



# ARMS SALES

© Mandel Ngan / AFP via Getty Images

The United States of America is the world's largest exporter of arms –arms buyers, many of them allies, hold U.S. technology in high regard - the gold standard against which all other countries are judged. Similarly, many around the world consider the U.S. export control regime as one of the most careful, responsible and transparent among arms exporting countries. As a leader in this realm and in many others, the U.S. has an outsized responsibility to ensure that weapons transfers aren't used to violate human rights - While U.S. capacity to lead provides an opportunity, the inappropriate use of U.S. weapons can cause a serious risk.

In Yemen, the Saudi-led coalition, locked in a years-long conflict with Huthi rebels, has conducted countless airstrikes. Their armament of choice includes numerous precision-guided munitions manufactured in the U.S. and exported to Saudi Arabia with the U.S. government's blessing. Among these airstrikes, the world has witnessed the Saudi Arabia Air Force strike a school bus with 51 civilians (49 of them children) with an U.S.-made MK-82 precision guided munition. We've seen a funeral hall bombed, leaving 150 dead and 600 injured. A strike in the capital, San'aa, killed 16 civilians. These are among the many incidents where there is tangible evidence the coalition used U.S.-made missiles. The aftermath of these, and many other similar incidents, paints a damning picture for the vaunted U.S. arms export control regime.

Yemen is just one example, though. We see arms sold to Philippines president Rodrigo Duterte, who has committed thousands of extrajudicial executions in his campaign against so-called "drug dealers" – the "disappeared" are people's sons, daughters, fathers, and mothers. In Africa, we see continued U.S. security assistance, despite evidence of impunity for extrajudicial executions and other human rights violations in Cameroon, Ethiopia, Eritrea, Nigeria and Mali. In public, U.S. government officials decry these violations and call for accountability - but when it comes to arms sales, the world can see that money matters more than justice.

Amnesty International is calling for bans on arms sales to a number of countries - many are specified, along with the evidentiary basis for our recommendation - in the attached briefs. But we are also calling for a deep reform of the system that allowed these exports to move forward in the first place. Until our standards are met – that the U.S. not supply arms to human rights violators, a standard enshrined in both law and stated policy – the U.S. government cannot lay claim to the moral high ground on the world stage, and will not be fulfilling its obligations as the world's leading military power.

This isn't a niche issue. A Department of State OIG report, released in Spring 2020, lays bare the deficiencies in the U.S. arms export control regime. It claims the Department of State failed to properly take human rights concerns into account in approving an "emergency" arms sale to Saudi Arabia.

# SAUDI-UAE ARMS SALES

## INTERNATIONAL

### THE ISSUE

The U.S. must end its complicity in the Saudi-UAE led coalitions violations in Yemen, some of which amount to war crimes, by banning arms sales to the coalition.

The discovery of U.S. munitions amongst the rubble of civilian markets, homes, hospitals and hotels has been a constant throughout Yemen's devastating war. Amnesty International has repeatedly found evidence that U.S.-made munitions have been used by coalition forces to target civilians. The evidence is overwhelming: investigations by United Nations bodies, media outlets and numerous other human rights organizations have reached similar conclusions. In one example from August 2017, a U.S. manufactured bomb was dropped in a residential area, leading to 16 civilian deaths in Yemen's largest city, Sana'a. As a result of the airstrike, five-year-old Buthaina was the sole survivor in her family; the bomb killed her parents and five siblings.

Although a host of European countries have suspended arms transfers to the coalition, the U.S. government continues to provide it with military support and arms sales. U.S. manufactured arms have also been diverted into the hands of Huthi and other armed groups fighting in Yemen. U.S. military support has included:

- Mid-air refueling support that facilitated airstrikes, including on civilian infrastructure
- Logistical support and assistance identifying targets for aerial bombardment
- Sale of 30 F-15 fourth-generation fighter jets, 84 combat helicopters, 110 air-to-surface cruise missiles and nearly 20,000 guided bombs.

All warring parties have openly flaunted international law, causing massive civilian casualties. Amnesty International has documented 36 airstrikes across six different governorates by the coalition that appear to have violated international law. These airstrikes have claimed more than 500 civilian lives and appear to have deliberately targeted civilian infrastructure such as hospitals, schools, markets, and mosques.

