

Court of Appeal: UK to stop arms export to Saudi Arabia

Open Access Government, June 20, 2019

<https://www.openaccessgovernment.org/export-to-saudi-arabia/67298/>

Today (20th June) the UK Court of Appeal has ruled the UK arms export to Saudi Arabia to be illegal, after an extended court case evidencing that Saudi arms enable the ongoing violence in Yemen. The Court of Appeal in London ruled on 20th June 2019 that the United Kingdom government's refusal to consider Saudi Arabia's laws-of-war violations in Yemen before licensing arms sales was unlawful, Human Rights Watch said.

The landmark decision requires the UK government to reconsider its decision on arms sales to Saudi Arabia. The UK government has agreed to suspend arms sales to Saudi Arabia immediately until it makes a new lawful decision on arms licenses or obtains a new court order. France and other European countries should immediately also halt arms sales to Saudi Arabia, Human Rights Watch said.

Clive Baldwin, senior legal advisor at Human Rights Watch said: "The UK government boasts of having the most robust arms control regime in the world but now the court has spelled out what this actually means. "The UK government now has to take into account Saudi Arabia's appalling record of unlawful attacks on Yemeni civilians when it decides if it can approve arms exports to that country."

The legal case was brought by Campaign Against Arms Trade (CAAT). Human Rights Watch, together with Amnesty International and RWUK, intervened as third parties, as did Oxfam International. The judgment addresses the standards, agreed by all European Union member states, that say governments should not license arms exports when there is a clear risk that the weapons might be used in serious violations of international humanitarian law (the laws of war).

The Court of Appeal ruled that it was unlawful for the UK government not to consider whether there was a record of Saudi Arabia violating the laws of war in the conflict in Yemen, when deciding to issue licenses for arms exports. The UK Department for International Trade, responsible for approving arms exports, will now have to decide whether to carry out the court ruling by reconsidering arms export licenses, or appeal the ruling.

The ruling has important implications across Europe.

The judgment addressed European Union standards for arms sales to countries with a record of abuse. These standards mean that no European state should approve arms sales to Saudi Arabia given its record in Yemen, Human Rights Watch said.

A growing number of European countries have halted weapons sales to Saudi Arabia, including Germany, Denmark, the Netherlands, Finland, Norway, and Austria. The European Parliament has called for a common EU position banning arms sales to Saudi Arabia. The US Congress has also voted to end US support for the Saudi-led coalition military campaign in Yemen. However, other countries, including France, continue to approve weapon sales to Saudi Arabia.

Since the coalition began its aerial campaign in Yemen in 2015, the UK has licensed at least £4.7 billion (USD \$5.9 billion) worth of arms sales to Saudi Arabia. The Court of Appeal noted the work of Human Rights Watch and other organizations documenting violations in Yemen, stating the ‘major NGOs’ and the United Nations “had a major contribution to make in recording and analyzing events on the ground in the Yemen conflict.”

Human Rights Watch researchers have regularly visited Yemen and documented the use of weapons, including weapons made in the UK, in unlawful airstrikes. The United Nations, Human Rights Watch, Amnesty International, and Yemeni rights groups have repeatedly documented attacks by the Saudi-led coalition, some most likely war crimes, that have hit markets, schools, hospitals and homes, and killed and wounded thousands of civilians.

Since 2016, Human Rights Watch has called for all countries to end arms sales to Saudi Arabia until the Saudi-led coalition ends its unlawful attacks and credibly investigates those that have already occurred.

Coalition violations in Yemen continue. On May 27, airstrikes hit a petrol storage building in Taizz, killing 12 civilians including four children, news reports said. On May 16, airstrikes hit a residential building in Sanaa, the Houthi-controlled capital, killing several civilians including five children, the UN reported. On August 9, 2018, a Saudi-led coalition airstrike killed at least 26 children and wounded at least 19 more in or near a school bus in the busy market of Dhahyan, in northern Yemen. On October 24, the coalition struck a vegetable packaging facility, killing 21 civilians, according to a UN report.

The Houthi armed group has also committed serious violations of the laws of war, including laying landmines that kill civilians, recruiting children to fight, taking civilians hostage and torturing them, and deliberately or indiscriminately launching missiles at civilian airports and other civilian sites.

The Saudi-led coalition Joint Incidents Assessment Team (JIAT), established in 2016 with UK support to investigate “claims and accidents” during coalition military operations in Yemen, has fallen far short of international standards regarding transparency, impartiality, and independence. Instead, it has sought to shield the

coalition from accountability by providing deeply flawed laws-of-war analyses and reaching dubious conclusions in its investigations. Baldwin said:

“The UK will now have to rethink its strategy of selling arms to Saudi Arabia because of its rights record, and other European governments should be on notice too. “The UK and other allies of Saudi Arabia should be pressing it to end its unlawful attacks in Yemen.”

Human Rights Watch and the other interveners were legally represented by Deighton Pierce Glynn and Jemima Stratford QC, Nik Grubeck and Anthony Jones.