

AMNESTY INTERNATIONAL CASE STUDIES

August 2015

Arms Trade Treaty: Illustrative cases – Yemen, Sudan and Iraq/Syria

Case 1: Saudi Arabian-led coalition air strikes in Yemen: failure to abide by international law

On 25 March 2015, a Saudi Arabia-led military coalition launched airstrikes against the Huthi armed group's targets and military installations, primarily in Sana'a and Sa'da, and later Aden and elsewhere. The Huthi armed group, a non-state actor, took control of the capital Sana'a in September 2014 and further consolidated its hold on the country in January 2015 by attacking military positions and government buildings in Sana'a, leading President Abd Rabbu Mansour Hadi and his government to resign, making the Huthi armed group the de-facto rulers of the capital and other parts of the country. There is now growing evidence that the Saudi Arabia-led military coalition has failed to take precautions to spare civilian population and objects amid the airstrikes – including possible disproportionate or indiscriminate attacks – on sites around Yemen.

In June-July 2015, Amnesty International researchers investigated eight airstrikes carried out by the Saudi Arabian-led coalition in different parts of Yemen which resulted in scores of deaths and injuries to civilians, and demonstrated a clear failure to abide by the requirements of international humanitarian law.¹

The strikes included:

- A triple strike launched by the coalition against Beit Me'yad, a residential suburb of the capital Sana'a, on 13 June killed 10 civilians – including three children and five women, and injured 28, including 11 children and 10 women – who lived near the intended targets of the strikes. “*We did not move fast enough,*” Mohamed al-'Amiri, who lost four of his children in the strike, told Amnesty International.
- A coalition strike in the Old City of Sana'a destroyed four adjacent houses on 12 June at 2AM, killing the five members of the Abdelqader family who were inside: Hassan Yahya Abdelqader, his wife Ummat al-Malik, his brother Rashad and son Abdullah and his cousin Shawqi.

For full case information and analysis, including extensive testimony from survivors of the strikes, see: [Yemen: Airstrike and weapon analysis shows Saudi Arabia-led forces killed scores of civilians](#)

Arms export to Saudi Arabia

According to IHS Jane's annual Global Defence Trade Report, which excludes munitions and small arms, Saudi Arabia replaced India as the largest importer of defence equipment worldwide in 2014.² In 2014 alone Saudi Arabia spent US\$6.4 billion on defence equipment.

¹ Amnesty International, 2 July 2015, Yemen: Airstrike and weapon analysis shows Saudi Arabia-led forces killed scores of civilians, <https://www.amnesty.org/en/latest/news/2015/07/yemen-airstrike-analysis-shows-saudi-arabia-killed-scores-of-civilians/>

² 'Spending spree: IHS' Second Balance of Trade Report 2014', Ben Moores & Georgios Salapasidis, Senior Analysts, IHS Jane's DS Forecast, 19 March 2015:

<http://www.janes.com/article/35708/spending-spreed-ihs-second-balance-of-trade-report-2014>

IHS data covers deliveries, as well as production, R&D, logistic support, of military goods, excluding munitions and small arms under 57 calibre. According to SIPRI data, which employs a different research methodology, Saudi Arabia is the world's second largest importer of major arms.

Saudi Arabian imports increased by 54% between 2013 and 2014 and, based on planned deliveries, imports will increase by 52% to \$9.8 billion in 2015 – accounting for one out of every seven dollars of global military imports³. Between 2010 and 2014, Saudi Arabia's top five suppliers of major conventional weapons were the **UK**, the **USA**, **France**, **Spain** and **Germany**, according to data compiled by SIPRI.⁴

UK military support for Saudi Arabia

Saudi Arabia has been a major importer of UK weapons since the 1960s. According to SIPRI, in 2013 42% of all UK arms exports went to Saudi Arabia.⁵ The UK government has always been, and remains, very heavily involved in supporting defence contracts with Saudi Arabia. According to the Campaign Against the Arms Trade (CAAT), the UK's logistical support for Saudi Arabia includes the provision of up to 240 UK Ministry of Defence civil servants and military personnel who are based in the country⁶.

