

BLOOD AT THE CROSSROADS

MAKING THE CASE FOR A GLOBAL ARMS TRADE TREATY

The world is reaching a crossroads in deciding how to control the arms trade. Governments must act now to create effective and robust regulation if they are to protect the lives of their people.

In December 2006 the UN General Assembly voted overwhelmingly to begin working towards a global Arms Trade Treaty (ATT). This landmark step clearly demonstrates the level of political will that now exists to tackle poor regulation in the arms trade which contributes to serious violations of international human rights law and international humanitarian law (IHL).

While significant progress has been made in human rights since the adoption of the Universal Declaration of Human Rights on 10 December 1948, key challenges remain. The establishment of a global ATT is essential to help prevent attacks on civilians, deprivation of basic needs, extrajudicial executions, excessive use of force, forced displacement, genocide, systematic rape, torture, and many other violations and abuses that are carried out with a range of military, security and police equipment. For this reason, human rights must also be at the heart of a global ATT. A provision to prevent arms transfers where there is a



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A US soldier aims his weapon at a man who has just been shot by another soldier for failing to stop in Mosul, northern Iraq, on 23 July 2003. US troops had been on high alert in the area after a shootout the previous day in which two sons of former Iraqi President Saddam Hussein were killed.



substantial risk that they are likely to be used for serious abuses must form the basis of all arms transfer decisions by governments.

Governments must grasp this opportunity to steer the arms trade towards binding principles and responsible arms transfers by agreeing in October 2008 to start a negotiating process.

THE CONSEQUENCES OF AN ARMS TRADE WITHOUT EFFECTIVE CONTROLS

Amnesty International has documented serious human rights violations and abuses involving the trade in and use of conventional arms and ammunition by state forces, armed groups and private individuals for nearly 50 years. Amnesty International has appealed to governments to strictly control the transfer and use of such arms and ammunition according to international human rights standards. The consequences of irresponsible transfers of arms and ammunition are horrific, as the following cases show.

■ Between 25 and 29 September 2007, security forces in Myanmar attacked peaceful demonstrators and raided monasteries following the largest display of civil unrest seen in the country since 1988. After an

Iraq has one of the highest rates of small arms possession per head of population in the world. The large scale and poorly controlled importing of these weapons into the country is exacerbating the human rights violations and abuses suffered by the Iraqi people.

initial response by the police, the military quickly took over. They used rubber bullets and live ammunition, tear gas and smoke bombs, and beat protesters with rubber and wooden batons to suppress the demonstrations. Thousands were arrested, hundreds were injured and at least 31 were killed although the actual number is likely to be over 100.

■ In Somalia, small arms and large conventional weapons have been used to carry out attacks resulting in widespread civilian casualties and fatalities.

A displaced Somali described to Amnesty International the complex mix of armed factions that overran her neighbourhood during March and April 2007: "It started with the Islamists, and then the Ethiopians came to Mogadishu. I left my house two months ago, before that the Ethiopians occupied my house. My family died in the first fighting in an artillery bombardment. After that, one day it was al-Shabab, the next it was the Ethiopians, who decided to stay. My own neighbours were attacked by the resistance, who blew up a military vehicle. In response, the Ethiopians

cordoned off the area. Then we found people who had been killed in cold blood – shot in the forehead".

UNCEASING SMALL ARMS SUPPLIES TO IRAQ WORSEN THE CARNAGE AND DESPAIR

Prior to the 2003 invasion which overthrew Saddam Hussein, there were an estimated 15 million small arms and light weapons in Iraq, mainly AK-47 assault rifles, circulating among a population of about 25 million. Since the invasion, the new authorities in Iraq have agreed contracts with the USA and its partners to import at least 1 million infantry weapons and pistols with ammunition, as well as other munitions and military equipment.

In Iraq, the continuing proliferation and mismanagement of small arms, and lack of respect for international human rights – including in the training of state forces – has contributed significantly to the violence.

Sectarian killings by armed groups and torture and other grave human rights violations – including extrajudicial executions and thousands of arbitrary detentions by Iraqi government forces and the US-led Multi-National Force – are prime examples of this.

