



ARMS TRANSFERS TO THE MIDDLE EAST AND NORTH AFRICA

LESSONS FOR AN EFFECTIVE
ARMS TRADE TREATY

AMNESTY
INTERNATIONAL



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Cover photo: A riot policeman fires tear gas at protestors in front of the I-Istiqama Mosque in Giza, Cairo, Egypt, January 2011. Thousands of police were on the streets of the capital and hundreds of arrests made in an attempt to quell anti-government demonstrations.

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INTRODUCTION

The numerous unlawful killings and other gross human rights abuses committed in response to the mass protests and demands for change that have gripped the Middle East and North Africa (MENA) region since late 2010 underscore, both vividly and tragically, the urgent need for the establishment and implementation of an effective global Arms Trade Treaty (ATT).

All across the region, government authorities responded to protests seen as heralding an “Arab Spring” by using excessive, often lethal force even against peaceful demonstrators while deploying a wide range of weaponry, munitions, armaments and related material much of it imported from abroad.¹ In Bahrain, Egypt and Yemen, riot police and internal security forces used firearms, shotguns and shotgun cartridges, live ammunition, rubber bullets, tear gas, water cannons and armoured vehicles to suppress and disperse protesters. In Libya, as the country slid into armed conflict, Colonel Mu’ammarr al-Gaddafi’s forces launched Grad rockets, mortars and fired artillery into densely-populated civilian residential areas. In Syria too, government forces have used heavy weaponry, artillery and tanks to fire at civilian areas in their efforts to crush the protests. Incredibly, however, thousands upon thousands of ordinary people have maintained their protests and refused to be cowed by high levels of state violence.

The protests have brought sharply into focus the appalling human rights records of many governments in the MENA region, which Amnesty International has been documenting for decades. They have also highlighted how the sale and supply of weaponry, munitions and related equipment to those very same governments have impacted on human rights in the region. Used against protesters, the majority of this weaponry, munitions and related equipment was sold and supplied by European countries, Russia and the USA.

In response to the mass violations committed by governments during the uprisings of the Arab Spring, Amnesty International called for the suspension of the export, import and international transfer of arms (in other words both the trade and government-to-government supplies and aid)² for the riot police and internal security forces of Bahrain, Egypt and Yemen, and for the immediate imposition of comprehensive arms embargoes on Libya and Syria. The organization also called on all states that had been supplying arms to these countries to undertake an immediate and thorough case-by-case review of their arms transfers and trade – in order to ensure that no further weaponry, munitions or related equipment, or parts thereof and technical support, are supplied in circumstances in which there is a substantial risk of their being used to commit serious human rights violations. Where a substantial risk does exist, transfer authorizations must be denied until there is clear evidence to show that there are comprehensive safeguards in place to guarantee that the arms under consideration for transfer will not be used to commit such violations.

In 2012, UN Member States will gather at the UN’s headquarters in New York to negotiate the final text of the ATT. Some states, including China, Egypt, Russia, and the USA, want to limit the content of the Treaty. Worryingly, in the current UN draft text, the types of arms falling within the scope of the Treaty could exclude much of the weaponry, munitions and related equipment that has been used and is being used by security forces in the MENA

region to commit unlawful killings and other serious violations.

As the demand for change continues to spread across the MENA states, those governments supplying, or authorizing the sale or transfer of, the arms that have been used by security forces to fire on and brutally disperse protesters, must reflect on the criteria and methods used in their arms transfer decisions to prevent as far as possible the further blatant misuse of such arms. If those decisions knowingly aid or assist another state to commit an internationally wrongful act such as the perpetration of crimes against humanity or human rights violations by a police force, then the transferring state will also be responsible under international law.³

This report explores lessons that can be learned by states authorizing transfers to MENA states of the weaponry, munitions and related equipment used to commit or facilitate serious human rights violations in recent months. Applying these lessons effectively according to highest common standards is now critical to ensuring that the ATT is effective, rather than a replication of existing arms export controls with their loopholes and weaknesses.

Chapter two sets out guidelines for assessing the risks to human rights relating to a proposed international sale or other transfer of arms and looks at the key elements to consider in reaching a judgment of whether or not to licence the arms transfer. It examines in particular two key concepts - serious violations and substantial risk - in order to show how a rule to help safeguard international human rights standards can be applied to arms transfer decisions by governments in a reasonably fair and objective manner.

The five country chapters included here - on Bahrain, Egypt, Libya, Syria and Yemen - examines the generic types of arms used in the response to the uprisings, the main suppliers, states' actions to suspend arms supplies, and the level of risk of those arms being used to commit or facilitate serious violations of international human rights law (IHRL) or international humanitarian law (IHL). Each chapter concludes with Amnesty International's recommendations on how governments should approach the sale and transfer of arms to each country.

Chapter eight focuses on the importance of ensuring there is an effective human rights parameter in the Treaty so that states deny an arms transfer authorization where there is a substantial risk of the arms being used for serious violations. It outlines the safeguards that should be in place before such a risk can be mitigated. It examines how an ATT can overcome weaknesses in existing arms control mechanisms, particularly the EU common position on arms exports which is regarded as one of the most advanced international instruments.

The report concludes with a series of recommendations on the provisions needed in an effective ATT, including on the scope, parameters, implementation and enforcement of the Treaty. It also sets out the action required by states considering further supplies of arms to governments in the MENA region in order to mitigate the risk of any further arms transfers being used to commit or facilitate serious human rights violations.

METHODOLOGY

In the country chapters, three main sets of data were used to identify the main arms suppliers: UN, EU and national sources. Data from the UN customs database, Comtrade, was included to provide a snapshot of the main arms suppliers for commercial sales delivered during a five year period. Data from governments' national annual arms export reports and the EU annual reports on arms exports have been reviewed to examine what arms exports have been licensed similarly over a five year period based on the most recently available figures.⁴ The categories of weaponry, munitions and related equipment shown under each country cover the main generic types of arms that have been used by internal security and other forces to facilitate and commit human rights violations while suppressing and dispersing protesters. The data presented in this report is not intended as an exhaustive list of arms export authorized and supplied to the five countries; rather the intention is to demonstrate the continual authorization by states over a five year period of equipment in one of more of the broad categories of military equipment identified.

Governments, the UN and the EU all use different methodologies when reporting arms data. This creates an incoherent overview of states' licensing of arms exports or actual supplies and makes comparison very difficult. Categories are usually vague and there is seldom any indication of the intended end-use and end-user. Often, there is no indication of the quantity (including the number of items) or weight; or the data can be inconsistent and/or incomplete. These are among several concerns raised by Amnesty International and other organizations about the unsatisfactory level of transparency and accountability of governments' decisions to authorize arms supplies.⁵

MAIN ARMS SUPPLIERS TO THE MENA REGION

The following table shows the main arms supplying states to at least two of the five countries in the MENA region examined in this report using the data compiled from the UN, EU and national sources.

| ARMS SUPPLIERS | IMPORTERS | | | | |
|------------------------|-----------|-------|-------|-------|-------|
| | Bahrain | Egypt | Libya | Syria | Yemen |
| Austria | x | x | | x | x |
| Belgium | x | x | x | | |
| Bosnia & Herzegovina | | x | | | x |
| Bulgaria | | x | x | | x |
| Czech Rep | | | x | | x |
| Finland | x | x | | | |
| France | x | x | x | x | |
| Germany | x | x | x | | x |
| Italy | x | x | x | x | x |
| The Netherlands | | x | | | x |
| The Russian Federation | | | x | x | |
| Serbia | | x | x | | |
| Slovakia | | x | | | x |
| Spain | | x | x | | |
| Switzerland | x | x | | | |
| UK | x | | x | | x |
| USA | x | x | | | x |

Below is a list summarising the main arms supplies to the five MENA countries. The data is of the main generic types of weaponry, munitions and related equipment examined in the report, namely small arms; smooth-bore weapons over 20mm; ammunition; bombs, rockets, missiles and explosives; armoured vehicles; and toxic agents between 2005 and 2010. The values included in brackets are a total of the value of licences or actual exports (not both in each year) for each year data is available. Some totals include other equipment because the government does not breakdown the value for each arms category. For further details, please refer to the country chapters. In general arms supplying states do not include the exact type or quantity of arms licensed or transferred in which case the currency value is often the only gauge of the volume of arms authorized.

BAHRAIN

Small arms - Austria (€28,709), Belgium (€5,643,483), Finland (€13,500), France (€1,254,772), Germany (€87,862), Switzerland (SFr292,804), the UK (€1,065,795)⁶ and the USA (\$929,904) all authorised the transfer of **small arms** to Bahrain, including assault rifles, sniper rifles, semi automatic and non-automatic firearms, and shotguns.

Smooth-bore weapons over 20mm - Austria (€384,000), France (€1,628,630), Italy (€6,796,430)⁷, and the UK (€1,458,000) authorised the sale of equipment under the category of **smooth bore weapons over 20mm** that covers grenade launchers, riot guns used for firing tear gas and other projectiles, or machine guns, for example. The problem is governments usually do not report on exactly what equipment was sold under the reporting categories in their annual reports on arms exports and despite asking for clarification on what was sold no further information has been obtained to indicate the type of weaponry allowed.

EGYPT

Small Arms - Austria (€451,591), Belgium (€600,502), Bulgaria (€98,187), Canada (C\$160,000) Germany (€3,356,951), Italy (€44,299,530)⁸, Poland (€114,089), Serbia (\$42,670,229)⁹, Spain (€154,641), Switzerland (SFr4,480,868) and the USA (\$1,658,994) authorized transfers of **small arms** to Egypt.

Ammunition - Belgium (€169,000), Bosnia and Herzegovina (€7,419,501), Bulgaria (€11,348,766)¹⁰, France (€87,268), Italy (€4,338,991)¹¹, Poland (€868,496), Serbia (\$44,065,987)¹², Spain (€1,455,777)¹³, Switzerland (SFr 91,304) and the USA (\$4,131,033) authorized the transfer of **ammunition**.

Armoured vehicles - Bulgaria (€863,070), France (€4,422,685) Germany (€60 million), the Netherlands (€38,414,014), Poland (€5,455,653), Slovakia (€49,827,347) authorized the transfer under the category of **armoured vehicles**.

Toxic agents - The USA (\$2,446,683) authorized under the category of toxic agents for **tear gas and riot-control agents**.

LIBYA

Small Arms - Belgium (€17,953,442), Bulgaria (€1,850,594), Serbia (\$7,527,288)¹⁴ and the UK (€74,258) authorised the sale of **small arms** including pistols, automatic weapons, and sub-machine guns.

Ammunition - Bulgaria (€3,730,000), France (€2,345,007) and the UK (€6,333,241) authorised the transfer of **ammunition**.

Bombs etc - France (a total of €9,984,498), Germany (€469,874), Spain (€3,823,500), Italy (€205,015,341)¹⁵, and the UK (€69,111) authorised the transfer of equipment under the **category of bombs, rockets, explosives and missiles**.

Armoured vehicles - The Czech Republic (€1,919,345), France (€4,303,993), Germany (€9,010,248), Italy (€94,708,498)¹⁶ and the UK (€6,273,385) allowed the transfer of equipment under the category of **armoured vehicles**.

Russia also allowed the supply to Libya but does not publish an annual report on its arms exports so it is impossible to know what weaponry, munitions and related equipment the government allowed.

SYRIA

Austria (€2,000,000) and **India** (\$1,132,320) authorized the supply of **armoured vehicles**; **France** (\$1,254,580) allowed the sale of **munitions**; and **Italy** permitted (€2,811,312) for fire control systems – probably as part of the Italian upgrade 122 T-72 Main Battle Tanks with the Tank Universal Reconfiguration Modular System T-series tank fire-control system.¹⁷ **Russia** also allowed the supply to Syria, but does not publish an annual report on its arms exports so it is impossible to know what weaponry, munitions and other equipment the government has allowed sold or supplied.

YEMEN

Small Arms – **Austria** (€227,072), **Bulgaria** (€13.36 million) and the **USA** (\$264,000) authorized the transfer of **small arms** to Yemen.

Smooth bore weapons over 20mm - **Bosnia and Herzegovina** (€1,251,822), **Bulgaria** (€2.76 million) and the **Czech Republic** (€2,979,000) authorized the transfer of equipment under the category of **smooth-bore weapons over 20mm**.

Ammunition – **Bulgaria** (€47million)¹⁸, the **Czech Republic** (€8.38 million)¹⁹ and **Italy** (€1,047,695) authorized the transfer of **ammunition**.

Armoured vehicles – **Austria** (€2 million), the **Czech Republic** (€11,833,792), **Germany** (€4,019,000), the **Netherlands** (€2,537,255), and the **USA** (\$4,327,143) authorized the transfer of **armoured vehicles**.

The **USA** (\$1,882,700) authorized **riot control chemical agents**.

RESPECTING HUMAN RIGHTS IN ARMS TRANSFER DECISIONS

To be effective, the ATT should require states not to transfer arms internationally where there is a substantial risk that they will be used to commit or facilitate serious violations of international human rights law (IHRL) or international humanitarian law (IHL). In any transfer application, a national licensing authority should first consider whether there have been previous serious violations of human rights by the recipient country and whether there is a substantial risk that further such violations will be facilitated by the transfer of conventional arms. Where this is the case, the transfer authorization should be denied until there is clear evidence that any risks have been mitigated.

Some UN Member States are proposing that the ATT should only require states “to take into account” whether there is a substantial risk of human rights violations arising from a transfer, and not include any rule in the ATT about preventing the transfer or refusing to authorise it if they actually find such a risk exists. Such an approach would make the ATT extremely weak because, even if the scale of violations being carried out using imported arms is “serious” and the risk is clearly “substantial”, the state supplying them would not stop the transfer reaching those who are perpetrating the serious violations. As this report illustrates, such a stance will not aid better regulation of the international arms trade or curb irresponsible arms transfers.

Amnesty International has developed a practical methodology to assist states and regional organizations in respecting IHRL in their arms transfer decisions.²⁰ It offers assessment guidelines to determine whether a proposed transfer presents a substantial risk and sets out a number of elements to consider in reaching a judgment.²¹

A human rights rule for an effective Arms Trade Treaty (ATT)

States should ensure on a case-by-case basis that an international transfer of arms is not permitted if there is a substantial risk that the arms will be used to commit or facilitate serious violations of international human rights law or international humanitarian law.

A PRACTICAL METHODOLOGY

SERIOUS VIOLATIONS

Including a concept of “serious violations” within the parameters of the ATT text would acknowledge that, while all human rights violations (and violation of IHL) are unlawful, only those of greatest concern to the international community will engage the special treaty machinery of the ATT: that is, where a proposed end user of an export, import or international transfer of conventional arms is under consideration is engaging in violations of an especially harmful nature or in persistent or pervasive violations of particular gravity through the use of arms.

“Serious violations”: For the purposes of the ATT, “serious violations” should be assessed against one or both of the following criteria:

Gravity of the violation and the harm suffered: Exporting or transferring states should be required to consider possible violations of any human right, be it civil, cultural, economic, political and social; the severity of impact on the affected individuals should also play a role in determining whether the ATT provisions apply to the transfer. Unlawfully depriving a person of his or her life, subjecting the person to torture or other cruel, inhuman or degrading treatment or punishment, excessive or unnecessary use of force in violation of human rights, imprisoning a person for his or her beliefs, systematic discrimination, subjecting people to slavery-like practices or forced labour, systematically destroying their homes or sources of food, and other violations of comparable gravity should be considered serious by reason of the nature of the harm suffered by the individuals whose rights were violated.

The scale or pervasiveness of the violations: Is there information that indicates/demonstrates a pattern of such violations or abuse? Are the violations persistent or affecting many people? The provision in the ATT to prevent states or individuals from contributing human rights violations should clearly apply where the violations in question are occurring on a widespread or systematic basis.

SUBSTANTIAL RISK

Under the ATT, states should not authorize a transfer of conventional arms where there is a substantial risk that those arms will be used to carry out serious violations of human rights. States must conduct a meaningful assessment of that risk – in other words, they must act with all due diligence when assessing an arms transfer application.

To meet the due diligence standard, “substantial risk” must be beyond suspicion, but need not be as high as “highly probable”; in other words, it can be reasonably foreseen that the proposed end users *are likely* to use the arms to commit serious violations or for patterns of abuse. It does not mean that such misuse is merely a “possibility” as the object of the ATT is not to impede arms transfers altogether.

KEY RISK ASSESSMENT QUESTIONS

- Does impartial and credible evidence about the current and past record of the proposed end user indicate their perpetration of serious violations of IHL or IHRL, using arms that are subject to the authorization process? Is the evidence for such violations also reliable and credible, for instance by being documented in the state’s own reports, or those of credible non-governmental or inter-governmental bodies?
- Have such violations been isolated or have they been widespread or pervasive? Even where the violations are relatively small in number, if they form a pattern that suggests a systematic practise or the recipient has not taken appropriate steps to prevent them the risk of further violations is increased.

- Are past trends of violations continuing or new patterns emerging? Has the receiving government taken feasible steps to prevent the recurrence of such violations by this end user, and acted effectively to investigate and prosecute the perpetrators?

MAKING AN ASSESSMENT

The assessment process should apply to all export, import and international transfer authorizations of arms to all countries, without distinction. There should be a case-by-case assessment of each application for an arms transfer licence. Objective, verifiable and detailed information from credible and reliable sources on the arms, and credible and reliable up-to-date information on human rights standards and violations should be used to ensure proper case-by-case assessments are made.

To assist licensing authorities and other government officials who are involved in the arms transfer decision-making process, the following steps are recommended:

- An assessment of the recipient state's and end-user's respect for IHRL in relation to those rights likely to be impacted.
- A more specific assessment of the nature of the equipment, its stated end-use and the stated end user, as well as the route, those involved in the transfer and the risk of diversion.
- Reaching a decision based on an overall assessment as to whether there is a "substantial risk" that the transfer in question will result in or contribute to serious human rights violations or abuses.

Where there is clear information indicating substantial risk, states should be required by the ATT to refuse or revoke authorization for the transfer of arms until the risk of further violations using such arms has been curtailed through remedial action.

CAN A HUMAN RIGHTS RULE BE FAIR AND OBJECTIVE?

During the course of the ATT discussions as part of the preparatory committee process currently underway at the UN, a number of states have raised concerns about ATT criteria for making an assessment being used for political purposes, and have reiterated the need for the criteria and parameters to be objective and non-discriminatory. Amnesty International is against the politicization of criteria and we want the criteria to be implemented objectively and fairly.

A clearly defined parameter, designed to prevent arms transfers where there is a substantial risk of serious violations occurring, will have the advantage of being based on the UN Charter and many other human rights and humanitarian treaties, instruments and standards that form the backbone of states' work at the UN.²² Every UN Member State is a party to one or more of the universal human rights treaties. These rights are already defined by and applied by impartial treaty and expert bodies. The expected standards of behaviour and the experience and institutions for documenting compliance with these treaties provide clear benchmarks for assessing conventional arms transfer decisions. A "substantial risk" standard as described above is already widely applied by states in other contexts, such as in putting into operation

the *non-refoulement* obligations provided for under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other treaties.²³

RISK ASSESSMENT OF ARMS TRANSFERS TO THE MENA REGION

Each country chapter below includes a risk assessment of arms transfers that have already taken place based on the likelihood of those shipments being used to commit or facilitate serious violations of IHRL.

Any analysis of substantial risk should consider the proposed end user's current and past record in meeting their human rights obligations and the particular nature of the arms or equipment under consideration. In the context of the current MENA crisis, the end users of concern are primarily the police and internal security forces, although especially in Libya and Syria the armed forces have also been involved in mass violations along with police and other internal security forces.

To be effective, a risk analysis should also examine the likelihood of any foreseeable events as a means to prevent future violations of IHRL and IHL. This is especially important in the context of developments in the MENA states and the rapidly changing political circumstances in the region, including the potential for fundamental changes to institutions, legal frameworks and the practices and behaviour of the police, security and armed forces. Significant positive and negative actions undertaken by governments in relation to meeting their obligations to promote, respect and protect human rights should also be considered. For example, these questions should be considered: has the recipient state taken appropriate steps to end violations and prevent their recurrence (such as through reform, training, etc)? Does the recipient state investigate when police use a firearm or when police action has resulted in serious injury or death? Has the recipient state properly accounted for the storage, registration and use of any arms and ammunition including through record-keeping and reporting procedures?

In cases where uncertainty persists, the supplier state should seek further information and clarification from the recipient state or other sources. Simple promises of better behaviour by governments with a history of serious human rights violations cannot displace concerns where a substantial risk of serious human rights violations is suspected: in all such situations, the arms transfer should not be authorized until such risks are demonstrably eliminated by the proposed end user.

Demonstrations And Excessive Use Of Force

States have a duty to uphold the right to freedom of assembly. According to Article 21 of the International Covenant on Civil and Political Rights (ICCPR), any restrictions on the right to freedom of assembly must be in accordance with the law and strictly necessary to preserve national security or public safety, public order, public health or morals, or protect the rights and freedoms of others. Any such restrictions must be proportionate to a legitimate purpose and without discrimination, including on grounds of political opinion. Even when a restriction on the right to protest is justifiable under international law, the policing of demonstrations (whether or not they have been prohibited) must be carried out in accordance with international standards. These prohibit the use of force by law enforcement officials unless strictly necessary

and then only to the extent required for the performance of their duty, and require that a firearm is only used when strictly unavoidable in order to protect life.²⁴

Security and other governments forces in those countries in the MENA region referred to in this report frequently used unnecessary and excessive use of force in response to demonstrations, in a manner that violated those States' obligations to respect the right to life, to respect the prohibition of torture and other ill-treatment, and to respect the rights to freedom of assembly and expression.

Article 3 of the UN Code of Conduct for Law Enforcement Officials (Code of Conduct) states the overriding principle of these standards: "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty." The official UN Commentary on this provision of the Code of Conduct states: "The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children. In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender. In every instance in which a firearm is discharged, a report should be made promptly to the competent authorities."

According to Principle 5 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Basic Principles): "Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall: (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved; (b) Minimize damage and injury, and respect and preserve human life; (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment; (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment."

Principle 9 of the Basic Principles, requires: "Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."

And Principle 10 explains: "In the circumstances provided for under principle 9, law enforcement officials shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident."

BAHRAIN

THE PEARL ROUNDABOUT PROTESTS

Protests began in Bahrain on 14 February 2011, when thousands of people gathered from across the state. They planned to walk to the Pearl Roundabout in central Manama, the capital, for a “Day of Rage” to demand greater freedom, social justice and political and constitutional reforms.²⁵ Most of the protesters were from the majority Shi’a community, angry at their perceived economic and political marginalization by the ruling Al Khalifa family and the country’s dominant Sunni minority.²⁶

Peaceful protest soon turned to panic as security forces resorted to overwhelming force.²⁷ Within a week, seven protesters were dead and hundreds of others were injured. The worst violence occurred on 17 February during an early morning raid on those camped at Pearl Roundabout. Massed ranks of riot police stormed the area to evict the mostly sleeping protesters, firing live ammunition and using tear gas, batons, rubber bullets and shotguns, including at close range, to disperse them. Tanks and armoured vehicles later blocked access to the roundabout. Five people were fatally wounded and at least 250 were injured, some critically. Among the injured were people clearly identified as medical workers who were targeted by police while trying to help people wounded by the security forces. An Amnesty International fact-finding team visiting Bahrain between 20 and 26 February 2011 found evidence of excessive use of force by riot police and soldiers against protesters and medics.²⁸

In late February, the King replaced four ministers in a cabinet reshuffle. Political prisoners were released at the end of February. The Crown Prince, who had ordered the army and riot police to withdraw from central Manama on 18 February, promised to initiate a national dialogue with the seven recognized political opposition associations, and discussions began in early March. The security forces were no longer using violence. However, the situation remained tense, with protesters still camped out in central Manama and demonstrations occasionally being staged elsewhere, including large pro-government protests by primarily Sunni Bahrainis. After the first week of March, protesters started to organize peaceful marches to various government buildings in Manama. Negotiations between the Crown Prince and the opposition failed. On 12 and 13 March protesters demanding an end to the monarchy organized marches to the Royal Court in al-Riffa’ and the University of Bahrain in Hamad Town, south of Manama. Both turned violent, amid reports that government supporters armed with knives and sticks were intent on preventing the demonstrators from approaching the Royal Court and skirmishes between the sides. There were clashes between government supporters and anti-government demonstrators. Migrant workers in Manama were reportedly attacked by some anti-government protesters. Anti-government protesters also blocked the main roads in Manama and occupied the Financial Harbour area, causing considerable disruption in these areas.

On 15 March, around 1,000 troops of Saudi Arabia’s Peninsula Shield Force, mostly in tanks and armoured personnel carriers (APCs) crossed into Bahrain over the 26km causeway from Saudi Arabia, while police were sent from the United Arab Emirates. Their intervention freed up Bahraini forces and was widely seen as signalling that the Saudi Arabian government would not allow the fall of the Bahrain royal family. Bahrain’s King, Hamad bin

'Isa Al Khalifa, imposed a state of emergency, termed the State of National Safety, and authorized the Bahraini armed forces to take the action necessary to end the protests. At least six people were killed. Salmaniya Medical Complex in Manama, which had treated hundreds of injured protesters, was surrounded by military checkpoints with tanks and masked security personnel. Riot police and plain-clothed security forces used shotguns, rubber bullets and tear gas against demonstrators in Manama, Sitra and al-Ma'ameer.²⁹

At least 34 Bahrainis, including at least two policemen, lost their lives during or as a result of the protests and their suppression. Hundreds of protesters were arrested, very often without judicial warrant. Many are reported to have been tortured or otherwise ill-treated during interrogation when they were held, mostly incommunicado, in police stations or in the Criminal Investigations Directorate. Four people died in custody in suspicious circumstances. A military National Safety Court was established under state of emergency before which scores of people, including prominent opposition activists, health workers, teachers, students and human rights activists, were tried in the following months on charges such as participating in illegal demonstrations, attempting to overthrow the regime by force, inciting hatred of the regime, propagating false information and occupying public places by force. Trials before this court did not meet international standards for fair trial. Some of the defendants have been released on bail. More than 2,500 people were dismissed or suspended from their jobs, mostly in the private sector, apparently because of their participation in or support for the protests. At the end of June the King announced the establishment of the Bahrain Independent Commission of Inquiry (BICI), made up of five distinguished international human rights experts, to investigate alleged human rights violations committed in connection with the protests since February 2011. The Commission is due to submit its report to the King at the end of October. The government has committed to full publication of the report.

EXAMPLES OF DEADLY FORCE

Riot police and soldiers fatally wounded seven people between 14 and 18 February. Security forces used live ammunition, sometimes at close range, fired medium-to-large calibre bullets from high-powered rifles, and apparently targeted people's heads, chests and abdomens.³⁰

'Ali 'Abdulhadi Mushaima', aged 21, suffered multiple gunshot wounds from being shot by the riot police while at a demonstration on 14 February in al-Daih village, east of Manama. He died soon after in hospital.

'Isa 'Abdulhassan, aged 60, died instantaneously from a massive head wound caused by a shot fired probably from less than 2m away. Mahmood Maki 'Ali, aged 23, and 'Ali Mansoor Ahmed Khudair, aged 52, were shot dead from within 7m. 'Ali Ahmed 'Abdullah 'Ali al-Mo'men, aged 23, died in hospital of multiple gunshot wounds. 'Abdul Redha Mohammed Hassan, aged 20, died in hospital after also being shot in the head from close range.

MAIN ARMS SUPPLIERS TO BAHRAIN

Amnesty International has identified at least nine states whose governments licensed exports or allowed the supply of weaponry, munitions and related equipment to Bahrain since 2005. They include Austria, Belgium, Finland, France, Germany, Italy, Switzerland, the UK and the USA.

