



LICENSE TO KILL

Why the American Drone War on Yemen Violates International Law

Alkarama is a Swiss-based, independent human rights organisation established in 2004 to assist all those in the Arab World subjected to, or at risk of, extra-judicial executions, disappearances, torture and arbitrary detention. Acting as a bridge between individual victims in the Arab world and international human rights mechanisms, Alkarama works towards an Arab world where all individuals live free, in dignity and protected by the rule of law. In Arabic, Alkarama means dignity.



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Since 2009, the United States has regularly bombed Yemen. These aerial attacks have occurred in almost every province of the country. In the past two years, the number of drone strikes has multiplied and the infrastructure required for these attacks have been expanded, not only in Yemen, but also in neighboring Saudi Arabia and Djibouti. Since the first strikes in November 2002 and until the writing of this report in July 2013, the United States has carried out between 134 and 234 military operations in Yemen. These include strikes by aircraft and drones as well as missiles launched from warships located in the Gulf of Aden. According to various sources, estimates of the number of people killed range from 1000 to 2000. However, to this day, neither the Yemeni nor the American authorities have put forward official statistics on the number of casualties.

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

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

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

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

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

The United States has never declared war on Yemen, and instead refers to the AUMF (Authorization to Use Military Force) resolution of 14 September 2001 to justify their intervention in Yemen, despite the fact that the Yemeni government is considered an ally and does not represent a threat to the US. The AUMF sets out measures to combat those with ties of any kind to the attacks of 11 September 2001.

This has been interpreted to include all those that are considered to be ‘associated forces’ of al-Qaeda, although this phrase does not appear in the resolution itself. This term in fact first appeared in President Obama’s speeches and official White House texts and is used to legitimize combat against groups whose ties with al-Qaeda are not always clearly established.

The question that must be asked is whether the United States are applying the rules of war, or law enforcement? The official argument put forward by American officials plays on the confusion between these two notions to justify targeted assassinations. However, the distinction between the two is important, as if it is the latter, the law of armed conflicts would apply, while in the second case, it would be the laws governing law enforcement that apply, which must comply with international human rights law.

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

President Obama himself provided the conditions required for a suspect to be assassinated; namely that the person be designated as being a person of interest under US law, that he or she represent a real, direct and imminent threat to the United States and its interests; that it not be possible to capture the person and that the operation does not target civilians. The administration certifies that only the leaders of al-Qaeda and ‘associated forces’ are targeted,

without clarifying the criteria required to place individuals on kill lists. What is certain, however, is that the number of these leaders is very small compared to the hundreds of those who have been killed during these strikes.

In reality, the forces implicated also target unidentified combatants who do not play a leadership role, who are anonymous and do not have charges held against them. Civilians also suffer due to the human and technical errors that American political and military leaders accept as necessary collateral damage in the pursuit of their aims. In fact, Yemen – just like Pakistan – has become a testing ground for revolutionary new methods of warfare, not only technically, but also politically and legally.

MAP OF U.S. AIR STRIKES IN YEMEN



Sites of the attacks documented by Alkarama between 2009 and 2013

1. Introduction

1.1 Political Overview

The Republic of Yemen was created on 15 May 1990 when the People's Democratic Republic of Yemen (South Yemen) and the Arab Republic of Yemen (North Yemen) were united. After the fall of the Ottoman Empire in 1918, the North of the country, which became an Imamate and then a Republic, fell under the influence of Saudi Arabia. The South, as a British protectorate, did not gain its independence until 1967, after which the Marxist-leaning government of this newly independent state allied itself with the Soviet Union. The difficult relations and regular conflict between the north and south of the country, which persist to this day, cannot however be reduced simply to an ideological opposition or even a Cold War legacy, although this legacy has certainly left an important mark on the relations.

The reunification process, started in 1990, came to a halt as civil war erupted, triggered by the leaders of South Yemen. The conflict lasted from 5 May to 7 July 1994 and finished by confirming the rule of the Northern government based in Sana'a over the whole country. Since the end of this internal conflict, the strategic importance of the country has continued due to its geographic location between the two heavy weights of the region: Saudi Arabia, which sees Yemen as within its sphere of influence, and Iran, which feels threatened by military encirclement by the United States and its allies.

In Yemen, state institutions are superimposed on tribal structures, which remain very influential and sometimes contradict the interests of the state. These institutions must therefore constantly negotiate their influence with the different tribal, religious, and political (notably Islamist) actors that make up Yemeni society, unable to always dominate them, as the institutions are themselves wrought with the same contradictions. The most influential opposition parties, al-Islah and the Socialist Party which have been, organized since 2000 into the Common Forum, compete with the General People's Congress (GPC), chaired by former President Ali Abdallah Saleh, but they are also the product of these same conflicts and are often forced to make alliances that at times seem counterintuitive. It is a complex system that is constantly in flux, in which cronyism and corruption play both a regulating and an immobilizing role. The regime of Ali Abdallah Saleh strengthened its authoritarian character after the civil war and would not have been able to maintain its power for over three decades without a solid control of the security services. Even today, the transitional state remains strongly under the influence of the authoritarianism legacy left by the ousted president and his family in 2012. The precarious political balance of the country has been largely disrupted by the United States' redefinition of regional policy following the attacks of 11 September 2011.

The popular uprising that shook many countries in the Arab world quickly reached Yemen at the beginning of 2011. Yemeni youth seeking change and political participation and inspired by the regional protest movements took to the streets and demanded the resignation of President Ali Abdallah Saleh. As the weeks went by, a growing number of political parties and tribes supported these demands.

After months of demonstrations and non-violent protests organized throughout the country and suppressed by force, a compromise was finally reached. President Saleh accepted the proposition of the Gulf Cooperation Council: he would step down on condition that he would be granted immunity from prosecution and that the system he had established during his 33-year reign would stay in place. His family retains control over all branches of the security services and he remains in control of the General People's Congress, which controls half of the ministries in the new government of National Unity. On 21 February 2012, Vice President Abd Rab Mansour al-Hadi presented himself as the sole presidential candidate and was elected to a transitional term of two years. In September 2012 he fired several senior officials of the security services who were considered close to Saleh, but many transitional measures remain unresolved, including the outcome of the national dialogue, the drafting of a new Constitution, the reorganisation of the army, and the revival of the economy.¹ Many activists feel as if their revolution was hijacked and that a new dynamic must be set in motion. Groups related to al-Qaeda have taken advantage of the insurrectionary climate and have occupied large territories of the south of the country for close to a year.

The transitional agreement signed in November 2011 included a national dialogue between party and tribal leaders representing all segments of Yemeni society. This dialogue, which began in March 2013, is meant to decide an agenda for the drafting of a new Constitution and the holding of elections in February 2014. Despite facing many

1) April Longley Alley, "Triage for a fracturing Yemen," Foreign Policy, October 31, 2012, http://mideast.foreignpolicy.com/posts/2012/10/31/triage_for_a_fracturing_yemen (accessed 28 July 2013).

obstacles, the dialogue has brought together over 500 delegates and was still ongoing in July 2013.

1.2 A struggling economy

Yemen faces many serious difficulties on the economic front. It lacks sufficient agricultural land, especially because a third of arable land is dedicated to the cultivation of Qat.² Hydrocarbon resources, which provide essential financial relief, are in decline, unemployment is high, and close to 35% of the population lives below the poverty line. Successive internal crises have aggravated the situation, particularly due to the internal displacement of thousands of people in the north and the south of the country. The Gulf countries also regularly expel Yemenis that work in their countries. In the spring of 2013, Saudi Arabia decided to expel all 'illegals,' a euphemism for all those who do not work for a sponsor. One million Yemenis that remit close to \$4 billion dollars to their home country³ could be affected by these expulsions.

In the 1990s, the IMF imposed a Structural Adjustment Program that required the privatisation of public enterprises, a reduction in public sector jobs, and the lowering of subsidies and tariffs, measures that have worsened the socioeconomic situation of most Yemenis. In 2002, the IMF and the World Bank gave Yemen \$300 million at a donors' conference that granted \$2.3 billion in aid.⁴ In return, the government was required to accelerate its reforms. In July 2005, the government adopted several economic measures that created significant opposition in the population, including the reduction of subsidies for petroleum products, which resulted in a doubling of fuel prices and sparked riots.

The uprisings of 2011 that lasted more than a year led to profound disruptions in an already weak economy, with a fall of GDP of -10.5% in 2011 and -0.5% in 2012, rampant inflation (17.1% in 2012), and a deficit in the balance of payments equivalent to 10.2% of GDP in 2012.⁵ Yemen's economy is largely dependent on external financing. At the donors' conference in September 2012, \$7.9 billion was pledged, of which \$2 billion has been allocated to date. The next donor conference in September 2013 should facilitate the delivery of the remainder on the condition that the government commits more firmly to political and economic reforms, especially the creation of jobs in the private sector. Since the spring of 2013, a small but positive change took place: inflation has been brought under control and foreign currency reserves have begun to increase, signalling the beginning of economic recovery.⁶ Improvements in the lives of millions of Yemeni citizens can be achieved if targeted initiatives in the areas of education, health, and social services can be launched. The first step, however, is the establishment of a national agreement that allows for advances in both the political and economic fields.

1.3 A weak state facing strong challenges

Yemen's internal conflicts, as well as other factors such as the authoritarian nature of the government, poverty, and social structures, have had an undeniable effect on the radicalisation of certain elements of Yemeni society. The American and Saudi interventions in Yemen have strengthened in recent years due to the strategic position of the country, especially in the Gulf of Aden, through which a large part of the international petroleum supply passes.

Several politically motivated conflicts have shaken the country for years without any long-term solutions being found for them. The Houthi rebellion that began in the 2000s in the North of the country has long been repressed with air strikes and mass arrests. The state has not respected the different peace agreements that were reached over the years. Between 2004 and 2010, 'six wars' (as they are known in Yemen) have been carried out against the

2) A plant whose leaves are frequently chewed by Yemenis for their hallucinogenic and stimulant effects.

3) Radio France International, "Des travailleurs yéménites expulsés d'Arabie saoudite (Yemeni works expelled by Saudi Arabia)," 3 April 2013, <http://www.rfi.fr/moyen-orient/20130403-travailleurs-yemenites-expulses-arabie-saoudite> (accessed 28 July 2013).

4) European Community, Yemen, European Community Strategy paper for the period 2007-2013, p. 21, http://ec.europa.eu/external_relations/yemen/csp/07_13_fr.pdf, (accessed 28 July 2013).

5) IMF, Arab Countries in Transition: Economic Outlook and Key Challenges, 12 October 2012, p.16, <http://www.imf.org/external/np/country/notes/yemen.htm> (accessed 28 July 2013).

6) Wael Zakout, Le point sur la transition au Yémen (The point on the transition in Yemen), World Bank, 20 June 2013, <http://menablog.banque-mondiale.org/le-point-sur-le-yemen> (accessed 28 July 2013).

movement, which seeks a fairer distribution of wealth and greater political participation. Over the years, a confessional element has emerged in the conflict, as the Houthis belong to a branch of Shi'ism known as the Zaidiyyah sect.

Peaceful protests have regularly been organized in the south of the country for years to denounce economic and social inequalities between the two parts of the country, as well as the authoritarianism of the central government. These protests have often been bloodily repressed. In the face of repression, several political groups have demanded secession.

It is in this explosive context that al-Qaeda in the Arabian Peninsula (AQAP) was created in 2009. In the wake of the revolutionary movement that began in early 2011, armed groups linked to al-Qaeda occupied large swathes of the south. Clashes with the state were so violent that several towns were destroyed and emptied of inhabitants. The revolt was crushed by the intervention of Saudi Arabia and the United States, who supported the Yemeni air force by carrying out drone strikes.

One of the key characteristics of Yemeni politics is the ability to integrate the various political, social, and religious components of society into the state apparatus. The major differences between these components remained unresolved, but the very real risk that this delicate balance of power implodes has always been averted using negotiation, co-optation, and clientelism. Military clashes have nevertheless occurred, but growing foreign interference in internal affairs, especially from the United States⁷, has led to an exacerbation and militarisation of conflicts in the second half of the 2000s.

In clashes in both North and South Yemen, the management of conflicts by the central authorities has been nothing but repressive. Laurent Bonnefoy, a specialist on Yemen, states: "In fact, the obsession with security, imposed by the dominant discourse, constitutes the principal source of instability. The priority accorded to Western security at the expense of the Yemenis will prove to be a long-term miscalculation."⁸ These prophetic words, which were written in 2006, fell short of the subsequent developments: the intervention of foreign powers – which had, with few exceptions, remained indirect to that point – has intensified to such an extent that it has determined the course of events in recent years.

7) For example, the stigmatisation of the al-Islah party since the government committed to fighting terrorism alongside the United States in the 1990s by excluding it from the decision-making structures despite the fact that it represents a large part of the population. This led to the concentration of power in the hands of the President and his party but also led to negotiations between the opposition parties, which created the Joint Forum in 2002. This forum presented a common candidate in the 2006 presidential elections.

8) Laurent Bonnefoy, *Entre pressions extérieures et tensions internes, un équilibre instable au Yémen* (Between external pressures and internal tensions, an unstable equilibrium in Yemen), October 2006, <http://www.monde-diplomatique.fr/2006/10/BONNEFOY/14054> (accessed 28 July 2013).

2.1 Early 2000s: The Jihadist movement in decline

From the mid-1980s onwards, fighters from around the Arab world joined the war against the Soviet occupation of Afghanistan. During this period, the Yemeni authorities recruited volunteers and assisted them in reaching the frontlines. This official government position towards the 'jihad' in Afghanistan corresponded with that of Islamists who were an integral part of many sectors of the state institutions such as the police, the army, the administration, and the education system. This commitment by the Yemeni government to the Afghans' struggle was supported by large parts of the population, and allowed the mobilization of the former combatants of Afghanistan as part of the civil war of 1994. This co-optation of jihadists avoided confrontation with the returning, well trained fighters who very well could have rebelled against the central government. The jihadists, however, did not target the state, which, to a certain extent, shared their criticisms of the United States which many of the fighters now expressed, having turned against the US following the withdrawal of the Soviets. The violent acts which were committed by armed groups in Yemen therefore targeted foreigners, either military or tourists.⁹

This delicate balance began to crumble after the September 2001 attacks on the United States. The Yemeni authorities rallied to the American position in the 'global war on terror,' though not forgetting to appease certain segments of the Islamist movement in the country, too powerful and essential to the central government. The American government criticized Yemeni authorities for not taking measures to prevent Sheikh Abdelmajid al-Zindani from travelling and freezing his assets, a move that is supported by UN sanctions.¹⁰ Al-Zindani is a well-known religious figure in the country and the president of al-Iman University in Sana'a. The United States has never been able to prove the accusation that he finances terrorism, which is the basis for the UN sanctions. American officials believed there were close links between those responsible for the attacks on the USS Cole in 2000 (see infra, § 3.2) and the attacks of 11 September 2001, and they tended to exaggerate the importance of al-Qaeda in Yemen. Some measures were taken by the Yemeni authorities to combat terrorism such as the expulsion of foreign students and imprisonment of dozens of militants, but the Yemeni authorities did not, at that time, believe that there was an 'al-Qaeda' organization in Yemen. This was not completely false, as there may have been various armed groups active in the country that were composed in part by Afghanistan veterans, and who undoubtedly have political affinity to al-Qaeda, but they considered themselves to be autonomous and did not claim any links to the organisation.

There began to be widespread public outcry against the arbitrary and prolonged detention of these men imprisoned without concrete evidence or criminal charges. Since they could not be freed without attracting the criticism of the United States, Judge Hamud al-Hitar developed a rehabilitation programme to satisfy the demands of both the population and the American administration. On 11 November 2002, the first group passed through the Rehab programme (36 of 104 prisoners) and was released.¹¹ Several were given financial aid and others were even integrated into military structures in exchange for an end to their militant activities. As this programme was unable to transform the ideological outlook of the detainees, who were often not even operational elements of any armed group, a sort of tacit non-aggression pact between the government and the militants was elaborated. Prisoners did not have to disavow violent jihad; they simply had to promise not to commit attacks in Yemen.¹² Several waves of release took place. On 16 November 2003, 92 suspected members of al-Qaeda and the Aden-Abyan army were released, while the United States apparently opposed the release of 150 men on the list.¹³ On 20 November 2004, 112 'religious extremists,' former al-Qaeda sympathizers, were released after having gone through Judge Hamud al Hitar's programme¹⁴. Then, on 27 May 2006, security forces freed 315 men suspected of belonging to al-Qaeda,

9) Laurent Bonnefoy, "Une brève histoire de la violence dite jihadiste" (A brief history of so-called jihadist violence), in Laurent Bonnefoy, Franck Mermier and Marine Poirier: *Yémen, le tournant révolutionnaire* (Yemen, a revolutionary turning point), CEFAS-Karthala, 2012, p. 93-113.

10) United States Department of State Publication Office of the Coordinator for Counterterrorism, *Country Reports on Terrorism 2007*, April 2008, <http://www.state.gov/documents/organization/105904.pdf>, p. 131 (accessed 28 July 2013).

11) Gregory D. Johnsen, *The last Refuge, Yemen, Al Qaeda, and America's war in Arabia*, W. W. Norton & Company, 2012, Chapter 10, Rehab, (electronic book without page numbers).

12) Gregory D. Johnsen, *The last Refuge, Yemen* [...], Chapter 10, Rehab, op.cit.

13) Marc Dugas, "Chronologie du Yémen 2003" (Yemen's Chronology, 2003), *Chroniques yéménites* (Yemeni Chronicles), 30 December 2003, <http://cy.revues.org/152>, (accessed 28 July 2013).

14) Laurent Bonnefoy and Nabil Subay', "Chronologie du Yémen 2004 (Yemen's Chronology, 2004), *Chroniques yéménites* (Yemeni Chronicles), <http://cy.revues.org/191>, (accessed 28 July 2013).

lacking sufficient evidence to implicate them in any terrorist acts.¹⁵

According to a number of observers, ‘the active jihadist movement’ – whether one calls it al-Qaeda or not – had been reduced to its most basic incarnation as of 2004.¹⁶ In fact, in the years before its dismemberment, it consisted of no more than a few dozen fighters (as well as a few hundred supporters) and the elimination of a leader of a group generally led to the disintegration of the group itself, as demonstrated by the death of al-Harithi and the extinction of his Islamic Army of Aden-Abyan. The policy of President Saleh seemed to pay off: the mix of integration, imprisonment, and physical eliminations, had ensured that no attack took place in Yemen since the attack on the oil tanker Limburg in October 2002, the assassination of the socialist leader Jarallah Umar later that year, and the attack on a hospital run by American Baptists that killed four people in December. When in April and May 2005 threats were made against several foreign establishments in Sana’a, the authorities made every effort to arrest those responsible. From 2004 on, the main priority of President Saleh as well as his Saudi neighbours was the Houthi rebellion in the North.

The US government certainly did not appreciate the strategy of leniency adopted by the Yemeni government, and in a 2007 report on terrorism stated that despite American pressure, “Yemen continued to implement a surrender program with lenient requirements for terrorists it could not apprehend, which often led to their relatively lax incarceration.”¹⁷ The Department of State also criticizes the fact that Guantanamo detainees, upon return to Yemen, were released after a short period of evaluation and rehabilitation in a programme lacking strict measures of control.

2.2 2006-2009: Triggering the downward spiral of violence

However, a succession of events was to lead to a renewed mobilisation followed by a radicalisation of many militants, including the assassination of al-Harithi (see below); the incarceration of a large number of Yemenis in the prison camp at Guantanamo Bay¹⁸; the arrest and prosecution of the very popular Sheikh Muhammed Ali Hassan al-Muayyad – viewed as the victim of a conspiracy – in the United States¹⁹; or the extrajudicial execution in October 2006 of Fawwaz al-Rabii – one of the leaders of al-Qaeda in Yemen who had given himself up to authorities. In certain circles, the Yemeni government was increasingly criticized as being on the payroll of the United States. The attacks by militants thus began to target tourist and economic locations, aiming to weaken the central government.

New armed militant cells came into being, especially following the spectacular escape of 26 inmates from the Political Security central prison in Sana’a in February 2006²⁰, including Nasser al-Wuhayshi, the former personal secretary to Osama bin Laden who had fled Afghanistan via Iran, where he was arrested and extradited to Yemen in 2003. He was accompanied by Qasim al-Raymi, a former leader in a training camp in Afghanistan, and Fawwaz al-Rabii, who would be killed following the escape. Furthermore, several notorious jihadists were released by the Yemeni authorities, such as the leader of an armed group, Ali Alawi al-Ahmar, along with 16 of his group’s members.²¹ Meanwhile, Yemeni fighters held in Iraq were extradited back to Sana’a, and other militants were freed from Saudi prisons. The majority of these fighters did not renounce armed jihad, but they did not necessarily share the same ideologies. According to Gregory D. Johnsen, those that fought in Iraq called for the defence of Muslim lands against foreign invasion, but Yemen had not been invaded by Western troops, so they did not call for resuming their armed struggle there. Al-Wuhayshi, on the other hand, argued that, since the attacks of 11 September 2001, the Yemeni

15) Guilhem Roger, “Chronologie des événements au Yémen en 2006” (Chronology of Events in Yemen in 2006), *Chroniques yéménites (Yemeni Chronicles)*, 18 March 2009, <http://cy.revues.org/1503> (accessed 28 July 2013).

16) Gregory D. Johnsen, *The last Refuge, Yemen, Al Qaeda, and America’s war in Arabia*, W. W. Norton & Company, 2012, Chapter 10, Rehab.

17) United States Department of State Publication Office of the Coordinator for Counterterrorism, *Country Reports on Terrorism 2007*, April 2008, <http://www.state.gov/documents/organization/105904.pdf>, p. 129 (accessed 28 July 2013).

18) In the month of April 2006, the Minister of Justice confirmed that 137 Yemenis were imprisoned at Guantanamo although the United States put this number at 108. Guilhem Roger, “Chronologie des événements au Yémen en 2006 (Chronology of Events in Yemen in 2006),” *Chroniques yéménites (Yemeni Chronicles)*, 18 March 2009, <http://cy.revues.org/1503> (accessed 28 July 2013).

19) Muhammed Ali Hassan al-Muayyad was arrested in Germany at the request of the United States on 10 January 2003. He was identified as an important member of al-Qaeda and a financier of international terrorism although these charges were never substantiated. Sentenced to 75 years in prison, he was finally freed after seven years in detention.

20) Among these escapees were Jamal al-Badawi, and American national, Jabir al-Banna, two of the FBI’s most sought-after terrorists.

21) Guilhem Roger, “Chronologie des événements au Yémen en 2006 (Chronology of Events in Yemen in 2006),” op. cit.

government had submitted to the will of the United States and that the US is more and more present in the country making Yemen a legitimate battleground for jihad. He managed to convince an increasing number of fighters with these arguments.²²

Then in early 2007, he began to reorganize the jihadist movement and created 'The Brigade of Yemeni Soldiers' (kataib jound al-Yemen). Between 2006 and 2008, armed groups primarily targeted foreign interests – tourists, embassies, and petrol facilities – while their rhetoric grew increasingly radical towards the Yemeni regime and its cooperation with Western powers. On 2 July 2007 in Ma'rib, eight Spanish tourists were killed in a suicide car bomb attack. Al-Qaeda in Yemen claimed responsibility for the attack, and numerous suspects were quickly arrested. In 2008, several attacks were launched, illustrating the revitalisation of armed groups under different names: Islamic Jihad in Yemen took responsibility for an attack against the United States embassy in Sana'a on 17 September 2008, which, though it failed to hit the embassy, nonetheless caused the death of some 16 people. Several observers believe that the suicide bomb which targeted the headquarters of the security forces in Seyoun in al-Wadi Hadramaut in July 2008 marked a shift in strategy by the armed groups, which had until this point only targeted officers considered to be collaborators with the United States or torturers, but not directly targeted the state.²³

Finally, in January 2009, an announcement was made that 'al-Qaeda in the Arabian Peninsula' (AQAP) had been created and was composed of two Saudi and two Yemeni survivors of the spectacular prison break in 2006, including Nasser al-Wuhayshi. Since that time, attacks against the state continued to multiply, though this did not mean an end to attacks on foreigners. On 15 March 2009 in Shibam, a group of South Koreans were attacked, leaving four of them dead. Just three days later, a South Korean commission arrived to investigate the circumstances of the assault, and it too was attacked. Several other operations were launched, and though some failed, notably the attack against the flight from Amsterdam to Detroit (USA) on 25 December 2009, these led to an increase in repression as well as bombings by the United States military in different areas of Yemen including Abyan, Shabwa, and Arhab.²⁴ This repression served to further radicalise numerous militants and pushed them to join al-Qaeda, while others went by the dozen to fight in Iraq.

In 2009, the operations of armed groups began to move from the region of Ma'rib to Abyan and Shabwa. These provinces of south Yemen had, since 2007, seen regular demonstrations organized to protest against the central government which they accused of neglecting the regions of the former Socialist Republic of Yemen. This 'Southern' movement, known as al-Hirak, was peaceful in its origins, but confrontations with security forces radicalized many of its activists who, beginning in 2009, began to target people from the North as well as the security forces.²⁵ In some places, the presence of the state was becoming increasingly light, and police abandoned their posts for fear of attacks. Even though the al-Hirak movement continued to advocate non-violence, attacks by armed groups fit into the increasingly general climate of rebellion. In May 2009, al-Wuhayshi goes as far as to announce his support for the Southern movement, contributing to a rapid modification by the authorities of their attitudes towards the 'jihadists'. Until then, the central government had not considered these groups to be a serious threat, unlike the Southern or Houthi rebellions. The latter two were strong socio-political movements with the potential to resist the central powers in two strategically important regions.²⁶ Different leaders of the Southern opposition however rapidly expressed their distance from al-Qaeda and rejected any relation with them.

As 2009 drew to a close, very real fears of a breakup of the country were voiced from various quarters. The United

22) Gregory D. Johnsen, *The last Refuge*, op.cit. Chapter 15.

23) Stephen W. Day, *Regionalism and Rebellion in Yemen*, Cambridge University Press, 2012, Chapter 8: "The Return of Yemeni Regionalism," section: "A violent year." See also: Laurent Bonnefoy, "Une brève histoire de la violence dite jihadiste" (A brief history of so-called jihadist violence), in Laurent Bonnefoy, Franck Mermier and Marine Poirier: *Yémen, le tournant révolutionnaire* (Yemen, a revolutionary turning point), CEFAS-Karthala, 2012, p. 106.

24) According to a cable from the US embassy on 21 December 2009, the American military carried out 17 attacks, among them the attack on Al-Ma'jalah, which we discuss below. The Yemeni authorities have tried to conceal this by taking responsibility for attacks. See: *The Guardian*, "US embassy cables: Yemen trumpets strikes on al-Qaida that were Americans' work," 4 December 2010, <http://www.guardian.co.uk/world/us-embassy-cables-documents/240955> (accessed 28 July 2013).

25) Stephen W. Day, *Regionalism and Rebellion in Yemen*, Cambridge University Press, 2012, Chapter 8: "The Return of Yemeni Regionalism," section: "Looking into the abyss."

26) Stephen W. Day, *Regionalism and Rebellion in Yemen*, Cambridge University Press, 2012, Chapter 8: "The Return of Yemeni Regionalism," section: "Looking into the abyss."

States, its allies, and the states of the Arab League continued to support the highly contested Ali Abdallah Saleh to preserve the territorial integrity of Yemen, but also to ensure the continuation of the 'war on terror.' It was in this context that the attack on the Fort Hood military base in Texas took place on 5 November 2009, killing thirteen and injuring dozens of others. The military psychiatrist Malik Nadal Hasan, who was responsible for the attack, was said to be in relations with Anwar al-Awlaqi, an American-Yemeni cleric living in Yemen.²⁷ This event led to hysteria within the United States' political establishment and served as justification for the first drone attacks (with the exception of the one that had killed al-Harithi and his companions three years earlier). When, less than two months later, an attack on the US city of Detroit was uncovered and foiled, calls for an actual military invasion of Yemen were made.

2.3 2010: State decay leads to increased activities of armed groups

As 2010 opened, a warlike climate hung over the United States with regards to Yemen. Ever since the British Prime Minister Gordon Brown announced the organization of a conference in February in London to discuss the security situation in Yemen, rumours that the West was planning a military invasion abounded, confirmed by the words of US Senator Joseph Lieberman, who spoke of Yemen as 'America's next war.' He repeated these words several times in the following month, which was not reassuring to Yemenis.²⁸ In January, nearly 150 leaders representing the tribal and religious establishments in Yemen met in Sana'a for a public conference, and published a declaration on the 14th of the month in which they threatened to call for jihad if foreign troops were sent to the country.²⁹

In late 2009, two American air-strikes, first on 17 December in Al-Ma'jalah in Abyan province that killed 54 people, including many women and children, and secondly the attack of 24 December on Raft in Shabwa province that targeted the house of Anwar al-Awlaqi and killed thirty people, shocked the Yemeni population. These attacks resulted in the hardening of anti-government and anti-American attitudes in all political circles in addition to those of the militants and supporters of the jihadists. 2010 was marked by a resurgence of violence, as much by armed jihadist groups with suspected ties to al-Qaeda as by the Yemeni armed forces. As remarked by Laurent Bonnefoy: "The adoption by jihadist activists of guerrilla tactics through the use of ambushes against army convoys or raids on official buildings is part of a larger continuum of repression, armed conflict, and other violence: sectarian, social, and regional stigmas, arbitrary detention, torture, military operations, attacks on freedom of movement, etc."³⁰

American armed forces intervened more and more frequently in Yemeni territory. According to the press, between 17 December 2009 and 31 January 2010, more than 20 ground raids took place, but increasingly drones were being used.³¹

Given the climate of insurrection, armed fighters claiming to belong to al-Qaeda managed to take possession of several areas in the south of the country. Between 19 and 25 August 2010, a military offensive was launched against the town of Lawdar in Abyan province, home to 80,000 inhabitants. The Yemeni army forced the residents to flee before bombarding the town and confronting the fighters.³²

On 20 September 2010, the town of Huwa in Shabwa province was overrun by armed groups, at the same time John Brennan, senior advisor to President Barack Obama for Homeland Security and the fight against terrorism, and the current Director of the CIA, was visiting Yemen to discuss cooperation between the US and Yemen in the fight against terrorism. After four days of siege and the flight of 15,000 inhabitants, the army regained control of the city,

27) Sudarsan Raghavan and Michael D. Shear, "US-aided attack in Yemen thought to have killed Aulqi, 2 al-Qaeda leaders," *The Washington Post*, 25 December 2009, <http://www.washingtonpost.com/wp-dyn/content/article/2009/12/24/AR2009122400536.html> (accessed 28 July 2013).

28) Sam Stein, "Lieberman: The United States Must Pre-emptively Act In Yemen," 18 March 2010, http://www.huffingtonpost.com/2009/12/27/lieberman-the-united-stat_n_404241.html (accessed 28 July 2013).

29) Stephen W. Day, *Regionalism and Rebellion in Yemen*, Cambridge University Press, 2012, Chapter 9: "Yemen's Political Meltdown," section: "The intersection of American and Yemeni interests."

30) Laurent Bonnefoy, "Une brève histoire de la violence dite jihadiste (A brief history of so-called jihadist violence)," *op. cit.*, p. 106.

31) Jeremy Scahill, "The Dangerous US Game in Yemen," 30 March 2011, <http://www.thenation.com/article/159578/dangerous-us-game-yemen?page=0,2> (accessed 28 July 2013).

32) Fawaz al-Haidari, "Yemen army 'regains control' of southern town," *AFP*, 25 August 2010, <http://www.google.com/hostednews/afp/article/ALeqM5jaSuALY9MdZ5WSyhw8CmEBh4DTw> (accessed 28 July 2013).

without a very high death toll.³³

These preliminary attacks by groups linked to al-Qaeda were only the prelude to an offensive that began several months later in the province of Abyan where they were able to occupy a large part of the region for a year. This unstable situation was not only due to al-Qaeda and its affiliates: it was also the consequence of clashes between regime forces and opposition groups in both the north and south, leaving the space for groups linked to al-Qaeda to open a new front. It is worth remembering that the jihadist movement had nearly been eliminated after the attacks of September 2001 and that the few active members remaining had difficulty finding sympathizers within the population.

Embroiled in an armed conflict in the north and confronting a growing insurgency in the south, the regime used the threat of al-Qaeda to receive military aid from Washington. Both the Yemeni regime and the American administration exaggerated the importance of this threat to justify the militarisation of the conflict and the intervention of the United States. Several observers speculated that the deployment of armed Islamist groups was supported by the regime in Sana'a itself, in order to maintain American support in the fight against terrorism. Whatever the truth may be, it is undeniable that repression and the direct intervention of the United States in Yemen's internal conflicts have contributed to the reinvigorating of al-Qaeda in Yemen.

2.4 2011: The deployment of Ansar al-Sharia in the shadow of the 'Arab Spring'

In 2010, al-Qaeda's attacks on the Yemeni armed forces multiplied, especially against military bases, checkpoints, and army personnel. In January 2011, the organization took responsibility for 49 operations in the second half of 2010.³⁴ The year 2011 began with the assassinations of several top officers in the Yemeni army in the southern provinces, in particular in Abyan and Shabwa, controlled by groups tied to al-Qaeda. The confrontations in Lawdar and Zinjibar eventually reached the former capital of South Yemen, Aden, in May 2011 as well as the neighbouring provinces of Ma'rib and al-Baydha.

While the southern provinces were experiencing a slow disintegration of state institutions, a revolutionary movement was spreading throughout the country in January 2011 in the wake of the uprisings in Tunisia and Egypt, further deepening an institutional vacuum and giving armed groups the opportunity to occupy whole areas of the south. Anwar al-Awlaqi, one of the most wanted men on US lists and who was subsequently killed by a drone strike in September 2011, declared: "The Arab revolutions have given Islamic groups the chance to breathe and have their voices heard."³⁵ The spreading occupation of land by armed groups was also facilitated by the political crisis in the upper echelons of the state that sparked divisions within army units themselves.³⁶

Although the calls for President Saleh's resignation and regime change were heard throughout Yemen, the Southern al-Hirak movement, who joined these calls, increasingly demanded independence for the south. This clear break from the central government worked to the advantage of the Islamist fighters who managed to rally a part of the population to their cause. The continuing clashes between these groups and the Yemeni armed forces again showed that the latter would not hesitate to shell residential areas, driving tens of thousands of people from their homes.

With unprecedented speed and without much bloodshed, these armed groups managed to take control of a majority of the towns in the province as well as some in its neighbouring provinces, which they called 'The Islamic Emirates'. On 24 March 2011, they occupied the town of Azzan (Shabwa); on 26 March the city of Ja'ar (Abyan); the next day the town of al'Husn; and on 27 May 2011 they took Zinjibar, a coastal town in Abyan with 20,000 inhabitants that fell into the hands of about 300 armed men. Lawdar, a town of close to 90,000 residents, also came under their control.

33) BBC, "Up to 15,000 flee offensive in Yemen's Shabwa province," 21 September 2010, <http://www.bbc.co.uk/news/world-middle-east-11380625> (accessed 28 July 2013).

34) "AQAP Announces Responsibility for 49 Attacks in Yemen During 2010," Yemen Post, 1 January 2011, <http://yemenpost.net/Detail123456789.aspx?ID=3&SubID=2936> (accessed 28 July 2013).

35) Amjad Khashafa, "من عزان إلى زنجبار... نصف شهر مع أنصار الشريعة" (From Azzan to Zinjibar, 15 days with Ansar al-Sharia), 6 December 2011, <http://kavkazcenter.com/arab/content/2011/12/06/8677.shtml> (accessed 28 July 2013).

36) Al-Jazeera Center for Studies, "القاعدة باليمن: عودة للكر والفر" (al-Qaeda in Yemen: Between offensives and replies), 17 June 2012, <http://studies.aljazeera.net/positionestimate/2012/06/201262493531991735.htm> (accessed 28 July 2013).

Ansar al-Sharia, the group which arose as the central player in this conquest, is made up of a patchwork of disillusioned combatants that began their jihadist careers in al-Qaeda, as well as young Islamists disillusioned by a system of nepotism and injustice who want to remake their lives under the religious precepts of Salafism. Foreign fighters from Saudi Arabia and Somalia as well as Afghanistan and Pakistan are found among their ranks. They are funded partly by banks they have robbed, as they did in Zinjibar, stealing 2 billion Riyals. They steal weapons and vehicles from ransacked barracks and depots of the army and police.³⁷

Some of the population welcomed the group with a certain approval while others feared them. In the West, the group's rigorous conception of Sharia is the most widely publicized aspect of their ideology, notably the use of corporal punishment, the restriction of personal freedoms, and other religious constraints. Many reports by Yemeni journalists, however, explain that these regions had been neglected and underserved in the past, and gangs had terrorized inhabitants and extorted money from them.³⁸ Corruption, racketeering, and insecurity reigned in the regions prior to the arrival of the occupying groups, and commerce and public services had collapsed. Journalists cite the example of Azzan, where, one year after the occupation by Islamist groups began, the streets had been cleaned, legal cases that had been on-going for 10 years had been closed, security had enabled the markets to become the second largest in Shabwa, shops had reopened, electricity was available more widely and longer than ever before, and water was given for free to needy families, etc.