US military support for Saudi Arabia

According to a report published in January 2015⁷ by the Congressional Research Service, between October 2010 and October 2014 there were just over US\$90 billion worth of proposed major US defence sales between Washington and Riyadh. The proposed sales include weapons and equipment ranging from APACHE helicopters and Howitzers (artillery) to armoured vehicles, TOW⁸ anti-tank missiles and bombs, as well as training. Saudi Arabia reached a US\$29.4 billion deal with Washington in 2010 for the purchase of 84 new F-15SA fighters and the upgrade of 70 older F-15S fighter jets. The deal also included thousands of bombs to be loaded onto the planes.⁹

Fresh US supplies

In July 2015, the US State Department approved “a possible Foreign Military Sale to the Kingdom of Saudi Arabia for ammunition for the Royal Saudi Land Forces (RSLF) and associated equipment, parts and logistical support for an estimated cost of \$500 million.” The authorization covers high explosives, rockets, propellant charges, detonating fuses and Guided Precision Aerial Delivery Systems (GPADS).¹⁰ Also in July 2015, the State

³ 'Saudi Arabia Replaces India as Largest Defence Market for US, IHS Study Says', 7 March 2015: <http://press.ihs.com/press-release/aerospace-defense-terrorism/saudi-arabia-replaces-india-largest-defence-market-us-ihs->

⁴ Data generated from Importer/exporter trend indicator value (TIV) tables at <http://armstrade.sipri.org/armstrade/page/values.php> SIPRI statistical data on arms transfers relates to actual deliveries of major conventional weapons and does not cover other military equipment such as small arms and light weapons (SALW) other than portable guided missiles such as man-portable air defence systems (MANPADS) and guided anti-tank missiles. Trucks, artillery under 100-mm calibre, ammunition, certain support equipment and components, repair and support services or technology transfers are also not included in the SIPRI Arms Transfer database.

⁵ SIPRI Fact Sheet: 'Trends in International Arms Transfers, 2014', Pieter D. Wezeman and Siemon T. Wezeman, March 2014: <http://books.sipri.org/files/FS/SIPRIFS1403.pdf>

⁶ Campaign Against the Arms Trade, Saudi Arabia country information: <https://www.caat.org.uk/resources/countries/saudi-arabia>

⁷ Congressional Research Service, 'Saudi Arabia: Background and U.S. Relations', Christopher M. Blanchard, 23 January 2015: <http://fas.org/sgp/crs/mideast/RL33533.pdf>

⁸ "Tube-launched, Optically tracked, [Wire-guided](#)"

⁹ 'How U.S. weapons will play a huge role in Saudi Arabia's war in Yemen', Dan Lamothe, Washington Post, 26 March 2015: <https://www.washingtonpost.com/news/checkpoint/wp/2015/03/26/how-u-s-weapons-will-play-a-large-role-in-saudi-arabias-war-in-yemen/>

¹⁰ For a full list, see Defense Security Cooperation Agency press release: http://www.dsca.mil/sites/default/files/mas/saudi_arabia_15-46.pdf

Department approved “a possible Foreign Military Sale” to Saudi Arabia worth an estimated US\$5.4 billion. According to the Department of Defense, the possible sale includes 600 Patriot Advanced Capability-3 (PAC-3) Missiles and associated equipment, parts and logistical support.¹¹ The proposed sale will seeks to “modernize and replenish Saudi Arabia’s current Patriot missile stockpile”.

French supplies

According to Reuters, in June 2015 French Foreign Minister Laurent Fabius announced that France and Saudi Arabia would be signing deals worth US\$12 billion. The deals include 23 Airbus H145 helicopters worth US\$500 million and naval patrol boats.¹²

Amnesty International calls for strict safeguards in the supply of weapons and their use

In line with ATT provisions, Amnesty International is calling on States supplying weapons and ammunition to adopt a preventive approach and apply strict safeguards in order to mitigate and remove the substantial risk of the arms being used to commit or facilitate serious violations of international human rights law and international humanitarian law; States must carry out rigorous risk assessments against strict human rights criteria before authorizing any arms transfer/military assistance; States must also implement robust post-delivery controls on all transfers.

The Saudi Arabia-led military coalition involved directly or indirectly in air strikes or other military operations must refrain from carrying out indiscriminate attacks or direct attacks on civilians, including through the use of unguided air bombardment in densely populated areas.

¹¹ For a full list, see Defense Security Cooperation Agency news release: http://dscs.mil/sites/default/files/mas/saudi_arabia_15-43.pdf

¹² ‘France and Saudi Arabia to sign contracts worth \$12 billion’, John Irish, Reuters: <http://uk.businessinsider.com/france-and-saudi-arabia-to-sign-contracts-worth-12-billion-2015-6?r=US&IR=T#ixzz3j4Qv003x>

Case 2: South Kordofan, Sudan

*“Bombs have fallen in hospitals, schools and foxholes. Little babies and the very old have been killed. In South Kordofan I don’t think that there is anywhere that is safe, and I don’t think there is anyone who is safe.”*¹³ – Ahmed, national relief worker, Kauda, South Kordofan

Since armed conflict began in June 2011 between the Sudanese Government and the Sudan People’s Liberation Movement/Army – North (SPLM/A-N), people living in SPLA-N controlled areas of Sudan’s South Kordofan state have endured an unrelenting campaign of aerial and ground attacks at the hands of the Sudanese Armed Forces which continues unabated.

