

The Terror Trade Times

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Arms Out of Control

The powerful states of the G8, the Organization for Security and Co-operation in Europe, the Wassenaar Arrangement and other groupings have said that they will curb the illegal arms trade and help protect human rights. This issue of The Terror Trade Times shows how far short the reality is from this promise.

[photo caption]

Amnesty International activists showing the G8 the Red Card at the opening demonstration at the G8 Summit in Calgary, Canada, June 2002. © The Calgary Sun

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Campaigning on arms control makes a difference

Recent achievements include:

- In 2002 AI Italy and other Italian non-governmental organizations (NGOs) raised a petition of over 100,000 signatures calling for the strengthening of the arms export law to

protect human rights. The Italian government indicated in late 2002 that it would tighten the law on small arms and on international arms brokering.

- In 2001 the United Kingdom (UK) and French governments announced new legislation to toughen controls on arms brokering and trafficking, following campaigning on this issue by AI sections in the UK and France with NGO coalitions.

Photo caption]

Logo of the European Campaign for Effective Regulations on Arms Transfers. The Campaign has been launched in Austria, Belgium, France, Germany, Italy, the Netherlands, Spain and the United Kingdom. © AI France

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- AI Slovakia campaigned for the introduction of a better arms export law in the Slovak Republic. In 2002 the Slovak government changed the legislation regarding arms export licences, introducing the right to veto for the Minister of Foreign Affairs.
- Following campaigning by AI and other NGOs in Belgium, in October 2002 the Belgian government proposed a reform of the national arms trade legislation. The proposal includes a ban on arms transfers to foreign governments using child soldiers in their armed forces, and the full implementation of the European Union (EU) Code of Conduct on Arms Exports criteria, including the control of foreign licensed arms production. The scope of the legislation has also been broadened to include police and security equipment.
- After joint lobbying and campaigning by an NGO coalition led by AI Spain, the Spanish government submitted a report on arms exports for 2001 for discussion in Parliament in September 2002. The report included more information than those issued in previous years, with details on the exports to each destination country for seven broad categories of products. However, the report failed to identify the specific arms exported to each country or the end-user, as requested by the Spanish Parliament in December 2001.
- AI Portugal and other national NGOs collected 95,000 signatures in a petition asking for more transparency in the national legislation on arms transfers. In 2002 the petition was delivered to the President (Speaker) of the Parliament, and a parliamentary commission has been formed to study how to establish this legislation.

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ACT NOW

Join the campaign to regulate international arms transfers – see the Bullet Points on the back page of this edition and contact your national section of AI to get involved. You can find the contact details of AI sections at:

<http://web.amnesty.org/web/contacts.nsf>

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Europe campaigns to control the arms trade

On 27 January 2003 a coalition of NGOs from France, Germany, Austria, Netherlands, Italy, UK, Spain and Belgium, including AI national sections, launched a European Union (EU) Campaign – “Controlling Arms Sales to Save Lives!”.

The aim of the campaign is to stop the international transfer of arms when there is a clear risk that the likely recipients will use them to commit violations of human rights and international humanitarian law, and to establish tough controls on arms brokering and the export of licensed arms production.

[photo caption]

Lilian Thuram, French World Cup soccer champion, addressing journalists at a press conference to launch the European Campaign for Effective Regulations on Arms Transfers, Paris, 27 January 2003. © AI France

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Italian courts release arms dealer

Italian police arrested Leonid Minin near Milan on the night of 5 August 2000. A stack of documents were found in his hotel room reportedly detailing illegal sales of arms to one of the most brutal insurgencies in Africa – the Revolutionary United Front (RUF) in Sierra Leone.

Off the hook

In June 2001, Leonid Minin was charged in Italy with illegal arms trafficking. However, Italian judges said they found it very difficult to prosecute a man accused of illegally trafficking arms that originated and were transferred outside of Italian territory.

On 17 September 2002, the Italian Supreme Court stated it could not find any justifiable basis for Leonid Minin’s prosecution, “not even in the fact that the trafficking of arms has taken place in violation of an embargo established by a UN resolution.” The Court said it could not act against Leonid Minin as long as he did not “threaten the internal security” of the state, and it demanded more evidence from the public prosecutor before a case could be made to convict him for arms deals in Africa and Ukraine.

On 18 December 2002 the tribunal of Monza concluded that it was not able to prosecute in the case of Leonid Minin. As a result, he was temporarily released from prison, pending a final hearing on 17 June 2003.

The assistant to the Monza public prosecutor publicly blamed the Supreme Court for stating that Leonid Minin’s acts were not punishable on Italian territory. In a previous similar case, the Supreme Court had ruled that the law on arms trafficking “also prevails with reference to arms that are not present on national territory and are not destined to enter there.”

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ACT NOW

Please write to your home government using the example of Leonid Minin. Urge your government to recognize and promote the necessity of an international legal instrument to strictly regulate arms brokering and trafficking, referring to the Bullet Points on the back page, so that arms are prevented from reaching armed forces such as the RUF who commit grave human rights abuses. Point out that breaking a UN arms embargo should also be made an “illegal act” in all countries.

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The evidence

The documents discovered in Leonid Minin's possession included contracts, faxes discussing arms deals, weapons catalogues and forged end-user certificates. He was found with large amounts of cash, including Mauritian rupees and Hungarian forint, and polished diamonds worth nearly \$US500,000.

Leonid Minin, an Israeli citizen, was holding passports from the former Soviet Union, Russia, Germany and Bolivia.

In December 2000, a UN Panel of Experts reported that in March 1999 Leonid Minin had been responsible for delivering 68 tonnes of weapons from Ukraine via Burkino Faso to Liberia destined for the RUF in Sierra Leone. The UN also established that a BAC-111 plane owned by Leonid Minin had delivered arms from Niger to the RUF via Liberia in December 1998, just before widespread human rights abuses by rebel forces in Freetown in January 1999. In October 2001 the UN again reported Leonid Minin's involvement in an arms delivery of 113 tonnes to Liberia via Côte d'Ivoire. The RUF and Liberia have been under a UN arms embargo since 1997 and 2001 respectively.

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USA supplies small arms to the Philippines

The US government has recently supplied military equipment worth over US\$100 million to the Philippine government. The equipment included helicopters, transport planes and 30,000 M16 rifles.

The agreement to provide this equipment is part of the USA's "war on terrorism" – the equipment is intended to assist the Philippine armed forces in their continuing conflict with various armed groups. There are serious concerns that it could be used to commit human rights abuses.

Serious human rights abuses, including unlawful killings, have been committed by government forces and opposition armed groups in the context of the continuing conflicts in the country.

A thriving illegal market in guns

There is already a thriving illegal market in small arms in the Philippines and there are fears that the injection of military equipment from the USA – which includes small arms – may contribute to a further proliferation of these weapons.

Through loss, theft or illegal sale, Philippine government munitions sometimes end up in the hands of criminal and armed political groups.

The lucrative black market for small arms can prove an irresistible temptation to underpaid and ill-disciplined soldiers.

In Mindanao, for example, over 70 per cent of the population owns one or more guns. Machine-guns can be bought for as little as US\$375 and revolvers for a mere US\$15. Small arms are routinely used in homicides (82 per cent) and murder (78 per cent).

Guns are readily obtainable in the Philippines from a number of sources. Forty-five or so local manufacturers of firearms, or paltik, provide an easy and affordable supply of guns not only domestically but throughout the region.

Small arms are also commonly smuggled into the country through a number of "back doors". Shipments made in connivance with foreign governments or organizations often go to arm domestic insurgency groups. The Chinese government has reportedly shipped arms to the

New People's Army and both Libya and Malaysia have reportedly supplied arms to Islamist secessionist groups in Mindanao.

The Philippine government's attempt at small arms control has been less than rigorous. For example, in the six-year period between 1993 and 1999, some 93 per cent of firearms recovered in criminal cases were unlicensed. In such an unregulated market there is a clear risk these guns will be used either in the armed conflict or in violent crime.

[Photo caption]

A boy takes a look at the high-powered weapon of a Philippine Army soldier on the island of Basilan, southern Philippines, June 2002.

© AP

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In January 2002, a six-month military exercise began in Mindanao with the involvement of 650 US soldiers in an advisory capacity. The stated objective was to train the Philippine army in "counter-terrorism" against Abu Sayyaf, a Muslim secessionist group involved in kidnap for ransom. In November 2002 a five-year agreement was signed between the USA and the Philippines providing for the use of the Philippines as a "supply point" for US military operations.

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ACT NOW

Please write to the US embassy in your country and express your concern about the transfer of these arms to the Philippines. Use the information in this article to remind the US government of the human costs of the spread of weapons in the Philippines and ask for stringent controls on the end-use of weapons exported to the Philippines by the USA. Refer to the Bullet Points on the back page.

