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Joint Submission to Italy's Universal Periodic Review Impact of Italian Arms Transfers on Human Rights

47th Session of the UN Universal Periodic Review

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1. **The T.M.C. Asser Instituut ('Asser')** is an internationally renowned centre of expertise in the fields of public international law, private international law and European law located in The Hague, Netherlands and established in 1965. The T.M.C. Asser Instituut conducts fundamental and independent policy-oriented research and organises critical and constructive reflection on international and European legal developments, at the interface of academia, legal practice and governance. The Institute actively disseminates its knowledge through publications, training programmes, conferences and free events. Asser is the main submitting organisation.
2. **Global Rights Compliance Foundation ('GRC')**, founded in 2013, is an international legal foundation based in The Hague, Netherlands, committed to promoting international law, particularly international humanitarian law (IHL) and human rights. GRC's team are legal specialists focusing on active IHL and human rights issues in conflict-affected and high-risk areas around the world and the prevention and mitigation of adverse IHL and human rights impacts.

Recommendations:

- As recommended by Iceland, Italy should ensure all its arms transfers comply with its obligations under the Arms Trade Treaty. This means that Italy should deny all export licenses where the weapons or items would be used in the commission of genocide, crimes against humanity or war crimes.
- As recommended by Ecuador, Italy should integrate a human rights impact assessment into its arms export control mechanisms and as recommended by Namibia, take more measures to prevent arms transfers that may facilitate or contribute to human rights violations, particularly impacting women, including sexual and gender-based violence ('SGBV').
- Italy should ensure that the proposed initiative to amend the Italian arms export regime, as established by Law 185/1990, is in line with Italy's obligations under the Arms Trade Treaty. As currently drafted, the amendment would undermine transparency, reduce data collection and diminish the role of human rights risk assessments - potentially leading to more arms transfers which are used to commit violations of international human rights and international humanitarian law.
- Italy should ensure that small arms are exported under the framework of Law 185/1990 and ensure that all exports of small arms are subject to a thorough risk assessment by the national government at the ministerial level, not by representatives of national authorities who are regionally detached and do not have the technical knowledge and capacity to assess the risks of these transfers.
- In line with the recommendations of the OHCHR, Italy should ensure that "*business entities adhere to the Guiding Principles on Business and Human Rights and, in that regard, take active steps to publicly report on the potential adverse human rights impacts associated with their operations and preventive or mitigating measures taken in that respect, in sufficient detail to evaluate the adequacy of the response by the respective business entity*".¹ Italy should ensure that Italian companies, and their subsidiaries, conduct robust human rights due diligence relating to the manufacture, marketing, transport, storage, transfer and use of their products. Italy should ensure that subsidiaries of Italian companies are obliged to follow the same standard for export authorisations as the parent company.
- Italy should, when deciding on the issuance of arms export licenses and authorisations, continue allowing CSOs to submit reports regarding the human rights situation in recipient states for the consideration of the Interministerial Committee on Trade in Defence Armament Materials (the 'CISD').
- Italy should explicitly address the significant risks of diversion, particularly of firearms, through inclusions of appropriate provisions in its legislation as well as robust use of post-delivery verification and other post-shipment controls in line with international best practices.

1. Previous recommendations and follow-up to the previous review.

3. During the 2019 Universal Periodic Review cycle, Italy received 306 recommendations concerning 22 different human rights situations.¹ During that process, the recommendations of three states addressed the issue of human rights and the Italian arms trade.²
4. Iceland recommended that Italy ensure that all arms transfers comply with Italy's obligations in the Arms Trade Treaty ('ATT').³ Namibia proposed that Italy take more measures to prevent arms transfers that may facilitate human rights violations, including gender-based violence, that negatively impact women.⁴ Additionally, Ecuador recommended that Italy integrate a human rights impact assessment into its arms export control mechanisms.⁵ Italy accepted Namibia's and Iceland's proposals while Ecuador's proposal was noted.⁶ Responding to Ecuador's proposal, Italy did not address the part of the recommendation on human rights impact assessments.

