

October 19, 2018

The Honorable Jeff Sessions  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20540

Dear Attorney General Sessions:

I write to request a Justice Department investigation into whether current or former American servicemembers have violated U.S. law in connection with their reported direct participation, as privately hired mercenaries, in a 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.

According to an investigative report in *Buzzfeed News*, the United Arab Emirates in December 2015 hired Spear Operations Group, 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 of 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[.]”

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, which has been bombing Yemen as part of a proxy war to counter the Iran-supported Houthi militias. The ongoing conflict in Yemen has sparked a humanitarian catastrophe. I am deeply troubled that the UAE, in the midst of this conflict, reportedly paid a team of American mercenaries to conduct targeted killings,

---

<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/>.

possibly with the knowledge of U.S. government officials. 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.”

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> Another provision of U.S. law, 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> This raises questions about whether the activities of the mercenaries in Yemen were breaking the law - and if so, if any U.S. government official broke the law by being aware of or endorsing this “militarized contract killing” abroad.

In order to learn more about the potential legal ramifications of these apparent for-profit, lethal activities abroad by Americans, I request written answers to the following questions by no later than November 2, 2018:

1. What U.S. laws would govern the mercenary contract killing and other behavior described in the *Buzzfeed News* article and conducted by employees of Spear Operations Group? Please explain.
2. What U.S. laws would govern any U.S. government official who was aware of or endorsed these activities? Please explain.
3. Has the Justice Department opened - or is the Department considering opening an investigation into whether U.S. law was violated by the current or former American servicemembers in the Spear Operations Group in their reported targeted assassination operations in Yemen? Please explain beyond a “yes” or “no” answer.
4. Has the Justice Department opened - or is the Department considering opening an investigation into whether U.S. law was violated by any U.S. government official who was aware of or endorsed these activities? Please explain beyond a “yes” or “no” answer.

---

<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/>.

5. At any time, has any agency of the federal government, such as the State Department or the Defense Department, or any other individual, referred the reported targeted lethal actions of these Americans to the Justice Department for investigation into potential violations of U.S. law? Please explain beyond a “yes” or “no” answer.
6. At any time, has any agency of the federal government, such as the State Department or the Defense Department, or any other individual, referred any U.S. government official who was aware of or endorsed these activities to the Justice Department for investigation into potential violations of U.S. law? Please explain beyond a “yes” or “no” answer.
7. Is any official at the Justice Department or any other agency of the federal government aware, based on credible evidence, that the Spear Operations Group continues to operate in Yemen?
8. Is any official at the Justice 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?

Thank you for your attention.

Sincerely,



Elizabeth Warren  
United States Senator