



## NGO Submission: Report of the HRC on the impact of arms transfers on human rights

1. ***Please identify the ways that arms transfers impact the enjoyment of human rights. Are there rights that are particularly affected? Are there groups of rights-holders which are particularly affected?***

### Saudi Arabia

Arms transfers to Saudi Arabia negatively impact the enjoyment of human rights. This is particularly the case in regard to Saudi Arabia's ongoing involvement in the conflict in Yemen. Saudi Arabia has led an international coalition of armed forces fighting in Yemen since March 2015. The coalition has the backing of the United States (US) and the United Kingdom (UK), which have both supplied Saudi Arabia, and other members of the coalition, with military goods including combat aircraft, bombs, assault weapons, and ammunition. The UK has provided more than £3 billion of arms to Saudi Arabia since the onset of Saudi Arabia's involvement in Yemen.<sup>1</sup> The US has provided close to \$3 billion to Saudi Arabia to replenish its weaponry "damaged or used up in Yemen" over the same period, while providing more \$115 billion in arms transfers to Saudi Arabia since 2009.<sup>2</sup> The Saudi-led coalition has used these weapons to attack residential areas.

The Saudi-led coalition has consistently engaged in practices that violate international human rights law and international humanitarian law, including the unlawful attack on homes, refugee camps, markets, hospitals, schools, civilian businesses, and mosques.<sup>3</sup> Human Rights Watch (HRW) has documented 61 airstrikes carried out by the Saudi-led coalition that it believes may violate international law.<sup>4</sup> As of 25 January 2017, the UK Ministry of Defence was "tracking" 252 possible coalition violations of international humanitarian law.<sup>5</sup> A number of these attacks have been carried out using bombs supplied by the US and UK. In addition to using weapons supplied through arms transfers, the US has supplied more than half of Saudi Arabia's 300+ combat capable aircraft. These include the F-15S fighter jet, which has played a central role in the Saudi bombing campaign.<sup>6</sup> UK-supplied Tornado aircraft, of which Saudi Arabia has 69, have played a similarly important role.<sup>7</sup> The influx of these weapons and their use in Yemen has led to consistent violations of the right to life, the right to an adequate standard of living, including medical care, the right to education, and the right to work.

#### A. *Right to life*

The Saudi-led coalition has consistently conducted airstrikes on residential areas while also targeting civilian infrastructure. The resulting strikes have killed nearly 4,000 civilians.<sup>8</sup> The UN has estimated that the Saudi-led coalition is responsible for some 60% of all such deaths.<sup>9</sup> Médecins Sans Frontières (MSF),<sup>10</sup> HRW,<sup>11</sup> and

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<sup>1</sup> "UK Arms Export Licenses," Campaign Against Arms Trade, accessed 27 January 2017, [https://www.caat.org.uk/resources/export-licences/licence?iso2=SA&date\\_from=-3&rating=Military](https://www.caat.org.uk/resources/export-licences/licence?iso2=SA&date_from=-3&rating=Military).

<sup>2</sup> William D. Hartung, *U.S. Arms Transfers to Saudi Arabia and the War in Yemen*. Center for International Policy, 2016. Available at: [https://www.ciponline.org/images/uploads/actions/2016-12\\_Hartung\\_Report.pdf](https://www.ciponline.org/images/uploads/actions/2016-12_Hartung_Report.pdf)

<sup>3</sup> "Yemen: No Accountability for War Crimes," Human Rights Watch, 12 January 2017, accessed 27 January 2017, <https://www.hrw.org/news/2017/01/12/yemen-no-accountability-war-crimes>.

<sup>4</sup> Ibid.

<sup>5</sup> Chris Vallance, "Yemen Human Rights 'Breaches Staggering,'" *BBC*, 25 January 2017, accessed 27 January 2017, <http://www.bbc.com/news/world-38745454>.

<sup>6</sup> William D. Hartung, *U.S. Arms Transfers to Saudi Arabia and the War in Yemen*.

<sup>7</sup> Ibid.

<sup>8</sup> Mohammed Ghobari, "U.N. Says 10,000 Killed in Yemen War, Far More than Other Estimates," *Reuters*, 30 August 2016, accessed 27 January 2017, <http://www.reuters.com/article/us-yemen-security-toll-idUSKCN11516W>.

