



EGYPT: HOW FRENCH ARMS WERE USED TO CRUSH DISSENT

AMNESTY
INTERNATIONAL



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*Cover photo: Riot police vehicles fire tear gas at members of the Muslim Brotherhood and supporters of deposed Egyptian President Mohamed Morsi, around Cairo University and Nahdet Misr Square, where they are camping in Giza, south of Cairo, 14 August 2013, ©Mohamed Abd El Ghany/Reuters
The photo shows a Sherpa Light Station Wagon armoured vehicle (in grey) of the Ministry of Interior forces.*

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GLOSSARY

AEMG	Military technology and equipment Export Authorizations
AOI	Arab Organization for Industrialization
CIEEMG	Interministerial Commission for the Study of War Materials Exports
CSF	Central Security Forces
RDF	Rapid Deployment Forces
RTD	Renault Trucks Defense
SCAF	Supreme Council of the Armed Forces
SGDSN	General Secretariat for Defence and National Security
SP-OP	Special-Operations

1. EXECUTIVE SUMMARY

“...It was non-stop tear gas and shots were coming from rooftops and armoured vehicles... Shots were raining down on us... I saw people shot in the head and chest...”

A protester who was securing the Tiba Mall entrance to the sit-in in Rabaa al-Adawiya Square when security forces moved in at about 6am, 14 August 2013

Since the 25 January 2011 uprising, the start of the ‘Arab Spring’ in Egypt, a series of tumultuous political events has been accompanied by waves of brutal repression. This repression spiked in the aftermath of the July 2013 military ousting of President Mohamed Morsi where security forces violently quashed street protests, resulting in thousands of deaths and injuries, and the arbitrary detention of thousands of journalists, human rights defenders and protesters. Some of those detained have been tortured or otherwise ill-treated, with hundreds sentenced to 25 years of prison or death following grossly unfair trials.

Some States condemned the Egyptian authorities for their egregious human rights violations, and denounced the impunity that the security forces enjoy. However, some of these same States have continued to supply Egypt with a range of security equipment – including small arms, batons, tear gas, armoured vehicles, and surveillance helicopters – used to commit these very violations.

Since 2011, France has emerged as the leading supplier of arms to Egypt, in recent years surpassing the USA. From 2012 to 2016 France supplied more arms than it had in the previous 20 years; in 2017, France delivered over 1.4 billion euros worth of military and security equipment to Egypt. In February 2017 President Abdel Fattah al-Sisi invited French Defence Minister Jean-Yves Le Drian to Cairo to award him The Order of the Republic of the First Category, in recognition of his efforts to secure this unprecedented surge in military cooperation between the two countries.

While much attention has been focused on the recent multi-billion euro deals for fighter jets and warships, since 2012 France has also supplied more routine security equipment, including armoured vehicles, that have played a direct and very visible role in Egypt’s violent repression.

After examining the role of military and policing equipment in Egypt’s crackdown, supplied by a variety of States, this report focuses on the transfer and misuse of French manufactured Sherpa and MIDS light armoured vehicles to Egyptian security forces in the repeated repression of the rights to freedom of expression, association and peaceful assembly.

Through the analysis of over 20 hours of video footage, several hundred photos and 450 gigabytes of additional visual material provided by local human rights groups and the media, combined with direct observation in the field, Amnesty International has found copious evidence of Egyptian security forces using French-supplied Sherpas and MIDS vehicles to violently crush dissent, between 2012 and 2015.

In several instances, footage analysed and verified by Amnesty International shows Egyptian security forces firing live ammunition on demonstrators shielded by these vehicles and even firing from within them, during crackdowns in which hundreds died and many more were injured. In these instances, French vehicles were not merely assisting the security forces, but were themselves tools of repression, playing a very active role in the crushing of dissent.

On 14 August 2013, for instance, French-supplied Sherpa armoured vehicles were deployed across Cairo by Egyptian security forces in operations which killed up to 1,000 people, the largest number of protesters in a single day in modern Egyptian history, now known as the Rabaa and Nahda massacre. According to protesters interviewed by Amnesty International Egyptian security forces fired live rounds at demonstrators from within the vehicles, placing the vehicles at the very heart of the killings. An officer from the police's Central Security Forces confirmed to Amnesty International delegates in the field that "high-tech" Sherpas were being used in these operations across Cairo on that day. Moreover, visual material analysed by Amnesty International shows that French armoured vehicles were widely deployed to support the security forces as they violently crushed dissent.

Visual material analysed by Amnesty International shows Sherpas and MIDS being deployed to facilitate repression by Egyptian security forces in many other contexts, in support of operations resulting in excessive use of force by the security forces, such as beatings of protesters. In these instances, the vehicles played a clear facilitating role, providing transport and on-site support for security forces engaged in serious violations of human rights.

Amnesty International has raised the issue of the flagrant and widespread misuse of French-supplied armoured vehicles in Egypt with the French authorities on a number of occasions. In formal meetings and official correspondence, Amnesty International has repeatedly sought to clarify the exact volume and nature of these transfers, including the designated end-user and end-use of the vehicles. At the time of writing Amnesty International has not received an adequate response.

The French authorities have informed Amnesty International that they have only licenced military equipment to the Egyptian military as part of the "fight against terrorism" in Sinai and not for law enforcement operations. However, in many pieces of footage and images of operations outside Sinai Amnesty International has analysed, the insignia of the Ministry of the Interior Special-Operation Forces and Central Security Forces are clearly shown painted on the bodywork of the vehicles and the word "Police" is shown on the number plates of vehicles deployed in Cairo. On one occasion, a French official conceded that while French security equipment had been intended for the Egyptian military, the Egyptian authorities had diverted some armoured vehicles for the use of the security forces.

What is clear is that the French authorities continued delivering armoured vehicles until at least 2014, and continued authorising export licences of armoured vehicles and related parts and components until 2017, long after credible information of their misuse was available, and after Amnesty International had informed them of their initial findings. Deliveries also continued even after EU member states agreed to suspend export licenses to Egypt of equipment used for internal repression in the EU Foreign Affairs Council conclusions of August 2013, which were reaffirmed in February 2014. These transfers were therefore licenced in the full knowledge of the substantial risks that such equipment could be misused by Egyptian security forces for serious violations, in breach France's international and EU legal obligations.

Other military goods also carry very high risks of being used to commit serious violations of human rights in Egypt. France is now a key supplier of Rafale combat aircraft to Egypt. Amnesty International has documented several incidents of unlawful airstrikes carried out by the Egyptian air force. According to images released by the Egyptian military and a media source analysed by Amnesty International, the air force has also deployed internationally banned cluster munitions, raising serious questions about France's ongoing transfers of fighter jets, and related parts and components, along with military training and technical assistance.

As a State Party to the Arms Trade Treaty, France must not authorise arms transfers where there is an overriding, meaning substantial, risk that they could be used to commit or facilitate serious violations of international human rights law or international humanitarian law. Compliance with the EU's Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of

military technology and equipment, which France is legally bound by, requires member states to “deny an export licence if there is a clear risk that the military technology or equipment to be exported might be used for internal repression”. And policy guidance to French licencing officials includes: “the supply of any technology or equipment likely to be used for internal repression must be refused”.

Given the context of systematic and serious human rights violations in Egypt, France must immediately cease the transfer to Egypt of equipment that could be used for internal repression, including armoured vehicles, small arms, less lethal equipment and related ammunition used for policing demonstrations and in places of detention. This suspension must continue until the risks of misuse abate and Egypt conducts independent, impartial and effective investigations into the serious human rights violations outlined in this report and holds those responsible to account.

All other equipment must be thoroughly assessed against rigorous human rights criteria in line with France’s international and regional legal obligations. Any prospective military transfer must be subject to strict end-use/end-user certification which precludes equipment from being used for internal security. French authorities must institute thorough post-delivery controls to ensure all conditions of end-use/user certification are honoured; should the French authorities become aware that equipment authorised for military end-use is being diverted to security forces and used for internal repression, all future licences should be immediately suspended, along with any contracts providing maintenance and support services.

It is also essential to understand how France continued to supply armoured vehicles to Egypt despite clear EU and international obligations not to do so, and to urgently reform France’s export control system to avoid such clear breaches in the future. To this end, France must incorporate the human rights principles governing arms transfers in the Arms Trade Treaty (Articles 6 and 7) or those of the EU Common Position on Arms Export Controls (the eight criteria of Article 2) in its national law, as it is obliged to do. However, it relies on a flawed system in which the executive has a very high degree of discretion over the authorisation of arms exports.

Reforms must also include far more transparency in reporting, decision-making and openness to scrutiny of export decisions by parliament and civil society. Arms transfers should not be authorised unless a thorough and transparent human rights risk assessment demonstrates that the Egyptian armed forces will use the equipment lawfully and that any suspected misuse is effectively, independently and impartially investigated.

Many other states, including the USA and at least 12 EU member states, have supplied equipment to Egyptian security forces between 2011 and 2016 (the most recent EU data available), despite escalating human rights violations. All States Parties to the Arms Trade Treaty must urgently bring their export policies in line with treaty obligations, establishing “the highest possible common international standards for regulating ... international trade in conventional arms”. This includes strict risk assessments against human rights criteria to prevent the transfer of arms that have a substantial risk of being used for serious human rights violations.

By fully meeting its human rights obligations, France, along with other supplier states, can not only avoid complicity in Egypt’s serial human rights violations, but send a clear and unambiguous message to Egyptian authorities that the policies pursued at every level of its criminal justice system fundamentally contradict international law and standards.

2. METHODOLOGY

Data on the transfers of French military and security equipment to Egypt is drawn from French Ministry of the Armed Forces¹ annual national arms exports reports, the Arms Trade Treaty (ATT) annual report on arms imports and exports, the UN Register of Conventional Arms annual reports, the Stockholm International Peace Research Institute (SIPRI) arms transfer database, company literature and statements, along with media reports pertaining to arms deliveries.

Evidence of the involvement of French-supplied armoured vehicles in serious human rights violations is based on Amnesty International's review of over 20 hours of open source visual information depicting Egyptian security force operations from 2011 to 2017. Amnesty International also reviewed approximately 450 gigabytes of visual information provided by Egyptian local human rights and the media which included videos of Egyptian security forces using excessive force to disperse protests and sit-ins. Visual material which clearly featured French armoured vehicles manufactured by Renault Trucks Defense (named Arquus since 24 May 2018)² was selected for further detailed analysis and where possible verified by geolocation, analysis of metadata and corroboration with other images/sources.

Amnesty International used its Digital Verification Corps, a network of volunteers trained in social media verification based at universities around the world to help in the selection, review and verification process. The verification methodology included checking for the capture date and upload date to social media, geolocating the content and checking for corroborating evidence. All visual footage was cross-checked by different members of the Corps using this methodology and reviewed by Amnesty International researchers. Any ambiguous results were subjected to further specialist analysis. Amnesty International's weapons expert provided in-depth analysis of some of the open source videos and images and visual information provided by Egyptian local human rights and media groups, including identifying certain types of equipment.

Amnesty International's assessment of the human rights situation in Egypt is based on extensive investigative field research conducted between 2011 and 2016. Amnesty International staff were present in Egypt during major incidents where hundreds of protesters were killed, including during the 2011 January uprising and the massacre in August 2013 following the army's ousting of Egypt's first democratically elected president, Mohamed Morsi. Delegates interviewed protesters, victims, families, witnesses, doctors and security forces, including members of Egypt's Central Security forces of the Ministry of Interior who carried out the violent dispersals on 14 August 2013 in Rabaa al-Adawiya and Nahda squares in Cairo. Since 2016, the organization has analysed videos, photographs accompanying local media articles and interviewed victims and families remotely to document patterns of violations and to identify types of weapons used to commit and facilitate serious human rights violations such as extrajudicial executions.

Between 2011 and 2017, Amnesty International regularly met with the French authorities, including the General Secretariat for Defence and National Security (SGDSN), the Ministry of Foreign Affairs (MOFA)³ and the Elysée;

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1. In May 2017, the Ministry of Defence took the name of Ministry of the Armed Forces.
 2. For convenience, we will use the name "Renault Trucks Defense" in this report. Renault Trucks Defense is a French armoured vehicle subsidiary of Swedish truck-maker Volvo Group since 2001.
 3. In May 2017, the Ministry of Foreign Affairs took the name of Ministry for Europe and Foreign Affairs.

information provided to Amnesty International by these bodies is reflected in this report. Over the course of the research, Amnesty International wrote to the SGDSN, the Ministry of the Armed Forces (General Directorate for Armament, classification of war materials office), and Renault Trucks Defense, requesting further information and clarifications. At the time of writing Amnesty International had not received a response from the SGDSN and the Ministry of the Armed Forces. The responses of Renault Trucks Defense are reflected in the report.

3. EGYPT'S CRACKDOWN (2011-2018)

Since the 25 January 2011 uprising, the Egyptian police's use of excessive and often lethal force has steadily increased and intensified particularly after the military ousting of President Morsi in the summer of 2013. Security forces armed with a wide range of equipment, including batons, shotguns, water cannon and tear gas, supported by various types of armoured vehicles and in some instances surveillance helicopters, have killed, maimed and tortured thousands; many more have been subjected to arbitrary arrests and detentions. Despite some temporary suspensions, many governments, led by the United States of America (USA) and France, have continued to supply arms, including security equipment, throughout the crackdown.

3.1 BACKGROUND

THE FALL OF HOSNI MUBARAK

On 25 January 2011, mass popular protests broke out in Egypt against the 30-year rule of President Hosni Mubarak, which the authorities sought but failed to suppress by force. Security forces attempted to disperse the demonstrations with excessive force, using batons, water cannons, tear gas, rubber bullets, shotguns and live ammunition – including sniper fire.⁴ Weapons used include US-made shotguns, ammunition and tear gas.⁵ In some instances, the security forces also drove into crowds of protesters in armoured vehicles, while the authorities employed armed “thugs” to disperse the demonstrations.

The security forces and the army detained suspected protesters and political activists and subjected them to torture and other ill-treatment. At the height of the unrest, officials also severed Egypt's internet and mobile phone networks in an attempt to disrupt the demonstrations. Eighteen days later, after police and other security forces had killed around 840 protesters and wounded more than 6,000 others,⁶ President Mubarak was forced to hand power to the Supreme Council of the Armed Forces (SCAF). Subsequent investigations largely failed to bring to justice security forces and officials, including President Mubarak, responsible for the killing of protesters.⁷

After the SCAF took over, they appointed a new interim government, suspended the 1971 Constitution, dissolved parliament, issued a Constitutional Declaration guaranteeing certain rights and setting out the

4. Amnesty International, *Egypt rises: Killings, detentions and torture in the '25 January revolution'* (Index: MDE 12/027/2011) (Amnesty International, *Egypt rises*), www.amnesty.org/en/documents/mde12/027/2011/en/

5. Amnesty International, *Egypt rises*, p. 29

6. Amnesty International, *Egypt rises*, p. 8

7. A court jailed Hosni Mubarak for 25 years in June 2012 for his role in suppressing the protests but Egypt's highest court overturned the verdict and, following a retrial, another court dismissed the charges against him. See also Amnesty International, *Rampant impunity: Still no justice for protestors killed in the '25 January Revolution'* (Index: MDE 12/004/2013) (Amnesty International, *Rampant impunity*), www.amnesty.org/en/documents/MDE12/004/2013/en/

transition plan, and released hundreds of administrative detainees held without charge or trial, while maintaining the state of emergency. The SCAF ruled for 18 months from February 2011 until June 2012. During its rule, the SCAF committed grave human rights violations and killed dozens of peaceful protesters.

KILLINGS AND SEXUAL VIOLENCE

Between 19 and 24 November 2011, over 50 people died in six days of protests near the Interior Ministry in Cairo's Mohamed Mahmoud Street.⁸ Central Security Forces (CSF) repeatedly used live ammunition, shotguns and tear gas to disperse the crowds. The riot police fired shotguns directly into crowds at close range, causing serious injuries to protesters – including blindness. Security forces also fired tear gas at field hospitals set up by medical professionals to treat those injured in the protests. They also arrested participants and bystanders and subjected them to torture and other ill-treatment, including sexual violence.

Furthermore, between 16 and 20 December 2011, 17 people died and at least a thousand people were injured in five days of protests centred on the offices of the Cabinet in Cairo. The Egyptian armed forces used batons, water cannons and firearms against the protesters. They arrested scores of protesters and singled out women protesters and subjected many of them to sexual violence. On 17 December, Egyptian army forces were filmed beating women protesters in the streets and dragging them across the ground, exposing the underwear of one woman.⁹ No members of the security forces or army were ever held to account for the deaths, injuries and torture of protesters, but hundreds of protesters were subsequently indicted.

MOHAMED MORSI TAKES POWER

In May and June 2012, presidential elections took place with Muslim Brotherhood (MB) candidate, Mohamed Morsi, taking power on 30 June 2012. Within weeks, Morsi reinstated the parliament, which was dominated by his supporters, overturned new powers that the SCAF had taken for itself shortly before his election victory, “retired” leading members of the SCAF and replaced the Minister of Defence with General Abdel Fattah al-Sisi, the former head of the Military Intelligence, whom he later promoted to Minister of Defence, Commander-in-Chief of the Armed Forces, and head of the Supreme Council of the Armed Forces.

President Morsi faced growing opposition, particularly after he issued a controversial decree in November 2012 declaring his actions temporarily immune from legal challenge before the Constitutional Court. This sparked new mass protests in Cairo and elsewhere. Demonstrations continued in December 2012 when a new constitution, widely seen as favourable to the MB, was adopted by a national referendum, and escalated further in the first half of 2013 amid repeated clashes between pro- and anti-Morsi protesters as well as sectarian violence. Security forces again used excessive force to disperse these protests.

SISI OUSTS MORSI

As the situation deteriorated, the armed forces intervened decisively in the name of restoring order. On 3 July 2013, then-General al-Sisi ousted President Morsi from office, suspended the 2012 Constitution and appointed the President of the Supreme Constitutional Court, Adly Mansour, as interim President until the election of a new president. Mohamed Morsi was arbitrarily detained and removed to an undisclosed location where he was held incommunicado for almost four months before being moved to a Borg al-Arab prison in Alexandria where he remains to date.

Supporters of Mohamed Morsi, the MB and some activist and human rights groups set up protests and sit-ins, the largest of which were in Rabaa al-Adawiya and al-Nahda squares in Cairo and Giza. Al-Sisi called for a nationwide show of support for the army and police on 26 July 2013 to “give him a mandate to crack down

8. Amnesty International, *Agents of repression: Egypt's police and the case for reform* (Index: MDE 12/029/2012) (Amnesty International, *Agents of repression*), www.amnesty.org/en/documents/mde12/029/2012/en/

9. Amnesty International, *Brutality unpunished and unchecked: Egypt's military kill and torture protesters with impunity* (Index: MDE 12/017/2012) (Amnesty International, *Brutality unpunished and unchecked*), www.amnesty.org/fr/documents/mde12/017/2012/en/

on 'terrorism'". The Egyptian security forces used excessive force using tear gas, live ammunition, armoured vehicles and helicopters for surveillance. The violent dispersal of the sit-ins and other protests led to the killing of at least 1,300 protesters between July and August 2013.¹⁰ Judicial authorities have failed to investigate or hold any member of the security forces or government officials to account for these killings. Instead, hundreds of protesters were arrested and tried in grossly unfair mass trials in relation to the violence.

In November 2013, the authorities moved to ban any further protests against their rule. The interim President signed Law No.107 of 2013 Regulating Public Gatherings, Processions and Peaceful Protests, handing security forces sweeping powers to use lethal force to disperse protests not authorised by the authorities and providing for heavy sentences reaching up to five years. In December 2013, the interim government declared the MB a "terrorist" organization without providing concrete evidence linking violence occurred across the country to the MB group.¹¹ Today, membership of the MB can incur the death penalty under the revised Penal Code and the Counter-Terrorism Law (see below).¹²

SISI BECOMES PRESIDENT

Having resigned from the armed forces in March 2014, Abdel Fattah al-Sisi became President in June 2014. Since then, his government has detained, according to its own figures, at least 34,000 MB and Morsi supporters, subjecting many of them to unfair mass trials in which hundreds have been sentenced to death.¹³ Furthermore, hundreds of activists, including prominent political activists, human rights defenders and lawyers were also arrested for criticizing the government or the president.

