



MAJOR POWERS FUELLING ATROCITIES

WHY THE WORLD NEEDS A ROBUST
ARMS TRADE TREATY

AMNESTY
INTERNATIONAL





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“The missile struck the roof just above where they were gathered. It was a massacre. Three of my daughters were killed and the fourth one was badly injured; the other children had horrible injuries... Why bomb innocent civilians in their homes? How can this be allowed?”

Ahmad Sulayman, whose daughters were among the victims of a double air strike on a house in Tarmala, Jabal al-Zawiya, Syria, on 20 August 2012.

Every year, thousands of people are killed, injured, raped and forced to flee from their homes as a result of abuses and atrocities committed with conventional arms and ammunition. Harrowing testimonies and images from conflict zones and human rights crises around the world underline the urgent need to end irresponsible arms transfers and illicit trafficking.

The UN process arising from worldwide civil society and political pressure to negotiate an Arms Trade Treaty (ATT), in order to establish international standards for the control of the global arms trade, was supposed to conclude in July 2012 at the month-long UN Conference on the Arms Trade Treaty. Progress was made but the Conference ended without agreement because of the blocking tactics of a small minority of states. The draft text of the Treaty includes several provisions that address human rights but these provisions and other key measures still need to be strengthened.

Since then, Amnesty International and hundreds of other NGOs have continued their long campaigns to achieve an

effective ATT, and in March 2013 UN member states will reconvene in New York for nine days of negotiations to finalize this Treaty. Several states, including the Permanent Five Members of the UN Security Council – China, France, the Russian Federation, the UK and the USA – are responsible for most of the world’s conventional arms sales and aid and they will be pivotal in deciding whether an effective ATT predicated on respect for human rights is concluded.

This briefing illustrates the role of each of the Permanent Five in the global arms markets, and highlights key measures in the Treaty that need to be improved. Amnesty International is calling on political leaders and state officials to use their influence to secure an effective ATT by the end of March 2013.

Above: Homes and shops devastated by an air strike in the Tariq al-Bab district of Aleppo, Syria, August 2012.

Right: Hundreds of photos of the disappeared outside the North Court in Benghazi, Libya, April 2011.

CHINA’S SMALL ARMS TRADE

Most of China’s conventional arms are made by state-owned companies. The main manufacturers of small arms and light weapons (SALW) are the China North Industries Group Corporation (Norinco Group) and the China South Industries Group Corporation (CSGC). Between them, these two companies manufacture all types of SALW, including assault rifles, machine guns, grenade launchers, and mortars and their associated ammunition.

Under Chinese legislation, weapons, munitions and related equipment should only be exported from China by state-owned export companies such as Norinco Corporation, which is the main importer/exporter for the Norinco Group and CSGC, and Poly Technologies Inc, which supplied arms carried on a ship headed for Zimbabwe in 2008, generating an international outcry.

Chinese SALW have been found in countries subject to UN Security Council arms embargoes, or where they are likely to be used to commit or facilitate crimes under international law or human rights abuses,



such as the Democratic Republic of the Congo and the Darfur and other regions of Sudan. It is not always known whether China has supplied these directly, but Chinese weapons, such as QLZ87 Automatic Grenade Launchers, have been seen repeatedly in Darfur and more recently in Southern Kordofan. In 2011, the UN Panel of Experts, which monitors enforcement of the UN arms embargo on Darfur, reported that significant volumes of small arms ammunition used in Darfur by the Sudanese Armed Forces, other security agencies and government-backed militia groups appear to be Chinese-manufactured, carrying marking-codes used by Chinese military corporations.

China's arms export regulations do not specify criteria that would deny authorization for arms transfers to proceed when the arms are likely to be used for serious violations of international human rights law or humanitarian law. Rather, China's three principles for exporting arms are: "(1) conduciveness to the capability for just self-defence of the recipient country; (2) no injury to the peace, security and stability of the region concerned and the

LIBYA: DID THE GOVERNMENT OF CHINA FAIL TO CONTROL STATE-OWNED COMPANIES?

