

The Terror Trade Times

Amnesty International

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Page 1 (cont'd page 2)

No arms for atrocities

G8's uncontrolled trade in arms and military aid undermines fundamental human rights and sustainable development

This issue of The Terror Trade Times, largely examines ways in which military and security exports from seven of the G8 countries - the USA, the Russian Federation, France, the United Kingdom (UK), Germany, Italy and Canada - are contributing to human rights abuses and undermining the prospects for social and economic development around the world.

All states have a fundamental legal obligation to assess whether the arms and security equipment and training they transfer are likely to be used by the recipients to commit human rights abuses and to ensure that through such transfers they are not knowingly assisting in such abuses. Arms transfers are not lawful just because the recipients are government agents or the transfers have been authorized by government officials. They can only be lawful if they are made in accordance with international standards. The failure of governments to fulfil this obligation is contributing to the destruction of millions of lives, particularly in Africa.

The consequences of irresponsible arms transfers are there for all to see. Yet governments, far from learning from their mistakes, seem set to make the problem even worse. The current US-led "war against terrorism" is being accompanied by massive transfers of military aid to those governments that have shown little regard for human rights protection. There has been no reduction in existing US military aid to countries such as Israel (US\$2.04 billion), Egypt (US\$1.3 billion), Jordan, Tunisia and Colombia. Nor have military sales to countries such as Saudi Arabia and Turkey seen any decline. In addition, the US Congress was considering an emergency supplemental spending law containing nearly US\$1.3 billion. This would enable US arms purchases, military combat training, advisers and military bases for Afghanistan, Pakistan, India, Tajikistan, Uzbekistan, Kyrgyzstan, Azerbaijan, Armenia, Georgia, Turkey, Somalia, Yemen, Kenya, Indonesia and the Philippines - all countries where serious and systematic human rights violations have been committed. (continued on Page 2)

[photo caption]

Above: An Afghan family pass a checkpoint during a city-wide weapons crack-down in Kandahar, January 2002. The provincial government initiated a massive confiscation campaign in an attempt to get weapons off the streets.

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Right: An Afghan youth looks at paintings of military hardware in Kabul, September 2001.

© Reuters 2001

[end caption]

The Philippines

President George W. Bush has offered the Philippine government over US\$100 million-worth of excess military equipment - including helicopters and transport planes and 30,000 M16 rifles - to fight various armed groups. One of these armed groups, Abu Sayyef, a Muslim secessionist group involved in kidnapping for ransom, is alleged to have had links with al-Qa'ida, the group accused of being behind the 11 September attacks in the USA. Over 600 US soldiers are currently training Philippine soldiers in counter-insurgency techniques. The Philippines already receives substantial small arms supplies from the USA, Canada and South Africa, and is reportedly saturated with small arms. An escalation of armed conflict in central Mindanao since 2000 has led to the displacement of over 400,000 civilians amid reports of indiscriminate bombings and human rights violations by the Philippines army. Given that US counter-insurgency training does not incorporate rigorous human rights safeguards and that systems of military accountability in the Philippines have proved weak, US military aid risks exacerbating patterns of human rights violations and so aggravating local tensions and prolonging the conflict.

Who armed al-Qa'ida?

According to its officials, the US Central Intelligence Agency (CIA) gave over US\$2 billion in light weapons to Mujahideen groups in Afghanistan fighting the Soviet invasion between 1979 and 1989. Much of this was channelled via the Pakistan Inter-Services Intelligence (ISI). This US aid continued openly until 1991, despite the fact that thousands of Afghan civilians were deliberately and arbitrarily killed by Mujahideen fighters, who were also responsible for widespread beatings, abductions and rapes. Other outside powers, including Iran and China, also supplied the Mujahideen groups with munitions, and they captured arms from the former Soviet Union. By late 2001, the weapons markets in the Taliban-held towns and villages on the Afghan border with Pakistan and Iran, were still reportedly doing a heavy trade in arms, including US and other missiles, and Kalashnikovs, made under licence in China and Egypt.

[photo caption]

The leaders of the G8 nations at the end of the summit in central Genoa, 22 July 2001. They are (left to right) Japanese Prime Minister Junichiro Koizumi, United Kingdom Prime Minister Tony Blair, US President George W. Bush, French President Jacques Chirac, Italian Prime Minister Silvio Berlusconi, Russian President Vladimir Putin, Canadian Prime Minister Jean Chrétien and German Chancellor Gerhard Schröder.

© Reuters 2001

[end caption]

[photo caption]

An Indonesian soldier patrols on top of a truck in Banda, Aceh province, September 2001. More than 1,500 people, mostly civilians, were reportedly killed during 2001 in heavily militarized Aceh, where 40,000 soldiers and police are deployed.

© Reuters/Beawiharta

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The wealthy Saudi Arabian businessman Osama bin Laden reportedly spent several years in the early 1980s fighting alongside Mujahideen against Soviet forces in Afghanistan and setting up military training camps there for foreign, mainly Arab, recruits. In the late 1980s, a US-based agent for al-Qa'ida shipped to Afghani-stan 25 US sniper rifles capable of shooting down helicopters, piercing armour or destroying fuel tanks from long distances.

In June 2001, local informants reported that Osama bin Ladens followers bought US-made and other missiles and small arms from dealers in Peshawar, and flew in extra recruits and supplies to a camp southwest of Kandahar. Funds and transport used for such arms deliveries have been the subject of international media reports. Al-Qa'ida's funds were said to come from Osama bin Laden's businesses based in Sudan, Arab and Pakistani donations, as well as from the illicit sale in Belgium of diamonds mined by the armed opposition in Sierra Leone and traded through Liberia since 1998, a

claim supported by witnesses. In February 2002, a Kenyan diamond dealer based in Liberia was arrested in Belgium on charges of criminal association and using a false passport. According to United Nations (UN) investigators, he was a key associate of Viktor Bout, a Russian businessman who was resident in the United Arab Emirates and is accused in recent UN sanctions reports of illegal trafficking of arms to armed opposition groups in Angola, Central Africa and Sierra Leone.

The Russian government does not register and control its nationals who broker arms deliveries abroad, and Viktor Bout's company shipped arms to Afghanistan in 1996, but there has been no proof published that he was involved in arms shipments to al-Qa'ida or the Taleban. Recently, the ownership of Viktor Bout's main air cargo company Air Cess, which has an office in Islamabad, has been transferred to his brother, and his US office has been closed.

