

November 29, 2021

Dear Members of Congress,

We, the undersigned non-governmental organizations, write in opposition to the Biden Administration's plans to sell \$650 million in air-to-air munitions to the Kingdom of Saudi Arabia. Despite claiming defensive use, the proposed arms sale risks fueling continued civilian harm by strengthening the Saudi-led coalition's capacity to enforce its devastating air and sea blockade of Yemen. It also risks further perpetuating U.S. complicity in Saudi forces' violations in Yemen, contrary to this administration's obligations under international law and U.S. law. We call on Congress to support Representative Ilhan Omar's and Senator Rand Paul's [joint resolutions](#) of disapproval to block these harmful arms sales and end all U.S. involvement in the Saudi-led coalition's armed conflict and unlawful blockade in Yemen.

Approving this sale sends a message of impunity that the United States supports Saudi Arabia's escalating policy of collective punishment, at a time when it is critical the administration heed the calls of over 100 [members](#) of [Congress](#) to use U.S. leverage, including the halting of arms transfers and military assistance, to end the blockade and other violations against civilians in Yemen.

Roughly [20.7 million people](#)—nearly 80% of the population—are in need of humanitarian aid, with a staggering [16.2 million](#) Yemenis acutely food insecure and [7 million](#) on the brink of famine. A recent [Washington Post report](#) on a Yemeni family that had to choose between which of their children would be saved from starvation illustrates the issue of the Saudi-led coalition's control of Yemen's airspace and "severe restrictions on the port of Hodeidah."

For nearly seven years, U.S.-supported Saudi forces have [unlawfully targeted](#) civilian objects and infrastructure via [indiscriminate and disproportionate attacks](#) that have killed and injured thousands of civilians in Yemen. These aerial bombardments include myriad alleged war crimes and [have exacerbated](#) the catastrophic humanitarian crisis. The [unlawful blockade](#) imposed by the Saudi-led coalition on Yemen has led to catastrophic impacts on fuel, food, and medical access for millions, [illegally obstructing](#) critically needed aid and assistance. Saudi fighters [have previously attacked Sana'a airport's runway](#), destroying cargo planes transporting vital humanitarian assistance.

Since 2016, Saudi Arabia has turned the airport into what aid groups [have described](#) as a "ghost terminal" by ending all flights to and from Sana'a. According to the Yemen Data Project, Saudi bombings of Sana'a airport still occur regularly, with the most recent attacks [launched](#) in March of this year. Since the Saudi-led coalition airstrikes began in March 2015, human rights organizations, [including Amnesty International](#), have [extensively documented](#) the use of U.S.-manufactured weapons in airstrikes hitting hospitals, schools, and civilian homes—killing healthcare providers, teachers, children, and entire families.

Despite the claim of "defensive use," the proposed sale of these AIM-120 air-to-air missiles and hundreds of missile launchers are not exclusively defensive, and can reasonably be used to support offensive operations. These missiles lend another tool for Saudi-led forces to maintain and enforce their brutal blockade, particularly by raising their ability to threaten aircraft that would seek to land. More broadly, continuing to arm Saudi forces allows their grave rights violations and fueling of one of the world's worst humanitarian crises to [evade accountability](#), and amounts to support and political cover

for the illegal blockade. As [noted](#) in a recent article published by Brookings, "blockades cannot be defensive: they are offensive operations," and U.S. involvement should have ended following Biden's declaration to end U.S. support for the Saudi-led coalition.

Misleading claims about the defensive nature of these weapons fail to recognize that this sale would constitute continued U.S. support for Saudi Arabia's role in the armed conflict in Yemen. Congress must make clear that the U.S. instead should end all support and arms transfers to parties to this conflict, namely the Saudi-led coalition—which it must pressure to end its brutal campaign in Yemen. On May 19, 2021, [16 Senators requested](#) that the Biden Administration "demand that Saudi Arabia allow the unfettered delivery of food, fuel, and other humanitarian aid through the Hodeidah port, under United Nations auspices to deliver humanitarian assistance to the Yemeni people," while noting that the "[f]ailure to provide such access should have a direct impact on our relationship with Saudi Arabia, to include pending weapons sales."