In August 2015, President al-Sisi signed a draconian new "Counter-Terrorism" law that arbitrarily restricts the rights to freedom of expression, peaceful assembly and association while granting the president powers that previously could only be invoked during a state of emergency, taking the country back to a position similar to the 30 years period of emergency rule under Hosni Mubarak.¹⁴ Security forces have also repeatedly used excessive and unnecessary force, killing hundreds of individuals including by using tear gas in confined places. In other incidents, the military used intentional lethal force against residents in North Sinai who were posing no imminent threat to life, and launched airstrikes that killed civilians in Libya.

MISUSE OF TEAR GAS

On 18 August 2013, Security forces killed 37 detainees when they fired tear gas into an overcrowded truck parked at Abu Zaabal Prison. Security forces had parked the vehicle alongside others at the entrance to the prison for several hours, waiting to admit the prisoners to the prison, without giving the detainees food, water or fresh air.¹⁵ On 8 February 2017, at least 22 fans of the Zamalek football club died in a stampede at a stadium in New Cairo, after security forces fired tear gas to disperse them.¹⁶ The security forces fired the tear gas into a caged walkway packed with people. The Interior Ministry later claims that security forces attempted to disperse the crowds because they had tried to forcibly enter the stadium after the gates were locked. The authorities failed to effectively investigate the incident.

10. Amnesty International, *Egypt: Roadmap to repression: no end in sight to human rights violations* (Index: MDE12/005/2014) (Amnesty International, *Egypt: Roadmap to repression*), www.amnesty.org/en/documents/MDE12/005/2014/en/

11. BBC, "Egypt's Muslim Brotherhood declared 'terrorist group'", 25 December 2013, www.bbc.co.uk/news/world-middle-east-25515932 ; Ahram Online, "15 dead, 134 injured in Egypt's Mansoura explosion", 24 December 2013, <http://english.ahram.org/News/89902.aspx>

12. Article 86 and 86(bis) of Law No. 58 of 1937 Promulgating the Penal Code; and Articles 12, 13 and 14 of Law No. 94 of 2015 Promulgating the Counter-Terrorism Law.

13. Amnesty International, Egypt: "Officially you do not exist", disappeared and tortured in the name of counter-terrorism (Index: MDE 12/4368/2016) (Amnesty International, *Egypt: "Officially you do not exist"*), www.amnesty.org/download/Documents/MDE1243682016ENGLISH.PDF

14. Amnesty International, *Egypt: Memorandum, Egypt's draft law on counter-terrorism* (Index: MDE 12/2269/2015), www.amnesty.org/en/documents/mde12/2269/2015/en/

15. Amnesty International, *Egypt: Security forces must show restraint after reckless policing of violent protest* (News, 23 August 2013), www.amnesty.org/en/latest/news/2013/08/egypt-security-forces-must-show-restraint-after-reckless-policing-of-violent-protest/

16. Amnesty International, *Egypt: Shocking deaths at football match lay bare security forces' failures* (Index: MDE 12/0009/2015), www.amnesty.org/en/documents/mde12/0009/2015/en/

In February 2018, the European Parliament issued a resolution stating that since March 2015, the National Security Agency (NSA) of the Ministry of Interior has subjected at least 1,700 people to enforced disappearances, in particular after the appointment of the new Minister of Interior Magdy Abdel Ghaffar. The NSA has abducted hundreds of people from the streets or their homes without judicial order and held them incommunicado for periods reaching up to seven months, beyond any judicial oversight. The authorities have denied holding these detainees in state custody and they were therefore left without access to family members or legal representation. The security forces have targeted perceived supporters of the ousted president Mohamed Morsi and activists with other political affiliations. Victims included children as young as 14.¹⁷

The abductions were carried out by security forces covering their heads with black masks and heavily armed with automatic guns and other small arms. They usually threatened the detainees and their families before taking them in armoured vehicles to undisclosed locations. Many of the forcibly disappeared have been subjected to torture and other ill-treatment by NSA interrogators to extract “confessions” for use against them at trial to obtain convictions.¹⁸

Since late 2015, the authorities have intensified their repression and escalated their efforts to curb the work of human rights activists in an unprecedented manner. In relation to an ongoing criminal investigation into the funding and registration of Egyptian civil society known in the media as “case 173”,¹⁹ investigative judges have to date summoned 66 human rights defenders and NGO staff for interrogation. The judges have also ordered travel bans against 29 human rights defenders and frozen the assets of 10 individuals and seven NGOs.²⁰ They have been charged with “receiving foreign funding to harm Egyptian national security”, which, under Article 78 of the penal code, could carry a sentence of up to 25 years in prison.

TROUBLE IN NORTH SINAI

The same period has seen an unprecedented security threat with violent attacks by armed groups, particularly in the North Sinai Governorate, targeting ordinary residents, members of religious minorities, members of the judiciary, as well as security forces.²¹ Three judges were shot dead in North Sinai Governorate in May 2015. In June 2015, Public Prosecutor Hisham Barakat was assassinated in Cairo and at least 700 police and army officers have been killed in attacks across the country since 3 July 2013.²² The armed group Sinai Province “Wilayet Sinai”, affiliated to the Iraq and Syria-based armed group that calls itself Islamic State (IS), claimed responsibility for many of the above-mentioned attacks.

The Egyptian government has used security threats like this as a pretext to clampdown on peaceful opponents, critics and human rights activists while maintaining to the world that it is combatting terrorism, both domestically and in the region, in order to restore security after years of turmoil in the country. For example, since the killing of Public Prosecutor Hisham Barakat in June 2015, the security forces have regularly announced the killing of ‘wanted’ individuals, purportedly in exchanges of fire with security forces. In some cases, relatives stated that those killed were arrested or forcibly disappeared weeks before their bodies were found in the morgue or before the authorities announced their death.

There has been little oversight or news coverage of how the military conducts its operations in North Sinai. Amnesty International’s research has shown that in many cases, individuals who were not posing an imminent threat to life had been deliberately killed such as the extrajudicial execution of six men by members of the security forces in North Sinai in January 2017. The men had been in state custody for one to three months at the time of their killing.²³ A couple of months later, Amnesty International analysed

17. Amnesty International, *Egypt: “Officially you do not exist”*.

18. Amnesty International, *Egypt: “Officially you do not exist”*.

19. See: www.amnesty.org/en/latest/campaigns/2016/12/close-case-173/

20. Amnesty International, *Egypt: asset freeze is a shameless ploy to silence human rights activism* (News, 17 September 2016), www.amnesty.org/En/Latest/News/2016/09/Egypt-Asset-Freeze-Is-A-Shameless-Ploy-To-Silence-Human-Rights-Activism/

21. Amnesty International unreservedly condemns all attacks targeting civilians and calls for those responsible for such attacks to be brought to justice.

22. Amnesty International, *Egypt: “Officially you do not exist”*.

23. Amnesty International, *Egypt: Investigate potential extrajudicial execution of North Sinai men: Six of the men were in police custody at the time of their killing* (Index: MDE 12/5534/2017) (Amnesty International, *Egypt: Investigate potential extrajudicial execution of North Sinai men*), www.amnesty.org/en/documents/mde12/5534/2017/en/

a leaked video which showed members of the Egyptian military shooting dead at point blank range an unarmed man and a 17-year-old child. The video further shows that US armoured vehicles were used to facilitate these killings:²⁴ members of the Egyptian military holding at least two unarmed men in US Humvee armoured vehicles before they were shot dead.

3.2 ARMS TRANSFERS POST-25 JANUARY 2011

Throughout the turmoil in Egypt, arms have continued to flow into Egypt. The supply of security equipment such as small arms, water cannon, helicopters, armoured vehicles and riot control equipment (such as tear gas and pepper spray) has proven particularly controversial. Amnesty International, along with other civil society groups, has repeatedly called on supplier states to cease supplies of security equipment that could be used for internal repression, and introduce more rigorous risk assessments of heavier military equipment, which is now being deployed in North Sinai.²⁵

A number of supplier states reacted to the violence surrounding the “25 January Revolution” by imposing temporary suspensions of arms transfers.²⁶ For instance, on 27 January 2011, the French government announced²⁷ that it was suspending arms transfers to Egypt, though not revoking corresponding export authorisations, indicating that the suspension would be likely to be short-lived.²⁸ The German government also suspended supplies at the start of February 2011²⁹ and subsequently ceased providing spare parts for Egypt’s fleet of German produced Fahd armoured vehicles, according to an article from the Arab Organization for Industrialization (AOI).³⁰

As the violations escalated, the Walloonian and Flemish authorities, the Czech Republic, Spain, the USA and the Netherlands also imposed temporary suspensions on all or part of their transfers and military assistance. However, despite ongoing and worsening violations, many states soon resumed supplies of equipment that could be used for internal repression. In August 2013, a few days after the massacres at Rabaa al-Adawiya and al-Nahda square, during which up to 1,000 people were killed in a single day, Amnesty International documented continuing supplies of military firearms, shotguns, riot control launchers and corresponding ammunition and projectiles, as well as armoured vehicles and military helicopters. Supplier states included China, Cyprus, the Czech Republic, France, Germany, Italy, Serbia, Spain, Turkey and the USA.³¹

24. Amnesty International, *Egypt: Video of Extrajudicial Execution Offers Glimpse of Hidden Abuses by the Military in North Sinai*, (News, 21 April 2017), www.amnesty.org/en/latest/news/2017/04/egypt-video-of-extrajudicial-executions-offers-glimpse-of-hidden-abuses-by-the-military-in-north-sinai/

25. Amnesty International, *Halt ships of shame from the USA carrying weapons to Egypt* (Press release, 15 March 2012), www.amnesty.org/en/latest/news/2012/03/halt-ships-shame-usa-carrying-weapons-egypt/; Amnesty International, *Recent bloodshed underscores urgent need to halt arms transfers to Egypt* (Press release, 20 August 2013) (Amnesty International, *Recent bloodshed*) www.amnesty.org/en/press-releases/2013/08/recent-bloodshed-underscores-urgent-need-halt-arms-transfers-egypt-2013-08/; Amnesty International, *Halt arms transfers to Egypt to stop fuelling killings and torture* (News, 25 May 2016) (Amnesty International, *EU: Halt arms transfers to Egypt*), www.amnesty.org/en/latest/news/2016/05/eu-halt-arms-transfers-to-egypt-to-stop-fuelling-killings-and-torture/

26. Amnesty International, *Arms Transfers to the Middle East and North Africa: Lessons for an Effective Arms Trade Treaty* (Index: MDE 30/117/2011) (Amnesty International, *Arms Transfers to the Middle East and North Africa*), p. 36, www.amnesty.org/en/documents/act30/117/2011/en/

27. Alexandre Piquart, “Les ventes d’armes françaises à l’Égypte sont suspendues depuis le 27 janvier, selon Matignon”, *Le Monde*, 5 February 2011, www.lemonde.fr/international/article/2011/02/05/les-ventes-d-armes-francaises-a-l-egypte-sont-suspendues-depuis-le-27-janvier-selon-matignon_1475482_3210.html

28. Meeting with the staff of Secretary General for defence and national security (SGDSN), Paris (France), 17 March 2011

29. Amnesty International, *Arms Transfers to the Middle East and North Africa*, p. 36

30. Official data related to German exports seem to support this. Since 2011, exports of components for armoured vehicles have significantly decreased. At the time of the “25 January Revolution”, Egypt was one of the main importers of German arms. Egypt also produced at least one kind of armoured personnel carrier originally designed in Germany, the Fahd. The high number of authorisations granted by Germany each year in the ML6/A0006 category (Ground vehicles and components) until 2011, regularly attributed to armoured vehicle components, therefore suggests that German companies were delivering parts for the manufacture of these vehicles in Egypt. It seems that subsequently – though it is unclear from when – Germany suspended transfers of parts and components for the production of the Fahd. Indeed, the Arab Organization for Industrialization reported on its website on 11 May 2017 that in order to deal with the suspension of parts and components exports from the Germany, the Arab Organization for Industrialization had had to produce these parts themselves. The original article in Arabic initially available at www.aoi.org.eg/2017-05-11-10-50-32 is no longer available. The original article in Arabic and the English translation are available here: https://drive.google.com/open?id=1yi7u2kceTY_abe2-LoChdi52XM10HpOS

31. Amnesty International, *Recent bloodshed*.

EUROPEAN UNION SUSPENSION IGNORED

On 21 August 2013, at an European Union (EU) Foreign Affairs Council meeting, Member States agreed to suspend export licenses to Egypt “of any equipment which might be used for internal repression and to reassess export licences of equipment covered by Common Position 2008/944/CFSP and review their security assistance with Egypt.” The Council Conclusions added that “the EU believes the recent operations of the Egyptian security forces have been disproportionate and have resulted in an unacceptable large number of deaths and injuries.”³² The EU suspension was reaffirmed the following year on 10 February 2014.³³

Yet in 2014 alone, EU states authorised 290 licences for military equipment to Egypt, totalling more than €6 billion (US\$6.77) for items including small arms, light weapons and ammunition; armoured vehicles; military helicopters; heavier weapons for use in counter-terrorism and military operations; and surveillance technology. From publicly available arms transfer data, it appears that at least 12 out of the 28 EU Member States may have been ignoring the EU decision and continuing to supply arms that could be used for internal repression.³⁴ As the violations intensified, France emerged as Egypt’s leading supplier of military equipment, ahead of the USA, capping a long history of security cooperation and arms sales dating back to the 1970s.

32. Council conclusions on Egypt Foreign Affairs Council meeting Brussels, 21 August 2013, www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/138599.pdf

33. Council of the European Union, 3291st Council meeting, 10 February 2014, www.consilium.europa.eu/media/28975/140973.pdf

34. Amnesty International, *EU.Halt arms transfers to Egypt*; as published data generally does not contain information about specific weapon types, end-use or end-user it is impossible to definitively evaluate the risk represented by different transfers; however, EU states have continued to supply equipment of the type that could be used by Egyptian security forces for internal repression. The 12 countries are: Germany, Bulgaria, Cyprus, Spain, France, Hungary, Italy, Poland, the Czech Republic, Romania, the United Kingdom and Slovakia.

4. THE RAPID GROWTH OF ARMS TRANSFERS FROM FRANCE TO EGYPT

Egypt is a major importer of conventional weapons, with a wide range of suppliers. According to the Stockholm International Peace Research Institute's (SIPRI) assessment of the transfer of heavy conventional weapons, between 2013 and 2017, Egypt was the third largest importing country in the world.³⁵ Since the 1979 peace accords between Egypt and Israel, the USA has been Egypt's principal supplier of military equipment through a system of foreign military aid which currently amounts to \$1.3 billion annually.³⁶

During this period the USA developed deep defence and security ties with Egypt, supplying a full range of equipment, from combat aircraft, battle tanks, armoured vehicles to small arms and light weapons and riot control equipment and related munitions.³⁷ Over the past decade, Egypt has sought to diversify its suppliers, entering into multi-billion dollar arms deals with France and Russia.³⁸ Many EU member states, including the Czech Republic, Germany, Italy and the UK and along with other states such as China, South Korea and Turkey, have also supplied smaller amounts of equipment.³⁹

In recent years, France has emerged as Egypt's key defence supplier. According to data from SIPRI, from 2013 to 2017, France's arms transfers outstripped even those of the USA, accounting for 37% of Egypt's arms supplies of heavy conventional arms.⁴⁰ In spite of the political turbulence leading to widespread and systematic human rights violations in Egypt since 2011, transfers of French military equipment have increased rapidly, with recent multi-billion euro deals cementing defence ties.

35. Asia and the Middle East lead rising trend in arms imports, US exports grow significantly, says Sipri, 12 March 2018, www.sipri.org/sites/default/files/2018-03/sipri_at_press_release_eng_0.pdf

36. The military aid system is currently under review, with an aim to realign military funding for meet counter terrorism and maintenance of existing conventional weapon systems, see Congressional Research Service (CRS), "Egypt: Background and U.S. Relations", March 24, 2017, p. 19, <https://fas.org/sgp/crs/mideast/RL33003.pdf> In this context, the Trump administration has decided to release \$195 million in military aid to Egypt that was frozen last year because of human rights concerns, see "Washington débloque une aide militaire à l'Égypte gelée sous Obama", *Le Figaro.fr with AFP*, 26 July 2018, <http://www.lefigaro.fr/flash-actu/2018/07/26/97001-20180726FILWWW00366-washington-debloque-une-aide-militaire-a-l-egypte-gelee-sous-obama.php>

37. CRS, "Egypt: Background and U.S. Relations", March 24, 2017, p. 19

38. Reuters, "Russia, Egypt seal preliminary arms deal worth \$3.5 billion", 17 September 2014, <https://uk.reuters.com/article/us-russia-egypt-arms/russia-egypt-seal-preliminary-arms-deal-worth-3-5-billion-agency-idUSKBN0HC19T20140917> Defense Blog, "Egypt takes delivery of first MiG-29 fighter jets", 27 April 2017, <http://defence-blog.com/news/egypt-takes-delivery-of-first-mig-29-fighter-jets.html> Egypt Independent, "Egypt receives first delivery of Russian of Ka-52 helicopters", 19 July 2017, <https://www.egyptindependent.com/egypt-receives-first-delivery-russian-ka-52-helicopters/> Israel Defense, "Egypt Receives, "Egypt Receives First S-300VM Air Defense Missile System from Russia", 8 June 2017, <http://www.israeldefense.co.il/en/node/29920><http://www.israeldefense.co.il/en/node/29920>

39. Amnesty International, *EU: Halt arms transfers to Egypt. See also, Amnesty International, Recent bloodshed.*

40. SIPRI Fact Sheet, *Trends in international arms transfers, 2017* (SIPRI, *Trends in international arms transfers, 2017*), March 2018, https://www.sipri.org/sites/default/files/2018-03/fssipri_at2017_0.pdf

4.1 HISTORICAL TRANSFERS

Arms transfers⁴¹ from France to Egypt began in the 1970s when a military mission was opened at the French embassy in Cairo in 1971. Since then, according to the embassy, “*defence relations between France and Egypt have become ever more elaborate*”⁴², including the transfer of complex weapons systems such as Mirage 5 and Mirage 2000 combat aircraft, Alphajet training and combat aircraft, and Gazelle helicopters.⁴³ Then, as now, Saudi Arabia provided financing for Egypt's arms purchases, such as that of the Mirage 5s. Egypt became the first export customer for the Mirage 2000 jet, as it would for the Rafale. France also has a long history of providing technical assistance to build the capacity of Egypt's own arms industry.⁴⁴ Some of the equipment purchased from France is assembled in Egypt and sometimes certain parts and components are produced in the country.⁴⁵ Production takes place via the Arab Organization for Industrialization (AOI), established in 1975.⁴⁶ Even today, France contributes to the development of the Egyptian arms industry with the ongoing transfer of ammunition manufacturing equipment to Egypt by the French company Manurhin.⁴⁷

4.2 RECENT ESCALATION IN TRANSFERS

While Egypt had been a regular client of France's defence industry for 40 years, their relationship took on a new dimension when the “25 January Revolution” erupted. While France supplied €9.8 million worth of military technology and equipment in 2011⁴⁸, that figure leapt to over €1.3 billion in 2016⁴⁹ (see table 1), thereby making Egypt its most important arms export client. According to French MPs, the surge in arms sales between France and Egypt “*is a field in which a lot has been done in a short space of time,*” although “*the military field is far from the only one in which French cooperation is growing*”.⁵⁰ In fact, in the five years between 2012 to 2016, France would supply more arms than it had in the previous 20 years.⁵¹

Continuing arms transfers from France to Egypt give an indication of France's close political support to Egypt in its decision to rearm.⁵² While Egypt's arms imports increased by 69% between 2007-2011 and 2012-2016⁵³,

41. The term “arms transfers” is used frequently in this report to refer to all kinds of international transfers and trading of conventional weapons, including export, import, transit, trans-shipment and brokering.

