



February 5, 2019

Rep. Eliot Engel, Chairman
Rep. Michael McCaul, Ranking Member
House Foreign Affairs Committee
2170 Rayburn House Office Building
Washington, D.C. 20515

Re: February 6 hearing on “US Policy in the Arabian Peninsula”

Dear Chairman Engel, Ranking Member McCaul, and Members of the Committee:

On behalf of Amnesty International USA (“AIUSA”) and our more than one million members and supporters nationwide, we urge this Committee to highlight the rapidly deteriorating human rights crises on the Arabian Peninsula and the ongoing war and humanitarian catastrophe in Yemen.

Deteriorating Human Rights and Conflict in the Arabian Peninsula

The human rights situation in the Arabian Peninsula continues to deteriorate amidst continued crackdowns on freedom of expression and freedom of assembly, the arbitrary arrest and detention of human rights activists, the institutionalised inequality of women, and the ongoing conflict in Yemen. With the United States and key international actors continuing to invest heavily in the economies and militaries of the Arabian Peninsula, an environment of impunity surrounds the human rights violations perpetrated by these states.

This continues to be the case in Yemen, where the United States directly assist the Saudi Arabia-UAE led coalition’s campaign that has led to one of the most severe contemporary humanitarian crises of our time. The U.S. has in the past been receptive to reports on rights abuses, ending the sale of cluster munitions to Saudi Arabia following reports of their use against civilian populations. This has not, however, deterred Saudi authorities from accessing these weapons

from other sources. Moreover, despite reports demonstrating Saudi Arabia's misuse of U.S. munitions, and reliance on logistical services such as mid-air refuelling to conduct strikes on civilian populations that might amount to war crimes, the U.S. has continued to invest significantly in building Saudi Arabia's military capacity.

The United States has close military ties with Saudi Arabia and the states of the Arabian Peninsula and maintains military bases in Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the UAE. Saudi Arabia is the single largest importer of U.S.-manufactured arms, with the UAE and Qatar following closely.

As conditions in the region continue to worsen across a range of rights issues, and as the Yemen conflict moves into its fourth year, continued US inaction on ongoing human rights abuses cannot be afforded. The significant reliance of the Gulf States on U.S. economic and military support grants Washington with the leverage necessary to press regional leaders to comply with international humanitarian laws and norms.

Amnesty International USA would like to highlight some of the key concerns that we feel the United States must directly address with its partners in the region:

- The Saudi-UAE led coalition's conduct in Yemen
- The arbitrary arrest and detention of human rights defenders
- Continued crackdowns on freedom of religion, expression, association and assembly
- The ongoing discrimination against women in law and in practice
- The violation of the rights of foreign workers
- Rule of law and the continued use of the death penalty

1. The Saudi-UAE led coalitions conduct in Yemen

The civil war in Yemen continues to represent one of the gravest humanitarian crises of the modern era. So far, the conflict has resulted in the deaths of 80,000 and placed 11 million at risk of famine¹ – with severe and acute malnutrition threatening almost 400,000 under the age of 5 . Three million people have been displaced without refuge as a result of Saudi Arabia’s border blockade, and 22 million rely on humanitarian assistance to survive.² A land, sea and air blockade enforced by the Saudi-led coalition of eight mostly Sunni Arab states including Bahrain, Kuwait, Jordan and Sudan – backed by the U.S., UK and France – has restricted the provision of vital resources including humanitarian aid, food and fuel to the impoverished nation.³

Saudi Violations

Saudi Arabia is a key actor in the conflict, primarily responsible for leading the coalition currently engaged in quelling the Houthi rebellion and restoring the former Yemeni government. Amnesty International reports over 36 airstrikes undertaken by the Saudi-led coalition may have violated international humanitarian law and constitute war crimes. These strikes claimed over 500 civilian lives including 157 children. The attacks appeared to have deliberately targeted civilians and civilian objects such as hospitals, schools, markets and mosques – which would amount to war crimes.