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[photo caption]

A thousand confiscated weapons being destroyed during Small Arms Destruction Day at Quezon City, Philippines, July 2002.

© AP

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Mukeba Muchuba was shot dead by a guard as he tried to enter the Société Minière de Bakwange (MIBA) diamond mining concession in Mbuji-Mayi, in September 2001. He was just 18 years old. Earlier that year, his friend, Kabongo, had been killed by a MIBA guard as he was climbing out of one of the mines. The guard reportedly announced that he was going to kill Kabongo, who was unarmed, and after shooting him dead told the others: "That is the fate reserved for all of you."

Dozens of people are shot dead every year in the diamond fields of Mbuji-Mayi. Many more are wounded. Scores of people, among them children, are held without charge in

appalling conditions by security forces who have no formal authority to detain them. Most of the victims are targeted because they are suspected of illegal mining in the diamond concessions.

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Conflict in Ituri province

Ituri province has been plagued by a brutal ethnic conflict between the Hema and Lendu ethnic groups. Both the Ugandan army and its DRC proxies have been responsible for gross human rights violations, as well as instigating ethnic feuds between the Hema and Lendu militias. Their aim has been to get access to the region's important diamond and gold deposits.

The UN estimates that 50,000 people have been killed in Ituri province since 1999, and a total of 500,000 displaced#. Peace accords have been concluded between the government and opposition forces. However, militias are still clashing on a regular basis in an attempt to infiltrate the resource rich areas along the DRC-Ugandan border.

The UN Panel has begun to shed some light on the murky world of illegal arms dealing. The links between the ability of the warring parties to acquire weapons to continue the conflict and the profits from illegal mining and smuggling of mineral resources are indisputable.

At the heart of these links are the brokers and traffickers around the world who continue this illegal trade with complete disregard for the effects their activities will have on the fundamental human rights of millions of people.

Join AI's efforts to increase safeguards against such abuses in future.

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ACT NOW

Please write to your government referring to the DRC and ask what legal controls it has put in place on the activities of those involved in the arms trade to prevent supplies to those who commit grave human rights abuses. Urge that arms brokers and arms transporters are subject to a normative register in their country of citizenship or residence, and for all proposed arms deals or deliveries to be subject to a strict licensing procedure even if these will be via other countries.

Send them the Bullet Points on the back page.

Please write to the key actors in the DRC conflict, including the governments of DRC, Rwanda and Uganda, pressing them to take steps to break the link between the exploitation of mineral resources, conflict and human rights abuses in DRC. A sample letter relating to human rights abuses in the Mbuji-Mayi diamond fields can be found at:

http://web.amnesty.org/web/web.nsf/pages/ec_campaigns_africa

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Over three million dead

Arms trafficking and plunder in the Democratic Republic of the Congo

Over three million civilians are estimated to have died as a result of the conflict in the Democratic Republic of the Congo (DRC) since 1998.

Mass human rights abuses have been committed by the warring parties. Many of these abuses have been carried out in the context of attempts to control the country's immense natural wealth. Abuses have been reported not only in the diamond fields of Mbuji-Mayi, but also near DRC's abundant reserves of cobalt, coltan (a component for electronic chips in cell phones and laptops), copper, gold, timber, uranium and water.

UN investigators have uncovered evidence of links between trafficking in natural resources and illegal arms trafficking.

Elite networks

A UN Panel of Experts investigating the illegal exploitation of resources in DRC coined the term "elite networks" to define the groups of politicians, military leaders and businesspeople who work together to maintain control over all aspects of commercial activity in their respective areas of DRC.

Control

The current conflict in DRC has involved forces from Angola, Burundi, Rwanda, Uganda and Zimbabwe as well as armed opposition groups and DRC government forces. Significant parts of DRC have effectively come under the control of the various foreign armies competing for control of DRC's mineral wealth.

The DRC military are involved in guarding the diamond concessions of the Mbuji-Mayi region. Until their withdrawal from the DRC in mid-2002, Zimbabwean soldiers also played a role in guarding the concessions. These soldiers have operated without a proper legal framework and under a separate chain of command from the security guards directly employed by the mining company MIBA and have been responsible for numerous human rights abuses, including extrajudicial executions.

In Rwandan-occupied and Ugandan-occupied areas of DRC, the military are also involved in controlling access to natural resources.

Making the links

Addressing the illegal sources of revenue used to finance the illegal trade in arms would be a major step forward in ending the human rights abuses which have accompanied this conflict. One of the key achievements of the UN Panel of Experts has been to establish the links between mineral exploitation and those involved in the illegal arms trade. These links often involve an international chain of companies connecting a network of individuals, whose relationship is carefully hidden. The following examples, drawn from the UN panel's reports, show just how complex such links can be.

Avient

In the government-controlled area of DRC, the UN found that a mining company, Oryx Natural Resources, had a close working relationship with Avient Air, a military company which supplies services and equipment to the Zimbabwean and DRC military.

The UN found a record of a payment in September 2001 of US\$35,000 from the Oryx account at Banque Belgoise to Avient Ltd., Avient Air's sister company based in the United Kingdom.

In April 2002, Avient Air brokered the sale of six attack helicopters to the DRC government. Under the management of a former British army captain, Avient Air had been contracted to organize bombing raids into eastern DRC in 1999 and 2000. At the same time Avient Air

organized logistics and transportation of mining equipment for Sengamines – a partly Zimbabwean-owned venture which is closely associated with the Zimbabwe Defence Force (ZDF) and in which Oryx Natural Resources is a shareholder – and was granted exclusive rights to two of DRC's richest diamond concessions in 1999 by the then DRC President, Laurent-Désiré Kabila.

Victor Bout

The elite network in the Rwanda-controlled area of DRC maintains close commercial ties with Victor Bout. The UN has accused Victor Bout of using the United Arab Emirates as a permanent base for his illegal arms and diamond smuggling activities.

Victor Bout's aircraft were allegedly used to take coltan and cassiterite out of DRC; to bring supplies into mining sites in DRC; and to transport military troops and equipment. During a major military campaign in Pweto, DRC in late 2000, Victor Bout's aircraft were used to transport Rwandan Patriotic Army personnel to the area. Widespread human rights abuses against civilians were reported in the context of this campaign.

Victor Bout is also connected to the elite network in Ugandan-controlled DRC. His aircraft share the flight times and destinations with Planet Air, which is owned by the wife of Lieutenant General Salim Saleh – a former leader in the Ugandan army and key player in the elite network. Planet Air reportedly facilitates the activities of Victor Bout by filing flight plans for his aircraft. A UK pilot has stated that he regularly flew a Planet Air airplane to deliver military supplies and personnel to eastern DRC.

Guns and diamonds

The following tale of one shipment of arms suggests one of the ways in which diamond smuggling and the illegal arms trade are often intertwined in DRC. The victims are the countless civilians caught up in the conflict who have been denied their fundamental human rights.

In October 2001 a UN Panel of Experts on Liberia detailed an illegal shipment of arms from a Uganda-based company to the Liberian capital, Monrovia, involving a complex network of aviation businesses, arms merchants and shipping agents.

The UN had banned the import of any kind of weaponry to Liberia because the Liberian authorities were suspected of assisting the armed opposition Revolutionary United Front (RUF), in neighbouring Sierra Leone. The RUF have been responsible for widespread killings, mutilation and rape of civilians.

The shipment consisted of a consignment of Slovakian-made sub-machine guns. The guns were officially destined for Guinea. However, the airplane transporting them – an Ilyushin operated by Centrafrican Airlines controlled by Victor Bout – travelled instead to Liberia.

The UN Panel failed to mention one detail: a stopover in DRC. Research by the International Peace Information Centre in Antwerp, Belgium, has revealed that, on its way back from Liberia, the airplane stopped in the central DRC town of Kisangani.

Documentation from Civil Aviation Authorities in Uganda shows that the airplane arrived at Entebbe airport in Uganda on 25 November 2000 from Kisangani.

Sanjivan Ruprah has also been associated with the DRC diamond market since the early 1990s and has been granted a

4,000km² diamond concession in Kisangani by the DRC authorities. Sanjivan Ruprah has close relations with the Rally for Congolese Democracy, an armed opposition group in the DRC, and has reportedly been trying to sell his Congolese diamonds in Belgium. He has also reportedly been deeply involved in illegal arms sales to Liberia.

Brothers in arms

The diamonds-for-arms trade in Liberia and DRC was allegedly organized at that time by Victor Bout and Sanjivan Ruprah. Both men have reportedly been active in the illegal arms trade for many years.

According to the UN panel, Carlos Alberto Laplaine (also known as “Beto”), a close associate of Sanjivan Ruprah very familiar with the Antwerp diamond market, accompanied the cargo plane carrying the Slovakian guns to Liberia and DRC. On his immigration card in Uganda, he gave his profession as “diamond dealer”.

