TAKING STOCK:

THE ARMING OF ISLAMIC STATE

AMNESTY INTERNATIONAL

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The armed group calling itself Islamic State (IS) deploys a substantial arsenal of arms and ammunition, designed or manufactured in more than 25 countries. IS has used these weapons to commit serious human rights abuses and violations of international humanitarian law across Iraq and Syria, including abductions, summary killings and torture. Their military campaign has relentlessly targeted civilians with small arms, artillery fire and huge quantities of improvised explosive devices.
Drawing on expert analysis of thousands of videos and images, this report catalogues the array of weapons, ammunition and other military equipment observed in the possession of IS. The report concludes that the bulk of the arms and ammunition currently in the possession of IS has been seized from or has leaked out of Iraqi military stocks. Supplier states and the Iraqi authorities urgently need to implement far stricter controls on the transfer, storage and deployment of arms to avoid further proliferation to armed groups and abuses of human rights.

Index: MDE 14/2812/2015
December 2015
amnesty.org

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EXECUTIVE SUMMARY

The armed group Islamic State (IS) now deploys a substantial arsenal of arms and ammunition, designed or manufactured in more than 25 countries. With this arsenal, IS has committed serious human rights abuses and violated international humanitarian law. The group has abducted, summarily killed, tortured and raped people across Iraqi and Syrian territory. Their military campaign has relentlessly targeted civilians with small arms, artillery, huge numbers of improvised explosive devices (IEDs), and possibly with chemical weapons.

Drawing on expert analysis of thousands of videos and images, this report catalogues the array of weapons, ammunition and other military equipment observed in the possession of IS and charts their probable chains of custody. It finds that there is a close match between the types of weapons currently being used by IS and the inventory of the Iraqi military, built up over the past five decades. The report concludes that a substantial proportion of IS' current military arsenal comprises weapons and equipment looted, captured or illicitly traded from poorly secured Iraqi military stocks.

IS has also gained access to weapons from other sources – notably capture or sale of Syrian military stocks and arms supplied to armed opposition groups in Syria by countries including Turkey, the Gulf States, and the USA. This report examines these sources briefly but focuses on the supply to and mismanagement of arms by the armed forces of Iraq, as this is the origin of the majority of IS' arms.

IS fighters are now equipped with large stocks of mainly AK variant rifles, but also US military issue M16, Chinese CQ, German Heckler & Koch G3 and Belgian FN Herstal FAL type rifles. Experts have also observed in the IS' arsenal: Austrian Steyr and Russian Dragunov SVD sniper rifles; Russian, Chinese, Iraqi and Belgian machine guns; former Soviet Union/Yugoslav anti-tank missiles; and Russian, Chinese, Iranian and American artillery systems.

In addition, IS has captured more sophisticated equipment, such as guided anti-tank missiles (Russian Kornet and Metis systems, Chinese HJ-8, and European MILAN and HOT missiles), and surface-to-air missiles (Chinese FN-6 MANPADS).

The quantity and range of IS stocks of arms and ammunition ultimately reflect decades of irresponsible arms transfers to Iraq and multiple failures by the US-led occupation administration to manage arms deliveries and stocks securely, as well as endemic corruption in Iraq itself.

The composition of IS' military arsenal is rooted in a long history of accumulation and proliferation of arms and ammunition in Iraq. In the 1970s and 1980s at least 34 countries, led by Russia, France and China, irresponsibly transferred billions of dollars' worth of military equipment to Iraq. This was at a time of extreme volatility, when Iraq was at war with Iran and the Iraqi armed forces were committing widespread violations of international human rights and humanitarian law.

During the invasion and its aftermath, the US-led coalition's decision to disband the Iraqi army, estimated at around 400,000 personnel, meant that many tens of thousands of individuals returned home or went into hiding with their weapons. In addition, Iraqi civilians and armed groups that emerged following the US invasion looted Iraqi military and police weapons caches as coalition forces struggled to maintain effective control of military stocks.

From 2003 to 2007, the USA and other coalition members transferred more than 1 million infantry weapons and pistols with millions of rounds of ammunition to the Iraqi armed forces, despite the fact that the army was poorly structured, corrupt and ill-disciplined. Hundreds of thousands of those weapons went missing and are still unaccounted for. During this period illicit markets flourished, as did covert supplies from Iran, making arms and ammunition readily available to armed groups operating in Iraq.

US-led forces failed to act decisively to prevent human rights abuses, control stockpiles, disarm Iraqi soldiers when the armed forces were disbanded, and safeguard against arms surpluses and imports getting into the hands of militias working as death squads or insurgents. This was compounded by a failure to adequately vet, monitor, train and hold to account the various Iraqi security forces in a manner consistent with international human rights and humanitarian law.

Over the past decade successive Iraqi governments have made large purchases of arms, starting with tens of thousands of small arms and ammunition from China and later from the USA. Over 30 countries have supplied the Iraqi army with further military equipment, despite the fragility of the Iraqi armed forces. In 2014, IS captured several key military bases in Iraq, looting exposed military stocks and sending another slew of weapons across the region, further fuelling the conflict.

Iraq has become an emblematic case of the grave dangers of arms accumulation and proliferation and the irresponsible trade in weapons and munitions. While the ready availability of arms and ammunition has supplied a variety of armed groups and militias in the region, including scores of Shi'a militia groups accused of systematic violations of human rights, this report focuses specifically on IS. Amnesty International will examine, in a forthcoming briefing, how arms proliferation from the Iraqi army and Iranian stocks have supplied the Shi'a militia, raising further questions in relation to the security of current transfers and their use in serious violations of human rights.

In order to effectively tackle the proliferation and persistent misuse of arms in Iraq, including the diversion of weapons and ammunition from official stocks to IS, all states should adopt a "presumption of denial" rule on the export of arms to Iraq. For any exceptions to this rule, the Iraqi military or police end-user unit must first meet stringent reliability tests to demonstrate that it can act consistently with full respect for international human rights and humanitarian law. States considering arms exports must work with the Iraqi authorities to strengthen controls over the whole arms transfer process, including delivery mechanisms, stockpiling, end use and eventual decommissioning. All states must also ensure the robust implementation of the UN Security Council arms embargo applicable to IS, in particular by exercising full and transparent co-operation with the Security Council Committee under resolutions 1267 (1999) and 1989 (2011) and the expert panel charged with monitoring the compliance with the sanctions regime, and pursuing criminal sanctions against any person deliberately violating the embargo.

The Iraqi government must urgently review all aspects of its standards, procedures and training for the management and use of conventional arms. This should include the management of stockpile security, the issuing and tracking of weapons and basic record keeping in order to prevent the ongoing leakage of weapons and munitions to armed groups and local militias. Lack of accountability for corrupt practices within the military remains a key obstacle to effective management of military stocks.

If past mistakes are not to be repeated, states must exercise extreme caution with all future transfers to the region. Where there is a substantial risk that the arms will end up being used to commit or facilitate serious violations of international human rights or humanitarian law, the transfer must not take place. Where the transfer is deemed essential for the maintenance of peace and security, states must invest heavily in strengthening the military security forces' capacity to uphold international human rights and humanitarian law, and bolster the full array of pre- and post-delivery arms controls and end-use monitoring. These measures include:

- More rigorous export risk assessments that take into account not only the immediate harm but also the possible long term impact of any given transfer – especially the risk the arms would be used or diverted for use in serious violations of international human rights or humanitarian law;
- Secure marking, transportation and delivery verification systems;
- Diligent record keeping and full transparency of arms transfer data, including information sharing with other supplier states;
- Robust post-delivery controls including support for stockpile security and long-term, on-site monitoring and training;
- Full co-operation with UN sanctions expert panels to ensure robust implementation of the UN Security Council arms embargo;

- Post-conflict security sector reforms so that preparation, planning and implementation will provide for human rights protection.

In particular, states must adhere to international obligations to prevent the proliferation of conventional arms by fully implementing the Arms Trade Treaty and other arms control standards including the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, the UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition and related guidance contained in the International Small Arms Control Standards.

METHODOLOGY

Data on IS' inventory in this report are taken from a baseline study commissioned by Amnesty International and carried out by Armament Research Services (ARES), an independent, policy-neutral organization specializing in arms and munitions-related topics. Drawing on analysis of thousands of images, hundreds of video clips, and sources within Iraq and Syria, ARES documented the types of small arms and light weapons, artillery, ammunition and ordnance, and armoured fighting vehicles within IS' inventory. ARES also examined the sources and mechanisms of supply for the arms and munitions documented, drawing on correspondence with governments, official reports, confidential sources and a wide range of open source materials. The ARES survey drew on sources accessed between 11 March and 25 May 2015. This report also cites documentation of physical evidence gathered from the field, compiled and published by Conflict Armament Research, an organization that investigates and documents weapons and ammunition in a variety of conflict zones, including in Syria and Iraq.

For data on past arms transfers to Iraq, Amnesty International consulted open source data on arms transfer, including data supplied by the Stockholm International Peace Research Institute (SIPRI), the United Nations Commodity Trade database, the UN Register of Conventional Arms and the Norwegian Initiative on Small Arms Transfers. Material on human rights violations is drawn from field research carried out by Amnesty International in Iraq and Syria over the past decade, including more recent testimony gathered by Amnesty International about IS abuses in Iraq,[1] as well as UN reports.

1 Amnesty International, Iraq: Ethnic cleansing on an historic scale: The Islamic State's systematic targeting of minorities in northern Iraq (Index: MDE 14/011/2014) hereinafter "Ethnic cleansing on an historic scale"; Amnesty International, Escape from hell, (Index: MDE 14/021/2014).

CHAPTER 1: THE ARSENAL OF ISLAMIC STATE

The armed group calling itself Islamic State (IS) deploys a substantial arsenal of arms and ammunition, designed or manufactured in more than 25 countries. With this arsenal IS has committed an horrific catalogue of human rights abuses and violations of international humanitarian law, some constituting war crimes and crimes against humanity. Since its formation in Iraq in 2006, IS has deliberately and systematically targeted civilians, including through suicide bombings of mosques and markets. IS fighters have abducted civilians, including peaceful activists and media workers, and have committed acts of torture and ill-treatment including rape and other sexual and gender-based violence. They have summarily killed government soldiers and members of other non-state armed groups that they have captured[2] and have used child soldiers.[3]

After a brief summary of IS' formation and subsequent expansion, this chapter describes the arsenal of the armed group which has allowed it to maintain its control over parts of Iraq and Syria and commit crimes under international law.

IS fighter waves the IS flag in al-Raqqa, Syria, June 2014.

THE RISE OF IS IN IRAQ

Following the US-led invasion of Iraq in 2003 and the subsequent fall of President Saddam Hussein, a number of insurgent armed groups composed largely of Sunni men emerged in opposition to the occupying forces and the Shi'a-dominated Iraqi government. The Al-Tawhid wa al-Jihad group, set up by Jordanian national Abu Musaab al-Zarqawi in 2002, became a major force in the insurgency after declaring allegiance to al-Qa'ida and establishing al-Qa'ida in Iraq. US support for the more moderate Sunni al-Sahwa (Awakening) Councils progressively weakened al-Qa'ida in Iraq. After Abu Mussab al-Zarqawi was killed in a US air strike in 2006, al-Qa'ida in Iraq renamed itself Islamic State in Iraq (ISI).

2 UN Commission of Inquiry, Rule of Terror: Living under ISIS in Syria, (2014), available at www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx; Human Rights Watch, Syria: Deliberate Killing of Civilians by ISIS, (3 July 2015), available at www.hrw.org/news/2015/07/03/syria-deliberate-killing-civilians-isis

3 Amnesty International, Released schoolboys reveal torture, fear and anxiety in IS captivity in Syria (7 November 2014), available at www.amnesty.org/en/latest/campaigns/2014/11/released-schoolboys-reveal-torture-fear-and-anxiety-in-is-captivity-in-syria/

When an uprising began in Syria in 2011, ISI, now headed by Abu Bakr al-Baghdadi, joined the rebellion against the President of Syria, Bashar al-Assad. Baghdadi's attempts to set up a single organization operating across Iraq and Syria were rejected by Jabhat al-Nusra (al-Nusra Front - ANF) and al-Qa'ida, but the resulting Islamic State of Iraq and the Levant (ISIL) consolidated itself and began recruiting fighters. In March 2013, al-Raqqa became the first governorate capital in Syria to fall to non-state armed groups led by ANF[4] and Ahrar al-Sham. However, in subsequent weeks, ISIL ousted these groups and imposed its own control over the city and most of the governorate.

In Iraq, ISIL took advantage of the government forces' violent dispersal in December 2013 of largely peaceful, year-long protests in Ramadi and Fallujah, Anbar province, joining disenchanted Sunni tribesmen and former Baathists in the fight against government forces. ISIL later took control of Fallujah and parts of Ramadi in January 2014.

Iraqi government forces attempted to regain control over Fallujah and parts of Ramadi from ISIL. In doing so, their use of indiscriminate shelling led to multiple civilian deaths and caused damage to civilian infrastructure. Anbar province remained in conflict for months amid allegations that Iraqi Prime Minister Nuri al-Maliki had undermined efforts by tribal leaders to broker a solution. The Iraqi government's failure to resolve the crisis, among other factors, left Anbar unable to stem the rapid military advance of the group which was now calling itself IS, and whose fighters seized control of Mosul, Iraq's second-largest city, in June 2014. The seizure of Mosul was followed by the capture of much of Anbar, Diyala, Kirkuk, Ninevah and Salah al-Din provinces. As a result of the gains by IS, in mid-2014 the USA resumed an active military role in Iraq.

By late 2015, IS had also significantly advanced operations in Syria, gaining effective control over large parts of al-Raqqa, eastern Aleppo, Deyr al-Zur, Hasakeh, Homs and Hama governorates and half of Yarmouk, a neighbourhood less than 10km from the capital Damascus.

IS SUMMARY KILLING IN KOCHO, IRAQ

Nurse Elias Salah, survivor of an IS summary killing of Yezidi men in Kocho in August 2014, told Amnesty International:[5]

"At 11-11.30am [on Friday 15 August] IS militants called all the residents to the secondary school, which has been their headquarters since they came to the village two weeks ago. There they asked that we hand over our money and our mobile phones, and that the women hand over their jewellery.

