



The Legal Case Against Saudi Arabia in Yemen

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It has been over a year since the Saudi bombardment of Yemen began. In that time a humanitarian catastrophe has been unfolding, [killing over 6000 people](#) and leaving millions without access to vital infrastructure, clean water or electricity, leaving the country on “the precipice of disaster.” The destruction on the ground has exacerbated the ongoing civil war between Yemeni forces and Houthi rebels, helping to create a power vacuum that has allowed the [expansion of Al-Qaeda and ISIS](#) with [reports](#) describing the latter [making serious territorial gains](#), such as around the port city of Mukalla.

The price has also been felt in Saudi Arabia, where mortars and rockets being fired by Houthi groups in Yemen are also killing civilians. [Saudi sources claim 375 civilians](#) have been killed since hostilities began. The Saudi regime has said that the conflict is [being downscaled](#), but the death toll is increasing. It claims that it is only striking [legitimate military targets](#), and that much of its work is to [spread humanitarian aid](#), but many of the sites being hit are civilian. A recent air strike on a busy market place [killed over 100 people](#), with witnesses reporting two missiles being fired from the air. [According to UN officials](#) 22 children were killed in the strike. The violence has been rightfully condemned by a range of campaign groups and NGOs, with a growing number of voices suggesting the intervention has not just been immoral, it has also been illegal.

In July 2015 the European Parliament [passed a motion](#) to “Condemn the air strikes by the Saudi-led coalition and the naval blockade it has imposed on Yemen.” The motion went on to state that “air strikes by the Saudi-led military coalition in Yemen have killed civilians, in violation of international humanitarian law, which requires all possible steps to be taken to prevent or

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minimise civilian casualties.” One month later, Stephen O’Brien, Under-Secretary-General for Humanitarian Affairs and Emergency Relief at the United Nations, [reported to the UN Security Council](#), that the “scale of human suffering [in Yemen] is almost incomprehensible.” Condemning “attacks on residential areas and civilian infrastructure” he asserted that the Saudi attacks are “in clear contravention of international humanitarian law.”

These condemnations have been supported by a growing number of NGOs. [Human Rights Watch](#), [Oxfam](#) and [Médecins Sans Frontières \(MSF\)](#) have all accused Saudi Arabia of breaking international humanitarian law. Amnesty International and Saferworld also recently commissioned a [legal opinion](#) from Philip Sands QC, which accused Saudi forces of breaking international humanitarian law. Since then, both the European Parliament and the UN have taken their concerns further. This January, a [UN panel accused Saudi Arabia](#) of “widespread and systematic” attacks on civilian targets. Its [51 page report](#) “documented 119 sorties relating to violations of international humanitarian law” and reported starvation being used as a war tactic. [The report](#) concluded by stating that “not a single humanitarian pause to alleviate the suffering of the Yemeni people has been fully observed by any Yemeni party or by the coalition.”

Last month, despite a [concentrated lobbying operation](#) from Saudi Arabia, parliamentarians in Brussels went further, [voting overwhelmingly](#) to support an arms embargo against Saudi Arabia. The vote was not legally binding, but it sent a strong political statement and set an important precedent. Commenting on the destruction of the first of three hospital facilities it has lost in the last year, Hassan Boucenine, Country Director of MSF, [said](#) “the fact of the matter is it’s a war crime. There’s no reason to target a hospital. We provided [the

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Coalition] with all of our GPS coordinates.” Since then MSF has announced the closure of its fourth and final hospital in the country, following air strikes in the area. Despite all of these widespread and credible criticisms and allegations, there is no solid evidence of Saudi forces taking any meaningful action to minimize harm to civilians, or making any serious attempts to investigate the deadly consequences of the bombing.

