

HUMANITARIAN CRISIS IN YEMEN

HEARING

BEFORE THE

TOM LANTOS HUMAN RIGHTS COMMISSION

UNITED STATES
HOUSE OF REPRESENTATIVES

ONE HUNDRED AND FOURTEENTH CONGRESS
SECOND SESSION

—
NOVEMBER 17, 2016
—

Official Transcript

Produced by the Tom Lantos Human Rights Commission
Available via the World Wide Web: humanrightscommission.house.gov

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HUMANITARIAN CRISIS IN YEMEN

THURSDAY, NOVEMBER 17, 2016

HOUSE OF REPRESENTATIVES,
TOM LANTOS HUMAN RIGHTS COMMISSION,
Washington, D.C.

The Commission met, pursuant to call, at 10:00 a.m., in Room 2200 of Rayburn House Office Building, Hon. James P. McGovern [co-chair of the Commission] presiding.

Mr. MCGOVERN. I think we are going to begin. And others are on their way, but I think maybe by the time I finish my opening statement, they will be here. But I want to thank everybody for being here today.

I want to welcome everybody to the Tom Lantos Human Rights Commission hearing on the humanitarian crisis in Yemen.

And this is echoing. How is that, better?

And I want to acknowledge Congressman Ted Lieu, who at his request, we organized this hearing today. And I am sure he will have more to say when he gets here.

I also want to welcome our witnesses, and I want to thank them for their willingness to share their expertise and on-the-ground experience with us today.

Ambassador Jeffrey, let me take this opportunity to thank you for your many years of dedicated service as United States career diplomat.

During the 114th Congress, this Commission has devoted considerable attention to the armed conflicts in Syria and Iraq and their devastating consequences for the civilian population. We have consistently expressed our concern that these conflicts are being conducted in ways that undermine the norms of international humanitarian law, or IHL, that both the states and the nonstate actors who are fighting these wars are purposefully targeting civilian populations and infrastructure, instead of protecting them as they are obligated to do under international law.

All of us have seen the pictures and heard the stories of the people who live with constant shelling, or are being used as human shields, or are under siege and starving, or whose schools and medical facilities have been destroyed and their doctors killed. Shameful practices that are far too prevalent and systematic to be considered collateral damage and that the development of IHL after World War II was meant to end.

Today, we will look at another conflict that raises many of the same concerns but has received much less attention: the 20-month-old conflict in

Yemen. The Yemen conflict is over governance. It started March of 2015, when Saudi Arabia and members of a coalition it established launched a military operation to restore the rule of Yemen's internationally recognized President Hadi. Prior to the start of hostilities, Hadi's government had been gradually supplanted by an alliance comprised of the Houthi movement and loyalists of the previous President Ali Abdullah Saleh.

The United Nations has estimated that through August of 2016, this war had killed at least 10,000 people. According to the U.N. High Commissioner for Human Rights, there were 3,980 civilian casualties from the start of hostilities through September of this year. Of a population of 21.2 million, more than 3 million have been internally displaced. Before the conflict, Yemen was already a poor country. Today, 80 percent of the population is in need of humanitarian assistance.

I want to draw particular attention to hunger. UNICEF estimates that 14 million Yemenis are malnourished, and that 370,000 children are severely malnourished or starving, particularly in rural areas. According to the World Food Programme, almost half of all children in Yemen are stunted in growth due to chronic malnutrition. This is a country that is completely devastated. And, once again, this horrible devastation is due in great part to the way the war has been conducted.

In its most recent report on the human rights situation in Yemen, the Office of the U.N. High Commissioner for Human Rights documented, and I quote, "Substantial allegations concerning possible violations of international humanitarian law in the context of the conduct of hostilities in Yemen," end quote, including rocket and mortar attacks on residential areas, allegations of the use of land mines, and sniper attacks by Houthi-Saleh forces.

On the part of the Saudi-led coalition, the High Commissioner documented attacks on markets, weddings, residential buildings, and public and private infrastructure, and allegations of the use of cluster bombs. The U.N. estimates that the majority of the civilian casualties in the war are attributable to coalition forces.

The problem, of course, is that the coalition is backed by the United States, which has provided a full range of security assistance to Saudi Arabia, everything from small arms and ammunition, to tanks and armored vehicles, to combat aircraft, bombs and more. U.S.-provided equipment has been used to prosecute the war. The U.N. High Commissioner's report I just cited includes photos of remnants of cluster munitions with American markings. So there is a growing concern here in the House and in the Senate that the U.S. could be in violation of our own laws prohibiting military sales or the provision of security assistance to countries that engage in gross violations of human rights.

So this is what we're here to discuss today. And I recognize that in the aftermath of the October 2016 Saudi airstrike on a funeral hall that killed between 130 and 150 people, the administration announced that it was initiating a review of U.S. security assistance to Saudi Arabia. That was an appropriate step. But we don't yet know the outcome of that review, nor whether other steps we have taken on training and intelligence sharing will be

enough to change the conduct of the war, nor protect us from charges of complicity for the consequences of that conduct.

So what I am convinced of is that the weakening of humanitarian norms that we have seen in the first years of this century does not serve our strategic interests, nor those of our allies. So we must take steps to restore respect for the obligation to protect civilians. So I think this is an important moment to have this hearing.

And I would like to yield for any opening comments to my colleague, Congressman Todd Lieu, who is responsible for this hearing happening today.
[The prepared statement of Co-Chair McGovern follows:]

**PREPARED STATEMENT OF THE HONORABLE JAMES P.
MCGOVERN, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF MASSACHUSETTS AND CO-CHAIR OF THE TOM LANTOS
HUMAN RIGHTS COMMISSION**



Tom Lantos Human Rights Commission Hearing

Humanitarian Crisis in Yemen

**Thursday, November 17, 2016
10:00 AM – 12:00 PM
2200 Rayburn House Office Building**

Opening Remarks as prepared for delivery

Good morning, and welcome to the Tom Lantos Human Rights Commission's hearing on the Humanitarian Crisis in Yemen.

I want to welcome our witnesses and thank them for their willingness to share their expertise and on the ground experience with us today. Amb. Jeffrey, let me also take this opportunity to thank you for your many years of dedicated service as a United States career diplomat.

During the 114th Congress, this Commission has devoted considerable attention to the armed conflicts in Syria and Iraq, and their devastating consequences for the civilian population. We have consistently expressed our concern that these conflicts are being conducted in ways that undermine the norms of international humanitarian law, or IHL – that both the states and the non-state actors who are fighting these wars are purposefully targeting civilian populations and infrastructure, instead of protecting them as they are obligated to do under international law.

All of us have seen the pictures and heard the stories of people who live with constant shelling, or are being used as human shields, or are under siege and starving, or whose schools and medical facilities have been destroyed, and their doctors killed – shameful practices that are far too prevalent and systematic to be considered collateral damage, and that the development of IHL after World War II was meant to end.

Today we will look at another conflict that raises many of the same concerns, but has received much less attention: the 20-month old conflict in Yemen.

The Yemen conflict is over governance: it started in March 2015, when Saudi Arabia and members of a coalition it established launched a military operation to restore the rule of Yemen's internationally-recognized President Abdu Rabbu Mansour Hadi. Prior to the start of hostilities, Hadi's government had been gradually supplanted by an alliance comprised of the Houthi movement and loyalists of the previous President, Ali Abdullah Saleh.

The United Nations has estimated that through August 2016, this war had killed at least 10,000 people. According to the U.N. High Commissioner for Human Rights, there were 3,980 civilian casualties from the start of hostilities through September of this year. Of a population of 21.2 million, more than 3 million have been internally displaced.

Before the conflict Yemen was already a poor country. Today, 80% of the population is in need of humanitarian assistance.

I want to draw particular attention to hunger: UNICEF estimates that 14 million Yemenis are malnourished, and that 370,000 children are severely malnourished or starving, particularly in rural areas. According to the World Food Program, almost half of all children in Yemen are stunted in growth due to chronic malnutrition. This is a country that is completely devastated.

And once again, this horrible devastation is due in great part to the way the war has been conducted. In its most recent report on the human rights

situation in Yemen, the Office of the UN High Commissioner for Human Rights documented “substantial allegations concerning possible violations of international humanitarian law in the context of the conduct of hostilities in Yemen,” including rocket and mortar attacks on residential areas, allegations of the use of land mines, and sniper attacks by the Houthi-Saleh forces. On the part of the Saudi-led Coalition, the High Commissioner documented attacks on markets, weddings, residential buildings, and public and private infrastructure, and allegations of the use of cluster bombs. The UN estimates that the majority of the civilian casualties in the war are attributable to Coalition forces.

The problem, of course, is that the Coalition is backed by the United States, which has provided a full range of security assistance to Saudi Arabia – everything from small arms and ammunition, to tanks and armored vehicles, to combat aircraft, bombs, and more. U.S.-provided equipment has been used to prosecute the war. The UN High Commissioner’s report I just cited includes photos of remnants of cluster munitions with American markings. So there is growing concern here in the House and in the Senate that the U.S. could be in violation of our own laws prohibiting military sales or the provision of security assistance to countries that engage in gross violations of human rights.

This is what we are here to discuss today. I recognize that in the aftermath of the October 2016 Saudi airstrike on a funeral hall that killed between 130 and 150 people, the Administration announced that it was initiating a review of U.S. security assistance to Saudi Arabia; that was an appropriate step. But we don’t yet know the outcome of that review, nor whether other steps we have taken on training and intelligence-sharing will be enough to change the conduct of the war, nor protect us from charges of complicity for the consequences of that conduct.

What I am convinced of is that the weakening of humanitarian norms that we’ve seen in the first years of this century does not serve our strategic interests, nor those of our allies. We must take steps to restore respect for the obligation to protect civilians.

With that, I would like to introduce our panel of witnesses.

Mr. LIEU. Thank you. And thank you, Chairman McGovern, for holding this hearing, along with Chairman Pitts. I really appreciate your long history of standing up for human rights.

I don't have a philosophical objection with the U.S. helping an ally such as Saudi Arabia. I do have a strong objection when the conduct of that military operation looks like it is doing war crimes. And the reports on the ground from reporters, as well as from human rights organizations, have documented over 70 unlawful airstrikes. I can understand if there is one or two or maybe three errant bombs, but when it is over 70, then that suggests to me either the Saudi-led military coalition is intentionally targeting civilians, or they just don't care.

And the funeral that Representative McGovern references is very interesting, because if you look at the response from the military coalition, first of all, they admit that they targeted that funeral ceremony. What they say is they had intelligence that there would be some rebel leaders there.

Under a law of war, even if that was true, you can't do that. I taught the law of war when I was active duty in the Air Force. I am a graduate of Air War College. And as all of you know, under the law of war, you have to apply principles of proportionality, military necessity. So you can't target a funeral ceremony with hundreds of civilians and cause that much collateral damage. That is just a straight violation. So I am not even clear that the military coalition itself understands the principles of international law or of the law of war.

I would like to know what the U.S. has done in terms of trying to mitigate this coalition from engaging in what look like war crimes. I also would like to know why the U.S. is even involved.

So there is two things going on, as all of you know, in Yemen. There are actions the U.S. is taking with our own assets to try to eliminate terrorists. No one is really disputing that the U.S. should try to eliminate terrorists. But there is something else going on, which is there is a civil war and the U.S. is supporting this military coalition with refueling jets, providing other assistance, and then these jets are dropping bombs on civilians nowhere near military targets. And that to me is a big, massive concern. And now it's causing famine in Yemen and it is causing massive civilian carnage. And at the end of the day, this hurts U.S. national security, right? This is a big recruiting tool for terrorists. Every bomb that drops on a Yemeni child is something that causes damage to our national security.

And I just want to read this paragraph from the New York Times which reported this week, and I quote, "Many strikes are carried out by pilots trained by the United States, who fly American-made jets that are refueled in the air by American planes. And Yemenis often find the remains of American-made munitions, as they did in the ruins after a strike that killed more than 100 mourners at a funeral last month. Graffiti on walls across Sana'a, reads 'America is killing the Yemeni people.'"

So in addition to the U.S. participating in direct military operations that result in bombs dropping on civilians, we have also given Saudi Arabia a mass

amount of weapons over time. And I would like to find out what these weapons are being used for. Are these weapons also being used to carry out the killing of civilians at Yemen?

And this hearing is being recorded, and your testimony is very important for future actions that Congress may take. And thank you again, Representative McGovern, for having this hearing.

[The prepared statement of Rep. Ted Lieu follows:]

**PREPARED STATEMENT OF THE HONORABLE TED LIEU, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF
CALIFORNIA AND MEMBER OF THE TOM LANTOS HUMAN
RIGHTS COMMISSION**

**Tom Lantos Human Rights Commission
Hearing on the Humanitarian Crisis in Yemen
November 17, 2016
Rep. Ted Lieu**

Opening Remarks as prepared for delivery:

Thank you, Chairman McGovern, Chairman Pitts, and the Lantos Commission for calling today's hearing on the humanitarian crisis in Yemen.

We are here today because for the past 20 months, Yemen has been ravaged by a bitter conflict that has left, according to UN estimates, at least 4,000 civilians dead, 3 million people displaced, and 80 percent of the population in dire need of humanitarian assistance. We are here today because for the past 20 months, both sides of that conflict have committed egregious human rights violations. And yet one of the sides, the Saudi Arabia-led coalition, has received the continued military support of the U.S. government despite demonstrating a reckless operational conduct that routinely results in the death of innocent men, women and children. We are here today because for the past 20 months, Congress has managed to only hold a single hearing on this conflict; and it was 19 months ago.

In order to properly address a crisis, we must first understand its root causes. I would like to thank the witnesses for joining us this morning to help us answer some of those questions and begin to establish a record for future actions. Cumulatively, you and your organizations possess some of the best knowledge we have of what is happening on the ground in Yemen, and why. Before we leave here today, I hope we can explore three aspects of the conflict:

First, we must establish the scope of the humanitarian crisis and the human rights violations that have been committed by both sides. In the absence of an independent investigation, which the United Nations has thus far shamefully refused to establish, we are forced to piece together reporting from a variety of

sources both on the ground and in the news. Going forward, what are the biggest obstacles to funneling in humanitarian aid? How confident are we in the reporting of human rights abuses?

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 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-led coalition. And that was before the latest air strike on civilians at a funeral. In order to move forward, we must have a comprehensive overview of what we know and what we don't.

Second, we must acknowledge and explore the moral and legal threats associated with U.S. involvement and complicity in this conflict. As the *New York Times* reported this week, and I quote, "Many strikes are carried out by pilots trained by the United States, who fly American-made jets that are refueled in the air by American planes. And Yemenis often find the remains of American-made munitions, as they did in the ruins after a strike that killed more than 100 mourners at a funeral last month. Graffiti on walls across Sana reads: 'America is killing the Yemeni people.'"

According to data from the U.S. Defense Security Cooperation Agency, the U.S. Government has noticed Foreign Military Sales to Saudi Arabia totaling \$115 billion since 2009. Those sales have included F-15 Eagles, helicopters, tanks, and extensive munitions. The U.S. can and should support our allies, including with foreign military sales and assistance. But when that assistance is then used in a manner that runs contrary to our fundamental values, we cannot simply turn a blind eye. For supporters of a strong U.S.-Saudi relationship, the status quo harms both that relationship and the long-term stability of Saudi Arabia.

A troubling article by *Reuters* last month states that the State Department lawyers knew the U.S. could be liable for war crimes in Yemen, yet the Department continued to push for repeated arms sales to Saudi Arabia and provide direct assistance for Coalition airstrikes. It was only the latest air strike, which killed and injured hundreds of civilians at a funeral in Sanaa, that finally prompted the Administration to suspend its assistance to the Coalition and conduct a high-level review.

As a Member of the National Security Subcommittee of the House Oversight and Government Reform Committee, I am deeply concerned that U.S. actions in Yemen are undermining our national security. The Coalition's operational conduct risks radicalizing a desperate population and has already

allows the resurgence of Al Qaeda in the Arabian Peninsula in the south. The threats to American national security cannot simply be brushed aside.

Third, and finally, we must consider our desired end-game and the path forward. International diplomatic efforts have thus far produced mixed results, with sporadic cessations of hostilities giving minor reprieve to the people of Yemen without any real hope of a political resolution. For the sake of U.S. national security, our Gulf Partners and the people of Yemen, we must be clear about what we hope to achieve and how.

With that, I yield back to Chairman McGovern to introduce our panel of witnesses.

