

Edwards, Ronako

From: Rajpal, Sabeena
Sent: Monday, August 07, 2017 9:52 AM
To: Heifferon, Christina M
Subject: FW:

For Yemen FOIA

Official
UNCLASSIFIED

RELEASE IN PART
1.4(B),B1,B5,1.4(D),1.4(A),1.4(C)

1.4(A)
1.4(B)
1.4(C)
1.4(D)
B1
B5

From: Finucane, Brian C
Sent: Thursday, January 26, 2017 5:28 PM
To: Dorosin, Joshua L; Visek, Richard C
Cc: Rajpal, Sabeena; Freeman, Jeremy B
Subject:

Rich and Josh,

1.4(A)
1.4(B)
1.4(C)
1.4(D)
B1
B5

Best,
Brian

Brian Finucane
Attorney Adviser
Office of the Legal Adviser, Political-Military Affairs
U.S. Department of State
(202) 647-7177

Sensitivity: Sensitive
Classification: ~~SECRET//NOFORN~~
Classified By: Brian Finucane, attorney adviser
Derived From: DSCG 11-01
Declassify On: 2042/01/26

RELEASE
IN PART
B6

From: Swanson, Nate L <SwansonNL@state.gov>
Sent: Sunday, January 29, 2017 11:41 AM
To: Shannon, Thomas A <ShannonTA@state.gov>
Cc: Davis, Timmy T <davistt@state.gov>; Hamilton, Maxwell J <HamiltonMJ@state.gov>
Subject: US serviceman killed in Yemen
Attach: image001.jpg

Sir - I am sorry to report a US serviceman was killed in the Shabwah raid against AQAP in Yemen. The Centcom statement is below.

.....

 https://pbs.twimg.com/media/C3Vz6n_WMAQdzwb.jpg

-----Original Message-----

From: Satrom, Rob [<mailto:SatromJR@state.gov>]

Sent: Sunday, January 29, 2017 9:45 AM

To: Segraves, Bryan P. EOP/NSC

Subject: Centcom statement

B6

Hey Bryan - Do you have the centcom statement that was released this morning?

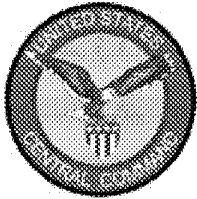
Thanks,

Rob

Sent from my BlackBerry 10 smartphone.



RELEASE IN FULL



News Release

HEADQUARTERS UNITED STATES CENTRAL COMMAND
7115 South Boundary Boulevard
MacDill AFB, Fla. 33621-5101
Phone: (813) 529-0220

Jan. 29, 2017
RELEASE 20170129-01
FOR IMMEDIATE RELEASE

Servicemember killed in raid on al-Qa'ida headquarters in Yemen

TAMPA, Fla. – One U.S. servicemember died of wounds suffered in a raid against al-Qa'ida in the Arabian Peninsula in Yemen, Jan. 28.

“We are deeply saddened by the loss of one of our elite servicemembers,” said Commander of U.S. Central Command Gen. Joseph Votel. “The sacrifices are very profound in our fight against terrorists who threaten innocent peoples across the globe.”

Three U.S. servicemembers were wounded in the raid.

A U.S. military aircraft assisting in the operation experienced a hard landing at a nearby location, resulting in an additional U.S. injury. That aircraft was unable to fly after the landing. The aircraft was then intentionally destroyed in place.

The operation resulted in an estimated 14 AQAP members being killed and the capture of information that will likely provide insight into the planning of future terror plots.

This is one in a series of aggressive moves against terrorist planners in Yemen and worldwide. Similar operations have produced intelligence on al-Qa'ida logistics, recruiting and financing efforts.

The name of the servicemember killed in action is being withheld pending next of kin notification.

-30-

Follow CENTCOM on [Facebook](#), [Twitter](#), and [YouTube](#).

From: Andrews, Timothy D <AndrewsTD@state.gov>
Sent: Wednesday, February 1, 2017 12:13 PM
To: Whiddon, David J <WhiddonDJ@state.gov>
Subject: RE: Tp for Yemen?

RELEASE IN PART
B5



B5

Official - SBU
UNCLASSIFIED

.....
From: Whiddon, David J
Sent: Wednesday, February 01, 2017 12:08 PM
To: Andrews, Timothy D
Subject: RE: Tp for Yemen?

