

Congress of the United States
Washington, DC 20515

September 12, 2017

The Honorable Ambassador Nikki Haley
Permanent U.S. Representative to the United Nations
United States Mission to the United Nations
799 United Nations Plaza
New York, N.Y. 10017

Dear Ambassador Haley:

The ongoing war in Yemen is one of the world's worst humanitarian crises, and human rights abuses and violations of international humanitarian law have been committed by all parties to the conflict. To date, the war has caused more than 10,000 civilian deaths, pushed seven million Yemenis to the brink of starvation, driven three-quarters of Yemen's 27 million people to require humanitarian aid, displaced more than three million people, led to a cholera outbreak with more than half a million reported cases, and deprived more than 10 million children of basic needs like medical care and clean water.¹ In light of the damning report by the United Nations Office of the High Commissioner for Human Rights (OHCHR) on September 5, 2017, it is clear that previous efforts to protect civilians and achieve a peaceful resolution have failed and the situation requires a new mechanism to bring accountability to this manmade conflict.² We write to urge you to use your voice at the United Nations to join the OHCHR in calling for an independent, international investigation into the allegations of violations of human rights and international humanitarian law in Yemen.

During your visit to Geneva in June, you explicitly cited the U.N. investigative bodies for Syria and North Korea as examples of the Human Rights Council "at its best" by "calling out human rights violators and abuses," but noted that when the Human Rights Council fails to act in the face of grotesque human rights violations, "it undermines its own credibility and the cause of human rights."³ We agree with you. The situation in Yemen is precisely what the U.N. Human Rights Council was created to address. The United States has been a leading proponent of efforts to ensure accountability for human rights abuses and violations of international humanitarian law in Syria, and this Administration should do the same in Yemen. Although we applaud the recent U.N. Security Council Presidential Statement on Yemen,⁴ the U.N. Security Council has not done enough to ensure accountability for the rampant human rights abuses and violations of international humanitarian law that have been carried out by all parties to the conflict in Yemen.

¹ Yemen Humanitarian Bulletin Issue 25, U.N. OCHA, July 16 2017, <http://reliefweb.int/report/yemen/yemenhumanitarian-bulletin-issue-25-16-july-2017>
UN News Centre, "Yemen's cholera epidemic surpasses half-million suspected cases, UN agency says", August 14, 2017, <http://www.un.org/apps/news/story.asp?NewsID=57350#>

² United Nations Office of the High Commissioner for Human Rights. "Yemen: An 'entirely man-made catastrophe' – UN human rights report urges international investigation", September 5, 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22025&LangID=E>

³ Ambassador Nikki Haley, *Remarks at the Graduate Institute of Geneva on "A Place for Conscience: The Future of the United States in the Human Rights Council"*, June 6 2017, <https://usun.state.gov/remarks/7828>

⁴ U.N. Security Council Presidential Statement (S/PRST/2017/7), Middle East (Yemen), June 15 2017, <https://www.un.org/press/en/2017/sc12873.doc.htm>

Over the course of nearly three years of conflict, the UN has supported the establishment of two different accountability mechanisms to document abuses in Yemen in lieu of an international commission. Yet neither body has proven to be independent, impartial, transparent, or empowered to hold violators accountable for abuses committed. In May 2016, the Saudi-led coalition established the Joint Incidents Assessment Team (JIAT), which has thus far failed to meet international standards regarding transparency, impartiality, and independence. In its limited reporting, the JIAT has absolved itself of responsibility in 10 of the 14 airstrikes it has investigated and reached “different factual and legal conclusions than the UN or human rights organizations that had documented the same strikes,” according to Human Rights Watch.

Meanwhile, the internationally-recognized Government of Yemen also established the Yemeni National Commission of Inquiry to investigate all allegations of violations of international law and Yemeni law in cooperation with OHCHR. The OHCHR has pointed out that the Yemeni National Commission of Inquiry's first publications documenting violations “failed to comply with internationally recognized standards of methodology and impartiality,” and that the OHCHR “has not received any concrete information on those findings or on the general progress made by the national commission in carrying out comprehensive and impartial analysis.”

The failure of these mechanisms to credibly conduct independent or impartial investigations has allowed impunity to reign in Yemen. As the parties continue to pursue an unachievable victory on the battlefield, the lack of accountability also decreases pressure to negotiate a peaceful resolution.

As the U.N. Human Rights Council begins its September session and reviews the situation in Yemen, we urge the Administration to secure the creation of an independent, international mechanism to investigate the myriad human rights and international humanitarian law violations that the have been reported.

