

CHAPTER 2.2: THE ATT MONITOR RISK WATCH TOOL

This chapter introduces the methodology that the ATT Monitor will follow as it builds a research base of data relevant to Arms Trade Treaty (ATT) criteria to identify and monitor arms transfers to contexts of concern.

The ATT Monitor Risk Watch tool will gather and synthesize information from the wide pool of expert sources in the public domain that monitor and report on arms transfer related risks involving the misuse of weapons. It will help to create a more balanced knowledge base among States Parties, and will be a guide both to their own comprehensive risk assessments, and to them and civil society in the analysis of licensing practices.

First, this chapter introduces the background and rationale underpinning this methodology. It next outlines the process of selecting priority contexts of concern. The chapter then explains how the ATT Monitor will carry out evidence gathering, before finally establishing how it will turn that information into guidance regarding the risks of negative consequences of future arms exports into a context of concern.

The ATT Monitor project team will continue to hold consultations to develop this methodology further and we invite and encourage feedback and input into how this methodology can be developed and improved over time.

BACKGROUND

The ATT establishes legally binding rules intended to ensure a more responsible arms trade. Article 6 (Prohibitions), Article 7 (Export and Export Assessment) and Article 11 (Diversion) in particular provide the parameters within which arms may not be transferred.¹ If faithfully implemented by States Parties, these three key articles will together help achieve the Treaty's Object and Purpose of strengthening international peace and security and reducing human suffering.

A State Party to the ATT considering an export of arms, ammunition or parts and components is required to assess whether that proposed export would constitute a violation of the absolute prohibitions specified in Article 6. If the export is not prohibited under Article 6, the State Party must continue its inquiry by conducting a comprehensive risk assessment prior to any decision on whether or not to give export authorisation. Article 7 lists the risk assessment criteria that States Parties must consider, including the potential that a transfer could be used to commit or facilitate a serious violation of international humanitarian law (IHL) [Article 7.1(b)(i)], international human rights law (IHRL) [Article 7.1(b)(ii)], an act of terrorism [Article 7.1(b)(iii)], an act of transnational organized crime [Article 7.1(b)(iv)], or serious acts of gender-based violence or serious acts of violence against women and children [Article 7.4]. States must also assess the risk of diversion of the export [Article 11.2].

Article 7.1 of the ATT requires a State Party considering export to apply these risk assessment criteria 'in an objective and non-discriminatory manner'.² How these criteria are interpreted will be influenced by the collective practice of States Parties. States may initially vary in how they interpret the criteria, how they weigh the importance of each one, and the evidence they gather in the application of each one.³ However over time a collective view of acceptable practice under the ATT should emerge.⁴ The ATT Monitor will seek to support and encourage this evolution of practice through evidence-based research.

The ATT Monitor is developing a "Risk Watch" methodology through which it will synthesize and make available concrete information from credible sources on risks identified by the ATT in Articles 6, 7 and 11. This methodology will not replicate the comprehensive transfer assessment process that a State Party must undertake. It will instead provide an accessible source of data that is directly relevant to the application of the Treaty's criteria and obligations. This is intended to help inform and guide licensing authorities as part of their national assessment process. This methodology will also serve as a resource for civil society and others in their review of effective treaty implementation.

1 Transfers are defined in Article 2(2) as "export, import, transit, trans-shipment and brokering". This methodology is concerned primarily with the export of arms, ammunition and parts and components as defined in Articles 2(1), 3 and 4. See Arms Trade Treaty, Article 2 (adopted 2 April 2013), entered into force 24 December 2014)_UNTS_(ATT) Art 2(2) <https://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>

2 Arms Trade Treaty, Article 7 (adopted 2 April 2013), entered into force 24 December 2014)_UNTS_(ATT) Art 7(i) <https://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>

3 The ATT Monitor has provided interpretive guidance to States Parties. See: Control Arms (2015). "ATT Monitor 2015". ATT Monitor, 25 August 2015, Chapters 1.1 and Chapter 1.2, 26-62. <http://armstreatymonitor.org/current/wp-content/uploads/2015/08/Full-Annual-Report.pdf>

4 This practice may in turn also influence the practice of non-ATT Member States.

STAGE 1: IDENTIFYING CONTEXTS OF CONCERN

In order for Risk Watch to provide an effective service, ATT Monitor will initially focus on gathering detailed information on a limited number of contexts (in Stage 2). In light of the resources available it would not be practical to develop immediately a comprehensive database of risks for every context relevant to the global arms trade immediately.⁵

A variety of contexts of concern from across the world will be identified that reflect a range of factors:

- Whether or not there is an ongoing armed conflict
- What type of armed actors are involved
- Whether or not actors involved in the abuse of weapons are significant arms importers
- What types of conventional weapons are the issue.

ATT Monitor will prioritize contexts where there are significant evidence-based concerns about the way in which weapons are used by taking as a starting point the negative consequences that a transfer-assessment process is intended to avoid. In order to select these initial contexts of concern, ATT Monitor will review existing datasets and reporting mechanisms that measure relevant risk factors that reflect the concerns of the

Treaty itself, particularly those specified in Articles 6, 7 and 11 of the Treaty. These would include, but are not limited to: existence of an arms embargo [Article 6.1]⁶, risk of genocide [Article 6.3]⁷, extrajudicial executions [Article 6.3, Article 7.1(b)(ii)]⁸, existence of an armed conflict [Article 7.1(b)(i)]⁹, using prohibited weapons [Article 7.2(i)]¹⁰, violations of human rights [Article 7.2(ii)]¹¹, threat of terrorism [Article 7.2(iii)]¹², rape and other sexual violence [as they relate to gender-based violence and acts of violence against women and children] [Article 7.1(b)(ii), (7.4)].¹³

This approach recognizes the inherent complexity of many contexts where weapons are misused, where multiple actors are often involved, and with different attendant risks. In the case of Yemen for example, the Risk Watch tool would focus on the risks of transfer to; units of the Yemeni Armed Forces, the Houthis and affiliated militias, (currently subject to arms embargoes imposed by the UN Security Council and the European Union, EU),¹⁴ anti-Houthi armed groups, and the armed forces of countries who are members of the Saudi Arabia-led coalition conducting a military intervention in the country.¹⁵ Prioritizing key emerging and ongoing contexts of concern will enable the ATT Monitor to focus in detail (in Stage 2) on the patterns of behaviour of specific actors and the specific types of weapons used to commit or facilitate such acts. The scope of contexts covered can expand over time as experience and resources develop.

