



TRUMP AND COUNTERTERRORISM IN YEMEN: **THE FIRST TWO YEARS**

By:
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Cover photo: A US military MV22-B Osprey aircraft, similar to the one that crashed near the Yemeni village of al-Ghayil during a US Special Forces raid shortly after President Donald Trump took office in January 2017 // Photo Credit: DVIDSHUB



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Introduction

The United States (US) has traditionally viewed Yemen as both a counterterrorism problem to be managed and as an extension of its policy toward Saudi Arabia. For President Donald Trump's administration this has meant the continuation and expansion of two separate yet overlapping wars in Yemen, both of which began under previous administrations.

In the war against al-Qaeda in the Arabian Peninsula (AQAP) and the so-called 'Islamic State' group, or Daesh, the Trump administration came into office determined to reverse what it saw as the tendency of President Barack Obama's administration to micro-manage and second-guess the military professionals. During the 2016 presidential campaign, Trump claimed that the Obama administration had "reduced to rubble" the nation's military leadership.⁽¹⁾ A Trump administration, the candidate suggested, would rely much more on "the generals" and give the military more freedom to conduct strikes.⁽²⁾ Initially, at least, that is exactly what happened. President Trump approved a SEAL raid on his fifth day in office, declared parts of Yemen to be "areas of active hostilities" – effectively making them war zones – and signed off on an air and drone surge that saw the number of US strikes in Yemen more than quadruple from 32 in the final year of the Obama administration to 131 in Trump's first year.

By mid-2018, however, the Trump administration had reverted to Obama era numbers, carrying out 36 acknowledged strikes during the year and none in the final three months of the year. It is unclear whether this represents a shift in presidential policy (similar to drawdown in Afghanistan and the announced withdrawal in Syria) or whether the US simply lacked the targets in 2018 that it had in 2017.⁽³⁾

In Yemen, the US is also involved in the Saudi-led coalition's war against the Houthis. The Trump administration, like the Obama administration before it, has argued that when it comes to this war the US is not "a party to the conflict" but instead is merely aiding two key allies. (Although some lawyers are now pushing back against the argument that the US is not complicit in the Saudi-led war.)⁽⁴⁾ The US is supporting Saudi Arabia and the United Arab Emirates (UAE) in their war against the Houthis in much the same way that Saudi Arabia and the UAE have aided the US in its war against AQAP. And while it may be true – as then Secretary of Defense James Mattis and others have argued – that the US is "not operationally involved in hostilities," that does not mean that the US

1) Matt Lauer, "Commander-in-Chief Forum," *NBC News*, September 8, 2016.

2) Michael O'Hanlon, "Trump and the Generals," *Brookings Institution Series: Foreign Policy in the U.S. Presidential Debates*, September 14, 2016.

3) The US has carried out 1 strike in Yemen (on January 1) through the first 40 days of 2019.

4) Oona Hathaway, Aaron Haviland, Srinath Reddy Kethireddy, and Alyssa Yamamoto, "Yemen: Is the US Breaking the Law?" *Harvard National Security Journal*, 2018.

is powerless to stop the conflict.⁽⁵⁾ In fact, the US may be the only international player capable of ending the war. The US services coalition aircraft, provides spare parts and, until recently, carried out mid-air refueling.⁽⁶⁾ All of this, the US claims, makes the Saudi-led war in Yemen safer and more humane than it would be without US support.

Although US diplomats and various government departments have repeatedly said that there is no military solution to the conflict in Yemen, the US has done little to curtail its military support to the Saudi-led coalition.⁽⁷⁾ The few tweaks in policy – an end to mid-air refueling at the end of 2018 – had more to do with Saudi Arabia’s murder of Jamal Khashoggi than anything that has happened in Yemen. Indeed, Washington does not even have a Yemen policy. What it has is a counter-terrorism strategy of “mowing the grass,” and a Saudi policy that all too often treats Yemen as an appendage to the kingdom.⁽⁸⁾

The US-Led War Against AQAP and Daesh in Yemen

Since Donald Trump took office in January 2017, the US has essentially fought two discrete wars against AQAP and Daesh in Yemen. The first, which lasted into early 2018, was an aggressive, gloves-off approach that included multiple ground raids and a dramatic uptick in the number of drone and air strikes. The second war, which began in mid-2018 and is currently ongoing, has been a return to the norms established under the Obama administration.

2017: The Drone Surge

On January 25, five days after he was sworn-in as president, Donald Trump authorized his first counterterrorism raid over a working dinner with, among others, then Secretary of Defense James Mattis and then chairman of the Joint Chiefs of Staff Joseph Dunford.⁽⁹⁾ The raid, which had been discussed during the final weeks of the Obama administration, targeted the village of al-Ghayil in the Yakla region of al-Bayda, a central Yemeni governorate.⁽¹⁰⁾ US officials, who have since put out two separate explanations for the raid, believed either that Qasim al-Raymi, the head of AQAP, was in the village or, as it subsequently explained, that there had been enough intelligence on cellphones and computers at the site to justify sending in US troops.

5) James Mattis, “Full Senate Briefing on Yemen,” November 28, 2018.

6) Declan Walsh and Eric Schmitt, “Arm Sales to Saudis Leave American Fingerprints on Yemen’s Carnage,” *The New York Times*, December 25, 2018.