Given the last minute reschedule all I asked her for was press guidance. Martin and Paul have confirmed for 1600. I will send out a calendar invite.

Official - SBU
UNCLASSIFIED

.....
From: Andrews, Timothy D
Sent: Wednesday, February 01, 2017 12:04 PM
To: Whiddon, David J
Subject: RE: Tp for Yemen?



B5

Official - SBU
UNCLASSIFIED

.....
From: Whiddon, David J
Sent: Wednesday, February 01, 2017 12:02 PM
To: Sullivan, Emily G
Cc: Andrews, Timothy D
Subject: RE: Tp for Yemen?

Emily,

Thanks for sending. Fortunately, neither this nor the visa issue came up at our meeting. I hope you will be able to join the 1600 meeting today. If not, perhaps Martin can back-brief you.

David

Official
UNCLASSIFIED

.....
From: Sullivan, Emily G

Sent: Wednesday, February 01, 2017 10:33 AM
To: Whiddon, David J
Subject: FW: Tp for Yemen?

Press guidance on the raid, as requested.



B5

This email is UNCLASSIFIED.

From: Swanson, Nate L <SwansonNL@state.gov>
Sent: Wednesday, February 1, 2017 7:10 PM
To: Romano, Alicia <RomanoA3@state.gov>
Subject: Re: Clearance: 1700 TODAY: [redacted]
Attach: image001.png; image002.png; image003.png; image004.png; image005.png; image006.png; image007.png

RELEASE IN PART
B5,B6

B5

[redacted]

B5

Sent from my iPhone

On Feb 1, 2017, at 6:46 PM, Romano, Alicia <RomanoA3@state.gov> wrote:

[redacted]

B5

Official
UNCLASSIFIED

From: McKeeby, David I
Sent: Wednesday, February 01, 2017 12:47 PM
To: Smith, Michael L; Milton Vogel, Brooke E; Hibbert, Kirk R; Romano, Alicia; PA Press; CT_PublicAffairs
Cc: NEA-Press; PM-CPA
Subject: Clearance: 1700 TODAY: [redacted]
Importance: High

B5

Colleagues:

Would appreciate your clearance con the attached [redacted]
NEA has cleared.

B5

Would appreciate clearances/comments by **1700 TODAY**, please.

Thanks,
Dave

David L. McKeeby
Office of Congressional & Public Affairs
Bureau of Political-Military Affairs (PM/CPA)
U.S. Department of State

Phone: 202.647.8757 | BlackBerry: [redacted]
e-mail: mckeebydi@state.gov | Web: www.state.gov/t/pm/ | Twitter: [@StateDeptPM](https://twitter.com/StateDeptPM)

B6

Stay connected with State.gov:

<image001.png><image002.png><image003.png><image004.png><image005.png><image006.png><image007.png>

Official
UNCLASSIFIED

From: SESVOAEditorials
Sent: Wednesday, February 01, 2017 10:41 AM
To: PM-CPA; Romano, Alicia; PA Press; CT_PublicAffairs; NEA-Press
Cc: Policy Office (policy@bba.gov); R Staff Assistants
Subject: FW: [redacted]

B5

PM, Please clear/coordinate State's response to the attached [redacted] with P, PA Press, CT, NEA and others as appropriate.

B5

PM, Please send final, cleared editorial via email DIRECTLY back to IBB, Office of Policy, policy@bbg.gov and cc R_StaffAssistants.

PLEASE NOTE- Only the designated LEAD office will send the FINAL CLEARED version to policy@bbg.gov.

Thanks,

Official
UNCLASSIFIED

[redacted].rtf>

B5

From: Toner, Mark C <tonermc@state.gov>
Sent: Wednesday, February 8, 2017 6:36 AM
To: Trudeau, Elizabeth K <trudeauek@state.gov>
Cc: James, Christiaan K <JamesCK@state.gov>; Hazelton, Jennifer L <HazeltonJL@state.gov>
Subject: Re: Yemen and U.S. Special Ops

RELEASE IN PART
B5, B6

[Redacted]

B5

Adding Jennifer for her situational awareness.

