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April 13, 2017

Honorable Malcolm Turnbull MP
Prime Minister



HRW.org

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Re: Suspending Military Sales to Saudi Arabia

Dear Prime Minister,

I am writing on behalf of Human Rights Watch to obtain details about Australian military exports to Saudi Arabia and other Saudi-led coalition members in Yemen, and to learn whether any arms exported to Saudi Arabia have been used in unlawful attacks. We urge the government to suspend the sale or transfer of any weapons or materiel to Saudi Arabia until it curtails its unlawful attacks in Yemen and credibly investigates past alleged violations of the laws of war.

In the last 12 months, the Department of Defence has approved four military export applications to Saudi Arabia without releasing further details on them, [according](#) to the *Sydney Morning Herald*.

Since March 26, 2015, Saudi Arabia has led a coalition including Bahrain, Kuwait, Qatar, the United Arab Emirates, Egypt, Jordan, Morocco, and Sudan in military operations against the Houthi armed group and their allies in Yemen.

Over the last two years, Human Rights Watch has documented 62 apparently unlawful coalition airstrikes, some apparent war crimes, and 18 attacks involving widely banned cluster munitions that have hit civilian areas, including homes, markets, schools, and hospitals. These include airstrikes on a crowded market in northern Yemen in March 2016 that killed 97 civilians, including 25 children, and a strike on a funeral in Sanaa in October 2016 that killed over 100 people and wounded hundreds more.

The United Nations and human rights groups have documented dozens more apparently indiscriminate and disproportionate coalition attacks. A freedom of information request in January 2017 revealed that the United Kingdom's Ministry of Defence was 'tracking' 252 potential violations of the laws of war by the Saudi-led coalition in Yemen.

Human Rights Watch has also documented numerous abuses by the Houthis and their allies.

Since March 2015, at least 4,773 have been killed and 8,272 wounded, the majority by Saudi-led coalition airstrikes, according to the UN Office of the High Commissioner for Human Rights. UNICEF stated in March 2017 that over 1500 children had been killed.

After two years of conflict, Yemen is now on the brink of widespread famine. Nearly 19 million Yemenis—over two-thirds of the population—need humanitarian assistance, including 9.6 million children, [according](#) to the UN. Seven million Yemenis are facing starvation. The Saudi-led coalition has also imposed a naval blockade on Yemen that has exacerbated the situation, including diverting ships carrying lifesaving medical supplies and delaying shipments of civilian goods for up to three months.

The coalition has consistently failed to investigate their forces alleged laws-of-war violations. The coalition-appointed Joint Incidents Assessment Team has failed to operate independently, impartially, or transparently, and [released](#) findings that differed drastically from those of the UN, Human Rights Watch and others. This underscores the urgent need for independent international investigations into alleged violations.

Providing weapons and materiel to parties to a conflict that are known to have repeatedly violated the laws of war may make those supplying the arms complicit in that party's war crimes. Australia has an obligation to take measures to ensure respect for international humanitarian and human rights law.

In addition, Australia as a state party to the Arms Trade Treaty (ATT) is required to assess objectively the risk of a potential arms transfer to any party to the Yemen conflict being used to commit or facilitate a serious violation. If the risk is clear and substantial the transfer must not be allowed.

We understand that Minister for Defence Industry Christopher Pyne has said that military export applications are subject to strict controls and assessed against five criteria: international obligations, national security, human rights, regional security, and foreign policy.

But there has been no further information about precisely what type of military equipment Australia is supplying to Yemen. We urge you to release precise details of weapons and materiel Australia is supplying to Saudi Arabia and other members of the coalition, and to provide information on whether any Australian exports have been used in unlawful attacks by coalition forces. In any case, Australia should cease supplying arms to Saudi Arabia until it curtails its unlawful airstrikes in Yemen and credibly investigates alleged violations.

Suspending arms sales would clearly signal to Saudi Arabia that the Australian government is concerned with the ongoing violations in Yemen and is committed to taking measures to ensure respect for the laws of war, including by its allies.

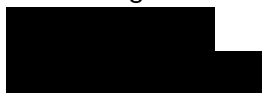
States that supply arms to Saudi Arabia are showing increasing reluctance to continue doing so. A February 2016 European Parliament resolution called for a European Union arms embargo. In March 2016, the Dutch parliament voted to ban arms exports to Saudi Arabia; in April 2016, the Swiss government blocked an export license because it feared that the arms could be used in Yemen. UK arms exports to Saudi Arabia are currently under judicial review.

If there is a substantial risk Australian weapons and materiel exported to other coalition members may be used in Yemen to commit or facilitate serious laws-of-war violations, then those exports should also be suspended. The United Arab Emirates, for example, is playing a leading role in coalition military operations in southern Yemen.

Thank you for your attention to this important issue, and we look forward to your response. We would be happy to meet your staff to discuss this matter further.

Sincerely,

Elaine Pearson
Australia Director
Human Rights Watch



CC: Senator Marise Payne
Minister for Defence
Sydney, Australia

CC: Christopher Pyne MP
Minister for Defence Industry
Sydney, Australia

CC: Dennis Richardson AO
Secretary of the Department of Defence