US and UN officials have claimed that another company linked to Viktor Bout based in the United Arab Emirates, had an agreement with the Taliban to service Afghanistan's Ariana Airways, and to provide charter flights from Dubai to the Taleban stronghold of Kandahar in Afghanistan in late 2000 and early 2001. It is not known whether those flights were loaded with weapons. In November 2001, Pakistani officials claimed to have discovered a letter sent from Russian businessmen to Afghan traders in June that year referring to a meeting in May which agreed secret air routes for forthcoming arms deliveries to be listed in the flight manifests as "fish from Tanzania" and sent via several countries including the United Arab Emirates.

Indonesia - how the G8 fuelled the fire

In late 2001, the US government lifted restrictions on the provision of police training and equipment, military spare parts and "non-lethal" military articles to the Indonesian armed forces, despite their continued involvement in grave human rights violations, most notably in the two provinces of Aceh and Papua (formerly known as Irian Jaya).

The then US President, Bill Clinton, had cut off arms sales and other military transfers to Indonesia in 1999 after serious crimes, including crimes against humanity, were committed in East Timor by pro-Indonesia militia backed by the Indonesian police and military. From 1950 until the Dili massacre in East Timor in November 1991, when most US military aid was cut off by Congress, the US government paid for the training of over 7,300 Indonesian officers.

An earlier ban by Congress of US International Military Education Training (IMET) to Indonesia, which followed the Santa Cruz massacre of November 1991, was circumvented by the US administration which allowed the Indonesian government to purchase with its own funds the same types of training. In addition, the US Air Force, Army and Navy Special Forces trained Indonesian Special Forces units throughout the period of the IMET ban. Thirty-six US "Joint Combined Education and Training" exercises with special forces took place in Indonesia between 1992 and 1998. The Pentagon later confirmed that these exercises, which were halted after they were exposed by a non-governmental organization, routinely included training in sniper techniques, air assault operations, amphibious operations and close quarters combat.

In his response to questions from Republican Congressman Evans in 1998, the Deputy Secretary of Defense noted that, again, the US government could not identify specific soldiers that it had trained. Lieutenant-General Prabowo Subianto, the former head of Kostrad, a special unit in the Indonesian security forces notorious for human rights abuses, received US military training. In August 1999, he was discharged from the army for "misinterpreting" a military order in connection with the "disappearance" of pro-democracy activists in 1998.

However, the USA has not been alone in sending weapons to the Indonesian armed forces. France, Germany, the Russian Federation and the United Kingdom have all supplied them with military assistance.

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Failed UN Small Arms Conference

In July 2001, the UN convened an international conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. The aim of the Conference was to agree a UN Programme of Action containing recommendations to governments. Amnesty International welcomed this initiative, but warned that some participants, particularly the USA, China and Russia, aided by key members of the Non-Aligned Movement, were trying to strip the Programme of any meaningful protection of human rights.

Amnesty International's fears turned out to be well founded. The final UN Programme of Action focuses on the need for states to implement UN arms embargoes, mark and trace weapons, store them safely, help customs officials and Interpol, and destroy surpluses, especially in the context of peace-building and demobilization. However, the Programme excludes any mention of "human rights violations", "war crimes" or "misuse of arms". It fails to elaborate binding measures to ensure respect for international human rights standards and international humanitarian law by national arms export authorities. And it excludes any notion of parliamentary oversight and the need for annual public reports and end-use monitoring of the small arms trade.

Stop the arms flood

In response to the failed UN Conference, a coalition of key humanitarian non-governmental organizations (NGOs) working on small arms, including Amnesty International, organized a conference in Kenya in November 2001 on Small Arms and the Humanitarian Community: Developing a Strategy for Action. About 100 people from more than 60 NGOs world-wide took part and agreed the Nairobi Framework for Action on Small Arms. This seeks to promote initiatives and campaigns to stop the flow of arms used in human rights abuses and to help communities to become safe from armed violence. At the conference, Amnesty International appealed to NGOs to join a campaign to urge all governments to put into practice the following two principles:

Golden rule on supply

No government should authorize any transfer of arms where there is a clear risk that these items will be used by the likely recipient to commit:

- grave human rights abuses
- war crimes
- crimes against humanity

Golden rule on demand

Governments should ensure that the circulation and use of arms is strictly limited in terms of UN human rights standards and international humanitarian law so that:

- use by law enforcement officials is only permitted when strictly unavoidable in order to protect life;
- military use is only permitted if proportionate, targeted, and in accordance with international humanitarian law;
- surplus and illegal weapons within the population are collected and destroyed in situations where they could contribute to serious human rights violations.

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No security without human rights

Israel and the Occupied Territories

Since the start of the al-Aqsa intifida (uprising) in September 2000, violence in Israel and the Occupied Territories has steadily escalated. The human cost of the on-going conflict is immense. By April 2002, more than 1,300 Palestinians had been killed by the Israeli security forces, the vast majority of them unlawfully; that is, when no lives were in danger. Palestinian armed groups and individuals had killed more than 300 Israeli civilians. Many of the victims on both sides were children. More than 23,000 other people had been wounded, many maimed for life. So far, 2002 has seen an even greater intensification of violence and suffering.

The Israeli authorities responded to the intifada and the killing of Israeli civilians by firing upon and thereby wounding and killing Palestinians at demonstrations, checkpoints and borders, and by shelling residential areas and police stations. The level of abuses committed by armed groups has also escalated. Palestinian armed groups have fired deliberately at cars with Israeli number-plates travelling along the roads of the Occupied Territories and set off bombs in public places such as malls and restaurants, deliberately targeting civilians. Israeli settlers have attacked and killed Palestinians with almost complete impunity.

Many of these abuses have been carried out with weapons supplied from the USA to the Israeli Defense Forces (IDF), and, on a smaller scale, the supply of arms via smuggling networks to Palestinian armed groups such as Hamas, Islamic Jihad and the al-Aqsa Martyr Brigades. The IDF has highlighted the discovery of arms and ammunition, including rockets and mortars, on the Karine A, a small cargo ship reportedly sent from Iran to the Palestinian Authority (PA). Israeli and Palestinian security officers have reported that large quantities of small weapons have been smuggled into areas under the jurisdiction of the PA from Israel. They have alleged that arms merchants and organized criminal networks are involved in this trade and that the Israeli army and police have never engaged in a serious attempt to stop them. (continued on page 3)

[photo caption]

Palestinian gunmen exchange fire with Israeli troops in the centre of the West Bank town of Bethlehem, March 2002.

