

ARMS FOR REPRESSION: WILL THEY BE COVERED BY AN ARMS TRADE TREATY?

SAVING LIVES REQUIRES COMPREHENSIVE SCOPE

AMNESTY
INTERNATIONAL



INTRODUCTION¹

Many of the weapons, munitions, and equipment used for serious violations of human rights, including arbitrary killings and serious injuries, are those deployed or designed for the use of force in internal security operations or in the course of law enforcement. Tragic examples of the misuse of such equipment has been shown recently in Bahrain, Egypt, Libya, Syria, Tunisia, and Yemen, not to mention numerous other countries suffering from brutal acts of internal repression.

Thus, as States continue their preliminary talks in the United Nations about the contents of the future Arms Trade Treaty (ATT), to be negotiated at the UN Conference in June 2012, it is important for them to ensure that the scope of the ATT is comprehensive and will require States to control all types of conventional arms so the Treaty is fit for purpose.

Conventional arms are often used for internal repression as well as armed conflict. This fact is now widely recognised by the international community when common standards are set to control the international trade and transfer of such arms, and sometimes when decisions are made to impose arms embargoes. However, apart from most UN arms embargoes and the UN Firearms Protocol², the international standards to regulate this trade and these transfers have not been legally binding. Now at last after many years of deliberation, there is a chance in the UN to establish a global ATT setting out commonly-agreed rules for strict national regulation and international monitoring. So it is vital that the scope of the Treaty includes all relevant types of weapons, munitions, armaments and related material/items, including the conventional arms used in internal security operations that can result in death and serious injury.

However, during the preliminary deliberations of States on the ATT, it became apparent that there is a real danger that governments may exclude from its scope certain types of weapons, munitions, armaments and related equipment used by military, security and police forces for potentially lethal force in internal security operations. If such exclusions are allowed to happen, it would leave gaping holes to be exploited by unscrupulous arms traders and thus undermine the credibility of the Treaty and its potential positive impact.

During the ATT talks in 2010, some governments promoted a “7+1” proposal to define the scope of conventional arms to be covered by the ATT. The “7+1” approach refers to the seven categories of offensive arms in the UN Register of Conventional Arms plus small arms and light weapons³. This approach was widely criticised and has now been dropped, which Amnesty International welcomed, from the current Chairman’s Draft Paper of 3 March 2011 in favour of a more generic list: “[for] the purposes of this Treaty, conventional arms shall include any items which fall within the following categories:

1 Amnesty International would like to express its gratitude to the Omega Research Foundation for its contribution to the research in this briefing.

2 Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition which supplements the United Nations Convention against Transnational Organized Crime; It aims to promote, facilitate and strengthen cooperation among States Parties to reduce trafficking in firearms by setting out a comprehensive framework for regulation and monitoring.

3. The UN Register categories are: Battle tanks, Armoured combat vehicles, Large-calibre artillery systems, Combat aircraft, Attack helicopters, Warships, Missiles and Missile launchers.

- a. Tanks
- b. Military Vehicles
- c. Artillery Systems
- d. Military Aircraft (manned or unmanned)
- e. Military Helicopters (manned or unmanned)
- f. Naval Vessels (surface and submarine vessels armed or equipped for military use)
- g. Missiles and Missile Systems (guided or unguided)
- h. Small Arms
- i. Light Weapons
- j. Ammunition for use with weapons defined in subparagraphs (a)-(i)
- k. Part or Component specially and exclusively designed for any of the categories in subparagraphs (a)-(k)
- l. Technology and Equipment specifically and exclusively designed and used to develop, manufacture, or maintain any of the categories in subparagraph (a)-(k)."

Unfortunately, these 12 categories cover the types of equipment used mainly by military forces in warfare, leaving out equipment used by military, security and police forces for potentially lethal internal security operations, as well as some types of military equipment that do not neatly fall under these 12 categories.