After about 15 minutes they brought vehicles and started to fill them up with men and boys. They pushed about 20 of us onto the back of a Kia pick-up vehicle and drove us about 1km east of the village. They got us off the vehicle by the pool and made us crouch on the ground in a tight cluster and one of them photographed us. I thought then they'd let us go after that, but they opened fire at us from behind. I was hit in the left knee, but the bullet only grazed my knee. I let myself fall forward, as if I were dead, and I stayed there face down without moving. When the shooting stopped I kept still and after they left, I ran away.

"Five or six others were also alive and they also ran from the place. The rest were all killed. I know two of them, they were right next to me: Khider Matto Qasem, 28, and Ravo Mokri Salah, about 80 years old.

"I don't know who the others were; I was too scared to look around, I couldn't focus. I don't know what happened to my family, my wife, my seven children (my two daughters and my five sons; the youngest is only 14), my son's wife and their two children; I don't know if they are dead or alive or where they are.

4 In April 2013 al-Baghdadi declared a merger of ISI and ANF, to form the Islamic State of Iraq and al-Sham (ISIS or ISIL), a move rejected by both al-Qa'ida leadership and ANF.

5 Amnesty International, Ethnic cleansing on a historic scale (Index: MDE 14/011/2014) pp. 9-10; Amnesty International interviewed eight survivors of the Kocho massacre between 17 and 28 of August, in various locations in and around Dohuk and Zakho. Three of them were first interviewed in Derik hospital in Syria, where they were initially treated before travelling on to Iraqi Kurdistan.

IS' ARSENAL

After the fall of the Iraqi city of Mosul to IS in June 2014, the UN Security Council unanimously adopted resolution 2170 of 2014 under Chapter VII of the UN Charter, condemning in the strongest terms what it called "gross, systematic and widespread abuse" by IS and ANF. The resolution reaffirmed that the arms embargo requirements in paragraph 1 of resolution 2161 of 2014 against al-Qa'ida and its affiliates apply to IS and ANF.[6] Yet, despite the UN embargo, IS has been able to continue to acquire weapons, munitions and related equipment, largely due to the chaotic situation in Iraq and Syria, the proliferation of arms associated with the breakdown of the Iraqi army, and the diversion of arms and equipment from poorly controlled imports.

Drawing on the analysis of thousands of images, hundreds of videos and sources within Iraq and Syria, this section summarizes the small arms and light weapons, artillery, ammunition and ordnance, and armoured fighting vehicles currently held by IS.[7] It finds a close match in weapon type between the arsenals of IS and the inventory of the Iraqi military. While precise chains of custody are difficult to establish, a substantial proportion of IS' current military arsenal comprises weapons and equipment captured or illicitly traded from poorly secured Iraqi, and, to a lesser extent Syrian, military stocks.[8]

SMALL ARMS AND LIGHT WEAPONS

The main rifle type used by IS is the AK (Avtomat Kalashnikov) family of automatic rifles, as well as close copies and derivatives, with a bias towards the Russian and Chinese types that have been the staple of the Iraqi army for decades. Most of these weapons are decades old, though the more modern Russian AK-74M is in evidence, most probably looted from Syrian army stocks. IS forces have also captured US-manufactured small arms, including M16 assault rifles, along with Chinese, Croatian, Belgian and Austrian small arms.[9]

A Kurdish gunsmith holds a US-made M16A4, previously in the possession of the Iraqi army, and later IS, after the weapon was converted in to an M4 carbine-type rifle. Erbil, September 2014.

6 UN Security Council, 'Security Council Adopts Resolution 2170 (2014) Condemning Gross, Widespread Abuse of Human Rights by Extremist Groups in Iraq, Syria', available at www.un.org/press/en/2014/sc11520.doc.htm ; text of resolution can be found here: www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2170(2014)

7 Unless otherwise stated, data related to the current arsenal of IS are drawn from research commissioned by Amnesty International from Armament Research Services (ARES), see www.armamentresearch.com This chapter also draws on field research carried out by Conflict Armament Research (CAR), see www.conflictarm.com A full list of weapon types observed by ARES can been seen in Annex 1.

8 Due to lack of access to conflict zone, relative numbers of each weapons system, operational condition and the ability of IS fighters to deploy the more sophisticated weapons are not possible to verify.

9 Conflict Armament Research, Islamic State Weapons in Iraq and Syria (2014), available at http://conflictarm.com/wp-content/uploads/2014/09/Dispatch_IS_Iraq_Syria_Weapons.pdf

According to ARES's study, which covers material viewed from 11 March to 25 May 2015, many other varieties of self-loading rifles appear in images and videos featuring armed IS fighters, as summarized in Table 1 and in the sections below:

TABLE 1: TYPES OF SMALL ARMS IN IS' ARSENAL

- Iraqi-manufactured "Tabuk" M70, based on the Serbian Zastava M70 series
- Chinese CQ assault rifle
- US manufactured Bushmaster XI5-E2S semi-automatic rifle
- US-manufactured AR-15 pattern rifles (including M16 and M4 series weapons)
- German Heckler & Koch G36-type rifles
- Belgian-manufactured FN Herstal FAL rifle and its international variants
- Czech vz. 52 rifle
- Russian SKS rifle
- Russian Dragunov SVD semi-automatic sniper rifle
- US Army Mk 14 series rifle[10]
- Limited numbers of Austrian Steyr SSG 69 sniper rifles
- 1960s-era German Walther KKJ rifle

A Chinese-made Kalashnikov and an American M4 rifle (the latter captured from IS fighters) lean against a wall in a building occupied by Syrian Kurdish People's Protection Units fighters in Al-Yarubiyah, Syria, September 2014.

10 Also observed in use by US-supported Syrian armed opposition group, Division 30, see ARES, http://armamentresearch.com/united-states-mk14-ebr-in-syria/

MACHINE GUNS

The general-purpose machine gun, the Russian PKM, predominates on all sides of the conflict. Conflict Armament Research has uncovered Chinese Type 80 PK/PKM analogues, probably manufactured in the mid- to late-1980s, that were captured by the Kurdish People's Protection Units from IS units in northern Syria.[11] IS has been photographed with at least one example of the Hungarian KGK, along with Russian and Iraqi variants of the Russian RPK light machine gun and the German Rheinmetall MG3, likely to have been captured from Kurdish forces by IS[12], and a vintage Browning M1919A6 machine gun, which was first produced in the 1940s, and, given its age, may have been looted from Iraqi reserve storage military stocks.

HANDGUNS

The German Walther P99 features in one of IS' execution videos. Conflict Armament Research observed a FN Herstal Browning Hi-Power 9x19mm semi-automatic pistol, a Glock G19, and a Croatian HS Produkt HS2000 in one IS cache captured by Kurdish People's Protection Units forces between mid-June and early August 2014.[13] Images also show that IS has deployed the M9 (Beretta 92FS) 9mm semi-automatic pistol. According to the eye-witness testimonies of a Spanish journalist and a Danish photographer who were held hostage by IS, a member of the armed group used a Glock pistol to stage mock executions and to carry out a summary killing.[14]

ANTI-MATERIEL RIFLES

Anti-materiel rifles are designed for use against military objects, such as vehicles and other equipment. IS has been photographed using the Iranian Sayyad-2 AM50[15] and the Chinese M99 rifle, first seen in the hands of the Free Syrian Army (FSA), and likely to have been acquired through battlefield capture. Other images show IS and other parties to the conflict using improvised anti-materiel rifles, made from gun barrels and other components.[16]

SMALL ARMS AMMUNITION

IS fighters are currently using ammunition manufactured in a large number of countries. Conflict Armament Research assessed 1,775 cartridges collected from sites in Kurdish regions of northern Iraq and northern Syria in July and August 2014 and found ammunition from 21 countries, mainly from China, Russia/the former Soviet Union, the USA and Serbia.[17] While over half of the sample originated in China or Russia/the former Soviet Union, 20% was manufactured in the USA. The US-manufactured ammunition was – in all likelihood – seized from Iraqi military stocks. Field researchers recovered seven-month-old Russian ammunition and recently manufactured Iranian ammunition. Given the role of Iran and Russia in supplying the Syrian military,[18] this ammunition was probably looted or captured from Syrian military stocks. A small quantity of Sudanese ammuni-

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11 Conflict Armament Research, Islamic State Weapons in Iraq and Syria (2014) p. 8, available at http://conflictarm.com/wp-content/uploads/2014/09/Dispatch_IS_Iraq_Syria_Weapons.pdf

12 While it is not possible to verify chain of custody, Germany has supplied Kurdish Peshmerga forces with the Rheinmetall MG3 which is not part of the Iraqi army inventory; an IS fighter was photographed deploying a Rheinmetall MG3 during clashes with Iraqi forces near Tikrit, see Bild, 'Kämpft ISIS hier mit deutschen Waffen?', 31 October 2004, available at www.bild.de/politik/ausland/isis/maschinengewehr-mg3-kaempft-isis-hier-mit-waffe-die-wir-geliefert-haben-38366520.bild.html

13 Conflict Armament Research, Islamic State Weapons in Iraq and Syria (2014), pp. 13-14, available at http://conflictarm.com/wp-content/uploads/2014/09/Dispatch_IS_Iraq_Syria_Weapons.pdf

14 El Mundo, 'Javier Espinosa, #prisionero43', 15 March 2015, available at www.elmundo.es/internacional/2015/03/15/5502e97d22601d8a288b456f.html; The Sunday Times, 'I saw Jihadi John murder hostage', 18 October 2015,available at www.thesundaytimes.co.uk/sto/news/world_news/Middle_East/article1620740.ece

15 The Iranian Sayyad-2 AM50 has also been observed in the hands of Iraqi Shi'a militias and Iraqi soldiers, see ARES, 'Iranian AM50 and Russian ORSIS T-5000 rifles in Iraq', available at http://armamentresearch.com/iranian-am50-and-russian-orsis-t-5000-rifles-in-iraq/

16 Artisanal anti-materiel rifles have been produced by other armed groups in Syria, see ARES, 'Syrian Rebels Produce Homemade Anti-Materiel Rifles', available at http://armamentresearch.com/syrian-rebels-produce-homemade-anti-materiel-rifles/

17 Conflict Armament Research, Islamic State Ammunition in Iraq and Syria (2014), available at www.conflictarm.com/wp-content/uploads/2014/10/Dispatch_IS_Iraq_Syria_Ammunition.pdf

18 SIPRI yearbook 2013, 'Arms transfers to Syria', available at www.sipri.org/yearbook/2013/files/sipri-yearbook-2013-chapter-5-section-3

tion was also found, consistent with previous findings of similar ammunition among armed groups in Syria.[19]

LIGHT WEAPONS

Variants of the Russian DShK Second World War design heavy machine gun are in use by all parties to the conflicts across Iraq and Syria, including IS. Russian-type automatic cannons, such as the 2A14, are the most common types and have been observed in use by Peshmerga and Kurdish People's Protection Units forces in Iraq, and by IS in both Iraq and Syria. According to a source in Iraq, IS has also used the ZU-23-2 former Soviet Union anti-aircraft gun to summarily kill groups of prisoners.[20] All parties to the conflict also use the pre-Second World War former Soviet Union M1939 (61-K), and China's twin-barrelled version, the Type 65. Examples of the Russian GP-25 and GP-30M, as well as Bulgarian UBGL-M7 grenade launchers, have all been observed in IS' arsenal.

ANTI-TANK WEAPONS (UNGUIDED)

IS deploys the RPG-7 rocket-assisted recoilless weapon or close copies of this weapon, most commonly employing PG-7V and OG-7V anti-tank and anti-personnel munitions (or analogue designs). Images show IS deploying the more potent tandem warheads (designated the PG-7VT in their original Russian form), effective against more modern armoured fighting vehicles such as the Iraqi army M1A1 Abrams tanks. Examples of other anti-tank weapons fielded by Kurdish forces, such as the Yugoslavian RB-M57, RPG-75 and the SPG-9 recoilless rifle also appear in the IS' arsenal, as do the Yugoslavian/Serbian equivalent of the SPG-9, the M60, along with the M79 Osa rocket launcher.

ANTI-TANK WEAPONS (GUIDED)

Analysis of photos and videos shows IS forces employing a wide range of more sophisticated guided anti-tank weapons. IS has captured US-made TOW (Tube-launched, Optically tracked, Wire-guided) 2A systems, which are in widespread use across Syria by armed opposition groups.[21] IS has also deployed the Russian 9K135 Kornet ATGW (anti-tank guided weapon), which aided their capture of Mosul in June 2014, as well as the Russian 9K115-2 Metis-M ATGW.

In addition, IS' arsenal contains the older and less effective 9M17M Skorpion-M and the 9M14 and 9M14M Malyutka – both developed in the former Soviet Union. First seen in FSA hands, the Chinese-designed HJ-8 ("Red Arrow 8") has been acquired by IS forces, along with Franco-German designed MILAN missiles, and Haut subsonique Optiquement Téléguidé Tiré d'un Tube (HOT) missiles captured from Tabqa Airbase.[22] Analysis of footage and images has not established whether IS acquired platforms capable of launching these munitions, or whether its fighters have been able to employ them in an improvised fashion.

MORTARS/ARTILLERY GUNS

IS has captured large quantities of mortars from the Iraqi army and other sources, including the Iraqi Al-Jaleel 60mm light mortar and Second World War era Russian 82-PM-41 and 82-BM-37 types. Although the deployment of heavy mortars is less evident in the photographs and video footage analyzed by ARES, IS forces have also employed home-made mortars in the 80-100mm range.

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19 N.R. Jenzen-Jones, 'Following the Headstamp Trail: An Assessment of Small-calibre Ammunition Documented in Syria', in Small Arms Survey, April 2014.

20 ARES interview with a confidential source in Iraq.

21 ARES, "US produced TOW 2A ATGWs in Syria, available at http://armamentresearch.com/us-produced-tow-2a-atgws-in-syria/; 'Captured TOW 2A missiles employed in Syria', available at http://armamentresearch.com/captured-tow-2a-missiles-employed-in-syria/

22 Islamic State News, '#ISN Освобождённый военный аэродром в Табке, вилайят Ракка, 31 August 2014, available at www.youtube.com/watch?v=68Try24a0TU; Bellingcat, 'Arms Identification – German Missiles in the Hands of the Islamic State', available at www.bellingcat.com/resources/case-studies/2014/09/01/arms-identification-german-missiles-in-the-hands-of-the-islamic-state/

IS captured an unknown quantity of 155mm M198 towed howitzers from Iraqi military stocks during its capture of Mosul in June 2014, along with the older Chinese Type 59-1, which the Iraqi army used extensively during the 1980-1988 Iran-Iraq war.[23] IS has also captured former Soviet Union D-30 and M-30 122mm howitzers from Syrian military stocks and small numbers of the older, and now obsolete, M-30 models which were probably taken from the Syrian army's reserve storage for deployment.