ARMS DELIVERIES

The following states – France, Germany, the UK and the USA – supplied military weapons, non-military firearms, shotgun cartridges, and tanks and other armoured fighting vehicles (AFV) to Bahrain over a five-year period, according to Comtrade data.³¹

Total value of arms deliveries between 2005 and 2009

| | |
|---|-------------|
| “Military weapons” (89112) | |
| USA | \$1,549,864 |
| “Non-military firearms” (89131)³² | |
| France | \$532,783 |
| Germany | \$222,000 |
| UK | \$117,438 |
| “Cartridges for shotguns” (89122) | |
| UK | \$280,284 |
| “Tanks and other AFV” (89111) | |
| USA | \$5,296,285 |

ARMS LICENSING DECISIONS

According to national and EU data³³, the following states licensed weapons, munitions and related equipment over a five-year period between 2005 and 2009 (or 2010 where data were available) under the broad categories of small arms; smooth-bore weapons over 20mm (to cover riot guns such as grenade launchers); ammunition; toxic agents (to cover riot control agents); and armoured vehicles.³⁴ Where available, data on actual arms exports have also been included.³⁵

AUSTRIA³⁶

- In 2009, Austria licensed and exported €28,709 under the category of small arms; and licensed €222,000 and exported €162,000 under the category of smooth-bore weapons over 20mm.
- In 2008, Austria licensed €162,000 under the category of smooth-bore weapons over 20mm.

BELGIUM³⁷

- In 2009, the Wallonia region licensed €5,325,436 under the category of small arms.

- In 2008, the Wallonia region licensed €300,000 under the category of ammunition.
- In 2007, the Wallonia region licensed €318,047 under the category of small arms

FINLAND³⁸

- In 2009, Finland exported sniper rifles and accessories worth €13,500 under the category of small arms. Between 2009 and 2010, according to data compiled by SaferGlobe Finland, Finland licensed 205 sniper rifles for the Bahrain armed forces, and a further four sniper rifles for demonstration purposes. It also licensed 2,700 cartridges for the Bahrain armed forces for demonstration purposes.³⁹
- In 2007, Finland exported €76,509 under the category of ammunition.
- In 2006, Finland licensed €93,209 and exported €18,450 under the category of ammunition.

FRANCE⁴⁰

- In 2009, France licensed €1,254,772 under the category of small arms; €1,628,630 under the category of smooth-bore weapons over 20mm; €2,206,634 under the category of ammunition; and €422,269 under the category of toxic agents.⁴¹
- In 2008, France licensed €611,000 under the category of toxic agents.⁴²

GERMANY⁴³

- In 2009, Germany licensed two assault rifles, seven machine-guns, and 33 components thereof totalling a value of €11,575 under the category of small arms.⁴⁴
- In 2008, Germany licensed €63,287 under the category of small arms; €507,572 under the category of ammunition; and, €34,565 under the category of armoured vehicles.⁴⁵
- In 2007, Germany licensed 10 submachine-guns and 36 components thereof worth nearly €13,000 under the category of small arms.
- In 2005, Germany licensed SUVs and parts for armoured vehicles under the category of armoured vehicles.⁴⁶

ITALY⁴⁷

- In 2010, Italy licensed €204,852 including under the categories of arms or weapon systems greater than 12.7mm, and specially designed equipment; and exported a total of €69,132.⁴⁸
- In 2008, Italy licensed €23,742 under the category of arms or weapon systems greater than 12.7mm; and, exported a total of €4,061,202.⁴⁹
- In 2007, Italy licensed €4,328,587 under the categories of arms or weapon systems greater than 12.7mm and specially designed equipment; and exported a total of €167,897.⁵⁰
- In 2006, Italy licensed €2,239,249 including under the category of arms or weapon

systems greater than 12.7mm; and exported a total of €1,879,833.⁵¹

SWITZERLAND⁵²

- In 2010, Switzerland exported SFr149,000 under the category of small arms; SFr427,897 under the category of weapons of any calibre; and SFr1,551,696 under the category of ammunition.
- In 2009, Switzerland exported SFr131,000 under the category of small arms, SFr84,575 under the category of weapons of any calibre; and SFr14,800 under the category of ammunition.
- In 2008, Switzerland exported SFr1,745,500 under the category of ammunition.
- In 2007, Switzerland exported SFr12,804 under the category of small arms and SFr260,078 under the category of weapons of any calibre.
- In 2006, Switzerland exported SFr311,912 under the category of weapons of any calibre and SFr1,165,000 under the category of ammunition.

UK⁵³

- In 2010, the UK licensed £262,896 under the category of small arms; £1,458,000 under the category of smooth-bore weapons over 20mm; £75,015 under the category of ammunition; and £452,762 under the category of armoured vehicles. These items were included: assault rifles, shotguns, sniper rifles, submachine guns, small arms ammunition, non-sporting shotgun ammunition, tear gas/irritant ammunition, and all-wheel drive vehicles with ballistic protection.
- In 2009, the UK licensed £469,396 under the category of small arms; and £25,442 under the category of ammunition.⁵⁴ These items were included: shotguns, assault rifles, submachine-guns, sniper rifle, components for semi-automatic pistols, assault rifles and machine guns, and small arms ammunition.
- In 2008, the UK licensed £333,503 under the category of small arms.⁵⁵ These items were included: shotguns, semi-automatic pistols, assault rifles, submachine-guns, small arms ammunition, components for semi-automatic pistols, assault rifles and heavy machine-guns.
- In 2007, the UK licensed a total of £4 million. These items were included: assault rifles, small arms ammunition, and shotguns.⁵⁶
- In 2006, the UK licensed issued a total of £1 million. These items were included: rifles, revolvers, semi-automatic pistols, shotguns, submachine-guns; components for semi-automatic pistols, sniper rifles, and submachine-guns; and small arms ammunition.⁵⁷

USA⁵⁸

On 14 September 2011, the US Defense Department notified the US Congress of a proposal to sell equipment including 44 armoured Humvees, over 50 bunker-buster missiles and night vision technology to the Bahraini armed forces.⁵⁹

- In 2010, the USA authorized direct commercial sales (DCS) for non-automatic and semi-automatic firearms and components, parts and associated equipment worth \$764,249 under the category of firearms, close assault weapons and combat shotguns.
- In 2009, the USA authorized DCS worth \$113,538 components, parts and associated equipment under category of firearms, close assault weapons and combat shotguns, and \$801,839 under the category of ammunition.
- In 2008, the USA authorized DCS worth \$52,117 of non-automatic and semi-automatic firearms under category of small arms; \$108,000 under the category of ammunition; and \$18,795 of tear gas and riot control agents under the category of toxic agents.
- In 2007, the USA authorized DCS worth \$493,300 of tear gas and riot control agents under the category of toxic agents.

TEAR GAS, RUBBER GRENADES AND BATON ROUNDS

Amnesty International identified some of the ammunition collected by people following the 17 February raid by riot police on the Pearl Roundabout. It included US-made tear gas canisters and 37mm rubber multi-baton rounds, and French-made tear gas grenades and rubber “dispersion” grenades, which fragment into 18 pieces and produce a loud sound effect.



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On the left, the top third of Triple Chaser tear gas grenade, and on the right, a 56mm CM6 CS grenade.

STEPS TAKEN BY ARMS-SUPPLYING STATES

On 17 March 2011, Amnesty International called on arms-supplying states to immediately suspend transfers of weaponry, munitions and related equipment used by the riot police and security forces in Bahrain. It also called for states to carry out an urgent, comprehensive review of all arms supplies and training support to Bahrain’s military, security and police forces.

On 17 February, the French government announced the suspension of the export of security

equipment to Bahrain.⁶⁰ On 18 February, the UK government revoked 24 individual licences and 20 open licences for Bahrain.⁶¹ On 7 March, the Spanish government suspended the licensing of arms exports to Bahrain.⁶² On 29 March, the Belgium Flemish Minister stated in Parliament that licenses for Bahrain had been put on hold.⁶³ The Netherlands also suspended arms exports until further notice to Bahrain.⁶⁴

The proposed foreign military sale (FMS) by the US government to the Bahrain government, announced on 14 September, is the first since the Bahrain government cracked down on peace protestors demanding greater political freedom in February 2011. The Department's press release on the proposed sale refers to the Government of Bahrain as "an important force for political stability and economic progress in the Middle East." This stands in stark contrast to President Obama's declaration of support in May to those protesting for freedom throughout the region, when he said: "If you take the risks that reform entails, you will have the full support of the United States." Moreover, the President condemned "mass arrests and brute force" by the Bahraini government. Last month Secretary of State Hillary Clinton urged countries still selling weapons to President Assad of Syria to "get on the right side of history." Amnesty International, and other NGOs, has called on the US government to immediately suspend the current proposed sale and to refrain and to refrain from authorising other transfers of weaponry, munitions, and related equipment to the Bahrain military, security and police forces as long as there remains a substantial risk that such arms will be used to commit or facilitate serious violations of human rights.⁶⁵

HUMAN RIGHTS RISK ASSESSMENT

SERIOUS VIOLATIONS

Human rights have come under increasing pressure and there has been rising tension between the government and its critics. Prior to the February-March 2011 anti-government protests, there had been number of instances of security forces using excessive force against protesters. For example, in June 2005 security forces used excessive force to disperse demonstrators in Manama calling for more job opportunities.⁶⁶ Bahraini security forces are alleged to have frequently used excessive force during 2010, including by firing shotguns and rubber bullets to quell riots and demonstrations organized by disenchanting young people in predominantly Shi'a villages and towns. Scores of demonstrators and rioters, but also bystanders, were hit by shotgun pellets and injured. The government has argued that its security forces use shotguns or rubber bullets as a last resort and that the security forces themselves have faced masked rioters throwing Molotov cocktails, sometimes injuring them or burning their vehicles.⁶⁷

The Bahraini Constitution prohibits torture; however, there is significant evidence that security forces have increasingly and repeatedly resorted to torture for the apparent purpose of securing confessions from security suspects. For example, in August and September 2010, the authorities detained incommunicado 23 opposition political activists for two weeks, during which some allege they were tortured.⁶⁸ In current trials before military courts dozens of detainees have alleged that they were tortured while held incommunicado in pre-trial detention following their arrest.

The authorities have tightened restrictions on freedom of expression, closing down websites critical of the state and banning newsletters and other publications of opposition groups. They have also tightened restrictions on freedom of association and the activities of independent human rights organizations and activists.⁶⁹ Allegations of torture and other ill-treatment have increased but the government has failed to carry out independent investigations, although many of these are now subject to investigation by the BICI. Independent human rights organizations and activists have increasingly been targeted for their reporting of the human rights situation. Several laws urgently need reform to bring them into line with international human rights standards.⁷⁰

The government has made significant positive human rights commitments. It has established a national human rights institution, withdrawn reservations made when Bahrain ratified certain human rights treaties, reformed family and nationality laws and adopted new legislation to protect women domestic workers and lifted press restrictions.

SUBSTANTIAL RISK

Over several years there have been isolated demonstrations by protesters. Government security forces have responded by using excessive force. For example, in June 2005 security forces used excessive force to disperse demonstrators in Manama who were calling for more job opportunities.⁷¹

Recent events involving grave human rights violations against protesters, including reports of torture, arbitrary arrest or detention, unfair trials before military courts and excessive use of force by the security forces, are a worrying setback. Also, more than 2,500 people were dismissed or suspended from their jobs, especially in the private sector, because of their participation in the anti-government protests earlier.

During the protests, evidence gathered by Amnesty International shows that the security forces failed to comply with international standards on the use of force and firearms, especially in dispersing peaceful demonstrations.⁷² There appear to have been very few warnings given by the police during operations. Shotguns were used at an early stage, before tear gas and baton rounds, indicating that use of force was not incremental; different types of force were used at the same time. It appears that police were carrying shotguns as standard issue and firing them recklessly. Live ammunition was used where no imminent threat of death or serious injury was posed by the protesters to the police or other protesters. In fact, protesters were largely peaceful throughout the demonstrations.

As of September 2011 Bahraini security forces continued to use excessive forces and to violently suppress small demonstrations and gatherings of people in Shi'a villages and towns. On 31 August, a 14-year-old boy in Sitra was hit in the neck and fatally wounded apparently by a tear gas canister. He died even before arriving to the hospital. The Ministry of Interior stated that an investigation had been initiated into the cause and circumstance of his death.

ASSESSMENT

Amnesty International believes that arms-supplier states must be extremely cautious with regard to Bahrain and refrain from authorizing transfers of the generic types of weaponry,

munitions and related equipment that have been used extensively and excessively against protestors, leading to unlawful killings and injuries during the policing of the protests. These include shotguns (including sporting and hunting shotguns)⁷³, shotgun cartridges, firearms, live ammunition, tear gas and armoured vehicles.

Before any resumption of arms sales and supplies to Bahrain of these and similar types of weaponry, munitions and related equipment, the current investigation being undertaken by the BICI must be completed. The government must ensure full accountability for the unlawful killings, torture and serious human rights violations that have been committed, including by bring those responsible to justice and affording reparation to the victims, and undertake a review and reform of policing to identify the causes of the use of excessive use of force lie (whether institutional, poor command and control, inadequate training etc) and address these. Until these steps have been taken the risk of further misuse must be considered to remain substantial.

EGYPT

“25 JANUARY REVOLUTION”

On 25 January 2011, Egyptian opposition activists turned a national holiday (Police Day) into a day of mass protests. Emboldened by the success of the Tunisian revolt to overthrow President Ben Ali, the Egyptian people dared to demonstrate and call for the “downfall of the regime”. Growing levels of repression, poverty and inequality and police brutality were chief among their complaints.⁷⁴ The uprising, which lasted 18 days, spread rapidly across the country.

In response, Egypt’s internal security forces⁷⁵ used tear gas, water cannons, firearms such as shotguns and automatic weapons, lethal shotgun ammunition, rubber bullets and live ammunition to disperse crowds. In some instances, the security forces drove into protesters with armoured vehicles. In others, they beat them with batons or sticks and kicked them. Security forces also used force disproportionately and resorted to firearms when not strictly necessary. Even in situations where protesters were behaving violently, for instance when throwing rocks and, more rarely, petrol bombs, or damaging property, the security forces did not use firearms lawfully. They showed a flagrant disregard for human life and did not exercise restraint or seek to minimize injury, including to onlookers and bystanders.

More than 6,000 people were injured during the protests in Egypt, some of them permanently, and at least 840 were killed. Many protesters died as a result of shots fired to the upper body, including the head or chest. In most of the cases documented by Amnesty International where security forces fired live ammunition, there was no threat to the lives of members of the security forces or others. In some cases, bystanders and passers-by were killed as a result of reckless shooting by security forces.

Amnesty International also found that security forces used shotguns extensively to fire shotgun pellets commonly known in Egypt as *khartoush* or *bille*. Many of the fatalities and injuries documented were caused by what appears to be a lethal type of shotgun ammunition. The co-ordinator of the field hospital in Tahrir Square told Amnesty International delegates he had treated around 300 cases where shotgun wounds to the eyes led to loss of vision.⁷⁶ Tear gas, which is to be used as a non-lethal, incapacitating weapon in limited legitimate circumstances, was fired at peaceful protesters and at times fired at head height.⁷⁷



© Private

The photo above is of Gaber Ahmed Abdel Baqy, a 25-year-old daily labourer from Ezbet Al-Tahrir informal settlement, Egypt, who died of multiple buckshot wounds inflicted between 5.30pm and 7pm. Witnesses said that he was shot from a range of 6m when he was 300m from Al-Zera'yin Square, Egypt.

Examples Of Excessive Use Of Force Against Protesters

Hussein Taha Hussein, a law student at the University of Alexandria, participated in anti-government protests from the beginning. On 28 January, he went with friends to join other protesters in front of the Library of Alexandria and then went to Friday prayer at the Caid Ibrahim Mosque. His friends told his father that security forces started using tear gas and water cannons against protesters moments before the prayers finished, and that Hussein insisted on rejoining the protests and went to the front ranks. He was shot with a single bullet to the chest at about 3pm, and was rushed to Salama Hospital. His father was only able to find him three days later in the main morgue in Koum El-Dikka because of the disruption of the telephone networks. According to the death certificate, Hussein died as a result of a gunshot wound. His father filed a police report and submitted a complaint to the Public Prosecution. The head of the Alexandria Security Directorate and a number of police officers were referred for trial for the alleged killing of protesters on 28 January.

In Cairo, 30-year-old Mahmoud Mohamed Amin told Amnesty International that he met up with other protesters at Talaat Harb Street before marching towards Tahrir Square on 25 January. He remained in the square despite the use of force and arrests by riot police. He said that at about midnight the electricity was switched off, plunging the square into darkness. Shortly after, water cannon were fired from Qasr El Einy Street into the square and shots were fired in the air. Armoured vehicles manned by riot police drove into the square. Riot police also fired lethal shotgun ammunition at the protesters. Mahmoud was hit by about 15 pellets from a shotgun in his upper body and three in his right eye. He was helped to the Red Crescent Hospital but was deterred from entering by the ring of security officers outside the hospital and after hearing that a

dozen other injured protesters had been arrested there, an allegation that the hospital administration denied. Mahmoud was later taken to the Nasser Institute Hospital. When Amnesty International visited him there, he said he had been told he would probably not regain any sight in his right eye. He also said that the then Minister of Health and Population, Sameh Farid, had visited him in the ward on 2 February and promised to send a panel of experts to examine him and to pay for treatment abroad if necessary.⁷⁸

The military was mostly not involved in the crackdown on protesters, which was dealt with by the Ministry of Interior, although they were deployed on the streets to maintain security when the police withdrew from their posts.⁷⁹ The army was seen to be on the side of the people and protestors turned to it for protection.⁸⁰ However, the armed forces were involved in the arrest, detention and torture of protesters and others.⁸¹

Lethal force was also used against Egyptian prisoners, including live ammunition and tear gas. According to the Fact-Finding National Commission about the 25 January Revolution, the Prison Administration Sector of the Ministry of the Interior put the death toll among prisoners at 189, in addition to 263 injured, while four members of the security forces died and 30 were injured.

MAIN ARMS SUPPLIERS TO EGYPT

The USA is the biggest arms supplier to Egypt. Annually, it supplies military and law enforcement equipment to Egypt that has, since 2000, amounted to approximately US\$1.3 billion. Much of this money is spent on purchasing weapons of US-origin – either through government-to-government sales, foreign military sales (FMS), commercial exports, or direct commercial sales (DCS). The USA has provided F-4 jet aircraft, F-16 jet fighters, M-60A3 and M1A1 tanks, armoured personnel carriers, Apache helicopters, anti-aircraft missile batteries, aerial surveillance aircraft, and other equipment to the Egyptian armed forces.⁸² On 5 July, the US Defense Department notified the US Congress of a proposed FMS to the Egyptian government for 125 M1A1 Abrams tank kits for co-production and associated weapons, equipment, parts, training and logistical support.⁸³ The USA has also authorized the sale of a range of equipment that is used in law enforcement operations.⁸⁴ In May 2008, the Inspector General of the US Department of Defense issued a report on the lack of proper accounting by this Department for billions of US dollars spent on commercial contracts and miscellaneous payments for arms and security in Egypt (as well as Afghanistan and Iraq).⁸⁵

In addition to the USA, there are at least 20 other states whose governments licensed transfers or allowed the supply of weaponry, munitions and related equipment to Egypt, since 2005. These include the Austria, Belgium, the Czech Republic, France, Germany, Italy, the Netherlands, Slovakia, and Switzerland.

ARMS DELIVERIES

The following states – the Czech Republic, Germany, Italy, Poland, Slovakia, Switzerland, and the USA – supplied military weapons, non-military firearms, shotgun cartridges and tanks and other armoured fighting vehicles (AFV) to Egypt over a five-year period, according to Comtrade data.⁸⁶

Total value of arms deliveries between 2005 and 2009

“Military weapons” (89112)

| | |
|---|---------------|
| USA | \$87,174,799 |
| Switzerland | \$1,175,643 |
| Poland | \$786,162 |
| “Non-military firearms”⁸⁷ (89131) | |
| Italy | \$3,823,676 |
| USA | \$1,956,903 |
| Germany | \$615,000 |
| Czech Rep. | \$126,562 |
| “Cartridges for shotguns” (89122) | |
| Italy | \$1,657,332 |
| USA | \$384,400 |
| Czech Rep. | \$127,735 |
| “Tanks and other AFV” (89111) | |
| USA | \$549,408,353 |
| Slovakia | \$10,995,624 |
| India | \$7,007,680 |
| Poland | \$3,074,184 |

ARMS LICENSING DECISIONS

According to national and EU data⁸⁸, the following states licensed weapons, munitions and related equipment over a five-year period between 2005 and 2009 (or 2010 where data were available) under the broad categories of small arms; smooth-bore weapons over 20mm (to cover riot guns such as grenade launchers); ammunition; toxic agents (to cover riot control agents); and armoured vehicles.⁸⁹ Where available, data on actual arms exports have also been included.⁹⁰

AUSTRIA⁹¹

- In 2009, Austria licensed €84,042 and exported €80,732 under the category of small arms.
- In 2008, Austria licensed €124,058 and exported €91,772 under the category of small arms.
- In 2007, Austria licensed €159,714 and exported €72,630 under the category of small arms.
- In 2006, Austria licensed €51,610 and exported €47,378 under the category of small arms.
- In 2005, Austria licensed €32,167 and exported €31,487 under the category of small arms.

BELGIUM

- In 2008, the Wallonia region licensed €600,502 under the category of small arms; €169,000 under the category of ammunition; and €132,954 under the category of armoured

vehicles.

BOSNIA AND HERZEGOVINA

- In 2009, Bosnia and Herzegovina, licensed €530,000 under the category of smooth-bore weapons over 20mm; and €958,280 under the category of ammunition.
- In 2008, Bosnia and Herzegovina licensed €6,203,312 under the category of ammunition.
- In 2007, Bosnia and Herzegovina licensed €147,961 under the category smooth-bore weapons over 20mm; and €17,419 under the category of ammunition.
- In 2006, Bosnia and Herzegovina licensed €240,490 under the category of ammunition.⁹²

BULGARIA⁹³

- In 2010, Bulgaria licensed €235,977 and exported €496,722 under the category of smooth-bore weapons over 20mm; licensed €3,415,090 and exported €232,760 under the category of ammunition; and licensed €328,296 and exported €392,706 under the category of armoured vehicles.
- In 2009, Bulgaria licensed €310,106 and exported €402,743 under the category of smooth-bore weapons over 20mm; licensed €3,104,888 and exported €3,037,664 under the category of ammunition; and licensed €425,481 and exported €426,721 under the category of armoured vehicles.
- In 2008, Bulgaria licensed and exported €70,183 under the category of small arms; licensed and exported €120,785 under the category of smooth-bore weapons over 20mm; licensed €3,347,464 and exported €1,896,256 under the category of ammunition; and licensed and exported €36,018 under the category of armoured vehicles.
- In 2007, Bulgaria exported €28,004 under the category of small arms; exported €14,154 under the category of smooth-bore weapons over 20mm; exported €1,020,174 under the category of ammunition; exported €40,290 under the category of armoured vehicles; and exported €12,115 under the category of toxic agents.
- In 2006, Bulgaria exported €461,150 under the category of ammunition; and exported €32,985 under the category of armoured vehicles.

CANADA⁹⁴

- In 2009, Canada exported C\$34,538 under the category of smooth-bore weapons over 20mm.
- In 2006, Canada exported C\$160,000 under the category of small arms.

FINLAND⁹⁵

- In 2010, Finland licensed two sniper rifles (TRG-22 and TRG-42) for the Egyptian Ministry of Interior.⁹⁶

- In 2008, Finland exported €32,000 under the category of smooth-bore weapons over than 20mm.
- In 2006, Finland €348,920 under category of smooth-bore weapons over 20mm.

FRANCE⁹⁷

- In 2009, France licensed €1,727,391 under the category of armoured vehicles.
- In 2008, France licensed €23,517 under the category of smooth-bore weapons over 20mm; €13,866 under the category of ammunition; and €651,317 under the category, of armoured vehicles.
- In 2007, France licensed €27,372 under the category of ammunition.
- In 2006, France exported €452,559 under the category of smooth-bore weapons greater than 20mm; €15,470 under the category of ammunition; and €2,043,977 under the category of armoured vehicles.
- In 2005, France exported €8,399,186 under the category of smooth-bore weapons greater than 20mm; and, licensed €30,560 and exported €403,435 under the category of ammunition.

GERMANY⁹⁸

- In 2009, Germany licensed €693,120 for 884 submachine-guns; and €19.9 million under the category of armoured vehicles for the export of components for tanks, armoured vehicles and military trucks.⁹⁹
- In 2008, Germany licensed €24,673 for components for submachine guns under the category of small arms; and €17.9 million under the category of armoured vehicles.¹⁰⁰
- In 2007, Germany licensed €1,352,216 for 1,209 submachine guns and €1,273,079 for 25,089 requisite components under the category of small arms; and €3.54 million for parts for tanks and armoured vehicles under the category of armoured vehicles.¹⁰¹
- In 2006, Germany licensed €13.1 million under the category of armoured vehicles.¹⁰²
- In 2005, Germany licensed €5.6 million under the category of armoured vehicles.

ITALY¹⁰³

- In 2010, Italy authorized €10,947,522 under categories including arms or weapons systems greater than 12.7mm and armoured vehicles.¹⁰⁴ Italy exported a total of €45,107,494.
- In 2009, Italy authorized €27,332,614 under categories including arms and automatic weapons less than 12.7mm, arms or weapons systems greater than 12.7mm, and munitions.¹⁰⁵ Italy exported a total €10,616,905.

- In 2008, Italy authorized €16,966,916 under categories including arms and automatic weapons less than 12.7mm, arms or weapons systems greater than 12.7mm, and munitions.¹⁰⁶ Italy exported a total of €33,819,769.

- In 2007, Italy authorized €13,911,974 under categories including arms or weapons systems weapons greater than 12.7 mm, and armoured vehicles.¹⁰⁷ Italy exported a total of €8,696,604.

- In 2006, Italy authorized €4,338,991 under categories including ammunition and armoured vehicles.¹⁰⁸ Italy exported a total of €5,906,150.

THE NETHERLANDS¹⁰⁹

- In 2009, the Netherlands licensed €1,202,476 under the category of armoured vehicles.

- In 2007, the Netherlands licensed €1,211,538 under the category of armoured vehicles.

- In 2005, the Netherlands licensed €36,000,000 under the category of armoured vehicles.

POLAND¹¹⁰

- In 2009, Poland licensed €114,089 under the category of small arms; €732,818 under the category of smooth-bore weapons over 20mm; and €1,318,295 under the category of armoured vehicles.

- In 2008, Poland licensed €358,531 under the category of smooth-bore weapons over 20mm; and €1,238,378 under the category of armoured vehicles.

- In 2007, Poland licensed €234,034 under the category of smooth-bore weapons over 20mm; and €2,320,454 under the category of armoured vehicles.

- In 2006, Poland licensed €301 578 and exported €514,266 under the category of smooth-bore weapons over 20mm; and licensed €523,131 and exported €481,443 under the category of armoured vehicles.

- In 2005, Poland licensed €500,589 under the category of smooth-bore weapons over 20mm; €868,496 under the category of ammunition; and €55,395 under the category of armoured vehicles.