There is also a direct U.S. national security interest in ending the conflict in Yemen, as the only beneficiaries of continued fighting are violent extremists who wish to attack America. This year’s annual State Department report on terrorism confirmed that the ongoing conflict has strengthened al Qaeda in the Arabian Peninsula (AQAP) and the Yemen branch of ISIS (ISIS-Y). It concludes that “AQAP, in particular, has benefitted from this conflict by significantly expanding its presence” and “AQAP and ISIS-Y have managed to increase their support bases and strengthen footholds in the country” as a result “of the instability and violence in Yemen.”⁵ By highlighting the abuses committed by AQAP and ISIS-Y, an international investigative body could help diminish their base of support and isolate them among Yemenis, while also reducing opportunities for regional actors like Iran to take advantage of the security vacuum caused by the ongoing conflict.

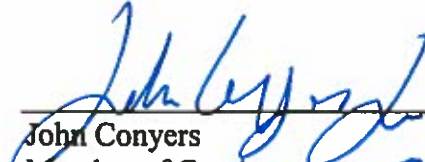
⁵ Bureau of Counterterrorism and Countering Violent Extremism, Country Reports: The Middle East and North Africa, 2016, <https://www.state.gov/j/ct/rls/crt/2016/272232.htm> <https://www.state.gov/j/ct/rls/crt/2016/272232.htm> <https://www.state.gov/j/ct/rls/crt/2016/272232.htm> <https://www.state.gov/j/ct/rls/crt/2016/272232.htm>

Without sustained U.S. leadership to restart peace negotiations and ensure accountability for human rights abuses, the tragedy in Yemen will continue to claim the lives of innocent civilians and serve only to increase the direct threat posed to the U.S. homeland by AQAP. We urge you to take action at the UNHRC and stand ready to assist your efforts.

Sincerely,



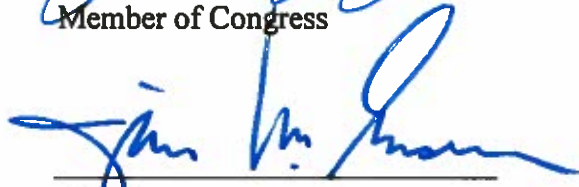
Ted W. Lieu
Member of Congress



John Conyers
Member of Congress



Ro Khanna
Member of Congress



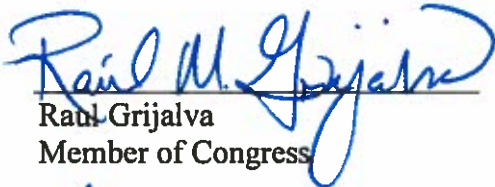
James P. McGovern
Member of Congress



Mark Pocan
Member of Congress



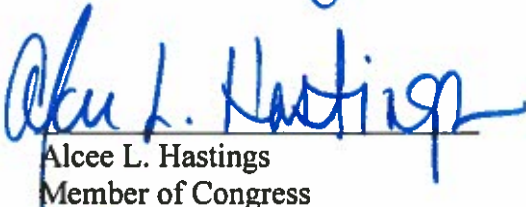
Barbara Lee
Member of Congress



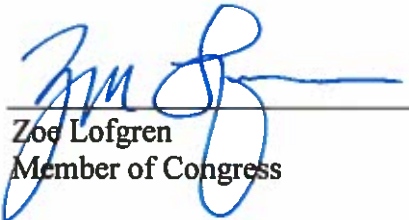
Raul Grijalva
Member of Congress



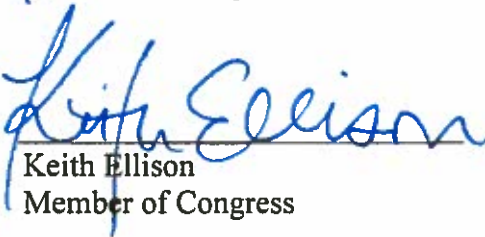
Eleanor Holmes Norton
Member of Congress



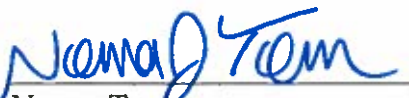
Alcee L. Hastings
Member of Congress



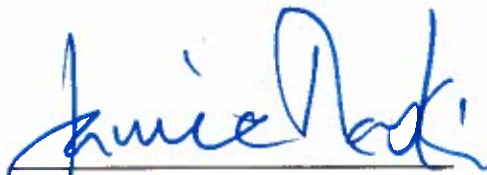
Zoe Lofgren
Member of Congress

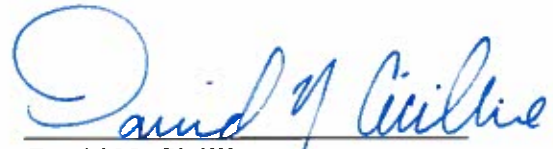


Keith Ellison
Member of Congress



Norma Torres
Member of Congress


Jamie Raskin
Member of Congress


David N. Cicilline
Member of Congress

cc:

The Honorable Rex Tillerson
Secretary of State

Lieutenant General H.R. McMaster
Assistant to the President for National Security Affairs