



# **Disrupting Atrocity Enablers**

## **Maritime Arms Shipments from Russia to Syria**

August 2012



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### **Acknowledgements**

This paper was authored by Taimur Rabbani, consultant for the Crimes Against Humanity program and Sadia Hameed, director, Crimes Against Humanity program. Human Rights First would like to extend our warm thanks to all Human Rights First staff, researchers, and advisors who contributed to this report and to those external partners whose support made this study possible. Special thanks goes to Sarah Graham for her work designing the report and its graphics.

This report relies on information from a number of shipping databases and various open sources. Human Rights First would like to acknowledge the *IHS Fairplay*, Fleetmon.com, ShipSpotting.com, MarineTraffic.com, GrossTonnage.com, Equasis.org, the Small Arms Survey, the Stockholm International Peace Research Institute, the Norwegian Institute on Small Arms Transfers, and all cited sources for providing the knowledge base for this work.

This report is available online at [humanrightsfirst.org](http://humanrightsfirst.org).

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## Executive Summary

In its brutal crackdown on civilians, the regime of President Bashar al-Assad in Syria has committed mass atrocities. These crimes are not only a human rights catastrophe but also, as the Obama Administration says, a threat to U.S. national security. Yet American diplomatic efforts have failed to curb the violence.

This case study offers the United States government a valuable tool that it could and should use to try to save lives in Syria and protect its own national security interests. Historically, those seeking to stop the worst human rights abuses have focused on the perpetrators. But mass atrocities are not mere spasms of violence; they are organized crimes requiring infrastructure, planning, and resources. Perpetrators therefore depend on support from third parties—what we call “enablers.”

As part of a broad strategy to halt atrocities in Syria, the United States can more systematically target the weapons flowing into the country. Syrian’s top supplier of weapons is Russia, via RosOboronExport (ROE), a state-run intermediary agency. This study examines the supply chains that have shipped weapons, ammunition, spare parts, and repaired items from Russia to Syria. It focuses on three shipments:

1. The *Chariot*, which arrived in Syria in January 2012, reportedly carrying nearly 60 tons of explosives
2. The *Professor Katsman*, which arrived in Syria in May 2012, carrying rotor blades and, possibly, other munitions
3. The *Alaed*, temporarily halted in June 2012, reportedly carrying refurbished attack helicopters and munitions

These three shipments are the rare ones that attracted international attention. Given the large volume of cargo vessels routinely traveling to Syria—in the first seven months of 2012, over 200 arrived in the port of Tartous alone—and the vast regulatory shortcomings that allow shipments to remain opaque, these likely represent only a fraction of the resources the Syrian regime has received by sea.

In cataloging the supply chains, this study identifies numerous actors and “choke points” where the United States and other governments should apply pressure to cut off the weapons flow. Although a weak regulatory framework provides cover to illicit shipments, the United States still has the capacity to track and stop them. To be successful, however, it must implement a systematic, whole-government approach. Our primary recommendations:

- The U.S. Treasury Department should reimpose sanctions on RosOboronExport and impose sanctions on other enablers of atrocities in Syria.
- The U.S. Department of Defense should void its contracts with RosOboronExport and suspend the enterprise from contractor and subcontractor eligibility.
- The U.S. State Department should share information with foreign governments sufficient to systematically interdict and halt arms shipments to Syria.
- Legal entities bound by existing sanctions on Syria should institute measures to confirm their business practices do not contravene these sanctions.
- Ship owners, charterers, managers, cargo owners, and marine insurers should comply with international norms governing business and human rights by exercising due diligence and not enabling atrocities in Syria.
- The Atrocities Prevention Board should actively and systematically identify and track enablers at early warning stages and in response to ongoing atrocities.

While this study focuses on weapons flowing from Russia to Syria, it reveals the potential impact of efforts to crack down on “enabling” shipments. These same supply chains and their analogs may also facilitate the transfer of weapons from other countries to Syria, or to other areas victimized or threatened by mass atrocities. International criminal networks also use these supply chains to ship weapons to outlaw regimes and non-state actors. Policymakers can, moreover, use these tracking and disrupting tactics across geographic contexts and at any time these tools apply, not just after crises have erupted but also before they begin and as they escalate.

## Introduction

The regime of President Bashar al-Assad in Syria began its crackdown on civilians in March 2011. As of July 2012, more than 20,000 people, mostly civilians, had died in the conflict. The regime has massacred civilians, killed children, launched indiscriminate mortar and helicopter attacks on neighborhoods, and engaged in torture and sexual violence. These acts are widely regarded as crimes against humanity, and now that the International Committee of the Red Cross has called the conflict a civil war, they can also be classified as war crimes.

At a July 2012 gathering at the U.S. Holocaust Memorial Museum, Secretary of State Hillary Clinton said that stopping mass atrocities—like those committed by the Assad regime in Syria—is not just a moral imperative for the United States but also a national security priority. President Obama has said that the United States has a “great interest” in stopping the “outrageous bloodshed” in Syria.

Yet American diplomatic efforts have failed to stop or slow the violence in Syria, which is now bogged down in a civil war. Despite efforts of the Obama Administration to pressure and isolate the Assad regime, its attacks on civilians continue. There are reports of ongoing massacres, summary executions, and other atrocities.

This case study offers the United States government another tool that it could and should use to try to save lives in Syria and protect its own national security interests. Mass atrocities are not mere spasms of violence; they are organized crimes requiring infrastructure, planning and resources. Perpetrators therefore depend on support from third parties—what we call “enablers.”

To perpetrate attacks on civilians, the regime in Syria needs to be able to replenish and repair its weapon supply. While the regime imported heavy weapons years ago,<sup>1</sup> they require ammunition, spare parts, fuel, and maintenance. For these it has turned primarily to Russia, which has shipped arms to Syria through RosOboronExport (ROE), a state-run intermediary agency.

This study exposes and breaks down the supply chains sending weapons from Russia to Syria. It focuses on three shipments:

1. The *Chariot*, which arrived in Syria in January 2012, reportedly carrying nearly 60 tons of explosives
2. The *Professor Katsman*, which arrived in Syria in May 2012, carrying rotor blades and reportedly other munitions
3. The *Alaed*, temporarily halted in June 2012, reportedly carrying refurbished attack helicopters and munitions

Together these three shipments tell an important story. In January 2012, despite a cargo inspection in Cyprus revealing that the *Chariot* was carrying arms intended for Syria, the governments with jurisdiction failed to prevent the transfer, relying instead on false assurances from the ship owner that it would change course. In May, the *Professor Katsman* came to public attention after an Al-Arabiya report, confirmed by an undisclosed Western diplomat, that the intelligence community was investigating a possible weapons shipment to Syria. Despite the intelligence, the international community failed to interdict the *Katsman*, and it sailed into Syria unimpeded. The resulting media storm led the United States and other countries to directly condemn Russia for arming Assad.<sup>2</sup> Then in June, Secretary Clinton publicly called attention to attack helicopters en route from Russia to Syria, later revealed to be the shipment on the *Alaed*. Thanks to coordinated international action, the ship’s insurance provider revoked coverage, forcing it to return to Russia.

In other words, as international attention on these shipments increased, so, too, did the intervention efforts of the United States, which eventually initiated international action to force a shipment to return to Russia. Despite vast holes in the regulatory framework, such efforts could be replicated on a much broader scale to cut off the flow of weapons not just into Syria but also other countries threatened or victimized by mass atrocities. To be successful, however, it must implement a systematic, whole-government approach. Such an approach is outlined in our recommendations at the end of this study.