SERBIA¹¹¹

- In 2009, Serbia licensed \$15,629,451 for a range of equipment including automatic rifles, ammunition, and pistols to a Bulgarian broker two countries including Egypt - \$4,542,322 was actually exported; and licensed \$5,826,435 for a range of equipment including automatic rifles and ammunition to a Egyptian broker for two countries including Egypt.¹¹²

- In 2008, Serbia licensed \$15,940,567 for a range of equipment including rifle and revolver ammunition to a Bulgarian broker for two countries including Egypt - \$4,070,437

was actually exported; and licensed €4,989,314 for a range of equipment including automatic rifles and 7.62 and 30mm ammunition to Egypt - \$1,769,750 was actually exported.¹¹³

- In 2006, Serbia licensed \$1,395,758 for a range of equipment including smoke grenades and other equipment to Egypt to military end-users.
- In 2005, Serbia licensed \$284,462 for a range of equipment including automatic and sniper rifles, and ammunition to Egypt to military end-users.

SLOVAKIA¹¹⁴

- In 2009, Slovakia licensed €23,682,208 and exported €5,530,766 under the category of armoured vehicles.
- In 2008, Slovakia licensed €5,915,054 and exported €1,321,497 under the category of armoured vehicles.
- In 2007, Slovakia licensed €9,216,984 and exported €3,042,101 under the category of armoured vehicles.
- In 2006, Slovakia licensed €8,850,518 and exported €4,639,802 under the category of armoured vehicles.
- In 2005, Slovakia licensed €2,162,583 and exported €1,608,907 under the category of armoured vehicles.

SPAIN¹¹⁵

- In 2010, Spain licensed €3,538,254 and exported €1,955,634 under the category of armoured vehicles; and exported €103,500 under the category of ammunition.
- In 2009, Spain licensed €103,500 under the category of ammunition.
- In 2008, Spain licensed €172,500 and exported €219,177 under the category of ammunition.
- In 2007, Spain licensed €41,030 and exported €95,060 under the category of small arms; licensed €90,000 under the category of smooth-bore weapons over 20mm; and licensed €1,179,777 and exported €273,541 under the category of ammunition.
- In 2006, Spain exported €113,611 under the category of small arms; and €13,576 under the category of ammunition.
- In 2005, Spain exported €136,734 under the category of smooth-bore weapons greater than 20mm.

SWITZERLAND¹¹⁶

- In 2009, Switzerland exported SFr399,889 under the category of small arms.

- In 2008, Switzerland exported SFr27,960 under the category of small arms.
- In 2007, Switzerland exported SFr1,066,229 under the category of small arms.
- In 2006, Switzerland exported SFr2,165,797 under the category of small arms; and SFr1,061,000 under the category of weapons of any calibre.
- In 2005, Switzerland exported SFr820,993 under the category of small arms; SFr 440,145 under the category of weapons of any calibre; and SFr91,304 under the category of ammunition.

USA¹⁷

- In 2010, the USA authorized direct commercial sales (DCS) including 2,002 items worth \$1,087,155 under the category of firearms, assault weapons and combat shotguns; 46,001,501 items worth \$1,978,865 under the category of ammunition; 94,384 items worth \$1,748,743 under category of toxic agents.
- In 2009, the USA authorized DCS including 42 items worth \$404,522 under category of firearms, assault rifles and combat shotguns; 767,001 items worth \$339,020 under the category of ammunition; 33,700 items of tear gas and riot control agents worth \$458,090 under the category of toxic agents.
- In 2008, the USA authorized DCS including 157 automatic, semi automatic and non-automatic firearms worth \$134,618 under the category of firearms, assault rifles and combat shotguns; 70,343 items of ammunition worth \$711,915 under the category of ammunition.
- In 2007, the USA authorized DCS including 10 non-automatic and semi-automatic firearms worth \$7,799 under the category of firearms, assault rifles and combat shotguns; and, 5,151,700 items of ammunition worth \$1,022,600 under the category of ammunition for the aforementioned firearms.
- In 2006, the USA authorized DCS including 198,600 cartridges, .22 cal through .50 cal worth \$21,315; 550; 700 cartridge explosives worth \$57,318; two M-4 rifles worth \$24,900; and 17,000 items of riot control chemicals (anti-personnel) worth \$239,850 (note that the reporting of authorizations for DCS differed in this report as narrower categories were used).

STEPS TAKEN BY ARMS-SUPPLYING STATES

On 9 February 2011, amid concerns over the likelihood that the Egyptian police and security forces would react with escalating violence to continuing protests, Amnesty International called on all states to immediately suspend supplies of equipment used by police and internal security forces pending a comprehensive review of all arms supplies and support given to Egypt's military, security and police forces.

Amnesty International also called on states to ensure that all military, police or security training support reinforces human rights principles and accountability, including the right of all people to engage in peaceful protest, principles on the use of force, and the rights of people in detention.

The French government suspended arms transfers to Egypt on 27 January¹¹⁸ and the German government did the same in early February. In Belgium, on 29 March, the Flemish Minister formally stated in Parliament that no further licences would be granted to Egypt and those already issued would be “put on hold”.¹¹⁹ The Walloon Region also suspended arms to Egypt. On 8 February, the Czech Republic stopped issuing licences for arms transfers to Egypt and as of 3 October no new licences have been issued.¹²⁰ The Spanish government informed Amnesty International Spain that it would undertake a review of all arms sales and supplies to the region.¹²¹ The Netherlands also suspended arms exports until further notice to Egypt.¹²²

HUMAN RIGHTS RISK ASSESSMENT

SERIOUS VIOLATIONS

In Egypt, the vast apparatus of repression including the ubiquitous and now disbanded State Security Investigations (SSI) and the 325,000-strong Central Security Forces (CSF) were responsible for entrenched patterns of human rights violations over many years. These included arbitrary or unlawful killings, including as a result of unnecessary or excessive force by police; mass detentions of government opponents and critics, many of whom were held for years without charge or trial, enforced disappearances, arbitrary restrictions on freedom of expression, association and assembly, and systematic torture and other ill-treatment.¹²³ In 2007, constitutional amendments were rushed through parliament that cemented the sweeping powers of the police that had been used to systematically violate human rights.¹²⁴

Amnesty International has documented and took action in response to the excessive use of force by police and security forces, particularly when enforcing restrictions on the rights to freedom of expression, association and assembly over a number of years. Such violations contravened Article 21 of the International Covenant on Civil and Political Rights (ICCPR) ratified by Egypt in 1982.¹²⁵ Torture and other ill-treatment of detainees remains widespread and systematic, and is largely committed with impunity over the past decade.

SUBSTANTIAL RISK

Egypt's CSF has a decade-long record of widespread, systematic, and persistent human rights violations. This includes the use of excessive force to quell protests and the legitimate exercise of freedom of expression, torture and other cruel, inhuman or degrading treatment of detainees. The government has rarely held security officials accountable, and officials often operate with impunity. These violations have been well documented and in any meaningful risk assessment process would have informed states that there was a substantial risk of arms being misused by the security forces.

During the uprising, evidence gathered by Amnesty International shows that the security forces failed even to comply with the limited safeguards provided for in Egyptian legislation in relation to the use of force and firearms in dispersing public gatherings and demonstrations, violating the right to life as enshrined in Article 6 of the ICCPR.¹²⁶

ASSESSMENT

Recently, there have been some positive developments regarding Egypt's efforts to address impunity since the "25 January revolution". In March 2011, the Minister of Interior abolished and disbanded the notorious and much-feared SSI service. In July, he removed from duty 597 police officers including 27 who are standing trial for the alleged killing of protestors, and transferred those remaining to administrative posts away from the public. In addition, the government established a "Fact-Finding National Commission about the 25 January Revolution" this published its summary report on 14 April 2011 and made limited recommendations. This mostly concerned financial compensation for the families of those killed in the protests and legal and institutional reforms needed to prevent any repetition of similar patterns of human rights violations. The process and outcomes of the trials of former President Hosni Mubarak, his former Interior Minister Habib El Adly, and others, will be significant indicators of the new Egyptian authorities' commitment to tackling and addressing charges against the former president relate only to the period of the recent protests, not to the preceding decades when security forces under his control committed human rights violations with impunity.

During the transition period, ahead of parliamentary elections scheduled for November and the drafting of a new constitution, there have been continuing reports of arbitrary detention, torture and other ill-treatment, including beatings and the use of electric shocks torture against detainees held by the armed forces. Moreover, the authorities have used military courts to try civilians, including of protestors, in serious breach of international standards for fair trial. New laws criminalizing gatherings, strikes and "thuggery" have also been adopted and following clashes between security forces and protesters outside the Israeli embassy in Cairo on 9 September 2011, the authorities announced that the decades old national state of emergency will remain in force until May 2012, and invoked all the provisions of the Emergency Law. As well, the government issued a decree No. 193 to extend the Emergency Law, to cover offences, such as disturbing traffic, blocking roads, broadcasting rumours, possessing and trading in weapons, and "assault on freedom to work" according to official statements.¹²⁷ These changes are a major threat to the rights to freedom of expression, association and assembly, and the right to strike.

Licensing officials should assess all future applications for weapons transfers against the real and substantial risk that serious violations of human rights will continue, unless there is viable evidence that the security forces are fundamentally reformed in the current period of transition. In assessing any future arms transfers to the security forces, states must examine, among other factors, whether and to what degree:¹²⁸

- The state of emergency has been lifted and all provisions of the Emergency Law that contravene international standards or facilitate the commission of human rights violations have been repealed.
- The powers of the security forces to arrest and detain people incommunicado have been abolished.
- The blanket bans on demonstrations have been lifted.

- The security forces are adequately reformed to prevent the disproportionate and excessive use of force when policing demonstrations.
- There are open, independent investigations into all cases where the security forces are reported to have used excessive force.

Without fundamental change in the behaviour and accountability of the security forces the risk of the misuse of arms remains substantial. Therefore, at the time of publication, Amnesty International continues to call for the suspension of transfers of weaponry, munitions and related equipment used by police and internal security forces and a review of all arms supplies and support to the military.

LIBYA

PROTESTS TO CONFLICT

Inspired by the toppling of long-standing presidents in neighbouring Tunisia and Egypt, Libyans called for anti-government protests on 17 February 2011. Demonstrations in Benghazi, Libya's second largest city, erupted days before the scheduled date in protest over the arrest of two prominent activists.

Security forces greeted the peaceful protests in the eastern cities with excessive and at times lethal force, leading to the deaths of scores of protesters and bystanders. When some protesters responded with violence, security officials and soldiers flown in from other parts of the country failed to take any measures to minimize the harm they caused, including to bystanders. They fired live ammunition into crowds without warning, contravening not only international standards on the use of force and firearms, but also Libya's own legislation on the policing of public gatherings.

The crackdown on protests in eastern Libya further inflamed public anger and protests spread across the country. In eastern Libya within a week protesters overpowered the security apparatus, burned down public buildings associated with the government, and seized weapons abandoned by fleeing security officials. Even the capital Tripoli saw protests both for and against Mu'ammār al-Gaddafi - the protests against Mu'ammār al-Gaddafi were violently repressed with the use of live ammunition by the security forces?^{129 130}

On 2 March, opposition forces announced the establishment of the National Transitional Council (NTC) headed by Mostafa Abdeljalil, former Secretary of the General People's Committee for Justice (equivalent to the Justice Minister). Within days, al-Gaddafi forces¹³¹ regrouped and began a fierce counter-attack attempting to regain control of cities that had fallen to the opposition forces, while the latter tried to gain new ground. By late February, the situation evolved into a fully-fledged armed conflict. Steadily, al-Gaddafi forces retook several coastal cities before heading towards the opposition stronghold of Benghazi, reaching its suburbs on 19 March.

As the counter-offensive gained momentum, the international community became increasingly involved. On 26 February, the UN Security Council imposed sanctions and an arms embargo and referred Libya to the Prosecutor of the International Criminal Court. On 17 March, a further UN resolution authorized the establishment of a no-fly zone over Libya and the use of force, short of occupation, to protect civilians. Two days later an air bombardment of Libyan military targets began.

For months, conflict continued to rage between al-Gaddafi forces, anti-al-Gaddafi forces and the international forces led by NATO conducting attacks on al-Gaddafi from the air. By the time of writing this report at the end of September, the NTC had gained control of virtually all of Libya, including Tripoli, the capital, though fighting continued particularly in and around the al-Gaddafi strongholds of Sirte and Beni Walid.

Amnesty International called on all the parties to this conflict to fully respect international



Tripoli Street, Misratah © Amnesty International

humanitarian law (IHL) and applicable human rights law – enjoining them particularly not to target civilians or civilian objects, and refrain from indiscriminate or disproportionate attacks.

In the unrest and armed conflict, al-Gaddafi forces committed serious violations of IHL, including war crimes, and gross human rights violations, which point to the commission of crimes against humanity. They deliberately killed and injured scores of unarmed protesters; subjected perceived opponents and critics to enforced disappearance, torture and other ill-treatment, and arbitrarily detained scores of civilians. They killed and injured civilians not involved in the fighting. They extrajudicially executed people who had

been captured and restrained and were posing no threat.

The al-Gaddafi forces concealed tanks and heavy military equipment in civilian residential buildings, in a deliberate attempt to shield them from possible air strikes by the NATO forces. Al-Gaddafi forces also launched indiscriminate attacks and attacks targeting civilians in their efforts to regain control of Misratah and territory in the east. They launched artillery, mortar and rocket attacks against civilian residential areas. They used inherently indiscriminate weapons such as anti-personnel mines and cluster bombs, including in residential areas.¹³² The use of both of these weapons are prohibited under the 2008 Convention on Cluster Munitions or the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction; however, Libya is not party to either of these conventions.

Some two-dozen, highly explosive Brazilian-made T-AB-1 anti-personnel mines were discovered in the residential neighbourhood of Tamina, south-east of Misratah's city centre in early May, when two were accidentally set off by a passing car. The car was immobilized but fortunately no one was hurt.

The same Brazilian-made type of anti-personnel mines as those used in Misratah were discovered at the end of March on the outskirts of Ajdabiya, in an area frequented by civilians.¹³³ On this occasion the mines were discovered by chance when an electricity company truck drove over and detonated two of the mines two days after al-Gaddafi's forces had retreated from the area. In June and July a large number of the same anti-personnel mines, as well as anti-vehicle mines, were discovered in the Nafusa Mountain area, west of the capital.¹³⁴

The presence of anti-personnel and other land mines has made it more difficult for residents displaced by the conflict to return to their homes following the end of armed confrontations. Moreover, the Brazilian anti-personnel mines used are made of plastic, with hardly any metal

content and thus not detected by metal detectors, making the search exceedingly difficult and dangerous.¹³⁵

Opposition fighters have launched Grad rockets from their front-line positions in eastern Libya since at least March,¹³⁶ more recently from the Misratah western front line around Dafniya and possibly from the eastern front line towards Tawargha.¹³⁷ They are also reported to have launched such rockets in their advance towards Sirte, despite the danger this poses to civilians resident there. Such rockets, which are unguided and indiscriminate, have a range of up to 40km and pose a lethal danger to populated areas within that distance. They should never be used in areas where civilians might be located within the strike range.

The human cost of the conflict

On 16 March, Iftima Ali Kirzab, 69, mother of 11, was at her son's house, adjacent to her own home, in Zawiat El-Mahjoub, in western Misratah, when the area came under heavy shelling from al-Gaddafi forces. She was fleeing to safety along with several of her female relatives and two young children when she was fatally wounded by shrapnel. She sustained injuries to her chest and legs and died immediately. Those with her were unharmed.¹³⁸

On 22 March, the house, off Tripoli Street in Misratah, where Moroccan national Lashhab Mohamed Rijaji, his wife Khadija, and their children, 11-year-old Safaa, eight-year-old Fatma El-Zahraa and nine-month-old Sa'id were renting a room on the roof, came under fire by al-Gaddafi forces. Lashhab, 33, was instantly killed by a gunshot; the family could not take his body out for burial until 27 March as the area was surrounded by al-Gaddafi soldiers.¹³⁹

Some anti-al-Gaddafi armed groups have carried out "revenge" killings of former members of the once all-powerful, infamous Internal Security Agency, an intelligence body responsible for decades of brutal repression in Libya. In one case, a father of six was found on 10 May in the south-western outskirts of Benghazi. He had been shot in the head, his hands and feet were bound and a scarf was tightly tied around his neck. He was missing a piece of flesh from his right calf and marks on his trousers indicated that he had been kneeling. A blood-stained note bearing his name was found by the body; it said that "... a dog among Gaddafi's dogs has been eliminated".¹⁴⁰

In some parts of Libya, particularly in residential areas where there is no clear front line, it was difficult, if not impossible, to establish with certainty which party was responsible for launching which projectiles as the same types of projectiles were being used by both sides.

Among the many continuing threats to the human rights of Libyan civilians are the abandoned weapons, unexploded ordnance and landmines that now litter the country. Children have been picking up munitions, unaware of the hazards. In addition, opposition forces are using lethal weapons they have seized but are not trained to use.¹⁴¹ Some fighters also extensively use Kalashnikov and FN rifles and anti-aircraft machine-guns for celebration including in densely populated residential areas. Amnesty International has documented several injuries, including fatal ones, as a result of such celebratory gunfire. A forensic pathologist in Tripoli told Amnesty International researchers that he was registering three to four casualties daily in late August and early September.

MAIN ARMS SUPPLIERS TO LIBYA

Amnesty International identified 10 states whose governments licensed exports or allowed the supply of weaponry, munitions and related equipment to Libya, including Belgium, the Czech Republic, France, Germany, Italy, Russia, Spain, and the UK. In 1992 a UN arms embargo was imposed on Libya, but was lifted in 2003.¹⁴²

Much of the heavy weaponry found in Libya by Amnesty International researchers looks to have been manufactured during the Soviet-era – Russian or Soviet-made, especially the Grad rockets which are inherently indiscriminate and have been widely used by both sides during the conflict. Some of the munitions found were also Chinese, Bulgarian and Italian such as the Type 72 anti-tank mines, rocket fuses and 155mm artillery rounds, respectively.

ARMS DELIVERIES

The following states – Belgium, France, Germany, Italy, Serbia and the USA – supplied military weapons, non-military firearms, and munitions of war to Libya over a five-year period, according to Comtrade data between.¹⁴³

Total value of arms deliveries between 2005 and 2009

| | |
|--|-------------|
| “Military weapons” (89112) | |
| Republic of Korea | \$1,610,843 |
| “Non-military firearms” (89131)¹⁴⁴ | |
| Italy | \$6,136,275 |
| USA | \$431,390 |
| “Munitions of war” (89129) | |
| France | \$2,286,587 |
| Serbia | \$522,486 |
| Belgium | \$162,313 |
| Germany | \$110,000 |

ARMS LICENSING DECISIONS

According to national and EU data¹⁴⁵, the following states licensed weaponry, munitions and related equipment over a five-year period between 2005 and 2009 (or 2010 where data is available) under the following broad categories of small arms; smooth-bore weapons over 20mm (to cover riot guns such as grenade launchers); ammunition; bombs, rockets and missiles; toxic agents (to cover riot control agents); and armoured vehicles.¹⁴⁶ Where available, data on actual arms exports have also been included.¹⁴⁷

BELGIUM

- In 2009, the Wallonia region licensed €17,953,442 under the category of small arms.¹⁴⁸

Belgium small arms supplies

In 2009, according to news reports and court documents, Belgium delivered €11.5 million worth of small arms and ammunition to the 32nd elite battalion¹⁴⁹ to protect (according to the Walloon government) humanitarian convoys going to Darfur, in the Sudan.¹⁵⁰ This included the following FN Herstal weapons and ammunition: 367 F2000 assault rifles, 367 P90 submachine-guns, 367 5.7 pistols, 50.9mm pistols, 30 LMG Minimi, 22,000 rifle grenades, 1,134 million rounds of ammunition, 2,000 FN 303 less lethal grenade launcher including 60,000 FN303 kinetic impact projectiles.¹⁵¹ The contract was agreed in 2008.¹⁵² The Walloon government has a 100 per cent share in FN Herstal.

On 29 October 2009, a Belgium court actually issued a decision to suspend the delivery of the licences already granted. The court argued that the Walloon government was not allowed to approve the export licences on 8 June 2009 because the Walloon parliament was decommissioning and was therefore not able to fulfil its parliamentary function.¹⁵³ However, on 8 November 2009, after inauguration of a new Walloon Parliament, the Walloon government decided to grant the five licences.¹⁵⁴ In the court decision of 12 March 2010, it is stated that by 27 November 2009 all small arms and ammunition had been delivered. However, the Walloon Minister-President has made several puzzling statements with regard to the delivery dates. In a reply, dated 10 November 2009, to various questions from Walloon parliamentarians, he stated that the majority of the weapons had been delivered prior to the court decision of 29 October 2009.¹⁵⁵ He specifically referred to contractual agreements between FN Herstal and the Libyan government, making it clear that delivery should have taken place between April and October 2009, and some weapons should have been delivered by mid-July 2009. Otherwise FN Herstal would incur heavy penalties.¹⁵⁶ There was pressure from the Walloon trade unions to grant the licence.

On 21 February, it was reported that the Minister of the Wallonia region had asked the Belgium Ambassador in Libya to provide information that would allow him to assess the risk that the arms supplied would be used for repression against the Libyans.¹⁵⁷

FN Herstal rifles and grenade launchers have been found in Libya by Amnesty International researchers.

BULGARIA

- In 2009, Bulgaria licensed €3,730,000 under the category of ammunition.
- In 2006, Bulgaria exported €1,850,594 under the category of small arms.

Chinese anti-vehicle mines

Chinese anti-vehicle mines were used in Misratah's port by forces loyal to Colonel al-Gaddafi.¹⁵⁸ According to information corroborated by Amnesty International, the mines are delivered by Chinese-made 122mm rockets, which burst open in flight, each scattering eight (Type 84 Model A) anti-vehicle mines over a large area. Each mine is equipped with a parachute to activate the mine's arming system and to regulate its descent to the ground. The rockets, which have a range of several miles, are fired from mobile multi-rocket-launch-systems (MRLS) that carry 24 rockets. These rockets cannot be directed at specific targets, their payloads of mines are scattered over a large area, and the mines themselves cannot distinguish between civilian and military vehicles.

CZECH REPUBLIC¹⁵⁹

- In 2007, the Czech Republic licensed €1,919,345 and exported €1,978,820 under the category of armoured vehicles.
- In 2006, the Czech Republic licensed €371,000 and exported €421,000 under the category of toxic agents.

FRANCE¹⁶⁰

- In 2009, France licensed €476,604 under the category of toxic agents; and €264,527 under the category of bombs rockets and missiles.
- In 2008, France licensed €2,345,007 under the category of ammunition; €9,719,971 under the category of bombs, rockets and missiles; €4,303,993 under the category of armoured vehicles; and €568,756 under the category of toxic agents.

In a written answer to a parliamentary question, the French Prime Minister stated that “France can not be seen as a major supplier of weapons to Libya”. He also stated that since 2007 the main equipment supplied was for aeronautical restoration flight Mirage FI, surface-to-air missile short-range air defense Rattlesnake and Milan anti-tank armaments.¹⁶¹

GERMANY¹⁶²

- In 2009, Germany licensed €242,426 under the category of bombs, rockets and missiles; and €9,010,248 under the category of armoured vehicles.¹⁶³
- In 2007, Germany licensed €227,448 under the category of bombs, rockets and missiles.

Heckler & Koch

There has been speculation in the media about the origin of supply of G36 Heckler & Koch assault rifles in Libya, said to be photographed in al-Gaddafi’s headquarters in Tripoli by opposition forces. Video footage apparently shows that these weapons were probably produced by Heckler & Koch Germany in Oberndorf as the proof mark looks to be German.¹⁶⁴ However, the Heckler & Koch company denies any wrongdoing and claims that no permit was ever issued for such an export from Germany to Libya.¹⁶⁵ The government also says that they never licensed G36 exports to Libya.¹⁶⁶

ITALY¹⁶⁷

- In 2010, Italy authorized €37,991,050 under the categories including armoured vehicles; and exported a total of €100,659,681.¹⁶⁸
- In 2009, Italy authorized €111,796,654 under the categories including munitions;¹⁶⁹ and exported a total of €44,752,593.
- In 2008, Italy authorized €93,218,687 under categories including munitions;¹⁷⁰ and exported a total of €29,812,582.
- In 2007, Italy authorized €56,717,448 under the categories including armoured vehicles.¹⁷¹

Italian arms to Libya via Malta

Malta was reported by the EU¹⁷² as having exported €79.7 million worth of small arms to Libya in 2009. The Maltese agent, WJ Parnis England Ltd (La Valletta), which was the local correspondent for the shipping company Brointermed that organized the shipment on behalf of the Italian company, Fabbrica d'Armi Pietro Beretta, said it made a mistake in reporting to the Maltese authorities the value of the shipment from Italy.¹⁷³ On the basis of that mistake, Maltese authorities reported to the EU the erroneous amount along with other items that all together totalled €79.7 million. The amount was in fact €7.936 million. The ship, the *MV Holanda*, with the weapons on board left Italy, docked in Malta and arrived in Libya in late 2009.¹⁷⁴ However, there are still doubts about the actual value and quantity shipped, which included shotguns, pistols and semi-automatic rifles, to Libya's General People's Committee for Public Security (Equivalent of Ministry of Interior).¹⁷⁵

According to documents unveiled by the Italian non-governmental organization (NGO) Rete Italiana per il Disarmo, Fabbrica d'Armi Pietro Beretta, which shipped the small arms, marked them as non-military items so the permit was issued by the Ministry of Interior's local authority (Prefettura) in Brescia instead of the Ministry of Foreign Affairs in Rome.¹⁷⁶ As such, the export was not subject to the Italian law regulating the export/import of military weapons (L.185/1990), but instead the law regulating the possession, use, and import/export of civilian arms as defined in Article 2 (L.110/1975). Therefore, there would have been no requirement to undertake a risk assessment against the arms export licensing criteria, including Criterion 2 which requires EU Member States to "deny an export licence if there is a clear risk that the military technology or equipment to be exported might be used for internal repression" or "might be used in the commission of serious violations of international humanitarian law."¹⁷⁷ As mentioned, the licence and export of this arms shipment was included in the 2009 EU annual report on arms exports, which is supposed to only include arms transfers licensed under one or more of the categories on the EU military list. Whereas, this arms export was authorized on the basis of the weapons being non-military firearms.

According to documents obtained by the Italian magazine *Altraeconomia*, the shipment was for 1,800 Benelli calibre 12mm shotguns, 7,500 semi-automatic Beretta pistols cal.9x19mm series PX4 Storm each equipped with one extra magazine and accessories, and 1,900 semi-automatic carbines cal.9x19mm series CX4 Storm each equipped with one extra magazine and accessories. The end user certificate, dated 10 June 2009, confirms that the exporter was Beretta and the recipient was Libya's General People's Committee for Public Security in Tripoli.



A CX4 semi-automatic carbine



A PX4 Storm semi-automatic pistol

According to Sergio Finardi of the US-based NGO TransArms and Peter Danssaert of the Belgium-based International Peace Information Service vzw, who investigated the shipment, four containers were loaded on 29 November onto the *MV Holanda* in La Spezia, Italy, bound for Malta and Tripoli. The ship arrived on 30 November 2009 at La Valletta, Malta, departed for Tripoli, Libya, on 1 December 2009. Unusually, the *MV Holanda* – a container ship that usually serves Black Sea routes – made a total of seven trips from La Spezia in Italy to La Valletta in Malta and Tripoli in Libya between 29 October 2009 and 2 February 2010.¹⁷⁸ Nearly one year later, on 24 September 2010, Colonel Abdelsalam Abdel Majid Mohamed El Daimi, Director of the General People's Committee for Public Security confirmed receipt of the shipment and this was verified by the Italian embassy on 10 October 2010. Usually a document verifying the delivery of the arms shipment is issued at the time the arms are received.