5 The absence of a context at this prioritization stage should not be interpreted as a comment or judgement on the relative risk level present there. While the ATT Monitor will initially focus only on a range of contexts, this does not mean that contexts not covered are without risks or face a low risk. States Parties to the ATT have a legal obligation to carry out a comprehensive risk assessment for each and every prospective export.

6 Multilateral arms embargoes (e.g. EU) would also be relevant international obligations under Article 6.2. See Stockholm International Peace Research Institute (SIPRI). "Arms Embargoes Database". www.sipri.org/databases/embargoes; and Group for Research and Information on Peace and Security (GRIP), (2016). "Base de données: les embargoes sur les armes." <http://www.grip.org/fr/node/1612>

7 See Early Warning Project www.earlywarningproject.com

8 See Office of the UN High Commissioner for Human Rights, Special Rapporteur on extrajudicial, summary or arbitrary executions. "Press releases". www.ohchr.org/en/NewsEvents/Pages/NewsSearch.aspx?MID=SR_Summ_Executions

9 See University of Uppsala Conflict Data Program (UCDP). <http://ucdp.uu.se/>; and Geneva Academy. "The War Report". <http://www.geneva-academy.ch/policy-studies/research-projects-and-policy-studies/the-war-report-project>

10 See for example, the use of antipersonnel landmines, or cluster munitions, see Landmine & Cluster Munition Monitor www.the-monitor.org

11 See the Political Terror Scale www.politicalterrorscale.org/. The Political Terror Scale analyses the annual reports of Amnesty International, Human Rights Watch, and the United States State Department.

12 See Institute for Economics and Peace (2015). "Global Terrorism Index 2015". November 2015. http://static.visionofhumanity.org/sites/default/files/2015%20Global%20Terrorism%20Index%20Report_2.pdf

13 See UN Security Council (2016). "Conflict-related sexual violence, Report the Secretary-General". S/2016/361, 20 April 2016. <http://reliefweb.int/sites/reliefweb.int/files/resources/N1611178.pdf>.

14 UN Security Council (2015). "Resolution 2215 (2015)". S/RES/2216 (2015), 14 April 2015, https://www.sipri.org/sites/default/files/2016-03/UNSC_RES-2216.pdf; Group for Research and Information on Peace and Security (GRIP), (2015). "Libye". Last updated 8 May 2015. <http://www.grip.org/fr/node/1496>

15 Amnesty International (2015). "Yemen: the Forgotten War". <https://www.amnesty.org/en/latest/news/2015/09/yemen-the-forgotten-war>

BOX 1: YEMEN RISK PROFILE

Overview: Yemen has been in a state of armed conflict since forces affiliated with the Houthi movement led an offensive that triggered the collapse of the internationally recognized government in January 2015.¹⁶ On 26 March 2015 a coalition of nine countries led by Saudi Arabia began a campaign of aerial bombing in Yemen with the aim of restoring the government.¹⁷ Despite several ceasefire attempts the conflict continues. As of 4 April 2016 at least 6,408 people had been killed and 36,547 had been injured.¹⁸

Risk snapshot: There have been widespread violations of international humanitarian law (IHL) and human rights law (IHRL) by all parties to the conflict.¹⁹ The UN High Commissioner for Human Rights stated in December 2015 that, while all parties to the conflict had bombed populated areas and destroyed civilian infrastructure, including hospitals and schools, a disproportionate share had been carried out by coalition air strikes.²⁰

In January 2016 a report prepared for the UN Security Council Panel of Experts on Yemen identified 119 coalition air sorties relating to violations of international humanitarian law.²¹ Airstrikes have targeted civilians and civilian objects, including residential areas, markets, medical facilities, schools, mosques, factories and food warehouses, as well as gatherings such as weddings.²² Coalition air forces are also reported to have used cluster munitions, a weapon with indiscriminate effects banned by 119 countries under international law.²³

There are reports that small arms have been diverted to unauthorized non-state actors in Yemen.²⁴ Weapons supplied by the coalition to allied military forces on the ground in Yemen have been documented to be in the possession of the Houthis, as well as radical groups such as the Emirate of Protectors of the Creed.²⁵

Transfer overview: The UN Security Council and EU have imposed arms embargoes on Houthi forces and their allies in Yemen.²⁶ There is no public evidence that States Parties to the ATT are supplying weapons to Houthis and their allies.

At least 11 States Parties and Signatories to the Treaty have supplied Saudi Arabia, though, with military equipment in 2015, with States Parties issuing licences and making sales worth over US\$4.9 billion, according to an ATT Monitor case study.²⁷ This shows starkly how some States Parties are failing to comply with their legal obligations and to live up to the Treaty's objective of reducing human suffering.

There is a risk that aircraft bombs, aircraft, and parts and components used to support aerial military intervention in particular will be used to commit or facilitate violations of international humanitarian and human rights law [Articles 7.1b(i) and 7.1b(ii)].

There is also a risk that arms and military equipment, particularly small arms, could be diverted to unintended end-users in Yemen in contravention of Article 11 of the Treaty.

16 For a timeline of events in Yemen see UN Human Rights Council (2015). "Situation of human rights in Yemen". 7 September 2015, pp. 3–5. http://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_30_31_AEV.pdf

17 The countries in the coalition Bahrain, Egypt, Jordan, Kuwait, Morocco, Qatar, Saudi Arabia, Sudan and the United Arab Emirates. In addition, others have provided material and technical support or pledged ground troops in support of coalition activities. See *Ibid.*, p. 5.