Documents found by a Canadian journalist in Libya after the fall of the al-Gaddafi government revealed that representatives of al-Gaddafi's government visited Beijing in July 2011. They met officials from the Chinese state-owned companies, China North Industries Corporation, the China National Precision Machinery Import-Export Corp (CPMIEC) and China Xinxing Import and Export Corporation to discuss purchasing US\$200 million worth of weapons. *The Globe and Mail* described secret talks about arms shipments from China via Algeria and South Africa. Although there is no evidence that the weapons were exported, the Chinese companies appeared willing to sell to the al-Gaddafi government while it was subject to a UN Security Council arms embargo.

At the time of these negotiations, conflict in Libya continued to rage between pro- and anti-Gaddafi forces and the international forces led by NATO. Al-Gaddafi forces had committed

serious violations of international humanitarian law, including war crimes, and gross human rights violations. Using a wide array of conventional arms, they deliberately killed and injured scores of unarmed protesters, subjected people they believed to be opponents to enforced disappearance, torture and other ill-treatment, and arbitrarily detained scores of civilians. They launched mortar, artillery and rocket attacks, including into residential areas, and used inherently indiscriminate weapons such as anti-personnel mines and cluster bombs, leading to numerous civilian casualties. They extrajudicially executed people who had been captured and restrained, and were posing no threat.

The Chinese Foreign Ministry claimed no knowledge of these talks, and Chinese officials had previously stated that companies wishing to export weapons must obtain permission from the appropriate government agency before opening talks.



world as a whole; (3) no interference in the internal affairs of the recipient country.” These allow wide leeway to grant irresponsible arms export licences. Also, the lack of transparency in Chinese reporting makes it difficult to scrutinize the quantity or destinations of exported arms unless these are belatedly revealed abroad.

China has said it accepts the need for the ATT to include a provision for respect of international human rights and humanitarian law but has opposed strict rules for such criteria. On the scope of the treaty, China finally agreed in July to the inclusion of SALW, largely due to pressure from developing countries especially in Sub-Saharan Africa, but it has objected to the inclusion of government-to-government transfers and “gifts”, which if agreed would leave a big loophole for irresponsible transfers.

Above: A display of weapons left behind in Misratah, Libya, after the withdrawal of al-Gaddafi’s forces in May 2011.

FRANCE: TRANSFERRING TECHNOLOGY TO SUDAN

In Darfur the 10-year conflict continues with no sign of resolution, and human rights violations have remained widespread. Despite this, international attention has shifted to other events in Sudan, including fighting which erupted in Sudan’s Southern Kordofan and Blue Nile states in mid-2011. During 2011, government forces and government-allied militia carried out attacks in Darfur, including aerial bombardments, and there were ground attacks by armed opposition groups in and around towns and villages, including camps for internally displaced people (IDPs). Rape and other forms of sexual violence by government forces and allied militia against displaced women and girls continued.

All the armed actors require all-terrain vehicles to transport combatants through the vast Darfur deserts. Some of these trucks are European models, assembled by the local Sudanese GIAD Automotive Industry Company, including the Renault Midlum trucks.

According to research by the International Peace Information Service vzw (IPIS), a UK *Unreported World* documentary on Darfur broadcast in 2008 included images of a GIAD manufactured Renault Midlum truck in camouflage colours. These were being used by the government-backed Janjaweed militia who have committed gross human rights violations. Between 2007 and 2009, Amnesty International documented repeated attacks on civilians by the Janjaweed in Darfur.

IPIS has found that Renault Trucks, a French company and subsidiary of Volvo, transferred Midlum 210.13 4x4 trucks in the form of “completely knocked down” (CKD) kits of essential parts and components – a specific form of technology transfer – to GIAD, to assemble under licence. In 2004, Renault Trucks Défense marketed these trucks as “véhicules civils militarisables”, or commercial vehicles that can be militarized.

Furthermore, since its inception in 1997, the GIAD Industrial Complex has been connected to the Military Industry Corporation of Sudan: the Military Industry Corporation of Sudan has a 25 per cent



Left: Five of seven women who were gang-raped, beaten and robbed by Janjaweed militia in July 2006 while collecting firewood. Aisha (centre), sitting with her baby son Osman, was seven months pregnant at the time. Zahya (right) holds her 18-month-old daughter, Fatima. South Darfur, April 2007.