## How RosOboronExport and Third Parties Enable Atrocities in Syria

RosOboronExport [ROE] is a Russian state-run intermediary agency that controls the vast majority of the Russian Federation's military export portfolio. ROE is by far the largest supplier of munitions to Syria.<sup>3</sup> ROE has played a prominent role in arming the Assad regime's crackdown. According to estimates from the Center for Analysis of Strategies and Technologies, a Russian defense industry think tank, since 2006 Russia has signed an estimated \$5.5 billion worth of arms contracts with Syria,<sup>4</sup> including nearly \$960 million in heavy arms delivered to Syria in 2011, and nearly \$500 million worth of items deliverable in 2012.<sup>5</sup> Beyond heavy weaponry, reports of various arms shipments chronicled in this study demonstrate a sustained stream of ammunition, explosives, spare parts, repair services, and other munitions from Russia to Syria. Syrian activists, international organizations, and numerous media reports have documented the Syrian regime's use of this weaponry against civilians. One Syrian defector, the former chief auditor for Syria's defense ministry, stated in February 2012 that Russian arms exports to Syria doubled in 2011, with a particular uptick in small arms, when the regime began its crackdown.<sup>6</sup>

Despite repeated exhortations from the international community, the Russian government through ROE has continued arming the Syrian regime during the ongoing atrocities. Russian officials maintain that arms transfers to Syria are technically legal and cannot be used against civilians.<sup>7</sup> However, the legal status of these transfers is in large part due to Russia's staunch opposition to a U.N. arms embargo on Syria. Along with China, Russia has exercised a veto on three separate U.N. Security Council resolutions threatening sanctions on the Assad regime.

In June 2012, U.S. Secretary of State Hillary Clinton described Russian claims that its weaponry is not being used against civilians as "patently untrue."<sup>8</sup> Despite Russia's assurances that its military support for Syria does not help the regime target civilians, the shipments chronicled in this paper demonstrate a flow of armaments to Syria that can be used precisely for that purpose. These shipments include refurbished attack helicopters that are

the same model of helicopters reportedly used to attack civilians, rotor blades that may help keep those helicopters functional, and ammunition for assault rifles and rocket launchers that have reportedly been used against civilians.

On July 9, 2012, Russia announced that it would suspend new arms shipments to Syria until the crisis abates.<sup>9</sup> Russian authorities have confirmed, however, that Russia will continue to send weapons and perform under existing contracts.<sup>10</sup> While data on the exact scope of the arms transfers is difficult to confirm, the research in this study, and the Russian government's statements, indicate that the arms trade remains alive, despite the ongoing atrocities in Syria and strong international condemnation of the trade. Given their ultimate use against civilians, the provisions of weapons, ammunition, spare parts, and maintenance, or repair services, to the Syrian security forces and state-sponsored *shabiha* militia renders the suppliers of these goods and services, the authorities who oversee them, and the intermediaries who transport and facilitate their transfer all prospectively liable for aiding and abetting crimes against humanity in Syria.

Weapon shipments require the tacit or overt cooperation and assistance of a number of actors. These actors include ship owners, brokering companies, vessel insurance companies, port authorities, flag states, and countless subsidiary companies across various countries, all facilitating the flow of arms into Syria. As a weapon exporter works with a broker to charter a ship to Syria, the exporter relies on ship-owning and ship-managing companies, often with complex ownership structure across many countries, to transport cargo. These shipping companies also rely on insurance, auditing services, safety compliance certificates, and other services to transport the cargo. The vessel might sail under the flag of a country other than its own (see page 6 below). The vessel might also sail through the territorial seas of other countries en route to its final destination, and may stop at various ports to refuel.

Beyond the Syrian atrocities, these shipping networks can also facilitate the shipment of arms to other atrocity

situations and may also help transport material for entities associated with the proliferation of weapons of mass destruction. For instance, the *Chariot* has previously carried arms from Egypt into the war-torn Democratic Republic of the Congo, despite the ongoing human rights crisis in the region.<sup>11</sup> The brokering company that commissioned the *Chariot* has previously done business with the Islamic Republic of Iran Shipping Lines (IRISL), an entity that the United Nations, United States, and European Union have sanctioned for helping facilitate Iran's procurement of nuclear material. IRISL has also attempted to send assault rifles, machine guns, explosives, detonators, and mortar shells to Syria since the start of the uprising, and has also attempted to send arms to the Taliban in Afghanistan.<sup>12</sup>

Identifying the voyage paths and the third parties connected to arms shipments to Syria offers numerous

points of leverage or jurisdiction over the shipments, and offers policymakers unique opportunities to disrupt the shipping networks that enable atrocities. For instance, the countries in which shipping companies have subsidiaries and shell companies may be able to disrupt an arms shipment by denying the subsidiary or shell company legal status or by exercising legal control over the company. Removal of insurance services can effectively halt a cargo vessel in its tracks. Pressure from other service vendors or clients may discourage actors from participating in the trade. Under international maritime law, a vessel's 'flag country' may exercise jurisdiction over the vessel at all times and may attempt to stop an arms shipment from reaching its destination. As a shipment passes through a nation's territorial seas, coastal authorities may stop and inspect the vessel as well.



## Existing Frameworks Controlling the Supply of Arms to Syria

### U. S. Sanctions on Syria

The United States and European Union both have sanctions regimes designed to stop the flow of arms to Syria. However, there is no comprehensive U.N. arms embargo on Syria. As a result of the Syrian regime's atrocities, President Obama has signed a series of executive orders imposing sanctions on Syria, designed to prevent the Syrian regime from access to the U.S. marketplace. Under existing orders, the U.S. Treasury Department can freeze all assets under U.S. jurisdiction belonging to, and prevent U.S. persons from dealing with, persons that are found "to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of [the commission of human rights abuses in Syria, including those related to repression]."<sup>13</sup> U.S. entities are prohibited from facilitating the sale of arms to Syria, and all assets belonging to those facilitating arms transfers to Syria may be frozen under current sanctions.

### E.U. Arms Restrictions on Syria

The European Union implemented a series of restrictions on Syria beginning in May 2011. Since May 2011, E.U. member states, their territories, their flag vessels, and their aircraft, are prohibited from selling, supplying, transferring, or exporting "arms and related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, as well as equipment which might be used for internal repression, to Syria."<sup>14</sup> These restrictions also prohibit providing, directly or indirectly, technical assistance, brokering services or other services related to [armaments] or related to the provision, manufacture, maintenance and use of [armaments], to any natural or legal person, entity or body in, or for use in, Syria.<sup>15</sup> These measures prohibit entities operating inside E.U. nations from providing services that facilitate the flow of arms to Syria.

Under E.U. measures implemented on July 23, 2012, E.U. states have an obligation to inspect vessels and aircraft as they travel through their territory if that state has information providing reasonable grounds to believe the vessel is carry arms, related material, or equipment which might be used for internal repression. This applies in member states' seaports, airports and in their territorial sea, in accordance with international law. Authorities are required to seize items that may not be exported from the EU to Syria.<sup>16</sup> These measures represent a step in the right direction to stop the flow of arms by sea from Russia to Syria.

### Coastal State Inspections under International Maritime Law

Further, under international maritime law and the United Nations Convention on the Law of the Sea, coastal states may exercise control over vessels up to 24 miles from the country's coast, as necessary to prevent or punish "infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea."<sup>17</sup> Under the May 2011 E.U. restrictions, as a vessel carried arms through the territorial waters (typically 12 nautical miles from the coast) of a E.U. member state, or as a vessel stopped in the port of an E.U. member state, coastal authorities may have inspected these vessels and denied passage as a violation of the nation state's customs law.

### Commercial Due-Diligence Obligations

Under the U.N. Guiding Principles on Business and Human Rights all businesses are obligated to know the human rights impact of their global operations and to exercise due diligence by taking steps to mitigate any negative consequences.<sup>18</sup> As a number of entities operated either intentionally or negligently to supply services facilitating the flow of arms to Syria, despite the ongoing atrocities perpetrated by the regime, these entities failed to exercise due diligence and failed to respect human rights.