For nearly a year Ansar al-Sharia occupied the territory between Azzan and Zinjibar, nearly all of the province of Abyan and the border communities of Shabwa as well as al-Baydha. Many observers questioned the lack of resistance from security forces against the disparate armed groups. Rumours abounded that the state was complicit in allowing the groups to occupy the region. The former governor of Abyan General Saleh Hussein al-Zuwa'ri, who had witness the fall of the province into the hands of the occupiers, explained that the security services and the army had stood down in the face of Ansar al-Sharia. Communication between him and the military was cut off before Abyan fell, and the military had showed no resistance to the advance of the armed groups.³⁹

Some in the opposition argue that President Saleh did not utilize his full military force, hoping to show the outside world that he is the only hope in the face of the threat of al-Qaeda. The army, especially the Special Forces and the counter-terrorism units, were in fact deployed to Sana'a to protect the president in the face of growing popular protests.⁴⁰

2.5 2012: Ansar al-Sharia dislodged, the popular committees begin their reign

The city of Zinjibar had been, since its fall to Ansar al-Sharia, the central arena of confrontations between the army and the rebels and was the target of several bombardments by the Yemeni air force.⁴¹ The city suffered significant destruction and thousands of residents fled. Hundreds of fighters had died on both sides of the conflict. Finally, in February 2012, the authorities presented the armed groups occupying the area with an ultimatum, summoning them to surrender within a week.⁴² In response, the militants attacked an artillery unit stationed in Dufash on 4 March 2012, causing the death of a hundred soldiers and injuring a hundred others. The fighting in other places took

37) "2011: al-Qaida dans la péninsule arabe, année de rêves et de cauche (2011: al-Qaeda in the Arabian Peninsula, a year of dreams and nightmares)," 12 February 2012, p.1, <http://www.shebacss.com/docs/PolicyAnalysis/scssapa003-12.pdf> (accessed 28 July 2013).

38) Yemen Press, "زيارة لـ إمارة عزان الإسلامية.. "أنصار الشريعة" يستبدلون الدولة بقوانينهم وخدماتهم" (A visit to the Islamic Emirate of Azzan: 'Ansar Sharia' takes the place of the state with their laws and services) 1 April 2012, <http://yemen-press.com/news7934.html> (accessed 28 July 2013).

39) "إعترافات خطيرة لمحافظ أبين السابق عن سقوط زنجبار في يد أنصار الشريعة" (Dangerous revelations by the Governor of Abyan concerning the fall of Zinjibar into the hands of Ansar Sharia), 15 March 2013, Yemen saeed <http://www.yemensaeed.com/news/news-local/6264-2013-03-14-23-42-52.html> (accessed 28 July 2013).

40) Yemen Saeed, "القاعدة باليمن: عودة للكر والفر (al-Qaeda in Yemen: Between offensives and replies)," Al-Jazeera Center for Studies, 17 June 2012, <http://studies.aljazeera.net/positionestimate/2012/06/201262493531991735.htm> (accessed 28 July 2013).

41) "زيارة لـ إمارة عزان الإسلامية.. "أنصار الشريعة" يستبدلون الدولة بقوانينهم وخدماتهم" (A visit to the Islamic Emirate of Azzan: 'Ansar Sharia' takes the place of the state with their laws and services), Yemen Press, 1 April 2012, <http://yemen-press.com/news7934.html> (accessed 28 July 2013).

42) "أبين.. الجيش يمهل "أنصار الشريعة" أسبوع لمغادرة جعار وزنجبار" (Abyan, the army gives Ansar al-Sharia one week to leave Ja'ar and Zinjibar), Yemen Press, 28 February 2012, <http://yemen-press.com/news6827.html> (accessed 28 July 2013).

many lives and 73 people were taken hostage.⁴³ Clashes extended to al-Baydha and Shabwa provinces.

In April 2012, the authorities attempted to retake the areas and began to put in place ‘popular committees’ to assist the army in its military offensive against the rebels. The Saudi Arabian and American air forces supported the Yemeni army. The assault began on 12 May 2012 and by mid-June the territories occupied by Ansar al-Sharia had been re-taken. The attacks caused thousands of inhabitants to flee once again. According to the Office for the Coordination of Humanitarian Affairs (OCHA) of the United Nations in June 2013, close to 90% of internally displaced persons (IDPs) have returned to their places of origin.⁴⁴ Yet sources on the ground reported to Alkarama that to this day, large numbers of refugees have not returned to their homes, largely because of the destruction of these.

The popular committees, earlier supported by the army, have taken control of the areas, but according to the Yemeni press insecurity and arbitrariness are widespread, as these committees have taken the law into their own hands and revenge is frequently carried out against those suspected of supporting the insurgents. Summary executions, arrests and detention outside any legal framework are widespread.⁴⁵ The divisions within the government and army also affect these militias, as they target local officials of the administration and soldiers in Zinjibar and Ja’ar. Following the withdrawal of the army from Abyan province, the popular committees strengthened their presence. The head of Abyan’s popular committees, Abdelatif Sayyid, is a defector of al-Qaeda and Ansar al-Sharia that fought his comrades after breaking apart from them.⁴⁶ The visit of the American ambassador Gerald M. Feierstein to Zinjibar, alongside a senior Yemeni official, did little to pacify the region⁴⁷ and instead raised questions about the role of the United States in the conflict. To this day, Yemeni authorities have not taken full control of the region, which is still in the hands of the popular committees, indeed the central government’s control over the region continues to be eroded.

43) Alkarama played an active role in the release of these hostages. See press release “Yemen: The right to life of 73 soldiers held by armed group safeguarded”, Alkarama, 1 May 2012, http://en.alkarama.org/index.php?option=com_content&view=article&id=924 (accessed 28 July 2013).

44) “More than 90 pct of internally displaced people in Yemen return home,” Xinhua, 11 June 2013, <http://www.globaltimes.cn/content/788122.shtml> (accessed 28 July 2013).

45) “اتهامات لعناصر في اللجان الشعبية بأبين بتنفيذ إعدامات ميدانية” (Popular committees in Abyan accused of extrajudicial executions) Aden Alghad, <http://adenalghad.net/news/15862/#.UcY6y5yaYRs> (accessed 28 July 2013).

46) “اتهامات لعناصر في اللجان الشعبية بأبين بتنفيذ إعدامات ميدانية” (Popular committees in Abyan accused of extrajudicial executions) Aden Alghad, <http://adenalghad.net/news/15862/#.UcY6y5yaYRs> (accessed 28 July 2013).

47) “السفير الأمريكي في صنعاء يظهر في زنجبار” (“The American ambassador to Sana’a appears in Zinjibar) Aden Alghad, 22 June 2012, <http://adenalghad.net/news/13223/#.UcY8E5yaYRs> (accessed 28 July 2013).

3. Yemen in America's crosshairs

3.1 1990-2000: An era of strained relations

During the first Gulf War (1990-1991), Yemen disapproved of the war against Iraq by the coalition forces, though did not either endorse the annexation of Kuwait. It abstained from voting on a UN Resolution to authorize military intervention against Iraq. In retaliation, the United States put an end to its economic aid to Yemen⁴⁸, and US allies such as Saudi Arabia and its neighbours expelled a million Yemeni workers from their respective countries. The marginalization of Yemen increased its vulnerability and its dependence vis-à-vis the United States and Saudi Arabia, which considers Yemen to be its 'backyard.'

Military cooperation between the United States and Yemen gradually resumed at the end of the 1990s, in particular following attacks on American embassies in Dar es-Salaam and Nairobi in 1998. This increasing collaboration on security issues included US troops training hundreds of police; selling equipment to Yemen; and accompany the restructuring of the security services. FBI experts closely followed investigations by the Yemeni security services, particularly the interrogations of groups accused of having kidnapped six Western tourists in 1998, four of whom were killed.⁴⁹

Then, the US Navy negotiated a contract to use the port of Aden for the refuelling of its warships. Several military officers visited Sana'a, including the head of US Central Command, the regional military command centre in charge of operations in the Middle East, Central Asia, and the Horn of Africa, to discuss future cooperation on joint military exercises. The intensification of relations between the two countries was not popular with public opinion, which was very critical of the perceived hegemonic aims of the United States in the region.

On 12 October 2000, the USS Cole, an American warship overseeing the embargo against Iraq, was attacked. Seventeen American sailors were killed and 50 others were injured. The next day, an explosion occurred at the UK embassy in Sana'a, though leaving no casualties. Following this, America increased its pressure and President Saleh was forced to accept the conditions imposed; an agreement to cooperate on counter-terrorism was signed in November 2000 between Sana'a and Washington. As a result, nearly 100 agents from different US agencies including the FBI were to assist the Yemenis in their investigations. On 7 July 2001, the American embassy in Sana'a, which had been closed since the attack on the USS Cole, reopened. The cooperation between the Yemeni and American governments was widely resented by the Yemeni people, and exacerbated local tensions already high throughout the country. President Saleh therefore had to deal with both these external pressures and internal protests led by the opposition and professional organizations, which called for a boycott of American products. Despite these significant concessions, American leaders did not believe the Yemeni authorities were cooperating sufficiently and the investigation into the attack on the USS Cole stalled. The Americans were not able to interrogate suspects arrested by the Yemenis as they would have liked to, and they suspected collusion between members of the Yemeni secret services and the armed group that claimed responsibility for the attacks, the Islamic Army of Aden and al-Qaeda.⁵⁰

3.2 The impact of September 11, 2001

After the attacks of 11 September 2001 on the World Trade Center and the Pentagon, the climate changed fundamentally and irrevocably. As the United States elaborated its new doctrine for the 'war against terror', Yemen, accused of tolerating groups with links to al-Qaeda, was high on the list of priorities. Several of the men accused of plotting the September 11 attacks were in fact Yemenis. President Ali Abdallah Saleh thus made his choice quickly: not wishing to repeat the painful experience of the 1991 Gulf War, he placed himself at the disposal of the Americans and promised full cooperation. He also offered to launch a war against terrorism side by side with the Americans to

48) Jeremy M. Sharp, "Yemen : current conditions and U.S. relations," Congressional Research Service, 12 September 2007 – RL34170, p. 7, <https://opencrs.com/document/RL34170/2007-09-12/> (accessed 28 July 2013).

49) Muhammed al-Ahmady, "Yemeni-American relations after the 11 September 2001 attacks (علاقات اليمنية الأمريكية بعد أحداث 11 سبتمبر)," <http://alimoslim.net/node/85268> (accessed 28 July 2013).

50) "On 5 September, several days after the arrival of the FBI delegation in Sana'a, President Saleh met with al-Jazeera journalists regarding the investigation of the attack on the USS Cole. He explained that he was doing everything in his power to limit the scope of the FBI in Yemen. To exaggerate: 'They were denied access to Yemeni territory by our forces, our planes, and our ships (...) They are placed under direct surveillance by our security services.' For the FBI agents, the self-praise of Saleh was the same. Eleven months after the attack on the USS Cole, the agents continued to turn in circles." Gregory D. Johnsen, *The last Refuge, Yemen, A-Qaeda, and America's war in Arabia*, W. W. Norton & Company, Inc., 2012, Chapter 6.

reinforce his internal power and benefit from new financial and military aid.

In November 2001, the Yemeni President visited the United States to meet with his American counterpart. Relations between the two would further intensify, along with Yemeni-Saudi relations, especially with regard to prisoner exchanges. Many militants suspected of terrorist activities were arrested and bank accounts were closed. The US government provided \$400 million in assistance to build a new training camp for the fight against terrorism, which was run jointly by the CIA, the US Navy, and the US Special Forces.

The Counter-Terrorism Unit of the Yemeni Central Security Forces was technically under the command of the Ministry of Interior, but was in reality controlled by the President and run by his nephew General Yahia Muhammed Abdallah Saleh.⁵¹ Its clandestine mission was to track down and eliminate suspected terrorists⁵², and it received American equipment and support⁵³. British Special Forces have also been sent to Yemen.⁵⁴ On an internal level, however, Saleh continued to both use anti-imperialist rhetoric and court the various Islamist actors likely to criticize his pro-American policies.

On 6 October 2002, an attack took place against the Limburg, a petrol tanker flying the French flag, which was transporting 400,000 barrels of petrol in the Gulf of Aden. One sailor died and thousands of barrels of petrol flowed into the sea. President Saleh again felt compelled to increase his cooperation with the American agencies, in particular the FBI and CIA. The United States, which now had around 1,000 soldiers in Yemen, received authorization to open an FBI bureau in Sana'a and continue to deliver military equipment to the Yemenis, including helicopters and frigates for the surveillance of the coastline and the Strait of Bab al-Mandab, a strategic point between the Red Sea and the Gulf of Aden.⁵⁵ In September 2004, the 1990 Gulf War embargo on the export of US arms to Yemen was lifted.

President Saleh also authorized surveillance of Yemeni territory by American drones, which took off from a base in Djibouti to identify and kill those suspected of involvement in the recent terrorist attacks.⁵⁶ Thus on 3 November 2002, Abou Ali al-Harithi was identified as a commander of the attack on the USS Cole, and he and five companions travelling in a car were tracked and assassinated by an American drone. The attack was a turning point in the 'global war on terror': it was the first time that the American military openly killed presumed terrorists outside a conflict zone in a country with which it was not at war.⁵⁷ The Yemeni government authorized this operation, but it preferred to keep its approval secret, and lied in its version of events: according to the regime, the passengers of the vehicle were transporting a bomb that exploded. It was otherwise impossible to justify such assassinations to a population that was becoming more and more opposed to its security policies and its alignment with US positions.

The US authorities later accepted public responsibility for the attack, which was devastating to the reputation of the Yemeni government. Tribal leaders, who were beginning to protest against foreign intervention and the arbitrary arrest of youths without charges being brought against them, called the government's credibility into question. This new orientation of the Yemeni regime would rapidly show its limits, as it motivated dozens of veterans of the war in Afghanistan and other militants to take up arms and organize attacks, a number of which were committed as retaliation for the execution of al-Harithi.⁵⁸

51) Alkarama, Yemen, Human Rights in Danger: Caught between Internal Conflict and External Forces, Report presented to the Committee against Torture in the context of the second periodic review of Yemen, 16 October 2009, http://en.alkarama.org/index.php?option=com_docman&task=doc_download&gid=147&Itemid=218 (accessed 28 July 2013).

52) Jeremy Scahill, "The Dangerous US Game in Yemen," *The Nation*, 18 April 2011, <http://www.thenation.com/article/159578/dangerous-us-game-yemen?page=0,1#> (accessed 28 July 2013).

53) Jeremy M. Sharp, "Yemen: current conditions and U.S. relations," Congressional Research Service, 12 September 2007 – RL34170, p. 7, <https://opencrs.com/document/RL34170/2007-09-12/> (accessed 28 July 2013).

54) Rupert Hamer, "Crack SAS team to hunt al-Qaeda terrorists," *Mirror*, 3 January 2010, <http://www.mirror.co.uk/news/uk-news/crack-sas-team-to-hunt-al-qaeda-191996> (accessed 28 July 2013).

55) Laurent Bonnefoy, "Between external pressures and internal tensions, an unstable equilibrium in Yemen," loc. cit.

56) Gregory D. Johnsen, *The Last Refuge*, op. cit., Chapter 9.

57) Ibid.

58) Muhammed al-Ahmady, "Les relations yéméno-américaines après les attentats du 11 September 2001 (Yemeni-American relations after the 11 September 2001 attacks)," op. cit.

3.3 From suspicion to cooperation

At the beginning of the new millennium, President Saleh's policy of maintaining close relations with certain segments of the population who were openly hostile to any US presence in Yemen, continued to be criticized by the United States, which pressured the government to increase repression, especially after the prison break of 2006 (discussed below). President Saleh continually downplayed the American role in Yemen publicly, and attributed responsibility for the drone attacks to the Yemeni air force. However, as Wikileaks would later reveal, in conversations between Saleh and US political and military officials he explicitly allowed the Americans to target suspected terrorists.⁵⁹

Saleh, however, continued on his path of compromise with these internal forces due to the importance of the tribal leaders who would continue protecting members of their tribes, regardless of what they did. Without the support of these leaders, his power would be unquestionably and perhaps fatally weakened. He thus played a double game: playing up the threat of al-Qaeda to obtain funds and support from the Americans and, at the same time, making arrangements with people wanted by Washington, such as Jamal al-Badawi and Jabir al-Banna (a US citizen), two men considered important terrorist leaders that the United States wanted to extradite to their country.⁶⁰ When, in 2007, Frances Townsend, Homeland Security adviser to President George W. Bush, met with President Saleh, she asked about al-Badawi's current status. President Saleh explained that al-Badawi had been release from prison but assured her that he was being closely watched, a response which certainly did not please Townsend.⁶¹

Due to the uprisings which broke out in early 2011 and the increasing strength of armed groups both affiliated and non-affiliated with al-Qaeda, US forces withdrew their troops stationed in Yemen, including the Special Operations forces, and sent them to their military base in Djibouti where they continue to manage their intelligence activities and coordinate operations with the Yemeni intelligence services. The Yemeni Counter-Terrorism unit created in 2003 and trained by the US military forces doubled in size to reach 300 agents in 2011.⁶² This unit and the Republican Guard were no longer under the command of American military units, as had previously been common practice.⁶³ However, these troops were increasingly deployed not against the insurgents of al-Qaeda or Ansar al-Sharia that occupied Abyan in March 2011, but instead to protect the regime of President Saleh, who was facing a popular uprising that would eventually force him to resign. The Yemeni army and air force, along with their American and Saudi Arabian counterparts, carried out operations in Abyan and its neighbouring provinces. Information on targets was often provided to the Yemenis by US intelligence. The apparent US withdrawal from Yemen was therefore only relative: the military base in al-Anad in Lahj province continued to be operational, and air raids, especially by drones, increased in late 2011.⁶⁴

Seeking to be closer to Yemen without being on the ground, the US began the construction of a new secret airbase in Saudi Arabia beginning in the summer of 2011. It would primarily serve as a base for CIA drones. Saudi authorities always denied any involvement with the US agencies fighting al-Qaeda in Yemen. Officially, US bases in the country were evacuated in 2003 following the invasion of Iraq. Yet in 2013, the Washington Post revealed the existence of the new base, which had been kept secret from the press for nearly two years at the request of the US government.⁶⁵

Two months after the election on 21 February 2012 of Marshal Abd al-Rab Mansur al-Hadi as the president of

59) Pam Benson, "U.S. role in Yemen covered up by its president, WikiLeaks file reveals," CNN, 28 November 2010, http://articles.cnn.com/2010-11-28/us/wikileaks.yemen_1_yemeni-president-yemeni-american-president-ali-abdullah-saleh?_s=PM:US (accessed 28 July 2013).

60) The first was accused of participating in the attack on the USS Cole and escaped in 2006 with Jabir al-Banna and dozens of other men. Both then went to the Yemeni authorities and have been living freely in Yemen ever since.

61) Jeremy Scahill, *Dirty Wars: The World is a Battlefield*, Serpent's Tail, April 2013, Chapter 20, "Prison Break" (electronic book without page numbers).

62) Associated Press, "US to expand Yemeni counter-terrorism training," *The National*, 15 February 2011, <http://www.thenational.ae/news/world/middle-east/us-to-expand-yemeni-counter-terrorism-training> (accessed 28 July 2013).

63) Jeremy Scahill, "Washington's war in Yemen backfires," *The Nation*, 14 February 2012, <http://www.thenation.com/article/166265/washingtons-war-yemen-backfires> (accessed 28 July 2013).

64) Ibid.

65) Greg Miller and Karen DeYoung, "Brennan nomination exposes criticism on targeted killings and secret Saudi base," *The Washington Post*, 5 February 2013, http://articles.washingtonpost.com/2013-02-05/world/36758638_1_drone-base-al-awlaki-brennan-nomination (accessed 28 July 2013).

Yemen, former security adviser to President Obama and current CIA director John Brennan visited Yemen to meet with the new president. Pentagon officials reported that, since this visit, their soldiers were redeployed in the country as the new regime was open to direct cooperation between US and Yemeni forces outside of the capital. In early 2012, although the largest military offensive against the armed groups' strongholds had yet to be launched, the press reported that: "The Obama administration's direct military role in Yemen is more extensive than previously reported and represents a deepening involvement in the nation's growing conflict."⁶⁶

According to military sources reporting in confidentiality to Alkarama, 18 Predator-type drones as well as American Special Forces soldiers have been stationed at al-Anad air base with the approval of the Yemeni government. The devices apparently equipped to be able to identify targets. According to the information provided, there are two centres in Yemen to analyze the information collected and to guide drone strikes: one of them is located in the US embassy in Sana'a itself, and the other is in a location which is kept a secret. According to our sources, the group that decides on the drone attacks is composed on the Yemeni side of the heads of Counter-Terrorism units, officials of the national security apparatus, of the chiefs of staff and members of the Ministries of Defence and of the Interior, appointed by President al-Hadi; and on the US side, a team of CIA agents commissioned by President Obama.

In parallel, the number of US troops stationed in Yemen has increased significantly since 2012. In June 2013, according to the Yemeni newspaper al-Charaa, some 1,500 soldiers were sent to the al-Anad military base, and another 200 were sent to the al-Deylami air base in Sana'a; these two bases house 5,800 and 850 US military personnel respectively.⁶⁷

A symbol of the increased US military presence in Yemen, the Sheraton hotel in Sana'a was completely rented out by the US embassy in January 2013, and is since included in what Yemeni's refer to as a the new 'green zone,' similar to the one created in Baghdad. These headquarters serve diplomats, the military, and intelligence agents and is protected by a detachment of Marines.⁶⁸

Military aid has also regularly increased: between 2006 and 2010, Yemen received \$300 million in military and security aid from Washington, and \$1.2 billion has been proposed for the next six years. "The United States was criticized, both inside and outside Yemen, for sending the wrong signal by rushing greater military aid to Sanaa, as well as military trainers and advisors, while offering much less social and economic assistance. The military aid reinforced the idea that Americans were mainly motivated by matters of high security, instead of Yemen's more prevalent problems of poverty, government corruption, and internal regional divisions."⁶⁹

66) Ken Dilanian and David S. Cloud, "U.S. escalates clandestine war in Yemen," Los Angeles Times Blog, 16 May 2012, http://latimesblogs.latimes.com/world_now/2012/05/washington-escalation-american-clandestine-war-yemen-us-troops-.html (accessed 28 July 2013).

67) "Yémen : l'occupation US !! (Yemen: The US Occupation!!)", Irib World Service, 18 June 2013, <http://french.tribune.ir/analyses/commentaires/item/261732-y%C3%A9men-washington-renforce-sa-pr%C3%A9sence-militaire> (accessed 28 July 2013).

68) Sheila Carapico, "A new Green Zone in Sanaa," Merip, 1 January 2013, http://www.merip.org/new-green-zone-sanaa?utm_source=merolist&utm_medium=email&utm_campaign=sanaa (accessed 28 July 2013).

69) Stephen W. Day, *Regionalism and Rebellion in Yemen*, op. cit., Chapter 8: "Looking into the abyss."

4. The 'War on Terror' under President Barack Obama

4.1 The United States' new strategy in the 'Global War on Terror'

Three days after the September 11 attacks on New York and Washington, the 'War on Terrorism' or 'Global War on Terrorism' (GWOT) was given an important boost by the US Congress's resolution of 14 September 2001 known as the AUMF (Authorization to Use Military Force), which states: "the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harboured such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons."⁷⁰ This document is exceptional in that it does not place a time limit on the war.

Since these attacks, the 'war on terrorism' has been crucial to the structuring of US politics as much on the internal as external fronts. From the abovementioned Authorisation to the 'Patriot Act' of 25 October 2001, which puts heavy restrictions on the civil and political rights of US residents; and from the 'Bush doctrine', the president's national security strategy announced on 4 September 2002 and by which the US gave itself the right to carry out preventative strikes or war against states in which terrorists could gain access to weapons of mass destruction, to the opening of Guantanamo Bay detention center; from the network of secret prisons to the externalisation of torture to cooperative states; an entirely new legal and military architecture was created and refined. It would deeply alter the global strategic equilibrium, in particular in the Arab World, and would contribute to the eruption ten years later of what would be called the 'Arab Spring.'

It is important to note that the AUMF document, passed only three days after September 11, would from then on serve as the legal basis to justify 'targeted killings.' As of 17 September 2011, President George W. Bush authorized the CIA to arrest, detain, and kill members of al-Qaeda worldwide.⁷¹ Yemen was hit by a drone strike in 2002 that killed 6 men, among them al-Harithi, and the attack marked the launching of the new strategy of the United States in the 'War on Terror.'⁷² It was not until 2009, however, that the assassinations dramatically increased.

Meanwhile, *Operation Enduring Freedom* was launched in October 2001 with the stated aim of destroying al-Qaeda as well as Taliban training camps in Afghanistan and the Horn of Africa, and to pursue combatants in order to arrest and try them. In March 2003 *Operation Iraqi Freedom* was launched under the pretext that the Iraqi president, Saddam Hussein, had collaborated with al-Qaeda and threatened the United States with weapons of mass destruction, allegations that were later revealed to be untrue. The two military interventions were recognized as armed conflicts by the UN (which had initially considered that the 'preventive war' against Iraq was not in compliance with its charter, but which later reviewed its decision, sanctioning the war), but ultimately were unsuccessful as their stated objectives have not been met (including the restoration of democracy) although the human and financial costs have been particularly steep.

Upon the arrival of Barack Obama to the presidency in 2009, contrary to common belief, the US strategy in the war on terror that had been initiated by his predecessor continued and intensified. As of its arrival, the new administration made every attempt to show a break with the past doctrine, mainly by modifying its rhetoric, for example eliminating the terms 'war against terrorism' and 'enemy combatants'. Apart from this semantic change, concrete measures to signify a drawdown in the war were taken: US troops were withdrawn from Iraq in 2011,⁷³ and preparations were made for a 'post-Afghanistan' with a dramatic decrease in the number of troops present in the country beginning in 2014. These withdrawals did not, however, mean a disengagement of the greatest military power in the world from these regions. Rather, they were the most visible aspects of the new military doctrine based more on intervention from a distance and use of clandestine Special Operations that had begun under the Bush administration but that were considerably expanded under Obama.

70) The Congress, "A joint resolution to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States," 14 September 2001, <http://www.gpo.gov/fdsys/pkg/BILLS-107sjres23cps/pdf/BILLS-107sjres23cps.pdf> (accessed 28 July 2013).

71) Dana Priest, "CIA Holds Terror Suspects in Secret Prisons," *Washington Post*, 2 November 2005, http://www.washingtonpost.com/wp-dyn/content/article/2005/11/01/AR2005110101644_3.html (accessed 28 July 2013).

72) David Johnston and David E. Sanger, "Yemen Killing Based on Rules Set Out by Bush," *The New York Times*, 6 November 2002, <http://www.nytimes.com/2002/11/06/international/middleeast/06YEME.html?pagewanted=print&position=top> (accessed 28 July 2013).

73) This is a relative retreat, given 50,000 American soldiers remain stationed in Iraq.

During the period of 2001-2008, the approach of the United States had privileged the arrest, extraordinary rendition, and secret detentions in places under the control of the CIA, then incarceration without trial at Guantanamo. The expressed goal of these tactics was to gather intelligence in able to more effectively combat al-Qaeda's network. The methods utilized to obtain this intelligence were severely condemned by organizations defending human rights and the United Nations, as they constituted torture under international law. The practice of renditions has been largely stopped, and the US government has begun favoring the physical elimination of suspected terrorists.

Critics of the tactic of physical elimination of suspects concentrate on the fact that it is counterproductive: not only does it create hostility towards the United States, but it facilitates the recruitment efforts of armed groups, which increases the threat of terrorist acts. It seems clear that, rather than focus on a political approach to its problems, the US administration has favored an approach that strictly focuses on absolute security. By choosing a 'remote war', they aim to eliminate the 'terrorist threat' without considering the possible impact on the population. As noted by the philosopher Grégoire Chamayou: "We are seeing a rearranging of priorities into a situation where a policy that seeks to terrorize and eradicate has taken precedence over the consideration of its political effects on the population."⁷⁴ A question worth asking is whether the actual objective of this 'invisible' war is to force an entire country into a state of shock, aiming to break down the very structures of society, weakening an already fragile state in order to better control it. The case of Yemen seems, as we shall later see, to provide strong evidence in this direction including the targets chosen; the non-discrimination of strikes leading to the death of numerous civilians; the use of 'double attacks', where a strike is followed minutes later by another strike, obviously leading to a larger number of victims and strikes on vehicles in urban areas.

4.2 The institutionalization of targeted killings

The United States has never declared war on Yemen, and to justify its intervention in a country that posed no concrete danger to them and whose government was in fact an ally, the AUMF of 14 September 2001, which clearly states its authorization for the fight against those responsible for the September 11th attacks, could not be applicable in this case. An imperceptible slipping was therefore allowed in the application of the AUMF to include the pursuit and targeting of al Qaeda 'associated forces'. This term does not appear anywhere in the AUMF itself, but appears in the rhetoric of President Obama and official White House documents.⁷⁵ It has become predominant in the efforts to legitimize the war against groups without established links to the original al-Qaeda organization, responsible for the September 11th attacks.

Many people criticize this extension because it fails to take into account the political effects of it on the ground and as it would lead to US interference in local conflicts. In Yemen, the US has interfered directly and massively in the conflict between the government and part of the opposition, contributing to the radicalization of positions and complicating negotiations. Numerous US officials are fully aware of these problems, such as an official who requested anonymity and whose remarks were reported by the Washington Post: al-Qaeda's affiliate in Yemen 'is joined at the hip' with a local insurgency whose main goal is to oust the country's government [...] I think we risk being perceived as taking sides in a civil war."⁷⁶

The definition of al-Qaeda or Taliban 'associated forces' who are "engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act or has directly supported these hostilities in aid of the enemy forces" appeared in the National Defense Authorization Act of 31 December 2011.⁷⁷ "We can thus identify three types of configurations: armed groups working with or under the direction of a 'subsidiary' of

74) Grégoire Chamayou, *Théorie du drone (Theory of the Drone)*, La Fabrique, 2013, p. 106.

75) The White House, Fact Sheet: U.S. Policy Standards and Procedures for the Use of Force in Counterterrorism Operations Outside the United States and Areas of Active Hostilities, 23 May 2013, <http://www.whitehouse.gov/the-press-office/2013/05/23/fact-sheet-us-policy-standards-and-procedures-use-force-counterterrorism> (accessed 28 July 2013).

76) Greg Miller, "CIA seeks new authority to expand Yemen drone campaign," *Washington Post*, 18 April 2012, http://www.washingtonpost.com/world/national-security/cia-seeks-new-authority-to-expand-yemen-drone-campaign/2012/04/18/gIQAsumRT_story.html (accessed 28 July 2013).

77) Quoted by the website Dommages Civils (Civilian Damages) in "Sur l'AUMF: bientôt une extension du domaine de la lutte? (On the AUMF: soon an extension of the battlefield?)," 21 March 2013, <http://dommagescivils.wordpress.com/2013/03/21/sur-laumf-bientot-une-extension-du-domaine-de-la-lutte/> (accessed 28 July 2013).

al-Qaeda; groups that support and communicate with al-Qaeda; and armed groups that are clearly independent but that are also extremist and Salafist in nature.”⁷⁸ The AUMF and its extension serve as the basis for targeted killings, in Yemen as in other countries, of individuals that fall into these categories. According to the press, the governments of the United States and Yemen agreed to work together to kill or capture more than twenty members of al-Qaeda. This cooperation reflected the new approach, which according to the *New York Times*, aims “to employ small numbers of Special Operations troops, Central Intelligence Agency paramilitary teams and drones against elements of al-Qaeda that are committed to striking the United States, while arming and advising indigenous security forces to tackle costlier long-term counterinsurgency campaigns.”⁷⁹ According to the same newspaper, John O. Brennan, the former Homeland Security advisor to Obama and the current Director of the CIA, travelled to Sana’a a few days after the election of Abd al-Rab Mansour al-Hadi to visit the new president and work on this joint strategy.

The announced operations are launched with a total lack of transparency. American officials refuse to disclose any information regarding the individuals targeted or the means used to eliminate them. The very identity of the targets often remains unknown. The United States government did not, for a long time, recognize that such assassinations were being carried out and if it were not for statements by officials in the administration and leaks, orchestrated or not, they would have remained secret forever. It was not until the midyear White House report was released in June 2012 that the administration officially admitted that “the American army has taken ‘direct actions’ against members of al-Qaeda and its associates in Yemen and Somalia.” The report fails to mention the activities of the CIA.⁸⁰ The Yemeni authorities, for their part, are silent – or worse, accept responsibility for these operations.

4.3 The President of the United States legalizes ‘targeted killings’

As criticism of the United States began to mount, especially regarding the killing of US citizens and of suspects in countries where the United States was not involved in an armed conflict, President Obama delivered a highly anticipated speech at the National Defense University in Washington on 23 May 2013 in which he presented his counter-terrorism strategy.⁸¹ The novelty of the strategy lay less in the strategy itself, but rather in its public announcement. Obama confirmed that the United States had been at war since 11 September 2001, but sought to distance himself from his predecessor by declaring that ‘global war without limit’ is no longer a viable strategy. Yet one of his advisers, Michael Sheehan, the counsel for the Secretary of Defense for Special Operations and Low-Intensity Conflict, said a few days earlier to the US Senate: “in my judgment, this is going to go on for quite a while, and, yes, beyond the second term of the president...I think it’s at least 10 to 20 years.”⁸²

The President of the United States justified the methods used in the fight against terrorism, especially outside of conflict zones, whilst reassuring people that “our actions are effective... [and] these strikes have saved lives.” He added: “America does not take strikes to punish individuals; we act against terrorists who pose a continuing and imminent threat to the American people, and when there are no other governments capable of effectively addressing the threat.”⁸³ Concretely, these words affirm the President’s belief that targeted killings are legal and legitimate and that he has no obligation to respect the territorial sovereignty of a state. His argumentation also refer once

78) Dommages Civils (Civilian Damages) in “Sur l’AUMF: bientôt une extension du domaine de la lutte? (On the AUMF: soon an extension of the battlefield?),” 21 March 2013, <http://dommagescivils.wordpress.com/2013/03/21/sur-laumf-bientot-une-extension-du-domaine-de-la-lutte/> (accessed 28 July 2013).

79) Eric Schmitt, “U.S. Teaming With New Yemen Government on Strategy to Combat Al Qaeda,” *The New York Times*, 26 February 2012, http://www-nc.nytimes.com/2012/02/27/world/middleeast/us-teaming-with-yemens-new-government-to-combat-al-qaeda.html?_r=6& (accessed 28 July 2013).

80) Robert Burns, “US declassifying attacks in Yemen, Somalia,” *Associated Press*, 15 June 2012, <http://news.yahoo.com/us-declassifying-attacks-yemen-somalia-190446984.html> (accessed 28 July 2013).

81) The White House, Remarks by the President at the National Defense University, 23 May 2013, <http://www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defense-university> (accessed 28 July 2013).

82) Michael Sheehan, in an appearance before the Senate Committee on the Armed Forces, 16 May 2013, predicting that the war against al-Qaeda would last between 10-20 years more, in *Democracy Now*, “VIDEO: From Boston to Pakistan, Pentagon Officials Claim Entire World is a Battlefield,” http://www.democracynow.org/blog/2013/5/16/video_from_boston_to_pakistan_pentagon_officials_claim_entire_world_is_a_battlefield (accessed 28 July 2013).

83) The White House, Remarks by the President at the National Defense University, 23 May 2013, <http://www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defense-university> (accessed 28 July 2013).

again to the attacks perpetrated against the United States on 11 September 2001, twelve years earlier: “America’s actions are legal. We were attacked on 9/11. Within a week, Congress overwhelmingly authorized the use of force. Under domestic law, and international law, the United States is at war with al Qaeda, the Taliban, and their associated forces. We are at war with an organization that right now would kill as many Americans as they could if we did not stop them first. So this is a just war -- a war waged proportionally, in last resort, and in self-defense.” This is significant for its reference to the AUMF resolution, which makes no mention of ‘associated forces’, the term that, as we have argued, has served to justify a kind of state of emergency without limit in space or time.

Aware of navigating a legal space where neither the American Constitution nor the principals of international law are respected, Obama emphasized that “America does not take strikes when we have the ability to capture individual terrorists; our preference is always to detain, interrogate, and prosecute.” He went on to argue that, in certain situations, however, where the persons concerned not only endanger the security of the United States but also cannot be arrested for a variety of reasons, the use of deadly force was justified. A guide explaining these situations was released the same day.⁸⁴ Obama sought to persuade his audience that his administration remained very strict in its respect for the law whilst at the same time protecting the security of the United States. In this context, the use of drones, when necessary to remove the enemy, would appear to be the best method in particular due to its precision.

The effort to ensure transparency which many noted in this speech was maybe made most clearly by the admission from the President that he had ordered the targeted killing of Anwar al-Awlaqi, an American citizen whom he presented as the ‘chief of external operations of AQAP’ even though this function has never been conclusively established. He also admitted to the killing of four other US citizens in Yemen (in reality, the number is at least five) without describing the exact reason for their elimination.

As we have seen, the strategy of withdrawing troops from conflict zones such as Iraq and Afghanistan and replacing them with targeted operations is not new. It was born under the Bush presidency, and grew during the first term of President Obama with the withdrawal of a large portion of US troops in the region. This speech removed the ‘targeted killing’ operations from secrecy they had previously been in and gave them an acceptable, quasi-legal character. Ultimately, it contributed to the institutionalization of targeted killings and ensures the continuation of a war without end.