In May 2015, Amnesty International documented a series of indiscriminate attacks on civilian areas, including hospitals and schools. Sudanese government forces launched aerial bombardments of civilian areas using unguided munitions dropped from Antonov aircraft, MIG and Sukoi fighter jets, along with indiscriminate shelling. Amnesty International has concluded that the violations are of such a nature and scale as to constitute war crimes.

In May 2015 Amnesty International delegates visited the sites of 27 attacks and viewed unexploded munitions, identifying:

- a Soviet RBK-500 aerial bomb, which dispenses 108 AO-2.5RT fragmentation bomblets, found unexploded at the edge of an IDP camp;
- a general purpose bomb of between 400 and 500 kilogrammes visually similar to the BRP-500 Super Retarded aerial bomb manufactured by the Spanish company, Expal with Chinese-manufactured parachute-drag tail assemblies found outside the grounds of the Kauda Rural Hospital; and
- a parachute-retarded aerial bomb of around 500 kilogrammes outside the Kauda Peace High School for Girls.

For full context, see the report: [Sudan: Don’t we matter?: Four years of unrelenting attacks against civilians in Sudan’s South Kordofan State](#) and the blog, [“Where bombs rain terror from the sky while the world looks the other way”](#).

Arms transfers to Sudan: need for a comprehensive embargo

Most weapons and ammunition that have previously been identified on all sides of the conflicts in South Kordofan, Darfur and South Sudan have been predominantly manufactured in the Russian Federation/former Soviet Union and China. Russia, Belarus, Ukraine and China have continued to export arms to the Sudanese government, despite long-standing serious concerns about the reliability of Sudanese end-user certificates, regional proliferation of a wide range of weapons and ammunition and repeated breaches of the UN Security Council arms embargo on the Darfur region.¹⁴

Some of these transfers – likely to be a small fraction¹⁵ – have been recorded with the UN Register on Conventional Weapons:

¹³ Interview with local relief worker, Kauda, 7 May 2015.

¹⁴ Small Arms Survey, Sudan Issue Brief, *Business as Usual: Arms Flows to Darfur 2009-2012*, No. 20, September 2012, <http://www.smallarmssurveysudan.org/fileadmin/docs/issue-briefs/HSBA-IB-20-Arms-flows-to-Darfur-2009-12.pdf>; Claudio Gramizzi and Jérôme Tubiana, *New war, old enemies: Conflict dynamics in South Kordofan*, Human Security Baseline Assessment Working Paper 29, March 2013, <http://www.smallarmssurveysudan.org/fileadmin/docs/working-papers/HSBA-WP29-S.Kordofan.pdf>; Amnesty International, February 2012, Darfur: New weapons from China and Russia fuelling conflict <https://www.amnesty.org/en/latest/news/2012/02/darfur-new-weapons-china-and-russia-fuelling-conflict/>

¹⁵ Sudan does not report to the mechanism, these figures are based on other countries reports of exports; many other countries, including China, also do not routinely register arms transfers.

UN Register on Conventional Weapons exports to Sudan since 2006¹⁶

Russian Federation: 32 attack helicopters; 60 armoured combat vehicles

Ukraine: 90 Battle tanks; 37 armoured combat vehicles; 21 large calibre artillery systems

Belarus: 19 Combat aircraft, 3 attack helicopters, 2 armoured combat vehicles

China has extensive defence cooperation with Sudan and has been reported to be exporting up to US\$35 million a year in military equipment – most recently a deal to export the "Red Arrow" HJ-8 anti-tank missile system.¹⁷

Given the compelling evidence that the arms and ammunition exported to the Sudanese government carry a high risk of being used to commit or facilitate serious human rights violations in Sudan or in neighbouring countries, Amnesty international has consistently called for a comprehensive embargo on all arms transfers to Sudan.