Throughout 2017, the Saudi-led coalition regularly employed cluster munitions, lethal explosive weapons banned under international law. Investigations by

¹ UNICEF Yemen <https://www.unicef.org/appeals/yemen.html>

² Remarks by the Secretary-General of the United Nations to the Pledging Conference on Yemen, 3 April 2018

[https://www.unog.ch/unog/website/news_media.nsf/\(httpNewsByYear_en\)/27F6CCAD7178F3E9C1258264003311FA?OpenDocument](https://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/27F6CCAD7178F3E9C1258264003311FA?OpenDocument)

³ New York Times (2018), “The Tragedy of Saudi Arabia’s War”, 29 October 2018

Amnesty International and Human Rights Watch found unexploded BLU-108 skeets and other remnants of U.S.-origin smart cluster munitions in Yemen. After reports of civilian casualties resulting from use of cluster munitions by the Saudi coalition, the U.S. suspended further transfers to Saudi Arabia in 2016 and the manufacturer Textron ceased production of cluster munitions.⁴ Saudi Arabia was, however, reported to have employed cluster munitions throughout 2017, manufactured by Brazil.⁵

Amnesty International has called on Saudi Arabia and its coalition to destroy its cluster bomb stockpiles and accede to the International Convention on Cluster Munitions but Saudi Arabia has yet to do so.

Houthi Violations

Houthi forces have been involved in the arrest of political opponents, human rights defenders, journalists and academics arbitrarily seizing critics at gunpoint and subjecting some to enforced disappearances in an attempt to quash dissent. A report commissioned by UNSC Resolution 2342 (2017) and produced by the Panel of Experts on Yemen found that economic challenges facing Houthi-controlled territories have “resulted in children being compelled to search for economic alternatives on behalf of their families” – including recruitment to armed conflict.⁶

Amnesty International has investigated 30 ground attacks conducted by both pro and anti-Houthi forces which did not attempt to reduce civilian casualties,

⁴ Arms Control Association (2016), “Textron to Halt Cluster Bomb Production”

<https://www.armscontrol.org/Textron-to-Halt-Cluster-Bomb-Production>

⁵ Amnesty International (2017), Yemen: Saudi Arabia-led Coalition uses banned cluster munitions on residential areas”, 9 March 2017 <https://www.amnesty.org/en/latest/news/2017/03/yemen-saudi-arabia-led-coalition-uses-banned-brazilian-cluster-munitions-on-residential-areas/>

⁶ Final report of the Panel of Experts on Yemen mandated by Security Council Resolution 234 (2017) <https://reliefweb.int/sites/reliefweb.int/files/resources/N1800513.pdf>

killing at least 68 – most of whom were women and children. These involved the use of imprecise weapons such as artillery and mortar fire, Grad rockets in heavily populated areas and operated amidst civilian infrastructure including residential areas, schools and hospitals. The UNSC report cited above found Houthi-Saleh forces responsible for several cases involving the indiscriminate use of ordnance against civilian populated areas.

UAE Involvement

The UAE is a leading member of the Saudi-led coalition operating in Yemen. Human Rights Watch has documented 87 apparently unlawful coalition attacks, likely constituting war crimes, that have killed nearly 1,000 civilians since March 2015.⁷ The UAE had deployed 30 aircraft to take part in coalition operations. The UNSC Yemen report concluded that “the government of Yemen, the United Arab Emirates and Houthi-Saleh forces have all engaged in arbitrary arrests and detentions, carried out enforced disappearances and committed torture.”

The UNSC report found 12 instances of individuals deprived of liberty held in detention facilities operated by the UAE that involved beatings, electrocution, “constrained suspension and imprisonment in a metal cell”, denial of medical treatment, and enforced disappearances. The UAE is known to run at least two informal detention facilities in Yemen, and authorities have ordered the continued detention of people despite release orders. Amnesty International documented 49 cases (including four children) who were arbitrarily detained or forcibly disappeared in the provinces of Aden and Hadramout in 2016, primarily undertaken by UAE-backed security forces.