The day after the speech, which many analysts had understood as the President seeking to reduce and regulate the use of drones, Yemen was the target of yet another attack, probably a drone, and was targeted again in the following months.⁸⁵

4.4 Which agencies are implicated in the military intervention in Yemen?

Military intervention in Yemen has been carried out by the Yemeni armed forces as well as the Saudi Arabian and US forces, which in many cases assist with planning and supervision. Although it is only very rarely announced which US agency is responsible for each operation, it appears that there are quite a number involved. In April 2012, the Washington Post wrote that in recent years in Yemen, the CIA, the National Security Agency, as well as other agencies have launched attacks that previously fell under the auspices of the Joint Special Operations Command (JSOC) which is under the authority of the Pentagon. Unlike in Pakistan where the CIA carries out the majority of strikes, attacks in Yemen, in addition to the agencies listed above, have also been launched by the US Navy stationed offshore.⁸⁶

According to the Washington Post, senior US officials have said that JSOC enjoys more autonomy than the CIA to track down militants in Yemen, and that it does not need official authorization to carry out ‘targeted killings’. Due

84) The White House, Fact Sheet: U.S. Policy Standards and Procedures for the Use of Force in Counterterrorism Operations Outside the United States and Areas of Active Hostilities, 23 May 2013, <http://www.whitehouse.gov/the-press-office/2013/05/23/fact-sheet-us-policy-standards-and-procedures-use-force-counterterrorism> (accessed 28 July 2013).

85) Bureau of investigative Journalism, “Yemen: reported US covert actions 2013,” <http://www.thebureauinvestigates.com/2013/01/03/yemen-reported-us-covert-actions-2013/> (accessed 28 July 2013).

86) Greg Miller, “CIA seeks new authority to expand Yemen drone campaign,” Washington Post, 18 April 2012, http://www.washingtonpost.com/world/national-security/cia-seeks-new-authority-to-expand-yemen-drone-campaign/2012/04/18/gIQAsumRT_story.html (accessed 28 July 2013).

to the specific situation in Yemen, where there is a conflict between the government and the insurgency, drone interventions are more complex but this has not stopped them being carried out.⁸⁷

The CIA also cooperates with the Saudi Arabian and Yemeni intelligence services to build a network of informants to better carry out drone strikes. The exact location of suspected individuals is often confirmed by human intelligence on the ground. As stated by Greg Miller: "The agency also has worked with the Saudi and Yemeni intelligence services to build networks of informants."⁸⁸

The first attacks in Yemen were carried out by JSOC from Camp Lemonnier in Djibouti, the most important base for drones outside the United States that houses 3,200 people, with around 300 members of the Special Forces. Another drone base is located in the Seychelles.⁸⁹ In the summer of 2011, following the construction of the secret American military base in Saudi Arabia,⁹⁰ the number of drone missions carried out by the CIA significantly increased. A drone launched from the new base carried out the assassination of Anwar al-Awlaqi, an American citizen, by the CIA on 30 September 2011. "It marks the first time that the CIA has launched a drone strike in Yemen since 2002, and the first indication that the new base is operational."⁹¹

Several commentators have argued that President Obama has reduced the role of the CIA in order to increase the legality and transparency of the program. According to them, shifting control of the drone program to the Pentagon would allow U.S. officials to streamline drone operations "under normal procedures in the law of war."⁹²

It is difficult to believe that the CIA, which has, to this day, carried out the majority of strikes outside Afghanistan, would truly be marginalized given the expansion of its capabilities since 2012. The agency not only has the new base in Saudi Arabia⁹³, but also, as reported by the Washington Post in October 2012, has an inventory of 30-35 drones. In order to augment its operations in Yemen, it also borrows drones from JSOC. The American Air Force alone had an inventory, in October 2012, of nearly 250 Predator, Reaper, and Global-Hawk drones. Analysts agree that over the past decade the CIA has been experiencing a gradual conversion to a paramilitary force.⁹⁴

" The executive branch wants to maintain its CIA drone program and its target list without congressional oversight, without transparency or accountability. Right now the CIA is running an assassination program and the world is watching. "

Betty Mc Collum, Democrat member of the US House of Representatives

The continued cooperation of the CIA and US military in this area is confirmed in particular by White House opposition to an amendment to the 2014 spending bill that would require any lethal military action to be under

87) Greg Miller, "CIA seeks new authority to expand Yemen drone campaign," op. cit.

88) Greg Miller, "CIA seeks new authority to expand Yemen drone campaign," op. cit.

89) Greg Miller, "Awlaki is first hit for new drone base," The Washington Post, 30 September 2011, http://www.washingtonpost.com/blogs/checkpoint-washington/post/awlaqi-first-hit-for-new-drone-base/2011/09/30/gIQASF4eAL_blog.html (accessed 28 July 2013).

90) "First revelation concerning an American drone base on the Yemeni border: Saudi officials confirm that Saudi Arabia encouraged the United States to intensify their intervention in Yemen and reprisals following the attempted assassination of Mohamed Ibn Naef" and "Yemen: The field of American military operations," al-Oula, 1 June 2013, http://www.aloulaye.com/index.php?option=com_k2&view=item&id=6446:0000-00-00+00%3A00%3A00&Itemid (accessed 28 July 2013).

91) Greg Miller, "Awlaki is first hit for new drone base," The Washington Post, 30 September 2011, http://www.washingtonpost.com/blogs/checkpoint-washington/post/awlaqi-first-hit-for-new-drone-base/2011/09/30/gIQASF4eAL_blog.html (accessed 28 July 2013).

92) Carlo Munoz, "White House move to let Pentagon take over CIA armed drones sparks concern," The Hill, 24 March 2013, <http://thehill.com/blogs/defcon-hill/policy-and-strategy/290049-white-house-plan-to-let-pentagon-take-over-cia-armed-drones-sparks-concern> (accessed 28 July 2013).

93) Robert F. Worth, Mark Mazzetti and Scott Shane, "Drone Strikes' Risks to Get Rare Moment in the Public Eye," The New York Times, 5 February 2013, http://www.nytimes.com/2013/02/06/world/middleeast/with-brennan-pick-a-light-on-drone-strikes-hazards.html?pagewanted=all&_r=6& (accessed 28 July 2013).

94) Greg Miller, "CIA seeks to expand drone fleet, officials say," The Washington Post, 19 October 2012, http://www.washingtonpost.com/world/national-security/cia-seeks-to-expand-drone-fleet-officials-say/2012/10/18/01149a8c-1949-11e2-bd10-5ff056538b7c_story.html?hpid=z5 (accessed 28 July 2013).

the authority of the Pentagon, and specifically that operations must be carried out by members of the armed forces under the Chapter 10 of the United States Code, which would allow for more effective congressional control. Representative McCollum who introduced this amendment said: "It is no surprise the White House opposes this amendment. The executive branch wants to maintain its CIA drone program and its target list without congressional oversight, without transparency or accountability. Right now the CIA is running an assassination program and the world is watching."⁹⁵

The role assigned to the CIA, which acts in a more or less autonomous manner, poses a serious problem in legal terms. Its agents are civilians whose actions are considered those of 'illegal combatants,' and which therefore may be subject to judicial prosecution. Some have considered that the 23 May 2013 speech by President Obama was an expression of political will to regulate and legalize the use of drones.

It is also in this light that the nomination, in March 2013, of John Brennan as head of the CIA was interpreted. The former Homeland Security adviser to President Obama was heavily involved in the formulation and implementation of the new 'targeted killings' strategy and advocated a refocusing of the CIA on its intelligence role while the operational role would fall again to the Pentagon.⁹⁶ "[T]he Pentagon's plan to create what it calls the Defense Clandestine Service, or DCS, reflects the military's latest and largest foray into secret intelligence work."⁹⁷ It is expected to strengthen its role under the authority of the DIA (Defense Intelligence Agency), which employs 1,600 agents around the world, who are trained by the CIA and cooperate with JSOC, all under the Department of Defense.⁹⁸

Several journalists specializing in security issues believe that these projects reflect the administration's preference for espionage and clandestine operations over the use of conventional forces.⁹⁹ If the role of the CIA were indeed reduced, that of the army would increase along with the DIA and JSOC, which are already highly involved in these operations and are held to the same reporting requirements to Congress as the CIA.¹⁰⁰

Jeremy Scahill recounted that Phil Giraldi, a former CIA officer, told him: "The CIA has been increasingly militarized and works in such close collaboration with JSOC, that they will use the CIA as a cover, which was unthinkable ten years ago." He adds: "A large part of the CIA's budget is no longer given to espionage but instead supports the efforts of paramilitaries that work in close cooperation with JSOC to kill terrorists and run the drone program...the CIA has become a killing machine."¹⁰¹

The Joint Special Operations Command (JSOC) is increasingly involved in the 'War on Terror.' It is an elite body responsible for directing and coordinating the Special Forces units of the various branches of the US military. According to Jeremy Scahill, these units are technically under the purview of the Pentagon but in fact are directly controlled by the White House without any congressional oversight. They are thus akin to a private army of the President.¹⁰² In early 2004, Donald Rumsfeld, the former Secretary of Defense, signed a secret order authorizing JSOC to carry out operations where cells of al-Qaeda operate outside of the warzones of Iraq and Afghanistan. The order was adopted into law 15 months later.¹⁰³ JSOC is present in Yemen and carried out its first attack during Barack Obama's presidency in Al-Ma'jalah, the deadliest strike to this day with more than 50 civilians killed.

95) Kevin Diaz, "McCollum denied recorded vote on CIA drone strikes," Star Tribune, 12 June 2013, <http://www.startribune.com/politics/blogs/211227991.html> (accessed 28 July 2013).

96) Karen DeYoung, "A CIA veteran transforms U.S. counterterrorism policy," The Washington Post, 24 October 2012, http://www.washingtonpost.com/world/national-security/cia-veteran-john-brennan-has-transformed-us-counterterrorism-policy/2012/10/24/318b8eec-1c7c-11e2-ad90-ba5920e56eb3_story.html (accessed 28 July 2013).

97) Greg Miller, "DIA sending hundreds more spies overseas," The Washington Post, 1. December 2012, http://www.washingtonpost.com/world/national-security/dia-to-send-hundreds-more-spies-overseas/2012/12/01/97463e4e-399b-11e2-b01f-5f55b193f58f_print.html (accessed 28 July 2013).

98) Greg Miller, "DIA sending hundreds more spies overseas," op. Cit.

99) Greg Miller, "DIA sending hundreds more spies overseas," op. Cit.

100) Greg Miller, "DIA sending hundreds more spies overseas," op. Cit.

101) Jeremy Scahill, *Dirty Wars: The World is a Battlefield*, Serpent's Tail, April 2013, Chapter 56, (electronic book without page numbers).

102) Jeremy Scahill, *Dirty Wars: The World is a Battlefield*, Serpent's Tail, April 2013, (electronic book without page numbers).

103) Jeremy Scahill, *Dirty Wars*, op. cit. Chapter 16: "The Best Technology, the Best Weapons, the Best People—and Plenty of Money to Burn".

“al-Majalah was the opening salvo in America’s newest war. Unlike the CIA’s ‘covert action’ programs, which require formal notification to the House and Senate intelligence committees, this operation was done under a military ‘Special Access Program,’ which gives the armed forces wide latitude to conduct lethal, secret operations with little, if any, oversight. In Yemen, the operations were all being coordinated by US Special Operations Forces based at the US-Yemen joint operations center in Sana’a, with JSOC’s intelligence division coordinating the intel, directing Yemeni forces in on-the-ground raids and providing coordinates for US missile strikes. Inside the facility, US and Yemeni military and intelligence officials had access to real-time electronic and video surveillance, as well as three-dimensional terrain maps. The US personnel inside Yemen fed intel and operational details back to the NSA in Fort Meade, the Special Operations Command in Tampa and to other intelligence and military agencies.”¹⁰⁴

4.5 How targets are chosen

The American administration, supported by resolutions passed by Congress, is authorized to eliminate any person suspected of belonging to al-Qaeda or its ‘associated forces.’ In an interview, President Obama personally enumerated the prerequisites for the murder of a suspect: he or she must be a target designated under American law; represent a real, direct, and imminent threat to the United States or its interests; it must not be possible to capture him or her; and the operation must avoid civilian casualties. US citizens acting against the USA are nonetheless protected by the Constitution and are entitled to a fair trial.¹⁰⁵ The killing of Anwar al-Awlaqi and other US citizens clearly were carried out without respect to this final fact.

Attorney General Eric Holder has detailed how these criteria have been put into practice for several years, notably in his speech at Northwestern University School of Law. He justifies this practice by explaining: “Some have called such operations ‘assassinations.’ They are not, and the use of that loaded term is misplaced. Assassinations are unlawful killings. Here, for the reasons I have given, the U.S. government’s use of lethal force in self defense against a leader of al Qaeda or an associated force who presents an

“ Some have called such operations ‘assassinations.’ They are not, and the use of that loaded term is misplaced. Assassinations are unlawful killings. Here, for the reasons I have given, the U.S. government’s use of lethal force in self defense against a leader of al Qaeda or an associated force who presents an imminent threat of violent attack would not be unlawful — and therefore would not violate the Executive Order banning assassination or criminal statutes. ”

Eric Holder, Attorney General of the United States

imminent threat of violent attack would not be unlawful — and therefore would not violate the Executive Order banning assassination or criminal statutes.”¹⁰⁶ In reality, US officials themselves admitted in 2010 that: “Of more than 500 people who U.S. officials say have been killed since the pace of strikes intensified, the vast majority have been individuals whose names were unknown, or about whom the agency had only fragmentary information. In some cases, the CIA discovered only after an attack that the casualties included a suspected terrorist whom it had been seeking.”¹⁰⁷

The CIA and the Pentagon have both led their own war on Yemen, each utilizing their own arsenal including drones, and each has their own “list of targets to assassinate.”¹⁰⁸ The New York Times revealed in May 2012 the existence of these ‘kill lists’ as well as the fact that President Obama has the ultimate authority to approve these clandestine

104) Jeremy Scahill, *Dirty Wars*, op. cit. Chapter 32 “If They Kill Innocent Children and Call Them al Qaeda, Then We Are All al Qaeda.”

105) Chris Woods, “Obama’s five rules for covert drone strikes,” *The Bureau of investigative Journalism*, 6 September 2012, <http://www.the-bureauinvestigates.com/2012/09/06/obamas-five-rules-for-covert-drone-strikes/> (accessed 28 July 2013).

106) Attorney General Eric Holder Speaks at Northwestern University School of Law, 5 March 2012, <http://www.justice.gov/iso/opa/ag/speeches/2012/ag-speech-1203051.html> (accessed 28 July 2013).

107) David S. Cloud, “CIA drones have broader list of targets,” *Los Angeles Times*, 5 May 2010, <http://articles.latimes.com/2010/may/05/world/la-fg-drone-targets-20100506> (accessed 28 July 2013).

108) Chris Woods, “Who is held to account for deaths by drone in Yemen?” *The Guardian*, 6 September 2012 <http://www.guardian.co.uk/commentisfree/2012/sep/06/drone-deaths-yemen?fb=naive&CMP=FBCNETTXT9038>

operations at the suggestion of John Brennan, who was his adviser in the White house. “It is the strangest of bureaucratic rituals: Every week or so, more than 100 members of the government’s sprawling national security apparatus gather, by secure video teleconference, to pore over terrorist suspects’ biographies and recommend to the president who should be the next to die.”¹⁰⁹

As revealed in his book *Theory of the Drone*, Grégoire Chamayou says the American administration refuses to reveal its exact criteria in creating these lists of people condemned to die. He quotes Harold Koh, the legal adviser to the White House who reassures us that: “Our procedures and practices to identify legitimate targets are extremely solid and advanced technology has contributed to our increasingly precise targeting.’ In short, trust us with your eyes closed.”¹¹⁰

It is remarkable that the targeting of identified persons (strikes according to the profile or ‘personality strikes’) with the goal of ending their lives is carried out without any charge ever being brought against them. The strategies of the US administration go even further with orders to carry out ‘signature strikes’ against people whose identity is not established but whose conduct is suspect because it “match[es] a pre-identified ‘signature’ of behavior that the US links to militant activity or association.”¹¹¹ Chamayou explains that the identification of these anonymous militants or suspected terrorists is based on “what officials describe as an ‘analysis of patterns of living’ that uses facts collected by the cameras on surveillance drones as well as other sources.”¹¹²

By 2010, the American press reported that since 2008 the CIA had been authorized to kill unidentified suspects in Pakistan, using methods from the Bush presidency that strengthened under Obama. Previously, the CIA could only kill leaders of al-Qaeda whose names were on an approved list, but the change in rules allowed them to broaden the scope of their targeting. A top official of the American intelligence services and an expert on counter-terrorism anonymously declared: “We might not always have their names, but ... these are people whose actions over time have made it obvious that they are a threat.”¹¹³

It is striking that the various American organizations or institutions that report these targeted attacks are often incapable of confirming the identity of the targets or why they are considered by the CIA or Pentagon as agents of al-Qaeda or its ‘associated forces,’ leaving not only their names but also their roles unknown. As revealed by NBC News, in the case of Pakistan, the CIA itself doesn’t always know who it targets and kills in drone strikes. The victims are thus reported by the agencies under the label of ‘other combatants’ that avoids the question of how exactly they posed a threat to the United States. “A former White House official said the U.S. sometimes executes people based on ‘circumstantial evidence.’”¹¹⁴

According to the New American Foundation, since the beginning of drone strikes in Yemen in 2009, 34 al-Qaeda leaders have been eliminated in a total of 427-679 deaths¹¹⁵, illustrating the limitations of the Obama administration’s ‘precision’ strategy. The number of deaths is inconsistent, and other sources give higher figures of victims. Even more concerning is the identification of a ‘leader of al-Qaeda’ outside of legal procedures to establish facts or

109) Jo Becker and Scott Shane, “Secret ‘Kill List’ Proves a Test of Obama’s Principles and Will,” *New York Times*, 29 May 2012, http://www-nc.nytimes.com/2012/05/29/world/obamas-leadership-in-war-on-al-qaeda.html?pagewanted=all&_r=6& (accessed 28 July 2013). Translation of *Courrier International*, “Comment Obama a appris à tuer avec ses drones (How Obama learned to kill with drones),” 7 June 2012, <http://www.courrierinternational.com/article/2012/06/07/comment-obama-a-appris-a-tuer-avec-ses-drones?page=all> (accessed 28 July 2013).

110) Grégoire Chamayou, *Théorie du drone (Theory of the Drone)*, op.cit, p.70.

111) Human Rights Clinic at Columbia Law School, the Center for Civilians in Conflict, “The civilian impact of drones: Unexamined Costs, Unanswered Questions,” September 2012, p. 8, <http://civiliansinconflict.org/resources/pub/the-civilian-impact-of-drones> (accessed 28 July 2013).

112) David S. Cloud, “CIA drones have broader list of targets,” *Los Angeles Times*, 5 May 2010, <http://articles.latimes.com/2010/may/05/world/la-fg-drone-targets-20100506>, cited by G. Chamayou, op.cit, p.70-71.

113) David S. Cloud, “CIA drones have broader list of targets,” *Los Angeles Times*, 5 May 2010, <http://articles.latimes.com/2010/may/05/world/la-fg-drone-targets-20100506> (accessed 28 July 2013).

114) Richard Engel and Robert Windrem, “CIA didn’t always know who it was killing in drone strikes, classified documents show,” *NBC News*, 5 June 2013, http://investigations.nbcnews.com/_news/2013/06/05/18781930-exclusive-cia-didnt-always-know-who-it-was-killing-in-drone-strikes-classified-documents-show (accessed 28 July 2013).

115) Numbers reported by Peter Rudolf, “Präsident Obamas Drohnenkrieg, Stiftung Wissenschaft und Politik (President Obama’s Drone War, Between Warfare and Politics),” *SWP-Aktuell*, June 2013, p. 5, http://www.swp-berlin.org/de/publikationen/swp-aktuell-de/swp-aktuell-detail/article/obamas_drohnenkrieg.html (accessed 28 July 2013).

alleged charges against these people. An operator of a 'reaper' drone explains that he is not encumbered by legal or moral considerations: "We can develop those patterns of life, determine who the bad guys are, and then get the clearance and go through the whole find, fix, track, target, attack cycle." ¹¹⁶

116) Cited by Anna Mulrine, "UAV Pilots," Air Force Magazine, vol 92, n°1, January 2009, quoted by G. Chamayou, op.cit, p.71.

5. Between Cooperation and Intervention

From the first air strike in November 2002 until July 2013, there have been between 134 and 226 US military operations in Yemen, including strikes by aircraft, drone missiles, or attacks launched from warships stationed in the Gulf of Aden.¹¹⁷ However, the exact number of operations is unknown due to the secrecy surrounding the United States' military interventions in Yemen. As such, the number of casualties is also unknown. In a study of civilian victims of US attacks in Yemen by Yemeni journalist Ali Al-Sha'bani, he notes the difficulty of obtaining accurate information about the number of strikes and people affected. In 2012 alone, he counted 109 air strikes in nine provinces, causing the deaths of 490 people, including 390 civilians.¹¹⁸

While the Bureau of Investigative Journalism counted nearly 1,150 deaths between 2002 and April 2013 due to US attacks, Dennis Kucinich, a representative of the US Congress, placed the number of deaths in Yemen at 1,952, in a speech to Congress. He says: "We have not declared war on any of these nations [Pakistan, Yemen, Somalia] but our weapons have killed innocent civilians there. Highly reputable research shows that the number of high-level targets killed as a percentage of total casualties is estimated at about 2 percent."¹¹⁹ The head of national security in Yemen, Ali Hassan Al-Ahmady, announced that during 2012, some hundred members of al-Qaeda had been killed by US aircraft strikes¹²⁰ during the military offensive against southern Yemen, in which the United States were heavily implicated.

The war that the United States is leading in Yemen is less familiar to international public opinion than that in Pakistan, given its distance from Afghanistan and the Pakistani border where major military operations have taken place. As has been shown above, the Yemeni authorities' compliant attitude towards the US's military implication in their country extends even to assuming responsibility for their operations. That is why it is essential to take note of all attacks, gather testimonies from witnesses, alert international public opinion and undertake actions with the Yemeni authorities to ensure they ban such interventions on their territory and with the American authorities to ensure they end their target killing policy.

In the context of the review of Yemen's period report by the Committee against Torture in May 2010, Alkarama referred to a missile attack by US forces in the village of Al-Ma'alah that caused the death of more than 50 people, including many children and women.¹²¹ Our organization continues to work on this issue, especially as the following years, American military operations multiplied dramatically, profoundly affecting the civilian population. In collaboration with the organization HOOD, Alkarama visited sites that had been targeted by drone attacks or US military aircraft strikes. We have gathered testimonies evidence and placed attacks in their political context to enable better understanding of their objectives. However, it is necessary to add that this preliminary information gathered on-site cannot substitute a real investigation whose purpose is not only to confirm the type of attack carried out, but also to establish the chain of command and responsibilities of different actors.

5.1 The 'Test Phase' of 2002-2009

On 3 November 2002, in a joint operation by the CIA and JSOC, Ali Al-Harithi – considered the most important

" We have not declared war on any of these nations [Pakistan, Yemen, Somalia] but our weapons have killed innocent civilians there. Highly reputable research shows that the number of high-level targets killed as a percentage of total casualties is estimated at about 2 percent. "

Dennis Kucinich, member of the US Congress

117) These figures were established by the Bureau of Investigative Journalism which gathers credible information on clandestine operations by the US in Yemen, Pakistan and Somalia. <http://www.thebureauinvestigates.com/>

118) Ali Al-Sha'bani, "علي الشعيبي, ضحايا الطائرات الامريكية المدنيين في اليمن" (Civilian Victims of American Aviation in Yemen), unpublished study prepared in early 2013.

119) Robert Tilford, American drones have killed thousands, says Kucinich, Examiner, 16 November 2012, <http://www.examiner.com/article/american-drones-have-killed-thousands-says-kucinich> (accessed on 25 April 2013)

120) علي الشعيبي, ضحايا الطائرات الامريكية المدنيين في اليمن, unpublished study prepared in early 2013. See note above.

121) Alkarama, Follow up submission in view of the previous concluding observations of the Committee against Torture for Yemen's 2nd periodic review, 9 April 2010, http://en.alkarama.org/index.php?option=com_docman&task=doc_download&gid=228&Itemid=218 (accessed 25 April 2013).

terrorist in Yemen by the United States for having planned the attack against the USS Cole in 2000 – along with five other fighters, were targeted by a drone attack. Among them were three suspected members of the Aden-Abyan Islamic Army, as well as Ahmed Hijazi, aka Kamal Derwish, a US-Yemeni citizen that US authorities have portrayed as being a member of a support group that had sent Al-Qaeda materials from the United States.¹²²

For the next seven years until 2009, no direct US military intervention took place and it was not until the election of Barack Obama as president of the United States that the number of drone strikes in Afghanistan, Pakistan, and Yemen grew exponentially.

In Yemen, 2009 was a turning point. Al-Qaeda in the Arabian Peninsula (AQAP) publicly announced its creation on 24 January, and in the United States, the decision was made by General David Petraeus, commander of CENTCOM, to extend military interventions, especially against AQAP.¹²³ On 19 January 2010, the organization was formally classified by the US government as a foreign terrorist organization.

At a meeting on 26 June 2009 between General David Petraeus and former Yemeni President Ali Abdullah Saleh, the latter promised cooperation “without restrictions or conditions” in the fight against terrorism. Saleh reportedly said that the government would strive to pursue terrorists in the provinces of Jawf, Ma'rib, Abyan and Hadramout. He also offered a better exchange of information between the two countries.¹²⁴

According to a cable from the US embassy in Sana'a, at a meeting in September 2009 with John Brennan, President Obama's former counter-terrorism adviser, former President Saleh granted US forces full access to the territory to carry out anti-terrorist operations.¹²⁵ As the Washington Post revealed in early 2010, US military activities increased as of the end of 2009 and the joint efforts of Yemeni and US forces resulted in more than two-dozen ground raids and air strikes. Little information is available as to the circumstances of these attacks, the number of people killed and the identity of the victims. Dozens of people were reportedly killed including six of the 15 men considered the main leaders of al-Qaeda in Yemen. These attacks were approved by President Obama and carried out covertly by dozens of members of the JSOC.¹²⁶

5.2 The 'Spring' of the Drones

In November 2009, two missile attacks targeted northern Sana'a, the exact number of victims of which remains unknown. On 17 December, the village of Al-Ma'jalah in Abyan province was hit by missiles fired from a US ship and more than 50 people died, mostly women and children. On the same day a house in Arhab, a suburb of Sana'a, was attacked by a drone and four people were killed; on the 24th of the same month two attacks were carried out, one in Rafd in Shabwa province in which 34 people died, the other in the province of Abyan of which the death toll is unknown. Other attacks took place on 12, 15 and 20 January 2010.¹²⁷

After the attack on Al-Ma'jalah, the attack of 24 May 2010 was another setback for the US authorities: the deputy governor of Ma'rib, Jaber al-Shabwani (جابر بن علي بن جابر الشبواني) and his companions were killed. As a result, US authorities made the strategic choice to use satellite-guided drones as they considered these to be more accurate.¹²⁸ According to Hakim Almasmari, “The new approach is a significant escalation of the clandestine American war in Yemen and a

122) Jeremy Scahill, “The Dangerous US Game in Yemen”, *The Nation*, 18 April 2011, <http://www.thenation.com/article/159578/dangerous-us-game-yemen?page=0,1#> (accessed 27 March 2013). In the meantime, the American authorities acknowledged having killed four American nationals, but did not include Ahmed Hijazi, alias Kamal Derwish in this group.

123) Jeremy Scahill, “The Dangerous US Game in Yemen”, *The Nation*, 18 April 2011, <http://www.thenation.com/article/159578/dangerous-us-game-yemen?page=0,1#> (accessed 27 March 2013).

124) Saleh Tells Petraeus: “no restrictions on CT Cooperation”, 9 August 2009, <http://www.cablegatesearch.net/cable.php?id=09SANA'A1430&q=poses-to-his-regime-and-his-own-personal-security> (accessed 27 March 2013).

125) “US Embassy Cables: Bomb al-Qaida where you want, Yemen tells US, but don't blame us if they strike again”, *The Guardian*, 3 December 2010, <http://www.guardian.co.uk/world/us-embassy-cables-documents/225085> (accessed 27 March 2013).

126) Bana Priest, “US 'Black Ops' Teams Deeply Involved in Yemen”, *Washington Post*, 27 January 2010, <http://afpakwar.com/blog/archives/3771> (accessed 27 March 2013).

127) Bana Priest, “US 'Black Ops' Teams Deeply Involved in Yemen”, *Washington Post*, 27 January 2010, <http://afpakwar.com/blog/archives/3771> (accessed 27 March 2013) <http://www.thebureauinvestigates.com/2012/03/29/yemen-reported-us-covert-actions-since-2001/>

128) Jeremy Scahill, *Dirty Wars*, Profile Books, 2013, (E-Book, chapter 37 : “Driving Anwar Awlaki to Hell”)

substantial expansion of the CIA's drone war."¹²⁹

Despite this decision, there were no further attacks by air or drone for a little more than a year: some say that it was former President Saleh who opposed further strikes because of the mistakes made, the number of civilian casualties and most importantly, the protests by the local population, which in some cases, did not refrain from sabotaging economic infrastructure. But since the

election of Abd al-Rab Mansour al-Hadi, it seems that the authorities have become even more complaisant than the previous ones about accepting the American military intervention. Chris Woods, a journalist who is following America's drone war closely, agrees: "Still, dictators may have been better able to rein in US covert attacks than their democratic successors. When US special forces accidentally killed Jaber al-Shabwani, the deputy governor of Yemen's Ma'rib province in May 2010, Saleh was able to secure a year-long pause in the US bombing campaign."¹³⁰

In May 2011, the effects of the uprising that had begun three months earlier led to the creation and deployment of the Ansar al-Sharia group, affiliated with Al-Qaeda, in Yemen, particularly in the south of the country. The Yemeni security forces were mobilized to protect a regime weakened by revolts, concentrated in strategic areas of state capital. In order to combat armed groups and to regain control of the situation, starting in spring 2011 the Yemeni army used airpower against insurgents in the southern regions while seeking the help of the Saudis and Americans. A major offensive was finally launched in spring 2012, once the popular uprisings had calmed down following promises of reform. Former President Ali Abdullah Saleh was eventually replaced by his deputy, Abdul Rab Mansour Hadi, the sole candidate in the early elections held on 21 February 2012. President Hadi then intensified his cooperation with the Americans.

According to information received by an official of the Ministry of Defense who wishes to remain anonymous, a significant number of drone attacks took place between May and June 2011. They started in the province of Shabwa on 3 May, and more than 15 strikes reportedly took place in early June. Although this information has not been corroborated by witnesses on the ground, this indirectly confirms what Luqman Abdullah, deputy governor of Abyan, said in mid-June 2011: "At least 130 people have been killed in the last two week by US drones."¹³¹ According to Ali Abdul Jabbar, director of Dar al-Ashraf Research Center, in May the drone attacks were aimed at targets in the province of Shabwa; in June, 80% of these were aimed at targets in Abyan. Ahmad Khulani, head of the monitoring committee that was established to assist in the evacuation of residents, said that as of this first wave of drone attacks, more than 40,000 people fled Abyan province.¹³² Other figures show that some 142,000 people were displaced in Abyan in the first half of 2012. The majority of people in fact fled in March 2011 during attacks by the regular army.¹³³

To date, 2012 has been the deadliest year in terms of drone strikes or American aircraft attacks, which is clearly related to the Yemeni military offensive in the spring of 2012 against Ansar al-Sharia, which had occupied a part of the south of the country for nearly a year, particularly in the province of Abyan and border regions. After these groups had been dislodged at the price of hundreds of deaths and tens of thousands of people internally displaced, their members were hunted down in their places of origin or residence. Vehicles carrying them were often targeting, suggesting that local informants transmitted information about the groups. Amongst those targeted, some could have been easily apprehended and brought to justice, but it seems that the approach adopted by the US and Yemeni authorities is one of physical elimination.

" The new approach is a significant escalation of the clandestine American war in Yemen and a substantial expansion of the CIA's drone war. "

Hakim Almasmari

129) Hakim Almasmari, "US makes a drone attack a day in Yemen", 5 June 2011, <http://www.thenational.ae/news/world/middle-east/us-makes-a-drone-attack-a-day-in-yemen#full> (accessed 2 April 2013).

130) Chris Woods, "Who is held to account for deaths by drone in Yemen", The Guardian, 6 September 2012, <http://www.guardian.co.uk/commentisfree/2012/sep/06/drone-deaths-yemen?fb=naive&CMP=FBCNETTXT9038>

131) Hakim Almasmari, US makes a drone attack a day in Yemen, 5 June 2011, <http://www.thenational.ae/news/world/middle-east/us-makes-a-drone-attack-a-day-in-yemen#full> (accessed 2 April 2013).

132) Ibid

133) Interview of 29 April 2013 with Abdulrahman Barman, a Yemeni lawyer, member of the HOOD organization.

Ultimately, it seems that few actual leaders of al-Qaeda or Ansar al-Sharia were killed, while dozens of anti-government fighters and civilians died. The American media have echoed this sentiment: “Last month, the White House approved broader targeting guidelines for CIA and military air strikes in Yemen. US air strikes may now target militants whose names are not known but who have been deemed a threat to US interests.”¹³⁴ This shift has serious implications because prior investigation or establishment of facts or charges against suspects is no longer required.

“ US air strikes may now target militants whose names are not known but who have been deemed a threat to US interests. ”

Beyond this very uncertain distinction between combatant and civilian, it is clear that many people who are unquestionably civilians have been victims of these attacks, whether because attacks failed or because they were deemed ‘collateral damage’ during a strike on a specific target. Civilians bear the brunt of human and technical errors which politicians and the American military are willing to accept in order to continue the drone program. Yemen, following on the heels of Pakistan, has become the laboratory for new methods of warfare, which represent a technological, political, and legal revolution in combat methodology.

134) US escalates clandestine war in Yemen, Los Angeles Times, 16 May 2012, http://latimesblogs.latimes.com/world_now/2012/05/washington-escalation-american-clandestine-war-yemen-us-troops-.html, (accessed 27 April 2013).

6.1 The lack of information on air strikes

The Yemeni army, in particular its air force, regularly intervenes to attack armed groups such as Ansar al-Sharia, without making distinctions between combatants and civilian populations. The majority of bombings took place between 2011 and 2012 as well as during the military offensive of spring 2012. Saudi Arabian military planes were also spotted, and photos of ammunition identified as belonging to Saudi forces testify as to their participation in the bombings.¹³⁵ The United States for its part intervened on a large scale with its military planes, drones, and long-distance missiles launched from warships. To local observers, it is impossible to know whether drone attacks were launched by the CIA, JSOC, or another agency.

All too often, information about bombings do not reach the outside world. Sometimes a Yemeni official will announce that drone attacks took place during a certain period resulting in deaths, but without specifying the exact number of strikes, where they took place, or the number or identities of victims, etc.¹³⁶ The Bureau of Investigative Journalism, which records the attacks carried out in Yemen, took note of newspaper articles indicating that an attack took place on 14 October 2011, causing 15-17 deaths, but was not able to identify where this had happened.¹³⁷ In other cases, it is reported that one or more bombings took place in a location without listing casualties or damages. For example, on 8 November 2011, the town of Rumeila (held by insurgents) was targeted in five drone attacks according to an official from the neighboring town of Ja'ar, but no other details were provided.¹³⁸

During the bombings in the south of the country between summer 2011 and spring 2012, especially in May-June 2012, it was impossible to identify the aircraft used or their targets. For example, it was reported that thirty fighters were killed on 22 March 2012 in attacks led by the Yemeni and American air forces as well as the CIA and JSOC, but no further details were provided.¹³⁹ In several cases, air raids that were allegedly carried out by the Yemeni military were later revealed to have been carried out by American forces.

Ja'ar, located in Abyan province, was one of the towns that was most affected by the spring 2012 military offensive. Members of Ansar al-Sharia occupied it for several months and extremely violent battles between the armed group and the military were accompanied by aerial bombings and drone attacks. During its visit to the region in February 2013, Alkarama collected testimonies indicating that a large number of civilians had been injured or killed, but was unable to obtain a clear idea of the exact number of those affected. It appears that residential areas were specifically targeted because armed individuals had taken up residence there. It is difficult to ascertain the origin of the planes used in the attacks. Some witnesses, however, were able to identify Apache-style vehicles as well as some Saudi aircraft.

It is also difficult to identify those responsible for the bombing of Ja'ar on 5 September 2011. Several buildings appeared to have been targeted in this attack, including a school, a hospital, two mosques, a court, and a police station. The three attacks left seven dead and four wounded according to official information (see Annex 4 for more information).¹⁴⁰

Despite a near total lack of official information, it is possible to affirm that most of the strikes could not have been carried out by the Yemeni air force because of the out-dated and inadequate nature of its equipment. In 2011 and 2012, the army and air force were so disorganized that a large part of its grounds staff and pilots went on strike for two months beginning in January 2012. Nor does the Yemeni army have the equipment or capacity for such precise

135) Photos of the Saudi munitions were made public in 2011 in an article and a film released by Ansar al-Sharia, Umma Wahida, al-Malahem Media, November 2011.

136) The Yemeni Minister of Defence confirmed that during the first two weeks of June 2011, US forces carried out five drone attacks. The Governor of Abyan, meanwhile, complained that the attacks had killed one hundred and thirty people (in Hakim Almasari, "US makes a drone attack a day in Yemen," loc. cit.).

137) Bureau of Investigative Journalism, "Yemen: reported US covert actions 2001-2011," YEM 035, <http://www.thebureauinvestigates.com/2012/03/29/yemen-reported-us-covert-actions-since-2001/> (accessed 28 July 2013).