42. Website of the French Embassy in Cairo: <https://eg.ambafrance.org/Histoire-de-la-presence-militaire>

43. For a full overview from 1970 to 2016, see the SIPRI database on arms transfers, www.sipri.org/databases/armstransfers

44. Jean Klein, “Commerce des armes et politique: le cas français”, *Politique étrangère*, Année 1976, Volume 41, Numéro 6, p. 576, www.persee.fr/doc/polit_0032-342x_1976_num_41_6_1699

45. This was the case for the Alphajet, the Mirage 2000 and the Gazelle helicopter See Jacques Frémeaux, “La France et les exportations d'armements au Proche-Orient de la fin de la guerre d'Algérie à la première guerre du golfe”, *Revue historique des armées*, 15 March 2007, pp. 110-119, <https://rha.revues.org/2273>. See also: Olivier Da Lage, “L'industrie arabe d'armement : Le monde arabe en ordre dispersé”, *Les Cahiers de l'Orient*, premier trimestre 1999, n° 53, <https://odalage.wordpress.com/autres-publications/lindustrie-arabe-darmement-le-monde-arabe-en-ordre-disperse-les-cahiers-de-lorient-premier-trimestre-1999-n%C2%B053/>

46. See: www.aoi.org.eg/index.php?lang=en

47. Omar Sultan, “Enquête sur une PME française qui aide l'armée égyptienne à charger ses revolvers : Manurhin dans le collimateur”, *Orient XXI*, 6 March 2018, <https://orientxxi.info/magazine/enquete-sur-une-pme-francaise-qui-aide-l-armee-egyptienne-a-charger-ses-revolvers>

48. 2012 annual report to Parliament on French arms exports, French Ministry of Defence, p. 66, www.defense.gouv.fr/actualites/articles/rapport-2012-sur-les-exportations-francaises-d-armement

49. 2017 annual report to Parliament on French arms exports (2017 annual report), French Ministry of the Armed Forces, p. 70, <https://www.defense.gouv.fr/actualites/articles/publication-du-rapport-au-parlement-2017-sur-les-exportations-d-armement>

50. Information report No. 63/2016, presented following the mission in the Arab Republic of Egypt from 22 to 29 May 2016 by a delegation from the France-Egypt friendship group, French National Assembly, <http://www2.assemblee-nationale.fr/static/dian/14/dian63-2016.pdf>

51. Over the period 1991-2000, France delivered €618.3 million worth of military equipment to Egypt. From 2001 to 2005, it supplied €198.8 million, and from 2006 to 2010, €210.7 million. Over the 20 years from 1991 to 2010, then, France delivered €1.027 billion of military equipment to Egypt (see the annex of the annual reports to Parliament on arms sales: 2001, 2006, 2010, <https://www.sipri.org/databases/national-reports>).

52. YS. Shapir and K. Parpiani, “Egypt Rearms”, *Strategic Assessment* | Volume 19 | No. 3 | October 2016, pp 59-69, www.inss.org.il/publication/egypt-rearms

53. SIPRI Fact sheet, *Trends in international arms transfers, 2016*, February 2017, www.sipri.org/sites/default/files/Trends-in-international-arms-transfers-2016.pdf

Egypt became France's third biggest client over the period 2006-2015⁵⁴, in terms of orders. From 2008 to 2012 and 2013 to 2017, Egypt's arms imports increased by 215%.⁵⁵ Egypt was the largest recipient of French arms during the period 2013-2017, according to SIPRI, with 25% of exporter's total export.⁵⁶

Table 1: Annual value of orders and deliveries of military technology and equipment from France to Egypt (€ million, adjusted for inflation from 2012 to 2017)⁵⁷

YEAR	ORDERS	DELIVERIES
2012	49,7	27,5
2013	64,4	63,6
2014	838,4	103,0
2015	5,377.5	1,240.2
2016	623,9	1,329.6
2017	217,2	1 478,2

Since 2014, Egypt has acquired seven warships (four Gowind 2500 corvettes, two BPCs⁵⁸, and one FREMM frigate⁵⁹) from Naval Group (formerly known as DCNS). These ships often came fitted out with arms and were accompanied by training and maintenance service contracts. Three of the four Gowind corvettes will be manufactured in Egypt by Alexandria Shipyard through a manufacturing technology transfer with delivery due in 2020.⁶⁰ Egypt will also acquire Patroller tactical drones (Sagem) through a manufacturing technology transfer,⁶¹ including the armed version.⁶² Finally, Egypt has acquired a military telecoms satellite from Thales Alenia Space and Airbus Space Systems.⁶³

54. 2016 annual report to Parliament on French arms exports, French Ministry of Defence, p. 84, <https://www.defense.gouv.fr/actualites/articles/rapport-au-parlement-sur-les-exportations-d-armement-2016> According to the 2017 annual report and the 2018 annual report to Parliament on French arms exports, French Ministry of the Armed forces (2018 annual report) Egypt was France's fourth most valuable client over the period 2007-2016 and 2007-2017. This last is available at www.defense.gouv.fr/english/actualites/articles/rapport-au-parlement-2018-sur-les-exportations-d-armement

55. SIPRI, *Trends in international arms transfers, 2017*

56. SIPRI, *Trends in international arms transfers, 2017*

57. 2017 annual report, p. 66 and p. 70, and 2018 annual report, p. 72 and p. 76

58. Both ships were meant for Russia but the contract was cancelled due to Russia's actions in Ukraine: "DCNS livre le premier porte-hélicoptères de type Mistral pour la Marine égyptienne, le BPC Gamal Abdel Nasser", 2 June 2016, www.naval-group.com/fr/news/dcns-livre-le-premier-porte-helicopteres-de-type-mistral-pour-la-marine-egyptienne-le-bpc-gamal-abdel-nasser/ "DCNS livre le second porte-hélicoptère de type Mistral pour la Marine égyptienne, le BPC Anwar El Sadat", 16 September 2016, www.naval-group.com/fr/news/dcns-livre-le-second-porte-helicoptere-de-type-mistral-pour-la-marine-egyptienne-le-bpc-anwar-el-sadat/

59. "DCNS transfère la FREMM Tahya Misr à la Marine égyptienne", 24 June 2015, www.naval-group.com/en/news/dcns-transfers-the-fremm-tahya-misr-to-the-egyptian-navy/ "DCNS salue le départ de France de la Fremm Tahya Misr de la marine égyptienne pour son port base d'Alexandrie", 24 July 2015, www.naval-group.com/fr/news/dcns-salue-le-depart-de-france-de-la-fremm-tahya-misr-de-la-marine-egyptienne-pour-son-port-base-dalexandrie/

60. The corvette manufactured in France was delivered on 22 September 2017: "Naval Group livre la première corvette Gowind®2500, ENS ELFATEH, à la marine égyptienne", www.naval-group.com/fr/news/naval-group-livre-la-premiere-corvette-gowind2500-ens-elfateh-a-la-marine-egyptienne/ And the first corvette made in Egypt was launched on September 2018, see: Ahmed Eleiba, "Egypt's army launches first Gowind-class Corvette made in Egypt", *arhamonline*, 7 September 2018, <http://english.ahram.org.eg/NewsContent/1/64/311053/Egypt/Politics-/Egypys-army-launches-first-Gowindclass-Corvette-ma.aspx>

61. Sagem and AOI - aircraft factory sign collaboration agreement on drones for Egyptian defense market, 24 September 2015, https://www.safran-electronics-defense.com/media/20150924_sagem-and-aoi-aircraft-factory-sign-collaboration-agreement-drones-egyptian-defense-market

62. Michel Cabirol, "Armement : l'Égypte et la France à nouveau sur la même longueur d'onde", *La Tribune*, 9 July 2018, <https://www.latribune.fr/entreprises-finance/industrie/aeronautique-defense/armement-l-egypte-et-la-france-a-nouveau-sur-la-meme-longueur-d-onde-784460.html>.

63. Michel Cabirol, "Satellite de télécoms militaires : l'Égypte a versé l'acompte à Airbus et Thales", *La Tribune*, 12 July 2016, <https://www.latribune.fr/entreprises-finance/industrie/aeronautique-defense/satellite-de-telecoms-militaires-l-egypte-a-verse-l-acompte-a-airbus-et-thales-586002.html>

By far the largest single contract was signed on 16 February 2015. Worth over €5.3 billion, it included 24 Rafale fighter jets (and the FREMM frigate), and related armaments.⁶⁴ This contract established a lasting strategic partnership between the two countries. It was, as France's Defence Minister Jean-Yves Le Drian said, a "turning point in our bilateral relationship and the start of strengthened cooperation in the interests of regional security".⁶⁵ Egypt is the first foreign buyer of Rafale combat aircraft. To date, France has delivered 14 Rafale combat aircraft to Egypt (three in 2015⁶⁶, three in 2016⁶⁷ and eight in 2017⁶⁸) and Egypt is looking to sign a new agreement for the purchase of 24 Rafale combat aircraft in 2018.⁶⁹

MISUSE OF COMBAT AIRCRAFT BY THE EGYPTIAN MILITARY

France has long been a key supplier of combat aircraft to the Egyptian air force, with the current multi-billion deal to supply 24 Rafale jets set to consolidate these historical ties. However, a number of recent serious incidents documented by Amnesty International involving combat aircraft – in these cases US-manufactured F-16s – cast doubt on the Egyptian air force's ability to operate within the constraints of international human rights law and, where applicable, international humanitarian law.

Airstrikes in Libya (16 February 2015): The Egyptian military carried out airstrikes using F-16 fighters on the eastern port city of Derna in retaliation for the highly-publicised murder of 21 mostly Egyptian Christian Copts by a group calling itself the Tripoli Province of the Islamic State. Amnesty International's research indicated that the Egyptian military failed to take the necessary precautions to avoid or minimise incidental harm to civilians in its airstrikes on Derna on 16 February. At least seven civilians were killed in these attacks and more than 17 were seriously injured.⁷⁰

Airstrikes on a tourist convoy in the western desert (13 September 2015): Army and security forces in the Western Desert region of Egypt attacked and killed 12 people, including eight Mexican tourists, apparently after mistaking them for members of an armed group. A survivor later told the media that their group was repeatedly attacked by aircraft for over three hours.⁷¹ Egypt's authorities initially blamed the tour operators, claiming that the convoy had strayed into a restricted area. The authorities have not publicly disclosed the findings of their investigation into the incident.

Use of internationally banned cluster munitions (2018): According to official Egyptian military videos released during the "Sinai 2018" military operation and analysed by Amnesty International, the Egyptian air force is deploying internationally banned cluster munitions in operations in North Sinai. A video posted on the official Twitter account of the Egyptian Armed Forces in February 2018 shows Egyptian air force personnel loading Egyptian fighter planes with cluster bombs; a further video – purportedly of improvised explosive devices planted by "terrorist elements" – shows an unexploded US-made Mk 118 cluster munition, which could only have been dropped by the Egyptian air force. Earlier footage from July 2017 depicts Egyptian F-16 fighters dropping the same type of US manufactured cluster munitions over North Sinai.⁷²

64. AASM Hammer precision-guided missiles produced by Sagem (Safran Electronics & Defense), MICA air-to-air missiles produced by MBDA (with infrared autonomous guidance and EM autonomous guidance) and Scalp cruise missiles, also produced by MBDA. The AASM Hammer missiles are produced locally using assembly kits supplied by the French company.

65. Signature of the Rafale and FREMM contracts with the Arab Republic of Egypt, Statement by the Minister of Defence of the French Republic, Jean-Yves Le Drian, Cairo, Presidential Palace, 16 February 2015, <https://eg.ambafrance.org/C-est-un-tournant-dans-notre>

66. France's annual report to the ATT on its exports and imports of conventional arms in 2015, http://thearmstradetreaty.org/images/France_-_ATT_annual_report_2016.pdf

67. France's annual report to the ATT on its exports and imports of conventional arms in 2016, http://thearmstradetreaty.org/images/Annual_Reports_2016/France_Annual_Report_2016P.pdf

68. France's annual report to the ATT on its exports and imports of conventional arms in 2017, http://thearmstradetreaty.org/images/Annual_Reports_2017/France_Annual_Report_2017P.pdf

69. Michel Cabirol, "Armement : l'Egypte et la France à nouveau sur la même longueur d'onde".

70. Amnesty International, Libya: Mounting evidence of war crimes in the wake of Egypt's airstrikes (News, 23 February 2015), <https://www.amnesty.org/en/press-releases/2015/02/libya-mounting-evidence-of-war-crimes-in-the-wake-of-egypts-airstrikes/>.

71. Reuters, "Mexican survivor recounts three-hour aerial bombing ordeal in Egypt", 17 September 2015, www.reuters.com/article/us-egypt-violence-mexico-idUSKCNORH27U20150918

72. Amnesty International, Egypt: Cluster bomb video highlights human rights concerns in North Sinai, (News, 14 February 2018), www.amnesty.org/en/latest/news/2018/02/egypt-cluster-bomb-video-highlights-human-rights-concerns-in-north-sinai/

4.3 THE TRANSFER OF ARMoured VEHICLES MANUFACTURED BY RENAULT TRUCKS DEFENSE

While much attention was being paid to these complex, expensive, high tech military systems, France has also been transferring smaller, more routine security equipment to Egypt - including armoured vehicles which were subsequently used to brutally crush dissent. A lack of transparency and comprehensiveness in government reporting makes it difficult to say exactly how many units have been transferred, to which end-user in Egypt and for what end-use. However, a combination of available government data, statements made by manufacturer Renault Trucks Defense (RTD), and Amnesty International research using open source data indicate that France has supplied Egypt with over 200 light armoured vehicles between 2012 and 2014, some of which have ended up being used by Ministry of Interior forces in policing demonstrations and gatherings using excessive force and resulting in unlawful killings and injuries of protesters and others.

RENAULT TRUCKS DEFENSE WINS EGYPT CONTRACTS

According to a RTD spokesperson, in October 2012, the company “won [...] a series of tenders in Egypt for its light armoured vehicles and its trucks [...]. Egypt is a country where we are in the process of establishing ourselves. We have won a series of small contracts which we hope will turn into something bigger.” The same spokesperson added that Egypt had “ordered around twenty 4X4 light armoured Sherpa Scouts, as well as around twenty Sherpa Light Station Wagons. It also purchased several dozen MIDS armoured trucks designed for peacekeeping missions and Kerax militarised trucks for logistical purposes”.⁷³ Regarding the arms orders, the article explains that Egypt “has some security issues in Sinai”.⁷⁴

In November 2012, RTD’s CEO testified before the French National Assembly. He explained that in 2012 his company had “won four tenders to supply equipment to the Egyptian army, defeating Italian and American competitors. If all parts of this contract are fulfilled, RTD will be the leading French partner of the Egyptian army within a few years”.⁷⁵ RTD’s new CEO also testified before the French National Assembly in January 2016. The company was thriving, as its CEO explained: “In the past five years, the share of exports in our turnover has risen from 20% to 50%,⁷⁶ and we intend to go further still”.⁷⁷ Exports are a necessity for RTD due to low domestic orders. Such exports can only take place with the consent of the state. The company’s various Egyptian contracts were very much a part of this success: “Last year we delivered over 1,500 trucks to Egypt, a long-standing customer of ours, and we are currently conducting negotiations about other equipment – trucks and light and medium armoured vehicles”.⁷⁸

73. Autojournal.com, “Série de commandes pour Renault Truck Défense (groupe Volvo) en Egypte”, (Autojournal.com, “Série de commandes pour Renault Truck Défense (groupe Volvo) en Egypte”,) AFP Press release, 18 October 2012, <http://www.journalauto.com/lja/depeche/-/id/9537> Comité Français des Constructeurs d’Automobiles (CFA), Analyse de presse (Comité Français des Constructeurs d’Automobiles (CFA), Analyse de presse), 19 October 2012, <http://ccfa.fr/wp-content/uploads/2018/06/analyse-de-presse-de-14h00-2012-10-19.pdf> Michel Cabirol, “Défense : Renault Trucks Défense cartonne en Egypte”, *La Tribune*, 18 October 2012, www.latribune.fr/entreprises-finance/industrie/aeronautique-defense/20121018trib000725713/defense-renault-truck-defense-cartonne-en-egypte.html

74. Autojournal.com, “Série de commandes pour Renault Truck Défense (groupe Volvo) en Egypte”, Comité Français des Constructeurs d’Automobiles (CFA), Analyse de presse.

75. Hearing (open to the press) of Mr Gérard Amiel, CEO of Renault Trucks Defense, on the industrial dimension of the White Paper on Defence and National Security, National Defence and Armed Forces Committee, French National Assembly, 14 November 2012, report No. 21, www.assemblee-nationale.fr/14/pdf/cr-cdef/12-13/c1213021.pdf

76. The share of the company’s revenue generated through exports increased from 5% to 60% between 2011 and 2013 due to the diminution of French military orders. See hearing (open to the press) of Mr Gérard Amiel, CEO of Renault Trucks Defense, regarding the drafting of a law on military programming, National Defence and Armed Forces Committee, French National Assembly, 17 September 2013, report n°93, www.assemblee-nationale.fr/14/pdf/cr-cdef/12-13/c1213093.pdf

77. Hearing (open to the press) of Mr Emmanuel Levacher, President of Governmental Sales at Volvo group and president and CEO of Renault Trucks Defense and Panhard, National Defence and Armed Forces Committee, French National Assembly, 27 January 2016, report n°33, www.assemblee-nationale.fr/14/pdf/cr-cdef/15-16/c1516033.pdf

78. Hearing (open to the press) of Mr Emmanuel Levacher.

Official data supplied by France confirms the export of Sherpa vehicles to Egypt, both in a report to Parliament on arms exports and in the United Nations Register of Conventional Arms. Nevertheless, there is a lack of consistency in the level of detail provided by France. Whereas in 2012 and 2013, for example, it reported supplying Sherpa vehicles to Egypt, giving the name of the type of equipment supplied, in 2014 it opted to indicate only the generic description of the equipment it delivered, namely tactical vehicles. The 77 tactical vehicles were in all probability Sherpas. While the all delivery dates are not known, France supplied 47 Sherpa armoured vehicles to the Egyptian security forces in January 2013.⁷⁹

Table 2: Annual values (in million €) of AEMGs⁸⁰ and export licences⁸¹ granted by France to Egypt in the armoured vehicles category from 2012 to 2017⁸²; and number of vehicles delivered as indicated by the United Nations Register of Conventional Arms.

YEAR	FINANCIAL VALUE (IN MILLION €)	UN REGISTER DELIVERIES
2012 (Export authorisation-AEMG)	18,207,562	18 Sherpa
2013 (Export authorisation-AEMG)	39,843,749	96 Sherpa
2014 (Export authorisation-AEMG)	26,722,267	77 Tactical vehicles
SUB-TOTAL	60,723,578	191
2015 (Export licences)	95,600,000	No national report from France
2016 (Export licences)	40,955,000	No national report from France
2017 (Export licences)	10, 000, 000	Nil ⁸³

Between 2012 and 2014, France delivered 191 armoured vehicles from the Sherpa family. As indicated above, and confirmed below in chapter 5, these comprised Sherpa Light Stations Wagons (LSWs) and Sherpa Light Scouts (LSs), which are equipped with a remotely-operated machine gun turret provided by Pro-Optica.⁸⁴ However, government data does not give a breakdown of how many of each type were transferred. The Sherpa light vehicles are designed for military and domestic security operations (such as police, or special intervention units).⁸⁵ Regarding MIDS armoured security vehicles, they are specifically designed for domestic security operations such as law enforcement, rapid intervention and counter-terrorism.⁸⁶

Amnesty International first contacted RTD in May 2017⁸⁷ to seek more information on the information found on their website claiming that Sherpa and MIDS vehicles are used by several police and security services in

79. Amnesty International, *Recent bloodshed*.

80. Previously (until 4 June 2014), there was a double level authorisation. Firstly, the company was required to request a prior authorisation for provision of technical information, the carrying out presentations and testing and signing contracts (Prior Agreement or AP). Secondly, the company was required to request another authorisation to allow the physical export of equipment from French territory to the territory of the importing State (Military technology and equipment Export Authorizations or AEMG).

