

Written evidence from the Mwatana Organization for Human Rights (UKY 11)

Introduction

1. In this submission to the UK Committees on Arms Export Controls, Mwatana Organization for Human Rights provides information based on the organization's field research in Yemen on the military action by the Arab Coalition led by Saudi Arabia. In particular, the information relates to:
 - Investigations by Mwatana Organization for Human Rights of two incidents of aerial bombardment in both Matanah area, Bani Matar District, and Quhaza village, Bilad Arroos District, in Sana'a where UK-manufactured arms were used by Arab Coalition led by Saudi Arabia in Yemen.
 - Incidents of apparent targeting of civilian objects in those two incidents, where that the targets do not appear to have been used for military purposes.
 - Impact of such aerial bombardment on the situation in those localities.
2. [Mwatana](#) is an independent Yemeni organization working on defending and promoting human rights through investigative researches to produce accurate and objective accounts of the facts regarding its mandate and mission with the aim of ending human rights violations.
3. In addition to the two detailed incidents mentioned above, Mwatana has also released "[Blind Air Strikes](#)" report last December 2015 in Arabic, and the English version was released early March 2016, documenting 44 incidents of aerial bombardments that the organization believes that they amount to International Humanitarian Law contraventions. Through a field research in which 155 persons were interviewed, the report investigates 44 air strikes carried out by the Arab Coalition led by Saudi Arabia in nine Yemeni governorates (Sana'a, Ta'iz, Lahj, Ibb, Hodaidah, S'adah, Hajja, al-Baidha, and Dhamar). Mwatana' investigations concluded that these air strikes killed at least 615 civilians including 120 women and 220 children and wounded 678 others including 125 women and 167 children in the nine governorates.

Use of UK Weapons and Contravention of International Humanitarian Law

4. Mwatana has investigated the use of UK-manufactured arms in at least two incidents of aerial bombardment by Saudi-led Arab coalition in Yemen, and led to destruction of civilian objects in apparent contravention of International Humanitarian Law:

5. Bombing Ceramica Radfan Factory in Yemeni capital, Sana'a, 23rd September 2015:
Mwatana confirmed that the Arab Coalition led by Saudi Arabia has used UK-manufactured bombs to entirely destroy one of the biggest civilian industrial facilities in Sana'a, northern Yemen. According to research by Mwatana, one of the attacks on civilian facilities was the bombing of Ceramica Radfan Factory, in Matnah area, Bani Matar District, about 30 kilometers west of Sana'a city.
6. The factory was hit by four air strikes in Wednesday morning, 23rd of September 2015. In addition to demolishing the facility, Mwatana organization has confirmed that it has not found any evidence that the factory was used for military purposes nor were there any military targets close to it. The organization has noted that the nearest military outpost to the facility is Subaha military camp, which is about 15 kilometers away.
7. During its field visit to the destroyed factory on Wednesday 7th of October, 2015, Mwatana' team documented [remnants of the bombs used in the shelling](#)¹, which arms experts found later that they are remnants of (Paveway Laser) or (Laser and GPS) bomb (GEC Marconi Dynamics Company). Based on experts' findings, all projectile remnants found under the rubble of the devastated factory are believed to have been manufactured by (GEC Marconi Dynamics Company) one the biggest weapon making companies, which supplies the UK Ministry of Defense.
8. Ghalib Ahmed Al-Swari, 40 years old, General Director of Ceramica Radfan factory, said to Mwatana: "The coalition' air jets were hovering heavily on the day of the attack, some residents saw them but that was normal for us because we used to see them every day since Saudi-led coalition started its military campaign in Yemen. We were very surprised that our factory was completely damaged by four missiles. It is very disappointing to see one's efforts and 20 years of hard work by your family collapse in minutes."
9. Jamil Ahmed Mohammed Qatran, 40 years old eyewitness from the same neighborhood of the shelled factory said to Mwatana: "on 23rd of September, 2015, while I was with my family washing clothes in the yard of our house, 30 meters eastern the facility. We suddenly heard the explosion of the first missile to hit but did not see the aircraft, we later heard the sound of the aircraft as the second and third missile hit. I saw the aircraft myself. Residents in the neighboring area in the District fled their homes in fear of attack.
10. Bombing the Community College Compound in Sana'a, 8th and 10th of January 2016:
Mwatana investigated two air strikes carried out by the Arab Coalition led by Saudi Arabia on 8th and 10th of January 2016 and targeted the Community College in Quhaza village, Bilad Arroos

¹ Mwatana provided Armament Research Services (ARES) with photos of the remnants of the bombs from the site.