Malta's Commerce Department stated on 2 March 2011, after the case had come to light, that it had issued a transit authorization for the shipment, but then also claimed that the containers were not unloaded. It is unclear as to why a Maltese broker was required to facilitate the arms shipment. The brokering, transit and transshipment of small arms and light weapons are governed by three pieces of legislation in Malta: the 2001 Military Equipment (Export Control) Regulations; the 2002 Subsidiary Legislation 365.13, for the aforementioned export control regulation; and the 2003 amendment to the export control regulation (L.N. 376).¹⁷⁹ Malta as a transit or transshipment "stopover" is indicated by the many other shipments reported in the EU annual reports on arms exports.¹⁸⁰

MONTENEGRO¹⁸¹

- In 2008, Montenegro licensed €24,130 to a Macedonian broker for explosive cartridges for the Libyan military.
- In 2007, Montenegro licensed €3,810,007 for rockets, pyrotechnic cartridges, ammunition, automatic rifles and anti-aircraft gun barrels to a Serbian broker for several countries including Libya for military and civilian end-uses.¹⁸²

RUSSIAN FEDERATION

Russia does not publish a national annual report on arms exports. The limited information on Russian-made and -supplied arms is based on evidence documented in Libya by Amnesty International, and other researchers and journalists that come into the public domain. The markings on the crate in the photograph below show that the supplier was FSUE "Rosoboronexport" (Russian state-owned arms manufacturer) and it was shipped from the port Oktyabrsk (in the Ukraine) to Tripoli. The recipient was the Procurement Department Tripoli, Libya. The crate contains AK-style assault rifles.



© Tyler Hicks/The New York Times/Redux/Eyevine

Rebel fighters discover a cache of weapons inside a crawl space beneath a destroyed military section of Col. Moammar Gadhafi's Bab al-Aziya compound in Tripoli, Libya, Aug. 30, 2011. Emboldened by their military advances and increasing acceptance abroad, Libya's rebels gave Gadhafi's recalcitrant loyalists a four-day deadline Tuesday to surrender.

SERBIA¹⁸³

- In 2009, Serbia licensed \$4,256,828 for a range of equipment including automatic rifles for civilian and military end-users in Libya - \$1,920,185 was actually exported; and, \$9,323,292 for automatic rifles, spare parts for howitzers and PATs to a Cypriot broker to several countries including Libya for military end users.¹⁸⁴
- In 2008, Serbia licensed \$3,270,460 for a range of equipment including automatic rifles and sub-machine guns to Libya for military end-users - \$1,613,280 was actually exported; and, licensed \$4,820,172 for a range of equipment including launching rifle, rubber bullets, rifle ammunitions, automatic rifles to a UK broker for several countries including Libya - \$4,700,172 was actually exported.¹⁸⁵
- In 2007, Serbia licensed \$7,905,375 for machine-guns, rifles, grenades, cartridge belt loaders, ammunition, mortar bombs, howitzers and mortars to broker in Great Britain for several countries including Libya for military end-users - \$4,166,929 was actually exported.¹⁸⁶
- In 2006, Serbia licensed \$1,069,666 for sub machine guns, pistols, carbines, ammunition and other equipment to a broker in Great Britain for several countries including Libya for military end-users.¹⁸⁷
- In 2005, Serbia licensed \$11,288,445, but actually exported \$4,129,024 for carbines,

ammunition, grenade launchers, rifles, bombs and bullets to a US broker for several countries including Libya for military and civilian end-users¹⁸⁸; and, licensed \$25,207,246 arms (unspecified) to Libyan military end-users.

SPAIN

- In 2008, Spain exported €3,839,215 under the category of bombs, rockets, missiles etc.
- In 2007, Spain licensed €3,823,500 under the category of bombs, rockets, missiles etc. It is likely that this licence covered the sale by a Spanish company of cluster munitions to Libya.
- In 2006, Spain exported €25,953 under the category of smooth-bore weapons over 20 mm.

Spanish cluster munitions used in mortar attacks

Colonel Mu'ammarr al-Gaddafi's forces have launched frequent mortar attacks, including with 120mm mortars containing cluster submunitions, into the city centre of Misratah near the "frontline" prior to their withdrawal from the area in the third week of April.¹⁸⁹ On 15 April, an Amnesty International researcher found several cluster submunitions in the area, as well as parts of the MAT-120 cargo mortar projectiles (designed and manufactured by the Spanish company Instalaza SA), which contained the cluster submunitions.

The Spanish company that used to manufacture the MAT-120mm cargo bombs claims that the submunitions have a zero per cent failure rate.¹⁹⁰ The MAT-120mm is nonetheless prohibited by the Convention on Cluster Munitions. Spain licensed the sale of these to Libya in 2007 and they were delivered in early 2008. In June 2008, Spain declared a unilateral moratorium on the use, production, and transfer of cluster munitions, and signed the Convention on 3 December 2008.¹⁹¹ The Spanish government, however, would still have had to conduct a risk assessment of the proposed transfer against its own law and the criteria within the EU Code of Conduct on Arms Exports.

UK

- In 2010, the UK licensed £74,258 under the category of small arms; £6,333,241 under the category of ammunition; £69,611 under the category of bombs, rockets and missiles; and £900,000 under the category of armoured vehicles. Most of these licences are temporary and include a range of weaponry, munitions and related equipment such as components for assault rifles, machine-guns and sniper rifles, crowd control ammunition and small arms ammunition. Temporary licences can be issued for a variety of reasons, including items sent for demonstration, exhibition and display or training. In this case, it is likely that a large number of temporary licenses were issued to UK firms attending the 2010 Libdex defence exhibition.
- In 2009, the UK issued two licenses under the category of small arms; two under ML2, of smooth-bore weapons greater than 20mm; three under the category of bombs, rockets and missiles; and two under the category of fire control systems. In total the UK issued 19 licenses across the military list worth £22,106,430. Many of these licences were also Temporary (see above). Items licensed for permanent export included artillery computers, military cargo vehicles, components for military vehicles, tear gas/irritant ammunition and

military communications equipment.

- In 2008, the UK licensed £5,373,385 under the category of armoured vehicles (such as command and control vehicles, components for armoured personnel carriers and military cargo vehicles).¹⁹²
- In 2007, the UK issued two licences for armoured all-wheel drive vehicles.¹⁹³
- In 2006, the UK refused licences under ML2, ML3 and ML4 on the basis of Criterion 2 on human rights.

UK armoured vehicles patrolling the streets of Libya

The British company NMS International Group Ltd manufactures armoured crowd control vehicles that look identical to ones seen patrolling Libyan streets in February 2011. Only last year, the company organized the UK stand at the “LibDex 2010” arms fair in Tripoli, which it called “an ideal opportunity to showcase the best of British equipment and training” to Libyan officials.¹⁹⁴ There is no claim that NMS International has acted illegally or supplied any of these vehicles or related equipment without the necessary arms export licences from the UK government. However, Amnesty International believes the sales raise serious questions about the UK government’s export licensing procedures. In 2008, the parliamentary Committee on Arms Export Controls expressed serious “misgivings” about the UK government’s decision to allow armoured vehicles and water cannon to be exported to Libya in light of the risks that such equipment could be used to commit human rights abuses. Amnesty International UK issued a press release on 22 February 2011 concerning the sale.¹⁹⁵

The UK government has repeatedly said that it has found no evidence of the use of UK-supplied equipment in Libya and elsewhere in the Middle East to commit human rights violations. It is important to stress that the UK licensing system is based on risk, not evidence of misuse. Evidence of the use of equipment under consideration for export, or that of similar equipment, only forms one of many factors utilized during the risk assessment process. It seems that the UK government is placing considerable emphasis on an evidence-based assessment rather than what should be a risk-based assessment to justify licensing decisions taken to Libya and elsewhere in the MENA region.

In 2007, the UK government approved the sale of water cannons and armoured personnel carriers to Libya despite concerns that they could be used for internal repression, according to *The Times* newspaper.¹⁹⁶ According, to the newspaper, UK officials in Tripoli had assured UK officials in London that the exporting company had provided the Libyan riot police with training that “sufficiently mitigated the risk” of these vehicles being used in crowd control situations.¹⁹⁷

USA

According to a cable from the US embassy in Tripoli December 2009, released through Wikileaks, the Libyan and US governments were at that time in discussion about the potential purchase by the Libyan Army of helicopters and “Tiger” vehicle components, and the refurbishment of M113 armoured personnel carriers.¹⁹⁸

ARMS EMBARGO ON LIBYA

On 26 February, the UN Security Council adopted Resolution 1970, which imposed an arms embargo on Libya. On 17 March, the Security Council also adopted Resolution 1973, which strengthened the enforcement of the arms embargo by allowing for the inspection at all sea and air ports of all cargo to and from Libya.

The arms embargo imposed by Resolution 1970 is fairly comprehensive in its scope. All states are required to “prevent the direct or indirect supply, sale or transfer to the Libyan Arab Jamahiriya, from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel whether or not originating in their territories...”¹⁹⁹

Resolution 1973 authorizes “all necessary measures” to protect civilians, “notwithstanding” the arms embargo in Resolution 1970. Paragraph 4 of Security Council Resolution 1973 (2011), which refers to the protection of civilians, requires Member States “acting nationally or through regional organizations or arrangements” to notify the “Secretary General immediately of the measures they take pursuant to the authorization conferred by this paragraph which shall be immediately reported to the Security Council.” The Sanctions Committee has been tasked to “examine and take appropriate action on information regarding alleged violations or non-compliance with the arms embargo and other measures set out in the resolutions.”²⁰⁰

On 16 September 2011, the UN Security Council adopted resolution 2009, and decided that the arms embargo imposed under paragraph 9 of the resolution 1970 “shall also not apply to the supply, sale or transfer to Libya of: (a) arms and related materiel of all types, including technical assistance, training, financial and other assistance, intended solely for security or disarmament assistance to the Libyan authorities and notified to the Committee in advance and in the absence of a negative decision by the Committee within five working days of such a notification; (b) small arms, light weapons and related materiel, temporarily exported to Libya for the sole use of United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, notified to the Committee in advance and in the absence of a negative decision by the Committee within five working days of such a notification.”

ARMS TRANSFERS TO THE ANTI-AL-GADDAFI FORCES

Much of the weaponry, munitions and related equipment used by the opposition fighters has been seized or captured from al-Gaddafi’s forces or obtained from al-Gaddafi’s stockpiles. Concerning international arms transfers to the opposition fighters, according to newspaper reports and official statements, both France and Qatar have supplied some arms to the National Transitional Council (NTC) in Libya, after the imposition of the UN Security Council arms embargo on Libya.

France reportedly supplied opposition fighters with an air-drop of small arms, light weapons and rocket launchers, which was widely reported in the media.²⁰¹ A senior French diplomat said it “was an operational decision taken at the time to help civilians who were in imminent danger. A group of civilians were about to be massacred so we took the decision to provide self-defence weapons to protect those civilians under threat.”²⁰² The NTC issued a statement expressing its “deep thanks to President Sarkozy and the people of France for helping Libya to defend itself against Gaddafi forces attacking the Nafusa Mountain.”²⁰³ The Russian Foreign Minister stated that “[if] this is confirmed, it is a very crude violation of the UN Security Council resolution 1970”.²⁰⁴ France justified that transfer on the basis that Resolution 1973 authorizes “all necessary measures” to protect civilians, “notwithstanding” the arms embargo in Resolution 1970. France notified the UN Secretary General but only after the transfer had come to light in the press. French officials claim that the risk assessment concerning this arms delivery was undertaken, but not by the government’s arms export licensing authority: CIEEMG.²⁰⁵

Qatar has reportedly supplied French-made Milan anti-tank missiles²⁰⁶ and ammunition²⁰⁷ to the opposition fighters in Benghazi. The Milan missile has a range of 3km. Opposition fighters in eastern Libya told an Amnesty International researcher that they had been receiving munitions from Qatar since as early as April, and Amnesty International also saw Milan missiles in Misratah in May. On 10 June, the Action Sécurité Ethique Républicaines, Peace Research Institute Oslo and the Omega Research Foundation wrote to Jacques Raharinaivo, Deputy Director for Arms Control and the Organization for Security and Co-operation in Europe, seeking clarification of whether there was a non re-export clause in the delivery agreement of the Milan missiles to Qatar; and whether the Qatar government had sought a re-export authorization from the French government for the missiles. The French government said in response that they received no request for re-export by Qatar.

In Switzerland it was reported that a Swiss export to Qatar of small calibre ammunition had ended up in the hands of the Libyan opposition fighters. Campaigners say this was in breach of Swiss law, which prohibits the re-export of war material without prior authorization from the Swiss government.²⁰⁸ The Swiss government has suspended further arms exports to Qatar and the alleged case of delivery to Libya is being investigated.²⁰⁹

On 2 September, it has been alleged by a Canadian newspaper that China offered to sell arms and ammunition worth at least \$200 million to Colonel al-Gaddafi during the final months of his rule. The Canadian newspaper, *The Globe and Mail* described secret talks that were held about arms shipments from China via Algeria and South Africa.²¹⁰

STEPS TAKEN BY ARMS-SUPPLYING STATES

Following the 26 February 2011 UN Security Council arms embargo on Libya, as described above, the EU also adopted a Council Regulation including an arms embargo on Libya on 2 March, which prohibits the sale, supply, transfer or export, directly or indirectly of equipment which that might be used for internal repression.²¹¹

Before the imposition of the UN Security Council and EU arms embargoes, the following states had taken action to suspend arms supplies to Libya: France on 17 February announced the suspension of licences,²¹² the UK revoked eight licences²¹³ and Spain had since 22 February provisionally suspended licences (two licences were subsequently revoked on 8

March).

HUMAN RIGHTS RISK ASSESSMENT

SERIOUS VIOLATIONS

Since 1969, Colonel Mu'ammar al-Gaddafi ruled Libya with an iron fist. Violations of human rights were routine and included arbitrary detention, enforced disappearance, torture and other ill-treatment, extrajudicial executions and deaths in custody.²¹⁴

Repressive legislation outlawing any form of independent thought or group activity has been in place for decades and remains in force.²¹⁵ Human rights violations in Libya were facilitated by the absence of adequate legal safeguards, particularly in cases that were deemed to be political in nature. Even those limited safeguards that did exist in Libyan legislation tend to be routinely flouted in such cases, particularly by members of the security forces such as the Internal Security Agency (ISA).

Over the past decade the authorities under Colonel al-Gaddafi restricted rights to freedom of expression, association, and assembly and repressed virtually all dissent. Hundreds of individuals were detained arbitrarily, including prisoners of conscience – including people imprisoned solely for the peaceful exercise of their right to freedom of expression or association as well as others who were detained without charge or trial or after grossly unfair trials.²¹⁶

Given their long record of repression and violations of human rights, it is not surprising that the Libyan security forces used excessive force against protestors when the protests began in February 2011. As the violence escalated, the Prosecutor of the International Criminal Court (ICC) announced that he had established reasonable grounds to believe that widespread and systematic attacks against the civilian population had been committed in Libya by armed forces, including murder and persecution as crimes against humanity and issued indictments against Colonel al-Gaddafi and two others. Since the end of February 2011, there has been an armed conflict in Libya. In this context, the ICC said that there is also relevant information on the alleged commission of war crimes.²¹⁷ Amnesty International has found evidence of war crimes and gross human rights violations pointing to crimes against humanity.²¹⁸

SUBSTANTIAL RISK

Under Colonel Mu'ammar al-Gaddafi few steps were taken to address the legacy of human rights violations committed over past decades.²¹⁹ Before the uprising and conflict of this year, the human rights situation in Libya remained dire. Officials responsible for gross human rights violations remained above the law and enjoyed total impunity.²²⁰

Recent human rights violations took place against a backdrop of consistent failure by the Libyan authorities to address the heavy legacy of its past human rights record. A case in point is the failure of the Libyan authorities to adequately address the Abu Salim Prison killings of June 1996.²²¹ While an official investigation was started, no findings were disclosed and the

al-Gaddafi government pressurized victims' families to accept financial compensation rather than seek judicial redress.²²²

Hundreds of cases of enforced disappearance and other human rights violations committed in the 1970s, 1980s and 1990s remain unresolved. The ISA, implicated in those violations, continued to operate with impunity while Colonel al-Gaddafi remained in power²²³ while the State Security Court, whose procedures lacked basic fair trial guarantees, were used to try unfairly individuals accused of "offences against the state".²²⁴

Libyan security forces previously used excessive force to disperse protesters. For instance, on 17 February 2006 security forces killed at least 12 people and injured scores more in a protest in Benghazi over cartoons of the Prophet Muhammad printed in Europe.

Despite the substantial risk that arms previously transferred to Libya could be used to further entrench the repressive al-Gaddafi regime's ability to commit serious violations of human rights, it is unclear what, if any, steps were taken by states selling and supplying arms to Libya to mitigate these obvious risks prior to transfer authorizations.

ASSESSMENT

The risk of arms being used for serious human rights violations in Libya has always been substantial. The security apparatus there had acted with impunity for decades. The capacity of police and security forces to adhere to international standards on the use of force and firearms was not institutionalized, as demonstrated by the flagrant and persistent abuses they perpetuated. In recent months, al-Gaddafi forces have disregarded fundamental rules of IHL such as the principle of distinction and civilian immunity from attack.

Opposition fighters and supporters of the NTC have also committed human rights abuses and violations of IHL, in some cases amounting to war crimes.²²⁵ Dozens of al-Gaddafi soldiers, alleged mercenaries and members of his security apparatus were killed with impunity when they were captured or fell into the hands of forces opposing al-Gaddafi. Over 2,500 individuals have been detained since the NTC took control of western Libya under NTC control; many of them were beaten and otherwise abused.

The ICC has issued an arrest warrant for Colonel Mu'ammarr al-Gaddafi, his son Saif al-Islam al-Gaddafi and military intelligence chief Abdallah al-Sanussi for alleged crimes against humanity – murder and persecution.²²⁶ At the end of August, opposition fighters entered the capital, Tripoli, and took control there. The NTC has so far been recognized by over 70 states around the world as the new interim government of Libya. Clearly, the new Libyan authorities now face many challenges in building a country based on the rule of law and respect for human rights.

The new Libyan authorities also face the challenge of re-establishing law and order, and breaking with the legacy of state security force impunity. The challenge is compounded by the lack of a clear command structure for the security forces, as well as the widespread availability of weapons and those prepared to take the law into their own hands. Urgent reforms are needed to bring the security forces in line with international law and standards. It is critical that there is an independent judiciary to guarantee that no person is above the law

and no person outside its protection.

Before lifting the UN Security Council arms embargo on Libya, and any related measures that they have in place, states must examine whether and to what meaningful extent the interim authorities have, among other factors:

- Ensured all existing stockpiles of the armed forces, police and other security agency of weapons, munitions, armaments and related material are safe and secure and have implemented a system to mark and record weapon types and serial numbers to facilitate effective tracing and accountability and ensure an effective system of end-user certificates and licences to control all imports and exports of arms and security equipment.
- Implemented a process of disarmament, including of small arms; collect surplus weapons and munitions within the population, using a combination of collective or individual incentives designed to regulate, license and reduce as much as possible all civilian arms possession; also safely destroy surplus weapons and ammunition that is clearly in excess of national needs.
- Implemented a strict system to properly account for the storage, registration and use of weapons and ammunition to control the use of firearms by law enforcement officers.
- Adopted best practices identified by the UN Office of Disarmament Affairs to control weapons and munitions, and ratify the international conventions to prohibit the transfer and use of inhumane weapons including anti-personnel mines and cluster munitions.
- Reformed security and law enforcement agencies to ensure that their policies, procedures and practices comply with international law and standards, including the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. In particular, they must ensure that procedures regulating the use of force by officials fully comply with international standards and are publicly disseminated in a readily-accessible form.
- Dismantled the ISA and other security agencies associated with abuses.
- Established clearly defined criteria and procedures for the recruitment and training of members of the security and law enforcement agencies, to ensure that they respect and protect human rights, and operate according to standards of professional conduct. Effective monitoring, complaints and disciplinary systems and oversight mechanisms should be established to ensure that these agencies and their members are held accountable for failures to comply with human rights standards.
- Ensured that the anti-al-Gaddafi fighters comply fully with IHL, including the duty to take necessary precautions when carrying out attacks, as well as in defence; and refrain from carrying out attacks on civilians, indiscriminate or disproportionate attacks; order their forces not to use GRAD or other indiscriminate rockets (in areas where civilians may be located within range); and ensure that anyone in their power, including fighters who have been injured, captured, or have surrendered, are treated humanely.

- Ensured that there is a clear structure, hierarchy and chain of command in place for the fighters under the control of the NTC.
- Provided adequate training on applying the rules of IHL, including necessary measures to protect the civilian population from the dangers arising from military operations, including not locating military objectives in densely populated areas. The NTC should seek outside expertise if necessary. Training should also be provided on handling weapons without endangering the civilian population, and ensuring that only those thoroughly trained are allowed to handle such weapons. Celebratory shooting should be forbidden.
- Reform the justice system. In particular, ensure the independence of the judiciary and guarantee the right to fair trial at all stages, consistent with international instruments, in particular Article 14 of the ICCPR.
- Instructed the General Prosecutor, prosecutors, judges and police force to resume discharging their duties.
- Established a clear structure for internal security, policing, and the detention of captured soldiers or criminal suspects.
- Established clearly defined criteria and procedures for the vetting, recruitment and training of members of the security forces to ensure that they are effective and accountable and operate according to appropriate professional principles and standards. Anyone who does not uphold these principles should be held accountable.

SYRIA

BRUTAL CRACKDOWN ON PROTESTS

In early 2011, demonstrations teetered in Syria as many Syrians were too fearful to risk the wrath of the authorities, who scarcely tolerate any dissent and severely restrict the rights to freedom of expression and association. Syria was ruled for 48 years under a continuous state of national emergency, until it was formally lifted in 2011.²²⁷

On 18 March, however, the protests began to spread after the authorities used excessive force to suppress a largely peaceful demonstration in the southern city of Dera'a. The demonstrators called for the release of children detained for writing "the people want the downfall of the regime" on a wall as graffiti. Within a week, security forces had killed at least 55 protesters in and around the city.²²⁸

Security forces also detained a number of journalists, activists, lawyers and protesters who reported on the unrest or called for further protests. Protests spread across the country, including in Damascus, al-Hasakah, Baniyas, Damascus, Dera'a, Hama, Homs, Idleb, Latakia and Qamishly. In response, on 7 April, President al-Assad announced that Kurds who form a large minority, mostly live in eastern Syria and have long been discriminated against would be granted citizenship.

The military and security forces have responded to protests with extreme force. Tanks and artillery have been widely used by the armed forces to fire rounds and shells indiscriminately into civilian residential areas in towns and cities which have seen mass protests. Security forces have shot people dead and snipers have been used, including to target those trying to help wounded on the streets.²²⁹ The Syrian navy is also alleged to have used gun boats to shell the port city of Latakia.²³⁰

The continuing crackdown by the Syrian authorities has led to calls by other states for President al-Assad to end the violence, but to-date, the UN Security Council has declined to take any decisive action.²³¹

By late September, Amnesty International had obtained the names of at least 2600 people killed since the mass protests began in mid-March. The Syrian authorities have arrested thousands of others, holding many incommunicado at unknown locations where torture and other ill-treatment are reported to be rife. At least 100 people, including children, are reported to have died in custody, some apparently as a result of torture or other ill-treatment.²³² Detainees have also been subjected to enforced disappearance, while human rights defenders have been among those target for arrest and other abuses.²³³

Lives lost in the violent crackdown

Shortly after breakfast, on 31 July, Khaled al-Hamedh left his home to buy medicine for his four-year-old brother, who had a fever. He never came home. Several hours later, family members laid him to rest in the garden of nearby al-Serjawi mosque, a bullet wound in his back and his body crushed by a tank. As the 21-

year-old construction worker walked out into Hama's Bab Qebli neighbourhood on Sunday morning, Syrian security forces were encroaching on the city with tanks, firing into residential areas. Bystanders would later recount to his family how Khaled died. "He was shot in the back while attempting to cross over to the hospital," they said. "He fell on the ground but nobody was able to take him away from the street as the tanks were near by. That is when an army tank deliberately crushed his body repeatedly." Only when the tanks had pulled away could the bystanders approach and take Khaled's body to the hospital.²³⁴

During the period from 1 April and 15 August 2011, no less than 88 deaths have been reported to Amnesty International as occurring in custody.²³⁵ Some of the dead, including children, were also mutilated either before or after death in particularly grotesque ways, apparently intended to strike terror into the families to whom their corpses were returned. The victims in all cases appear to have been detained in the context of the protests, though the circumstances of their arrest are often hazy, and to have died while held in the custody of the security forces in prisons or other places of detention, both recognized and unrecognized, or after being removed to hospitals while they remained in custody. Some clearly suffered gunshot wounds suggesting that they may have been victims of extrajudicial executions.

Tamer Mohamed al-Shar'i, a 15-year-old boy from al-Jeeza, went missing on 29 April in Damascus amid the mass arrests and shooting of protesters. An amateur video dated 8 June shows his body being brought by ambulance to a hospital where it is then cleaned and prepared, presumably, for burial. The ambulance is met by a large group of chanting people, including a mother who cries "My son!", and some anti-Bashar al-Assad comments are heard. Video footage of Tamer Mohamed al-Shar'i's corpse appears to show a badly beaten head and a damaged eye. The wounds are consistent with testimony given by a named individual, cited in the media, who says he was held with Tamer Mohamed al-Shar'i at a branch of Air Force Intelligence and saw him being beaten, despite having a bullet wound in the side of his chest. The witness said that he saw eight or nine interrogators bludgeon the head, back, feet and genitals of Tamer Mohamed al-Shar'i, whose hands were tied behind his back. The witness said he saw Tamer Mohamed al-Shar'i beaten "until he bled from the nose, mouth and ears and fell unconscious".²³⁶

MAIN ARMS SUPPLIERS TO SYRIA

The Russian Federation is reportedly Syria's biggest arms supplier with 10 per cent of all Russian arms exports going there.²³⁷ Russia, for example, has supplied Syria with missiles and missile launchers,²³⁸ anti-tank missiles for the modernized Russian-made T72 tank, and MIG fighter jet aircraft.²³⁹

According to the *Russia & CIS Defense Industry Weekly*, the General Director of the Russian state-owned arms manufacturer Rosoboronexport stated that "As long as no sanctions have been declared yet and as long as there have been no instructions and directives from the government, we are obliged to comply with our contractual obligations, which we are doing now".²⁴⁰ The same publication also reported that the Russian Deputy Foreign Minister Mikhail Bogdanov told Interfax news agency: "As to the current domestic political situation in Syria, given its complicacy, we see no sign that authorities are losing control over the development of the situation in general. Proceeding from this, Russia has continued to interact with Syria, in particular, in the military and technical sphere, fulfilling earlier reached agreements".²⁴¹

Obtaining arms data on arms sales and arms supplies is more difficult for Syria due to the

lack of transparency. Few countries officially report on their arms trade with the Syrian government. It is, therefore, difficult to identify which states are supplying the types of arms that have been used in the repression of protestors: tanks, armoured personnel carriers (APCs) anti-aircraft guns, machine-guns, and live ammunition.