Mr. MCGOVERN. Thank you.

And I want to welcome our panel. We have James F. Jeffrey, currently the Philip Solondz distinguished visiting fellow at the Washington Institute for Near East Policy and a visiting instructor at George Washington University. He has served as ambassador in Ankara, and in Baghdad he served as an assistant to the President, and deputy national security adviser to George W. Bush's administration.

We have Scott Paul, a senior humanitarian policy advisor at Oxfam, where he leads the organization's work on a number of emergencies and crosscutting humanitarian issues in the United States and has a very long and distinguished resume as well.

Michael Bowers, the vice president, Humanitarian Leadership and Response. He is responsible for leading and supporting Mercy Corps' global emergency operations, enhancing their quality and accountability, and ensuring that they bring the greatest benefit to people in need.

Krista Zimmerman joined Save the Children in 2014 and currently serves as the associate director for International Humanitarian Policy and Advocacy based in Washington, D.C. And again, also a very distinguished resume. We are happy you are here.

Sunjeev Bery serves as advocacy director for the Middle East and North Africa at Amnesty International USA. He works with governments, NGOs, and others to advance human rights across the MENA region. And he's on TV a lot, and we are happy that you are here as well. And we look forward to your testimony.

And, Ambassador, why don't we begin with you?

**STATEMENTS OF JAMES F. JEFFREY, PHILIP SOLONDZ
DISTINGUISHED FELLOW, WASHINGTON INSTITUTE; MICHAEL
BOWERS, VICE PRESIDENT FOR HUMANITARIAN POLICY AND
PRACTICE, MERCY CORPS; SCOTT PAUL, SENIOR POLICY
ADVISOR, OXFAM USA; KRISTA ZIMMERMAN, ASSOCIATE
DIRECTOR FOR INTERNATIONAL HUMANITARIAN POLICY,
SAVE THE CHILDREN; AND SUNJEEV BERY, ADVOCACY
DIRECTOR, MENA, AMNESTY INTERNATIONAL USA (AIUSA)**

**STATEMENT OF JAMES F. JEFFREY, PHILIP SOLONDZ
DISTINGUISHED FELLOW, WASHINGTON INSTITUTE**

Mr. MCGOVERN. Is your green light on?

Mr. JEFFREY. It's not.

Thank you very much, Mr. Cochairman and Congressman Lieu. It is an honor to be here today to talk about this subject.

I am not an expert in international humanitarian law the way that my colleagues are. I have been to Yemen, but I have done a great deal of work in the region more generally. And in particular, I have had many conversations on the overall subject that I will get into in a second with the Saudi

Government, including twice with the Saudi foreign minister, with the Saudi king, crown prince, and deputy crown prince in the last two months.

As a foreign service officer and military officer with 43 years of experience, there are two kinds of conflicts that I have been involved with repeatedly. One is a specific one in a region, think of Kashmir between India and Pakistan, or Sudan and South Sudan, that often generate tremendous violence, tremendous deaths among the civilian population.

And then there are conflicts that fit into a larger context. If the conflict fits into a larger context, it is very hard to resolve it, to get cease fires that hold. You saw what Secretary Kerry was just doing this week without dealing with the larger context. I am here to try to explain the larger context.

I am not an apologist for anyone, neither the Houthis, nor the Hadi Government, nor the Saudis, nor the U.S. Government, but rather what I have seen in the region and how this fits into what is going on here, because I believe the United States can play a role and this role has to begin with taking effective action to get the Saudis to, and the other coalition members, to use much more care in delivering ordnance. I have seen how the U.S. military does it. It makes mistakes, but from time to time, as we are all aware, but generally we have a far higher standard than other countries. And we can, I think, move the Saudis to that standard. But only if we have an understanding of what is going on from this standpoint and they believe that we are fully in on the larger struggle that they consider existential. That, in return, generates certain leverage that we can use beginning with the humanitarian problem.

So what is this larger context? Having traveled around the region, much in the last 6 months, what I have heard repeatedly is the fear in the region, not so much of ISIS, that is a problem that is big, but they figure is being contained by the United States and the coalition. But of Iran, Syria, now empowered by Russian intervention, and the threat that this is posing for the region as a whole. The Israelis sense that from one perspective, the Turks in another, and the Arab states, in particular, because they look around them and they see Lebanon, Iraq, Syria, Yemen, all countries that are Arab, and only one of which has a majority Shia population, that find themselves in one or another internal conflict, violent, or in the case of Lebanon, mainly political, generated by Iranian surrogates and Iranian power projection.

Until there is a way to deal with that, the Saudis are likely to continue this military campaign with or without U.S. support. They will find ways to come up with bombs. They will find ways to come up with airplanes. So therefore, to the extent that it is in our interest as the United States to also contain this Iranian move throughout the region, and it is and officially it's the U.S. Government policy, although people question how strongly President Obama believes in it, that is the place to begin with the Saudis and the other coalition members, particularly the Emirates.

So the first question is who are the Saudis fighting in Yemen? As you mentioned, Congressman, they are first of all fighting the Houthi rebels. The Houthi rebels are not totally under the control of the Iranians, but they have an alliance of convenience with the Iranians. And what we have seen in the past,

what I have seen in Iraq and the south of Iraq, is these alliances tend to be strengthened because it is Iranian policy to strengthen them. The goal in every country that I have studied is to create a movement such as Hezbollah.

The Saudi concern there, and they are seeing this every day in attacks, as you mentioned, across the border with some 500 Saudi casualties killed so far, is the development of something like the Hezbollah presence in southern Lebanon. Right now, that has 150,000 missiles at least aimed at Israel. This is security problem number one for Israel today.

The Saudis are absolutely determined. They stress this every time we talk to them, that they do not want to be in the position in southern Saudi Arabia that the Israelis are in much of Israel today with an Iranian surrogate, heavily armed by Iran, on its borders. They have basically stated that they are going to fight until this threat is taken care of. They want us to work with them on it.

That is not an unreasonable request, but in return, as you pointed out, we have to put on the table the need for our allies in this fight to fight it in a different way. You can fight effectively against an insurgent force or against a rebel force without targeting civilians or without doing an awful lot of collateral damage. I think that we can persuade the Saudis to do that. I think this is going to be tough, but I think that to the extent they feel that we understand their concerns and that we are not going to allow Yemen to become a second Lebanon or a second Iraq or a second Syria, I think that there is a way forward.

But again, if we just turn around and say, sorry, we are not going to be involved in that, we won't be culpable, that is true, but this crisis is going to continue on and get worse in the context of the Middle East that is not getting better in a much, much larger sense than just Yemen.

Thank you very much, sir.

[The prepared statement of Mr. Jeffrey follows:]

PREPARED STATEMENT OF JAMES F. JEFFREY

HEARING, HUMAN RIGHTS COMMISSION

Humanitarian Crisis in Yemen

Date: Thursday, November 17, 2016 - 10:00am

Ambassador (Ret) James F. Jeffrey, Washington Institute

For Near East Policy

INTRODUCTION

Mr. Co-Chairs, members of the Commission, it is an honor to be here to discuss the humanitarian crisis in Yemen. Your other witnesses have far

more professional experience in dealing with humanitarian crises than I, although I have had some experience over my 35 year foreign service career. Rather, the best contribution I can make to is to discuss the strategic environment in which the conflict is taking place.

Understanding that environment is not only essential to grasping the nature of the conflict fueling the humanitarian crisis, but to resolving it. In Yemen, advancing traditional U.S. strategic policy goals and preventing humanitarian catastrophe might appear at odds. They are not. Even if the U.S. were to totally cease its cooperation with the Saudis and other GCC states, the war likely would continue, as would the risk that it descends into a world class humanitarian crisis comparable to Syria's. Conversely, more American attention to the strategic stakes and our partners' concerns could generate a compensating willingness by them to listen to our humanitarian concerns and political approaches.

THE UNDERLYING CONFLICT

This underlying conflict in the region, of which Yemen is only one theater, can be summed up succinctly as a struggle between Iran, and its various mainly sub-national allies, against a regional coalition led by Saudi Arabia and other GCC states, with Turkey and Israel as 'partial' players; a struggle that could spark a Sunni-Shia conflagration throughout the region, bringing levels of violence particularly against civilians greater than that seen in the Syrian civil war and ISIS's campaign, and far greater than what we have experienced in Yemen.

U.S. policy should thus focus: (1) tactically, on limiting the humanitarian crisis in particular by persuading U.S. partners to be more careful in military operations in return for more military coordination and better U.S. intelligence; (2) operationally, on a ceasefire and eventual shift from war to political dialogue; and (3) strategically, on the overarching regional struggle between Iran and the Saudi-led coalition.

It is my strong belief, from many discussions over the past 11 years with the Saudi top leadership, that the U.S. will not succeed even in the tactical and operational levels cited above without providing our regional partners a way forward with the strategic Iran regional threat.

The Obama Administration's position on this conflict has both sensible and questionable elements. What's sensible is President Obama's strong belief reiterated often that the U.S. will not get dragged into a regional Sunni-Shia conflict. After all, most of the region's Shia population are not hostile or a danger to the U.S.

But what's questionable is his policy, revealed in his Atlantic interview earlier this year, and not effectively countered by two summits with GCC states after the Iran nuclear deal, to promote 'moral equivalence' between the Iranian and Saudi-led coalitions, or even a shift towards Iran, manifest in the interview quote that Saudi Arabia should find a way to share the neighborhood with Iran.

Such an approach assumes things about both Iran and Saudi Arabia that do not hold water: that the Saudis are anxious for an Armageddon-like conflict with Shia Islam; and that Iran is or could easily become a status quo power.

While my conversations with the top Saudi leadership document their fear and dislike of not only Iran but the Shia branch of Islam, I do not believe the Kingdom seeks to drive the region into a sectarian conflict. But such a conflict could arise inadvertently from its efforts to contain Iran if not better coordinated with the U.S.

Saudi Arabia and most regional states reject the idea of 'sharing' the region with Iran. They do not see the Saudi-led regional alliance and the Iran coalition as having basically similar approaches to the region even if competing between themselves over specific interests, that is, a model similar to the relationship between Pakistan and India.

Rather, the GCC states and their somewhat like-minded partners in Jordan, Turkey and Israel see themselves as status quo powers, accepting the current international and regional orders, generally respecting state sovereignty and traditional state institutions, and supportive of U.S. engagement.

Iran, whether the radical Iran of Supreme Leader Khamenei and Quds Force leader Qasim Soleimani, or the Iran of moderates such as President Rouhani and his advisor Hossein Mousavi, is seen as a threat to the regional status quo. Whether in its guise as a nation state building on a Persian imperial tradition dating back three thousand years, in its guise as a revolutionary Islamic regional movement with roots shared with al Qaeda, or as the champion of the Shia 15% of the region's population, Iran is seen as hostile to the reigning status quo.

With considerable success Iran has expanded its influence in four Arab states, three of them majority non-Shia, Lebanon, Syria, Yemen, plus Iraq. It struggles in every way possible to drive American power and influence from the region, is responsible directly or through surrogates for thousands of attacks against the U.S. in Iraq and scores elsewhere, most recently apparently the missile attacks on U.S. ships off Yemen's coast. Finally, it neither respects national sovereignty of other states nor

the loyalty and integrity of other state's institutions. In all of the aforementioned states it undercuts sovereignty by supporting parallel political and military institutions more loyal to Teheran than to a government in Lebanon or Damascus; call this the "Hezbollah model." Finally, it leverages 'total war' policies and rhetoric against Israel to expand regional influence.

The U.S. is aware of the Iranian threat. As then CENTCOM Commander General Lloyd Austin put it to the Senate Armed Services Committee last March 8, "Iran continues to pursue policies that enflame sectarian tensions and threaten U.S. strategic interests." At the April 21 2016 GCC-U.S. Summit the participants reaffirmed the need to remain vigilant about addressing Iran's destabilizing actions in the region, including its ballistic missile program and support for terrorist groups such as Hizballah and other extremist proxies, in Syria, Yemen, Lebanon, and elsewhere.

Despite signing up to that affirmation, the U.S. has done little on the ground to counter that Iranian threat beyond the JCPOA. Many believe that the Administration's priority is protecting the JCPOA against an unlikely possibility of Iranian withdrawal and thus has not followed through on its commitments with the GCC. Those who have spoken to the region's friendly leaders in the past six months have heard basically the same message everywhere: We are very concerned about Iran, and even more concerned about America's seeming abdication from its traditional regional security role.

Some defending this absence argue that Yemen is the GCC states' 'Vietnam' war; they are in a bloody stalemate, and eventually must conclude they are losing too much and thus will withdraw as the Israelis did from southern Lebanon.

And that analogy is applicable, but in the opposite way. For the GCC states, especially the Kingdom, this is not a war of choice far from Saudi soil. They saw what happened when the Israelis withdrew, and Iran then armed Hezbollah with now 150,000 rockets and missiles that now can strike almost all of Israel. Thus for the Saudis Yemen is an existential conflict in two ways.

First, Saudi soil and Saudi citizens are under fire just as we have seen with Israel, from both rocket attacks and ground incursions. Second, even more importantly, the GCC states see this conflict as part of a larger struggle, with the Sunni Arab states increasingly on the defensive as Iran secures footholds in Arab state after Arab state. Some on the back of local Shia populations; others, as with Oman and Hamas, yielding for opportunistic reasons. But in any case, the attitude of the

GCC states and to some degree others of our regional partners is, 'we are besieged.'

POLICY IMPLICATIONS

Under such circumstances, ending the very limited American military and diplomatic support for the GCC is unlikely to end the war or humanitarian crisis. Both the GCC states and the Houthis and their Iranian ally will fight on.

But more American recognition of, and willingness to actually help deter, Iranian advances, could generate willingness by our Arab friends to modify their tactics, especially aerial bombing, try harder to reduce civilian suffering, and support any serious peace effort.

That might not end the conflict, depending on how Iran would react, but it could limit the extent of violence and humanitarian disaster, aid in the common fight against ISIS and al Qaeda, give the U.S. more leverage in the region, and avoid a descent into Syria-like chaos in Yemen, or beyond.

Mr. MCGOVERN. Thank you very much.
Mr. Bowers.

**STATEMENT OF MICHAEL BOWERS, VICE PRESIDENT FOR
HUMANITARIAN POLICY AND PRACTICE, MERCY CORPS**

Mr. BOWERS. Good morning. First of all, I would like to thank the co-chairs, Representatives McGovern and Pitts, and Congressman Lieu for holding this important and timely hearing and inviting Mercy Corps to testify. And I thank you for the Commission's continued leadership.

Mercy Corps has been working in Yemen since 2010 in over 10 governorates. We have a team of over 130 national and international staff in offices such as Sana'a, Taiz, and Aden. Our programming tackles humanitarian needs, including food security, water, sanitation, nutrition, and livelihoods.

Unfortunately, my Yemeni colleagues could not be here today to represent their perspectives. But I hope I can provide what they feel and provide enough testimony today to compel Congress to act.

Ongoing violence in Yemen has resulted in over 21.2 million people, at least 80 percent of the population, in need of humanitarian assistance. Yemen currently faces one of the worst humanitarian crises of the world, and as you mentioned, is often not seen in the general public.

While the recent announcement of a potential cessation of hostilities is a crucial first step in addressing the humanitarian catastrophe, the country will no doubt face many challenges as it moves to stabilize the economy, address humanitarian conditions, and undertake the process of healing social fragmentation. The longer the war rages on, the more the humanitarian crisis will continue to escalate, complicating the path towards long-term stability. As such, it is incumbent upon the United States and its allies to redouble efforts to support and bring about a negotiated end to this conflict.

For instance, in Taiz we have seen some of the worst fighting in the war. Fifty-year-old Etedal Mohamed, a mother of four, shared her story with my Mercy Corps colleagues recently. Before the war, she and her husband sold goats to earn income. When fighting intensified in their village, Etedal and her family moved to Taiz city and rented a small, broken-down apartment. Having lost their source of income, they have had to start borrowing money from relatives to pay their small rent and to buy food. But it wasn't enough, so Etedal and her husband started skipping dinner. Then there wasn't enough money for her family to even eat dinner. Quote, "Most nights we went to sleep hungry and we don't know where our next meal would come from," she said.

They couldn't afford to send their children to school, and the kids started getting anxiety about missing their education. On top of all of this, as the war raged on in the city around them, they felt very heavy, she said. "I don't want to ask for help."