<sup>9</sup> Ibid.

<sup>10</sup> "Yemen: Indiscriminate bombings and unreliable reassurances from Saudi-led coalition force MSF to evacuate staff from six hospitals in the north," Médecins Sans Frontières, 18 August 2016, accessed 27 January 2017, <http://www.msf.org/en/article/yemen-indiscriminate-bombings-and-unreliable-reassurances-saudi-led-coalition-force-msf>

<sup>11</sup> "Bombing Businesses," Human Rights Watch, 10 July 2016, accessed 27 January 2017, [e](https://www.hrw.org/news/2016/07/10/yemen-bombing-businesses).



Amnesty International<sup>12</sup> have each pointed to the regularity with which coalition airstrikes have struck civilian targets as evidence of the indiscriminate nature of the coalition's bombing campaign and its seeming lack of concern for civilian life. For example, on 15 March 2016, the coalition bombed a crowded market in northwestern Yemen killing at least 97 civilians, including 25 children. HRW determined that the attack was conducted with a GBU-31 satellite-guided bomb, which consists of an MK-84 2000-pound bomb and a JDAM satellite guidance kit, both of which the U.S. supplied.<sup>13</sup> The US and the UK have also sold cluster munitions to Saudi Arabia, which release scores of submunitions that can detonate much later and kill civilians. The Saudi-led coalition has been accused of using US-made cluster munitions in Yemen,<sup>14</sup> and has admitted to using UK-made BL755 cluster munitions there.<sup>15</sup> The UK sold 500 of these to Saudi Arabia in the 1980s.<sup>16</sup> Though the members of the Saudi-led coalition are not parties to the Convention on Cluster Munitions, which bans their use, the Saudi-led coalition has allegedly used cluster munitions in areas populated by civilians, resulting in civilian deaths.<sup>17</sup> Dropping cluster munitions in an area that would not allow for their discriminate use would place the coalition in contravention of international law, its members' non-ratification of the Convention on Cluster Munitions notwithstanding. The use of weapons like cluster munitions on civilians and civilian areas represent an unequivocal denial of the right to life.

## B. *Right to an adequate standard of living, including medical care*

The targeting of hospitals by coalition airstrikes violates international humanitarian law and contributes to the creation of an environment in which health care is not easily accessible for civilians or wounded combatants. For example, the coalition's 15 August 2016 bombing of an MSF hospital in northern Yemen killed 19 people and injured 24 others. The attack and Saudi Arabia's lack of contrition led to MSF's decision to evacuate its staff from six hospitals across Hajjah and Saada governorates in northern Yemen.<sup>18</sup> Amnesty International determined that the bomb used in the attack was a U.S.-made precision-guided Paveway-series aerial bomb.<sup>19</sup> Current OCHA estimates place the number of people in Yemen lacking access to basic health care at close to 15 million.<sup>20</sup> More than half of these are considered to be living in severely underserved areas.<sup>21</sup>

## C. *Right to education*

The targeting of schools by coalition airstrikes presents a serious threat to Yemeni children's right to education. In December 2015, Amnesty International released a report detailing five different schools targeted by Saudi-led coalition airstrikes between August and October 2015.<sup>22</sup> The strikes killed 5 civilians and injured 14, and severely disrupted the education of the some 6,550 children who regularly attended the schools. According to

<sup>12</sup> "Yemen 2015/2016," Amnesty International, accessed 27 January 2017, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/yemen/report-yemen/>.

<sup>13</sup> "Yemen: US Bombs Used in Deadliest Market Strike," Human Rights Watch, 7 April 2016, accessed 27 January 2017, <https://www.hrw.org/news/2016/04/07/yemen-us-bombs-used-deadliest-market-strike>.

<sup>14</sup> Ben Brumfield and Sima Shelbayah, "Report: Saudi Arabia used U.S.-supplied cluster bombs in Yemen," *CNN*, 4 May 2015, accessed 27 January 2017, <http://www.cnn.com/2015/05/03/middleeast/yemen-hrw-cluster-munitions-saudi-arabia/>.