7) Christopher Henzel, “Statement: Nominee to be US Ambassador to Yemen,” December 4, 2018.

8) Greg Miller, “Plan for Hunting Terrorists Signals US Plans to Keep Adding Names to the Kill List,” *Washington Post*, October 23, 2012.

9) Eric Schmitt and David E. Sanger, “Raid in Yemen: Risky from the Start and Costly in the End,” *New York Times*, February 1, 2017.

10) Colin Kahl, a former national security advisor to Vice President Joe Biden, pushed back slightly against this characterization, saying in a twitter thread a “broad package (of raids) was discussed in the interagency in the closing weeks of the Obama term. This particular raid was NOT discussed.” <https://twitter.com/ColinKahl/status/827277126860562433>

Shortly after midnight on January 29, the first moonless night since Trump had given his authorization, US Special Forces operatives from SEAL Team Six, along with a team of UAE soldiers, landed in a clearing five miles from the village.⁽¹¹⁾ The plan was to hike to the target under the cover of darkness and take the village by surprise. However, unbeknown to the soldiers, the village had also been attacked by Houthi forces just a few hours earlier and was still on edge, villagers later told a journalist.⁽¹²⁾ As the soldiers approached the village, an 11-year-old boy, Ahmed al-Dhahhab, spotted them from the roof of a house and called out a warning.⁽¹³⁾ According to his father, Abdililah al-Dhahhab, the boy was then shot and killed.⁽¹⁴⁾

In the ensuing gunbattle, which included at least one helicopter, one US soldier and several Yemenis were killed. The Pentagon later said that it had killed 14 al-Qaeda operatives,⁽¹⁵⁾ and initially denied claims that there were any civilian casualties. Within days, however, the US revised that claim, saying that “civilian noncombatants likely were killed” during the raid.⁽¹⁶⁾ For their part, the villagers claim that at least seven women and 10 children were killed in the raid. One of those children was eight-year-old Nawar al-Awlaki.⁽¹⁷⁾ Her father, the AQAP cleric Anwar al-Awlaki, was killed in a US drone strike in September 2011. Her brother, 16-year-old Abd al-Rahman, was killed in a separate US drone strike in October 2011.

President Trump initially classified the raid on Yakla as a success. In an address to a joint session of Congress one month after the raid, he called the action in Yemen “highly successful,” saying it had generated “large amounts of vital intelligence.”⁽¹⁸⁾ However, one piece of evidence the Pentagon put forward to justify the raid was an al-Qaeda video that was more than a decade old and widely available on the internet.⁽¹⁹⁾ The US later took down the link, and in February 2017 NBC News reported that the raid yielded “no significant intelligence.”⁽²⁰⁾

During the same January dinner at which President Trump authorized the Yakla raid, he had also declared parts of three Yemeni governorates – Abyan, Shabwa and al-Bayda – “areas of active hostilities,” effectively making them war zones and loosening the rules governing strikes.⁽²¹⁾ This decision meant that the Department of Defense no longer had

11) Safa Al Ahmad, “Targeting Yemen,” *PBS Frontline*, January 22, 2019.

12) This is according to one villager interviewed in Safa Al Ahmad, “Targeting Yemen,” *PBS Frontline*, January 22, 2019. However, it is unclear why the US would not have been aware of this if there was drone coverage of the area on the evening of the raid.

13) Safa Al Ahmad, “Targeting Yemen,” *PBS Frontline*, January 22, 2019.

14) Safa Al Ahmad, “Targeting Yemen,” *PBS Frontline*, January 22, 2019. Other reporting from Iona Craig in the Intercept suggests that a 13-year-old boy, Nasser al-Dhahhab, was the first to die in the raid.

15) Terri Moon Cronk, “US Raid in Yemen Garners Intelligence,” *US Central Command*, January 30, 2017.

16) “CentCom: Civilians likely killed in Yemen Firefight,” *Department of Defense News Release*, February 2, 2017.

17) The al-Dhahhab family and the al-Awlaki family are related by marriage. Anwar al-Awlaki was married to one of Abdililah al-Dhahhab’s sisters, making the latter Nawar’s uncle.

18) President Donald J. Trump, “Address to a Joint Session of Congress,” February 28, 2017.

19) Nancy Youssef, “The Military Pulled a Video it said Proves a Raid was Worth it Because It’s a Decade Old,” *BuzzFeed News*, February 3, 2017.

20) Cynthia McFadden, William Arkin, Ken Dilanian, and Robert Windrem, “Yemen SEAL Raid Has Yielded No Significant Intelligence: Officials,” *NBC News*, February 27, 2017.

21) Charlie Savage and Eric Schmitt, “Trump Administration is Said to Be Working to Loosen Counterterrorism

to submit target lists in these areas to an interagency review. Unlike under the Obama administration after 2013, commanders no longer needed pre-approval from the White House to carry out strikes.

On March 2, 2017, the Department of Defense used its newly acquired flexibility to carry out 20 strikes across Abyan, Shabwa and al-Bayda over the course of that night.⁽²²⁾ The US followed up with several more strikes the next day. Several weeks later, on April 29, the US killed an individual named Muhammad al-‘Idhal in a drone strike.⁽²³⁾ That strike set the table for another US ground raid in Yemen.