Even prior to this crisis, Yemen was already the poorest country in the

Middle East. Now nearly two years since the escalation of a conflict, conditions are at an all-time low and figures speak for themselves, as Congressman McGovern mentioned. The economy is on the verge of collapse. Less than half the health facilities are functioning, while health officials have confirmed a recent cholera outbreak, and famine is only one step away in some parts of the country.

A staggering 19 of the 22 governorates are under food security phase 3, which is a crisis, or phase 4, which is considered an emergency, with phase 5 being famine in general. In total, 14.4 million people are food insecure, more than half the population. The vast majority of Yemen's population also lacks access to water and sanitation services, which are critical to maintaining good health.

In Taiz governorate, one of the most food insecure regions of the country and where food prices are the highest, Mercy Corps provides emergency nutrition services to children and women. What we found is startling. Of nearly 10,000 children under 5 years old that were screened for malnutrition between November 2015 and January 2016, 7 percent were found to be severely acutely malnourished. That is double the rate that we expected. The number is staggering even more so when considering that children with severe acute malnutrition are nine times more likely to die than children who are well nourished.

To make matters worse, the country is in the midst of an economic crisis, compounded by inflated food and fuel prices, a dwindling foreign reserve, and a massive cash shortage. The Central Bank of Yemen, once one of the few neutral institutions in the country, has become a political pawn between the warring parties. This institution that once helped Yemen maintain some semblance of economic stability is now on the verge of failure.

The CBY is no longer able to pay public sector salaries, provide lines of credit for essential imports like wheat, and service debt obligations. Alongside the challenges facing the bank, imports of basic commodities into the country, including food and fuel, are scarce, continue to face blockages at ports. Throughout the country, economic infrastructure is also being devastated by the widespread bombing of factories, fishing boats, roads and bridges, and the continuous threat of airstrikes on truck traffic, which has made some areas of the country essentially unreachable by humanitarian aid agencies.

Of particular concern, cash shortages resulting from Yemen's economic collapse have been a pervasive impact on Mercy Corps' humanitarian program in the country and our ability to help Yemenis build more productive lives. At the same time, the value of the Yemeni Riyal continues to shrink, affecting markets and the purchasing power of Yemenis. They have resulted in adverse impacts on our food voucher programs, our cash for work, and our unconditional emergency cash transfers. Water and sanitation work, and in-kind food for assistance have become basic operational hindrances due to cash shortages.

For instance, shortages of cash have affected our ability to properly

compensate vendors and suppliers as part of our food vouchers, and infrastructure rehabilitation work. If we are unable to properly pay vendors in the middle of a project, then we are unable to meet the urgent needs of the most vulnerable households. The loss of income in livelihoods, in conjunction with high prices of food and fuel and essential commodities, has further undermined people's ability to cope with the effects of the war.

In the year since March 2015, around a quarter of the companies in Yemen have closed, and 70 percent of Yemeni laborers have been laid off. While prices of wheat, flour, sugar, onions, and red beans remain higher in pre-crisis period. This is an even more severe blow for 1.5 million of Yemen's most vulnerable families who previously relied on emergency assistance through a Yemeni social welfare fund.

In total, 1.2 million breadwinners, an estimated 7 million dependents, have not seen wages in three months, only serving to accelerate the already devastating food crisis. With only 45 percent of health facilities fully functioning due to damage, shortages of medicines, and inadequate staffing, in part due to lack of salaries, the banking crisis clearly affects the most crucial public services.

Blockages at Yemen's major ports and the discontinuation of lines of credit from Central Bank for the import of basic food, continue to restrict both commercial activity and humanitarian assistance. Currently, a few seaports are operational, face long import processes, and are often cut off from major swaths of the country.

The United Nations Verification and Inspection Mechanism has been successful in mediating and allowing for millions of metric tons of food, fuel, and supplies to arrive. Yet there is still a backlog of ships just waiting to offload. When they do offload, the process can take around one month to complete due to inadequate port capacity. This matters because prior to the war, around 90 percent of Yemen's basic food items, such as wheat, were imported. Nearly two years into the escalated conflict, the price of wheat remains 25 percent higher than before. In practical terms, port blockages, coupled with the discontinuation of lines of credit, are having a devastating impact.

As humanitarian actors, we are also deeply concerned about the widespread disregard for civilian protection by parties to the conflict, evidenced most shockingly on October 8, 2016. The deadly double-tap airstrike on that funeral in the capital, perpetrated by Saudi-led coalition, killed at least 140 civilians and injured 525 others.

Following that attack, Mercy Corps, along with colleague agencies, urged the United States Government to use its leverage to require compliance with international humanitarian law by the Saudi-led coalition as a condition of U.S. cooperation and support, and asked the U.S. to support calls for an independent investigation into the attacks on civilians. Today, I echo that call.

That funeral attack is just another in a long targeted attacks on civilians and vital infrastructure, including health facilities, schools, factories, and bridges. The recklessness of the Saudi-led operation in Yemen indicates a

fundamental unwillingness or inability to comply with the basic laws governing warfare.

However, in September, just a month before the bombing, Congress approved \$1.15 billion of weapons to Saudi Arabia. This deal signals a lack of concern by the U.S. Government for the civilian loss of life, injuries and the destruction of infrastructure now in Yemen, and reinforces the permissiveness of the current Saudi-led coalition operations. Introducing more weapons has the potential to exacerbate the fighting and put more civilians at risk.

I would like to leave you a few recommendations and steps for the U.S. Congress to take to address for humanitarian needs in Yemen. First, commit \$1.6 billion to fund the Food for Peace account. To fight global hunger, save lives, and help families survive, particularly the 7 million people in Yemen facing emergency levels, we need Congress to fund Food for Peace at the Senate level of \$1.6 billion for FY 2017. We also need congressional support for the Community Development Fund, a critical fund that allows the U.S. Government to ensure that food programs are operated effectively and efficiently to create the biggest impact possible.

The current draft of the House Agricultural Appropriations bill includes language that limits the use of the Community Development Fund to meet, quote, "the safe box" required funding level of \$350 million. This language would, in effect, force the USAID to turn to monetization and prevents \$80 million additional being used on the emergency side for Food for Peace, funds that could be used to help Yemen. If this provision is included in the final conference agreement, it would pull life-saving food aid from approximately 2 million people. I hope the Human Rights Commission can weigh in on whether their appropriations colleagues can rectify this problem through a legislative fix and at no cost to the U.S. taxpayer that could cover and help over 2 million.

Secondly, maintain high levels account for humanitarian needs. Support no less than \$2.8 billion for the International Disaster Assistance account, and \$3.2 billion for the Migration and Refugee Assistance to address the vast needs throughout the country, and particularly to address rising food insecurity, water and sanitation.

The OCHA humanitarian response plan was only 51 percent funded in 2016. The 2017 plan could be released early next year, and in order to turn around that abysmal level of global attention to the humanitarian needs in Yemen, we call on the U.S. Congress and its leadership in a role in funding.

Third -- and this is a concrete ask -- urge the U.S. Treasury and Department of State to work with the Central Bank of Yemen to find a political compromise that allows for cooperation between Aden and Sana'a, and the full resumption of core functions as quickly as possible. The U.S. Treasury, in coordination with the U.S. Department of State, should work with technocrats on the two arms of CBY to draw upon an agreement for the resumption of core functions that impact humanitarian services, potentially as part of initial steps to build confidence by parties to the conflict toward a negotiated peace.

In particular, their immediate needs: Pay the country \$1.2 million civil servants who, as head of households, are breadwinners for nearly 7 million people. It would restart support for the social welfare fund, which previously provided aid to the poor segments of society; and resume lines of credits for import of basic foodstuffs. It would also stabilize the Riyal and alleviate the country's liquidity crisis with its physical banknote distribution of both branches.

Fourth, we need to seek solutions addressed for logistical delays at Yemen's ports. Import restrictions are resulting in delays that continue to inhibit commercial activity and provision of essential goods. The U.S. should pressure the Saudi-led coalition to cooperate with the U.N. verification mission so import processes are not further delayed, to stop targeting.

Fifth, ask the U.S. administration to provide details about their timeline and implementation of its review of the Saudi-led coalition and to condition continued support for the Saudi-led coalition's military operations in Yemen on the adoption of measures to enhance compliance with international humanitarian law and to minimize civilian harm. Continued U.S. support should be based upon demonstrable improvement in the conduct of hostilities, including by refraining from indiscriminate and disproportionate use of force, such as attacks on medical facilities and schools.

While we welcome the October 8 statement made by the National Security Council's spokesperson announcing the U.S. Government intention to review its support for the SLC, we find it disconcerting that the U.S. support has not already taken.

Sixth and finally, support a transparent investigation into violations of international humanitarian law. Through the Security Council, support an immediate independent and international investigation into the incident and other alleged violations of IHL, under the auspices of the U.N. Office of High Commissioner for Human Rights, to hold these responsible for IHL violations.

In conclusion, Yemen is at a critical juncture, but I have hope for its future. When Mercy Corps began providing food assistance through our voucher program, in partnership with the World Food Programme, Etedal, this woman I mentioned earlier, was the beneficiary. Each month her family received enough food to allow them to save a little bit more than they would normally spend on food rations. With the money they have saved, her family now has opened up a small shop that now sells chickens. They have earned some money and are able to send their children back to school. So there is real proof your support can help. Thank you so much for your consideration.

[The prepared statement of Mr. Bowers follows:]

PREPARED STATEMENT OF MICHAEL BOWERS



**Statement of Michael Bowers
Vice President, Humanitarian Leadership and Response, Mercy Corps**

**Tom Lantos Human Rights Commission
House of Representatives**

Hearing on the Humanitarian Crisis in Yemen

November 17, 2016

I would like to thank the co-chairs, Representatives McGovern and Pitts for holding this important and timely hearing and for inviting Mercy Corps to testify. And, thank you for the Commission's leadership on this issue.

Mercy Corps has been working in Yemen since 2010 across 10 governorates. With a team of over 130 national and international staff, and offices in Sana'a, Taiz and Aden, our programming tackles humanitarian needs with a specific focus on food security, water and sanitation, nutrition, livelihoods, agriculture, and mine-risk education. Unfortunately, my Yemeni colleagues could not be here to represent our perspectives today, but they are deeply engaged in guiding Mercy Corps work and informing the testimony that I will present today.

Humanitarian needs are vast and deteriorating

Ongoing violence in Yemen has resulted in 21.2 million people -- at least 80% of the population -- in need of humanitarian assistance. Yemen currently faces one of the worst humanitarian crises in the world. While the recent announcement of a potential cessation of hostilities is a crucial first step in addressing the humanitarian catastrophe, the country will no doubt face many challenges as it moves to stabilize the economy, address humanitarian conditions and undertake the process of healing social fragmentation. The longer the war rages on, the more the humanitarian crisis will continue to escalate, complicating the path toward long-term stability. As such, it is incumbent upon the United States and its allies to redouble efforts to support and bring about a negotiated end to the conflict.

In Taiz, which has seen some of the worst fighting in the war, 50 year-old Etedal Mohamed, a mother of four shared her story with my Mercy Corps colleagues. Before the war, she and her husband sold goats to earn an income. When fighting intensified in their village, Etedal and her

family moved to Taiz City and rented a small, broken down apartment. Having lost their source of income, they had to start borrowing money from relatives to pay their small rent and buy food. But it wasn't enough, so Etedal and her husband started skipping dinner. Then there wasn't enough for any of her family to eat dinner. "Most nights we went to sleep hungry and we didn't know where our next meal would come from," she said. They couldn't afford to send their children to school and the kids started getting anxiety about missing their education. On top of all this, the war raged on in the city around them. "I felt very heavy," Etedal said. "I didn't want to ask for help."

Even prior to the current crisis, Yemen was already the poorest country in the Middle East. Now nearly two years since the escalation of conflict, conditions are at an all time low and the figures speak for themselves. The economy is on the verge of collapse, less than half of the health facilities are functioning -- while health officials have confirmed a cholera outbreak -- and famine is only one step away in some parts of the country. A staggering 19 out of 22 governorates are under food security phase 3 (crisis) or phase 4 (emergency), with phase 5 being 'famine.'¹ In total, 14.4 million people are food insecure, more than half of the population.² That's like 176.8 million people in the United States living without reliable access to affordable, nutritious food.³ Over 3.19 million people have been displaced since the conflict began, according to the UN's latest figures from October 2016. Among displaced populations, most people report that food is their number one need.⁴ The vast majority of Yemen's population also lacks sufficient access to water and sanitation services, which are critical to maintaining good health.

Of the millions of Yemenis going hungry, vulnerable groups are bearing the brunt of the disaster. Yemen has one of the highest rates of child malnutrition in the world and now, according to UNICEF, at least 3.1 million children and pregnant and lactating mothers are acutely malnourished. Of those, 370,000 children are enduring severe acute malnutrition, which means that if untreated, their condition could worsen to the point of permanently damaging their physical and mental development, or tragically, they could even die.⁵ Malnutrition contributes to almost half (45%) of all deaths in children under 5 and severely malnourished children are at greater risk of medical complications and death from illness or infections.

¹ See <http://www.ipcinfo.org/> for more information about the integrated food security phase classification.

² Yemen Humanitarian Bulletin: October 2016. UN OCHA. <http://reliefweb.int/report/yemen/yemen-humanitarian-bulletin-issue-17-30-october-2016>

³ U.S. Census 2015, <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

⁴ Task Force for Population Movement
<https://www.humanitarianresponse.info/en/operations/yemen/infographic/report-task-force-population-movement-11th-report-september-2016>

⁵ "Yemen conflict: devastating toll for children," UNICEF, October 2016.
https://www.unicef.org/infobycountry/yemen_85651.html

Because of the extent of malnutrition in Yemen, half of all children under five are stunted. The long-term health effects of stunting are striking: diminished cognitive and physical development, poor health, and an increased risk of diabetes and other degenerative diseases.⁶ Even more striking, however, are how the effects of childhood stunting permeate both economic and social development as well. The cognitive impairment resulting from stunted growth yields poor school performance. Poor school performance means decreased income earnings as an adult. And decreased income may, ultimately, lead back to the very poverty that helped to cause stunting in the first place.⁷ Economists estimate that these adverse effects of under nutrition can, over time, reduce a country's economic advancement by at least 8% because of direct productivity losses, losses from poorer cognition and losses due to reduced schooling.⁸

In Taiz Governorate, one of the most food insecure regions in the country and where food prices are the highest, Mercy Corps provided emergency nutrition services to children and women. What we found was startling. Of the nearly 10,000 children under five years old that were screened for malnutrition between November 2015-January 2016, seven percent were found to be severely acutely malnourished. That is double the rate we expected. This number is staggering -- even more so when considering that children with severe acute malnutrition are nine times more likely to die than children who are well-nourished.⁹ And, when we calculated the GAM (Global Acute Malnutrition) rate,¹⁰ which is the international standard for measuring the severity of a malnutrition situation, the rates in this area of Taiz were double the World Health Organization's critical threshold of 15%; figures that were supported by a recent nutritional survey from UNICEF and the Ministry of Health in Taiz.¹¹ The scale of Yemen's food insecurity cannot be overstated.

Economic factors

To make matters worse, the country is in the midst of an economic crisis compounded by inflated food and fuel prices, a dwindling foreign reserve, and massive cash shortages. The Central Bank of Yemen (CBY), once one of the few neutral institutions in the country, has become a political pawn between the warring parties. This institution that has helped Yemen maintain some semblance of economic stability is now on the verge of failure. The CBY is no longer able to pay public sector salaries, provide lines of credit for essential imports like wheat, and service debt obligations. Alongside the challenges facing the Bank, imports of basic

⁶ WHA Global Nutrition Targets 2025: Stunting Policy Brief

http://www.who.int/nutrition/topics/globaltargets_stunting_policybrief.pdf. Accessed 14 November 2016.

⁷ Kathryn G. Dewey & Khadija Begum "Long-term consequences of stunting in early life." *Maternal and Child Nutrition* (2011), <http://onlinelibrary.wiley.com/doi/10.1111/j.1740-8709.2011.00349.x/epdf>

⁸ The Lancet, Maternal and Child Nutrition Series, Available online at: <http://www.thelancet.com/pb/assets/raw/Lancet/stories/series/nutrition-eng.pdf>

⁹ Severe Acute Malnutrition Factsheet, UNICEF https://www.unicef.org/nutrition/index_sam.html

¹⁰ GAM (Global Acute Malnutrition) is a combination of moderate and severe acute malnutrition in children <5 years.