<sup>15</sup> Rowena Mason and Ewen MacAskill, "Saudi Arabia admits it used UK-made cluster bombs in Yemen," *The Guardian*, 19 December 2016, accessed 27 January 2017, <https://www.theguardian.com/world/2016/dec/19/saudi-arabia-admits-use-uk-made-cluster-bombs-yemen>.

<sup>16</sup> "UK exported 500 cluster bombs to Saudi Arabia in 1980s, admits MoD," *The Guardian*, 10 January 2017, accessed 27 January 2017, <https://www.theguardian.com/world/2017/jan/10/britain-exported-500-cluster-bombs-to-saudi-arabia-in-1980s-admits-mod>.

<sup>17</sup> "Yemen: Coalition Drops Cluster Bombs in Capital," Human Rights Watch, 7 January 2016, accessed 27 January 2017, <https://www.hrw.org/news/2016/01/07/yemen-coalition-drops-cluster-bombs-capital-0>.

<sup>18</sup> "Yemen: Indiscriminate bombings and unreliable reassurances," Médecins Sans Frontières.

<sup>19</sup> "Yemen: Evidence indicates US-made bomb was used in attack on MSF hospital," Amnesty International, 19 September 2016, accessed 27 January 2017, <https://www.amnesty.org/en/latest/news/2016/09/yemen-evidence-indicates-us-made-bomb-was-used-in-attack-on-msf-hospital/>.

<sup>20</sup> "Crisis Overview," United Nations Office for the Coordination of Humanitarian Affairs, accessed 27 January 2017, <http://www.unocha.org/yemen/crisis-overview>.

<sup>21</sup> *Ibid.*

<sup>22</sup> "Yemen: 'Our Kids are Bombed': Schools Under Attack in Yemen," Amnesty International, 11 December 2016, accessed 27 January 2017, <https://www.amnesty.org/en/documents/mde31/3026/2015/en/>.



the United Nations, about 2 million Yemeni children are currently unable to attend school, and over 1,600 schools in Yemen are unfit for service.<sup>23</sup>

#### D. *Right to work*

The Saudi-led coalition has also targeted civilian infrastructure, including factories and manufacturing centers. Such attacks result not only in loss of civilian life but also in the destruction of workplaces. The attacks strain Yemeni citizens' ability to realize their right to work. For example, in the summer of 2016, the coalition bombed a snack food factory in Sanaa, which killed 10 employees and destroyed a business that had employed dozens of families.<sup>24</sup>

#### E. *Effects on Children*

Children are particularly vulnerable to the effects of interference in the right to life, right to education, and the right to health care. Children are more susceptible to explosive devices due to the fact that their bodies are smaller and more delicate. This means that "injuries caused by explosive weapons to their organs and tissues are often much more complex to treat than those suffered by adults."<sup>25</sup> They are less likely to receive adequate medical care, due to their increased physical vulnerability and to the destruction of medical facilities. When children are deprived of the opportunity to attend school and receive an education, they may be at greater risk of being recruited into the armed forces or other armed groups.<sup>26</sup>

## Bahrain

The United States has been a longtime supplier of arms to the Government of Bahrain. It has authorized over \$1 billion in military sales between 2000 and 2015.<sup>27</sup>

In February 2011, Bahrain experienced mass demonstrations demanding democratic reforms in the country. Bahraini authorities responded by opening fire on the peaceful protestors, killing seven and injuring hundreds more. In mid-March 2011, the government declared a "state of national safety," and Bahraini security forces killed 20 people and arrested thousands. Many were tried in a special military court and sentenced to prison on political offenses, despite allegations of torture on the part of Bahraini authorities. Bahrain continues to violate its population's human rights, and its security forces have been accused of, among others crimes, arbitrary arrest and detention, suppression of the right to free expression, assembly, and association, and the torture of detainees. Bahrain is also a member of the Saudi-led coalition fighting in Yemen.

#### A. *Arms Transfers*

The United States authorized \$200,771,754 in military sales to Bahrain in 2010.<sup>28</sup> In 2011, it authorized \$280,373,829. These sales included combat aircraft, shotguns, assault weapons, and ammunition. The transfer

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<sup>23</sup> "Crisis Overview," United Nations Office for the Coordination of Humanitarian Affairs.

<sup>24</sup> Ben Hubbard, "U.S. Fingerprints on Attacks Obliterating Yemen's Economy," 13 November 2016, accessed 27 January 2017, <https://www.nytimes.com/2016/11/14/world/middleeast/yemen-saudi-bombing-houthis-hunger.html>.