Muhammad al-‘Idhal, who lived in Marib governorate, was a member of the Murad tribe. Following his death in April at least seven men from outside his clan took possession of his house. On May 23, the US launched a ground raid targeting that house in Marib.⁽²⁴⁾ Like the Yakla raid in January, the US Special Forces landed some distance from the village and hiked the last few kilometers. And like in Yakla, US troops quickly came under fire from al-‘Idhal clan members, who could not have known that only one house was being targeted. A journalist who later visited the village found an abandoned American medical backpack with a laminated sheet of the names of 20 US Special Forces operatives, two dogs, and their blood types.⁽²⁵⁾

Five tribesmen were killed in the fighting, ranging in age from 15 to 80, and another five were wounded.⁽²⁶⁾ Both AQAP and local Yemenis highlighted this fact in subsequent statements and accounts of the raid.⁽²⁷⁾ The US troops also killed the seven individuals that they had targeted, who were staying in the house of the late Muhammad Said al-‘Idhal.⁽²⁸⁾

The US did not release the names of those seven individuals, and neither local Yemeni reporting nor the AQAP statement acknowledged their deaths.⁽²⁹⁾ AQAP members who survived the raid prevented villagers from entering Muhammad Said al-‘Idhal’s house after the raid, and over the next few days the seven bodies were removed from the village for burial in an unknown location.

The raid on the AQAP safehouse in Marib, like the Yakla raid, illustrates the complexities of fighting AQAP in Yemen. In Marib, the US military achieved its target, killing seven AQAP members, but it also killed five tribesmen, who were defending their village, not

Rules,” *New York Times*, March 12, 2017.

22) “Statement by Pentagon Spokesman Capt. Jeff Davis on U.S. strikes against AQAP in Yemen,” *Department of Defense*, March 2, 2017.

23) “Four Members of al-Qaeda killed in an air strike on a Dirt Road between Marib and al-Baydha,” *al-Masadr Online Arabic*, April 30, 2017.

24) “US Forces Conduct Counterterrorism Raid,” *CentCom News Release*, May 23, 2017.

25) Safa Al Ahmed, “Targeting Yemen,” *PBS Frontline*, January 22, 2019.

26) The names of the dead are: Nasser Ali Mahdi al-‘Idhal, Saleh Lutfaf al-‘Idhal, Yasser Lutfaf al-‘Idhal, Abdullah Said al-Idhal, and Abd al-Qadir Saleh al-‘Idhal.

27) See AQAP’s statement of 26 May 2017. For local Yemeni reporting see, for example, “Source: Five People Killed and Six Others Wounded in an American Raid on the area of al-Khithla in Marib,” *al-Masdar Online Arabic*, May 23, 2017.

28) “US Forces Conduct Counterterrorism Raid,” *CentCom News Release*, May 23, 2017.

29) Similarly, the United States statement failed to acknowledge the five tribesmen killed in the raid.

protecting AQAP. Such actions can cut both ways. On one hand, drone strikes and armed raids can induce some clans and tribes to deny aid and refuge to AQAP. On the other hand, the deaths of relatives and tribesmen can act as a powerful recruiting tool for AQAP.

If the tribes in Yemen were to turn against AQAP the organization would not be able to survive in the country.⁽³⁰⁾ AQAP is aware of this and has developed a two-track approach to dealing with tribes. First, AQAP frequently stresses in statements and its propaganda that it wants positive relations with various tribes. These overtures are largely ignored by the tribes, who see AQAP as a minor issue not a major problem. Second, AQAP is actively working to recruit young tribesmen, not simply because it wants more fighters, but rather because these particular tribal fighters represent the entry into tribal society that AQAP desires.⁽³¹⁾

In October 2017, the US directly targeted Daesh in Yemen for the first time, bombing a training camp in al-Bayda.⁽³²⁾ In all, throughout that year the US conducted “multiple ground operations” as well as more than 120 strikes in Yemen, targeting both AQAP and Daesh.⁽³³⁾ Groups such as The Bureau of Investigative Journalism and the Long War Journal put the number of US strikes slightly higher at 127 and 131 respectively.⁽³⁴⁾ This was more than quadruple the number of US air and drone strikes carried out in 2016, the Obama administration’s final year in office.

The US also sanctioned various individuals for alleged links to AQAP and Daesh in 2017, including 11 men that were sanctioned in coordination with the Terrorist Financing Targeting Center (TFTC).⁽³⁵⁾ Along with Saudi Arabia, the US is the co-chair of the TFTC, which was established during President Trump’s first trip abroad to Saudi Arabia in May 2017. Other member states include the UAE, Bahrain, Kuwait, Oman and Qatar. Most notably, in October 2017, the TFTC sanctioned Nayif al-Qaysi, the former governor of al-Bayda for President Abdo Rabbu Mansour Hadi’s government, and Adil al-Dhubhani, who is better known as Abu al-Abbas. The Washington Post reported that despite being sanctioned by the US and the UAE, Abu al-Abbas has continued to receive weapons and aid from the UAE.⁽³⁶⁾ The US also sanctioned Khaled al-Iradah, who is the brother of the current governor of Marib in Hadi’s government, Sultan al-Iradah.⁽³⁷⁾

30) Ghaith Abdul-Ahad, “al-Qaeda in Yemen,” *PBS Frontline*, May 29, 2012.