Improvised mortar rounds manufactured by IS forces and captured by Syrian Kurdish People's Protection Units documented by a Conflict Armament Research Field Investigation team on 21 February 2015 in Kobane.

MAN-PORTABLE AIR DEFENCE SYSTEMS

According to SIPRI, Iraq imported 5,600 Russian SA-7 man-portable air defence systems (MANPADS) in the 1970s and 1980s.[24] Expert analysis of Iraqi weapons stocks indicate that thousands subsequently entered the illicit market following the US-led invasion in 2003.[25] During the occupation and its aftermath, US forces regularly encountered and seized MANPADS from illicit weapons caches in Iraq.[26]

Although the extent of their holdings is unknown, IS has been known to use MANPADS against US and Iraqi aircraft. In one instance in 2015, IS attempted surface-to-air attacks using an SA-7 Strela system against US aircraft that were supporting the Iraqi army and Kurdish forces.[27] In another incident, IS employed the Chinese FN-6 system against an Iraqi military helicopter near Bayji on 3 October 2014 – the same system that Qatar is alleged to have imported from Sudan to supply to Syrian rebel groups (see Case 2 below).[28] IS forces may have also captured MANPADS from Tabaqa air base in Syria in August 2014.[29]

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23 According to the SIPRI arms transfer database, China exported 520 Type 59-1 towed guns between 1982 and 1987, see http://armstrade.sipri.org/armstrade/page/trade_register.php

24 SIPRI trade register, see http://armstrade.sipri.org/armstrade/page/trade_register.php

25 Small Arms Survey 2012, Surveying the Battlefield: Illicit Arms in Afghanistan, Iraq and Somalia, Chapter 10, p. 329.

26 Small Arms Survey 2012, Surveying the Battlefield, pp. 326-9.

27 The Aviationist, 'U.S. A-10 reportedly shot at by ISIS militants with Strela MANPADS in Iraq', 19 January 2005, available at http://theaviationist.com/2015/01/19/a-10-strela-iraq/

28 IHS Jane's Defence Weekly, 'Islamic State uses MANPADS against Iraqi helo', 8 October.

29 Washington Post, 'Islamic State might have taken advanced MANPADS from Syrian airfield', 25 August 2010, available at www.washingtonpost.com/news/checkpoint/wp/2014/08/25/islamic-state-might-have-taken-advanced-manpads-from-syrian-airfield/

ARMOURED FIGHTING VEHICLES

Most armoured fighting vehicles currently in use by IS are Russian-designed or US types captured from Iraqi military stocks. The main battle tanks deployed by IS are the Russian T-54/T-55 and T-62; IS has been able to capture some Chinese Type 69-II tanks and US M1A1M "Abrams" in Iraq. It appears, however, that all captured M1A1M tanks were later destroyed by IS, and there is no evidence of their use in further combat.[30]

Additionally, during the current conflicts in Syria and Iraq, IS has captured hundreds of light armoured fighting vehicles of more than a dozen different types that were in service with the Syrian and Iraqi armies. However, the vast majority of light armoured fighting vehicles used by IS fighters comprise only a few models: the Russian BMP-1, MT-LB Infantry Fighting Vehicle, and the US M113A2 Armoured Personnel Carrier, M1117 Armoured Security Vehicle, and up-armoured HMMWV (Humvee) variants.

Islamic State fighters take part in a military parade in a captured T-55 tank along the streets of northern al-Raqqa province, Syria, 30 June 2014.

IMPROVISED WEAPONS AND AMMUNITION

IS face considerable supply and equipment maintenance challenges, and in response have resorted to adapting military and other materiel into home-made weapons and munitions. Images assessed by ARES show a wide variety of craft-built equipment including improvised hand grenades, explosive devices (IEDs), rocket assisted munitions, launch rails for rockets, mounting systems and vehicles clad with makeshift armour. Improvised solutions generally result in inaccurate weapons which are impossible to precisely target at military objectives or to use lawfully in populated areas.

IS' use of IEDs – vehicles packed with explosives, culvert bombs (bombs hidden in a roadside gutters) and booby-traps in residential areas left by retreating forces – remains an extremely serious and growing problem.[31]

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30 Oryx Blog, 'Vehicles and equipment captured, operated and destroyed by the Islamic State inside Iraq', 22 November 2014, available at http://spioenkop.blogspot.com.br/2014/11/vehicles-and-equipment-captured.html

31 IHS Janes, 'Automation tracks Islamic State's IED use in Iraq', October 2015, available at http://blog.ihs.com/q24-automation-tracks-islamic-state%E2%80%99s-ied-use-in-iraq; Defence News, 'ISIL Using IEDs as Guided Munitions', 19 June, 2015, available at www.defensenews.com/story/defense/land/weapons/2015/06/19/isis-isil-ied-iraq-syria-coalition-pgm-suicide-truck-bomb/28984469/

Improvised ground-to-ground rockets manufactured by IS forces and captured by Syrian Kurdish People's Protection Units in Kobane, documented by a Conflict Armament Research Field Investigation team on 21 February 2015 in Kobane.

BANNED WEAPONS

Cluster munitions, whose use, production, transfer and stockpiling are prohibited under the Convention on Cluster Munitions,[32] have been deployed throughout Syria by the Syrian armed forces. Kurdish authorities photographed an unexploded Chinese ZP39A sub munition on the outskirts of Kobane in Syria and reported cluster munition attacks in July and August 2014 during an IS assault, suggesting use by the armed group.[33] IEDs, which in some instances would constitute landmines under the Anti-Personnel Mine Ban Convention,[34] are commonly used by IS (see above). According to the UN Security Council panel report on IS and ANF, IS has used IEDs containing poison-coated metal balls, and some experts fear that IS could develop chemical weapons capabilities in the long term.[35] International media have reported that IS may have deployed a mustard agent in attacks on the towns of Makhmourand[36] and Marea[37] in August 2015, but these reports are unverified.

LEGACY WEAPONS AND THE DANGERS OF PROLIFERATION

IS currently deploys an array of weapons and ammunition of a wide variety of types, designed or manufactured in at least 25 countries. If properly maintained, small arms can remain useable for decades; AK variant rifles, which are the most prevalent in the current conflict, are particularly hard-wearing, with 50-year-old rifles still in active service in some parts of the world.[38] Most of the weapons currently in use by IS were manufactured at least a quarter of a century ago; some weapons are virtual museum pieces.

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32 While 118 states have joined the Convention on Cluster Munitions, Syria and their principle suppliers, Russia and Iran, are non-signatories. Iraq acceded to the treaty in May 2013, see www.clusterconvention.org On cluster munitions use in Syria, see, for example: Human Rights Watch, 'Syria: New Russian-Made Cluster Munition Reported', 10 October 2015.

33 Human Rights Watch, 'Syria: Evidence of Islamic State Cluster Munition Use', 1 September 2014, available at www.hrw.org/news/2014/09/01/syria-evidence-islamic-state-cluster-munition-use

34 Formally known as the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, see www.icrc.org/applic/ihl/ihl.nsf/INTRO/580

35 Associated Press, 'Kurds probe 2 possible Islamic State chemical weapon attacks', 16 March 2015, available at www.business-standard.com/article/pti-stories/kurds-probe-2-possible-islamic-state-chemical-weapon-attacks-115031600931_1.html; UN Security Council, 'Letter dated 13 November 2014', para. 45, available at 'www.un.org/en/ga/search/view_doc.asp?symbol=S/2014/815; New York Times, 'ISIS Has Fired Chemical Mortar Shells, Evidence Indicates', 17 July 2015, available at www.nytimes.com/2015/07/18/world/middleeast/islamic-state-isis-chemical-weapons-iraq-syria.html?smid=tw-share&_r=0

36 BBC, 'Chemical agent' traced in IS mortar fire, says US general', 21 August 2015, available at www.bbc.co.uk/news/world-middle-east-34020268

37 New York Times, 'What an ISIS Chemical Strike Did to One Syrian Family', 6 October 2015, available at www.nytimes.com/2015/10/07/world/middleeast/syrian-familys-agony-raises-specter-of-chemical-warfare.html

38 ARES, 'Durability & Longevity of Self-Loading Rifles Research, Note 8', January 2014, available at www.armamentresearch.com/wp-content/uploads/2014/01/ARES-Research-Note-No.-8-Durability-Longevity-of-Self-loading-Rifles_ver1.2.pdf

However, at its core IS' arsenal is made up of a range of post-Second World War Warsaw-Pact standard stock, mainly from the 1970s to the 1990s, and more recent NATO-standard equipment, reflecting Iraqi military procurement decisions since the 1960s, domestic production in Iraq and massive proliferation of Iraqi military stocks post-2003.

CHAPTER 2: CHAINS OF CUSTODY: CAPTURE, ACQUISTION AND ILLICIT TRADE

> **"In general, the most important source of arms for a rebel group is the government that it fights. Weapons are obtained via means such as theft, battlefield capture, donation by a sympathizer, or corrupt sale."**
>
> - Nic Marsh, Peace Research Institute Oslo[39]

In November 2014, a report by the UN Security Council Sanctions Monitoring Team covering al-Qa'ida and associated individuals concluded that the conflict zone in Syria and Iraq was "awash with weapons" seized principally from the Iraqi army and that IS had sufficient arms to supply its fighters for up to two years.[40] This chapter analyzes the available evidence which suggests that IS has gained the bulk of its arsenal through battlefield capture from Iraqi military stock and illicit trade across the region.[41]

BATTLEFIELD CAPTURE OF WEAPONRY

IS' military stocks were greatly boosted by a series of seizures of military bases in Iraq and Syria beginning in January 2014 (see Table 2 below). In June 2014 alone, the UN Security Council sanctions panel estimated that IS captured "vehicles, weapons and ammunition sufficient to arm and equip more than three Iraqi conventional army divisions [40,000 to 50,000 soldiers]".[42] The stocks were held principally in Anbar and Salah al-Din provinces but also in Mosul, Kirkuk and Diyala, and seized when an estimated 30% of Iraqi soldiers fled, abandoning their weapons and ammunition to the advancing IS forces.[43] Once captured, this equipment was quickly transported across the region. Two weeks after the fall of Mosul, Conflict Armament Research documented US-manufactured equipment that Kurdish People's Protection Units forces had seized from IS about 500km away in Syria, close to Ayn al-Arab.[44]

While IS undoubtedly captured large amounts of useable arms and ammunition from stockpiles and caches in Iraq, due to poor record-keeping by the Iraqi army it is impossible to calculate precisely how much equipment has been seized. The June 2015 report of the Sanctions Monitoring Team covering al-Qa'ida and associated individuals, noted in relation to the effectiveness of the arms embargo that member states' record-keeping on weapons and equipment was "weak or absent" and that there was a "need to track and record lost or stolen military materials".[45]

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39 Nic Marsh, Prio, Preventing Diversion: The Importance of Stockpile Management (2014), p. 4, available at http://file.prio.no/Publication_files/Prio/Marsh%20&%20Dube%20(2014)%20Preventing%20Diversion%20-%20The%20Importance%20of%20Stockpile%20Management.%20PRIO%20Paper.pdf

40 UN Security Council, 'Letter dated 13 November 2014' para. 37, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2014/815

41 UN Security Council, 'Letter dated 13 November 2014', para. 37.

42 UN Security Council, 'Letter dated 13 November 2014', para. 39

43 UN Security Council, 'Letter dated 13 November 2014', para. 39.

44 Conflict Armament Research, Islamic State Weapons in Iraq and Syria, September 2014, p. 6, available at www.conflictarm.com/wp-content/uploads/2014/09/Dispatch_IS_Iraq_Syria_Weapons.pdf

45 UN Security Council, 'Seventeenth report of the Analytical Support and Sanctions Monitoring Team submitted pursuant to resolution 2161 (2014) concerning Al-Qaida and associated individuals and entities', para. 65, available at www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/441

TABLE 2: KNOWN IS CAPTURE OF EQUIPMENT FROM MILITARY STORES IN IRAQ AND SYRIA

January 2014: US-supplied policing and military equipment from Fallujah, Iraq, after an IS assault on the main police station.

June 2014: Approximately 250,000 corroded chemical munitions from the Al-Muthana chemical facility in Iraq.

June 2014: Large quantities of US-supplied Humvees, tanks and armoured personnel carriers, and various small arms and light weapons and ammunition – enough to supply approximately three divisions in a conventional army (10,000 to 20,000 soldiers per division) – from abandoned equipment in military posts in Mosul City and surrounding depots.

June 2014: Significant weapons captured from Camp Speicher in Tikrit, Iraq, after soldiers flee IS advance (the facility had 1,700 armed soldiers and military personnel on-site prior to its capture).

June 2104: Substantial amount of US-supplied military equipment including Humvees and artillery equipped with GPS targeting systems from Tikrit city and towns into Diyala province, Iraq.

July 2014: Syrian military stocks from al-Raqqa city, which was manned by the Syrian Arab army's 17th division.

August 2014: Fighter aircraft, helicopters, tanks, artillery (including anti- aircraft systems) and ammunition from an airbase in al-Raqqa, Ayn Essa, along with Tabaqa air base and airfield.

September 2014: Four M1A1M Abrams tanks, a "Russian" tank, three BMP armoured vehicles, 41 Humvees, and various other vehicles and weapons from Camp Saqlawiya, Anbar, Iraq.

October 2014: Tanks, heavy weapons, munitions and stores, spare parts and various military supplies from Hit Military Facility and training camp, Anbar, Iraq.

May 2015: More than 100 armoured fighting vehicles, including dozens of tanks and armoured personnel carriers, and artillery pieces from Ramadi, Iraq, after the city fell to IS.

May 2015: A large quantity of ammunition, field guns and Kh-28 anti-radiation missiles[46] from the Tadmur (Palmyra) weapons depot and airbase, Syria.