ARMS DELIVERIES

The following states – Egypt, France and India – supplied military weapons, non-military firearms, munitions, and tanks and other armoured fighting vehicles (AFV) to Syria over a five-year period, according to Comtrade data.²⁴²

| Total value between 2005 and 2009 | |
|---|-------------|
| “Military weapons” (89112) | |
| Egypt | \$618,685 |
| “Non-military firearms” (89131)²⁴³ | |
| Egypt | \$296,785 |
| “Munitions” (89129) | |
| France | \$1,254,580 |
| “Tanks and other armoured fighting vehicles” (89111) | |
| India | \$1,132,320 |

ARMS LICENSING DECISIONS

It appears that only Austria and Italy licensed the sale of weaponry, munitions and related equipment to Syria during the period of 2005 to 2009, according to national and EU data, under the broad categories of small arms, ammunition, riot control agents and armoured vehicles.

AUSTRIA

In 2006, Austria licensed €2 million under the category of armoured vehicles.

ITALY²⁴⁴

In 2008, Italy authorized €2,811,312 under the category for fire control systems. This is possibly related to the licensing of equipment further to the agreement in 1998, when Syria “signed an estimated US\$200 million contract with Galileo Avionica of Italy to upgrade 122 T-72 Main Battle Tanks with the Tank Universal Reconfiguration Modular System T-series tank fire-control system.”²⁴⁵

STEPS TAKEN BY ARMS-SUPPLYING STATES

On 26 April 2011, Amnesty International called for the imposition of a comprehensive UN Security Council arms embargo. To date, however, no such embargo has been imposed, although on 9 May, the EU imposed an arms embargo prohibiting the “[sale], supply, transfer or export, directly or indirectly, of equipment which might be used for internal repression.”²⁴⁶

Since 1991, the USA has prohibited arms exports to Syria asserting that Syria has “repeatedly provided support for acts of international terrorism contrary to the foreign policy

of the United States".²⁴⁷ The US government has asked Russia to halt arms supplies to Syria in the context of the current crackdown.²⁴⁸ The deputy director of the Centre for Analysis of Strategies and Technologies has reportedly stated that Russia may lose US\$4 billion in revenue if an arms embargo is imposed on Syria.²⁴⁹

HUMAN RIGHTS RISK ASSESSMENT

SERIOUS VIOLATIONS

Until it was formally lifted recently, Syria was ruled under a national state of emergency for almost five decades during which various state security forces enjoyed sweeping powers of arbitrary arrest and detention without trial and committed serious human rights violations with impunity, including unlawful killings, enforced disappearances, torture and other ill-treatment, unfair trials and other abuses. The formal lifting of the state of emergency has seen no amelioration in this situation; on the contrary, the government's response to the continuing of protests has been marked by rising numbers of unlawful killings, deaths in custody and use of torture.

Freedom of expression is very tightly controlled in Syria. Independent political parties have not been permitted, human rights NGOs are unable to obtain licences that they require to operate lawfully.²⁵⁰ Critics and opponents of the government are liable to arbitrary arrest, torture or other ill-treatment, prolonged detention without trial or lengthy imprisonment after grossly unfair trials. For example, in 2007, some 1,500 people were reportedly arrested for political reasons.²⁵¹

Torture and other ill-treatment continue to be used extensively with impunity in police stations and security agencies' detention centres. In May 2010, well before the current crackdown began, the UN Committee against Torture expressed concern about "numerous, ongoing and consistent" reports of torture by law enforcement officials at their instigation or with their consent.²⁵²

The government has failed to account for thousands of victims of enforced disappearance, many of them Islamists, who have not been seen since they were detained in the late 1970s and early 1980s. Enforced disappearances remain common; the government rarely discloses information about political detainees, their treatment and conditions or whereabouts.²⁵³ Over many years, the Syrian authorities have demonstrated a persistent unwillingness to conduct independent investigations into alleged human rights violations and to hold perpetrators to account. In 2008, President al-Assad issued a law empowering only the General Command of the Army and Armed Forces to issue an arrest warrant in the case of a crime committed by a military officer, member of the internal security forces, or customs police officer in the pursuit of his normal duties, which such cases must be tried in military courts. No cases are known in which the police or security officials have been prosecuted and convicted for human rights violations.

SUBSTANTIAL RISK

There have been consistent violations to the right to life over many years as a result of

excessive use of force by security forces. Protests have been routinely quelled using firearms and live ammunition. For example, in March 2004, at least 36 Kurds were killed and over a 100 people had been injured by security forces during protests and riots in the north and north-east of Syria.

In the current protests, the government has used armaments including tanks, artillery and other heavy weaponry such as machines-guns against civilians. On 17 August 2011, the UN High Commissioner for Human Rights expressed concern about “a pattern of human rights violations that constitutes widespread or systematic attacks against the civilian population, which may amount to crimes against humanity as provided for in article 7 of the Rome Statute of the International Criminal Court”.²⁵⁴

The Syrian government’s failure to cease attacks on civilians, despite the concerns expressed by the UN and other governments, has increased the already substantial risk of arms supplied to Syria by other states being used to commit serious human rights violations.

Despite the substantial risk that a range of arms previously transferred to Syria would be used by the Syrian military, security and police forces to commit and facilitate well-documented serious violations of human rights, the Russian Federation, as well as several other states mentioned above, agreed over recent years to transfer various types of arms to those forces. There is evidence that a wide range of such arms continue to be used in ongoing violations.

ASSESSMENT

In response to the brutal and widespread suppression of protesters by the Syrian security and armed forces, Amnesty International continues to call for an immediate, comprehensive arms embargo on Syria by the UN Security Council. The organization is also calling on the UN Security Council to refer the situation in Syria to the Prosecutor of the ICC in light of the growing evidence that state forces have committed crimes against humanity.

YEMEN

PRO-REFORM PROTESTS

Mass demonstrations and demands for far-reaching change have gripped Yemen, the poorest state in the MENA region, since the beginning of 2011. At least 200 protestors have been killed with thousands of others injured by security forces who have repeatedly used live ammunition and other excessive force in their effort to disperse and suppress the protests.²⁵⁵ Yet, the protests have continued, fuelled by popular frustration over government corruption, high unemployment, and a range of longstanding political and other grievances, including human rights violations and the government's brutal response to the protests. The government has announced investigations into some killings, but these investigations have generally not appeared credible.

Longstanding political tensions rose further after the government announced on 2 January 2011 that the Constitution would be amended to allow President Ali Abdullah Saleh, in office since 1978, to continue to run as a presidential candidate on an unlimited basis. This prompted fears that he intended to install himself as president for life and to then pass on the presidency to his eldest son.²⁵⁶

By 2 February, President Saleh felt obliged to announce that he would leave office in 2013 when his current presidential term expires, was halting the process of amending the Constitution and would enter into dialogue with the opposition.²⁵⁷

However, as protests spread across the country, they were further fuelled by public outrage at the security forces' brutal response. This included deploying both uniformed and plain clothed officials who used a range of weapons, munitions, armaments and related equipment against protestors. These included US-made tear gas, live firearms ammunition, rubber bullets, US-made rubber grenades, riot guns, and electroshock batons. Security forces also fired on protesters from armoured vehicles. In some cases, it was not possible to establish whether those wearing plain clothes were members of the security forces or individuals colluding with them.²⁵⁸

Security forces attacked protesters when they were at their most vulnerable, late at night and during prayer. On 12 March, for instance, three protesters were reported to have been killed and over 1,000 injured in Sana'a when security forces opened fire on the protest camp at al-Taghyeer Square during early morning prayer.²⁵⁹

One of the most deadly acts of violence against protesters was an apparently co-ordinated attack on the same protest camp on 18 March – termed “Bloody Friday” – that left dozens of people dead and hundreds injured. At around 1.30pm, armed men in plain clothes, believed to be security force members, started shooting live rounds from the tops of nearby buildings as well as from street level. A witness told Amnesty International that most of those killed were shot in the head, chest or neck, many of them dying at the scene. A number of army officers, members of parliament and Yemeni ambassadors resigned in protest at the increasing violence being used by the security forces, and declared their support for the protesters.²⁶⁰

In March, Yemen's parliament passed an emergency law giving security forces extensive powers of detention without being bound by the Criminal Procedure Law and imposing heavy restrictions on public assembly, which could be used to ban demonstrations.

Another deadly attack took place in May when Yemeni security forces reportedly killed dozens of people in the southern city of Ta'izz. Security forces fired live ammunition at demonstrators demanding the resignation of President Saleh and at a makeshift field hospital set up to assist the wounded. They also reportedly arrested scores of protesters and bulldozed or burned down tents at a protest camp they had established.²⁶¹

In late May, fighting erupted in various areas: in the capital Sana'a after a ceasefire between the government and a local tribal leader broke down; in the Arhab area, north of Sana'a where there were clashes between the Presidential Guards and armed men; and in Ta'izz where the government's Presidential Guards and Special Forces clashed with armed tribesmen opposed to President Saleh. This fighting, in which all sides engaged in reckless firing posed a grave risk to the lives of local civilians, both residents and bystanders. The government has also accused al-Qa'ida fighters of seizing control of the city of Zinjibar from the Yemeni army; dozens of families reportedly were forced to flee the area and seek refuge.

In a further incident on 18 September, government security forces, including the Presidential Guards forces were reported to have fired on protests in Ta'izz and Sana'a. In late September, the human rights situation in Yemen remained dire and there was growing concern that the country could descend into civil war.

Examples of excessive force

An eyewitness describing an attack on a protest camp in Sana'a on 18 March 2011, which reportedly left dozens of people dead, told Amnesty International: "The shooting started from different buildings around the same time and continued for more than 30 minutes."

On 25 February, security forces reportedly fired on protesters in the al-Mu'alla district of Aden from armoured vehicles, as well as attacking houses where protesters were believed to be seeking shelter. Two men were said to have been killed in their houses during a period of intensive gunfire, both of them shot in the head. One of the most disturbing reports is that security forces refused to allow residents to take the injured to hospital after central security forces fired on protesters and bystanders. About ten people were reported to have been killed in Aden as a result of the day's incident.

This crackdown however, is not a new situation. Amnesty International fears that the deterioration risks diminishing the human rights gains in Yemen, especially during the 1990s. The regression started in 2000, and was compounded by government actions after the 11 September 2001 attacks, and now the regression has escalated further to new levels following more recent pressure on Yemen from US and EU states to deal with the presence of members and supporters of al-Qa'ida in Yemen. Expressions of international concern about developments in Yemen have taken place against a backdrop of increased foreign military assistance and continued arms supplies, including from the USA and European Union and other states. For its part, the US government has deployed the use of drones (unmanned

aerial vehicles) in Yemen to kill those it describes a “high value targets”, a practice that has been increasingly criticized as involving unlawful killings. In August 2010, Amnesty International called on the US government to investigate the serious allegations of the use of drones by US forces for targeted killings of individuals in Yemen and clarify the chain of command and rules governing the use of such drones; and halt all arms transfers to Yemen if there was a substantial risk of them being used for serious violations of IHRL and IHL.²⁶² To date, the USA has not responded to or heeded Amnesty International’s human rights calls.²⁶³

The deterioration has affected different parts of the country. In the north, the Yemeni government’s military offensive, code-named “Scorched Earth”, which began in August 2009 and ended with a ceasefire on 11 February 2010, involved the deployment of military force against the Huthis (followers of Hussain Badr al-Din al-Huthi, a Zaidi Shi’a cleric killed in 2004) on a scale not witnessed before, particularly after Saudi Arabian forces became involved in November 2009. Weeks of heavy bombardment of Sa’dah, by Saudi Arabian and Yemeni forces in late 2009 and early 2010, was reported to have killed hundreds of people and caused widespread damage to homes, other civilian buildings such as mosques and schools, as well as local industries and infrastructure.²⁶⁴ In the south there have been protests against perceived discrimination by the government against southerners and, increasingly, in favour of the secession of the south of the country, have been taking place sporadically since 2007.²⁶⁵ The response of the government to these internal and external pressures is having a devastating impact on human rights, including on human rights defenders and political and other activists, and on freedom of expression.²⁶⁶

MAIN ARMS SUPPLIERS TO YEMEN

Amnesty international identified at least six states whose governments have provided military assistance and/or allowed the supply or have licensed exports of weaponry, munitions and related equipment to Yemen. These include: Austria, Bulgaria, the Czech Republic, Germany, Italy, and the USA.

ARMS DELIVERIES

The following states – Brazil, Slovakia, Saudi Arabia and the USA – supplied military weapons, non-military firearms, and tanks and other armoured fighting vehicles (AFV) to Yemen over a five-year period, according to Comtrade data.

Total value between 2005 and 2009

“Military weapons” (89112)

| | |
|-----|-----------|
| USA | \$698,620 |
|-----|-----------|

“Non-military firearms” (89131)²⁶⁷

| | |
|-----|-----------|
| USA | \$357,206 |
|-----|-----------|

| | |
|--------|-----------|
| Brazil | \$350,000 |
|--------|-----------|

| | |
|--------------|-----------|
| Saudi Arabia | \$130,838 |
|--------------|-----------|

“Tanks and other AFV” (89111)

| | |
|----------|-----------|
| Slovakia | \$199,856 |
|----------|-----------|

ARMS LICENSING DECISIONS

According to national and EU data²⁶⁸, the following states licensed weapons, munitions and related equipment over a five-year period between 2005 and 2009 (or 2010 where data were available) under the broad categories of small arms; smooth-bore weapons over 20mm (to cover riot guns such as grenade launchers); ammunition; toxic agents (to cover riot control agents); and armoured vehicles.²⁶⁹ Where available, data on actual arms exports have also been included.²⁷⁰

AUSTRIA

- In 2007, Austria licensed and exported €227,072 under the category of small arms.
- In 2006, Austria licensed €2 million under the category of armoured vehicles.

BOSNIA AND HERZEGOVINA

- In 2009, Bosnia and Herzegovina licensed €1,251,822 under the category of smooth-bore weapons over 20mm.

BULGARIA

- In 2010, Bulgaria licensed €2.46 million and exported €11.16 million under the category of small arms; licensed €960,000 and exported €2.69 million under the category of smooth-bore weapons over 20mm; and licensed €6.1 million and exported €32.3 million under the category of ammunition.
- In 2009, Bulgaria licensed €10.9 million and exported €2.2 million under the category of small arms; licensed €1.8 million under the category of smooth-bore weapons over 20mm; and licensed €30.9 million and exported €2.8 million under the category of ammunition.
- In 2008, Bulgaria licensed €10 million under the category of ammunition.
- In 2007, Bulgaria exported €4.4 million under the category of ammunition.
- In 2006, Bulgaria exported €746,310 under the category of smooth-bore weapons over 20mm; €534,208 under the category of ammunition; and €17,150 under the category of armoured vehicles.

CZECH REPUBLIC²⁷¹

- In 2009, the Czech Republic licensed €1.7 million and exported €824,000 under the category of ammunition under the category of smooth-bore weapons over 20mm; licensed €4.1 million and exported €2.28 million under the category of ammunition; and exported €5.48 million under the category of armoured vehicles.
- In 2008, the Czech Republic licensed €1.279 million under the category of smooth-bore weapons over 20mm; licensed €4.28 million under the category of ammunition; and licensed €9.98 million and exported €974,842 under the category of armoured vehicles.
- In 2007, the Czech Republic licensed €1.85 million and exported €2.098 million under the category of armoured vehicles.

GERMANY

- In 2008, Germany licensed €2.59 million for an armoured all-terrain vehicle/SUV, under the category of armoured vehicles.
- In 2006, Germany licensed €3,760 000 of tank transporters under the category of armoured vehicles.

ITALY

In 2009, Italy licensed a total of €1,047,695 arms exports to Yemen. According to the 2009 EU annual report on arms exports, this was mostly under the category of ammunition.

THE NETHERLANDS²⁷²

- In 2009, the Netherlands licensed €2 million and exported €1.44 million under the category of armoured vehicles.²⁷³
- In 2008, the Netherlands licensed €537,255 and exported €553,665 under the category of armoured vehicles.

UK

- In 2010, the UK gifted £250,000 of law enforcement equipment to the government of Yemen.²⁷⁴

USA

Between 2005 and 2009, the US government delivered arms supplies worth US\$46.2 million to the Yemeni government under the US Department of Defense's Foreign Military Sales.²⁷⁵

- In 2009, the USA authorized direct commercial sales worth US\$264,000 of 600 firearms and other weapons under the category of firearms, close assault weapons and combat shotguns (non-automatic and semi-automatic firearms) and components, parts and associated equipment, and US\$2,991,103 worth of engines, components and parts for tanks and military vehicles under the category of tanks and military vehicles.
- In 2008, the USA authorized direct commercial sales worth US\$1,336,040 of technical data under the category of tanks and military vehicles.
- In 2006 and 2005, the USA authorized direct commercial sales worth US\$831,200 and US\$1,051,500 of riot control chemicals (anti-personnel) under the category of toxic agents.

STEPS TAKEN BY ARMS-SUPPLYING STATES

On 29 March 2011, Amnesty International called on all governments to immediately suspend the authorization, supply and transfers of weapons, munitions, armaments and related material to the security forces in Yemen, which could be used with excessive force in the policing of protests. However, little action has been taken by the international community to stem arms transfers to Yemen that could be used for excessive or lethal force in policing the pro-reform protests.²⁷⁶ The Netherlands also suspended arms exports until further notice to Yemen.²⁷⁷ The Czech Republic also suspended licences to Yemen.²⁷⁸

HUMAN RIGHTS RISK ASSESSMENT

SERIOUS VIOLATIONS

Serious violations of fundamental human rights are widespread and pervasive. Arbitrary and unlawful killings, enforced disappearances, and reports of torture and other physical abuse have been accompanied by the use of excessive force for many years. Arbitrary arrests and detention, sometimes incommunicado, and denial of fair public trial have been and remain common, as is official impunity. The government has sought to restrict civil liberties, including freedoms of speech and of the press, including access to the Internet, and peaceful assembly. There is pervasive discrimination against women.

The government forces have also committed numerous arbitrary or unlawful killings in the context of the internal conflicts in northern Yemen and the unrest in the South. There has never been an adequate investigation into these serious violations of human rights.²⁷⁹

Police brutality and torture of detainees were widespread and affected political as well as ordinary criminal detainees and prisoners. Officials committed these acts with impunity.²⁸⁰

Recently, the government has announced investigations into the killing of protesters in Sana'a on 18 March 2011 in an apparently co-ordinated sniper attack that reportedly left 52 people dead and hundreds injured²⁸¹; and an attempt on the President's life. Prosecutions may be pending in both cases but without providing details. There is no indication, however, that the long cycle of official impunity has been broken.

SUBSTANTIAL RISK

As far as Amnesty International is aware, no one has been held accountable for the dozens of deaths, which have occurred in protests since 2007. The track record of the authorities in investigating allegations of serious human rights violations by the security forces is very poor.

The security forces were responsible for serious human rights violations before the pro-reform protests started this year. In 2008, several protestors were deliberately killed or died as result of excessive use of force by the security forces during peaceful protests.²⁸² In 2007, there were unconfirmed reports of killings by security forces in the context of violence in Sa'da. Security forces shot dead two people and wounded eight during a peaceful demonstration in al-Dali on 10 September 2007.²⁸³ In 2005, security forces violently dispersed a number of refugees and asylum-seekers taking part in a sit-in protest outside the UNHCR office in Sana'a.²⁸⁴

ASSESSMENT

The first few months of 2011 have seen a rapid deterioration in an already dire human rights situation in Yemen. The most shocking manifestation of this has been the brutal repression of protesters calling for political change. The response of the authorities has been woefully inadequate. The apparent impunity enjoyed by the security forces for their actions reflects a broader pattern of lack of investigations into violations committed in the context of the

government's response to other challenges: the secessionist movement in the South, the intermittent conflict in the North, and the presence of al-Qa'ida in the country.

With regard to future arms supplies, Amnesty International is continuing to call for the suspension of all types of weaponry, munitions and related equipment to the Yemeni police and security forces, which could be used for excessive or lethal force in policing pro-reform protests. Arms supplying states should conduct a rigorous, comprehensive review of all international transfers and training support to Yemen's military, security and police forces to ensure no arms transfers are authorized where there is a substantial risk that they will be used to commit or facilitate serious violations IHRL and IHL. Where necessary governments should halt the delivery of arms and revoke export licences.

UNDERTAKING A RIGOROUS RISK ASSESSMENT

Some states took steps to suspend arms transfers to Bahrain, Egypt, and Yemen (and other states in the MENA region), the international community imposed a UN Security Council arms embargo on Libya and the EU imposed an embargo on Syria. These actions to prevent arms fuelling serious human rights violations were welcomed by Amnesty International. However, many of the arms exports licensed and delivered, as described above, should not, in Amnesty International's view, have been authorized in the first place, given that even prior to 2011 there was overwhelming and credible evidence of the substantial risk that governments in recipient countries would use those conventional arms to commit or facilitate serious human rights violations. Therefore, what went wrong?

It is difficult to know the details of any risk assessment process that supplying states might have undertaken prior to authorizing their transfers to MENA states because there is insufficient information published by governments on such processes. It is apparent that political and economic interests have often been prioritized in the decision-making process over human rights considerations. Under Article 55 of the UN Charter, the purpose of the UN is:

“With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”²⁸⁵

Both the EU and US arms export controls failed to prevent the international transfer of arms to the MENA countries examined in this report where a substantial risk existed for their use in serious violations of international human rights law or humanitarian law.

Arms supplies from the EU make up a considerable portion of those examined above. National and EU reports are the main publicly available source providing information on the implementation of national legislation in the EU Member States.²⁸⁶ However, EU governments have allowed for a very limited public scrutiny of arms sales and supplies. The public and parliament need to hold their governments to account and take steps to remedy somewhat the situation by preventing further irresponsible arms supplies that contribute to serious violations of human rights. Government data for the most part does not indicate the end-use and end-user of an arms transfer. The onus is on governments to make available information on how they undertook a risk assessment for the arms transfers identified in this report, and despite efforts to gather such information little has been forthcoming.

Some supplying states are legally obligated to undertake a risk assessment. For example, since 2008 each EU Member State would have assessed the licence application for an arms transfer against a range of criteria, including Criterion 2 of the EU Common Position on Arms

Exports on human rights and international humanitarian law (IHL). This requires each EU Member State to assess the export licence application for items on the EU Military List against the criteria set out in Article 2:

“Member States shall deny an export licence if there is a clear risk that the military technology or equipment to be exported might be used for internal repression; [and] exercise special caution and vigilance in issuing licences, on a case-by-case basis and taking account of the nature of the military technology or equipment, to countries where serious violations of human rights have been established by the competent bodies of the United Nations, by the European Union or by the Council of Europe;”²⁸⁷

The primacy of EU Member States to “prevent the export of military technology and equipment which might be used for internal repression” is set out in pre-ambular of the EU common position alongside preventing the export of military equipment which might be used for international aggression or contribute to regional instability. The obligation on EU states is unequivocal; which is why many of the arms transfers referred to in this report are problematic if not blatantly irresponsible.²⁸⁸

The EU has also developed a best practice guide to assist states in implementing the Common Position and “to achieve greater consistency among in the application of the criteria set out in Article 2 of Council Common Position 2008/944/CFSP by identifying factors to be considered when assessing export licence applications.²⁸⁹ Such factors include respect for international obligations, human rights, and IHL by the recipient country, the internal situation, preservation of regional peace, security and stability, potential impact on sustainable development and the risk of diversion. It is not, however, compulsory for Member States to abide by this best practice approach. This highlights one of the shortcomings of the EU Common Position: it requires states to “assess” a potential transfer but does not indicate what sort of assessment should be undertaken to ensure that states meet a due diligence standard of meaningful and responsible enquiry into the level of existing risk.

The US law contains precautionary human rights principles intended to be considered in an arms transfer decision.²⁹⁰ Under the Foreign Assistance Act, which applies to exports of defence articles or defence services to government end users:

“[export licences] will generally be considered favourably on a case-by-case basis unless...there is evidence that the government of the importing country may have violated internationally recognized human rights”.²⁹¹

Concerning the export of policing and security equipment, which is governed by the Export Administration Act:

“licenses may not be issued under the Export Administration Act of 1979 for the export of crime control and detection instruments and equipment to a country, the government of which engages in a consistent pattern of gross violations of internationally recognized human rights”.²⁹²

In US law there is no rule that export licences should be denied if there is a risk the arms is likely to be used to commit human rights violations. Instead the US laws either take human

rights into account in an arms-licensing decision or prohibit all arms transfers to a government that systematically commits gross violations of human rights. Both of these approaches are unsatisfactory – the first one is weak and the second one is too often a punitive sanctions measure. Also, there are other considerations in US law, including national security and foreign policy concerns, which appear to trump concerns for human rights in the decision-making process as evident from the arms transfers that have been allowed.²⁹³

It is unclear how Russia examines human rights in its arms decisions. The Russia 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 fulfill, 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."²⁹⁴ Other arms exporting states appear to have no safeguards whatsoever to minimize risk of abuses by end users. The consequences of such failings are enormous, including: thousands of civilians killed or injured as a result of unlawful attacks and excessive use of force using these arms; the proliferation of these arms onto the illicit markets, unsecured arms storage depots, and the increased risk of their use by armed groups to commit grave abuses across the region.

One of the key objectives of the ATT should be the *prevention* of serious human rights abuses and violations. Amnesty International is advocating an ATT that has international human rights and humanitarian law at the core of its normative framework, without which the ATT will not be effective. This approach would require states to deny a transfer of arms where there is a substantial risk that those arms will be used to commit or facilitate serious violations of IHRL and IHL. An ATT should also require states to consider what steps could be taken to effectively mitigate any existing risks of such violations, to avoid impeding transfers that serve a states' legitimate security or defence needs.

Furthermore, to ensure a consistent and rigorous risk assessment by states – both importing and exporting states – of the potential risks of serious human rights violations, the ATT should include a due diligence standard which would require each state party, before issuing an export, import or transfer licence or authorization, to undertake an effective inquiry and meaningful assessment of each authorization application on a case-by-case basis, consistent with the assessment criteria in the Treaty.

The final decision to authorize an international arms transfer is in the hands of the exporting state. However, importing states are ultimately responsible for the arms being transferred as they will use them in their jurisdiction, which is why they should also undertake a thorough risk assessment before issuing an import licence to assess the substantial risk that the arms transfer in question will be used for serious violations of human rights and IHL. The importing state should also present the export state with a delivery verification certificate that confirms that the arms supplied have been received by the designated end user. Import controls can have the benefit of building confidence between the exporter and the importer by involving them in a decision that is based on shared responsibilities.

It is difficult to understand how the supplying states named in this report did examine in each case of a transfer under consideration the risk of serious violations of IHRL, particularly in the context of the existing pattern of internal repression and especially when many of these

transfers were destined for use by the police and security forces in the MENA region. An important aspect of a responsible risk assessment should be an analysis of the capacity and ability of an end user to use weapons and other military, security and police equipment that are deployed for potentially lethal force only in accordance with international law.²⁹⁵ Of particular concern is the need to properly examine the following: accountability of the perpetrators of violations of IHRL and IHL; accountability for the use of arms, adequate training in accordance with IHRL and IHL; adequate arms management systems, including safe and secure stockpiles to prevent diversion of any arms. The risk assessment should not only entail examining the role or involvement of the intended end user in past violations, and whether there is a record of the type of weaponry, munitions and related equipment being used for violations, but also to determine the end user's propensity for abuse and violations of human rights and/or their capacity to use the arms lawfully. Such an examination should take place at the pre-assessment stage prior to the issuance of an end user certificate.

The level of impunity that exists in a state, especially across the security apparatus, is a critical factor in considering whether or not to license the transfer of arms. Pervasive impunity has posed a major obstacle to improving respect for human rights for decades, especially in Egypt, Libya and Syria. In assessing risk in such situations there are a number of potential questions a licensing official could consider. These questions include: is there evidence of the suspension from duty of any member of the security forces reasonably suspected of serious violations of IHL and IHRL, pending an independent and effective investigation? Are there prompt, independent and impartial investigations into all serious violations of IHRL and IHL, including unlawful killings, torture and other ill-treatment? Are those responsible brought to justice in fair trials without the application of the death penalty? An assessment of independent accountability and security sector oversight mechanisms should be also undertaken.