⁷ Human Rights Watch (2018), “Hiding Behind the Coalition”, 24 August 2018

<https://www.hrw.org/report/2018/08/24/hiding-behind-coalition/failure-credibly-investigate-and-provide-redress-unlawful#>

U.S. Involvement

The United States, along with the UK and France, have assisted the Saudi-led coalition throughout the Yemen conflict through the provision of logistical support, the sale of weapons and aircraft, and mid-air refuelling support, amongst others. Saudi Arabia is the single largest market for U.S. arms sales. In 2017, a Saudi-U.S. arms deal resulted in an immediate arms purchase of \$110 and \$350 billion over 10 years.⁸ The sale occurred in the backdrop of Saudi Arabia's deepening involvement in the Yemen conflict, and ongoing crackdowns on free expression and assembly in the country – contributing to the environment of impunity in which the Kingdom operates.

This has included the sale of 30 F-15 fourth-generation fighter jets, 84 combat helicopters, 110 cruise missiles, and nearly 20,000 guided bombs.⁹ Amnesty International has confirmed that US-made munitions by Saudi airstrikes in which civilians have been killed, including children, and that mid-air refuelling support provided by the U.S. Saudi-UAE coalition targeting of civilians and civilian infrastructure and irrigation wells.¹⁰

In December 2018, progress was made towards ending US complicity in war crimes committed by the Saudi-led coalition when the Senate voted to end military assistance to Saudi Arabia in the wake of the assassination of dissident journalist Jamal Khashoggi and in response to mounting allegations of war crimes.¹¹

⁸ CNBC, “US-Saudi Arabia Seal Weapons Deal”, 20 May 2017 <https://www.cnn.com/2017/05/20/us-saudi-arabia-seal-weapons-deal-worth-nearly-110-billion-as-trump-begins-visit.html>

⁹ Stockholm International Peace Research Institute's Arms Transfer Database

¹⁰ Human Rights Watch (2016), “Yemen: Embargo Arms to Saudi Arabia”, 21 March 2016 <https://www.hrw.org/news/2016/03/21/yemen-embargo-arms-saudi-arabia>

¹¹ New York Times (2018) “Senate Votes to End Aid for Yemen Fight Over Khashoggi Killing and Saudis' War Aims”, 13 December 2018 <https://www.nytimes.com/2018/12/13/us/politics/yemen-saudi-war-pompeo-mattis.html>

2. Arrest and detention of Human Rights Defenders

Saudi Arabia

The assassination of Jamal Khashoggi marked one of the most publicised and egregious rights abuses committed by Saudi Arabia. The dissident author and *Washington Post* columnist was assassinated at the Saudi Arabian consulate in Istanbul on 2nd October by Saudi government agents. He was editor of the Saudi Arabian newspaper Al Watan, which became a platform for progressive journalists under his tenure. Amnesty International maintains the murder of Khashoggi should be the subject of international investigation. Turkish investigators have identified 19 suspects, but as of yet nobody has been punished for the crime.¹²

At least twelve Saudi human rights defenders have been arbitrarily detained without charge since May 2018, many of them women. They have reportedly faced sexual harassment, torture, and other forms of ill-treatment during interrogation. One such human rights defender, Samar Badawi, was a recipient of the State Department's International Women of Courage Award in 2012. Many face trials before counterterrorism courts and up to 20 years in prison for their human rights activism. The heightened tension in the region as a result of the geopolitical rivalry between Saudi Arabia and Iran that has fuelled the Yemen conflict and Qatar blockade, amongst others, has fuelled a bolder policy of cracking down on dissent in the country and across the Arabian Peninsula.¹³

Bahrain

¹² Reuters (2018), "Amnesty international Urges UN Investigation and independent autopsy in Khashoggi death", 20 October 2018 <https://www.reuters.com/article/us-saudi-khashoggi-amnesty/amnesty-urges-u-n-investigation-independent-autopsy-in-khashoggi-death-idUSKCN1MU0J2>

¹³ Amnesty International Report 2017/18: Saudi Arabia <https://www.amnesty.org/en/countries/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/>