### TALKING POINTS

- In 2015, Saudi Arabia and eight other states – backed by the U.S., U.K., and France – began airstrikes against a rebel group known as the Huthis in Yemen. The fighting has resulted in a humanitarian crisis of historic proportions.
- 22 million Yemenis must rely on humanitarian assistance to survive and half that number are at risk of famine.
- 400,000 children are at risk of starving to death.
- According to the World Health Organization, Yemen is struggling to contain the worst cholera outbreak in the world.
- A blockade of Yemen's ports of entry by the Saudi-U.A.E. led coalition has restricted aid from

entering the country, triggering a famine which threatens the lives of 12 million people.

## **RECOMMENDATIONS**

- The United States must immediately suspend weapons sales to Saudi Arabia and the UAE.
- The President must call on the State Department to produce a report on violations of international law by all actors in the Yemen conflict and a separate report on human rights in Saudi Arabia.

**FOR MORE INFORMATION, PLEASE CONTACT:**

**Philippe Nassif**  
**Advocacy Director, Middle East & North Africa**  
**(202) 5768-6647**  
**[PNassif@aiusa.org](mailto:PNassif@aiusa.org)**

# ARMS EXPORT BANS

## INTERNATIONAL

### THE ISSUE

The United States of America is the world's largest exporter of arms – its customers, many of them allies, hold U.S. technology in high regard - the gold standard against which all other countries are judged. Similarly, many around the world consider the U.S. export control regime as one of the most careful, responsible and transparent among arms exporting countries. As a leader in this realm and in many others, the U.S. has an outsized responsibility to ensure that weapons transfers aren't used to violate human rights.

Amnesty International is calling for an end to arms sales to a number of countries - many are specified, along with the evidentiary basis for our recommendation - in the attached briefs. But we are also calling for a deep reform of the system that allowed these exports to move forward in the first place.

This isn't a niche issue. A Department of State OIG report, released in Spring 2020, lays bare the deficiencies in the U.S. arms export control regime. It claims the Department. of State failed to properly take human rights concerns into account in approving an "emergency" arms sale to Saudi Arabia.

In **Yemen**, the Saudi Arabia and UAE-led coalition, locked in a years-long conflict with Huthi rebels, have conducted countless airstrikes. Their armament of choice includes numerous precision-guided munitions manufactured in the U.S. and exported to Saudi Arabia and the UAE with the U.S. government's blessing. Among these airstrikes, the world has witnessed the Saudi Arabia Air Force strike a school bus with 51 civilians (49 of them children) with U.S.-made MK-82 precision guided munitions. The aftermath of these, and many other similar incidents, paints a damning picture for the vaunted U.S. arms export control regime.

Yemen is just one example, though. We see arms sold to Philippines president Rodrigo Duterte, who is responsible for thousands of extrajudicial executions in his campaign against so-called "drug dealers" - these are people's sons, daughters, fathers, and mothers.

In **Israel**, Amnesty International has been calling on all states to impose a comprehensive arms embargo on Israel, as well as on Palestinian armed groups, with the aim of preventing violations of international humanitarian and human rights law by all sides.

In **Cameroon**, the security forces have been linked to widespread and egregious human rights violations in the government's counter insurgency against the armed group Boko Haram in the Far North region and in response to unrest in anglophone South West and North West regions. Violations have included torture, extrajudicial executions, and arbitrary detention, all committed with near blanket impunity.

In **Ethiopia**, the security forces under the administration of Prime Minister Abiy and his two predecessors: Hailemariam Desalegn and Meles Zenawi were responsible for extrajudicial executions, arbitrary detention and regularly used excessive force to break up nonviolent protests organized by members of the Oromo and Amhara communities as well as other ethnic groups. All three

administrations have yet to establish accountability for the abuses dating back to 2012.

**Nigeria's** police and military have committed systematic and systemic human rights violations with impunity dating back to before the start of the 4th Republic in 1999. Abuses include extrajudicial executions, torture, disappearances, the bombing of camps for refugees and internally displaced persons, the use of child soldiers, detention of children, rape and sexual assault, and wholesale destruction of property and livelihoods. Despite reports from over a dozen government investigations into abuses by security forces, none of the recommendations from any of the investigations have been enacted, reports from several investigations have never been published, and no command officers have ever been held accountable.