138) Bureau of Investigative Journalism, *ibid*, YEM 038.

139) *Ibid*, YEM 048.

140) AFP, "Air strikes on Yemen town kill seven civilians: official," 5 September 2011, <http://dawn.com/2011/09/05/air-strikes-on-yemen-town-kill-seven-civilians-official> (accessed 28 July 2013).

targeting, especially against a moving vehicle or building located in the middle of a residential area.¹⁴¹

In addition, it is difficult to gather information about attacks as strike areas are often affected by conflict and insecurity, making access difficult. Often the media and NGOs cannot cross-check the information they obtain, which explains the contradictions that have appeared in the number of strikes, victims, casualties, damages, etc. To our knowledge, the Yemeni authorities have made no effort to launch an inquiry to establish the facts. The United States rarely discloses details about the places targeted by their strikes and even less often on their objectives. It is unknown if the Americans have sought to investigate the consequences or collateral damage of their attacks.

6.2 Yemeni authorities claim responsibility for American attacks

The Yemeni authorities systematically claim responsibility for American attacks, especially when the strikes are publicized due to a large number of civilian victims or for their failure. They see it as a lesser evil, fearing widespread protests by the population, which views American military intervention as foreign intervention, and a violation of national sovereignty. The most striking example of a cover up took place at Al-Ma'jalah, where the Yemeni government publicly declared that it had carried out an attack with warplanes.

On 17 December 2009 at six o'clock in the morning, four missiles were fired at Al-Ma'jalah. They hit the encampment of the Haidar tribe and killed 14 of its members, mostly women and children, and injured a girl. Moments later a cruise missile loaded with cluster bombs exploded on the houses of the al-Anbouri tribe and killed 28 people. This attack hit several homes in which many people were still sleeping. Within a few moments, 55 people were killed including 14 women, seven of whom were pregnant, and 21 children. The Yemeni authorities declared that the attack was aimed at the 14 men who died, who were all members of al-Qaeda, including its alleged leader Muhammed Salih al-Anbouri (alias Kazimi). The names of other suspects killed were not formally announced (see Annex 1 for more information). Deputy Prime Minister of Yemen at the time, Rashad al-Alimi, told the US ambassador that "any evidence of greater US involvement, such as fragments of US munitions found at the sites [...] could be explained as equipment purchased from the US." This is despite the fact that the type of missile used is not part of the Yemeni arsenal. He added that the government was very satisfied with this transaction and wanted to continue working with the United States in the fight against terrorism.¹⁴²

On 24 May 2010, a drone targeted two cars in Wadi 'Abida in Ma'rib province and killed three men, among them Jaber ben Ali ben Jaber al-Shabwani, the vice-governor of Ma'rib. Despite the outbreak of protests in the region and the sabotage of pipelines and power lines, the government took responsibility for the strikes and the Supreme Security Committee presented its apologies for what had happened. Parliament's request for an investigation, which came a year later, was never fulfilled, and to this day we can only speculate about the reasons for the attack. The American press, for its part, clearly attributed responsibility for the attack to their own military (see Annex 2 for more information).

At the begging of June 2011, several air strikes were attributed to the Yemeni military in the national press. "Hakim Almasmari stated that '... a Yemeni Ministry of Defense official had confirmed to him that 13 air force strikes claimed by the Yemeni government in the past month were actually the work of US drones: 'Our aircraft fleet is very limited. Given that, and the targets being struck, and what the eye witnesses see, we have to believe what our sources on the ground are telling us.' " ¹⁴³

On 15 May 2012, a double attack on Ja'ar led to fifteen deaths and dozens of injured. Although the witnesses were not able to confirm if it originated from an airplane or American drone, the modus operandi precludes the responsibility of the Yemeni air force: a house in a residential area was targeted, and the aircraft passed over the location and struck a second time when neighbors and other people arrived to help the victims of the first strike, killing

141) Jack Serle, "Yemen's 'barely functional' air force points to US involvement in strikes," The Bureau of Investigative Journalism, 29 March 2012, <http://www.thebureauinvestigates.com/2012/03/29/barely-functional-why-us-is-likely-to-be-behind-yemens-precision-airstrikes/> (accessed 28 July 2013).

142) "The US-Embassy cables: Yemen trumpets strikes on al-Qaida that were Americans' work," The Guardian, 4 December 2010, <http://www.guardian.co.uk/world/us-embassy-cables-documents/240955> (accessed 28 July 2013).

143) Chris Woods, "US boosts Yemen drone strikes amid chaos," The Bureau of Investigative Journalism, 16 June 2011, <http://www.thebureauinvestigates.com/2011/06/16/us-boosts-yemen-drone-strikes-amid-chaos/> (accessed 28 July 2013).

fourteen additional people (see Annex 4 for more information). Although there are few doubts about the origins of the weapons used in this particularly deadly attack, the 2013 Human Rights Report of the US State Department attributed the attack to the Yemeni government. No explanation has been given to respond to the allegations that the attack was carried out by the Americans.¹⁴⁴

It must be pointed out that in 2010, former Yemeni President Ali Abdallah Saleh met with General David Petraeus, who was at the time commander of the International Security Assistance Force (ISAF) in Afghanistan, and approved the use of precision-guided bombs in the fight against terror. According to the ambassador of the United States, former President Saleh stated: "We'll continue saying the bombs are ours, not yours."¹⁴⁵ This tradition of taking responsibility for attacks launched by others continues under President al-Hadi.

On 2 September 2012, a drone hit a vehicle outside of Wadi Rabi', a community administered by Radaa in the province of al-Baydha. It appears to have targeted the car of Abderraouf Al-Dhahab, who was being sought for his ties to al-Qaeda, but missed its target and hit a car transporting 13 civilians instead, among them women and children. The Yemeni authorities quickly asserted that they had carried out the bombing to kill Abderraouf Al-Dhahab. They declared that they had made an error, and the other car was hit due to its proximity to the target. However, Yemeni officials themselves acknowledged the missiles came from a US aircraft. Later, US authorities finally confirmed their responsibility in this attack.¹⁴⁶ Alkarama and HOOD organized a press conference on 5 September 2012¹⁴⁷ with the families of the victims of this attack, during which they testified that the region had been regularly monitored by drones for more than a year, and that these observation missions had continued after the massacre (see Annex 6 for more information).

6.3 American intervention in an internal conflict

American authorities claim their intention is to remove the leaders of al-Qaeda and affiliated organizations who cannot be arrested and constitute a concrete threat to the United States. According to them, only identified leaders whose participation in terrorist acts are confirmed are targeted. But what is really happening? In fact, there has been conflict between the government and the southern provinces for years, independently of the presence of al-Qaeda or Ansar al-Sharia in the region. Feelings of neglect and repression of these regions by the central state have grown, and an increasing number of protesters, especially young people, have developed sympathies for the jihadists. The inhabitants of southern Yemen are revolting against injustice, unequal distribution of wealth, and the lack of infrastructure and public services even though these same provinces contain the principal national hydrocarbon resources. These conflicts, which are nothing new in Yemen, have intensified for different reasons, including because petroleum resources have diminished but also because of the growing climate of clientelism and corruption. Former President Saleh was faced with growing opposition as a result. The traditional methods of conflict resolution such as negotiation, compromises, and intervention by tribal leaders, etc., have been undermined by various factors, notably American intervention.

As we mentioned above, American strikes have significantly increased since 2011 and reached their highest level in spring 2012. This period also corresponds to the offensive carried out by governmental forces against the insurgency in Abyan and its neighboring regions. Several bombings and precision strikes took place without the deaths of leaders of armed groups being announced. This means that the United States is participating in a war carried out in the south of the country by the Yemeni government, without distinguishing between leaders of al-Qaeda or Ansar al-Sharia, ordinary combatants, and the civilian population.

Between 31 August and 1 September 2011, approximately 30 suspected members of al-Qaeda were killed by

144) US Department of State, 2012 Human Rights Reports: Yemen, 19 April 2013, <http://www.state.gov/j/drl/rls/hrrpt/2012/nea/204392.htm> (accessed 28 July 2013).

145) "General Petraeus' meeting with Saleh on security assistance, AQAP strikes," 4 January 2010, <http://www.cablegatesearch.net/cable.php?id=10SANA/A4&q=petraeus%20saleh> (accessed 28 July 2013).

146) Chris Woods, "Who is held to account for deaths by drone in Yemen?" The Guardian, 6 September 2013, <http://www.guardian.co.uk/commentisfree/2012/sep/06/drone-deaths-yemen> (accessed 28 July 2013).

147) Alkarama and HOOD organized a hearing for the victims of American bombardment on 6 September 2012, 6 September 2012, http://ar.alkarama.org/index.php?option=com_content&view=article&id=4516:4516&catid=164:ak-com-yem&Itemid=140 (accessed 28 July 2013).

American air raids. The US intervened because enemy combatants outside Zinjibar in the province of Abyan had bogged down the 25th Machine Brigade of the Yemeni army. It appears that US officials had doubts about the willingness of the Yemeni government to do everything in its power to fight al-Qaeda. "During the fighting the US military provided aerial resupply drops to the encircled forces using US aircraft, reported the Washington Institute. On September 1 White House counter terrorism adviser John Brennan said the US had urged Yemen to send more troops into Zinjibar to free the besieged unit. On the Yemeni government, he said: 'This political tumult is ... leading them to be focused on their positioning for internal political purposes as opposed to doing all they can against AQAP.'" ¹⁴⁸ It was certainly one of the key events that led US authorities to heavy engagement in southern Yemen.

On 18 March 2012, missiles were launched from a warship towards al-Qaeda's positions in northeast Zinjibar, killing sixteen people identified as 'suspected militants.' The attack was almost certainly carried out by the American military since the Yemeni army does not possess the military equipment necessary to carry out such an attack. ¹⁴⁹

Without the intervention of the United States, the Yemeni military would have undoubtedly been unable to regain territory from armed groups. The Americans also failed to withdraw once this objective had been achieved. In June 2012, almost the entire region that had been occupied by Ansar al-Sharia had been retaken and placed under the control of the army and the defense committees, and remaining combatants left their final strongholds by vehicle to take refuge in the mountains or relocate. Drones pursued them nonetheless, and struck suspicious vehicles without distinction. On 20 June 2012, more than thirty suspected militants were killed during six air raids that targeted their vehicles leaving Mahfad, the last stronghold of al-Qaeda in Abyan province. ¹⁵⁰

But the exit of Ansar al-Sharia did not restore state authority in the region, where the defense committees and gangs have ruled ever since, leading to a sharp decline in security. Military intervention by the United States has decisively contributed to the chaotic and lawless situation that prevails in the region.

6.4 Drones versus negotiation

In many parts of Yemen, tribal, political, and religious leaders are involved in mediation between the government and the local population, or armed groups and the state, in order to put an end to confrontation and violence. The presence and intervention of the United States, however, makes arbitration and peace talks nearly impossible. The use of drones, where the attacker is invisible, does not favor the resolution of conflicts. Negotiations cannot take place between local representatives and the US military, and therefore the Yemeni authorities must be relied upon, especially as they sanction the attacks and contribute to their occurrence, particularly through intelligence gathering. But when mediators or representatives of parties in a conflict are assassinated, political observers must wonder whether this reveals a deliberate attempt to undermine reconciliation and harden radical positions.

We referred to the targeted killing of a local leader on 24 May 2010 (see Annex 2 for more information) when an American drone targeted two cars in Wadi 'Abida in Ma'rib province. Three men were killed, among them Jaber ben Ali ben Jaber al-Shabwani, the vice-governor of Ma'rib and his two companions. Three others were injured. Jaber al-Shabwani was going to meet members of al-Qaeda in Wadi 'Abida to negotiate a cease-fire. It is likely that the central authorities were informed of the vice-governor's initiative. Among the members of al-Qaeda that he was going to see was his cousin, 'Aidh al-Shabwani, who is considered an important terrorist by the American intelligence services, which, it appears, had been tracking him for several months. After having escaped two drone attacks on 15 and 20 January 2010, he was finally killed on 21 July 2011 during a battle in the south of the country (during the occupation of Abyan by armed groups).

Al-Shabwani's assassination and the subsequent manner in which it was dealt with by the Yemeni government have led to a split between the Ma'rib tribes and the central government, with the former now rejecting the latter's legitimacy. For months, the pipeline leading to the Red Sea was sabotaged, at the cost of millions of dollars to the state. The appeal of al-Qaeda has also rapidly risen in the region. Many are convinced that this initiative to negotiate with al-Qaeda members came from former President Saleh himself, but that the American authorities, which do not

148) Cited by The Bureau of Investigative Journalism, op. cit., YEM 024.

149) Ibid, YEM 046.

150) Ibid, YEM 102.

support these negotiations, put an end to it. According to a commentary published in the New York Times, “It was a secret mission by the United States military, according to American officials.”¹⁵¹

On 29 August 2012 at around 9:30 p.m., four missiles launched from a drone killed four men who had gathered a few dozen meters from the village of Khashamir, located in the town of al-Qutn in Hadramout province (see Annex 5 for more information). Salem ben Ahmed ben Salem Ali Jabar was mortally wounded. A teacher and imam at the al-Mutadharirin mosque in al-Mukalla, he was known for his opposition to al-Qaeda’s ideology. Several days before his death, in a sermon, he urged his compatriots to not fall under the influence of this organization. That day, he was supposed to meet with suspected members of al-Qaeda who had criticized him for his public positions. It is unclear who knew of the meeting or who was involved. The identity of one of the unknown victims is Jamal ‘Issa ben Saleh, one of the 63 escapees from al-Mukalla prison in June 2011. To our knowledge, he was not known for terrorist actions or, a fortiori, actions against the United States.

In Radaa (al-Baydha province), the carnage of 2 September 2012 was caused by a drone that was aimed at the car of Abderraouf al-Dhahab,¹⁵² but missed its target (see Annex 6 for more information). Al-Dhahab denies any relations with al-Qaeda and explains that without state structures and basic public services such as water and electricity, as a tribal leader, he plays an intermediary and mediatory role for his citizens. This responsibility and commitment grants him local power that logically undermines the authority and legitimacy of the state, as is the case in numerous other regions of the country that are more and more often left to their own devices. He explains that repeated drone attacks targeting him are in reality to settle scores with his tribe.¹⁵³ During a press conference organized by Alkarama and HOOD shortly after the attack, one of the tribe’s representatives, Ahmed Said al-Dhahab, reported that he himself has been trying to engage in mediation to resolve the situation in the region and “every time we come to an agreement, they come to us with airplanes. These are aircraft that aim to seed discord, not to spy.”

“ Hamid Al-Radami was a man who practiced social mediation and on several occasions helped us to find solutions to conflicts. He was not wanted by the authorities, and if there had been an arrest warrant against him, we could easily have apprehended him. ”

Colonel Ahmed Abu Sha’ie, Director of the Yemeni Security Directorate

On 17 April 2013 at 8.30 pm in the village of Midhlib, Bayt Yahud in upper Wusab, two violent explosions from missiles fired by US drones were heard. They targeted a four-wheel-drive car carrying four people: Hamid Muhammed Radman Al- Hadidi, also known as ‘Al-Radami’, a 40-year-old former member of the military who fought in Iraq, who had spent nearly six years in prison; in August 2011 following his release he returned to his native village and resumed a normal life while carrying out social work, in particular as a mediator between conflicting parties. Alkarama visited the sites and met the director of the Security Directorate, Colonel Ahmed Abu Sha’ie, who stated that “Hamid Al-Radami was a man who practiced social mediation and on several occasions helped us to find solutions to conflicts. He was not wanted by the authorities, and if there had been an arrest warrant against him, we could easily have apprehended him.”

In Khawlan, on 23 January 2013 at around 8 pm, a drone killed Rabie Hamud Lahib along with other people riding in a car. The Yemeni authorities claimed he was a member of al-Qaeda they had been seeking. But according to a Finnish journalist who visited the site of the attack, Lahib was a member of the village council (see Annex 9 for more information).

Of the ten cases of strikes documented by Alkarama, at least four of those targeted were deeply rooted in local social and political life, enjoying a high status, with some of them playing an important role mediating conflicts. The authorities could solicit their help to defuse local crises, especially those related to the presence of jihadist groups

151) Scott Shane, Mark Mazzetti and Robert F. Worth, “Secret assault on terrorism widens on two continents,” 14 August 2010, http://www-nc.nytimes.com/2010/08/15/world/15shadowwar.html?_r=6& (accessed 28 July 2013).

152) “Yémen : 13 civils tués dans une attaque aérienne à Radda (Yemen: 13 civilians killed in an aerial attack on Radda),” 3 September 2012, <http://french.peopledaily.com.cn/International/7933730.html> (accessed 28 July 2013).

153) Yahia al-Suwari, يحيى السواري, الشيخ الذهب : لا انتمي لتنظيم القاعدة ولست ارهابي, (“Cheikh al-Dhahab: I do not belong to al-Qaeda and I am not a terrorist”), al-Mashhad al-Yamani, 23 January 2013, <http://www.almashhad-alyemeni.com/news26584.html> (accessed 28 July 2013).

and their confrontations with the security services, as well as from the dearth of state institutions. The question of who stands to benefit from the degradation of such an explosive situation much be put forward. Perhaps some of those on the fringes of power may seek this strategy of confrontation while relying on the participation of the United States. It also may be that the American authorities have decided that local settlement and negotiations of conflicts simply strengthens al-Qaeda and affiliated groups. Either way, the traditional means of conflict resolution are severely disrupted. Local populations have less and less confidence in the state, which appears to bend to the will of the United States. In a society dominated by tribal structures where the relationship with the state is defined as a contract between the central authorities and the various tribes and regions – giving each obligations as well as privileges – the destruction of the structure seriously threatens societal peace.

6.5 Who are the 'senior operatives'?

Ansar al-Sharia, created in early 2011, is usually identified as a 'franchise' of al-Qaeda and was officially named as an al-Qaeda affiliated group by the American administration on 4 October 2012.¹⁵⁴ Before this time, it was not officially considered to be a terrorist group, but its members were nonetheless targeted by American agencies.

Following numerous drone and air strikes, the domestic and international media reported official claims that 'senior operational officials' of al-Qaeda had been killed. American agencies, namely the CIA and JSOC, each have its own 'kill-list' naming those suspected of being the most dangerous 'terrorists': those that posed an imminent and direct threat to the United States and its interests but cannot be arrested and brought to justice. The Yemeni authorities also have a list of 25 names of suspected terrorists.¹⁵⁵ The criteria for choosing these individuals are unknown. What is certain is that in Yemen, it is not only al-Qaeda leaders that are listed, but also simple combatants, whether or not they are affiliated with al-Qaeda or Ansar al-Sharia. Many members of unidentified armed groups are never named following their assassinations. From the beginning of the direct intervention of the United States in confrontations between the Yemeni military and armed groups in 2011 and 2012, no distinction has been made between ordinary fighters and leaders. In these attacks, several leaders of armed groups were killed without having been expressly targeted. An American official described this type of practice in Pakistan: "the CIA 'killed most of their 'list people' when they didn't know they were there.'"¹⁵⁶ It therefore seems likely that the situation in Yemen is not much different.

Shortly after Obama's much-talked-about speech of 23 May 2013, in which he promised to respect the targeting criteria and provide transparency vis-à-vis public opinion, a strike took place on 9 June 2013 in the region of al-Mahashma in northern Jawf province. The target was a vehicle, which was hit by four missiles launched from a drone, killing seven including a 10-year-old child. The government confirms that it was targeting al-Qaeda fighters and that Hassan al-Saleh Huraydan, a long-time AQAP fighter, was among the victims. It appeared that there was also a local component to the strike, which once again calls into question the choice of targets by the United States in Yemen. Gregory Johnsen, an expert on the region, remarked quite rightly: "The number of US drone strikes over the past two years suggests that the US is going after many more targets than just the 10 to 15 individuals it says represent imminent threats to US national security. It appears to be going after whom ever it can hit whenever it can find them."¹⁵⁷

Qualification and classification of members of armed groups (leaders of al-Qaeda or Ansar al-Sharia, local leaders, members of these groups, those affiliated with the groups, activists, etc.) are not based on specific charges against them and should be treated with caution. In some cases, where we have had access to other sources or on-site investigations, we have been able to refute or challenge the charges against the suspects claimed by the authorities and the Yemeni and American media.

154) US State Department, "Terrorist designations of Ansar al-Sharia as an alias for al-Qaida in the Arabian Peninsula," 4 October 2012, <http://www.state.gov/r/pa/prs/ps/2012/10/198659.htm> (accessed 28 July 2013).

155) "اليمن تعلن قائمة مطلوبين من «القاعدة» خالية من الوحيشي والريمي وتعرض مكافأة لمن يبلغ عنهم" (Yemen publishes list of al-Qaeda members wanted for arrest without including al-Wahishi et al-Rimi and offer reward for all information), 6 August 2013, <http://almasdaronline.com/article/48800> (accessed 15 August 2013).

156) Greg Miller, "CIA seeks new authority to expand Yemen drone campaign," op. cit.

157) Cited by Adam Baron, "Boy's death highlights anger some Yemenis feel over US drone strikes," McClatchy, 20 June 2013, <http://www.mcclatchydc.com/2013/06/20/194542/boys-death-highlights-anger-some.html#.UcQO2D6G3N-> (accessed 28 July 2013).

Several men believed to be leaders of al-Qaeda in the Arabian Peninsula (AQAP) included on kill-lists have been killed, but the number of high-ranking officers is small compared to the total number of victims. Despite the steps taken to improve the accuracy of the strikes, it is clear that repeated errors have led to the deaths of many people without achieving the stated goals of the mission.

Amongst these 'senior operatives' are the four founders of AQAP. Nasser al-Wuhayshi, Osama bin Laden's former secretary, is considered its chief officer; his death, which has been announced several times, has been denied by al-Qaeda. Said al-Shehri, a Saudi national and the number two in the organization, has 'survived' several attempted drone assassinations. His death was announced once again in an attack on 22 January 2013 and was confirmed in an al-Qaeda video on 17 July 2013, which did not give the exact date of his death by drone.¹⁵⁸ Qasim al-Raymi, the military commander and number three in AQAP, escaped several drone attacks in 2009, 2010, and 2012 and appears to still be alive.¹⁵⁹

There is also the category of long-time combatants, who are being sought for armed actions dating in some cases more than ten years in the past. This category includes Mohammed Saeed al-Umada, considered by the United States to be a senior al-Qaeda militant trained by Osama bin Laden in Afghanistan who has commanded military operations and coordinated logistic and financial support for al-Qaeda. He was killed in a drone attack on 22 April 2012.¹⁶⁰ Fahd al-Qusa was suspected of having participated in the attack on the USS Cole in 2000 and was killed by a drone on 6 May 2012.¹⁶¹ Abdul Munim al-Fathani was also sought for his participation in the attack and was killed on 31 January 2012.¹⁶²

A growing number of men considered to be local al-Qaeda commanders have been eliminated since the military offensive launched in the south of the country by the Yemeni military with the cooperation of the CIA and JSOC between 2011 and 2012. For example, Hadaar al-Homaiqani, a local AQAP leader, was killed on 9 March 2011 in an attack that killed a large number of civilians in the town of al-Bayda.¹⁶³ Al-Qaeda confirmed the death of Kheldun al-Sayed, the number two commander in Abyan province, in an attack.¹⁶⁴ The top AQAP commander Samir al-Fathani (brother of Abdul Munim) was killed on 16 May 2012.¹⁶⁵

When the attempt to kill wanted persons fails, their family members are often eliminated in their place: Abdulrahman al-Wuhayshi, the brother of Nasser, whose role in al-Qaeda (if any) is unknown, was killed on 22 December 2011 in a drone strike.¹⁶⁶ Sarhan al-Qusa, the brother of Fahd al-Qusa, was killed on 14 October 2011 in a drone attack that was widely publicized because of the death of Abdurrahman al-Awlaqi, the son of Anwar al-Awlaqi, in the attack.¹⁶⁷

One of the most controversial 'targeted killings' is that of Anwar al-Awlaqi, an American imam with Yemeni origins sought by the Americans for being a spiritual leader of al-Qaeda in Yemen and considered dangerous for his preaching and his writings in English, published in the magazine *Inspire*. Born in the United States, he spent part of his childhood there before his family returned to Yemen. He returned to the US in 1991 to complete his graduate studies. While he had no problems with the American administration in the early 2000s, the FBI then the CIA

158) Nasser al-Haqbani, "ناصر الحقباني، «القاعدة» تؤكد مقتل نائب قائد التنظيم في اليمن سعيد الشهري" (Al-Qaeda confirms the death of al-Qaeda leader Said al-Shehri), *Al Hayat*, 17 July 2013, <http://alhayat.com/Details/533485> (accessed 28 July 2013).

159) According to the Yemeni press, al-Raymi sent a message to the American people shortly after the drone strike of 18 May 2013 on al-Mahfad in Abyan province, where seven combatants died. He warned that attacks such as the one on Boston on 15 April 2013 would multiply if the American attacks did not stop: "القيادي في القاعدة قاسم لرمي يتوعد أمريكا بمزيد من الهجمات" (Al-Qaeda leader Qasim al-Raymi wards the United States of a resurgence of attacks), 2 June 2013, <http://www.yemencom.net/news.php?action=show&id=15982> (accessed 28 July 2013).

160) Cited by the Bureau of Investigative Journalism, op. cit., YEM 058.

161) AP, "US air strike kills top al-Qaida leader in Yemen," *The Guardian*, 7 May 2012, <http://www.guardian.co.uk/world/2012/may/07/us-airstrike-kills-al-qaida-leader-yemen> (accessed 28 July 2013).

162) Cited by the Bureau of Investigative Journalism, op. cit., YEM 040.

163) Ibid, YEM 042.

164) Ibid, YEM 068.

165) Ibid, YEM 076.

166) Bill Roggio, "AQAP leader's brother reported killed in US drone strike," *The Long War Journal*, 23 December 2011, http://www.longwarjournal.org/archives/2011/12/aqap_leaders_brother.php (accessed 28 July 2013).

167) Cited by the Bureau of Investigative Journalism, op. cit., YEM 034.

monitored him for his presumed ties with jihadists. He left the United States for Great Britain in 2002, and returned to Yemen in 2004. On 31 August 2006, he was arrested in Yemen at the request of Washington and imprisoned until December 2007. He was questioned by the FBI about the 11 September 2001 attacks but released due to a lack of evidence.¹⁶⁸

Suspected of having close relations with al-Qaeda, the CIA and the Pentagon placed him on the list of targeted terrorists in 2010, and a secret memorandum from the US Department of Justice authorized his elimination as an American citizen on 6 April 2010.¹⁶⁹ This is despite the fact that no specific charge or legal proceedings were brought against him. The first assassination attempt came on 24 December 2009, when a drone targeted a small family home in Rafd in Shabwa province, where he was supposed to be meeting with the top two commanders of AQAP. Thirty people perished, but neither he nor the wanted terrorist leaders were found to have been present at the location of the strike. According to Daniel Klaidman, a Newsweek journalist and specialist on questions of American security, President Obama himself made the decision to eliminate Anwar al-Awlaqi despite having no legal basis to do so.¹⁷⁰ He escaped American drone strikes in May and 20 September 2011 in Mahfad in Abyan province.¹⁷¹ He was finally killed on 30 September 2011, the first American to be killed by a CIA drone. In the attack, four men were also killed, among them Abu Muhsen al-Ma'ribi and Salem al-Marwani, but also another American citizen, Samir Khan, the editor of Inspire.

Two weeks later, another drone strike killed the son of Anwar al-Awlaqi, Aburrahman, a 17-year-old American citizen, and 5-7 others including Sarhan al-Qusa (see above). The target was Ibrahim al-Banna, an Egyptian citizen and suspected AQAP member who was planning an attack according to the American government. Though he was declared dead, Ansar al-Sharia disputes this claim.¹⁷² Abdurrahman al-Awlaqi had no part in his father's activities. These assassinations are now the subject of legal proceedings in the United States (see section 7.5).

Micah Zenko, a member of the Council on Foreign Relations, has criticized the American administration's drone policy and raised questions about the US's strategy in the war against al-Qaeda: "There was a February article in the New York Times reporting that the goal of US policy in Yemen was to kill about two dozen Al Qaeda leaders. There's been about 50 drone strikes in Yemen since that article. Meanwhile, according to US government statements, the size of AQAP has grown from 'several hundred' to 'a few thousand members.' So the question is, who is actually being targeted, and how does this further the US's counterterrorism objectives?"¹⁷³

6.6 Drones: an instrument of terror against the population

The main benefit of a drone is its precision, which allows it to avoid civilian casualties. The drone flies at a high altitude and so cannot be seen from the ground, where it observes, follows, and targets suspects, striking at the right moment. It operates surgically and minimally disrupts the lives of civilians. This is the story that the supporters of the war would have us believe. In practice, however, this is a farce and the truth is quite the opposite. Drones terrorize populations. When they are flying over a region, night and day, 24 hours a day, for weeks and months on end, their humming is omnipresent and agonizing as they may strike at any moment. And as a so-called 'precision

168) Gregory Johnsen, *The Last Refuge*, op. cit., Chapter 17: "The Merger."

169) Laura Raim, "La légalité du meurtre d'al-Awlaki mise en question (The legality of the murder of al-Awlaki in question)," *Le Figaro*, 1 October 2011, <http://www.lefigaro.fr/international/2011/10/01/01003-20111001ARTFIG00365-la-legalite-du-meurtre-d-al-awlaki-mise-en-question.php>; and Peter Finn, "Secret US memo sanctioned killing of Aulaqi," *The Washington Post*, 30 September 2011, http://www.washingtonpost.com/world/national-security/aulaqi-killing-reignites-debate-on-limits-of-executive-power/2011/09/30/gIQAx1bUAL_story.html?hpid=z1 (accessed 28 July 2013).

170) Daniel Klaidman, *Kill or Capture. The War on Terror and the Soul of the Obama Presidency*, Houghton Mifflin Harcourt Publishing Company, 2013 (electronic book without page numbers), Chapter 2: "Where the fuck is bin Laden?"

171) "Yémen : avant sa mort l'imam Aulaqi se déplaçait librement et apparaissait en public", (Yemen: Before his death, Imam Awulaqi moved freely and appeared in public), *Le Parisien*, 3 October 2011, <http://www.leparisien.fr/flash-actualite-monde/yemen-avant-sa-mort-l-iman-aulaqi-se-deplacait-librement-et-apparaissait-en-public-03-10-2011-1637578.php> (accessed 28 July 2013).

172) "Yemen extremist group claims Banna alive," *Yemen Post*, 29 October 2011, <http://www.yemenpost.net/Detail123456789.aspx?ID=3&SubID=4244&MainCat=3> (accessed 28 July 2013).

173) Justin Elliott, "Have US drones become a 'Counterinsurgency Air Force' for our allies?" *Pro Publica*, 27 November 2012, <http://www.propublica.org/article/have-US-drones-become-a-counterinsurgency-air-force-for-our-allies> (accessed 28 July 2013).

weapon,' the Hellfire missile launched from a Predator drone has a kill zone of 15 meters and can injure or maim up to 20 meters, placing its 'precision' in perspective. A drone's capacity to distinguish and target people is also suspect. How could a drone tell the difference between civilian and combatant? Can we guarantee that drones can seek a specific, individual target? Are there not also many cases where civilians have been targeted?

These questions become all the more relevant when you consider cases where entire neighborhoods are targeted, such as occurred in Al-Ma'jalah on 17 December 2009 when 55 people died in the pursuit of a single man, Muhammed Saleh al-Anbouri (known as al-Kazimi), who could easily have been apprehended. This case is especially pertinent because a Tomahawk land-attack cruise missile was used, designed to carry 166 bombs, each loaded with 200 pieces of shrapnel reaching targets up to 150 meters away from the drop point. These cluster bombs have kept exploding for many years after the attack, creating many more victims, particularly children. The American military cannot ignore that these types of missiles harm many victims (see Annex 1 for more information).

After bombing a house in Ja'ar on 15 May 2012, the American military returned fifteen minutes later when dozens of people had gathered to rescue the injured. They fired several more rockets that killed thirteen men and a woman and injured dozens of others. What explanation can exist for this double attack except that the civilian population was being targeted (see Annex 4 for more information)?

When vehicles carrying suspects are targeted in the middle of a crowded area, the probability of hitting bystanders and children is extremely high. This is exactly what happened in Azzan in Shabwa province on 30 March 2012, when a drone fired three missiles at a vehicle carrying two members of al-Qaeda. The two passengers, whose identities are unknown, were burned to death, but the strike also killed Saleh al-Sunna and injured six children playing nearby (see Annex 3 for more information). On 24 December 2012 in al-Shihr in Hadramout province a drone killed a group of four men in the middle of the town in a stadium where children were playing. One of them, Hamza ben Dahman, is disabled for life, bedridden and unable to speak (see Annex 7 for more information).

One must ask if the targeting of civilians is not inherent in the war the Americans are waging in Yemen. Most of the people who have been killed were civilians, activists, or ordinary fighters who were not seeking to attack the United States but to fight against a regime they consider to be illegitimate. These examples show that the suspects are often in the company of civilians, but this does not stop the strikes. In several cases, civilians also appear to have been deliberately targeted. Air strikes have played into the confrontation between armed opposition groups and the Yemeni army, in which American drones and planes intervened on a massive scale. The number of people killed is estimated in the hundreds, and the attacks have forced tens of thousands of people to flee to safer locations such as Aden.

Can one not say that the Americans are intervening in a military capacity beyond their stated mission, terrorizing the civilian populations that live in regions infiltrated by armed groups? They appear to be pressuring the population to turn against the combatants by creating a permanent atmosphere of terror with drones, without being able to fight back. It appears clear that there is a transition in strategy from one of counter-terrorism to counter-insurgency, which includes the targeting of civilians.

6.7 Drones replace Guantanamo

One of the difficulties faced by human rights organizations and journalists is the lack of information regarding the individuals that are targeted. After several strikes, the bodies of the victims are in such a state that they cannot be identified by witnesses. In al-Shihr (Hadramout province), on 28 December 2012, at least three missiles strike some men on motorbikes (see Annex 8 for more information). One of the witnesses, Hassan Ibrahim Suleiman (حسن إبراهيم سليمان), aged 40, says: "When I arrived on the scene of the explosion, I saw parts of a body mixed with parts of the motorcycle. His body was charred. It seems that a missile had missed the target, the second struck a motorcycle with two people on it, and the third blew up the second bike. The three bodies were shredded. We collected the remains without knowing who they were." A local official told AFP that Abdullah Bawazir was amongst those killed, although his death had already been announced following an attack on the town on 24 December 2012.¹⁷⁴

During this first strike on al-Shihr on 24 December 2012, a drone killed a group of men at the center of the town, among them Nabil Al-Kaladi and Abdallah Bawazir, two of the 63 prisoners who had escaped al-Mukalla prison in

174) Cited by the Bureau of Investigative Journalism, op. cit., op. cit., YEM 125. See also annex 8..

June 2011 (see annex 7). According to their relatives, these two were definitely not a part of al-Qaeda or Ansar al-Sharia.¹⁷⁵ They were in Shihr, a city that was not controlled by armed groups, and from where they could easily have been located and arrested.

In some cases, al-Qaida or Ansar al-Sharia publish information on combatants killed but most often, information is either unavailable, or only comes from official sources, which is sometimes wrong. During a drone strike by the JSOC aimed at two vehicles on 31 January 2012 in the east of Lawdar in Abyan province, some ten to 14 combatants were supposedly killed. But details of the attack and the victims' identities were provided in al-Qaeda's posthumous praise,¹⁷⁶ and not in official statements by the Yemeni or American governments. Those killed included 'Abdul Munim Fathani, suspected of having ties to the 2000 attack against the USS Cole, who was supposedly not targeted.¹⁷⁷ Two other al-Qaeda leaders, Talhah al-Yemeni and Abdulmalik al-Dahyani appear to have been killed, while others are likely to have been simple combatants.

These examples illustrate once again the opacity surrounding these strikes and the little efforts made to arrest suspects. It seems that there is a voluntary policy to eliminate escapees that are suspected of belonging to armed groups physically, independently of whether it is possible to tie facts back to them. The authorities simply state that they are all members of al-Qaeda to justify their targeted killing without presenting any proof. According to our information, these fugitives include – with the exception of Nabil al-Kaladi and Abdallah Bawazir mentioned above – Jamal 'Issa ben Salah, killed during a drone strike on Khashamir on 29 August 2012, when he was with Salem Jaber (see Annex 5 for more information), Hani Muhammed ben 'Arifun and Saleh Karama Saleh Ba'ibad, all three apparently killed in strikes on Shihr on 24 and 28 December 2012 (see annexes 7 and 8 for more information). Another fugitive, Khaled Muslim Batis, was killed with other men on 31 August 2012 in another attack near Wahd in the municipality of al-Qutn (Hadramout).¹⁷⁸

Numerous witnesses and observers confirm that several of the targeted men could have been arrested and brought before a judge without difficulty, as was the case of Muhammed Saleh al-Anbouri, known as al-Kazimi, who was killed on 17 December 2009 in the attack on Al-Ma'jalah. The parliamentary commission that was formed shortly thereafter who interviewed the governor who confirmed that al-Kazimi could have been apprehended without trouble. The people of Al-Ma'jalah told the commission that he moved about freely in his own car and could have been arrested at any moment (see Annex 1 for more information).

