

Committees on Arms Exports Controls (CAEC) inquiry into the use of UK-manufactured arms in Yemen

Written submission on behalf of Article 36, Action on Armed Violence, Handicap International, Human Rights Watch, Norwegian People's Aid, Oxfam, PAX, and the Women's International League for Peace and Freedom.

25 March 2016

1. We welcome the re-establishment of the Committees on Arms Export Controls (CAEC) and the opportunity to contribute to this inquiry into the use of UK-manufactured arms in the conflict in Yemen. This submission is focused on the transfer of *explosive weapons* by the United Kingdom to Saudi Arabia, and subsequent use and resulting humanitarian harm in Yemen.

Humanitarian harm from the use of explosive weapons in populated areas

2. Explosive weapons include explosive ordnance such as mortar rounds, artillery shells, rockets and aircraft bombs as well as assorted improvised explosive devices (IEDs), and function by projecting blast and fragmentation around a point of detonation.
3. The use of explosive weapons in populated areas causes a distinct pattern of harm. Each year, tens of thousands of civilians are killed and injured as a direct result of the use of explosive weapons in populated areas. If the effects of explosive weapons extend across a wide area because of the scale of blast, or because they are inaccurate or use multiple munitions, then this poses a particularly serious threat when used in populated areas. The International Network on Explosive Weapons (INEW), an international network of non-governmental organisations, calls on all states to stop using explosive weapons with wide area effects in populated areas.
4. Explosive weapons cause damage to vital infrastructure including water and sanitation systems, housing, schools and hospitals, which has reverberating negative effects for affected societies. Victims of explosive weapons face long-term challenges of disability, psychological harm, and social and economic exclusion. Unexploded ordnance (UXO) continues to kill and injure people years after a conflict has ended and denies use of or access to areas they contaminate. Widespread use of explosive weapons with wide area effects in towns and cities areas has been a leading cause of population displacement, driving hundreds of thousands of people to flee their homes and seek refuge abroad.
5. Because of their wide area effects, the use of explosive weapons in populated areas raises acute concerns for the protection of civilians. In an unprecedented joint statement in October 2015, the UN Secretary-General and the President of the ICRC called on states to “stop the use of heavy explosive weapons in populated areas”.¹

Use of explosive weapons in Yemen

6. In 2015, Action on Armed Violence (AOAV) recorded more civilian deaths and injuries reported from explosive weapons in Yemen than in any other country around the world.² All parties to the conflict in Yemen have made widespread use of explosive weapons that have a wide area impact in populated areas, including aircraft bombs, rockets and mortars, as well as improvised explosive devices (IEDs). A report produced by AOAV and the UN Office for the Coordination of Humanitarian Affairs (OCHA) analysing violence in Yemen between 1

¹ “World at a turning point: Heads of UN and Red Cross issue joint warning”, ICRC, 30 October 2015, <https://www.icrc.org/en/document/conflict-disaster-crisis-UN-red-cross-issue-warning>

² “At least 6,100 civilians reported harmed from explosive weapons in Yemen in 2015”, AOAV, 25 February 2015, <https://aoav.org.uk/2016/14618/>

January and 31 July 2015 showed that explosive weapons killed and injured 4,493 civilians in that period.³

7. Aerial bombing by the Saudi-led coalition was responsible for 60 per cent of civilian deaths and injuries from explosive weapons in Yemen, according to that report. The report identified a total of 835 civilian deaths and 1,847 civilian injuries between the launch of the Saudi-led coalition's military intervention in March and the end of July 2015.⁴
8. According to the UN High Commissioner for Human Rights "the [Saudi Arabia-led] coalition is responsible for twice as many civilian casualties as all other others forces put together, virtually all as a result of airstrikes".⁵ More than half of all the reported Saudi-led coalition air strikes in Yemen were recorded in populated areas. The report documents a widespread pattern of strikes hitting civilian residential areas, schools, mosques and markets, including within the capital Sana'a. The large destructive radius of many aircraft bombs means that even if a military target was struck within a populated area, civilians were still frequently among the casualties.⁶
9. When aerial bombing took place in populated areas, civilians made up 93 per cent of resulting deaths and injuries. Between 1 January and 31 July 2015, AOAV recorded 13 separate incidents in Yemen that each killed and injured more than 100 civilians. Eight of these incidents were air strikes, three were caused by ground launched explosive weapons like rockets and mortars, and two by improvised explosive devices (IEDs).⁷ These attacks included the bombing of the port city of Mokha on 24 July, where six bombs fell on a residential compound in what was described by on-the-ground investigators as an apparent war crime.⁸ In recent airstrikes on crowded market places in Sana'a and Hajja governorates in February and March, at least 145 civilians were killed, including 33 children. The UN High Commissioner for Human Rights condemned the attacks and noted that the distinction between legitimate military targets and civilian ones by coalition forces is at best woefully inadequate and that these incidents may constitute international crimes.
10. The use of explosive weapons in Yemen has had a devastating impact on children. According to the UN, nearly three quarters (73%) of child deaths and injuries during the second quarter of 2015 were caused by air strikes by the Saudi-led coalition, and 18% of child deaths and 17% of child injuries were attributed to Houthi forces.⁹