## The Regulatory Abyss

A weak regulatory framework and lack of reporting allows the arms trade to Syria to remain highly secretive, allowing shipping networks to operate without scrutiny and with impunity to facilitate weapons transfers. The marine arms supply chain works across two areas with either very little international regulatory control or with strong regulatory shortcomings: the trade of small arms and ammunition, and the ownership structure of international cargo vessels. In Syria, the exclusion of foreign reporters, and the use of censorship, also limits information.

The trade in small arms, light weapons, and ammunition is highly uncontrolled, with no international regulations and limited data on international transfers. Information on these transfers is obtained piecemeal through trade registers, where available, but unlike the trade in large military weaponry, this data is largely unavailable. Further, gray and black market trading in small arms and ammunition is also widespread and undocumented. The expansive shortcomings in transfer data and the highly unregulated nature of these transfers make it considerably more difficult to trace the complete supply of weaponry to Syria. This systematic lack of transparency and information allows arms transfers to remain secretive and more difficult for the international community to target and disrupt in atrocity situations.

Another problem is the complex ownership structures of international cargo vessels. A single vessel's ownership is often a web spanning multiple countries and including numerous shell companies. For a multitude of reasons—including tax benefits, lack of reporting requirements, freedom from liability, the ability to capitalize on cheap

labor and poor labor standards, or to obfuscate the vessel owner's true identity – a ship owner is able to create any number of subsidiaries registered in any number of countries, even in nations with no direct connection to the vessel, its trade area, or to the owner or charterer of the vessel. Vessel management companies often play numerous separate roles in connection with different ships, simultaneously chartering in and chartering out vessels, or exercising anywhere from limited to complete control over a ship; this structure allows another layer of obfuscation for those seeking it.

The cornerstone of this entangled structure is the “flag of convenience” (FOC) system. International maritime law requires all vessels to fly the flag of a sovereign nation. FOCs allow vessels to fly the flag of a country other than that of the vessel's country of ownership, usually that of a country with no true link to the vessel owner. By creating an “open registry” where ship-owners can register a vessel in a country with nominal effort, countries benefit by collecting a fee in exchange for secrecy, indemnity, tax benefits, or cheap labor. The International Transport Workers' Federation (ITF) has declared 34 different countries as current FOC countries.<sup>19</sup> According to the ITF and the World Wide Fund for Nature, some prominently used FOCs include Panama, Liberia, Malta, Bahamas, Antigua and Barbuda, the Marshall Islands, St. Vincent and the Grenadines, and others.<sup>20</sup> The regulatory weaknesses of the FOC system, compounded by the creation of shell companies across jurisdictions, allow arms transfers by sea to remain opaque.

## Vessels Carrying Arms

### *The Chariot*



**Route:** St. Petersburg, Russia, to Tartous, Syria  
**Cargo:** AK-47 and Rocket Launcher Ammunition (~60 tons)  
**Flag:** St. Vincent and the Grenadines (FOC)  
**Registered Owner:** Westberg Management AG, Marshall Islands  
**Beneficial Owner / Manager:** Westberg Ltd., St. Petersburg, Russia  
**Brokering Company:** Balchart Ltd., St. Petersburg, Russia

The *Chariot* is a Russian-owned cargo ship that transported approximately 60 tons of AK-47 and rocket launcher ammunition from Russia to Syria in January 2012.<sup>21</sup> The Syrian military has used AK-47s and rockets to attack civilians.<sup>22</sup> The Syrian military has likely used or will likely use the ammunition transported from Russia into Syria on the *Chariot* to perpetrate atrocities.

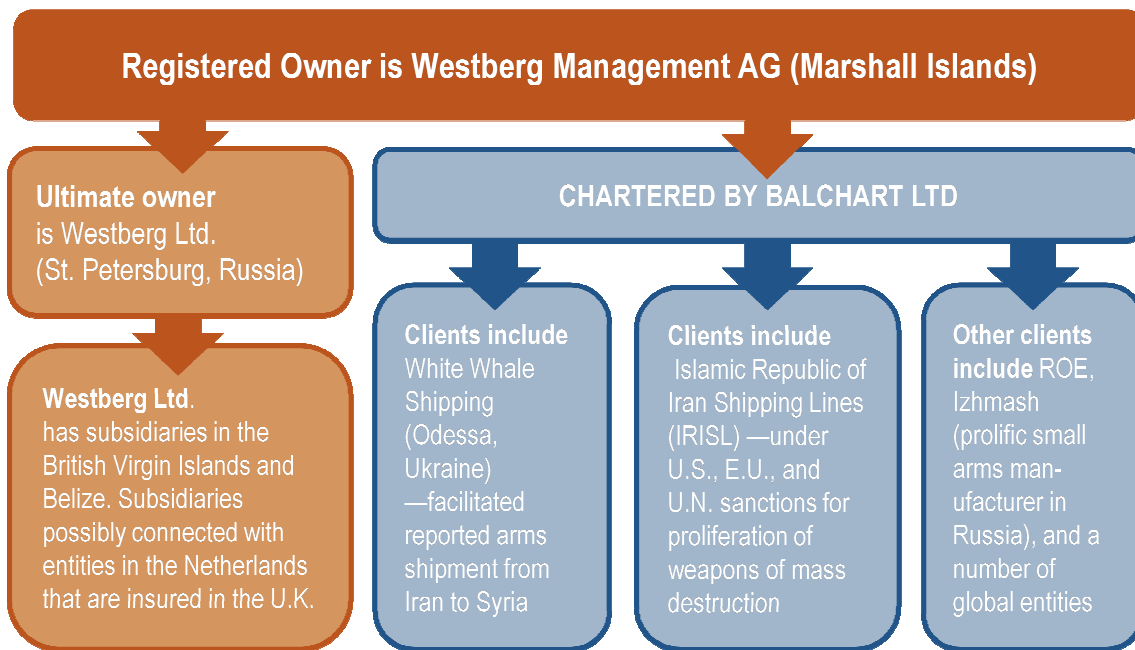
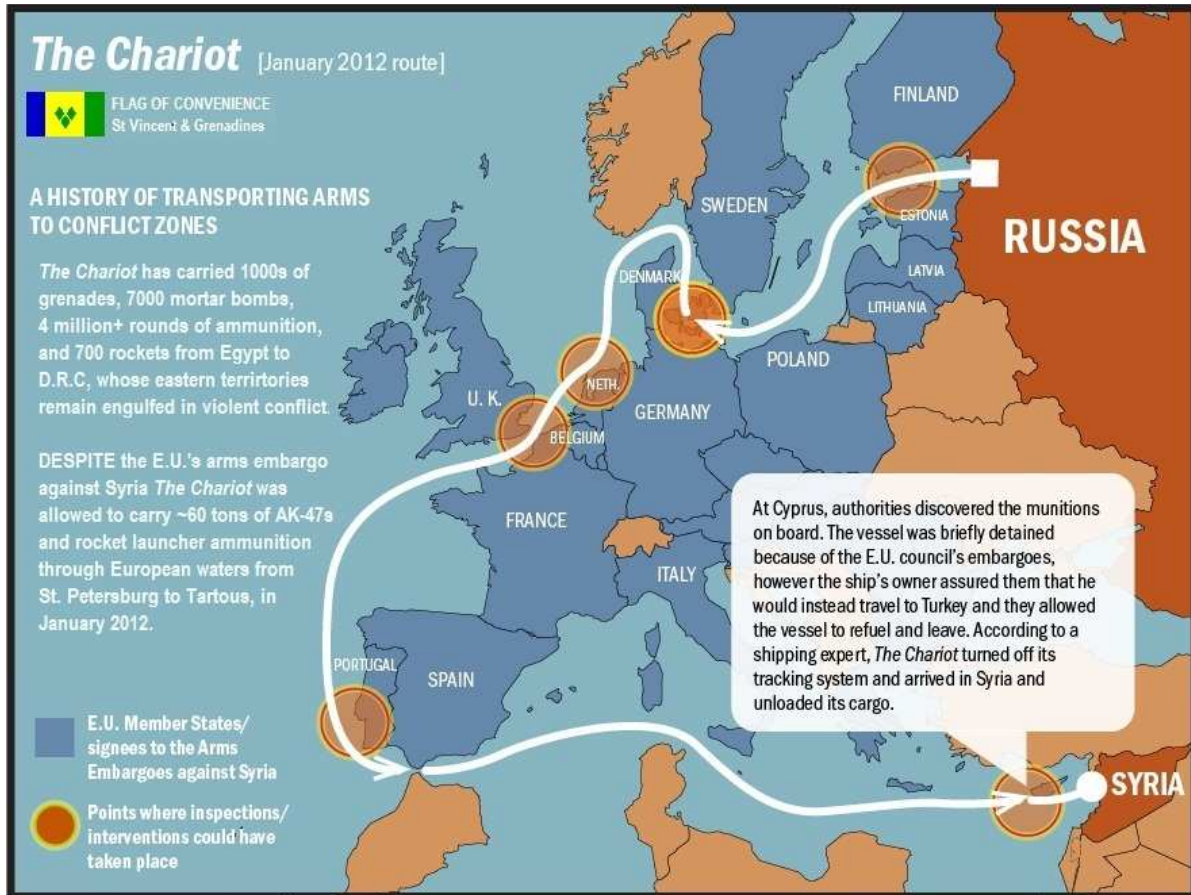
The *Chariot* began its voyage in St. Petersburg on December 9, 2011. Traveling through the Gulf of Finland, the Baltic Sea, and the Kattegat Sea, the vessel called at Copenhagen Anchorage in Denmark on December 14. The Copenhagen-Malmö port is one of the largest in the region and an important hub for commerce in the Baltic Sea. Leaving Copenhagen the same day, the vessel transited through the Skagerrak Strait on December 15, passing between Denmark, Norway, and Sweden and entering the North Sea. The vessel traveled southwest through the Strait of Dover on December 19. The Strait of