Sent from my iPad

On Feb 8, 2017, at 5:33 AM, Trudeau, Elizabeth K <trudeauek@state.gov> wrote:

Back soonest, June

.....
From: Yeganeh.Torbati@thomsonreuters.com
Sent: Tuesday, February 7, 2017 10:36 PM
To: NEA-Press
Cc: Toner, Mark C; Trudeau, Elizabeth K
Subject: Yemen and U.S. Special Ops
.....

Hello,

Does the State Department have comment on Yemen suspending U.S. commando raids following the civilian casualties in last month's special operations raid?

Best,
Yeganeh

[Redacted]

B6

From: Toner, Mark C </O=SBUSTATE/OU=USNATO
AG/CN=RECIPIENTS/CN=TONERM>
Sent: Wednesday, February 8, 2017 6:18 PM
To: Hazelton, Jennifer L <HazeltonJL@state.gov>; Trudeau, Elizabeth K
<trudeauek@state.gov>
Subject: Fwd: A question that won't fill you with joy....

Fysa - I will reach out to Tom though not sure what Sanger is fishing for

Sent from my iPhone

RELEASE IN PART
B6

Begin forwarded message:

From: "Sanger, David" <dasang@nytimes.com>
Date: February 8, 2017 at 6:11:48 PM EST
To: "Toner, Mark C" <tonermc@state.gov>
Subject: A question that won't fill you with joy....

....but this is why you make the big bucks.

So we're told Tom Shannon didn't concur with the Yemen raid decision. Not sure what form this took because by all accounts Tom was not at the dinner where the decision was made. Nor was anyone from State.

Let me know how you want to proceed. Happy to talk with Tom if he's happy to talk with me.

best,
David

--

David E. Sanger

 The New York Times

sanger@nytimes.com



B6

From: Sanger, David <dasang@nytimes.com>
Sent: Wednesday, February 8, 2017 6:22 PM
To: Toner, Mark C <tonermc@state.gov>
Subject: Re: A question that won't fill you with joy....

RELEASE IN PART
B6

We are writing, but I'm not going to jam you guys. That wouldn't be sporting. So do best you can as soon as you can.

Any news on when the new SecState is going to see us? And is he planning to do Munich Sec. Conference?

On Wed, Feb 8, 2017 at 6:16 PM, Toner, Mark C <tonermc@state.gov> wrote:

Ok - are you writing on this and if so, for tomorrow?

Sent from my iPhone

On Feb 8, 2017, at 6:12 PM, Sanger, David <dasang@nytimes.com<mailto:dasang@nytimes.com>> wrote:

...but this is why you make the big bucks.

So we're told Tom Shannon didn't concur with the Yemen raid decision. Not sure what form this took because by all accounts Tom was not at the dinner where the decision was made. Nor was anyone from State.

Let me know how you want to proceed. Happy to talk with Tom if he's happy to talk with me.

best,
David

--
David E. Sanger
[The New York Times]
sanger@nytimes.com<mailto:sanger@nytimes.com>

B6

--
David E. Sanger
 The New York Times
sanger@nytimes.com

B6

From: Toner, Mark C </O=SBUSTATE/OU=USNATO AG/CN=RECIPIENTS/CN=TONERM>
Sent: Thursday, February 9, 2017 12:17 PM
To: Shannon, Thomas A <ShannonTA@state.gov>
Cc: Davis, Timmy T <davistt@state.gov>; Hazelton, Jennifer L <HazeltonJL@state.gov>
Subject: RE: A question that won't fill you with joy....

RELEASE IN PART
B5,B6

Thanks, Tom. [redacted]

B5

From: Shannon, Thomas A
Sent: Thursday, February 09, 2017 11:10 AM
To: Toner, Mark C
Cc: Davis, Timmy T; Hazelton, Jennifer L
Subject: RE: A question that won't fill you with joy....

[redacted]

B5

Official
UNCLASSIFIED

From: Toner, Mark C
Sent: Thursday, February 09, 2017 7:44 AM
To: Shannon, Thomas A
Cc: Davis, Timmy T; Hazelton, Jennifer L
Subject: Fwd: A question that won't fill you with joy....

Tom - Flagging this email from David Sanger. Eric Schmitt also pinged us. [redacted]

B5

Happy to discuss.