2. National legal framework and the new legislative proposal: downgrading human rights protection

5. Italy's existing weapons export framework does not comply with its obligations under the Arms Trade Treaty, to which it is a party. The specific shortcomings of Italy's legal framework, and the effect that this has on human rights is outlined further below.
6. Rather than aligning with Italy's obligations under international law, on 11 August 2023, the Italian Minister of Foreign Affairs and Cooperation presented an initiative to amend the existing Italian arms export regime in a way which further erodes its compliance with the ATT.⁷ This new legislative proposal, approved by the Italian Senate in February 2024, is currently being considered in the Italian Chamber of Deputies.
7. Over 80 Italian civil society organisations have expressed concerns about the proposed amendments, arguing that the changes would undermine transparency, insulate decision-makers from relevant human rights expertise, reduce data collection and diminish the role that human rights considerations and risk assessments to prevent downstream damage should play when deciding whether to grant an arms export licence or not.⁸

A. The incompatibility of the existing Italian arms export framework with Italy's international law obligations

8. Italy has ratified the Arms Trade Treaty,⁹ which acknowledges the correlation between arms transfers and adverse human rights impacts and establishes as a principle the aim of ensuring respect for human rights in accordance with the UN Charter.¹⁰ Accordingly, States have agreed on certain measures to prevent their arms transfers from undermining human rights. Italy is bound by the provisions of the Treaty.
9. The legal framework on the export of weapons in Italy is bifurcated and which law applies depends on the type of weapon that is being exported.
10. The Italian regime governing the export and import of conventional weapons of medium and large calibre and related ammunition ('**military material**') is governed by Law 185/1990.¹¹ The law does not cover the transfer of small arms, which are governed by a separate framework under Law 110/1975.¹²
11. Under the current legal framework, the Unit for the Authorization of Military Materials ('**UAMA**') within the Italian Ministry of Foreign Affairs issues authorisations for the transfer of military materials.¹³ When deciding whether to grant a licence, the UAMA is bound by Law 185/1990. For instance, no licence should be granted when the recipient of the export is a government that has been found responsible for serious human rights violations or when there is an ongoing armed conflict.¹⁴
12. To reach its conclusions, UAMA relies on opinions issued by an Advisory Committee.¹⁵ This Committee makes use of expert advice within the Ministry of Foreign Affairs. In the past, UAMA was informed by the policy guidelines issued by the Interministerial Committee for the Exchange of Defense Armament Materials. The CISD was a political body which formulated general guidance on export policies concerning the defence sector and received and considered submissions from civil society organisations on the human rights records of recipient states.¹⁶ However, the CISD was abolished in 1994, and the Interministerial Committee for Economic Planning ('**CIPE**') took over the guidance functions given to the CISD.¹⁷ The CIPE has until now been able to receive CSO input, but the current legislative proposal would abolish this body entirely.
13. Regarding transparency, military material transfers are subject to the scrutiny of the Italian legislative branch. Article 5 of Law 185/1990 currently establishes an obligation for the Council of Ministers to submit an annual report to Parliament. The report must include a) list of countries of final export authorisation, b) a list of revoked licenses, c) a list of global project license programmes, with an indication of the participating countries and Italian companies, and d) authorisations granted by partner countries relating to programmes with Italian participation.¹⁸

14. However, despite some important provisions, including Parliamentary oversight on exports, the law suffers from several significant shortcomings when measured against the yardstick of Italy's international obligations, as outlined below.

B. No prohibition of weapons transfers used to commit violations of international humanitarian law ('IHL')

15. First, Law 185/1990 does not prohibit the transfer of military material where the arms would be used in the commission of violations of IHL, crimes against humanity or genocide. This is a serious omission in Italy's legal system and is in contravention of Italy's obligations under the ATT.¹⁹ Article 6(3) of the Arms Trade Treaty, clearly prohibits transfers of weapons if they "*would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes*".²⁰

C. No requirement to conduct an assessment of the risk the weapons are used to commit SGBV

16. In addition, Law 185/1990 does not require any risk assessment of the arms being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children, as required by Article 7(4) of the ATT.²¹
17. The Committee on the Elimination of Discrimination against Women has recommended that the state align its arms export control legislation with Article 7(4) ATT and the EU Common Position and that it integrates a gender-responsive approach to its arms sales.²² It has further advised Italy to address the correlation between its arms transfers and gender-based violence against women.²³

D. The law is silent on the pivotal issue of diversion

18. Third, Law 185/1990 does not contain provisions regarding assessment of the risk of diversion as required by Article 11 of the ATT and Article 2(7) of the EU Common Position.