Dover, at the narrowest part of the English Channel, is one of the busiest shipping lanes in the world.

Under international law, a coastal state may inspect vessels passing through its territorial seas to prevent violations of that state's customs laws.<sup>23</sup> Human Rights First has found no record that any entity carried out an inspection. Under recently passed E.U. sanctions,<sup>24</sup> E.U. nations are required to inspect any vessel entering its territorial waters if there is reasonable ground to believe the vessel is carrying arms or related material to be used for internal repression in Syria. Had that authority been in place at the time of the *Chariot* shipment, a number of states along the vessel's track would have been obliged to halt and inspect the vessel and seize the cargo as it transited their territorial waters.

The vessel traveled through the North Atlantic before transiting into the Mediterranean Sea through the Strait of Gibraltar on December 27. On January 10, 2012, because of thunderstorms in the area, and to refuel, the *Chariot* stopped in the Cypriot port of Limassol outside the Mediterranean coast of Syria. Cypriot authorities reviewed the ship's papers and inspected four containers, discovering the munitions. Authorities briefly detained the vessel because of E.U. embargoes on Syria. The *Chariot*'s owner assured Cypriot authorities that the vessel would change its route and instead travel to Turkey. On January 11, Cypriot authorities allowed the vessel to refuel and depart. According to a shipping expert,<sup>25</sup> the *Chariot* turned off its tracking system, quietly arrived at the Russian naval base at the Syrian port of Tartous on January 12, and unloaded its munitions.<sup>26</sup>

Among the entities connected to the *Chariot* shipment is **Balchart Ltd** (Balchart). With a major office in St. Petersburg, Balchart is the ship-brokering company that arranged the chartering of the *Chariot* and the delivery for ROE. According to Balchart's website,<sup>27</sup> the company specializes in cargo movement, and is active in the transport of military cargo. Its clients include several major national and transnational companies shipping a wide variety of goods. These clients include ROE and Izhmash. Izhmash is by far the largest manufacturer of Russian-





exported small arms, accounting for “over 80% of automatic small arms, over 90% of sniper rifles, over 50% of grenade launchers, around 95% of all the small arms that Russia exports, practically 100% of pistol production and about 95% of sports and hunting rifles.”<sup>28</sup> Their products include the Dragunov sniper rifle, which Syrian activists have documented being used against civilians.<sup>29</sup>

Balchart is also connected to a number of other concerning entities. Notably, according to Balchart’s website, the firm’s ship owner clients include **White Whale Shipping**. In April 2012, the *Atlantic Cruiser*, a German-owned vessel chartered by White Whale Shipping in Odessa, Ukraine, reportedly attempted to dock in Cyprus en route to Syria.<sup>30</sup> Cypriot authorities refused to allow the vessel to dock after it reported its cargo as “weapons and munitions.”<sup>31</sup> Syrian defectors with knowledge of the ship’s cargo warned the German shipping company that its vessel was transporting arms.<sup>32</sup> News reports indicate that after attracting international attention, the vessel’s captain turned off the ship’s tracking system for nearly 24 hours near the coast of Syria before arriving in Turkey.<sup>33</sup> White Whale Shipping subsequently denied that weapons were on board the vessel.<sup>34</sup> Balchart’s ship owner clients also include the **Islamic Republic of Iran Shipping Lines (IRISL)**, which is under U.N., U.S., and E.U. sanctions for its nuclear proliferation activity.

Beyond these dealings, Balchart’s clients also include a number of international entities, including American Chartering in Houston, TX, Ekko Chartering LLC in New York, Van Weelde Chartering (with an office in New Orleans, LA), Transtrade Shipbrokers in Vancouver, and traders throughout Europe. The degree of involvement, if any, between these chartering companies, Balchart, and Balchart’s military clients is unknown at this time. Balchart’s clients in the United States and Europe should verify that their interactions with the company do not facilitate the flow of arms to Syria or otherwise violate U.S. or E.U. sanctions.

The *Chariot*’s ownership structure may be connected to entities in the Netherlands, the United Kingdom, and the British Virgin Islands, and consequently may be subject to E.U. jurisdiction or leverage. Although the vessel flies under a St. Vincent and the Grenadines flag of convenience, the *Chariot*’s registered owner, **Westberg Management AG** in the Marshall Islands, is a subsidiary of **Westberg Ltd.** (Westberg) in St. Petersburg. According to Westberg’s website, the company’s services include

technical management, crew management, chartering, insurance, cargo supervision, and others. Westberg manages the ship’s day-to-day operations and commercial decisions. As the *Chariot*’s beneficial owner, Westberg is the controlling interest behind the ship.

Through subsidiary companies and former commercial partners, Westberg may have connections with the Dutch shipping company Nyki Shipping BV, a subsidiary of the Dutch company VW-Nyki Shipping BV. Westberg employs a convoluted ownership structure including a subsidiary, **Trolle Shipping SA** (Trolle) registered in the British Virgin Islands and another subsidiary, **Midas Pte Ltd.**, registered in Belize. However, Westberg’s website shows that its fleet includes only two vessels, the *Mascot K.* and the *Master K.*, both cargo vessels.<sup>35</sup>

The *Mascot K.* and *Master K.* are registered to two shipping companies based in the British Virgin Islands. The Russian Maritime Register of Shipping shows that these two companies, **Goldwick Maritime Inc.** (Goldwick) and **Valetta Holding Corp.** (Valetta) share the same address in the British Virgin Islands<sup>36</sup> as Trolle Shipping SA (a Westberg subsidiary).<sup>37</sup>

The *IHS Fairplay* shows that the nationality of origin for all three companies is Russian. While the exact relationships between Westberg, Valetta, and Goldwick remains unclear, connections between the companies are evident based on Goldwick and Valetta’s ownership over Westberg-managed vessels, and the fact that both Goldwick and Valetta share an address with a Westberg subsidiary in the British Virgin Islands.