In February 2002, Sanjivan Ruprah was arrested in Belgium on charges of counterfeiting and carrying a false passport. According to his lawyer in Belgium, he had been trying to sell diamonds in Antwerp on behalf of the Rwandese President, Paul Kagame.

A second shipment?

The UN Panel also revealed that the same airplane which had taken the guns to Liberia returned to Uganda three days later to pick up a further 1,250 sub-machine guns. This time, the Ugandan authorities decided to pay for the weapons and keep them. But questions still remain about what happened to this second shipment.

A letter issued by the Ugandan People’s Defence Forces on 11 January 2001 refers to the stock in this second shipment in detail. The letter asks for the release of 600 rifles to Ituri province in northeastern DRC. This request coincided with a particularly brutal episode in the DRC conflict.

[photo caption]

Members of AI Italy giving visibility to the campaign on diamonds and weapons during the European Social Forum, Florence, November 2002. © AI

[end caption]

[photo caption]

AI campaigning postcards addressed to the Chairman of the World Diamond Council to break the link between diamonds and human rights abuses.

Left: © AI and Campaign to Eliminate Conflict Diamonds. Postcards created by Martin Williams Advertising, photography by Curtis Johnson.

Below: The postcard shows illicit miners sifting for diamonds and (insets) civilian victims of shootings. © AI.

To participate in the AI campaign on Human Rights and Economic Exploitation in Africa, go to: web.amnesty.org/web/web.nsf/pages/ec_campaigns_africa

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Mercenaries and arms pour into Côte d’Ivoire

Foreign mercenaries

On 29 October 2002 the Institute for Security Studies, based in South Africa, said several dozen South African mercenaries had been hired by President Gbagbo of Côte d'Ivoire.

In November, a spokesman for the French army, which was deployed in Côte d'Ivoire to evacuate foreign nationals and monitor the cease-fire (see left box), said that whites and English-speaking blacks had been involved in a helicopter attack on rebel positions in the west. Later, a source close to President Gbagbo said the white combatants were actually flight teams for the combat helicopters recently acquired by the government.

Other mercenaries from neighbouring countries have joined the rebellion, some reportedly led by an ex-commander of the Revolutionary United Front in Sierra Leone, an armed opposition group that led a concerted campaign of mutilation and killings during a brutal civil conflict.

Small arms

The proliferation of small arms in neighbouring countries is contributing to human rights violations in Côte d'Ivoire.

Côte d'Ivoire signed up to the ECOWAS moratorium on small arms, in October 1998. Nonetheless, the government of Côte d'Ivoire has succeeded in importing considerable amounts of military hardware, notably from China. Between November and December 2002, a Boeing 707 chartered by the Chinese branch of a German company carried a shipment of military equipment from the Chinese airport of Guanzhu to Abidjan. The pack list included a thousand rounds of T62mm sub-machine gun bullets and a million rounds of 7.62mm ordinary bullets. The shipment was reportedly delivered by an airline based in Uganda and run by two Belgian pilots and a German engineer.

[photo caption]

A government fighter captured on a patrol at the perimeter of occupied Bouake is threatened by rebels, Côte d'Ivoire, October 2002.

© AFP/Georges Gobet

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Crisis in Côte d'Ivoire

[photo caption]

People flee a town in western Côte d'Ivoire after heavy fighting between rebels and government troops, December 2002.

© Luc Gnago/Reuters/popperfoto.com

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In September 2002 an uprising by an armed group effectively divided Côte d'Ivoire in two. Serious human rights abuses were committed by both government forces and armed groups.

On 19 September, the first day of the uprising, General Gueï, a former head of state, was shot dead by security forces in Abidjan Cathedral. His wife, Rose Gueï and others close to him went into hiding, but were found and killed by members of the security forces.

The September crisis came after two years of turmoil, following a military coup in December 1999. The two-year period was marked by major human rights violations in a climate of xenophobia encouraged by political leaders.

Following the signing in October 2002 of a cease-fire agreement brokered by the Economic Community of West African States (ECOWAS), the two sides agreed to refrain from the recruitment and use of mercenaries and children.

However, the agreement failed to halt hostilities. Government helicopters started attacking rebel positions in the west, causing the death of many civilians. In November, two new armed opposition groups, the Movement for Justice and Peace, and the Ivorian Popular Movement of the Far West (MPIGO), took up arms close to the Liberian border.

In late January 2003, all parties to the conflict signed an agreement, the Accord de Marcoussis. This provided for the establishment of a government of national reconciliation, including all the parties to the conflict. By March no such government had been created because of disagreements between the various parties.

Despite the agreement, clashes continued. At the beginning of March 2003, fighting was continuing in the west of the country, with grave consequences for civilians, thousands of whom were displaced. On 2 March, Felix Doh, head of MPIGO stated that the fragile cease-fire was over after claiming that government helicopter gunships had attacked and killed 20 civilians.

AI visits Côte d'Ivoire

In October 2002, AI sent a delegation to the region which concluded that the two parties to the conflict had particularly targeted civilians suspected of supporting the opposing side. As a result, tens of thousands of people had been displaced, leading to a humanitarian crisis. The abuses included arbitrary and extrajudicial killings, secret detention of opposition members, destruction of homes and extortion by members of the security forces, as well as physical violence and intimidation against civilians, human rights workers and journalists.

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ACT NOW

Please write to the Chinese, Belgian and German embassies in your country citing the examples above and ask them why they have allowed their nationals to send arms to Côte d'Ivoire in the context of a major human rights crisis. Ask them to implement the Bullet Points on the back page.

Please write to the South African embassy in your country, asking the authorities to carry out an urgent investigation into reports of the activities of South African mercenaries in Côte d'Ivoire.

Please also write to the Prime Minister of Côte d'Ivoire asking that the Ivorian government uphold its responsibilities to ensure respect for human rights in the country and that it take steps to ensure that the

ECOWAS moratorium on small arms imports is respected.

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The use of indiscriminate weapons – what does AI say?

AI calls on all parties to any international armed conflict to take all necessary precautions to avoid civilian casualties, in accordance with binding principles of international humanitarian law. These include a prohibition on direct attacks on civilians or civilian objects; attacks which do not distinguish between military targets and civilians or civilian objects; and attacks

which, although aimed at a military target, have a disproportionate impact on civilians or civilian objects.

Chemical and biological weapons

The use of chemical and biological weapons in armed conflict is prohibited by international law. They are inherently indiscriminate weapons, incapable of being used in a manner that does not violate the principle of distinguishing between civilians and combatants – a customary rule of international humanitarian law.

Even if they could be targeted solely against combatants, attacks with biological or chemical weapons are still prohibited because they cause superfluous injury and unnecessary suffering to combatants, and thus violate a customary rule of international humanitarian law.

Nuclear weapons

In the context of an international armed conflict between the USA and its allies and Iraq, AI calls on all parties to refrain from using nuclear weapons as any such use would violate fundamental rules of international humanitarian law.

Depleted uranium

Following its report on the NATO bombing campaign in the former Yugoslavia, and most recently in the context of the US-led bombing in Afghanistan, AI has called on governments to place a moratorium on the transfer and use of depleted uranium (DU) weapons, pending the outcome of investigations into their long-term health effects. DU ordnance may pose a long-term threat to civilians and the environment. Some studies suggest that DU dust, which remains in the vicinity of targets struck by DU weapons, poses a significant health risk if inhaled or ingested.

Anti-personnel landmines

Anti-personnel mines are to date the only weapons of war whose use, manufacture, stockpiling and transfer AI completely opposes. In many conflicts landmines are intentionally laid in areas where they will cause maximum disruption to civilian life. They continue to maim and kill unsuspecting civilians long after conflict has ended.

AI calls on all governments to:

- sign, ratify, implement and monitor the 1997 Ottawa Mine Ban Treaty (see box below);
- ban the use, production, stockpiling, sale, transfer or export of landmines;
- provide resources for community-based demining and mine awareness programs; and
- assist the victims of landmines

Cluster bombs

AI addressed the issue of cluster bombs in the context of the war over Kosovo and in Afghanistan. Cluster bombs are munitions which carry hundreds of sub-munitions or bomblets.

In October 2001, during the US-led bombing in Afghanistan, AI has called for a moratorium on the use of cluster weapons. Cluster bombs present a high risk of indiscriminate harming of civilians because of the wide area covered by the numerous bomblets released. At least five per cent of them do not explode upon impact, becoming de facto anti-personnel mines and remaining a continuing threat to people, including civilians on the move, who come into contact with them.

AI will continue to support a moratorium on the use of cluster weapons.

[photo caption]

A monument of shoes created by students at Holy Trinity High School in Edmonton, Alberta, Canada, outside their school to symbolize the victims of landmines, 1999. © Nancy Ingram, Mines Action Canada, 1999

[end caption]

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- The development, production and stockpiling of microbial or other biological agents for hostile purposes is prohibited by the UN Biological Weapons Convention (1972). The UN Chemical Weapons Convention (1992) prohibits the development, production, stockpiling and use of chemical weapons and requires the destruction of both chemical weapons production facilities and the weapons themselves. The USA is a party to both these conventions. Iraq is a party to the Biological Weapons Convention.