The impact of the continued closure of Sana'a airport has been devastating for civilians in Yemen. CARE and Norwegian Refugee Council [stated that](#) in February 2020, "28 patients were flown out of Sana'a airport on medical mercy flights for urgent treatment," but "close to 32,000 others who were on a waiting list were not so lucky" and are now "without options." The nearly complete halt to medical supplies entering the airport, combined with restrictions on fuel imports through Yemen's ports, [has caused](#) "prices of some medicine to double, making it unaffordable for most of the population and further contributing to the decline of Yemen's health system, already decimated by the conflict."

Houthi forces in Yemen engaged in the armed conflict with the Saudi-led coalition have also [carried out](#) grave [violations](#) of [human rights](#), as well as [possible warcrimes](#) in attacks against civilians. Actions by Houthi de facto authorities have also exacerbated the deteriorating humanitarian crisis in the country by additionally [interfering with](#) and [impeding the delivery](#) of humanitarian assistance for civilians in need. U.S. government criticism and [response to](#) Houthi violations in Yemen have, however, been [pronounced](#) and [consistent](#)—criticisms that are necessary; but the same cannot be said for this administration's response to the abuses by Saudi forces, which has been toned down by comparison. Further, Houthi violations do not serve as a justification for continuing U.S. involvement in the atrocities fueled by this conflict, and do not change the United States' obligations under international law.

In light of the Saudi government's pattern of unlawful attacks on civilians and human rights violations, the proposed sales also violate long-standing provisions in the [Leahy Laws](#) and [Foreign Assistance Act](#) that prohibit the United States from providing arms and security assistance to gross human rights violators and those restricting access to humanitarian assistance, such as the Saudi regime. Further, the [Arms Export Control Act](#) bars the United States from providing arms transfers to foreign governments found to carry out harassment and intimidation of U.S. residents, which Saudi authorities have repeatedly been documented to perpetrate, most prominently in the brutal murder and dismemberment of [Jamal Khashoggi](#).

These wrongful sales risk fueling further civilian harm and human rights violations in Yemen and beyond—as well as U.S. complicity in these abuses and possible war crimes. Our organizations call on Congress to support and vote in favor of Representative Omar's joint resolution of disapproval in the House and Senator Paul's resolution in the Senate and oppose future arms sales and U.S. complicity in the Saudi-led coalition's gross violations of international law in Yemen.

The Biden administration in its very first weeks committed both to center human rights in foreign policy and to end U.S. complicity in the war in Yemen; allowing this sale to stand breaks that commitment, and would be a human rights failure.

Sincerely,

Action Corps

ALQST for Human Rights

American Muslim Bar Association

American Muslim Empowerment Network (AMEN)

Americans for Democracy & Human Rights in Bahrain (ADHRB)

Amnesty International USA

Antiwar.com

Arms Control Association

Avaaz

Ban Killer Drones

Center for International Policy

Churches for Middle East Peace

CODEPINK

Council on American-Islamic Relations (CAIR)

Demand Progress

Democracy for the Arab World Now (DAWN)

Evangelical Lutheran Church in America

Freedom Forward

Friends Committee on National Legislation (FCNL)

Hands Off Yemen

Hawai'i Peace and Justice

Health Alliance International

Just Foreign Policy

Justice Democrats

Justice for Muslims Collective

Justice Is Global

MENA Rights Group

National Council of Churches USA

Nonviolence International

Peace Action

Peace Action Bay Ridge

Peace Direct

ReThinking Foreign Policy

RootsAction.org

Secure Justice

Sisters of Mercy of the Americas Justice Team

Spin Film

The Episcopal Church

The United Methodist Church – General Board of Church and Society

United for Peace & Justice

University Network for Human Rights

Win Without War

World BEYOND War

Yemen Relief and Reconstruction Foundation

Yemeni Alliance Committee