ILLICIT ARMS TRADING

According to the UN experts panel, other experts and media reports, IS has also obtained arms and ammunition from illicit trading or transfers. The UN Security Council arms embargo monitoring team noted that "an extensive informal economy in the region has evolved to smuggle arms" facilitated by the existence of large quantities of government stocks and a longstanding tradition of private gun ownership in both Syria and Iraq.[47] The panel believe that IS has purchased weapons from the Free Syrian Army and private traders, as well as sourcing materiel via well-established smuggling routes and illicit arms markets. It is also likely that some of the small arms in IS' possession – such as an M4 carbine-style Bushmaster X15E2S manufactured in the USA and documented in IS' arsenal[48] –

46 Oryx blog, 'The spoils of Tadmur (Palmyra) airbase, captured by the Islamic State', 1 June 2015, available at http://spioenkop.blogspot.co.uk/2015/06/the-spoils-of-tadmur-palmyra-airbase.html?_sm_au_=iVV1Djf4rZRc4N7q

47 UN Security Council, 'Letter dated 13 November 2014', para.38.

48 Conflict Armament Research, Islamic State Weapons in Iraq and Syria, September 2014, p. 14, available at www.conflictarm.com/wp-content/uploads/2014/09/Dispatch_IS_Iraq_Syria_Weapons.pdf

Residents from Ramadi, displaced by IS' capture of the city, wait to cross Bzeibez bridge on the southwestern frontier of Baghdad, May 2015.

entered Iraq with private security companies during the US occupation and found their way into Iraqi arms markets.[49]

Unverified reports suggest an illicit trade of weapons, ammunition and dual-use goods (civilian goods that may have military applications) over the Turkish border.[50] On 29 May 2015, the Turkish newspaper Cumhuriyet published photos and video footage of what it alleged was a convoy of trucks, leased by the Turkish National Intelligence Organisation (MIT), carrying arms for rebel groups in Syria in January 2015.[51] According to the report, the convoy was stopped and inspected by Turkish officials and was said to be carrying 1,000 mortars, 1,000 shells, 50,000 machine gun cartridges and 30,000 heavy machine gun cartridges, hidden under medical supplies. Turkish President Erdoğan and Prime Minister Davutoğlu denied that the trucks contained arms, claiming that they were carrying aid for people of Turkish decent in Syria. In July, four prosecutors and a commander of the local gendarmerie who stopped the trucks and ordered their search were indicted on charges of obtaining/disclosing secret information, and "attempting to overthrow the government of the Turkish Republic through use of violence and coercion". In November 2015 a court in Istanbul charged Cumhuriyet's editor-in-chief and Ankara bureau-in-chief with "divulging state secrets".[52]

In May 2015, the New York Times reported a flourishing trade in the fertilizer ammonium nitrate from the Turkish border town of Akcakale into IS-held territory in Syria. Ammonium nitrate is explosive and is often used in the manufacture of IEDs.[53]

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49 As documented by Armament Research Services (ARES) unpublished study, commissioned by Amnesty International.

50 New York Times, 'A Path to ISIS, Through a Porous Turkish Border', 9 March 2015, available at www.nytimes.com/2015/03/10/world/europe/despite-crackdown-path-to-join-isis-often-winds-through-porous-turkish-border.html

51 Reuters, 'Video purports to show Turkish intelligence shipping arms to Syria', 29 May 2015, available at www.reuters.com/article/2015/05/29/us-mideast-crisis-turkey-arms-idUSKBN0OE28T20150529

52 Guardian, Turkish journalists charged over claim that secret services armed Syrian rebels, 27 November 2015, available at http://www.theguardian.com/world/2015/nov/27/turkish-journalists-charged-over-claim-that-secret-services-armed-syrian-rebels; Al Jazeera, 'MİT tırları iddianamesi hazır', 3 July 2015, available at www.aljazeera.com.tr/haber/mit-tirlari-iddianamesi-hazir; BGN News, 'Turkey's Erdoğan threatens editor who exposed arms to Syria', 1 June 2015, available at http://national.bgnnews.com/turkeys-erdogan-threatens-editor-who-exposed-arms-to-syria-haberi/6440; Reporters Without Borders, 'RSF Backs Newspaper Under Attack From President Erdogan', available at http://en.rsf.org/turkey-rsf-backs-newspaper-under-attack-01-06-2015,47953.html

53 New York Times, 'Fertilizer, Also Suited for Bombs, Flows to ISIS Territory From Turkey', 4 May 2015, available at www.nytimes.com/2015/05/05/world/europe/fertilizer-also-suited-for-bombs-flows-to-isis-territory-from-turkey.html?_r=0

STATE-SPONSORED SUPPLIES TO ARMED OPPOSITION GROUPS IN SYRIA DIVERTED TO IS

In the absence of physical evidence, including serial numbers, lot numbers and other markings – many of which are not visible in available images or have been deliberately removed – it is difficult to trace complete chains of custody for the weapons and ammunition in use by IS. Poor record-keeping by states that supplied arms to Iraq and Syria, the limited access to conflict zones in Iraq and Syria and the fact that the bulk of the small arms held by IS are weapons which do not have unique serial numbers pose further obstacles. However, based on the available evidence some possible chains of custody are summarized in the tables below.

CASE 1: CROATIAN INFANTRY WEAPONS

In January 2013, Eliot Higgins of the Brown Moses blog began collating footage posted by Syrian opposition groups and Syrian state television featuring former Yugoslav infantry weapons, including self-loading rifles, grenade launchers, machine guns, mortars and anti-tank rockets stockpiled and in use near Daraa, in the southwest of Syria.[54] In February 2013 anonymous Saudi Arabian officials briefed journalists that these weapons had been transferred from Croatia to the Free Syrian Army, on Royal Saudi Air Force C-130 transporters via Turkey and Jordan in a series of shipments financed by Saudi Arabia in late 2012 or early 2013.[55] A variety of Croatian weapons was subsequently identified by the Brown Moses blog being deployed by Syrian opposition groups.[56] In August 2014, Conflict Armament Research documented M79 90mm anti-tank rockets – thought to have been part of the original consignments from Croatia – among weapons held by the Kurdish People's Protection Units; Conflict Armament Research believes they were captured from IS in June 2014.[57] In March 2014, Elliot Higgins documented the same types of Croatian weapons, including RBG6 grenade launchers, M60 recoilless guns, RPG 22 rocket launchers and M79 rocket launchers, being deployed by IS in Iraq.[58]

CASE 2: CHINESE FN-6 MANPADS

In October 2014, IS released images of a Chinese FN-6 Man-portable air-defence system (MANPADS) being used against an Iraqi military helicopter, near Bayji. The downing of the helicopter was later confirmed by Iraqi authorities.[59] Weapons experts have not observed this type of MANPADS in Syrian or Iraqi military stocks. According to an investigation by the New York Times, it is likely to have come from a consignment purchased by Qatar from Sudan, and supplied via Turkey to select Syrian opposition groups.[60] Other Chinese systems in use in Sudan, such as QLZ87 automatic grenade launchers, M99 anti-materiel rifles and HJ-8 anti-tank guided weapons, equipment that is not part of the stocks of the Syrian or Iraqi militaries, have also been observed in photographs and video footage of the conflict in Syria, being deployed by armed opposition groups and IS fighters.[61]

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54 Brown Moses blog, 'Evidence of Multiple Foreign Weapon Systems Smuggled to the Syrian Opposition in Daraa', 25 January 2013, available at http://brown-moses.blogspot.co.uk/2013/01/evidence-of-multiple-foreign-weapon.html

55 New York Times, 'Saudis Step up Help for Rebels in Syria with Croatian Arms', 25 February 2013, available at www.nytimes.com/2013/02/26/world/middleeast/in-shift-saudis-are-said-to-arm-rebels-in-syria.html; BBC, 'Who is supplying weapons to the warring sides in Syria?', 14 June 2014, available at www.bbc.co.uk/news/world-middle-east-22906965

56 Brown Moses blog, 'More background on Croatian weapons in Syria', 26 February 2013, available at http://brown-moses.blogspot.com.br/2013/02/more-background-on-croatian-weapons-in.html

57 Conflict Armament Research, Islamic State Weapons in Iraq and Syria, September 2014, p. 11, available at www.conflictarm.com/wp-content/uploads/2014/09/Dispatch_IS_Iraq_Syria_Weapons.pdf

58 Brown Moses blog, 'ISIS deploys Croatian weapons against the Iraqi army', 8 March 2014, available at http://brown-moses.blogspot.com.br/2014/03/isis-deploys-croatian-weapons-against.html

59 HIS Janes, 'Islamic State uses MANPADS against Iraqi helo', October 2014, available at www.janes.com/article/44267/islamic-state-uses-manpads-against-iraqi-helo

60 New York Times, 'Arms Shipments seen from Sudan to Syria Rebels', 12 August 2013, available at www.nytimes.com/2013/08/13/world/africa/arms-shipments-seen-from-sudan-to-syria-rebels.html?hp&_r=1

61 See ARES: 'Kurdish forces with Chinese QLZ87 automatic grenade launcher & M99 anti-materiel rifle', available at http://armamentresearch.com/kurdish-forces-with-chinese-qlz87-automatic-grenade-launcher-m99-anti-materiel-rifle/; 'The Chinese QLZ87 Automatic Grenade Launcher', in Arms and Munitions Brief No. 1, available at: www.armamentresearch.com/wp-content/uploads/2014/01/Arms-and-Munitions-Brief-No.-1-QLZ-87-Automatic-Grenade-Launcher.pdf

CASE 3: BELGIAN FN FAL RIFLES

According to an investigation by the UN Panel of Experts on Libya,[62] on 27 April 2012 the Lebanese authorities seized a shipment of arms and ammunition on board the Letfallah II cargo ship near the port of Tripoli, Lebanon.[63] The Panel inspected three containers of military materiel that had been loaded in Misrata, Libya, which included "SA-24 short range surface-to-air missiles and SA-7b man-portable air defence systems, anti-tank guided missiles (Metis-M, Konkurs-M and MILAN) and various types of small, light and heavy weapons and ammunition."[64] The Panel subsequently entered several tracing requests, including a request for one of 14 Belgium FAL rifles found in the shipment. The Belgian authorities confirmed that the rifle had been exported by Belgium to Qatar on 21 December 1979. The Panel concluded that: "the rifle is likely to be part of materiel deliveries made by Qatar during the uprising [in Libya]" which had "since been illicitly transferred out of Libya, including towards other conflict zones". Belgian FN Herstal FAL rifles were subsequently captured from IS fighters by Kurdish People's Protection Units near Kobane. They were loaded with a type of Pakistani ammunition that, according to the UN Panel of Experts, had been previously supplied by Qatar to Libya, and had also been found on board the Letfallah II.[65] As Syria did not purchase Belgian FN Herstal FAL rifles after 1969, the use of post-1969 models by the Syrian armed opposition groups and IS fighters suggests they may have come from an external source.

CASE 4: CHINESE CQ 5.56MM RIFLES

In February 2015, Conflict Armament Research documented two Chinese CQ 5.56mm rifles which had been captured from IS fighters by Kurdish People's Protection Units fighters. The rifles had had their serial numbers ground off and painted over with black paint; they were loaded with Chinese ammunition manufactured in 2008. Exactly the same configuration – from the removed serial numbers to the black paint and 2008 Chinese ammunition – had previously been observed by Conflict Armament Research and Small Arms Survey researchers in relation to Chinese CQ rifles identified in South Sudan among rebel forces in 2013.[66]

Chinese CQ 5.56mm rifle captured from IS forces by Syrian Kurdish People's Protection Units during the siege of Kobane and documented by a Conflict Armament Research field investigation team on 24 February 2015 in Kobane.

62 Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya.

63 UN Security Council, 'Letter dated 15 February 2013 from the Panel of Experts on Libya established pursuant to resolution 1973 (2011) addressed to the President of the Security Council', (hereinafter "Letter dated 15 February 2013") 9 March 2013, paras 171-182, available at www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2014_106.pdf

64 UN Security Council, 'Letter dated 15 February 2013', para. 178.

65 Conflict Armament Research, Islamic State Weapons in Kobane, pp.10-11, available at www.conflictarm.com/wp-content/uploads/2015/04/Islamic_State_Weapons_in_Kobane.pdf

66 Conflict Armament Research, Islamic State Weapons in Kobane, pp. 7-9.

CHAPTER 3: ARMS PROLIFERATION IN IRAQ

> **"Where armed groups threaten a perceived American interest, a common solution is to send in more guns to counter them. In this way, the United States military, since 2001, became one of the largest known purchasers of Kalashnikov assault rifles, which it has handed out by the tens of thousands in Afghanistan and Iraq."**
>
> C.J. Chivers [67]

Much of IS' substantial military stocks date back to the 1980s and 1990s, drawn from the vast quantities of arms and ammunition that has been supplied to Iraq by all permanent members of the Security Council (the P5) and others since the 1970s. The arming of IS forces is, therefore, just the latest chapter in a process of arms proliferation and irresponsible arms transfers that has been ongoing for decades. This chapter examines the build-up of Iraq's military inventory and the mistakes made during the US-led occupation that led to the mass proliferation of small arms and light weapons which are feeding the conflict to this day.

THE BUILD-UP OF IRAQ'S MILITARY INVENTORY BETWEEN 1970 AND 1990

During the presidency of Saddam Hussein (1979-2003), the Baathist regime in Iraq led a brutal campaign of internal repression and external aggression. An estimated 290,000 people were forcibly disappeared from the late 1970s to the early 2000s; between 1977 and 1987 security forces systematically destroyed up to 5,000 Kurdish villages and forced the residents into resettlement camps.[68] Security forces routinely perpetrated extrajudicial executions, unlawful detention, and torture and other ill-treatment in crackdowns against government opponents and Kurdish and Shi'a communities.[69]

Hundreds of thousands of civilians were killed in the Iran-Iraq war (1980-1988). Iraqi forces used chemical weapons in the Kurdish town of Halabja in March 1988, killing an estimated 5,000 civilians.[70] In 1987, the UN Security Council widely condemned both Iran and Iraq for serious violations of international human rights and humanitarian law, including, in relation to Iraq, "the bombing of purely civilian population centers, attacks on neutral shipping or civilian aircraft, the violation of international humanitarian law and other laws of armed conflict, and, in particular, the use of chemical

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67 C.J. Chivers, The Gun: The Story of the AK-47, Penguin, 2010.