31) Part of this analysis is derived from the *Panel of Experts on Yemen Final Report for 2017*, S/2018/594, Annex 31, pgs. 96-97.

32) Barbara Starr and Zachary Cohen, “First US airstrike targeting ISIS in Yemen kills dozens,” *CNN*, October 16, 2017.

33) “Update on recent Counterterrorism Strikes in Yemen,” *CentCom Press Release*, December 20, 2017.

34) “Yemen: Reported US Covert Actions 2017,” *The Bureau of Investigative Journalism*; and “US Airstrikes in the Long War,” *The Long War Journal*.

35) Treasury and Terrorist Financing Target Center Partners Issue First Joint Sanctions Against Key Terrorist and Supporters,” *U.S. Department of the Treasury*, October 25, 2017.

36) Sudarsan Raghavan, “The US put a Yemeni Warlord on a terrorist list. One of its closest allies is still arming him.” *Washington Post*, December 29, 2018.

37) “Treasury Targets al-Qaeda in the Arabian Peninsula,” *U.S. Department of the Treasury*, May 19, 2017.

2018: A Return to Obama-Era Norms

In 2018, US air and drone strikes dropped off significantly in Yemen, falling back to pre-2017 levels. The US carried out 36 strikes in Yemen in 2018, with the majority of those coming in the first half of the year.⁽³⁸⁾ There were 10 strikes in January, six in February and seven in March. There were no strikes in October, November, or December.⁽³⁹⁾ There are at least three possible, and not necessarily mutually exclusive, explanations for the reduction in strikes.

The first is that President Trump may have rescinded the order declaring parts of Abyan, Shabwa and al-Bayda “areas of active conflict.” President Obama did something similar at the end of his second term, removing the area around Surt, Libya from the list of warzones where looser rules apply.⁽⁴⁰⁾ The second possibility is that, after the dramatic surge in strikes in 2017, the US simply had fewer targets to go after in Yemen. In both 2016 and 2017, AQAP claimed more than 200 attacks each year in Yemen; by 2018 that number had dropped by more than half.⁽⁴¹⁾

A third possibility is that the number of strikes did not drop off as much as the numbers suggest. Rather, the US may either have started using the CIA again to carry out strikes in Yemen, or outsourced some strikes on AQAP and Daesh targets to allies like the UAE. For instance, as David Sterman of the New America Foundation points out in his assessment of CENTCOM’s 2018 overview of strikes in Yemen: the US has used the CIA to carry out drone strikes in Yemen previously, and the Trump administration has sought to utilize the CIA to carry out drone strikes in Syria.⁽⁴²⁾ A Yahoo News report found that the US has been training UAE pilots for combat operations in Yemen.⁽⁴³⁾ The article suggests that the US is training UAE pilots to take part in the Saudi-led coalition war against the Houthis, the conflict in which the US has repeatedly stated it is not operationally involved. The US is, however, involved in the war against AQAP and Daesh, as is the UAE, and it would be in keeping with the “by, with, and through” mission of the US military to train UAE pilots to carry out bombing raids against AQAP targets in Yemen.

Although the US Central Command (CENTCOM) claims it carried out no strikes in Yemen during the months of October, November, and December, there were at least

38) “CENTCOM Counterterrorism Strikes in Yemen 2018 Rollup,” *CENTCOM Press Release*, January 7, 2019. Note: The US did, however, carry out a drone strike on January 1, 2019 targeting and killing Jamal al-Badawi, who was involved in the USS Cole attack in 2000. See: <https://twitter.com/CENTCOM/status/1081966033966190593>

39) “CENTCOM Counterterrorism Strikes in Yemen 2018 Rollup,” *CENTCOM Press Release*, January 7, 2019. Note: CENTCOM says these strikes took place in “Abyan, al-Baydha, Hadramwt, Shabwa, and Zamakh governorates.” Zamakh is a region in Hadramawt.

40) Charlie Savage, “US Removes Libya from List of Zones With Looser Rules for Drone Strikes,” *New York Times*, January 20, 2017.

41) UN Panel of Experts on Yemen, “2017 Final Report to the UN Security Council, S/2018/594, pg. 21 n. 70. See also the work of Elisabeth Kendall, who tracks these numbers.

42) David Sterman, “CENTCOM Improves Transparency of Yemen War Civilian Casualties, But Gaps Remain,” *Just Security*, January 28, 2019; Ken Dilanian and Courtney Kube, “Trump Administration Wants to Increase CIA Drone Strikes,” *NBC News*, September 18, 2017.

43) Nick Turse, “Despite denials, documents reveal U.S. training UAE forces for combat in Yemen,” *Yahoo*, January 16, 2019.

five strikes targeting suspected AQAP members during this period.⁽⁴⁴⁾ Were these covert CIA strikes that the US does not publicly acknowledge, partnered strikes by the UAE, or something else entirely?

