

AMNESTY INTERNATIONAL

Public Statement

AI Index: IOR 40/022/2002 (Public)
News Service No: 143
15 August 2002

UN: Oral statement on small arms and light weapons

**54th Session of the Sub-Commission on the Promotion and Protection of Human Rights
Item 6: Specific human rights issues**

AMNESTY INTERNATIONAL ORAL STATEMENT

Delivered by Melinda Ching on 15 August 2002

-CHECK AGAINST DELIVERY-

Chairperson,

Amnesty International welcomes the working paper of Barbara Frey (E/CN.4/Sub.2/2002/39). This provides a preliminary examination of violations of international human rights and humanitarian law related to the availability and misuse of small arms and light weapons. In this context we welcome the adoption of the Sub-Commission resolution "The prevention of human rights violations caused by the availability and misuse of small arms and light weapons" (E/CN.4/Sub.2/2002/L23).

A wide variety of cases of serious human rights abuse examined by Amnesty International involve the deliberate or reckless misuse of small arms and light weapons. In the past ten years, AI has documented many cases containing direct references to the use of small arms and light weapons. These violations include not only unlawful, arbitrary and extra-judicial killings and unwarranted injuries. They also include abductions, hostage taking, mass and arbitrary arrests, enforced disappearances, enforced recruitment, torture, cruel inhuman or degrading treatment or punishment, rape, sexual slavery, forced displacement of populations; and violent break-up of peaceful assemblies.

Poor firearms training and management, as well as the absence of effective systems of accountability of law enforcement and military personnel, have lead to the repeated failure by such personnel to abide by international human rights standards and humanitarian law. In addition, armed opposition groups and criminal gangs use such violations as a pretext for atrocities, creating cycles of gun violence and a breakdown in the rule of law.

Studies have shown that the proliferation of small arms and light weapons in many countries has itself contributed to widespread and persistent misuse of such weapons. In countries where serious human rights abuse and war crimes and crimes against humanity have been perpetrated, the easy access to small arms and light weapons by the perpetrators has been a major factor prolonging violence against civilians, increasing the breakdown of law enforcement services and escalating the cycle of impunity. The patterns of supply and dissemination of such weapons involve uncontrolled global markets as well as countless local markets.

The United Nation's General Assembly decision to convene a Conference in July 2001 on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects resulted in a UN Programme of Action that contains many useful provisions to address the problem. However, the measures proposed lack an adequate normative framework based upon existing international law. The General Assembly had

previously agreed that "illicit trade" was that which violates national and/or international law. Nevertheless, during the preparatory process, a few powerful official delegations secured the removal from the draft Programme of all references to the "misuse of small arms". In this way, one of the most important aspects of illegality -- namely the violation of international human rights law and international humanitarian law using small arms and light weapons -- was excluded from the Conference deliberations and from the Programme.

Amnesty International urges governments to adopt and implement laws and regulations in all countries to prohibit arms transfers unless it can be reasonably demonstrated that such arms will not contribute to serious human rights violations, crimes against humanity or war crimes. A holistic package of concrete measures to control and monitor the supply and demand for such weapons is needed to put this into practice. After discussion with many governments about this problem, Amnesty International is convinced that the following are some of the key measures at the international and national level that are required to provide effective control of the trade in small arms and light weapons:

Transparency

All small arms and light weapon transfers should be included in a UN Register for global transfers; regional transfers should be included in regional registers; states should publish comprehensive and detailed annual reports on arms transfers, and official systems should be established for adequate and reliable marking and tracing of such arms.

Loopholes should be closed

There should be strict national registration of each arms manufacturer, dealer, broker, transporter and financier, even if they only arrange deliveries through "third countries", and those convicted of criminal offences involving money laundering, trafficking, and firearms-related violence should be removed from the register. Licences for export, transit and import of arms should be strictly controlled on a case-by-case basis, and only be issued if the arms transfers proposed will not reach anyone likely to violate international human rights and humanitarian law standards.

Accountability

National laws should conform to international law and standards, including United Nations standards such as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and each national legislature should be notified in advance of arms transfers to sensitive destinations and of follow-up checks on the end uses of arms exported.

In addition to recommending the above measures to Member States to strengthen the United Nations Programme of Action, Amnesty International strongly recommends that the Commission of Human Rights at its 59th session will endorse the Sub Commission's draft position to appoint Barbara Frey as Special Rapporteur and to enable her to extend her preliminary work into a comprehensive study of the vital human rights aspects of this critical problem.

Thank you Chairperson.

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