81. The values of the export licenses are far higher than those stated in the data provided by France related to orders and deliveries, as it requires companies to obtain a license at the earlier stages of market scoping. It is linked to the single-license system implemented in 2014 and which eliminated the previous double level of authorisation. One licence is needed to cover the activities covered by the previous system of double level of authorisation. The values of export licenses thus covers the value of initial market scoping, future contracts, orders and deliveries. This explains the particularly high value of export licenses.

82. See the corresponding French annual reports to Parliament on arms sales (the same as for table 1).

83. See <https://www.unroca.org/france/report/2017/>

84. The Remotely Controlled Weapon Station (RCWS) mounted on Sherpa LS is the Anubis system build by the Romanian firm Pro-Optica, see www.prooptica.ro/product/anubis/. The cooperation between Pro-Optica and Renault Trucks Defense was announced during the edition 2012 of the arms fair Eurosatory (France). For the first time, a Sherpa LS was presented equipped with a RCWS RO from Pro-Optica. This association meets success, as the Sherpa LS equipped with RCWS RO has already been sold to a Middle East customer as explained by the company on the link available at www.prooptica.ro/a-pro-optica-rcws-on-sherpa-light/

85. See official datasheet available at www.arquus-defense.com/sherpa-light-scout

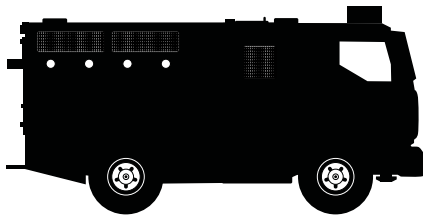
86. See official datasheet available at www.arquus-defense.com/fr/mids

87. Letter of 27 June 2017, SF17E071MDE-ARM, Sylvie Brigot-Vilain, Amnesty International France Executive Director to Emmanuel Levacher, Renault Trucks Defense and Panhard Defense Chair.

the Middle-East. The company confirmed in writing that it had delivered vehicles to the Egyptian Ministry of Defence, as the RTD spokesperson had declared to the press and the RTD's CEO to Members of Parliament - in 2012 - and invited Amnesty International to contact the export control authorities for any further details.⁸⁸ However, there is no available data indicating the exact number of MIDS vehicles supplied or over what exact period, other than the information provided by the manufacturer's spokesperson saying in 2012 that several dozen MIDS vehicles had been ordered by Egypt.⁸⁹

Amnesty International wrote a second time to RTD in June 2018⁹⁰ to try to obtain more detailed information on its deliveries to Egypt, including how many MIDS were exported to Egypt; whether the manufacturer exported parts and components for the maintenance of the armoured vehicles; and whether the company had signed maintenance contracts. The CEO of company responded to the letter,⁹¹ declining a request for a meeting and stressing that he could not answer requests for information because "a contractual confidentiality obligation prohibits us from communicating on its [the contract's] content". Moreover, he indicated that the information reported by the spokesperson of the company in 2012 mentioned above "remains an allegation to which I can give no credibility."

ARMoured VEHICLES PROVIDED BY RENAULT TRUCKS DEFENSE



MIDS (Midlum Security)



Sherpa Light Station Wagon



Sherpa Light Scout

88. Letter of 17 July 2017 from Emmanuel Levacher, Renault Trucks Defense and Panhard Defense Chair to Sylvie Brigot-Vilain, Amnesty International France Executive Director.

89. Indeed, France did not report these vehicles to the United Nations Register of Conventional Arms (UN Register) as armoured combat vehicles, despite the fact that the manufacturer's description of the vehicle fits the UN Register definition of an armoured vehicle (see www.unroca.org/categories). The annual report to Parliament on French arms exports supplies only financial data sorted by major categories of equipment that require an authorisation for export.

90. Letter dated 27 June 2018 (SF18E054 MDE-ARM), Sylvie Brigot-Vilain, Amnesty International France Executive Director to Emmanuel Levacher, Arquus Defense Chair.

91. Letter dated 6 July 2018 from Emmanuel Levacher, Arquus Defense Chair to Sylvie Brigot-Vilain, Amnesty International France Executive Director.

Crucially, official data does not indicate to whom in Egypt the French government authorised the delivery of armoured vehicles. The annual report to Parliament on arms exports does not provide any information on the end-user, for example whether it is the army or the internal security forces, nor on the end-use, for example whether it is for national security, law enforcement or peacekeeping. Some French-supplied Sherpa LSW armoured vehicles have been used by the Egyptian armed forces. The Rapid Deployment Forces, a branch of the army created in March 2014 by Abdel Fattah al-Sisi when he was Minister of Defence⁹², in response to the chaotic situation in Libya and the terrorist threat in the Sinai, are equipped with Sherpa LSWs, as shown in videos from 2014⁹³ and 2015⁹⁴. It would seem that the first units equipped with such vehicles included the Thunderbolt military commando unit (Sa'ka).⁹⁵



Insignia of Rapid Deployment Forces (Egypt)

“We respect the rules set by the French authorities, and the Commission in charge of Arms Exports granted us an authorisation”, a representative of Renault Trucks [Defense] said. “Afterwards, how could we know what use is made of our armoured vehicles?”

A representative of RTD during the Eurosatory arms fair in France, 13-17 June 2016.⁹⁶

However, the following chapter presents an analysis of a large body of verified images and video footage which places French-made armoured vehicles in the hands of the Ministry of Interior (Central Security Forces and Special Operations) and at the scene of some of the worst acts of violence perpetrated by Egyptian security forces since 2011.

92. Rapid Deployment Forces, 26 March 2014, http://everythinghere1.com/over-blog.com/2014/03/blog-post_1738.html

93. YouTube, “Egyptian Army - Rapid Airborne Response Unit” (English translation of the original title in Arabic), video added 25 March 2014, www.youtube.com/watch?v=UCr5PILIOPE (see especially 00:14 to 00:21)

94. YouTube, “Commander-in-Chief Sedky Sobhy inspects the specially formed airborne rapid response units”, (English translation of the original title in Arabic) video added 11 April 2015, www.youtube.com/watch?v=PU5ozfaoM7c (see at 01:54, 02:16, 05:00)

95. Contrary to the date indicated in the Twitter message containing the photo, the metadata show that the photo was in fact taken in January 2012, <https://twitter.com/BTelawy/status/662361607524237312>

96. M.B and Ariane Lavrilleux, “Les curiosités répressives du salon Eurosatory de la défense”, *Europe 1*, 14 June 2016, www.europe1.fr/societe/les-curiosites-repressives-du-salon-eurosatory-de-la-defense-2771948

5. FRENCH-SUPPLIED ARMoured VEHICLES USED TO CRUSH DISSENT

“... regarding human rights... we are not Switzerland, even though we would be rather content to be... There is a practice that consists in eliminating terrorists in the field. This is not what we do”.

Hearing of His Excellency Mr Ehab Badawy, at Senate, Ambassador of the Arab Republic of Egypt to France, 27 January 2016⁹⁷

“It is true that there have been some security force blunders. We are making progress, at our own pace. It will take some time...”

Hearing of His Excellency Mr Ehab Badawy, at National Assembly, Ambassador of the Arab Republic of Egypt to France, 31 May 2016.31 May 3016⁹⁸

97. Hearing of His Excellency Mr Ehab Badawy, Ambassador of the Arab Republic of Egypt to France on the regional situation; reports of the Foreign Affairs, Defence and Armed Forces Committee, Senate, 27 January 2016, www.senat.fr/compte-rendu-commissions/20160125/etr.html

98. Hearing of His Excellency Mr Ehab Badawy, Ambassador of the Arab Republic of Egypt to France; National Defence and Armed Forces Committee, National Assembly, 31 May 2016, www.assemblee-nationale.fr/14/cr-cdef/15-16/c1516054.asp

From late 2012, Sherpa light armoured vehicles and MIDs armoured security vehicles began appearing in photographs and video footage of security operations on the streets of Egypt's main cities. They were being deployed by Egyptian security forces as they crushed opposition forces, killing and injuring thousands of protesters. French-supplied armoured vehicles appeared on film during some of the most violent events in recent Egyptian history, such as the dispersal of the sit-ins in Rabaa al-Adawiya Square and Al Nahda Square in August 2013 in Cairo, which led to the deaths of up to 1,000 people, according to the Prime Minister's own estimate.⁹⁹

Amnesty International has reviewed and analysed 20 hours of verified open source videos and hundreds of images, as well as materials from human rights groups, showing the deployment of French-manufactured armoured vehicles in Cairo and Alexandria.

EGYPT'S SECURITY FORCES

The Egyptian Ministry of the Interior (MOI) controls several police forces. Among these, the Central Security Forces (CSF), more widely known as the riot police, are tasked with maintaining public order. During Hosni Mubarak's rule, they were an arm of repression feared by the Egyptian people.¹⁰⁰ The MOI also controls the police Special-Operations (SP-OP) troops. These units are routinely deployed to repress any form of dissent. As of 2012, the MOI has deployed French-supplied armoured vehicles in the Egyptian streets to crush dissent. These armoured vehicles, produced by Renault Trucks Defense, are MIDS armoured security vehicles, Sherpa LS models, which are equipped with a remotely-operated machine gun turret and Sherpa LSW models. The LSW Sherpa has a grey body; the Sherpa LS and the MIDS are dark khaki coloured.



Insignia of Ministry of Interior's
Central Security Forces (CSF)



Insignia of Ministry of Interior's
Special-Operation (SP-OP)

5.1 FRENCH-SUPPLIED ARMOURD VEHICLES AT THE HEART OF THE REPRESSION

SIDI GABER, ALEXANDRIA, 5 JULY 2013¹⁰¹

At least 17 people died in clashes between supporters and opponents of Mohamed Morsi in Alexandria on 5 July 2013, as both groups organised rival protests in the city. A further 300 people were injured, including members of the security forces, according to Alexandria officials at the Ministry of Health and hospital staff. The latter told Amnesty International that they had mainly treated injuries resulting from live ammunition, shotgun pellets and stabbings. Violence erupted in the area of Sidi Gaber at around 3.30pm and continued late into the night.

99. Amnesty International, *Egypt's Darkest Day* (News, 14 August 2014), www.amnesty.org/en/latest/news/2014/08/egypt-s-darkest-day/

100. Amnesty International, *Agents of repression*, p. 2

101. Amnesty International, *Egypt: unlawful killings in protests and political violence on 5 and 8 July 2013* (Amnesty International, *Egypt: unlawful killings in protests*) (Index: MDE/MDE12/034/2013), pp. 13-17, www.amnesty.org/en/documents/mde12/034/2013/en/

According to eyewitness testimonies, the security forces arrived late and only after several people had already been killed and injured. Both anti-and pro-Morsi protesters told Amnesty International that upon arrival, the security forces were stationed on the side of anti-Morsi demonstrators, joining the clashes against his supporters.

Amnesty International analysed dramatic footage from Alexandria TV report of 5 July 2013 and Euronews report of 6 July 2013 which depict the violence which erupted in connection with the demonstrations in the neighbourhood of Sidi Gaber between supporters of Mohamed Morsi and his opponents.

Several Sherpa LSW were deployed during the events in support of the security forces. In particular, they appear in footage with security forces and individuals in plainclothes taking shelter behind them as they fire on protesters.¹⁰²



Sherpa LSW armoured vehicles deployed in the neighbourhood of Sidi Gaber (Alexandria) by Ministry of Interior forces (screenshot from You Tube video, footnote 102, 5 July 2013)

EGYPTIAN SECURITY FORCES FIRE ON PROTESTERS FROM SHERPA VEHICLES DURING THE BLOODIEST DAY IN EGYPT'S RECENT HISTORY

According to video and photographic evidence and witness testimony verified by Amnesty's Digital Verification Corps, French-supplied Sherpa LSW and Sherpa LS armoured vehicles were actively involved in the killings around Rabaa and Nahda Squares and were deployed to other parts of the city.¹⁰³

On 14 August 2013, security forces used grossly excessive lethal force to disperse the two sit-ins by supporters of Egypt's ousted president in Cairo and Giza.¹⁰⁴ The security forces killed up to 1,000 people that day, according to the Prime Minister at the time Hazem el-Beblawy, the largest number of protesters killed in a single day in modern Egyptian history. Security forces began the dispersal at around 6 am. They quickly dispersed the protest at al-Nahda Square in Giza (near Cairo University), but took several hours to disperse the larger sit-in at Rabaa al-Adawiya Square in Cairo, using tear gas, shotguns and live ammunition.

102. YouTube, Amlalommah TV, "Alexandria ... Police assaults and thugs on supporters of legitimacy in Sidi Gaber (English translation of the original title in Arabic), date of capture 5 July 2013, added after verification on 6 July 2013 and not 5 July 2013, www.youtube.com/watch?v=LNBle4Ck2Gk See also: DailyMotion, Euronews, "Deadly day of violence rocks Egypt", added on 6 July 2013, www.dailymotion.com/video/x11ks0i (see 00:00 to 0:25)

103. Amnesty International, *Recent bloodshed*

104. Amnesty International, *Egypt: People were dying all around me: testimonies from Cairo violence on 14 August 2013* (Index: MDE 12/046/2013), www.amnesty.org/fr/documents/MDE12/046/2013/fr/ See also: Amnesty International, *Egypt: Roadmap to repression*, p.5

They also fired on protesters from rooftops, deployed armoured vehicles and helicopters and used armoured bulldozers to dismantle the sit-ins. While most protesters remained peaceful, in some instances a minority of individuals used violence against the security forces, leading to the death of seven policemen that day.

One video from 14 August, in which Sherpa LS vehicles appear, showed fatalities near the Rabaa al-Adawiya Square.¹⁰⁵ The video, filmed along El Tayaran Street, which leads to Rabaa al-Adawiya square in the Nasr City district of (Cairo), shows security forces who shot at and injured demonstrators. Towards the end of the video, officers from the MOI forces advance under the cover of Sherpa LS armoured vehicles. One of them opens fire and launches what appears to be a tear gas grenade, as further gunshots ring out. At another point, during an extended section of the video, security forces protected by armoured vehicles open fire on protesters, leaving many bodies on the ground. These vehicles were widely deployed during the events of 14 August.

On the previous day, 13 August, armoured vehicles including a Sherpa LSW and a Sherpa LS had been positioned not far from Rabaa square, Nasr City, in Cairo. Amnesty International was able to obtain and verify photos(see belows) and a video from human rights groups confirming these deployments.



Sherpa LSW (second) and Sherpa LS (fourth) armoured vehicles deployed not far from Rabaa al-Adawiya square, Cairo, 13 august 2013.

On 14 August, Amnesty International delegates on the ground interviewed injured police officers in the Giza Police hospital who participated in the Nahda sit-in dispersal in Giza. An officer from the police's Central Security Forces told Amnesty International staff at the time that they were able to tell the difference between peaceful and armed demonstrators using the Sherpas:

“We have very high-tech vehicles, 'Sherpa', with cameras that can zoom up to 8km.”

Officer from the Egyptian police's Central Security Forces at Cairo Police Hospital, Dokki, 16 August 2013¹⁰⁶

105. YouTube, “Egypt protest 2013 - hundreds dead as gunned down”, added on 16 August 2013, www.youtube.com/watch?v=fxIVegYWK4s (see from 08:33)The same video, of lower quality, was posted on the same day, earlier, (see from 08:33) <https://www.youtube.com/watch?v=Gc9ndp8WmtY> See also: YouTube, Truthloader, “Egypt's mosque massacre - footage from Cairo's front line – Truthloader”, published on 16 August 2013, www.youtube.com/watch?time_continue=197&v=BMI7-WY-hds

106. Amnesty International, *Egypt's Darkest Day* See also Amnesty International, *Recent bloodshed*.

Amnesty International staff on the ground on 14 August 2013 also interviewed protesters and eyewitnesses who confirmed that security forces were shooting live ammunition from armoured vehicles.

“SHOTS WERE COMING FROM ROOFTOPS AND ARMoured VEHICLES”¹⁰⁷

One protester told Amnesty International how the dispersal in Rabaa al-Adawiya square started: “At about 6am, three armoured vehicles approached us on Al-Tayaran Street...There were no verbal warnings, but a few shots were fired in the air... The only verbal warning that I heard all day was at 5pm, when we were told to leave the Square, after it was all over... The area saw hours of street fighting... People were dying all around me from the early morning; I saw people shot in the head and chest... Shots were coming from surrounding rooftops and the security [forces] in the armoured vehicles...” Another protester told Amnesty International: “It was non-stop tear gas and shots were coming from rooftops and armoured vehicles... Shots were coming from surrounding rooftops and the security [forces] in the armoured vehicles...” Another protester told Amnesty International: “It was non-stop tear gas and shots were coming from rooftops and armoured vehicles... Shots were raining down on us , the situation continued like this until about 12pm.”

Amnesty International has also verified and analysed footage from a second video filmed on 14 August, which features Sherpas being deployed in the dispersal of the Rabaa al-Adawiya sit-in in Nasr City.¹⁰⁸ A part of the video was filmed along the Youssef Abbas street in Nasr City near El Zohour Mosque. Youssef Abbas street leads to the Nasr road close to the Rabaa square. This video depicts a Sherpa LS deployed near Rabaa Square being used to support the deployment of the central security forces - policemen are clearly visible firing on demonstrators and their advance is supported by the Sherpa LS vehicle.



Sherpa LS armoured vehicle at the level of Youssef Abbas Street (Nasr City) near Rabaa al-Adawiya square, Cairo (screenshot from You Tube video, footnote 108, 14 August 2013)

107. Amnesty International, *Egypt: People were dying all around me*.

108. YouTube, Yqeen News Network, “Dangerous clips of the security forces clearing Rabaa al-Adawiya with armoured vehicles and snipers” (English translation of the original title in Arabic), video posted online on 14 August 2013 www.youtube.com/watch?v=CKSZIGDv5Nk (see at 05:56 to 06:14). Amnesty International was able to obtain video footage and photos, dated 13 August 2013, that show the events unfolding in Cairo, in Nasr City which confirm the location of some events of the video of 14 August 2013.

On this bloody day, the MOI had deployed many French-supplied armoured vehicles. The Sherpa LSWs and Sherpa LSs were used in two major dispersals described above and also in other dispersals across Cairo and in Mustafa Mahmoud Square in Giza (Mohandessin district), near Cairo.¹⁰⁹ Media video coverage of the day also shows the vehicles being deployed on and around the 6th October Bridge, as well as in other parts of Cairo. It was not possible to precisely geolocate all the places shown, due to the editing of the videos, which were live-streamed throughout the day by the same news channel.¹¹⁰ But another video clearly shows the deployment of at least one Sherpa LSW on the 6th October Bridge.¹¹¹ There also was widespread media coverage of a Sherpa LSW falling from the 6th October Bridge where it meets Nasr road leading to Rabaa square, not far from El-Sekka El-Hadeed Club.¹¹²

A number of news outlets reported that the vehicle on the bridge was pushed by the crowd when in fact this was not the case. A second video shows what really happened: the vehicle was filmed charging onto the bridge to open up the road and reach the protesters. It then reversed, and, during the manoeuvre, the driver crashed into the safety barrier, before the vehicle fell from the bridge, all the way down onto the road below.¹¹³ Finally, Sherpa LSW vehicles were also photographed in the area surrounding Cairo University and Nahdet Misr Park, not far from the location where al-Nahda sit-in was taking place at Giza.¹¹⁴ Vehicles were deployed to disperse the sit-in.



Riot police vehicles fire tear gas at members of the Muslim Brotherhood and supporters of deposed Egyptian President Mohamed Morsi, around Cairo University and Nahdet Misr Square, where they are camping in Giza, south of Cairo, 14 August 2013. REUTERS/Mohamed Abd El Ghany. The photo shows a Sherpa LSW armoured vehicle (grey) behind the Humvee.

