

UK Court of Appeal Finds Government Broke Law over Saudi Arabia Arms Sales

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

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Campaigners have welcomed a Court of Appeal decision to overturn a 2017 High Court judgment which allowed the UK government to continue licensing the export of arms to Saudi Arabia for use in Yemen. The appeal hearing took place in April 2019. The judgment comes amidst global concern over the use of these weapons against civilians.

The legal action was brought by the Campaign Against Arms Trade (CAAT), represented by solicitors Leigh Day, against the Secretary of State for International Trade. It was based on reports from numerous reputable sources that Saudi forces had violated International Humanitarian Law (IHL) in their ongoing bombardment of Yemen. Criterion 2c of the [Consolidated EU and National Arm Export Licensing criteria](#) says that export licences should not be granted if there is a clear risk the equipment to be exported might be used in a serious violation of IHL.

In their judgment, the Master of the Rolls, Rt Hon Sir Terence Etherton; Lord Justice Irwin; and Lord Justice Singh concluded that it was 'irrational and therefore unlawful' for the Secretary of State for International Trade to have made the export licensing decisions without making at least some assessment as to whether or not past incidents amounted to breaches of IHL and, if they did, whether measures subsequently taken meant there was no longer a "clear risk" that future exports might do so. The judges said:

"The question whether there was an historic pattern of breaches of IHL ... was a question which required to be faced."

The Secretary of State for International Trade must now reconsider the export licences in accordance with the correct legal approach.

Andrew Smith of Campaign Against Arms Trade said:

We welcome this verdict, but it should never have taken a court case brought by campaigners to force the Government to follow its own rules. The Saudi Arabian regime is one of the most brutal and repressive in the world, yet, for decades, it has been the largest buyer of UK-made arms. No matter what atrocities it has inflicted, the Saudi regime has been able to count on the uncritical political and military support of the UK.

The bombing has created the worst humanitarian crisis in the world. UK arms companies have profited every step of the way. The arms sales must stop immediately.

Rosa Curling, solicitor of law firm Leigh Day, said:

Our client is delighted with the judgment handed down today. The court has ruled the government's procedure for granting licences to export arms to Saudi Arabia is unlawful. The Government has been forced to accept it must now stop granting new licences for arms exports to Saudi Arabia, for possible use in the conflict in Yemen pending any application to the Court of Appeal for a stay.

The horrors that the world has witnessed in Yemen can no longer be ignored by the UK government. When considering whether to grant licences, the court has confirmed the Secretary of State must assess whether the KSA has breached international humanitarian law previously.

The pattern of serious violations do not simply need to be "taken into account" as the Divisional Court found; the Court of Appeal has ruled that the pattern has to be properly assessed and considered. An answer to the question of whether KSA has breached IHL has to be answered.

The government will now have to reconsider whether to suspend existing export licences and reconsider its decision to continue to grant licences. Our client hopes the government will reconsider quickly and will decide that no further licences should be granted."

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