© Reuters/Magnus Johansson

[end caption]

Many commentators on the other hand have focused on the role of the USA in supplying thousands of guided missiles, jet fighters, attack helicopters and tanks to the IDF. One aspect of the conflict, which has perhaps received less public scrutiny than it deserves, are the weapon systems and military tactics being deployed by the IDF. And yet, the flow of weaponry into the area and the manner in which arms are used are key elements in helping to explain the appallingly high casualty rates - and how to prevent them.

In January 2002, a former British military officer was invited by Amnesty International to observe the tactics adopted by the IDF in response to the intifada. His findings were as follows:

- There has been an increase in air attacks by the IDF against the PA infrastructure using US-supplied Apache Hellfire air-to-ground missiles and US-supplied F-16 laser-guided 500lb and 1,000lb bombs. In addition to tank fire, the increased tonnage of high-explosive that the IDF is dropping from the air causes a greater risk of civilian casualties. Furthermore, the effects on the mental health of those Palestinian civilians who live near to targets should not be dismissed lightly.
- Flechette rounds, although reportedly supplied from the USA some years previously, were not known to be used by the IDF until June 2001. Essentially, this munition - a 120mm shell filled with up to 2,000 potentially lethal 5cm-long steel darts or flechettes - is an indiscriminate

munition designed to defeat massed infantry attacks or squads of troops in the open. Under no circumstances can its use be justified in the densely populated Gaza Strip: civilians will and have been hit.

- Bulldozers may seem a benign weapon, but the destruction and demolition of Palestinian houses, which the IDF claim are used as cover for attacks, is a form of collective punishment and as such is prohibited by the Fourth Geneva Convention unless absolutely necessary for lawful military objectives. No attempt is made to warn the occupants, the demolitions often occur at night, adding to the terror, and there is no effort made to re-house the occupants.
- Misinformation is apparently being deliberately disseminated by the IDF to encourage media reporting which puts an acceptable gloss on abuses such as the destruction of property, extrajudicial executions and unlawful killings. Frequently, the IDF has announced that it killed “terrorists” when those who were killed were unarmed Palestinians unconnected with any form of armed resistance.
- The IDF has refused to reveal its Rules of Engagement (ROE). ROE are not normally secret. Their purpose is to simplify and clarify in every soldier's mind when he, or she, can use force and open fire in certain scenarios. They also provide a mechanism for the military to discipline soldiers should they break the ROE; this creates confidence among all ranks that they know where the line is drawn and what will happen if it is crossed.

[photo caption]

An Israeli armoured personnel carrier passes a supermarket in the West Bank city of Ramallah, March 2002. In early 2002 the Israeli Defence Forces went increasingly on the offensive, invading Palestinian areas, including areas under full Palestinian Authority jurisdiction.

© Reuters/Laszlo Balogh

[end caption]

[photo caption]

A Palestinian woman and her children in their home. The hole in the wall was made by Israeli soldiers during a house-to-house search in the Deheishe refugee camp near the West Bank town of Bethlehem March 2002.

© Reuters/Magnus Johansson

[end caption]

[box]

ACT NOW

Please write to the US embassy in your country, copying your letter to the Israeli embassy and to your home government, pointing out that the easy availability of arms in Israel and the Occupied Territories – including sophisticated military equipment authorized for export by the US government, and weapons procured via smuggling networks, including M16 rifles – has contributed to human rights abuses by the Israeli security forces and armed Palestinian groups.

Point out that some West European governments have said that they have suspended arms exports to Israel and urge the US government to curb arms supplies to Israel and the Occupied Territories and to use its influence to persuade the Israeli government to put an end to the human rights abuses described above and to persuade Israel and neighbouring countries to stop the smuggling of small arms into the area.

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India and Pakistan lay landmines

Since the beginning of 2002, the security forces of India and Pakistan have been laying landmines both along the international border between the two countries and along the Line of Control in the disputed state of Kashmir. The decision to lay landmines followed heightened tension between the two countries and the deployment of tens of thousands of troops to the area.

The landmines have so far killed dozens of soldiers and civilians. On 28 January 2002, two Indian farmers were killed and two others wounded when they stepped onto landmines in densely mined wheatfields in Rajasthan state, near the border with Pakistan. Farmers in the mined areas face a stark choice: they must either risk their lives or watch their crops rot and their animals starve.

Amnesty International calls on both the Indian and Pakistani governments to stop laying landmines and to join the global trend to outlaw these weapons of indiscriminate destruction. Anti-personnel mines that are laid today will kill and mangle numerous civilians now and in the coming years. Amnesty International urges all governments to ban the use, production, stockpiling, sale, transfer and export of landmines and to ratify, implement and monitor the 1997 Ottawa Mine Ban Treaty.

[box]

ACT NOW

Please write to the Prime Minister of India and the President of Pakistan and urge them to:

- stop their armed forces from using land mines and to declare this publicly.
- respect and sign the 1997 Convention to Ban Anti-Personnel Mines

Addresses:

- Mr Atal Behari Vajpayee, Office of the Prime Minister, 152 South Block, New Delhi 110 001, India.
- President Pervez Musharraf, President's Secretariat, Aiwan-e-Sadar, Islamabad, Pakistan.

[end box]

[photo caption]

An Indian soldier crosses a fence after placing landmines in farms in a frontline border village with Pakistan in the northern Indian state of Punjab, January 2002. Landmines were laid amid fears of war. Tension between the two countries increased after the attack on India's parliament on 13 December which the Indian authorities blamed on Pakistan-based militants. Five people armed with guns, grenades and bombs stormed the parliament complex, killing seven people before they were killed themselves.

© Reuters/Kamal Kishore

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Page 4

Remnants of war

The threat of cluster bombs and other unexploded ordnance (UXO)

“One child was killed and another injured near here. They were carrying sugar cane and one was also carrying some sort of UXO. One of them dropped the UXO and it exploded. My grandchildren heard the bang - they found two children terribly injured. One was torn open all down his front with his intestines exposed %o his body was torn apart. The other child was

bleeding from lots of cuts all over his body and a big wound to his stomach. When my children came home they were shocked and shivering at what they had seen.”