Mark

Sent from my iPhone

Begin forwarded message:

From: "Sanger, David" <dasang@nytimes.com>
Date: February 8, 2017 at 6:22:11 PM EST
To: "Toner, Mark C" <tonermc@state.gov>
Subject: Re: A question that won't fill you with joy....

We are writing, but I'm not going to jam you guys. That wouldn't be sporting. So do best you can as soon as you can.

Any news on when the new SecState is going to see us? And is he planning to do Munich Sec. Conference?

On Wed, Feb 8, 2017 at 6:16 PM, Toner, Mark C <tonermc@state.gov> wrote:
Ok - are you writing on this and if so, for tomorrow?

Sent from my iPhone

On Feb 8, 2017, at 6:12 PM, Sanger, David
<dasang@nytimes.com<<mailto:dasang@nytimes.com>>> wrote:

...but this is why you make the big bucks.

So we're told Tom Shannon didn't concur with the Yemen raid decision. Not sure what form this took because by all accounts Tom was not at the dinner where the decision was made. Nor was anyone from State.

Let me know how you want to proceed. Happy to talk with Tom if he's happy to talk with me.

best,
David

--
David E. Sanger
[The New York Times]
sanger@nytimes.com<<mailto:sanger@nytimes.com>>

[Redacted]

B6

--
David E. Sanger
The New York Times
sanger@nytimes.com

[Redacted]

B6

RELEASE IN FULL

From: Smith, Demian <SmithD3@state.gov>
Sent: Friday, February 10, 2017 10:28 AM
To: Kenney, Kristie A <KenneyKA2@state.gov>; Reynolds, Luke <ReynoldsJL2@state.gov>; Hendon, Anthony J (Tony) <HendonAJ@state.gov>
Subject: Finer on Yemen

From SEALs to All-Out War: Why Rushing Into Yemen Is a Dangerous Idea

BY JON FINER

FEBRUARY 9, 2017 - 1:01 PM



The first foreign-policy crisis of the Trump administration may well involve a country most Americans could not find on a map. Already, the new president has signaled his intention to increase military involvement in Yemen, putting Iran “on notice” and warning that it was “playing with fire,” following a Iranian ballistic-missile launch and an attack on a Saudi vessel just off the Yemeni coast by Shiite Houthi rebels. Days earlier, President Donald Trump green-lighted a risky special operations raid against al Qaeda in the Arabian Peninsula (AQAP) that led to the death of a U.S. Navy SEAL and numerous Yemeni civilians.

When Sen. John McCain questioned the portrayal of that raid as a “success,” Trump and Press Secretary Sean Spicer earned further criticism for lashing out that such comments dishonor American dead and aid the enemy. As is often the case with Trump’s comments on policy, they quickly become the focus of media attention, rather than what the administration is actually doing — or what the facts are on the ground.



The impoverished Gulf nation is actually marred by two separate but overlapping conflicts.

The first, which predates the Arab Spring uprising that swept longtime dictator Ali Abdullah Saleh from power in 2012, is a counterterrorism fight waged by Yemeni government, with U.S. support, against AQAP, al Qaeda's most virulent franchise.

The second, and more damaging conflict, is a civil war between the government of Yemen and the Houthi minority, which was expected to last a matter of weeks, and maybe months, but is now well into its third year. It began when Houthi militia fighters descended on the capital Sanaa in late 2014 and soon evicted the government of President Abd Rabbuh Mansur Hadi, a close partner of the United States.

Getting more deeply embroiled in Yemen's first war without a strategy for resolving the second would be a mistake.

Getting more deeply embroiled in Yemen's first war without a strategy for resolving the second would be a mistake. Instead, if new Secretary of State Rex Tillerson wants to make an early diplomatic contribution, then there is a confounding but vital mission with his name on it: de-escalating a Yemen civil war that is damaging U.S. interests and should have stopped a long time ago.

The civil war escalated dramatically in March 2015, with the intervention of a coalition led by Saudi Arabia, which understandably felt threatened by the turmoil on its border and by ties between the Houthis and Riyadh's arch-rival Iran. The United States, which had long been urging Saudi Arabia to take greater responsibility for security challenges in its region, offered a range of support, including with intelligence, weapons sales, aerial refueling for Saudi planes, and various measures to help secure the Saudi border.