18 UN Office for the Coordination of Humanitarian Affairs (2016). "Humanitarian Bulletin: Yemen". 4 April 2016, p. 2. <http://reliefweb.int/sites/reliefweb.int/files/resources/Yemen%20HB%20Issue%2010%20Issued%20on%2004%20April%202016%20Eng.pdf>

19 See for example: Amnesty International (2015). "Nowhere Safe for Civilians: Airstrikes and Ground Attacks in Yemen". 18 August 2015. <https://www.amnesty.org/en/documents/mde31/2291/2015/en/>; Human Rights Watch (2015). "What Military Target Was in My Brother's House?: Unlawful Coalition Airstrikes in Yemen". 26 November 2015. <https://www.hrw.org/node/283702>; UN Human Rights Council (2015). "Situation of human rights in Yemen". 7 September 2015, pp. 3–5. http://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_30_31_AEV.pdf

20 UN Security Council (2015). "The situation in the Middle East". S/PV.7596. 22 December 2015. http://www.un.org/ga/search/view_doc.asp?symbol=S/PV.7596

21 UN Security Council (2016). "Final report of the Panel of Experts on Yemen established pursuant to Security Council resolution 2140, (2014)". S/2016/73, 22 January 2016. <http://reliefweb.int/sites/reliefweb.int/files/resources/N1600299.pdf>

22 *Ibid.*

23 Human Rights Watch (2016). "Yemen: Saudis Using US Cluster Munitions". 6 May 2016. <https://www.hrw.org/news/2016/05/06/yemen-saudis-using-us-cluster-munitions>

24 See for example, "Deutsche Gewehre im Jemen: Bundesregierung verlangt Aufklärung von Saudi-Arabien". Spiegel Online, 20 June 2015. www.spiegel.de/politik/deutschland/saudi-arabien-bundesregierung-fordert-aufklaerung-ueber-deutsche-waffen-a-1039710.html

25 UN Security Council (2016). "Final report of the Panel of Experts on Yemen established pursuant to Security Council resolution 2140, (2014)". S/2016/73, 22 January 2016. <http://reliefweb.int/sites/reliefweb.int/files/resources/N1600299.pdf>

26 UN Security Council (2015). "Resolution 2215 (2015)". S/RES/2216 (2015), 14 April 2015. https://www.sipri.org/sites/default/files/2016-03/UNSC_RES-2216.pdf; Group for Research and Information on Peace and Security (GRIP), (2015). "Libye". Last updated 8 May 2015. <http://www.grip.org/fr/node/1496>

27 Control Arms (2016). "Dealing in Double Standards: How Arms Sales to Saudi Arabia are causing Human Suffering in Yemen". ATT Monitor, Case Study 2, 26 February 2016, p. 2. <http://armstreatymonitor.org/current/dealing-in-double-standards-how-arms-sales-to-saudi-arabia-are-causing-human-suffering-in-yemen/>

STAGE 2: BUILDING AN EVIDENCE BANK

In order to be effective, risk assessments 'require the systematic collection of accurate and reliable information'.²⁸ Governments must consult a wide array of sources in order to build a comprehensive appreciation of the immediate and long-term risks associated with a proposed export. This includes information produced by the United Nations (UN), other governments, non-governmental organizations (NGOs), the media, and specialist research institutes.²⁹

The ATT Monitor will support the efforts of States Parties to responsibly fulfil this requirement under the Treaty through the Risk Watch tool. Through this it will carry out in-depth evidence gathering for a limited number of contexts of concern (as identified in Stage 1). Risk Watch will survey and synthesize information from the wide pool of expert sources in the public domain that monitor and report on ATT related risks involving the misuse of weapons. In so doing ATT Monitor will help make credible information available and visible.

INDICATORS

Evidence will be gathered for the different risks specified by the ATT. Below are listed the types of actions that often involve weapons and constitute violations of IHL and IHRL, or are acts subject to prohibition under Article 6.3 of the Treaty, which will be used as indicators during evidence gathering. ATT Monitor will hold consultations with experts from governments and civil society

to develop the indicators to record evidence of risks under Article 7.1(b)(iii) on acts of terrorism, Article 7.1(b)(iv) on acts of transnational organized crime, Article 7.4 on gender-based violence and acts of violence against women and children, and Article 11 on diversion.

The ATT does not define a 'serious violation' of international human rights law, and this body of law provides no authoritative definition of what constitutes a serious violation.³⁰ The international trade in conventional arms can affect a wide range of international human rights, but the indicators selected for this methodology will be those that relate most closely to the use and availability of arms. Acts that constitute a serious violation of international humanitarian law are more clearly defined.³¹ However, IHL applies only in times of armed conflict while key provisions of IHRL apply in both armed conflict as well as in its absence. The indicators below were developed in collaboration with experts in both bodies of law.

- Attacking a civilian object in armed conflict³²
- Attacking cultural property³³
- Attacks on education facilities and students³⁴
- Attacks on camps for internally displaced persons³⁵
- Attacks on medical personnel and facilities³⁶
- Enforced disappearance³⁷ or arbitrary arrest³⁸
- Excessive use of force during peaceful demonstrations³⁹

28 United Nations (2014). "Framework of Analysis for Atrocity Crimes: A tool for prevention". United Nations, 2014, p.5. www.un.org/en/preventgenocide/adviser/pdf/framework%20of%20analysis%20for%20atrocity%20crimes_en.pdf

29 For more information, see Control Arms Secretariat (2015). "ATT Monitor 2015". ATT Monitor, 25 August 2015, Chapter 1.2, p.45. <http://armstreatymonitor.org/current/wp-content/uploads/2015/08/Full-Annual-Report.pdf>

30 Ibid., Chapter 1.1, pp. 31-33. See also, Amnesty International (2015). "Applying the Arms Trade Treaty to ensure the protection of human rights". 1 February 2015. <https://www.amnesty.org/en/documents/act30/0003/2015/en/>; Geneva Academy of International Humanitarian Law and Human Rights (2014). "What amounts to 'a serious violation of international human rights law'?" August 2014. http://www.geneva-academy.ch/docs/publications/Briefings%20and%20In%20briefs/Briefing%206%20What%20is%20a%20serious%20violation%20of%20human%20rights%20law_Academy%20Briefing%20No%206.pdf.