A grandmother from Salao village, northern Cambodia

The devastating impact of landmines on the civilian population, often long after a conflict has ended, is well known. What has perhaps received less public attention is the huge range of unexploded ordnance (UXO) that is left behind after almost every conflict and the threat it presents to communities. According to a recent detailed study by UK Landmine Action and the UK Co-operative Bank, many people are more likely to be killed in an accident involving UXO than by anti-personnel landmines.

There are numerous types of explosive weapons, including artillery shells, grenades, mortars, rockets and bombs. All have one characteristic in common - they can remain in the ground, unexploded and still capable of maiming and killing long after conflict is over.

In developing countries most accidents happen when people are going about essential daily tasks, such as farming or collecting wood. Some victims are injured while trying to move UXO so that land can be used or to stop children from playing with it. UXO explosions often kill or injure several people at once; people standing nearby are frequently caught in the blast.

Fear of death or injury stops people in the poorest communities from using land to grow food. It presents a serious obstacle to those trying to overcome the trauma of war and can be a barrier to the establishment of lasting peace. It can also hold back the revival of local economies.

Cluster munitions have been used in great numbers in the US-led bombing campaign in Afghanistan. The US Air Force has stated that it dropped more than 244,000 cluster bombs in Afghanistan. At least 10 per cent are thought to be left on the ground, live and extremely dangerous. These weapons, which carry hundreds of sub-munitions or bomblets, scatter their load over wide areas and a high proportion fail to explode on impact. The sheer volume of unexploded bomblets has created massive levels of contamination in countries including Cambodia, Laos, Iraq, and the Federal Republic of Yugoslavia, especially Kosovo.

“The unexploded bomblets effectively turn into landmines, ready to detonate on the slightest contact, causing death and injury to civilians after the war has ended. As many are brightly coloured and the size of a drinks can, they are particularly attractive to children. In Kosovo, NATO cluster bombs are estimated to have killed or injured more than 200 people in just 12 months. It's a scandal that the same weapons were used in Afghanistan, despite the well-known risks to civilians.”

Richard Lloyd, director of Landmine Action

Landmine Action, of which AIUK is a member, is campaigning for new international humanitarian laws to require the users of cluster munitions and other explosive weapons to clear them up after hostilities cease. Cluster bombs are a weapon mainly used by major military powers. A legally binding framework, that makes those that create the problem responsible for solving it, would reduce the numbers of unnecessary deaths and injuries.

Because of the particular problems these weapons cause, there is a growing call for states to unilaterally freeze the use, manufacture and trade in all cluster munitions until a new international law to tackle their impact is negotiated.

[photo caption]

Villagers walk past an unexploded cluster bomb, which they said was dropped by US warplanes in October 2001, in the village of Mullah Abdullah Karez, Afghanistan.

© AP/John Moore

[end caption]

Certain states parties to the UN Convention on Conventional Weapons have recently started a process that may lead to negotiations on a new protocol on explosive remnants of war. But this could take years, despite the active support of countries such as the Netherlands and South Africa.

Communities living surrounded by UXO want the danger cleared from their farmland, schools and backyards. That can happen if resources are made available for local people to be trained and equipped to do the life-saving work of UXO disposal.

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ACT NOW

Write to the Ministers for Foreign Affairs and Defence in your country urging them to act to protect post-conflict communities from explosive remnants of war by supporting:

- new international laws placing responsibility for clearance of all explosive weapons, including cluster bombs, on those who have used them;
- a moratorium on the use, manufacture, sale and export of cluster bombs until new international law on the use and clearance of these weapons is introduced.

You can order the new report *Explosive Remnants of War* by Landmine Action and the Co-operative Bank at info@landmineaction.org and www.co-operativebank.co.uk

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BIOLOGICAL WEAPONS THREAT

Attacks using the Anthrax bacteria produced near panic in the USA in late 2001. Nineteen people contracted Anthrax; five of them died. Most of the victims were postal workers who had come into contact with four contaminated envelopes; three of the envelopes contained an Anthrax strain which had been used in the US biodefence program since 1980.

The attacks created a climate of fear and were followed by thousands of false claims. Public fear was further heightened by the suggestion that such weapons were relatively easy for small groups to produce. However, as a new special report by the Cape Town based Centre for Conflict Resolution - Track Two - makes clear, it is governments who develop, produce and stockpile these weapons. Any attempt to reduce the risk of biological attacks must depend on monitoring and controlling these deadly arsenals and deterring the proliferation of these weapons by states.

Most biological weapons are produced as part of government programs which are shrouded in secrecy. One of the remarkable achievements of South Africa's Truth and Reconciliation Commission in 1998 was to bring to public attention the former apartheid government's covert chemical and biological warfare program codenamed "Project Coast". Among the weapons devised by Project Coast during the 1980s and early 1990s were cigarettes coated with Anthrax and beer contaminated with botulinum toxin.

There are international standards that forbid the use of chemical and biological weapons. The 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Biological and Toxin Weapons Convention - BTWC) bans the development, production and stockpiling of such weapons, but it contains no provision for verification.

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According to Article 1 of the BTWC, State Parties should not "develop, produce, stockpile or otherwise acquire or retain: (1) microbial or other biological agents, or toxins whatever their origin or

method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes; (2) weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.”

While the BTWC itself does not prohibit the use of biological weapons, it does demand that State Parties adhere to the 1925 Geneva Protocol which forbids the use in war of asphyxiating, poisonous or other gases, and bacteriological methods of warfare.
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Statements by various countries denying that they have developed, produced or stockpiled biological or chemical weapons have been shown to be of little value. The former Soviet Union did not admit to processing chemical munitions until 1987. Indian officials denied for decades that the country possessed chemical munitions, before declaring its weapons stocks in 2001. Since 1989, US government officials have identified Iraq, Libya, Syria, Iran, Egypt, China, North Korea, Taiwan and the former Soviet Union as having failed to comply with the BTWC. Israel was not listed on the grounds that it has neither signed nor ratified the BTWC. South Africa was also omitted from the list, although it is now clear that it did maintain a biological weapons program between 1981 and 1995.

Clearly, there is an urgent need for a protocol to monitor states’ adherence to the BTWC. In 1995, signatories to the BTWC began to negotiate a protocol for monitoring the ban on biological weapons. By 2001 it was generally felt that agreement would soon be reached on a protocol that would mandate a limited degree of openness and allow international inspectors to make spot checks.