Nyki Shipping BV in the Netherlands now manages both vessels, now renamed, with Goldwick and Valetta remaining the vessels’ registered owners. The North of England P&I Association, with offices in the United Kingdom, Greece, Japan, and elsewhere, insures both vessels. Nyki Shipping BV is a subsidiary of VW-Nyki Shipping BV. It is unclear the degree to which Goldwick and Valetta, now managed by a Dutch company, remain connected to Westberg. If these vessels are still connected to Westberg, authorities in the Netherlands and United Kingdom should verify that these vessels are not used to contravene E.U. sanctions, and prevent these firms from dealing with a firm that shipped ammunition in violation of E.U. embargoes.

## The Professor Katsman



**Route:** Kaliningrad & St. Petersburg, Russia, to Tartous, Syria  
**Cargo:** Rotor blades, possible heavy weaponry  
**Flag:** Russia  
**Registered Owner:** Rusich 12, Malta  
**Ship Manager:** North-Western Shipping Co, St. Petersburg, Russia  
**Beneficial Owner:** UCL Holding, Netherlands and Russia

The *Professor Katsman* is a Russian-owned cargo ship that traveled from Kaliningrad and St. Petersburg to Syria in May 2012, reportedly with a cache of heavy weapons.<sup>38</sup> While en route, Syrian activists and Al Arabiya television reported that the vessel was loaded with weapons, a claim that Western diplomats later confirmed and described as a shipment of heavy weapons.<sup>39</sup> ROE declined to comment on the shipment, and the Russian Foreign Ministry denied knowledge of the shipment.<sup>40</sup> Despite international outcry about the shipment, *Professor Katsman* arrived in Syria where it unloaded its cargo.<sup>41</sup>

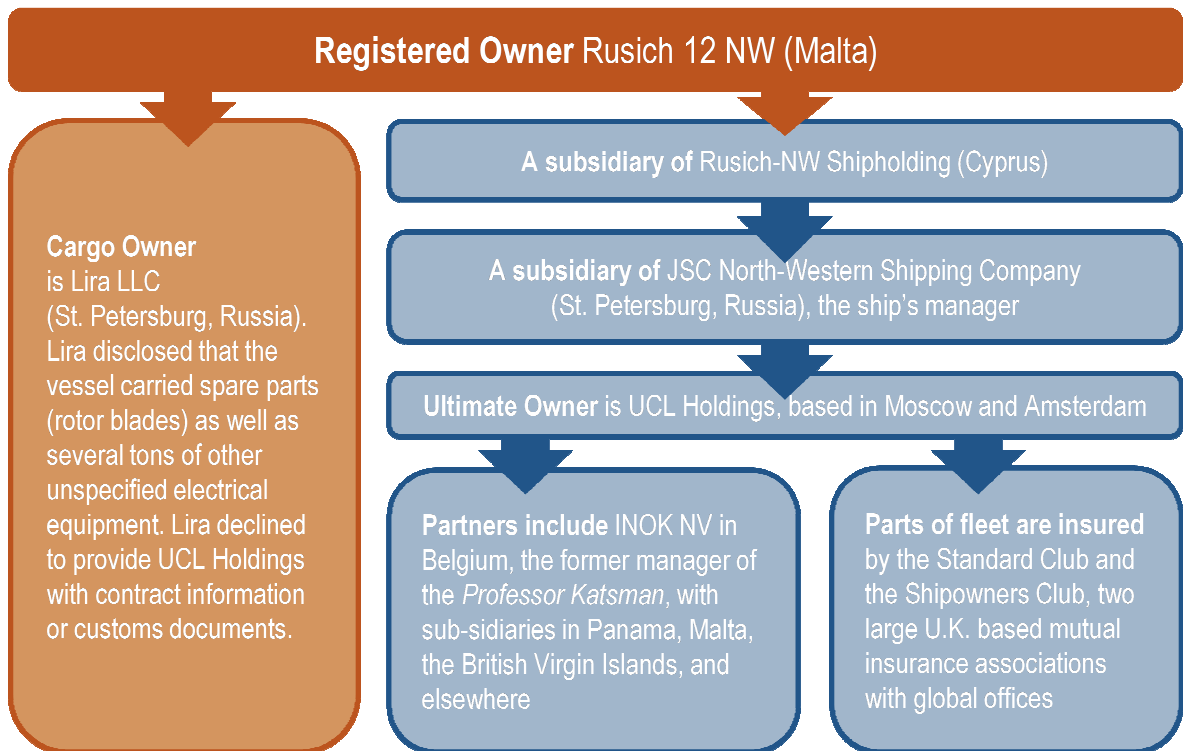
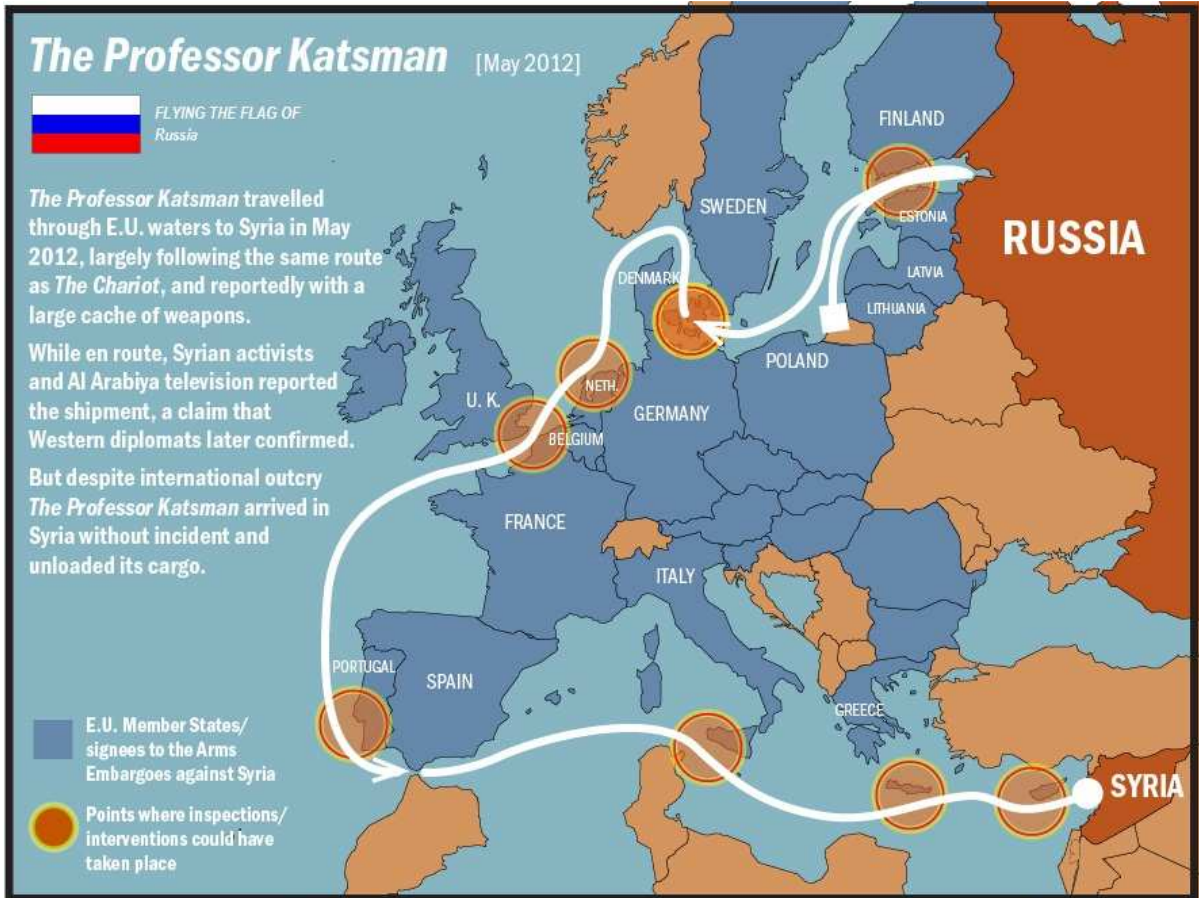
The vessel followed largely the same route as the *Chariot*. After trading in the Baltics and Northern Atlantic regions, the *Professor Katsman* departed Germany and arrived in Kaliningrad on May 1, 2012. After 21 hours in port, the vessel arrived in St. Petersburg on May 3. The vessel spent 56 hours in port at St. Petersburg, before leaving from Kronstadt, the major seaport in St. Petersburg, on May 6. The vessel, following the same path as the *Chariot*, transited through the Skagerrak Strait on May 9, entering the North Sea. The vessel then passed through the Dover Strait on May 11, heading southwest through the English Channel. The *Katsman* sailed through the North Atlantic, passing east through the Strait of Gibraltar on May 17.