Prior to the coup d'état by the military on August 18, overall security in Mali was already deteriorating badly, with intercommunal conflict spreading. In response to attacks from armed groups, the Malian security forces committed human rights abuses with impunity, including extrajudicial executions, arbitrary arrest, and the use of excessive force against nonviolent protestors.

In public, U.S. government officials decry these violations and call for accountability, but when it comes to arms sales, the world can see that money matters more than justice.estimated one million people have been held in internment camps where they have endured a litany of human rights violations.

## **RECOMMENDATIONS**

End U.S. arms sales to the following countries due to egregious human rights violations:

- Saudi Arabia
- UAE
- Egypt
- Israel
- Cameroon
- Ethiopia
- Nigeria
- Mali
- Philippines

**FOR MORE INFORMATION, PLEASE CONTACT:**

**Philippe Nassif**  
Advocacy Director, Middle East & North Africa  
(202) 5768-6647  
PNassif@aiusa.org

# ARMS EXPORT REGULATIONS

## INTERNATIONAL

### THE ISSUE

The Trump administration made an historic move in January by officially designating semi-automatic firearms as “dual-use” rather than “defense articles” for the purposes of export. This means they will be subject to far looser standards regarding who can sell these guns abroad, and who they can sell them to. The move also significantly reduces transparency regarding arms sales abroad, making it easier for dangerous and problematic arms deals to evade public scrutiny.

Over the years, Congress has invested its oversight authority regarding arms sales and other weapons transfers in two places: the Arms Export Control Act and the Foreign Assistance Act. The relevant pieces of these laws, generally speaking, apply to only to defense articles, defined as such by their presence on the U.S. Munitions List. By moving an item to the Commerce Control List (which demarcates so-called “dual-use” items), the whole legal framework set up to ensure that dangerous weapons like the AR-15 don’t make it into the wrong hands is no longer applicable.

This is the first and only time in what has been dubbed “Export Control Reform” that regulators have sought to remove a lethal weapon from the U.S. Munitions List. The plan is to re-classify semi-automatic and non-automatic firearms as items “no longer warranting control on the Munitions List,” and transfer them over to the Commerce List where the licensing process will be streamlined and a single license can cover multiple transactions. This effort was originally intended to make it easier to export innocuous items like nuts and bolts for airplanes – it seems reasonable to have looser regulations on those than on a fighter jet, for example. The logic breaks down when we consider semi-automatic assault rifles, however, which can be easily modified to operate as fully-automatic weapons.

The U.S. military may not consider these guns as giving a decisive military advantage – but to those who are threatened by criminals, militant groups, and oppressive governments, the danger posed by these items is as relevant as ever. Guns are easy to resell on the black market and have a very long shelf-life.

Making it easier to sell guns to violators of human rights, criminal gangs, and shadowy third-party arms dealers may indeed pad the bank accounts of some arms-industry executives. But it will come at a terrible human cost.

Those who live under oppressive regimes, in conflict zones, or at the mercy of criminal gangs may indeed find themselves at the wrong end of an American-manufactured gun barrel without ever needing to live under our irresponsible and dangerous domestic gun control laws – the U.S. now exports that policy

## TALKING POINTS

- Moving USML Categories I through III to the Commerce Control List will result in their no longer being considered “defense articles” in U.S. law. A huge number of legal protections against these items being exported to human rights violators and black-market arms traffickers, as well as important transparency provisions, will no longer apply to semiautomatic firearms.
- The distinction between fully-automatic and semi-automatic firearms is meaningless: a semi-automatic can be modified to operate as fully automatic very easily.
- Recent changes to the U.S. policy on arms sales is purely to boost exports and sales for gun manufacturers, in effect trading human lives for profits to the gun industry.

## RECOMMENDATIONS

- Reverse this rule change that has designated semi-automatic firearms as “dual-use” rather than “defense articles” for the purposes of export, re-establishing categories semi-automatic firearms as defense articles on the U.S. Munitions List.

### FOR MORE INFORMATION, PLEASE CONTACT:

**Adotei Akwei**  
Deputy Director, Advocacy & Government Relations  
(202) 509-8148  
AAkwei@aiusa.org