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Amnesty International is committed to working with other organizations against the transfer and deployment of arms and security equipment which contribute to human rights violations, as well as the banning of those weapons which are inherently indiscriminate, or cruel, inhuman or degrading in their effects.
[end box]

However, in July 2001 the US government rejected the draft text, allegedly because of secret US biodefence research which some argue violates the BTWC ban. This rejection of the draft protocol by the country with the world’s largest biotechnology industry has brought the process to a virtual halt.

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ACT NOW
Write to your government urging that it opposes the manufacture, transfer and use worldwide of indiscriminate weapons of warfare. Ask your government to support Amnesty International’s call on all governments to ensure that all relevant research on the safety of new weapons is placed in the public domain before any decisions are taken on their deployment.
[end box]

Page 5

AFRICA & THE G8

The G8 countries - a grouping of the world’s largest economies - have pledged to put Africa on their agenda when they meet in Canada in June 2002. What does this mean?

Sub-Saharan Africa is rich in human and natural resources and yet it is estimated that nearly half of its people live in poverty, surviving on less than US\$1 a day. Life expectancy is 48 years and

falling, while more than 28 million men, women and children are believed to have been infected with AIDS/HIV. Yet spending on health is reckoned to be a fraction of the amount spent on the arms trade. Some 20 per cent of the region's population is affected by civil or inter-state conflict. Millions of people have been forced to flee their homes to escape the fighting and the gross human rights abuses inflicted on the civilian population by warring parties.

However, one of the ways in which the G8's actions impact on the lives of ordinary Africans threatens to remain in the shadows - the way in which the transfer of military, security and police (MSP) equipment and expertise contributes to human rights violations and exacerbates ongoing conflicts in the region.

Africa - bringing the dealers to justice

Recent developments in bringing to justice some of those involved in the arms trade to West Africa have shone a spotlight on this secretive and often illicit trade.

In this conflict-ridden region, government forces and armed political groups in Guinea, Liberia and Sierra Leone have committed mass human rights abuses against the civilian population for more than 13 years. Hundreds of thousands of people have been forced to flee their homes to try and escape the vicious fighting marked by widespread killings, abduction, rape and amputation. These conflicts have been fuelled by the easy availability of small arms and light weapons and the lack of effective controls on arms and related material entering West Africa.

Small arms and light weapons frequently reach Guinea, Liberia and Sierra Leone via other West African countries. In some instances, other governments are involved. In other cases, although the authorities are not directly involved, the law enforcement resources and infrastructure to tackle smuggling do not exist. Armed opposition groups receive arms and ammunition through inter-linked networks of traders, criminals and insurgents moving across uncontrolled borders, often taking advantage of the instability caused by armed conflict. Dealers, brokers and transport companies operate on an international scale, obtaining arms and ammunition mainly from Eastern Europe.

[photo caption]

Victor Bout, a Russian businessman accused in recent UN reports of trafficking arms to rebels in Angola, Central Africa and Sierra Leone.

© Reporters

[end caption]

The UN has maintained a ban on arms transfers to Liberia since 1992 and a ban on arms transfers to non-governmental forces in Sierra Leone such as the armed opposition Revolutionary United Front (RUF) since 1997. For many years these sanctions were not properly enforced and were largely ineffective. It is only since UN experts investigations were carried out and made public that significant progress has been made in controlling the arms trade to Liberia and the RUF.

[photo caption]

Refugees in Katkama camp, southeastern Guinea, queue to register for transfer to camps in safer areas, February 2001. Conflicts in the region have caused mass human rights abuses against the civilian population for more than 13 years. These conflicts have been exacerbated by the widespread availability of small arms and light weapons in the region and the lack of effective controls.

© Reuters

[end caption]

In February 2002, the Belgian authorities arrested a Kenyan national based in Liberia, Sanjivan Ruprah, on charges of criminal association and using a false passport. The UN named Sanjivan Ruprah as helping to violate UN sanctions on arms transfers to Liberia. An international warrant was also issued by the Belgian authorities in February 2002 for the arrest of Sanjivan Ruprah's associate, Russian businessman Victor Bout, on allegations of money laundering. UN reports name

Victor Bout to be the main dealer involved in supplying arms to Liberia and to the RUF in Sierra Leone. Another suspect named in UN reports, Leonid Minin, had been arrested in Italy in June 2001 and remains in prison there pending trial for illegal gunrunning. The three men were named in the two reports of UN Panels of Experts on Sierra Leone and Liberia, published in December 2000 and October 2001 respectively. The reports contain detailed allegations regarding the personal involvement of these and other individuals in transfers of arms, military equipment and related material to Liberia and Sierra Leone.

Serious concerns remain about the absence of effective controls and monitoring of arms transfers to West Africa. For example, there are currently no effective controls in place to monitor military assistance from the US and other governments to the Guinean government. This is despite overwhelming evidence of human rights violations by the Guinean security forces, and despite evidence, documented by the UN Panel of Experts on Liberia, that Guinean forces have provided military assistance to Liberian armed opposition groups involved in human rights abuses.

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[caption]

Map showing the transports routes of Victor Bout's fleet from the Russian Federation, United Arab Emirates, Eastern and Central Africa and Afghanistan.

© Sunday Times.

[end caption]

- 1 Victor Bout's fleet of Soviet-era transporter planes have flown from their base in the UAE to Eastern Europe.
- 2 Through former military contacts in countries such as Bulgaria, Russia and the Ukraine he has arranged arms deals.
- 3 The guns, ammunition and supplies have been flown to war-torn territories in Eastern and Central Africa in exchange for diamonds.
- 4 Victor Bout also developed links in Afghanistan, flying in militants and weapons in 1996.

[end box]

Those providing weapons and other military assistance have an obligation to ensure that these do not contribute to serious human rights abuses. The UN and the UK government are providing military and police equipment and training to Sierra Leone government forces. In many respects, this has been effective in bringing an end to the armed conflict and reducing levels of human rights abuses. However, the RUF has also benefited from this assistance - for example, during the capture of UN peacekeeping troops in May 2000, the RUF siezed large numbers of rifles and more than eight military vehicles % as have the Civil Defence Forces, a civilian militia fighting on behalf of the Sierra Leone government which has committed serious human rights abuses.