Millions of people suffer daily the consequences of irresponsible arms transfers, proliferation and unlawful use of conventional arms.

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A woman and child try to avoid the shelling on the opposite side of their building, Hamar Bile, Somalia, 20 February 2007.

Ongoing arms imports are sponsored mainly by the US Department of Defense. The stated purpose of these imports is to arm the 531,000 members of the Iraqi military, security and police forces. However, those forces already possess such weapons while still lacking basic training in human rights and accountability.

Amnesty International has identified 47 US Department of Defense contracts dating between 2003 and 2007 for the procurement of small arms, light weapons and associated equipment for the Iraqi security forces. These contracts comprised at least 115 delivery orders to Iraq totalling almost US\$217 million.

The widespread use of supply outsourcing and subcontracting by the principal contractors to the US Department of Defense and the Iraqi Ministry of Defence has led to complex arms supply chains. Often, these supply chains involve a convoluted network of arms companies and transportation agents operating across several geographic boundaries and national export control jurisdictions. This outsourcing has led to a lack of transparency making it virtually impossible for those authorizing weapons and munitions transfers to accurately document how many were supplied and to whom.

Many of these imported weapons remain unaccounted for. Stocks have been diverted to and captured by armed groups, militia and individuals who commit grave human rights abuses. There is no clear US audit trail for approximately 370,000 infantry weapons supplied to the Iraqi security forces and under such contracts the weapons are now almost totally untraceable.

An Arms Trade Treaty could address this by setting out common provisions that require states to establish effective, accountable and transparent systems for all international arms transfers. Such provisions could help to ensure that weapons and ammunition are not transferred in circumstances where there is a substantial risk that they will be used for serious violations of human rights law and IHL, or diverted for other illicit uses.

THE 'GOLDEN RULE'

To achieve responsible trade in conventional arms and ammunitions, decisions on transfer authorisation should be viewed as a means, above all, to prevent serious human rights violations. This "preventive approach" is vital to ensure that the use of military, security and police equipment is consistent with

international standards, for example, the UN Basic Principles on the Use of Force and Firearms and the Geneva Conventions and Protocols.

Sympathetic governments want an assessment process for applying international human rights and IHL standards to prospective arms transfers that is both objective and fair. Under these criteria, decisions must apply to all transfers, on a case-by-case basis, using verifiable information from credible and reliable sources.

How would governments know whether violations or abuses are serious enough to suspend a proposed arms transfer? First, they should examine all available credible evidence and previous findings of serious violations by independent competent bodies, NGOs, UN reports, and so on. If the violations are pervasive or persistent and involve the types of arms and ammunition used to deny human rights, this would be serious enough to halt the transfer of the equivalent types of arms and ammunition until the risk had been removed.

Amnesty International has developed a practical methodology to assist states and regional organizations in applying international human rights law to arms transfer decisions. It offers assessment guidelines to determine whether a proposed transfer presents a risk for serious human rights violations and sets out the criteria to follow when forming a judgement.

For further information see "How to apply human rights standards to

An effective global Arms Trade Treaty would require governments to prevent arms transfers where there is a substantial risk that such arms are likely to be used for serious violations of international human rights law or IHL such as the Geneva Conventions and Protocols.

arms transfer decisions” in the Amnesty International report *“Blood at the crossroads: Making the case for a global Arms Trade Treaty”*, Amnesty International (Index ACT 30/011/2008).

One hundred and eighteen states have recognized in joint public commitments that transfers of conventional arms and small arms should be refused where there is a substantial risk that they will contribute to serious human rights abuses or violations of IHL.

These states have already signed up to existing regional or multilateral instruments governing arms transfers that contain a specific human rights criterion. These include the Code of Conduct of the Central American States; ECOWAS Convention, EU Code of Conduct, Nairobi Guidelines, OSCE Principles Governing Conventional Arms Transfers, and the Wassenaar Best Practice Guidelines for Exports of Small Arms and Light Weapons.

Despite this progress, gaps and weaknesses remain in many of these arms control instruments. The majority of them only represent political commitments and, to be effective, these commitments must be embodied within a global treaty covering all conventional arms and related activities.