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- The Italian government authorized the export of over 9,000,000 anti-personnel landmines to Iraq in the 1980s. These landmines were used in the northern Kurdish areas of Iraq by the Iraqi army. Recently, some of these landmines have been found in Turkey, where they have been used by Kurdish armed groups. The Turkish army has also used landmines and there are numerous reports of deaths and injuries of civilians caused by these anti-personnel weapons.

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- In 1997 the UN Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti Personnel Mines and on Their Destruction (known as the Ottawa Mine Ban Treaty) was signed by 122 countries. It came into force on 1 March 1999.

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ACT NOW

Please appeal to your government:

- not to use weapons that are inherently indiscriminate, including chemical and biological weapons, cluster bombs and anti-personnel landmines;
- not to use long-range missiles that are inaccurate (such as long range Scud missiles) or to use aerial bombing from great heights (above 15,000 feet) since recent experience has shown that this does not allow for full adherence to international humanitarian law requiring parties to make every effort to distinguish civilians from military targets;
- to refrain from using uranium-tipped weapons unless independent medical evidence is published showing that such weapons will not cause long-term harm to civilians.

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Who armed Iraq?

In the shadow of the massive US-led military build-up against Iraq in late 2002 and early 2003, evidence emerged that all the permanent members of the UN Security Council, as well as several East European states and Syria, had supplied arms and related materials to the Iraqi government. However, by the time of writing, no conclusive evidence had come to light showing that Iraq possesses weapons of mass destruction.

Before the 1991 Gulf War, at least 20 countries were accused of involvement in building up the technological basis for different Iraqi weapons programs, in particular the chemical weapons program. In December 2002, the Iraqi government submitted a 12,000-page dossier to the UN naming companies from the UK, France, Russia, the USA and China as suppliers of weapons technology to Iraq.

Seventeen UK companies named as having supplied Iraq with nuclear, biological, chemical, rocket and conventional weapons technology are to be investigated and could face prosecution. The dossier claims that 24 US firms sold Iraq weapons including nuclear and rocket technology and that some “50 subsidiaries of foreign enterprises conducted their arms business with Iraq from the US”. Germany was shown to be Iraq’s biggest arms-trading partner with 80 companies selling weapons technology.

Although most of the trade ended in 1991 at the outbreak of the Gulf War, Russia, China and reportedly Portugal traded arms with Iraq after 1991 in breach of UN resolutions.

Weapons of mass destruction

In August 1991, UN arms inspectors – UNSCOM – compiled a list of companies which had supplied technology to the Iraqi chemical and biological weapons program. The list was not made public, but governments can obtain information on the involvement of companies from their own country upon special request to the UN.

German companies have been subjected to criminal investigations on suspicion of violation of the arms embargo against Iraq. The UK and the USA have been accused of supporting the Iraqi chemical and biological weapons program through the sale of chemicals and technology.

“British firms sold thousands of kilos of the basic ingredients of nerve and mustard gas to Iraq and Iran last year, the Department of Trade confirmed yesterday... the Department’s figures show that 2,000 kilograms of methyl phosphonyl difluoride has been exported to Iraq. This is the basic ingredient of the nerve gas Sarin... British firms also sold 38,000 kilograms of dimethyl methylphosphonate and other Sarin ingredients to Iraq.”

Andrew Beitch, *The Guardian*, 6 April 1984

Four years after this article was published, in March 1988, an estimated 5,000 people were deliberately killed and thousands wounded as a result of chemical weapon attacks by Iraqi forces on the town of Halabja in Northern Iraq. Most of the victims were civilians, many of them children and women.

Conventional weapons program

Conventional arms supplied by many states to the Iraqi armed forces, such as artillery, tanks, military vehicles, fighter planes and helicopters, have reportedly been used to commit grave human rights violations.

For example, in April 1999, violent clashes were reported between protesters and security forces when the latter attempted to prevent Shi'a Muslims from taking part in Friday prayers at the al-Hikma Mosque in Saddam City in Baghdad. These clashes reportedly left scores of protesters dead. An eyewitness told AI that "when people were prevented from prayers they started shouting slogans against the authorities. Some protesters were armed and started shooting at the security forces but the latter were using tanks against the population and many people, including children, were killed."

In 1994 Iraqi military and special forces continued to launch deliberate and indiscriminate armed attacks on civilian targets, including the settlements of al-Jibayesh, al-'Uwaili and al-Saigal in the predominantly Shi'a Muslim southern marsh region of the country. Scores of families were displaced after their homes were destroyed or after fleeing to escape artillery shelling. In February 1992, President Saddam Hussain had said that Shi'a Muslims who participated in the March 1991 uprising should be machine-gunned for treason.

In addition to supplies from countries named above, spare parts for Iraq's military were smuggled from Eastern Europe and former Soviet republics, despite a UN arms embargo. Although such transfers would have been illicit under international law, in many cases the arms sales appear to have been either authorized by government agencies or undertaken by state-owned arms export agencies.

The ease with which individual countries have circumvented UN arms embargoes highlights the need for a worldwide arms trade treaty with legally enforceable national export controls.

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Syria

According to reports in early 2003, military equipment – from truck tyres to aircraft parts – was being brought into Iraq across the border from Syria and Jordan in trucks.

Most of the supplies allegedly came from East European countries and included Russian-made jet engines, refurbished Russian tank engines and Czech anti-aircraft cannons. Syrian weapons purchases for transfer to Iraq reportedly included refurbished T-55 tank engines and other replacement parts for T-72 tanks (from Bulgaria and Belarus); military trucks from Russia; and MiG29 airplanes and radar systems from Ukraine.

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[photo caption]

Iraqi Kurds hold photos of the victims of the Iraqi army attack on Halabja in March 1988 as they protest against chemical weapons outside the United Nations Office in Sulaimaniya, Northern Iraq, January 2003.

© AP

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Bulgaria

November 2002: it is reported that the Bulgarian government had admitted that the Terem plant, in Turgovishte, had been sending armoured vehicles and spare parts to Iraq via Syria.

Belarus

January 2003: the Lebanese authorities seize a shipment of helmets and communications equipment that was shipped from Belarus and was destined for Iraq. Also reports that missile technology and possibly dual-use technology were supplied.

Bosnia

Bosnian Muslim companies were reportedly involved in the supply of munitions, explosives and heavy artillery.

Ukraine

July 2002: the Ukrainian parliament sets up a commission to investigate news reports suggesting that government officials participated in arms sales to Iraq in violation of UN sanctions, including radar stations worth US\$100 million.

Serbia

October 2002: several reports highlight the central role Serbia played in arms exports to Iraq and the activities of Jugoimport, the state-owned arms export agency, in the supply of armour-piercing missiles, rockets, anti-tank ammunition, tank engines, various explosives, chemical stabilizers, and grenade launchers. Missile fuel, engine parts and technicians from a Bosnian Serb factory (eastern Bosnia) serviced Iraqi MiG 21 fighter planes.

Russia

The UN investigators found evidence that parts for long-range missiles were supplied to Iraq via a Palestinian middleman. Rosoboronexport, the Russian state-controlled arms export agency, maintained Baghdad sales offices despite the UN arms embargo.

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ACT NOW

Please write to the German, US, UK, French, Russian and Chinese embassies asking them to release the list of companies which supplied technology to the Iraqi chemical, biological and other weapons programs. Ask what action they have taken to prevent their nationals from supplying similar technologies to other countries.

Also write to the governments of Eastern Europe listed on this page asking them to strengthen arms export controls by placing human rights criteria at the centre of arms exports considerations as agreed in the Organization for Security and Co-operation in Europe.

[end box]

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US government steps up military aid for human rights abusers

In the wake of the 11 September 2001 attacks in the USA, the US government has massively increased its military aid to dozens of countries. Some of the recipients of this aid are armed forces which have committed grave human rights violations. Recipient countries include

Armenia, Azerbaijan, Afghanistan, Colombia, Georgia, Israel, Nepal, the Philippines, Tajikistan, Turkey and Yemen.

The USA had banned arms exports to Pakistan following nuclear weapons tests there in 1998 and a military coup in 1999. These restrictions were waived following the 11 September 2001 attacks. In 2002 Pakistan saw its military aid from the USA rocket from US\$3.5 million to US\$1.3 billion. The US embargo on arms to India was also lifted.

Meanwhile systematic human rights violations – including torture, deaths in custody and extrajudicial killings – by members of the Pakistan security forces continue to be reported and the Indian security forces continued to commit abuses, particularly in Kashmir.