E. No requirement to assess the risks the transfer could be used in violations of IHL and IHLR

19. Fourth, Law 185/1990, does not incorporate forward looking human rights risk assessments as required by Article 7 of the ATT. Problematically, UAMA does not need to assess the *potential* that the transfer of conventional arms or items could be used to commit or facilitate a serious violation of international humanitarian law or international human rights law ('IHLR') as required by the ATT.²⁴

F. Exports of firearms need to be included in Law 185/1990 to ensure oversight of exports by the central government

20. Finally, as noted above, the law does not apply to firearms. Instead, the export of firearms is governed by Law 110/1975.²⁵
21. This law regulates firearms including: rifles (including semi-automatic rifles, and rifles with one or more smooth-bore barrels), shotguns with two or three mixed barrels, rotary revolvers, and semi-automatic pistols, among others.²⁶
22. The provisions relating to export of firearms are far less stringent than those relating to military material in Law 185/1990. Under the 1975 law, all that is required for an export of firearms is an assessment by regionally detached national authorities, customs and the local financial police. The ministries of Foreign Affairs and Defence have no bearing in this process.²⁷ This stands in strong contrast to the export of military materials which requires an authorisation from the central government (UAMA) after expert assessments within relevant ministries, policy considerations, and regard to human rights reports from CSOs, as well as to the practice of other European nations.

23. This higher level of permissiveness under Law 110/1975, in comparison with the stricter arms export controls under law 185/1990 is problematic and has led to significant consequences. For instance, in 2011, an independent investigation reported that Italian company Beretta allegedly shipped €7,936,900 of small arms (11,000 pistols rifles and shotguns) to Libya, from the port of La Spezia in Italy via Malta to Tripoli. Because Beretta marked the guns as non-military materials, the permit would have been issued by the regional representative of the national authority in Brescia (the municipality where Beretta's factory is located) instead of the ministries in Rome²⁸ and for which there was no record of any risk assessment.
24. The ability and capacity of regionally detached national authorities in Italy to assess the impacts of small arms transfers on human rights and IHL is extremely limited. Regional representatives of the national government do not interact with Italian embassies abroad, cannot conduct post-shipment verifications and lack the expertise in understanding wider geopolitical contexts. Italy should incorporate small arms into Law 185/1990 to ensure that the government ministries, whose capacity is augmented by technical experts and CSO input, and who are therefore best placed to assess the risk of arms transfers, can conduct a thorough risk assessment and that these exports should not be left to regulation by municipalities in contravention of international best practice. This will ensure greater compliance with Italy's obligations under the ATT and the EU Common Position.

3. Italy's proposed amendments to the arms licensing regime move it further away from compliance with its international obligations

25. As noted, Italy's Senate has recently adopted a legislative proposal to amend Law 185/1990 which is currently being considered in the Italian Chamber of Deputies (the lower house of the Italian Parliament).
26. However, rather than bringing Italy's legal framework closer to alignment with its international obligations (the proposal fails to include a single reference to the ATT), the new initiative moves it even further away, in certain respects.

A. Shrinking role of civil society

27. The legislative proposal re-introduces the previously abolished Interministerial Committee for the Exchange of Defense Armament Materials.²⁹
28. However, unlike under the previous CISD, CSOs would not be allowed to submit information on the human rights situation of the destination state when this new body is considering the denial of licenses or the enforcement of export bans.³⁰
29. In addition, the new proposal eliminates the Office for the Coordination of the Production of Armament Materials, which provided the CISD with technical expertise, advised on compliance with international standards and acted as a liaison between the government and civil society.³¹ In doing so, the proposal further hinders the government's ability to make informed decisions on the authorisation of arms transfers. According to Rete Italiana Pace e Disarmo, "*the role of this office had been crucial in the relationship with civil society and in harmonising the collection of information and data from the various Ministries that make up the Annual Report to Parliament.*"³²
30. The legislative proposal also exempts the Ministry of Foreign Affairs Advisory Committee on the Export, Import, and Transit of Military Goods from consulting with two technical experts.³³ These consultations have until now been required before authorising export licenses.³⁴
31. In short, these changes would diminish the role of civil society and technical experts in informing Italy's decisions on arms transfers.