Two other developments stand out when it comes to counterterrorism in Yemen. First, although AQAP is gaining recruits (the UN estimated it has 6,000 – 7,000 members)⁽⁴⁵⁾ most of these are local fighters, who are joining up to participate in the group’s domestic insurgency and fight the Houthis, Hadi’s government, the UAE, Saudi Arabia, and nearly everyone else. But, importantly, they are not focused on international attacks against the west. AQAP has two wings: an international terrorist wing and a domestic insurgency wing.⁽⁴⁶⁾ The former – due to drone strikes and the lure of Daesh in recent years – has been greatly diminished, while the latter is growing. So, while AQAP is bigger menace in Yemen, it is not necessarily more of a threat to the west.

There is, however, an important caveat. As long as AQAP maintains a vibrant domestic base it will be in position to quickly resurrect its international terrorist wing and once again pose a serious security threat to the west.

The other notable development on the counterterrorism front is that, unlike in years past, AQAP and Daesh in Yemen are now actively fighting one another. What started as a small incident at a checkpoint – AQAP and Daesh have their camps next to one another in al-Bayda – has now spiraled into a running war.⁽⁴⁷⁾ As Elisabeth Kendall, senior research fellow in Arabic and Islamic studies at Pembroke College, has pointed out, the majority of Daesh attacks in December 2018 were focused on AQAP and not the Houthis, Hadi’s government, or any outside forces.⁽⁴⁸⁾

US Support for the Saudi-Led Coalition

On March 25, 2015, Saudi Arabia’s then ambassador to the US, Adel al-Jubeir, called a press conference in Washington, DC, to announce that the Kingdom had initiated “military operations in Yemen.”⁽⁴⁹⁾ It was an odd, but telling choice. Instead of announcing the beginning of the war in Yemen from Riyadh, Saudi Arabia chose to do so from a foreign capital thousands of miles from the fighting. The US was not joining the Saudi-led coalition, but it was, the Obama administration announced that same evening, setting up a “Joint Planning Cell” to support Saudi Arabia.⁽⁵⁰⁾

44) David Sterman, “CENTCOM Improves Transparency of Yemen War Civilian Casualties, But Gaps Remain,” *Just Security*, January 28, 2019.

45) “Annual Report of the ISIL and al-Qaeda Committee to the UN Security Council,” S/2018/705, July 16, 2018, pg. 9.

46) Gregory D. Johnsen, “The Two Faces of al-Qaeda in the Arabian Peninsula,” *War on the Rocks*, October 11, 2018.

47) Gregory D. Johnsen, “Al-Qaeda and ISIS are on their Heels in Yemen, But Will Return Unless We Help Build a Lasting Piece,” *Just Security*, August 7, 2018.

48) Elisabeth Kendall, *Twitter*, January 21, 2019.

49) Adel al-Jubeir, Press Conference, March 25, 2015. Video available at al-Arabiyya.

50) Statement by NSC Spokesperson Bernadette Meehan on the Situation in Yemen, March 25, 2015.

It was a half step that pleased no one. This was the US' original sin when it came to the war in Yemen. It got the worst of all worlds: its name was associated with the war but it had no control over how that war would be conducted. The US never imposed any time limits to its support, according to an assistant secretary of state in the Obama administration Dafna Rand.⁽⁵¹⁾ The Saudi-led coalition "had said that the offensive to retake Sana'a would take six weeks," Rand has said. But the US never held the coalition to that timetable and, nearly four years on, the Houthis are still in Sana'a and the war is still ongoing.

In December 2016, the Obama administration's last full month in office, it issued a rare public rebuke of Saudi Arabia, halting a planned arms sale of precision-guided weapons.⁽⁵²⁾ But it was largely an empty gesture. The Obama administration knew it and, more importantly, Saudi Arabia knew it. In March 2017, the Trump administration reversed the decision and the weapons sale went through.⁽⁵³⁾

The Trump Administration and the Saudi-Led War

President Trump took his first official foreign trip to Saudi Arabia in March 2017, where he inaugurated the Terrorist Financing Targeting Center in Riyadh. Later that year, following a handful of Houthi ballistic missile attacks on Riyadh, a small team of Green Berets arrived in the Kingdom to search for and destroy missile caches and launch sites in Houthi-controlled territory.⁽⁵⁴⁾ But other than that it was business as usual.

When it came to the war in Yemen, the Trump administration largely continued the policies put in place by the Obama administration. The US continued to refuel Saudi-led coalition aircraft, which the US neglected to track, so it didn't know which flights it had refueled and which flights it had not.⁽⁵⁵⁾ Part of this was likely an effort to avoid liability for civilian casualties. If the US refueled war planes that otherwise would not have been able to carry out their missions in Yemen and if that mission resulted in civilian casualties, the US could be found liable.

Under the Trump administration, the US also continues to provide what it calls "logistical and intelligence support" to the coalition. On the logistical side this means that, as the New York Times reported in December, "American mechanics service the (Saudi jets taking part in combat) and carry out repairs on the grounds. American technicians upgrade

51) Dafna Rand, Comments at "US Policy and the War in Yemen," a Brookings Institution Event, October 25, 2018.

52) Phil Stewart and Warren Strobel, "U.S. to halt some arms sales to Saudi, citing civilian deaths in Yemen campaign," *Reuters*, December 13, 2016.

53) Missy Ryan and Anne Gearan, "Trump Administration looks to resume Saudi arm sales criticized as endangering civilians in Yemen," *Washington Post*, March 8, 2017.