Protesters rally as military officials arrive at the scene of a demonstration in the city centre of Yangon, Myanmar, on 27 September 2007. Troops cleared the streets telling protesters they had 10 minutes to go home or be shot.

ENSURING AN ARMS TRADE TREATY HAS A REALISTIC SCOPE

COVERING ALL TYPES OF CONVENTIONAL ARMS

To be effective a global ATT must cover all conventional arms and all types of transfers and associated transactions. Some states prefer an Arms Trade Treaty to only cover the seven categories of major offensive conventional arms listed in the UN Register on Conventional Arms as well as small arms and light weapons. But this limited coverage would create loopholes and weaken state controls.

However, the UN Register does not cover other military vehicles and trucks, military utility aircraft, non-attack military helicopters,

munitions (including explosives and ammunition), smaller-calibre artillery and missiles, and other conventional arms used in actual violations. Nor does it cover components and parts of military equipment, or weapons used for internal security such as riot control equipment, including shotguns and chemical agents like tear gas and other projectile devices. Such arms have been used to commit serious violations of international law, including international human rights law and IHL.

The seven categories of major conventional arms are battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships (including submarines), missiles and missile launchers.



COVERING ALL TYPES OF TRANSFERS AND ASSOCIATED TRANSACTIONS.

It is vital that a global ATT applies to all types of international arms transfers and to transactions relating to potential transfers. This will prevent loopholes or weaknesses being created that can be exploited by unscrupulous arms suppliers or users, including:

- state-to-state transfers
- state-to-private end-user transfers
- commercial sales
- leases, loans, gifts or surplus,
- imports, exports, re-exports, temporary transfers, transit, transshipments, re-transfers
- related transactions from brokering, transport and finance

ARMS FLOWS INTO SUDAN FUEL ATTACKS IN DARFUR

As a result of indiscriminate direct attacks on civilians and ongoing serious human rights violations in Darfur, particularly by government forces and paramilitary groups, about 280,000 people were displaced during 2007. By the beginning of 2008, more than 2,387,000 were displaced in the region as a whole. The death toll in Darfur is estimated to be over 200,000 since the conflict began in 2003.

Since 2004 Amnesty International has repeatedly called for all states to refrain from supplying arms to all parties to the conflict in Darfur until they demonstrate respect for their obligations under international law,

particularly international human rights law and IHL.

In early 2008 a spate of attacks, including on civilians, worsened the already dire human rights and humanitarian situation in certain areas of Darfur. Sudanese government armed forces and allied militia carried out the attacks in order to drive the Justice and Equality Movement (JEM) – itself backed by Chadian military forces and responsible for human rights abuses – out of the Sirba/Jebel Moon area of West Darfur. Chadian armed opposition groups also operated from Darfur with support from the Sudanese government.

Amnesty International has received recent reports of further arms flows into Darfur, particularly of military aircraft and small arms, as evidenced by sightings of jet fighters, attack helicopters and cargo aircraft in the region. In late October 2007 Sudanese soldiers were reportedly seen unloading arms boxes from a large Ilyushin IL76 cargo plane.

In late December 2007 and early January 2008 Antonov 12 and Ilyushin 76 cargo planes were reportedly witnessed on several occasions flying into the West Darfur capital of El Geneina from Khartoum. In January 2008, Amnesty International received another report



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An Antonov 12 unloading a consignment into a Chinese-made military truck at the military apron of El Geneina airport in Darfur, Sudan, 2007.

that additional small arms were being distributed to militia in El Geneina. Sudanese jet fighters, reportedly Chinese Fantans, were also seen above El Geneina.

Fantan jets have been used in aerial attacks conducted by Sudanese government forces, as have Antonov utility aircraft which drop gravity bombs on villages, resulting in indiscriminate killings and injuries, and destruction of civilian property. Antonov aircraft usually carry between 12 and 16 bombs weighing 100kg each. Described as “very basic steel drums full of dynamite”, the bombs are apparently rolled out from the rear load ramp and, when used for aerial attacks on villages, are not precisely targeted. In April 2007, for example, a Sudanese government Antonov bomber and helicopters attacked the village of Umm Rai in North Darfur, hitting a school and killing two people.