109. See the photo www.gettyimages.fr/detail/photo-d'actualit%C3%A9/army-bulldozers-remove-a-barricade-erected-by-photo-actualit%C3%A9/176498158#army-bulldozers-remove-a-barricade-erected-by-supporters-of-ousted-picture-id176498158; See also the photo of a Sherpa LSW in Giza on 14 August 2013 www.epa.eu/war-photos/civil-unrest-photos/clashes-in-egypt-photos-50954900

110. YouTube, ON Ent, Livestream from the raiding of the Rabaa sit-in (English translation of the original title in Arabic), added on 14 February 2013. The video was available at www.youtube.com/watch?v=hCzJO15HJTs and is not anymore available. See this link: https://drive.google.com/drive/folders/1CMiOxP_wCOhvkjenOARxInN5UeiBWMYM (see 08:12 to 8:30, 19:12 to 22:03, 59:34 to 59:42); See also another livestream on same events, DailyMotion, video added on 14 August 2013, from ON Ent, www.dailymotion.com/video/x135blm (see at 22:49, 32:47, 37:35 to 41:46)

111. YouTube, AFP, "Egypt crackdown sparks clashes in central Cairo" (clashes erupted in Cairo on Wednesday after security forces began to forcibly dismantle protest camps by supporters of ousted president Mohamed Morsi, in violence that killed at least 124 Egyptians. the international community reacted with alarm to the deepening crisis) added online on 14 August 2013, www.youtube.com/watch?v=sea62tIKd0I (see at 00:00 to 0:12, 00:28)

112. Michael Seamark, Becky Evans, and Mark Duell, "Horror moment Egyptian protestors pushed an armoured police van 50ft off a bridge before officers were stoned by mob", *Daily Mail Online*, 14 August 2013, www.dailymail.co.uk/news/article-2392992/egypt-protests-horrifying-moment-egyptian-protestors-push-armoured-police-van-50ft-cairo-bridge-officers-stoned-mob.html See also YouTube, "Egyptian police vehicle pushed off bridge in Cairo", 14 August 2013, www.youtube.com/watch?v=q219kU9qkcy

113. YouTube, GlobalLeaks News, "Egypt protests - police car falls off bridge", 16 August 2013, www.youtube.com/watch?v=WeCqenvKlw (the video which is not anymore available on YouTube is on this link : <https://drive.google.com/drive/u/0/folders/1wOh013MwI5iHgS570suwGQzImYxCHQor>) See also YouTube, Truthloader, "Morsi supporters did not push police van off bridge reveals new video – truthloader", 16 August 2013, www.youtube.com/watch?v=N2RRgAvlqGQ See also YouTube, VideoYou7, "For the first time secrets of the fall of the armoured police vehicle off the top of the October bridge, as told by its commander" (English translation of the original title in Arabic), 16 March 2014, www.youtube.com/watch?v=gf6b3hhRqTg

114. Reuters, "Egypt's Muslim Brotherhood to hold new marches", 15 August 2013, <https://www.reuters.com/article/us-egypt-protests-marches/egypts-muslim-brotherhood-to-hold-new-marches-idUSBRE97E0CH20130815> See also, David Martosko, "Is that really a tough enough response, Mr President?", *Daily Mail Online*, 15 August 2013, (see picture called Crowds: "Protestors disperse as tear gas is fired at them by police vehicles") www.dailymail.co.uk/news/article-2394593/Obama-cancels-joint-U-S-Egypt-military-exercises-response-widespread-violence-doesnt-address-billions-American-aid-dollars-slated-Cairo.html See the original photo of this last article and its caption: <http://pictures.reuters.com/archive/EGYPT-PROTESTS-GM1E98E1H8T01.html> See also this picture showing a Sherpa LSW: <http://pictures.reuters.com/archive/EGYPT-PROTESTS-GM1E98E1MUJ01.html>

EGYPTIAN SECURITY FORCES FIRE ON PROTESTERS FROM FRENCH-SUPPLIED MIDS VEHICLES

As preparations for marking the third anniversary of Egypt's January uprising got underway in January 2014, the security forces sought to prevent anti-government protests, breaking-up marches and rounding up hundreds of protesters and passers-by. The scale of arrests was staggering. More than 1,000 people were arrested in a single day, according to the MOI. At least 64 people were killed and hundreds injured in the violence that broke out as security forces tried to clear the protests.¹¹⁵

According to a BBC video report broadcast on 26 January 2014¹¹⁶ and subsequently analysed by Amnesty International, a MIDS armoured vehicle was directly involved in the repression. The video, which covers the demonstrations to mark the third anniversary of the 25 January uprising, shows opponents of President Abdel Fattah al-Sisi demonstrating in Cairo's Mohandessin district of Greater Cairo. A MIDS armoured vehicle is parked on the Mostafa Mahmoud Square, near the Mustafa Mahmoud Mosque and the building of the National Bank of Kuwait, close to the demonstrators. Suddenly, and without warning, gunfire breaks out from inside the vehicle, through portholes in its bodywork. A second video filmed on 25 January 2014 by another media outlet shows the same scene from a different angle.¹¹⁷ One MIDS armoured vehicle faces demonstrators assembled at the foot of a building overlooking Mohammed Mahmoud Shaaban Street, while to one side the Ben Laden For Real Estate Development building is visible. Shots can be heard and a tear gas grenade is fired. Officers from the Central Security Forces move towards protesters under cover of the MIDS armoured vehicle by opening fire with shotguns and pump-action shotguns. Other footage shows the deployment of MIDS and Sherpa LS armoured vehicles in Cairo's Mohandessin neighbourhood on the same date.¹¹⁸



MIDS armoured vehicle from which the security forces are shooting at protesters, Mostafa Mahmoud Square in Cairo (screenshot from BBC video, footnote 116, 25 January 2014)

115. Amnesty International, *The walls of the cell were smeared with blood'-third anniversary of Egypt's uprising marred by police brutality* (News, 4 February 2014), <https://www.amnesty.org/en/latest/news/2014/02/walls-cell-were-smeared-blood-third-anniversary-egypt-s-uprising-marred-police-brutality/>

116. BBC, "Egypt police open fire on anti-government protesters", 26 January 2014, www.bbc.com/news/av/world-middle-east-25898366/egypt-police-open-fire-on-anti-government-protesters (see at 01:21 to 01:32). The video was filmed on 25 January.

117. YouTube, "In video ... the moment the Muslim brotherhood protest was dispersed in Mostafa Mahmoud Square (English translation of the original title in Arabic), uploaded on 25 January 2014, www.youtube.com/watch?v=I5csEROr9Rk (see at 00:05 to 01:21)

118. Edward Yeranian, "49 protesters killed on anniversary of Egypt uprising", *VOA News*, 26 January 2014, www.voanews.com/a/egyptian-police-protesters-clash-in-anniversary-of-uprising/1837454.html The first photo of the article was verified. The photo shows one MIDS armoured vehicle facing the protesters assembled at the foot of the building overlooking Mohammed Mahmoud Shaaban Street at the level of Mostapha Mahmoud Square in the Mohandessin district of Giza, www.apimages.com/metadata/Index/Mideast-Egypt/b32808fd4f894a91aa19be64ae2c0541/32/0 See also the photo of a Sherpa LS armoured vehicle deployed during clashes with supporters of ousted President Mohammed Morsi in the Mohandessin district of Giza, on 25 January 2014, www.apimages.com/metadata/Index/Mideast-Egypt/637e21f1048d4980bc81ab1928fa4a99/71/0

5.2 FRENCH-SUPPLIED VEHICLES FACILITATE REPRESSION

While there is clear evidence of the direct involvement of French-supplied Sherpa and MIDS vehicles in internal repression, other visual evidence compiled and analysed by Amnesty International shows these vehicles playing a strong supporting role in transporting personnel, conducting street patrols, containing and preventing movement of protesters and offering a shield for officers firing on protesters during violent incidents. In these instances, French armoured vehicles were used to facilitate a series of serious human rights violations carried out by Egyptian security forces on protesters.

MIDS VEHICLES PROTECT PRESIDENTIAL PALACE DURING UNREST

On 5-6 December 2012 violence erupted near the Presidential Palace in Heliopolis (district of Cairo) between supporters and opponents of President Mohamed Morsi.¹¹⁹ Egyptian police intervened by firing tear gas into the packed crowds, triggering panicked stampedes but doing little to defuse the situation or to protect the lives of the demonstrators, journalists and passers-by. As a result of the violence, at least 10 people died and there were more than 100 casualties, including dozens who suffered wounds from shotgun pellets.

Verified video footage posted online on 5 December 2012¹²⁰ and published on Twitter on 6 December¹²¹ of the incident analysed by Amnesty International clearly shows a French-manufactured MIDS armoured vehicle deployed with members of the MOI forces facing the demonstrators.¹²² From the roof of the MIDS, a CSF officer fires what appears to be a tear gas grenade into the air. Another CSF officer, standing next to the vehicle, heads towards the crowd and fires what appears to be another tear gas grenade at the demonstrators, who disperse to avoid it. The video also shows many people injured after live ammunition was fired, as well as pellets commonly known in Egypt as “kharatoush” or “marbles”. This is the first visual evidence documented by Amnesty International of a French armoured vehicle being deployed in a security operation. This information is confirmed by another source, a video that was broadcast on BBC News, in which two MIDS vehicles can be seen.¹²³ One of them shows a man on the rooftop, probably from the central security forces, pointing his weapon in the direction of the crowd and firing. The two verified videos clearly place the MIDS near the Presidential palace.

MIDS VEHICLES PLAY ACTIVE ROLE IN REPRESSION OF THE SECOND ANNIVERSARY OF THE 25 JANUARY PROTESTS, JANUARY 2013

The second anniversary of the 25 January uprising sparked days of protests across Cairo, which were met with violent state repression. Amnesty International interviewed protesters and passers-by who had been arbitrarily arrested, detained and beaten by the security forces.¹²⁴ A week after the anniversary, shocking images of Hamada Saber, stripped naked and beaten by riot police on the streets of Cairo, emerged, vividly illustrating the brutality of the Egyptian security forces and the links back to Mubarak-era violations.¹²⁵

During this period, MIDS armoured vehicles were photographed playing an active role in the operations of the MOI forces on several occasions. On 29 January, whilst demonstrations were taking place not far from

119. Amnesty International, *Egypt: street fights at the steps of the presidential palace* (6 December 2012), <https://www.amnesty.org/en/latest/campaigns/2012/12/egypt-street-fights-at-the-steps-of-the-presidential-palace/>. See also: Amnesty International, *Rampant impunity*.

120. YouTube, The Mosireen Collective www.youtube.com/watch?v=dYq3D7DM4w (see at 2:08)

121. Available at twitter.com/SherineT/status/276628974954754048

122. The clarity of the image was enhanced in order to confirm the identification of the vehicle, with the help of Carnegie Mellon University's Center for Human Rights Science.

123. BBC News, "Egypt crisis: Fatal Cairo clashes amid constitution row" 6 December 2012, see the first video at the top of the page captured on 5 December 2012 and posted on 6 December, www.bbc.com/news/world-middle-east-20605134 (see at 00:23-00:25)

124. Amnesty International, *Feature: Torture ties the Egyptian government to a brutal past* (Press release, 12 February 2013) (Amnesty International, *Feature: Torture ties the Egyptian government to a brutal past*), www.amnesty.org/en/latest/news/2013/02/feature-torture-ties-the-egyptian-government-to-a-brutal-past/

125. Amnesty International, *Feature: Torture ties the Egyptian government to a brutal past*. See also Amnesty International, *Egypt: Uprising commemoration unleashes death and destruction* (Press release, 28 January 2013), www.amnesty.org/en/press-releases/2013/01/egypt-uprising-commemoration-unleashes-death-and-destruction/

Tahrir Square, MIDS armoured vehicles were photographed facing off against protesters.¹²⁶ The vehicles display the MOI Special-Operations insignia on the front and sometimes have the acronym SP-OP (Special-Operations) painted. Demonstrations continued on 30 January with the deployment of MIDS armoured vehicles near Tahrir Square.¹²⁷ On 1 February 2013 – the day of the Hamada Saber beating – a photo taken in Cairo posted on Twitter and subsequently verified by Amnesty International shows two MIDS armoured vehicles with the MOI Special Forces insignia on the vehicles.¹²⁸ The picture was taken along Nil Corniche next to the Kempiskiy Hotel and Exxon Mobile Egypt, not far from Qasr Al Nil bridge, which leads to Tahrir Square. According to an article published online by al-Masry al-Youm on 5 February 2013, MIDS vehicles had at the time begun to appear on the streets of Cairo and in the governorates deployed for Special Operations of the MOI.¹²⁹ The article, which was accompanied by a photo showing a MIDS armoured vehicle with the Special Operations insignia on the front and with SP-OP marked on the clearance blade, cites “security sources” explaining that they were a valuable asset for fighting crime and securing vital installations.



Riot police stand in a line during clashes along Qasr Al Nil bridge in Cairo, 29 January 2013. © Mohamed Abd El Ghany/Reuters
The picture shows two MIDS armoured vehicles.

SHERPAS AT THE REPUBLICAN GUARD CLUB DURING THE DEADLY EVENTS FOLLOWING MORSI'S OUSTING, EARLY JULY 2013

On 3 July 2013, the army ousted Egypt's first democratically elected president Mohamed Morsi and held him incommunicado. The ensuing protests in support of Mohamed Morsi were brutally crushed by the Egyptian

126. Gallery of photos by Ahmedelmalky, "In pictures: Tahrir and Qasr Al-Aini 29 January 2013", *Daily News Egypt*, <https://dailynewsegypt.com/2013/01/29/in-pictures-tahrir-and-qasr-al-aini-29-january-2013/#lg=1&slide=0> (see pictures 1, 2, 3, 9, 12). See also, Michael Martinez, "Could Egypt fall apart?", *CNN*, 31 January 2013 (see picture 4 in the gallery) <http://edition.cnn.com/2013/01/31/world/meast/egypt-collapse-analysis/index.html> See also Daria Solovieva, "Egypt's worsening security threatens economy as clashes persist", *International Business Times*, 30 January 2013, www.ibtimes.com/egypts-worsening-security-threatens-economy-clashes-persist-1050120 See also the two photos of the clashes with riot police near Cairo's Tahrir Square on 29 January 2013 (we can see MIDS armoured vehicles), <https://bit.ly/2AgmFUi> and <https://bit.ly/2AgjNGM> See also Sean O'Hare, "Egypt on the brink of collapse, warns country's army chief", *Daily Mail Online*, 29 January 2013 (see the photo called "Egyptian protesters clash with security forces in front of the Semiramis hotel in Central Cairo today"), www.dailymail.co.uk/news/article-2270098/Egypt-riots-2013-Egypt-brink-collapse-warns-countrys-army-chief.html

127. See the two photos of the clashes with riot police near Cairo's Tahrir square on 30 January 2013 (we can see MIDS armoured vehicles) <https://bit.ly/2uSFkQ0> and <https://bit.ly/2mLDXio>

128. Available at twitter.com/sharifkoudous/status/297357172629712896/photo/1?ref_src=twsrc%5Etfw

129. "Sp-Op bulletproof vehicles the most modern tool for palace security" (English translation of the original title in Arabic), *Egypt Independent*, 5 February 2013, <http://today.almasryalyoum.com/article2.aspx?ArticleID=370022>

security forces. Hundreds lost their lives in protests and political violence that followed. On 5 July, Military and MOI forces shot dead five people during protests in front of the Republican Guard Club¹³⁰. Three days later, in the early hours of 8 July, military and MOI forces used excessive lethal force in the violent dispersal of the sit-in in front of the Republican Guard, killing 51 protesters¹³¹. In the aftermath of the violence, Amnesty International visited morgues, hospitals and sites of violence in Cairo and Alexandria to gather testimonies from injured protesters and relatives of victims. According to the evidence gathered, military and police forces used excessive lethal force against Mohamed Morsi's supporters; many of those killed and injured had been shot in the head and upper body with shotgun pellets and live ammunition.

Amnesty International analysed video footage published by the Associated Press on the events of 5 July, which featured a Sherpa LS with the Special Operations insignia of the MOI on its bodywork performing a static guard in front of the Republican Guard Club building along Salah Salem Road in front of El Tarayan road.¹³² This was the first visual evidence showing that the MOI owned such equipment. The information is confirmed by two other videos¹³³.

MIDS VEHICLES APPEAR AT THE NASR ROAD KILLINGS, END OF JULY 2013

On 26 and 27 July, new demonstrations were held in support of the recently ousted President Morsi, with marches down Nasr Road in the Nasr City neighbourhood of Cairo, which links to the Defence Ministry, al-Azhar University and other key sites. At least 80 people died when MOI forces in Cairo used excessive force to disperse the march.¹³⁴ The security forces attempted to stop the protesters from marching west along the road, while protesters tried to block security forces from advancing east along the road towards a large sit-in by Morsi's supporters near the Defence Ministry, at Rabaa al-Adawiya Square. The security forces used tear gas, shotguns, live ammunition and armoured vehicles; the protesters used makeshift barricades, rocks and in at least one instance a firearm. Protesters also faced attacks by men in plain clothes armed with rocks and blades.

Amnesty International has verified visual material from numerous sources including internet sources and footage provided by human rights groups, which indicated that MIDS and Sherpa LSW armoured vehicles were deployed during these demonstrations. All the events documented below took place in the Nasr City neighbourhood between the College of Education of the al-Azhar University (not far from the 6 of October Bridge) and the Unknown Soldier's Memorial (not far from Rabaa al-Adawiya Square), along Nasr Road

On 27 July, an online media outlet published photos of the demonstrations, including two featuring MIDS armoured vehicles facing off against demonstrators from behind brick barricades.¹³⁵ The first photo was taken at the level of the College of Education of Al-Azhar University. The picture shows clashes between demonstrators and police forces, who deployed a MIDS armoured vehicle.¹³⁶ This picture was also released in a tweet published on 27 July 2013,¹³⁷ and verified by Amnesty International. The second photo shows a

130. Amnesty International, *Egypt: unlawful killings in protests*.

131. Amnesty International, "Egypt: Damning evidence points to security forces' failures", (Press release, 10 July 2013, www.amnesty.org/en/press-releases/2013/07/egypt-damning-evidence-points-security-forces-failures/)

132. YouTube, Associated Press, "Raw: troops open fire on Morsi supporters" (Egyptian troops have opened fire on supporters of ousted President Mohammed Morsi marching on a Republican Guard facility, 5 July 2013), added on 5 July 2013, <https://www.youtube.com/watch?v=RjvplhmmFgo> (see at 0:31)

133. YouTube, VideoYoum7, "A Republican guard officer to the Muslim brotherhood protestors: we are all Egyptians and brothers" (English translation of the original title in Arabic), recorded and published on 5 July 2013, www.youtube.com/watch?v=HdaHyktW2T8 (from 01:38 to 01:54 we can see a Sherpa LS at the right of the screen). See also YouTube, ElWatan News, "Beltagy's speech after his arrival to the republican guard club" (English translation of the original title in Arabic), recorded on 5 July 2013 and published on 6 July 2013, www.youtube.com/watch?v=GkwcwPB19tQ (from 01:42 to 01:46 we can see a Sherpa LS)

134. Amnesty International, *Egypt: Police must be reined in to prevent further bloodshed*, (Press release, 29 July 2013) (Amnesty International, *Egypt: Police must be reined in to prevent further bloodshed*), www.amnesty.org/en/press-releases/2013/07/egypt-police-must-be-reined-prevent-further-bloodshed/

135. Rosie Taylor, "Bloodbath in Cairo: More than 120 dead and 1,000 injured after police 'shoot to kill' in violent clashes which have rocked Egypt" (Rosie Taylor, "Bloodbath in Cairo"), 27 July 2013, Daily Mail Online, www.dailymail.co.uk/news/article-2379657/Egypt-Morsi-More-100-people-killed-1-000-injured-clashes-deposed-president-Morsi-formally-accused-murder-conspiracy-Hamas.html

136. Rosie Taylor, "Bloodbath in Cairo", see picture with the following title: "Barricade: Supporters of the deposed president throw stones from behind a makeshift wall as they take cover from the police during clashes in Cairo", www.dailymail.co.uk/news/article-2379657/Egypt-Morsi-More-100-people-killed-1-000-injured-clashes-deposed-president-Morsi-formally-accused-murder-conspiracy-Hamas.html

137. Available at <https://twitter.com/nycjim/status/361129304723185664/photo/1> See also: Peter Beaumont, "After Mubarak, the Brotherhood was triumphant. Now it is in crisis", 27 July 2013, *The Guardian*, www.theguardian.com/world/2013/jul/27/muslim-brotherhood-egypt-libya-tunisia

MIDS armoured vehicle shortly after the interchange next to the College of Education of al-Azhar University. Amnesty International also verified this picture.¹³⁸ Amnesty International has been able to obtain photos from local human rights groups showing Sherpa LSW and MIDS armoured vehicles deployed at the road interchange next to the College of Education of al-Azhar University behind brick barricades.

