

The Rt Hon Elizabeth Truss MP
Secretary of State for International Trade
Department of International Trade
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**AMNESTY
INTERNATIONAL**



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Dear Secretary of State,

RE: UK ARMS SALES TO SAUDI ARABIA AND ITS COALITION PARTNERS FOR USE IN YEMEN

I am writing to you as Director of Strategic Litigation at Amnesty International, an independent international organization that campaigns to bring an end to human rights violations and abuses around the world using evidence-based research.

On 20 June 2019, following a judgment by the Court of Appeal of England and Wales, your predecessor undertook not to grant any new licences for the export of arms or military equipment to Saudi Arabia for possible use in Yemen until the government had retaken licencing decisions in relation to extant export licences on the correct legal basis. The undertaking also extended to future grants of such licences. The correct legal basis required a consideration of the past record of the Coalition in respecting international humanitarian law. In its judgment, the court stressed the importance of evidence and analysis published by non-governmental organizations, including Amnesty International, of violations of international human rights law and of international humanitarian law in Yemen.

Since the beginning of the current conflict in Yemen in 2015, Amnesty International has documented violations and abuses by all parties to the conflict. However, on this occasion, I am writing to share with you a compilation of Amnesty International's published work on the Saudi Arabia-led Coalition's violations of international humanitarian law and of international human rights law in Yemen to date. The violations include disproportionate or otherwise indiscriminate attacks that have killed or injured civilians and destroyed or damaged civilian objects; and the use of banned weapons, such as cluster munitions.

The work we are presenting to you is based on investigations carried out both in person and remotely. Between February 2015 and September 2019, Amnesty International conducted eight field missions in the north and south of Yemen, covering Sana'a, Sa'da, Amran, Hajjah, Hodeidah, Ibb, Ta'iz, Dhale', Lahj, Abyan and Aden. When conducting investigations, Amnesty International gathers information by interviewing survivors, victims, witnesses, medical and NGO personnel, journalists, lawyers and government officials on the ground, either in person or by telecommunication. Amnesty International investigates and corroborates the circumstances and impact of attacks by examining satellite imagery, medical reports, physical evidence (such as remnants from munitions used in attacks), and photos and videos with the original metadata where available. Images of weapon remnants are analysed by weapons experts, and images of the impact site are sent for ballistic analysis where possible. In over half of these cases, we were able to access the sites in question.

Since 2015, the Saudi Arabia-led Coalition has carried out scores of indiscriminate and disproportionate air strikes, hitting civilian objects on homes, schools, hospitals, markets, mosques, weddings, funerals and prisons. Amnesty International documented 42 Coalition air strikes that appear to have violated international humanitarian law, many of which could amount to war crimes. These have resulted in 518 civilian deaths and 433 civilians injured.

Our attached report begins with a recent concerning case documented by Amnesty International, in which the Coalition carried out an aerial attack on 28 June 2019, using a US-manufactured Raytheon Paveway laser-guided bomb that struck a residential home in village of Warzan in the governorate of Ta'iz. The double-tap air strike killed six civilians in what appeared to be an unlawful air strike. The six members of the al-Kindi family killed in the 28 June airstrike were: Abdelqawi Abdu Ahmed al-Kindi (aged 62), his wife Hayat Abdu Seif Mohamed (50), and their two sons - Ahmed Abdelqawi Abdu Ahmed al-Kindi (28), Hussein Abdelqawi Abdu Ahmed al-Kindi (12), and their two grandchildren - Hamza Abdelqawi Abdu Ahmed al-Kindi (9), Ayman Ali Abdelqawi Abdu Ahmed al-Kindi (6). Abdelqawi and his son Ahmed both worked as construction contractors. Witnesses told Amnesty International there were no fighters or military vehicles in the vicinity of the al-Kindi home at the time of the attack.

In another case documented by Amnesty, on 25 August 2017, a US-manufactured Raytheon Paveway laser-guided bomb struck civilian homes in Yemen's largest city, Sana'a. A five-year old girl was the sole survivor in her family; she lost five siblings aged 2 to 10 and both her parents. We would welcome a chance to meet with you to discuss this and other cases in more depth and answer any questions.

The Coalition has also used cluster munitions, lethal explosive weapons banned under international law. When launched, cluster bombs release dozens – sometimes hundreds – of small “bomblets,” which often lie unexploded and can cause horrific injuries long after the initial attack. Amnesty International has documented the Coalition's use of six different types of cluster munitions, including US, UK, Brazilian-manufactured models in Sana'a, Hajjah, Amran and Sa'da governorates.

I am appending a full compilation of the publications which Amnesty International has issued on Coalition violations in Yemen. The evidence we have compiled shows there is currently a clear risk that arms exported to Saudi Arabia and its coalition partners for use in Yemen would be used in serious violations of international humanitarian law.

We are of course concerned about the recent evidence the Secretary of State for International Trade (SSIT) has provided to the Court of Appeal stating that there have been a number of breaches of the undertaking. We note that an independent investigation has been commissioned by the Permanent Secretary on your behalf to establish the circumstances in which licences were granted in breach of the undertaking, whether any further licences have been granted and to confirm that procedures are in place to prevent further breaches. You will also be aware of a recent statement by a member of the Arms Export control committee, reported in the media that arms sales to Saudi Arabia are continuing. We would ask to be informed of the outcome of this review.

Given the UK's own export licence rules and international law obligations, Amnesty International believes you should immediately suspend all licences of military equipment to all parties to the conflict in Yemen until there is no longer a substantial risk that such equipment would be used to commit or facilitate serious violations of international humanitarian and human rights law.

Finally, in the SSIT submissions to the Court of Appeal seeking a stay of execution, it was stated:

“The Secretary of State is committed to reviewing and amending the decision-making process as a matter of priority...the current assessment is that it is likely to be up to several months before the Secretary of State is in a position to retake his decisions.” (para 8)

This was reflected in the accompanying witness statement:

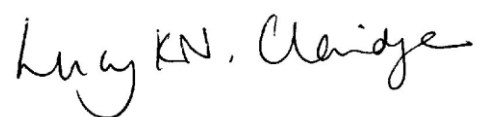
“The Secretary of State is now developing and amending the process for considering licence applications in accordance with the court's guidance...Our assessment is that it is likely to take up to several months to develop and amend the current decision-making process to meet the requirements of the Court's judgment.” (para 4)

We would be grateful for an update on progress. In addition, when reviewing those processes, we would ask for confirmation that the SSIT will take into account the recently published Geneva Academy and International Committee of the Red Cross guidelines on investigating violations of International Humanitarian Law.¹

I would be grateful if you could acknowledge receipt of this letter within 14 days with an indication of the date by when we can expect to receive a substantive response.

¹ International Committee of the Red Cross, *Guidelines on investigating violations of IHL: law, policy, and good practice*, 16 September 2019, <https://www.icrc.org/en/document/guidelines-investigating-violations-ihl-law-policy-and-good-practice>

Yours sincerely,

A handwritten signature in black ink that reads "Lucy Claridge". The signature is written in a cursive style with a large initial 'L' and a long, sweeping underline.

Lucy Claridge
Director of Strategic Litigation
International Secretariat
Amnesty International