In the municipality of Khawlan, a car with eight passengers was struck by two Hellfire missiles launched by a drone at around 8pm on 20 January 2013. Rabie Hamud Lahib and Naji Ali Saad were the people targeted in this attack. Lahib was wanted by the Yemeni authorities and had been presented as a member of al-Qaeda (see Annex 9 for more information). But according to a Finish journalist who visited the site, Lahbi "lived in a village just an hour's drive from the capital Sana'a. He was a neighbor to some of the country's top politicians... [He] was a member of the village council and travelled to the capital Sana'a every other day, passing several military checkpoints on the way."¹⁷⁹

The assassination in Wusab of Hamid al-Radmi and four other people who have been presented as belonging to al-Qaeda during a drone strike on 17 April 2013 had repercussions that reverberated all the way to the United States (see Annex 10 for more information). According to statements made by members of the local security services, al-Radmi could have been arrested at any time. For Farea al-Muslimi, a journalist from Wusab who appeared in front of the American Senate on 23 April 2013, Hamid al-Radmi was not an al-Qaeda leader. Al-Muslimi insisted on the fact that al-Radmi had been in permanent contact with city officials, played an important role as a mediator in local conflicts, and was strongly engaged in the workings of the city.

175) Bill Roggio, AQAP eulogizes Jihadist who fought in Iraq and was killed in US drone strike in Yemen, The Long War Journal, 22 January 2013, http://www.longwarjournal.org/archives/2013/01/aqap_eulogizes_jihad.php (accessed 10 May 2012).

176) Cited by the Bureau of Investigative Journalism, op. cit., YEM 40.

177) According to the Los Angeles Times, American officials denied the information that Abdul Munim Fathani was targeted in this attack. See David S. Cloud, "US airstrikes kill 5 suspected militants in Yemen", Los Angeles Times, 1 February 2012, <http://articles.latimes.com/2012/feb/01/world/la-fg-yemen-drone-20120201> (accessed 28 July 2013).

178) "مصدر أمني يؤكد مصرع القيادي في القاعدة خالد باتيس" (A security source confirms the death of al-Qaeda leader Khaled Batis), 2 September 2012, http://marebpress.net/news_details.php?sid=47019 (accessed 28 July 2013).

179) Daniel Öhman, Lotten Collin, "Innocent people are killed in US drone attacks", 22 March 2013, <http://sverigesradio.se/sida/artikel.aspx?programid=83&artikel=5481640> (accessed 8 May 2013).

7.1 A complex political system

There is a complex dialectical relationship between parties and political forces that has created, at least in part, the historical framework of Yemen's political landscape. This relationship is reflected in the respective positions of these forces and parties regarding different issues, especially those that have arisen since the unification of the two parts of Yemen in 1990. At the time, a tripartite governing coalition between partners in the North and South was created, but it could not resist the authoritarianism of the new regime for long. The outcome was a war that erupted between the two parts in 1994, with the result of the exclusion of the South (the Socialist Party) from national politics.

The authoritarian regime grew stronger in the war's aftermath, encouraged by its military victory. This led to the third partner's marginalization (al-Islah, or the Yemeni Congregation for Reform, Islamist and the Yemeni branch of the Muslim Brotherhood). A new political era began, characterized by notable changes in the positions of the different parties and new alliances being created. The rapprochement between Islah and the Socialist Party at the beginning of the decade led to the creation of an opposition coalition known as al-Liqa' (The Meeting), which coordinated its various factions aiming to confront the monopolization of the central powers by President Saleh and his party, and to end the political stalemate.

The new political alliance under al-Liqa', despite its sometimes antagonistic factions that opposed each other culturally and ideologically, succeeded at bringing numerous other small nationalist and leftist parties under its banner, like the Arab Socialist Ba'ath Party, the Nasserist Unionist People's Organization, as well as the religious Zaidist parties like al-Haq and the Union of Popular Forces. This coalition played an important role in the peaceful revolution at the beginning of 2011 and contributed to the negotiation of a political solution with the former regime under the auspices and initiative of Gulf countries. The coalition has shared power with the General People's Congress (CPG), the political wing of the former regime, resulting once more in the alienation of the Southern party (the Socialist Party).

The parties' and other political movements' positions on the American military intervention in Yemen, especially aerial strikes, are dependent on developments in the local political scene. Other factors also determine their attitudes such as the development of relations between the United States and the other states of Yemen as well as their own relationship with the US.

As a general rule, the reactions of various parties to the US intervention depend on their respective place on the political spectrum and the degree of their association with, or opposition to, the central government, regardless of other factors. The large political parties do not have a concrete position on the subject, unlike the Islamist and especially Salafist parties that emerged in the wake of the 'Arab Spring' and the democratization that followed. In contrast, their position on the subject is much clearer: they reject all of the measures taken in the so-called 'war on terror'.

It is interesting to note the reactions of political parties and movements to the first drone attack on 3 November 2002 that killed Ali al-Harithi and five others in Ma'rib province. All of the opposition parties vehemently denounced this attack and considered these deaths as extrajudicial executions. Those that have since joined the political process have completely changed their position despite the proliferation of attacks. At the time, enjoying the government's embarrassment, the opposition parties had strongly condemned the attacks that "violated the sovereignty of an independent country" and blamed it for the consequences of the attacks. The government justified its actions and dismissed the allegations of the opposition while alleging that al-Islah was responsible for certain terrorist acts without specifying what these were.

The al-Harithi assassination offered fodder to the conflict between the opposition parties and those in power until the popular protests that led to the fall of former President Ali Abdallah Saleh. It also served as a revolutionary slogan that contributed to the fall of the regime. Yet once they rose to power, the parties that had used and abused this slogan ceased to evoke it as they acceded to the agreement brokered by the Gulf countries. Ironically, the General People's Congress, currently a member of the ruling coalition, now accuses its partners of justifying and defending the drone strikes.

7.2 Positioning after the 'Arab Spring'

A thorough analysis of the positions held by Yemeni political parties following the popular uprisings of 2011-2012 reveals beyond doubt the ambiguity, what in fact amounts to a flagrant contradiction in their positions relative to those they had during the old regime. The al-Islah party has since discreetly adopted a position in favor of American strikes. Several of its leaders, for example, party deputy Abderrahman Ba Fadhl, who spoke publicly on Aljazeera, called for an American and French intervention to rid Yemen of al-Qaeda, and accused the former regime of having facilitated the establishment of the organization in the country and providing it with support. He added that following the regime's fall, "Yemen should open up to the Americans for a year or two to finally destroy the terrorists that are on Yemeni soil."¹⁸⁰

The current position of al-Islah's leaders vacillates between a timid refusal of American strikes and fear of losing popular support. They strive to maintain good relations with Washington while avoiding an obvious contradiction with their principals regarding the respect of national sovereignty. This explains the statements of the President of the ruling body of al-Islah, Mohamed al-Yadumi, who defended the American policy in Yemen during an Aljazeera television broadcast on 13 September 2012 all the while criticizing certain of its aspects. He also affirmed that his party's relations with Washington had improved following the revolution.

Al-Yadumi believes that the American air attacks in Yemen are insignificant errors in relation to American efforts to help Yemen out of its crisis and assure stability. During the program, he avoided answering a question regarding coordination with the Americans on secret missions leading to strikes, hinting at the refusal of certain government officials to participate. He stated that there were discussions with American officials and hinted that it was former President Ali Abdallah Saleh who had opened up Yemeni airspace. In his view, the American objective in Yemen is to preserve the unity of the country and to assure its stability in view of the United States' interests in the Gulf.¹⁸¹

Several observers explain the conciliatory attitude of al-Islah towards the American military intervention in Yemen as a reaction to the charges of terrorism brought against the party by its adversaries, which had gained some traction with the Americans. One of the party's leaders, Sheikh Abdelmajid Zendani, has long been suspected of supporting terrorism.

The nationalist parties' media outlets barely mention the American drone attacks in the last few years. Nevertheless, their opposition to this method to combat terrorism is clear. For example, upon the completion of the eleventh session of the Nasserist Unionist People's Organization's Central Committee held from 13-16 March 2013, a statement reaffirmed the party's refusal to "allow Yemen to become a battleground for regional and international battles" and "firmly condemn[ed] the violations of national sovereignty as well as extrajudicial executions caused by American drones," all the while recalling the organization's position that "the fight against terrorism is a moral, religious, and national responsibility that must be undertaken with wisely and responsibly leading to effective solutions."¹⁸²

In a brief statement, the ex-Secretary General of the Nasserist Unionist People's Organization, Abdelmalek al-Makhlafi, expressed his refusal to see American Marines enter Yemen. He pointed out that the acceptance of a quasi-control through the Gulf countries' initiative implicitly gave the approval of military intervention through drone attacks and the stationing of troops on the ground. Al-Makhlafi called on the transitional authorities to state that national sovereignty is indivisible and that no discussion or justification contrary to this would be acceptable on this subject.¹⁸³

For his part, the Secretary General of the Nasserist Unionist People's Organization, Mohamed al-Radi'i, strongly criti-

180) Abderrahman Ba Fadhl in an appearance on Aljazeera, عبد الرحمن بافضل في تصريح صحافي لقناة الجزيرة، <http://www.youtube.com/watch?v=tFOlaip13jo> (accessed 28 July 2013).

181) Interview with the President of al-Islah, Mohamed al-Yadumi during the show "Bila Hudud" on Aljazeera on 13 September 2012, بلا حدود، مع محمد اليدومي رئيس حزب الإصلاح اليمني، <http://www.youtube.com/watch?v=sUp2mLhp8LE> (accessed 28 July 2013).

182) "الوحدوي نت، مركزية الناصري: الحوار الوطني فرصة تاريخية ومخرج وحيد للوصول بمشروع التغيير إلى بر الأمان" (Nasser central: the National Dialogue is an historic occasion and the only solution for real change"), Al-Wahdawi, 18 March 2013, http://alwahdawi.net/news_details.php?lng=arabic&sid=9863 (accessed 28 July 2013).

183) "الوحدوي نت، المخلافي: على الحكومة أن تعتذر عن جريمة دخول المارينز إلى البلاد فسيادة الأوطان لا تتجزأ" (Al-Makhlafi: the government must apologise for allowing Marines into the country – this country's governance cannot be shared), Al-Wahdawi, 19 September 2012, http://www.alwahdawi.net/news_details.php?lng=arabic&sid=9289 (accessed 28 July 2013).

cized the visit of American Ambassador Gerald Feierstein to Zinjibar in Abyan province after the end of the town's occupation by Ansar al-Sharia combatants in June 2012. He felt that "this visit is part of the flagrant interferences of the Americans in Yemen," adding "the American Ambassador in Sana'a considers himself to be the governor of Yemen."¹⁸⁴

Zaidist parties and political forces, including the Houthis in the north of the country, are the most strongly opposed to the American policy in Yemen independently of politics. They claim that strikes are an integral part of the American intervention which is aimed principally against those who refuse American dominance in the region.

The Yemeni Socialist Party does not have a clear public position on the issue. Political and security considerations determine this position rather than legal questions. One of the party's activists explained to Alkarama that the problem with the drone attacks is that they are the government's responsibility and that it is up to the government to determine their necessity in the war on terror. The press releases and declarations of the last few years show how the party avoids presenting a clear position, of either consent or rejection and even simply mentioning violations in the war on terrorism. This is in contrast to its engagement on these issues related security and foreign intervention before 2011.

At the end of its regular session in early June 2013, the Central Committee of the Socialist Party released a statement rife with generalities, "condemning all foreign interventions in the internal affairs of Yemen and all that could harm its interests and destabilize it." Although it maintained its silence about American raids, the Central Committee called on Yemeni political forces to refrain from soliciting foreign powers in their policies and to avoid serving as an instrument of foreign interventions in illegal and illegitimate projects. Finally, it condemns armed trafficking and illegal imports into Yemen.¹⁸⁵

In an interview with the newspaper al-Bayan published on 14 April 2012, the Secretary General of the Socialist Party, Yassine Saïd Nu'man, speaks about the significant presence of al-Qaeda in Yemen and on the American strikes: "The question is not as simple as it seems. One must recognize that this is a very serious topic and in my view we should take a historical perspective on the indiscriminate instrumentalization of the problem of terrorism."¹⁸⁶

Nu'man adds that "the absence of the state and its withdrawal from numerous regions has allowed armed groups to replace it for numerous reasons. This situation, born in specific circumstances, has convinced armed groups that they can extend their control to other regions, as has happened." He also said that the former regime conspired with these groups, at least in the beginning, in Abyan province. The withdrawal of government forces from certain regions led to the arming of the groups in Aden province in particular, as well as the current situation in Hadramout province where the security services have abstained from arresting some suspects."

Nu'man added that "confusion and political exploitation of the situation, combined with the absence of the state, led to the expansion of al-Qaeda's presence in certain areas. Thus we proposed that priority be given to the areas where the state was still present and could assure the fight against these groups and the security of citizens. We were convinced that when citizens feels that the state is absent, they will submit themselves to the armed groups and won't seek to combat their presence."

He asked himself whether the fight against al-Qaeda is truly serious and if there was indeed "a global strategy to combat terrorism, or if to the contrary, the strategy is of another kind, focused on the idea of containment?!" He is convinced that "the responsibility to fight terrorism is principally national, and cannot simply be based on military confrontation alone but must take multiple forms. Rather than making it merely an issue of security, one has to consider social, political, and economic dimensions. Only by taking all of these aspects into consideration will it be possibly to achieve our objectives." He states that "this is primarily the state's responsibility, but it must be done in cooperation with all partners in this domain, and not just within the narrow confines of a security issue. One

184) "عدن الغد، ناصريو اليمن: زيارة السفير الأمريكي إلى أبين تدخل سافر" (Yemeni Nasserites: US Ambassador's visit shows blatant interference), 23 June 2012, <http://adenalghad.net/news/13271/#.Ue9Cr237Z6g#ixzz2Zvg4IvgR> (accessed 28 July 2013).

185) "الإشترافي نت، في بيانها الختامي لدورتها التاسعة، مركزية الإشتراكي: حل القضية الجنوبية هو التحدي الأبرز للمرحلة الانتقالية" (In a closing statement to the ninth session of the Socialist party: Southern Issue is the most prominent challenge for the transition), Al-Eshteraki, 9 June 2013, http://www.aleshteraki.net/news_details.php?sid=17965

186) "البيان الإماراتية، الأمين العام للحزب الإشتراكي اليمني د. ياسين سعيد نعمان لـ "البيان": حصانة صالح مقابل ترك السلطة والعزل السياسي" (Secretary-General of Yemen's Social Party, Yassine Said Nu'man: Immunity for Saleh in exchange for handover of power and political isolation), Al-Bayan, 14 April 2012, <http://www.albayan.ae/one-world/correspondents-suitcase/2012-04-14-1.1630789> (accessed 28 July 2013).

must differentiate between a citizen who takes up arms for a given reason, and a foreigner who enters the country undercover, bearing a specific ideology. If we do not make this effort, the issue is likely to worsen in the future.”

Responding to a comment that American air strikes create sympathy for al-Qaeda, the Secretary General of the Socialist Party emphasized that “if the Americans want to be partners in this, they must listen to Yemen when they prepare their strategy which must in itself be holistic, because in the absence of such a strategy, and if the Yemeni state remains silent, we only enter into a logic of security and military confrontation. But what we really need is a strategy of consensus between all political and social forces and the state, it being understood that the problem is a national one.”¹⁸⁷

7.3 The Human Rights Ministry condemns drone strikes

Since its creation, the Ministry of Human Rights has been the government agency that has taken on the task of responding to reports of human rights violations and defending the government’s record in this area. Due to the regime change that occurred following the popular uprisings of 2011, Ministry officials that met with Alkarama’s delegation in 2012 and 2013 have said that they consider their responsibilities very differently, that they would no longer be used as simple instruments to exonerate those responsible for human rights violations.

Before the events of the ‘Arab Spring,’ the mission of the Ministry of Human Rights was principally to respond to ‘allegations of human rights violations’ and reveal them to be unfounded and exaggerated. It did not speak out about the assassinations carried out by drones that the Yemeni government had taken to attributing to its own forces. It even tried to cover up the attacks completely, denying their proliferation since late 2010, even as the US media announced it. Yemen publically and categorically denied foreign participation in the fight against al-Qaeda, declaring its armed forces completely responsible. It reaffirmed the ability of its military to eliminate al-Qaeda and emphasized that “the security services and antiterrorist units have conducted successful operations against groups affiliated with al-Qaeda, and have done a great deal to eliminate them in the regions where they were implanted.”¹⁸⁸

In the aftermath of the spring 2011 uprising, a significant change in the attitude of the Ministry of Human Rights has occurred. Its positions now seem more independent of the dictates of the country’s security services. In a statement in late January 2013, the Yemeni Minister of Human Rights Ms. Huria Mashhur criticized the use of US drones against people suspected of belonging to al-Qaeda and said that the method creates resentment in the populations of targeted areas. She put forward the idea of using ground operations and ensuring harm to civilians was avoided.

During a visit to the United Arab Emirates, the Minister told Reuters that the deaths of innocent victims were a serious violation. This kind of public criticism of American actions by a member of the Yemeni government is even more remarkable due to the favorable position of President Abd al-Rab Mansour al-Hadi towards American strikes. The Minister did not mention the US nor did she provide a precise number of victims – but she expresses her disapproval of the methods used. She advocates that anyone suspected of ‘terrorist activities’ be given a fair trial. She does not, however, address the question of the criminal liability of the Yemeni government in these illegal attacks, but recalls that all she is seeking is justice, the adoption of international human rights norms, and respect for Yemeni citizens’ rights, guaranteeing that “every human being has a right to a fair trial.”¹⁸⁹ Here, Huria Mashhur, who participated in the popular protests that led to former President Ali Abdallah Saleh’s fall, reflects the sense of unease amongst a growing number of political figures in the country.

7.4 The cautious position of the Yemeni Parliament

With the exception of the commission of inquiry into the bloody attack on Al-Ma’jalah at the end of 2009 (see Annex 1 for more information), the Yemeni Parliament has not undertaken any other investigation into American aerial

187) Ibid.

188) Mohamed al-Qadhi, “اليمن يعلن رفضه اشتراك قوات أجنبية ويتحمل مسؤولية مكافحة الإرهاب محمد القاضي” (Yemen announces its rejection of foreign troops and takes responsibility for the fight against terrorism), Al Riyadh, 27 August 2010, <http://www.alriyadh.com/2010/08/27/article554980.html> (accessed 28 July 2013).

189) “رويترز، وزيرة يمنية تطالب بعمليات برية ضد المتشددين بدلا من الغارات الجوية” (A Yemeni minister calls for ground operations against extremists in the place of aerial attacks), Reuters, 22 January 2013, <http://ara.reuters.com/article/idARACAE9B282D20130122?sp=true> (accessed 28 July 2013).

attacks even when MPs have raised such questions, especially when strikes resulted in a large number of civilian victims.

In September 2012, the House of Representatives summoned the Minister of the Interior Abdul-Qader Qahtan to have him explain the deaths of 12 people, including a woman, in an American drone strike that targeted a vehicle in the region of Radaa in al-Baydha province (see Annex 6 for more information). During this session, the MPs asked the minister to investigate these events and to put an end to American strikes targeting innocent civilians under the pretext of the fight against al-Qaeda. The Vice President of Parliament, Hamir al-Ahmar, declared that he had spoken with the Minister of the Interior and the local administration about the circumstances of the incident and the actions taken in response, and that the governor of al-Baydha province had mandated a delegation to resolve the problem with the families of the victims according to tribal customs.

During this debate in Parliament, the deputy from the Popular Congress Party, Nabil al-Basha, put it bluntly: “The Americans kill and the Yemeni government pays the bill for their assassinations. The government receives its orders from embassies and calls for external reinforcements against the interior, because it is incapable of dealing with the problem itself,” adding, “Extrajudicial executions are prohibited in our legislation, even if it is against al-Qaeda.”¹⁹⁰

Regarding the citizens killed in Radaa, Mohammed Hazmi an MP from the al-Islah party declared that the American raids reinforce al-Qaeda and provoke negative reactions. He added that “the bullet does not kill the idea... and those that ask for the intervention of the United States do it to avoid spilling Yemeni blood and not the contrary.” MP Abdul Karim Shiban called on Parliament to adopt a firm stance against the American military intervention, and recalled that in Pakistan President Obama had had to apologize formally when an American drone accidentally killed 13 people.¹⁹¹

In May 2013, following a large wave of anger and criticism from the Yemeni population, the deputies – with Parliament’s Vice President Hamir al-Ahmar at their head – demanded that the President of the Republic reconsider security agreements between Yemen and the United States and categorically reject the American drone attacks.

A representative of the General People’s Congress, Mohsen al-Bahr, expressed his total opposition to the methods of the fight against terrorism during a Parliamentary session: “all states prohibit extrajudicial execution, but American planes have gone ahead with these extrajudicial executions.” Other MPs approved of the suggestion of their President, Yahia al-Ra’i, to address a memorandum to the government calling on it to assume responsibility for the violation of Yemeni airspace committed by American drones.¹⁹²

In similar statements, al-Islah MP, Ali al-Ansi, said that Yemeni tribes, popular committees, and the armed forces are capable of fighting al-Qaeda. The army should be required to assume the responsibility of fighting against it, and be given the necessary means to do so, in the form of equipment, arms, training, and intelligence. He states: “The issue is sensitive and must have an official and legal dimension. We need to treat the violation of the sovereignty of Yemen by American drones in a transparent manner. We refuse the violation of our Constitution and we reject extrajudicial executions no matter their justification.”¹⁹³

7.5 The National Dialogue Conference adopts a resolution

Drone attacks were a central concern for those participating in the National Dialogue Conference. The Working Group on Transitional Justice worked on a resolution devoted to a comprehensive national strategy that aims the adoption of a special law to combat ‘terrorism.’ This group also passed a resolution criminalizing the ‘use of drones and guided missiles and extrajudicial executions.’ According to the rules of procedure of the National Dialogue Conference, the second plenary session was at liberty to make, as a first step, binding decisions. If these decisions

190) “أخبار الآن، البرلمان يناقش قتل أمريكا للأبرياء اليمنيين ومحاولتي اغتيال ياسين وباذيب” (Parliament debates the murder of innocent Yemenis and two attempted assassinations of Yacine and Badhib), Al Khabar Now, 4 September 2012, <http://www.alkhabarnow.net/news/9345/2012/09/04/> (accessed 28 July 2013).

191) Ibid.

192) “مرصد البرلمان، البرلمان يحمل الحكومة مسؤولية انتهاك طائرات أمريكية لأجواء اليمنية” (Parliamentary observer: Parliament gives the government responsibility for the violation of Yemeni airspace), 4 May 2013, http://www.yppwatch.org/news.php?go=show_news&id=557 (accessed 28 July 2013).

193) Ibid.

are adopted by vote, they become binding for the President and the government, and must be considered as being part of the new Constitution or as laws and legislation.

In its report, the Working Group on Transitional Justice also recommended “the criminalization of restrictions on the freedom of suspects for extended periods without them being brought to justice.” It also called for “the rehabilitation and compensation of those arrested on terrorism charges and found innocent.” The President of the Group, Abdelbari Deghich, spoke at the Conference and stressed that “there is a consensus within the Conference on the condemnation and rejection of drone attacks that lead to the killing of innocent civilians.”

He also said that “the fight against terrorism must not need to be limited to security and military aspects, but requires the existence of a national strategy that defines and determines the manner of treating the issue within the confines of the law.” He adds: “we are working to lay the foundations of international law concerning the problem of terrorism.” He also announced that the Group had proposed a definition of ‘terrorism’ that stipulates that it is “any act of violence or the threat of violence that seeks to terrorize the population by endangering life, security, and liberty, harm to the environment, or a public or private service or property, its occupation or seizure.”

The report of the Working Group on Transitional Justice underscores the need for commitment from political forces and civil society organizations as well as all of the participants in the National Dialogue Conference to condemn all acts of ‘terrorism’ in all of its forms, types, and causes, with the obligation to refuse to offer religious, political, or any other kind of justification for its use or motives. He insisted on the necessity of the state to compensate and repay all victims of ‘terrorist’ acts as well as the victims, both civilian and military, of errors in the fight against ‘terrorism’ in all of the governorates of the Republic and to keep alive their memories.¹⁹⁴

7.6 Civil Society raises its voice

Following numerous reactions in Yemen, more than 150 religious and political figures published a statement on 14 January 2010, in which they denounced the danger of foreign interventions, including the American attacks, arguing that they were a violation of national sovereignty. They also firmly rejected the installation of military bases on Yemeni soil or territorial waters and recommended the criminalization of targeted killings. They warned of the moral and legal consequences of all aggression against innocents and others of a similar status.

The statement also cautioned against the dangers of conspiracies aimed at Yemen by foreign powers that seek to intervene in the country’s internal security, military, and political affairs. It said that those who present the situation in Yemen as a threat to regional and international peace aim to internationalize the issue in order to compromise the security, unity, and stability of Yemen. They also say that these forces seek to attack Yemen’s sovereignty under futile and erroneous pretexts in a situation echoing what has happened in Iraq, Afghanistan, and Pakistan when the US invaded these countries.¹⁹⁵

In the same spirit, a group of scholars, religious figures, and notables published a text on 19 September 2012 repeating their “condemnation and rejection of all forms of interference that affect the sovereignty, security, and independence of Yemen, considered as treason in accordance with its laws and the Sharia.” They call on the government to “protect Yemeni airspace and immediately put an end to the massacres perpetrated by the American Air Force on Yemeni territory that violates the right to life, as well as to immediately undertake an investigation into these crimes and provide fair compensation to the families of the victims and all others that have a right to compensation.” The signatories also called for the assurance of the “security and protection of the embassies and consulates accredited [to Yemen] in conformity with the Constitution and international treaties” at the same time as the “rapid evacuation of foreign forces from Yemeni territory and territorial waters, the prevention of their continued presence whatever the pretext, and a decision from the House of Representatives on the matter. This is essential as

194) Al-Jazeera, “حوار اليمن يوصي بتجريم هجمات الطائرات الأميركية” (Dialogue Conference in Yemen recommends the criminalisation of American aerial attacks), 19 June 2013, <http://www.aljazeera.net/mob/c54c246c-3a58-42e6-8ebc-076c30f509ce/2934343b-839b-4d8e-a8f5-a1534a9bb5b6> (accessed 28 July 2013).

195) “مأرب برس، علماء اليمن يوجيئون الجهاد ضد أي تدخل أجنبي والزنداني يتخوف من التواجد العسكري بخليج عدن” (The Ulama of Yemen order Jihad against foreign intervention and al-Dindani concerned about military presence in the Gulf of Aden) http://marebpress.net/news_details.php?lng=arabic&sid=21494 (accessed 28 July 2013).

their ongoing presence is against our religion, our Constitution, and the decision of the House of Representatives as well as international norms and laws that consider these forces to be an occupation force that must be resisted.”¹⁹⁶

On 7 February 2013, the organization of the ‘Ulamas of Yemen published a statement about the National Dialogue Conference and recent developments in the country. They underlined the principled position of religious figures rejecting the presence of all foreign forces on national territory and emphasized “the sacred character of Yemeni blood and the blood of all other people on Yemeni soil.” They also recalled that “there can be no crime without a law, or condemnation without a prompt and fair trial.” They qualified American air strikes as “extrajudicial executions and the murder of innocents, which is contrary to provisions of the Sharia and is a violation of Yemen’s sovereignty.”¹⁹⁷

Since 2009, the population has regularly taken to the streets to express its anger at American bombs that kill without distinction and to condemn the government that tolerates its people being killed. Dozens of protests have taken place but they have not been able to change the government’s position. Popular discontentment vis-à-vis the American attacks on civilians reached their height in January 2013, illustrated by a protest in Radaa in al-Baydha province, which had suffered several drone attacks. Journalists in south Yemen announced the boycott of a training session funded by Americans as a sign of protest against the bombardment of innocent civilians in Hadramout.¹⁹⁸

Many local and international non-governmental organizations have taken action against American drone strikes, but their actions have remained limited thus far. Alkarama has focused its efforts on the legal aspect, and has contributed to the creation of a league of families of drone strike victims in Yemen with the aim of coordinating their efforts to pressure the Yemeni authorities to prohibit these strikes on the one hand, and to open investigations into the attacks and to demand that those responsible are prosecuted on the other. Alkarama has also worked in collaboration with local partners, in particular HOOD, to prepare and coordinate several actions at the local level to put an end to these violations. For example, our organization participated alongside representatives of Yemeni civil society and human rights organizations in a protest on 28 January 2013 involving several dozen activists and relatives of victims of American air strikes. The protest took place outside the headquarters of the University of Sana’a and was followed by a silent march towards al-Sittine Avenue, where the transitional president Abd al-Rab Mansour al-Hadi’s house is located. It ended in a sit-in under the slogan *karamat al-watan* (dignity for the homeland). The protestors carried banners demanding an end to the American air strikes, and announcing their refusal to remain under ‘foreign domination’, chanting slogans accusing the Yemeni government of “flouting national sovereignty and permitting the American air force to carry out assassinations of Yemeni citizens illegally.”¹⁹⁹

In late April 2013, the group ‘Activists for Yemen’ organized a vigil with human rights defenders outside the American embassy in Sana’a to demand an end to American drone strikes that target civilians on Yemeni territory under the pretext of the fight against al-Qaeda. According to organizers, the protest sought to express the population’s rejection of violations of Yemeni territory and air space. They also expressed their surprise at the silence of officials regarding the situation.²⁰⁰

On 21 July 2013, Alkarama’s office, alongside local Yemeni organizations, participated in a vigil and symbolic breaking of the fast, in front of the American embassy in Sana’a. This was done in solidarity with detainees at Guantanamo Bay who had undertaken a hunger strike in February 2013, and to protest against impunity of those responsible for American drone attacks by prosecuting them. On this occasion, it was recalled that Yemeni journalist Abdul Ilah Haider Chai’i, imprisoned for three years in large part for his condemnation of drone strikes, had still not been

196) “مُنبر علماء اليمن، بيان علماء ومشايخ وأعيان اليمن بشأن الإساءة للنبي صلى الله عليه وسلم وقضيته التدخل الأجنبي والحوار الوطني” (Declaration from Ulama about foreign intervention) http://olamaa-yemen.net/main/articles.aspx?article_no=16096 (accessed 28 July 2013).

197) “عَدَن الغد، الزندانى يوجه انتقادات لمؤتمر الحوار الوطنى فى اليمن” (Al-Zindani criticises the National Dialogue Conference in Yemen), Aden al-ghad, 8 February 2013, <http://adenalghad.net/news/38907/#.UfGdCm37Z6g#ixzz2a6D402xF> (accessed 28 July 2013).

198) Mohammed al-Ahmady, “الغد نت، معلومات عن مفاوضات سرية بين الدولة و”القاعدة“ للوصول إلى هدنة مؤقتة” (Information on secret negotiations between the state and al-Qaeda for a truce), al-Ghad, 9 January 2013, <http://www.alghadyem.net/index.php?action=showDetails&id=6479> (accessed 28 July 2013).

199) “اليمن: الكرامة تشارك فى مسيرة رمزية ووقف احتجاجية رفضاً للهجمات الأمريكية” (Alkarama participates in a symbolic march and gathering to protest against American attacks), Alkarama, 30 January 2013, http://ar.alkarama.org/index.php?option=com_content&view=article&id=4580:2013-01-30-09-33-49&catid=164:ak-com-yem&Itemid=140 (accessed 28 July 2013).

200) “العين أون لاين، احتجاجات يمنية ضد الانتهاكات الأمريكية للسيادة اليمنية ومطالبات شعبية لأوباما بوقف الغارات الجوية على اليمن” (Yemenis protests against American violations of sovereignty and seek citizens’ support to stop Obama from bombing Yemen), Al-Ain, 30 April 2013, http://alainonline.net/news_details.php?sid=6361 (accessed 28 July 2013).

released due to the opposition of the American administration. He was finally released on 23 July 2013.²⁰¹

The families of victims of drone attacks have addressed an open letter to the American people, calling on them to pressure their government to put an end to these attacks immediately, to hold their officials to account, and to start repairing their negative effects, first by issuing an apology to the families of victims and compensating them morally and materially for damages in accordance with international human rights laws and treaties.²⁰²

201) "Yemen: High-profile Journalist Haydar Shaye Released after 3 Years of Detention and Torture", Alkarama, 24 July 2013, http://en.alkarama.org/index.php?option=com_content&view=article&id=1131 (accessed 24 July 2013).

202) "اليمن: الكرامة تشارك في تنظيم وقفة وإفطار جماعي أمام السفارة الأمريكية باليمن" (Alkarama participates in the organization of a sit-in before the US embassy in Sana'a, Yemen), Alkarama, 23 July 2013, http://ar.alkarama.org/index.php?option=com_content&view=article&id=4698:2013-07-23-12-03-17&catid=164:ak-com-yem&Itemid=140 (accessed 28 July 2013).

8. Targeted killings under international law

Philip Alston, the UN's former Special Rapporteur on extrajudicial, summary or arbitrary executions, defines a 'targeted killing' as "the intentional, premeditated, and deliberate use of lethal force by a subject of international law, which is to say by the United States or its agents acting under cover of the law, or by an armed group organized in an armed conflict and directed against an individual person that is not in the custody of the aggressor."²⁰³ The legal adviser to the International Committee of the Red Cross and the author of the book *Targeted Killing in International Law*, Nils Melzer, adds other elements to this definition and specifies that "this force must be intentional (rather than negligent or reckless), premeditated (rather than just voluntary), and deliberate (in the sense that the death of the targeted person is the ultimate goal of the operation, contrary to cases where death may be intentional and premeditated but accidentally results from an operation pursuing another goal entirely)."²⁰⁴

The legal basis for targeted killing by drones or other means has been debated for several years now. The notion of 'targeted killing' is not defined in international law. Different states, particularly the United States and Israel, have created precedents, which, if not strictly condemned, may create substantial changes in international law. For this reason the Special Rapporteur on counter-terrorism and human rights and the Special Rapporteur on extrajudicial, summary or arbitrary executions will attend the UN General Assembly in autumn 2013 to submit a report on drone strikes in several countries which sets out recommendations, among them the necessity to investigate attacks that have led to civilian deaths. They also will examine this practice in light of principles of international law and seek to clarify the situation.

The United States created a new legal framework to justify the fight against terrorism from the moment that it entered into conflict in Afghanistan, recognized by the UN as an 'armed conflict' against an organized and hierarchical 'enemy,' a.k.a. al-Qaeda. But once the organization was largely dismantled, breaking down its structure and centralized organization, autonomous groups sprung up, identifying themselves as being part of al-Qaeda, which does not exist as a hierarchical organization with centralized control over all of these groups anymore. As we discussed in section 4.3, the American administration sought to respond to this problem by creating the category of 'associated forces' that has been criticized by many jurists. To add to this legal problem, these new organizations (al-Qaeda in the Islamic Maghreb, AQAP, Boko Haram, al-Shabbab, etc.) act within states with which the US is not at war and often do not threaten the interests of the United States.

8.1 Armed conflict, 'Self-Defense' or 'Law Enforcement Operation'?

The official American argument is essentially characterized by its confusion and the different registers on which it is based. Attorney General Eric Holder was supposed to clarify the legal arguments on which the war against terrorism is based in a speech on 5 March 2012 given at Northwestern University School of Law, but he instead maintained the same vague stance presented by US policymakers and legal advisers. In summary, it is as if the United States is at war with an enemy that cannot be underestimated: "Because the United States is in an armed conflict, we are authorized to take action against enemy belligerents under international law...And international law recognizes the inherent right of national self-defense."²⁰⁵ This is where the confusion lies – do the United States apply the law of war, or that of legitimate self-defense? This distinction is important: in the first case, it is the law of armed conflicts that applies; in the second, it is the rule of law on legitimate defense. According to Philip Alston, former Special Rapporteur on extrajudicial, summary or arbitrary executions, "these are two radically different legal regimes."²⁰⁶

203) "Exécutions extrajudiciaires. Un dossier du centre de droit international de l'Université libre de Bruxelles" (Extrajudicial executions: a dossier by the Centre for International Law of the Free University of Brussels), June 2011, <http://executionextrajudiciaires.wordpress.com/> (accessed 28 July 2013).

204) Ibid.

205) Department of Justice, "Attorney General Eric Holder Speaks at Northwestern University School of Law", 5 March 2012, <http://www.justice.gov/iso/opa/ag/speeches/2012/ag-speech-1203051.html> (accessed 28 July 2013).

206) "UN Special Rapporteur Philip Alston Responds to US Defence of Drone Attacks' Legality", 1 April 2010, <http://www.democracynow.org/2010/4/1/drones> (accessed 28 July 2013).

Steven Aftergood, in his analysis of the memorandum²⁰⁷ on the legality of targeted assassination of terrorist suspects prepared by the Congressional Research Service for the members of the American Senate "The U.S. practice of targeted killing raises complex legal issues because it cuts across several overlapping legal domains. To the extent that the U.S. is actually at war with the targeted persons, the 'law of armed conflict' would provide the appropriate legal framework, though the relevance of this framework far from a 'hot battlefield' is disputed. Outside of armed conflict, the U.S. could be acting under the related but distinct laws of 'self-defense.' The use of lethal force in law enforcement operations offers another way of conceiving of and evaluating anti-terrorist strikes".²⁰⁸

According to the domain applied, the ability to use lethal force varies. But American officials refuse to be clear about which legal basis applies in the case of targeted killings. In the case of armed conflict, it is the prerogatives of the soldier on the battle field, while in the case of law enforcement operations, that of the police officer on patrol. "The first can get away with 'shooting to kill' at any legitimate military target, while the second can only fire as a last resort, and only as a proportionate response to an imminent threat."²⁰⁹ It therefore stands that all law enforcement operations must fall under the framework of international human rights law.