68 Middle East Watch/ Physicians for Human Rights, Unquiet Graves: The Search for the Disappeared in Iraqi Kurdistan, 1992, available at www.hrw.org/reports/1992/iraq/iraq0292.pdf ; Human Rights Watch, Justice for Iraq policy paper, 2002, available at www.hrw.org/legacy/backgrounder/mena/iraq1217bg.htm

69 See, for example, Amnesty International, 'Iraq' in Amnesty International Report 1988 (Index: POL 10/0001/1998), pp. 236-39, available at www.amnesty.org/en/documents/pol10/0001/1988/en/

70 Amnesty International, Iraq: The world would not listen, (Index: MDE 14/07/93), available at www.amnesty.org/download/Documents/.../mde140071993en.pdf

weapons contrary to obligations under the 1925 Geneva Protocol".[71]

Despite this record of serious, widespread violations, weapons and munitions poured into the region, including from permanent members of the Security Council. Historically, the former Soviet Union had been Iraq's main supplier of military equipment.[72] However, when President Hussein formally took power in 1979 his regime attempted to diversify suppliers and establish an indigenous arms industry through reverse engineering[73] and with technical assistance from abroad.[74]

The Iran-Iraq war was a seminal event in the development of the modern global arms market. During the 1980s, Iraq replaced Iran as the largest importer of military equipment in the world. Up to 12% of the global export market was directed towards Iraq; Iran and Iraq together made up one sixth of all transfers.[75] At least 34 countries supplied Iraq, led by Russia, France and China, but also including Brazil, Poland, West Germany, Bulgaria, Czechoslovakia and Italy.[76] Twenty-eight countries supplied both sides during the conflict.[77] While officially neutral, the USA supplied Iran and supported Iraq through the provision of credit, "dual use" exports with military application, such as computing and communications equipment, logistical military advice and military equipment channelled through regional intermediaries and front companies.[78]

For the nascent Chinese arms industry, the Iran-Iraq war led to an expansion of production. During the 1980s, over 60% of Chinese exports to " the Third World"[79] were to Iran and Iraq, making up 15% of Iran and Iraq's total imports from 1981 to 1988.[80]

According to data compiled by the Stockholm International Peace Research Institute (SIPRI) Iraq spent US$117 billion (at 2015 values) on military imports in the 1980s, often paid for through oil barter arrangements.[81] By 1984, at the height of the Iran-Iraq war, 83% of Iraq's imports were related to military goods and services. Imports declined after Iraq invaded Kuwait in August 1990, and the UN Security Council imposed a comprehensive, open-ended arms embargo, which remained in place until it was modified following the fall of the Iraqi government in 2003.[82]

By the start of the first Gulf War (1991) Iraq had built up a vast arsenal of weapons from around the world as well as from domestic production, including over 5,000 battle tanks, 6,000 armoured personnel carriers, 3,000 towed artillery and 500 self-propelled artillery systems.[83] While some of this materiel was destroyed during the first Gulf War,[84] huge stockpiles survived intact through the 1990s and were subsequently dispersed by the Iraqi authorities throughout the country to counter further attacks (see below).

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71 UN Security Council, Resolution 598 (1987) Adopted by the Security Council at its 2750th meeting, on 20 July 1987, S/RES/598 (1987), available at www.refworld.org/docid/3b00f20e64.html

72 R. Schmidt, Global Arms Exports to Iraq, 1960-1990, Rand, 1991, available at www.rand.org/content/dam/rand/pubs/notes/2009/N3248.pdf; US State Department, World Military Expenditures and arms transfers, 'High Costs of Persian Gulf War,' pp. 21, available at www.state.gov/documents/organization/185653.pdf

73 Dismantling foreign weapons systems and copying design elements for domestic production.

74 R. Schmidt, Global Arms Exports to Iraq, 1960-1990, Rand, 1991, p. v.

75 R. Schmidt, Global Arms Exports to Iraq, 1960-1990, Rand, 1991, p. 12, according to estimates provided by the US Arms Control and Disarmament Agency.

76 Other suppliers included, Austria, Brazil, China, Czechoslovakia, Egypt, Federal Republic of Germany, German Democratic Republic, Hungary, Italy, Jordan, Kuwait, Libya, Poland, Saudi Arabia, South Africa, Spain, Switzerland and the UK. US State Department, World Military Expenditures and arms transfers, 'High Costs of Persian Gulf War' pp. 21-23, available at www.state.gov/documents/organization/185653.pdf.

77 R. Schmidt, Global Arms Exports to Iraq, 1960-1990, Rand, 1991, p.12.

78 J. Battle (ed.), Shaking Hands with Saddam Hussein: The U.S. Tilts toward Iraq, 1980-1984, National Security Archive Electronic Briefing Book No. 82, 25 February 2003, available at http://nsarchive.gwu.edu/NSAEBB/NSAEBB82/index.htm; J. Stork, 'Arms Merchants in the Gulf War', Middle East Research Project, Volume 25, September/October 1984, available at www.merip.org/mer/mer125-126/arms-merchants-gulf-war; Statement by former NSC official Howard Teicher to the U.S. District Court, Southern District of Florida, January 31, 1995, available at http://nsarchive.gwu.edu/NSAEBB/NSAEBB82/iraq61.pdf

79 Defined as "all countries except NATO nations, Warsaw Pact nations, Europe, Japan, Australia and New Zealand", R. F. Grimmett, Trends in Conventional Arms Transfers to the Third World by Major Supplier, 1981-1988, p. 5, available at www.fas.org/sgp/crs/weapons/transfers81-88.pdf

80 R. F. Grimmett, Trends in Conventional Arms Transfers, p. 4.

81 Data from SIPRI yearbook series as collated in R. Schmidt, Global Arms Exports to Iraq, 1960-1990, Rand, 1991, available at www.rand.org/content/dam/rand/pubs/notes/2009/N3248.pdf

82 UN Security Council, Resolution 661 (1990), Adopted by the Security Council at its 2933rd meeting on 6 August 1990, http://fas.org/news/un/iraq/sres/sres0661.htm

83 International Institute for Strategic Studies, The Military Balance 1990-1991, Elsevier Science Limited, 1990.

84 US Department of Defense, 'Estimated Iraqi Losses Reported by U.S. Central Command', 7 March 1991, available at http://archive.defense.gov/news/newsarticle.aspx?id=45404

Iraqi tank junkyard in the desert near Al-Jahrah, Kuwait, January 1991.

President Hussein built up an indigenous arms industry, producing small arms and ammunition, modelled on the Russian AK series, Russian T-72 tanks under licence, howitzers, anti-tank grenade launchers (RPG-7) and Beretta-type pistols. According to Jane's Sentinel Security Assessment, by 1990 the country "was largely self sufficient in the production of small arms ammunition, rocket propelled grenades (RPG) [sic], mortar and artillery shells and aircraft bombs".[85]

US-LED OCCUPATION OF IRAQ AND ITS AFTERMATH: ARMS AND AMMUNITION PROLIFERATION

During the US-led occupation of Iraq and its aftermath (2003 to 2011), arms proliferation and dispersal from the armed forces to armed groups became a major issue. Not only did the occupying forces fail to secure the existing weapons stockpiles or adequately disarm the estimated 400,000 Iraqi security forces members, who were disbanded by a May 2003 decision of the Coalition Provisional Authority; they also injected huge quantities of additional arms and ammunition into the country with minimal oversight or controls in place, despite the substantial risk that those arms could contribute to serious violations of international human rights and humanitarian law.[86]

In the run-up to the US-led invasion of Iraq in 2003, President Hussein's administration positioned stockpiles of arms and ammunition around the country. According to Jane's Sentinel Security Assessment, this included "over 10,000 forward ammunition supply points… created in schools, hospitals, mosques, fields and warehouses," and "an unknown number of small dispersed weapons caches... sewn throughout the Euphrates and Tigris river valleys".[87]

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85 Jane's Information Group, Jane's Sentinel Security Assessment: The Gulf States, 2010, available at www.google.com.br/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CB0QFjAAahUKEwjruZ64hqHHAhUGS5AKHTfkDXg&url=https%3A%2F%2Fwikileaks.org%2Fgifiles%2Fattach%2F130%2F130613_security%2520-%2520iraq.doc&ei=Ke3JVauBA4aWwQS3yLfABw&usg=AFQjCNFh7JNiHCb_sQtMQsMB6XrF_IFWwg

86 Amnesty International, Blood at the Crossroads (Index: ACT 30/011/2008), pp. 39-62, available at www.amnesty.org/en/documents/ACT30/011/2008/en/.

87 Jane's Information Group, Jane's Sentinel Security Assessment: The Gulf States, 2010.

The US-led invasion was followed by rampant looting of the dispersed stocks as the occupying forces struggled to secure the thousands of arms dumps. In September 2003, Army General John Abizaid, Commander of the US Central Command, testified before the US Senate:

> *"[T]here is more ammunition in Iraq than any place I've ever been in my life, and it's not securable. I wish I could tell you that we had it all under control. We don't. There are certainly not enough forces anywhere to guard the ammunition in Iraq."*

He estimated the amount of unsecured ammunition to be 650,000 tons spread across thousands of sites.[88] David Kay, the former chief UN weapons inspector, reported that tens of thousands of tons of ammunition were being looted by the truck-load, because: "There were just not enough boots on the ground, and the military didn't give it a high enough priority to stop the looting."[89]

TRANSFER OF ADDITIONAL STOCKS BY THE US-LED COALITION

In 2003, as part of the so-called "War on Terror", the US Department of Defense was given new authorities by the US Congress to more flexibly and rapidly transfer arms to Iraq via the Iraq Relief and Reconstruction Fund and, from 2004 to 2007, the Iraq Security Forces Fund.[90] These authorities exempted US Department of Defense from complying with any other provision of US law, including those related to human rights.[91] Arms transfers connected with these new authorities were also excluded from the US government's annual reports to the public on US arms transfers.[92]

While surplus and discarded stocks from the defeated and disbanded Iraqi armed forces proliferated, the US-led coalition agreed and paid for contracts to supply Iraq with at least 1 million additional small arms and light weapons, along with millions of rounds of ammunition. These were mainly Kalashnikov-type rifles, PKM machine guns, rocket-assisted recoilless weapons (RPG-7), US assault rifles and Austrian Glock pistols sourced from stocks in various countries including the Balkans, eastern Europe, Italy, South Africa, the United Arab Emirates and China for the provisioning of Iraq's reconstituted military, security and police services.[93] For example, a Chinese-controlled company was sub-contracted under a US$29 million US Department of Defense contract with a Jordanian firm to supply more than 16,000 AK-47 style assault rifles, machine guns and 72 million rounds of ammunition for the Iraqi security forces in 2005.[94]

The UK was also involved in supplying the Iraqi security forces. In early 2007, China shipped approximately 20,000 assault weapons to the UK for onward shipment to the Iraqi security forces. Similarly, between March 2005 and December 2006, a variety of small arms and light weapons were exported from Bosnia and Herzegovina and Serbia to the UK, and then re-exported to Iraq.[95] As a result of systematic failures at all points of the US-led coalition distribution process in Iraq, hundreds of thousands of weapons transferred by the US and other members of the coalition went astray.[96]

John Holly, a former director of reconstruction logistics for the US-led Coalition Provisional Authority

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88 New York Times, 'The Struggle for Iraq: Demolition Problem; Vast, Unsecure Iraqi Arms Depots Could Take Years to Dispose Of', 30 September 2003, available at www.nytimes.com/2003/09/30/world/struggle-for-iraq-demolition-problem-vast-unsecure-iraqi-arms-depots-could-take.html

89 Cited in Alternet, 'An ounce of prevention', November 2005, available at www.alternet.org/story/27950/an_ounce_of_prevention

90 Inspector General, 'Report on the Assessment of Arms, Ammunition, and Explosives Accountability and Control; Security Assistance; and Logistics Sustainment for the Iraq Security Forces', US Department of Defense Report No. SPO-2009-002, December 19, 2008, p. 47, available at www.dodig.mil/SPO/Reports/AssessAAEAccountandControlSecurityAssistanceandLogSustainmentfortheISF.pdf.

91 Section 1107 of the Emergency Supplemental Appropriations Act for Defense and for Reconstruction of Iraq and Afghanistan for FY2004, PUBLIC LAW 108–106—NOV. 6, 2003, stated that "Notwithstanding any other provision of law, from funds made available in this Act to the Department of Defense under "Operation and Maintenance, Defense-Wide", not to exceed $150,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance only to the New Iraqi Army and the Afghan National Army to enhance their capability to combat terrorism and to support U.S. military operations in Iraq and Afghanistan". The US Congress has approved similar language since then.

92 See Colby Goodman, 'Dealing with Arms Intermediaries: The Pentagon's Missing Controls on Contractors Engaged in Arms Transfers', Amnesty International USA, September 2009.

93 For a breakdown of these contracts, see Amnesty International, Blood at the Crossroads (Index: ACT 30/011/2008), pp. 39-62, available at www.amnesty.org/en/documents/ACT30/011/2008/en/.

94 Amnesty International, Blood at the Crossroads, p. 48.

95 Amnesty International, Blood at the Crossroads (Index: ACT 30/011/2008), p. 49.

96 Amnesty International, Blood at the Crossroads (Index: ACT 30/011/2008), pp. 39-62.

from 2003 to 2008, told the Centre for Public Integrity that equipment arrived in Iraq in a disorganized fashion:

> *"The most fatal Shakespearean flaw was: There was no centralized database of what we had procured for the Iraqis. I was delivering weapons and ammunition to police stations through their backdoors while they were having gunfights out the front door — and trying to get a receipt from the chief [Iraqi] officer, who was real enthusiastic about it, I can tell you."*[97]

In July 2007, a US Government Accountability Office report – Stabilizing Iraq: DOD Cannot Ensure that US-Funded Equipment has Reached Iraqi Security Forces – concluded that at least 190,000 weapons were unaccounted for due to multiple failures in the registering, auditing, brokering and transporting of the arms.[98] An October 2006 report of the Special Inspector General for Iraq Reconstruction calculated that only 2.7% of some 370,000 infantry weapons supplied to the Iraqi security forces under US government contracts had details of the serial numbers of these weapons logged in the US Department of Defense inventories.

An official involved in overseeing the process has said that normal sales procedures were circumvented by the central Military Command who "just started handing things out to people, with the justification that 'we're at war, so we need to get these things out the door'".[99] As a result, arms proliferation continued. The same types of weapons as those in the US consignments that arrived in Iraq post-2003 – including European Glock and Walther pistols, and unused Eastern European Kalashnikov rifles – were observed for sale in Iraqi gun shops and arms bazaars in 2006.[100]

In 2008 the US Congress tightened Department of Defense rules around subcontracting and introduced some measures to control the export and transfer of defence materiel into Iraq, including implementation of a registration and monitoring system.[101] However, in December 2014 Congress allowed the Pentagon to waive these regulations and others for arms transfers to Iraq.[102]

TRAINING OF IRAQI SECURITY FORCES

Between 2004 and 2011, the NATO Training Mission for Iraq provided training for 5,000 military personnel and 10,000 police officers, along with €115 million-worth of military equipment.[103] Officers from the Multi-National Security Transition Command also trained the Iraqi security forces under an assistance programme agreed with the Iraqi government.