¹¹ A recent SMART (Standardized Monitoring and Assessment of Relief and Transitions) survey found rates elevated 10% above the critical threshold of 15%.

commodities into the country -- including fuel and food staples -- continue to face blockages at ports. Throughout the country, economic infrastructure has also been devastated by the widespread bombing of factories, fishing boats, roads and bridges, and the continuous threat of airstrikes on truck traffic which has made some areas of the country essentially unreachable by humanitarian aid agencies.

Of particular concern, cash shortages, resulting from Yemen's economic collapse, have had a pervasive impact on Mercy Corps' humanitarian programming in the country and our ability to help Yemenis build more productive lives for themselves. At the same time, the value of the Yemeni Riyal continues to shrink, affecting markets and the purchasing power of Yemenis. This has resulted in adverse impacts on our food voucher programs, cash-for-work and unconditional emergency cash transfers, water and sanitation work, in kind non-food assistance, and basic operational costs. For instance, shortages of cash has affected our ability to properly compensate vendors and suppliers as part of our food vouchers, basic household supply distributions, and infrastructure rehabilitation work. If we are unable to properly pay vendors in the middle of a project, then we are unable to meet the urgent needs of vulnerable households. This can also spark anger and distrust, increasing insecurity and causing significant program delays. Even Mercy Corps staff have not been able to fully withdraw their salaries from the banks -- relying upon small daily caps to just get by.

This loss of income and livelihoods in conjunction with high prices of fuel, food, and essential commodities has further undermined people's ability to cope with the effects of the war. In one year since March 2015, around a quarter of all companies in Yemen had closed and 70% of Yemeni laborers had been laid off, while prices of wheat flour, sugar, onions, and red beans, remain higher than in the pre-crisis period. This is an even more severe blow to over 1.5 million of Yemen's most vulnerable families who previously relied on emergency assistance administered by the Yemen Social Welfare Fund. Alongside this, we are seeing deteriorating economic conditions throughout the country fueled by the discontinuation of public sector salary payments by the CBY in August 2016. In total, 1.2 million breadwinners -- with an estimated 7 million dependents -- have not seen wages in three months, only serving to accelerate the already devastating food crisis.¹² With only 45% of health facilities fully functioning due to damage, shortages of medicines, and inadequate staffing, in part due to lack of salaries, the banking crisis clearly affects the most crucial public services.

Blockages at Yemen's major ports, and the discontinuation of lines of credit from the Central Bank for the import of basic food commodities and fuel, continue to restrict both commercial activity and humanitarian assistance. Currently, the few sea ports that are operational face long

¹² "Yemen Without a Functioning Central Bank: The loss of basic economic stabilization and accelerating famine" Sana'a Center for Strategic Studies, 3 November 2016. <http://sanaacenter.org/publications/item/55-yemen-without-a-functioning-central-bank.html>

import processes, are cut off from major swaths of the country, or lack capacity to support efficient importation due to major damage to infrastructure¹³ The United Nations Verification and Inspection Mechanism (UNVIM) has been successful in mediating and allowing for millions of metric tons of food, fuel, and supplies to arrive at Yemen's few functioning ports. Yet, there is still a backlog of ships just waiting to offload. When they *do* offload, the process can take around one month to complete due to inadequate port capacity.

This matters because prior to the war, about 90% of Yemen's basic food items, such as wheat and rice, were imported. Nearly two years into the escalated conflict, the price of wheat remains 25% higher than before March 2015.¹⁴ In practical terms, port blockages coupled with the discontinuation of lines of credit by the Central Bank are having a devastating impact. By way of example, Yemeni wheat importers estimate that without renewed import financing for grains, existing domestic supplies will be exhausted within two months. But also concerning is the massively reduced household purchasing power. Many Yemenis cannot afford food even if it is available on a regular basis. As a result of import restrictions, currency fluctuation, insecurity related to the conflict and other market factors, the relative cost of food has soared causing families to resort to negative coping mechanisms, like reducing food intake or skipping meals. Not surprisingly, the highest food prices are reported in the governorates most affected by the ongoing crisis such as Taiz and Sa'ada.

Civilian Protection

As humanitarian actors, we are deeply concerned about the widespread disregard for civilian protection by parties to the conflict, evidenced most shockingly on October 8, 2016. A deadly, double-tap airstrike on a funeral ceremony in the capital, Sana'a, perpetrated by the Saudi-led Coalition (SLC), killed at least 140 civilians and injured 525 others. Following that attack, Mercy Corps, along with colleague agencies, urged the United States government to use its leverage to require compliance with international humanitarian law by the SLC as a condition of US cooperation and support and asked for the US to support calls for an independent investigation into attacks on civilians. Today, I echo that call.

The funeral attack was just another in a line of targeted attacks on civilians and vital infrastructure, including health facilities, schools, factories, and bridges. The recklessness of the Saudi-led operations in Yemen indicates a fundamental unwillingness or inability to comply with the basic laws governing warfare. However, in September, just a month prior to this bombing, Congress approved the sale of \$1.15 billion of weapons to Saudi Arabia. This deal signals a lack of concern by the US government for the civilian loss of life, injuries and destruction of

¹³ See: http://reliefweb.int/sites/reliefweb.int/files/resources/logistics_cluster_yemen_shipping_food_fuel_snapshot_august_161006.pdf

¹⁴ WFP Yemen Market Watch Report, October 2016. <https://www.wfp.org/content/yemen-monthly-market-watch-2016>

infrastructure occurring now in Yemen, and reinforces the permissiveness of the current SLC operations. Introducing more weapons has the potential to exacerbate the fighting and put more civilians at risk.

With the US sale of weapons to Saudi Arabia, plus its ongoing logistical and intelligence support to the SLC, the people of Yemen now view the United States as a party to the conflict. Because of this, the US should seriously consider the legal and moral implications of its continued support to Saudi Arabia. How can the US claim legitimacy in its efforts to broker a peace deal as long as it continues to sell arms and provide the logistical support and intelligence, which perpetuate the conflict and its devastating impact on civilians? The US must play a critical role in ensuring greatest possible compliance with international humanitarian law while the conflict persists, including through practical operational measures to minimize harm to civilians in ongoing military operations. Any US support must come with the expectation of compliance with the law and pro-active measures to protect civilians, including the technical advice to do so. The US should also support independent oversight and accountability mechanisms.

Recommendations

I'd like to leave you with a few recommendations and steps that the US Congress should take to address the humanitarian crisis in Yemen.

First, commit \$1.6 billion to fund Food for Peace.

To fight global hunger, save lives and help families survive crisis, particularly the 7 million people in Yemen facing emergency levels of severe food insecurity, we need Congress to fund Food for Peace at the Senate level of \$1.6 billion in FY 2017. We also need Congressional support for the Community Development Fund — a critical fund that allows the US government to ensure that food programs are operated effectively and efficiently to create the biggest impact. The current draft of the House Agriculture Appropriations bill includes language that limits the use of the Community Development Fund to meet the 'safebox' required funding level of \$350 million. This language would, in effect, force USAID to return to monetization and prevents \$80 million additional dollars from being used on the emergency side of Food for Peace -- funds that could be used to help Yemen. If this provision is included in the final conference agreement, it would pull lifesaving food aid from approximately two million people. I hope the Human Rights Commission can weigh in with their appropriations colleagues and rectify this problem through a legislative fix that at no cost to the US taxpayer would help over two million more people.

Second, maintain high levels of support for key humanitarian accounts.

Support no less than \$2.8 billion for the International Disaster Assistance (IDA) and \$3.2 billion for Migration and Refugee Assistance to address the vast needs throughout the country and particularly to address rising food insecurity, water and sanitation, and health needs. The OCHA Humanitarian Response Plan was only 51% funded for 2016. The 2017 plan should be released

early next year and in order to turn around this abysmal level of global attention to the humanitarian needs in Yemen, we call on the US to continue its leadership role in funding, as well as in leveraging, broader donor support to fill gaps.

Third, urge the US Treasury and the Department of State to work with the Central Bank of Yemen to find a political compromise that allows for cooperation between Aden and Sana'a and the full resumption of core functions as quickly as possible.

The US Treasury -- in coordination with the US Department of State -- should work with technocrats at the two arms of the CBY to draw up an agreement for the resumption of core functions that impact humanitarian services, potentially as part of initial steps to build confidence by parties to the conflict toward a negotiated peace settlement. In particular, there is an immediate need to find means to:

- Pay the country's 1.2 million civil servants who, as heads of households, are the breadwinners for roughly 7 million people.
- Restart support for the Social Welfare Fund, which previously provided aid to the poorest segments of Yemeni society.
- Resume lines of credit for the import of basic foodstuffs and fuel.
- Stabilize the Riyal and alleviate the country's liquidity crisis in physical banknotes distributed to both branches.
- Pay or reschedule foreign debt obligations to maintain the trust of financial markets and ensure Yemen is eligible for loans to rebuild after the war.

Fourth, seek solutions to address logistical delays at Yemen's ports.

Import restrictions are resulting in delays that continue to inhibit commercial activity and provision of essential humanitarian commodities. For example, at the main port of Hodeidah, cargo ships are currently spending weeks offshore waiting to berth. This is in part due to a massive reduction in the port's offloading capacity because of infrastructure damaged by airstrikes. The US should help secure funding to replace key infrastructure. Until these delays for offloading are resolved, additional funding for food or humanitarian supplies will have only a limited impact. In addition, the US should pressure the SLC to cooperate with the UNVIM so import processes are not further delayed and to stop targeting civilian transportation infrastructure such as roads and bridges to further help ease bottlenecks.

Fifth, ask the US administration to provide details about the timeline and implementation of its review of support to the Saudi-led Coalition (SLC) and to condition continued support for the Saudi-led Coalition's military operations in Yemen on the adoption of measures to enhance compliance with international humanitarian law and to minimize civilian harm.

Continued US support should be based on demonstrable improvement in the conduct of hostilities, including by refraining from indiscriminate and disproportionate use of force, such as

attacks on medical facilities, schools, and other civilian objects. While we welcome the October 8, 2016 statement made by the US National Security Council spokesperson, Ned Price, announcing the US government's intention to review its support to the SLC, we find it disconcerting that US support was not already under review. We call upon the United States to take significant steps to make public the risk assessments that the US is obligated to carry out during the process of arms transfers, such as the recently approved sale of \$1.15 billion in military equipment from the US to Saudi Arabia. This should be established as best practice regarding any major arms sale.

Sixth, support a transparent investigation into violations of International Humanitarian Law (IHL).

Through the Security Council, support an immediate, independent, international investigation into this incident and other alleged violations of IHL, under the auspices of The UN Office of the High Commissioner for Human Rights, to hold those responsible for IHL violations to account.

Finally, call on Saudi Arabia to lift the current restrictions on commercial flights out of Sana'a International Airport.

Civilian victims of targeted attacks -- many at the hands of the SLC -- have suffered immense injuries; others continue to suffer from chronic illnesses and are in need of immediate care. Yet, with the airport inaccessible, they are left to suffer, unable to receive the urgent treatment they need to survive. It is imperative that these civilians be permitted to seek critical medical care outside of Yemen. Additionally, the limited capacity for humanitarian personnel to travel in and out of Yemen, given that the only flights allowed are UN, MSF, and ICRC, continues to affect the human resources side of the response in Yemen. This vital air-bridge is also fragile, and can be easily closed at a moment's notice by the Saudis. It has to be better protected and expanded.

In conclusion, Yemen is at a critical juncture, but I have hope for its future. When Mercy Corps began providing food assistance through our voucher system in Taiz City this year, in partnership with the UN World Food Programme (WFP), Etedal was a beneficiary. Each month her family received enough food to allow them to save some money usually spent on food rations. With the little money they saved, her family opened a small shop selling chickens. They earned some more money and could send their children back to school. Their children became healthier and they became, as our team said, self-determined. Etedal told our team, "Thank you. You think you are just providing us with food, satisfying our hunger. But you are protecting us and saving us from hunger. Maybe you are even saving us from death. We ask you, please continue this program."

Yemenis like Etedal have incredible resilience and spirit. But, Yemenis also need external support as they face the unrelenting shocks of this war. We must not abandon Yemen and its next

generation. I call on the US Congress to invest in emergency programs addressing food insecurity and continuing humanitarian assistance. I also urge you to encourage the US government to utilize all diplomatic levers at our disposal to shore up Yemen's fragile economic conditions and to prevent additional civilian casualties and violations of International Humanitarian Law.

Mr. MCGOVERN. Thank you very much.

Mr. Paul, I probably should just give you -- we are going to have a series of votes shortly, so all your testimonies will be admitted into the record in its entirety. So if you want to summarize, that would be helpful.

And before we go to you, I want to yield to my co-chair, Mr. Pitts, for a statement. And I just also want to publicly say this is his last hearing, I think, as co-chair of the Human Rights Commission. Mr. Pitts has decided to do the sane thing and go on to pursue other things, other than being here.

But I just want to say this: You know, people always talk about all the division that exists here in Congress, but on the issue of human rights, there has been some remarkable consensus and bipartisan work. And, you know, he is a conservative Republican from Pennsylvania, I am a liberal Democrat from Massachusetts, but I have great admiration for his commitment to human rights. And it has been a real privilege for me to be able to serve alongside of him on this Commission. So I want to yield to my friend, Mr. Pitts.

Mr. PITTS. Thank you, Mr. Chairman. I really appreciate you holding this important hearing. It is a difficult issue of Congress, and that is why your leadership is so important. And I have -- really, it has been a great honor to work with you and serve with you in this capacity.

I have been humbled by the opportunity to serve this body by promoting policy that honored human dignity and fraternity. And I would like to thank the Commission staff. I appreciate the hard work that everyone has been doing this Congress, especially in helping my office navigate my responsibility.

I just want to highlight my gratitude to Jim McGovern as co-chair for all of his hard work. The bipartisanship, the professionalism, the charity that Congressman McGovern has displayed during my tenure gives me great hope for this body and its future. Congress is in good hands under his leadership. And so I thank you for your commitment, for your leadership.

And for all of those of you who champion dignity and human rights, we appreciate the opportunity to be with you this morning. I apologize that we are being interrupted by floor votes, but I look forward to reading all of your testimony.

Thank you, Mr. Chairman. I yield back.

Mr. MCGOVERN. Thank you very much.

Mr. Paul.

STATEMENT OF SCOTT PAUL, SENIOR POLICY ADVISOR, OXFAM USA

Mr. PAUL. Thank you, both honorable co-chairs. And I am lucky now at this moment to be able to congratulate both of you on all of the work you have done. And I thank Co-chairman Pitts for all of his leadership over the years. I am also especially grateful to be presenting here in front of Congressman Lieu, whose bold advocacy has really put Yemen and the U.S. role in Yemen on the map. I will do my best to summarize the remainder of

my testimony so we can get through the remainder of our witnesses.

I speak today on behalf of Oxfam, which has worked in Yemeni communities for more than 33 years supporting women and youth advocates and fighting endemic poverty. In the face of daunting security and logistical challenges, we are targeting areas most affected by the conflict in northern and southern governorates. Thus far, we have reached more than 900,000 people since the start of the crisis.

Over 21 million people, or four out of five, in Yemen, more than any other country in the world, are in need of immediate, lifesaving humanitarian assistance. Over 3 million people have fled their homes, over 7 million are on the verge of starvation, over 10,000 civilians have been killed or injured by fighting, with tens of thousands more dying from preventable and treatable diseases.

All armed actors in Yemen have demonstrated their disregard for the well-being of civilians. This includes the Saudi-led coalition, whose airstrikes have been confirmed by the United Nations and human rights organizations to be either indiscriminate, disproportionate, or directly targeting civilians or civilian objects.

Saudi airstrikes have hit weddings and schools. They have hit hospitals and clinics. In total, independent experts concluded that over one-third of airstrikes carried out between March 2015 and August 2016 struck nonmilitary sites. These included two Oxfam facilities, a warehouse, and a European Commission-funded solar panel, both of which were destroyed. Thankfully, none of our staff were injured.

The most wide-ranging impact coalition airstrikes have been economic. Farms, factories, warehouses, and power plants have all been frequently damaged and destroyed in airstrikes. In addition to ensuring the supply of food, electricity, medicine, and other household goods to the population, these facilities were a major source of employment in Yemen. For example, in Khamer, a small city in Amran governorate I visited in August, I spoke with Yemenis participating in an Oxfam-funded project to remove waste and debris from the streets. Many of them were former employees of the Amran cement factory, which was destroyed in a Saudi airstrike in February. They have been unable to find other work since the bombing of the factory and insisted that, but for the money they earned from the cleanup project, they would not survive.