B. The new proposal erodes transparency and Parliamentary oversight

32. In terms of transparency, the legislative proposal modifies the government's obligation to report to Parliament thus undermining the role of the legislature in scrutinising Italian arms exports.
33. The proposal abolishes the need for the government to specify the type, quantity, and monetary value of the weapons,³⁵ and the annual progress reports on exports, imports, and transit. The government reporting obligations to Parliament will therefore be limited to certain elements of Italian export policy and decisions, specification of the destination countries, type of equipment, and authorised companies.³⁶
34. The proposal also impacts the government's disclosure obligations concerning the banking sector. It abolishes the current requirement to report on the activity of credit institutions operating in Italy whose transactions finance the import, export, and transit of arms.³⁷ Therefore, by relaxing the scrutiny of financial activities connected to the arms trade, the proposal de-incentivises credit institutions from adhering to transparency standards, the UN Guiding Principles of Business and Human Rights and shields them from reputational harm.
35. Overall, if the proposal were approved, it would undermine the role of the Parliament in the scrutiny of Italian arms transfers.

C. The proposal reduces reporting obligations for arms companies

36. Another alarming consequence of Italy's proposed amendment concerns transparency obligations. If approved, the proposal would allow companies to report on their licenced transfers up to a year after they have occurred, rather than 6 months after the completion of the transaction.³⁸
37. The fact that companies are granted more leeway in the reporting process poses a serious risk to human rights. Once firearms are diverted, they can have an enormous negative impact on people and communities in a very short space of time. Data from the United States shows that 28% of pistols used in crimes were purchased less than one year prior to their use.³⁹ Thus, it is essential to track and monitor that such firearms are not diverted before, during or after shipment. This is only possible by having certainty as to the final destination and end-user of those weapons through timely reporting activities. The extension of the time frame to submit the documents probing the completion of transfer transactions is concerning, as it may result in substantive delays in tracing negligent or non-compliant arms exports, thus increasing the risk of diversion and of human rights violations resulting therefrom.⁴⁰

D. The proposal is silent on the pivotal issue of diversion

38. While military exports and their impact on human rights have been closely scrutinised in the face of international and non-international armed conflicts, firearms transfers also pose a prominent risk. The deaths caused by non-conflict armed violence vastly outnumber the deaths in wars.⁴¹ This justifies a focus on firearms diversion, which encompasses consideration of risk at different stages of the weapon's life cycle, including post-delivery.⁴² According to the ATT, this issue should be central to any export decision-making.
39. Parties to the ATT are bound by Article 11(4) to "*take appropriate measures, pursuant to its national laws and in accordance with international law, to address such diversion*". However, while there is evidence that Italian small arms are being diverted in Central America (see below), there appears to be no plan to address the issue through the establishment of end-user verifications and post-delivery controls.⁴³ On the contrary, the Italian export regime is set to become more permissive extending the time frame for corporations to report on the status of transfers, increasing the risk of diversion in third states and human rights abuses.

E. Italian companies establishing delocalised entities in third countries circumventing Italy's legal framework

40. When applying for export authorisations, companies must indicate the type, quantity and final destination of exports. They must also specify the intermediaries who are involved in transfer and delivery,⁴⁴ and must be registered, certified, and prove the absence of suspension or revocation measures against them.⁴⁵ However, Italian companies have avoided those responsibilities by means of delocalisation or the establishment of subsidiaries in third countries.

41. Currently, Law 185/1990 establishes that the delocalisation of conventional arms production must be authorised and controlled by the State;⁴⁶ the practice is prohibited when it goes against Italy's international commitments.⁴⁷ Delocalisation is subject to the same authorisation process as that of export, import, brokering, and transfers, according to Article 11(1) of Law 185/1990. Non-compliance with these procedures could carry a 5-year prison sentence per Article 24(1). Moreover, the current export control system requires an end-user certificate and the authorisation for re-export, a procedure which requires the cooperation of the third State.⁴⁸
42. However, once an Italian company has obtained a licence to delocalise its production to a third state, the Italian government will lose oversight regarding the production and export of those firearms. The establishment of offshore entities allows companies to disregard the requirements of Italian legislation as exports from these companies would be governed by the law of the third State, not Italian (or European) law.⁴⁹ Delocalised entities in States with export licensing regimes that are less stringent than Italy's might lead to arms exports which result in human rights violations downstream.
43. In addition, in relocating firearms production through delocalised entities, Italy would not be able to demand information from the importing State to consider end-use and end-user documentation.⁵⁰ Moreover, it avoids the risk assessments and human rights considerations that need be taken into account had the company be exporting from the European Union.
44. There is evidence to suggest that Italian arms corporations may be strategically moving their operations abroad to avoid stricter regulation regarding export licences. Such third States offer easier and faster export authorisations, for instance, because they may not be parties to the ATT. In this scenario, importing States would not have an obligation to share information with the exporter as mandated by the ATT to enable a comprehensive export assessment. At the same time, those non-state parties are not obliged to assess the risk that the arms may pose to the recipient State once the delocalised entities export directly from their territory.
45. Establishment of delocalised entities and foreign subsidiaries has significant consequences. According to an investigation conducted by the Insider and Iripimedia, Beretta allegedly continues to sell small arms to Russia via its subsidiary (Beretta Holding S.A. Inc. owns a 57.95% ownership share in LLC Russkiy Orel, which markets itself as the official distributor of Beretta products in Russia), despite the EU's 2014 ban on rifled barrels arms exports to the country.⁵¹ On June 12, the US Treasury Department sanctioned Russkiy Orel.⁵²
46. Italy should ensure that subsidiaries and delocalised entities of Italian companies conduct a thorough risk assessment in line with the UNGPs, the ATT and Italian law, as applicable to its parent company.