Saudi Arabia's intervention succeeded in shoring up much of southern Yemen, where the Hadi government is seeking to reconstitute, after decamping to Saudi Arabia.

It has also come at great cost. According to the United Nations, 16,200 people have been killed in Yemen since the intervention, including 10,000 civilians. The humanitarian situation in what was already one of the world's poorest countries, is now, after Syria, the most dire on the planet, with one in five Yemenis severely food insecure.

Meanwhile, for well over a year now, the military campaign has failed to make

measurable progress, demonstrating what U.S. officials have been telling their Saudi counterparts all along — that any resolution will come through negotiation, not military victory, and that the longer the conflict drags on, the greater the cost to the Yemeni people, as well as to Saudi Arabia's resources and reputation.

For the United States, the cost has also been significant.

The war has preoccupied key partners with an enemy that does not directly threaten the United States. Indiscriminate air strikes, conducted with American weapons and in the context of American assistance, have killed scores of non-combatants (such incidents eventually compelled the Obama administration to review and adjust our assistance to the coalition). And while Iran and the Houthis have historically maintained an arms-length relationship, the long conflict has brought them closer and led to the introduction of more advanced weapons, such as missiles capable of striking deep into Saudi territory or of threatening the Bab al-Mandeb Strait, a critical channel for maritime traffic.

U.S. interests took a further hit earlier this week when the Yemeni government in-exile, frustrated by the bloody U.S. special forces raid near Aden, said it was revoking permission for U.S. operations against AQAP, which poses a genuine threat to the homeland (the Yemeni government later said the operations could continue though asked for greater coordination).

Should he choose to accept this mission, Secretary Tillerson may be well-placed to succeed.

He knows the complex politics and terrain, having served in Yemen early in his career at ExxonMobil. His close relations in the Gulf — and our Gulf partners' purported confidence in him — could help them make the difficult decisions peace will require. He will not face the overhang of (unfounded, but also undeniable) suspicion in the wake of the Iran nuclear deal that the Obama administration tolerated Iranian meddling on Saudi Arabia's border.

The timing may also be ripe. Saudi officials and their Emirati coalition partners have been signaling for months that they are eager to end the conflict, which they did not expect to last nearly this long. The Obama administration was making painstaking but genuine progress toward an accord until the election, after which it partners seemed more inclined to wait for the new team to arrive.

And after years of U.N.-led negotiations that sought to sell a relatively one-sided peace to the Houthis (despite what was, at best, a stalemate on the ground), the Obama administration developed and bequeathed to its successors a more balanced roadmap to which all key parties (the Saudis, the Houthis, and the Yemeni government — as well as the United States, U.N., and U.K.) grudgingly agreed.

The new approach did not reflect a more neutral stance in the conflict — the Obama administration explicitly took one side. It reflected the reality, as we saw it, that the Houthis would be reluctant to concede in negotiations what could clearly not be achieved in combat.

The main innovation in the roadmap was that, rather than requiring the Houthis to make all of the concessions up front, which they would never have agreed to do, given their relative strength on the ground, it carefully sequences the various steps that constitute each side's key demands.

For the coalition, that means the Houthis first withdraw from the Saudi border and key cities, such as Sanaa. For the Houthis, it means the subsequent replacement of the Hadi government with one that includes more of their officials in senior positions.

All of that said, making peace between these adversaries will be extremely difficult. For one thing, the Houthis are infamously difficult to work with. When Secretary of State John Kerry met for several hours with their representatives in Oman last November, he was forced to endure a lengthy airing of historical grievances before embarking on the topic at hand. They also have a long history of violating dozens of agreements, which every Saudi diplomat can recount, chapter and verse.

Negotiating peace will also inevitably involve straining relationships with our key partners, who will need to be pushed in the right direction.

Hadi, who all relevant players acknowledge cannot govern a reconciled Yemeni state, has consistently scuttled deals that would require him leave office. His Saudi patrons have proven either unwilling, or unable, to compel better behavior and are themselves too are quick to revert to unreasonable demands — a tendency that would be reinforced if the Trump administration signals it unconditionally has Riyadh's back.

Meanwhile, the Emiratis, who maintain a heavy troop presence in southern Yemen but have, wisely, been more focused on AQAP (the first war) than the Houthis (second), have for many months been threatening to attack the Houthi-held port of Hudeidah, a provocative step that would almost certain set back any peacemaking efforts indefinitely.