ARMS EMBARGOES ON DARFUR/SUDAN

UN Security Council Resolution 1556 (2004) imposed an arms embargo on “all non-governmental entities and individuals, including the Janjaweed, operating in the states of North Darfur, South Darfur and West Darfur”. One year later the UN embargo was extended to include “all the parties to the N’Djamena Ceasefire Agreement and any other belligerents in the states of North Darfur, South Darfur and West Darfur”. This permits the government of Sudan to receive arms through Khartoum or Port Sudan, but not to transfer them directly into Darfur, without prior approval from the UN Sanctions Committee. The EU also imposed an embargo on Sudan in 1994, which prohibits member states from supplying arms, munitions and military equipment to any entity in Sudan. The European Council Common Position of 9 January 2004 expanded this embargo to include a ban on technical, financial, brokering, transport and other assistance relating to military activities and equipment.

Given the limitations of the UN Security Council arms embargo which only covers Darfur, and has been poorly enforced, Amnesty International has called on all states to suspend all international arms transfers to the government of Sudan and for the Security Council to extend the arms embargo to the whole of the country. This would help prevent further serious violations of international humanitarian and human rights law.

share in GIAD. In 2007, the US Treasury imposed sanctions on GIAD for “contributing to the conflict in the Darfur region”.

Renault was not obliged to apply for an export licence, because, according to the French Ministry of Foreign Affairs these types of trucks are on neither the European Union (EU) military list nor the EU dual-use list.

Renault Trucks claimed that the trucks were civilian and that they have stipulated that they can only be for civilian end-use. This is despite Renault Trucks marketing these trucks in 2004 as “*véhicules civils militarisables*”, and the trucks having been used for military purposes by an armed group in Darfur.

According to Renault Trucks, it “resumed its business with GIAD and AEW [Advanced Engineering Works Company] in 2010 on the basis of the tacit renewal of the condition prevailing under the ‘expired contracts’.”

Another type of Renault vehicle – the light reconnaissance and support (VLRA) – was apparently photographed in December

2007 on a government military parade in Sudan. Between 25 May 2005 and 21 May 2007, the Renault Trucks subsidiary ACMAT, which is a French manufacturer of “all-terrain vehicles”, reportedly exported 155 VLRA vehicles to Sudan. Renault Trucks claimed that this transfer had complied “with applicable laws and regulations and with the formal prior agreement of the French national authorities”.

When Amnesty International wrote to Renault Trucks in November 2012 for clarification of the authorization from the French authorities for the transfer of the Midlum trucks and the VLRA vehicles to Sudan, Renault Trucks reiterated its previous position, conveyed to IPIS, “that trucks are not weapons and that customers must not modify or adapt the trucks for military purposes”. In a letter dated 20 December 2012, the French Secrétariat général de la défense et de la sécurité nationale informed Amnesty International that since 2005 no export licences for military equipment to Sudan have been issued by France.

Below and right: An image from the UK Unreported World documentary that was broadcast in 2008 which shows a Midlum truck that has been assembled by the GIAD Automotive Industry Company. The GIAD logo can be seen on the right-hand door of the truck. Opposite page: A man salvages furniture after his home was bombed by government forces in the city of Maraath al-Numan in north-west Syria, November 2012.



Given the dire human rights situation in Darfur as well as other parts of Sudan, and since the whole of Sudan is subject to an EU arms embargo, Amnesty International thinks it is incumbent on the French government to make sure that these types of vehicles, which can be used for military purposes, are included in the military export control list so any such exports are properly regulated.

During the negotiations at the UN Conference in July 2012, many states wanted an ATT to explicitly include all types of military vehicles, their parts and components and technology transfers. The case above illustrates the importance of strict control of international transfers of equipment, parts, components and technology that can be assembled and deployed for military purposes.

RUSSIAN ARMS SUPPLIES TO SYRIA

The Russian Federation is the world's second largest arms trading country by value of its exports. It exerts a significant influence in the ATT negotiations and was the only major arms exporter to abstain during the UN General Assembly vote on 6 November 2012 to continue negotiations on an ATT.

Amnesty International has documented various Russian arms supplies to countries where they are likely to be used to commit or facilitate serious violations of international humanitarian and human rights law. Examples include AK-style assault rifles supplied to Libya under the al-Gaddafi government, or Mi-24 helicopter gunships supplied to Sudan despite the Sudanese Air Force having previously used such helicopters for aerial attacks on both military and civilian objectives in Darfur.

