

Does America have a “Licence to Kill”? US Drone War on Yemen Violates International Law

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[Alkarama](#)

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Since 2009, the United States has regularly bombed Yemen.

These aerial attacks have occurred in almost every province of the country. In the past two years, the number of drone strikes has multiplied and the infrastructure required for these attacks have been expanded, not only in Yemen, but also in neighboring Saudi Arabia and Djibouti.

Since the first strikes in November 2002 and until the writing of this report in July 2013, the United States has carried out between 134 and 234 military operations in Yemen.



These include strikes by aircraft and drones as well as missiles launched from warships located in the Gulf of Aden. According to various sources, estimates of the number of people killed range from 1000 to 2000. However, to this day, neither the Yemeni nor the American authorities have put forward official statistics on the number of casualties.

Alkarama carried out a number of field investigations in Yemen throughout 2012 and 2013, in order to gather witness accounts and victim testimonies about these attacks, as well as information from their families and lawyers. Interviews were also held with government officials and members of civil society.

This report presents the results of our research and analysis on the US strategy in its “war on terror” with respect to international law. It also examines the reactions of US as well as Yemeni officials and civil society in light of the serious violations committed. Finally, the report sets out recommendations to the Yemeni and US authorities, as well as to the UN, to address these issues.

Alkarama, 17 October 2013

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Yemen/USA: License to Kill. Why the American Drone War on Yemen Violates International Law

Summary of the Report

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Since 2009, the United States have regularly bombed Yemen. These aerial attacks have

occurred in almost all of the country's provinces. More recently, drone strikes have multiplied, and the infrastructure required for these types of attacks have been expanded, not only in Yemen, but also in Saudi Arabia and Djibouti. Since the beginning of strikes in November 2002 to the writing of this report in July 2013, the United States have carried out between 134 and 234 military operations in Yemen. This includes strikes carried out by aircraft and drones as well as missiles launched from warships located in the Gulf of Aden. According to various sources, the number of people killed range from 1000 to 2000. However, to this day, neither the Yemeni or American authorities have put forward official statistics on the number of casualties.

Alkarama carried out a number of visits in Yemen throughout 2012 and 2013, in order to gather the testimonies of victims and witnesses to these attacks, as well as from their families and lawyers. Interviews were also held with government officials and members of civil society.

This report aims to present this research and analyze the US's strategy in its combat against torture in light of relevant international law. It also examines the reactions of US as well as Yemeni officials and civil society in light of these serious violations. Finally, it sets out recommendations addressed to the Yemeni and US authorities, as well as to the U.N to address these issues.

Yemen's current president, Abd al-Rab Mansour al-Hadi, came to power in February 2012 following a mass revolution by the Yemeni population. He replaced Ali Abdallah Saleh who had ruled the country for 33 years. Since then, the country is in transition, with a national dialogue underway since March 2013, encompassing Yemen's various political groups. It should result in elections in February 2014.

In the meantime, the current president has reinforced Yemen's ties with the United States, placing large regions of Yemen territory at the disposal of the US and encouraging its military intervention in the country, including by attributing the responsibility of attacks to the United States directly. This has increased tensions within the population which does not support American air strikes.

This way, under the cover of counter-terrorism measures, the American administration has involved itself directly in an multi-dimensional internal conflict taking place between the central Yemeni authorities and multiple opposition movements including armed groups of Jihadist tendency - namely al-Qaeda and Ansar al-Sharia - but also the south separatist movement and different tribes that contest the central government's authority.

The United States has never declared war on Yemen, and instead refers to the AUMF (Authorization to Use Military Force) resolution of 14 September 2001 to justify their intervention in Yemen, despite the fact that the Yemeni government is considered an ally and does not represent a threat to the US. The AUMF sets out measures to combat those with ties of any kind to the attacks of 11 September 2001. This has been interpreted to include all those that are considered to be "associated forces" of al-Qaeda, although this phrase does not appear in the resolution itself. This term in fact first appeared in President Obama's speeches and official White House texts and is used to legitimize combat against groups whose ties with al-Qaeda are not always clearly established.

The question that must be asked is whether the United States are applying the rules of war, or law enforcement? The official argument put forward by American officials plays on the

confusion between these two notions to justify targeted assassinations. However, the distinction between the two is important, as if it is the latter, the law of armed conflicts would apply, while in the second case, it would be the laws government law enforcement that apply, which must comply with international human rights law.

Regardless of the context in which the American intervention in Yemen takes place, the American military and C.I.A continue to use drones, other types of military aircraft as well as warships to commit targeted assassinations that should be considered, and qualified, as extrajudicial executions.

President Obama himself provided the conditions required for a suspect to be assassinated; namely that the person be designated as being a person of interest under US law, that he or she represent a real, direct and imminent threat to the United States and its interests; that it not be possible to capture the person and that the operation does not target civilian victims. The administration certifies that only the leaders of al-Qaeda and “associated forces” are targeted, without clarifying the criteria required to place individuals on kill lists. What is certain, however, is that the number of these leaders is very small compared to the hundreds of those who have been killed during these strikes. In reality, the forces implicated also target unidentified combatants who do not play a leadership role, who are anonymous and do not have charges held against them. Civilians also suffer due to the human and technical errors that American political and military leaders accept as necessary collateral damage in the pursuit of their aims. In fact, Yemen – just like Pakistan – has become a testing ground for revolutionary new methods of warfare, not only technically, but also on politically and legally.

MAP OF U.S. AIR STRIKES IN YEMEN



Sites of the attacks documented by Alkarama between 2009 and 2013

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