, www.spa.gov.sa/1595497

vii Saudi Press Agency, Official Spokesman of Joint Incidents Assessment Team (JIAT) Issues Statement, 2 April 2017, www.spa.gov.sa/1611008, and Saudi Press Agency, Official Spokesman of Joint Incidents Assessment Team (JIAT) Issues Statement, 2 April 2017 www.spa.gov.sa/1610999