However, the USA's claim in 2008 that some 425,000 out of 521,616 Iraqi security forces personnel had been adequately "trained" is seriously open to question. Iraqi security forces routinely failed to respect international human rights and humanitarian law.[104] US training of its own soldiers in Iraq also appeared seriously lacking in this regard. According to a survey conducted by a US army mental health advisory team between August and September 2006, only 47% of US soldiers and 38% of marines deployed in Iraq agreed that non-combatants should be treated with dignity and respect.

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97 The Center for Public Integrity, 'Investigators find Islamic State used ammo made in 21 countries, including America,' 5 October 2014, available at www.publicintegrity.org/2014/10/05/15827/investigators-find-islamic-state-used-ammo-made-21-countries-including-america

98 United States Government Accountability Office, 'Stabilizing Iraq: DOD Cannot Ensure That US-Funded Equipment Has Reached Iraqi Security Forces', GAO-07-711, available at www.gao.gov/assets/270/264918.pdf

99 Thomas Moore, senior Senate staff member in charge of the arms export review process on the Foreign Relations committee quoted in The Center for Public Integrity, 'Investigators find Islamic State used ammo made in 21 countries, including America,' 5 October 2014, available at www.publicintegrity.org/2014/10/05/15827/investigators-find-islamic-state-used-ammo-made-21-countries-including-america

100 New York Times, 'Black-Market Weapon Prices Surge in Iraq Chaos', 10 December 2006, available at www.nytimes.com/2006/12/10/world/middleeast/10weapons.html?_=&_r=0

101 National Defense Authorization Act for Fiscal Year 2008, Section 1228, Public Law 110-181, available at www.gpo.gov/fdsys/pkg/PLAW-110publ181/pdf/PLAW-110publ181.pdf; M. Payne and C. Schroeder, 'Department of Justice Adds Teeth to Current Contractor Ethics Rules', Contractor Headlines, 14 November 2008, available at http://federalconstruction.phslegal.com/2008/11/articles/procurement-information/department-of-justice-adds-teeth-to-current-contractor-ethics-rules/; Federal Acquisitions Regulations, 'Federal Construction Contracting', 52.203-13 (b); Amnesty International USA, Dealing with arms intermediaries: The Pentagon's missing controls on contractors engaged in arms transfers, 2009, pp. 20-21, available at www.securityassistance.org/sites/default/files/Dealing%20with%20Arms%20Intermediaries%20Policy%20Briefing%20--%20FINAL%20Sept%2021%2009.pdf

102 C. Levin and H. P. 'Buck' McKeon, National Defense Authorization Act for Fiscal Year 2015, 2 December 2014, Sec. 1236, p. 671, available at http://www.armed-services.senate.gov/imo/media/doc/CPRT-113-HPRT-RU00-S1847.pdf

103 See nato.int/cps/en/natohq/topics_51978.htm

104 UN Assistance Mission for Iraq, Human Rights Report, 1 July – 31 December 2007; paras 13 and 64, available at http://www.ohchr.org/Documents/Countries/IQ/double_quarterly_1july-31dec2007_engl.pdf

Captured weapons cache containing hundreds of Russian Dragunov automatic rifles, outside of Jaman Al Juburi, April 2003.

More than one third of soldiers and marines reported that torture should be permitted to save the life of a fellow soldier or marine, and less than half said they would report a team member for unethical behaviour.[105] These findings were largely replicated in another survey in September and October 2007.[106]

105 Fourth Mental Health Advisory Team Survey, 4 May 2007, summarized in 'Defense Department releases findings of mental health assessment', 4 May 2007, available at www.defenselink.mil/news/newsarticle.aspx?id=33055

106 Mental Health Advisory Team V Operation Iraqi Freedom 06-08 Final Report, Office of Surgeon/Multinational Force Iraq, and Office of the Surgeon General, US Army Medical Command, 14 February 2008, http://armymedicine.mil/Documents/MHAT-V-OIFandOEF-Redacted.pdf

IRAQI GOVERNMENT'S PURCHASES OF ARMS POST-2006

From September 2006, the Government of Iraq stepped up efforts to make its own arms procurement arrangements. In the months that followed, Iraqi government ministers voiced their dissatisfaction with the USA over slow deliveries of military equipment, and in mid-2007 the Iraqi government announced a US$100 million deal for the purchase of small arms from the People's Republic of China.[107] The deal included rifles, pistols and machine guns, some of which have already been delivered.[108] In early 2008 the Iraqi government signed another contract for the supply of a range of weapons and military equipment worth US$236 million from Serbia, which included assault rifles (M-21 and older M-70 models), sub-machine guns, pistols, anti-tank rockets, mortar shells, ammunition and explosives.[109]

At the same time, Iraq was also ordering large quantities of US military equipment. On 25 September 2007, the US Defense Security Cooperation Agency announced Iraq's request for over US$2.2 billion worth of military equipment, including 123,544 US M16A4 assault rifles and 12,035 US M4 carbines.[110] On 28 February 2008, the US Department of Defense reported that Iraq had purchased some 80,000 M16A4 assault rifles.[111]

Total military expenditure in Iraq steadily increased from US$614 million in 2004 to over US$9.5 billion in 2014.[112] According to data from the UN Register of Conventional Arms, Comtrade and SIPRI, over thirty countries – including all permanent members of the UN Security Council – have supplied the Iraqi army with military equipment over the past decade.[113]

RECENT ARMS SUPPLIES TO THE IRAQI GOVERNMENT (POST 2011)

Between 2011 and 2013, the USA signed billions of dollars' worth of contracts for 140 M1A1 Abrams tanks, F16 fighter aircraft, 681 Stinger shoulder held units, Hawk anti-aircraft batteries, and other equipment. By 2014 the USA had delivered over $500 million dollars' worth of small arms and ammunition to the Iraqi Government.[114] Deliveries continue as a part of the fulfilment of the US Department of Defense's US$1.6 billion Iraq Train and Equip Fund which includes 43,200 M4 rifles.[115]

The Iraqi government has continued to use its own public finances, largely dependent on oil revenues, to purchase arms. For example, in 2012, Iraq paid for US$800 million of the US$860 million cost of US-supplied military tanks with national funds.[116] Between October 2012 and December 2013, the Czech Republic and South Korea signed billion-dollar deals for the supply of aircraft.[117] Since mid-2014, Iran has reportedly sent hundreds of military advisers and substantial quantities of

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107 AFP, 'China to arm Iraqi Police', 27 June 2007; 'Iraq envoy slams US over arms supplies'; Washington Post, 'Iraqis to Pay China $100 Million for Weapons for Police - Experts Fear More Will Go to Insurgents', 4 October 2007; Boston Globe, 'Iraq says US behind in arms deliveries', 3 November 2007.

108 Department of Defense Bloggers Roundtable with Major Gen. Michael Jones, Commanding General, Coalition Police Assistance Training Team, 27 February 2008.

109 Beta News Agency, 'Serbian arms industry expects to thrive after securing major contract with Iraq', 10 March 2008.

110 Also included are 169 million rounds of various ammunition, see Defense Security Cooperation Agency, Iraq - Various Vehicles, Small Arms Ammunition, Explosives, and Communications Equipment, Transmittal No. 07-64, 25 September 2007, available at http://fas.org/asmp/resources/110th/Iraq_07-64.pdf; Defense Industry Daily, '$2.257B for Iraqi Army Guns, Vehicles & Logistics', 7 October 2007, available at www.defenseindustrydaily.com/2257b-for-iraqi-army-guns-vehicles-logistics-03945/

111 Department of Defense Bloggers Roundtable with Lt. Col. Keith Muschalek, Security Assistance Program Manager for the Iraqi Ministry of Defense, 28 February 2008.

112 SIPRI Military Expenditure Database, www.sipri.org/research/armaments/milex/milex_database; this estimate is for larger items and excludes small arms and light weapons.

113 Data taken from Trend Indicator Value of arms exports to Iraq, 2004-2014, SIPRI, http://armstrade.sipri.org/armstrade/; UN Comtrade, http://comtrade.un.org/data/ and UN Register of Conventional Arms, http://www.un-register.org/HeavyWeapons/Index.aspx. Given lack of reporting/transparency from many states, these figures are likely to greatly underestimate the extent of the global trade in military goods with Iraq. Exporting countries include: Austria, Bosnia-Herzegovina, Bulgaria, Canada, China, Croatia, Czech Republic, Estonia, France, Germany, Greece, Hungary, Iran, Italy, South Korea, Jordan, Latvia, Montenegro, Pakistan, Poland, Romania, Russia, Serbia, Slovakia, Slovenia, South Africa, South Korea, Turkey, United Arab Emirates, Ukraine, the UK and the USA.

114 For full breakdown, see: Fact Sheet on U.S. Security Assistance to Iraq in 2014, http://photos.state.gov/libraries/iraq/231771/PDFs/fact_sheet-us_security_assistance_to_iraq_2014-english.pdf

115 For full breakdown, see http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2015/amendment/FY15_ITEF_J_ook_Final_November_20-2014.pdf; On deliveries, see, Reuters, 'U.S. quietly starts channeling arms from $1.6 billion fund to Iraq', 5 June 2015, available at www.reuters.com/article/2015/06/05/us-mideast-crisis-iraq-usa-idUSKBN0OL1N520150605

116 Congressional Research Service, Iraq: Politics and Governance, 16 September 2015, p 11, available at www.fas.org/sgp/crs/mideast/RS21968.pdf

117 Congressional Research Service, Iraq: Politics and Governance, 16 September 2015.

military equipment to help organize the defence of the Iraqi capital Baghdad and Iraqi Security Forces' counter-attacks against IS, in part by reactivating and arming the Iraqi Shi'ite militia forces.[118]

The arms flow continues despite serious concerns around the Iraqi army's ability to absorb and control weapons and munitions, its fragile command and control structure, its sectarian nature, and its relationship with the various extra-legal militia units.[119] Transparency International's Government Defence anti-corruption index places Iraq in the highest risk category, due to entrenched corruption, the sale of military posts, the continued existence of tens of thousands of "ghost soldiers" and mass desertions.[120]

ARMS TRANSFERS TO COMBAT IS EXPANSION

The rise of IS and the group's territorial gains in June to August 2014 posed a direct and serious threat to civilian populations and regional peace and security. This prompted a major shift in policy for arms suppliers to the region. In December 2014, the US Congress appropriated US$1.6 billion for an Iraq Train and Equip Fund (ITEF) to support Iraq's military campaign against IS. The aim of the Fund is to "enable U.S. forces to provide training, advice, and assistance for up to 12 Iraqi brigades". In September 2015, a report by the Inspector General of the US Department of Defense assessing ITEF found that US personnel at the Taji National Depot "did not have accurate knowledge of the contents of individual supply warehouses under Iraqi control at that location or at other locations throughout Iraq. In some cases, even the IA [Iraqi Army] did not know what supplies were present." Some equipment, which had never been opened or inventoried, was stored in the open in shipping containers; despite deliveries of over 32 million rounds of ammunition, Iraqi units reported they were short of training ammunition.[121]

In 2014, the USA also co-ordinated efforts to solicit coalition donations to meet Iraqi military requirements for weapons, ammunition and other equipment.[122] In addition, the USA and at least 11 European countries[123] began arming Kurdish forces battling IS in Iraq. Since then, large quantities of military equipment[124] – often Warsaw Pact surplus stock – have been delivered or pledged to the Kurdish Regional Government. While some efforts have been made by the US and EU to make these transfers safer – including, for the most part, providing secure transportation and training support – the US Department of Defense has already reported one instance of diversion.[125] Safeguards to track and manage weapons and equipment now entering Iraq and other countries in the region are vital to mitigate the risk of diversion and misuse in the ongoing conflict in the region and in future armed conflicts.

118 Congressional Research Service, Iraq: Politics and Governance, 16 September 2015.

119 See International Crisis Group: Loose Ends: Iraq's security forces between US drawdown and withdrawal, Middle East Report, No. 99, 2010, available at www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Lebanon/Iraq/99%20Loose%20Ends%20-%20Iraqs%20Security%20Forces%20between%20US%20Drawdown%20and%20Withdrawal.pdf ; Iraq's Jihadi Jack-in-the-Box, Policy Briefing No. 38, 2004, available at www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Lebanon/Iraq/b038-iraq-s-jihadi-jack-in-the-box.pdf

120 Transparency International, Middle East and North Africa: government defence anti-corruption index, October 2015, http://government.defenceindex.org/downloads/docs/GI-MENA-Regional-Results-web.pdf

121 Inspector General US DoD, ITEF assessment, September 2015, p. 13, available at http://www.dodig.mil/pubs/documents/DODIG-2015-177.pdf; 'Justification for FY 2015 Overseas Contingency Operations ITEF', 2014, available at http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2015/amendment/FY15_ITEF_J_ook_Final_November_20-2014.pdf

122 US Department of State, Fact Sheet on U.S. Security Assistance to Iraq in 2014, January 2015, available at http://www.state.gov/p/nea/rls/235648.htm

123 Albania, Bosnia Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, France, Germany, Hungary, Italy and the UK.

124 According information released by the US Central Command and the Central Command and the Combined Joint Task Force (CJTF) the total European equipment supplied to Kurdish forces comprises: 56 million rounds of small arms and light/heavy machine gun ammunition; 56,000+ anti-tank rounds; 5,000 anti-tank weapons; 45,000 rifles and machine guns; 677+ mortar tubes; 73,000+ mortar rounds; 150+ vehicles. Source: US Department of Defense, https://twitter.com/DeptofDefense/status/650957533406973952/photo/1

125 Since the transfers began in August 2014, here have been cases of weapons deliveries going astray. In one widely reported instance, at least one of 28 bundles of small arms and ammunition dropped by a US Air Force C-130 transport aircraft on 19 October 2014 for Kurdish forces defending the Syrian city of Kobane was picked up by IS, see US Department of Defense News, 'One Airdrop to Kurds Fighting in Kobani Intercepted', 22 October 2014, available at www.defense.gov/news/newsarticle.aspx?id=123464

SMALL ARMS AND LIGHT WEAPONS IN THE HANDS OF ARMED GROUPS AND MILITIAS IN IRAQ

Constant haemorrhaging of arms from Iraqi military stocks led to the arming of a variety of groups post-2003 and contributed to the rise of IS. The mix of small arms and light weapons documented in circulation among armed groups largely reflects Iraqi military procurement and has remained consistent over the past decade.