54) Helene Cooper, Thomas Gibbons-Neff, and Eric Schmitt, "Army Special Forces Secretly Help Saudis Combat Threat from Yemen Rebels," *New York Times*, May 3, 2018.

55) Samuel Oakford, "The US Military can't keep track of which missions its Fueling in the Yemen War," *The Intercept*, September 18, 2017.

the targeting software and other classified technology, which Saudis are not allowed to touch.”⁽⁵⁶⁾ On the intelligence side the US supplies information for “no-strike lists,” offers up “military advice,” and ensures that all the information is accurately communicated to the pilots in the air.⁽⁵⁷⁾ But the US claims it does not make “actual target selection for attack by the Arab coalition,” as Secretary of Defense Mattis emphasized in November 2018.⁽⁵⁸⁾

US officials under both the Obama and Trump administrations have frequently stressed that the Saudi-led coalition performs better and is responsible for fewer civilian casualties because of US support. This, of course, is impossible to prove, as the Saudi-led coalition has never operated without US support. While he was secretary of defense, Mattis pointed to things like mid-air refueling which he said eased the pressure on Saudi pilots so they were not forced into making “rash or hasty decisions.”⁽⁵⁹⁾

But despite the repeated assurances and years of advice and aid, the Saudi-led coalition’s targeting capabilities did not improve. In August 2018, a Saudi-led coalition strike hit a school bus in Yemen, killing more than 40 children.⁽⁶⁰⁾ However, despite that strike and others like it, one month later in September 2018, Secretary of State Pompeo certified that the Saudi-led coalition was taking sufficient steps to protect civilians in Yemen.⁽⁶¹⁾ Subsequent reporting by the Wall Street Journal detailed that Pompeo had overruled his own military and regional specialists inside the State Department and instead sided with legislative affairs, which had argued that a failure to certify the Saudi-led coalition could impact future weapons sales.⁽⁶²⁾

The Khashoggi Effect

On October 2, 2018, Saudi agents tortured and killed Jamal Khashoggi, a US resident and Washington Post columnist, in the Saudi consulate in Istanbul. That murder galvanized public opinion against Saudi Arabia in a way that civilian deaths in Yemen – whether from air strikes, lack of medicine, or starvation – never had. In March 2018 Senator Bernie Sanders of Vermont brought a bill (SJ 54), which would have required the US to withdraw all troops from combat operations in support of the Saudi-led coalition, to the

56) Declan Walsh and Eric Schmitt, “Arm Sales to Saudis Leave American Fingerprints on Yemen’s Carnage,” *The New York Times*, December 25, 2018.

57) Eric Schmitt, “US Commander Urges More Transparency in Yemen Strike on Bus,” *The New York Times*, August 27, 2018; “Media Availability with Secretary Mattis at the Pentagon,” *Department of Defense Transcript*, March 27, 2018; Declan Walsh and Eric Schmitt, “Arm Sales to Saudis Leave American Fingerprints on Yemen’s Carnage,” *The New York Times*, December 25, 2018.

58) James Mattis, “Secretary Mattis’ Full Senate Briefing on Yemen,” November 28, 2018.

59) “Media Availability with Secretary Mattis at the Pentagon,” *Department of Defense Transcript*, March 27, 2018

60) Eric Schmitt, “US Commander Urges More Transparency in Yemen Strike on Bus,” *The New York Times*, August 27, 2018

61) H.R.5515 – John S. McCain National Defense Authorization Act for Fiscal Year 2019, and Pompeo Certification Memo, September 10, 2018.

62) Dion Nussbaum, “Top U.S. Diplomat Backs Continuing Support for Saudi War in Yemen Over Objections of Staff,” *The Wall Street Journal*, September 20, 2018.

floor for a vote.⁽⁶³⁾ That vote failed. But in November, following the Khashoggi murder, that same bill passed the Senate.

The bill was politically significant but legally meaningless.⁽⁶⁴⁾ Politically, this was the first time Congress had pushed back on US support for the Saudi-led coalition in Yemen. Legally, however, the bill carried no weight. It called for the US to remove all troops involved in combat operations in Yemen with the exception of those fighting AQAP and Daesh, which had been authorized under the 2001 Authorization for Use of Military Force. But the position of both the Obama and the Trump administrations was that the US was not militarily involved in the conflict in Yemen.⁽⁶⁵⁾ As then Secretary of Defense James Mattis told Congress on the eve of the vote: “the US is not operationally involved in hostilities in Yemen’s civil war or in situations where the threat of hostilities is imminent.”⁽⁶⁶⁾ In other words, the US supported its Saudi and UAE allies, but US troops did not fight.

Although that is true in the narrow sense – US soldiers do not take up arms or fly missions against the Houthis – it is just as true that the Saudi-led coalition could not carry out its war in Yemen without US support. The US simply provides too much logistical support to Saudi Arabia. As Bruce Riedel, a former CIA officer, put it: if the US wanted to ground the Saudi Air Force tomorrow, it could.⁽⁶⁷⁾ But neither the Trump administration nor Congress has come close to threatening to use that leverage against Saudi Arabia.