The United States is not involved in an 'armed conflict' with Yemen, but it seems to consider their intervention in the country under the guise of an 'armed conflict' due to the presence of suspected members of al-Qaeda that they identify as 'combatants' and as representing a threat to US national security. Asked about the targeted killings committed by Americans around the world at a conference at the Woodrow Wilson Center, John Brennan stated: "In this armed conflict, individuals who are part of Al Qaeda or its associated forces are legitimate military targets. We have the authority to target them with lethal force just as we targeted enemy leaders in past conflicts, such as German and Japanese commanders during World War II."²¹⁰ The analogy certainly made many commentators shudder...

Yemen is an ally of the United States, which has not declared war against it. Consequently, if there is a war there, it is against a non-state actor, and this could perhaps be considered as "non-international armed conflict,"²¹¹ to which international humanitarian law applies. In the case of concrete military interventions by the Americans in what is really an internal conflict in Yemen, one must ask if the definition is adequate, given that some of its pre-requisites are unmet, such as the intensity of the violence suffered. Armed groups, namely al-Qaeda, Ansar al-Sharia, and others are fighting the institutions of the Yemeni state, its security forces, and its infrastructure. American nationals and infrastructures have not been hit for several years now in Yemen. It cannot be a question of a confrontation between the American military and Yemeni insurgents. As we explained above, the most important military confrontation between the Yemeni army and insurgents from al-Qaeda, Ansar al-Sharia, and other groups took place in 2011 and 2012, and since June 2012 the areas under insurgent control have been evacuated. Today, the local defense committees put in place and supported by the state control the regions. The United States nonetheless intervened during the entire period from 2009-2012 and continues to carry out targeted killings. It is difficult to argue that they themselves led an armed conflict against al-Qaeda and Ansar al-Sharia in Yemen alone during this entire time.

In the absence of armed conflict, intervention is above all for law enforcement operations outside of actively hostile areas, which means that lethal force can only be used in response to a direct and imminent threat. In these cases, international human rights law applies. During a police law enforcement operation, one must arrest the suspect and allow for the possibility to detain, not kill, the suspect in the absence of a direct threat to the agents carrying out their jobs. The use of armed force, which is supposed to be the exception, is disproportionately use in Yemen

207) Jennifer K. Elsea, "Legal Issues Related to the Lethal Targeting of U.S. Citizens Suspected of Terrorist" Activities, Congressional Research Service, 4 May 2012, <http://www.fas.org/sgp/crs/natsec/target.pdf> (accessed 28 July 2013).

208) Steven Aftergood, "Legality of Targeted Killing of Suspected Terrorists Reviewed by CRS", Secrecy News, 10 September 2012, http://blogs.fas.org/secrecy/2012/09/targeted_killing/ (accessed 28 July 2013).

209) Grégoire Chamayou, *Théorie du drone (Theory of the Drone)*, op. cit., p. 233.

210) Daphne Eviatar, "Obama's drone policy misreading international law," Politico, 3 May 2012, <http://www.politico.com/news/stories/0512/75863.html> (accessed 28 July 2013).

211) Sylvain Vité, "Typologie des conflits armés en droit international humanitaire : concepts juridiques et réalités" (Typology of armed conflicts in international humanitarian law: legal concepts and realities), *International Review of the Red Cross*, 31 March 2009, <http://www.icrc.org/fre/resources/documents/article/review/review-873-p69.htm> (accessed 28 July 2013).

by the United States. If these conditions are not met – and the drone cannot respect them because it cannot emit warnings before killing individuals – it is an extrajudicial execution. The drone is the ideal instrument to apply the doctrine of “kill rather than capture.”²¹²

One must also remember that the CIA, whose agents are civilians, carries out the majority of these operations. If the intervention of the US in Yemen is indeed in the context of an armed conflict, they are liable for prosecution for war crimes.

8.2 Basic principles of armed conflict are not respected

In the event that this is actually an armed conflict in which US institutions are involved under the paradigm of international humanitarian law, the United States is bound to respect a number of principles, including military necessity, proportionality of means used, humanity, and the distinction between combatant and civilian. Nonetheless, all of these rules are systematically violated.

The first American drone attack took place in 2002, and began again in 2009 when there was no question of internal conflict between the government of Yemen and al-Qaeda. These attacks were in response to the attack on the warship the USS Cole in 2000. The bloodiest attack took place in Al-Ma’alah on 17 December 2009, when more than fifty civilians were killed (see annex 1 for more information). In this case, there was no necessity to intervene militarily and the suspect could have been apprehended easily. The means used were absolutely disproportional since they were missiles carrying cluster bombs fired from a warship that continued to kill civilians in the following years.

This case was by no means the exception, however, and we have outlined several cases of targeted persons who could have been easily arrested. Vehicles transporting suspects, especially motorcycles, could have been stopped by the Yemeni army in order for the passengers to be arrested.

On 7 November 2012, Adnan al-Qadhi was assassinated with a companion by a drone strike in the village of al-Sarin close to Sanhan, less than 40km from the capital Sana’a. A former lieutenant-colonel, he was receiving a military pension until his assassination, which means that he was not considered a threat by the authorities. Adnan al-Qadhi was suspected of involvement in the attack on the American embassy in 2008, for which he was sentenced to four years in prison but released due to pressure from military and tribal leaders. He lived freely in his native village and could have been arrested at any time. Yemeni officials claim that the strike was personally authorized by President al-Hadi under the pretext that an attempt to arrest him would have caused too many deaths. The question remains as to why they would want to eliminate him when, according to the same officials, no accusation was made against him and he was not a threat to the United States?²¹³

‘Distinction’ is yet another principle that is systematically violated. In a study published by the International Committee of the Red Cross, Nils Melzer explains the difficulty of establishing operational legal standards in international humanitarian law that allow for the identification of different parties involved or not involved in a non-international armed conflict: “For the purposes of the principle of distinction in non-international armed conflicts, all persons who are not members of State armed forces or organized armed groups of a party to the conflict are civilians, and therefore entitled to protection from direct attacks, unless and for such time as they take a direct part in hostilities.”²¹⁴ Under international humanitarian law, a civilian, who is *then* not a member of the state’s armed forces or militias, cannot be a legitimate target unless he or she is directly participating in hostilities and for the duration of his or her participation. However, the majority of strikes did not take place during hostilities between armed groups and the United States.

In any armed conflict, it is essential to do everything possible to protect civilians. Yet numerous strikes have taken place in residential areas or on vehicles in areas that are likely to lead to civilian, particularly children, being harmed, as was the case in al-Shihr (Hadramout) on 24 December 2012 when four men were killed in a strike. They were right

212) Grégoire Chamayou, *Théorie du drone (Theory of the Drone)*, op. cit., p. 235.

213) Jeffrey Fleishman and Ken Dilanian, “US drone strategy in Yemen is fraught with peril,” *Los Angeles Times*, 25 December 2013, <http://articles.latimes.com/2012/dec/25/world/la-fg-yemen-drones-qaeda-20121225> (accessed 28 July 2013).

214) Nils Melzer, *Interpretive Guidance on the notion of direct participation in hostilities under international humanitarian law*, ICRC, October 2010, p. 29, http://www.icrc.org/fre/assets/files/other/icrc_001_0990.pdf (accessed 28 July 2013).

outside a stadium where several children were playing. Many children were injured, among them Hamza Hussein Said ben Dahman, aged 16, who remains disabled due to his injuries to this day (see Annex 7 for more information).

On 10 June 2011, the house of Nader al-Shaddadi, a suspected local leader of Ansar al-Sharia in the village of Raia (Abyan province), was hit by a strike when he was not home. His mother, father, and sister perished.²¹⁵ His young niece lived through it, but is now disabled for life. An 11-year old girl, Moti'a Ahmed Haidara, was also killed as she was walking out of the al-Shaddadis' home.

The attack of 2 September 2012 in Radaa, which targeted Abderraouf al-Dhahab, but instead hit a car, killed twelve people who had no ties with armed groups and who were returning from the market at Radaa to their village (see Annex 6 for more information).

During the offensive in Abyan, nocturnal raids allegedly carried out by the Yemeni army but in fact launched by American drones or planes caused many deaths. The dead were not identified nor were the charges against them made public, but they were all identified as terrorists, combatants of Ansar al-Sharia or al-Qaeda. This was again the case on 14 July 2011 in the district of Mudia in Abyan. According to local officials contacted by AP, responsibility for the attack must rest with the Americans because Yemeni planes are not equipped to carry out night raids. CNN learned from an official source that more than fifty people died. Officials explained that the number of victims was so high because fighters were living with their families where the bombardments took place.²¹⁶

Regardless of this, the American administration does not give a clear definition of the people it considers to be targets. Confusion also abounds here: does the US eliminate specific individuals whose participation in terrorist acts have been established, or simple combatants? Based on the kill-lists that feature only leaders of terrorist organizations, different American agencies such as JSOC and the CIA, state that they only target identified persons. In practice, US officials admit that they do not always know who figures amongst the 'combatants' killed and in the majority of cases, as we have seen, they are not leaders of al-Qaeda.²¹⁷ Those killed in aerial attack are often unrecognizable and cannot be identified. On several occasions, the announcement of a leader's death has also been proved to be false. This raises the question of how the American administration can be sure it is eliminating al-Qaeda's leaders.

We now know that American agencies carry out 'signature strikes,' and that these also pose a problem to the principle of distinction. The Americans target individuals who behave suspiciously or whose location is suspect (if they are close to an arms depot or an armed group's barracks, for example), without confirming that they are in fact combatants. In addition to the fact that these are extrajudicial executions, this practice distorts the numbers of civilians versus combatants killed. When a leader of an armed group is found driving in a vehicle with four unidentified individuals, how do we know that they are also combatants? Regardless, they are all considered suspect and counted as combatants. In the attack on Khawlan on 23 January 2013, a vehicle with eight passengers was struck by two Hellfire missiles launched from a drone. The attack targeted Rabie Hamud Lahib, sought by the Yemeni authorities as a member of al-Qaeda. Among the people hit by the strike were two civilians with no connections to armed groups who were driving the vehicle, having been hired by Lahib and his companions to drive them to a neighboring village. Lahib and Naji Ali Saad were identified as the targets of the attack (see Annex 9 for more information).

The American administration publicly seeks to minimize the number of civilians killed, and thus considers all men of fighting age as combatants²¹⁸ as well as any who cannot be clearly identified as civilians, or who are located in the area of an attack. Professor Dapo Akande, the Director of the Oxford Institute for Ethics, Law and Armed Conflict, asks: "If US policy assumes that those who live with or assist combatants are also necessarily combatants, that would be problematic if applied to US combatants and operatives."²¹⁹

215) Hakim Almasmari, "US makes a drone attack a day in Yemen," *The National*, 15 June 2010, www.thenational.ae/news/world/middle-east/us-makes-a-drone-attack-a-day-in-yemen#page1 (accessed 28 July 2013).

216) Hakim Almasmari, "Massive demonstrations turn deadly in Yemen," *CNN*, 15 July 2011, <http://edition.cnn.com/2011/WORLD/meast/07/15/yemen.drone.strike/> (accessed 28 July 2013).

217) Greg Miller, "CIA seeks new authority to expand Yemen drone campaign," *op. cit.*

218) Jo Becker and Scott Shane, "Secret 'kill list' proves a test of Obama's principles and will," *The New York Times*, 29 May 2012, http://www.nytimes.com/2012/05/29/world/obamas-leadership-in-war-on-al-qaeda.html?_r=2&pagewanted=all& (accessed 28 July 2013).

219) Chris Woods, "A question of legality," *The Bureau of Investigative Journalism*, 4 February 2012, <http://www.thebureauinvestigates.com/2012/02/04/a-question-of-legality/> (accessed 28 July 2013).

The problem of distinction arises in strikes aimed at residential homes, but also in cases of ‘double strikes.’ After an initial bombardment, the civilian population rushes to rescue survivors and is hit in a second strike a few minutes later. In the case of the attack on Ja’ar on 15 May 2012, the larger number of deaths was caused by a second attack fifteen minutes after the first (see Annex 4 for more information) and not by the strike that targeted the suspects. The second attack therefore had other objectives: to kill those injured in the first strike, but also to terrorize the population and prevent future rescue attempts of survivors after attacks. In the targeted killing in Wusab on 17 April 2013, one of the survivors of the attack could not be saved because of a plane flying over the crowd that was trying to help him. A witness reported to Alkarama: “We saw the car on fire and heard the screams of Ghazi, one of the passengers. I got off the motorcycle to rescue him because he had been thrown several meters. When I approached, a plane flew lower and projected a red light on the ground as if to warn me it was about to launch a bomb. The people in front of me yelled, ‘The plane is coming down, run Salim!’ I left the area and rejoined the crowd. People were petrified with fear at the sight of the plane watching them from a low altitude. I still remember the cries of Ghazi who begged us for help, but we were unable to rescue him. For three hours, we waited for the plane to disappear so that we could rescue Ghazi;” all in vain, for he did not survive (see Annex 10 for more information).

8.3 Is the American intervention legitimate self-defense?

The United States claims the war against al-Qaeda and other terrorist groups is necessary self-defense. They refer to article 51 of the United Nations Charter that establishes the natural right to individual or collective self-defense in the case of armed aggression. The former Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston has expressed strong reservations in view of this reference to the Charter: “But even if it were to be accepted that article 51 has not displaced customary law, the reality is that it will only be in very rare circumstances that a non-state actor whose activities do not engage the responsibility of any State will be able to conduct the kind of armed attack that would give rise to the right to use extraterritorial force. [...]”²²⁰

One of the conditions for claiming the right to self-defense is the threat of a direct, imminent armed attack. But in Yemen, no ‘direct’ or ‘imminent’ threat to the United States stems from the armed groups in conflict with the central government, undermining the justification for their military intervention. More than ten years after the attacks of 11 September, the argument of the American government is still founded on the principle of terrorist actions the responsibility of which could be attributed to al-Qaeda, regardless of how strong its ties to the group, and that the act is part of the campaign of violence that began on that day.²²¹ This violent act would therefore constitute an act of aggression as defined by article 51 of the Charter. In the face of this so-called permanent threat, the United States has granted itself a permanent right to self-defense. This also allows them to refrain from having to identify the geographical location of the threat and therefore to claim the right to attack, through its military, any place on earth. But this argument still cannot justify the practice of targeted killings by drones, illustrated by the numerous instances of strikes we have cited that were not a response to an imminent, direct aggression. Moreover, and as confirmed by an advisory opinion of the International Court of Justice, the use of self-defense can not be invoked against a non-state actor²²².

This conception of self-defense is questionably extended by the United States, which claims that the states where it intervenes are themselves incapable or unwilling to fight terrorism and therefore the US is required to act directly. This argument poses a problem both politically and legally. Is the American intervention on Yemeni soil a violation of state sovereignty? It is unclear whether bilateral military agreements were concluded between the two states, and, if so, what the terms were. Through leaks and comments may by politicians, we can establish that close cooperation has developed between the two countries. But does this cooperation justify coordinated bombings in the south of the country? Do the agreements between the countries, if they exist, allow for targeted killings? And, as pointed out by Philip Alston: “But while consent may permit the use of force, it does not absolve either of the concerned States from their obligations to abide by human rights law and international humanitarian law with respect to the use of

220) Philip Alston, Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, 28 May 2010, para. 40, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf> (accessed 28 July 2013).

221) Peter Rudolt and Christian Schaller, “Targeted killing,” SWP-Studie, January 2012, p. 13-14. http://www.swp-berlin.org/de/publikationen/swp-studien-de/swp-studien-detail/article/targeted_killing.html (accessed 28 July 2013).

222) International Court of Justice, advisory opinion of 9 July 2004, para. 139, <http://www.icj-cij.org/docket/files/131/1671.pdf> (accessed 28 July 2013)

lethal force against a specific person.”²²³

In the absence of bilateral military agreements, what criteria determine whether the Yemeni government lacks the will or ability to combat terrorism in its own country? Is it not the UN that retains the authority to decide on such issues that have significant consequences for the civilian population?

8.4 Targeted killings under international human rights law

Whatever the context of the American military intervention (in a situation of armed conflict, self defense or law enforcement operation), the American military and the CIA use drones and other military aircraft or warships to carry out targeted killings that must be considered and qualified as extrajudicial executions. Under international human rights law, several rights are violated by these extrajudicial executions, the first of which is the right to life. The International Covenant on Civil and Political Rights clearly sets out in Article 6 that “no one shall be arbitrarily deprived of his life”

The Human Rights Committee’s General Comment No. 6 calls on states to strictly regulate and limit the cases in which a person can be deprived of life by the authorities. This General Comment emphasizes that the right to life should not be interpreted too restrictively, specifying that “States have the supreme duty to prevent wars, acts of genocide and other acts of mass violence causing arbitrary loss of life.”

In the case of civilians killed by American interventions, the violation of the right to life is manifest and no context can justify these extrajudicial executions. We have documented a dozen attacks in the course of which civilians were killed and seriously injured. The majority of them were identified by name and it is beyond doubt that they were civilians.

The targeted killing of suspects considered as leaders of al-Qaeda or ordinary fighters cannot be justified by specific circumstance (in a situation of armed conflict, self defense or law enforcement operation) in which it takes place. The United States is not facing an ‘imminent threat,’ the condition of the right to self-defense. The people killed are not implicated in hostilities towards the United States in which American soldiers have to defend themselves; targeted killings are not taking place in the context of imminent or direct attack from armed groups. Instead, suspects are followed by drones, targeted, and assassinated. In other cases, civilians are killed when they are in the company of suspects that have been monitored and targeted. In any case, it is not possible to justify their deaths, therefore qualifying them as extrajudicial executions.

Another fundamental right enshrined in the Covenant is violated by extrajudicial executions: the right to defense and a fair trial as set out in article 14. All of the suspects who have been killed never had accusations brought against them, or even specified. Their case is not heard in a fair trial before an independent and impartial court. Assuming that the Yemeni authorities have gathered charges against the assassinated suspects, it is incumbent upon them to bring them before the justice system. For their part, the Americans have made no effort to establish legal proceedings against targeted people, whether they are Yemeni or American nationals. The most widely cited example is that of Anwar al-Awlaqi, who was placed on a kill-list in 2010, in addition to four other Americans killed in drone strikes.

Finally, the jurisprudence²²⁴ on the extraterritorial application of the obligations under the International Covenant on Civil and Political Rights requires the United States respect the international law of human rights, including for actions conducted in Yemen.

223) Philip Alston, Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, op. cit., para. 37.

224) Human Rights Committee, General Comment No. 31 [80] Nature of the General Legal Obligation Imposed on States Parties to the Covenant, CCPR/C/21/Rev.1/Add.13, 26 May 2004. See also Alkarama’s report : United States of America: The issue of extrajudicial killings in Yemen, Report submitted to the Human Rights Committee in the context of the review of the fourth periodic report of the United States of America, 30 August 2013, p.5, http://en.alkarama.org/documents/HRCtee_USA_AltReport_300813_EN_Final.pdf (accessed 28 July 2013).

8.5 The extrajudicial execution of American citizens

When, in April 2010, the media reported that Anwar al-Awlaqi, an American and Yemeni citizen, had been placed on a CIA kill list²²⁵, his father, Nasser al-Awlaqi, brought a case to the US Supreme Court as the assassination of an American citizen without due process would violate the American Constitution. The case was thrown out by the judge, who determined that Nasser lacked legal standing to act on his son's behalf and that he "did not have the legal power to prevent a political decision by the executive in an armed conflict. He recognized, however, that the case raised serious Constitutional issues."²²⁶

After several assassination attempts, Anwar al-Awlaqi was finally killed by an American drone on 30 September 2011. President Obama publicly praised the killing. The New York Times revealed shortly after his death that the Department of Justice had drafted a memorandum justifying the administration's right to kill him in August 2010.²²⁷ He was nonetheless never charged with a crime. The day of his murder, he was in the company of three other men, among them Samir Khan, the editor of a publication, also a US national. Two weeks later, drone strikes killed Anwar's son, Abderrahman al-Awlaqi, a 16-year-old American citizen.

It was not until May 2013 that the American government acknowledged the targeted killing of four American citizens in Yemen and Pakistan. In reality, there were five. But to this day, the memorandum of the Department of Justice that legally justified the execution of Anwar al-Awlaqi is classified 'top secret.' The two main reasons for the decision were leaked: that al-Awlaqi participated in terrorist actions and a plot to blow up an airplane in 2009, which was used to satisfy the condition of an 'imminent threat'; in the armed conflict against al-Qaeda, he had taken the side of this organization; and finally it would be nearly impossible to arrest and bring him to justice.²²⁸

The Center for Constitutional Rights (CCR) and the American Civil Liberties Union (ACLU) filed a complaint on 18 July 2012 on behalf of Nasser al-Awlaqi, the father and grandfather of Anwar and Abderrahman al-Awlaqi, and Sarah Khan, the mother of Samir Khan, against the Secretary of Defense Leon Panetta, CIA Director David Petraeus, Admiral William H. McRaven the Commander of US Special Operations Command, and General Joseph Votel, the Commander of the Joint Special Operations Command.²²⁹ It accuses them of having violating the Constitution and the fundamental right to life as it is enshrined in international law by authorizing, ordering, and carrying out the drone strikes that killed the three men mentioned above.

On 18 July 2013, the federal judge of the State of Columbia Ms. Rosemary M. Collyer strongly disputed the Obama administration's assertion that the courts cannot judge targeted killings by drones of American citizens abroad. The government asked that the complaint be thrown out since decisions concerning targeted killings should be reserved to the 'political' branches of government, the executive and legislative, not the judicial branch. Additionally, this kind of legal action against senior officials of the national security establishment could set a precedent for future cases.²³⁰ The judge said she "was 'troubled' by the government's assertion that it could kill American citizens it designated as dangerous, with no role for courts to review the decision." A second hearing is scheduled and the case remained pending in August 2013, but it is feared that Ms. Collyer will be divested.

225) Scott Shane, "US approves targeted killing of American cleric," The New York Times, 6 April 2010, http://www.nytimes.com/2010/04/07/world/middleeast/07yemen.html?_r=0 (accessed 28 July 2013).

226) Laura Raim, "La légalité du meurtre d'al-Awlaki mise en question (The legality of the murder of al-Awlaqi in question)," Le Figaro, 1 October 2011, op. cit.

227) Vharlie Savage, "Secret US memo made legal case to kill a citizen," 8 October 2011, New York Times, <http://www.nytimes.com/2011/10/09/world/middleeast/secret-us-memo-made-legal-case-to-kill-a-citizen.html?ref=anwaralawlaki> (accessed 28 July 2013).

228) Patrick Ormerod, "De la faculté légale pour le président des États-Unis d'ordonner l'exécution à l'étranger de terroristes présumés et de nationalité américaine (The legal grounds for the President of the United States to order the execution of suspected terrorists and American citizens abroad)," Études juridiques franco-américaines (French-American legal studies), January 2012, <http://droitamericain.fr/De-la-faculte-legale-pour-le.html> (accessed 28 July 2013).

229) Complaint by Nasser al-Awlaqi and Sarah Khan to the Supreme Court of Columbia, 18 July 2012, <http://ccrjustice.org/files/July-18-2012-Nasser-Al-Awlaqi-Complaint.pdf> (accessed 28 July 2013).

230) Scott Shane, "Judge challenges White House claims on authority in drone killings," 19 July 2013, http://www.nytimes.com/2013/07/20/us/politics/judge-challenges-white-house-claims-on-authority-in-drone-killings.html?smid=tw-share&_r=1& (accessed 28 July 2013).

9. Conclusion

In his speech on 23 May 2013, American President Barack Obama promised that targeted killings of suspects in the framework of the fight against terrorism would be severely regulated. At the same time, a memorandum outlining the priorities and the conditions to authorize an execution was made public. Obama confirmed in his speech regarding the use of drones that: “The United States does not use strikes when we have the ability to capture terrorists, our preference is always to capture them, interrogate them, and bring them to justice.”²³¹ But current practices do not reflect this commitment.

From May to early August 2013, more than a dozen drone attacks were identified and in the majority of cases, the targets were not leaders of al-Qaeda. One took place on 1 August, the same day as President al-Hadi’s visit to the United States to discuss the fight against terrorism with his US counterpart. A vehicle carrying four people was targeted and was destroyed along with its occupants. The press announced the deaths of three al-Qaeda militants.²³² Local sources contradict the official version and report that the strike killed civilians (Abu al-Muqdad al-Si’ri, al-Mundhir al-Si’ri, Bashr al-Si’ri) including a small child. As usual, neither the Yemeni nor American authorities specified the reasons for these executions nor commented on the death of the child. Even if one of the dead had actually been a member of al-Qaeda as claimed by officials, according to the requirements and criteria set forth by the US administration, it would not have been a ‘legal’ target because he was neither a leader nor was he an imminent threat to the United States. None of the announced conditions were respected.²³³ This example, like others, shows that despite the announcements by top American officials, practice has not changed.

Many commentators have praised the President for finally giving a speech on the use of drones to eliminate suspects, hitherto a more or less secret practice. They viewed it as a signal of willingness to increase transparency in the future; yet to this day, apart from recognition by the state’s highest body that targeted killings take place, there have been no details released on the choice of targets. As we have seen, the range of potential targets was significantly enlarged by the introduction of the concept of ‘associated forces’ to al-Qaeda. When Senator Carl Levin demanded at a hearing to make the list of ‘associated forces’ public, the list was sent to his office by the Pentagon, but was kept classified since the disclosure of targeted groups could endanger the national security of the United States.²³⁴ The criteria of the different kill-lists also remain unknown to date.

In many ways, the actions of the American authorities clearly contradict the words of President Obama. He expressed his desire for moderation, promised greater oversight, and committed to a time limit on the war against terrorism, with several observers believing he would go so far as to end the CIA program of ‘killer drones.’ Yet to the contrary, drone strikes have multiplied in Yemen and communication around these issues remains opaque.

The visit of Yemeni President al-Hadi to Washington suggests an even darker future. Following the adoption of a resolution by the National Dialogue Conference denouncing extrajudicial executions carried out by Americans in Yemen and calling for an end to drone strikes, it was hoped that the President of the US would attempt to moderate the American position. In reality, what happened next was the exact opposite. Even though the two heads of state announced reinforced cooperation in the war on terror, on the same day, American officials sounded the alarm: al-Qaeda was on the verge of launching a major attack and embassies in twenty-two Arab countries were closed, while in Yemen the drones continue to kill.

231) “Obama souhaite encadrer l’usage des drones et fermer Guantanamo (Obama hopes to provide framework for the use of drones and close Guantanamo),” *NouvelObs*, 23 May 2013, <http://tempsreel.nouvelobs.com/monde/20130523.OBS0499/obama-souhaite-encadrer-l-usage-des-drones-et-fermer-guantanamo.html> (accessed 6 August 2013).

232) “Three suspected militants killed in drone strike south Yemen: official,” *Reuters*, 1 August 2013, <http://www.reuters.com/article/2013/08/01/us-yemen-violence-drone-idUSBRE9700QC20130801> (accessed 6 August 2013).

233) The White House, Fact Sheet: US Policy Standards and Procedures for the Use of Force in Counterterrorism Operations Outside the United States and Areas of Active Hostilities, 23 May 2013, <http://www.whitehouse.gov/the-press-office/2013/05/23/fact-sheet-us-policy-standards-and-procedures-use-force-counterterrorism> (accessed 6 August 2013).

234) Cora Currier, “Who are we at war with? That’s classified,” *ProPublika*, 26 July 2013, <https://www.propublica.org/article/who-are-we-at-war-with-thats-classified> (accessed 6 August 2013).

To the American government:

- End extrajudicial executions and the practice of targeted killings by drones and other military means;
- Undertaken independent and impartial inquiries and take legal measures against those responsible for acts that have led to violations of the right to life;
- Provide complete reparation to victims of American strikes and/or their dependents.

To the Yemeni government:

- End all policy that undermines national sovereignty including interventions into Yemeni airspace or on Yemeni soil by foreign armed forces, as per article 48 of the constitution which sets out that “the state shall guarantee to its citizens their personal freedom, preserve their dignity and their security”;
- Undertake independent and impartial inquiries and take legal measures against those responsible for acts that have led to violations of the right to life;
- Take the necessary legislative measures to ban and criminalize the practice of extrajudicial executions by drones and all other military means.

To the United Nation’s Human Rights Council

- Condemn the practice of extrajudicial executions committed by American armed forces through a resolution adopted by the Human Rights Council.

11. Annexes: Ten examples of American air strikes

In the first half of 2013, Alkarama's office in Sana'a organized visits to cities or villages that had been attacked by American military planes or drones between 2009 and 2013. HOOD participated in several of these missions. The documentation of events made by our researcher was integrated into a report that was transmitted to the United Nations Special Rapporteurs on the promotion and protection of human rights and fundamental freedoms while countering terrorism and on extrajudicial, summary or arbitrary executions. This report was made public in July 2013.²³⁵ These annexes represent the information provided in that report on ten attacks we documented, placed in the political and military context in which they took place.

Annex 1: The attack on Al-Ma'jalah (Abyan), 17 December 2009

Annex 2: The targeted killing of Jaber Al-Shabwani, Ma'rib, 24 mai 2010

Annex 3: The attack on Azzan (Shabwa), 30 mars 2012

Annex 4: The attacks on Ja'ar (Abyan), 15 May 2012

Annex 5: The attack on Khashamir (Hadramout), 29 August 2012

Annex 6: The attack on Radaa (Al-Baydha), 2 September 2012

Annex 7: Al-Shihr (Hadramout) on 24 December 2012

Annex 8: The attack on Al-Shihr (Hadramout), 28 December 2012

Annex 9: The attack on Khawlan (Sana'a), 23 January 2013

Annex 10: The attack on Wusab (Dhamar), 17 April 2013



Dhamar, 20 September 2012 - Funeral for the victims of the 2 September 2012 American air strike on a vehicle in village of Saboul Ould rabii, Radaa. Twelve people, including two children and a woman, were killed, and two others injured. © Alkarama

235) Alkarama with the cooperation of HOOD, The United States' War on Yemen, Drone Attacks, 3 July 2013, http://en.alkarama.org/documents/ALK_USA-Yemen_Drones_SRCTWHR_4June2013_Final_EN.pdf (accessed 28 July 2013).

On 14 December 2009, US Secretary of State Hillary Clinton designated al-Qaeda in the Arabian Peninsula (AQAP) as a terrorist organization. Two days later at a meeting of several military agencies in the United States, 'Operation Copper Dune' was launched. Its goal was to physically eliminate three men, including Muhammed Saleh Al-Anbouri (known as Al-Kazimi) who was accused of organizing a suicide attack on Spanish tourists in 2007 and suspected of planning an attack against the US Embassy in Sana'a.²³⁶ He lived with his family in Al-Ma'jalah, where camps were incorrectly identified by US intelligence as terrorist training camps.



Al-Ma'jalah village, 2 February 2013 - Mohamed Al Ahmady, Alkarama's representative in Yemen at the entrance of Al-Ma'jalah during a joint mission with human rights organisation HOOD. © Alkarama

On 2 February 2013 our team visited Al-Ma'jalah, a village in the municipality of Al-Hafd in Abyan province located about 230 km east of Aden, to gather information and meet survivors of the deadliest US attack thus far in Yemen. Residents complained about the lack of government interest in the situation, but also the disinterest of the media and other associations. They say the government does not want observers to be informed of the events that took place in Al-Ma'jalah. In view of the scale of the attack and the number of civilian casualties it caused, it is one of the most well-known strikes and in many minds, it marked the beginning of the strategy of US targeted killings even though, as mentioned above, several operations of this type had already taken place in the days that preceded it.

On 17 December 2009 at six o'clock in the morning, four missiles were fired at Al-Ma'jalah. They hit the encampment of the Haidar tribe and killed 14 of its members, mostly women and children, and injured a girl. Moments later a cruise missile loaded with cluster bombs exploded on the houses of the Al-Anbouri tribe and killed 28 people. A number of homes in which people were still sleeping were hit. Within a few moments, 55 people were killed including 14 women of whom seven were pregnant, and 21 children (see the list of victims below). Yemeni authorities immediately assumed responsibility for the operation and said they had carried it out with warplanes. They declared that the attack was aimed at the 14 men who died, who were all members of Al-Qaeda, including the alleged leader Muhammed Salih Al-Anbouri (محمد صالح محمد علي العنبروري) (aka Al-Kazimi). The names of other suspects killed were not formally announced.

In response to the anger expressed by the Yemeni population in reaction to the attack, the Yemeni parliament decided to appoint a committee that was formed in early January 2010 and reported in March. It noted that it did not

²³⁶ Gregory D. Johnsen, *The last Refuge, Yemen, Al-Qaeda, and America's war in Arabia*, W. W. Norton & Company, Inc., 2012, chapter 18 (as an electronic book it does not have page numbers).

have confirmation of the fact that members of Al-Qaeda were found at the scene and it was not able to establish the existence of a military training camp. The only name it had was that of Mohammad Saleh al-Kazimi, which had been released by the authorities. According to testimonies of the city's residents, he had lived with his family at that location. He had regularly passed through checkpoints manned by the security services without being arrested. The Commission therefore confirmed that if the authorities had wanted to neutralize him, they could have simply arrested him.²³⁷



Al-Ma'jalah village, 2 February 2013 - Reference number on the remains of one of the four cruise missiles launched by an American ship in the Gulf of Aden during the attack on Al-Ma'jalah in Abyan province. It struck a Bedouin camp, where the Haydara and Anbour families were living. © Alkarama

Despite attempts by the Yemeni authorities to disguise the origins of the attack, it quickly became clear that only the United States could have carried it out. The debris found at the scene indicated the bomb had been a Tomahawk land-attack cruise missile (BGM-109D) of US origin. This machine is designed to carry 166 bombs, each containing approximately 200 iron splinters that can reach a distance of 150m from the drop point. The munitions may contain incendiary material that also spreads fragments of burning zirconium designed to set fire to flammable objects nearby.²³⁸ This kind of missile is launched from a warship or submarine.

As mentioned above, the Yemeni government did everything possible to take responsibility for the attack in order to avoid public outcry against foreign intervention in the country. Yemeni Deputy Prime Minister at the time, Rashad al-Alimi, told the US ambassador that "any evidence of greater US involvement, such as fragments of US munitions found at the sites [...] could be explained as equipment purchased from the US." The only problem with this argument is that the type of missile used is not part of the Yemeni arsenal. He added that the government was very satisfied

237) Special Parliamentary Commission to Investigate the Events in Abya Province, Yemeni Parliament, تقرير اللجنة المكلفة بتقصي الحقائق حول الأحداث الأمنية, بمحافظة أبين ولحج (Report by the Special Parliamentary Commission to Investigate the Events in Abya Province), 2010. The Commission visited the site in early January 2010.

238) Photos of these fragmentary bombs were transmitted to Amnesty International who referred to this attack in its report on Yemen, written on the basis of the parliamentary commission's work, published a few months later. Yemen: Cracking down under pressure, 25 August 2010, <http://www.amnesty.org/en/library/asset/MDE31/010/2010/en/da8bd0cc-37ab-4472-80b3-bcf8a48fc827/mde310102010en.pdf> (accessed 29 April 2013).

with this transaction and wanted to continue working with the United States in the fight against terrorism.²³⁹

The Bureau of Investigative Journalism refers to Newsweek journalist Daniel Klaidman, who reported that Tom Donilon, the deputy US National Security Adviser, as well as the American ambassador to Yemen and the head of the local CIA office were among dozens of people who were consulted about the attack.²⁴⁰

According to the former American ambassador Stephen Seche who met with Rashad Al-Alimi, the Yemeni authorities had recruited politicians and local religious leaders to visit the province of Abyan to explain to the residents the goal of these operations and the danger presented by Al-Qaeda. He claims that the governor of Abyan received \$100,000 in compensation for the families of the victims.²⁴¹

During their visit to the attack sites, Alkarama and HOOD representatives met survivors, members of affected families, witnesses that had been rescued immediately after the strikes, members of civil society, and local political leaders. We also visited the impact sites and reviewed the visible traces of the attacks.

The Al-Anbouri family, made up of 48 people, was greatly affected by the attack. The head of the family, Muqbil Salem Luqia Al-Anbouri (مقبيل سالم لوقية), aged 65, reports that the day before the attack, he had gone to the nearby mountain in search of a missing camel: “In the early morning, while I was on my way back, I heard explosions in the distance. I hurried home and when I saw the massacre, I was in shock. It was horrible: flames everywhere, bodies, tree and cars burning. The survivors were trying to rescue the injured and take stock of what had happened. Around 8:30am people came together and gathered the remains of the bodies that had been scattered in the trees and on the ground. Most homes and properties were destroyed. Many animals; goats, sheep, and camels had perished.”

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Muqbil Salem Luqia Al-Anbouri, aged 65. Twenty-eight members of his family died in Al-Maajala attack.

The residents picked up the shredded body parts of those killed without being able to distinguish one from another. The limbs were often mixed with those of animals that exploded at the same time. Without the ability to identify individuals, families buried their loved ones in a shared grave.

The government failed to provide assistance to victims: they did not participate in the rescue, send ambulances, bring people to hospitals, help identify the dead and wounded, and did not clear the affected area, which to this day remains extremely dangerous due to the munitions that did not detonate on impact. Many people, including children, were killed by these unexploded munitions in the months and years following the attack.