4. The impacts of Italian Arms Exports on Human Rights

A. Concerns about Italian exports and their human rights impact are not new

47. Even if this proposal were not to become law, Italy's existing legislative framework has worrisome shortcomings.
48. The UN Committee on Economic, Social and Cultural Rights noted that Italy's human rights impact assessments into arms export control mechanisms have been inadequate and that the subsequent use of Italian arms in conflict zones may have facilitated human rights violations.⁵³ It recommended that the state conduct thorough human rights risk assessments and ensure that all arms transfers comply with the obligations laid down in the ATT.⁵⁴
49. Italy has also previously loosened its restrictions on arms and equipment sales in conflict-affected areas, which the Group of Eminent International and Regional Experts on Yemen has deplored.⁵⁵ Most recently, the OHCHR expressed concerns about the lack of transparency in the Italian government's annual reports to Parliament on its export activities, lamenting the increasingly aggregated information provided and the difficulty of identifying the quantity, type, and final destination of the weapons concerned.⁵⁶
50. Italy has authorised arms exports to countries in situations of armed conflict.⁵⁷ Such authorisations have led to litigation before national courts against UAMA officials who authorised the export, and executive officers

from arms manufacturers. It was in this context that a Judge for Preliminary Investigations (GIP) in Rome found that Italy had violated articles 6 and 7 of the ATT since the UAMA officials were aware of the possible use of the exported arms in the conflict in Yemen.⁵⁸ Articles 6 and 7 of the ATT enshrine the obligation not to authorise arms exports in cases where it is possible that the exported arms may lead to IHRL or IHL violations.

51. However, while exports to conflict-affected areas tend to receive more attention, exports to non-conflict-affected areas can pose similarly serious concerns, as the risk of diversion could impair the enjoyment of human rights as evidenced above. This is especially the case of firearms diversion.

B. Italian firearms are making their way into illicit markets in Central America: the case of Guatemala

52. There is concerning and credible evidence that Italian guns are often used in the commission of violent crimes in Central America. Data we have received from the National Institute of Forensic Sciences of Guatemala revealed that in the past 5 years, on average, 10% of guns used in commission of violent crimes were manufactured by Beretta.⁵⁹ In 2018, firearms from the same manufacturer were reported to be found in the hands of an allegedly corrupt Guatemalan civilian police officer arrested during the seizure of a cocaine cargo.⁶⁰ In addition, in 2017, the United Nations Office on Drugs and Crime study on the seizure of illicit firearms revealed that 44% of the total seizures of EU-manufactured firearms in Guatemala were Italian-manufactured.⁶¹

53. There are also cases to suggest that Italy's approval of licenses falls outside of the practice of other EU states. In 2013, Italy approved the export of a 4 million USD deal of firearms to Guatemala, while shortly thereafter Austria denied the export of a twin 1 million USD deal of firearms citing concerns about corruption, criminality and risk of diversion. While this information is not conclusive on whether there was negligence on the side of Italian authorities, it does reveal that diversion may not amount to their foremost concerns. This should demand more stringent considerations on the approval of licences.⁶²

54. Concerns apply to diversion of transfers originating in subsidiaries, and diversion inside Guatemala. In the latter case, there have been a number of cases filed against a prominent Italian subsidiary for product liability of their firearms,⁶³ negligent merchandising of handguns under the alleged knowledge that their firearms would be internally diverted into the illegal market;⁶⁴ and other types of largely unsuccessful litigation.⁶⁵ Most recently, the same Italian firearms company was initially included as a defendant in Mexico's civil litigation against arms manufacturers in Boston, Massachusetts.