Instead, on November 9, 2018, then Secretary of Defense James Mattis said the US would no longer provide mid-air refueling to Saudi-led coalition warplanes.⁽⁶⁸⁾ Both Mattis and Secretary of State Mike Pompeo had also called for a ceasefire in Yemen by the end of that month.⁽⁶⁹⁾ That did not happen, but the political pressure from the US, as well as Mattis’ behind-the-scenes efforts, helped pave the way for the December Stockholm Agreement.⁽⁷⁰⁾

The Stockholm Agreement, which was negotiated by the UN Special Envoy, Martin Griffiths, and signed by representatives from the internationally recognized Yemeni Government and the armed Houthi movement, is actually three separate agreements: an agreement on a mechanism for the exchange of prisoners, an agreement on the city of Taiz, and an agreement on the city of Hudaydah.⁽⁷¹⁾ The overarching statement did little other than express the thanks of the different parties and list some vague future goals.

63) S.J. Res. 54 – A joint resolution to direct the removal of United States Armed Force from hostilities in the Republic of Yemen that have not been authorized by Congress, 115th Congress.

64) Scott R. Anderson, “Taking Stock of the Yemen Resolution,” *Lawfare*, November 30, 2018.

65) William Castle, acting General Counsel Department of Defense, letter to Senate Majority Leader Mitch McConnell, February 27, 2018.

66) James Mattis, “Full Senate Briefing on Yemen,” November 28, 2018.

67) Bruce Riedel, Comments at “US Policy and the War in Yemen,” a Brookings Institution Event, October 25, 2018.

68) Phil Stewart, “U.S. halting refueling of Saudi-led coalition aircraft in Yemen’s War,” *Reuters*, November 9, 2018.

69) Jeremy Sharp, “Congress and the War in Yemen: Oversight and Legislation 2015 – 2019,” *Congressional Research Service*, updated February 2019, pg. 12.

70) Dion Nussbaum, “Mattis, U.S. Commander Sought to Tempt Saudi-Led War in Yemen,” *The Wall Street Journal*, December 31, 2018.

71) All three agreements can be read here: <https://osesgy.unmissions.org/full-text-stockholm-agreement>

The Taiz agreement was similarly vague, largely because there are more actors involved in the fight in Taiz than just the Yemeni government and the Houthis. The Hudaydah agreement was the most detailed of the three, and the one that gained the most attention. But it also had some key ambiguities, such as the identity of the “local security forces,” which has made implementation a challenge.

At the UN, the Security Council, looking to codify the perceived gains of the Stockholm agreement, decided to draft a new resolution. As the pen-holder on Yemen, the UK took the lead but very quickly ran into difficulties with the US. The US, taking the position of Saudi Arabia and the UAE, objected to language on both humanitarian aid and accountability for possible war crimes.⁽⁷²⁾ The US even went as far as threatening to veto the UK resolution unless the language was stripped from the text. It eventually was and the resolution – 2451 – passed.

Overlapping Wars and Allegations of Abuse

According to the Department of Defense, US troops have been on the ground in Yemen since May 2016.⁽⁷³⁾ Indeed, in much the same way that the US supports Saudi Arabia and the UAE in the war against the Houthis, so too do Saudi Arabia and the UAE support the US in its war against AQAP and Daesh. The UAE has gone on partnered raids with the US, both countries share intelligence with the US, and UAE-backed forces routinely come into conflict with AQAP fighters. (There is also some circumstantial evidence to suggest that the UAE undertakes unilateral airstrikes against AQAP and Daesh targets.⁽⁷⁴⁾)

In late November 2018, Secretary of State Pompeo tied the two wars together, implicitly suggesting to Congress that a drawdown in US support to the Saudi-led coalition might result in a similar drawdown of Saudi and UAE support for the war against AQAP and Daesh.⁽⁷⁵⁾ “Try defending that outcome back home” he told senators.⁽⁷⁶⁾

But Yemen’s overlapping wars and the fluidity with which the US, Saudi Arabia and the UAE move between them has also raised allegations of abuse and US complicity. In June 2017, the Associated Press reported that the UAE was torturing prisoners at a network of secret prisons it ran in Yemen.⁽⁷⁷⁾ The UN Panel of Experts on Yemen (of which this author was a member) later confirmed and built upon the Associated Press’ reporting, as did Human Rights Watch and Amnesty International.⁽⁷⁸⁾ (During his confirmation

72) Julian Borger, “UN agrees Yemen Ceasefire resolution after Fought Talks and US Veto Threat,” *The Guardian*, December 21, 2018.

73) “DOD response to section 1274 of the NDAA,” *The Intercept*, December 2018.

74) Nick Turse, “Despite denials, documents reveal U.S. training UAE forces for combat in Yemen,” *Yahoo*, January 16, 2019.

75) “Secretary of State Mike Pompeo Remarks to Congress November 28, 2018.”

76) Deirdre Shesgreen, “Lawmakers Livid after CIA director a no-show for closed-door briefing on Khashoggi Murder” *USA Today*, November 28, 2018.

77) Maggie Michael, “In Yemen’s Secret Prisons, UAE tortures and US interrogates,” *Associated Press*, June 22, 2017.