Central Asia

Some of the biggest beneficiaries of US military aid have been Central Asian Republics, including Uzbekistan. Although the US State Department reported that Uzbek security forces had committed human rights abuses, an emergency bill passed by the US Congress in late 2001 granted Uzbekistan US\$25 million in loans to buy US weapons and equipment, US\$40.5 million for economic and law enforcement assistance, and US\$18 million for “anti-terrorism”, demining and non-proliferation programs. US military loans increased in 2002 and are slated to increase further in 2003.

The human rights situation in Uzbekistan is dire. Several thousand political prisoners are imprisoned and the crack-down on political and religious dissent continues. Unfair trials, torture and ill-treatment are routinely associated with these cases. Indeed, the UN Special Rapporteur on torture recently stated that it is his impression that torture in Uzbekistan is not just incidental, but “systematic”.

[quote box]

‘America encourages and expects governments everywhere to help remove the terrorist parasites that threaten their own countries and peace in the world... If governments need training or resources to meet this commitment, America will help.’

US President George W. Bush, 2002

[end quote]

Military training

The US government trains at least 100,000 foreign police and soldiers from more than 150 countries each year in military and policing doctrine and methods, as well as active combat.

US military training has a poor track-record on human rights issues. One training institution in particular, the School of the Americas (SOA), became notorious for training and educating Latin American soldiers who went on to commit human rights violations. Among its “graduates” were human rights abusers in El Salvador, Guatemala, Panama, Colombia, Chile and Argentina – including General Leopoldo Galtieri, President of Argentina under the military government and a commander of the “dirty war” in Argentina and 10 of the 12 officers responsible for the December 1981 massacres of nearly 800 villagers in and around El Mozote in El Salvador.

In the 1980s and early 1990s the SOA used manuals that advocated torture, extortion, kidnapping and execution. No one was ever held accountable for the development and use of these manuals.

The SOA, which has been renamed the Western Hemisphere Institute for Security Cooperation, is only one small part of a vast and complex network of US programs for training foreign military and police forces. There are approximately 275 military schools and

installations in the USA, offering over 4,100 courses. Tens of thousands of students train in these programs, but far more receive US training in their own countries through a variety of US programs. Some US military training includes human rights education, but there is no systematic requirement for this in the majority of US training and education provided to foreign forces.

A number of laws govern US training of foreign forces, including an amendment to the Foreign Operations and Defense Appropriations Acts, known as the Leahy Law.

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The USA spends more on arms than the combined total of the next 25 highest-spending states.

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The Leahy Law, first introduced in 1996, requires background screening for past human rights violations of foreign recipients of US military and police training. Although the US Departments of State and Defense have made progress in implementing the Leahy Law, there is still no standardized process for conducting such background screenings and in practice the quality of the background vetting varies greatly from country to country.

Moreover, the screening requirement does not extend to training purchased by foreign governments with their own funds, which accounts for the majority of US training of foreign troops.

Follow-up assessment of international military students who have received training from the USA is also limited.

[photo caption]

AIUSA report, *Unmatched Power, Unmet Principles: The human rights dimensions of US training of foreign military and police forces.*

To get the full report go to: www.amnestyusa.org/arms_trade

© AIUSA

[end caption]

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Please write to the US embassy in your country and urge the authorities to ensure:

- strict adherence to existing international law when considering arms exports, as set out in the proposed International Arms Trade Treaty (see the Bullet Points on the back page);
- the establishment of an independent commission to investigate the past activities of the SOA, particularly the use of training manuals that advocated torture and other illegal activities, and the suspension of training at the Western Hemisphere Institute for Security Cooperation pending the publication of the findings of this commission;
- urgent measures are taken to improve the transparency and accountability of US training to foreign militaries, including human rights and humanitarian law education in all foreign military training; strengthened background vetting of all foreign trainees, including those whose governments purchase training or who receive training from private contractors; and increased scrutiny of training provided by private US contractors.

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In March 1998 the UK government announced that the Department for International Development had approved a project to supply Land Rovers to the Zimbabwe Police. The project was valued at US\$14.8 million.

As early as May 1998 the UK government had indicated that it was aware of the likelihood that the Land Rovers could be used for political repression. Nevertheless, the aid project was not formally cancelled until May 2000. By that time it was reported that some 450 Land Rovers had already been delivered and various reports had detailed the use of Land Rovers to facilitate human rights violations by the Zimbabwean security forces.

In the town of Zaka in Masvingo Province local government Land Rovers were reportedly used in co-ordinated attacks on New Year's Eve 2001 against opposition party activists. Fifteen opposition political activists were hospitalized after severe beatings by militia members.

The UK government has stated that the "police landrovers" do not require an export licence.

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Russia reportedly shipped arms to Zimbabwe, including 10 Mi-24 helicopters in 1999 and 21,000 AK-47 rifles in mid-2000.

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According to the South African government's report on arms control, South Africa authorized the transfer of Category D products worth 14.3 million Rand (US\$1,791,071) to Zimbabwe in 2000. Category D products are "purposefully designed demining, mine clearing and mine detecting equipment, and all non-lethal pyrotechnical and riot control products". No further details were published to confirm whether or not riot control products had been exported.

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Transporting repression to Zimbabwe

The European Union (EU) introduced an embargo on military equipment to Zimbabwe in May 2000. In addition, Austrian domestic law forbids Austrian firms from selling military equipment to countries involved in war or to places where there is a strong likelihood of war breaking out.

Despite this, 66 four-wheel drive vehicles produced by the Austrian arms company Steyr were delivered to the Zimbabwe National Army (ZNA) in November 2001. The Austrian authorities claimed that they were not covered by the embargo or national legislation on military equipment because they were not fitted with guns and other special devices.

The 66 vehicles were considered to be transport vehicles and so Steyr did not need special permission from Austria's Foreign and Internal Affairs Ministries before agreeing the deal with the Zimbabwean government.

Opposition parliamentarians in Austria raised concerns that the vehicles would be used to transport youth militias and war veterans spearheading Zimbabwean President Robert Mugabe's campaign for re-election in March 2002. There was grave concern both within Zimbabwe and internationally that the political violence would escalate as the elections approached.

[quote box]

‘The training is quite intensive. It is not normal police training. We have been told that we are training for a special assignment. The training includes the use of water cannons, gas masks and other war material. We were told that the equipment we will use is still in Israel.’

A police spokesman quoted on www.1freespace.com/beetee/nov27b_2001.html: “Crack ZNA/ZRP unit for elections”, November 2001.

[end quote]

There were reports that the Zimbabwe Republic Police (ZRP) and the ZNA were preparing an elite force to crack down on opposition to President Mugabe in the run-up to the presidential election.

The force was reportedly trained in the use of Israeli-supplied riot gear. The police had ordered riot gear worth US\$1 million from the Israeli arms manufacturer, Beit Alfa Trailer Company (BAT) in 2001.

AI is alarmed that despite the EU embargo many countries are continuing to export military and security equipment to Zimbabwe.

Given that many of the human rights violations in Zimbabwe are committed by the police, AI has also called on governments to prohibit the transfer of a range of police equipment such as handcuffs, leg irons and electro-shock equipment.

[photo caption]

Police action to end student protests over college grants at the University of Zimbabwe left one student dead and at least 28 others injured, Harare, April 2001. © Reuters/popperfoto.com

[end caption]

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In the run-up to presidential election in Zimbabwe in March 2002, repression by government forces of opposition rallies and other campaign gatherings intensified.

Much of the political violence was perpetrated by the youth militia of the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF), often with the direct collusion of the police. Victims were primarily targeted for their perceived or real affiliation to the political opposition. Among those responsible for human rights violations including arbitrary arrests, unlawful detention, assaults and torture were members of the ZRP, the Central Intelligence Organization and the ZNA.

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Mystery canister

Who made this tear-gas canister?

This tear-gas canister was found on 19 November 2001 at a student halls of residence in the Zimbabwean capital, Harare. Earlier that day police had fired tear gas into halls and beat students who tried to escape the fumes. The canister carried the initials “PW”, the initials of the UK arms company Pains-Wessex. When AI approached the company, they denied that any of their products had been exported to Zimbabwe and AI does not claim that the company did so.

Tear-gas canisters carrying the initials “ZW” have also been used by the security forces in Zimbabwe in 2001.

If you have information on who is making and selling this equipment which is being used to facilitate human rights violations in Zimbabwe, write to:

MSP team, Amnesty International, International Secretariat, Peter Benenson House, 1 Easton Street, London WC1X 0DX, United Kingdom

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Please write to the Austrian government demanding that it honour its commitments under the EU Code of Conduct on Arms Exports and strengthen its controls on transfers of military, security and police equipment to countries where such equipment has contributed to serious human rights violations.