31 See: International Committee of the Red Cross (ICRC) (2012). "What are 'serious violations of international humanitarian law'? Explanatory Note". <https://www.icrc.org/eng/assets/files/2012/att-what-are-serious-violations-of-ihl-icrc.pdf>

32 See ICRC. "Customary IHL, Rule 9. Definition of Civilian Objects". Accessed 30 June 2016 https://www.icrc.org/customary-ihl/eng/docs/v1_ru_rule9

33 See ICRC. "Customary IHL, Rule 38. Attacks Against Cultural Property". Accessed 30 June 2016 https://www.icrc.org/customary-ihl/eng/docs/v1_ru_rule38

34 International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 13 (adopted 16 December 1966, entered into force 3 January 1976)_UNTS_(ICESCR) Art 13 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

35 UN Guiding Principles on Internal Displacement (1998). E/CN.4/1998/53/Add.2. www.unhcr.org/43ce1cff2.html

36 Medical personnel and the wounded and sick are protected from violence by Article 6 of the International Covenant on Civil and Political Rights (ICCPR) while the right to health, including the non-derogable core obligation to ensure the right of access to health facilities, goods and services, is enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR). See Footer K.H.A, and Rubenstein L.S (2013). "A human rights approach to health care in conflict". "International Review of the Red Cross: Violence against health care". Volume 95, Number 889, Spring 2013. <https://www.icrc.org/eng/resources/international-review/review-889-violence-against-health-care-1/review-889-all.pdf>

37 See International Convention for the Protection of All Persons from Enforced Disappearance, (adopted 20 December 2006, entered into force 23 December 2010) <http://www.ohchr.org/EN/HRBodies/CED/Pages/ConventionCED.aspx>

38 See Universal Declaration of Human Rights (UDHR), (1948). Article 9, [http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/217\(III\)](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/217(III)); and International Covenant on Civil and Political Rights (ICCPR) Article 9(1), (adopted 16 December 1966, entered into force 23 March 1976)_UNTS_(ICCPR)_Art 9(1) <http://www.ohchr.org/eng/professionalinterest/pages/ccpr.aspx>

39 See Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 1990, Principles 12–14. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx>

- Extrajudicial and summary executions⁴⁰
- Forced displacement⁴¹
- Indiscriminate attacks in situations of armed conflict⁴²
- Gender-based violence⁴³
- Killing a civilian⁴⁴
- Killing a fighter who is wounded, sick, or surrendering⁴⁵
- Pillage in armed conflict⁴⁶
- Recruitment of children into armed forces or groups⁴⁷
- Torture and other inhumane treatment⁴⁸
- Unlawful killing or inhumane treatment of civilians in occupied territory during armed conflict⁴⁹
- Unlawful killing or inhumane treatment of detainees in armed conflict⁵⁰
- Use of an indiscriminate weapon.⁵¹

Credible reports from expert bodies of actions that may constitute serious violations will be the focus of ATT Monitor's evidence gathering. ATT Monitor will not make legal determinations during this stage (i.e. it will not take decisions over whether a particular act would constitute a war crime, for example, and thus fall under the prohibitions proscribed under Article 6.3, or constitutes a serious violation of international humanitarian law in which case Article 7.1b(i) would also apply).⁵² It will however cite the views of expert bodies on these matters in order to inform the judgements of States Parties and others based on available information. ATT Monitor's role will be to synthesise and make these reports more accessible to the investigative process of governments.

40 International Covenant on Civil and Political Rights (ICCPR) Article 6, (adopted 16 December 1966, entered into force 23 March 1976)_UNTS_(ICCPR)_Art 6 <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>. UN General Assembly Third Committee Resolution 35/172 on Arbitrary or summary executions urged States "to respect as a minimum standard the content and provisions of articles 6, 14 and 15" of the ICCPR, www.un.org/documents/ga/res/35/a35r172e.pdf

41 International Covenant on Civil and Political Rights (ICCPR) Articles 6(1), 12(1) and 17 (adopted 16 December 1966, entered into force 23 March 1976)_UNTS_(ICCPR)_Art 6,12,17 and International Covenant on Economic, Social and Cultural Rights (ICESCR), Articles 6(1), 11 and 12 (adopted 16 December 1966, entered into force 3 January 1976)_UNTS_(ICESCR) Art 6,11,12 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

42 ICRC. "Customary IHL, Rule 12. Definition of Indiscriminate Attacks". Accessed 30 June 2016. https://www.icrc.org/customary-ihl/eng/docs/v1_ru_rule12

43 ICRC. "Customary IHL, Rule 93. Rape and Other forms of Sexual Violence". Accessed 30 June 2016. https://www.icrc.org/customary-ihl/eng/docs/v1_ru_rule93. See also Amnesty International (2011). "Rape and Sexual Violence: Human Rights Law and Standards in the International Criminal Court". 1 March 2011. <https://www.amnesty.org/en/documents/IOR53/001/2011/en/>

44 ICRC. "Customary IHL, Rule 89. Violence to Life". Accessed 30 June 2016. https://www.icrc.org/customary-ihl/eng/docs/v1_ru_rule89; and International Covenant on Civil and Political Rights (ICCPR) Article 6, (adopted 16 December 1966, entered into force 23 March 1976)_UNTS_(ICCPR)_Art 6 <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

45 Common Article 3 of Geneva Convention (III) relative to the Treatment of Prisoners of War. (12 August 1949) 6 U.S.T. 3516, T.I.A.S. 3365, 75 U.N.T.S. 287; and Rome Statute of the International Criminal Court, (adopted 17 July 1998, entered into force 1 July 2002, last amended 2010) 2187 UNTS 90, Article 8.

46 ICRC. "Customary IHL, Rule 52. Pillage". Accessed 30 June 2016. https://www.icrc.org/customary-ihl/eng/docs/v1_ru_rule52

47 UN Convention on the Rights of the Child, (adopted on 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3, Article 38; and Rome Statute of the International Criminal Court, (adopted 17 July 1998, entered into force 1 July 2002, last amended 2010) 2187 UNTS 90, Article 8.