According to the eyewitness account of US Marine Sergeant Jonathan M. Cuney, who served in the US forces' 2004 assault on Fallujah, armed groups were by then already well equipped with a wide variety of arms and ammunition.[126] He described the arsenal left behind after the defeat of the insurgents as composed of variants of Kalashnikov-type rifles, Belgian FN Herstal FAL rifles, Heckler & Koch G3 rifles, Russian Dragunov SVD sniper rifles, RPK light machine guns, PKM (Kalashnikov) general purpose machine guns, RPG-7 rocket-assisted recoilless weapons and Russian SPG-9 recoilless guns as well as the DShK/DShKM heavy machine gun and the ZU-23-2 anti-aircraft gun – both developed and manufactured in the former Soviet Union. [127]

While the designs were generally Russian – and to a lesser extent Belgian and German – the weapons were often produced in Bulgaria, Yugoslavia, China, East Germany, Egypt, Romania and Iraq's Tabuk Armoury. It is this same mix of small arms and ammunition that remains the staple of armed groups operating across the region, including IS. According to Sergeant Cuney, these weapons had been predominantly bought on the thriving illicit market, supplied by arms from the Iraqi army sold on by soldiers or looted by private individuals.[128]

In 2004, the US Army's National Ground Intelligence Center carried out a study of the small arms in circulation in Iraq. This was followed by an assessment of small arms held by the anti-coalition insurgency.[129] They found that most weapons were modified former Yugoslav versions of Soviet/Russian AK models, or locally-produced Tabuk/AKM and folding stock variants.[130]

Also common were the AK-pattern rifles manufactured in China, Iran, Hungary, Romania, Bulgaria and Poland. Present in smaller numbers were the FAL and Heckler & Koch G3 designs, which are licensed for production in various countries around the world, including in the Middle East.[131] The US military found large numbers of Russian light anti-tank weapons including the rocket-assisted recoilless weapon (RPG-7), along with Iraqi, Chinese, Iranian, Bulgarian and Romanian copies. The report into insurgent stocks concluded that the proliferation of small arms was due to "the disintegration of the Iraqi army and widespread looting".[132]

From January 2008 to September 2009, the USA documented 30,000 small arms and light weapons and related ammunition seized by the US military from illicit arms caches across Iraq. The vast majority were Kalashnikov-pattern rifles and self-loading pistols, though the US military also recovered more than 900 weapons of Iranian origin, 29% of which were manufactured after the US-led coalition invasion, a possible indication of increased smuggling across the Iraq-Iran border post-2003.[133]

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126 Jonathan M. Cuney, 'Insurgent arsenal of Fallujah', in Small Arms Review, Vol. 15, No. 1, 2011, available at http://www.smallarmsreview.com/display.article.cfm?idarticles=255

127 Jonathan M. Cuney, 'Insurgent arsenal of Fallujah', in Small Arms Review.

128 Jonathan M. Cuney, 'Insurgent arsenal of Fallujah', in Small Arms Review.

129 Both documents were obtained by a Freedom of Information request filed by Small Arms Survey, see Small Arms Survey 2012, Surveying the Battlefield: Illicit Arms in Afghanistan, Iraq and Somalia, Chapter 10, p. 320, available at www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2012/eng/Small-Arms-Survey-2012-Chapter-10-EN.pdf. The documents themselves can be found at: United States Army, National Ground Intelligence Center: Iraq Small Arms Handbook, 2004,available at www.scribd.com/doc/221987962/156806768-Iraq-Small-Arms-Book-pdf#scribd and 'Iraq: UPDATE – Small Arms (Infantry Weapons) Used by the Anti-Coalition Insurgency', available at https://weaponsdocs.files.wordpress.com/2015/02/small_arms_used_by_the_anti-coalition_insurgency.pdf

130 United States Army, National Ground Intelligence Center: Iraq Small Arms Handbook, 2004.

131 United States Army, National Ground Intelligence Center: Iraq Small Arms Handbook, 2004.

132 United States Army, National Ground Intelligence Center: 'Iraq: UPDATE – Small Arms (Infantry Weapons) Used by the Anti-Coalition Insurgency', p. 1.

133 For a full log of the cache finds, see: https://weaponsdocs.files.wordpress.com/2015/06/usf-i_storyboard_sep_2008_ied.pdf. For a comprehensive analysis of the contents of the caches, see Small Arms Survey 2012, Surveying the Battlefield: Illicit Arms in Afghanistan, Iraq and Somalia, Chapter 10, pp. 317-29.

THE HUMAN RIGHTS IMPACT OF THE ACCUMULATION AND PROLIFERATION OF ARMS IN IRAQ

While this report focuses on leakage of arms to IS, proliferation of weapons and ammunition from Iraqi military stocks has also resulted in the arming of other groups accused of serious human rights abuses. During 2006, Amnesty International reported killings, abductions, torture, indiscriminate mortar shootings, the targeting of civilians, and bomb attacks across Iraq perpetrated by former Baathists, Shi'as and Sunni groups, armed by diverted Iraqi military stocks.[134] By the end of 2006, more than 400,000 people were internally displaced within Iraq as a result of sectarian violence, with 1.8 million living as refugees in neighbouring counties.[135]

While much of the violence pitted Shi'a militias against Sunni armed groups, in 2008 Amnesty International reported further gross human rights abuses including the targeting of religious and ethnic minorities and others including "Yazidis, Christians, Sabeans and Palestinians… women, human rights defenders, judges, medical doctors and other professionals".[136] More recently, in 2014, Amnesty International documented Shi'a militia groups' systematic abductions and killings of Sunni civilians in Iraq, amounting to war crimes. The Shi'a militia groups were often armed and supported by the Iraqi military, and operating with their tacit support.[137]

Yezidi internally displaced people arrive in Feshkhabour, Iraq, having fled Mount Sinjar after a week under siege from IS, August 2014

Irresponsible transfers of arms and failure to control the resulting stockpiles are a major cause of untold human suffering in Iraq. All the various armed groups accused of serious abuses of human rights and violations of international humanitarian law have used weapons and ammunition diverted from Iraqi military stocks, often via illicit markets. IS has been particularly adept at profiting from the ongoing leakage of Iraqi military stocks, opportunistically seizing arms and ammunition, and using them to commit atrocities across Iraq and Syria.

134 Amnesty International, Amnesty International Report 2007 (Index: POL 10/003/2007), p. 142.

135 Amnesty International, Amnesty International Report 2007 (Index: POL 10/003/2007), p. 143.

136 Amnesty International, Amnesty International Report 2008 (Index: POL 10/002/2008), p. 161.

137 Amnesty International, Absolute Impunity: militia rule in Iraq, (Index: MDE 14/015/2014), available at www.amnesty.org/en/documents/MDE14/015/2014/en/

CHAPTER 4: STATES' RESPONSIBILITIES UNDER INTERNATIONAL LAW

All states have legal responsibilities under international law to restrict the transfer of weapons in certain circumstances. This chapter focuses on the Arms Trade Treaty,[138] as well as legal obligations derived from the UN Charter, customary international law, and aspects of international criminal law and international human rights law.

THE ARMS TRADE TREATY

After years of negotiations, the text of the Arms Trade Treaty (ATT) was adopted by consensus at the UN General Assembly in April 2013. The ATT rapidly accrued the necessary 50 ratifications to enter into force, and became legally binding on all states parties on 24 December 2014. At the time of writing, the treaty has 78 states parties and a further 52 states have signed the treaty. States such as the USA which have signed but not yet ratified the ATT, are bound not to do anything that would undermine the object and purpose of the treaty.[139]

ARMS TRADE TREATY: "ARTICLE 1: OBJECT AND PURPOSE

The object of this Treaty is to:

- Establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms;
- Prevent and eradicate the illicit trade in conventional arms and prevent their diversion;

for the purpose of:

- Contributing to international and regional peace, security and stability;
- Reducing human suffering;
- Promoting cooperation, transparency and responsible action by States Parties in the international trade in conventional arms, thereby building confidence among States Parties."[140]

The ATT is the first global treaty governing the international transfer of arms[141] – traditionally a poorly regulated trade which has fuelled serious violations of international human rights and humanitarian law around the world. It is also the first international treaty to place international human rights law, humanitarian law and criminal law standards alongside other international standards to form benchmarks for assessing the authorization of exports and other transfers of conventional arms. As a due diligence standard, the ATT requires states parties to perform certain duties to ensure that all possible measures have been taken to stop transfers that could result in serious human rights violations. This step-by-step process is elaborated in Articles 6 and 7 of the treaty.

138 See Arms Trade Treaty, http://www.un.org/disarmament/ATT/. For a full interpretation of the ATT and its application, see Amnesty International, Applying the Arms Trade Treaty to ensure the protection of human rights, (Index: ACT 30/003/2015), pp. 4-5, available at www.amnesty.org/download/.../ACT3000032015ENGLISH.PDF

139 Vienna Convention on the Law of Treaties, Article 18. This is recognized as customary international law.

140 ATT, Article 1, available at https://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/06/English7.pdf

141 Including the most common types of conventional arms and related munitions/ammunition, as well as the trade in parts and components in a form capable of being assembled into weapons, see ATT, Arts. 2, 3 and 4,

ARTICLE 6

States parties are prohibited under Article 6 of the treaty from authorizing any transfer (including export, import, transit, trans-shipment and brokering) of conventional arms and related ammunition/munitions and parts and components that would violate UN Security Council Chapter VII measures (including arms embargoes), or a state party's existing relevant treaty obligations (such as a prohibition on the transfer of anti-personnel landmines under the Ottawa Convention). In addition, transfers are prohibited where a state has knowledge at the time that the arms transfer being considered of authorisation would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or any other war crime as defined by international agreements to which the state is a party.[142]

ARTICLE 7

If the export is not prohibited under Article 6, exporting states must carry out an "objective and non-discriminatory" assessment of the potential that the conventional arms and munitions covered by the treaty (Articles 2.1, 3 and 4) "would contribute to or undermine peace and security"; or could be used to commit or facilitate a serious violation of international human rights or humanitarian law, including gender-based violence (Article 7.4); or commit an offence under international conventions or protocols relating to terrorism or transnational organized crime to which the exporting state is a party (Article 7.1 (iii)-(iv). This process includes an assessment of risks, a consideration of possible mitigation measures, and a final decision on whether the arms export still carries an overriding risk of the above negative consequences, and should therefore be stopped.

In their risk assessments, states parties should examine credible and reliable sources of information on the arms, how and by which route they will be transferred, including by transit or trans-shipment, their intended uses and recipients, and the incidence and nature of relevant violations of international humanitarian and human rights law in the recipient state. Special care should be taken if the recipient state is involved in an international or non-international armed conflict. [143]

DIVERSION

Article 11 deals with the issue of diversion. According to the UN Office for Disarmament Affairs (UNODA), "the prevention of diversion is one of the cornerstones of the ATT. The goal of preventing weapons from reaching illicit hands or those who systematically misuse them could not be achieved with trade regulation alone, without a serious effort to prevent and combat diversion."[144]

Under Article 11, states parties must also take preventive measures against the risks of diversion of arms to unauthorized endusers. They should consider establishing mitigation strategies such as information sharing between importing and exporting states, the assessment of all parties involved in the transfer, and the requirement of additional documentation (e.g. end-user certificates, assurances).

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142 ATT, Article 6, https://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/06/English7.pdf Text taken from: Amnesty International, Applying the Arms Trade Treaty to ensure the protection of human rights (Index: ACT 30/003/2015), pp. 4-5, available at www.amnesty.org/download/.../ACT3000032015ENGLISH.PDF

143 For a full discussion of what constitutes a serious violation, see Amnesty International, Applying the Arms Trade Treaty to ensure the protection of human rights (Index: ACT 30/003/2015), pp. 10-11; Geneva Academy of International Humanitarian Law and Human Rights, Briefing No. 6 'What amounts to 'a serious violation of international human rights law'? An analysis of practice and expert opinion for the purpose of the 2013 Arms Trade Treaty', August 2014, available at www.geneva-academy.ch/docs/publications/Briefings%20and%20In%20breifs/Briefing%206%20What%20is%20a%20serious%20violation%20of%20human%20rights%20law_Academy%20Briefing%20No%206.pdf

144 UNODA, Arms Trade Treaty Implementation Toolkit, Module 10, Preventing Diversion, p. 2, available at https://s3.amazonaws.com/unoda-web/wp-content/uploads/2015/08/2015-08-21-Toolkit-Module-10.pdf

STATES' RESPONSIBILITIES UNDER INTERNATIONAL LAW

While the Arms Trade Treaty specifies states parties' legal obligations to prevent transfers of arms that could be used to commit or facilitate serious human rights violations and to take measures to prevent the diversion of arms, all states have legal obligations under international law which could be applied to arms transfers in certain circumstances.

All UN members are bound by an obligation in Article 56 of the UN Charter "to take joint and separate action in co-operation with the Organization [the UN] for the achievement of the purposes set forth in Article 55".[145] These purposes include "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion".[146] In addition, Article 28 of the Universal Declaration of Human Rights states that "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized".[147] Where a state permits the use of its territory for the transfer of arms where there is a substantial risk that the arms will be used to violate human rights, that state would be acting contrary to its positive obligation to co-operate towards universal respect for human rights set out in the UN Charter and enshrined in the Universal Declaration of Human Rights.

The prohibition of genocide, crimes against humanity and war crimes are peremptory norms (jus cogens) of international law. All states have obligations not to render assistance towards the commission of these crimes. States can incur legal responsibility for aiding and assisting in the commission of these crimes and other internationally wrongful acts if they, with intent to do so, provide means to facilitate the crime.[148] States should prevent the commission of genocide, war crimes and crimes against humanity, including, when they are in a position to do so, by preventing arms transfers which facilitate the commission of these crimes.