Human rights defender Ebtisam al-Saegh was arrested and interrogated by the National Security Agency following a decree authorizing the expansion of the agency's powers. Al-Saegh is reported to have been tortured and sexually assaulted while in custody. Nabeel Rajab was sentenced to two years in prison for "spreading false information and rumours with the aim of discrediting the state". Opposition leaders and prisoners of conscience Sheikh Ali Salman and Fadhel Abbas Mahdi Mohamad remain arbitrarily detained.¹⁴

Kuwait

UK-based writer Rania al-Saad was sentenced on appeal in her absence to three years in prison on charges of "insulting Saudi Arabia" on Twitter.¹⁵

UAE

Leading human rights defender Ahmed Mansoor was arrested and received a 10-year sentence, recently upheld on appeal, and held in solitary confinement with no access to a lawyer. The 10-year sentence for prisoner of conscience Dr. Nasser Bin Ghaith was also upheld, following his arrest in 2015 and trial in which he stated he had been tortured. Ghanim Abdallah Matar was detained for a video he posted online expressing sympathy toward Qatar, an offence which could result in up to 15 years imprisonment. Human rights defender and prisoner of conscience Dr. Mohammad al-Roken remains in prison serving a 10-year sentence imposed after a mass trial in 2013.¹⁶

¹⁴ Amnesty International Report 2017/18: Bahrain <https://amnesty.org/en/countries/middle-east-and-north-africa/bahrain/report-bahrain/>

¹⁵ Amnesty International Report 2017/18: Kuwait <https://www.amnesty.org/en/countries/middle-east-and-north-africa/kuwait/report-kuwait/>

¹⁶ Amnesty International Report 2017/18: United Arab Emirates <https://www.amnesty.org/en/countries/middle-east-and-north-africa/united-arab-emirates/report-united-arab-emirates/>

3. Continued crackdowns on freedom of religion, expression, association and assembly

Significant challenges persist in the Arabian Peninsula in terms of basic rights to freely practice religion, freedom of expression, association, assembly, and related issues such as minority group rights. Several concerning developments have occurred within the last two years. The Qatar blockade has resulted in many Arabian Peninsula states criminalizing sympathy for the Gulf state – including Bahrain, Qatar and Saudi Arabia.¹⁷

Members of Saudi Arabia's Shia minority continue to face discrimination on the basis of faith, limiting their religious freedom, access to justice, and rights to work. In Kuwait, more than 100,000 Bidun residents remain stateless – with the UN Committee on the Elimination of Racial Discrimination (CERD) recommendation calling on the guarantee of access to adequate social services for the Bidun population ignored.¹⁸

Crackdown on opposition is commonplace in the Arabian Peninsula. In Bahrain, leaders of al-Wefaq and other opposition parties remained in detention, while members of opposition parties are reported to have been subject to harassment, threats and torture.¹⁹ International NGOs, including Amnesty International, and Journalists critical of Bahrain have routinely been denied access to the country.

¹⁷ Human Rights Watch (2017), *Media Blocked, Threatened in Dispute with Qatar*, 14 June 2017

<https://www.hrw.org/news/2017/06/14/media-blocked-threatened-dispute-qatar>

¹⁸ Human Rights Watch (2011), *Kuwaiti Bidun and the Burden of Statelessness*

<https://www.hrw.org/report/2011/06/13/prisoners-past/kuwaiti-bidun-and-burden-statelessness#>

¹⁹ Amnesty International (2018), “Widespread pre-election clampdown on political opposition and activists”, 23 November 2018 <https://www.amnesty.org/en/latest/news/2018/11/bahrain-widespread-pre-election-clampdown-on-political-opposition-and-activists/>

In Oman, publications containing criticism of government authorities have been blocked.²⁰

In the UAE, family members of those held in detention are repeatedly harassed and prevented from visiting imprisoned relatives. The UN CERD has reiterated its calls on the UAE to establish a national human rights institution which the state authorities have rejected and refused to act on.²¹

Overall conditions for freedom of expression, association and assembly have continued to decline in the context of regional rivalry and conflict which has allowed the extension of state powers and crackdowns on civil society.