International efforts to bring alleged illegal arms suppliers to justice are an important development. However, without strict controls and monitoring, more detailed and systematic investigations, public reporting and concrete legal action, other individuals will continue to provide a steady supply of arms to those responsible for killings, torture and abduction of civilians in Guinea, Liberia and Sierra Leone.

[box]

ACT NOW

Write to your home government urging it to support the establishment of a permanent arms trafficking investigative unit in the United Nations composed of independent experts to promote compliance with UN arms embargoes designed to help prevent violations of international humanitarian and human rights law. Cite examples of the above-mentioned UN reports.

[end box]

Page 6

Britons involved in Africa gun-running

[photo caption]

In June 2000, Ugandan and Rwandese forces fought for control of Kisangani, in northeastern Democratic Republic of the Congo (DRC). Hundreds of civilians, many of whom are buried in this cemetery, were killed in the battle. The northern residential districts, especially the Tshopo quarter, bore the brunt of the fighting. Ugandan and Rwandese forces were at times only yards apart, indiscriminately firing small arms, mortar and artillery shells directly into homes, workplaces, schools, medical centres and churches, in which most of Tshopo's inhabitants were desperately taking cover.

© AI

[end caption]

[photo caption]

Remnants of grenade launchers and shells manufactured in Eastern Europe and used in the fighting in Kisangani in June 2000. These remnants were recovered from just one house and its grounds, giving an indication of the scale of fire rained down on the city. The occupants survived, sheltering in a cellar for six days, forced to drain the air-conditioning system for drinking water.

© AI

[end caption]

[photo caption]

Citizens watch as soldiers pass through the central market of Kinshasa, August 1998. The proliferation of small arms has contributed significantly to the conflict and civil war that have devastated the Democratic Republic of the Congo since the mid-1990s.

© Reuters

[end caption]

Extrajudicial execution, torture and rape of civilians by all sides continue to characterize the ongoing conflict in the Democratic Republic of the Congo (DRC). The International Rescue Committee, a humanitarian organization, has estimated that since August 1998 as many as 2.5 million civilians have been killed or died from hunger and disease as a consequence of the conflict. By the end of 2001 as many as two million people were internally displaced and facing starvation, unable to support themselves.

Despite this catalogue of human misery, British pilots and air cargo companies have been allowed by the United Kingdom (UK) government to supply weapons to armed forces in the DRC responsible for mass human rights abuses. Under UK law, as long as the weapons are collected and routed outside UK territory to a destination not embargoed by the UN, such arms trafficking is perfectly legal. The traffickers have used links in other European Union (EU) countries or outside EU jurisdiction to circumvent the 1993 non-binding EU embargo on arms sales to the DRC.

In a taped video interview, a British pilot described how in 1999 and 2000 he flew AK47 assault rifles from Rwanda and Uganda into the rebel-held town of Kisangani in the DRC. He claimed the planes were registered in Swaziland for Planetair and New Gomair. The UN identified New Gomair as probably carrying illegal natural resources from the DRC and Planetair was named by the US government as supplying arms to eastern DRC. In the interview, the British pilot said: "Mostly the stuff we carried were brand new AKs plus the ammunition. They're all packed in plastic bags and in beautiful condition... It's quite a standard operation for us... We know there is a war on. We are not

involved in it because we...re just charter pilots... We were doing about 80 to 90 hours flying a month... It is very easy. Leave the hotel, do a little hour there and two hours on the ground and you are back in time for dinner.”

Amnesty International subsequently identified Planetair as having offices in West London run by the same person who managed Sky Air Cargo, a company that had operated a Liberian-registered cargo plane known to have carried arms to Sierra Leone and Angola. Strangely, the Liberian Civil Aviation Regulatory Authority was run by a UK business in Kent, England, during 1999 and 2000. When too many questions were asked, the Kent businessman switched to selling registrations for Equatorial Guinea. UN investigations have shown that aircraft on these UK-run registers were used for international arms trafficking to Angola, Sierra Leone and Central Africa, including the DRC.

UK law also fails to prevent UK transport companies being used for arms trafficking abroad. In April 2000, a UK newspaper, the Guardian and a UK NGO, Saferworld, identified an ageing Liberian-registered Boeing 707 that had been contracted to fly arms from Bulgaria and Slovakia to Harare in Zimbabwe. The arms were apparently destined for Zimbabwean forces in the DRC. The plane’s handlers used the offices and facilities of a UK cargo company with offices in Ostend, Belgium, without the knowledge of its owners.

Flight documents show that on 3 November 1999 the plane left Ostend empty for Burgas in Bulgaria. By the time it arrived at Harare it was carrying 40 tonnes of “technical equipment”. The plane had made a technical stop for refuelling at Aswan in southern Egypt after leaving Burgas and had then flown over Kenya under radio silence. According to a member of the crew, when the cargo reached Harare, it was transferred to an Ilyushin 76TD freighter and flown to Kinshasa in the DRC. The airport commandant at Ostend said he had interviewed the Belgian flight engineer on the trip in question who confirmed that the cargo included bazookas (an anti-tank shoulder-fired weapon). Military experts believe the cargo included a Bulgarian “Igla” portable surface-to-air missile system.

[box]

Amnesty International UK has produced an Individual Action pack focusing on weaknesses in the proposed UK Export Control Bill. It is a simple action pack produced in an accessible and interesting format which suggests a range of alternative actions, including pre-printed postcards. For a free copy of the pack, please contact the Individual Actions team on ia@amnesty.org.uk

[end box]

The UK company manager in Ostend claimed that he had been misled by the Ostend operations manager of an Amsterdam-based airfreight company who chartered the plane for an unknown broker. †It is company policy never to fly arms‡, he said. Further documentation then came to light indicating that the plane was planning a similar delivery of “technical equipment and industrial machinery” in March 2000 from Bratislava in Slovakia to Zimbabwe Defence Industries.

If passed into law, new legislation currently before the UK Parliament would require brokers transferring arms from one overseas destination to another to obtain a government licence. However, the draft legislation indicates that extraterritorial controls on brokering will only be imposed for deals involving transfers to embargoed destinations, or transfers of equipment used in torture or long-range missiles. Brokering conventional weapons to destinations not under embargo will require a licence only where part of the deal takes place in the UK. Similarly for shipping and air cargo companies, the proposed controls “do not apply to a person whose sole involvement is to provide transportation” whether they are based in the UK or abroad. Transportation controls will only apply for trade to embargoed destinations and trade in long-range missiles and torture equipment.