Sailing east into the Mediterranean and rounding the Southern tip of Cyprus, the vessel arrived in Tartous on May 26, 2012.

Previously flying a Maltese FOC, the *Professor Katsman* has flown a Russian flag since 2010. The *Professor Katsman's* registered owner is **Rusich 12 Ltd** in Malta, founded in 2008. Rusich 12 is a subsidiary of **Russich-NW Shipholding** in Cyprus, a subsidiary of **North-Western Shipping Co.** in St. Petersburg. Rusich 12's registered address runs through North-Western Shipping Co. Since 2008, the vessels' operator is a Russian company named **North-Western Fleet**, a subsidiary of the same North-Western Shipping Co. Through this entangled web of ownership, **UCL Holding**, based in Amsterdam and Moscow, is the parent company of North-Western Shipping Co. and is the ultimate owner of the vessel.

Following international outrage, UCL Holding issued a statement confirming that the vessel had been loaded in St. Petersburg and unloaded in Tartous, and denying any direct knowledge of the vessel's cargo beyond the contents of a consignment note.<sup>42</sup> According to the statement, the cargo owner "**Lira, LLC**" responded to a UCL Holding request, describing its cargo as "a general cargo of non-military purpose featuring electrical equipment and repair parts (rotor blades)..."<sup>43</sup> Rotor blades may be used to keep attack helicopters functional. The Syrian military has used attack helicopters against civilians,<sup>44</sup> and the provision of supplies that can be used to maintain this weaponry may enable the Syrian regime to continue perpetrating atrocities.

In June 2012, Human Rights Fist submitted a letter to UCL Holding asking for more information about the shipment. That request is still outstanding. According to documents published on UCL Holding's website,<sup>45</sup> Lira LLC and the North-West Customs Administration of the Russian Federal Customs Service have both declined to provide UCL Holding with customs documentation, thereby concealing information on the complete contents of the shipment. By not requiring sufficient cargo disclosure prior to shipping to a crisis zone, UCL Holding missed an opportunity to not facilitate a shipment of spare parts and possibly other munitions that may be used to perpetrate atrocities in Syria. Dutch authorities also failed to prevent an entity under its jurisdiction from transporting spare parts to Syria by not requiring the entity to obtain sufficient cargo disclosure prior to shipping. Further, according to UCL





Holding's press statement, the *Professor Katsman* sailed through the territorial waters of "Denmark, Germany, Great Britain, France, Spain, and other European countries."<sup>46</sup> These countries each also missed an opportunity to rely on international maritime law and E.U. restrictions to inspect and interdict the shipment to Syria.

In 2008, the vessels' ship-manager was **Inok NV** in Belgium, although the vessels' current ship-manager is North-Western Shipping Co. Inok NV's website indicates ongoing connections with North-Western Shipping Co. and indicates that the firm has offices in St. Petersburg and Belgium.<sup>47</sup> Under E.U. sanctions authority, Belgian authorities should confirm that Inok NV is not facilitating shipments of spare parts for helicopters to Syria.

### The *Alaed*



**Route:** Kaliningrad & St. Petersburg, Russia, to Tartous, Syria\*  
**Cargo:** Repaired Attack Helicopters, Other Munitions  
**Flag:** Curacao (FOC)  
**Registered Owner / Manager:** FEMCO Management Ltd., Russia  
**Insurer:** Standard Club, United Kingdom  
**Chartering Company:** United Nordic Shipping, Denmark

\* = Vessel halted on Atlantic Coast of United Kingdom

The *Alaed* attempted in June 2012 to ship attack helicopters undergoing routine maintenance under prior arms contracts, and reportedly other munitions, from Russia to Syria.<sup>48</sup> The Syrian government has repeatedly used similar attack helicopters in attacks on civilians, and a successful delivery of this weaponry would further enhance the regime's ability to perpetrate atrocities against civilians. The vessel attempted to follow the same

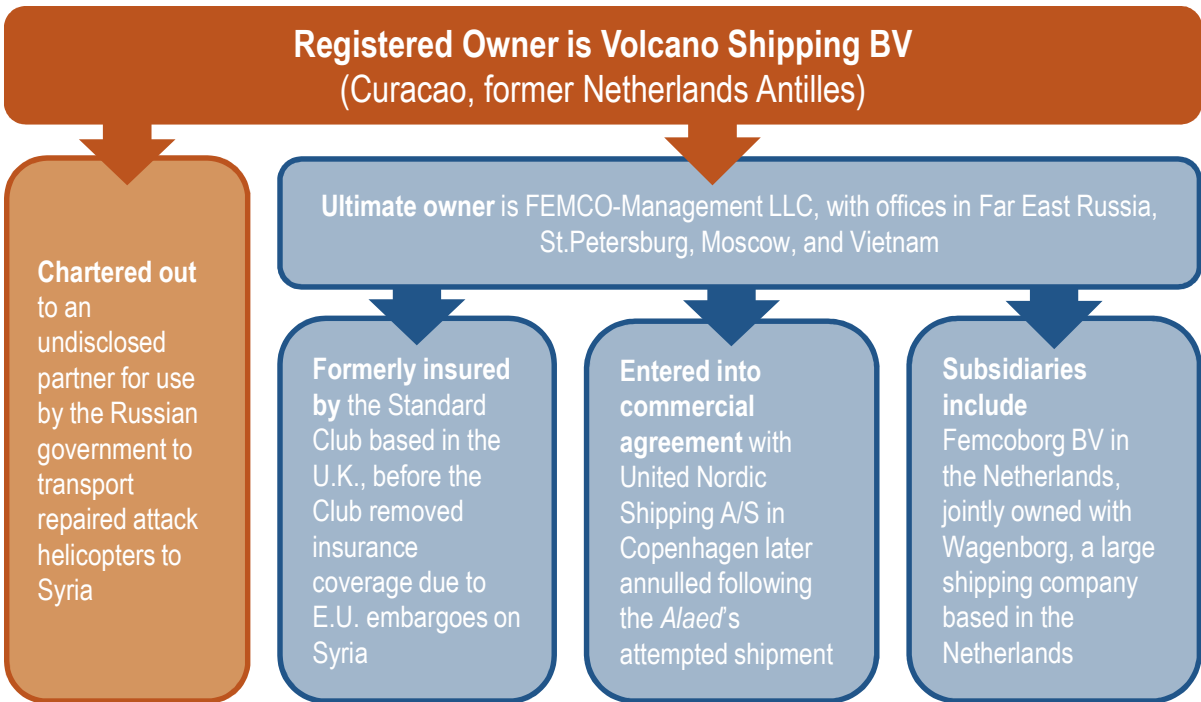
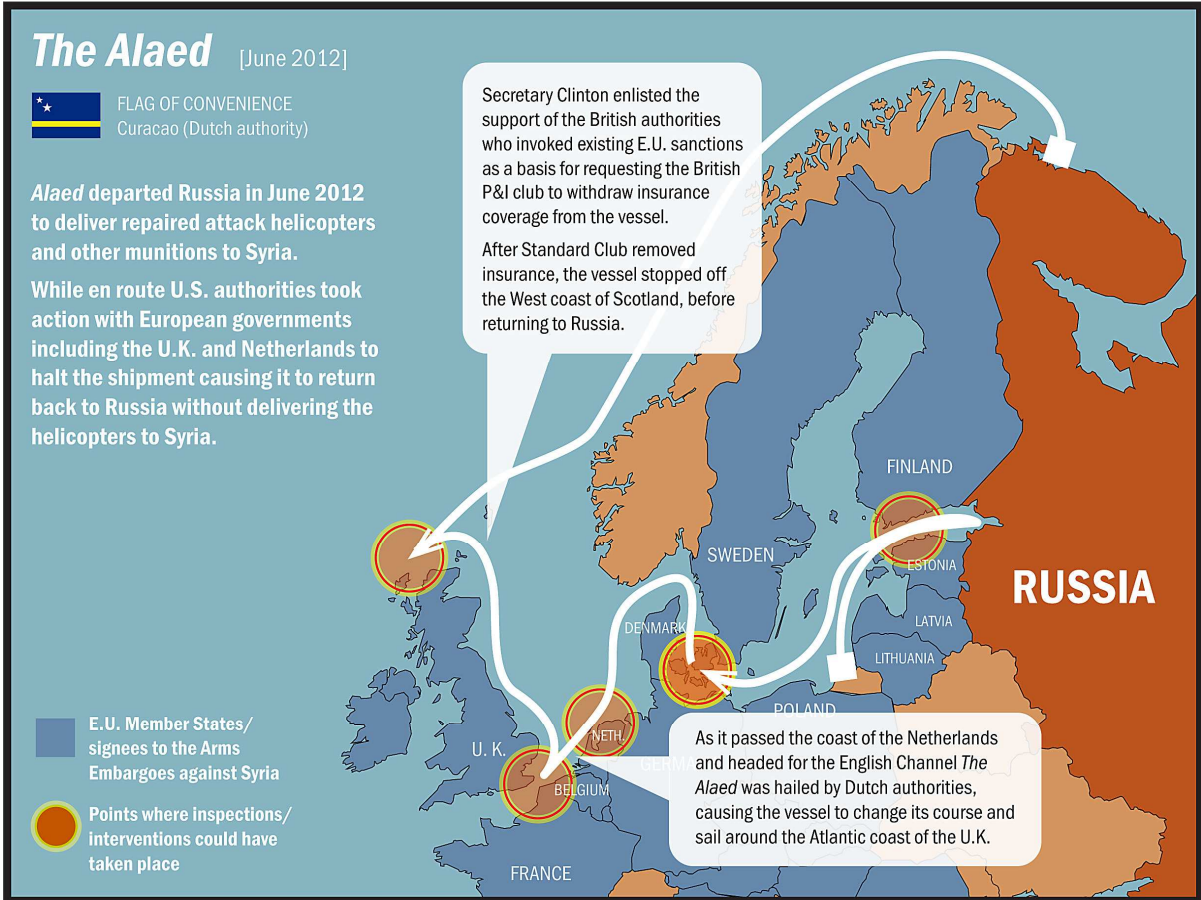
path as earlier weapon shipments, traveling from Kaliningrad and St. Petersburg to Tartous. While en route, Secretary Clinton disclosed that a vessel was transporting attack helicopters from Russia to Syria. Enlisting the help of British authorities, who relied on sanctions authority to ask the vessel's British insurer to remove coverage for the vessel, the international community successfully halted, albeit temporarily, the shipment of attack helicopters from Russia to Syria.<sup>49</sup>