Twenty-eight members of Mr. Muqbil Salem Luqia Al-Anbouri’s family were killed, among them his children, grandchildren, and his three wives. Only four people present on that day survived, among them two little girls, Samia and Nada, respectively aged two and three years at the time. We were able to meet them in their parents’ home where we gathered. Samia was hit in the stomach and back by a bomb fragment, while Nada escaped unscathed. Two other children were seriously injured. Four others were injured, including three children who died on the way to the hospital, which is located a significant distance from the village. Mr Muqbil Salem Luqia Al-Anbouri recounted

239) The US-Embassy Cables, “the US-Embassy Cables: Yemen trumpets strikes on al-Qaida that were Americans’ work”, The Guardian, 4 December 2010, <http://www.guardian.co.uk/world/us-embassy-cables-documents/240955> (accessed 29 April 2013).

240) Daniel Klaidman, Kill or Capture: the War on Terror and the Soul of the Obama Presidency, The Bureau of Investigative Journalism, Yemen: reported US covert actions 2001-2011, YEM 002, <http://www.thebureauinvestigates.com/2012/03/29/yemen-reported-us-covert-actions-since-2001/> (accessed 29 April 2013).

241) The US-Embassy Cables, “the US-Embassy Cables: Yemen trumpets strikes on al-Qaida that were Americans’ work”, The Guardian, 4 December 2010, <http://www.guardian.co.uk/world/us-embassy-cables-documents/240955> (accessed 29 April 2013).

several different stories from this, his nightmare: “I found my beautiful daughter holding her youngest girl Khadidja. They were still burning even though their bodies were already completely carbonized.”

This tragedy caused Mr Al-Anbouri to have a heart attack, which he had to have treated at his own expense in Egypt. He urged us to let the public know that in his opinion, the Yemeni state has “sold itself.” He added that it was announced that the government would apologize, but there has never been an apology or explanation to date.

It took protests and public pressure for the state to accept arbitration on the issue of compensation for victims’ families in accordance with tribal customs. The representative of the families of those killed has assessed that a total sum of 10 billion Riyals (\$US 47 million) should be paid by the state, but that the case should remain pending until all responsibilities have been established. For its part, the government did not accept the proposed amount and offered only 220 million Riyals in payment, approximately one million dollars. The families refused the sum and have demanded that the issue be brought before an international tribunal to establish accountability and fair compensation.

We also met with Yeslem Al-Anbouri, a 65-year-old parent of the victims. He worked at the time as the deputy mayor of Al-Hafd. He claims that he personally contacted President Saleh following the attack to lodge a complaint about the lack of assistance from the state in a region that lacked infrastructure, schools, healthcare, and food. The president told him that “these people were from Al-Qaeda.” To Mr Yeslem, this accusation was preposterous. He says, “Maybe the attacks hit us because of an error or we were targeted on the basis of false information, but today, you can see that Al-Qaeda is spread throughout Yemen.” On the subject of Muhammed Salah Al-Kazami, he says: “The Yemeni authorities were looking for him for accusations of terrorism, and he perished in this attack even though he had been jailed in Saudi Arabia before being transferred to the Yemeni authorities who imprisoned him for five years before he was judged and acquitted. He moved about freely and could have been arrested legally at any moment.”

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Yeslem Al-Anbouri, victim’s relative

The parliamentary committee that went to Al-Ma’jalah is the only body that has been mandated to inquire into military attacks orchestrated by the United States. It is almost certain that without the support of this committee, the public would not have been so quickly informed and would have no knowledge as to the identity of the victims. Admittedly, the committee tried its best but its limited means of investigation and the authorities’ lack of political will to support the parliamentary initiative meant it could not to achieve a result that met the expectations of victims and civil society. Thus, while it gathered evidence on the ground, the commission did not refer to US responsibility for the attack, although it did ask that responsibility for the attack be established and that those responsible be prosecuted. It also clarified some facts about the existence of an al-Qaeda training camp and the presence of Al-Kazami there, revealing the contradictions between the versions of what had happened put forward by national and local authorities. While the governor had put the figure at 14 ‘terrorists’ killed, the Deputy Prime Minister for Defense and Security Rashad al-Alimi said in parliament that 24 terrorists were neutralized during the operation without mentioning a single civilian victim. The commission noted the lies about the identities of victims identified as members of al-Qaeda while noting that members of al-Qaeda had indeed moved into the region.



Al-Ma'jalah village, Abyan, 2 February 2013 - Nada, the young girl who survived the attack on Al-Ma'jalah. © Alkarama

The parliamentary commission also reported that residents had approached the governor about concerns of a plane flying low over the area for more than two months before the attack. In its recommendations, the commission demanded an inquiry be opened on the errors that had taken place during the attack and insisted that responsibility should be established within three months. To this day the Yemeni authorities have conducted no investigation. The requests for a development fund for the region made by the commission in 2010 have also never been followed up by appropriate actions.

In addition, as we noted above, the authorities have not secured the area hit by the bombs and a number of unexploded fragments continue to threaten, kill, and injure residents, including children.

Five days after the attack, on 21 December 2009, while hundreds of members of the tribe gathered to give their condolences, a submunition exploded killing four and injuring 25.

In 2010, one of the unexploded bombs floated five kilometers downriver and hit a group of people out gathering herbs. The explosion killed two people and injured four others.

On 24 November 2011, two years after the attack, a child found one of the projectiles and carried it home. It exploded and killed the father, Salem Atef Ali Basyoul (سالم عاطف علي بسيول), and injured the mother and three children.

The inhabitants of the region have noted a rise in cases of cancer and wish to know if there is a link with the attack on 17 December 2009. They reported four cases:

- Mohammad Yeslem Faraj al-Ruhi (محمد يسلم فرج الروحي), aged 66, was stricken with cancer and lost his memory after the death of his sister and her children in the bombing in question, according to his family.
- Yaser Ahmed Muqbil Sari' al-Anbour (ياسر أحمد مقبل عوض سريع آل عنبور), aged 38, died of lung cancer after being hospitalized in Egypt. He was exposed to and breathed gas from the bombs that exploded that day during the relief efforts for victims that survived the attack.
- Salem Nasser 'Ali (سالم ناصر علي), aged 54, who died of a cancer of the digestive system despite three hospitalizations in Egypt that he paid for himself. The state only reimbursed him for travel expenses and he was forced to sell his house in Aden to pay for his care.
- Munsir Nasser Ali al-Ba'la (منصر ناصر علي البعلة), aged 10, who died of leukaemia.



Al-Ma'jalah village, 2 February 2013 - Moqbil Boulquish explains how the attack of 17 December 2009 occurred to representatives of Al-karama and HOOD. Twenty-eight members of his family died, including his children and grandchildren. © Alkarama

To our knowledge, the United States has never officially recognized their responsibility in the attack and has not paid any compensation to the victims and their families. To this day, it is not known what substances were contained in the bombs, whether the site was contaminated by harmful radioactive substances, and the land has never been cleared.

Name	Age	Description	Comments
عبد الله مُقبِل سالم لُوَقِيَّة Abdallah Muqbil Salem Luqia	37	Father of the family, deceased	
صالحة علي أحمد منصور Saleha Ali Ahmed Mansur	30	Wife, deceased	Pregnant
ابراهيم عبد الله مُقبِل سالم لُوَقِيَّة Ibrahim Abdallah Muqbil Salem Luqia	12	Son, deceased	
أسماء عبد الله مُقبِل سالم لُوَقِيَّة Asma Abdallah Muqbil Salem Luqia	9	Daughter, deceased	
سلمى عبد الله مُقبِل سالم لُوَقِيَّة Salma Abdallah Muqbil Salem Luqia	4	Daughter, deceased	
فاطمة عبدالله مُقبِل سالم Fatima Abdallah Muqbil Salem Luqia	3	Daughter, deceased	
سُمَيَّة عبد الله مُقبِل سالم لُوَقِيَّة Sumia Abdallah Muqbil Salem Luqia	1.5	Daughter, deceased	
علي مُقبِل سالم لُوَقِيَّة Ali Muqbil Salem Luqia	36	Father of the family, deceased	
هنا عبد الله منصور Hana' Abdallah Mansur	28	Wife, deceased	Pregnant
صفاء علي مُقبِل سالم Safa Ali Muqbil Salem	2.5	Daughter, deceased	
خديجة علي مُقبِل سالم Khadija Ali Muqbil Salem	1	Daughter, deceased	
مُقبِل سالم لُوَقِيَّة Muqbil Salem Luqia		Father of the family, injured	
فاطمة يَسْلِم الراومي Fatima Yeslem Al-Rawmi	67	First Wife, deceased	
مريم عَوَض ناصر Maryam 'Awdh Nasser	43	Second Wife, deceased	Pregnant
ندی مُقبِل سالم لُوَقِيَّة Nada Muqbil Salem Luqia	2.7	Daughter, injured	

Name	Age	Description	Comments
جواس مُقبِل سالم لوقية Jawas Muqbil Salem Luqia	1.5	Daughter, injured	
ناصر مهدي أحمد بوه Nasser Mahdi Ahmed Buh	38	Father of the family	
مريم مُقبِل سالم لوقية Maryam Muqbil Salem Luqia	28	Wife, deceased	Pregnant
شيخة ناصر مهدي أحمد بوه Shikha Nasser Mahdi Ahmed Buh	3	Daughter, deceased	
عيشة ناصر مهدي أحمد بوه 'Aisha Nasser Mahdi Ahmed Buh	1	Daughter, injured	
عبد الله عوض شيخ Abdallah 'Awdh Shikh	65	Father of the family, deceased	
مريم صالح ناصر Maryam Saleh Nasser	54	Wife, injured	
مُقبِل عبد الله عوض شيخ Muqbil Abdallah 'Awdh Shikh	22	Daughter, deceased	
احمد عبد الله عوض شيخ Ahmed Abdallah 'Awdh Shikh	18	Daughter, deceased	
حُسين عبد الله عوض شيخ Husain Abdallah 'Awdh Shikh	30		
حنان محمد جديب Hanan Muhammad Jadib	25		Pregnant
مريم حُسين عبد الله عوض Maryam Husain 'Abdallah 'Awdh	2.9	Daughter deceased	
خديجة حُسين عبد الله عوض Khadija Husain 'Abdallah 'Awdh	2	Daughter deceased	
شفيق حُسين عبد الله عوض Shafiq Husain 'Abdallah 'Awdh	1.5	Son deceased	
محمد صالح محمد علي العنبوري Muhammad Saleh Muhammad Ali Al-'Anbouri	38	Father of the family, deceased	
آمنة عبد الله عوض شيخ Amina Abdallah 'Awdh Shikh	28	Wife, deceased	Pregnant

Name	Age	Description	Comments
مها محمد صالح Maha Muhammad Saleh	12	Daughter, deceased	
صالح محمد صالح Saleh Muhammad Saleh	11	Son, injured	
سُمَيَّة محمد صالح Sumia Muhammad Saleh	9	Daughter, deceased	
شفيقة محمد صالح Shafiq Muhammad Saleh	4	Daughter, deceased	
شفيق محمد صالح Shafiq Muhammad Saleh	2	Son deceased	
جميلة محمد صالح Jamila Muhammad Saleh	1.2	Daughter, injured	
محمد ناصر عَوْض جَلْجَلَة Muhammad Nasser 'Awdh Jaljala	60	Father of the family, deceased	
نوسة محمد صالح الصوة Nusa Muhammad Saleh Al-Sawt	30	Wife, deceased	
ناصر محمد ناصر Nasser Muhammad Nasser	6	Son, deceased	
أروى محمد ناصر Arwa Muhammad Nasser	4	Daughter, deceased	
فاطمة محمد ناصر Fatima Muhammad Nasser	2	Daughter, deceased	
علي محمد ناصر جَلْجَلَة 'Ali Muhammad Nasser Jaljala	35	Father of the family, deceased	
قِبْلَة الخريبي سالم Qibla Al-Kharibi Salem	30	Wife, deceased	
فاطمة علي محمد ناصر Fatima 'Ali Muhammad Nasser	13	Daughter, injured	
أفراح علي محمد ناصر Afraha 'Ali Muhammad Nasser	9	Daughter, deceased	
زايدة علي محمد ناصر Zayida 'Ali Muhammad Nasser	7	Daughter, deceased	

Name	Age	Description	Comments
هدى علي محمد ناصر Hada 'Ali Muhammad Nasser	5	Daughter, deceased	
شيخة علي محمد ناصر Shikha 'Ali Muhammad Nasser	4	Daughter, deceased	
احمد محمد ناصر جلجلة Ahmed Muhammed Nasser Jaljala	32	Father of the family, deceased	
قبلة سالم ناصر Qibla Salem Nasser	25	Wife	Pregnant
مُحسنة أحمد عديو Muhsa Ahmed 'Adu	67	Mother of Ahmed Muhammed Nasser Jaljala, deceased	
سالم عاطف علي بصيل Salem 'Atef 'Ali Basyul	62	Father of the family, deceased	On 24 January 2012, he was killed and four members of the family were injured in the explosion of a bomb in Al-Ma'jalah that had not exploded in the attack.
نور سعيد سالم لطيف Nur Sa'id Salem Lathaf	55	Wife, injured	
وردة سالم عاطف علي Warda Salem 'Atef 'Ali	13	Daughter, injured	
خالد سالم عاطف علي Khaled Salem 'Atef 'Ali	12	Son, injured	
علي سالم عاطف علي 'Ali Salem 'Atef 'Ali	10	Son, injured	

On 24 May 2010 at approximately 8pm, an American drone targeted two cars between the village of Al-Hawi (الحوي) and the lands of the Âl 'Ushan (آل عوشان) tribe at Wadi 'Abida (وادي عبيدة) in the province of Ma'rib. Three men were killed, including the vice-governor of Ma'rib, Jaber Ben Ali Ben Jaber Al-Shabwani (جابر بن علي بن جابر الشبواني), and his two companions Abd Al-Majid Said 'Anij Al-Shabwani (عبدالمجيد سعيد بن عنيج الشبواني) and Ali 'Aziz Al-Ja'uri Al-Dhamari (علي عزيز الجعوري الذماري). The uncle of Jaber, Fahd (فهد بن جابر الشبواني), and a third companion, Fahd Ben Saoud Ben Maj'al Al-Shabwani (فهد بن سعود بن مجعل الشبواني), were injured and had to travel to Egypt for treatment. A third person by the name of Muhammed Ben Said Ben Jamil (محمد بن سعيد بن جميل) was injured. He is the brother of Ali Ben Said Ben Jamil who was accused of belonging to Al-Qaeda. Jaber Al-Shabwani was planning to meet with members of Al-Qaeda in Wadi 'Abida, including Muhammed Said Ben Jordan (محمد سعيد بن جردان), in order to persuade them to abandon their armed struggle.

Alkarama's representative was able to recover some debris of the missiles fired on the men as well as pictures of the deceased victims. He also interviewed several people, including local political and tribal leaders, who reported that the population's anger had been acute, and that clashes had broken out between government forces and armed men from the tribe.

Sabotage of pipelines and electrical cables finally forced the government to issue an apology. In response, former President Saleh urgently sent a commission to the site to conduct arbitration according to tribal customs. An investigation was promised, in which influential tribesmen were to participate, which momentarily appeased the population and gave the government some time to recover. A source from the security services took advantage of this lull to claim that Al-Qaeda was responsible for the death of Al-Shabwani and his companions because its members had been called to their headquarters.

The deputy governor's cousin, 'Aidh Al-Shabwani (عائض الشبواني), was among the Al-Qaeda members that the men were planning to meet. According to journalist Jeremy Scahill, he was considered an important local Al-Qaeda leader and had twice been targeted by a drone, on 15 and 20 January 2010, without success. The strikes of 24 May 2010 took place near an orange grove he owned.²⁴² Nearly a year later, the exact circumstances of the deaths of the three men remain unknown, and tribesmen have once again taken up acts of sabotage against oil pipelines to demand clarification on these murders.²⁴³

As in previous attacks, the Yemeni government assumed responsibility and the Supreme Security Council apologized. But parliament was not satisfied with these explanations and imposed a deadline of 15 days for the government to submit a detailed report on the attacks and other incidents that had taken place in several provinces. Parliament demanded clarification of the security measures taken in the fight against Al-Qaeda and the role of aerial bombing in civilian deaths. Members also asked for details on the air strike that killed Jaber Al-Shabwani. Parliament's request went unanswered, and the work of the commission appointed by former President Saleh has not been made public. The US media, however, clearly attributed the attack to the American military. The New York Times reports that "It was a secret mission by the United States military, according to American officials."²⁴⁴

The drone attack and the subsequent manner in which it was dealt with by the Yemeni government have led to a split between the Ma'rib tribes and the central government, with the former questioning the latter's legitimacy. For months, acts of sabotage on the pipeline leading to the Red Sea were perpetrated, at the cost of millions of dollars to the state. The appeal of Al-Qaeda has also risen in the region.

Many rumors have circulated about the killings, including that the Yemeni government knowingly provided false information to the US government in order to get rid of Al-Shabwani. Others say that one of his companions had a microchip on him, but for what purpose is unclear. Still others are convinced that the negotiations with Al-Qaeda were initiated by former President Saleh, but that the US authorities disapproved of negotiating with those they consider terrorists. They therefore used the alleged microchip to locate and put an end to the meeting.

242) Jeremy Scahill, "The Dangerous US Game in Yemen", 30 March 2011, The Nation, <http://www.thenation.com/article/159578/dangerous-us-game-yemen?page=0,2> (accessed 27 April 2013).

243) "مأرب: تفجير انبوب النفط بمنطقة عرق آل شيوان بعد مطالب بالكشف عن قتلة جابر الشبواني" (Ma'rib: Attack with explosives against the Al Shabuan family pipeline following a request for inquiry into the assassination of Jaber Al-Shabwani), Ma'rib Press, 15 March 2011, http://marebpress.rdfanpress.com/news_details.php?lng=arabic&sid=31940 (accessed 27 April 2013).

244) Scott Shane, Mark Mazzetti and Robert F. Worth, Secret Assault on Terrorism widens on two Continents, 14 August 2010, http://www.nytimes.com/2010/08/15/world/15shadowwar.html?_r=6& (accessed 27 April 2013).

The deputy governor's relative was considered an important terrorist by American intelligence agencies and was likely under surveillance for several months. He was killed on 11 July 2011 during a battle in the south of the country (a fight over control of the Abyan region by armed groups). American warships stationed off Zinjibar actively participated in the bombing of the coastal regions.²⁴⁵

245) Fawaz al-Haidari, Yemen Qaeda chief, "10 soldiers killed in fighting", AFP, 21 July 2011, <http://www.google.com/hostednews/afp/article/ALeqM5ils8xR1IM4v-Hkc2rK32rrxsDwbQ?docId=CNG.00160d3150daafb184962013408c041e.251> (accessed 27 April 2013).

The city of Azzan contains approximately 6000 inhabitants and is located in the province of Shabwa on the Abyan border. Shabwa is one of the richest governorates in the country because of its oil and gas. However, like other southern regions of the country, it has not benefited from economic development programs, which explains the resistance vis-à-vis the central government that is expressed both in the Southern movement and the Islamist movements that include jihadists. Since spring 2011, Ansar al-Sharia has battled the government for control of Azzan. The proclamation of an Islamic emirate in the region provoked bombings by the Yemeni and Saudi armies as well as the US military. Nearly a year after this declaration, the fighters withdrew from the area at the behest of the population to prevent bloodshed in the towns of Zinjibar and Jaar in the neighboring province of Abyan.

One of the largest tribes in Yemen, the Awlaqi tribe, lives in Shabwa province. Several of its members have been the targets of assassinations by American drones, the most famous of which was Anwar Al-Awlaqi, an American-Yemeni transplant who was killed on 30 September 2011. His son, Abdurrahman (aged 16), was killed two weeks later on 14 October 2011. Fahd Muhammed Al-Qas' Al-Awlaqi was killed on 6 May 2012.

The government's military offensive on the rebellious regions grew from March 2012 on. The largest number of aerial strikes took place in May and June 2012. They hit various strongholds of Ansar Al-Sharia including Lahj, Al-Bahdha, and Shabwa, provinces bordering Abyan. The American army supported this offensive with air raids and drone strikes, killing dozens of members of armed groups designated as 'officers,' as well as many civilians creating an exodus of thousands of inhabitants. A large part of the population had already left the area in the year before the offensive to protect themselves from bombings by the Yemeni army. The delegation sent by Alkarama and HOOD went to Azzan on 3 and 4 February 2013 to gather information on the attack of 30 March 2012 during which three men were killed, two of whom were identified as Al-Qaeda members, while the third was a passerby. Five children were injured by shrapnel. The delegation met with the children that survived the attack, relatives of those killed, and was consequently able to assess the consequences of the attack.

On 30 March 2012, at around 4 pm, three explosions were heard in quick succession. A drone fired three missiles on a vehicle in which two Al-Qaeda members were travelling²⁴⁶, through the center of the city. The two passengers, whose identities are unknown, were killed when the car exploded. The explosion also killed Saleh Muhammed Saleh As-Sunna (صالح محمد صالح السنة), aged 60, who was walking on the other side of the road. He was wounded in his spine and succumbed to his injuries in the hospital. Six children who were playing nearby were injured by the missiles. The delegation took their testimonies. Amin Ali Hassan Al-Wisabi reports:

"I was sitting with my friends there, and we were going to play football, when suddenly we were shaken by the sound of a violent explosion. I looked in front of me and saw a car burning. A missile had struck it. Shrapnel hit me in my foot, but I didn't feel any pain, and I ran towards the house with blood flowing from my injury. I saw the car burning beside me and one of my friends lost consciousness. Someone came with a car and took us to the hospital.

" American drones continued to fly over our town, even though Al-Qaeda was no longer there. "

Abdallah Muhammed Al-Wisabi, witness of drone strike in Azzan

One of the victims was a woman by the name of Samira Hamadi Al-Wisabi, aged 48. Her son Nadir, aged 14, recalls: "My mother suffered paralysis during the bombing." Unfortunately we were not able to meet with this woman. Several houses were destroyed. One of the owners, Mr. Muhammed Bafaqih (محمد بافقيه), aged 35, complained that the government had provided no assistance to the families that had lost their property and loved ones, and they were forced to rebuild their own homes.

The delegation met with a man who reported that during the attack of May 2012, his house was destroyed and he had to leave Azzan with his family for seven months to seek refuge in Al-Mukalla. Another witness, Abdallah Muhammed Al-Wisabi (عبدالله محمد الوصايي), aged 35, confirmed that "American drones continued to fly over our town, even though Al-Qaeda was no longer there." Several inhabitants have expressed terror at the thought of another strike, expecting that they could be hit at any moment. They do not understand why the bombings were carried out in cities when they could just as easily have targeted cars outside of residential areas, or why the suspects were

246) Media reports referred to the deaths of five Al-Qaeda members during this attack. See "Yemen pipeline sabotaged in drone retaliation", Aljazeera, 31 March 2012, <http://www.aljazeera.com/news/middleeast/2012/03/2012330235756185277.html> (accessed 27 Apr 2013).

killed rather than arrested. Azzan has been the scene of several drone attacks in residential areas. During the May 2012 attack, a Land Cruiser vehicle was seen. It was destroyed as well as the house next to which it was parked.

No.	Name	Age	Injury
1	أمين علي حسن الوصابي Amin Ali Hassan Al-Wisabi	13	Hit by shrapnel in the right thigh
2	حمزة خالد صالح بازياد Hamza Khaled Saleh Ba Ziyad	10	Hit by shrapnel in the chest
3	صالح علي عمر بازياد Saleh Ali Omar Ba Ziyad	14	Hit by shrapnel in the thigh
4	مروان ناصر أحمد سليمان بابطاح Merouan Nasser Ahmed Suleiman Ba Btah	14	Hit by shrapnel in the right foot
5	عبدالله محمد محمد باقطين Abdallah Muhammed Muhammed Ba Qtiyan	14	Hit by shrapnel in the back
6	صالح عبدالفتاح عبدالله حيميد باقطين Saleh Abdelfattah Abdallah Haymid Ba Qtiyan	12	Hit by shrapnel in the back



Azzan, Shabwa, 4 February 2013 - Burnt-out car hit by an American air strike on 4 October 2012. The attack killed an individual presumed to be an al-Qaeda leader along with other individuals. © Alkarama

Annex 4: the attacks on Ja'ar (Abyan), 15 May 2012

Ja'ar was one of the towns that was most affected by the spring 2012 military offensive. It was occupied for several months by members of Ansar Al-Sharia and extremely violent battles between the armed group and the military were accompanied by aerial bombardments and drone attacks. Alkarama collected testimonies on American and Saudi participation in the Yemeni military's bombings during its visit. It is difficult to determine the exact type of aircraft used during each attack, but it seems certain from the information that we collected that the American presence was intensified during the spring 2012 offensive, as the increased number of strikes attests. The media also referred to the "escalation of the secret US war" in Yemen: "The current military offensive coincides with an increase in US military and CIA air strikes against Al Qaeda leaders in Yemen. They have relied, in part, on intelligence gathered by CIA operatives and contractors in the contested tribal areas, according to a US source with knowledge of the secret operation."²⁴⁷

The widespread violence has forced nearly half of the population to flee and ultimately pushed the armed groups, which had lost many of their members, to withdraw. In June 2012, the conflict had ended but the authorities took no steps to investigate attacks that had killed civilians, nor did they put in place any concrete measures to help the wounded, families of victims, or survivors who had lost their homes and possessions.

During its visit to the region on 1 February 2013, the joint Alkarama and HOOD delegation visited Aden all the way to Jaar, visiting Dufas, Zinjibar, Al-Makhsin and Al-Kud along the way. Zinjibar, the capital of Abyan, is the city most affected by the fighting and bombing. US military forces have participated in attacks targeting the coastal region from warships off the coast, assisted by the Yemeni air force as well as the Saudi Arabian military, which has regularly participated in operations. On the ground, heavy fighting took place between Yemeni soldiers and armed groups supported by local government militias known as 'popular committees.' The conflict lasted from April 2011 to June 2012. The Yemeni authorities said they regained control of the area from armed groups; the latter in turn announced it had retreated to put an end to the bloodshed of civilians.

The testimonies that we were able to gather illustrated the large number of civilian victims due to bombings, but we do not know the exact number. Observers estimate that dozens of deaths occurred. It appears that residential areas were specifically targeted because of members of Ansar Al-Sharia had taken up residence there. It is difficult to ascertain the origin of the planes used in the attacks. Some witnesses, however, were able to identify Apache-style vehicles as well as some Saudi aircraft.

Ja'ar was targeted in many attacks. On 10 June 2011, an attack on the house of Nadir Nasser Haidara al-Shadidi in the area of Al-Mashru' in Ja'ar targeted him on the suspicion of him being an Ansar al-Sharia leader (the witnesses were not able to say whether the raid was conducted by a US military aircraft or by a drone). His mother, father and sister died.²⁴⁸ His young niece escaped, but will be disabled for life. In the attack, an 11-year-old girl, Muti'a Ahmed Haider, was also killed as she was leaving the al-Shaddadi's house. Nader Al-Shadidi was not present in the house at the time. It appears that he was killed during another American drone attack on 18 October 2012 in an area located in the northwest of Ja'ar.

On 2 September 2011, three women and a man of the same family were killed in the area of Al-Kud situated between Zinjibar and Ja'ar. Few families remained in the region following the attack, most fleeing to Aden or elsewhere out of fear. It appears that this attack was carried out by the Yemeni army. The victims' names are: Anissa Ahmed Ibrahim; her sister, Meriem Ahmed Ibrahim; their mother, Sa'ud Ali Hassan; and the latter's husband, Abdallah Ali Ben Ali.

On 5 September 2011, several bombings targeted Ja'ar. A school that was not being used by any fighters was hit. A woman, Wafa' Muhammed Ahmed Al-Hamza (وفاء محمد أحمد الحمزة), was killed, and several other people were injured (two men and two children). The same day, another attack hit the hospital at Al-Razi and the Grand Mosque of Ja'ar. It appears that a small mosque being used by Ansar Al-Sharia members was originally the target. Jaber Qasem Salem (جابر قاسم سالم), aged 72, was seriously injured and died of his wounds many weeks later. Some witnesses say that they identified a Saudi plane in the attacks. The mosque was located in the very center of the market and was hit a second time, and the courts and a police station were also targeted. A vendor, Hazza Ahmed Atta Baheb (أحمد حيدر محسن علي العبيدي), was killed as well as another man named Haidara Mohsen Ali al Abidi (عطا باحبيب). These three

247) "US escalates clandestine war in Yemen", Los Angeles Times, 16 May 2012, http://latimesblogs.latimes.com/world_now/2012/05/washington-escalation-american-clandestine-war-yemen-us-troops-.html (accessed 27 April 2013).

248) Hakim Almasmari, "US makes a drone attack a day in Yemen", The National, 15 June 2010, http://latimesblogs.latimes.com/world_now/2012/05/washington-escalation-american-clandestine-war-yemen-us-troops-.html (accessed 28 July 2013).

attacks resulted in seven deaths and four injured according to official reports.²⁴⁹

The Alkarama delegation visited the city to gather information on the most deadly attack that took place on the morning of 15 May 2012 in which 14 people died. The target was the house of the Al-'Arshani family. A 33-year-old man, Nawir Abdallah Al-'Arshani (نوير محمد عبدالله العرشاني), was killed and other people were injured, some seriously. While dozens of people gathered at the scene to rescue the injured, an aircraft returned approximately 15 minutes later, and fired several rockets, which killed 13 men and one woman and injured dozens of others (see the list of those killed in the appendix). It appears that there was an error in the targeting of the attack. Neighboring homes were also destroyed or damaged. Some witnesses are certain that it was an American plane because it was "gray and eagle-shaped," while the Yemeni military would not have any such aircraft.²⁵⁰

Our delegation met with witnesses that reported details of the attacks and the context in which they were carried out. One of them explains: "After having targeted the house of the Al-'Ashani family, officials told us that members of Al-Qaeda were located there, but this was a lie. The Yemeni authorities bombed the house in a brutal manner to force the inhabitants to flee Ja'ar, just as they did in Zinjibar. But the majority of inhabitants have not fled their houses." Samira Muhammed Ahmed al-Sabihi (سميرة محمد أحمد الصبيحي), aged 40, was forced to flee her home due to the damage inflicted upon it in the bombing.

One of the witnesses, a taxi driver, told his story: "I heard the detonation of the bomb and saw smoke. I rushed there in my car. Bystanders told me that the house of Al-'Arshani, close to mine, had been targeted. Once I arrived on the scene, I found my home in ruins. Three members of my family had been inside and one of them was injured while the other two remained unharmed. I took them to the home of a relative and returned to the scene. It was while I was arriving that the plane flew over a second time and bombed the people who had been assisting the wounded from the first attack. The missile exploded a few meters from my car, and as I stopped suddenly I noticed the back was on fire. I jumped out as soon as possible from the car and saw numerous bodies around me on the ground, naked and burned. I saw seven or eight people at least die at that moment."

Abdallah Saleh Hussein (عبدالإله صالح حسين) testified: "After the first strike, I rushed to the scene with my son Muhammed, just like dozens of other people. We were trying to assist the victims when suddenly a second attack took place. I saw many bodies shredded. My son was hit by bomb fragments in the stomach and neck. He died quickly."

Nur 'Udh Haidara al-Hawla (نور عوض حيدرة الحولة), aged 60, suffered a stroke during the second strike at the sight of the victims on the ground. She reported: "The plane bombed close to my home. I heard the explosion, our house was shaken, and there were dead in the streets. I was experiencing high anxiety and had the attack. The State did not help me even though I am a single woman."

Mahdi Said Ba Hassan (مهدي سعيد باحسن), a 40-year-old teacher at the faculty at Lawdar explained: "At first, the inhabitants were victims of a blockade by the army even though they had not been a part of the conflict between the government and Ansar Al-Sharia. As part of civil society, they could not combat these armed groups. During the blockade, I tried to bring medical and humanitarian aid to them. But unfortunately the situation worsened when armed men mingled with civilians on the ground. This was when the army began bombing without distinction

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Mahdi Said Ba Hassan, teacher at the faculty at Lawdar

249) "Air strikes on Yemen town kill seven civilians: official", AFP, 5 September 2011, <http://dawn.com/2011/09/05/air-strikes-on-yemen-town-kill-seven-civilians-official/>, (accessed 27 April 2013).

250) Kelly McEvers, "Yemen Airstrikes Punish Militants, And Civilians", NPR, 6 July 2012, <http://www.npr.org/2012/07/06/156367047/yemen-airstrikes-punish-militants-and-civilians>, (accessed 27 April 2013).

[between combatants and civilians]. Now, the state should provide for the affected population's needs but they have done nothing. Problems with water, hygiene, and health are enormous, but the authorities take no responsibility."

Fadhli al-Dhali'i (فضل الضالعي), a researcher and official at the Ministry of Education of Abyan, asks why these houses were bombed in the first place. He asks: "To this day, I do not understand why they would be

List of the people killed during the 15 May 2012 attack

Name	Age
نوير محمد عبدالله العرشاني	33
Nawir Muhammed Abdallah Al-'Arshani	
ماجد أحمد عبدالله عوض النمر	26
Majed Ahmed 'Abdallah 'Awdh Al-Nimr	
سالم محسن حيدر الجلادي	35
Salem Muhsin Haidar Al-Jaladi	
أديب أحمد غانم الدُّبَعي	18
Adib Ahmed Ghanem Al-Duba'i	
محمد عبدالإله صالح حُسين	30
Muhammad 'Abd Al-Ilah Saleh Hussein	
مُنير بن الحجبي بن العاصي	25
Munir Ben Al-Hajji Ben Al-'assi	
أحمد عبدالله أحمد الشهاري	26
Ahmed 'Abdallah Ahmed Al-Shihari	
سالم عبدالله أحمد أبكر	40
Salem Abdallah Ahmed Abkar	
حُسين مبارك أحمد البُحيث	40
Husain Mubarak Ahmed Al-Buhith	
عبدالرحمن المطهَّر	23
Abdurrahman Al-Muttahhar	
حافظ عبدالله مبارك	25
Hafedh Abdallah Mubarak	
محسن علي سالم	23
Muhsin 'Ali Salem	
أمير العزاني	45
Amir Al-'Azani	
مريم عبدو سعيد علي الحوت	35
Maryam 'Abdu Sa'id 'Ali Al-Hawt	

"To this day, I do not understand why they would be targeted. The consequences for the residents' peace of mind, especially the children, have been devastating for those who have experienced trauma. The victims have still not been compensated and our message to the international community and the Yemeni government is to come to the aid of the families of the victims."

Fadhli al-Dhali'i, Researcher and civil servant at the Ministry of Education of Abyan

targeted. The consequences for the residents' peace of mind, especially the children, have been devastating for those who have experienced trauma. The victims have still not been compensated and our message to the international community and the Yemeni government is to come to the aid of the families of the victims."

The city of Ja'ar and its surroundings continued to suffer attacks in the following weeks. Several were particularly deadly for civilians. On 15 June 2012, in Shaqra, a village close to Ja'ar, four houses in which members of armed groups had temporarily stayed prior to the attack, were hit by missiles. It cannot be determined whether they originated from an American warplane or a CIA drone. One woman and four children were killed, and four others were injured. Ali al-'Amoudi, aged 28, survived the attack and told a journalist while he was still in hospital that his four-year-old son and his six-year-old daughter had died in his arms on the way to the hospital.²⁵¹

251) Kelly McEvers, "Yemen Airstrikes Punish Militants, And Civilians", NPR, 6 July 2012, <http://www.npr.org/2012/07/06/156367047/yemen-airstrikes-punish-militants-and-civilians>, (accessed 27 April 2013).

As we have mentioned above, the aerial attacks intensified in 2012. The media have listed ten in the province of Hadramout, a region in which Al-Qaeda and Ansar Al-Sharia had no permanent presence established. Most of these strikes targeted passing cars carrying suspected members of these organizations.

The population has been terrorized by the drones that incessantly surveilled their villages at all times of the day, and expected to be attacked since other places had suffered the same fate. The inhabitants of the region regularly protested, organized demonstrations, and lodged complaints with the President of the Republic, all in vain.

Alkarama and HOOD visited Khashamir, a village of 250 inhabitants located in area of Al-Qutn, where on 28 August 2012 around 9.30 pm, four missiles were fired from a drone, killing at least five men. At the entrance of the village, people have written inscriptions on the walls to get the attention of visitors: 'No to American bombings', 'No to the American occupation'.

Among the dead is Salem Ben Ahmed ben Salem Ali Jaber (سالم بن احمد بن سالم بن علي جابر), in his forties, and the father of seven children. He was a teacher and imam at the Al-Mutadharirin mosque in Al-Mukalla. He was enrolled in a doctoral program at the University of Hadramout, and was known for his ideas opposing Al-Qaeda. Several days before his death, during his sermon, he urged his compatriots not to be swayed by that organization. He had no relations with any armed groups. That day, however, he was to meet with suspected members of Al-Qaeda who had criticized him for his stance. He went to the meeting place with a companion, a 26-year-old police officer Walid Abdallah Abdelhamud Ben Ali Jaber, وليد عبدالله عبد المحمود بن علي جابر, the father of a child. He also did not have any relations with armed groups.

The explosions occurred some 15 meters away from houses. An eyewitness, Abu 'Issa Rajab Khamis Ba Rif'at (أبو عيسى رجب خميس بارفعة), a shepherd at the scene, saw the attacks: "I was sitting under a palm tree and in front of me were four men. The fifth was sitting in the car. I left the place and headed towards the main road, which is at a distance of 100 meters from the village. A few minutes after crossed the road, I saw a missile on its way to the men. Shortly after that, a second missile struck nearby. The fifth man got out of the car quickly and ran towards the village. A missile followed him and hit him directly, it was not far from the houses that were damaged by bomb fragments. A fourth missile hit the car. Women and children immediately started screaming. In shock, several women subsequently miscarried. Animals died, and the bodies of all those who died were disintegrated and scattered over a large area."