Perhaps the principal cause of Yemen's humanitarian crisis is the country's failing economy, though. Soon after it began its military campaign, the Saudi-led coalition began to withhold permission for humanitarian and commercial vessels to berth in Yemen's Houthi-controlled Red Sea ports. Yemen, as my colleague mentioned, depends on imports to meet about 90 percent of its food needs. Imports fell dramatically and food prices spiked. The resulting fuel shortage affected not only personal transportation, but also water purification, sanitation, the milling of grain, the operation of hospitals, and the refrigeration of food and pharmaceuticals. Shipping conditions, including the reduced capacity of Hodeidah Port due to an August 2015 Saudi

attack, continued to create delays, reduce imports, and raise food prices.

Meanwhile, the Central Bank of Yemen's declining foreign reserves, and relocation to Aden, have shaken confidence in the banking system, further exacerbating lack of imports. The banking crisis has also halted the payment of salaries to Yemen's \$1.2 million civil servants, who are breadwinners for as many as 6 million people. Now grain supplies are running low and suppliers tell us that there is no more to come for at least 3 months. If the CBY remains unstable, poorly managed, and without adequate foreign reserves, a dramatic downturn in the food security situation and health outcomes for Yemeni families will soon follow.

Although Yemeni parties and Saudi-led coalition together are to blame for Yemen's descent into humanitarian crisis, U.S. policy has also helped to prolong and exacerbate the situation. The U.S. Government, in my view, has adopted an incoherent and ethically indefensible policy, pleading for peace while fueling the war.

Let me first mention some constructive aspects of U.S. engagement very briefly. The administration has repeatedly called for dialogue and reconciliation and opposed any attempts by any armed faction to take power by force. The U.S. has also been the world's largest humanitarian donor. And Secretary Kerry's most recent initiative, the agreement of a cessation of hostilities and peace agreement over the objections of the government of Yemen, is a heroic effort. But the administration's positive moves have been undercut by its overriding focus on bilateral relations with the Kingdom of Saudi Arabia.

In November 2015, the State Department approved a sale of \$1.29 billion dollars in precision-guided munitions, intended to replenish supplies depleted due to the high operational tempo of Saudi air operations. The American Bar Association concluded that this assistance must be suspended pending a credible investigation. Congress' acquiescence to the sale sent a strong message that U.S. support remains a blank check.

On October 8 of this year, you all know of the devastating bombing of a funeral in the Great Hall of Sana'a. The same day, the U.S. Government announced that it would undertake a review of U.S. assistance to Saudi Arabia's military intervention in Yemen. Despite the continuation of airstrikes in an ongoing pattern of civilian casualty incidents, U.S. support continues. It seems the U.S. Government review is no more than a policy of increased concern, combined with a hope that peace will come before hard decisions have to be made. We sincerely hope but have little reason to believe that this will be the case.

Thank you again for convening this important hearing.

[The prepared statement of Mr. Paul follows:]

PREPARED STATEMENT OF SCOTT PAUL

Humanitarian Crisis in Yemen

Testimony of Scott T. Paul

Senior Humanitarian Policy Advisor, Oxfam

November 17, 2016

Co-Chair McGovern, Co-Chair Pitts, Honorable Members of the Lantos Commission, thank you for the invitation to testify on the humanitarian crisis in Yemen. It is a special honor to have you with us today, Congressman Lieu. It is no small part due to your bold and courageous advocacy that the US role in Yemen is being debated here in Congress. I speak today on behalf of Oxfam, a confederation of global organizations dedicated to fighting the injustice of poverty and defending the rights of people in humanitarian crises around the world.

Oxfam in Yemen

Oxfam has worked in Yemeni communities for more than 33 years to fight endemic poverty, improve water and sanitation services, and support women and youth advocates. Despite the security and logistical challenges, Oxfam is delivering on the ground. Oxfam's response to the crisis has been to target the areas most affected by the conflict and we are reaching people in the northern and southern governorates of Hajjah, Hodeidah, Amran, Taiz and Aden. Working near the frontlines and just outside areas suffering from heavy airstrikes and ground fighting, Oxfam is able to assist displaced people and host communities. Oxfam aims to reach 1.2 million people in Yemen by the end of the year and has already responded to the needs of over 900,000 people since the start of the crisis.

Overall Humanitarian Situation

Over 21 million people, or four out of five, in Yemen – more than in any other country in the world – are in need of immediate, life-saving humanitarian assistance. More than 13 million people do not have enough to eat, with over 7 million on the verge of starvation. Over 10,000 civilians have been killed or injured by fighting, with tens of thousands more dying from preventable and treatable diseases. Over 3 million people have fled their homes, with many facing growing debt and destitution. In response to an Oxfam survey conducted earlier this year, many internally displaced persons in Yemen spoke of a pervasive fear that continued airstrikes and ground fighting would again force them to flee.

Conduct of Hostilities and Violations of the Law of Armed Conflict

All armed actors in Yemen have demonstrated their disregard for the well-being of civilians. This includes the US-supported Saudi-led coalition, whose airstrikes have been confirmed by the United Nations and human rights organizations to be either indiscriminate, disproportionate, or directly targeting civilians or civilian objects. As noted by the August 2016 report of OHCHR, "air strikes were the single largest cause of casualties, resulting in approximately one third of the deaths and injuries recorded." The

UN's Report on Children and Armed Conflict noted that coalition airstrikes account for the majority of the 785 children killed during military operations last year. Coalition airstrikes have hit weddings and schools. They have hit hospitals and other health facilities, including four operated by Doctors Without Borders, causing them to exit Northern Yemen earlier this year. Over 600 health facilities have been damaged or destroyed in the conflict, leaving most Yemenis without even basic medical care. In August, coalition airstrikes decimated a bridge that connected Sana'a to the port city of Hodeidah and facilitated the transport of approximately 90 percent of humanitarian aid into the capital. Even though the bridge was reportedly on a no-strike list compiled by the US Department of Defense, Saudi aircraft caused significant damage to it one day – and returned the following day to finish the job.

It is hard to escape the conclusion that Saudi attacks either fail to discriminate between civilian and military targets or deliberately target civilians and civilian objects. In a review of airstrikes conducted by the Yemen Data Project and published by *The Guardian*, independent experts concluded that over one-third of airstrikes carried out between March 2015 and August 2016 struck non-military sites. These included two Oxfam facilities – a warehouse and a European Commission-funded solar panel array – both of which were destroyed.

The most wide-ranging impact of coalition airstrikes has been economic. Farms, factories, warehouses, and power plants have all been frequently damaged and destroyed in airstrikes. In addition to ensuring the supply of food, electricity, medicine, and other household goods to the population, these facilities were a major source of employment in Yemen. Their destruction has added to one of the main humanitarian challenges for most households: a lack of income that makes it impossible to pay for adequate food.

During my visit to Yemen in August, I visited the site of an Oxfam public cleanup project in Khamer, a small city in Amran governorate. Khamer is far from the frontlines and has not endured significant airstrikes or artillery since the conflict began. Yet, Khamer has suffered greatly. Large numbers of people have arrived there seeking safety from Sadaa governorate North of Amran, which, in the absence of social services, has pushed both the internally displaced and the residents of Khamer to the limit. During my visit, I met residents participating in an Oxfam-funded project to remove waste and debris from the streets. Many of them were formerly employees of the Amran cement factory, which was destroyed by a Saudi airstrike in February. In addition to killing fifteen of their colleagues, the airstrike left them with no way to provide for their families. They told me even the informal economy in the area was not functioning. But for the money they earn from the cleanup project, they insisted, they would not survive.

Shipping Challenges

One feature of the ongoing conflict in Yemen – and perhaps the principal cause of its humanitarian crisis – is the country's failing economy. The economic collapse in Yemen is being caused by a set of measures taken by the parties to the conflict in order to aid their military prospects.

Soon after it began its military campaign, the Saudi-led coalition began to withhold permission for major commercial and humanitarian vessels to berth in Yemeni ports, in particular the Houthi-controlled Red Sea ports of Saleef, Mokha, and Yemen's highest-capacity port, Hodeidah. By setting up an arbitrary and onerous inspection regime, the coalition blocked and delayed imports, creating a *de facto* blockade. Since Yemen is dependent on imports to meet 90% of its food needs, food prices spiked. And given Yemen's dependence on fuel imports, the embargo precipitated a fuel shortage that impacted not only personal transportation, but also water purification, sanitation, the milling of grain, the operation of hospitals, and the refrigeration of food and pharmaceuticals. Perishable food and medical supplies went to waste as ships waited for permission to berth. Altogether, the Saudi-led coalition's impediments amounted to a *de facto* blockade that has had a devastating effect on the population.

The launch of the UN Verification and Inspection Mechanism in January 2016 was meant to alleviate the delays at anchorage by substituting an efficient, targeted inspection process for the Saudi inspection regime. It has largely succeeded in its task. As of September 2016, ships waited an average of 48 hours to be cleared to berth. Unfortunately, other conditions attendant to shipping have meant continued delays, fewer imports, and more importantly, still higher food prices. First, Saudi Arabia's August 2015 attack on Hodeidah Port has left the port crippled. Only one of the port's six cranes is fully operational and wharves and warehouses remain unrepaired. Mobile cranes have been deployed to help, but they cannot be utilized until debris from the attack is cleared. As a result, even ships that are prepared to berth must wait in line to offload their cargoes. Second, insurance costs of shipping to Yemen have increased. Third, Yemen's banking crisis has led to uncertainty about exchange rates and accepted currencies at the ports, leading to more delays, higher prices, and higher price volatility.

Banking Crisis

In 2014, the Central Bank of Yemen's (CBY) foreign reserve held over \$5B. That reserve has diminished precipitously, with drastic implications for the humanitarian situation. This has hurt the CBY's ability to guarantee exchange rates for imports, creating volatility in the market and increasing the price of staple foods. It has also inhibited the payment of salaries to the 1.2 million civil servants on the public payroll, breadwinners for as many as 6 million families that have, in many cases, been supporting extended families and communities. The lack of confidence in the financial system has resulted in a huge shortage of liquidity. The CBY re-issued mutilated notes and requested that private institutions inject riyals into the market, but these were stop-gap measures. The liquidity shortage has impacted the delivery of cash-based humanitarian assistance, and though Oxfam has been able to continue its programs, smaller organizations have had to discontinue their distributions to some of the poorest and most vulnerable families in Yemen.

In an effort to cut off a major source of Houthi funding, President Hadi announced in September the move of the Central Bank to Aden and the appointment of a new governor to replace the highly respected Mohamed bin Humam at the CBY's helm. Proponents of the CBY's relocation to Aden believed at the time that it would be the most effective way to ensure the nationwide payment of salaries. This has not worked

as planned. Four months later, salaries have still not been paid. No donor has stepped up to replenish the CBY's foreign reserve, which continues to be spent down. Grain supplies are running low and suppliers tell us that there is no more to come for at least three months. Major importers have also told Oxfam that the CBY is insisting the companies re-register with the authorities in Aden in order to access their funds held by the Bank. In addition, the CBY is in danger of being unable to pay its international creditors and cannot currently access the \$250 million in its accounts at the US Federal Reserve, due to irregularities in the Government of Yemen's transfer of authority from the Bank in Sana'a. If the CBY remains unstable, poorly managed, and without adequate foreign reserves, a dramatic downturn in the food security situation and health outcomes for Yemeni families will soon follow.

Unilateral interference in the work of the Central Bank, combined with attacks on economic structures like the Amran cement factory that I mentioned earlier and the coalition's *de facto* blockade on commercial imports and has led UN Humanitarian Coordinator for Yemen Jamie McGoldrick to conclude that the economic dimension of this war has become a "tactic," of the Government of Yemen and the Saudi-led coalition, designed to increase political pressure on the Houthis by precipitating economic collapse in Houthi-controlled areas. This has caused great suffering for women, men, and children across Yemen and must not be allowed to continue.

US Support for the Saudi-Led Coalition

Although Yemeni parties and the Saudi-led coalition together are to blame for Yemen's descent into humanitarian crisis, US policy has also helped to prolong and exacerbate the situation. US policy is disjointed and ethically indefensible. Our government has pleaded for peace while it has fueled war, which has deepened and prolonged the suffering of millions. I realize this is a serious allegation, but the facts of the past twenty months do not permit any other conclusion.

Let me first mention some constructive aspects of US engagement. Since 2014, the Obama administration has remained steadfast in its conviction that Yemen's problems can only be addressed through dialogue and reconciliation by Yemenis. In that vein, the administration has made clear that it opposes any effort by any armed faction to take power through force and also stressed, even as it announced support for the Saudi-led coalition in March 2015, that a political settlement to the conflict was needed. The United States has also been the world's largest humanitarian donor to Yemen, committing at least \$327,000,000 in 2016. In recent months, Secretary Kerry has personally engaged in peace talks and advocated for an end to the fighting and flexibility on all sides regarding a political settlement. His most recent effort, an agreement for cessation of hostilities starting today and leading to a peace agreement based on the UN roadmap over the objections of the Government of Yemen, is a heroic effort. All those who want to ease the suffering will be cheering it on.

Unfortunately, the administration's positive steps since March 2015 have been blunted and undercut by efforts to enhance bilateral relations with the Kingdom of Saudi Arabia. These efforts have nullified the US's credibility as a peace broker, contributing to the failure of many attempts at peace just like the one Secretary Kerry brokered this week.

Yemenis have told me that they perceive – reasonably, in my opinion – that US policy toward Yemen as a whole is primarily aimed at reassuring their Saudi neighbors.

Nowhere is that dynamic more on display than at the United Nations. In April 2015, following President Hadi's ouster and the Saudi-led coalition's intervention, the UN Security Council aimed to steer Yemen back on the path towards peace and unity. With strong backing from the US, the Council adopted Resolution 2216, which focused mainly on the unilateral armed action taken by the Houthis against the elected government of Yemen. It called for their immediate and unconditional withdrawal from Sana'a and other areas, while commending the Gulf Cooperation Council's previous role in the political transition in Yemen. However, the Resolution failed to mention the need for all parties, including the Saudi-led coalition and the Government of Yemen, to agree on an immediate ceasefire.

Rather than create incentives for reconciliation, UNSCR 2216 pushed the parties further apart. Houthi compliance became a precondition to ceasefire proposals and the Resolution became a convenient excuse for the Government of Yemen and Saudi Arabia to pursue a maximalist military strategy. As I speak today, despite the Council's widespread agreement that UNSCR 2216 cannot provide the required framework for negotiations towards peace, the Security Council has still not adopted a subsequent resolution; the US, unlike some other Council members, has not publicly called for one. And for most of the first year of the conflict, the US opposed efforts in the Council to call for an immediate ceasefire in its Presidential statements or press statements.

The US has also helped to shield Saudi Arabia from accountability for its alleged violations of international human rights law and international humanitarian law. In September 2015, the UN Human Rights Council considered a Dutch resolution to create an independent, international inquiry into human rights violations by all sides. Instead of adopting the Dutch proposal, the Council instead backed a Saudi resolution that welcomes an inquiry by the Government of Yemen. The Council had never before adopted a resolution about an armed conflict that was drafted by one of its parties, nor had it ever endorsed an investigation so manifestly unable and unwilling to fulfill its mandate, given the Government of Yemen's extreme partiality and very low degree of access to most parts of the country. To date, neither the Government of Yemen, nor Saudi Arabia, nor any international body has conducted a comprehensive inquiry into alleged violations of the law of armed conflict or international human rights law.

Meanwhile, the US has stepped up its defense cooperation with Saudi Arabia specifically to aid the coalition's military effort. In March 2015, the National Security Council announced that it would establish a joint coordination planning cell in the Saudi Operations Center in order to provide intelligence and logistical support and targeting assistance. The US has continued to provide defense assistance to the Saudi-led coalition since then, including aerial refueling of Saudi aircraft.