After nearly 12 days at Porto Praia in the Cape Verde Islands, the *Alaed* departed on May 21 and arrived in St. Petersburg on June 5th, 2012. After 84 hours in port, the vessel left St. Petersburg and arrived at the port of Baltiysk, a freight and military port in the Kaliningrad Oblast, on June 11. The vessel spent 11 hours in port at Baltiysk before leaving for Vladivostok on June 11, intending to stop in Syria along the way. Following the same route as the *Chariot* and *Professor Katsman*, the *Alaed* transited through the Skagerrak Strait on June 13, entering the North Sea.

The vessel, again following the same path as the *Chariot* and *Professor Katsman*, attempted to pass through the English Channel. As the vessel was flying under a Curacao flag, authorities relying on Dutch flag-based jurisdiction over the vessel reportedly hailed the ship near the coast of the Netherlands.<sup>50</sup> The vessel changed its course and attempted to sail around the Atlantic Coast of the United Kingdom. On June 19, the London-based marine insurer Standard Club removed insurance coverage for the vessel due to violations of an E.U. embargo on Syria.<sup>51</sup> After Standard Club removed insurance, the vessel stopped off the coast of the Hebrides, an archipelago off the west coast of Scotland, before returning to Russia.<sup>52</sup> On June 24, the vessel arrived in Murmansk near the northeast border of Finland. In Murmansk, the vessel was quickly reflagged under a Russian flag, for a prospective reattempt to deliver.<sup>53</sup> On July 11, the vessel left Murmansk, destined back to Baltiysk and went on the St. Petersburg. On July 24, the vessel was reportedly reloaded with a new cargo in St. Petersburg after offloading its attack helicopters.<sup>54</sup>

Noting the *Alaed's* entangled ownership structure and use of third party services demonstrates how numerous parties can be pressured to halt an arms shipment to Syria. The vessel's owner, ship-manager, operator, and technical manager are all **FEMCO-Management Ltd.** based in





Sakhalinskaya oblast in far eastern Russia. FEMCO (the Far Eastern Marine Exploration Company) also has offices in Moscow and St. Petersburg. **Volcano Shipping NV**, a FEMCO subsidiary founded in 2011, based in Curacao, became the registered owner of the vessel in 2011. Other FEMCO subsidiaries include **Femcoborg BV** in the Netherlands, jointly owned by Wagenborg BV, a large shipping company in the Netherlands that controls over 160 vessels, and also does business with Balchart (connected to the *Chariot* shipment), according to Balchart's website. Dutch authorities should confirm that Wagenborg BV's connections with Femcoborg BV and FEMCO do not facilitate the flow of arms to Syria. Wagenborg BV should conduct due diligence to verify that it does not facilitate FEMCO activity that enables atrocities or undermines existing E.U. sanctions.

**Factory 150** in Kaliningrad repaired the helicopters onboard the vessel, on behalf of **Oboronservis**, a conglomerate of Russian defense maintenance companies managed by the Russian Ministry of Defense. According to a FEMCO memo, the shipment was on behalf of a Russian state corporation, presumably ROE.<sup>55</sup>

**United Nordic Shipping A/S** in Copenhagen arranged a commercial agreement with FEMCO that became subsequently annulled. According to a memo FEMCO issued on June 24, 2012, United Nordic Shipping decided to terminate relations with FEMCO.<sup>56</sup> Beyond terminating their agreement with United Nordic Shipping, and losing their insurance, "several partners, including long term partners," decided to suspend their operations with FEMCO after the *Alaed* incident. Chief among these

partners was the global accounting company Moore Stephens, a major accounting and consulting network including 301 firms in 100 countries worldwide. This response from parties associated with the vessel demonstrates how numerous parties, including commercial operators, insurers, and accounting firms, can leverage pressure on companies that enable the flow of arms to Syria.

The *Alaed* demonstrates how the international community, building on lessons learned from the *Chariot* and *Professor Katsman*, utilized flag-based jurisdiction and insurance removal to effectively halt an attempted shipment. The incident highlights how focusing on enablers of atrocities, including weapons providers such as ROE, can offer unique policy tools and methods to leverage pressure against those that provide the necessary material support to sustain atrocities.

These three vessels likely demonstrate only a small snapshot of the total marine supply chain, but these examples illustrate the gaps in international regulations that enablers use to support perpetrators of atrocities. The study demonstrates how, beyond an ad hoc measure to prevent an individual shipment, policymakers should push for robust sanctions enforcement along with more systematic tools to track and disrupt shipping networks that facilitate the flow of arms to Syria and other regions where mass atrocities occur.