Please write to the Steyr company asking what human rights criteria they took into account before supplying vehicles to the Zimbabwean military and whether further deliveries are planned. Send letters to:

Steyr-Daimler-Puch Specialfahrzeug Ag & Co KG, 2 Haidequerstrasse 3, PO Box 100, A-1111 Wien, Austria

Write to the Israeli government asking them what human rights criteria they use before authorizing the export of military, security and police equipment to Zimbabwe.

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Weapons parts: supplied from Europe, ‘made in USA’, used in Israel and the Occupied Territories

AI has repeatedly questioned the arms trade to the Israeli armed forces and to Palestinian armed groups which have both regularly committed serious human rights abuses.

In a significant new trend sophisticated European weapons components are being supplied to Israel via the USA, apparently to circumvent the human rights clauses of the EU Code of Conduct on Arms Exports.

‘Serious implications’

In July 2002 the UK government announced that it would allow the export of UK-made components for US-made F16 aircraft destined for Israel. Despite clear evidence that Israeli F16 aircraft have been widely used against Palestinian civilians, the UK government argued that to stop the supply of display units for the aircraft produced by BAE Systems would have “serious implications” for military relations with the USA.

Made in Germany USA

In November 2002 there were reports that a German company was supplying transmission systems for the new Israeli Merkava tanks, despite a German embargo on arms sales to Israel. The company had apparently found a way around the embargo by shipping the components to

a US factory, affiliated to the German manufacturer. The transmission systems would then be labelled “Made in USA” and so circumvent the German arms embargo.

[photo caption]

During the night of 22 July 2002, the Israel Defense Force (IDF) dropped a one-ton bomb from an F16 fighter jet on a densely populated neighbourhood of Gaza City, killing Hamas activist Salah Shehada, the target of the IDF attack. Seven other adults and nine children aged between 18 months and 17 years were also killed and more than 70 neighbours were injured. Six nearby houses were also destroyed in the attack. The following day Israeli Prime Minister Ariel Sharon called the attack “one of the most successful operations”. © AI

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Monitoring the export of weapons components is no easy task, as the following example shows.

AI has vigorously opposed the transfer of US-supplied AH-64 Apache attack helicopters to both Israel and Turkey because of serious concerns regarding human rights violations committed by the Turkish and Israeli military forces.

An essential part of the Apache helicopter is the system which allows the complex electronic sub-systems to interact with each other and with the on-board flight computer. This system – known as the MIL-STD-1553 data bus – is produced by the US company Data Device Corporation (DDC). DDC describes the data bus as “the life-line of the aircraft”.

DDC have operations in a number of countries including the USA, the UK and Ireland. Despite approaches to DDC in each country and to each government, AI has been unable to confirm the source of these essential components for the Apache helicopters being supplied to Israel or Turkey.

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ACT NOW

Please write to your government and:

- Express concern that the US, UK and German governments are ignoring their own commitments to human rights criteria within arms export controls systems.
- Ask that they approach the US, UK and German governments to take human rights and end-use fully into account before authorizing the export of components for weapon systems where there is clear evidence of human rights violations being facilitated by such weapons. Refer to the Bullet Points on the back page.

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Liberian timber and the arms trade

The Liberian timber industry has links with the arms trade to Liberia – this was an explicit finding of the United Nations (UN) Panel of Experts established by the UN Security Council to monitor compliance with UN sanctions imposed on Liberia in 2001.

The Panel’s reports have shown that the government of Liberia is continuing to procure arms, despite the UN ban on arms transfers. The Panel’s reports have stressed concerns that

revenue from the timber trade – a major source of government income – is being used to purchase military assistance and that timber companies have facilitated transfers of weapons.

These weapons are being used to pursue internal armed conflict between government forces and the armed opposition Liberians United for Reconciliation and Democracy (LURD).

Both sides continue to commit grave human rights abuses against civilians as fighting has intensified and spread since the beginning of 2003.

Government forces and armed militia fighting with them are responsible for killings; torture, including rape; and forcible recruitment of children under 18. LURD forces have committed similar abuses, although to a lesser extent.

Liberian timber is traded in a large number of countries around the world. China and France are the two main importers. Companies in Europe, including in Belgium, Denmark, Germany, Italy, the Netherlands and the United Kingdom, are also reported to have directly or indirectly imported Liberian timber.

AI supports the Panel of Expert's recommendation in their most recent report of October 2002 that there should be a long-term financial audit of the Liberian timber industry by an international auditing firm.

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ACT NOW

Please write to the governments of countries named above urging them to support the establishment of a credible, independent, public and verifiable auditing system to track revenue and expenditure derived from the Liberian timber trade on a continuing basis in order to ensure that the timber trade does not contribute to human rights abuses by government forces or any armed group by facilitating or financing military security or police transfers.

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International Action Network on Small Arms

The International Action Network on Small Arms (IANSA) is a coalition of over 500 civil society organizations in over 100 countries working to stop the proliferation and misuse of small arms and light weapons.

Amnesty International (AI) is a founder member of IANSA and your AI national section can join IANSA and help build a national campaigning coalition of non-governmental organizations (NGOs). IANSA aims to reduce small arms violence by:

- raising awareness among policymakers, the public and the media about the global threat to human security caused by small arms
- promoting the work of NGOs to prevent small arms proliferation through national and local legislation, regional agreements, public education and research
- fostering collaborative advocacy efforts, and providing a forum for NGOs to share experiences and build skills
- establishing regional and subject-specific small arms networks
- promoting the voices of victims in regional and global policy discussions

For more information about IANSA, contact:

IANSA, International Secretariat, PO Box 422, 37 Store Street, London WC1E 7QF, United Kingdom.

Tel: +44 207 953 7626, Fax: +44 207 960 2706

Web site: www.iansa.org E-mail: contact@iansa.org

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Trading in the tools used to torture

Torture and other cruel, inhuman or degrading treatment are prohibited in all circumstances in international law. Yet every day in countries all over the world people are being tortured and ill-treated.

Much of the equipment used to inflict extreme pain and suffering has been around for years. However, increasingly torturers are using weapons which exploit the latest technological developments, most notably high-voltage electro-shock stun weapons. These weapons are being produced in ever greater numbers and their use and proliferation are spiralling out of control.

Electro-shock weapons

Two hundred and thirty companies in 35 countries are making, distributing or brokering electro-shock weapons, according to recent research for AI. Eight countries account for a substantial part of the world's production of such weapons: China, Taiwan, the USA, the Republic of Korea (South Korea), South Africa, the Czech Republic, Mexico and Russia.

International standards on the use of force by law enforcement officials require that officers apply only the minimum amount of force necessary to obtain a lawful objective, and that all force should be proportionate to the threat posed to avoid unwarranted injury or pain. AI is concerned that electro-shock stun weapons easily lend themselves to abuse.

There are persistent reports of such equipment being used in situations where resort to such levels of force is not justified. In the USA police officers have reportedly used taser guns on people who were already handcuffed and restrained.

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Taser guns

Dart-firing taser guns typically shoot two wire-trailing darts with hooks over a distance of between 15 and 30 feet. When the hooks affix to the victim's body or clothing an incapacitating 50,000-volt shock is inflicted on impact or by using the gun's trigger.

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The school bus journey on 3 October 2002 started as normal for Chiquita Hammond, a 15-year-old schoolgirl in Miramar, Florida. However, during the journey the driver stopped the bus and flagged down three police officers with a complaint that the students were being unruly. Chiquita Hammond stepped off the bus. According to the police, the teenager became verbally abusive. When she started walking away, one of the officers grabbed the girl by the wrist and attempted to handcuff her. Chiquita Hammond allegedly responded by knocking his glasses off. She was then wrestled to the ground while the police officer tried to handcuff her. Another officer sprayed her in the face with pepper spray, which the police said did not appear to have an effect. At this point a third officer pulled out his M-26 Taser gun and fired it at Chiquita's back, delivering a 50,000-volt shock.

The use of such a painful “less than lethal” weapon in this case constitutes excessive and disproportionate use of force.

Leg irons, shackles and thumbcuffs

At least 69 companies in 12 countries are making, distributing or dealing in leg irons, shackles or thumbcuffs, according to recent research for AI. Countries where manufacturers of such equipment have been found include China, the Czech Republic, South Africa, South Korea, Taiwan and the USA.

AI has documented the widespread use of such equipment for torture and other ill-treatment in many countries. Alfred Harding, a prisoner convicted of a firearms offence and held in virtual incommunicado detention on death row in Saint Lucia, was shackled for many months. The six-inch chains around his ankles were never removed and at night his wrists were also chained. In July 2000, when AI again raised its concerns about the case with the authorities, he was reportedly in extreme pain caused by his prolonged shackling; his ankles had been badly damaged by the constant contact with the iron shackles and his inability to move had led to back and muscle pains. On the evidence available, his treatment amounted to torture.

In 2002, following a concerted campaign by AIUSA, the US government removed export licence exemptions for all NATO countries, with the exception of Canada. This means that the only country to which the US can continue to export leg irons without the need for a licence is Canada. This was clearly an important step forward.