ARMS TO SYRIA

There has been considerable speculation about whether Russia has supplied arms to Syria during the ongoing conflict. Before

2011, Russia was reportedly Syria's biggest arms supplier, accounting for 10 per cent of all Russian arms exports, continuing the role filled two decades earlier by the Soviet Union. Since the beginning of the conflict, Russia, alongside China, has blocked efforts at the UN to impose an arms embargo and sanctions on Syria, as well as the referral of the situation to the International Criminal Court. The Russian government has done little publicly to quell suspicions about further arms supplies to Syria during the conflict and apparently attempted to deliver refurbished attack helicopters during June 2012, shortly before aerial attacks by Syrian government forces intensified in July 2012.

The internal armed conflict has now engulfed most of the country and caused thousands of casualties and hundreds of thousands of displaced people and refugees among the civilian population. Indiscriminate air strikes and mortar attacks, bomb attacks, extrajudicial executions and summary killings, threats, abductions and hostage-taking have become commonplace. As of 11 January 2013, Amnesty International has received the names of at least 33,000 people



reported to have died since the unrest began in March 2011.

Syria operates mainly Soviet-era fighter jets and helicopters, most delivered over 20 years ago, although apparently sometimes refurbished. In addition, in 2008 Belarus exported 33 MiG-23 fighter jets to Syria that had originated from Russia, according to the UN Register of Conventional Arms. Decisions by a third country to re-export Russian weaponry require authorization from Moscow, and in 2006, Russia signed an agreement with Syria “on monitoring the proper use of specific types of military goods”.

The Syrian army has used a range of aircraft in aerial attacks and air bombardments during the conflict, and analysis of online footage indicates that these include Mig-21, Mig-23 and Su-24 fighter jets; Mi-8/17 transport helicopters and Mi-24 and Mi-25 helicopter gunships. Indiscriminate air bombardments by the Syrian army have killed, maimed and terrorized civilians across the country. Such attacks, which do not distinguish between civilian and military targets, constitute war crimes. In September 2012, Amnesty

International witnessed daily air bombardment, artillery and mortar strikes in towns and villages throughout the region of Jabal al-Zawiya and other parts of the Idlib and north Hama regions. Unexploded ordnance and remnants of weapons found at the scene of strikes in the areas visited by Amnesty International included: air delivered Soviet-era unguided OFAB-100-120 high explosive fragmentation bombs and other unidentified unguided bombs packed full of pieces of metal rods for maximum impact; RBK-250 cluster bombs containing ZAB-2.5 incendiary submunitions; S5 rockets; and 122mm artillery shells and 120mm mortars. The deployment of such imprecise battlefield weapons and munitions against residential areas has dramatically increased the number of civilian casualties and forced massive civilian displacement.

In 2007 and 2008, Syria reportedly signed contracts with Russia for the overhaul, repair and upgrade of a number of fighter jets and helicopter systems, including Mi-25 attack helicopters. In June 2012, Russia reportedly attempted to ship a further three of these overhauled helicopters to Syria on

board the *MV Alaed*, which had left the Russian Baltic port of Baltiisk on 11 June 2012, but was reportedly forced to turn around in the North Sea and return to port. It was then reported in November 2012 that the plans had been made to have the helicopters flown to Syria, but it is not clear whether these helicopters have reached Syria. Iraq claimed to have denied permission to overfly, according to an article published by *ProPublica*. Whether or not any or all the refurbished attack helicopters have been delivered, Russia appears willing to arm President al-Assad’s forces despite the likelihood that these helicopters would be used to commit further war crimes.

Syria also operates mainly Russian air defence systems and it has been reported that Syria has entered into contracts for new or upgraded air and coastal missile defence systems, and that deliveries of these systems continued during 2011 and 2012. For example, the first four battalions of the modernized S-125-2M Pechora-2M (SA-3B Mod) medium-range air defence missile system were reportedly shipped to Syria in 2011, and four more were sent aboard the *Alaed* cargo ship in June 2012.

Right: A Ukrainian-made T-72M1 main battle tank in Mayom town, South Sudan, January 2012. These tanks have been among arms transported clandestinely using front organizations registered in the UK.

Far right: Nine-year-old Atong Aken weeps as she clutches a suitcase in a makeshift camp for internally displaced people in Mayan Abun, southern Sudan. Atong and her mother were separated when tens of thousands of people fled the contested border town of Abyei during an offensive, May 2011.