<sup>25</sup> Save the Children, *Explosive Weapons and Grave Violations Against Children* (London: 2013), available at:

[https://www.savethechildren.org.uk/sites/default/files/images/Explosive\\_Weapons\\_and\\_Grave\\_Violations\\_Against\\_Children.pdf](https://www.savethechildren.org.uk/sites/default/files/images/Explosive_Weapons_and_Grave_Violations_Against_Children.pdf).

<sup>26</sup> "Promotion and Protection of the Rights of Children: ICRC statement to the United Nations, 2012," International Committee of the Red Cross, 19 October 2013, accessed 27 January 2017, <https://www.icrc.org/eng/resources/documents/statement/2012/united-nations-children-statement-2012-10-19.htm>.

<sup>27</sup> This figure is the result of adding together each year's total authorized military sales to Bahrain, which is listed in U.S. Section 655 Annual Military Assistance Reports, available at: <https://www.sipri.org/databases/national-reports/United%20States%20of%20America>.

<sup>28</sup> *Report by the Department of State Pursuant to Section 655 of the Foreign Assistance Act of 1961, as Amended: Direct Commercial Sales Authorizations for Fiscal year 2010*, United States Department of State, 2010, available at:

[https://www.sipri.org/sites/default/files/research/armaments/transfers/transparency/national\\_reports/united\\_states/us\\_655\\_fy2010.pdf](https://www.sipri.org/sites/default/files/research/armaments/transfers/transparency/national_reports/united_states/us_655_fy2010.pdf).



of such weapons has raised the possibility that Bahraini security forces used U.S.-made weapons and munitions in their violent suppression of peaceful protests. Bahraini security forces also opened fire on protesters from a helicopter that an official at Bell Helicopter said appeared to be an American-designed model that had been sold to Bahrain.<sup>29</sup>

The United Kingdom has also provided millions of pounds sterling worth of arms to Bahrain, including in the years before Bahrain's 2011 protests. Despite some actions taken to restrict arms transfers in the immediate aftermath of Bahraini security forces' human rights violations in February 2011, the UK nonetheless provided £45 million in arms transfers between 2011 and September 2015.<sup>30</sup> In 2011, due to the nature of the arms transfers, particularly crowd control weapons, there was speculation that U.K.-made arms were used by Bahraini security forces' violent response to the protests.<sup>31</sup>

The UK and US's arms transfers to Bahrain surrounding the events of 2011 have negatively affected Bahrainis' right to life, right to peaceful assembly and association, and right to free expression. To the extent that arms transfers enable and legitimize the actions of the Bahraini authorities in the violent repression of its citizens' peaceful political activities, they contributed to the violation and restriction of these human rights. Members of the political and religious opposition to the Bahraini government have suffered the most in this regard, as they are underrepresented in the government and have had their attempts to voice their desire for reform met with violent repression. The Bahraini government continues to respond to political opposition in a repressive and violent fashion, including in Bahraini security forces' 26 January 2017 use of live ammunition in an attack on protesters in Diraz, Bahrain.<sup>32</sup> This resulted in the critical injury of at least one protester, who was shot in the head.<sup>33</sup> The Bahraini government also continues to respond punitively to citizens who voice opinions critical of the government or in favor of reform.<sup>34</sup>

**2. Are you aware of assessments by governments of the impact that arms transfers may have on the enjoyment of human rights. If possible, please specify what considerations are taken into account when making these assessments, including national procedures and/or laws and international obligations and standards. On what information and/or sources of information are these assessments by governments based?**

The United States government must grant a license in order for exports, including arms transfers, to take place. According to the US State Department, such license requests "typically go through an extensive review process," during which several agencies assess a variety of factors that include foreign policy implications including human rights implications.<sup>35</sup> A 15 January 2014 Presidential Policy Directive on the subject of U.S. Conventional Arms Transfer Policy states that U.S. arms transfer policy objectives include "ensuring that arms

<sup>29</sup> Michael Slackman and Nadim Audi, "Security Forces in Bahrain Open Fire on Protesters," 18 February 2011, accessed 27 January 2017, <http://www.nytimes.com/2011/02/19/world/middleeast/19bahrain.html?pagewanted=all#p1ThaTha>.

