

October 19, 2018

The Honorable Mike Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

Dear Secretary Pompeo:

I write to request information on whether any State Department official knew of the reported direct participation of Americans in a for-profit, targeted assassination campaign in Yemen at the direction of the government of the United Arab Emirates (UAE).<sup>1</sup> If the report that these Americans coordinated as paid mercenaries to kill individuals abroad is accurate, it raises questions about potential criminal liability for the participants – and for any U.S. government official who may have been aware of or endorsed these activities. Aside from the current or former American servicemembers' potential violations of U.S. law, I am seeking information on the nature of the State Department's awareness of, or involvement in, these Americans' targeted lethal activities – particularly whether they were directly or indirectly licensed or otherwise authorized by the State Department at any time.

According to an investigative report in *Buzzfeed News*, starting in December 2015, the United Arab Emirates hired a private U.S. company that assigned current or former American servicemembers “on a mercenary mission of murky legality to kill prominent clerics and Islamist political figures” in Yemen for profit. These Americans reportedly gathered at a hotel near an airport in New Jersey “dressed in an assortment military fatigues” just before departing to Yemen, where their assignment included an attempted bombing of a local party leader in what was reportedly “the first salvo in a string of unsolved assassinations that killed more than two dozen of the group’s leaders.” According to the founder of Spear Operations Group, the Delaware-incorporated company hired by the UAE government, “There was a targeted assassination program in Yemen. I was running it. We did it. It was sanctioned by the UAE[.]”

Yemen is a humanitarian catastrophe. For more than three years, the United States has been providing intelligence and military advice to a military coalition led by Saudi Arabia and the UAE that has been bombing Yemen as part of a proxy war to counter the Iran-supported

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<sup>1</sup> BuzzFeed News, “A Middle East Monarchy Hired American Ex-Soldiers To Kill Its Political Enemies. This Could Be The Future Of War.” Aram Roston, October 16, 2018, <https://www.buzzfeednews.com/article/aramroston/mercenaries-assassination-us-yemen-uae-spear-golan-dahlan>; <https://www.justsecurity.org/61091/u-s-justice-department-open-criminal-investigation-potential-war-crimes-u-s-mercenaries-yemen/>.

Houthi militias. I am deeply troubled that, in the midst of this conflict, the UAE reportedly paid a team of American mercenaries to conduct targeted killings in Yemen - and by suggestions that U.S. officials were aware of these targeted assassination operations. According to the report, “it is almost inconceivable that the United States [government] would not have known that the UAE — whose military the US has trained and armed at virtually every level — had hired an American company staffed by American veterans to conduct an assassination program in a war it closely monitors.”

I am also disturbed by the possibility that the U.S. Government may have endorsed, or tacitly allowed current or former servicemembers to engage in this kind of “militarized contract killing” abroad, despite the apparent applicability of U.S. law to their targeted lethal actions. Notably, the Antiterrorism and Effective Death Penalty Act of 1996 makes it a crime punishable by imprisonment up to life for a person located on American soil to conspire with one or more other persons to commit murder, kidnapping, or maiming abroad, if those acts would be regarded as criminal offenses in the United States.<sup>2</sup> The War Crimes Act makes it a crime punishable by a fine, imprisonment, both, or possibly the death penalty for an American to commit, or conspire to commit, murder, mutilation, or maiming of individuals who are not actively participating in hostilities in the context of a civil war, insurgency, or other non-international armed conflict.<sup>3</sup> Executive Order 12333, signed by President Reagan in December 1981 and currently active as revised, states that “[n]o person employed by or acting on behalf of the United States Government shall engage in or conspire to engage in assassination.”<sup>4</sup>

The *Buzzfeed News* article notes the State Department’s position that “it has never granted any company the authority to supply combat troops or mercenaries to another country.” However, I would like to know whether any State Department official had *knowledge* of the Spear Operations Group’s targeted lethal actions in Yemen, whether it directly or indirectly authorized or allowed these actions to continue, and whether the Department, at any time, referred these Americans’ paramilitary operations to the Department of Justice for an investigation into potential violations of U.S. law.

In order to learn more about the State Department’s potential knowledge of, or involvement in, the activities of Spear Operations Group, I request written answers to the following questions by no later than November 2, 2018:

1. Prior to October 16, 2018, was any State Department official aware of the targeted lethal actions by current or former American servicemembers of the Spear Operations Group in Yemen at the behest of the UAE government?

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<sup>2</sup> 18 U.S.C. §956, Conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country, <https://www.gpo.gov/fdsys/pkg/USCODE-2015-title18/html/USCODE-2015-title18-partI-chap45-sec956.htm>; <https://www.gpo.gov/fdsys/pkg/PLAW-104publ132/html/PLAW-104publ132.htm>.


<sup>3</sup> 18 U.S.C. §2441, War crimes, <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title18/pdf/USCODE-2011-title18-partI-chap118-sec2441.pdf>.

<sup>4</sup> Executive Order 12333, (December 4, 1981, As Amended by Executive Orders 13284 (2003), 13355 (2004) and 13470 (2008)), 2.11 *Prohibition on Assassination*, <https://www.cia.gov/about-cia/eo12333.html>; The White House, Presidential Memorandum for the Director of National Intelligence, January 9, 2018, <https://www.whitehouse.gov/presidential-actions/presidential-memorandum-director-national-intelligence/>.

- a. If yes, please provide a list of all State Department officials who were aware of these activities, the date they became aware, how they became aware of these activities, and what action they took, if any.
2. Has the State Department, at any time, issued a license or any other form of direct or indirect authorization to Spear Operations Group, or to any of the individual current or former American servicemembers in the Spear Operations Group named in the *Buzzfeed News* article to conduct targeted assassinations in Yemen on behalf of the UAE government?
  - a. If yes, please provide any written documentation of such authorization. If no, please explain when the State Department became aware of the Spear Operations Group's operations in Yemen.
3. Has the State Department referred any actions by the American employees of the Spear Operations Group in Yemen to the Justice Department or to any other legal authority for investigation into potential violations of the law?
4. Does the State Department currently have any contracts or conduct any other business with the Spear Operations Group?
  - a. If so, please provide contract details.
5. Is any official at the State Department or any other agency of the federal government aware, based on credible evidence, that the Spear Operations Group continues to operate in Yemen?
6. Is any official at the State Department or any other agency of the federal government aware, based on credible evidence, that other U.S. citizens or residents – aside from those employed by the Spear Operations Group – currently engage in paid contract killing at the behest of the UAE or any other foreign government in Yemen?

I am sending a separate letter to the Department of Justice requesting an investigation into whether these mercenaries have violated U.S. law in connection with their reported targeted killing operations in Yemen. Thank you for your attention.

Sincerely,



Elizabeth Warren  
United States Senator