48 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (adopted 10 December 1984, entered into force 26 June 1987) 165 UNTS 85; and International Covenant on Civil and Political Rights (ICCPR) Article 7 (adopted 16 December 1966, entered into force 23 March 1976)_UNTS_(ICCPR)_Art 7

49 Article 147 of Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War. (12 August 1949) 6 U.S.T. 3516, T.I.A.S. 3365, 75 U.N.T.S. 287 and Articles 11 and 85 of Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), (8 June 1977), 1125 U.N.T.S. 3.

50 Common Article 3 of Geneva Convention (III) relative to the Treatment of Prisoners of War. (12 August 1949) 6 U.S.T. 3516, T.I.A.S. 3365, 75 U.N.T.S. 287; and Rome Statute of the International Criminal Court, (adopted 17 July 1998, entered into force 1 July 2002, last amended 2010) 2187 UNTS 90, Article 8.

51 See ICRC. "Customary IHL, Rule 71. Weapons That Are by Nature Indiscriminate". Accessed 30 June 2016. https://www.icrc.org/customary-ihl/eng/docs/v1_ru_rule71

52 Although all war crimes are serious violations of IHL, the threshold test for determining the risk of a serious violation of IHL under Article 7 (1)(b)(i) is broader than that required under Article 6(3). In addition to extending the focus to facilitation as well as commission, Article 7(1)(b)(i) requires only assessment that the underlying primary rules of IHL could be violated, not demonstration of intent or other mens rea. For more information see, Sands, P., Clapham, A. and Ni Ghraígh, B. (2015). "Legal Opinion: The Lawfulness of the Authorisation by the United Kingdom of Weapons and Related Items for Export to Saudi Arabia in the context of Saudi Arabia's Military Intervention in Yemen". London, Matrix Chambers, 11 December 2015, \$5.41, p.52. <http://controlarms.org/en/wp-content/uploads/sites/2/2015/12/Legal-Opinion-on-Arms-Exports-to-Saudi-Arabia.pdf>

BOX 2: CENTRAL AFRICAN REPUBLIC RISK PROFILE

Overview: As noted by the case study on 'Arms and conflict in the Central African Republic' in Chapter 1.1, thousands of people were killed in sectarian armed violence in the country between 2013 and 2015 that left it facing dire humanitarian needs. Violent armed groups continue to operate in the country, and the context remains unstable and unpredictable.⁵³

Risk snapshot: United Nations (UN) peacekeepers report that human-rights violations continue to be carried out in the country, including murder, torture and sexual violence.⁵⁴ Although a peace agreement was signed in July 2014, violence has continued, and an escalation in September 2015 saw further violations of international humanitarian law (IHL) and human rights law (IHRL).⁵⁵ All parties to the conflict are reported to have carried out serious acts of gender-based violence, including rape and humiliation.⁵⁶ The UN Security Council has expressed concern that armed groups are engaging in transnational organized crime, including arms trafficking, exploitation of natural resources and the use of mercenaries. It has stressed the risk of the situation 'providing a conducive environment for further transnational criminal activity'.⁵⁷

Transfer overview: A UN Security Council-mandated arms embargo has been in force since 5 December 2013. All exports of arms and related military equipment are banned, except those supplied to the national security forces if approved in advance by the Sanctions Committee. However, the UN Panel of Experts on the Central African Republic assesses that the circulation of arms 'remains significant and contributes to fuelling the conflict'.⁵⁸ A large number of small arms and light weapons are available to armed groups in the country. Diversion of arms within it as a result of poor stockpile management is the main source of weapons to these groups. There is also illicit cross-border trade of weapons into the country, particularly from Cameroon.⁵⁹

There is a risk that arms transferred to Central African Republic security forces could be diverted to unauthorized end-users, in contravention of Article 11 of the Treaty.

There is also a risk that arms diverted to unauthorized end-users could be used to commit or facilitate serious violation of international human rights law [Article 7.1(b)(ii)], of acts of transnational organized crime [Article 7.1(b)(iv)] and of serious acts of gender-based violence [Article 7.4].

53 UN Office for the Coordination of Humanitarian Affairs (UN OCHA), (2016). "About OCHA CAR", www.unocha.org/car/about-ocha-car/about-ocha-car; and UN Security Council (2016). "Report of the UN Secretary-General on the situation in the Central African Republic". S/2016/305, 1 April 2016 www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2016_305.pdf

54 Ibid.

55 UN Security Council (2016). "Resolution 2262 (2016)". S/RES/2262 (2016), 27 January 2016. [www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2262\(2016\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2262(2016))

56 UN Office of the Special Representative of the Secretary-General for Sexual Violence in Conflict (2015). "Central African Republic". S/2015/103. www.un.org/sexualviolenceinconflict/countries/central-african-republic/.

57 UN Security Council (2016). "Resolution 2262 (2016)". S/RES/2262 (2016), 27 January 2016, p. 3. [www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2262\(2016\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2262(2016))

58 UN Security Council (2015). "Report of the UN Panel of Experts on the Central African Republic". S/2015/936', 21 December 2015, p. 13. www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_936.pdf

59 Ibid.

SOURCES

As no single organization monitors and reports on all of the risks as outlined in the ATT, Risk Watch will draw upon a wide range of sources in its evidence gathering. The table below presents an indicative list of the range of credible sources available to ATT Monitor in this stage.

This is by no means an exhaustive list, but is illustrative of the range of expert sources that produce credible data that will inform ATT Monitor's methodology.

In addition to sources that report on all countries, the Risk Watch tool will take into account evidence gathered by specialized reporting mechanisms with narrow geographic mandates. For example, the UN Assistance Mission in Afghanistan (UNAMA) produces annual reports on the state of civilian protection in that

country.⁶⁰ These reports provide detailed breakdowns of the misuse of weapons, including by perpetrator. As such they are a highly relevant resource for the ATT Monitor. However the UN does not have a country mission in every potential context of concern, and no other UN country mission produces as detailed an analysis of the use of weapons as UNAMA. Similarly, most civil society organizations are concerned with monitoring threats to civilians, human rights and the prevalence of armed violence within a particular context.