There has long been a blurring between operations, equipment and even personnel of military, paramilitary, police and security forces. This is reflected, for example, in the overlap between international humanitarian law (IHL) covering the conduct of combatants during armed conflict and international human rights law (IHRL) covering the conduct of military, security and police forces in all situations and which, amongst other things, prohibits arbitrary killings and injuries. IHRL also applies during times of armed conflict and is not displaced by the application of IHL. The two bodies of law operate concurrently and at times human rights law can be directly applied in situations of armed conflict.⁴

Internal security forces are using military equipment such as submachine guns, assault rifles and armoured personnel carriers while military forces sometimes deploy policing equipment, including "less-lethal" weaponry that in fact can kill and seriously injure. Military forces are often deployed for law enforcement purposes and police or State paramilitary forces are sometimes used during armed conflict. It is important that they should, in such circumstances, act in accordance with international law enforcement standards on the use of force, especially as regards lethal force. The organisation and responsibilities of these forces can vary from country to country but all must

⁴ The International Court of Justice (ICJ) has stated that, "some rights may be exclusively matters of international humanitarian law; others may be exclusively matters of human rights law; yet others may be matters of both these branches of international law." ICJ, "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory", Advisory Opinion, 9 July 2004:106.

be consistent with international standards. Two such standards are the UN Basic Principles on the Use of Force and Firearms and the Code of Conduct for Law Enforcement Officials.

The recent events in the Middle East and North Africa have shown how a wide range of conventional military and security equipment can be persistently misused for excessive or unlawful use of force often with lethal consequences. They can also be misused for other serious violations of human rights, such as to facilitate arbitrary arrests and detention, and violate the right to freedom of expression and assembly.

An effective ATT is not a weapons-ban treaty, but must ensure that States rigorously control the export, import and international transfer of all types of conventional arms designed, modified or adapted for the deployment of potentially lethal force. This is essential to prevent such transfers being used for serious violations of IHRL or IHL, or from being diverted to the illicit trade, illegal market or unlawful end users.

This briefing paper is divided into two main parts. The first part includes Amnesty International's proposal for the inclusion of the scope of equipment into an ATT including an indicative list of the conventional arms and a summary definition. Illustrative examples in the second part of this briefing show some types of conventional arms that may, inadvertently, be excluded from the scope of the ATT if the current draft list being discussed is eventually adopted. Failure to properly subject the international trade and transfer of such arms to commonly agreed standards of regulation would undermine key purposes of the Treaty.

THE PROPOSED SCOPE OF EQUIPMENT

Defining conventional arms for an effective ATT will require each State Party to develop a comprehensive control list of conventional arms for national regulations on the import, export and international transfer of such arms. The following definition should be included in the Treaty:

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.

In addition, the generic descriptions below should be included as an indicative list in an annex to the Treaty and be regularly updated to guide each State Party in the establishment of its national arms control list. At a minimum, and notwithstanding any existing more detailed control lists that are already mandatory elements for any State Party, the Treaty should apply to the following generic descriptions of conventional arms, as follows:

1. Rifles, carbines, shot-guns, revolvers and pistols, machine guns, and other weapons, including bayonets, intended for use by an individual, and parts and accessories thereof.
2. Projectile weapons or directed energy weapons of all kinds, including guns, recoilless rifles, howitzers, heavy machine guns, grenade launchers, military flame-throwers, artillery systems, mortars, multiple launch rocket systems, man-portable air-defence systems (MANPADS) and launch platforms for all of these weapons, parts and accessories thereof.
3. Missiles and missile launchers of all kinds, parts and accessories thereof.
4. Ammunition and ordnance of all kinds, including ammunition and munitions for use with any weapon, item or technology included in this list; other bombs, rockets, grenades, missiles, mines and torpedoes; and fuze-setting devices designed for any ammunition or ordnance included in this list.
5. Explosives, gases, propellants and demolition charges, "pyrotechnics", fuels and related substances, oxidizers and "precursors", designed for military or law enforcement purposes;
6. Incendiary, smoke-producing, riot control and incapacitating agents and gases designed for military or law enforcement purposes, as well as other chemical and biological toxic agents.
7. Tanks, armoured combat vehicles and other ground vehicles, and parts and components thereof, designed or modified for military or law enforcement purposes.
8. Aircraft of all kinds, including combat aircraft, attack helicopters, unmanned aerial vehicles (UAVs), transport, reconnaissance and surveillance and general utility aircraft, and parts and components thereof, designed or modified for military or law enforcement purposes.
9. Ships and other vessels, surface or underwater of all kinds, special naval equipment, and

parts and components thereof, designed or modified for military or law enforcement purposes.