The Russian government has continued to release statements on arms deals signed and arms supplies to Syria which are, at best, ambiguous. It claims no new weapons have been delivered, but does not deny that weapons and other military equipment may be sent by Russia to Syria, albeit under old contracts. Nevertheless, Russian Deputy Foreign Minister Mikhail Bogdanov reportedly claimed that “[w]hen making decisions on supplies of certain weapons, Russia always takes into consideration both its international obligations in this sphere, which we rigorously fulfil, and the situation in a receiving country and a region in general. We abstain from deliveries if we have reasons to believe that they may produce a destabilizing effect.”

Amnesty International urges Russia to end the speculation about its continued arms supplies to the Syrian armed forces by immediately suspending all arms sales and deliveries to Syria, including of refurbished equipment, and supporting the imposition of a comprehensive UN arms embargo on the government of Syria.

Arms embargoes are needed where weapons, munitions and related equipment are being used to commit widespread or systematic violations of human rights or war crimes but such embargoes are usually imposed too late. Therefore, a key objective of the ATT should be to help *prevent* such crises by requiring all states to refuse an international transfer of conventional arms where it poses a substantial risk of contributing to serious violations of international human rights or international humanitarian law. States have an obligation not to aid or assist another state knowing that state would more likely than not use that aid or assistance to commit war crimes or serious violations of human rights that are crimes under international law, such as extrajudicial killings, enforced disappearances and torture. This prohibition should also be reflected in the ATT.

UK: BROKERING AND BRASS PLATE COMPANIES

On 1 October 2008, the UK government extended a degree of extra-territorial control over arms brokers to include the international transfer of small arms and light weapons, including important new controls on their transportation. However, there is now increasing evidence that UK “brass plate” companies are being used by foreign arms brokers to facilitate the unlicensed supply of weapons, munitions and related equipment to countries where they are likely to be used to commit or facilitate serious human rights violations. Numerous brass plate companies have been registered in the UK with a UK trading address, but owned by non-UK nationals. While brass plate companies are legal entities in the UK, they are typically run from outside of the UK by non-domiciled owners and do not have to declare their beneficiaries and real owners, which use their UK company to broker weapons between third countries or are involved in the provision of closely related activities such as the provision of arms shipping and transport services.



© AP Photo/Pete Muller

UK FRONT COMPANY “ARRANGES” TRANSPORT OF TANKS TO SOUTH SUDAN

UK brass plate companies were involved in an international clandestine supply chain of several large consignments of Ukrainian-made T-72 tanks, artillery, multiple rocket launch systems, rocket propelled grenades and assault rifles to the government of South Sudan, via Kenya. Amnesty International’s findings show that the UK-registered Marine Energy Trading Company Ltd (METCO) time-chartered the ship *MV Radomyshl* to carry the first consignment of weapons. The *MV Radomyshl*, operated by the Danube Shipping company of the Ukraine, departed from the Ukrainian port of Oktyabrsk on 14 September 2007 and arrived in Mombasa, Kenya, on 29 October 2007. Ace Shipping Ltd of the Isle of Man time-chartered the second arms shipment, which arrived on the *Beluga Endurance*, departing from Oktyabrsk on 12 December 2007 and arriving in Mombasa on 12 January 2008. The Ukrainian company, Phoenix Transport Services, which arranged the arms shipments, told Amnesty International, “the only reason [for] using Ace Shipping Co during the vessel’s

chartering is the simplification of accounting, as the Ukrainian tax legislation is one of the most complicated in the world”.

In 2011, armed insurgency and counter-insurgency operations in the Greater Upper Nile region of South Sudan, between South Sudan’s armed forces (SPLA), and armed opposition groups, resulted in indiscriminate attacks on civilian settlements and the forced displacement of thousands of people. In some instances neither party made much distinction between civilian and military objectives as required under international humanitarian law. SPLA battle tanks were used to shell armed opposition forces in civilian areas, without adequate precautions to avoid civilian deaths or injuries.

Amnesty International observed three of the distinctive Ukrainian-made T-72M1 main battle tanks in Mayom town, Unity State on 24 January 2012. These tanks are completely unsuitable for urban fighting. They were used to fire salvos of explosive tank shells without distinguishing between military and civilian objects within populated civilian areas.

WHAT DEFINES AMMUNITION, ORDNANCE AND MUNITIONS?