Sources vary widely in their level of detail. The template for ATT Monitor's evidence bank will be designed with flexibility in mind so as to incorporate reports from sources that cite general concerning patterns (e.g. many UN reports and those issued by the ICRC, which commonly do not name perpetrators but carry great authority), and those that may go into precise detail on identities and incidents (e.g. Human Rights Watch reports).

| Source type | Examples |
|---|--|
| United Nations | <ul style="list-style-type: none"> • UN Security Council Sanctions Committee • UN peacekeeping operations and political missions • UN Treaty Bodies (e.g. Committee Against Torture Committee on the Rights of the Child) • UN Security Council Monitoring and Reporting Mechanism on Grave Violations Against Children in Armed Conflict. |
| International human rights bodies | <ul style="list-style-type: none"> • Human Rights Council Fact-Finding Missions and Commissions of Inquiry • EU Annual Report on Human Rights and Democracy • Country documentation relating to the Universal Periodic Review, including the national reports produced by the UN Human Rights Council. |
| International criminal and legal bodies | <ul style="list-style-type: none"> • International Criminal Court and ad hoc tribunals • International Court of Justice • Regional courts, e.g. Inter-American Court of Human Rights. |
| Regional organizations | <ul style="list-style-type: none"> • European Union (EU) • African Union • Organization for Security and Co-operation in Europe (OSCE). |
| Humanitarian organizations | <ul style="list-style-type: none"> • International Committee of the Red Cross (ICRC) • Médecins Sans Frontières (MSF). |
| NGOs | <ul style="list-style-type: none"> • Amnesty International Annual Reports and ad hoc field investigations • Human Rights Watch World Reports and ad hoc field investigations • Landmine and Cluster Munition Monitor |
| Think tanks | <ul style="list-style-type: none"> • International Crisis Group (Crisis Watch and ad hoc reports) • Small Arms Survey • Transparency International. |
| Academic resources | <ul style="list-style-type: none"> • International Human Rights Clinic, Harvard Law School • Armed Conflict Location & Event Data Project, University of Sussex. |

⁶⁰ UN Assistance Mission in Afghanistan (UNAMA). "Reports on the protection of civilians". <https://unama.unmissions.org/protection-of-civilians-reports>

Figure 1 below outlines a template for the proposed evidence banks that will be developed for each selected context. It is illustrated with a recent report of the Independent International Commission of Inquiry on the Syrian Arab Republic.⁶¹

Risk Watch will link evidence of crimes, violations and abuse involving weapons to specific actors wherever they are clearly indicated in source material, in order to build a risk profile for prospective recipients. Data catalogued in the evidence bank will be grouped by source, and where available by actor responsible so as to focus analysis on the specific actions of a potential recipient of weapons. If specific actors are not known or named, data will be provided for the context.

States Parties are obligated to assess risks relating to the use of weapons to facilitate, as well as commit, serious violations of IHL and IHRL, acts of terror, transnational organized crimes, and gender-based violence. As such Risk Watch will record evidence of facilitation where the potential causal link can be drawn to the transfer of arms. An example of this would be the use of armoured combat vehicles not in the direct commission of a serious violation of IHRL but to transport a military unit and enable them to carry out said violation. It will not always be possible through open-source material to demonstrate direct causality but the ATT Monitor will provide a breakdown of evidence by weapon types involved wherever such information is available.

FIGURE 1: RISK DATA COLLECTION TABLE

| Key | Description | Example |
|-------------------------|---|--|
| ID | Unique code for each report | 1 |
| Source | Named source: evidence within a context will be listed by source. | Report of the Independent International Commission of Inquiry on the Syrian Arab Republic (Advance Edited Version) |
| Organization | Authority/body | UN Human Rights Council |
| Source date | The date that the source was published, not the date of the reported violation/incident | 11 February 2016 |
| Source reference | Link to public URL of report or online source. All information gathered by the ATT Monitor will be open-source | www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-31-68.pdf |
| Context | Name of country or territory where the incident(s) reported in source took place | Syria |
| Actor(s) | Details on the weapon users, as specific as possible. Within each source all reported details will be grouped by armed actor. | Syrian government air forces |
| Indicator(s) | As many as apply (selected from list above, in main text) | Attack on education facilities and students; Killing civilians |
| Key details | A free-form field for data entry, depending on the detail of the source. Key details could include: <ul style="list-style-type: none"> • Details on casualties/location/damage (if available) • Timeframe • Key statements on patterns of behaviour made by source | 'Government air forces twice bombarded a girls' school in Duma on 13 December. The second attack struck the school during first-aid and evacuation efforts; 19 civilians were killed, including the school director and 15 students. There were no military objectives in the vicinity.' Part of 'continued, deliberate and indiscriminate attacks on schools by the warring parties.' |
| Weapon type | ATT weapon category(ies) involved if reported. | Combat aircraft/attack helicopter |
| Weapon details | Where reported, specific information on the weapons involved | Not reported |

61 UN Human Rights Council. (2016). 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic (Advance Edited Version)'. 11 February 2016. www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-31-68.pdf



IRAQI SOLDIERS, ASSIGNED TO THE 10TH IRAQI ARMY DIVISION, CONDUCT TIMED TRIALS OF SETTING UP MORTAR TUBES AT CAMP UR, DHI QAR, IRAQ.

CREDIT: © PFC. ERNEST E. SIVIA III

BOX 3: IRAQ RISK PROFILE

Overview: Conflict and instability has been prevalent in Iraq for over a decade, and armed conflict has escalated further since Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) seized control of large parts of the country in 2014.⁶² Iraqi security forces and associated armed groups have been fighting to reverse these territorial gains, backed by a coalition of other countries largely through air strikes.⁶³ Amid widespread armed violence, acts of terrorism and abuses of human rights, at least 22,370 civilians were killed or wounded in Iraq in 2015.⁶⁴

Risk snapshot: There have been extensive serious violations of international humanitarian law (IHL) and human rights law (IHRL) in Iraq, particularly by ISIL.⁶⁵ The Prosecutor of the International Criminal Court has described 'Crimes of unspeakable cruelty [...] such as mass executions, sexual slavery, rape and other forms of sexual and gender-based violence, torture, mutilation, enlistment and forced recruitment of children and the persecution of ethnic and religious minorities, not to mention the wanton destruction of cultural property. The commission of the crime of genocide has also been alleged.'⁶⁶ There are also multiple credible reports of violations of IHL and IHRL by the Iraqi security forces and associated armed groups.⁶⁷