The level of accountability for the use of weaponry, munitions and related equipment is a key consideration. Is there a strict system in place for the use, storage and registration of weapons and ammunition by law enforcement officers? This should also cover the issuance of weapons and ammunition to record who exactly is authorized to carry and use them.

To ensure that conventional arms are used in a manner that is consistent with IHRL and IHL, it is necessary to examine to what extent the relevant standards have been integrated in doctrines, policy, manuals, instructions and training. The international provision of military, security and police training from foreign governments must ensure that it is consistent with IHL and international human rights standards including on the use of force and firearms. Training and assistance must go beyond simply describing military, security and police forces obligations under international law; there should be adequate time for rigorous practical training exercises for all personnel which reflect operational reality, and emphasize best practices that respect international human rights and humanitarian law standards. For example, it is not known whether in Bahrain and Egypt specific orders were issued to the police and security forces to use lethal force, or if the use of lethal force arose due to problems related to ill-training or ill-equipment of police and security officers. However, the persistent nature of the excessive and unlawful use of force in those countries points towards an institutional problem that is more systematic than simply a lack of training.

Finally, accountable arms management, and safe and secure stockpiles are also factors to

assess. For example, this is crucial in Libya at present if the interim government is to stem the proliferation of weaponry, munitions and related equipment that already is presenting a huge risk to the safety of the civilian population. It is incumbent on the international community to urgently assist and provide resources and capacity to help establish effective systems to secure the many stockpiles of weapon, munitions and related equipment. Such systems should include adequate record-keeping, auditing of those records, safe and secure storage facilities in appropriate locations, and an adequate transport and storage security plan.²⁹⁶ All small arms and light weapons should be uniquely marked in compliance with the International Tracing Instrument adopted by the UN General Assembly in 2005.

Arms-supplying states must ensure that these safeguards are adequate in the proposed receiving country before any decision is taken to approve an arms export, and ensuring these safeguards must be part of any steps taken to mitigate the risk of an arms transfer being used for serious violations of human rights.²⁹⁷

All arms supplying states mentioned in this report should review their risk assessment policy and procedures, and the extent to which their arms exports are in most cases highly likely to have contributed to serious violations of human rights before and during the Arab Spring in 2011. In 2012, EU states will have the opportunity to rigorously review their policy and practise with regards to the implementation of the EU arms-licensing criteria. This should be based on a commitment to learning from the many ill-judged decisions they made to permit arms supplies to these MENA countries, which have and are likely to have been used for serious violations during the uprisings in 2011.

RECOMMENDATIONS

The scale of unrest across the MENA region has been matched by severe internal repression during which it has been tragically demonstrated how a wide range of weaponry, munitions and related equipment was used to facilitate or commit serious human rights violations. The Arab Spring has also highlighted how some foreign states recognized only belatedly the need to prevent their arms supplies being used in MENA countries for internal repression, and conversely how some have not even recognized that need despite the tragic events. Long before this year's uprisings and crackdowns most governments chose effectively to ignore the high degree of internal repression in MENA states, persisting for years in supplying weapons, munitions and related equipment to governments in the region with decades-long records of systematic human rights violations. Furthermore, some arms supplying states want to resume "business as usual", despite the lack of evidence of a clear process for democratic change, real reform of the security apparatus and an end to impunity. States have imposed few conditions to mitigate substantial risks of arms transfers being used for serious violations.

It is vital that the lessons learned from the legacy of irresponsible arms transfers to the MENA region inform the content of the ATT. In July 2012 all states will be invited to the final scheduled UN conference to negotiate and agree the text for the ATT. Up until that point states will be refining their positions on the content of the Treaty and participating in a preparatory meeting in February. In the UN General Assembly, most states agreed that the objective of the ATT is to create the highest possible common standards for the import, export and transfer of conventional arms. The majority of States have already agreed the need to: "elaborate a legally binding instrument on the highest possible common international standards for the transfer of conventional arms..."²⁹⁸

IN RELATION TO ARMS SUPPLIES TO THE MENA REGION, STATES SHOULD:

- Conduct an urgent, comprehensive review of all arms supplies to military, security and police forces to ensure that no arms are transferred where there is a substantial risk that they will be used to commit or facilitate serious violations of IHRL or IHL.
- Ensure that all training support to military, security and police forces reinforces accountability, international human rights law and IHL rules, including the right of all persons to engage in peaceful protest, standards on the use of force, and the rights of persons in detention.
- Examine meaningfully the factors that would allow the resumption of arms transfers to the proposed recipient state country, including to what extent:
 - security forces and law enforcement agencies are being adequately reformed so that their policies, procedures and practices comply with international law and standards, including the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

- policies, procedures and practices for the armed forces comply with obligations of states under IHL;
 - an effective system is being implemented for the physical security and lawful management of the storage and stockpiles of conventional arms in the recipient country;
 - a strict system is being implemented to thoroughly account for the storage, registration and use of weapons and ammunition by law enforcement officials.
- Ensure that all proposed deliveries of exports, imports and other international transfers of conventional arms are only licensed after a rigorous risk assessment in each case to determine whether there is a substantial risk of the proposed arms transfer being used to commit or facilitate serious violations of internationally recognized human rights or IHL.
 - Ensure that reporting by states of their authorizations and transfers of conventional arms is made more transparent especially by the timely publication of information on the number of weaponry, munitions and related equipment licensed and shipped, and on the type of equipment, quantity, the end-user and end-use.

STATES SHOULD NEGOTIATE AN ATT THAT INCLUDES:

- A comprehensive control list of conventional arms for national regulations on the import, export and international transfer of such arms - the following definition of the scope of materiel should be in the ATT: *The national control list of each State Party should cover all types of weaponry, munitions, armaments and related material used for potentially lethal force in military and law enforcement operations, as well as any parts, components and accessories thereof, and machines, technologies and technical expertise for making, developing and maintaining those items.*
- A requirement to conduct an effective inquiry and meaningful assessment of each application or proposal for authorization to export or internationally transfer arms on a case-by-case basis, consistent with the assessment criteria of the Treaty (including a duty to assess whether there is a substantial risk of serious violations of international human rights or humanitarian law).
- A denial of an arms transfer authorization where there is a substantial risk the arms will be used to commit or facilitate serious violations of IHRL or IHL. The denial should remain in place until steps are taken to mitigate the level of risk.
- A requirement for import and transit state authorizations, and certified end use assurances, before issuing an export licence or authorization for any international transfer of conventional arms. Minimum details in the end use assurance must include the exporter, consignee, purchasers, country of final destination, description of type and quantity of items, specific purpose they will be used, an expiry date and an undertaking that they will not be used for purposes other than those declared or re-exported without permission.

- A requirement for delivery verification to be officially certified on receipt of the shipment of conventional arms by the end user, which includes at a minimum, the name and address of the exporter and the importer, the serial number of the import certificate, a description of the goods, the quantity and value, the port of arrival and the name of the ship, aircraft or other carrier.
- A requirement for states to establish a clear legal framework for lawful brokering and shipping activities related to international transfers of conventional arms.

Amnesty International has proposed and advocated a variety of specific controls and measures that would ensure the ATT is effective. The above provisions are those most relevant to the lessons examined in this report. For more information on the organizations' recommendations for an effective ATT please consult our website: www.amnesty.org

ENDNOTES

¹ Amnesty International uses the term ‘weaponry, munitions, armaments and related material’ to cover all types of weaponry, munitions, armaments and related material used for potentially lethal force in military and law enforcement operations, as well as any parts, components and accessories thereof, and machines, technologies and technical expertise for making, developing and maintaining those items. This is the definition that Amnesty International is advocating should be included in the ATT. Hereafter in the report it is shortened to “weaponry, munitions and related equipment” or “arms”, where brevity is needed.

² The term “arms transfers” is used frequently in this report to cover all types of international trade and transfer of conventional arms.

³ See Articles 16 and 41(ii) of the Articles on Responsibility of States for Internationally Wrongful Acts, UN General Assembly resolution 56/83 (12 December 2001), Annex: International Court of Justice (ICJ), Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosnia and Herzegovina v. Serbia and Montenegro*), Judgment, ICJ Reports 2007, p43, para420.

⁴ National data were used primarily but in some instances data submitted by states to the EU authorities and published in the EU annual reports were used to supplement national data or were used instead of national data because the data were clearer. Where discrepancies between national and EU data were significant, these have been included to show some of the pitfalls of current public reporting by states.

⁵ As part of its work on the MENA region to cover the rapidly unfolding events since the Arab Spring began in late 2010, Amnesty International has been gathering information about the main arms suppliers to the region. As part of this work, Amnesty International sections have written to the relevant authorities in the main arms-supplying states to seek clarification of the arms exports authorized and shipped, and how arms transfer decisions were assessed against human rights criterion.

⁶ This figure for the UK does not include the value of transfers of small arms for 2006 and 2007 as the UK in its reporting during those two years did not disaggregate the value under each category of the military list.

⁷ This figure for Italy also includes the value of equipment authorized under other categories such as designed equipment, installation and testing; vessels of war; and bombs, missiles, torpedo and accessories.

⁸ This figure for Italy also includes the value of other equipment such as arms or weapons greater than 12.7mm; and ammunition. See the Italy entry under the Egypt chapter for more details.

⁹ This figure for Serbia includes ammunition and some of the value relates to exports to other countries e.g Bulgaria and the UAE. See the Serbia entry in the Libya chapter for more details.

¹⁰ This figure for Bulgaria included the licence value for the 2010, 2009, and 2008 and the export value for 2007 and 2006.

¹¹ This figure for Italy also includes the value of armoured vehicles; bombs, missiles, torpedo, accessories; electronic equipment; and software. The Italian data does not adequately disaggregate

¹² This figure for Serbia includes other equipment e.g. small arms and some of the value relates to exports to other countries e.g Bulgaria and the UAE. See the Serbia entry in the Libya chapter for more details.

¹³ This figure for Spain includes the licensing under the category of ammunition between 2007 and 2009.

¹⁴ This figure for Serbia does not include the licensing and export of a range of equipment including small arms that was brokered to Libya and other countries. It includes the 2009 value \$4,256,828 and 2008 value \$3,270,460. See under Serbia in the Libya chapter for more information.

¹⁵ This figure for Italy includes the value of equipment authorized under the categories of aircraft, fire control systems and electronic equipment, for example.

¹⁶ This figure for Italy includes the value of equipment authorized under the category of aircraft.

¹⁷ The figure for India is from the UN Comtrade database under the category of “Tanks and other armoured fighting vehicles” (89111). The figure for France is from the UN Comtrade database under the category of “Munitions” (89129).

¹⁸ This figure for Bulgaria includes the value of licences between 2008 and 2010. Please refer to the Bulgaria entry in the Yemen chapter.

¹⁹ This figure for the Czech Republic includes the value of licences for 2007 and 2008.

²⁰ The International Committee of the Red Cross (ICRC) has developed and published a practical methodology for IHL: see ICRC, *Arms transfer decisions: Applying international humanitarian law criteria*, 16 August 2007.

²¹ See Amnesty International, *How to apply human rights standards to arms transfer decisions* (Index: ACT 30/008/2008).

²² See for example, Office of the UN High Commissioner for Human Rights, “International Law”, <http://www2.ohchr.org/english/law/index.htm>, accessed 19 September 2011.

²³ Article 3 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment provides: “1. No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. 2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.”

²⁴ The 1990 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, <http://www2.ohchr.org/english/law/firearms.htm>, and the 1979 UN Code of Conduct for Law Enforcement Officials, <http://www2.ohchr.org/english/law/codeofconduct.htm>

²⁵ Amnesty International, *Bahrain: Bloodied but unbowed – unwarranted state violence against Bahraini protesters*, (Index: MDE 11/009/2011).

²⁶ Amnesty International, “Middle East and North Africa overview”, *Amnesty International Report 2011: The state of the world’s human rights in the Middle East and North Africa January to Mid-April 2011* (Index: POL 10/012/2011).

²⁷ The anti-riot police, who come under the Ministry of Interior, were involved in policing the protests and the National Security Agency (NSA), who were responsible for arresting and detaining protesters, and the Bahrain Defence Force (BDF), which is the armed forces, were all involved in suppressing anti-government protests in mid-March.

²⁸ Amnesty International, “Middle East and North Africa overview”, Amnesty International Report 2011: The state of the world’s human rights in the Middle East and North Africa January to Mid-April 2011 (Index: POL 10/012/2011).

²⁹ Amnesty International, *Bahrain: A human rights crisis – briefing paper*, April 2011 (Index: MDE 11/019/2011).

³⁰ Amnesty International, *Bahrain: Bloodied but unbowed – unwarranted state violence against Bahraini protesters* (Index: MDE 11/009/2011).

³¹ Data from the UN customs database Comtrade includes arms deliveries over the value of \$100,000 for each year of the broad categories identified under the classification SITC Rev.4. Comtrade data only pertains to commercial sales so does not include government-to-government transfers, gifts, loans or otherwise.

³² This category includes sporting shotguns and rifles, muzzle-loading firearms, pistols for signal flares, captive bolt humane killers, which are used for killing livestock. Without further refinement, which is not available on the database, it is not known exactly what type of firearm from this broad category was actually supplied. One might expect recipients to be civilians (e.g. for sporting or hunting purposes), but this may not be the case.

³³ National reports can be accessed through the SIPRI National Reports Database, see http://www.sipri.org/research/armaments/transfers/transparency/national_reports/research/armaments/transfers/transparency/national_reports/sipri-national-reports-database; and the EU annual reports on arms exports can be accessed through the EU External Action Security-related export controls II - Military equipment web page: <http://consilium.europa.eu/eeas/foreign-policy/non-proliferation,-disarmament-and-export-control-/security-related-export-controls-ii.aspx?lang=en>

³⁴ For EU Member States this means under the following categories of the EU military list ‘small arms’ refers to ML1, which covers smooth-bore weapons with a calibre of less than 20mm, other arms and automatic weapons with a calibre of 12.7mm (calibre 0.50in) or less and accessories, and specially designed components therefore; ‘smooth-bore weapons over 20mm’ refers to ML2, which covers smooth-bore weapons with a calibre of 20mm or more, other weapons or armament with a calibre greater than 12.7mm (calibre 0.50in), projectors and accessories, and specially designed components; ‘ammunition’ refers to ML3, which covers ammunition and fuse setting devices, as follows, and specially designed components therefore; ‘armoured vehicles’ refers to ML6, which covers ground vehicles and components; and ‘toxic agents’ refers to ML7, which covers chemical or biological toxic agents, riot control agents, radioactive materials, related equipment, components and materials.

³⁵ Most governments publish information on the value of arms licensed under broad categories of the relevant munitions or military list. This information reflects the decision made by a government in a year to permit a licence for an arms export (or a brokering, transit or transshipment licence, although this is usually not specified). Some governments also include information on the value of arms exports that have actually been shipped during the year, but usually these would have been licensed in previous years. There can often be a gap in the years between the licensing and shipping of an arms transfer; and the value of the arms shipment may not be the same as the value of the licence issued. Sometimes the licence and export coincide in the same year.

³⁶ In 2009, two licences were issued under ML1 and one licence under ML2; and in 2008, one licence under ML2. See Austrian National Reports on Conventional Arms Exports: <http://www.bmeia.gv.at/index.php?id=64653&L=0>

³⁷ The Walloon Region issued: in 2009, three licences under ML1; in 2008, one licence under ML3; and in 2007, seven licences under ML1 of the EU military list. See Rapport Au Parlement Wallon for 2009 and 2008,

<http://gouvernement.wallonie.be/textesdereference>, accessed 11 August 2011, and the 2007 EU annual report on arms exports.

³⁸ Finland in 2009 exported under ML1 and in 2006/2007 exported under ML3 of the EU military list. Finland in 2006 issued two licences under ML3a. See national reports for Finland <http://www.defmin.fi/index.phtml?s=148> .

³⁹ According to Pamela Baarman and Jarmo Pykälä of SaferGlobe Finland, it is worth noting that Finnish sniper rifles (Sako TRG-22 and TRG-42) are exported for hunting and shooting purposes under the EU military list. Conversely, semi-automatic AR-15 type rifles are often exported using civilian licences and are later modified to automatic. For example, Finland authorized under a commercial civilian licences for 450,000 cartridges for rifles, 280,000 for pistols, and 100,000 for .22. calibre pistols/rifles. The decision to issue a civilian licences does not involve undertaking a risk assessment against the criteria of the EU Common Position on arms export, namely Criterion 2 on human rights and IHL.

⁴⁰ The French national reports only include in Annex 1 the number of *Nombre d'AP* (prior agreement or order) and the number of AEMG (French export licence for war materials or licence) and in Annex 2 the number and value of AEMG. Annex 5 does show by type of material divided into the categories of the EU Military List so for France the data published in the EU annual reports has been also used to show the value of licences issued or exports under the ML categories of the EU military list and highlight the discrepancies in reporting. See <http://www.defense.gouv.fr/actualites/international/rapport-d-exportations-d-armement-2009/%28language%29/fre-FR#SearchText=rapport%20aux%20exportations#xtcr=1>

“War materials export operations are subject to a two-phase control: The first phase concerns the signing of an export agreement: any negotiation, actual sale, contract signature or order acceptance operation must be pre-approved by the French government [prior agreement]. The pre-approval is given by the Secretary General of National Defence on behalf of the Prime Minister; Next, the material can be exported physically only after the Director General of Customs has issued an *autorisation d'exportation de matériels de guerre* (AEMG, French export licence for war materials), after the recommendation of the Ministry of Defence, the Ministry of Foreign Affairs, the Ministry of the Economy, Finance and Industry, and the Secretary General of National Defence on behalf of the Prime Minister”. See http://www.diplomatie.gouv.fr/en/france-priorities_1/disarmament-arms-control_7359/arms-control-and-arms-trade_1109/export-control-the-instrument-for-prevention_5613/war-material-export-control_7151/index.html

⁴¹ The data for France included here comes from the 2009 EU annual report on arms exports. France issued three licences under ML1, one licence under ML2, one licence under ML3, and two licences under ML7. The French national report shows no orders under the relevant categories although it reports that France issued 27 licences in total for Bahrain worth €27,942,577.

⁴² The data for France included here comes from the 2008 EU annual report on arms exports. France issued two licences under ML7. The French national report show an order was issued for the value of €0.1 million under the category of armoured vehicles.

⁴³ Reports by the Government of the Federal Republic of Germany on Its Policy on Exports of Conventional Military Equipment see, <http://www.bmwi.de/BMWi/Navigation/Aussenwirtschaft/aussenwirtschaftsrecht,did=193598.html>

⁴⁴ This was for five licences under A 0001 which covers “Firearms with smooth-bore with a caliber of less than 20 mm, other arms and automatic weapons with a caliber of 12.7 mm or less and accessories, will work as follows, and specially designed components therefor” and corresponds to ML1 of the EU military list. However, Germany licensed €437,452 under the category of small arms, and €504,922 under the category of ammunition (ML3 of the EU military list), according to the 2009 EU annual report on arms exports.

⁴⁵ According to the 2008 EU annual report on arms exports. There are no such entries in the German national report.

⁴⁶ According to the EU 2005 annual report, €126,468 was licensed under the ML1 category, which covers small arms; and €796,384 under the ML6 category, which covers armoured vehicles.

⁴⁷ Arms data for Italy compiled by Sergio Finardi, TransArms – Research Center for the Logistics of Arms Transfers, from authorizations and customs data issued by the Italian Ministry of Foreign Affairs and Ministry of Finance. Italian arms data is not easy to comprehend. The Italian national reports do not disaggregate the value of licence authorizations under each category hence the value included covers one or more categories.

⁴⁸ Under 002 in the Italian military list, which broadly corresponds to ML2 of the EU military list and 080 which covers specially designed equipment, installation and testing. In 2009, Italy exported a total of €20,196

⁴⁹ In 2008, Italy exported a total of €4,061,202.

⁵⁰ Under 002 in the Italian military list, which broadly corresponds to ML2 of the EU military list and 080 which covers specially designed equipment, installation and testing.

⁵¹ Under 002 in the Italian military list, which broadly corresponds to ML2 of the EU military list; 004 which covers bombs, missiles, torpedo, and accessories, and 009 which covers vessels of war.

⁵² KM1 category of the Swiss munitions list covers small arms and handguns and corresponds to ML1 of the EU military list; KM2 category covers weapons of any calibre except small arms and handguns covered in KML1 and correspond to ML2; KM3 category covers ammunition for the KM1 and KM2 categories and corresponds to ML3 of the EU military list.

⁵³ The data in the UK national reports that can be found here: <http://www.fco.gov.uk/en/publications-and-documents/publications1/annual-reports/export-controls1>, accessed 18 August 2011. Under the Country Pivot reports for each year, the UK government publish the total value of exports to a country; it also breaks down the value by category under each of the categories of the EU military list. ML1 covers small arms and ML3 covers ammunition. The report lists the type of items that are covered by all the licences exported but does not indicate under which ML category they would be covered. There is no value given and quantity is inconsistently reported. Interestingly, the UK data published in the UK national reports is frequently significantly different to the data published in the EU annual reports, although as yet no explanation has been given for this by the UK authorities.

⁵⁴ In 2009, the UK issued nine licences under ML1 and six licences under ML3.

⁵⁵ In 2008, the UK issued seven licences under ML1.

⁵⁶ The format of UK reporting slightly changes in the 2008 report to include data on value per category in the EU military list, hence for 2007 and before there are no data on value for each relevant category. According to the EU 2008 annual report, the UK licensed €110,940 under the ML1 category, which covers small arms; €17,820 under the ML2 category, which covers smooth-bore weapons over 20mm; €15,853 under the ML3 category, which covers ammunition; €157,500 under the ML6 category, which covers armoured vehicles; and €44,220 under the category ML7, which covers toxic agents. In total, the UK entry for the EU report details 90 licences for items covered on the military list, whereas the UK's own national data only specifies 21 licences.

⁵⁷ According to the EU 2007 annual report, the UK licensed €168,601 under the ML1 category, which covers small arms; and €42,556 under the ML3 category, which covers ammunition. In total, the UK entry for the EU report details

70 licences issued for items covered on the military list, whereas the UK's own national data only specifies 17 licenses.

⁵⁸ The USA reports by fiscal years. Report by the Department of State, pursuant to Section 655 of the Foreign Assistance Act of 1961, as amended Direct Commercial Sales authorizations for the fiscal years 2009 and 2010. See http://www.pmdtc.state.gov/reports/655_intro.html, accessed 14 March 2011. The categories of the US Munitions List used here are Category I Firearms, Assault Weapons and Combat Shotguns, Category II Guns and Armaments, Category III Ammunition/Ordnance and Category XIV Toxicological Agents, Including Chemical, Biological Agents and Associated Equipment.

⁵⁹ "Bahrain – M1152A1B2 HMMWVs and TOW-2A and TOW-2B Missiles", Defense Security Cooperation Agency, 14 September 2011. http://www.dsca.mil/pressreleases/36-b/36b_index.htm Last accessed 5 October 2011.

⁶⁰ According to a parliamentary written response on 22 June 2011 by the Minister of Foreign and European Affairs: Question écrite N°: 103721 de M. Gaëtan Gorce (Socialiste, radical, citoyen et divers gauche – Nièvre) au Ministre des Affaires étrangères et européennes. <http://questions.assemblee-nationale.fr/q13/13-103721QE.htm>; also see Al Arabiya, "Britain, France halt security exports to Bahrain & Libya", 19 February 2011, <http://www.alarabiya.net/articles/2011/02/19/138283.html>, accessed 8 March 2011.

⁶¹ Foreign & Commonwealth Office, "Foreign Office Minister comments on review of arms exports", see <http://www.fco.gov.uk/en/news/latest-news/?view=News&id=553955182>, accessed 8 March 2011.

⁶² Letter from Alfredo Bonet Baiget, Secretario de Estado de Comercio Exterior to Amnesty International Spain, dated 21 March 2011. Spanish licensed arms exports to Bahrain in 2007 (€ 6,369,775), 2008 (€ 13,621,794) and 2010 (€ 2,323,489) had been for equipment under the category of bombs, rockets and missiles (ML4 of the EU military list) to the armed forces. In 2005 Spain licensed one transaction by € 762.295 but the report of the government doesn't indicate under which category.

⁶³ Commissie voor Buitenlands Beleid, Europese Aangelegenheden en Internationale Samenwerking Vergadering van 29/03/2011, <http://www.vlaamsparlement.be/Proteus5/showVIVerslag.action?id=622566> Amnesty International also received a letter from the Walloon Government on 20 September 2011 in response to questions seeking clarification on how the arms licensing decisions had been assessed against criterion two on human rights of the EU common position. The reply explained the sources consulted, but did not elucidate how the information from those sources was considered in a decision.

⁶⁴ A letter dated 3 August from Director of Security Policy at the Ministry of Foreign Affairs.

⁶⁵ On 6 October, a joint bill was introduced to the House of Representatives in the US Congress by Mr. McGovern which sets out a number of conditions that the Government of Bahrain must undertake before the transfer can be permitted. <http://www.govtrack.us/congress/billtext.xpd?bill=hj112-80>

⁶⁶ *Amnesty International Annual Report 2006* (Index: POL 10/001/2006).

⁶⁷ Amnesty International, *Crackdown in Bahrain: Human rights at the crossroads*, February 2011 (Index: MDE 11/001/2011).

⁶⁸ Amnesty International, *Crackdown in Bahrain: Human rights at the crossroads*, February 2011 (Index: MDE 11/001/2011).

⁶⁹ Amnesty International, *Crackdown in Bahrain: Human rights at the crossroads*, February 2011 (Index: MDE 11/001/2011).

⁷⁰ Amnesty International, *Crackdown in Bahrain: Human rights at the crossroads*, February 2011 (Index: MDE 11/001/2011).

⁷¹ *Amnesty International Annual Report 2006*.

⁷² In gathering this information, Amnesty International was joined on a fact-finding mission in April 2011 to Bahrain by Otto Adang, a Dutch policing expert. At a meeting with the Human Rights Commission, which is located within the Ministry of Interior, Ministry of Social Development and Ministry of Foreign Affairs, Amnesty International specifically asked for information on the types of weapons the police have, the types of guidelines, instructions and protocols the police use, and the procedure for reporting the use of force by the police; however, no information was forthcoming.

⁷³ It is important also to refrain from authorizing shotguns used for recreational purposes if the end user is not a civilian; there are significant numbers being sought; or there is a risk of diversion.

⁷⁴ Amnesty International, "Middle East and North Africa overview", *Amnesty International Report 2011: The state of the world's human rights in the Middle East and North Africa January to Mid-April 2011* (Index: POL 10/012/2011).

⁷⁵ The term security forces is used here to refer to the riot and public order police, the Central Security Forces (CSF).

⁷⁶ Amnesty International, *Egypt rises: Killings, detentions and torture in the "25 January Revolution"*, (Index: MDE 12/027/2011).

⁷⁷ Amnesty International identified some tear gas canisters as US-made 6230 Riot CS Smoke Grenade, and US-made 3430 Short 37/38mm Riot CS Powder Muzzle Blast cartridge.

⁷⁸ The following report that extensively documents the excessive use of force by security forces and includes 93 case studies: Amnesty International, *Egypt rises: Killings, detentions and torture in the "25 January Revolution"*, (Index: MDE 12/027/2011)

⁷⁹ In contrast, army leaders announced on 31 January 2011 that the army would not fire on peaceful protesters and said the aims of the demonstrators were legitimate.