The 77-year-old father of Sheikh Salem, Ahmed Ben Salem Saleh Ben Ali Jaber, احمد بن سالم صالح بن علي جابر, testified that he was sitting with his wife in the house courtyard when he saw a missile passing over him and heard a large explosion, immediately followed by the sound of the second, third, and fourth missile. The whole house shook. He stood up and began to leave when his wife fainted. He took her to the interior of the house where the other women were gathered. He then went to where the missiles had struck without any idea of what had happened. A crowd had formed to help the victims. All they could do was gather the shredded remains of humans and animals that they initially placed under an air conditioner.

Ahmed Ben Salem Saleh Ben Ali Jaber remembers: "I had told them that there were too many bodies and it was better to use a freezer. During our discussion on the subject, one of the men came to me and asked, 'Where is your son Salem?' I responded that he had left the day before to pay a visit to his friend in a neighboring village and that he would return the next day before leaving to Al-Mukalla where he taught. My partner introduced me to his friend, Saif, at whose home my son had been, and he took my hand and expressed praise to God. That was when I knew my son had been killed. I asked him to go see Salem's mother who was sick. She had regained consciousness and came out of the house crying and yelling: 'My son! My son!' At that moment, she did not know that her son had been killed for certain, but her maternal instinct had warned her. She lost consciousness and had to be taken inside the house where all the women and children were screaming and crying. I then returned home to comfort Um Salem. She spent six weeks praying and crying out to God, and then she died. She was never able to get over the death of her son. Salem left behind seven children and the State has given us no assistance."

Dr. Abdallah Jaber (عبدالله جابر), aged 40 and a relative of one of the victims, showed members of the human rights delegation missile fragments and traces of the explosions that are still visible on the walls of the houses. The burnt car is still there. He also described what he saw: "The bombing took place after the evening prayer, the missile came from the north. The detonations were heard three kilometers away and the inhabitants went up on their roofs to see what had happened and where the violent explosion had taken place. They rushed to the site of the bombing. The windows were smashed, the walls were cracked, and some rooms collapsed because the buildings were old and

made of earth. Upon arriving, the car was still burning. A body had been flung 30 meters, a second 10 meters, and two others two and a half meters away. They were all exploded, and we could not identify them, their limbs ripped apart. Since night was falling, the residents were not able to find all of the body parts, and it was not until the next day that they were all reassembled. Only one face was still recognizable, the other four were not. There were also animals that had been killed and dismembered. Only two bodies could be identified. Several children were brought to the hospital due to their state of shock and panic. We asked ourselves why these bombings had happened, when it would have been possible to arrest the suspects.”

In particular, the inhabitants are very angry about the killing of Sheikh Salem, who was particularly respected by the people of the area. They ask that those responsible are brought to justice for their crimes.

The authorities claimed that all of those killed were members of Al-Qaeda and identified among them Jamal 'Issa Ben Saleh (جمال عيسى بن صلاح), one of 63 prisoners who escaped from Al-Mukalla prison in June 2011. The identities of the other two are not known.

The province was subjected to many attacks during the months of August and September 2012, but these were primarily on vehicles that were not located close to residential areas. Regardless, the attacks provoked the anger of the region's residents who began organizing demonstrations as of 1 September calling for the end of American intervention in Yemen, the assassination of innocents, and the destruction of houses.²⁵²

252) Final press release and photos of the meeting organised in Khashamir on 1 September 2012, www.alqaad.com/vb//showthread.php?t=4592 (accessed 8 May 2013).

Annex 6: the attack on Radaa (Al-Baydha), 2 September 2012

Al-Baydha is one of the provinces neighboring Abyan that has suffered the spillover effects of the fight against terrorism led by the Yemeni government in cooperation with the United States. The area was under surveillance because of the influence of armed groups in Abyan and the potential threat of an influx of militants into the province. The inhabitants complained that for over a year prior to the attack, drones had been flying over the region. After the retaking of insurgent holdouts in Abyan by the authorities, several combatants fled to neighboring provinces. According to the Yemeni press, members of Ansar Al-Sharia under the orders of Cheikh Qayid Ahmed Al-Dhahab (قائد أحمد الذهب), the emir of Radaa after the assassination of his brother Tariq (طارق أحمد ناصر الذهب), took control of the town of Walad Rabi', a town of approximately 20,000 inhabitants, a few days prior to the attack. This offensive led by armed groups led to the death of one of their most important leaders, Samir Al-Mawri (سمير الماوري).²⁵³

The drone attack of 2 September took place outside of Wadi Rabi', also administrated by Radaa. It appears to have targeted the car of Abderraouf Al-Dhahab²⁵⁴, the brother of the emir, but missed its target hitting a car transporting 14 civilians instead, among them women and children (see the list of victims below). The victims came from the villages of Al-Hamidha and Al-Sabul. Eleven were killed in the strike, their bodies burned. The other three were injured and one of them died several weeks later while in a hospital in Cairo. There were 11 injuries among pedestrians on the scene. Survivors spoke of a plane that targeted the vehicle.

The Yemeni authorities quickly asserted that they had carried out the bombing to kill Abderraouf Al-Dhahab, wanted for his connections with Al-Qaeda. They declared that they had made an error, and the other car was hit due to its proximity to the target. Yemeni officials themselves have conversely acknowledged the missiles came from a US aircraft. Later, US authorities finally confirmed for the first time their responsibility in this attack.²⁵⁵

Alkarama and HOOD organized a press conference on 5 September 2012²⁵⁶ with the families of the victims of this attack, during which they testified that the region had been regularly surveilled by drones for more than a year, and that these observation missions had continued after the massacre. They denied that there had been another vehicle nearby which was hit. The driver of the car, Nasser Mabkhut Al-Sabuli Al-Sabuli (ناصر مبخوت السابولي الصبوي), aged 45, survived the attack and remembers seeing a plane flying over, but had no reason to believe that it would strike the car since it was only carrying civilians. He remembers a deluge of fire, burning bodies near him, and losing consciousness. To this day he is haunted by the memory of the bodies on fire. One of the representatives of the local tribe, Ahmed Said Al-Dhahab, (أحمد سعيد الذهب), has been trying to engage in mediation to resolve the situation in the region and "every time we come to a solution they come to us with airplanes. These are aircraft that aim to seed discord, not just to spy."

It was with great difficulty that our representatives were able to access the public hospital of Sana'a on 4 September 2012 to meet with three survivors. The security services guarded the premises and banned any visits. The director of the hospital of Sana'a told us that three of the victims survived with second degree burns while the other victims arrived in the hospital in such a state that they could only be identified by their families through their personal belongings.

The injured spoke to us with difficulty and in a rushed manner: "We returned to the town after everyone had done what they needed to do, and when we arrived on the main road, we saw two airplanes; one of them approached and launched a missile at us. We were thrown from the car and several of us were still alive and trying to flee when the plane fired another missile to kill those who

" The airplane approached many of us, and it is certain that the pilot could see us and knew that we were civilians, including women and children. "

Survivor of the Radaa attack

253) "أنصار الشريعة" تسيطر سيطرة كاملة على مديرتي "ولد ربيع" و "محن زيد" في البيضاء" (Ansar Al-Sharia has complete control of the municipalities of Walad Rabi' and Mahn Zayd in Al-Baydha), Yemen Press, 1 August 2012, <http://yemen-press.com/news11231.html> (accessed 2 May 2013).

254) "Yemen : 13 civils tués dans une attaque aérienne à Radda" (Yemen : 13 Civilians killed in aerial attack on Radda), 3 September 2012, People's Daily, <http://french.peopledaily.com.cn/International/7933730.html> (accessed 2 May 2013).

255) Chris Woods, "Who is held to account for deaths by drone in Yemen?", The Guardian, 6 September 2012, <http://www.guardian.co.uk/commentisfree/2012/sep/06/drone-deaths-yemen> (accessed 2 May 2013).

256) Alkarama, "Yemen : Alkarama and HOOD organise a meeting with the families of the victims of the American drone attack of 2 December 2012, 6 September 2012", http://en.alkarama.org/index.php?option=com_content&view=article&id=1001 (accessed 28 July 2013).

were still alive. Smoke and gas enveloped us on all sides and our bodies were burning.” Another survivor reports: “The airplane approached many of us, and it is certain that the pilot could see us and knew that we were civilians, including women and children.”

Despite the misfortune that struck the city, it appears that on 20 September 2012 the families of the victims were able to reach an agreement with the Yemeni authorities for financial compensation, according to official sources. In return, they accepted that the funerals of the victims take place under the control of the local authorities in the town of Dhamar and not in their own towns, without publicizing the place and time of the burial. Thus the case was closed. No other legal measure was taken, and the forensic reports establishing the circumstances of death as well as the burial permits have not been released.

The authorities have taken no action to treat the three wounded people and alleviate their suffering, which would require sending them overseas for treatment, as they cannot be treated properly in Sana'a. It was only after the appeals by our organizations at the press conference on 5 September that they were transferred to Egypt. The defense minister gave them two tickets and \$5,000 for each victim and a companion. Muhammed Abdu Jar Allah (محمد عبده جار الله الصبوي) died in Egypt from his injuries. The others returned once their money had run out, unable to complete their treatment.

“ Mabrouk left school when he was in the sixth grade to work on a farm and help us financially. Everyone loved Mabrouk, but his grandfather loved him most of all, and to this day we have not been able to tell him of his death. ”

Mabrouk's father. Mabrouk, aged 13, was killed during Radaa attack.

Among those who died was a 13-year-old boy named Mabrouk Muqbil Al-Daqari (مبروك مقبل علي صالح الدقاري), of whom his father said: “Mabrouk left school when he was in the sixth grade to work on a farm and help us financially. Everyone loved Mabrouk, but his grandfather loved him most of all, and to this day we have not been able to tell him of his death.”

Eight-year-old Dawla Al-Sabuli (دولة ناصر صلاح ناصر الصبوي), died in the attack with her father and mother while returning from a doctor's visit. What struck us on our visit to the morgue in the hospital of Al-Thawra in Dhamar, where the bodies of victims were stored, was this little girl with her arms wide open. Her relatives told us that little Dawla was hugging her mother at the moment of the strike and that she had died in this position. It was only with great difficulty that they were able to separate the two bodies.

On 12 September 2012, HOOD submitted assorted criminal complaints accompanied by requests to establish an investigation into the presence of US spy planes over the territory of Yemen and armed drones carrying out attacks against the regional prosecutor. The complaints specified that it is the responsibility of the state to protect citizens. To this day, no investigation has been conducted by the prosecutor to establish responsibility for the crime.

Radaa and the surrounding areas are strategically important due to the highway that passes through, connecting the provinces of the north to those of the south. The Al-Baydha region is distinguished by the rivalry that exists between two branches of the Al-Dhahab families.²⁵⁷ This tribal conflict has a political connection: one line is allied with the Saleh regime, while the other is in opposition to the regime and supports Al-Qaeda. The American intervention in the form of regular attacks by aircraft and drones has blocked any attempt to reach a negotiated settlement. Ahmed Said Al-Dhahab calls this deplorable and has proposed an initiative since the outset of the conflict that has threatened to spill over into the neighboring province of Dhamar. Among his proposals, he has suggested stopping American strikes against al-Qaeda combatants fleeing Radaa.²⁵⁸

257) ناصر علي, القصة الكاملة لحياة آل الذهب وسيطرة المسلحين على منطقة قيقة في البيضاء (The Complete History of the Life of Âl-Al-Dhahab and the control of the Qife region of Al-Baydha by armed men) AlAhale.net, 29 January 2013, <http://alahale.net/article/8450> (accessed 6 May 2013).

258) “عبده عايش, رداع. بؤرة صراع جديدة في اليمن” (Radaa, Center of Conflict in Yemen), Aljazeera, 30 January 2013, <http://www.aljazeera.net/news/pages/95e09529-bc44-47a8-bb19-14ce6ef0a97f> (accessed 6 May 2013).



Dhamar, 20 September 2012
 Relatives of those killed in
 the American air strike on
 Radaa on 2 September 2012.
 © Alkarama

12 victims killed during the attack on Radaa on 2 September 2012

Name	Profession	Age
الصبولي إسماعيل مبخوت محمد Isma'il Mabkhout Muhamad Al Sabuly	Farmer	25
الصبولي الزيدي صدام حسين محمد سعد Saddam Hussein Muhamad Sa'd Al Zaydi Al Sabuly	Student	18
الصبولي جمال محمد عباد Jamal Muhamad Ibad Al Sabuly	Farmer	30
الصبولي عبد الغنى أحمد مبخوت Abdulghani Ahmad Mabkhout Al Sabuly	Student	17
ربيح عبد الله أحمد عبد ربه Abdullah Ahmad Abdulrabo Rabeeh	Employee	23
الفقيه عبد الله محمد علي Abdullah Muhamad Ali Al Faqeeh	Unemployed	23
الدقاري مبروك مقبل علي صالح Mabruk Muqbal Ali Saleh Al Daqari	Pupil	13
الصبولي مسعود على أحمد مقبل Massaoud Ali Ahmad Muqbal Al Sabuly	Farmer	45

Name	Profession	Age
الصبولي ناصر صلاح ناصر Nasser Salah Nasser Al Sabuly	Farmer	50
الدقاري وسيلة علي الفقيه Wassila Ali Al Faqeeh Al Daqari	Housewife	41
الصبولي دولة ناصر صلاح ناصر Dawla Nasser Salah Nasser Al Sabuly	Pupil	8
محمد عبده جار الله الصبوي Muhamad Abdu Jarallah Al Sabuly	Unknown	Unknown

Before visiting the town of Al-Shihr, representatives of Alkarama and HOOD met with Munir Salem Zin Al-Kaladi (منير سالم زين الكلدي) in Al-Mukalla, the capital of Hadramout province. He is the brother of Nabil Salem Zin Al-Kaladi (نبيل سالم زين الكلدي) who was killed on 24 December 2012 in the town of Al-Shihr during a drone attack. At least four people died in this strike. Yemeni authorities claim they were members of Al-Qaeda.

Alkarama had been following the case of Nabil Al-Kaladi for several years, ever since he was arrested and detained without due process. His brother Mounir gave details of his case: Thirty-three-year-old Nabil, was married with one daughter and lived with his family in the 'October' neighborhood of Al-Mukalla when he was arrested without a warrant on 21 October 2007 by members of the political police upon his exit from a mosque after noon prayers. He was then kept in detention for nearly five years, including three without any charges being brought against him and without being brought before a judicial authority, or a court judgment.

Nobody knew why he was arrested; the authorities claimed that he had a guest at his home who was a person of interest. The latter was eventually arrested and released after three months, while Nabil remained in detention. He was brought before a court specializing in terrorism cases with 12 others on October 10, 2010. To justify this long period of arbitrary detention, he was sentenced to five years in prison for 'membership in an armed group'. During his detention in the prison of Al-Mukalla he underwent two operations to the kidneys without being released. He participated in several hunger strikes alongside other prisoners because of his arbitrary detention, which is how Alkarama was alerted to his illegal situation.²⁵⁹ Nabil Al-Kaladi escaped from prison with 62 other inmates in June 2011.

On 24 December 2012, Nabil's family learned of a drone attack which had take place at around 7 pm on a group of men in downtown Al-Shihr from the local media. The men were in a local sports stadium, and Nabil was among those killed. The family was able to identify the half of the body that had not disintegrated in the explosion. To this day, they do not know why he was considered targeted. "The Interior Ministry said among those killed in that attack was Abdullah Bawazir, the chief architect behind a mass prison break last year that freed dozens of fighters who then took arms against the government and helped administer al-Qaeda rule in the south."²⁶⁰ Several media sources, however, have reported the men were simply Al-Qaeda members.²⁶¹ According to United States criteria, they should therefore not have been targeted, as the US only places 'senior operatives' on their 'kill list'.

That day in the stadium, it was not only suspects who were targeted, but also children who were injured and traumatized. One of them is Hamza Hussein Said Ben Dahman (حمزة حسين سعيد بن دحمان), aged 16. His uncle, Muhammed Said Ben Dahman (محمد سعيد بن دحمان) reported that Hamza had gone to Wadi Sam'oun stadium (وادي صمعون) near their home to play football. He recounts the scene: "About 6.30 pm we heard the sound of a drone and Hellfire missiles were fired at a low altitude before exploding against the stadium. After a moment of stupor, families rushed through the streets crowded with children and ran to the stadium. Hamza was in shock; maybe he inhaled fumes from missiles. His body was paralyzed; he lost consciousness and his condition worsened day by day. His father quickly went to Egypt for medical treatment, because doctors here could not identify his illness. We requested assistance from the government, but they ignored it and so far we have received no help. The house had to be sold to meet the expenses. "

We learned that Hamza returned home in late February, but his condition has not improved. He is bedridden and cannot move or speak. The family went to Jordan to find a solution to his problem. We met the father, Hussein Said Abdallah Ben Dahman before he left. He reports: "My son was in the stadium when a US drone targeted a group of people. Hamza returned to the house in a total state of depression. His whole body shook and told us he had seen people torn and bloodied. I asked him what happened and he said that US aircraft had carried out the bombing. He put his hand to his throat and he was seized with a nervous breakdown and the inability to breathe. Then he lost consciousness. We brought him to the hospital. His condition worsened and he lost his speech. Previously, he was

259) Alkarama, "Yemen; Scores of arbitrarily detained prisoners go on hunger strike inside Mukalla Political Security Prison", 16 March 2010, http://en.alkarama.org/index.php?option=com_content&view=article&id=449:yemen-scores-of-arbitrarily-detained-prisoners-go-on-hunger-strike-inside-mukalla-political-security-prison&catid=40:communiqu&Itemid=215 (accessed 6 May 2013).

260) Ahmed Al-Haj, "Drone strike in Yemen kills 2 AQ suspects", Associated Press, 28 December 2013 <http://www.marinecorpstimes.com/article/20121228/NEWS/212280305/Drone-strike-in-Yemen-kills-2-AQ-suspect> (accessed 6 May 2013).

261) Bill Roggio, "Jihadist identifies 2 AQAP fighters killed in recent drone strike", Long War Journal, 27 December 2012, http://www.longwarjournal.org/archives/2012/12/jihadist_identifies.php (accessed 6 May 2013).

healthy and now he is sick simply because he is a Yemeni boy in a state that has no regard for its citizens. I sold everything I had to get him medical treatment. My wife sold all her jewelry and I had to borrow large sums of money, to go to Cairo. There, they conducted tests including magnetic resonance imaging (MRI). It was found that my son had a brain injury and could not move. I spent 20 days with him in Cairo and then I had to return home with no money. What happened to my son is the responsibility of the US and Yemeni governments and I ask that they treat him and compensate our family. We now live in fear that he might die, and we fear that he is handicapped for life. I also fear that his mother might become ill due to the state of her son. States and the international community must help us.”

The people of Al-Shihr organized large demonstrations to protest against the attack of which Hamza was a victim. The Friday sermons that followed severely criticized the attacks. The protests did not stop until four days later, when an American drone attack in the same town struck two motorcycles killing three people. A child was also hit in the strike.

Annex 8: the attack on Al-Shihr (Hadramout), 28 December 2012

The people of Al-Shihr were still shaken by the attack on 24 December 2012 when a second bombing hit the city four days later, on 28 December 2012. Witnesses report that at least three missiles were fired at a group of men. One of them, Hassan Ibrahim Suleiman (حسن إبراهيم سليمان), aged 40, says: “When I arrived on the scene of the explosion, I saw parts of a body mixed with parts of the motorcycle. His body was charred. It seems that a missile had missed the target, the second struck a motorcycle with two people on it, and the third blew up the second bike. The three bodies were shredded. We collected the remains without knowing who they were. “

He told us that members of the security services took the bodies and the missile debris away. The three men who were killed could not be identified by the local population because they were not from the town.

The bike that was hit was close to homes. Mawz Hassan Abdullah Hassan (حسن موز عبدالله حسن), aged 9, and who comes from a very poor family was playing outside when he was struck by the blast on the forearm. His mother, Um Hassan, aged 37 reported that “It was a Friday; we were sitting in front of our tent before lunch. My son was playing 50 m away when we heard a loud explosion without knowing where it had occurred. I went out to call my son Hassan, who ran off in the opposite direction to our home. We caught him and brought him back. His hand was bleeding profusely. We asked him what had happened and he fell. He did not know where the injury came from. We took him to the hospital where the doctor warned us that bomb fragment had hit the bone of his forearm and he needed surgery to remove the fragment. We went to the police, who sent us to the security services, and they sent us to the hospital. There, we are told to come back later. All relevant departments ignore our situation and none supports us. We asked for help and the mosque sends us to the head of the security services. After many setbacks we finally sought treatment for Hassan. We had to pay ourselves, while we have 10 children and we are very poor. And now, two months later, Hassan complains of pain in the hand that was hit by the explosion. We’ll have to collect 400 riyals to go to Al-Mukalla hospital and have it checked again. We sent a letter to the governor of the province with the medical reports and bills, in vain. The authorities do not help us. “

“ All the protests have been in vain. Local leaders and members of the Ulama gathered after the attacks with local authorities, and a commission was put together to meet with the governor, but this approach is not enough. We learned later that in other provinces the drone attacks have continued. These violations of the law have a negative impact on the authorities of the country. ”

Usama Salmin Muwafaq

Usama Salmin Muwafaq (أسامة سالمين موفق), aged 28, told us that “All the protests have been in vain. Local leaders and members of the Ulama gathered after the attacks with local authorities, and a commission was put together to meet with the governor, but this approach is not enough. We learned later that in other provinces the drone attacks have continued. These violations of the law have a negative impact on the authorities of the country.”

Annex 9: the attack on Khawlan (Sana'a), 23 January 2013

On 23 January 2013 around 8 pm, a vehicle with eight passengers was hit by two missiles fired from a Hellfire drone, which was flying about 1 km from the village of Al Masna'a in the community of Khawlan administrated by the province of Sana'a. The bodies were shredded and charred, scattered and difficult to identify. The target of the attack was Rabie Hamud Lahib (ربيع حمود لاهب), wanted by the Yemeni authorities and presented as a member of al-Qaeda, which some deny. Among those affected were also two civilians unconnected with armed groups.

The delegation from Alkarama visited the site of the attack on 3 May 2012 and was able to view the remains of the damage caused by the attack, even three months after they occurred, and speak with family members of civilian victims.

Inhabitants report having heard the buzzing of drones during the 10 days preceding the strike, a sound resembling that of diesel-powered generators. On the day of the attack, thousands of Shi'ites had gathered to celebrate the birth of the prophet in the town of Jahana, which explains the media interest in this particular attack. The targeted vehicle was near the Central Security forces' barracks where it could easily be intercepted.

The vehicle was driven by Muhsin Muhammed Jamil (محسن محمد جميل), a 20-year-old student who was one of the two civilian victims. He rented his car as a taxi to his uncle Salim Hussein Ahmed Jamil Al-Qawli (سليم حسين أحمد جميل القاوي). The other civilian was his cousin Ali Ali Saleh Al-Qawli (علي علي صالح القاوي), a 33-year-old school teacher in Khawlan. The Ministry of the Interior sent a delegation to the scene that evening to confirm that the two people killed as well as the owner of the vehicle had no relationship with the other passengers.



Khawlan, Sana'a, 3 May 2013 - Haj Ali Al Qawli holding a photo of his son Ali Ali al-Qawli with his grandchildren Mouad, Hajar and Mohamed. Ali Ali al-Qawli was killed during an American airstrike on Khawlan on 23 January 2013.

Ali's brother, Mohamed Ali Al-Qawli (محمد علي القاوي) met with us and reported the details of the attack. He had in his possession fragments of missiles and explosives gathered from the scene of the explosions. He describes, "We were well informed about the drone strikes but they occurred far from home, in Ma'rib, Abyan and we did not feel really concerned. But a month before the incident, we heard a terrible ringing sound and a week later we learned that an attack had targeted Adnan Al-Qadhi near Sana'a²⁶². Then 10 days before the attack on 23 January, we heard the sound of drones flying over us. My brother and my cousin

had no connection with any organization; having said that however, whoever is targeted by US aircraft, even if he is the greatest criminal, has the right to be tried by an impartial court. My brother and cousin had been invited to Jahana, and at about seven o'clock they went to the market with colleagues. Two people from Sanhan came to them and asked if they could drive them for a fee. That day, the Houthi community was celebrating the birth of the Prophet and there were fireworks. This is where people saw a drone firing two missiles towards Jahana at 8.10 pm. I was home at that time with colleagues when I received a call informing me of an attack. I called a relative in Jahana who confirmed the information, I asked him to see with his own eyes what happened. Moments later I received another call informing me that the missile had hit my uncle's car where my brother was. I asked my relative who was already on site and he described the car that was on fire to me, giving me the license plate number. My uncle confirmed that it was his car and we went to the scene. We were in shock. Bodies were still burning and their limbs were scattered. There were six victims, my brother, my cousin and four men from Sanhan. We found four craters caused by the impact of the missiles. We tried to put the fire out in the car for more than half an hour, then we collected the scattered limbs until 11 pm when we transported them to the hospital in order to bury them later. (...) The next day we went to the hospital in Jahana in order to prepare the bodies and we were informed that the security services had transferred the bodies to the capital. People's reactions were immediate: they organized road blockades and protests against it. Given these reactions, the authorities called us to give us the bodies at the hospital in Sana'a. At first we were not able to identify them, but we eventually identified our two family members."

" We were well informed about the drone strikes but they occurred far from home, in Ma'rib, Abyan and we did not feel really concerned. But a month before the incident, we heard a terrible ringing sound and a week later we learned that an attack had targeted Adnan Al-Qadhi near Sana'a. "

Mabrouk's father. Mabrouk, aged 13, was killed during Radaa attack.

" Here are the gifts and aid and support of the United States to Yemenis. For some time now, we have heard talk of American support to Yemen and we do not know what it means. Now we can see this support thanks to the fragments of these explosives and missiles that kill Yemenis, destroy their spirits and burn their bodies. "

Mohamed Al-Qawli, brother of a victim who died in Khawlan attack

Mohamed Al-Qawli told us of the misfortune that struck his family while holding in his hands the fragments of missiles that he showed to us. He concluded: "Here are the gifts and aid and support of the United States to Yemenis. For some time now, we have heard talk of American support to Yemen and we do not know what it means. Now we can see this support thanks to the fragments of these explosives and missiles that kill Yemenis, destroy their spirits and burn their bodies."

We met the relatives of Salim, both overburdened by the misfortune that had befallen them. Salim was the one who had materially supported them with his work with his car, in addition to his

work on a farm.

262) Adnan Qadhi was in fact killed on 7 November 2012 by an American drone. Officially, Rabie Hamud Lahib was killed in the same attack, but it was later revealed that he was in fact killed on 23 January 2013. The targeted assassination of Al-Qadhi caused an outcry, particularly as he was a colonel in the army, from which he had been receiving a pension, and could therefore have been arrested at any time. See Jeffrey Fleishman and Ken Dilanian, "US drone strategy in Yemen is fraught with peril", Los Angeles Times, 25 December 2012. <http://articles.latimes.com/2012/dec/25/world/la-fg-yemen-drones-qaeda-20121225> (accessed 8 May 2013).

It seems that Rabie Hamud Lahib and Naji Ali Saad were the intended targets of the attacks. However, according to a Finnish journalist who visited the site, Lahib “lived in a village just an hour’s drive from the capital Sana’a, he was a neighbor to some of the country’s top politicians... [He] was a member of the village council and travelled to the capital Sana’a every other day, passing several military checkpoints on the way.”²⁶³



Khawlan, Sana’a, 3 May 2013

Haj Ali Al Qawli, next to a picture of his son Ali Al-Qawli with his grandchildren. Ali Al-Qawli was killed during an American airstrike on Khawlan on 23 January 2013.

© Alkarama

Khawlan, Sana’a, 3 May 2013

Mohamed, the son of Ali Ali al-Qawli, a teacher killed by an American airstrike in the industrial zone of Khawlan on 23 January 2013.

© Alkarama



263) Daniel Öhman, Lotten Collin, “Innocent people are killed in US drone attacks”, 22 March 2013, <http://sverigesradio.se/sida/artikel.aspx?programid=83&artikel=5481640> (accessed 8 May 2013).

Wusab is a large city consisting of upper and lower sections, each of which is a separate district. We refer here to the upper part to the west of the province of Dhamar, which in 2004 was populated by nearly 160,000 inhabitants. This is an area neglected by public services, particularly in terms of electric supply, education and health. As a result, many seek work in neighboring countries. Judicial institutions are failing and characterized by arbitrariness and corruption, which has forced people to settle their disputes according to customary rules applied by recognized tribal leaders, who have replaced the state justice system.

The feeling of being neglected by the central government has led tens of thousands of Wusab's residents joining the 2011-2012 protest movement. Dozens of them were killed or wounded during rallies and demonstrations. With the agreement concluded at the initiative of the Gulf Cooperation Council, which ended the uprising, the protesters of Wusab received no representation in the national dialogue conference, and thus decided to create the Wusab movement, following the example of Southern movement, to gather and voice their demands for increased political, social and economic rights.

On 17 April 2013 at 8.30 pm in the village of Midhlib, Bayt Yahud in upper Wusab, two violent explosions from missiles fired by US drones were heard. They targeted a four-wheel-drive car in which were four people: Hamid Muhammed Radman Al-Hadidi Al-Radami, حميد محمد ردمان الحدادي الردمي, a 40-year-old former soldier, married and father of 8 children; Isma'il Ahmed Muhamad Al-Muqdish (إسماعيل أحمد محمد المقدشي), the father of three children; Mukram Ahmed Hamud Al-Haj Al-Da'ar (مكرم أحمد حمود الحاج الداعر), a 20-year-old; and Ghazi Hamud Ahmed Saad Al-'Imad (غازي حمود أحمد سعد العماد), a 28-year-old father of two children.

The families of the victims as well as the witnesses that met with Alkarama during the delegation's visit from 10-12 May 2013 reported that Al-Ramadi, Al-Moqdish, and Al-Da'ar were killed in the strike when the missiles hit their car. The fourth victim, Ghazi Al-'Imad, was injured and could not be saved due to the presence of an American plane that was flying over the scene of the attack.

Yemeni authorities, as they have in many similar cases, announced the death of a 'dangerous terrorist' during an air attack without specifying its origin. They quickly released the names of the four men killed and identified them as terrorists without specifying the acts they have committed.²⁶⁴ One of the names mentioned as one of the terrorists killed, Najm Al-Din Ali Adallah Al-Ra'i (نجم الدين علي عبدالله الراعي) was found alive and was not one of the occupants of the target vehicle. As for Hamid Muhammed Al-Hadidi Radman, known as Al-Radami, he was arrested in 2005 and sentenced to four years in prison on charges of having fought in Iraq against the American occupying force. He was held an additional two years in prison and was finally released in early 2011. Upon his release from prison, he settled in his native village and resumed a normal life while carrying out social work, in particular as a mediator between conflicting parties. The activities of Al-Radami, the former prisoner accused of belonging to Al-Qaeda, have raised doubts of his guilt in some political circles in opposition to the Saleh regime. Numerous articles warning against the activity of Al-Qaeda in Wusab were published. It seems that this was one of the reasons that the area was under continuous observation by drones for more than a year, disturbing many people.

What was the real accusation against Al-Radami? We asked several people including Wadhah Al-Qadhi (وضاح القاضي), a young activist calling for non-violent revolution from the region. He tells us: "When the discussion around Al-Radami and suspicious activities increased, I went to see him at his home and I asked him: 'Do you want to transform our region into a center of conflict? Is it not enough that Wusab be neglected and lack all services?' I had not finished telling him what I had to say when I saw him wipe away tears and tell me: 'I do not want a drop of blood to be paid by Wusab and I do not want a single bullet to be fired. I am willing to cooperate with anyone who wants the best for the region and its children.'"

Al-Radami also gave an interview in which he denied any relationship with Al-Qaeda. He claimed to be at the service of his compatriots and was there to help them find justice. He was surprised by the charges against him. This assessment is shared by many people that confirm the positive efforts of Al-Radami and list the conflicts have been resolved through his intercession.

We went to the center of the Security Directorate where we met the director, Ahmed Abu Sha'ie (أحمد ابو شائع), who surprised us by saying that "Hamid Al-Radami was a man who practiced social mediation and helped us to find

264) "مصرع (الردمي) القيادي في تنظيم القاعدة بغارة جوية في وصاب العالي" (Death of an al-Qaeda leader during an air strike on Upper Wisab), 17 April 2013, http://www.26sep.net/news_details.php?Ing=arabic&sid=90813 (accessed 8 May 2013).

solutions in some cases. He was not wanted by the authorities, and if there was an arrest warrant against him, we could have easily apprehended him.” He had sought clarification from the security services of the province about this murder and been told that he should not interfere.

The night of the American drone attack, residents gathered at the home of Al-Radami awaiting his return to discuss a problem relating to the construction of a new road. We talked to Muhammed Al-Hamili Mahfudh, a local council member and director of regulatory administration, who told us: “I thank Alkarama for its visit to the region in order to establish the truth about the crimes committed by the United States with the consent of the Yemeni government. I was in the office with colleagues when around 8 pm we heard the first explosion. We went out to see what had happened when five minutes later a second explosion, stronger than the first, sounded. We went to the scene and people informed us that Sheikh Hamid Al-Radami’s car had been targeted by a bombing. In the distance, we heard a voice calling for help, and ran towards it. The car was destroyed, but the fire was not extinguished. Hamid was half projected out of the car, his face was visible as his body burned, with two other bodies inside, charred. There was a fourth person, Ghazi Al-’Imad, thrown a few meters from the car, face down; he was shot in his lower limbs, and was bleeding profusely. He begged us to help but we could not help him. Whenever we approached, the plane that had attacked the car flew down, and we feared that it would bomb us again. It was about 9 pm when I left the scene. I could not stand the situation and I was scared. I called the Director General of Security and the Director of the area on the phone, but I wasn’t able to reach them. The duty officer said he had contacted the governor who had assured him he had not been informed of this.”

One of Al-Radami’s brothers, Ali, confirmed what the previous witness had said, stating they waited overnight to remove the bodies from the site of the attack and bury them. No government official arrived to help. He adds, “We know that the security director and the director of the region fled two or three days before the strike, and that they left the area because they were aware of the attack. We view the union government as responsible, and ask it, if this civilian government does indeed exist, that it open an investigation into this crime and refer the perpetrators to justice”.

Twenty-eight-year-old Salim, was one of Al-Radami’s companions and was on his motorcycle about a mile away when the attack took place. He saw the missile shot towards the whereabouts of the Al-Radami’s vehicle. He adds “There were two planes that followed, and a third plane flew over to watch the scene. There was about 8 minutes between the first and second strikes. The second was more violent, the ground shook and people panicked. My companion and I were the first to arrive on the scene. We saw the car on fire and I heard one of the passengers, Ghazi, screaming. I got off the bike to help him because he was thrown a few meters but when I approached the plane came down very low and shined red lights on the ground, as if to target my location with a bomb. People in front of me screamed: ‘The plane is descending, flee, Salim!’ I moved back and joined the front of the crowd. People were petrified with fear at the sight of the plane that flew at low altitude. I still remember the Ghazi’s cries, who implored us to rescue him, but we were unable to. For three hours we waited for the plane to disappear in order to help Ghazi. It was difficult to find a driver to take us to the clinic. All were afraid of being bombed. Finally I forced someone to drive us, but unfortunately Ghazi died. The doctor could only state his death and warned us that the local council had issued an order to keep his body on the premises, pending the work of a fact-finding commission.”

Najm Al-Din Ali Al-Ra’i Adallah, aged 20, was among those who were officially announced as having been killed in the attack. We were able to meet him. “At the time, I was in at Al-Radami’s home and was waiting with others there. I learned through the media that I was one of those who had been killed. I accompanied the Sheikh as a guard. All Shuyukh are accompanied by guards. The spy who informed the US plane did not verify his information, and was prejudiced against me, and so I am targeted for no reason.”

The attack on Wusab of 17 April 2013 was the subject of a hearing in front of the Legal Sub-Committee of the American Senate, which examined the implications of targeted assassinations by drones in view of the Constitution and legislation surrounding counter-terrorism measures.²⁶⁵

265) United States Senate Judiciary Committee, Subcommittee on the Constitution, Civil Rights and Human Rights, Drone Wars: The Constitutional and Counterterrorism Implications of Targeted Killing, Statement of Farea Al-Muslimi, 23 April 2013, <http://www.judiciary.senate.gov/pdf/04-23-13Al-MuslimiTestimony.pdf> (accessed 28 July 2013).



Madlab village, Dhamar - Skeleton of a car hit by an American drone on 17 April 2013. The car was carrying Hamid al-Radmi and four others. © Alkarama

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Since 2009, the United States has regularly bombed Yemen. These aerial attacks have occurred in almost every province of the country. In the past two years, the number of drone strikes has multiplied and the infrastructure required for these attacks have been expanded, not only in Yemen, but also in neighboring Saudi Arabia and Djibouti. Since the first strikes in November 2002 and until the writing of this report in July 2013, the United States has carried out between 134 and 234 military operations in Yemen. These include strikes by aircraft and drones as well as missiles launched from warships located in the Gulf of Aden. According to various sources, estimates of the number of people killed range from 1000 to 2000. However, to this day, neither the Yemeni nor the American authorities have put forward official statistics on the number of casualties.

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

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

LICENSE TO KILL

Why the American Drone War on Yemen Violates International Law