The UN Security Council, condemning terrorist acts committed by ISIL and expressing concern that it was funding itself through organized crime, has made it subject to an arms embargo.⁶⁸ Any arms transfer to the group and allied forces would therefore be in violation of Article 6.1 of the Treaty. However, Amnesty International has identified arms and ammunition in ISIL stockpiles that were designed

62 UN Human Rights Council (2015). "Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups". A/HRC/28/18, 27 March 2015, paragraphs 4–5, 13–15. www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_hrc_28_18.pdf

63 See, US Department of Defense. "Operation Inherent resolve: Targeted Operations against ISIL Terrorists". www.defense.gov/News/Special-Reports/0814_Inherent-Resolve

64 UN Security Council (2016). "Second report of the Secretary-General pursuant to paragraph 7 of resolution 2233 (2015)" S/2016/77, 26 January 2016, pp. 9-12. www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2016_77.pdf

65 UN Human Rights Council (2015). "Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups". A/HRC/28/18, 27 March 2015, pp. 5-14. www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_hrc_28_18.pdf

66 International Criminal Court (2015). "Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on the alleged crimes committed by ISIS". 8 April 2015. <https://www.icc-cpi.int/Pages/item.aspx?name=otp-stat-08-04-2015-1>

67 UN Human Rights Council (2015). "Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups". A/HRC/28/18, 27 March 2015, p 12. www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_hrc_28_18.pdf. See also Human Rights Watch (2016). "World Report 2016 – Iraq: Events of 2015". <https://www.hrw.org/world-report/2016/country-chapters/iraq>; and Amnesty International (2016). "Annual Report – Iraq 2015/2016". <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iraq/report-iraq/>

68 UN Security Council (2015). "Resolution 2253 (2015)". S/RES/2253 (2015), 17 December 2015. http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2253.pdf; and United Nations (2015). United Nations (2015). "Unanimously Adopting Resolution 2199 (2015). Security Council Condemns Trade with Al-Qaida Associated Groups, Threatens Further Targeted Sanctions". 12 February 2015. www.un.org/press/en/2015/sc11775.doc.htm

or manufactured in more than 25 countries.⁶⁹ While stressing that chains of custody are often difficult to demonstrate, they argue that 'there is a close match between the types of weapons currently being used by IS and the inventory of the Iraqi military, build up over the past five decades [...] a substantial proportion of IS' current military arsenal comprises weapons and equipment looted, captured or illicitly traded from poorly secured Iraqi military stocks.⁷⁰ Amnesty International conclude that 'Iraq has become an emblematic case of the grave dangers of arms accumulation and proliferation and the irresponsible trade in weapons and munitions', and urged all States Parties to adopt a 'presumption of denial' policy on the export of arms to Iraq.⁷¹

Transfer overview: More than 30 countries have transferred military equipment to Iraq in the past decade, 'despite the fragility of the Iraqi armed forces.'⁷² Countries are continuing to export arms and ammunition to the country, including sales of the types of weapons that were documented in ISIL's stockpiles by Amnesty International, such as MILAN anti-tank missiles and infantry fighting vehicles.⁷³

There is a risk that weapons transferred to Iraqi forces could be diverted, in contravention of Article 11 of the Treaty, into the possession of armed non-state actors and terrorist groups including Islamic State.

There is a risk that arms which are diverted into possession of ISIL could be used to commit or facilitate serious violations of international humanitarian and human rights law [Articles 7.1(b)(i) Article 7.1(b)(ii)], of acts of terrorism [Article 7.1(b)(iii)], of transnational organized crime [Article 7.1(b)(iv)], and of serious acts of gender-based violence and acts of violence against women and children [Article 7.4].



A TACTICAL SECURITY OFFICER WITH THE DHI QAR POLICE FORCE EXAMINES ROCKETS IN A LARGE WEAPONS CACHE. THESE WEAPONS WERE CONFISCATED BY THE TACTICAL SECURITY UNIT OF THE DHI QAR POLICE FORCE IN NASIRIYAH, IRAQ, JUNE 13.

CREDIT: © 982D COMBAT CAMERA CO. (ABN), SSG BRENDAN STEPHEN

69 Amnesty International (2015). "Iraq: Taking Stock: The Arming of Islamic State". 7 December 2015, p. 5. <https://www.amnesty.org/en/documents/mde14/2812/2015/en/>

70 Ibid.

71 Ibid., p. 6

72 Ibid., p. 6.

73 Eleven countries exported major conventional weapons to Iraq in 2015 according to the Stockholm International Peace Research Institute's (SIPRI) "Trade Registers", http://armstrade.sipri.org/armstrade/page/trade_register.php. An analysis of the UN Commodity Trade Statistics Database (UN Comtrade) carried out on 8 June 2016 found that 20 countries had exported arms, ammunition, parts and components to Iraq in 2015; see <http://comtrade.un.org/data/>

In order for a risk assessment to be effective and true to the Object and Purpose of the ATT, it must be forward-looking in its understanding of risk. The long shelf-life of much military equipment means that States Parties must consider all available evidence of foreseeable risks associated with any prospective export. Risk Watch will help advance that understanding by building an evidence base of recent and ongoing patterns of behaviour. Analysis of past and present behaviour is one key measure of future risk.⁷⁴ This evidence base will be used as an indicator of the likelihood that a potential recipient may use the weapons to carry out future violations or continue patterns of behaviour that would be incompatible with the standards set out in the Treaty.

STAGE 3: TURNING EVIDENCE INTO GUIDANCE

On the basis of the information catalogued through the Risk Watch tool, the ATT Monitor will provide a series of advisory rankings that highlight the level of risks associated with prospective transfers to specific recipients or contexts.

ATT Monitor proposes to group information by actor (or where not available, by context) into categories of risk of negative consequences of any future arms export. The category of risk for a specific recipient or context will be determined by the weight of information gathered relating to its pattern of behaviour. ATT Monitor will use these gradients consistently across all contexts as it provides evidence-based conclusions to inform States Parties' risk assessments.