¹⁶ <http://www.un-register.org/HeavyWeapons/Index.aspx>

¹⁷ War is boring, February 2015, Sudan Is Arming Africa and No One Cares, <https://medium.com/war-is-boring/sudan-is-arming-africa-and-no-one-cares-3bf740d47304>
Want China Times, 10 June 2010, Sudan imports China's anti-tank missile and localizes licensed arms, <http://www.wantchinatimes.com/news-subclass-cnt.aspx?id=20150610000145&cid=1101>

Case 3: Small arms proliferation in Iraq/Syria

Iraq and Syria have become emblematic cases in the dangers of the regional proliferation of arms and ammunition. Arms transfers that were initially legitimate are now being used to facilitate summary executions, enforced disappearances, rape and torture by a range of actors including the armed group calling itself the Islamic State (IS), amongst other serious human rights violations. The spread of arms and ammunition has caused untold impact on the civilian population, creating large flows of internally displaced peoples (IDPs) and refugees, impeding access to humanitarian assistance and exacerbating gender-based violence.¹⁸

According to research commissioned by Amnesty International from Armament Research Services¹⁹, the IS is now equipped with large stocks of mainly AK variant rifles, but also US military issue M16, Chinese CQ, German Heckler & Koch G3 and Belgian FN Herstal FAL type rifles. Also observed in the IS arsenal are Austrian Steyr and Russian Dragunov sniper rifles; Russian, Chinese, Iraqi and Belgian machine guns; former Soviet/Yugoslav anti-tank missiles and Russian artillery systems.

The IS has also managed to capture more sophisticated equipment, such as guided anti-tank missiles (Russian Kornet and Metis systems, Chinese Red Arrow, as well as European Milan and Hot missiles), and Chinese FN-6 Manpads – possibly sold by Sudan to Qatar, then transferred via Turkey to non-state armed groups and subsequently captured by IS.²⁰ Some rounds of Russian ammunition used by IS are only seven months old, probably acquired from Syrian army stocks. Field researchers have also documented relatively recent examples of ammunition from Iran and Sudan, with older types from the US, Serbia and China.²¹ There have also been some cases of deliveries to Kurdish forces in Syria going astray when being airdropped. On 19 October 2014 at least one of the 28 loads of small arms and ammunition airdropped by the US air force to Kurdish forces defending Kobane was picked up by the IS²².

While it is impossible to document the chains of custody of arms and ammunition that have ended up in the hands of armed groups across the region, much of this equipment has been simply looted from Iraqi/Syrian military stocks. Given the pattern of serious violations of international humanitarian law (IHL) and human rights law and the dangers of diversion, Amnesty International is calling on States Parties to the ATT supplying the Kurdish Peshmerga forces in Iraq and the People's Protection Units (YPG) of the Syrian Kurdish Democratic Union Party (PYD) to fully comply with Article 7 of the ATT interpreting the concept of potential risk as broadly as possible, looking well beyond the immediate future.

Note: Amnesty International is not calling for an arms cessation to the Kurdish Peshmerga forces, but is calling on all states to cease all transfers of arms, munitions and other military equipment, technology or assistance to the IS and other armed groups responsible for serious

18 For a summary of Amnesty International's findings, see <http://www.amnesty.org.uk/issues/Iraq> and <http://www.amnesty.org.uk/issues/Syria>

19 Armament Research Services, <http://www.armamentresearch.com/>

20 Arms Shipments Seen From Sudan to Syria Rebels, August 2013, http://www.nytimes.com/2013/08/13/world/africa/arms-shipments-seen-from-sudan-to-syria-rebels.html?hp&_r=1

21 Conflict Armament Research, Islamic State Ammunition in Iraq and Syria, October 2014, http://www.conflictarm.com/wp-content/uploads/2014/10/Dispatch_IS_Iraq_Syria_Ammunition.pdf

22 'Isis apparently takes control of US weapons airdrop intended for Kurds', The Guardian: <http://www.theguardian.com/world/2014/oct/22/isis-us-airdrop-weapons-pentagon>

violations of international human rights law and IHL, in line with UN Security Council Resolution 2170 (2014). States must also fully implement the provisions in the ATT's Article 11 on the prevention of diversion, to mitigate the risk of future proliferation, and implement robust post-delivery controls, such as stockpile security and on-the-ground monitoring. While Amnesty International recognizes that pre- and post-delivery controls cannot always guard against battlefield capture, it is still important that States invest heavily in safeguards in order to prevent diversion. As Amnesty International's previous research on the multiple failures of the US-led occupation of Iraq has shown²³, lax controls on stockpile security, arms delivery and post-delivery protocols can lead rapidly to massive proliferation of arms and ammunition.

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²³ Amnesty International, *Blood at the Crossroads*, AI Index: ACT 30/011/2008, pp. 39-62, <https://www.amnesty.org/en/documents/ACT30/011/2008/en/>