55. Despite this, there is no evidence that Italy has taken corrective measures in accordance with the ATT.

C. Any Italian arms exports to Israel risk contributing to violations of IHL in the Occupied Palestinian Territories

56. In June 2024, OHCHR experts, including members of the UN Working Group on Business and Human Rights issued a statement that the transfer of weapons to Israel may constitute "*serious violations of human rights and international humanitarian laws and risk State complicity in international crimes, possibly including genocide*".⁶⁶ Italy should stop all existing and future licenses and authorisations to Israel or risk complicity in international crimes.

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- ¹ Andrea Cofelice and Pietro de Perini, ‘The Third Universal Periodic Review of Italy between Recurring Trends and New Challenges’ (2020) 4(2) Peace Human Rights Governance 249; Human Rights Council, ‘Outcome of the universal periodic review: Italy’ (24 March 2020) UN Doc A/HRC/DEC/43/101; Human Rights Council, ‘Report of the Working Group on the Universal Periodic Review: Italy’ (27 December 2019) UN Doc A/HRC/43/4 (Report of the Working Group).
- ² Namibia, Iceland, Ecuador. See Report of the Working Group, paras 148.232, 148.15, 148.7.
- ³ Report of the Working Group, para 148.15.
- ⁴ Report of the Working Group, para 148.232.
- ⁵ Report of the Working Group, para 148.7.
- ⁶ Human Rights Council, ‘Report of the Working Group on the Universal Periodic Review: Italy: Addendum’ (19 February 2020) A/HRC/43/4/Add.1, paras 4, 8 (Addendum to the Report of the Working Group).
- ⁷ Modifiche alla legge 9 luglio 1990, n. 185, recante nuove norme sul controllo dell'esportazione, importazione e transito dei materiali di armamento <<https://documenti.camera.it/leg19/dossier/pdf/DI0052b.pdf>> (Draft Proposal).
- ⁸ Giulia Carbonaro, ‘Italy’s government is trying to make exporting arms easier, but activists say it’d be a disaster’ (*Euronews*, 11 October 2023) <www.euronews.com/2023/10/11/italys-government-is-trying-to-make-exporting-arms-easier-but-activists-say-itd-be-a-disas> accessed 8 July 2024; ‘Italian arms exports: the growth of authorisation continues, while the amendments to Law 185/90 could crumble transparency’ (*Rete Italiana Pace e Disarmo*, 3 April 2024) <<https://retepacedisarmo.org/english/2024/italian-arms-exports-the-growth-of-authorisations-continues-while-the-amendment-to-law-185-90-could-crumble-transparency/>> accessed 8 July 2024.
- ⁹ Arms Trade Treaty (adopted 2 April 2013, entered into force 24 December 2014) 3013 UNTS 269 (ATT).
- ¹⁰ ATT, Preamble; Scott Stedjan, ‘The Arms Trade Treaty’ (2013) 52 International Legal Materials 985.
- ¹¹ Legge 9 luglio 1990, n. 185 <www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1990-07-09;185> (Law 185/1990). Law 185/1990 was amended, primarily by the Legislative Decree n.105 of 22 June 2012 and the Ministerial Decree n.19 of 7 January 2013.
- ¹² Legge 18 aprile 1975, n. 110 <www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1975-04-18;110> (Law 110/1975).
- ¹³ Law 185/990, art 7bis; Decreto 7 gennaio 2013, n.9 <www.normattiva.it/uri-res/N2Ls?urn:nir:ministero.:decreto:2013-01-07;19>, art 21.
- ¹⁴ Law 185/1990, arts 1(6)(a), 1(6)(d).
- ¹⁵ Law 185/1990, arts 7, 13.
- ¹⁶ Legge 24 dicembre 1993, n. 537 <www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1993-12-24;537> arts 1(21), 1(24) (Law 537/1993); Law 185/1990, art 6.
- ¹⁷ Law 537/1993, arts 1(21), 1(24); Law 185/1990, art 6.
- ¹⁸ Law 185/1990, art 5.
- ¹⁹ Iotam Lerer, ‘Arms Export to Some Near-and Middle-Eastern Countries’ in Giuseppe Nesi and Daniele Amoroso (eds) *Italian Yearbook of International Law* (Brill 2020) 538.
- ²⁰ ATT, art 6(3).
- ²¹ ATT, art 7(4).
- ²² Committee on the Elimination of Discrimination against Women, ‘Concluding observations on the seventh periodic report of Italy’ (24 July 2017) UN Doc CEDAW/C/ITA/CO/7, para 20.
- ²³ Committee on the Elimination of Discrimination against Women, ‘Concluding observations on the eighth periodic report of Italy’ (27 February 2024) UN Doc CEDAW/C/ITA/CO/8, para 18.
- ²⁴ Lerer, 537-539.
- ²⁵ Law 110/1975.
- ²⁶ Law 110/1975, art 2.
- ²⁷ Law 110/1975, art 16.
- ²⁸ ‘Maltese Mistake uncovered Italy-Libya arms deal’ (*Malta Independent*, 6 March 2011) <www.independent.com.mt/articles/2011-03-06/news/maltese-mistake-uncovered-italy-libya-arms-deal-288760/cookie-declaration>.
- ²⁹ Draft Proposal, art 1(1)(c).
- ³⁰ Draft Proposal, art 1(1)(c).
- ³¹ Draft Proposal, art 1(1)(f).
- ³² See Rete Italiana Pace e Disarmo, ‘Commissioni Permanenti III e IV: Documento Riassuntivo delle Considerazioni e delle Proposte’, Francesco Vignarca (coord.), 3 aprile 2023: <<https://documenti.camera.it/leg19/documentiAcquisiti/COM04/Audizioni/leg19.com04.Audizioni.Memoria.PUBBLICO.ideGes.34700.03-04-2024-15-49-20.707.pdf>>
- ³³ Draft Proposal, art 1(1)(d)(2).