Arms sales have also enabled and signaled support for the coalition's conduct. In November 2015, the State Department approved a sale of \$1.29 billion in precision-guided munitions to replenish supplies that were becoming depleted due to the high operational tempo of the Saudi air campaign. The American Bar Association has stated

that these sales must be suspended pending a credible investigation of alleged violations of law. However, in its notification to Congress, the Defense Security Cooperation Agency did not mention any consideration of the potential for misuse of the export in question, the likelihood that the recipient would use the arms to commit human rights abuses or serious violations of international humanitarian law, or the likelihood of identifying the United States with such abuses and violations, all required by the US Conventional Arms Transfer Policy outlined in Presidential Policy Directive-27. The notification merely determined that the proposed sale “promotes stability in the region,” and “directly conveys US commitment to the RSAF’s current and future ability to sustain operations.” Congress’s acquiescence to the sale of these munitions and the DSCA’s rationale for it sent a strong signal to the Saudi-led coalition and the Yemeni parties: the coalition can count on US support regardless of its lack of commitment to a peace process, its *de facto* naval blockade, or its targeting practices.

On October 8 this year, the Saudi-led coalition dropped US-manufactured bombs on a funeral in the Great Hall of Sana’a. The second attack on the Great Hall came some minutes after the first, once emergency responders had arrived on the scene. The airstrikes killed more than 140 and injured more than 525. Among the dead were a number of would-be Houthi appointees to the De-Escalation and Coordination Committee, the body convened by the UN to sustain ceasefires, along with the respected mayor of Sana’a and a number of well-known moderates believed to be instrumental in any forthcoming peace agreement. That same day, the US government announced that it would undertake a review of US support to Saudi Arabia’s military intervention in Yemen. Yet, despite the continuation of airstrikes and an ongoing pattern of civilian casualty incidents, including through an agreed three-day ceasefire last month, US support continues. It seems the US government review is no more than a policy of increased concern, combined with a hope that peace will come before hard decisions have to be made.

Recommendations to Congress

Suspend defense cooperation with and arms sales to Saudi Arabia that support the war in Yemen.

US assistance and arms transfers have not only enabled the Saudi air campaign operationally, they have legitimized it diplomatically. When pressed its pattern of apparent violations of international humanitarian law, Saudi Arabia’s military and civilian leaders often reference US support to deflect criticism and reaffirm the international legitimacy that its campaign enjoys and deflect criticism. Arguments that US assistance and precision-guided weaponry help the coalition minimize collateral damage fall flat in the midst of a widespread pattern of damage to critical civilian infrastructure, including many objects that have been attacked repeatedly. Suggestions that the US has more influence with the coalition as a strong supporter carry little weight, given the coalition’s inconsistent compliance with agreed ceasefires and its willingness to continue its campaign on behalf of the Government of Yemen unconditionally, despite the Government’s lack of flexibility in peace talks.

This is also an area in which the administration's actions have resulted in US involvement in an armed conflict without any meaningful Congressional oversight to date. If the administration does not promptly suspend assistance and sales, Congress should be prepared to adopt legislation to do so.

Support the use of creative ways to support local Yemeni humanitarian actors

Despite a huge and largely successful effort to scale up the international response to Yemen's humanitarian crisis, Yemeni organizations remain some of the fastest and most effective first responders. These groups range from informal community-based networks to nascent local humanitarian organizations to nationwide organizations with a sophisticated understanding of humanitarian principles. They also include Yemeni line ministries and departments that are fully focused on impartially serving the needs of the Yemeni people. To be sure, these organizations present varied degrees and types of risk of which donors should be mindful. Yet, given their likelihood of community acceptance, access, understanding of the context, and comparatively low overhead, these organizations represent the best channel through which to meet the needs of the most vulnerable. In protracted conflicts elsewhere around the world, Oxfam has found that investing in local organizations and local governments save more lives and more money over time.

USAID and the State Department should aim to fund local organizations directly, and when this is not possible, they should strongly urge INGOs work together with local organizations to build their capacity so as to be able to absorb donor funding directly. USAID should require INGOs to report on capacity building milestones, including through feedback from the local partner. Members of Congress should communicate to the administration that it supports a higher level of risk-taking and overhead spending in order to invest more heavily in local organizations.

Urge administration support for a peace agreement that reunifies and stabilizes the Central Bank of Yemen

Even if humanitarian agencies continue to scale up the humanitarian response, we are collectively capable of meeting only a small percentage of the need in Yemen. Only a peace agreement that creates the conditions for the revival of the Yemeni economy will avert the death of thousands more and put the country on track for recovery. Critically, any peace agreement must involve the reunification and bailout of the Central Bank and agreement on its independence and its permanent location in Sana'a. This would build the international community's confidence in the CBY, which is essential for the Bank's ability to pay its foreign debts, access its funds, maintain its accounts with foreign correspondent banks, which in turn will enable it to pay public sector salaries and facilitate imports. Congress should remind the administration of the importance of the CBY in any peace agreement.

Urge adoption of a new UN Security Council Resolution and an independent international inquiry into alleged violations of international human rights law and international humanitarian law

The current diplomatic landscape remains unconducive to a peace agreement. UNSCR 2216 continues to be used to undercut attempts to find a political settlement to the conflict, and an obvious lack of consequences for potentially serious violations of international humanitarian law is encouraging all parties to continue with business as usual, which has spelled disaster for Yemeni civilians. Yemen has devolved into an accountability free zone. Congress should make clear to the administration that the United States must not turn a blind eye in the face of injustice and impunity. It should urge the adoption of a new UN Security Council Resolution that demands an immediate ceasefire, the formation of a transitional unity government immediately following the ceasefire along the lines of Secretary Kerry's proposal, and the launch of an independent inquiry into the conduct of hostilities in Yemen.

Thank you again, honorable Co-Chairs, for convening this important hearing. I look forward to answering your questions.

Mr. MCGOVERN. Thank you.
Ms. Zimmerman.

**STATEMENT OF KRISTA ZIMMERMAN, ASSOCIATE DIRECTOR
FOR INTERNATIONAL HUMANITARIAN POLICY, SAVE THE
CHILDREN**

Ms. ZIMMERMAN. Thank you. Good morning, Chairman McGovern, Congressman Lieu. Thank you for the invitation to speak with you today about the humanitarian crisis in Yemen.

My colleagues have already talked about how the conflict is driving hunger, depressing economic futures, and causing immeasurable human suffering. As acceptable as these conditions should be on their own, it is sadly the widespread and repeated cases of grave violations against children that makes this conflict particularly terrible for children. The U.N. Security Council has identified six categories of violations against children that are termed the grave violations, all of which we are seeing perpetrated in Yemen. These include the killing and maiming of children, the use of child soldiers, sexual violence against children, attacks against schools and hospitals, denial of humanitarian access, and the abduction of children.

From March 2015 through mid-September of this year, the U.N. Monitoring and Reporting Mechanism verified more than 3,000 child casualties. This doesn't include the funeral attacks in October, so we know those numbers are going to go up.

The U.N. has also attributed 60 percent of child deaths in Yemen to coalition airstrikes, though ground attacks, including shelling and small arms fire, land mines, and unexploded ordnance are also responsible for child casualties. Not surprisingly, children are particularly vulnerable to injury by explosive weapons during conflict, as well as the explosive remnants of war from which the risks remain long after.

One little boy in Yemen described his experience to us as follows: I was playing in the street, and one of my friends found a strange thing on the ground. He took it and was playing with it when it started to shoot fire. A few seconds later, it exploded. We were all injured. People came to take us to the hospital, and later I found out that my friends had been killed, including my best friend. Now I hate everyone who uses weapons.

Since March of 2015, there have also been at least 240 attacks on schools and hospitals. More than 1,600 schools are currently unfit for use due to conflict-related damage, because they are being used to house internally displaced persons, or because they have been occupied by armed forces.

Recent attacks on schools include a reported airstrike in a school in Sa'dah in August in which 10 children were killed. Hospitals have also been damaged and destroyed, and a new survey by the World Health Organization finds that in 16 of Yemen's governorates, that half of all health facilities are closed or partially functioning and that there are critical shortages of medical doctors in 40 percent of all districts.

In order to improve conditions for children in Yemen and curtail the high rate of grave violations against children, Save the Children agrees with many of the recommendations that have been already offered by my colleagues here. But I would like to highlight two in particular that we think are important.

First, we think it is important that the U.S. continue to engage and to support the office of the U.N. High Commissioner for Human Rights and its investigation into human rights violations in Yemen. We believe that with adequate resources, including the addition of enough experts, including child rights experts, and the full cooperation of all parties to the conflict, the process could help ensure accountability for violations of international law, including grave violations against children.

That said, its setup must be accelerated, and Yemeni authorities must facilitate its work, including by issuing visas and permitting unrestricted access to all areas of the country. We need to keep a sharp eye on this process going forward. And in the event that its work is obstructed, quickly consider alternative approaches, such as with the U.N. Secretary-General, the Security Council, or an HRC-mandated commission of inquiry.

And then I would just like to make a quick note. I have talked here about children and the grave violations against children. The kind that we are seeing perpetrated in Yemen are of top concern, but they are also happening in other places. In fact, we think there is a de facto war on children taking place in conflicts around the world. And Save the Children would very much like to see the United States Government take a stronger stand to speak out and protect children during conflict. It can do this in a number of ways, but two quick suggestions would be simply even the public expression of concern for the use of explosive weapons in populated areas and reinforcing the urgent need for global leaders to address this issue, including working on the political declaration that is ongoing right now at the United Nations.

We would also like to see the U.S. sign the Safe Schools Declaration, a voluntary instrument that has already been endorsed by 56 countries, and would include commitments to improving data collection on attacks against schools, as well as endorsement of the guidelines for protecting schools and universities from military use during armed conflict. Thank you.

[The prepared statement of Ms. Zimmerman follows:]

PREPARED STATEMENT OF KRISTA ZIMMERMAN

TESTIMONY PREPARED FOR

THE TOM LANTOS HUMAN RIGHTS COMMISSION OF THE U.S. CONGRESS

“Humanitarian Crisis in Yemen”

Thursday, November 17, 2016

Krista Zimmerman, Associate Director, International Humanitarian Policy and Advocacy

Save the Children

Good morning honorable co-chairs and members of the commission. Thank you for the invitation to speak with you today about the humanitarian crisis in Yemen. Other colleagues have talked about how the conflict is driving hunger, depressing economic futures and causing immeasurable human suffering. I'd like to specifically discuss how this conflict, and the way it is being waged, are impacting Yemen's children.

Founded in 1919, Save the Children is a global movement that works in 120 countries across six continents. We have worked in Yemen since 1963 and are responding to the current crisis by providing life-saving assistance and support. We have reached over one million people, including over 650,000 children with cash and voucher distributions to purchase food. We are supporting 60 health facilities and operate seven mobile health teams. We also provide support for education, conduct Mine Reduction Education sessions and provide psychosocial support for children.

Context

The armed conflict in Yemen is devastating the lives of millions of children who are at daily risk of death and injury, are unable to access health, nutrition, education and other essential services, have been forced from their homes, and have barely enough food to survive. Over ten million children are in need of emergency humanitarian and protection assistance. Two million are out of school (at least 350,000 as a direct consequence of the conflict) and, of the 3.1 million internally displaced persons, 1.4 million are children.

We are now witnessing a cholera outbreak in Yemen. As of November 12, there were 4119 suspected cholera cases, of which 86 cases have been confirmed. The ongoing conflict has already stretched the capacity of the national health systems to the breaking point. And, when combined with high rates of child malnutrition, and threats from infectious diseases such as measles, children in Yemen now face a serious "triple threat" to their health and well-being.

Grave violations

As unacceptable as these conditions should be on their own, it is, sadly, the widespread and repeated cases of grave violations against children that make this conflict particularly terrible for children. The UN Security Council has identified six categories of violations against children that it has termed "grave violations," all of which we are seeing perpetrated against children in Yemen. These include:

- Killing and maiming of children;
- Use of child soldiers;
- Sexual violence against children;
- Attacks against schools and hospitals;
- Denial of humanitarian access for children; and
- Abduction of children.

Killing and maiming of children

From March 2015 through mid-September 2016, the UN Monitoring and Reporting Mechanism verified more than 3000 child casualties in Yemen and we are seeing a sharp escalation in civilian casualties since peace talks were suspended in August. Reports of child casualties continue to be received.

The UN has attributed 60 percent of child deaths in Yemen to coalition airstrikes, although ground attacks including shelling and small arms fire, landmines and unexploded ordnance are also responsible for child casualties. On August 9, 11 civilians, including seven children, were killed by an antivehicle mine in the western part of Taizz – two of the children were under 4 years old. The Taizz-based group, Against Mines National Organization, says that landmines have killed at least 18 people and wounded more than 39 in Taizz alone from May 2015 through April 2016.

Not surprisingly, children are particularly vulnerable to injury by explosive weapons during conflict. They are also injured and killed by the explosive remnants of war, from which the risks remain long after a war is over.

One little boy in Yemen described his experience to Save the Children as follows:

I was playing in the street and one of my friends found a strange thing on the ground. He took it and was playing with it when it started shooting fire. A few seconds later it exploded. We were all injured. People came to take us to hospital and later I found out that three of my friends had been killed, including my best friend... Now I hate everyone who uses weapons.

Attacks on schools and hospitals

Since March of 2015 there have also been at least 248 attacks on schools and hospitals. And we are seeing an increased number of attacks against protected civilian objects across the board, with at least 41 incidents reported in August alone this year.

Children's right to education has been severely compromised as a result of insecurity, damage and destruction to education facilities, use of schools as shelters, and the occupation of schools by armed groups. More than 1600 schools are currently unfit for use due to conflict-related damage, because they are being used to house IDPs or because they have been occupied by armed forces.

Recent attacks on schools include a reported airstrike on a school in Saada in August in which 10 children were killed and 28 injured and another unverified airstrike on a school in Sana'a in September in which one child was reportedly killed and two other individuals injured.

Hospitals have also been damaged and destroyed. A new survey by the World Health Organization finds that in 16 of Yemen's governorates that half of all health facilities are closed or partially functioning and that there are critical shortages of medical doctors in more than 40 percent of all districts.

Child soldiers

From March 2015 to September 2016, more than 1000 cases of recruitment and use of child soldiers were recorded in Yemen (although real figures are believed to be much higher). The 2016 US Trafficking In Persons (TIP) Report found that, despite a law requiring members of the armed forces to be at least 18 years of age and a May 2014 UN action plan to prevent recruitment of children into its armed forces, credible reports indicate the acceleration of recruitment of children throughout the country. This is due to expanded military activity by government forces as well as Houthi, tribal, and other militias. As a result, Yemen is included on the US 2016 Child Soldier Prevention Act sanctions list.

Humanitarian access

Finally, I'd like to say a few words about humanitarian access. The intensification of conflict in early August 2016, following the suspension of peace talks, has created additional challenges on this front including temporary suspensions on movement of humanitarian staff and interruptions to aid delivery in some parts of the country. Slow customs clearance is the norm at ports of entry and, as a result, essential supplies, including food, fuel and medical supplies are not getting through at the rates needed to meet needs.

Other persistent obstacles to the rapid and safe distribution of aid include bureaucratic impediments to securing visas, authorizations to travel and approval from local authorities to conduct assessments, denial of movement, lengthy deconfliction procedures, threats and harassment of staff by armed actors, and attacks on humanitarian workers and facilities. Between January and September of this year, Save the Children alone has experienced 35 security incidents that include threats, harassment, detention or attacks on our staff or facilities.

Recommendations:

In order to improve conditions for children in Yemen and curtail the high rate of grave violations against children, Save the Children recommends:

1. Continued US engagement with and support for the Office of the High Commissioner for Human Rights (OHCHR) and its investigations into human rights violations in Yemen. We believe that with adequate resources, including the addition of enough international experts, including child rights experts, and the full cooperation of all parties to the conflict, the process could help ensure accountability for violations of international law, including grave violations against children. That said, additional support to OHCHR must be accelerated and Yemeni authorities must facilitate OHCHR's work, including by issuing visas and permitting unrestricted access to all areas of the country. We need to keep a sharp eye on this process and, in the event that OHCHR's work is obstructed, consider alternative approaches such as UNSG, Security Council or HRC mandated commission of inquiry.

2. That the US conduct the promised review of its arms sales to the Saudi Arabia-led coalition. A thorough review was promised after the funeral bombings in October. In order to instil confidence that the review is, in fact, taking place, the Administration should formally set forth a public timeline, consult civil society organizations and be transparent about the outcomes of this review. All options should be on the table, including withholding logistical and intelligence support and suspending arms sales to Saudi Arabia until we see an end to indiscriminate bombings of civilians and civilian objects.
3. That the US, using its considerable influence with several of the parties to this conflict, continue to push, at the highest levels, for an end to the conflict. And, at the same time, the Administration should increase pressure on all parties to comply with their obligations under international humanitarian and human rights law, stress the importance of lifting bureaucratic impediments to aid delivery and prevent and end grave violations of children's rights. We hope Congress will support continued US diplomatic engagement at the highest levels during the remaining tenure of this Administration and into the next.