Use of cluster munitions in Yemen

11. Human Rights Watch (HRW) has documented the use of cluster munitions by the Saudi Arabia-led coalition in Yemen, believed to be supplied by the United States. Cluster munitions are a type of explosive weapon and are prohibited under the 2008 Convention on

³ For more information see; "State of Crisis: Explosive Weapons in Yemen," Action on Armed Violence (AOAV) and UN OCHA, September 2015, <https://docs.unocha.org/sites/dms/Documents/Yemen%20EWIPA%20report.pdf>

⁴ Ibid.

⁵ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17251&LangID=E>

⁶ Saudi-led coalition forces in Yemen are thought to be making extensive use of JDAM and Paveway guided aircraft bombs, which weigh between 500lbs and 2,000lbs. The largest of these bombs is believed to have a lethal radius of up to 360m, and can cause injury and damage as far as 800m from the point of detonation. See pp. 3-8, "Wide Area Impact," Action on Armed Violence (AOAV), March 2016, <https://aoav.org.uk/wp-content/uploads/2016/03/Wide-Area-Impact-explosive-weapons-in-populated-areas.pdf>

⁷ For more information see; "State of Crisis: Explosive Weapons in Yemen", Action on Armed Violence (AOAV) and UN OCHA, September 2015, <https://docs.unocha.org/sites/dms/Documents/Yemen%20EWIPA%20report.pdf>

⁸ "Yemen camp bombing – what you need to know," IRIN, 30 March 2015, www.irinnews.org/report/101295/yemen-camp-bombing-what-you-need-to-know; "Yemen: Coalition Strikes on Residence Apparent War Crimes," Human Rights Watch, 27 July 2015, <https://www.hrw.org/news/2015/07/27/yemen-coalition-strikes-residence-apparent-war-crime>

⁹ "Nowhere Safe for Yemen's Children", Save the Children, December 2015, <http://www.savethechildren.org.uk/resources/online-library/nowhere-safe-yemens-children>

Cluster Munitions (CCM) because they present considerable and unacceptable risks to the civilian population both at the time of use, and after the conflict ends.¹⁰

12. Human Rights Watch believes the Saudi Arabia-led coalition of states operating in Yemen is responsible for all or nearly all of these cluster munition attacks because it is the only entity operating aircraft or multibarrel rocket launchers capable of delivering five of the six types of cluster munitions that have been used in the conflict.¹¹ There is evidence documented by HRW of civilian casualties from these attacks which the government of Saudi Arabia has been urged to investigate.
13. As a party to the Convention on Cluster Munitions (CCM), the UK is not believed to have supplied cluster munitions to Saudi Arabia, but it does have an obligation to discourage Saudi Arabia from using cluster munitions, and to encourage the government to accede to the Convention on Cluster Munitions.

The role of the UK

14. According to UK Government reports, between 1 April and 31 September 2015, the UK authorised more than £1 billion worth of bombs and missiles for use by the Saudi Air force. Through the transfer of arms to the government of Saudi Arabia, including explosive weapons, the UK has a responsibility to prevent the civilian harm inflicted on the civilian population in Yemen, as documented above.
15. As a party to the Convention on Cluster Munitions, the UK has an obligation under the CCM to discourage any use of cluster munitions, and encourage Saudi Arabia to accede to the Convention on Cluster Munitions.

Recommendations

16. Given the devastating impact of the use of explosive weapons in populated areas, we urge the UK Government to endorse the UN Secretary-General's call for all actors to refrain from using explosive weapons with wide-area effects in populated areas and to work together with States to develop an international commitment to this end.
17. Supplies of arms, including explosive weapons, to combatant parties in Yemen should cease immediately where they are at risk of being used in violation of international law.
18. The UK government should review its existing arms export policy so as to include consideration of a country's use of explosive weapons in populated areas as a risk factor for the refusal of future arms licenses.
19. The UK should discourage and condemn any use of cluster munitions, and encourage Saudi Arabia to accede to the Convention on Cluster Munitions.

¹⁰ "Yemen cluster munitions wounding civilians", Human Rights Watch, 14 February 2016, <https://www.hrw.org/news/2016/02/14/yemen-cluster-munitions-wounding-civilians>

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