⁸⁰ Amnesty International, *Egypt rises: Killings, detentions and torture in the "25 January Revolution"*, p13 (Index: MDE 12/027/2011).

⁸¹ Amnesty International, *Egypt rises: Killings, detentions and torture in the "25 January Revolution"*, p13 (Index: MDE 12/027/2011).

⁸² Under the Foreign Military Financing (FMF) programs, see http://www.almc.army.mil/ALU_INTERNAT/CountryNotes, accessed 31 July 2011.

⁸³ 'Egypt - Co-production of M1A1 Abrams Tank Transmittal No. 10-67', 5 July 2011, Defense Security Cooperation Agency.

⁸⁴ This data has been taken from the Section 655 reports for the years 2006-2010, which can be downloaded from, see http://www.pmdtc.state.gov/reports/655_intro.html, accessed on 5 August 2011.

⁸⁵ Internal Controls over Payments Made in Iraq, Afghanistan and Egypt, Inspector General, Department of Defense, 22 May 2008.

⁸⁶ Data from the UN customs database Comtrade includes arms deliveries over the value of \$100,000 for each year of the broad categories identified under the classification SITC Rev.4. Comtrade data only pertains to commercial sales so does not include government-to-government transfers, gifts, loans or otherwise.

⁸⁷ This category includes sporting shotguns and rifles, muzzle-loading firearms, pistols for signal flares and captive bolt humane killers, which are used for killing livestock. Without further refinement, which is not available on the database, it is not known exactly what type of firearm from this broad category was actually supplied.

⁸⁸ National reports can be accessed through the SIPRI National Reports Database, see http://www.sipri.org/research/armaments/transfers/transparency/national_reports/research/armaments/transfers/transparency/national_reports/sipri-national-reports-database; and the EU annual reports on arms exports can be accessed through the EU External Action Security-related export controls II - Military equipment web page: <http://consilium.europa.eu/eeas/foreign-policy/non-proliferation,-disarmament-and-export-control-/security-related-export-controls-ii.aspx?lang=en>

⁸⁹ For EU Member States this means under the following categories of the EU military list 'small arms' refers to ML1, which covers smooth-bore weapons with a calibre of less than 20mm, other arms and automatic weapons with a calibre of 12.7mm (calibre 0.50in) or less and accessories, and specially designed components therefore; 'smooth-bore weapons over 20mm' refers to ML2, which covers smooth-bore weapons with a calibre of 20mm or more, other weapons or armament with a calibre greater than 12.7mm (calibre 0.50in), projectors and accessories, and specially designed components; 'ammunition' refers to ML3, which covers ammunition and fuse setting devices, as follows, and specially designed components therefore; 'armoured vehicles' refers to ML6, which covers ground vehicles and components; and 'toxic agents' refers to ML7, which covers chemical or biological toxic agents, riot control agents, radioactive materials, related equipment, components and materials.

⁹⁰ Most governments publish information on the value of arms licensed under broad categories of the relevant munitions or military list. This information reflects the decision made by a government in a year to permit a licence for an arms export (or a brokering, transit or transshipment licence, although this is usually not specified). Some governments also include information on the value of arms exports that have actually been shipped during the year, but usually these would have been licensed in previous years. There can often be a gap in the years between the licensing and shipping of an arms transfer; and the value of the arms shipment may not be the same as the value of the licence issued. Sometimes the licence and export coincide in the same year.

⁹¹ In 2009, Austria issued 86 licences; in 2008, 81 licences; in 2007, 35 licences; in 2006, 21 licences; and in 2005, 8 licences.

⁹² In 2006, Bosnia and Herzegovina was using its own classifications so this arms export was licensed under LV03, which covers ammunition and fuse setting devices, and their specially designed components.

⁹³ Under the Bulgarian military list C01 category corresponds to ML1 of the EU military list, C02 to ML2, C03 to ML3, C06 to ML6, and C07 to ML7.

⁹⁴ Under the Canada's Export Control List the Export Control List, 2-1 covers Smooth-bore weapons with a calibre of less than 20 mm, other arms and automatic weapons with a calibre of 12.7 mm or less and accessories; and, 2-2 covers Smooth-bore weapons with a calibre of 20 mm or more, other weapons or armament with a calibre greater than 12.7 mm, projectors and accessories.

⁹⁵ The Finnish reports are available here: <http://www.defmin.fi/index.phtml?s=148>, accessed 19 September 2011. In 2009, Finland licensed €11,750 under the ML2 category under the sub-category (a) which covers “guns, howitzers, cannon, mortars, anti-tank weapons, projectile launchers, military flame throwers, rifles, recoilless rifles, smooth-bore weapons and signature reduction devices therefore”. Further information compiled by SaferGlobe Finland indicates that this covers the sale of spare parts for 155mm artillery to the armed forces.

⁹⁶ According to information compiled by SaferGlobe Finland.

⁹⁷ According to data in the EU annual reports on arms exports. The French national reports only show the total value of arms licences and do not disaggregate the value under each category of the EU military list.

⁹⁸ Egypt is one of the main purchasers of German arms with an upward trend until 2009. In addition, Egypt produces at least one type of APC originally designed in Germany – the Fahd APC (originally designed by Rheinmetall and based on a 4x4 Daimler truck), and due to the yearly high numbers of licences under ML6/A0006 regularly explained as components for armoured vehicles, it is possible that German companies deliver components for this production which are assembled in Egypt.

⁹⁹ According to the 2009 EU annual report on arms export Germany licensed €1,183,042 under the category of small arms, and €312,207 under the category of ammunition.

¹⁰⁰ According to the 2008 EU annual report on arms exports Germany licensed €352,911 under the category of small arms; €10,318 under the category of ammunition.

¹⁰¹ According to the 2007 EU annual report on arms exports Germany also licensed also €336,053 under the category of ammunition.

¹⁰² According to the 2006 EU annual report on arms exports Germany also licensed €13,863 under the category of small arms.

¹⁰³ Arms data for Italy compiled by Sergio Finardi, TransArms – Research Center for the Logistics of Arms Transfers, from authorizations and customs data issued by the Italian Ministry of Foreign Affairs and Ministry of Finance.

¹⁰⁴ The other categories were: 004 bombs, missiles, torpedo, accessories; 005 fire control; 011 electronic equipment; 014 specialized equipment for training; and 080 specially designed equipment, installation and testing.

¹⁰⁵ The other categories were 004 bombs, missiles, torpedo, accessories; 005 fire control; 010 aircraft; 011 electronic equipment; 021 software; and 080 specially designed equipment, installation and testing.

¹⁰⁶ The other category was 005 fire control.

¹⁰⁷ The other categories were 004 bombs, missiles, torpedo, accessories; 005 fire control; 011 electronic equipment; 014 specialized equipment for training; and 080 specially designed equipment, installation and testing.

¹⁰⁸ Other categories were 004 bombs, missiles, torpedo, accessories; 011 electronic equipment; and 021 software.

¹⁰⁹ The data under the Netherlands is from the EU annual report on arms exports.

¹¹⁰ The Ministry of Foreign Affairs only published the first report on Poland's arms exports in February 2011 covering transfers in 2008 and 2009 which is why the data included here is from the EU annual reports on arms exports.

¹¹¹ Republic Of Serbia, Ministry Of Economy and Regional Development, Annual Reports on The Transfers, Of Controlled Goods.

¹¹² Under the value of \$15,629,451 the other end-user country was Bulgaria and the other equipment included

hunting carbines, anti-tank rocket launcher, machine guns, M13 ammunition. Under the value of \$5,826,435 the other end-user country was UAE and the other equipment included propellant charges, and AD system components. The arms exports were for military and civilian end-users.

¹¹³ Under the value of \$15,940,567 the other end-user country was Bulgaria and the other equipment included: 82 mm illuminating mortar bombs, aircraft missiles, anti-tank mines, and, propellant charges. Under the value of €4,989,314 and the other equipment included primary cartridge cases for 120mm mortar bombs and spare parts for air defense systems. The arms exports were for military and civilian end-users.

¹¹⁴ The data for Slovakia here has come from the EU annual reports on arms exports.

¹¹⁵ The data is compiled from the Spanish national reports which can be accessed from:
http://www.sipri.org/research/armaments/transfers/transparency/national_reports/spain/spain-national-reports

¹¹⁶ KM1 category of the Swiss munitions list covers small arms and handguns; KM2 category covers weapons of any calibre except small arms and handguns covered in KML1; KM3 category covers ammunition for the KM1 and KM2 categories.

¹¹⁷ The USA reports by fiscal years. Report by the Department of State, pursuant to Section 655 of the Foreign Assistance Act of 1961, as amended Direct Commercial Sales authorizations for the fiscal years 2009 and 2010. See http://www.pmdtc.state.gov/reports/655_intro.html, accessed 14 March 2011. The categories of the US Munitions List used here are Category I Firearms, Assault Weapons and Combat Shotguns, Category II Guns and Armaments, Category III Ammunition/Ordnance and Category XIV Toxicological Agents, Including Chemical, Biological Agents and Associated Equipment.

¹¹⁸ 'France suspends sale of arms to Egypt amid turmoil' France24, 5 February 2011.
<http://www.france24.com/en/20110205-france-suspends-sale-arms-police-riot-gear-egypt-amid-turmoil>

¹¹⁹ Confirmed during a meeting between Amnesty International France and the Secrétariat général de la défense et de la sécurité nationale (SGDSN) on 17 March 2011; also see, Commissie voor Buitenlands Beleid, Europese Aangelegenheden en Internationale Samenwerking Vergadering van 29 March 2011.
<http://www.vlaamsparlament.be/Proteus5/showVIVerslag.action?id=622566>

¹²⁰ Meeting between Amnesty International Czech Republic and the Department of CFSP in the Ministry of Foreign Affairs on 3 October 2011. The suspension of licences can last 30 plus additional 30 days in the Czech Republic (then the option is to revoke them); but the last amendment to the Act No. 38/1994 in force from 1 September 2011 allows the government, based on the request from the Ministry of Foreign Affairs, to postpone the realization of licences granted until the situation in the foreign country requires it.

¹²¹ Government response to Parliamentarian question made by the MP Nuria Buenaventura Puig del Grupo Parlamentario GER-IU-ICV, ref: 166926, 25th March 2011.

¹²² A letter dated 3 August from Director of Security Policy at the Ministry of Foreign Affairs.

¹²³ Article 42 of Egypt's constitution prohibits torture through the infliction of "physical or moral harm" upon people who have been arrested or detained. The law does not, however, take account of mental or psychological abuse, abuse against people who have not been formally accused, or abuse occurring for reasons other than securing a confession. Police, security personnel, and prison guards often torture and abuse prisoners and detainees. The constitution prohibits arbitrary arrest and detention; however, police and security forces routinely engage in such practices, including continued large-scale detentions of hundreds of individuals without charge under the Emergency Law and despite court rulings for their release.

¹²⁴ *Amnesty International Annual Report 2008*, p117. In February 2011, the ruling Supreme Council of the Armed forces suspended the Constitution, announced a Constitutional Proclamation and in March introduced a Constitutional Declaration.

¹²⁵ Based on *Amnesty International Report* entries for Egypt over a 10-year period from 2000 to 2010.

¹²⁶ In policing demonstrations, the security forces did not even respect those more limited safeguards provided for in Egyptian law under Article 2 of the Minister of Interior's Decree 139 of 1955, which sets out the conditions for the use of force and firearms to disperse protests and other public gatherings. See Amnesty International, *Egypt rises: Killings, detentions and torture in the "25 January Revolution"*, pp8 & 25 (Index: MDE 12/027/2011).

¹²⁷ Decree No. 193 of 2011 amends Law 126 of 2010, which was issued under President Mubarak in May 2010 in order to limit the application of the Emergency Law (Law 162 of 1958) to terrorism and drug offences.

¹²⁸ These and other recommendations can be read in the follow document, Amnesty International, Egypt: Human rights agenda for change (Index: MDE 12/015/2011).

¹²⁹ Amnesty International, "Middle East and North Africa overview", Amnesty International Report 2011: The state of the world's human rights in the Middle East and North Africa January to Mid-April (Index: POL 10/012/2011).

¹³⁰ The General People's Committee for Public Security is Libya's equivalent of a Ministry of the Interior. The Revolutionary Guards are the security militia under Colonel Mu'ammarr al-Gaddafi's rule. Kata'ib is the popular name for Colonel al-Gaddafi's armed brigades.

¹³¹ Al-Gaddafi forces military and security forces loyal to Colonel al-Gaddafi.

¹³² Amnesty International, "Libya: Attacks Against Misratah Residents Point To War Crimes", 6 May 2011; The Battle For Libya: Killings, Disappearances And Torture (Index: Mde 19/025/2011); And "Libya: Civilians At Risk Amid New Mine Threat", 25 May 2011.

¹³³ Amnesty International, "Mines pose new danger as Libya battles rage on", LiveWire, 6 April 2011, see <http://livewire.amnesty.org/2011/04/06/mines-pose-new-danger-as-libya-battles-rage-on/#more-3345>

¹³⁴ See Human Rights Watch, "Libya: Government using landmines in Nafusa Mountains", 21 June 2011, <http://www.hrw.org/en/news/2011/06/21/libya-government-using-landmines-nafusa-mountains>

¹³⁵ Amnesty International, *The battle for Libya: Killings, disappearances and torture* (Index: Mde 19/025/2011)

¹³⁶ On 29 March General Hamdi Hassi, an opposition forces commander near Ben Jawad, was quoted saying: "Now because of NATO strikes on [the government's] heavy weapons, we're almost fighting with the same weapons, only we have Grad rockets now and they don't". See Daily Mail, "Rebels rain missiles on retreating Gaddafi troops", 29 March 2011, <http://www.dailymail.co.uk/news/article-1370412/Libya-war-Rebels-attack-Gaddafi-troops-close-Sirte.html#ixzz1SbRm1IXs>; The New York Times, "Inferior Arms Hobble Rebels in Libya War", 20 April 2011, <http://www.nytimes.com/2011/04/21/world/africa/21rebels.html>; and Onur Coban, Libya-Frontline, <http://www.onur-coban.com/category/libyas-frontline/>

¹³⁷ See photos on Free Libya: <http://freelibya.tumblr.com/11j0e34/> [second photo]; and International Business Times: <http://www.ibtimes.com/articles/164413/20110616/libya-conflict-the-fight-for-misrata-photo.htm>

¹³⁸ Amnesty International, "Pain and loss hits every family in Misratah", Livewire, 25 May 2011.

¹³⁹ Amnesty International, "Families devastated by shelling in Misratah", Livewire, 18 May 2011.

¹⁴⁰ Amnesty International, "Revenge killings and reckless firing in opposition-held eastern Libya", Livewire, 13 May 2011.

¹⁴¹ Amnesty International, "Middle East and North Africa overview", *Amnesty International Report 2011: The state of the world's human rights in the Middle East and North Africa January to Mid-April* (Index: POL 10/012/2011); and Amnesty International, *The battle for Libya: Killings, disappearances and torture* (Index: MDE 19/025/2011).

¹⁴² Since 1992, following the destruction of Pan Am Flight 103 over Lockerbie, Libya was subject to EU and UN sanctions, which included a UN Security Council arms embargo. It was lifted on 12 September 2003 by the UN Security Council resolution 1506.

¹⁴³ Data from the UN customs database Comtrade includes arms deliveries over the value of \$100,000 for each year of the broad categories identified under the classification SITC Rev.4. Comtrade data only pertains to commercial sales so does not include government-to-government transfers, gifts, loans or otherwise.

¹⁴⁴ This category includes sporting shotguns and rifles, muzzle-loading firearms, pistols for signal flares, captive bolt humane killers. Without further refinement that is not available on the database it is not known exactly what type of firearm from this broad category was actually supplied.

¹⁴⁵ National reports can be accessed through the SIPRI National Reports Database, see http://www.sipri.org/research/armaments/transfers/transparency/national_reports/research/armaments/transfers/transparency/national_reports/sipri-national-reports-database; and the EU annual reports on arms exports can be accessed through the EU External Action Security-related export controls II - Military equipment web page: <http://consilium.europa.eu/eeas/foreign-policy/non-proliferation,-disarmament-and-export-control-/security-related-export-controls-ii.aspx?lang=en>

¹⁴⁶ For EU Member States this means under the following categories of the EU military list 'small arms' refers to ML1, which covers smooth-bore weapons with a calibre of less than 20mm, other arms and automatic weapons with a calibre of 12.7mm (calibre 0.50in) or less and accessories, and specially designed components therefore; 'smooth-bore weapons over 20mm' refers to ML2, which covers smooth-bore weapons with a calibre of 20mm or more, other weapons or armament with a calibre greater than 12.7mm (calibre 0.50in), projectors and accessories, and specially designed components; 'ammunition' refers to ML3, which covers ammunition and fuse setting devices, as follows, and specially designed components therefore; 'armoured vehicles' refers to ML6, which covers ground vehicles and components; and 'toxic agents' refers to ML7, which covers chemical or biological toxic agents, riot control agents, radioactive materials, related equipment, components and materials.

¹⁴⁷ Most governments publish information on the value of arms licensed under broad categories of the relevant munitions or military list. This information reflects the decision made by a government in a year to permit a licence for an arms export (or a brokering, transit or transshipment licence, although this is usually not specified). Some governments also include information on the value of arms exports that have actually been shipped during the year, but usually these would have been licensed in previous years. There can often be a gap in the years between the

licensing and shipping of an arms transfer; and the value of the arms shipment may not be the same as the value of the licence issued. Sometimes the licence and export coincide in the same year.

¹⁴⁸ Rapport Au Parlement Wallon Rapport Annuel 2009. See http://www.sipri.org/research/armaments/transfers/transparency/national_reports/belgium_regional/Wallon%2009

¹⁴⁹ The 32nd battalion headed by one of the sons of Colonel Mu' ammar al-Gaddafi, Khamis al-Gaddafi, is associated with some serious breaches of IHL during the Libya conflict including indiscriminate attacks and attacks targeting civilians; as well as the extrajudicial executions of detainees in Khilit al-Firgan on 24 August.

¹⁵⁰ Please refer to the parliamentary response involving the Minister President of the Walloon Government: Réponse aux questions orales de M Richard Miller, Alain Onkelinx, Dimitri Fourny et Christine Defraigne concernant la suspension par le Conseil d'Etat de licences d'armes pour la Libye, 10 November 2009 Créé le 2009-11-24 12:04; and Réponse aux questions orales de M Richard Miller, Alain Onkelinx, Dimitri Fourny et Christine Defraigne concernant la suspension par le Conseil d'Etat de licences d'armes pour la Libye, 10 November 2009, Publié sur Gouvernement wallon, 24 November 2011, <http://demotte.wallonie.be>

¹⁵¹ There have been some press reports that these were for the Libyan police. For example, see La Libre Belgique, "Des armes wallonnes utilisées pour mater les manifestants en Libye?", 21 February 2010.

¹⁵² See Isoir.be, "La Wallonie arme-t-elle le pouvoir libyan?", 21 February 2011; De Standaard "Opschudding rond Waalse wapenlevering aan Libie", 21 February 2011; and LaLibre.be, "Des armes wallonnes utilisées pour mater les manifestants en Libye", 21 February 2011.

¹⁵³ The Court document reads: "Est ordonnée la suspension de l'exécution des cinq licences d'exportation...". An Informal translation reads: "Orders the suspension of the execution/implementation of the five export licences". See Conseil d'etat, section du contentieux administrative a r r e t, no. 197.522 du 29 octobre 2009 a. 193.590/xv-1076; and Conseil d'etat, section du contentieux administratif a r r e t, no. 201.855 du 12 mars 2010, a. 195.160/xv-1174.

¹⁵⁴ The Minister-President of the Walloon government had decided that the five licences that had been suspended were identical to five previously granted so decided to grant five new export licences to enable FN Herstal to fulfil its contract. See Publié sur Gouvernement Wallon, "Exportations vers la Libye: Les licences ont été Redélivrées", 13 November 2009, <http://demotte.wallonie.be>

¹⁵⁵ The original reads: "Les documents des douanes et accises montrent que la toute grande partie du matériel avait d'ores et été livré... Cette réalité a d'ailleurs ajouté à ma perplexité lors de la lecture de l'arrêt du Conseil d'Etat dès lors qu'il a considéré, malgré cela, qu'il existait un 'risque' de préjudice grave difficilement réparable. En effet, il est difficile d'imaginer encore l'existence d'un 'risque' de préjudice dès le moment où les éléments les plus importants des licences étaient d'ores et déjà fournis." (Réponse aux questions orales de M Richard Miller, Alain Onkelinx, Dimitri Fourny et Christine Defraigne concernant la suspension par le Conseil d'Etat de licences d'armes pour la Libye, 10 November 2009).

¹⁵⁶ Réponse aux questions orales de M Richard Miller, Alain Onkelinx, Dimitri Fourny et Christine Defraigne concernant la suspension par le Conseil d'Etat de licences d'armes pour la Libye, 10 November 2009.

¹⁵⁷ Belga news agency, "Libye: la Région wallonne s'informe sur l'usage des armes de la FN", 21 February 2011.

¹⁵⁸ Amnesty International, "Libya: Al-Gaddafi's forces carry out indiscriminate attacks in Misratah", 8 May 2011.

¹⁵⁹ According to the EU annual reports on arms exports.

¹⁶⁰ According to the EU annual reports on arms exports

¹⁶¹ Question écrite No.: 101568 de M Jean-Jacques Candelier (Gauche démocrate et républicaine – Nord) au Premier ministre. Question publiée au JO le: 08/03/2011 page: 2118 Réponse publiée au JO le: 26/07/2011 page: 8047. See <http://questions.assemblee-nationale.fr/q13/13-101568QE.htm>

¹⁶² There are no entries in the German national reports under the main categories examined in this section, but there are entries reported in the EU annual reports, which is why the data from those reports is being used. However, it is worth noting that according to data published in the German national reports, the government authorized communications equipment in 2009, 2008 and 2006.

¹⁶³ ML6/A0006 covers not only armoured vehicles, but also military trucks. Daimler delivered tank transporters (tractors with trailers) to Libya, thus the ML6 licences in 2009 might have been these vehicles.

¹⁶⁴ See Stuttgarter-nachrichten, “Deutsche Gewehre in Libyen”, 31 August 2011, <http://www.stuttgarter-nachrichten.de>, accessed 29 September 2011; ARD.de, “Deutsche Sturmgewehre für Gaddafi”, 1 September 2011; and N-TV, “Regierung sieht keine Fehler”, 1 September 2011, <http://www.n-tv.de/politik/Regierung-sieht-keine-Fehler-article4191501.html>, accessed 29 September 2011.

¹⁶⁵ HK Global Website, “Heckler & Koch assures the public that it did not supply weapons to Libya”, Comment by Heckler & Koch as to speculations about arms supplies to Libya, 10 March 2011, <http://www.heckler-koch.de/HKWebNews/byItemID///50//3/15>, accessed 29 September 2011.

¹⁶⁶ Parliamentary answers, 5 September 2011, Drucksache 17/6954.

¹⁶⁷ Arms data for Italy compiled by Sergio Finardi, TransArms – Research Center for the Logistics of Arms Transfers, from authorizations and customs data issued by the Italian Ministry of Foreign Affairs and Ministry of Finance.

¹⁶⁸ The other category was 010 aircraft.

¹⁶⁹ The other categories were 010 aircraft, 011 electronic equipment, 013 armoured or protective equipment, etc, and 015 imaging or countermeasure equipment.

¹⁷⁰ The other categories were 005 fire control and 010 aircraft.

¹⁷¹ The other category was 010 aircraft.

¹⁷² Twelfth annual report according to Article 8(2) of Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment, Council of European Union, 3 December 2010 (the publishing of the report was delayed to February 2011). See also A. Rettman, “EU arms to Libya: fresh details emerge”, *EU Observer*, 23 February 2011.

¹⁷³ Emails to the International Peace Information Service vzw from WJ Parnis England Ltd received 4 March 2011 and 15 March 2011, in which a company representative stated that “The figure in our application was €79,369,000.00 however the correct amount should have read €7,936,900.00.”

¹⁷⁴ See K. Stagno-Navarra, “‘Typing error’ by Maltese agent causes Malta embarrassment over arms exports to Libya”, *Maltatoday*, 2 March 2011.

¹⁷⁵ F. Vignarca, “La vera storia delle armi italiane in Libia: Ecco come è avvenuta – nel 2009 – la fornitura di 7500 pistole e di 3700 fucili ‘made in Italy’ al regime di Gheddafi”, *Altreconomia*, 6 March 2011; also quoted in A. Rettman, ‘Italy-Libya arms deal shows weakness of EU code’, *EU Observer.com*, 3 March 2011, <http://euobserver.com/892/31915> Last Accessed 16 March 2011.

¹⁷⁶ F. Vignarca, “La vera storia delle armi italiane in Libia: Ecco come è avvenuta – nel 2009 – la fornitura di 7500 pistole e di 3700 fucili ‘made in Italy’ al regime di Gheddafi”, *Altreconomia*, 6 March 2011.

¹⁷⁷ EU Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment.

¹⁷⁸ MV Holandia’s flag is Antigua & Barbuda, owner BBC Burger Bereederungs/Danz & Tietjens, Germany.

¹⁷⁹ The full titles of the legislation are: National Interest (Enabling Powers) Act (Cap. 365), Military Equipment (Export Control) Regulations, 2001; Subsidiary Legislation 365.13, Military Equipment (Export Control) Regulations, 1st January, 2002; L.N. 376 of 2003, National Interest (Enabling Powers) Act (Cap. 365), Military Equipment (Export Control) (Amendment) Regulations, 2003. According to Maltese law, “‘items in transit’ means items which only pass through the territory of Malta, that is those which are not assigned a customs approved treatment or use other than the external transit procedure or which are merely placed in a free zone or a free warehouse and where no record of them has to be kept in an approved stock record”.

¹⁸⁰ For example, as compiled by TransArms, according to data reported in the 2009 EU annual report on arms exports Malta licensed and exported to Afghanistan under ML6 for €471,255; Algeria under ML15 for €498,801; Denmark under ML6 for €2,800,000; Djibouti under ML1 for €30,000; France under ML6 for €4,552,000; Germany under ML6 for €13,123,937; Maldives under ML3 for €16,170; Montenegro under ML6 for €78,753; Pakistan under ML6 for €183,259; Saudi Arabia under ML6 for €4,440,877; Thailand under ML3 for €25,815,800 and ML1 for €46,338; Tunisia under ML3 for €413,686; Turkey under ML6 for €817,371; Ukraine under ML6 for €110,651; and USA under ML6 for €231,209.

¹⁸¹ The Republic of Montenegro: The Annual Report on Import and Export of Controlled Goods in 2008 & 2007. The end users for the licences issued in 2007 were Egypt, Libya, the USA, Serbia and Cyprus for both military and civilian use. The information is not disaggregated so it is not known what equipment went to which end user and for which end-use. Montenegro uses a national control list

¹⁸² The countries were Cyprus, Egypt, Serbia and the USA.

¹⁸³ Annual Report on the Transfers of Controlled Goods.

¹⁸⁴ Under the value \$4,256,828 the other equipment included services, helmets, ballistic panels, bullet-proof vests and parachutes. Under the value \$9,323,292 the other end-user countries included Cyprus and Equatorial Guinea; See <http://www.merr.gov.rs/?lang=eng>, accessed 24 August 2011. Serbia also denied a licence application for the export of 50,000 M92 sub-machine guns worth \$13,250,000 to military end-users in Libya.