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- ³⁴ Law 185/1990, art 7.
- ³⁵ Law 185/1990, art 5.
- ³⁶ Draft Proposal, art 1(1)(b).
- ³⁷ Draft Proposal, art 1(1)(n)(2).
- ³⁸ Draft Proposal, art 1(1)(l).
- ³⁹ USA Facts, 'Time-to-crime': a gun's path from legal ownership to crime' (7 April 2023) <<https://usafacts.org/articles/time-to-crime-a-guns-path-from-legal-ownership-to-crime/>> accessed 9 July 2024.
- ⁴⁰ Human Rights Council, 'Report of the United Nations High Commissioner for Human Rights on Impact of arms transfers on human rights' (19 June 2020) UN Doc A/HRC/44/29; Human Rights Council, 'Report of the United Nations High Commissioner for Human Rights on Impact of arms transfers on the enjoyment human rights' (3 May 2017) UN Doc A/HRC/35/8, para 7.
- ⁴¹ Callum Watson and Aline Shaban, 'What Happened to demand? Getting small arms control back on track' (2024) non-proliferation and disarmament papers 88, p 2.
- ⁴² Human Right Council, 'Impact of arms transfers on human rights: Report of the United Nations High Commissioner for Human Rights' (19 June 2020) UN Doc A/HRC/44/29, p 11, fn 90.
- ⁴³ Human Rights Council, 'Impact of arms transfers on human rights: Report of the United Nations High Commissioner for Human Rights' (19 June 2020) UN Doc A/HRC/44/29, para 34.
- ⁴⁴ Law 185/1990, art 11.
- ⁴⁵ Decree 19/2013, art 11.
- ⁴⁶ Delocation refers to the the transfer of production processes, or manufacturing phases, relating to military materials in the territory of third countries by a national company. See Law 185/1990, art 1(2).
- ⁴⁷ Law 185/1990, art 1(5).
- ⁴⁸ Law 185/1990, art 11(3)(c).
- ⁴⁹ Olivier De Schutter, 'Towards a New Treaty on Business and Human Rights' (2016) 1 Business and Human Rights Law Journal 41, 46-47.
- ⁵⁰ Stuart Casey-Maslen et al, *The Arms Trade Treaty: A commentary*, (OUP 2016) 253.
- ⁵¹ Sergey Panov, 'Et tu, Beretta? Italian companies continue to supply weapons to Russia no matter what' (The Insider, 9 February 2024) <<https://theins.ru/en/society/268988>> accessed 11 July 2024.
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