District, about 32 kilometers south of Sana'a city. Mwatana also confirmed that UK-manufactured bombs were used in at least one of these two incidents. Both strikes resulted in destroying an empty houseware and students' accommodation in addition to smashing windows glasses of other buildings in the compound.

11. Mwatana's team also found remnants of the bombs with the sign of (GEC Marconi Dynamics Company) as identical as the ones found in Ceramica Radfan Factory. Photos of remnants and parts of the bombs are included in this written evidence (Annex 1).
12. The compound of the Community College was still under the construction and wasn't completely facilitated or even used when the two strikes occurred. Mwatana visited the site on 18th of February 2016 and interviewed Ali Hadi al-Muzalim, 33 years old, the guard of the compound and an eyewitness. Al-Muzalim said to Mwatana: "on Friday, 8th of January, around 2:00 pm I was in the administration building, and heard three air strikes targeted the compound. Later I left the compound and made a basic shelter around 50 meters away from the compound. On Sunday, 10th of January 2016, around 6 pm, again two air strikes hit the compound and I filmed the former with my mobile."
13. Mwatana has a record of footage the guard has filmed for the air strike on the compound.
14. According to al-Muzalim, weapons' depots are located 15 kilometers away northern the targeted site. Furthermore, no evidences showed that the compound was used for military purposes.

15. **Use of UK Exported Weapons and Their Impact on Local Communities**

Use of UK exported weapons targeting civilian objects is an apparent contravention of International Humanitarian Law. Moreover, the use of UK weapons has negative impacts on local communities as happened in Matnah area, Bani Matar District, and in Quhazah village, Bilad Arroos District, in Sana'a.

16. Ghalib Ahmed Al-Swari, General Manager of Ceramica Radfan Factory said: "We lost our capital in the factory, 700 workers became jobless, and those who benefited from the factory's services in the area are suffering too. We are all live difficult times; words can't describe how I feel. We are now left to look for reparation. We lost everything in a blink of an eye. We are not affiliated with any political party, and we are not involved in politics. We are neutral investors."
17. The Community College that was targeted by Arab Coalition was still under construction and was supposed to help people in Quhaza village and surrounding areas in their education. In contrast, airstrikes destroyed what had been already built.
18. Therefore, DfID should have some control over arms exports because of the paradox in the UK giving aid to Yemen whilst also being the biggest provider of weapons used by Saudi Arabia to

target civilian objects. Targeting civilian infrastructures is feeding the deteriorated situation in the country and the Arab Coalition led by Saudi Arabia and the supporting countries must be held responsible.

19. The International Humanitarian Law has brought a full protection for civilian objects that appears evident in each of the Fourth Geneva Convention in 1949, and the additional protocols I and II of Geneva Conventions in 1977, In addition to Hague Convention for the Cultural Property Protection in the case of Armed Conflict in 1954.
20. As shown in the second paragraph (52) of the first additional protocol of 1977, intended to civilian objects "all objects which are not military targets" that includes homes, schools, universities, hospitals and places of worship, bridges, farms and civil engineering constructions, factories, water sources, irrigation facilities, electricity stations, and generally everything intended to serve civilian purposes. This law assures the serious threat attacking civilians' objects. Moreover, this law banned all expected assault against these objects, whether by direct attacking, destruction, transport or disruption to those objects.
21. The article (147) of the Fourth Geneva Convention of 1949 clarified the severe violations. Any destruction of any civilian's property without justification considers as a severe violation against the Fourth Geneva Convention. The Article (146) of the same Convention obliges the contracting parties to take any legislative action required to impose effective penalties for perpetrators of grave breaches or anyone issue orders that have committed, and bring them to trial.
22. The article (48) of the first additional protocol of 1977 had clarified "conflicted parties should distinguish between the civilian population and combatants, and between civilian and military objects then accordingly shall attack military objects, in order to ensure respect and protection of civilians and civilian objects."
23. Moreover, Mwatana Organization for Human Rights reminds British government of its obligation to 2008 EU Common Position on Arms Exports, and the international Arms Trade Treaty, which stipulate that arms transfers ensure respect for human rights and fundamental freedoms in the country of final destination, as well as respect by that country for international humanitarian law.
24. Article 7 ATT: each state 'shall not authorize the export' of arms if there is 'an overriding risk' that the arms or items exported 'could be used' to 'commit or facilitate a serious violation' of international humanitarian law or of international human rights law.
25. Mwatana retreats its demand of the necessity to establish an independent international inquiry commission to investigate all human rights violations by all parties to the conflict in Yemen.