Risk assessments by States Parties should be guided primarily by two key parameters: the intended recipient, and the nature of the equipment considered for export.⁷⁵ Rankings provided by the ATT Monitor within each context of concern will reflect the different risks that are relevant to the particular categories of arms associated with any one recipient or context.

Risk Watch will provide evidence of risks prior to any mitigation measures that an exporting State Party may consider appropriate and effective, if any. There are other factors not addressed by the Risk Watch tool that States Parties will need to assess, including whether there have been effective accountability measures taken to redress previous criminal acts and violations of international law, and whether the recipient country has ratified and implemented relevant international instruments.

All evidence gathered and synthesized by Risk Watch for a given context will be made available on the ATT Monitor website. A summary of existing transfer data, sourced from governments' annual transfer reports as well as resources such as the Stockholm International Peace Research Institute's Arms Transfers Database and UN Commodity Statistics Database, will be published alongside risk rankings for key recipients of concern. This will enable the ATT Monitor to highlight concerning arms exports retrospectively, and to inform States Parties about potential high-risk transfers. In this way Risk Watch will illustrate existing supply chains of arms and ammunition that will link arms exporters to recipients and to the acts they carry out with the weapons provided.



⁷⁴ It is not, of course, the sole measure as risks may emerge as a result of sudden geopolitical and strategic developments, but an evidence base of relevant patterns of activity is a vital guide to understanding future use.

⁷⁵ See Control Arms (2015). "ATT Monitor 2015". ATT Monitor, 25 August 2015, Chapter 1.2, pp. 44-62. <http://armstreatymonitor.org/current/wp-content/uploads/2015/08/Full-Annual-Report.pdf>

BOX 4: SOUTH SUDAN RISK PROFILE

Overview: South Sudan has suffered from internal and cross-border armed violence prior to and since independence in 2011. Fighting between the government forces and an alliance of armed groups in the country has displaced more than two million people, and more than half of the country's population are now in need of humanitarian assistance.⁷⁶ Although a peace agreement was signed in August 2015 the security situation remains precarious with new patterns of armed violence emerging.⁷⁷

Risk snapshot: Multiple credible bodies have documented systematic violations of international humanitarian law (IHL) and human rights law (IHRL) by all parties to the conflict in South Sudan.⁷⁸ Civilians have been deliberately targeted on the basis of their ethnic, tribal or political identity.⁷⁹ In October 2014 the African Union Commission of Inquiry on South Sudan documented sexual and gender-based violence committed by both sides.⁸⁰ In January 2016 a report of the UN Panel of Experts on South Sudan described conflict-related sexual violence as a 'hallmark' of the conflict, stating that all parties

deliberately used rape as a tactic of war.⁸¹ Human-rights groups have criticized the limited progress towards accountability for the violations and abuses of IHL and IHRL that have taken place, including 'rampant' gender-based violence.⁸²

Transfer overview: Arms transfers to South Sudan have not been reported publicly through the UN Register on Conventional Arms or the UN Commodity Trade Statistics Database (UN Comtrade).⁸³ The August 2015 ATT Monitor case study on arms transfers to South Sudan found credible evidence that transfers have continued throughout the crisis despite the clear risks of misuse and diversion.⁸⁴

There is a risk that arms transfers could be used to commit or facilitate serious violations of international humanitarian and human rights law [Articles 7.2(b)(i) and 7.2(b)(ii)].

There is also a risk that arms exports could be used to carry out acts of gender-based violence and acts of violence against women and children in contravention of Article 7.4 of the Treaty.

CONCLUSION

The information and guidance produced by ATT Monitor will be publicly available to all interested parties. It is anticipated that the Risk Watch tool will be of value for use by government export authorities, and to other governments and civil society organizations to act as watchdogs of licensing behaviour.

ATT Monitor supports effective decision-making by States Parties as they seek to responsibly implement the Treaty and promote its norms.

The Risk Watch tool's primary purpose is to promote informed decision-making and provide recommendations based on available information. The ATT Monitor methodology will help provide a basis for the evaluation of arms transfers into contexts of concern, and to increase, through the provision of knowledge, responsible practice among States Parties.

76 UN Office for the Coordination of Humanitarian Affairs (UN OCHA), (2016). "Statement to the Security Council on South Sudan". New York, 31 March 2016. https://docs.unocha.org/sites/dms/Documents/USG_ERC%20Stephen%20Brien%20Statement%20on%20South%20Sudan%20SecCo%2031March2016_CAD.pdf

77 UN Security Council (2016). "Reports of the Secretary-General on the Sudan and South Sudan". S/PV.7678, 26 April 2016. www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_pv_7678.pdf.

78 See, for example, AU Commission on Inquiry on South Sudan (2014). "Final Report of the African Union Commission of Inquiry on South Sudan". African Union, Addis Ababa, 15 October 2014. www.peaceau.org/uploads/auiciss.final.report.pdf, and UN Security Council (2106). "Final Report of the Panel of Experts on South Sudan". S/2016/670, 22 January 2016. www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2016_70.pdf

79 Ibid., p.37.

80 AU Commission on Inquiry on South Sudan (2014). "Final Report of the African Union Commission of Inquiry on South Sudan". African Union, Addis Ababa, 15 October 2014, p.112. www.peaceau.org/uploads/auiciss.final.report.pdf

81 UN Security Council (2106). "Final Report of the Panel of Experts on South Sudan", S/2016/670, 22 January 2016, pp. 43-44. www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2016_70.pdf

82 Human Rights Watch (2016). "UN Human Rights Council: Joint NGO Letter on South Sudan". 4 March 2016. <https://www.hrw.org/news/2016/03/04/un-human-rights-council-joint-ngo-letter-south-sudan>

83 According to the Stockholm International Peace Research Institute's (SIPRI) "Trade Registers", in 2015 South Sudan took delivery of six Mi-24P/Mi-35P combat helicopters from an unknown supplier; see http://armstrade.sipri.org/armstrade/page/trade_register.php

84 Control Arms (2015). "Arms Transfers to South Sudan". ATT Monitor, Case Study 1, 25 August 2015. <http://armstreatymonitor.org/current/arms-transfers-to-south-sudan/>