The US Munitions List covers categories of defence articles, services and technology, including assault rifles, armoured vehicles, aircraft, and ammunition. Ammunition is deemed significant military equipment, warranting special export controls because of its capacity for substantial military utility or capability. The three main ammunition categories are: ammunition/ordnance; missiles, rockets, bombs and mines; and toxic agents including those used in tear gas. The US government treats the international transfer of ammunition as strictly as the other commodities on the List.

In the current draft Arms Trade Treaty text, the term ammunition does not include all munitions. Not every state uses the term “munitions” with the same meaning, but it is usually understood to cover ammunition and ordnance of all kinds for use with any weapon, item or technology; bombs, rockets, grenades, missiles, artillery shells, firearm cartridges, mines and torpedoes; explosives, toxic agents and fuse-setting devices for military purposes.

The Treaty should reflect existing widespread state practice and explicitly include all munitions and ammunition in the scope of the Treaty.

Right: Wounded protesters receive help at a field hospital during clashes with government forces in Taiz, southern Yemen, in April 2011. Military forces and police snipers opened fire on marchers and at least 15 people were killed. **Opposite page:** Spent ammunition, Yemen, 2012. The USA is the largest supplier of arms to Yemen where, in 2011, the security forces used live ammunition, tear gas, batons and electric stun guns against peaceful protesters.



Research by Amnesty International and the Small Arms Survey found that, in 2007 and 2008, 75 such tanks were delivered in three shipments from Ukraine via Kenya, destined for the government of South Sudan, alongside a large quantity of other artillery, small arms and light weapons. This was the first time that Amnesty International researchers confirmed the use of these tanks in South Sudan.

Amnesty International has repeatedly urged all governments including the UK to establish effective registration and authorization of all arms brokering and transport services undertaken within each state's jurisdiction, and to include this as a requirement in the ATT. The UK government should enforce strict controls on the registration, ownership and reporting requirements of brass plate companies. This would enable the authorities to regulate the arms brokering and transport activities of such companies, whether or not their operations are actually based in the UK.

USA SUPPLIES AMMUNITION TO YEMEN

The USA is the world's largest arms exporter, supplying huge quantities of bombs, cartridges, explosives, mortars, missiles and tear gas to over 70 countries. US and other officials have opposed the inclusion of ammunition in the definition of the scope of the ATT, arguing that it is too sensitive and difficult to report on, even though they do regulate their own export and import of ammunition.

All UN Member States involved in the ATT negotiations agreed that the Treaty should not cover internal transfers or domestic sales within a country. Nevertheless, the National Rifle Association (NRA) has lobbied hard against an ATT arguing that it will impose limits on civilian firearms ownership in the USA. The NRA put pressure on the US government to also oppose reporting under the ATT on the import of firearms ammunition and to weaken rules to prevent the risk of diversion.

Not every article of munitions or ammunition round can be tracked.

However, as a US State Department Assistant Secretary said on 10 July 2012, "we track transfers by the pallet or ton, not by the round, and our typical transfers involve hundreds of thousands or millions of rounds". Furthermore, US legislation requires a degree of transparency about ammunition transfers, including reporting to Congress. Accountability for the use of weapons, munitions and related equipment supplied to the recipient country is crucial, and post-shipment verification is one essential mechanism for monitoring whether the articles go to the designated end-user for the lawful end-use.

TRANSFERS OF NON-STANDARD (NON US-MADE) AMMUNITION TO YEMEN

Various types of ammunition are provided to allied and friendly governments under Foreign Military Sales (FMS) for training and combat purposes. The USA also exports "non-standard ammunition" – ammunition not manufactured in the USA but sourced, typically, from former Soviet or Eastern European countries. The decision to authorize such exports must be made in accordance



with the Arms Export Control Act (AECA), the Foreign Assistance Act and other statutes and policies, unless the government of the country concerned is considered by the US State Department to engage “in a consistent pattern of gross violations of internationally recognized human rights”. The actual export of non-standard ammunition from another country is not subject to US licensing procedures. However, a licence to export the non-standard ammunition to the recipient country will be issued in the country where the ammunition is purchased. This ammunition is not registered as an import or export in US customs data because it will not physically pass through US territory, therefore it will not be captured by the US Automated Export System, the USA’s most important transparency tool for recording all exports from the USA including government-to-government FMS. Amnesty International and others, including the US Government Accountability Office, have questioned the lack of accountability for these types of third-country transfers.