Finally, I would like to note that the kinds of grave violations we are seeing perpetrated against children in Yemen are not confined to Yemen. There is a de facto "war on children" taking place in conflicts around the globe and Save the Children would like to see the US take a stronger stand to protect children during conflict by:

- publically expressing concern for the use of explosive weapons in populated areas and reinforcing the urgent need for global leaders to address the issue; and
- by signing the Safe Schools Declaration, a voluntary instrument endorsed by 56 countries, which includes commitments to improving data collection on attacks against schools as well as endorsement of the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.

Thank you.

Mr. MCGOVERN. Thank you.
Mr. Bery.

**STATEMENT OF SUNJEEV BERY, ADVOCACY DIRECTOR, MENA,
AMNESTY INTERNATIONAL USA (AIUSA)**

Mr. BERY. Thank you, Chairman McGovern and Congressman Lieu. It is a privilege to speak here today on behalf of Amnesty International and Amnesty International USA. And I also want to say a big thank you to each of you and your offices for your hard work over the past year or more in elevating these issues in the U.S. Congress, which has had significant impacts in the debate both in the House as well as the Senate. And I think it has played a critical role in elevating the debate over the nature of U.S. arms sales to Saudi Arabia, a debate that might not have happened if it weren't for the hard work of your offices. So thank you for that as well. It has been a privilege to work with your offices on this issue.

We welcome this opportunity to address the Commission on this important subject of the crisis in Yemen. I have more details in my submitted written testimony. I will just cover a few quick points right now.

Since the conflict began, Amnesty International researchers have conducted multiple research missions in Yemen. Our researchers have directly documented human rights abuses and violations of international humanitarian law, including war crimes, by the Saudi Arabia-led military coalition and the Houthi armed group. Our latest research mission just concluded earlier this week and we will be publicizing our findings in the days ahead.

It is clear that all the parties to the conflict have committed violations and abuses, though it's worth noting that only Saudi Arabia and its coalition have the military capability for aerial bombardment or air-to-ground strikes. The Saudi Arabia-led coalition's pattern of attacks across Yemen raises serious concerns about an apparent disregard for civilian life. This is reflected in a failure to take feasible precautions to spare civilians, as required by international humanitarian law.

Amnesty International researchers who visited sites bombed by the Saudi Arabia-led coalition found both unexploded U.S. bombs and identifiable fragments of exploded U.S. bombs among the ruins of Yemeni homes and other civilian objects. Amnesty International has reviewed photographs of bomb fragments, including a bomb fin found onsite by locals who live next to and witnessed the bombing of the Doctors Without Borders hospital in northwestern Yemen on August 15. Based on two experts' analysis, Amnesty International has identified the bomb used in this attack as a Paveway-series bomb of U.S. manufacture.

The Houthi armed group and forces allied to it, including Army forces loyal to former President Ali Abdullah Saleh, have also committed numerous violations and abuses of international human rights and humanitarian law. It is a long list of abuses committed by the Houthi armed groups and the forces

allied to it. Some examples have included endangering civilians by deploying in densely populated neighborhoods; launching attacks from or near populated homes, schools, and hospitals; firing weapons indiscriminately into civilian populated areas in Yemen and southern Saudi Arabia; and laying internationally-banned antipersonnel landmines that have killed and maimed dozens of civilians.

Clearly, all parties to the conflict have committed human rights abuses and violations of international humanitarian law. With regards to the Saudi Arabia-led coalition, despite the coalition's human rights violations and record of human rights violations, the Obama administration has persisted in selling billions of dollars in arms to Saudi Arabia and other coalition members. As a consequence, the Obama administration risks U.S. complicity in the Saudi Arabia-led coalition's serious violations of international humanitarian law in Yemen, including likely war crimes.

Amnesty International USA has three core recommendations for the U.S. Government to take to address Yemen's human rights crisis, which is driving its humanitarian crisis. One, the U.S. Government should end all arms sales and arms transfers to Saudi Arabia and members of the Saudi Arabia-led coalition that could be used in the conflict in Yemen.

Two, the U.S. Government should support a comprehensive embargo on arms transfers that could be used by any party to the conflict in Yemen while there remains a substantial risk the arms would be used to commit or facilitate war crimes or other serious violations.

Finally, the U.S. Government should support an international, independent investigation into civilian deaths and injuries in Yemen. The investigation should address alleged serious violations and abuses of international human rights and humanitarian law committed by all parties to the conflict in Yemen. The investigation should establish the facts, collect and preserve information related to violations and abuses with a view to ensuring that those responsible for crimes are brought to justice in fair trials.

Thank you.

[The prepared statement of Mr. Bery follows:]

PREPARED STATEMENT OF SUNJEEV BERY



**Tom Lantos Human Rights Commission
U.S. Congress**

**Humanitarian Crisis in Yemen
November 17, 2016**

**Statement of Sunjeev Bery
Middle East North Africa Advocacy Director
Amnesty International USA**

Amnesty International USA welcomes this opportunity to address the Tom Lantos Human Rights Commission on the important subject of the crisis in Yemen.

Since the conflict began, Amnesty International researchers have conducted multiple research missions in Yemen. Our researchers have directly documented human rights abuses and violations of international humanitarian law, including war crimes, by the Saudi Arabia-led military coalition and the Huthi armed group. Our latest research mission just concluded earlier this week, and we will be publicizing our findings in the days ahead.

Human Rights Violations: The Saudi-led Coalition

All parties to the conflict have committed violations, though it is worth noting that only Saudi Arabia and its coalition have the military capability for aerial bombardment or air-to-ground strikes. The Saudi Arabia-led coalition's pattern of attacks across Yemen raises serious concerns about an apparent disregard for civilian life. This is reflected in a failure to take feasible precautions to spare civilians, as required by international humanitarian law.

For example, the Saudi Arabia-led coalition declared the entire Yemeni city of Sa'da a military target, in direct violation of international humanitarian law. When Amnesty International visited in early July 2015, we found that hundreds of airstrikes had destroyed or damaged beyond repair scores of homes, several markets, the entire main shopping street, and virtually every public building.

The United Nations has reported that Saudi Arabia-led coalition airstrikes in Yemen were responsible for most of the civilian deaths through the end of July 2015. The U.N. has reported that between March 2015 and August 23, 2016, an estimated 3,799 civilians were killed and 6,711 injured as a result of the war. The U.N. further reports that over 2 million people are currently suffering from malnutrition, and over three million people have been forced to flee their homes. Yemen is clearly facing a humanitarian crisis.

Human Rights Abuses: The Huthi Armed Group

The Huthi armed group and forces allied to it, including army forces loyal to former president Ali Abdullah Saleh, have also committed numerous violations

and abuses of international human rights and humanitarian law. These violations and abuses have included:

- Endangering civilians by deploying in densely populated neighborhoods, including launching attacks from or near populated homes, schools and hospitals.
- Firing weapons indiscriminately into civilian populated areas in Yemen and southern Saudi Arabia.
- Using explosive weapons with wide-area effect such as ground-launched artillery shells and mortar projectiles in populated areas, killing and maiming scores of civilians.
- Laying internationally banned antipersonnel landmines that have killed and maimed dozens of civilians.
- Arbitrarily detaining and forcibly disappearing scores of people in governorates under their control, including political opponents, human rights defenders and journalists, as well as members of the Bahá'í community.
- Raiding and closing dozens of non-governmental organizations as part of a wider campaign against activists, human rights defenders and political opposition groups.

U.S. Arms Sales and Risk of Complicity

Clearly, all parties to the conflict have committed human rights abuses and violations of international humanitarian law. However, it is worth noting that the humanitarian crisis has been impacted dramatically by the Saudi Arabia-led coalition's reckless bombardment of civilian communities.

Despite the Government of Saudi Arabia's record, the Obama Administration has persisted in selling it billions of dollars in arms. As a consequence, the Obama Administration risks U.S. complicity in the Saudi Arabia-led coalition's serious violations of international humanitarian law in Yemen, including war crimes.

Amnesty International researchers who visited sites bombed by the Saudi Arabia-led coalition found both unexploded U.S. bombs and identifiable fragments of exploded U.S. bombs among the ruins of Yemeni homes and other civilian objects. Amnesty International has reviewed photographs of bomb fragments, including a bomb fin, found onsite by locals who live next to and witnessed the bombing of the Doctors Without Borders / Médecins Sans Frontières hospital in northwestern Yemen on August 15. Based on two experts' analysis, Amnesty International has identified the bomb used in this attack as a Paveway-series bomb of U.S. manufacture.

Amnesty International remains deeply concerned by the Obama administration's ongoing major arms sales to Saudi Arabia and its allies. On November 16, 2015, the administration announced a \$1.29 billion arms sale to the Government of Saudi Arabia that consisted of bombs, related parts, and logistical support. More recently, the administration announced a \$1.15 billion sale of tanks, military vehicles, and related equipment and services also to the Government of Saudi Arabia.

The Obama administration's recent arms sales to Saudi Arabia contradict the guidelines of Presidential Policy Directive PPD-27 on United States Conventional Arms Transfer Policy, dated January 15, 2014. The directive states that all arms transfer will take into account the "likelihood that the recipient would use the arms to commit human rights abuses or serious violations of international humanitarian law." Saudi Arabia has already used U.S.-designed or produced weapons in its attacks on civilian communities in Yemen.

Recommendations for the U.S. Government:

Amnesty International urges the U.S. government to take the following steps to address Yemen's human rights crisis:

- End all arms sales and arms transfers to Saudi Arabia and members of the Saudi Arabia-led coalition that could be used in the conflict in Yemen while there remains a substantial risk the arms would be used to commit or facilitate war crimes or other serious violations.
- Support a comprehensive embargo on arms transfers that could be used by any party to the conflict in Yemen while there remains a substantial risk the arms would be used to commit or facilitate war crimes or other serious violations.
- Support an international, independent investigation into civilian deaths and injuries in Yemen. The investigation should address alleged serious violations and abuses of international human rights and humanitarian law committed by all parties to the conflict in Yemen. The investigation should establish the facts, and collect and preserve information related to violations and abuses, with a view to ensuring that those responsible for crimes are brought to justice in fair trials.

Mr. MCGOVERN. Well, thank you all very much. And the good news is we got through everybody's testimony. The bad news is they just called for votes. So we are going to take a break, if that is okay. There are only two votes -- there is a few more? Well, there is a few votes. Hopefully it will not be too long.

But let me just say that I appreciate the testimony and I appreciate the recommendations, because that is part of what we are trying to figure out here, is what can we do in the short term to follow up and to be constructive here, because it is such a tragic situation. And so I appreciate all of those.

But we are going to break for these votes and then we will be back. So I apologize for that, but we are not in control of this stuff. So if we were, we would not have any votes until everything was done. But be that as it may, we are going to take a break and we will come back as soon as the votes are done. Thank you.

[Recess.]

[Reconvened at 12:05 p.m.]

Mr. LIEU. [Presiding.] We are going to reconvene the Tom Lantos Humanitarian Rights Commission hearing.

Chairman McGovern likely won't able to make it back, so he asked me to just continue the hearing.

And first of all, thank you to the witnesses today for your testimony. Really appreciate it. I did have several questions, and my first will be to Mr. Bery from Amnesty International. Amnesty International had worked with some other groups and put forth a document saying there were over 70 unlawful air strikes in your estimation. I want to know how do you know those were unlawful? How did you figure that? What was your methodology? Because when I talked to some State Department officials, they will push back and say, oh, well, we don't know if they are actually unlawful. And then when I asked them about your report, and I say, well, which specific ones, they actually won't point any specific ones out. But I want to know for my own confidence as well as the American people why can't we rely on your report, and how was your methodology?

Mr. BERY. Sure. So -- I mean, I can speak broadly overall to our methodology. With regards to specific air strikes, we can forward questions to our Yemen research team. You know, broadly speaking, international humanitarian law, you know, Congressman, as you, I am sure, have taught to many people, you know, contains some very specific principles with regards to distinguishing between combatants and noncombatants as well as questions of proportionality. And through the application of those basic principles to the places that have been hit by the Saudi-led coalition strikes, it becomes very clear when a hospital is struck, for example, and there are no documented combatants in the area, or any strikes or attacks coming from the area, when schools are being struck, these sorts of things, when marketplaces are being struck, it quickly becomes clear that these are not military targets. They were not justifiable targets. And as a consequence of that, you know, our researchers, as well as the other organizations that join that statement that you

refer to, are able to pretty clearly say that these are likely war crimes and certainly in violation of international humanitarian law.

Mr. LIEU. All right. How do you know the Houthis then strike those targets?

Mr. BERY. Well, it depends on the nature of the strike. You know, the Houthis and their affiliated groups don't have access to the aerial capacity that -- the air war capacity of the Saudi-led coalition. You know, in some cases you find actual bomb fragments that clearly the Houthis and their allied groups don't have access to. And those simple facts that emerge in the rubble can point researchers in the right direction.

Mr. LIEU. Have you updated reports since then? Because I think the number is around 70 unlawful air strikes. Have you seen additional ones?

Mr. BERY. So I need to go back to that report to see what the qualifier was around the 70. I am not sure we were arguing that there were just 70 as opposed to 70 or so specific strikes that had been investigated. The total may be vastly --

Mr. LIEU. I see.

Mr. BERY. -- vastly higher. You know I mean -- early on in the conflict, the Saudi-led coalition declared an entire city to be a military target, you know, Sa'dah. And they flattened marketplaces and homes and, you know, significant bombardment. So there may well be orders of magnitude more strikes that are unlawful under IHL principles. Those are specific ones that have been investigated.

Mr. LIEU. When the Saudi coalition said that an entire city was a legitimate military target, was that in the document? Did they say it?

Mr. BERY. I don't remember what the actual source was. It was made public. The bombardment happened, and I believe later they attempted to walk that back. But I don't remember if there was a quote, a printed statement, or what the format was.

Mr. LIEU. And do you know or anyone on the panel know if the U.S. objected to that, when the U.S. looked at this and saw Saudi Arabia had essentially declared an entire civilian city as a military target? Did the U.S. say anything?

Mr. PAUL. Congressman, I was assured at the time the U.S. did say something. As far as I remember, what happened, and this was I think in late May of 2015, Saudi -- the Saudi Royal Air Force dropped leaflets on the city of Sa'dah saying, the city is now a, quote -- I think it was a -- the way it was translated was a military zone and all noncombatants were urged to urgently leave the city. And they said it would become a military zone, I believe, within 3 or 4 hours of when the leafletting took place. So that was -- the leaflet was what we saw. We have staff who were in the area, and we have an office in Sa'dah, had been closed for quite some time, but they saw the leaflets, and then I was told the U.S. Government did object privately through the Saudis.

Mr. LIEU. And Mr. Bery, in your Amnesty International report, it did set out principles of international law. And is it your belief that it is a

violation of international law and the law of war to target an entire civilian city as a military target?

Mr. BERY. Absolutely. Absolutely. It is a complete violation of international law, international humanitarian law to target entire cities in that way. There is no process of selecting military targets or differentiating between combatants and noncombatants when you target an entire city or an entire community in that manner.

Mr. LIEU. Thank you.

Mr. Paul, thank you for your testimony.

As you know, Saudi Arabia has signed on to additional protocol of the August 1949 Geneva Convention. And that states, "It is prohibited to attack, destroy, remove, or render useless objects indispensable to the survival of the civilian population such as food stuffs, agricultural areas for the production of food stuffs, crops, livestock for the specific purpose of denying them for the sustenance value to the civilian population, whatever the motive."

Is it your view that the Saudi Arabia coalition is targeting agricultural places such as farms? And if so, do you believe they are violating the 1949 Geneva Convention?

Mr. PAUL. Thank you, Congressman.

I should make a disclaimer here by saying, I have a personal interest and background in international humanitarian law. My organization doesn't have an investigative capacity. So what we have done is we have relied heavily on the reporting of organizations like Amnesty International and the United Nations as well as our own observations in the field. What I can say is that on the basis of our observations, there does appear to be a pattern of attacks that have affected farms, and other food production-related facilities.

So we, as an organization, aren't in a position to draw ourselves a conclusion about the compliance of the Saudi-led coalition with respect to additional Protocol I. But I think the pattern that we see and the intent we can probably infer from that would probably give a pretty good basis for some of those groups to draw conclusions themselves.

