



## U.S. DEFENSE DEPARTMENT'S GLOBAL "TRAIN AND EQUIP" AUTHORITY LACKS CRITICAL SAFEGUARDS

**A**mnesty International is concerned that future U.S. arms transfers and military training under the U.S. Department of Defense's (DoD) new, global train and equip authority may gravely hurt U.S. interests, including by fuelling serious human rights violations and deadly conflict unless critical safeguards are added. Since 2006, this DoD authority has been used to furnish arms and military training to over 40 foreign militaries, several of which have gross human rights records and/or involved in armed conflicts such as Sri Lanka and Chad. The authority also appears to exempt DoD from several critical protections included in U.S. laws and regulations that other, traditional U.S. authorities to provide arms and military training must comply with. In addition, DoD is seeking to greatly expand this authority by significantly increasing the authority's budget and ability to funnel weapons, including to non-governmental forces.

Established by Section 1206 of the National Defense Authorization Act in 2006, DoD has used this authority to help create infantry rapid reaction forces and improve force capability for foreign militaries with gross human rights violations, raising the risk that U.S. weapons and training could be used to fuel human rights violations and conflict. For instance, in 2007 the Chadian security forces received \$6 million under the 1206 authority to create a light infantry rapid reaction force. At the same time, Chadian security forces were engaged in extrajudicial killings, politically motivated disappearances, rape, the use of child soldiers, and battles with a rebel armed group. In late 2006 and 2007, DoD also used this authority to provide the Sri Lankan military with nearly \$14 million in assistance. During this period, the Sri Lanka government was accused of supporting a non-governmental force known as the Karuna group that regularly attacked civilians, and the U.S. Congress was developing language to restrict U.S. security assistance to Sri Lanka.

Since the 1960s, the U.S. Congress has created laws to help ensure U.S. security assistance does not damage U.S. interests. For example, the Foreign Assistance Act calls on the U.S. government to take into consideration whether a particular U.S. arms transfer will increase the possibility of an outbreak or escalation of a conflict. Language included in the annual foreign operations appropriations bill also requires the U.S. government to vet potential recipients of U.S. arms for past, credible gross human rights violations. However, it appears the U.S. government does not have to take these safeguards into consideration when using the 1206 authority. It is also unclear whether long-standing protections are in place to ensure that the U.S. government doesn't use known arms traffickers to transport weapons under the 1206 authority. This is a concern because shortcomings in a similar DoD authority appears to have failed to prevent the U.S. government from funding known arms traffickers to ship weapons from Bosnia to Iraq; some of these weapons remain unaccounted for.

Instead of adding protections to these new authorities, the U.S. President and DoD have requested the U.S. Congress to greatly expand this authority for FY09 by increasing the funding from \$300 million to \$750 million annually, making the authority permanent, and extending the purpose to beyond just for counterterrorism reasons. The DoD proposal also calls for widening the authority to include police, gendarmerie, and non-governmental forces such as civil defense forces.

### AMNESTY INTERNATIONAL USA RECOMMENDATIONS:

Before the U.S. Congress determines whether to expand and renew the DoD 1206 authority, it must at a minimum require the following safeguards:

- √ Ensure that the recipients of U.S. arms transfers are vetted for past gross human rights violations, as stipulated in the Leahy Law language of the annual foreign operations appropriations bill;
- √ Require all arms transfers and military training under 1206 to comply with all of the provisions of the Foreign Assistance Act, the Arms Export Control Act, and the annual foreign operations appropriations bill; and,
- √ Stipulate that assistance under 1206 must be included in annual public reports on U.S. arms transfers and military training.