Furthermore, states should prosecute or extradite individuals suspected of genocide, crimes against humanity or war crimes.[149] Based on principles of criminal responsibility under international criminal law, individuals can be held criminally responsible for providing necessary means (such as weapons, ammunition and financial support) for the commission of crimes under international law where their conduct amounts to aiding, assisting, abetting or otherwise facilitating those crimes.[150]

CORPORATE RESPONSIBILITY UNDER INTERNATIONAL LAW AND STANDARDS

Irrespective of the responsibilities of states, companies involved in the manufacture, financing, brokering and transportation of military goods must introduce their own safeguards to ensure that they are not complicit in the perpetration of serious violations of international humanitarian and human rights law. According to the UN Guiding Principles on Business and Human Rights: "The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States' abilities and/or willingness to fulfil their own human rights obligations, and does not diminish those obligations. And it exists over and above compliance with national laws and regulations protecting human rights."[151]

Under these principles, corporations are required to undertake reasonable due diligence analysis of the potential human rights impact of their operations, including operations along their entire supply chain. Companies involved in the manufacture and transfer of military equipment and other military

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145 Article 56 of the UN Charter, available at www.un.org/en/sections/un-charter/chapter-ix/index.html

146 Article 55(c) of the UN Charter, available at www.un.org/en/sections/un-charter/chapter-ix/index.html

147 Universal Declaration of Human Rights, available at www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf

148 International Law Commission, Articles on State Responsibility for Internationally Wrongful Acts, Article 16.

149 International Law Commission, Draft code of crimes against the peace and security of mankind, Article 9, para. 2.

150 Article 25(3)(c) of the Rome Statute of the International Criminal Court; Prosecutor v Charles Taylor, Special Court for Sierra Leone, Judgment of 18 May 2012; Prosecutor v Momcilo Perisic, International Criminal Tribunal for the former Yugoslavia, Appeals Chamber, Judgment of 28 February 2013; Prosecutor v Mile Mrksic et al, International Criminal Tribunal for the former Yugoslavia, Appeals Chamber, Judgment of 5 May 2009.

151 UN Guiding Principles on Business and Human Rights. The Human Rights Council endorsed the Guiding Principles in its resolution 17/4 of 16 June 2011, Principle 11, available at www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

commodities must evaluate the risk that these goods will be used to commit or facilitate serious violations of international human rights or humanitarian law. In line with the UN Guiding Principles on Business and Human Rights, companies should take action to mitigate any risks identified; such mitigation may involve refusing to supply or carry goods in cases where there is a reasonable risk that the goods will be used to commit or facilitate serious violations of international human rights or humanitarian law. [152]

152 International Commission of Jurists, 'Report of the ICJ Expert Legal Panel on Corporate Complicity in International Crimes', Volume 1, Geneva, 2008, ISBN: 978 92-9037-131-5.

CONCLUSIONS AND RECOMMENDATIONS

This report, based on an extensive review of thousands of verified videos and photographs, has confirmed that a substantial proportion of IS' arsenal is made up of weapons and equipment seized from Iraqi military stocks. At the time that IS emerged, Iraq was awash with weapons and ammunition; for years the Iraqi government's military stocks were poorly managed and not secured, rendering them vulnerable to capture by armed groups and private individuals.

When IS began to expand the territory under its control in 2013 and 2014, mass desertion from Iraqi army units left huge quantities of military equipment exposed to looting. Well equipped with these seized weapons, IS was able to capture further territory and further weapons caches including from armed forces and opposition groups in Syria. IS' current arsenal includes equipment from irresponsible arms supplies to Iraq organized by permanent members of the Security Council (the P5) and their allies during the Iran-Iraq war, and arms supplied to Iraq by the US-led coalition and other states since the invasion of Iraq in 2003.

The Iraqi military's poor management of arms was well known to all states that transferred weapons to Iraq post 2003. Throughout the period from 2003 to 2008, armed groups operated in Iraq and were known to loot weapons that had been transferred for use by the Iraqi security forces. Those armed groups, including Islamic State of Iraq (ISI) – a precursor to IS – carried out indiscriminate attacks on civilian populations. States transferring weapons to Iraq were, therefore, well aware that there was a substantial risk that the arms could end up in the hands of armed groups that would use them to commit atrocities.

Measures to curb the flow of weapons, munitions and related equipment to IS have largely been ineffective. By the time UN Security Council resolution 2170 of 2014 reaffirmed the arms embargo on IS, the group's armoury was already substantial.

The resolution requires, amongst other things, that *"States shall prevent the direct or indirect supply, sale, or transfer to ISIL, ANF and all other individuals, groups, undertakings and entities associated with Al-Qaida from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical advice, assistance or training related to military activities, as well as its calls for States to find ways of intensifying and accelerating the exchange of operational information regarding traffic in arms, and to enhance coordination of efforts on national, subregional, regional and international levels."*

While Iraqi government stocks are the main source of IS' current armoury, the group has also captured other arms and equipment on the battlefield, or acquired weapons from Syrian soldiers or members of other armed groups who have defected to IS that include Russian or former Soviet Union origin weapons and ammunition captured or diverted from the Syrian armed forces and defectors from armed groups in Syria.

Illicit arms transfers direct to IS have been reported by some international media but information on such transfers is limited and difficult to verify.

However, one cannot escape the reality that Iraqi military equipment stocks have been the primary source of IS weaponry and munitions. The history of arms transfers to Iraq is one of successive failures to assess the risk of arms being used to commit or facilitate serious violations of international humanitarian or human rights law. Little has been done by states transferring weapons and munitions to mitigate against the diversion of those arms supplies from authorized endusers or to help Iraq secure and monitor its stocks.

States must learn the lessons of the deadly legacy of arms proliferation and abuse in Iraq and the surrounding region, which has destroyed the lives and livelihoods of millions of people and which now poses a dire threat to the people of Iraq, Syria and the wider international community. This catastrophe is another wakeup call – all states must take a long view and conduct much deeper institutional risk assessments for arms export decisions and act with much greater precaution and restraint when transferring and managing arms.

Amnesty International is making the following recommendations:

TO STATES THAT HAVE BEEN SUPPLYING ARMS TO PARTIES TO THE CONFLICT IN IRAQ AND SYRIA:

- Adopt a presumption of denial rule on the export arms to the Iraqi Government and Iraqi armed forces and police. For any exceptions to this rule, the Iraqi military or police end user unit must first meet stringent reliability tests to demonstrate that it can act consistently with full respect for international human rights and humanitarian law. Thus, the onus would be on the exporting State to demonstrate the end user(s) will comply fully with international human rights and humanitarian law;
- Cease all transfers of arms, munitions and other military equipment, technology or assistance to the Syrian government, pro-government militias, and armed opposition groups implicated in committing war crimes, crimes against humanity, other serious human rights abuses and violations of international human rights and humanitarian law;
- Establish national laws and procedures to prevent the authorization of a conventional arms export to any end user who is likely to use the arms to commit or facilitate war crimes or serious violations of human rights, and to prevent the export of arms in circumstances where they could be diverted and result in such crimes or violations;
- Fully comply with the United Nations Security Council arms embargo on IS and provide full and transparent cooperation with Monitoring Team assisting the Al-Qaida Sanctions Committee in evaluating the implementation of the sanctions regime;
- Regularly publish disaggregated data on conventional arms imports and exports with detailed information about export authorizations issued and actual exports, type, quantity and authorised enduse and enduser, as well as end user assurances;
- Develop integrated strategies to prevent the excessive accumulation of conventional arms in unstable regions with a dangerous circulation of arms in order to stop a persistent pattern of armed violence, including gender-based violence and other serious violations of international human rights and humanitarian law;
- Establish and implement robust standards of accountability for stockpile management, import marking and record-keeping of all conventional arms supplies, and where appropriate provide assistance for establishing and maintaining such systems.

States must start preparing now to address the deadly legacy of arms proliferation in the aftermath of the conflict in Iraq and Syria, by:

- Developing strategies and measures for arms collection and destruction, environmental clean-up, stabilisation, demobilization, disarmament, and reintegration (DDR) relating to armed groups and unauthorized users in Iraq and Syria;
- Promoting and facilitating a new approach to security sector reform (SSR) in Iraq and Syria that places compliance with international human rights law and international humanitarian law at the centre of institutional practices and operational training in the uses of force;
- Supporting and encouraging international dialogue to include respect for human rights in strategies to prevent potential future armed conflicts in the region, and to ensure effective and lasting post-conflict reconstruction in Iraq and Syria.

States must also support current global initiatives to prevent the proliferation and misuse of small arms and light weapons, including by:

- Implementing the provisions set out in the UN Programme of Action to Prevent, Combat and

Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and related standards on small arms and light weapons, and the UN Firearms Protocol supplementing the UN Convention Against Transnational Organised Crime;

- Promoting international cooperation and assistance, including information sharing, to reinforce best practice for the marking and tracing of small arms and light weapons so as to combat the illicit trade and the diversion of arms;
- Providing practical assistance and information, as well as establishing criminal sanctions, to help combat violations of UN arms embargoes, in particular to prevent attempts by IS to rearm.

TO THE IRAQI GOVERNMENT:

- Establish robust control systems based upon the international standards outlined above and exercise greater due diligence for monitoring, managing, distributing and using conventional arms imported for the Iraqi armed forces and police;
- Invest more resources to ensure arms stockpiles and holdings are secure, including for the marking, registration and training of the Iraqi armed forces and police;
- Take measures to combat corruption and the illicit trade and diversion of weapons and ammunition from within the military and police forces;
- Accede to the Arms Trade Treaty and take concrete steps to implement the Treaty as soon as possible.

TO STATES NEIGHBOURING IRAQ AND SYRIA:

- Enhance border security to tackle the illicit flow of conventional arms and ammunition, including small arms and light weapons, while ensuring unimpeded humanitarian access to all areas of Iraq and Syria and safe passage for those displaced by the conflict.

TO THE UNITED NATIONS SECURITY COUNCIL:

- Immediately impose a comprehensive arms embargo on the Syrian government.
- Expand the mandate of the United Nations Assistance Mission for Iraq (UNAMI) to include technical, institutional or other advice, support and assistance to the Government of Iraq in:
    - Establishing robust arms control systems based on the international standards, to exercise greater due diligence for monitoring, managing, distributing and using conventional arms imported for the Iraqi armed forces and police;
    - Ensuring that arms stockpiles and holdings are secure, including through the marking and registration of equipment and training of the Iraqi armed forces and police. Combating corruption and the illicit trade and diversion of weapons and ammunition from within the military and police forces.
- UNAMI should work in coordination with and draw on the expertise of relevant UN specialized agencies, including the United Nations Office for Disarmament, the United Nations Institute for Disarmament Research and the United Nations Office on Drugs and Crime, while assisting the Iraqi Government.
- China, France, Russia, the UK and the USA, which have been entrusted by the UN Charter with a particular responsibility as Permanent Members of the Security Council to uphold and maintain international peace and security, should make all efforts to ensure the above recommendations are fully implemented.

ANNEX 1: SUMMARY OF ARMS OBSERVED IN USE BY THE ARMED GROUP ISLAMIC STATE (IS)

The following annex is a baseline assessment of conventional arms that have been positively identified in service with IS during the ongoing conflict in Iraq and Syria. The assessment was carried out by Armament Research Services (ARES) for Amnesty International. It should be noted that other conventional arms are likely to be in service with these forces, but have not yet been identified in photographs or video, or other evidence assessed by analysts. The nature of the conflict suggests that almost all arms and munitions within the region are susceptible to battlefield capture and redeployment by all sides.

SMALL ARMS

SELF-LOADING RIFLES:
AK type rifles: AKM/AKMS; M70B1/M70AB1/M70AB2; Type 56/Type 56-1/Type 56-2; Tabuk type, AK-74M
AR-15 type rifles: M16 / M4;[153] CQ,[154] Bushmaster X15E2S
Heckler & Koch G3 type rifles
FN Herstal FAL type rifles
vz.52
SKS

SNIPER RIFLES AND BOLT-ACTION RIFLES
SVD type rifles
PSL
Mk 14 EBR
Steyr SSG 69
Elmech EM-992
Walther KKJ

ANTI-MATERIEL RIFLES
Craft-produced AMRs
Sayyad-2 AM50
M99 (Chinese)

MACHINE GUNS
PK type machine guns: PK, PKM, Type 80
RPK type machine guns: RPK; RPK-74
RP-46
KGK
M249 (FN Herstal Minimi)
M240 (FN Herstal MAG)
MG3
Browning M1919A6

HANDGUNS
FN Herstal Browning Hi-Power
Glock 19
HS Produkt HS2000
Walther P99
M9 (Beretta 92FS)

153 Predominantly M16A2, M16A4, and M4A1 models.
154 May also include Iranian S-5.56 'Terab' models.

SHOTGUNS
Civilian break-action, pump-action, and semi-automatic types

LIGHT WEAPONS

HEAVY MACHINE GUNS
DShK
DShKM
M2HB
AN/M2
KPV/KPVT

AUTOMATIC CANNONS
2A14
S-60
M1939 (611-K)
Type 69

GRENADE LAUNCHERS
GP-25
GP-30M
UBGL-M7
RGB-6

UNGUIDED ANTI-TANK WEAPONS
RPG-7 type rocket-assisted recoilless weapons
RB-M57
RPG-75
SPG-9
M60
M79 Osa
B-10

ANTI-TANK GUIDED WEAPONS
TOW-2A
9K135 Kornet
9K115-2 Metis-M
9M17M Skorpion-M
9M14/9M14M Malyutka
9K111 Fagot
HJ-8
MILAN
HOT

MORTARS
Al-Jaleel
82-PM-41
82-BM-37

IMPROVISED MORTARS
Man-portable air defence systems (MANPADS)
9K32M Strela-2M
FN-6

ARTILLERY SYSTEMS

HEAVY MORTARS
Improvised mortars

ARTILLERY GUNS
M198
M-46 Type guns
Type 59-1
D-30
M-30

ROCKET ARTILLERY
Type 63 type MLRS
Improvised 107 mm launchers
BM-21 type MLRS
BM-21M
Improvised 122 mm launchers
Falaq-1
Various Improvised rocket-assisted munitions (IRAMs)

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Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

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© Amnesty International 2015

First published in 2015
by Amnesty International Ltd
Peter Benenson House, 1 Easton Street, London WC1X 0DW, UK

Index: MDE 14/2812/2015
Original language: English
Printed by Amnesty International, International Secretariat, UK

amnesty.org

Cover photo: *Islamic State fighters take part in a military parade in a captured T-55 tank along the streets of northern al-Raqqa province, Syria, 30 June 2014.*
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