

IN THE COURT OF APPEAL (CIVIL DIVISION)

ON APPEAL FROM THE HIGH COURT OF JUSTICE (QUEEN'S BENCH DIVISIONAL COURT)

BURNETT LJ AND HADDON-CAVE J

BETWEEN:

**THE QUEEN**

on the application of

**CAMPAIGN AGAINST ARMS TRADE**

Appellant

-and-

**THE SECRETARY OF STATE FOR INTERNATIONAL TRADE**

Respondent

-and-

**(1) AMNESTY INTERNATIONAL, HUMAN RIGHTS WATCH**

**AND RIGHTS WATCH UK**

**(2) OXFAM**

Interveners

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**MINUTE OF ORDER**

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**BEFORE:** Sir Terence Etherton MR, Lord Justice Irwin and Lord Justice Singh

**UPON HEARING** Mr Martin Chamberlain QC and Mr Conor McCarthy for the Claimants; Mr Angus McCullough QC and Ms Rachel Toney as Special Advocates; Sir James Eadie QC, Mr Jonathan Glasson QC and Ms Jessica Wells for the Defendant

**AND UPON READING** written submissions from Ms Jemima Stratford QC, Mr Nikolaus Grubeck and Mr Anthony Jones for the First Interveners and from Mr Gerry Facenna QC and Ms Julianne Kerr Morrison for the Second Intervener

**AND UPON** the Secretary of State **UNDERTAKING** not to grant any new licences for the export of arms or military equipment to Saudi Arabia for possible use in the conflict in Yemen until he has either:

- a. retaken the decisions referred to in paragraph 3 of this order; or
- b. applied for a stay of execution of paragraph 3 under paragraph 5 of this order and a stay has been granted by the Court permitting him to grant such licences,

**IT IS ORDERED that:**

1. The appeal is allowed on ground 1 and dismissed on grounds 2 and 4.
2. The order of the Divisional Court dated 24 July 2017 is set aside in its entirety.
3. The Defendant's decisions (1) not to suspend extant export licences for the sale or transfer of arms and military equipment to Saudi Arabia for possible use in the conflict in Yemen and (2) to continue to grant further such licences are quashed; and the matter is remitted to the Secretary of State to re-take the decisions on the correct legal basis.
4. The Defendant shall by 4pm on 4 July 2019 pay the Claimant's reasonable costs as follows:
  - a. in respect of proceedings before the Divisional Court, in the sum of £70,000 plus VAT (as capped by the order of Mr Justice Gilbart of 11 July 2016); and
  - b. in respect of the proceedings before this Court, in the further sum of £51,000 including VAT (as capped by the order of Lords Justices Irwin and Flaux of 4 May 2018).
5. Any application for permission to appeal, and/or for a stay of execution of paragraph 3 of this order, shall be made in writing by 4pm on Thursday 27<sup>th</sup> June 2019.
6. Any response to such an application as mentioned in paragraph 5 above is to be made in writing by 4pm on Thursday 4<sup>th</sup> July 2019.
7. Any application as mentioned in paragraph 5 above shall be determined by the Court in writing thereafter.

**Dated 20 June 2019**