<sup>30</sup> Paul Gallagher, "British arms sales to Bahrain total £45m since Arab Spring – while claims of torture and oppression continue," *The Independent*, 13 February 2016, accessed 27 January 2017, <http://www.independent.co.uk/news/uk/politics/bahrain-protesters-tortured-while-britain-signs-45m-arms-deal-a6872166.html>.

<sup>31</sup> Peter Beaumont and Robert Booth, "Bahrain uses UK-supplied weapons in protest crackdown," 17 February 2011, accessed 27 January 2017, <https://www.theguardian.com/world/2011/feb/17/bahrain-crackdown-uk-arms-sales>.

<sup>32</sup> "Bahraini forces critically wound protester with live ammunition in attack on Diraz protests," Americans for Democracy and Human Rights in Bahrain, 26 January 2017, accessed 27 January 2017, <http://www.adhrb.org/2017/01/11665/>.

<sup>33</sup> *Ibid.*

<sup>34</sup> "Bahrain Arrests Rights Defender Nabeel Rajab, NGOs demand immediate release," Americans for Democracy and Human Rights in Bahrain, 13 June 2016, accessed 27 January 2017, <http://www.adhrb.org/2016/06/bahrain-arrests-rights-defender-nabeel-rajab-ngos-demand-immediate-release/>.

<sup>35</sup> "Overview of U.S. Export Control System," United States Department of State, accessed 27 January 2017, <https://www.state.gov/strategictrade/overview/>.



transfers do not contribute to human rights violations or violations of international humanitarian law.”<sup>36</sup> The Policy Directive states that all arms transfer decisions will take into account “the likelihood that the recipient would use the arms to commit human rights abuses or serious violations of international human rights law.”<sup>37</sup> The directive also states that the U.S. will “exercise unilateral restraint in the export of arms” on a case-by-case basis when the recipient state’s behavior “is a cause for serious concern,” or where the transfer raises concerns about “serious violations of human rights law.”<sup>38</sup> This was a Policy Directive associated with the Obama administration. As such, it is not yet clear to what extent the Trump administration will adhere to these or similar guidelines.

The Foreign Assistance Act of 1961 also applies to arms transfers authorized by the United States government. Section 116 states that, “No assistance may be provided [...] to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights,” including “flagrant denial of the right to life, liberty, and the security of person.”<sup>39</sup>

The 2013 Arms Export Treaty would impose upon the U.S. important obligations in the way of assessing arms transfers for their potential to negatively impact human rights. However, the United States has signed but has not ratified or acceded to the Arms Trade Treaty.<sup>40</sup>

Arms exports in the United Kingdom are regulated by the Consolidated EU and National Arms Export Licensing Criteria (Consolidated Criteria), which was introduced in 2000.<sup>41</sup> In order for arms transfers to proceed, export applications that include arms appearing on the UK’s Strategic Export Control List must be tested for their compliance with the Consolidated Criteria on a case-to-case basis. Criterion Two of the Consolidated Criteria requires that the country of destination demonstrate “respect for human rights and fundamental freedoms,” and respect for international humanitarian law.<sup>42</sup> It also states that a license to export to a foreign country shall not be granted if there is a “clear risk” that those goods might be used for internal repression.<sup>43</sup>

In 2014, the United Kingdom ratified the Arms Trade Treaty (ATT). The ATT regulates the international transfer of conventional arms. Article 6 places a number of prohibitions on the authorization of conventional arms transfers, including on arms transfers if the transferring state has knowledge that the items it intends to transfer would be used in the commission of grave breaches of international human rights law and international humanitarian law.<sup>44</sup> Article 7 (1) stipulates that an exporting state is to objectively assess the potential that an importing state could use the transferred arms to “commit or facilitate” a serious violation of either international human rights law or international humanitarian law.<sup>45</sup> Under article 8(1), importing countries are to provide information, upon request, to exporting countries in order to assist the exporting country in conducting its export assessments in accordance with Article 7.<sup>46</sup>

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<sup>36</sup> “Presidential Policy Directive – United States Conventional Arms Transfer Policy,” Obama White House Archives, 15 January 2014, accessed 27 January 2017, <https://obamawhitehouse.archives.gov/the-press-office/2014/01/15/presidential-policy-directive-united-states-conventional-arms-transfer-p>.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> *Foreign Assistance Act of 1961*, United States Congress, available at: <https://legcounsel.house.gov/Comps/Foreign%20Assistance%20Act%20of%201961.pdf>.