In other words, getting this done will require the United States to play hardball with both sides, and deftly — the kind of tough, cajoling diplomacy that should be right up the alley of a former CEO, guided by an adept team of State Department Arabists.

Early signs, however, suggest the new administration may take a different tack, foregoing the more balanced approach necessary to end the Yemen civil war, while aligning the United States more fully with our Gulf partners.

According to news reports the administration may soon designate Yemen a formal battlefield for U.S. troops, which would give the Pentagon and commanders in the field greater latitude to make operational decisions with less political oversight.

This approach would be fraught with risks that must be managed.

First and foremost is that the civil war, and the humanitarian and strategic catastrophe it has spawned, will not end any time soon.

First and foremost is that the civil war, and the humanitarian and strategic catastrophe it has spawned, will not end any time soon. The Houthis, according to one State Department official who dealt with them and refers to as “junk yard dogs,” are hardened fighters ready to dig in for the long haul.

Second, depending on their location, mission, and rules of engagement, an expanded presence of U.S. forces — while Yemeni and Saudi governments are still at war with the Houthis — could bring U.S. troops into close quarters with Iran and its proxies, with all of the escalatory potential that entails. Resisting Iranian meddling in the region is a worthy goal that the Obama administration shared and acted upon. The question, though is whether deeper — and possibly even direct — U.S. intervention on this battlefield at this time makes sense. While the Houthis fired on a U.S. ship late last year, they have not repeated that mistake since the Obama administration retaliated by destroying radars located along the coast. If President Trump chooses to put U.S. forces into the middle of a civil war, it should explain a purpose and objective more concretely than simply “pushing back” on Iran. Moreover, it must do so with its eyes open to the risks those forces would be assuming and the reality that a limited special forces mission is unlikely to turn the tide on the ground.

Finally, the longer the conflict with the Houthis continues, the more AQAP will continue to benefit from our, and our partners’, divided focus, as it strengthens its hold on ungoverned territory. Increasing counterterrorism operations in the absence of a viable government partner could also backfire, since such missions tend to be less effective at best, and at worst can increase the likelihood of mishaps like the January 29 raid.

Every new secretary of state has to prioritize. This means balancing between the issues you choose to tackle, and those that must be addressed. Yemen’s civil war probably falls somewhere in between. Given the crush of higher-profile global challenges, Tillerson could easily give it a pass. But if he does, things could continue to escalate quickly, all of its damaging qualities will get worse, and a solution will be even further out of reach. Now may be the best chance he has to give it a shot.

From: Alexandra Schmitt <schmita@hrw.org>
Sent: Friday, February 24, 2017 1:21 PM
To:
Subject: HRW: Yemen: US Should Investigate Civilian Deaths in Raid

RELEASE IN PART
B6

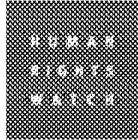
Dear colleagues,

HRW called on the United States today to credibly investigate the raid on Al-Qaida in the Arabian Peninsula (AQAP) in central Yemen late last month that killed at least 14 civilians, including nine children, and make its findings public. The high number of civilian casualties raises concerns that US forces and the armed group failed to take all necessary measures to minimize loss of civilian life, as required by the laws of war.

More information is included below. Please reach out with questions or for additional information.

All the best,
Alexandra

Alexandra Schmitt
Advocacy Coordinator, Washington
Human Rights Watch
1630 Connecticut Ave. NW Suite 500
Washington, DC 20009
Phone :



B6

Yemen: US Should Investigate Civilian Deaths in Raid

Al-Bayda Attack on AQAP Killed at Least 9 Children

(Washington, DC, February 24, 2017) – The US government should credibly investigate the raid on Al-Qaeda in the Arabian Peninsula (AQAP) in central Yemen in late January 2017, that killed at least 14 civilians, including nine children, and make its findings public, Human Rights Watch said today.

The high number of civilian casualties raises concerns that US forces and the armed group failed to take all necessary measures to minimize loss of civilian life, as required by the laws of war. The US government reported that 14 AQAP fighters and a US service member were killed in the fighting and, three days after the attack, that civilians, including children, were likely killed.