To this backdrop you would hope that the international community would be applying pressure to the Saudi government and calling for meaningful peace negotiations. Unfortunately the exact opposite has happened, with governments like the UK fuelling the devastation by providing political support and selling large quantities of arms to Saudi Arabia. The Foreign Secretary, Philip Hammond, made the UK’s position very clear from the outset, when he pledged to “support the Saudis in every practical way short of engaging in combat.” Unfortunately he has stayed true to his word.

The UK government has licensed over £2.8 billion of arms to Saudi since air strikes began last March. UK fighter jets and bombs have been central to the bombing campaign, with Eurofighter aircraft taking part in air strikes and UK-supplied Paveway IV bombs being dropped from the skies. Last year the UK sent bombs that were originally earmarked for the RAF to Saudi forces to be used against Yemen. UK arms export law is very clear. It says that licences for military equipment should not be granted if there is a “clear risk” that it “might” be used in violation of international humanitarian law. By any reasonable interpretation these criteria should surely prohibit all arms sales to Saudi Arabia that could be used in Yemen. The support has gone beyond arming Saudi forces. Earlier this year, the Saudi Foreign Minister confirmed that UK

military personnel have been in Saudi control rooms assisting with the bombing and helping to train Saudi forces.

In response to growing concerns, the House of Commons Committee on Arms Export Controls has called an investigation into the use of UK arms in the conflict. The first sessions have taken place and the Committee is expected to report later this year. The government's response has been to discard the growing body of evidence and argue that it has not seen any sufficient evidence to conclude that Saudi is breaching international law. It argues that the UK is in constant dialogue with the Saudis while parroting the tired old line that it has some of the most 'rigorous' and 'robust' arms export controls in the world. One of the arguments for this approach is that the UK can use a positive influence over Saudi forces and ensure that they are following international law. This is an implicit theme when government spokespeople use lines such as "We regularly raise with Saudi Arabian-led coalition and the Houthi the need to comply with International Humanitarian Law in Yemen." However there is no evidence that the UK has ever reined in Saudi aggression. When it comes to arms sales the power in the relationship lies almost entirely with the buyer.

Of course the relationship is nothing new. For decades now successive UK governments, of all political colours, have given an uncritical level of support to the Saudi regime. One outcome of this partnership has been the high level of integration between UK and Saudi military programmes. Around 240 UK Ministry of Defence civil servants and military personnel work to support the contracts through the Ministry of Defence Saudi Armed Forces Programme (MODSAP) and the Saudi Arabia National Guard Communications Project (SANGCOM).

The last time the UK relationship with Saudi was put under the microscope as much as it is today was in 2006, when the [Serious Fraud office](#) began looking into corruption relating to arms sales to Riyadh. The investigation threatened to unearth a litany of embarrassing details, but, after a concerted lobbying effort, [including interventions](#) by Tony Blair and the Attorney General, it was dropped. Shortly after the investigation was stopped a major deal on fighter jets was agreed, [one that would be worth over £4.4 billion](#). This pattern of trading arms deals and political favours has only continued. In the last few months serious allegations have emerged that the UK helped to lobby behind the scenes to secure Saudi Arabia's election to the [UN Human Rights Council](#); a membership which would be laughable if the on-going consequences weren't so serious. Furthermore, it is perhaps no surprise that Saudi was the only major state with the death penalty to be omitted from the UK's [anti-death penalty strategy](#).

Earlier this month, CAAT and our lawyers at Leigh Day submitted a claim for a Judicial Review into the arms sales. We are calling on the Department of Business, Innovation & Skills to suspend all extant licences and stop issuing further licences for arms exports to Saudi Arabia while it holds a full review into whether the exports are compatible with UK and EU legislation. It is likely to be a long process, but it is also a very important one. The action is specific to Yemen, but it will expose the hypocrisies at the heart of UK foreign policy, particularly concerning human rights. The longer that this hypocrisy goes on the more victims there will be. If UK arms export law is worth anything then the government must finally stop arming Saudi Arabia.

Air strike in Sana'a. Image via [Wikimedia Commons](#).

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