[box]

ACT NOW

Please write to Patricia Hewitt MP, Secretary of State for Trade and Industry, and to the UK embassy in your country citing these examples of “third country” arms brokering and trafficking. Urge that the

UK government include provisions in the proposed new UK Export Control Bill to extend effective controls to offshore arms deals by brokers and to arms deliveries by transportation agents so as to prevent such arms contributing to the violation of human rights. Ask why the UK government is not honouring its general election manifesto commitment “to control the activities of arms brokers and traffickers wherever they are located”.

[end box]

Page 7

The USA and Rwanda

A special training relationship

The USA has provided US Special Operations Forces training to armed forces in Senegal, Uganda, Nigeria, Sierra Leone and Rwanda. Much of this training, which has focused on counter-insurgency operations, has been provided in the absence of genuine human rights safeguards required by US law and without legislative oversight by the US Congress.

In 1994 and 1995, between 500,000 and a million people were killed in Rwanda, most at the hands of the predominantly Hutu Rwandese Armed Forces (FAR) and their paramilitary allies. In the wake of the genocide the USA began to provide training for the mainly Tutsi Rwandese Patriotic Army (RPA) which had driven the FAR and their allies out of Rwanda and taken control of the country. However, US Special Forces continued to provide this training even after reports implicating units of the RPA in reprisal massacres in Rwanda and Zaire (now the Democratic Republic of the Congo).

Military training for the RPA began in earnest in 1995 when some Rwandese soldiers and officers were enrolled in International Military Education and Training (IMET) courses in the USA. Many of these courses focused on military justice, apparently to deal with those who had perpetrated the mass murder. In addition, US Army Special Forces were deployed in Rwanda in 1995 to train Rwandans in humanitarian demining. In 1996, amid a mounting crisis in the camps in the former Zaire housing hundreds of thousands of Rwandese refugees, an increasing number of reports began to be received of human rights violations by the RPA, usually in the course of large-scale counter-insurgency operations in north-western Rwanda and in Zaire.

At a Congressional hearing in the USA in early December 1996, Republican Congressman Chris Smith asked the US State and Defense Departments whether the US government was providing military training to Rwanda. Ambassador Richard Bogosian, then the State Department’s Special Coordinator for Rwanda and Burundi, replied that the USA had “a small IMET program in Rwanda that deals almost exclusively with what you might call the human rights end of the spectrum as distinct from purely military operations. There is no substantial military assistance at the moment.” Vincent Kern, the Deputy Assistant Secretary of Defense for African Affairs, added: “We are talking about the softer, kinder, gentler side of the military training, focusing on improving skills in areas such as civil/military relations, the role of the military in civilian society, those sorts of programs. We have not provided Rwanda with any of the sort of basic military training that you would get at Fort Bragg officer training, those sorts of things.”

In fact, US Special Forces from Fort Bragg had arrived in Rwanda five months earlier. Congressman Smith later found out that a detachment from the US 3rd Special Forces Group (airborne) had trained between 35 and 40 Rwandese troops in a Joint Combined Education and Training (JCET) exercise in Rwanda called “Falcon Gorilla” during July and August 1996. US documents subsequently released to Congressman Smith show that this mission was clearly aimed at conducting and planning counter-insurgency operations linked to incursions into the former Zaire. The

primary objective of the mission was to train, assist and advise selected RPA officers in skills including basic rifle marksmanship, commando tactics, night land navigation and small unit tactics.

In 1997, in response to attacks by armed groups in western Rwanda, the RPA launched large-scale military operations in the former Zaire. According to the UN's human rights monitoring office in Rwanda, in May and June 1997 more than 2,000 people were killed during RPA operations in the western provinces "including a reportedly high number of unarmed civilians, such as elderly persons, women and young children."

In 1998, apparently to fend off Congressional ire at having been misled, the Pentagon prepared a summary report of all US military activities in Rwanda from the end of the genocide until August 1997. However, the report provided no information on the names or specific units or designation of Rwandese forces receiving training.

Congressman Smith requested the names of all Rwandese troops trained in JCET exercises since 1994, as well as after-action reports from the training missions. However, Pentagon spokeswoman Colonel Nancy Burt said in mid-1998 that it was not feasible to vet Rwandese forces being trained through the JCET program for prior human rights violations "due to the large number of persons with whom we conduct training." In 1999 such vetting was made a legal requirement for all foreign military trainees sponsored by the US government and not merely those trainees funded from the foreign affairs budget.

The Pentagon has never provided sufficient information to determine whether Rwandese army units that had received IMET, JCET or demining training were responsible for human rights abuses in Rwanda. However, the Rwandese armed forces went on to commit mass human right violations in the former Zaire during the overthrow of President Mobutu Sese Seko in 1997. They set up a permanent presence in 1998 in the new Democratic Republic of the Congo, continuing to commit serious abuses in the context of supporting armed rebellion and mineral extraction.

[photo caption]

A vehicle of the Rwandese Patriotic Army (RPA) passes by the body of a man shot dead by RPA soldiers. The man was suspected of collaborating with armed assailants who killed at least 130 Congolese refugees the previous day – 22 August 1997 – at Mudende camp, Gisenyi, northwestern Rwanda. An unknown number of people died in reprisal killings in the following days.

© AP

[end caption]

[box]

ACT NOW

Write to the US embassy in your country asking that the US government publish a human rights assessment of the impact in Rwanda and the Democratic Republic of the Congo (former Zaire) of US Special Force Training for the Rwandese armed forces. Also ask what human rights safeguards, as required under international law on state responsibility, the USA has implemented in practice to ensure that its provision of military training through JCET and other programs does not contribute to human rights violations, war crimes or crimes against humanity.

[end box]

Page 8

[photo caption]

The body of an Ethiopian soldier lies on a plain near the western Eritrean town of Tessenay, 6 June 2000. The two-year border war between Ethiopia and Eritrea ended with a peace treaty in December

2000 but the consequences of this devastating conflict, in which tens of thousands of soldiers perished on each side, will be felt for years.

© Reuters/Sami Sallinen

[end caption]

Russian weapons fuel African conflicts

The Russian Federation (Russia) is continuing to supply arms to a number of African countries, often when there is a clear risk that these weapons could be used to commit human rights abuses, war crimes and crimes against humanity.