10. Armoured equipment, and parts and components thereof, designed or modified for military or law enforcement purposes.

11. Communications, sensing, imaging, optical, fire-control, battle management and countermeasure equipment, stealth technologies, and parts and components thereof, designed or modified for military or law enforcement purposes.

12. Production equipment, specialised equipment for training, simulators and simulation equipment, components, spares, accessories, technology, and software designed or modified for the production, maintenance, training or use of any weapon, item or technology included in the above list.

OTHER ARTICLES DESIGNED. MODIFIED OR ADAPTED FOR THE USE OF FORCE IN MILITARY OR LAW ENFORCEMENT OPERATIONS:

13. States are encouraged to take appropriate measures to ensure that their national regulations require authorization for the import, export or international transfer of items not included in the categories above, but which are intended for the use of force in military or law enforcement operations in destinations or by end-users subject to a binding United Nations Security Council arms embargo, or any other relevant regional arms embargo either binding on a Participating State or to which a Participating State has consented to adhere.

EXAMPLES OF GREY AREAS

FIREARMS

Some States have called for the exclusion of hunting or sporting rifles and handguns from the terms of the Treaty, while other States have suggested that the international movement of such weapons must be controlled because they are used in criminal violence. However, some hunting rifles have capabilities akin to those of military rifles.

Any special provisions for such weapons should be strictly limited to individual items including the firearms, parts and components and ammunition for the temporary transfers by private individuals for verifiable lawful purposes to certified sporting or hunting events or locations. Otherwise such firearms should be covered by the category of small arms under the Treaty.

For example, would the current category of small arms cover semi automatic shotguns like these below, which can be used in law enforcement or by armed groups and gangs?



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The photograph above shows Turkish semi-automatic police and hunting shotguns.



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Above, the image shows Fabarm shotguns on display at IWA 2004, Nurnberg, Germany. Showing three models of shotgun: top a traditional hunting shotgun, middle a camouflaged gun for hunting; and bottom with shortened barrel, and enhanced sights for police use.

GRENADE LAUNCHERS

Grenade launchers are widely used by the military and police, and can fire a wide range of both lethal and specialist ammunition and projectiles. Common calibres are 40mm and 56mm (shown below). Most launchers are carried like conventional weapons (single or multiple shot) – others are ground launched or vehicle launched systems with multiple barrels providing very rapid fire.



40mm Grenade Launcher on the ST Kinetic Stand at the AAD exhibition in 2010, South Africa.

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© REUTERS/Luc Gnago

Guinean security forces stand in the yard of a police station at Belle-vue in Conakry, Guinea, October 2009. The man in the centre is holding a Cougar 56mm anti-riot grenade launcher.



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The image above shows 56mm Cougar and Chouka grenade launchers on display at the Eurosatory arms exhibition in 2006.

MUNITIONS AND AMMUNITION

At present the category of ammunition refers to all the 12 types of equipment described in the Chairman's Draft Paper of 3 March 2011 from (a) to (k). However, this category is at risk of being removed by a few States, most notably the USA. US officials have claimed that it will be too difficult to report on all international trade and transfers of ammunition because of the billions of cartridges shipped. However, the US already regulates the export and import of ammunition, and provides reports of US international trade of ammunition. For Amnesty International, the inclusion of ammunition and indeed all munitions are central to the definition of scope of the ATT because the strict regulation of these dangerous items is needed to prevent serious violations of human rights.



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On the left, a cartridge casing from a bullet for a Kalashnikov-type assault rifle. This was found at Conakry stadium on 28 September 2009, Guinea, in late 2009. Its markings suggest that it was manufactured in 2006. Guinean internal security forces had inflicted acts of excessive force and unlawful violence, including sexual violence, and other gross violations of human rights against a group of unarmed civil society organisations and political parties peacefully protesting. In the space of a few hours, more than 150 people were killed by live ammunition or bladed weapons and more than 1500 people were wounded.

