

Court of Appeal to Consider UK Arms Exports to Saudi Arabia

By [CAAT - Campaign Against Arms Trade](#)

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Tomorrow, the Court of Appeal in London will hear an appeal brought by Campaign Against Arms Trade (CAAT) to overturn a 2017 High Court judgment which allows the UK Government to continue to export arms to Saudi Arabia for use in Yemen. In May 2018 CAAT was given permission to appeal against the original verdict. This followed a hearing in front of two Court of Appeal judges, Lord Justice Irwin and Lord Justice Flaux.

The case will be heard on 09, 10 and 11 April, with the first day and a half expected to be public. The hearings will begin at 10:30. A vigil will take place outside the Court at 09:30 on Tuesday 09 April (Royal Courts of Justice, Strand, London WC2A 2LL).

CAAT's legal team is led by Martin Chamberlain QC, assisted by Conor McCarthy and lawyers from Leigh Day. They will argue that the decision to grant the licences was against UK arms export policy, which clearly states that the government must deny such licences if there is a 'clear risk' that the arms 'might' be used in 'a serious violation of International Humanitarian Law'. The case will also include a joint intervention from Amnesty International, Human Rights Watch and Rights Watch UK and one from Oxfam

As set out in the claim, a range of international organisations including a UN Panel of Experts, the European Parliament and many humanitarian NGOs, have condemned the ongoing Saudi air strikes against Yemen as unlawful. The violations of international humanitarian law (IHL) found by the bodies listed include:

- A failure to take all precautions in attack as required by IHL
- Attacks causing disproportionate harm to civilians and civilian objects.
- A failure to adhere to the principle of distinction and/or the targeting of civilians and civilian objects and those not directly participating in hostilities.
- The destruction of Cultural Property and/or a failure to adhere to the immunity to be afforded to such property during armed conflict.

A recent report from Mwatana for Human Rights, a Yemeni based human rights group, has linked UK-made bombs to attacks on civilian infrastructure.

Since the bombing of Yemen began in March 2015, the UK has licensed £4.7 billion worth of arms to the Saudi regime, including:

- £2.7 billion worth of ML10 licences (Aircraft, helicopters, drones)
- £1.9 billion worth of ML4 licences (Grenades, bombs, missiles, countermeasures)

In reality the figures are likely to be a great deal higher, with most bombs and missiles being licensed via the opaque and secretive Open Licence system.

Andrew Smith of Campaign Against Arms Trade said:

UK-made weapons have played a central role in the four year Saudi-led bombardment of Yemen. The results have been catastrophic, with tens of thousands of people killed and vital infrastructure destroyed. We believe that these arms sales are immoral, and are confident that the Court of Appeal will agree that they are unlawful.

Rosa Curling of Leigh Day said:

There is strong global concern over the actions of Saudi-led forces in Yemen. The United Nations, the European Parliament, Select Committees and many NGOs have raised concerns about the clear violations of international humanitarian law taking place against the Yemeni people. Despite this, the UK government continues to grant licences to allow arms to be sold to Saudi Arabia. Our client firmly believes that these licences are being issued unlawfully and we look forward to putting forward their arguments in the Court of Appeal.

The claim which will be considered calls on the Department of International Trade to suspend all extant licences and stop issuing further arms export licences to Saudi Arabia for use in Yemen while it holds a full review into the compatibility of the exports with UK and EU legislation.

If you are planning to write about the case, or to attend the Court of Appeal hearings, CAAT can provide background details and briefings on the UK's political and military relationship with Saudi Arabia.

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