78) UN Panel of Experts, “Final Report to the UN Security Council,” S/2018/594; “Yemen: UAE backs Abusive Local Forces,” Human Rights Watch, June 22, 2017; “Disappearance and Torture in Southern Yemen Must be Investigated as War Crimes,” Amnesty International, July 12, 2018.

hearing in December 2018, Christopher Henzel, President Trump’s nominee to be the US ambassador in Yemen, said he had read none of the reports on allegations of torture.)⁽⁷⁹⁾ At the time US officials said that, while they were aware of the allegations of torture, they were confident that no torture had taken place while US personnel were present in the prisons. “We would not turn a blind eye, because we are obligated to report any violations of human rights,” DoD spokeswoman Dana White told the Associated Press.⁽⁸⁰⁾

But, a year-and-a-half later in December 2018, the US’ position had changed subtly but significantly. Instead of holding that no abuse has taken place while US forces were present, the Pentagon said only that “DoD has determined that DoD personnel have neither observed nor been complicit in any cruel, inhuman, or degrading treatment of detainees in Yemen.”⁽⁸¹⁾ Cynically, the semantic shift could be read to imply that US forces did not see any torture, but leaving open the possibility that they had been out of eyesight in an adjacent room.

Similarly, the DoD report in December 2018 amended slightly its position that the US is “obligated to report any violation of human rights” by noting that the “foreign partners conducting detention operations in Yemen do not receive US assistance that would be subject to Leahy law,” which prohibits the US from providing aid to security forces that violate human rights.⁽⁸²⁾ The entire two-page document is “a deliberately misleading and deceptively evasive account of US and Emirati actions in Yemen that amounts to the ultimate non-denial denial,” a former counterterrorism director at the National Security Council said.⁽⁸³⁾

The DoD report also noted that while “US forces do not conduct detention operations in Yemen,” they do “conduct intelligence interrogations of detainees held in partner custody.”⁽⁸⁴⁾ But subsequent reporting by *The Daily Beast* suggests that not only is the US aware of the torture taking place in UAE prisons in Yemen, but that Americans may be in the room while suspects are tortured.⁽⁸⁵⁾

In addition to torture, credible evidence has also emerged that the UAE has hired US mercenaries as part of “murder squads” to assassinate political opponents in Yemen.⁽⁸⁶⁾

79) Senate Foreign Affairs Committee, Nomination Hearings, *C-Span*, December 4, 2018.

80) Maggie Michael, “In Yemen’s Secret Prisons, UAE tortures and US interrogates,” *Associated Press*, June 22, 2017.

81) “DOD response to section 1274 of the NDAA,” *The Intercept*, December 2018.

82) “DOD response to section 1274 of the NDAA,” *The Intercept*, December 2018.

83) Luke Hartig, “Annotation of the Pentagon Report to Congress on Detainee Abuse by U.S. Partners in Yemen,” *Just Security*, January 8, 2019.

84) “DOD response to section 1274 of the NDAA,” *The Intercept*, December 2018.

85) Spencer Ackerman, “Detainees Describe an American Presence in their Torture Chambers,” *The Daily Beast*, January 31, 2019.

86) Aram Roston, “A Middle East Monarchy Hired American Ex-Soldiers to Kill Its Political Enemies. This Could be the Future of War,” *BuzzFeed*, October 16, 2018.

Humanitarian Aid

The US has contributed more than \$1.46 billion in aid to Yemen since 2015, including \$321 million in 2018. According to the Congressional Research Service, this makes the US the largest single donor of humanitarian aid to Yemen over the past four years.⁽⁸⁷⁾ (These numbers, however, do not take into account Saudi interjections into Yemen's economy such as the \$2 billion it deposited in Yemen's Central Bank in Aden in January 2018.)⁽⁸⁸⁾

Perhaps the US' signature humanitarian aid project in Yemen under the Trump administration was four cranes that it delivered to Hudaydah in January 2018 to replace the four destroyed by the Saudi-led coalition in 2015.⁽⁸⁹⁾ The US had worked for years to convince the Saudi-led coalition to allow the cranes to be delivered, and their arrival in Hudaydah was treated as a major diplomatic victory. However, because the cranes were mobile they were unable to handle enough tonnage to fully replace the ones that been destroyed years earlier.

Conclusion

The Trump administration has pursued two separate policies in Yemen: countering AQAP and Daesh and rolling back Iranian influence. These two policy goals have involved the US in two separate wars in Yemen. Although both of these wars began under previous administrations, the Trump administration has greatly expanded the number of US counterterrorism strikes in Yemen while steadfastly maintaining its support for the Saudi-led coalition despite significant civilian casualties.

Pursuing these two policies has also had the awkward effect of putting the US in a position where it is fighting all sides in Yemen. The US is combating AQAP and Daesh, who in addition to fighting each other are also targeting the Houthis, who are themselves the target of the US' two key allies, Saudi Arabia and the UAE. Yemen is in the midst of a messy and multi-layered conflict, which will not be easy to untangle or solve. The US has a counterterrorism policy and a counter-Iran policy, but it does not have a Yemen policy.

87) Jeremy Sharp, "Yemen: Civil War and Regional Intervention," *Congressional Research Service*, updated August 24, 2018.

88) "Saudi Arabia deposits \$2 billion in Yemen Central Bank to Back Currency," *Reuters*, January 17, 2018.

89) "Statement from USAID Administrator Mark Green on the arrival of the Mobile Cranes to Yemen," US Embassy, Yemen, January 16, 2018. "Cranes arrive in Hudaydah to Boost Yemen Food aid Flow: UN," *Reuters*, January 15, 2018.

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