## Conclusion

While this study focuses on weapons flowing from Russia to Syria, it reveals the potential impact of efforts to crack down on “enabling” shipments. These same supply chains and their analogs may also facilitate the transfer of weapons from other countries to Syria, or to other areas victimized or threatened by mass atrocities. International criminal networks may also use these supply chains to ship weapons to outlaw regimes and non-state actors. Policymakers can, moreover, use these tracking and disrupting tactics across geographic contexts and at any time, not just after crises have erupted but also before they begin and as they escalate.

The study in particular demonstrates how an existing sanctions regime implemented in response to the atrocities in Syria provides countries like the United States and those in the European Union with the authority to track and disrupt enablers. One lesson learned is that identifying the supply chains that enable the Assad regime’s brutal crackdown could have begun during the earliest signs of the regime’s violent crackdown. The early identification of atrocity enablers would have positioned foreign governments such as the United States to develop their sanctions regime to target not only the perpetrators of the atrocities in Syria but the supply chains they rely on to commit those atrocities. This action, along with other economic sanctions, could have made the provisions of weapons to Syria more difficult and served as deterrence to the corporate entities involved in the supply chain.

The newly created Atrocity Prevention Board should actively embed the identification of atrocity-enabling supply chains as a systematic whole-government response to early warning signs. The board should use this identification of enablers to inform policy actions such as robust sanctions regimes, leverage with corporate entities involved in the supply chain, and preventative diplomacy with those countries under whose jurisdiction these entities operate, all of which are most effective before mass atrocities begin.

## Recommendations

- **The U.S. Treasury Department should again sanction RosOboronExport along with other enablers of atrocities in Syria.** Between August 2006 and May 2010, RosOboronExport had been designated for State Department sanctions under the Iran Nonproliferation Act of 2000. Since these sanctions have been lifted, despite the ongoing atrocities in Syria, the Russian Federation, through RosOboronExport, has continued supplying arms, including heavy weaponry, weapon repair and maintenance, spare parts, ammunition, and explosives, to the Assad regime. This supply of arms, including the fulfillment of existing arms contracts, facilitates the Assad regime's crimes against humanity. Relying on sanctions authority under Executive Order 13572 of April 29, 2011, the Office of Foreign Assets Control (OFAC) of the U.S. Treasury Department should immediately designate ROE for sanctions, freeze all ROE assets under U.S. jurisdiction, and prevent U.S. entities from contracting with ROE, notwithstanding existing contracts with ROE. This sanction should remain in effect until the Russian Federation halts all arms exports to Syria, including halting its fulfillment of existing contracts, or the Syrian regime ends its commission of crimes against humanity.
- **The U.S. Department of Defense should void its existing contracts with RosOboronExport and suspend RosOboronExport from contractor and subcontractor eligibility.** In 2011, the U.S. Department of Defense (DOD) entered into a \$1 billion no-bid contract with ROE to procure helicopters and spare parts for the U.S. mission in Afghanistan. In June 2012, five U.S. defense firms approached ROE to subcontract for nonstandard weapons and ammunition for use in Afghanistan. Under DOD implementation (32 C.F.R. 25) of the Federal Acquisition Regulations (48 C.F.R. 9.4), a suspending official may impose suspension where "immediate action is necessary to protect the public interest" (32 C.F.R. 25.7). This effectively will also restrict ROE from subcontractor eligibility (48 C.F.R. 9.405-2). Given the ongoing commission of crimes against humanity in Syria, the threat the crisis in Syria poses to core national security interests, and ROE's prominent role in enabling the atrocities, the DOD

should suspend ROE from contractor and subcontractor eligibility and halt the fulfillment of existing contracts.

- **The U.S. State Department should share information with foreign governments to systematically interdict and halt arms shipments to Syria.** As the *Alaed* and *Professor Katsman* shipments demonstrate, Western officials and U.S. intelligence sources are able to gather information on possible arms shipments from Russia to Syria. State Department officials should share this information and work with partners in the international community that may act on the information to interdict or prevent a shipment of arms to Syria or other areas at risk for mass atrocities. State Department officials should also work with international partners to effectively act on this intelligence.

**Armed with this intelligence, E.U. nations and other countries with jurisdiction over these enablers may disrupt these networks by:**

1. Exercising jurisdiction as a coastal state to inspect and halt a suspected weapons shipment as it passes through that nation's territorial waters;
2. Using flag authority, where possible, to exercise jurisdiction over a suspected arms shipment to Syria, including hailing the vessel as it travels through the high seas;
3. Exercising authority over shell companies and subsidiaries registered or doing business in that nation who are facilitating the flow of arms to Syria, through the denial of legal status, the freezing of assets, or through civil or criminal penalty;
4. Exercising authority, through the denial of legal status, the freezing of assets, or through civil or criminal penalty, over individuals and business, including chartering companies, vessel brokers, and insurance providers, who knowingly or recklessly provide services that facilitate the flow of arms to Syria.

■ **Legal entities bound by existing sanctions on Syria should implement measures to confirm that their business operations do not contravene these sanctions.** The shipping networks that facilitate the transfer of arms from Russia to Syria involve a multitude of actors operating across a number of jurisdictions. These actors include ship owners, charterers, brokers, cargo owners, and their subsidiary companies. They also include actors that may be more indirectly connected to an arms shipment, including port authorities, business partners, and marine insurance providers. Marine insurance providers, including hull insurance, cargo insurance, and third-party liability insurance providers, include marine insurance brokers, insurance underwriters, insurance companies, insurance syndicates, and insurance clubs. This multitude of actors connected to the supply chain operates across numerous jurisdictions to facilitate the trade.

A significant portion of the entities connected to this supply chain may be subject to E.U. or U.S. jurisdiction through their business operations. Bound by sanctions, they should implement measures to prevent their services from either directly or indirectly facilitating the flow of arms to Syria in contravention of existing sanctions. For instance:

- Marine insurance providers bound by sanctions should make null and void all insurance coverage to a ship owner, charterer, manager, or vessel owner, along with their subsidiary and parent companies, if that party is discovered to have facilitated the flow of arms to Syria.
- All business entities bound by sanctions should halt their business relationships with ship owners, managers, charterers, cargo owners, along with their subsidiary and parent companies, if that party is discovered to have facilitated the flow of arms to Syria.
- Shipping companies should require increased customs documentation disclosure from cargo owners and charterers doing business in Syria to confirm that they do not provide services to parties that violate existing embargoes on Syria.

■ **Ship owners, charterers, managers, cargo owners, and marine insurers should comply with international norms governing business and human rights.** The U.N. Guiding Principles for Business and Human Rights and OECD Guidelines provide a framework for all business enterprises to respect international human rights. These principles apply to all parties connected to the marine arms supply chain, including ship owners, charterers, managers, cargo owners, and insurance providers, all of which facilitate the flow of arms to Syria and enable the Syrian regime's perpetration of mass atrocities. Under these principles, these parties should exercise due diligence to assess the human rights impact of their operations. These parties must, at a minimum, gather comprehensive information about the contents of a shipment and assess the potential that the contents will be used to perpetrate crimes against humanity. These businesses should not provide any services that may facilitate human rights abuses.

■ **The Atrocity Prevention Board should actively and systematically identify and track enablers in early warning stages of atrocities and in response to ongoing atrocities even after they erupt.** The board should embed the tool of tracking and disrupting atrocity enablers in its menu of policy options that could be employed in any of the following stages: (a) identifying atrocity enablers - those supplying and facilitating the transfer of arms, equipment, money and other resources needed to commit atrocities - at the early warning stages of an emerging crisis, (b) creating sanctions to target enablers, or strengthening existing sanctions regimes as a means of preventing atrocities; (c) more effectively enforcing existing sanctions programs to prevent enablers from circumventing them, (d) working with international partners who have appropriate jurisdiction over these enablers to halt the flow of goods, resources, and services, such as the shipments described in this paper, that provide perpetrators with the means to commit atrocities, and (e) exercising all available leverage with corporate entities involved in the atrocity supply chain.

## Endnotes

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