The problem, however, is that the Canadian government does not control the export of leg irons. So leg irons which find their way to Canada can then be re-exported anywhere in the world, without any control or monitoring of where they are going or how they are used.

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‘Instruments of restraint, such as handcuffs, chains, irons and strait jackets, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints.’

Rule 33 of the UN Standard Minimum Rules for the Treatment of Prisoners

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More and stricter export controls needed

Many of the countries manufacturing or supplying leg irons, electro-shock weapons or death penalty equipment have ineffective, or indeed no controls on the import, export or brokering of such equipment.

South Africa, for example, appears to have neither domestic or export controls on leg irons, shackles, thumbcuffs or electro-shock weapons. Once such equipment reaches South Africa then it can be re-exported with no government oversight at all.

A recent European Commission Trade Regulation will, if enacted unamended, ban the import, export and brokering by companies and individuals within all 15 EU member states of items that the Commission has categorized as “torture equipment” including electro-shock stun belts, leg irons, thumbcuffs and shackles. The Trade Regulation will also require that all EU member states introduce controls on the export of stun batons, stun guns and riot control agents such as tear gas.

AI welcomes the introduction of these Trade Regulation and calls on other governments around the world to introduce similar prohibitions and controls.

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Exporting execution

AI believes that the death penalty is the ultimate cruel, inhuman and degrading punishment. Today, prisoners are put to death by their governments using equipment such as gallows, electric chairs, gas chambers and specially designed lethal injection systems.

One aspect of the execution industry that rarely receives public attention is that some countries that have themselves abolished the death penalty have done nothing to ban the export of death penalty equipment to other countries that retain capital punishment.

AI's campaign to ban the trade in such equipment has recently achieved a notable success. A European Commission Trade Regulation will, if enacted as currently written, ban the import, export and brokering by companies and individuals of death penalty equipment within all 15 EU member states.

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ACT NOW

Please write to your government asking them to ban the import, export and brokering of death penalty equipment, stun belts, thumbcuffs, leg irons and shackles.

Write to the governments of EU member states asking them what they are doing to implement the EC Trade Regulation.

Write to the governments of South Africa, Taiwan, South Korea and China asking them to introduce similar prohibitions and controls.

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Canada's big arms export loophole

Helicopters to Colombia

Military helicopters sold by Canada to the US State Department have found their way to the Colombian armed forces despite the clear risk that they would be used for serious human rights violations. The Canadian government has said that they are not in any way responsible for determining the ultimate use of their military exports.

In 1999 the Canadian Department of National Defence sold over 40 surplus "Huey" CH-135 helicopters to the US government. Originally manufactured in the USA and worth Canadian \$450 million (US\$300 million), the helicopters were intended for US assistance programs in a number of countries. AI Canada has reported that 33 of these were then redirected to the Colombian military as part of "Plan Colombia", a controversial US, mainly military, aid package, ostensibly aimed at dismantling the drugs trade.

In 1994 direct US military aid to the Colombian army was suspended because of the army's appalling human rights record and its collusion with illegal paramilitary groups responsible for widespread human rights abuses. In 2000, however, despite overwhelming evidence of the Colombian army's continued links with paramilitary groups, the US government approved a massive program of military aid to Colombia, most of it destined for the army.

[quote box]

'Once these helicopters were sold to the US government, they ceased to be "Canadian"... Military goods exported to the US do not require export permits nor does the US provide re-export assurances. Further regulation of defence exports to the US would simply result in the movement of production to the US or the replacement of Canadian suppliers with suppliers from other countries. The only impact would be a loss of jobs for Canadians with no benefit to global peace and security...'

Canadian Department of Foreign Affairs and International Trade, 10 September 2002

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The distinction between the “war on drugs” and counter-insurgency against guerrilla groups has become increasingly blurred. In 2002, the US administration secured congressional approval for the lifting of a requirement that aid be limited to counter-narcotics efforts. As a result military aid approved to date can also be used to combat armed groups considered by the authorities to be “terrorist” organizations, including guerrilla groups.

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The conflict in Colombia between government forces and their paramilitary allies on the one side and armed opposition groups on the other intensified during 2002. The escalation followed the collapse in February 2002 of peace talks initiated in 1999 between the government and the main armed opposition group, the Revolutionary Armed Forces of Colombia. The result has been a marked deterioration in the human rights situation. Hundreds of people “disappeared” and thousands were killed for political motives during 2002, mostly by army-backed paramilitaries. Hundreds of thousands of people have been displaced by the fighting.

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Please write to the Canadian embassy in your country to express your concern about the sale of “Huey” military helicopters to USA which were then redirected to Colombia. Ask the Canadian government if it is monitoring the end-use of these helicopters and what it is planning to do in order to close the loopholes in Canadian legislation and so prevent Canadian military equipment ending up in the hands of military or police forces that commit human rights violations.

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Policing and guns

All governments should provide rigorous training to police officers before authorizing them to use firearms. Ongoing refresher training should also be provided. However, in many countries the reality is that insufficient attention is given to training officers in how to implement the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials in practical situations.

The result is that while officers become adept at operating and cleaning their weapons and hitting targets, they are unable to assess properly the level of threat and the correct level of force needed in actual incidents.

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South African police gun law

For many years police in South Africa have been allowed by law to shoot suspected thieves, drug dealers and fleeing suspects, even when there was no direct threat to the officer or the public. This clearly breaches international human rights standards, yet there has been resistance at the highest level to attempts to change South African law to bring it into line with these standards.

The key piece of legislation involved is Section 49 of the apartheid-era Criminal Procedure Act of 1977. A draft new Section 49, which was consistent with international human rights

standards as reflected in the Constitution, was passed by the South African parliament in 1998, but it was never implemented.

In May 2002, the Constitutional Court ruled that Section 49(2) of the 1977 Criminal Procedure Act, which permitted the unrestricted use of “deadly” force by police or any other person against a fleeing suspect, violated the right to life. The Court held that potentially lethal force could only be used if there were reasonable grounds for believing that the suspect posed an immediate threat of serious bodily harm or had committed a crime involving the infliction or threatened infliction of serious bodily harm. The Court criticized the government for failing to implement the 1998 parliamentary amendment to the Criminal Procedure Act.

The government and police service now must ensure that there is proper law, regulations and a training program in place which are consistent with the directions of the Constitutional Court ruling.

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Afghanistan

Policing an armed society

[photo caption]

A Kabul police officer armed with an RPG7 rocket launcher gestures during a protest outside Kabul university, November 2002. Hundreds of students clashed with police in demonstrations. Police opened fire on protesting students, killing at least two and wounding 15 others. © AP

[end caption]

On the night of 11 November 2002, around 1,000 students from Kabul University took to the streets after their complaints about dormitory conditions were ignored by the university authorities. During this protest, some of the students threw stones at the police, after police verbally abused students. Police fired shots in the air and then shot into the crowd of students. According to official reports two students were killed; protesters put the number of students killed by police fire at between four and six.

The police in Afghanistan face a combination of problems which leaves them ill-equipped to deal with their everyday policing role in a way that respects human rights. Lack of resources is a widespread problem, especially in relation to the proliferation of small arms. Police stations around the country do not have the most basic equipment. Many lack pens and paper and so cannot keep records of arrests and detention – a key safeguard against torture and a way of establishing accountability.

There is also a widespread lack of police training on how to protect human rights. The complete absence of structures to ensure accountability allows human rights violators to continue to commit abuses and to evade justice.

Outside Kabul, much of the police force is not under the command of the central government and has no police experience or training. It consists of many former Mujahideen (“Soldiers of Islam”, a term used to refer to forces that fought successive Soviet-backed regimes) allied to powerful regional commanders. They are relying on the use of firearms acquired in their military past to carry out policing duties.

Although there are some well-intentioned police commanders, they lack resources and expertise to ensure that policing practices are based on human rights standards; many are unaware of the existence of international human rights standards on policing.

Despite aid from the international community to improve policing, in early 2003 there were still too few resources, no training for serving police, and no effective mechanism for

monitoring their actions or investigating reports of human rights violations by officers. The removal of surplus and illegal small arms has barely begun.

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ACT NOW

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UN fails Timor-Leste police in firearms training

A UN transitional administration was set up in Timor-Leste (formerly East Timor) in October 1999, to help reconstruction after decades of massive human rights violations, and widespread destruction in 1999 by the Indonesian security forces and pro-Indonesian militia. The rapid development of a professional police service was a major goal.

However, recent killings of civilians by police reflect a lack of proper UN-supervised training for police. In December 2002, for example, two people were shot dead and 16 others were injured in the capital, Dili, when police reportedly used excessive force.