In spite of a UN arms embargo on all parties to the conflict in Darfur, which was agreed in March 2005, suppliers have remained plentiful. The Russian Federation and the People’s Republic of China have been the main suppliers of arms to the Sudanese armed forces with Iran and Egypt also prepared to trade. Meanwhile Chad has been a conduit for arms to the Darfur opposition groups.

- The Russian Federation sold 12 Mi-24 attack helicopters to Sudan in 2005 and signed a deal to supply at least 15 Mi-8 helicopters for delivery in 2005 and 2006. Such helicopters

have been persistently used for indiscriminate and direct attacks on civilians in Darfur. In 2004 Russia also exported twelve MiG-29 military fighter jets to Sudan which were seen flying in Darfur in early 2008.

- In 2006 China continued to supply small arms and ammunition to Sudan and also supplied eight K-8 trainer jets to Sudan, each capable of being equipped with a cannon, rockets and bombs for air-to-ground attacks. China also supplied spare parts and training for the Chinese Fantan jets. During 2007 Sudan reportedly began negotiations for the purchase of 12 Chinese FC1 jet fighters.

- Small arms, light weapons and logistical support have been reportedly supplied to JEM from Chad for use against the Sudanese armed forces in Darfur. These helped JEM to capture a wide swathe of land in south-east Darfur in late 2007 and early 2008. Chad has also provided military air support to JEM. Chad receives military support from France, Israel, Libya and Serbia.

The Russian and Chinese governments say that the arms sold to Sudan will not be used in Darfur, though the evidence shows this is not true, while the Chadian government denies allowing the arming of Darfur opposition groups.

RECOMMENDATIONS

UN member states must:

- Ensure a global ATT is effective by including the “Golden rule on human rights and IHL”: states shall not authorize international transfers of arms or ammunition where there is a substantial risk they will be used for serious violations of international human rights law and IHL. Arms transfers should not proceed until such risk has been removed.

- Agree a comprehensive common “control list” of conventional arms and military assistance to include in a global ATT.

- Ensure that the definition of “transfers” in a global ATT is a realistic reflection of the modern international arms trade. A treaty must include all arms movements across borders and all arms transactions associated with potential transfers such as brokering and transport to avoid potential loopholes and weaknesses.

- Include provisions in a global ATT for the strict implementation and enforcement of its provisions and the publication of regular annual reports by states on their arms transfers so there can be much greater democratic oversight of the arms trade.

For further recommendations see the report, “*Blood at the crossroads: Making the case for a global Arms Trade Treaty*”, ACT 30/011/2008.

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THE WORLD IS WATCHING!

The time for an Arms Trade Treaty is now! Sixty years after the signing of the Universal Declaration for Human Rights, the world is watching and demanding that governments deliver an effective agreement on conventional arms transfers to help protect human rights.

Amnesty International's report, *Blood at the Crossroads: Making the case for a global Arms Trade Treaty* (Index: ACT 30/011/2008) uses detailed case studies to illustrate how poor regulation in the arms trade contributes to serious human rights violations around the world and, as a result, greatly undermines global security. The case studies look at conventional arms transfers to Colombia, Cote d'Ivoire, Guatemala, Guinea, Iraq, Myanmar, Somalia, Sudan and Uganda.

ACT NOW!

Thousands of parliamentarians from over 140 countries around the world have signed a petition in support of an ATT.

The Control Arms campaign has launched the Parliamentarians' Declaration, which calls on all governments to move quickly towards the negotiation of an effective ATT that will prevent irresponsible arms transfers and hold governments to their existing obligations. A bold statement by an international group of parliamentarians will add further weight to the Million Faces Petition, in which a million people around the world appealed for states to urgently agree an effective treaty.

Encourage your MP to sign the Declaration. For more information visit <http://www.controlarms.org/en/about-us/parliamentarians-declaration>

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**AMNESTY
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Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories, who campaign on human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. We research, campaign, advocate and mobilize to end abuses of human rights. Amnesty International is independent of any government, political ideology, economic interest or religion.

Our work is largely financed by contributions from our membership and donations.