<sup>40</sup> “Arms Trade Treaty,” United Nations Treaty Collection, accessed 27 January 2017, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVI-8&chapter=26&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-8&chapter=26&clang=en).

<sup>41</sup> John Lunn, *Briefing paper: The legal and regulatory framework for UK arms exports*, House of Commons Library, 30 September 2016, available at: <http://researchbriefings.files.parliament.uk/documents/SN02729/SN02729.pdf>.

<sup>42</sup> “Consolidated EU and National Arms Export Licensing Criteria, United Kingdom Parliament, 25 March 2014, accessed 27 January 2017, <http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm140325/wmstext/140325m0001.htm#14032566000018>.

<sup>43</sup> Ibid.

<sup>44</sup> *The Arms Trade Treaty*, United Nations, available at: <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.



3. ***What considerations should be taken into account by governments when assessing the impact an arms transfer may have on human rights, including national procedures and/or laws and international obligations and standards? On what information and/or sources of information should such assessments be based?***

The 2013 Arms Trade Treaty imposes obligations on states parties that, if respected, represent an excellent means of protecting arms transfers from negatively impacting human rights. The Arms Trade Treaty addresses the possibility that arms may be used to commit violations of international human rights law in an importing country, and bans transfers in such cases. The United States should therefore ratify the Arms Trade Treaty. The United Kingdom should apply the standards of the Arms Trade Treaty more rigorously. For example, the UK government has consistently stated that Saudi Arabia has not passed the threshold of “clear risk,” despite demonstrated instances of airstrikes on civilian targets. Assessments of the impact arms transfers may have on human rights should be based on a variety of sources of information, including information compiled by the exporting state, information made available by the importing state, and reliable information compiled by civil society and non-governmental organizations.

4. ***Are you aware of a refusal or refusals by government to authorise a proposed arms transfer or arms transfers on the basis that the arms transfer would impact on the enjoyment of human rights? If possible, please specify the factors that were taken into consideration in making this decision, and the nature of the human rights that would have been impacted by such the proposed transfer.***

In February 2011, the UK government revoked 44 arms export licenses for Bahrain, citing concerns that such exports “might provoke or prolong regional or internal conflicts,” or “might be used to facilitate internal repression.”<sup>47</sup> A source from the British government reported that the arms export licenses that were revoked were primarily for riot control equipment such as tear gas and rubber bullets.<sup>48</sup> Since 2011, the UK government has not suspended any arms sales to Bahrain or Saudi Arabia, despite clear and consistent human rights violations committed on the part of both countries.<sup>49</sup>

In October 2011, the United States suspended a \$53 million arms deal with Bahrain in the aftermath of the Bahraini government’s human rights abuses during the 2011 protests in the country. The Obama administration decided to suspend the arms deal pending a review of the then-soon-to-be-released Bahrain Independent Commission of Inquiry (BICI) report,<sup>50</sup> citing “concern about the Government of Bahrain’s actions against protesters,” and stating that it continued to urge Bahrain “to hold accountable those who have committed human rights violation.”<sup>51</sup>

Since 2011, the United States has maintained a complete hold on all transfers of arms to the Bahraini Ministry of Interior, but lifted its hold against the Bahrain Defense Force in June 2015.

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<sup>47</sup> “Britain, France halt security exports to Bahrain & Libya,” *Al Arabiya*, 19 February 2011, accessed 27 January 2017, <https://www.alarabiya.net/articles/2011/02/19/138283.html>.