Complaints against the police of assaults and excessive use of force are increasing. Timor-Leste is now independent, but responsibility for policing still lies with the UN. Despite the UN presence, the inadequacy of police training and the lack of proper oversight and accountability mechanisms for the Timor-Leste Police Service mean that such complaints are dealt with inconsistently or not at all.

Despite this, police officers have been issued with pepper spray, batons and Austrian Glock pistols – and there are plans to issue a selected number of Special Police Unit officers with German-designed MP5 sub-machine guns.

The Timor-Leste Police Service was established with impressive speed, aiming to recruit and train nearly 3,000 officers by July 2003. In late 2002 AI delegates were impressed by the commitment and professionalism of many of the police officers they met. However, considerable further international support is needed to help build an effective police service capable of upholding human rights.

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ACT NOW

Please write to the Special Representative of the UN Secretary-General for East Timor to express the concerns highlighted in the article. Urge the UN Mission of Support in East Timor to ensure that human rights are reflected throughout the police training curriculum, including on the use of force and firearms.

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Women in Brazil say ‘It’s your weapon or me’!

[photo caption]

Young boys with guns in Rio de Janeiro, Brazil, 2002. © Luke Dowdney / Viva Rio, Dowdney, LT, Children of the Drug Trade: a case study of Children in Organised Armed Violence in Rio de Janeiro, ISER / Viva Rio, Rio de Janeiro, 7 Letras, 2003

[end caption]

In the last 10 years, 300,000 people have been killed in Brazil, many as a result of urban violence and the widespread proliferation of handguns and small arms. Many of the guns are made in Brazil, but guns are also imported from countries including France, Germany, Italy and the USA.

The police forces responsible for tackling this are underfunded and poorly equipped and trained. In the absence of a coherent approach to public security they often resort to brutal human rights violations.

AI has begun researching the links between urban violence and human rights. An important partner for AI in this work is Viva Rio which works through local projects and in cooperation with local government and some police to eradicate the proliferation of weapons in Rio de Janeiro.

On Mother’s Day, 13 May 2001, Viva Rio, one of Brazil’s largest NGOs, launched a campaign under the slogan “Arma Não! Ela Ou Eu”(“Choose gun-free! It’s your weapon or me”) calling on women from all sections of Brazilian society to force the men of Brazil to give up their guns.

Viva Rio was created in 1993 in response to two appalling massacres of unarmed civilians by military police. Seven street children and one young adult were killed at the Candelária Church, Rio de Janeiro, in July 1993. A month later, 21 people were shot dead by a group of hooded gunmen who spent two hours firing indiscriminately at residents in the Vigario Geral shanty town.

In June 2001, Viva Rio, IANSA (the International Action Network on Small Arms) and other local NGOs collaborated with the State government of Rio de Janeiro and the military to

destroy 100,000 weapons which had been seized from criminals by the police. The largest ever stockpile of weapons to be destroyed in one day were heaped into a pile covering 400 square metres and bulldozed in front of a crowd of tens of thousands. A further 10,000 weapons were destroyed on 9 July 2002 and Viva Rio is campaigning to make 9 July Small Arms Destruction Day around the world.

End-use monitoring

Viva Rio helped the police introduce a new computer system to log the type, make and serial numbers of all the weapons confiscated in police operations. Data from this system identifies the countries that manufactured the small arms. These included not only Brazil, but also Argentina, Austria, Belgium, China, the Czech Republic, France, Germany, Israel, Italy, Spain, Switzerland and the USA. Viva Rio has asked the governments of these countries to explain how supposedly legally exported small arms ended up in the hands of criminal gangs in Rio de Janeiro. To date, the governments have provided little useful information.

The ease with which small arms end up in the hands of criminal gangs and human rights violators is partially as a result of the poor or non-existent end-use monitoring systems and enforcement by the supplier countries.

If your country is listed above, please contact your AI section which may have actions for you to take part in.

For more information about Viva Rio visit their website: www.vivario.org.br

[photo caption]

Destruction of 100,000 firearms in Rio de Janeiro in June 2001. © Viva Rio

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Film reviews

City of God

What fuels the culture of gun violence by urban civilian gangs? This is the main subject of this extraordinary Brazilian film, directed by Fernando Meirelles.

Cidade de Deus (City of God) is the name given to a poor Brazilian housing project built in the 1960s. As organized crime, drugs and weapons gained a foothold, it became one of the most dangerous places in Rio de Janeiro by the beginning of the 1980s.

The film shows how the proliferation and glorification of weapons combine with local police corruption to fuel an escalation of arbitrary killings and abuses by young men and boys, creating a climate of fear.

Bowling for Columbine

Bowling for Columbine is a documentary film on gun violence in the USA by the satirist Michael Moore. The film highlights the unregulated private ownership of firearms. Internationally, this results in hundreds of thousands of deaths and injuries annually, and brings into question what due diligence is required of states to protect residents from firearm-related violence and its consequences.

The film begins with Michael Moore opening an account at a Michigan bank that offers a gun to customers who open a long-term certificate of deposit account with some kind of minimum balance. The bank's employees see nothing strange in this. From the start the viewer is invited

to make a connection between cultures of police and civilian violence, the prevalence of civilian gun ownership, and the 11,000 people killed with guns in the USA every year.

The film offers no simple explanations or solutions to gun crime in the USA, although it does expose the power of the gun lobby and show how the media and government stoke up popular fear of violence and crime.

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Mexico – surveillance of human rights defenders

US, UK, Israeli and German companies, among others, have installed sophisticated surveillance technologies in Indonesia, Colombia, China and Saudi Arabia. Modern systems allow tapping and tracing of mobile phones, pagers, fax machines, e-mails and Internet use. They also allow Geographical Information Systems to be used, in conjunction with personal information databases, to identify people's addresses, political affiliations and movements.

AI has received reports of the use of telephone-tapping systems and other surveillance technologies by security forces in Guatemala, Indonesia, Saudi Arabia, Tunisia and Mexico to target human rights defenders.

In 1996 AI reported a sharp increase in the targeting of human rights defenders throughout Mexico. In scores of cases threats contained extensive details about the victims' personal and professional lives, suggesting intelligence work, including telephone-tapping.

Evidence published by AI in 2001 suggests that state practices of monitoring and collecting information held by human rights organizations – including telephone-tapping, interference with mail, surveillance and theft of information regarding those implicated in human rights violations – have been widespread in Mexico. AI believes that such activities cannot take place without the authorities' acquiescence.

Surveillance technologies and software have developed at a rapid pace in recent times, outpacing changes in export controls and, in many cases, the ability of politicians to understand the dangers they hold.

For more information see Ireland and the arms trade – Decoding the Deals.

www.amnesty.ie/netw/msp/irelandnarms.shtml

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Bullet Points

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For an International Arms Trade Treaty

Contracting Parties shall not authorize international transfers of arms:

- which would violate their obligations under international law – including the Charter of the United Nations, arms embargoes and other decisions of the United Nations Security Council and international treaties prohibiting the use of weapons that are indiscriminate or that cause unnecessary suffering;

- In circumstances in which they know, or should know, that the arms due to be transferred are likely to be:

1. used in breach of the United Nations Charter or corresponding rules of customary international law, in particular those prohibiting the threat or use of force in international relations;
2. used to commit serious violations of human rights;
3. used to commit serious violations of international humanitarian law relating to armed conflict;
4. used to commit genocide or crimes against humanity;
5. diverted and used to commit any of the above acts.

Furthermore, there should be a presumption against the authorization of those arms transfers likely to:

- be used for or to facilitate the commission of violent crimes;
- adversely affect political stability or regional security;
- adversely affect sustainable development.

Contracting Parties will submit an annual report on international arms transfers from or through its territory or subject to its authorization to an International Registry, in accordance with the requirements of this treaty. The International Registry shall publish an annual report and other periodic reports.

For text in full see: www.armslaw.com/

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Protocol on the export of licensed arms production

Contracting Parties shall:

- require that all Licensed Production Agreements are authorized by governments;
- not permit the export of licensed arms production in circumstances where it would result in international arms transfers contrary to the International Arms Trade Treaty;
- not permit the export of licensed arms production without a specific mutually binding agreement with the recipient state to seek prior authorization for any exports from a licensed production facility on a case-by-case basis, stating maximum production quantities to be exported and requiring in each case end-use certification and provision for end-use monitoring.

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Protocol on arms brokers and traffickers

Contracting Parties shall:

- require that all arms brokers or traffickers operating or having residence or business dealings on their territory be registered;
- not register anyone to act as an arms broker or trafficker if they have aided or committed crimes set out in the International Arms Trade Treaty, or been convicted of a crime of armed violence, illegal trafficking, or money laundering;

- require a licence for the conduct of any particular arms brokering or trafficking deal, wherever conducted by any of its nationals or permanent residents, and refuse such a licence if the applicant is not registered, or if the deal in question would result in arms transfers that violate the principles of the International Arms Trade Treaty.

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