EVENTS OF 27 JULY¹³⁹

Violence initially erupted on Nasr Road, near the junction with the 6 of October Bridge, in Cairo at around 10.45pm on 26 July, as the police and Central Security Forces (CSF), riot police, fired tear gas onto protesters approaching the Bridge, pushing them back east along Nasr Road towards the main pro-Morsi sit-in at Rabaa al-Adawiya Square. The junction of Nasr Road with 6 of October Bridge is about 1.75 kilometres west of the square. Protesters told Amnesty International that, because of their increased numbers on Friday 26 July, they had spilled out of their regular protest area into Nasr Road and that some had marched towards the 6 of October Bridge. According to most accounts from protesters, four armoured vehicles were used, in addition to security force members on foot. Protesters' testimonies as well as video evidence point to the involvement of men dressed in civilian clothing supporting security forces in the attack on pro-Morsi protesters. According to demonstrators, most of the men in civilian attire were throwing rocks. Some were also armed with knives. Fighting continued for hours, mainly around the area between the al-Azhar University on Nasr Road and the Mausoleum of the Unknown Soldier further down the same road. A number of protesters claimed that security forces and men in civilian clothing also used the al-Azhar University grounds as a base to shoot at them.



MIDS armoured vehicle at the level of the College of Education of Al-Azhar University, during clashes with protesters, Nasr Road, Cairo, 27 July 2013, © Reuters

138. Rosie Taylor, "Bloodbath in Cairo", see picture with the following title: "Warzone: The streets of Cairo descended into chaos as supporters of the army clashed with pro-Morsi demonstrators"

139. Amnesty International, *Egypt: Police must be reined in to prevent further bloodshed*.



Sherpa LSW armoured vehicle photographed behind brick barricades that were erected by the interchange near the College of Education of the Al-Azhar University, Cairo, 27 July 2013. Sherpa LSW has a police registration plate.

In addition, two videos of the events of 27 July,¹⁴⁰ near the Al-Azhar University in Nasr, at the level of the College of Education on Nasr Road, clearly show a Sherpa LSW being deployed with IVECO vehicles (with ‘police’ marked on the bodywork). There were armed MOI Officers standing around the vehicles with some of them dressed in the Special Operations uniform, while others were dressed in civilian clothing. One officer dressed in civilian clothing was filmed shielding of the Sherpa LSW and fires his gun on the demonstrators facing him. It is very likely that both videos were recorded by the same person, who, at the end of the footage, appears to be shot at by the security forces.



A policeman in plain clothes under the protection of a Sherpa LSW armoured vehicle is shooting at protesters near the Al-Azhar University in Nasr City, Cairo (screenshot from YouTube video, footnote 140, 14 August 2013).

140. YouTube, “Police Firing at Morsi Supporters 27/07/2013”, video added on 27 July 2013 www.youtube.com/watch?v=y9V_YSZL984
 See also YouTube, “Égypte : la police tire des balles sur des manifestons pacifiques et les tue”. Video added on 30 July 2013
www.youtube.com/watch?v=q9hpG2vORiQ

Two videos which Amnesty International has analysed as being filmed in Nasr city between the College of Education of Al-Azhar University and the entrance of al-Zhara Mosque University, also shows police forces with MIDS armoured vehicles deployed against demonstrators. In the first video, we can see security forces under the protection of a MIDS armoured vehicle firing tear gas and other types of ammunitions.¹⁴¹ The security forces' movements are supported by the MIDS and an IVECO vehicle. The second video shows security forces dressed in black uniforms, wearing helmets and bullet proof vests firing on protesters.¹⁴² In both videos the MIDS are deployed in support of the security forces.

Amnesty International was also able to obtain and verify a video from a human rights group showing the deployment of police forces against demonstrators at the level of the Memorial of the Unknown Soldier on 27 July, deploying several MIDS armoured vehicles¹⁴³. The video shows the events between the interchange next to the College of Education of al-Azhar University and the Memorial of the Unknown Soldier. The video depicts the Memorial of the Unknown Soldier, the Zayed Institute (al-Azhar University), the entrance of the al-Zhara mosque, the entrance of the al-Azhar University, and the interchange next to College of Education, and gun shots can be heard. In 2013, Amnesty International reported that a number of protesters claimed that armed forces were guarding the podium facing the mausoleum but did not intervene.¹⁴⁴ The video confirms this fact: members of armed forces are seen watching the events near the mausoleum without reacting.¹⁴⁵

MIDS ARMoured VEHICLES USED IN THE CLASHES DURING THE FOURTH ANNIVERSARY OF THE 25 JANUARY UPRISING, JANUARY 2015

At least 27 people died in protest-related violence around the fourth anniversary of the 25 January uprising, most as a result of excessive force by the security forces,¹⁴⁶ including at least 17 people in al-Mattariya and Ain Shams in Cairo.¹⁴⁷ During the events that took place in the al-Mattariya neighbourhood, MIDS armoured vehicles were deployed bearing the insignia of the MOI Special Operation Forces.¹⁴⁸ A video recounting the events of 25 January and their 17 victims shows three MIDS vehicles in motion and another static. Other sources show the deployment of a MIDS vehicle during clashes in al-Mattariya.¹⁴⁹ A wide range of other visual material analysed and verified by Amnesty International place MIDS and Sherpa vehicles marked with MOI Special-Operations insignia in the neighbourhood during the unrest.¹⁵⁰

141. YouTube, RASSD, video posted online on 27 July 2013, www.youtube.com/watch?v=KwSq2Rr-2ms

142. YouTube, video uploaded on 27 July 2013 www.youtube.com/watch?v=vcDplIFGwU (see especially 3 :58 to 8 :30). It is longest and shows the same event and place as the video in footnote 136. In this video we can see at the left: the entrance of the al-Zhara mosque, the entrance of al-Azhar Universtiy, the Saleh Kamel Center Cairo, the Zayed Institute and the College of Education of al-Azhar University.

143. See on this link: <https://drive.google.com/open?id=16c6UOF-asAMEwvaMNtYSFsNcVanQXK-I>

144. Amnesty International, *Egypt: Police must be reined in to prevent further bloodshed*.

145. Video available at: <https://drive.google.com/open?id=16c6UOF-asAMEwvaMNtYSFsNcVanQXK-I> (see at 08 :06 until 08 :19 - we can hear moreover gun fire - or again at 10 :00)

146. Amnesty International, *Egypt 'covering up' protester deaths in fourth anniversary of '25 January Revolution'* (Index: MDE 12/0005/2015) (*Amnesty International, Egypt 'covering up' protester deaths in fourth anniversary of '25 January Revolution'*), www.amnesty.org/download/Documents/MDE1200052015ENGLISH.pdf

147. Amnesty International, *Egypt 'covering up' protester deaths in fourth anniversary of '25 January Revolution'*.

148. Sara Malm, "Egypt erupts during day of protests as death toll rises to 17 on fourth anniversary of Arab spring after mother, 32, is gunned down by Cairo police during demonstration", *Daily Mail Online*, 25 January 2015, (see picture with the following title "Egyptian security forces deployed armoured personnel carriers in a bid to quell the unrest in the Matariye neighbourhood of Cairo, pictured") www.dailymail.co.uk/news/article-2925661/egypt-erupts-day-protests-death-toll-rises-11-fourth-anniversary-arab-spring-mother-32-gunned-cairo-police-demonstration.html#ixzz4vOekri6I See also, Adham Yousef, "The Republic of Matariya", *Daily News Egypt*, 26 January 2015, <https://dailynewsegypt.com/2015/01/26/republic-matariya/>

149. YouTube, CCTV English, "17 killed in protests on Egypt uprising anniversary", added 25 January 2015, www.youtube.com/watch?v=SsquFs8Uxv4 (see 00:31 to 01:09). After checking, the video would have been posted online on 26 January 2015 and its content must relate to the events of 25 January 2015.

150. On 30 January 2015, a MIDS belonging to the Ministry of the Interior's Special Operations was deployed in the al-Mattariya neighbourhood, according to the photo accompanying the online media article: "Brotherhood supporters march sets off in Materaya" (English translation of the original title in Arabic), 30 January 2015, <http://bit.ly/2goNzgh> The same neighbourhood was under Interior Ministry surveillance in February 2015, with the deployment of vehicles including a MIDS armoured vehicle and a Sherpa LS bearing the letters: "SP-OP": Armoured vehicles comb the streets of Matareya" (English translation of the original title in Arabic), 20 February 2015, <http://bit.ly/2v659xa>

MISUSE OF OTHER TYPES OF ARMoured VEHICLES BY EGYPTIAN SECURITY FORCES

Egyptian security and military forces also deploy a wide range of non-French armoured vehicles, imported from a variety of suppliers, including the USA (Humvee, Caiman MRAP), Germany, South Africa (Mamba) and the UAE (Panther),¹⁵¹ as well as those manufactured in Egypt like the German-designed Fahd. Amnesty International has documented serious human rights violations involving or facilitated by non-French-supplied armoured vehicles in several instances. These incidents underline the substantial risks attached to the transfer of armoured vehicles for use in both an internal security and military contexts.

Maspero incidents: On 9 October 2011, military police and other army personnel used excessive force, deploying batons and live ammunition, to disperse a protest by members of Egypt's Coptic Christian minority against discrimination. The protest was held in Cairo, near a state-television building, known as Maspero. During the incident, the armed forces drove armoured personnel (Fahd and Walid) carriers directly into the protesters, running some of them over. 27 people were killed during the dispersal. Protesters also came under attack from men in plainclothes armed with stones, Molotov cocktails, knives and other weapons.¹⁵²

Unlawful killings in Sinai: According to a leaked video analysed by Amnesty International,¹⁵³ the Egyptian military carried out at least seven unlawful killings, including shooting dead at point blank range an unarmed man and a 17-year-old child, who had been held in a US-manufactured Humvee April 2017 in North Sinai. On 13 January 2017, police forces in North Sinai shot dead at least six men who had been in incommunicado detention for up to three months when the killing took place. The MOI in a Facebook statement claimed that the men were killed in an exchange of fire when security forces tried to raid a house in North Sinai allegedly belonging to "terrorist elements". Family members, local activists and neighbours confirmed to Amnesty International that the men were arrested from their homes before the security forces took them into HUMVEES and were forcibly disappeared for almost three months before their killing.¹⁵⁴ In the light of these events, there is a substantial risk that French-made Sherpas which are a deployed in North Sinai will end up being used to commit or facilitate serious human rights violations.

151. According to data from the SIPRI arms trade register.

152. Amnesty International, *Brutality unpunished and unchecked*.

153. Amnesty International, *Egypt: Video of extrajudicial executions offers glimpse of hidden abuses by military in North Sinai* (News, 21 April 2017), <https://www.amnesty.org/en/latest/news/2017/04/egypt-video-of-extrajudicial-executions-offers-glimpse-of-hidden-abuses-by-the-military-in-north-sinai/>

154. Amnesty International, *Egypt: Investigate potential extrajudicial execution*.

6. THE FRENCH GOVERNMENT'S RESPONSE

Throughout the upheaval in Egypt, and the very visible involvement of French-supplied armoured vehicles in serious violations of human rights, French officials have continued to licence the export of these vehicles to Egypt. On several occasions between 2013 and 2017, Amnesty International raised this issue with French officials, presenting clear evidence of a breach of France's responsibilities under International and EU law (see Chapter 7); but the policy remained unchanged.

In the aftermath of the August 2013 violence, in which French-supplied armoured vehicles were clearly photographed and filmed during security operations that led to the death of up to 1,000 protesters, Amnesty International wrote to the General Secretariat for Defence and National Security (SGDSN) and to the Ministry of Foreign Affairs, inquiring about French arms transfers of military and security equipment to Egypt, their end-user and end-use, specifically mentioning the export of some armoured vehicles (Sherpa LS, Sherpa LSW, and MIDS).¹⁵⁵ In a subsequent meeting, held on 5 November 2013, the SGDSN informed Amnesty International that while they were abiding by the EU decision, they were supplying the Egyptian military with armoured vehicles for use in Sinai against "terrorist attacks", following an assurance to France from the Egyptian authorities that they would not be used for law enforcement operations.¹⁵⁶

On 25 April 2016, following then French President François Hollande's visit to Egypt, Amnesty International and several other French NGOs were invited for a meeting by the President's Office at the Elysée Palace. During this meeting, the President's representative seemed unaware of the repeated deliveries of armoured vehicles to Egypt by Renault Trucks Defense (RTD), going even so far as to question their existence and saying that they must have taken place before the 2011 uprising started. In a follow-up email, Amnesty International sent officials information relating to the export of these armoured vehicles, adding: "This reinforces our deep concern with regard to the possible use of equipment supplied by France for internal repression by Egyptian police, as well as the urgency for France to implement the decision taken in 2013 by the European Union Council for Foreign Affairs¹⁵⁷ that we have cited repeatedly in our exchanges on this subject."¹⁵⁸

In May 2016, Amnesty International wrote again to the French Minister of Foreign Affairs to express concern about the transfer of French arms.¹⁵⁹ In a subsequent meeting with the Ministry of Foreign Affairs (MoFA), representatives reiterated that the French government only sells arms to the Egyptian Ministry of Defence, and not to the Ministry of the Interior.¹⁶⁰ MoFA representatives also pointed out that the French government

155. Email of 8 October 2013 sent to SGDSN and the ministry of Foreign Affairs and enclosed document: SF13C3058, 2 October 2013, Exportations d'armement et d'équipement de la France à l'Égypte.

156. Amnesty International, *Egypt: Roadmap to repression*, p. 46

157. European Parliament resolution of 10 March 2016 on Egypt, notably the case of Giulio Regeni, www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0084+0+DOC+XML+V0//EN

158. Email from Amnesty International France, and others (co-authors), sent to the staff at Elysée, 29 April 2016.

159. Letter to Ministry of Foreign Affairs signed by Geneviève Garrigos, President of Amnesty International France, 31 May 2016, SF16E072MDE

160. Meeting with the staff of the Ministry of Foreign Affairs, 24 June 2016.

follows and respects the EU Council conclusions and did not provide weapons that could be used for internal repression. They indicated that they were not aware of the exports of MIDS vehicles, claiming that if France had exported these, it would have been before 2011. While they were initially uncertain about the vehicles' classification, they finally indicated they were classified as war material.

The MoFA also stated that French exports to Egypt are motivated by the fight against terrorism and not for law enforcement. Following this meeting, Amnesty International followed up, via email¹⁶¹ requesting additional information about the armoured vehicles exported by RTD, including MIDS. In a letter in response to this email¹⁶², the MoFA's response did not address Amnesty International's specific questions, but instead restated that: "France, by authorising the export of structural resources to Egypt's armed forces, is supporting this country's priorities in this area, in their fight against terrorism, the surveillance of their borders and the modernisation of their armed forces."



© ↑

24 January 2014. Cairo, Egypt. Anti-regime protesters have gathered in front of the office of the Union of Journalists, in the city centre. © private. A MIDS armoured vehicle with the word "Police", a police registration plate and the insignia of the Ministry of Interior Central Security Forces can be seen.

These responses effectively ignored the copious, credible information collected by Amnesty International and others documenting the use of the French-supplied armoured vehicles by the Egyptian security forces for internal repression. They also ignored references to the Ministry of Interior's receipt of French equipment. According to the Stockholm International Peace Research Institute (SIPRI), 18 Sherpa vehicles were delivered to the Egyptian police in 2012. Also, on 21 October 2011, a media report suggested that the Egyptian Ministry of Defence ordered 18 Sherpas and two MIDS vehicles on behalf of the Egyptian Ministry of the Interior.¹⁶³ In 2013 and in 2016 the French authorities did not respond to Amnesty International

161. Email from Aymeric Elluin, advocacy officer at Amnesty International France, sent to the staff of Ministry of Foreign Affairs, 1 July 2016.

162. The answer to this email was a letter signed by the Minister to Amnesty International France's President, which is quite unusual: letter of 8 July 2017 by Jean-Marc Ayrault, Minister for Foreign Affairs to Geneviève Garrigos, President of Amnesty International France

163. "The Egyptian defence ministry orders Renault Trucks Defense Sherpa Light Scout and MIDS vehicles", *RP Defense*, 21 October 2011, <http://rpdefense.over-blog.com/article-the-egyptian-defence-ministry-orders-renault-trucks-defense-sherpa-light-scout-and-mids-vehicles-87013139.html> See also OIDA Strategic Intelligence Case Study #2, "Company Analysis. Renault Trucks Defense valued at 772 million of euros", p. 9, https://oidagroup.com/wp-content/uploads/2017/08/2017-08-02_OIDAS/CS2-RTD.pdf

regarding the specific issue of the delivery of MIDS armoured vehicles. But in 2017, during a meeting with some staff members of the Ministry of Foreign Affairs, one of the spokespeople indicated that the Egyptian authorities had not respected their commitment regarding the end-use and end-users of the armoured vehicles.¹⁶⁴

On 6 June 2017, the day before the French Minister for Foreign Affairs was due to visit Cairo, Amnesty International wrote to his office to reiterate the organization's recommendations relating to the suspension of arms transfers that might be used for repression, as well as other recommendations.¹⁶⁵ No response was provided.

If the information provided by the French government is correct, then it would appear that the Egyptian party to the transaction not only diverted the goods to a different end-user than that originally intended (allocating them to the Ministry of the Interior instead of the Ministry of Defence) but also used them for a different end-use (law enforcement instead of fighting terrorism in Sinai). Amnesty International wrote to the French authorities (the Ministry of Defence and the SGDSN) in May 2017 asking them to provide information about the intended end-use/user of the vehicles¹⁶⁶; in order to check the classification of MIDS armoured vehicles; whether the Egyptian authorities had complied with the end-user certificates (EUCs); and if not what action, if any, the French authorities had taken to ensure compliance. At the time of writing, they had not replied. In June 2018, Amnesty International wrote to the SGDSN again and did not receive any answer.¹⁶⁷

EXPORTS AND DIVERSION

Although the deliveries of armoured vehicles, such as Sherpa LS and LSW, seemed to have stopped from 2015, according to the latest available national report, the French government licenced 10 million euros worth of exports to Egypt under ML6, a category which covers armoured vehicles and related parts and components.¹⁶⁸ As there is no official data on the export of MIDS armoured vehicles, it is not possible to say with certainty if exports have ceased.

However, more recent statements do not bode well for future licencing decisions. In February 2015, Minister of Defence Jean-Yves Le Drian justified French arms transfers by saying "...development and democracy come after security. You need security first in order to be sure of engaging your country in a positive strategy, and that has not been present thus far".¹⁶⁹ A year after this statement, MIDS armoured vehicles were photographed in the hands of the Central Security Forces, on the occasion of the sixth anniversary of the 25 January uprising.¹⁷⁰ On 25 May the Egyptian Ministry of Interior broadcast a video of police officers' graduation and their weaponry in Al-Behayra governorate. Among the vehicles present were armoured MIDS and a Sherpa LS.¹⁷¹

On 24 October 2017, French President Emmanuel Macron said he has no lessons to give to Egypt on human rights during an official visit to Paris by Egyptian President Abdel Fattah al-Sisi.¹⁷² These statements run counter to France's obligations under international, EU and domestic law and polices, examined in the following chapter. At the same time, President Abdel Fattah al-Sisi, applauded the "fruitful" cooperation between Egypt and France in the military domain.¹⁷³

164. Meeting with some staff members of the Ministry of Foreign Affairs.

165. Email from Amnesty International France of 6 June 2017 to the staff of Ministry of Foreign Affairs.

166. Letter to the SGDSN signed by the Executive Director of Amnesty International France, 24 May 2017, SF17E055MD and letter to the Ministry of the Armed Forces, signed by the Executive Director of Amnesty International France, 24 May 2017, SF17E055MD.