Mr. LIEU. Okay. Thank you.

Ms. Zimmerman, thank you for your testimony.

You have referenced an air strike that Saudi Arabia, the coalition, did at school that killed vulnerable children and injured many more.

What the military coalition has said is they believe that was not a school and it was a training camp for soldiers. Do you have any insight into whether that was true or not?

Ms. ZIMMERMAN. I don't on that specific one. But I can say that what we are seeing is, you know, far from isolated incidents of a few schools being targeted. It is widespread and recurring.

The other thing I think we are seeing is that the risks that the coalition seems to be willing to take in terms of damaging children in any number of ways are risks that we don't normally see from, kind of, nation states that are concerned with international humanitarian law, and proportionality, and making judgments that would reduce harm to civilians and specifically to

children.

Mr. LIEU. There was a U.N. document that was going to list Saudi Arabia as essentially committing crimes against children. Can you explain what that was and where the status is of that document?

Ms. ZIMMERMAN. So I believe that was with the SRSG's office, and -- so, I mean, we understood that Saudi Arabia was going to be listed, and then there was a draft of the document that did, in fact, have Saudi Arabia listed on it. But before it became official, Saudi Arabia was removed from that list. It is something that we expressed concern about with the U.N. Secretary General directly, actually, and many others did also.

I think it is fair to say that we were surprised that Saudi Arabia was removed from that listing.

Mr. LIEU. Okay. Thank you.

Ambassador Jeffrey, thank you for your decades of service. I appreciate that.

I understand your point as to why Saudi Arabia is in this conflict. But don't you think if the U.S. was more forceful in public statements or actions about the conduct of the coalition that that would actually do more to limit what look like war crimes? Because we have been involved now for over 18 months. It doesn't appear that things have gotten better. And the current administration seems to me enormously reticent to publicly call out what these are, which they look like war crimes. I don't know why you wouldn't do that in a more forceful manner. I just want to see what your thoughts are.

Mr. JEFFREY. Yeah. I can't give the specific rationale for why the administration takes exactly the position it does, Congressman. I have my ideas, but for the moment I will put those to one side. I will give you I think a more direct answer from my own experiences in many of these conflicts going back to Vietnam.

Were this conflict comparable to, using Yemen as an example, the Egyptian campaign in Yemen in the 1960s, which involved poison gas and other things, that was part of then President Nasser's attempt to expand his power as a sort of national objective but was not a national security problem for Egypt on the one hand. Then us speaking out, or in that case, at the time, the Soviet speaking out, or others who are providing a country weapons and diplomatic cover can have a huge impact.

That still applies with us in the case of Saudi Arabia and its allies and Yemen to some degree, which I will get to in a second. The problem is it is a different kind of war. From the standpoint of the Saudis and the Emirates and some of the other people who are supporting them, both -- this is both a war right on their door steps. Again, the analogy of Lebanon. There were many concerns by some of the organizations here about the Israeli actions in Lebanon in 2006 and previous that the Israelis pulled out. There was a U.N. resolution. I was up in New York and present when we worked it out, and one side did not adhere to it. The Israelis did, and they are now sitting with 150,000 rockets, most of which, against that U.N. resolution, came in after 2006. That is the reality these people are living in in the region.

I absolutely believe the U.S. can and should speak out against the Saudis and say, you need to do much more to avoid civilian casualties. You don't win wars this way. We have seen this from our own experience and, secondly, you destroy your diplomatic position.

But from my -- and I can't put words in any specific Saudi official's mouth, but in my very significant and extensive conversations with them in the last few months is that we will only be able to do that and have that kind of leverage if our position is we will find ways to ensure, be it diplomacy with our new friends in Iran, be it pressure on Oman where the weapons, including missiles fired at our ships probably came from, be it a tighter embargo, be it better efforts diplomatically, be it other efforts militarily with you to ensure that over our dead bodies, Yemen will never become a second Lebanon.

If we said that to the Saudis rather than -- and I have to criticize the President here, saying to the -- Jeff Greenberg and the Atlantic, the Saudis just have to learn to share the Middle East with Iran, I think the Saudis might listen. Right now, they are not listening to us, and I don't think they will unless we change our policy.

Mr. LIEU. Thank you. That is interesting.

There was a Reuters article that stated that State Department officials, including the lawyers, had raised concerns that U.S. assistance to the direct military operations in Yemen would open up U.S. liability for war crimes, for aiding and abetting potential war crimes. It appears that they didn't come to an answer on that, and the State Department continued forward. Is that unusual for the State Department to sort of go forward without getting a legal answer as to whether or not these are war crimes?

Mr. JEFFREY. Yeah. In my time in the State Department, particularly in the National Security Council, Congressman, where we dealt with -- given an open session, I have to say, activities against terrorists around the region, we were constant -- there is a constant friction between almost anything you do, given the nature of war crimes, be it as defined in international humanitarian law and then the degree to which international humanitarian law is applicable legally as opposed to politically and diplomatically on the U.S., the role of the ICC and other things, and with concepts such as proportionality, you argue all of these things with the lawyers ad nauseam -- that is the wrong word, but basically forever, because they are very important. You are dealing with people's lives, and you are also dealing with very important security things. And nobody ever emerges from these discussions happy.

The people who want to strike targets who we feel are, you know, for Americans' security and security of our allies often feel that their hands are tied. The people who are trying to adhere to strict standards of accountability, strict standards of humanitarian treatment, and avoidance of civilian casualties often also are disappointed.

I would cite, I know of no administration that's been more careful with civilian casualties and military operations in our history than this one. And I know of no activity where more effort was put into it than in the drone strikes. But as you know, the administration itself recently came out and listed its own

list of casualties, and they are in the hundreds.

Mr. LIEU. And that is why this Yemen crisis is so startling to me. Because I do agree with you that the administration, when we are dealing with our own strikes, is very careful. But there is now statements from the administration saying, we are refueling Saudi Arabia military coalition jets not knowing what they are doing. We have no idea what targets they are going to strike. And that strikes me as wrong and remarkable, given that we have known for the last 18 months about a third of these bombs are going to drop on a civilian.

And as you know, there is an entire State Department office dedicated to war crimes, try and tell other countries not to engage in war crimes. Would you agree that our conduct in this military operation in Yemen would undercut that office and what the administration has been trying to do in terms of preventing war crimes?

Mr. JEFFREY. You have got a point, Congressman, but having yielded that, I would have to say "undercut," as you know, as a former Air Force lawyer, is a somewhat imprecise term. But I give you -- I grant it undercuts as an imprecise term.

I will be totally honest with you, when I first heard the request to come forward, usually it is on Syria or ISIS, things that I know more about than Yemen, although as I said, I have been there. And this one, I was a little bit uncomfortable about, because I am kind of uncomfortable about this whole thing. And I think that President Obama and Secretary Kerry are very uncomfortable as well.

Here is the problem, to be totally blunt about this: If we are going to talk about humanitarian crisis and the killing of civilians in this region in terms of quantity of a ratio of probably 99 to 1, with Yemen being the 1, and in terms of quality in the negative sense, the deliberate policy of going after civilian areas, we are talking about Syria.

This administration, for reasons I don't agree with but I have some understanding for, decided to stay out of the Syrian war in any real sense. And in so doing has not only -- certainly not contributed to in any greatly significant way in ending the horrible violence there, but in the eyes of the Saudis and many others in the region, most others in the region, is thereby facilitating a Jewish strategic shift in power that these countries see as existential.

It is not just the 500 Saudis who have died from attacks across the border, it is the whole Lebanon situation, the whole Shia militias in Iraq thing. That's how they perceive it. Because the administration, for whatever reasons decided not to do that, I think they decided they couldn't totally abandon our allies in the Middle East, and thus, we are giving them a walk on Yemen.

Mr. LIEU. Thank you. I appreciate your testimony.

And finally, Mr. Bowers, thank you for your testimony and recommendations. It does strike me as absurd that we are refueling military jets that bomb civilians and civilian farms, and then we are also spending money providing humanitarian assistance caused by those jets that we just

refueled that dropped the bombs. But that is the situation that we are seeing.

And you had mentioned that one of your recommendations was the Community Development Fund. Can you explain a little bit more how that works and how it would help the people in Yemen?

Mr. BOWERS. To my understanding right now, I think the draft language, in the House Agricultural appropriations bill, limits the flexibility in which our colleagues at USAID can utilize funding for the appropriate amount of emergency food aid. So the Community Development Fund isn't necessarily meant to exercise itself in both an emergency and development setting, but what we are asking is not to limit the amount of appropriations.

So I think the safe box limit of 350 would mean, in effect, USAID, as is Food for Peace, would have to utilize other tools such as monetizing food aid, in-kind assistance, which we think is a less flexible, less responsive method.

So right now, the language in the House bill would basically tie the hands of our friends at Food for Peace to appropriate money that is already there. So it is not new money but money that can't be used in the facility we want to use.

Mr. LIEU. Thank you.

I appreciate all of you being here. I want to thank you for your time and your interest in this area.

And the hearing is now adjourned. Thank you.

Mr. BOWERS. Thank you.

[Whereupon, at 12:26 p.m., the Commission was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD



Tom Lantos Human Rights Commission Hearing

Hearing Notice

Humanitarian Crisis in Yemen

**November 17, 2016
10:00 AM – 12:00 Noon
2200 Rayburn House Office Building**

Please join the Tom Lantos Human Rights Commission for a hearing on the humanitarian crisis in Yemen, and the options and dilemmas confronting policymakers concerned with civilian protection.

A year and a half after the escalation of conflict between the northern Yemeni Houthi movement in alliance with forces still loyal to former President Ali Abdullah Saleh, and an international Coalition led by Saudi Arabia seeking to restore the government of President Abed Rabbo Mansour al Hadi, with support from the United States government, the humanitarian situation in Yemen continues to deteriorate. Before the outbreak of conflict, the country already faced a protracted crisis characterized by widespread poverty, food insecurity, poor governance, and weak rule of law, including widely reported human rights violations. The escalation has amplified that crisis, as the parties to the conflict have failed to take adequate steps to protect civilians or fulfill their obligations under international humanitarian law.

Since the collapse of a cessation of hostilities in August of 2016, Yemenis have endured near-daily attacks on civilians, civilian institutions and public infrastructure. In August, the Coalition inadvertently bombed an MSF-supported health facility and school in Sa'ada. In October, a Coalition attack on a funeral gathering in Sana'a left at least 140 people dead and 550 injured. Houthi-Saleh forces have indiscriminately shelled Taizz and other locations, as well as towns and installations inside Saudi Arabia, reportedly using ballistic missiles. Armed Houthi and Saleh forces routinely intimidate, delay and harass humanitarian

workers. More than 3 million people are internally displaced, and Yemen is at risk of famine: over 14 million people are food insecure.

Witnesses will discuss the strategic environment in which the conflict is taking place, update the humanitarian situation as it has been exacerbated by the conflict, and offer recommendations to ensure civilian protection.

Panel I

- **James F. Jeffrey**, Philip Solondz Distinguished Fellow, Washington Institute
- **Scott Paul**, Senior Policy Advisor, Oxfam USA
- **Michael Bowers**, Vice President for Humanitarian Policy and Practice, Mercy Corps
- **Krista Zimmerman**, Associate Director for International Humanitarian Policy, Save the Children
- **Sunjeev Bery**, Advocacy Director, MENA, Amnesty International USA (AIUSA)

This hearing will be open to members of Congress, congressional staff, the interested public, and the media. The hearing will be livestreamed via YouTube on the Commission website, <https://humanrightscommission.house.gov/>. For any questions, please contact Kimberly Stanton (for Mr. McGovern) at 202-225-3599 or Kimberly.Stanton@mail.house.gov or Carson Middleton (for Mr. Pitts) at 202-225-2411 or Carson.Middleton@mail.house.gov.

Sincerely,

James P. McGovern, M.C.
Co-Chair, TLHRC

Joseph R. Pitts, M.C.
Co-Chair, TLHRC



Tom Lantos Human Rights Commission Hearing

Witness Biographies

Humanitarian Crisis in Yemen

November 17, 2016

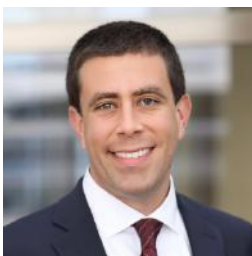
10:00 AM – 12:00 Noon

2200 Rayburn House Office Building



James F. Jeffrey retired from the Foreign Service with the rank of Career Ambassador in 2012. He is currently the Philip Solondz Distinguished Visiting Fellow at The Washington Institute for Near East Policy, a Visiting Instructor at George Washington University, and member of the Secretary of Defense's Defense Policy Board. Prior to his service as Ambassador in Ankara, 2008-2010, and Baghdad 2010-2012, he served as Assistant to the President and Deputy National Security Advisor in the George W. Bush Administration.

Previously he served as Principal Deputy Assistant Secretary for the Bureau of Near Eastern Affairs at the Department of State, where his responsibilities included supervising the Bureau's programs of several hundred million dollars in democracy promotion, peacekeeping, government capacity building, Track II reconciliation, and other assistance funding. Earlier appointments included service as Senior Advisor on Iraq to the Secretary of State; Chargé d'affaires and Deputy Chief of Mission in Baghdad; Deputy Chief of Mission in Ankara and Kuwait; Ambassador to Albania, and Deputy Coordinator for Bosnia.



Scott Paul is Senior Humanitarian Policy Advisor at Oxfam, where he leads the organization's work on emergencies and cross-cutting humanitarian issues. Paul is currently responsible for leading policy advocacy on Yemen and Somalia in the United States. He is also a frequent commentator on the global humanitarian system, the protection of civilians in conflict, and the related issues of

humanitarian finance, remittances, and bank de-risking. Before joining Oxfam, Paul initiated CIVIC's work on the conflict in Somalia and directed its Making Amends Campaign. He earlier served as Deputy Director for Government Relations at Citizens for Global Solutions where he led coalition-based campaigns to promote a vision of U.S. foreign policy centered on cooperation and the rule of law. Paul has also worked for the clerk of the U.S. House of Representatives and for a number of organizations focusing on human rights, HIV/AIDS and elections in the former Soviet Union.



Michael Bowers is the Vice President for Humanitarian Leadership and Response at Mercy Corps. He is responsible for leading and supporting Mercy Corps' global emergency operations, enhancing their quality and accountability and ensuring that they bring the greatest benefit to people in need. Mr. Bowers participates in the United Nations Inter-Agency Standing Committee (IASC) Emergency Directors' Group, a unique inter-agency forum for operational coordination, mobilization of surge support to emergencies, policy development and guidance to the decision-making bodies involving key U.N. organizations and global humanitarian partners. From 1999 to 2006 Bowers served as Mercy Corps Country Director in Afghanistan, Albania, Croatia and Kyrgyzstan. In 2007 he served as Regional Program Director for the agency's Central, East and South Asia region. He has directed the agency's activities in sub-Saharan Africa, the Balkans and Asia, managing programs in health, shelter, agriculture and economic development. Prior to joining Mercy Corps, Bowers worked on civic education programs in West Africa for the National Democratic Institute and ARD, Inc., a consulting firm.



Krista Zimmerman joined Save the Children in 2014 and currently serves as the Associate Director for International Humanitarian Policy and Advocacy based in Washington, DC. Her duties include advocating on behalf of children affected by humanitarian crises and ensuring that international emergency response efforts are responsive to the needs of affected communities. She has supported the scale-up of significant emergency response efforts in the Philippines and the Horn of Africa and also works on global refugee issues, South Sudan and Yemen. Prior to joining Save the Children, Ms. Zimmerman worked for Lutheran World Relief as a Senior Policy Advisor and for International Justice Mission as a Deputy Field Office Director. She is a graduate of the University of Notre Dame Law School and Goshen College.



Sunjeev Bery serves as Advocacy Director for the Middle East and North Africa at Amnesty International USA. He works with governments, NGOs, and others to advance human rights across the MENA region. Bery is a frequent guest commentator on major news media, including CNN, Fox News, MSNBC, BBC, Al Jazeera, Al Arabia, and Huffington Post Live. His comments

have appeared in a wide range of print media as well, including *The New York Times*, *USA Today*, *Washington Post*, AP, and international newspapers. Bery holds a BA from UC Berkeley and an MPA from the Harvard Kennedy School, where he was a Harvard Public Service Fellow. He is a recipient of the 2007 Asian Law Alliance Community Impact Award and has received commendations from the California State Senate and Assembly for his human rights advocacy.