Munitions and ammunitions are extensive categories and should include munitions and ammunition of all kinds, which means, for example:

Hand grenades

These could include the more obvious explosive grenades such as fragmentation grenades, as well as tear gas grenades, rubber grenades, flash and sound (stun) grenades, for example.

Kinetic impact projectiles

An increasing variety of projectiles have been introduced by military and police over the past decade. Kinetic impact projectiles can be hand thrown or weapon-launched by equipment including (but not exclusive to): 12-gauge shotguns, launching “cups” or attachments for assault rifles and shotguns, or from grenade launchers (calibres including 37/38mm, 40mm and 56mm).

Rubber coated steel bullets, plastic baton rounds, and solid rubber baton rounds are potentially lethal weapons that also have the capacity to inflict cruel and inhuman suffering. Amnesty International is concerned that credible reports from different parts of the world point to security forces using baton rounds, commonly referred to as rubber bullets, as weapons of first resort, rather than as the last step before the use of live ammunition.



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Amnesty international identified some of the ammunition including these ‘solid rubber batons’ rounds shown above, which were collected by people in the aftermath of a lethal raid by riot police early on 17 February 2011 in Manama, Bahrain. The organisation found damning evidence

of excessive use of force by riot police and soldiers against peaceful protesters and medics during the violent crackdown.



On the left, a 12-Gauge shotgun fired Fin Stabilized Round manufactured by Defense Technology, USA.

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On the left, a 12-gauge AM-403/P (Precision Rubber Projectile) 'controlled impact ammunition' on display on the Condor Non Lethal Technologies stand at the Eurosatory 2010 arms exhibition, Paris, 15th June 2010.

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Whilst such projectiles are promoted as being less lethal than conventional ammunition – and may appear benign, experience from around the world shows that such ammunition often results in deaths and serious injuries as well as widespread human rights violations including excessive force.

Shotgun ammunition

Similarly, Amnesty International has documented the use of a lethal type of shotgun ammunition, commonly referred to as buckshot, by security forces, most recently in Bahrain and Egypt. Each shot-shell or shotgun cartridge contains numerous pellets depending on the size of the projectiles. Such shotgun ammunition is also widely used for hunting.

This photo below 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 six metres when he was 300 metres from Al-Zera'yin Square, Egypt.



© Private

Buckshot causes major trauma and fatalities if fired at close range; when fired from longer range, the pellets spread out in flight covering a wide area so are likely to hit more than the intended target. Used in this manner, there is a likelihood of the pellets hitting particularly vulnerable parts of the body, such as the face, eyes, and throat, causing widespread, deep, penetrative wounds. In fact, according to medical professionals and corroborated by Amnesty International's own research, one of the most common injuries during the use of unwarranted force during protests in Egypt was buckshot wounds to the eyes, often leading to permanent loss of vision

The photo below shows injuries that appear to be from buckshot and the impact of a tear gas canister:



A supporter of Venezuelan President Hugo Chavez (R) shows wounds inflicted during a protest in Caracas July 31, 2002. Venezuelan riot police fired tear gas and used water canons to disperse President Hugo Chavez's supporters and foes clashed outside the Supreme Court ahead of an expected ruling on four alleged military coup plotters.

© REUTERS/Chico Sanchez CS

Tear Gas

Tear gas is the generic name for a number of chemical irritants designed to temporarily incapacitate an individual. Tear gas has been used extensively by security forces against protesters in the Middle East and North Africa in recent months. The potentially harmful and lethal effects of tear gas are underestimated. Amnesty International has raised concerns over many years about how often tear gas is used to suppress the rights of peaceful protesters. It can cause long term injuries on individuals and some people have died as a result of tear gas being misused, especially in confined spaces.



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A CS Smoke Projectile

The top third of Triple Chaser tear gas grenade.

Tear gas and other chemical irritants are promoted as alternatives to the use of lethal force by law enforcement officials. However, human rights organisations have documented cases of the use of tear gas in conjunction with firearms as a force multiplier, making lethal force more deadly.

The use of riot control agents as a method of warfare is expressly prohibited under the Chemical Weapons Convention, although there have been suspected uses of tear gas in military conflict in the last 10 years.