“The US military’s acknowledgment of civilian deaths in this attack was a rare departure from past US practice in Yemen, but it’s not enough,” said Nadim Houry, terrorism and counterterrorism director at Human Rights Watch. “The US needs to go a step further and provide a full accounting of possible laws-of-war violations and deliver appropriate compensation to civilians.”

On January 29, 2017, US special forces were inserted by aircraft and conducted a raid in al-Ghyeel, a small village in the Yakla area of the central Yemeni governorate of al-Bayda, about 145 kilometers from Aden, Yemen’s southern port city. The raid, the first of its kind by US forces in Yemen in over two years, was aimed at “intelligence-gathering,” the US military said.

Human Rights Watch spoke about the attack with several village residents and the director of a hospital that treated three of the wounded. Witnesses said that five women and nine children were among the

civilians killed in the raid.

Witnesses said that at about 2 a.m., about 30 US personnel flanked by military dogs approached the home of a military commander, Abdul-Raouf al-Dahab. Men in al-Dahab's house heard people approaching and called out. When they got no response, they began shooting, one witness said. Those outside returned the gunfire. Another witness, who was in the house next to al-Dahab's, said that the men in the house fired warning shots into the air and that the forces outside then opened fire on the home.

The US military said that its forces came under heavy fire "from all sides," including from "houses and other buildings" and from "armed women firing from prepared fighting positions." While Human Rights Watch could not confirm that account, civilians who directly participate in hostilities are subject to attack under the laws of war.

The gunfire quickly escalated, with the villagers engaging in a firefight with the forces outside, witnesses said. As the fighting intensified, helicopters and other aircraft began firing on the village with light automatic cannons. Witnesses said that at least 20 houses were damaged.

Witnesses said that US ground forces and aircraft appeared to target anything that moved and anyone who left their home. Aziz al-Ameri, a member of the local governing council, said that he and his family woke up when they heard gunshots. They initially thought it was a tribal or personal dispute: "We were surprised when we saw the [attack helicopters] coming and surrounding the whole village. ... They were shooting at anything moving, anything that moved they shot, human or animal, even donkeys."

"The women who have been killed, some of them were carrying their children, some running away," al-Ameri said. "They raided our houses, destroyed them, killed our women and children." He said that Fatim al-Ameri, a mother in her mid-thirties who is a relative of his, was found dead, with her 2-year-old son in her arms. The boy survived. Another boy, 5, was found dead next to the door of his house.

Local activists said that many of those wounded were not able to get medical care, as the village is remote. Dr. Ameen Mabrook, director of the "26th September" hospital in al-Jubah district in Marib, a five-hour drive from the Yakla area and the nearest hospital that provides neonatal care, said that the hospital received three people wounded in the raid – a young man shot in the leg, a pregnant woman, and a small girl. The woman, who was nine months pregnant, had been shot in the stomach. The hospital performed an emergency caesarean section, but the baby died.

Col. John J. Thomas, spokesman for the US military's Central Command (CENTCOM), blamed AQAP for the civilian casualties. He told the media that AQAP has "a horrifying history of hiding women and children within militant operating areas and terrorist camps... That's what makes cases like [the al-Bayda raid] so especially tragic."

Yakla residents disputed claims that the most of those killed in the fighting were AQAP members. The residents said that the village consists of a cluster of houses, next to two other small villages, with about 200 houses and 1,000 residents in all. Most of those killed lived in al-Dahab's house, which US forces approached first, and in the two homes next to it, which belonged to Abdullah al-Ameri and his son Muhammad.

The US included Abdel Raouf al-Dahab and his brother Sultan as among the AQAP fighters killed in the raid, but residents denied that either brother was with AQAP. Instead, two residents said that Abdel Raouf al-Dahab was working with the Yemeni army fighting Houthi-Saleh forces and had returned to the village to distribute salaries to non-AQAP fighters backing President Abdu Rabu Mansour *Hadi*. The

Associated Press, which interviewed tribal leaders, military officials, and al-Dahab's relatives, found that al-Dahab was commanding a force of tribal fighters, but probably was not with AQAP.

One source said that Muhammad al-Ameri was an AQAP member, and that he hosted AQAP members in his home, including at the time of the attack. Witnesses said that al-Ameri's house was destroyed by an aerial bomb soon after fighting began, killing at least nine people, including him, four women, and four children. Arwa al-Baghdadi, a Saudi woman killed in the raid, had fled to Yemen in 2013 after being imprisoned in Saudi Arabia and reportedly joined AQAP. She was living with some of her relatives near al-Ameri's house, a source said.