On 13 September 2012 the US Department of Defense awarded a contract to the US company Alliant Techsystems Inc for delivery of non-standard munitions for

“foreign governments and international organizations eligible for the transfer of military defense articles”. The contract has a maximum potential value of over US\$236 million. The recipients will include the Afghan National Police and Army, Iraq, Philippines, Yemen, Uganda, and other various undisclosed countries. Amnesty International has raised human rights concerns about the serious misuse of weaponry, munitions and related equipment by security forces in these named countries.

The contract for Yemen lists 1 million rounds of sniper rifle ammunition, 25,000 40mm OG-7V HE Frag rockets for RPGs, and 12,500 82mm mortar bombs. The USA has become the largest supplier of military equipment to Yemen, and in 2011 delivered arms worth US\$4.8 million to the Yemeni government under FMS. During that year, the Yemeni security forces used live firearms ammunition, tear gas, batons and electric stun guns against peaceful protesters. One of the most serious incidents occurred on 18 March, when dozens of people died and over 200 were injured after co-ordinated attacks on

demonstrators gathered near Sana’a University by snipers on rooftops and security forces on the ground. On 7 July 2012 at least three people were killed after Central Security Forces and snipers opened fire on a peaceful demonstration and march in the port city of Aden. A fourth man died later of his injuries and up to 18 were reported to have been injured.

In the conflict in Abyan, Yemeni government forces used aircraft and artillery attacks in residential districts to try to regain control of areas that had fallen to Ansar al-Shari’a, an armed group affiliated to al-Qa’ida in the Arabian Peninsula (AQAP). Scores of civilians, including children, were killed and many more injured. Abuses committed by Ansar al-Shari’a included: recklessly exposing civilians to harm by storing ammunition and explosives in crowded residential areas; initiating attacks from the immediate vicinity of inhabited houses; apprehending, holding and ill-treating civilians; restricting access to medical care; and heavy use of mines and booby traps.

Amnesty International has called on the US government to halt all arms transfers to



Yemen that are likely to be used to commit or facilitate serious violations of international human rights law or international humanitarian law. Furthermore, to prevent other states from allowing such arms transfers, the US government should support the inclusion of meaningful provisions such as strong criteria on international human rights and humanitarian law to regulate the transfer of all munitions including ammunition in an ATT. Effective measures to stop the diversion of munitions by any country should also be included in the ATT.

CONCLUSION

These examples of international arms transfers by the Permanent Five states, as well as many more by other arms trading countries show why a strong Arms Trade Treaty is needed. The absence of global standards to control the arms trade between countries needs to be addressed urgently and is costing hundreds of thousands of lives and blighting the livelihoods of millions of people every year.

To be effective the ATT must have a “Golden Rule” to require all States Parties to refuse, suspend or revoke authorization of an international transfer of arms that



poses a substantial risk of being used to commit or facilitate serious violations of international human rights law or international humanitarian law. It should also be expressly prohibited under any circumstances for a State Party to aid or assist another state with conventional arms knowing the arms would more likely than not be used by the receiving state to commit war crimes or serious violations of human rights that are crimes under international law, such as extrajudicial killings, enforced disappearances and torture.

The scope of the ATT should also include all types of weapons and munitions for use in military and internal security operations, as well as related equipment, parts and technology. Transfers should include international trade and also gifts. Brokering, transport and financial services for international arms transfers must be regulated. Annual reports should cover data on all transfers and activities and be open to public scrutiny. No opt outs should be allowed. These strong rules would help save many lives and protect livelihoods from irresponsible arms transfers.

Above left: During the July 2012 Arms Trade negotiations at the UN, Amnesty International erected gravestones in New York City to raise awareness about the impact of the unregulated trade in weapons.

Above right: Amnesty International Mexico parked a yellow tank in front of the US Embassy in Mexico City to protest at the USA's opposition to including ammunition in the scope of the July 2012 Arms Trade negotiations at the UN.

Front cover: A man gestures helplessly in front of houses destroyed during a Syrian Air Force strike in Azaz, 47km north of Aleppo, August 2012. © REUTERS/Goran Tomasevic

The ATT is not a panacea, but its achievement is an essential part of the solution to achieve a much more secure world for billions of people.

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Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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