Riot control and incapacitating agents – the ‘ingredients’ of tear gas and riot control munitions - should be also covered in a specific category under the ATT that will include chemical and biological toxic agents.

PROJECTILE ELECTRICAL WEAPONS

Projectile electrical weapons include a range of incapacitating electro-shock weapons, the most widespread of which is the Taser ® These include shotguns, as shown below: the Taser X12 Shotgun photographed at Shot Show 2010, 20th January 2010, a weapon that fires a 12 gauge electrical projectile.



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Below, a Taser X26 on display on stand of Taser's Austrian distributor, Semex, at the IWA 2007 exhibition, Germany. It fires two darts up to 35 feet, incapacitating the subject with an electric current. Taser X26s are manufactured by Taser International, USA.



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Taser is a brand name but it has become synonymous with electro-shock weaponry. There are other similar electro-shock devices manufactured. Many police agencies claim that Tasers or similar electro-shock projectile “stand off” weapons have the potential to save lives or avoid serious injury in cases where police officers might otherwise resort to firearms or other forms of deadly force. Whilst it self-evident that Tasers are less-lethal or injurious than firearms, nevertheless the trade, transfer and use of such weapons all need to be strictly regulated. Amnesty International has found that over 400 individuals in the USA have died after being shocked by police Tasers since June 2001 and there are many other instances of serious abuse.

MILITARY AND SECURITY VEHICLES

The list above from the Chairman’s Draft Paper includes the categories of “tanks” and “military vehicles”. A “tank” is a very specific category of armament with an integrated gun. The widely used terms “armoured combat vehicles”, “armoured personnel carriers” and “infantry fighting vehicles” should all be covered by the category of “military vehicles”.

Armoured personnel carriers (APC) are used to transport infantry or other military or security personnel. These should be covered by the category of military vehicles in the current Chairman’s Draft Paper of 3 March 2011. However, It is crucial that all types of military and security vehicles, including those used to transport armed or security personnel, be covered by an ATT, and regardless of whether the vehicles are or are not fitted with a weapon system (armament), gun ports and turrets like the two examples below:



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Above, the photograph shows a Land Rover Defender 110 Armoured Personnel Carrier (Note the weapon mounting on roof).

Below, a Renault 6x6 VBMO armoured personnel carrier in police colours photographed on the Renault Trucks Defense stand at the Milipol 2005 exhibition, Paris, France.



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NMS International's website.

The blue armoured crowd control vehicle shown above has firing ports and an anti-personnel barrier. Identical looking vehicles were in use recently by security forces in a brutal crackdown on protestors in Libya.

Riot or Crowd Control Vehicles

However, the category “military vehicles” is by itself insufficient since it is unlikely to cover vehicles designed or modified for law enforcement purposes such as riot or crowd control vehicles, which are often armour plated, and may even include integrated weapon systems,

although not designed specifically as military vehicles. These types of vehicles are frequently used by military and paramilitary forces and may be used to facilitate serious violations of human rights.



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Above, the photograph shows a Ural 532365 'Lavina-Urugal' riot vehicle with two water cannons and a grenade launcher, displayed at the Interpolitex 2006 exhibition.

Water Cannons



© Peter Macdiarmid/Getty Images

Above, the photograph shows riot police firing water cannons at protestors attempting to cross the Kasr Al Nile Bridge on 28 January 2011 in downtown Cairo, Egypt.



© REUTERS/James Akena

Above, the photograph shows police spraying Ugandan opposition party leaders with coloured water during demonstrations in the capital Kampala, 10 May 2011. President Yoweri Museveni vowed to crush the protests and blamed rising food and fuel costs on drought and global increases in oil prices.

Water cannons are used to disperse protestors and can sometimes be used for excessive force. They are deployed with riot police or security forces along with other types of internal security and military equipment. The water from such vehicles can be laced with coloured dye or paint to identify protestors, or with powerful chemical irritants.

Communications, reconnaissance and recovery vehicles

These types of vehicles are regularly used by armed forces and security forces. They can be adapted from commercial vehicle parts, like the military communications vehicle shown below.



