



29 August 2018

Dear Secretary Pompeo:

We are writing to express our grave concern at the deteriorating crisis in Yemen, and to urge you to proceed expeditiously with the reporting and certification provisions regarding Yemen that were included in Section 1290 of the recently-enacted FY2019 National Defense Authorization Act. The United States historically has advocated for adherence to international humanitarian law. Given horrific recent attacks on Yemeni civilians and civilian sites carried out by the coalition led by Saudi Arabia and the United Arab Emirates, it is essential that the Administration provides a forthright and complete assessment of whether Saudi Arabia and the UAE are meeting the conditions that both Congress and the Administration have said are necessary to receive continued U.S. military support.

We were deeply concerned at the August 13 signing statement President Trump issued for the FY2019 NDAA, in which he asserted that the Administration would comply with Section 1290 only to the extent doing so was “feasible and consistent” with the Administration’s interpretations of presidential authority. In passing this provision into law, Congress made clear its bipartisan position that many Saudi/UAE airstrikes and Saudi/UAE obstruction of critical humanitarian and commercial access for Yemen’s civilian population aid were inconsistent with traditional American respect for international humanitarian law. Given the state of civilian suffering and the worsening trajectory of the conflict, Yemen can’t wait for such an important U.S. assessment of the military and diplomatic conduct of its allies to be feasible; it must be done credibly, and without delay.

For some time, Yemen has been the largest humanitarian crisis in the world, and it deteriorates further with each passing year. Yemenis have died and continue to suffer from starvation and preventable diseases due to the denial of access to basic goods and services, far beyond those killed by fighting; astonishingly, every ten minutes a child dies in Yemen of preventable causes. Yet the situation still could worsen. The U.S.-funded Famine Early Warning System Network (FEWS NET) predicts that some Yemeni civilians could experience famine this year even without further military escalation of the conflict. The United Nations has warned that without a marked improvement in the situation on the ground, another 10 million Yemeni civilians will teeter on the edge of starvation, in addition to the more than 8.4 million who already do not know from where their next meal will come.

Despite the severity of the crisis, the Saudi/UAE coalition continues to obstruct and delay the provision of lifesaving humanitarian aid to the more than 22 million Yemeni civilians who depend on it to survive. Even after the Saudi/UAE total blockade of Yemen’s ports was formally lifted, inspections, delays, and other measures by the Saudi/UAE coalition continue to impede the import of humanitarian assistance and commercial food and fuel. Additionally, although the UAE thus far has refrained from attempting to capture militarily the key port city of Hodeidah – through which flows over 70 percent of imports to Yemen of humanitarian aid and commercial food and fuel – continued uncertainty about the prospect of an attack has deterred shippers and re-emphasized the fragility of this essential lifeline for Yemen’s civilian population.

Beyond the perils of starvation and disease, Yemeni civilians bear the brunt of the fighting in the war. Despite a number of high-profile airstrikes that have killed large numbers of civilians – including an outrageous Saudi bombing on August 9 that killed over 40 children, and a similarly appalling August 23

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airstrike that killed at least 23 children fleeing Hodeidah with their families – neither Saudi Arabia nor the UAE appear to have taken any meaningful steps to reduce civilian casualties, or to avoid bombing civilians and civilian sites. According to the Yemen Data Project, roughly one-third of the nearly 18,000 airstrikes by the Saudi/UAE coalition since 2015 have hit civilians or civilian sites, including homes, schools, hospitals, and markets; this ratio has remained relatively constant throughout 3+ years of Saudi/UAE aerial bombardment of Yemen. Saudi/UAE airstrikes that lack any apparent military objective and/or have killed large numbers of civilians may have been enabled by U.S. mid-air refueling; additionally, apparently unlawful airstrikes, some possibly amounting to war crimes, have utilized munitions sold to Saudi Arabia and the UAE by the United States. Accountability for these and other possible violations of the laws of war by Saudi Arabia and the United Arab Emirates has been entirely absent.

Yemen faces a man-made humanitarian catastrophe caused by the ongoing brutality of the war. The Administration repeatedly has made clear that it believes there can be no military solution to the conflict in Yemen. The plight of Yemen's civilians cannot be allowed to continue – or indeed, to grow dramatically worse – simply because the parties to the conflict have not yet found the political will to negotiate a peaceful resolution.

Neither Saudi Arabia nor the United Arab Emirates appears to perceive any limit to U.S. support for their intervention in Yemen. We thus applaud the recent action by Congress that conditions future U.S. support for the Saudi/UAE coalition in Yemen on a certification by you that Saudi Arabia and the UAE are (i) supporting diplomatic efforts to end the war in Yemen, (ii) working to alleviate the humanitarian suffering of Yemen's civilians, and (iii) making demonstrable progress in reducing the risk to civilians from Saudi/UAE military operations. As noted above, we were deeply concerned by President Trump's signing statement regarding this provision of law.

We strongly urge you to comply with the terms of Section 1290 and determine whether these basic, fundamental conditions for U.S. support for the Saudi/UAE coalition are being met. Otherwise, the Administration's silence will strongly signal U.S. indifference to the inhumane conduct of the war in Yemen, for which millions of civilians in Yemen will continue to pay the price.

Signed:

Amnesty International USA  
Center for Civilians in Conflict  
Human Rights First  
International Rescue Committee  
Norwegian Refugee Council USA  
Physicians for Human Rights  
Relief International  
Save the Children US  
Yemen Peace Project

Avaaz  
Friends Committee on National Legislation  
Human Rights Watch  
Mercy Corps  
Oxfam USA  
Refugees International  
Saferworld  
Win Without War

CC: Mr. John Bolton, Assistant to the President for National Security Affairs  
Hon. Jim Mattis, Secretary of Defense  
Amb. Nikki Haley, U.S. Permanent Representative to the United Nations  
Hon. Mark Green, Administrator of the U.S. Agency for International Development