Recommendations:

26. Mwatana calls the UK parliament and government to:

- Impose arms embargo to Saudi Arabia and its led- Arab Coalition of states participating in the ongoing conflict in Yemeni war (Saudi Arabia, UAE, Kuwait, Qatar, Bahrain, Egypt, Jordan, Morocco and Sudan), for using such arms in its aerial military campaign in which civilian objects have been targeted.
- Investigate all air strikes resulted in killing and injuring high scores of civilians and destruction of civilian infrastructures and hold those responsible accountable.
- Compensate the victims and their families as well as those who have had losses due to air strikes carried out by Arab Coalition led by Saudi Arabia.
- Extend the rold of DfiD to have some control over arms exports to Yemen where International Humanitarian Law violations occurred.
- Investigate all sales of weapons to the Arab Coalition and how these weapons have been used in the conflict.

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Annex 1:

Here are some pictures taken by Mwatana's team when visited the site of Community College Compound in Sana'a on 18th of February 2016.

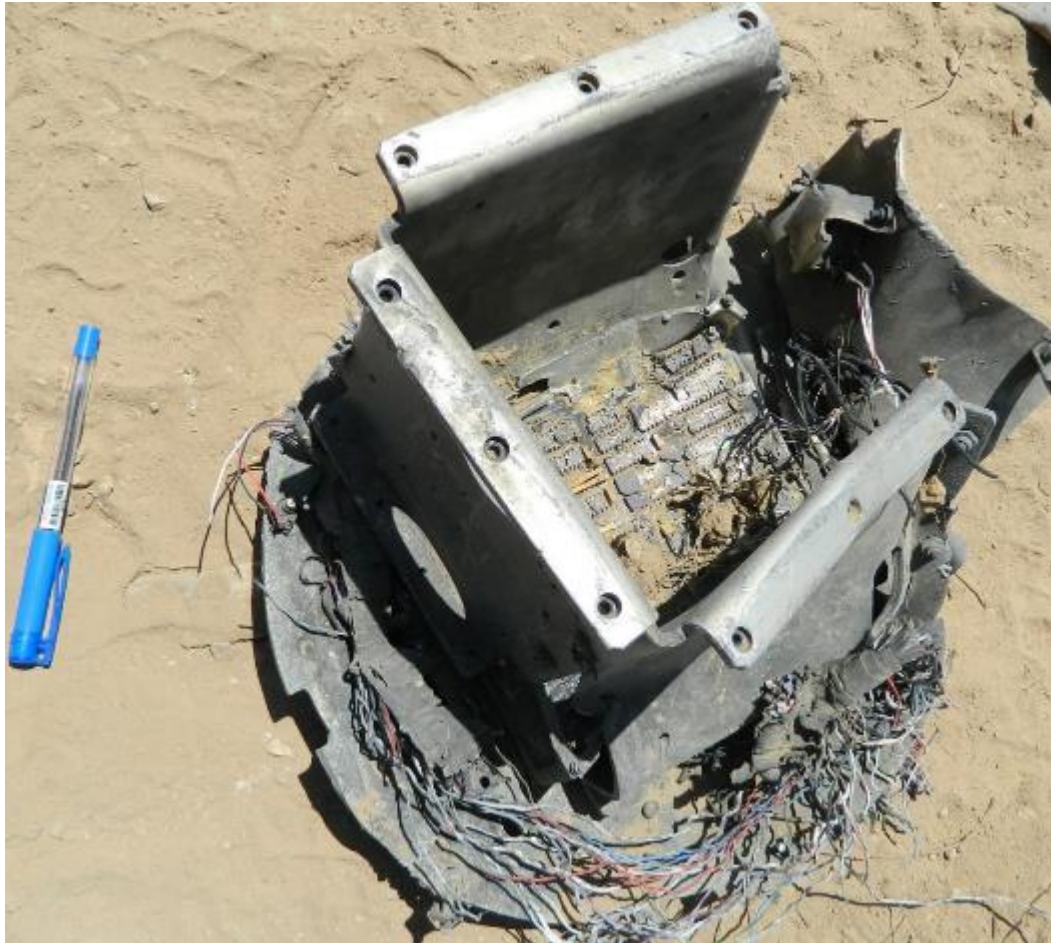


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Destruction in the compound of the Community College in Sana'a.



Remnants of the bombs.





Remnants of the bombs.



Remnants of the bombs.



Remnants of the bombs.





Remnants of the bombs.