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The photograph above shows a Libyan armed forces communications vehicle, built on a Land Rover 'Defender' chassis, present at the Lavex 2006 exhibition in Mitiga, Libya, December 2006.

MILITARY AND SECURITY AIRCRAFT

Remote-controlled drones have been used extensively for targeted killings of individuals, especially in the context of the 'war on terrorism'. The ambiguity and secrecy around the use of drones to kill "high value targets" has been criticised by the former UN Special Rapporteur on extrajudicial, summary or arbitrary executions. Amnesty International has documented their use, guiding attacks by manned aircraft, in grave breaches of international humanitarian law, including attacks on civilian targets, in conflicts in Africa and the Middle East.

Under the current Chairman's Draft Paper on the ATT, the categories d) Military Aircraft and e) Military Helicopters include both manned and unmanned aircraft and helicopters. But will these also include unarmed UAVs such as the one below?



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Hermes 450 tactical long endurance UAV exhibited at Farnborough International 2006. It is used for reconnaissance, intelligence and surveillance. The Hermes 450 is equipped with a communications system that transfers images in real time to ground stations. The use of drones for surveillance in law enforcement is likely to increase in the future.

Will an ATT category “Military Aircraft” cover the transfer of military transport aircraft as well as the transfer of cargo aircraft that are known to be for use in military transport? It should also be noted that in several recent conflicts, Amnesty International has documented the use of military transport aircraft not just for the transport of arms and military personnel, but also for aerial bombing in which civilian areas have been indiscriminately bombarded.



This photograph shows containers being offloaded by Sudanese army soldiers from an Antonov 12 military transport aircraft onto military trucks at the military apron of an airport subject to a UN arms embargo. Antonov 12 are used for both military and civilian cargoes, and some are operated by armed forces or by arms trafficking companies.

© Amnesty International/IPIS



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The photograph above shows an Antonov-26 military aircraft, a type of aircraft that has been used for aerial bombing. A UN panel of experts reported to have documentary evidence of an Antonov-26 with a military registration number and concluded in 2006 that the Government of the Sudan “is in possession of white aircraft but gave false and misleading information to the United Nations”¹ and “continues to use unmarked white fixed-wing aircraft for aerial reconnaissance missions and hostile or offensive military overflights.”¹ After this UN report Amnesty International also received eyewitness reports that an all-white Antonov-26 with a Sudanese Air Force registration number was still operating and was spotted at several locations in Darfur including parked near an assortment of bombs.



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The photograph above shows a Mi-8 Military transport helicopter marked with Libyan Air Force roundel, photographed at the Lavex 2006 exhibition, Mitiga airbase, Libya, December 2006.

Amnesty International has also documented the use of unarmed military transport helicopters to fire on civilians with small arms and to ferry troops.

DIRECTED ENERGY WEAPONS

Directed energy weapons include the following types: long range acoustic devices [LRAD], high powered lasers, Active Denial System [ADS] (a millimetre wave system) and high powered microwave weapons [HPM].

This category of weapons, whilst relatively recently fielded by military and police forces, is of growing importance, with a number of soon to be fielded systems and many in development.



The image on the left shows a High Power Microwave (HPM) system for the disruption or destruction of any kind of electronic equipment. Although designed to disrupt vehicle electronics, it will also disrupt any electrical / electronic device implanted in a human (eg pacemakers etc)

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Below, a Long-Range Acoustic Device (LRAD) mounted on Dong Feng military truck displayed at China Police 2008 in Beijing, China. Whilst promoted as an acoustic hailing device, it can emit a 'warning tone', potentially causing long term hearing damage and used as a weapon.



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High power laser systems are increasingly being fielded by military and police forces. Mounted along with weapon sights they are often promoted as "hail and warning" or disorientation devices. However they can cause blindness if shone into the eyes at short range.



© Randy Montoya

Sandia researchers fine-tune the small-sized Active Denial System. This weapon, designated as “less-lethal”, heats the skin of the target as long as they are in the beam, and is designed to dissuade a target. However, if a target is unable to move out of the beam, or the beam is continuously targeted, severe pain and possible burn injuries will result.