167. Letter to the SGDSN signed by the Executive Director of Amnesty International France, 27 June 2018, SF18E054MD

168. 2018 annual report, p. 62.

169. Interview with Mr Jean-Yves Le Drian, French Minister of Defence, by RMC on 16 February 2015, concerning the sale of Rafale aircraft to Egypt and the fight against terrorism, <http://discours.vie-publique.fr/notices/153000419.html> See also a fuller version of the Minister of Defence's written response, on 13 October 2015, to written question No. 85393 asked by François Asensi on 27 July 2015 (French National Assembly), <http://questions.assemblee-nationale.fr/q14/14-85393QE.htm>

170. AP, "Amid heavy security, Egypt marks 5th anniversary of uprising", 25 January 2016, www.dailymail.co.uk/wires/ap/article-3415254/Egypt-marks-5th-anniversary-uprising-against-Mubarak.html

171. YouTube, "Interior Minister Majdi Abdul Ghaffar attends the ceremonial graduation of the first batch of security assistants students" (English translation of the Arabic title), added on 25 May 2017, www.youtube.com/watch?v=8zncB7ld55Q (see 01:48 to 01:53)

172. Marc Semo, "Macron fait profil bas sur les droits humains en Egypte", *Le Monde*, 25 October 2017, https://www.lemonde.fr/afrique/article/2017/10/25/macron-fait-profil-bas-sur-les-droits-humains-en-egypte_5205559_3212.html

173. Egyptian State Information Service, "Sisi, French Defense Minister discuss military cooperation", 24 October 2017, www.sis.gov.eg/Story/119190?lang=en-us

“These exports fall within an extremely strict legal framework. They comply with international treaties and obligations. They adhere to a principle – that of responsibility. From the control of the manufacture of war materials to the a posteriori control of exports, the state exercises constant vigilance over the arms trade”.

Florence Parly, Ministry of the Armed forces, 5 July 2018¹⁷⁴

174. 2018 annual report, p. 3

7. FRANCE'S LEGAL OBLIGATIONS

All states have responsibilities to control the transfer of arms and in certain circumstances are obliged to do so.¹⁷⁵ States have legal obligations under the UN Charter, customary international law, treaty law and aspects of international criminal law. Many states and regions have put in place legal restrictions or regulations on the transfer of conventional arms, prohibiting transfers of arms which pose a substantial risk of being used to commit or facilitate serious human rights violations.

France, as a state party to the Arms Trade Treaty and an EU member state has specific legal obligations which should be reflected in the implementation of its national export control system. This chapter examines France's legal obligations regarding the transfer of conventional arms and how its transfers of armoured vehicles to Egypt flagrantly violate both the spirit and the letter of international, EU and domestic law and policies. It also underlines various flaws in France's national export control system, as the legislature has failed to incorporate the relevant provisions of the Arms Trade Treaty and of the EU's Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment¹⁷⁶ into domestic law, while the implementation of its export controls notably lacks transparency.

7.1 APPLICABLE STANDARDS

ARMS TRADE TREATY

On 2 April 2013, the United Nations General Assembly adopted the Arms Trade Treaty (ATT) by an overwhelming majority. France signed the Treaty on 2 June 2013,¹⁷⁷ and deposited its instrument of ratification on 2 April, 2014.¹⁷⁸ On 24 December 2014, ninety days following the date of the deposit of the fiftieth instrument of ratification of the Treaty, the ATT entered into force. The Treaty is the first international instrument to set global standards governing international trade in conventional arms and ammunition.

Two articles are at the core of the ATT: Article 6 (Prohibitions) and Article 7 (Export and Export Assessment).¹⁷⁹ States are prohibited under Article 6 of the treaty from authorising any transfer of

175. "Transfer" refers to international trade as per Arms Trade Treaty Art. 2.2 definition: "For the purposes of this Treaty, the activities of the international trade comprise export, import, transit, trans-shipment and brokering, hereafter referred to as "transfer". <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>

176. For convenience, we will refer to the EU's Common Position 2008/944/CFSP

177. When it signed the ATT, France did not invoke Article 23, under which "any State may at the time of signature or the deposit of instrument of its ratification, acceptance, approval or accession, declare that it will apply provisionally Article 6 and Article 7 pending the entry into force of this Treaty for that State".

178. Enabling Act for the signature of the Arms Trade Treaty (n° 2013-1202 23 December 2013), published in the Official Journal n° 298 24 December 2013, www.senat.fr/dossier-legislatif/pj12-837.html

179. Amnesty International, *Applying the Arms Trade Treaty to ensure the protection of human rights*, (Index: ACT 30/003/2015) (Amnesty International, Applying the Arms Trade Treaty), www.amnesty.org/en/documents/document/?indexNumber=act30%2F0003%2F2015&language=en

conventional arms and related ammunition that would violate UN Security Council Chapter VII measures (including arms embargoes), or a State Party's existing relevant treaty obligations. In addition, transfers are prohibited where a State has knowledge that the arms being considered for authorisation would be used in the commission of genocide, crimes against humanity, or grave breaches of the Geneva Conventions of 1949.

Once a State Party establishes that a transfer is not prohibited under Article 6, it must carry out an objective and non-discriminatory assessment of each proposed arms export as required by Article 7. States Parties must assess whether a potential arms export could contribute to or undermine peace and security (Article 7(1)(a)). Each State Party must also assess whether the arms or related items could be used to commit or facilitate a serious violation of international human rights law or international humanitarian law, or an act constituting an offence under international conventions or protocols relating to terrorism or transnational organised crime (Article 7(1)(b)). The exporting State must also consider taking measures to mitigate any of the risks outlined in Article 7(1) before authorising the export. If these risks cannot be effectively addressed and mitigated, then the transfer should not take place.

Furthermore, under Article 11, an exporting State Party must take measures to prevent the diversion of conventional arms covered by Article 2(1) of the treaty.¹⁸⁰ If a State Party detects a diversion of conventional arms the State Party must take measures to address this, such as alerting potentially affected state parties, examining diverted shipments and taking follow-up measures through investigation and law enforcement.

While France had not yet ratified the ATT, and the treaty had not come into force when the most egregious authorisations of armoured vehicles to Egypt took place, France negotiated and signed the ATT on 2 April 2013 – just a few months before the killings around Rabaa and Nahda Squares in August 2013. And according to public information available we know that in 2013 and 2014 France granted the delivery of armoured vehicles to Egypt. As a signatory, France should not have taken any action that would undermine the object and purpose of the treaty outlined in Article 1,¹⁸¹ which includes establishing “*the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms*”, eradicating “*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*” and “*promoting cooperation, transparency and responsible action by States Parties in the international trade in conventional arms...*”.¹⁸² While France deposited its instrument of ratification to the UN on 2 April 2014, it continued to authorise deliveries of armoured vehicles until 2014 and to grant export licences for armoured vehicles after 2014.

France has not integrated the provisions of the ATT into its domestic legislation, on the grounds that according French MoFa “France already applies the provisions of the Treaty that are relevant to the control of the transfer of conventional arms, and in a more restrictive manner (scope, control of imported arms and transfer, etc.) The approval of the Treaty will therefore have no impact on our national measures”.¹⁸³ Therefore, according to the Ministry of Foreign Affairs and as confirmed by Parliament, it was not considered necessary for Articles 6 and 7 of the ATT to be reflected in its domestic law.

EUROPEAN UNION COMMON POSITION

At the European level, France is bound by EU's Common Position 2008/944/ CFSP.¹⁸⁴ This legally binding tool predates the ATT and complements its provisions. To meet the EU Common Position's obligations, Member States must assess export authorisation applications on a case-by-case basis using eight criteria, including:

180. Exporting States Parties must assess the risk of diversion of the conventional arms covered by the treaty but are not specifically required to also assess the risk of diversion of munitions/ammunition or parts and components: article 11.2 of the ATT.

181. Arms Trade Treaty, Article 1, Object and Purpose, p. 3, <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>; Vienna Convention on the law of treaties (with annex). Concluded at Vienna on 23 May 1969, Article 18, <https://treaties.un.org/doc/Publication/UNTS/Volume%201155/volume-1155-I-18232-English.pdf>

182. See Arms Trade Treaty, http://thearmstradetreaty.org/images/ATT_English.pdf For a full interpretation of the ATT and for its application, see Amnesty International, *Applying the Arms Trade Treaty to ensure the protection of human rights*, pp. 4-5.

183. Impact assessment by the Ministry of Foreign Affairs accompanying the bill authorizing ratification of the ATT, www.senat.fr/leg/etudes-impact/pj112-837-ei/pj112-837-ei.pdf

184. <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32008E0944>

- Criterion 2: Respect for human rights in the country of final destination as well as respect by that country of international humanitarian law;
- Criterion 7: Existence of a risk that the military technology or equipment will be diverted within the buyer country or re-exported under undesirable conditions.

Member States are obliged to incorporate these criteria into domestic legislation. However, France has not done so, citing a national case law: “from a domestic legislation perspective, the State Council confirmed that they only infer obligations between EU State Members and individuals cannot use them before national jurisdictions.”¹⁸⁵ The EU Common Position 2008/944/CFSP applies to a common list of military equipment¹⁸⁶ that is determined by the EU and periodically updated. It also covers dual-use items.¹⁸⁷

By authorising the export of armoured vehicles to Egypt up to 2014, when there was clear and credible information available that they were being used by Egyptian security forces to commit or facilitate serious human rights violations, France clearly flouted Criterion 2. It also appears that the government did not take into account the risk of diversion from the purchasing country to an undesired end-user or for an undesired end-use, as required by Criterion 7, in this case from the Egyptian Ministry of Defence to the Ministry of Interior.

In 2018, the EU Committee on Foreign Affairs expressed its alarm in a draft motion for a European Parliament resolution at the fact that “97.2 % of licence requests for exports to Egypt and Saudi Arabia were granted even though exports into both countries violate at least criteria 1 to 6 of the Common Position, and bearing in mind that failure to meet criteria 1 to 4 must lead to a denial of the licence”.¹⁸⁸

STATES’ RESPONSIBILITIES UNDER INTERNATIONAL LAW

All states have responsibilities under international law to regulate the transfer of arms in certain circumstances. Where there is a substantial risk that the arms would be used to violate human rights, the supplier state would be acting contrary to its positive obligation to cooperate towards universal respect for human rights set out in the UN Charter and enshrined in the Universal Declaration of Human Rights. All UN members are bound by an obligation in Article 56 of the UN Charter “to take joint and separate action in cooperation with the Organization [the UN] for the achievement of the purposes set forth in Article 55”.¹⁸⁹ 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”.¹⁹⁰ 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”.¹⁹¹

A state can be considered to be responsible for assisting, or complicit in, an internationally wrongful act, such as a violation of international human rights law, when it “does so with knowledge of the circumstances of the internationally wrongful act”, and when the wrongful act would have been considered illegal if committed by the assisting state itself.¹⁹² If a supplying state provides arms or

185. Response to the written question no. 11461 addressed to the Ministry of Defence by Thierry Lizaro (Member of Parliament) and published in the official journal on 19 April 2016, <http://questions.assemblee-nationale.fr/q14/14-11461QE.htm>

186. The European Union’s Common Military List was adopted by the Council of the EU on 13 June 2000 (the list also contains the list of military equipment established under the Wassenaar Arrangement). The list breaks down military equipment into 22 “ML” categories. The latest online version, updated on 26 February 2018 is https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2018.098.01.0001.01.F&toc=OJ.C:2018:098:TOC

187. Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex:32009R0428>

188. Draft report on the Council’s annual report in accordance with Operative Provision 8 of the European Union Code of Conduct on Arms Exports(2018/2157(INI)), 29 June 2018, www.europarl.europa.eu/sides/getDoc.do?type=COMPARL&reference=PE-622.309&format=PDF&language=EN&secondRef=01

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

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

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

192. International Law Commission, Articles on State Responsibility for Internationally Wrongful Acts, Article 16, http://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf

military equipment to another state and in the knowledge that this assistance is contributing significantly to violations, it may be held internationally responsible.¹⁹³ 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 (such as genocide, crimes against humanity, war crimes, or torture) where their conduct amounts to aiding, assisting, abetting or otherwise facilitating those crimes.¹⁹⁴

7.2 FRENCH EXPORT ARMS CONTROL FRAMEWORK

When the ATT entered into force, France already had a national export control system in place for war material.¹⁹⁵ The national control regime had been regularly modified over the years, before being totally reformed in 2011.¹⁹⁶ The new system came into full effect on 4 June 2014, without altering the main control principles applied previously. The French national export control system is subject to the principle of prohibition: a general principle which applies from the manufacture of military technology/equipment to its physical export, and at all the stages in between. The result is that all military exports are subject to state control. Another general principle is that the arms control system that determines whether an authorisation is granted or not is interministerial, operating via the Interministerial Committee for the Study of the Exports of War Material (CIEEMG). This body operates under the authority of the Prime Minister, who ultimately grants the authorisations. The military technology and equipment, arms and ammunition subject to control are those found on the EU's Common Military List, covered by Common Position 2008/944/CFSP.¹⁹⁷

HOW FRANCE'S EXPORT CONTROL SYSTEM WORKS

Before exporting, any natural or legal person wishing to manufacture, trade (buy to sell) or engage in a profit-making brokering activity (acting as a go-between between suppliers and customers, including outside of France) with military technology and equipment must apply for permission from the Ministry of Defence. Previously, prospective exporters required firstly, prior approval (AP); secondly, a military technology and equipment export authorisation (AEMG). This system has been replaced with a single-licence approach.¹⁹⁸ This export licence is an authorisation covering the entire export process, from the negotiation of the contract to the point where the equipment physically leaves the national territory.

Three types of licences exist: general export licences, overall export licences and individual export licences.¹⁹⁹ The introduction of a single licence - seen as a way of making checks less cumbersome - was

193. International Law Commission, Commentary to Article 16, para. 5.

194. 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

195. See France's initial report on implementation of the ATT http://thearmstradetreaty.org/images/TCA_France_Rapportinitial.pdf For English speakers see the English version of the annual report 2016 to Parliament on French arms exports www.defense.gouv.fr/content/download/453467/7156832/2016-FranceControlArmTrade.pdf

196. Law on the control of imports and exports of military technology and equipment and related equipment, the simplification of defence-related products in the European Union, and defence and security markets (No 2011-702 of 22 June 2011), www.senat.fr/dossier-legislatif/pjl10-070.html

197. France adopted this list as its national control list by decree in 2009, reaffirmed on 27 June 2012: Decree of 27 June 2012 on the list of military technology and equipment and related equipment subject to prior export authorisation and of defence-related products subject to prior transfer authorisation, www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000026088164 The list of military technology and equipment and related equipment was extended in 2017. See: Decree of 31 July 2017 modifying Decree of 27 June 2012 on the list of military technology and equipment and related equipment subject to prior export authorisation and of defence-related products subject to prior transfer authorisation, www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000035355503

198. 2018 annual report, pp. 46-47

199. The individual licence authorises the shipment of goods to a recipient in one or more instalments; the overall licence authorises the shipment of goods to one or more identified recipients for a given period of time, with no limits on quantity or value; and the general licence entitles the holder to carry out export or transfer operations within its field of application without having to ask for an individual licence for each of its operations beforehand.

accompanied by the introduction of an ex-post control from June 2012.²⁰⁰ Within the context of an export, an end-use certificate and a commitment not to transfer, export or re-export may be requested by the export control authority.²⁰¹ This certificate is a commitment undertaken by the customer (whether a State, a company or an individual) to use the equipment or services received from the French supplier and not to re-transfer them to a third party without the consent of the French government. It also covers the end-use of the transferred arms. The export control authority can impose conditions or restrictions regarding end-use in the export licenses.²⁰² For example, it can in theory specify a military end-use which would preclude deploying equipment in law enforcement operations. Finally, the 2011 reform introduces the possibility of suspending, amending, repealing or revoking export licences for military technology and equipment and related equipment.²⁰³

The Interministerial Committee for the Study of the Exports of War Material (CIEEMG) lies at the heart of the national control system, both before and after the 2011 reform. It reports to the Prime Minister, the Head of State. The General Secretariat for Defence and National Security (SGDSN)²⁰⁴ chairs the committee and performs secretarial duties. Three ministries take part in the CIEEMG's work on a permanent basis and are part of the decision-making process for authorising arms transfers: the Ministry of Foreign Affairs, the Ministry of Defence, and the Ministry for the Economy. The role of the CIEEMG involves conducting an assessment and issuing a reasoned opinion, on the basis of which the Prime Minister will decide whether or not to grant an export authorisation. Thus, according to the Ministry of Defence, *"arms export control has a highly political dimension, expressed through the Prime Minister's decision, which is based on a collective, administrative examination of the facts"*.²⁰⁵ All export licence applications are submitted to the Ministry of Defence, which then passes them on to the SGDSN, with the exception of general licences²⁰⁶.

The CIEEMG meets once a month. Each meeting is prepared in advance by the ministries concerned, with involvement from each minister's office and their political advisor.²⁰⁷ The political class is involved throughout the process. The Prime Minister's military cabinet and the President's personal military staff are present as observers. Other institutions may be present if needed. The CIEEMG examines applications on a case-by-case basis, with each ministry entitled to input into the decision-making process based on its field of expertise. The recommendations must converge but are ultimately purely advisory. In other words, the Prime Minister is not bound by them. If there is a difference of opinion within the CIEEMG, the Prime Minister makes the final decision with the chiefs of staff of the ministries entitled to vote. The French President may also be called upon to adjudicate in the most difficult cases.²⁰⁸

200. France and the control of arms trade, 2016, Ministry of Defence, pp.15-16: "Ex-post control is intended to ensure – after granting of the licence or use of general licences – that the operations carried out match the authorizations granted or published. These control measures, implemented since June 2012, are carried out by Ministry of Defence personnel (DGA - the French Defence Procurement Agency). They include two complementary actions: control of export declaration documents and of contracts that companies are due to send to the administration and checks carried out on the company's premises.", www.defense.gouv.fr/content/download/453467/156832/2016-FranceControlArmTrade.pdf See also: www.ixarm.com/fr/obligations-au-titre-du-controle-posteriori

201. Available at (in French and English): www.service-public.fr/professionnels-entreprises/vosdroits/R39129 See also 'The Armaments Portal': <https://www.ixarm.com/fr/certificats-de-non-reexportation>

202. Article L2335-3 I, French Code of Defence, <https://bit.ly/2M7Vb3y> See also Article R2335-12. See also article R2335-12, French Code of Defence available at <https://bit.ly/2LXFQ6C>

203. Article L2335-4, French Code of Defence, <https://bit.ly/2QdJrQD>

204. SGDSN website: www.sgdsn.gouv.fr/

205. 2002-2003 annual report to Parliament on French arms exports, French Ministry of Defence, p. 29, https://sipri.org/sites/default/files/research/armaments/transfers/transparency/national_reports/france/france_report_02-03.pdf

206. These are set out in an interministerial decree.

207. National Defence and Armed Forces Committee information report on arms export controls, presented by Jean-Claude Sandrier, Christian Martin and Alain Veyret, recorded at the French National Assembly on 25 April 2000 (National Defence and Armed Forces Committee information report on arms export controls, 25 April 2000), p 26 and pp. 35-42, www.assemblee-nationale.fr/rap-info/i2334.asp

208. According to the authors of the National Defence and Armed Forces Committee information report on arms export controls: "No authorisation is granted by the General Secretary for National Defence in contradiction of the opinion given by the Ministry of Foreign Affairs at the CIEEMG. In the event of arbitration, the Prime Minister has never overruled the Minister of Foreign Affairs. In practice, this means that the Minister for Foreign Affairs has a real right of veto over each arms sale", p. 40.

