

Congress of the United States
House of Representatives
Washington, DC 20515-0533

October 11, 2016

The Honorable John F. Kerry
U.S. Department of State
2201 C St. NW
Washington, D.C. 20520

Dear Secretary Kerry:

The continuing civilian carnage caused by the Saudi Arabia-led military coalition in Yemen is horrifying and appear to be the result of war crimes. As you know, the State Department is the lead agency for the Yemen conflict. The U.S. has provided and continues to provide material support to the Saudi military coalition, including refueling jets, arms sales and other critical assistance.

A troubling article by Reuters states that State Department lawyers knew the U.S. could be liable for war crimes in Yemen.¹ Yet the State Department continued to push for repeated arms sales to Saudi Arabia and the U.S. continued to provide direct assistance for coalition airstrikes. The latest air strike on civilians at a funeral in Yemen—which killed and injured hundreds of civilians—has finally caused the Administration to review what it is doing in Yemen. I respectfully request the U.S. to stop selling arms to Saudi Arabia and stop aiding and abetting the Saudi coalition immediately, including its airstrikes, until the review is completed.

I previously taught the Law of Armed Conflict when I served on active duty in the Air Force and am a graduate of Air War College. The frequency and scale of the civilian killings by the Saudi military coalition make it difficult to come to any conclusion other than that war crimes have been and are continuing to be committed in Yemen. Human rights groups such as Amnesty International and Human Rights Watch have documented at least 70 unlawful airstrikes on civilians by the Saudi coalition.² And that was before the latest air strike on civilians at a funeral.

The repeated and frequent strikes on civilians show that the issue is not the gross incompetence of the Saudi military coalition. Apologists for the Saudi coalition can perhaps defend a few errant bombs, but not over 70 unlawful airstrikes. It appears that either the Saudi coalition is intentionally targeting civilians or they are not distinguishing between civilians and military targets. Both would be war crimes.

¹ “Exclusive: As Saudis bombed Yemen, U.S. worried about legal blowback,” Reuters. 10 Oct. 2016. <<http://www.reuters.com/article/us-usa-saudi-yemen-idUSKCN12A0BQ>>

² Joint NGO letter to Permanent Representatives of Member and Observer States of the UN Human Rights Council, 22 Sept. 2016. <<https://www.hrw.org/news/2016/09/22/urgent-need-international-inquiry-yemen>>

I agree with State Department officials referenced in the Reuters article that the Charles Taylor case precedent puts U.S. officials at risk of being implicated for aiding and abetting war crimes in Yemen. In addition, under both international law and U.S. law, American officials can be prosecuted for conspiring to commit war crimes.

Immediately stopping the aiding and abetting of the Saudi military coalition would not only help reduce the legal risk to U.S. officials, it would send a strong message to the world that the U.S. respects the Law of War and basic human rights. As you know, the State Department has an entire office dedicated to preventing foreign entities from committing war crimes. The credibility of that office has been shredded by the U.S.-enabled airstrikes on civilians in Yemen.

As a Member of the National Security Subcommittee of the House Oversight and Government Reform Committee, I am also deeply concerned that current U.S. actions in Yemen are negatively affecting our national security. The aiding and abetting of Saudi airstrikes on civilians is a potential recruiting tool for terrorists. Every U.S. assisted bomb that kills children, doctors, patients, newlyweds and funeral mourners has the potential to amplify hatred towards the U.S.

The evidence has now become overwhelming that the Saudi military coalition is either intentionally or indiscriminately killing civilians in Yemen. The U.S. needs to cease immediately the aiding and abetting of the coalition pending the Administration's review of the war in Yemen.³

Thank you for your attention to this critical issue.

Sincerely,



Ted W. Lieu
Member of Congress

cc:

The Honorable Ashton Carter, Secretary of Defense, U.S. Department of Defense

³ "Statement by NSC Spokesperson Ned Price on Yemen," The White House. 8 Oct. 2016, <<https://www.whitehouse.gov/the-press-office/2016/10/08/statement-nsc-spokesperson-ned-price-yemen>>