<sup>48</sup> *Ibid.*

<sup>49</sup> For reports detailing human rights violations in Saudi Arabia and Bahrain, *A Midterm Report on Saudi Arabia’s UPR Second Cycle: Analyzing Saudi Arabia’s Refusal to Reform*, Americans for Democracy and Human Rights and Bahrain Institute for Rights and Democracy, 2016, available at: see: <http://www.adhrb.org/wp-content/uploads/2016/06/Saudi-UPR-Midterm-Report-Electronic-Version.pdf>; “Country Summary: Saudi Arabia,” Human Rights Watch, 2017, available at: [https://www.hrw.org/sites/default/files/saudiarabia\\_0.pdf](https://www.hrw.org/sites/default/files/saudiarabia_0.pdf); “Country Summary: Bahrain,” Human Rights Watch, 2017, available at: [https://www.hrw.org/sites/default/files/bahrain\\_2.pdf](https://www.hrw.org/sites/default/files/bahrain_2.pdf); “Bahrain 2015/2016,” Amnesty International, available at: <https://www.amnesty.org/en/countries/middle-east-and-north-africa/bahrain/report-bahrain/>.

<sup>50</sup> This report represented the findings of an independent investigation into the alleged human rights violations that had been committed during and after the protests that began in February 2011.

<sup>51</sup> *Letter to Senator Wyden*, United States Department of State, 14 October 2011, available at: <https://www.wyden.senate.gov/download/?id=EA52E234-0D63-4A67-A364-E05EE62474EF&download=1>.



In October 2016, the Obama administration included a “declaration of concern” in its draft notification of an arms transfer deal with Bahrain that was sent to Congress.<sup>52</sup> The deal, which would provide Bahrain with 19 F-16 fighter jets at a cost of \$4 billion, was made conditional by the administration’s declaration. Though the note was not made publicly available, news agencies reported that it made the sale of the F-16s conditional upon Bahrain’s demonstration of progress on human rights issues.<sup>53</sup>

In May 2016, the Obama administration placed a hold on the shipment to Saudi Arabia of CBU-105 cluster bombs manufactured by the U.S.-based Textron Systems.<sup>54</sup> A senior U.S. official stated that the hold was connected to the Saudi-led coalition’s use of cluster bombs “in areas in which civilians are alleged to have been present or in the vicinity.”<sup>55</sup>

In December 2016, the Obama administration decided to block the sale of 16,000 guided munitions kits to Saudi Arabia. The kits are manufactured by Raytheon and they “upgrade so-called dumb bombs to smart bombs that can more accurately hit targets.”<sup>56</sup> Obama administration officials reported that the decision was “a direct reflection of the concerns that we have about Saudi strikes that have resulted in civilian casualties.”<sup>57</sup>

**5. Are you aware of a refusal or refusals by a government to authorize a proposed arms transfer on the grounds of the risk of diversion of the arms?**

ADHRB is not aware of any such refusals regarding arms transfers from the U.K. or the U.S. to Bahrain or Saudi Arabia in recent years.

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<sup>52</sup> “White House places restrictions on arms sales to Bahrain,” 4 October 2016, accessed 27 January 2017,

<http://www.adhrb.org/2016/10/white-house-places-restrictions-arms-sales-bahrain/>.

<sup>53</sup> Anthony Capaccio, “Bahrain’s Lockheed F-16 Buy Said to Come With U.S. Strings,” *Bloomberg*, 30 September 2016, accessed 27 January 2017,

<https://www.bloomberg.com/politics/articles/2016-09-30/bahrain-s-lockheed-f-16-purchase-said-to-come-with-u-s-strings>.

<sup>54</sup> John Hudson, “Exclusive: White House Blocks Transfer of Cluster Bombs to Saudi Arabia,” *Foreign Policy*, 27 May 2016, accessed 27 January 2017,

<http://foreignpolicy.com/2016/05/27/exclusive-white-house-blocks-transfer-of-cluster-bombs-to-saudi-arabia/>.

<sup>55</sup> *Ibid.*

<sup>56</sup> Helene Cooper, “U.S. Blocks Arms Sale to Saudi Arabia Amid Concerns Over Yemen War,” *New York Times*, 13 December 2016, accessed 27 January 2017,

<https://www.nytimes.com/2016/12/13/us/politics/saudi-arabia-arms-sale-yemen-war.html>.

<sup>57</sup> Phil Stewart and Warren Strobel, “U.S. to halt some arms sales to Saudi, citing civilian deaths in Yemen campaign,” *Reuters*, 13 December 2016, accessed 27 January 2017,

<http://www.reuters.com/article/us-usa-saudi-arabia-yemen-exclusive-idUSKBN1421UK>.