4. Ongoing discrimination against women in law and practice

Women still face major obstacles to equality both in law and in practice across the Arabian Peninsula. In the UAE, Saudi Arabia, Qatar, Oman and Bahrain, women face discrimination particularly in the field of marriage and divorce, inheritance and child custody, protections against sexual and physical violence, and nationality. Bahrain Kuwait noted marginal improvements in women's rights, including the right to vote, stand in elections, and receive equal pay as men. Discrimination, however, persists in regard to laws on inheritance, marriage, child custody, nationality and domestic violence.

5. Violation of the rights of foreign workers

Foreign workers comprise a majority of the private workforce in countries such as the UAE and Qatar, and throughout the region continue to face significant rights violations. Saudi Arabia has arrested and detained and deported

²⁰ Amnesty International Report 2017/18: Oman <https://www.amnesty.org/en/countries/middle-east-and-north-africa/oman/report-oman/>

²¹ Al Jazeera (2018), "UN raises concerns over human rights in UAE", 10 January 2018 <https://www.aljazeera.com/news/2018/01/raises-concern-human-rights-uae-180110045834391.html>

thousands of migrants without trial, *kafala* sponsorship systems in Kuwait and Oman prevent workers from changing professions or leaving the country without their employers' permission. Similar provisions exist in Qatar, with additional pressure placed on the Gulf state as a result of the blockade maintained by Saudi Arabia, UAE, Bahrain and Egypt resulting in the cancellation of exit permits and leave pay. Trade unions remain banned in the UAE, and workers engaged in organized action can face deportation and a one-year ban on re-entry to the country.

6. Rule of law and the ongoing use of the death penalty

Death sentences were recorded in all Arabian Peninsula states in 2017-2018.²² Saudi Arabian courts continued to issue the death penalty for offences that should not be criminalized, including adultery. Defendants were also sentenced to death after unfair trials that convicted them without adequately investigating allegations of coercion, including torture. Kuwait and Bahrain resumed the practice five and seven years respectively. Following the intervention of the King of Bahrain, military courts are now allowed to try civilians, resulting in 6 men being sentenced to death recently.²³

Conclusions

The dire and worsening human rights situation in the Arabian Peninsula continues to imperil the lives of millions in the region; from opposition activists, journalists, women, ethnic and religious minorities, to the millions of civilians in Yemen facing starvation as a result of the ongoing civil war and blockade.

The culture of impunity the U.S. has fostered in its continued endorsement and sale of arms to regimes that perpetuate severe rights abuses will only lead to

²² Amnesty International (2017) Global Report: Death Sentences and Executions

²³ Al Jazeera (2017), "Bahrain approves military trials for civilians", 3 April 2017
<https://www.aljazeera.com/news/2017/04/bahrain-approves-military-trials-civilians-170403112831237.html>

the further degradation of regional human rights. Despite the significant influence the U.S. wields in the region, strategic utility has always been privileged over human security. But as the myriad of crises continue to escalate on all fronts, the international community can no longer afford to pay only lip service to international humanitarian norms and laws.

Recommendations

Amnesty International USA recommends that The United States take the following actions in order to put an end to the disastrous Saudi-UAE led intervention in Yemen and begin improving human rights conditions across the Arabian Peninsula:

- Pass the Yemen Refuelling Prohibition Act (HR910) which would prohibit U.S. refuelling of Saudi Coalition Aircraft engaged in the civil war in Yemen.
- Introduce a house companion bill to The Saudi Arabia Accountability Act of 2019 (Menendez-Young).
- Call for the release of human rights defenders and prisoners of conscience currently detained in the region.
- Facilitate a formal international investigation into the assassination of Jamal Khashoggi.
- Suspend weapons sales to Saudi Arabia and the UAE
- Hold to account all actors in Yemen – including both the pro and anti-Houthi forces – responsible for violation of international law or guilty of war crimes and civilian casualties.
- Use bilateral meetings with regional heads of states, as well as international partners and organisations, to hold regimes to account on improving conditions for women, migrant workers, ethnic and religious minorities in the region.

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Sincerely,



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