¹⁸⁵ Under the value \$4,820,172 the other countries were Cameroon, Iraq and the UK for military and civilian end-users. Serbia denied a licence application for \$171,640,000 for 1,922,500 sub-machine guns, 30 & 40mm cartridges, and automatic grenade launchers.

¹⁸⁶ The other countries were USA, Nigeria (for Nigerian forces in peace operations with the UN), Jordan, Vietnam, and Sri Lanka.

¹⁸⁷ The other countries were: Brazil, Georgia, Iraq, Nigeria, Oman, Pakistan, Qatar and Spain.

¹⁸⁸ The exported destination was the USA and the other end-users were Turkey, Ireland, and the USA.

¹⁸⁹ Amnesty International, *Misratah: Under siege and under fire* (Index: MDE 19/019/2011).

¹⁹⁰ According to its website, “if the submunition does not detonate upon impact, it self-destroys after a few seconds,

and, even if this self-destruction device fails, it self-deactivates infallibly within 10 minutes, therefore preventing the hazard of causing an accident after its use". See <http://www.instalaza.es/eng/des2.html>, website last updated on 20 April 2011 and accessed 4 May 2011.

¹⁹¹ The Spanish Minister of Defence told parliamentarians on 19 April 2011 that Spain had sold these cluster munitions before Spain adopted in June 2008 a unilateral moratorium on the production, use and transfer of cluster munitions. Spain then signed the Convention on Cluster Munitions on 3 December 2008 and ratified on 17 June 2009.

¹⁹² However, in 2008, according to the 2008 EU annual report, the UK licensed €3,124,843 under the ML4 category; €5,941,226 under the ML6 category; and €244,310 under the ML7 category.

¹⁹³ The format of UK reporting slightly changes in the 2008 report to include data on value per category in the military list, hence for 2007 and before there is no data on value for each relevant category.

¹⁹⁴ Libdex brochure 2010.

¹⁹⁵ Amnesty International, "Libya: UK government may have licensed crowd control equipment used to crush protests", press release, 22 February 2011.

¹⁹⁶ The Times, "Ministers 'waved through' sale of riot equipment to Libya", 8 September 2009.

¹⁹⁷ The Times, "Ministers 'waved through' sale of riot equipment to Libya", 8 September 2009.

¹⁹⁸ Secret section 01 of 02 Tripoli 000960, see <http://www.wikileaks.ch/cable/2009/12/09TRIPOLI960.html>, accessed 22 February 2011.

¹⁹⁹ UN Security Council resolution 1970, 26 February 2011, para9.

²⁰⁰ According to paragraph 24 of Security Council resolution 1970 (2011) the Sanctions Committee has the mandate to "monitor implementation of the measures imposed in paragraphs 9, 10 [arms embargo]" of the said resolution (paragraph 24(a)), and to "examine and take appropriate action on information regarding alleged violations or non-compliance with the measures contained in this resolution" (paragraph 24(h)). In accordance with the Provisional Guidelines of the Committee for the Conduct of its Work adopted by the Sanctions Committee on 25 March 2011, it would be up to the Committee "to determine whether an exception to the arms embargo is justified on the basis of paragraph 9(a) and paragraph 9(c) of resolution 1970 (2011)" (paragraph 11(a)), and it would be the Committee also to "consider, and approve if appropriate, requests submitted by Member States for other sales or supply to the Libyan Arab Jamahiriya of arms and related materiel, or provision of assistance or personnel."

²⁰¹ AFP, "Libye/Armes: France a informé l'Otan", 1 July 2011; BBC, "Libya conflict: France air-dropped arms to rebels", 29 June 2011; "La France a parachuté des armes aux rebelles libyens", 28 June 2011. See <http://www.lefigaro.fr/international/2011/06/28/01003-20110628ARTFIG00704-la-france-a-parachute-des-armes-aux-rebelles-libyens.php>, accessed 31 August 2011.

²⁰² According to a senior French diplomat Channel 4 News, 30 June 2011. <http://www.channel4.com/news/france-wont-rule-out-more-libyan-weapon-drops>, accessed 28 September 2011.

²⁰³ NTC Press Statement, No.33, 30 June 2011.

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- ²⁰⁴ Reuters, “Russia: arming Libya rebels is ‘crude violation’”, 30 June 2011; BBC, “Libya: Russia decries French arms drop to Libya rebels”, 30 June 2011.
- ²⁰⁵ CIEEMG (La commission interministérielle pour l’étude des exportations de matériels de guerre). Meeting between Jacques Raharinaivo (sous directeur désarmement et affaires politiques au MAEE Benoît Muracciole) on 25 August 2011
- ²⁰⁶ www.rtf.be, “Libye: le Qatar a fourni des missiles antichars aux rebelles”, 14 April 2011. See http://www.rtf.be/info/monde/detail_libye-le-qatar-a-fourni-des-missiles-antichars-aux-rebelles?id=5947143, accessed 16 August 2011; *The Guardian*, “Libyan rebels receiving anti-tank weapons from Qatar”, 14 April 2011.
- ²⁰⁷ Reuters, “Qatari plane supplies ammunition to Libya rebels”, 7 August 2011; The Australian “Rebels armed with blast from the past”, 2 July 2011. <http://www.theaustralian.com.au/news/world/rebels-armed-with-blast-from-the-past/story-e6frg6so-1226085895819>, accessed 31 August 2011. Also see “Prime Minister: Approval of Material Aid to Libyan People” <http://english.mofa.gov.qa/newmofasite/newsPage.cfm?newsid=15262>, accessed 31 August 2011.
- ²⁰⁸ Swissinfo, “Swiss war materiel exports spark debate”, 27 July http://www.swissinfo.ch/eng/swiss_news/Swiss_war_materiel_exports_spark_debate.html?cid=30759778, accessed 16 August 2011; Aargauer Zeitung, “New critics on Swiss arms exportations: Swiss firms deliver weapons to Arabic countries who play an active role in armed conflicts. Critics ask the Government to rethink its policy”, 29 July 2011.
- ²⁰⁹ The head of the arms export control agency, SECO, told Swiss public radio DRS on Wednesday 14 September that SECO would conduct an inspection visit to Qatar to ensure that munitions delivered were not being passed on to third countries.
- ²¹⁰ *The Globe and Mail*, “China offered Gadhafi huge stockpiles of arms: Libyan memos”, 2 September 2011.
- ²¹¹ Council Regulation (EU) No. 204/2011 of 2 March 2011 concerning restrictive measures in view of the situation in Libya.
- ²¹² Question écrite No.: 101568 de M Jean-Jacques Candelier (Gauche démocrate et républicaine – Nord) au Premier ministre. Question publiée au JO le: 08/03/2011 page: 2118 Réponse publiée au JO le: 26/07/2011 page: 8047. <http://questions.assemblee-nationale.fr/q13/13-101568QE.htm>
- ²¹³ Foreign Office Minister comments on review of arms exports, FCO website, 18 February 2011. <http://www.fco.gov.uk/en/news/latest-news/?view=News&id=553955182>
- ²¹⁴ Amnesty International, “*Libya of tomorrow*” what hope for human rights?, (Index: MDE 19/007/2010).
- ²¹⁵ Amnesty International, “*Libya of tomorrow*” what hope for human rights?, (Index: MDE 19/007/2010).
- ²¹⁶ Amnesty International, “*Libya of tomorrow*” what hope for human rights?, (Index: MDE 19/007/2010).
- ²¹⁷ ICC prosecutor report to Security Council, 4 May 2011.
- ²¹⁸ Amnesty International, The battle for Libya: Killings, disappearances and torture (Index: MDE 19/025/2011).

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- ²¹⁹ Amnesty International, Long struggle for truth: Enforced disappearances in Libya (Index: MDE 19/008/2010).
- ²²⁰ Amnesty International, “Libya of tomorrow” what hope for human rights? (Index: 19/007/2010).
- ²²¹ Amnesty International, “Libya of tomorrow” what hope for human rights? (Index: 19/007/2010).
- ²²² Amnesty International annual reports 2011 and 2010.
- ²²³ Amnesty International Annual Report 2010.
- ²²⁴ Amnesty International, “Libya: Carry out UN calls for reform – government rejects much-needed changes at First Human Rights Council Review”, public statement, 17 November 2010 (Index: MDE 19/019/2010).
- ²²⁵ Amnesty International, The battle for Libya: Killings, disappearances and torture (Index: MDE 19/025/2011).
- ²²⁶ Amnesty International, “ICC issues arrest warrant for al-Gaddafi”, 27 June 2011; and Amnesty International, “Al-Gaddafi arrest warrant ‘a step towards justice’”, 16 May 2011.
- ²²⁷ Amnesty International, “Middle East and North Africa overview”, *Amnesty International Report 2011: The state of the world’s human rights in the Middle East and North Africa January to Mid-April* (Index: POL 10/012/2011)
- ²²⁸ Amnesty International, “Middle East and North Africa overview”, *Amnesty International Report 2011: The state of the world’s human rights in the Middle East and North Africa January to Mid-April* (Index: POL 10/012/2011).
- ²²⁹ Amnesty International, “Syrian military assault against protesters must end”, 25 April 2011.
- ²³⁰ Al Jazeera, “Syrian navy ‘shells city of Latakia’”, 14 August; and Reuters, “Tank, navy attack on Syria’s Latakia kills 24 – report”, 14 August 2011.
- ²³¹ The UN Security Council issued a presidential statement on 3 August 2011 expressing “grave concern at the deteriorating situation in Syria”, condemning “the widespread violations of human rights and the use of force against civilians by the Syrian authorities” and calling for “an immediate end to all violence”. However, it has not adopted a legally binding resolution on Syria since mass protests began in mid-March.
- ²³² Amnesty International, *Deadly detention: Deaths in custody amid popular protest in Syria* (Index: MDE 24/035/2011).
- ²³³ Amnesty International, “Middle East and North Africa overview”, *Amnesty International Report 2011: The state of the world’s human rights in the Middle East and North Africa January to Mid-April* (Index: POL 10/012/2011)
- ²³⁴ Amnesty International, “Bloodshed in Bab Qebli: Portrait from Syria’s violent crackdown on Hama”, 2 August 2011.
- ²³⁵ Amnesty International, *Deadly detention: Deaths in custody amid popular protest in Syria* (Index: MDE 24/035/2011).
- ²³⁶ Associated Press, “Witness saw teen beaten in Syrian jail”, 7 July 2011. See Amnesty International, *Deadly detention: Deaths in custody amid popular protest in Syria* (Index: MDE 24/035/2011).
- ²³⁷ Interfax-AVN military news agency, “Syria sanctions would hit Russian arms producers hard – expert”, ,Moscow, 23 August 2011; Jane’s Defence Weekly “Russia’s determination to fulfil Syrian contract may affect relationship with

Israel”, 4 March 2011.

²³⁸ In 2010, Russia transferred 81 items, according to Russian data submitted to the UN Register of Conventional Arms on 31 May 2010.

²³⁹ SIPRI database.

²⁴⁰ Russia & CIS Defense Industry Weekly, “Russia continuing to sell weapons to Syria – Rosoboronexport”, Interfax News Agency, 19 August 2011.

²⁴¹ ‘Russia fulfills its obligations in military and technical cooperation with Syria - Russian deputy FM’, Russia & CIS Defense Industry Weekly, 8 July 2011.

²⁴² Data from the UN customs database Comtrade includes arms deliveries over the value of \$100,000 for each year of the broad categories identified under the classification SITC Rev.4. Comtrade data only pertains to commercial sales so does not include government-to-government transfers, gifts, loans or otherwise.

²⁴³ This category includes sporting shotguns and rifles, muzzle-loading firearms, pistols for signal flares, captive bolt humane killers, which are used to kill livestock. Without further refinement, which is not available on the database, it is not known exactly what type of firearm from this broad category was actually supplied.

²⁴⁴ Arms data for Italy compiled by Sergio Finardi, TransArms – Research Center for the Logistics of Arms Transfers, from authorizations and customs data issued by the Italian Ministry of Foreign Affairs and Ministry of Finance.

²⁴⁵ According to Jane’s, the “Upgrade Included New Armour And An Attachment For The Russian Kip Instrument Design Bureau 9k119 Reflex (At-11) Anti-Tank Guided Missile (Atom), Which Is Fired Through The T-72’s 125mm Smoothbore Main Gun.” “Jane’s Country Briefing: Syria – Syria’s Dilemma”, 7 September 2005.

²⁴⁶ Council Regulation (EU) No.442/2011 of 9 May 2011 concerning restrictive measures in view of the situation in Syria.

²⁴⁷ “It is the policy of the United States to deny licences and other approvals with respect to defense articles and defense services.” Amendment to ITAR §126.1 on 23 September 1991.
http://www.pmdtc.state.gov/embargoed_countries/index.html, accessed 22 August 2011.

²⁴⁸ Reuters, “Russia to sell arms to Syria, sales overall to rise”, 17 August 2011.

²⁴⁹ Interfax-AVN military news agency, “Syria sanctions would hit Russian arms producers hard – expert”, Moscow, 23 August 2011.

²⁵⁰ *Syria: End human rights violations in Syria – Amnesty International Submission to the UN Universal Periodic Review*, October 2011, published 31 July 2011. (Index: MDE 24/034/2011).

²⁵¹ *Amnesty International Annual Report 2008*.

²⁵² *Amnesty International Annual Report 2011*.

²⁵³ Amnesty International, “Your son is not here”: *Disappearances from Syria’s Saydnaya Military Prison*, (Index: MDE 24/012/2010).

²⁵⁴ Report of the Office of the High Commissioner for Human Rights on Syria, 17 August 2011, para72.

²⁵⁵ In the beginning, the protests were policed by the police and civil security forces but the central and special security forces were also involved. All four come under the authority of the Ministry of Interior. Other forces said to have been involved include the Presidential Guards, and the Specials Forces which come under the Ministry of Defence. The police and security forces make up approximately 50,000 individuals.

²⁵⁶ Amnesty International, “*Middle East and North Africa overview*”, *Amnesty International Report 2011: The state of the world’s human rights in the Middle East and North Africa January to Mid-April* (Index: POL 10/012/2011)

²⁵⁷ Amnesty International, *Moment of truth for Yemen*, p7 (Index: MDE 31/007/2011).

²⁵⁸ Amnesty International, *Moment of truth for Yemen*, p9 (Index: MDE 31/007/2011).

²⁵⁹ Amnesty International, “*Middle East and North Africa overview*”, *Amnesty International Report 2011: The state of the world’s human rights in the Middle East and North Africa January to Mid-April* (Index: POL 10/012/2011)

²⁶⁰ Amnesty International, “*Middle East and North Africa overview*”, *Amnesty International Report 2011: The state of the world’s human rights in the Middle East and North Africa January to Mid-April* (Index: POL 10/012/2011)

²⁶¹ Amnesty International, “Yemen must stop killings of protesters or risk slide into civil war”, 31 May 2011.

²⁶² And, ensure that all military and security support and assistance to Yemen and military and security operations carried out in Yemen are designed and implemented so as to adhere fully with relevant international human rights law and standards, including the standards governing the use of firearms and other lethal force in law enforcement, and that such human rights standards are made fully operational in training programmes and systems of monitoring and accountability. Amnesty International, *Yemen: Cracking under pressure*, 25 August 2010, MDE 31/010/2010

²⁶³ In March 2010, following an investigation by a Yemeni parliamentary committee, the Yemeni government acknowledged that a missile attack on 17 December 2009 that killed 41 men, women and children in the Abyan region had been a mistake and apologized to the victims’ families. The committee had found no evidence of a military camp for terrorists at the site, as first alleged. Amnesty International obtained photographs apparently taken following the attack which suggested that the operation used a US-manufactured cruise missile that carried cluster bombs. Such missiles are only known to be held by US forces, and Yemeni armed forces are unlikely to have the military capability to use such a missile. A diplomatic cable leaked by the organization Wikileaks in November 2010 corroborated the images that had been released by Amnesty International earlier in the year. Amnesty International’s request to Pentagon about the involvement of US forces in the Abyan attack, and what precautions may have been taken to minimize deaths and injuries, has yet to be responded to. See Amnesty International, *Yemen: Cracking under pressure*, 25 August 2010, MDE 31/010/2010 pp30-34 and Amnesty International, *Moment of Truth for Yemen*, April 2011 (Index: MDE 31/007/2011) pp22-24.

²⁶⁴ Some of the attacks appeared to violate international humanitarian law in that they appeared either to deliberately target civilians or civilian objects, or to be indiscriminate or disproportionate attacks that took little or no account of the danger they posed to civilians. Neither the Saudi Arabian nor Yemeni government provided any explanation for the vast majority of such attacks nor explained what, if any, precautions were taken by their forces to spare civilians taking no part in hostilities.

²⁶⁵ Tens of thousands of people have demonstrated since 2007 to protest against what they perceive as discrimination against the south by the government. In response, the authorities have resorted to excessive use of force to quell the protests resulting in deaths and injuries to thousands of people. In response a coalition of political

parties, opposition groups, organisations, and activists was formed and named the Southern Movement. Some factions within the Southern Movement are calling for the south to secede from the north. Following the protests and formation of the Southern Movement, the government carried out arbitrary arrests of activists and protestors and unlawful killings of people who were active in the Southern Movement. Some leaders of the Southern Movement were put on trial before the Specialised Criminal Court for their active participation in the Southern Movement and the protests.

²⁶⁶ Since 2004, six rounds of armed conflict have intermittently raged in Sa'dah governorate, which borders Saudi Arabia, in which thousands of people have been killed and many others injured. In August 2009 the conflict in Sa'dah resumed with new intensity. The government launched a military offensive codenamed "Scorched Earth" that included aerial bombing using fighter jets and deployment of tanks and ground troops. More than a quarter of a million people were internally displaced because of the fighting.

²⁶⁷ This category includes sporting shotguns and rifles, muzzle-loading firearms, pistols for signal flares, captive bolt humane killers. Without further refinement which is not available on the database it is not known exactly what type of firearm from this broad category was actually supplied.

²⁶⁸ National reports can be accessed through the SIPRI National Reports Database, see http://www.sipri.org/research/armaments/transfers/transparency/national_reports/research/armaments/transfers/transparency/national_reports/sipri-national-reports-database; and the EU annual reports on arms exports can be accessed through the EU External Action Security-related export controls II - Military equipment web page: <http://consilium.europa.eu/eeas/foreign-policy/non-proliferation,-disarmament-and-export-control-/security-related-export-controls-ii.aspx?lang=en>

²⁶⁹ For EU Member States this means under the following categories of the EU military list 'small arms' refers to ML1, which covers smooth-bore weapons with a calibre of less than 20mm, other arms and automatic weapons with a calibre of 12.7mm (calibre 0.50in) or less and accessories, and specially designed components therefore; 'smooth-bore weapons over 20mm' refers to ML2, which covers smooth-bore weapons with a calibre of 20mm or more, other weapons or armament with a calibre greater than 12.7mm (calibre 0.50in), projectors and accessories, and specially designed components; 'ammunition' refers to ML3, which covers ammunition and fuse setting devices, as follows, and specially designed components therefore; 'armoured vehicles' refers to ML6, which covers ground vehicles and components; and 'toxic agents' refers to ML7, which covers chemical or biological toxic agents, riot control agents, radioactive materials, related equipment, components and materials.

²⁷⁰ Most governments publish information on the value of arms licensed under broad categories of the relevant munitions or military list. This information reflects the decision made by a government in a year to permit a licence for an arms export (or a brokering, transit or transshipment licence, although this is usually not specified). Some governments also include information on the value of arms exports that have actually been shipped during the year, but usually these would have been licensed in previous years. There can often be a gap in the years between the licensing and shipping of an arms transfer; and the value of the arms shipment may not be the same as the value of the licence issued. Sometimes the licence and export coincide in the same year.

²⁷¹ According to data published in the EU annual reports on arms exports.

²⁷² According to data published in the EU annual reports on arms exports.

²⁷³ A parliamentary question on 25 January 2011 in the Dutch House of Representatives asked by the Economic Affairs Committee about a licence (license number 28315791) for the export of half million euros to Yemen for military truck parts as part of the €2 million worth of licences issued in 2009. The answer stated [unofficial

translation]: “In specific case of the application and license number was 28315791 dealing with parts of military vehicles for the Army and [it] was concluded that there is no direct correlation between the Yemen identified human rights violations and the nature of the goods.” See, 22 054 Arms Export Policy, LIST OF QUESTIONS AND ANSWERS, Established January 25, 2010, House of Representatives, 2009-2010, 22 054, No 157 p.5. According the Minister of Agriculture and Foreign Trade, Mr. H. Bleker, in considering the impact of the arms export on the internal situation or stability in the region, one of the factors that contributed to this assessment was “because it was exports of new items for old military vehicles that were already in Yemen... There was therefore no question of extending the defense capabilities the country.”[unofficial translation] The Minister also stated there was no evidence military equipment provided by the Netherlands goods have played a role in the recent fighting.

²⁷⁴ According to the 2010 UK annual strategic export report, “This gifting of security equipment forms part of our normal defence relationship with Yemen. This focuses on providing assistance that is compliant with the Laws of Armed Conflict and promotes the non-lethal use of force.”

²⁷⁵ The Foreign Military Sales (FMS) programme is the government-to-government method for selling US defence equipment, services, and training, according to the Department for Security, Cooperation and Agency website. See http://www.dsca.osd.mil/programs/biz-ops/factsbook/Fiscal_Year_Series_2009.pdf, accessed 22 March 2011.

²⁷⁶ Amnesty International has in the past called for an urgent comprehensive review of all arms supplies and training support to Yemen’s military, security and police forces, and to ensure no arms transfers are authorized where there is a substantial risk that they will be used for serious violations of human rights. Where necessary governments should halt the delivery of arms and revoke export licences.

²⁷⁷ A letter dated 3 August from Director of Security Policy at the Ministry of Foreign Affairs.

²⁷⁸ Meeting between Amnesty International Czech Republic and the Department of CFSP in the Ministry of Foreign Affairs on 3 October 2011. The suspension of licences can last 30 plus additional 30 days in the Czech Republic (then the option is to revoke them); but the last amendment to the Act No. 38/1994 in force from 1 September 2011 allows the government, based on the request from the Ministry of Foreign Affairs, to postpone the realization of licences granted until the situation in the foreign country requires it. The Czech officials, as opposed to 2009, when the conflict in Saada province prevailed, have assessed the situation in Yemen differently in 2011 because there exists a significant risk of use of violence against civilians and because of the substantial uncertainty as to who in the country will use the weapons.

²⁷⁹ Please refer to: Amnesty International, *Cracking Under Pressure*, August 2011 (MDE 31/010/2010) Amnesty International, *Moment of Truth for Yemen*, 6 April 2011 (MDE: 31/010/2011) and for an examination of which forces are responsible for carrying out human rights violations in Yemen.

²⁸⁰ *Amnesty International Annual Report 2010*.

²⁸¹ Amnesty International, *Yemeni authorities must act over sniper killings of protesters*, 18 March 2011.

²⁸² *Amnesty International Annual Report 2009*.

²⁸³ *Amnesty International Annual Report 2008*.

²⁸⁴ *Amnesty International Annual Report 2007*.

²⁸⁵ The full articles is Article 55 With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote: a. higher standards of living, full employment, and conditions of economic and social progress and development; b. solutions of international economic, social, health,

and related problems; and international cultural and educational co-operation; and c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. Article 56 All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

²⁸⁶ In the context of EU Member States, Article 8 of the EU common position stipulates “each Member State which exports technology or equipment on the EU Common Military List shall publish a national report on its exports of military technology and equipment, the contents of which will be in accordance with national legislation, as applicable, and will provide information for the EU Annual Report on the implementation of this Common Position as stipulated in the User’s Guide.”

²⁸⁷ Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment, Article 2 <http://consilium.europa.eu/eeas/foreign-policy/non-proliferation,-disarmament-and-export-control-/security-related-export-controls-ii.aspx?lang=en>, accessed 20 August 2011.

²⁸⁸ For example, in a letter from the French foreign minister, Alain Juppé, to Amnesty International France on 31 August 2011, he stated that concerning the arms exports for maintaining [public] order, France’s position is very clear: they categorically refuse the export when there exists a serious risk of internal repression. (“En ce qui concerne l’exportation de matériels destinés au maintien de l’ordre, en outre, notre position est très claire: nous la refusons catégoriquement dès lors qu’un risque sérieux de répression interne existe.”)

²⁸⁹ User’s Guide to Council Common Position 2008/944/CFSP defining common rules governing the control of exports of military technology and equipment, 29 April 2009.

²⁹⁰ There are three pieces of legislation relevant to arms transfers in the USA: the US Foreign Assistance Act, which pertains to Exports of defense articles or defense services to government end users; the US Foreign Assistance Act & Export Administration Regulations, which pertains to exports of policing and security equipment; and the “Leahy Law”, which pertains to foreign military or security assistance (equipment or training) to foreign government forces. For a more detailed discussion on the human rights principles embodied in US arms control law, see Amnesty International, *The US should support an effective human rights rule in the Arms Trade Treaty* (Index: AMR 51/057/2010).

²⁹¹ Export Administration Regulations §742.79(b) and (d).

²⁹² Crime control equipment is defined in the Commerce Control List of the Export Administration Regulations.

²⁹³ See for example case studies on US arms transfers in Amnesty International, *Blood at the Crossroads: Making the Case for an Arms Trade Treaty*, 17 September 2008, (ACT 30/011/2008); and Amnesty International, *Dead on Time: arms transportation, brokering and the threat to human rights*, 9 May 2006 (ACT 30/008/2006).

²⁹⁴ See ‘Russia fulfills its obligations in military and technical cooperation with Syria - Russian deputy FM’, *Russia & CIS Defense Industry Weekly*, 8 July 2011.

²⁹⁵ This is proposed in both Amnesty International’s and the International Committee of the Red Cross (ICRC) assessment guidelines to determine whether a proposed transfer presents a substantial risk. See, Amnesty International, *How to apply human rights standards to arms transfer decisions* (Index: ACT 30/008/2008) and ICRC, *Arms transfer decisions: Applying international humanitarian law*, 2007.

²⁹⁶ Best practice procedures in arms stockpile management and security include those established in the OSCE *Handbook of Best Practices on Small Arms and Light Weapons*, 2003.

²⁹⁷ International co-operation and assistance are important elements to include in an effective ATT, including technical assistance and capacity building, so as to assist states in meeting their obligations under international law and working towards best practices in these areas. This should be largely an uncontroversial component of the Treaty.

²⁹⁸ Resolution adopted by the General Assembly, *64/48. The arms trade treaty*, 12 January 2010 A/RES/64/48.



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ARMS TRANSFERS TO THE MIDDLE EAST AND NORTH AFRICA

LESSONS FOR AN EFFECTIVE ARMS TRADE TREATY

Police and security forces in the Middle East and North Africa responded to the mass popular uprisings witnessed there after December 2010 with brutal repression. This crackdown by the authorities has involved the use of weaponry, munitions and related equipment imported from major arms-exporting nations.

The excessive force used against the protesters demonstrates the critical need for strict controls to be established through the Arms Trade Treaty being negotiated at the UN. Crucially, the Treaty should prevent international arms transfers to any state where a substantial risk exists of the arms being used to commit or facilitate serious human rights violations.

This report examines arms transfers to the region and explores some common principles that can be applied by states when authorizing arms transfers, and which should underpin the Treaty's framework. Amnesty International is urging all states that have been supplying arms to the region to undertake immediate and thorough case-by-case reviews of their arms transfer procedures.

In 2012, UN member states will negotiate the final text of the Arms Trade Treaty. If it is to achieve the highest possible common standards, the lessons of irresponsible arms transfers to the Middle East and North Africa must inform the Treaty's content.

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