AQAP released two statements on the raid, extolling the men in Yakla for fighting the US forces. In the second statement, a few days after the raid, AQAP's leader in Yemen, Qassim al-Raimi, expressed condolences to the community, listing 14 men, two women, nine children, and other members of a family as among those killed. He did not clearly state that the 14 men were AQAP members, but eight were listed with a *nom de guerre*, indicating likely membership. Al-Raimi also expressed special condolences to the al-Dahab family and for the deaths of al-Baghdadi, her son, and her brother to her husband, who is in jail in Saudi Arabia.

Human Rights Watch collected 23 names and ages of villagers killed in the raid. A witness said that two other people died but he could not remember their names. The Bureau of Investigative Journalism, which worked with a Yemeni journalist who visited the Yakla area less than a week after the raid, collected 25 names and ages of those who died from Yakla's residents, which matched the names Human Rights Watch collected.

After the raid, photos of the children who died circulated on the internet and in local media. One photo showed 8-year-old Nawar al-Awlaki, who a relative said was fatally struck in the neck by a bullet. Her father, Anwar al-Awlaki, an imam, was the target of a lethal US drone strike in 2011 because of his alleged activities for AQAP. Her 16-year-old brother, Abdulrahman, had been killed in a drone strike two weeks later that the US said targeted a senior AQAP operative.

Three days after the raid, on February 1, 2017, CENTCOM announced that it was conducting a "credibility assessment" into civilian casualties. It did not say whether the results would be made public, or whether any civilians harmed or their families would receive compensation.

Sheikh Abdulelah al-Dahab, who lost two brothers, Sultan and Abdel Raouf, a 12-year-old son, and a 13-year-old nephew, Nasser, in the attack, said:

Civilians got killed here. Fighters... were defending their homes. ... Nine kids got killed. We don't want any compensation. We want justice and the perpetrators to be held to account. We want to know what our government's position is on what happened.

Nasser's father, Abdullah, said that his son had gone to visit family members in the Yakla area during the midterm school holiday:

Nasser was very smart, and he was special to me. He was my friend, despite being young, and I trusted his decisions. ... The American raid killed my son, a student in the eighth grade. ... There needs to be accountability for those who carried out this crime before American courts.

The raid followed an increase in US military operations against AQAP in 2016, when the US conducted at least 33 drone strikes against alleged AQAP targets and deployed a small number of special operations forces to Yemen to assist the United Arab Emirates' (UAE) efforts against the armed group.

The UAE has provided training, funding, and direction to Yemeni security forces that are carrying out operations against AQAP, and, the New York Times reported, provided support for the al-Bayda raid.

A week after the raid, a senior Yemeni official told Reuters that his government had expressed concerns to the US and requested “more coordination with Yemeni authorities before any operation and that there needs to be consideration for our sovereignty.”

Under the laws of war applicable in Yemen, warring parties must take constant care to spare the civilian population and civilian objects from the effects of hostilities. They are required to take precautionary measures with a view to avoiding, and in any event minimizing, incidental loss of civilian life, injury to civilians, and damage to civilian objects. Warring parties also should take steps to minimize harm to civilians. These include avoiding locating military objectives within or near densely populated areas and trying to remove civilians from the vicinity of military objectives.

Warring parties are obligated to provide redress for the loss or injury caused by a violation of the laws of war. In recent years, US forces in Iraq and Afghanistan have offered public expressions of regret and provided “condolence payments” to civilian victims of attacks without reference to fault, recognizing that mishandling a strike’s aftermath can exacerbate animosity over casualties. Although these civilian compensation systems are imperfect, they provide concrete assistance and some measure of emotional redress.

“As the civilian toll of the al-Bayda raid comes to light, it is increasingly clear that a thorough investigation is needed so that measures can be adopted to avoid such civilian losses in the future,” Houry said. “If the US can’t do that impartially and transparently, they should ensure that an independent inquiry can be carried out.”

For more Human Rights Watch reporting on Yemen, please visit:
<http://www.hrw.org/middle-eastn-africa/yemen>