LACK OF TRANSPARENCY

The central flaw in France's export control regime is its highly centralised and secretive nature, resulting in a total lack of transparency and accountability in its implementation. The entire military technology and equipment export control regime, with its authorisation system, leads to a single point: a sovereign assessment of whether or not a given transfer is appropriate. Yet the way the system operates could hardly be more opaque. As France has incorporated neither the ATT criteria nor those of Common Position 2008/944/CFSP in its national law, it is important to consider how the CIEEMG incorporates them in its assessment of the export licence applications it receives.

The implementation of these criteria is formalised through general guidelines²⁰⁹ on the risk assessment process, issued to those ministries entitled to vote. These guidelines "are approved by the political authorities".²¹⁰ They are drafted by the chiefs of staff of the Prime Minister and the ministers concerned. They are drawn up for each country and each type of equipment and are revised annually. They also establish a list of criteria to be used to examine each application. The directives are classified and are therefore not publicly available.²¹¹ They incorporate the national risk assessment criteria, without providing further details about their comprehensiveness.²¹²

Indeed, it is impossible to know how France implements the criteria set out in Common Position 2008/944/CFSP and in the ATT. This lack of transparency is reflected in the Ministry of Defence's annual report to Parliament on arms exports. This report does not provide a comprehensive overview of France's arms transfers that could be used to verify that France is meeting its international commitments.²¹³ The report does not provide any information on the exact type of technology or equipment supplied, the end-user or declared end-use, the use of brokers, the order and delivery dates, or the reasons given for refusing to authorise a given export to a given country. It is therefore impossible to know exactly what France sells and to whom simply by reading the annual report to Parliament. Tracking the export of law enforcement equipment that is not covered under military lists is even more difficult. The French government subjects tear gas grenade exports to separate controls under the powders and explosives export regime (AEPE)²¹⁴ and under the EU Regulation on dual-use items²¹⁵. Since 2014, the annual report to Parliament has indicated the number of individual licences granted each year, as well as their financial value, without mentioning the countries involved.

209. 2018 Annual report. p. 30

210. See <https://www.diplomatie.gouv.fr/fr/politique-etrangere-de-la-france/desarmement-et-non-proliferation/la-france-et-le-controle-des-exportations-sensibles/article/controle-des-exportations-de-materiels-de-guerre>

211. National Defence and Armed Forces Committee information report on arms export controls, 25 April 2000, p. 33

212. 2018 Annual Report, p. 30

213. "EXPORTATIONS D'ARMEMENT. La France doit agir en responsabilité", www.amnesty.fr/control-des-armes/actualites/ventes-darmes-une-hypocrisie-francaise

214. Public opinion, political personnel and the media discovered the existence of this regime when the Jasmine Revolution broke out in Tunisia. It was under this regime that a delivery of law enforcement equipment, including tear gas grenades, was due to be made to Tunisia shortly before the fall of Ben Ali, a delivery that was intercepted by the French customs authorities. The legal organisation of controls under the AEPE regime is particularly complex. To discover the scope of application of this regime, see the Decree of 25 February 2005 establishing the list of items considered as pyrotechnics and ammunition, <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000446872&dateTexte=20151210>

215. Under Article 8.1 of the EU Regulation, "a Member State may prohibit or impose an authorisation requirement on the export of dual-use items not listed in Annex I for reasons of public security or human rights considerations." Accordingly, France extended the list of dual-use items it controls to include certain types of grenades as soon as the first version of the Regulation was adopted in 1994, through a Notice to Exporters on exports of tear gas and riot control agents to third countries, dated 28 June 1995. It was repealed and replaced by the Decree of 31 July 2014 on exports of tear gas and riot control agents to third countries, www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000029347138&categorieLien=id

“I have read through the report, it does not provide the necessary information to enable MPs to exercise a function of control.”

Sébastien Nadot, French deputy of the majority, 2 July 2018²¹⁶

On 18 July 2018, during a National Assembly hearing on EU member state arms controls, Luc Mampaey, Director of the Brussels-based Group for Research and Information on Peace and Security (GRIP) summarised the situation saying: “In France, I feel like there is little debate and it mostly focuses on national interests, employment issues regarding the industrial field, while the Assembly has no real control over export policy”.²¹⁷

During this event, the President of the National Assembly Foreign Affairs Committee stated that: “The report provides some details but does not include information that would enable Parliament to verify the legality of arms sales.” She added that in the arms control export sphere “The Parliament has a blind spot” and announced that she would propose the creation of a fact-finding mission tasked with finding ideas to “upgrade the French Parliament so that it is on par with surrounding Parliaments and reaches an appropriate level of scrutiny”.²¹⁸ According to a poll conducted by YouGov in March 2018, 69% of French people are strongly in favour of strengthening the role of Parliament in the control of arms sales. On the specific case of Yemen, French MPs have called for the establishment of a committee of inquiry to examine arms exports by France to parties to the conflict.

THE FRENCH GOVERNMENT’S “ARAB SPRING” POLICY

The export of armoured vehicles to Egypt completely contradicted publicly available French government policy positions since 1998. One of France’s guiding principles, for instance, is that “the supply of any technology or equipment likely to be used for internal repression must be refused. This decision is to be applied all the more rigorously in cases where repression departs from recognised law enforcement practices under the Rule of Law. In general, France must in no event find itself in a situation where it could be held responsible for operations of deadly repression”.²¹⁹

When the Arab Spring broke out, the Ministry of Defence wrote in the 2012 annual report to Parliament²²⁰ that “the supply of any technology or equipment likely to be used for the internal repression of civilian populations is refused”. It also decided to exercise extra caution in its assessments under “criteria 2 and 3 of the EU Common Position of 8 December 2008 (“respect for human rights in the country of final destination” and “internal situation”), particularly by exerting more rigorous control during the CIEEMG over the country of final destination of the export (examining law enforcement practices, in particular). To this end, particular use may be made of the analysis capacities of our diplomatic posts”.

Another principle outlined by the Ministry of Defence was “systematically taking into consideration, when controlling equipment, the potentially disastrous use of said equipment in law enforcement operations, even

216. Anne Baeur, “Armement : recul des contrats à l’export”, *Les Echos.fr*, 2 July 2017, https://www.lesechos.fr/02/07/2018/lesechos.fr/0301911428907_armement--recul-des-contrats-a-l-export.htm

217. Hearing, open to the press, of Luc Mampaey, head of the Group for Research and Information on Peace and Security (GRIP) on arms export control in the main EU member States, National assembly, 18 July 2018 (Hearing, open to the press, of Luc Mampaey) www.assemblee-nationale.tv/video.6413344_5b4eeac4819a8.commission-des-affaires-etrangeres--m-luc-mampaey-directeur-du-groupe-de-recherche-et-d-informati-18-juillet-2018

218. Hearing open to the press of Luc Mampaey.

219. 1998 annual report to Parliament on French arms exports, French Ministry of Defence, p. 8, https://sipri.org/sites/default/files/research/armaments/transfers/transparency/national_reports/france/france_report_02-03.pdf

220. 2012 Annual report, p.17

if they were not designed specifically for that purpose”.²²¹ In the following years, these principles disappeared from the reports. During a visit to Cairo in September 2014, the Minister of Defence Jean-Yves Le Drian indicated that France would continue its arms transfers, specifically the supply of armoured vehicles²²², a little over a year after the Rabaa Square massacre during which the French-supplied armoured vehicles were widely deployed. At the time of that statement, the government could not deny the fact that French armoured vehicles (Sherpa LSW, MIDS) were deployed by a combat unit of the police in the context of May 2014 presidential elections, contradicting statements from the French authorities at that time that these armoured vehicles had been sold to the Egyptian armed forces.²²³

Despite the very visible misuse of these vehicles during Egypt’s bloodiest crackdown, and repeated warnings from Amnesty International, France delivered a further 77 armoured vehicles to Egypt in 2014.

A CATALOGUE OF FAILURES

In the face of clear and compelling information on the widespread use of French-manufactured armoured vehicles for internal repression in Egypt, France should not have continued to authorise the export of armoured vehicles. By continuing to authorise these exports, France failed to respect the EU Common Position 2008/944/CFSP between 2012 and 2014, and did not implement the 2013 EU Council Conclusions which called for the suspension of exports “of any equipment which might be used for internal repression” to Egypt. France also acted in contravention with the ATT which it signed on 3 June 2013 and which came into force on 24 December 2014.

The decisions to continue licencing the vehicles contradicted France’s own publicly stated policy positions, which have been in place since 1998, and went against the spirit of its domestic arms control system. Finally, even though France has repeatedly condemned the violence in Egypt, and had credible information that Egypt had infringed its commitments regarding end-use and end-user, this did not prevent the French government from authorising more arms deliveries from 2012 onwards, fuelling serious human rights violations by Egypt’s security forces.

221. 2012 Annual report, p.17.

222. “Le Drian: France still provides Egypt with military armoured vehicles”, The Cairo Post, 16 September 2014, <http://thecairopost.youm7.com/news/125079/news/le-drian-france-still-provides-egypt-with-military-armored-vehicles>

223. YouTube, “The Quick Intervention Group of The Ministry of Internal Affairs in the field of Talaat Harb” (translation in English of the title in Arabic), published on 10 May 2014, www.youtube.com/watch?v=BE5eD8B232g and see also “The Rapid Intervention Unit secures the elections” (translation in English of the title in Arabic), 25 May 2014, <https://bit.ly/2uGQEiX>

8. CONCLUSION AND RECOMMENDATIONS

On 14 August 2013, France called for an immediate end to the repression in Egypt, with Laurent Fabius as French Minister of Foreign Affairs saying “France condemns most resolutely the bloody violence in Egypt and demands an immediate halt to the crackdown. The Minister of Foreign Affairs, Laurent Fabius, is reaching out to United Nations Secretary General Ban Ki-moon and our major partners so that an international position can be urgently adopted to that effect.”²²⁴ Yet on this very day, French-supplied armoured vehicles were seen and filmed at the heart of a crackdown that would lead to hundreds of deaths.

Despite Amnesty International’s repeated warnings to the French authorities, France continued to authorise transfers of armoured vehicles to Egypt at least until 2014. Given Amnesty International’s official communications with the relevant authorities, and the large body of publicly available information implicating French-manufactured armoured vehicles in the violations, it is inconceivable that the French government was unaware of the practices of the internal security forces in terms of law enforcement and excessive use of force.²²⁵

France’s supply of armoured vehicles is only one facet of its arms transfers to Egypt, which also include transfers of major weapons systems such as Rafale aircraft and warships. The events that occurred in Egypt from 2011 onwards, as well as in other countries in the region experiencing mass protests and unrest in what was known as “the Arab Spring”, showed that a wide range of military and internal security equipment can often be misused to commit or facilitate serious violations of human rights and, where applicable, of international humanitarian law, with deadly consequences, in both law enforcement and military contexts.

French authorities need to urgently review some of the aspects of their arms control system to ensure that it is fully human rights compliant. This requires incorporating France’s obligations under the ATT and the EU Common Position into domestic law; it also requires reforming its current arms control system so that decision-making is open and transparent and subject to scrutiny by the French Parliament and civil society²²⁶. In this regard, the French Parliament needs to take urgent action. The publication of the annual report to Parliament on French arms exports should encourage its elected representatives, as well as the media and the public at large, to debate and where necessary challenge imports, exports and other international arms transfers. Examination of the annual reports from Ministry of the Armed Forces should be accompanied by requests for additional information from relevant stakeholders (for example Ministers, defence, civil society, etc.).

224. Available at <https://de.ambafrance.org/Egypte-la-France-met-en-garde>

225. In the “Advice for travellers” section of the French Foreign Ministry’s website, French travellers to Egypt are advised to “keep a close eye on the domestic news in Egypt and, in particular, avoid demonstrations and rallies in large urban areas”, www.diplomatie.gouv.fr/fr/conseils-aux-voyageurs/conseils-par-pays-destination/egypte/#securite

226. Reuters, “Despite criticism at home, French arms sales double in the Middle East”, 3 July 2018, <https://uk.reuters.com/article/uk-france-egypt-arms/despite-criticism-at-home-french-arms-sales-double-in-the-middle-east-idUKKBN1JT21W>

The annual report to Parliament is the basis not only for democratic control, but also for the right of the media and civil society to scrutinise the French government's fulfilment of its international obligations. Without comprehensive, detailed information on arms transfers, however, this becomes much more difficult. This transparency must also be extended to the export control regimes for law enforcement equipment, such as tear gas grenades, which are currently covered by a separate control regime which is even less transparent than controls on military goods.

More fundamentally, France must incorporate the human rights requirements governing arms transfers in the ATT and those of EU Common Position on Arms Export Controls if it is to bring its domestic legislation into line with its international and regional obligations.

More than ever, France, along with all other states supplying law enforcement and military equipment, must immediately suspend all arms transfers that have a substantial risk of being used to commit or facilitate serious human rights violations, while sending a clear message to their Egyptian counterparts that there must be full, independent and impartial investigations into all alleged violations; that Egyptian security forces must be held accountable, and alleged perpetrators of the violations must be brought to justice in fair trials without recourse to the death penalty.

There is a strong need for the French government to reform its export control system so as to ensure that the equipment supplied cannot be diverted from the intended end-use and/or end-user. In addition, the legislature must have the ability to play a role in questioning the legality of arms sales in order to ensure that they are in line with France's international commitments.

RECOMMENDATIONS TO THE FRENCH GOVERNMENT

Immediately cease all transfers of security equipment to Egypt

- Immediately cease the direct or indirect supply, sale or transfer, including transit and transshipment, of equipment that carries a substantial risk of being used by the Egyptian security forces to commit or facilitate serious violations of human rights. Of particular concern are arms used for internal repression such as small arms, including shotguns, and light weapons and related ammunition; less lethal equipment, such as tear gas, riot control projectiles and launchers; armoured vehicles, military helicopters and surveillance technologies.
- Impose a "presumption of denial" policy on the export of other arms to Egypt intended for the Egyptian military, such as armoured vehicles, combat aircraft and related munitions; no such transfers should not be authorised unless a thorough human rights risk assessment demonstrates that the Egyptian armed forces will use the equipment lawfully and that any suspected misuse is effectively, independently and impartially investigated.
- Maintain the above restrictions on arms transfers until the Egyptian authorities put in place effective safeguards to prevent further serious human rights violations by security and military forces, and carry out full, prompt, independent and impartial investigations into violations presented in this report with the aim of prosecuting those responsible for these violations and bringing them to justice.

Reinforce implementation of the control and transparency

- Increase the transparency of the annual report to Parliament (for example, by detailing the categories and quantities of exported equipment) in order to open up French exports to public scrutiny and strengthen the role of Parliament and civil society in the oversight of export decisions.
- Put in place a post-delivery control system to monitor compliance of the end-use/end-user certificates so as to ensure that the equipment provided will be used in accordance with the commitments made by the end-user, and in compliance with the restrictions and conditions imposed by the monitoring authority. Should equipment end up in the hands of unauthorised end-users, all future supplies should be halted until such time as the Egyptian authorities can demonstrate their ability to fully honour all end-user certificate conditions.
- Incorporate in domestic law all provisions of the ATT (in particular, Articles 6 and 7) and of the EU Common Position (in particular, Article 2) which require that an arms transfer not be authorised

where there is a substantial or clear risk that the arms could be used to commit or facilitate serious violations of international human rights law.

RECOMMENDATIONS TO THE FRENCH PARLIAMENT

- Parliament should hold a regular, meaningful public debate regarding the annual report to Parliament on French arms exports and the annual report to the ATT in order to subject French licencing decision to greater public scrutiny.
- Permanent committees such as the Foreign Affairs Committee and the Defence Committee of the National Assembly and the Senate should hold public hearings on a regular basis concerning weapons transfers for the ministries involved in the decision-making process regarding arms export risk assessments, with the SGDSN, civil society and industry.
- Parliamentarians should submit oral and written questions to the ministries involved in the decision-making process regarding arms exports control on a regular basis in order to contribute to the public debate concerning arms transfers from France.
- The permanent committees such as the Foreign Affairs Committee and the Defence Committee of the National Assembly and the Senate should produce a comprehensive and detailed counter-report based on the annual report to Parliament by the Ministry of the Armed Forces and based on the ATT.
- The permanent committees such as the Foreign Affairs Committee and the Defence Committee of the National Assembly and the Senate should develop expertise in the field of arms exports and the legal framework governing such exports, especially concerning the link between compliance with international human rights and international humanitarian law and arms transfer decisions.
- Parliament should put in place controls to ensure that France respects its international commitments related to arms exports.

RECOMMENDATIONS TO OTHER STATES SUPPLYING ARMS TO EGYPT

- Immediately cease the direct or indirect supply, sale or transfer, including transit and transshipment, of any arms or military assistance, including ammunition, spare parts, military/security technology or security training, that carry a substantial risk of being used by the Egyptian security forces to commit or facilitate serious violations of human rights;
- Impose a “presumption of denial” policy on the export of other arms to Egypt intended for the Egyptian army and air force, such as combat aircraft and related munitions; no such transfers should not be authorised unless a thorough human rights risk assessment demonstrates that the Egyptian armed forces will use the equipment lawfully and that any suspected misuse is effectively, independently and impartially investigated;
- If they have not already done so, ratify/accede to the Arms Trade Treaty as soon as possible.


RECOMMENDATIONS TO THE EUROPEAN UNION

- Review the implementation of the commitment by EU Member States in the 2013 Foreign Affairs Council Conclusions to suspend export licences of any equipment which might be used for internal repression in Egypt and to reassess export licences of equipment covered by Common Position 2008/944/CFSP and review security assistance with Egypt.
- Adopt a Council Decision and Council Regulation prohibiting the sale, supply, transfer or export of any equipment that has been and could be used for internal repression in Egypt, clarifying that this includes armoured vehicles, small arms, less lethal equipment and related ammunition used for policing demonstrations and places of detention.
- Establish a formal mechanism to monitor EU Member State compliance with Common Position 2008/944/CFSP with the aim to ensure rigorous and consistent implementation of the Common Position.

- Establish a mechanism to sanction non-compliance of EU Member States with the provisions of Common Position 2008/944/CFSP.
- In the ongoing review of the Common Position 2008/944/CFSP and in line with Article 7 of the Arms Trade Treaty, clarify the legal obligation to deny an export licence if there is a clear risk that the military technology or equipment to be exported might be used in or to facilitate the commission of serious violations of human rights or International Humanitarian Law (Article 2 (2) Common Position).

RECOMMENDATIONS TO THE EGYPTIAN AUTHORITIES


- Conduct independent, impartial, and effective investigations into human rights violations committed since 30 June 2013. Investigations must include all incidents where security forces, including the army, have used lethal force or excessive and unnecessary force against protesters; and allegations of torture and other ill-treatment, enforced disappearances and extrajudicial executions. Such investigations must adhere to relevant international standards for such investigations, including The Istanbul Protocol (Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) and the Minnesota Protocol on the Investigation of Potentially Unlawful Deaths. The investigations' findings should be made public; and where there is sufficient admissible evidence, individuals, regardless of their rank, suspected of responsibility for unlawful killings, torture, enforced disappearances and other serious violations should be prosecuted in proceedings meeting international standards for fair trial without recourse to the death penalty.
- Ensure that security forces and any other state agencies that exercise law enforcement functions are trained in, and comply with, the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; issue clear instructions that force may only be used when strictly necessary and only to the extent required for performance of their duty, and that lethal force may only be used when strictly unavoidable in order to protect their lives or the lives of others; and ensure that all law enforcement officers are individually accountable for arbitrary or abusive force.



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EGYPT: HOW FRENCH ARMS WERE USED TO CRUSH DISSENT

Since the 25 January 2011 uprising, part of the ‘Arab Spring’, a series of tumultuous political events in Egypt has been accompanied by waves of brutal repression, leaving thousands dead and injured. While condemning the violence, many States have continued to supply military and security equipment to the Egyptian security forces, with France emerging as a leading supplier. Of particular concern is the export of at least 200 armoured vehicles which have been used to violently crush dissent in Cairo and Alexandria – an export that is in clear breach of France’s international and regional legal obligations. France must urgently strengthen its arms export control system to ensure that it does not fuel further abuses in Egypt and other countries.

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