COMMUNICATIONS EQUIPMENT AND SOFTWARE TECHNOLOGY

Surveillance and command, control, communication and intelligence technologies cover a wide range of components, sub-systems, products and software. They are used by military, law enforcement, as well as emergency services, commercial and private organisations. Such systems have legitimate military, police and civilian uses. Therefore, Amnesty International does not oppose the transfer of surveillance and command and control technologies in general, but such technologies have inherent capabilities that facilitate human rights abuses by security forces in repressive countries, and so their trade must be strictly controlled.



© Eyreland



TADIR company brochure

Above on the left, the the ALLISS, advanced integrated short-wave high power radio broadcasting system, which can be used for signal jamming.

On the right, a thermal imaging sensor which can be used in different applications such as attack helicopter targeting systems and helicopter night piloting systems.

The Landscape of the Communications Battlefield:



L-3 Communications Holdings, Inc's website

All communications, sensing, imaging, optical, fire-control, battle management and countermeasure equipment, stealth technologies, and parts and components thereof, designed or modified for military or law enforcement purposes should be included in the scope of the ATT.

KEY ACTIVITIES UNDER THE SCOPE OF THE ATT

This briefing looks at some crucial issues regarding the scope of material to be covered by the ATT. It does not deal in any detail with the definitions of key activities that need to be regulated such as “international trade”, “international transfers”, “transactions” and “services”.

Amnesty International welcomes States’ efforts at the UN during the preparatory committee meetings to attempt a broad definition of an international transfer of arms to include imports, exports, re-exports, transits and transshipments as well as the transport of arms. There is already consensus amongst States that the ATT will not apply to the regulation of the movement or possession of conventional arms within the territory of a State Party. However, the definitions in the draft annex of the Chairman’s Draft Paper of 3 March 2011 need further coherence. There are several terms that require concise meanings in order to capture all aspects of the different types of transfers, transactions and services.

All types of international transfers, trade and associated transactions involving the international movement of conventional arms from one territorial jurisdiction to another should be included. This means not only the physical movement of arms through exports, imports and transfers (as agreed in the UNGA resolutions on the ATT), but also variants of this such as re-exports, re-imports, transshipments, transits, temporary transfers, as well as those particular transactions and services that will facilitate an international movement of conventional arms from one jurisdiction to another and result in any change of title and/or control of the arms through international sales, gifts, loans, leases, brokering, transport, storage, security, finance and foreign licensing of production of arms.

The definitions and provisions of the ATT should at least reflect existing best practice standards on arms export control and are consistent with the overwhelming majority of current national law.

GLOBAL PRINCIPLES FOR THE ARMS TRADE TREATY

Governments must be held to account

The Treaty must be consistent with States’ legal obligations and other responsibilities. States must ensure that an international trade or transfer of conventional arms will not be permitted if there is substantial risk that it:

- will be used to violate UN Charter obligations, including UN arms embargoes
- will be used to commit or facilitate serious violations of international human rights law or international humanitarian law;
- or to commit acts of genocide or other crimes against humanity;
- or to facilitate terrorist attacks;
- or to facilitate a pattern of gender-based violence, violent crime or organised crime;

- or to adversely affect regional security; or to seriously impair poverty reduction or socioeconomic development; or involve corrupt practices; and,
- is likely to be diverted for any of the above.

The Treaty must be all-inclusive

- It must include 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;
- It must require some form of regulation of all types of international trade and transfer involving the international movement of conventional arms from one territorial jurisdiction to another including import, export, re-exports, re-imports, transshipments, transits, temporary transfers; and,
- It must include those transactions and services that will facilitate an international movement of conventional arms from one jurisdiction to another and result in any change of title and/or control of the arms through international sales, gifts, loans, leases, brokering, transport, storage, security, finance and foreign licensing of production of arms.

The Treaty must be workable and enforceable

- It must provide standards for full, clear implementation including elements for national authorisation and licensing systems, and criminal and administrative sanctions;
- It must ensure transparency – including full annual reports;
- It must have an effective mechanism to monitor compliance; and,
- It must ensure accountability – with provisions for adjudication, dispute settlement and periodic review of the Treaty.

And it must include a comprehensive framework for international cooperation and assistance.