According to reports, the Russian Federation has substantially increased its exports of Kalashnikov rifles to African countries since 1999 despite numerous armed conflicts where such weapons have been used to facilitate gross human rights violations. Recent Russian arms transfers have gone to conflict zones in the Horn of Africa and Central Africa and Southern Africa.

The Russian Federation has supplied tanks, attack helicopters and armed personnel carriers to the Sudanese government armed forces, despite the fact that human rights abuses, including summary and arbitrary executions, torture, abductions and sexual violence against women and forcible recruitment of children into fighting forces, have been committed with impunity by these forces.

Russia also supplied arms to Ethiopia and Eritrea between 1998 and 2000. At a time of heightened tension and then war between the two countries, Russia supplied eight jet fighters to Ethiopia and six to Eritrea in addition to combat aircraft and large caliber artillery. The two-year border war ended with a peace treaty in December 2000 but the consequences of this devastating conflict in which tens of thousands of soldiers perished on each side will be felt for years. Attacks by warplanes on both sides were alleged also to have led to some deaths of civilians. Many human rights violations, including torture and extrajudicial executions, were reported in the context of the continuing internal armed conflict within Ethiopia and Eritrea.

Angola has also been a recipient of Russian military hardware ranging from fighter-bomber aircraft and attack helicopters, to tanks and grenade launchers. One development which, if confirmed could have huge repercussions for stability in Africa, is the proposal to set up joint Angolan/Russian centres to service Russian-made weapons in other African states. This could have a profound effect as Africa is awash with old, broken-down Russian equipment.

Russia has also reportedly shipped substantial quantities of arms to Zimbabwe. In 1999 and 2000 these were reported to include 10 attack helicopters and of 21,000 AK-47 assault rifles. These transfers took place despite persistent allegations of human rights abuses by Zimbabwean government forces including widespread torture and ill-treatment, and political killings.

Most Russian exports are arranged through Rosoboronexport, the state export organization. Some exports go directly from producing companies themselves, although only a handful of companies are able to deal directly with overseas buyers. Russian weapons have also reportedly found their way to conflict zones in Africa via third countries, commercial intermediaries or international brokers.

In addition to the “official” trade in weapons, there are a large number of arms traffickers and brokers willing to supply arms to warring factions across Africa. For example, Victor Bout's Air Cess company, is reported by the UN to have delivered arms clandestinely to Angola, Sierra Leone, Liberia and the Democratic Republic of the Congo (DRC) and to have been paid in diamonds. Much of the weaponry allegedly involved originated in Russia and other Eastern European and Central Asian countries.

Russian military products are increasingly being promoted at arms fairs involving potential customers from armed forces that persistently violate human rights. For example, the number of Russian companies present at the African Aerospace and Defence International, an arms fair held in South Africa, has increased year on year. It is attended by delegations from African governments that use such equipment to violate human rights. The recent announcement of a tie up between Promgaz JSO (an affiliate of Gaz Prom), a large Russian resource extraction company, and the state arms exporter Rosoboronexport to boost the export potential of Russian defence material indicates that Russia is aggressively linking natural resource extraction with arms sales, a phenomenon which in several African wars has contributed to gross human rights abuses.

[box]

ACT NOW

Please write to the embassy of the Russian Federation in your country citing the cases above and politely asking what measures are being taken to prevent arms supplies by Russian companies, and dealers and brokers who are Russian citizens or residents from contributing to serious human rights violations and war crimes, as agreed by the Russian government in the 1993 Principles Governing Conventional Arms Trans-fers of the Organization for Security and Co-operation in Europe (OSCE) and the 2000 OSCE Document on Small Arms and Light Weapons.

[end box]

Germany, small arms and Africa

Most of the small arms and light weapons exports licensed by the German government in 1999 and 2000 were destined for other countries in Europe and the USA. However, significant smaller quantities of such weapons were authorized for export to countries in Africa including Egypt, Kenya, Namibia, Nigeria, Senegal, South Africa, Tanzania, Zambia and Zimbabwe. Weapons exported to Africa during this time included, revolvers, pistols and hunting guns, plus ammunition. However, the German annual report does not provide data on actual deliveries. Nor does the German government state if the weapons were actually sent to the police or armed forces in those countries.

Over the last 40 years the German company, Heckler & Koch (H&K), has directly exported G3 rifles to over 45 countries around the world and to over 20 African countries including Angola, Ethiopia, Ghana, Kenya, Morocco, Nigeria, Sudan, Togo, Uganda, Zambia and Zimbabwe. Some of these exports were from H&K's production facilities in the UK. For example, in 1989 and 1990 the H&K company in the UK made a number of shipments of G3 rifles to the Kenyan police force.

In February 2002, it was reported that Kenyan police had shot and seriously injured three children who had joined a demonstration against a local playground being taken away by the local administration. The children, aged between 16 and 10, were shot in the hands, legs and thighs by officers attached to the Githurai Location chief. One of the children's hands was shattered by a bullet from a G3 rifle. The children accused the police of being trigger-happy, saying that they did not attempt to talk to the group before lobbing tear gas and firing live ammunition at them. Such incidents are not uncommon and over the recent years Amnesty International has documented many cases of police shootings and killings in Kenya, some of which may have been extrajudicial executions. It is possible to identify the particular G3 rifle used in the recent incident from its serial number, but the supply route to Kenya is not known.

[photo caption]

Zimbabwean riot police in an armoured vehicle keep watch in the middle of an intersection in Harare's city centre, November 2001. The police sealed off Parliament to stop a peaceful protest over plans by President Robert Mugabe to change electoral laws ahead of the 2002 presidential elections.

© Reuters/Howard Burditt

[end caption]

Indirect exports of German small arms to Kenya and other African countries have also taken place through “licensed production” agreements to produce German weapons in other countries. The German government and H&K have declined to publish details of their licence production agreements for reasons of “commercial confidentiality”, even though some of the German licence-produced small arms have been exported to countries that would probably not receive export licences from the German government and its European allies for direct export. For example, in 1997 Pakistan Ordnance Factories (POF) shipped G3 rifles from Pakistan to Kenya as part of a deal organised by a UK broker. During 1997, the UK government had refused export licences for small arms, ammunition and riot control ammunition to Kenya because of concerns over human rights violations by Kenyan security forces.

POF have also supplied small arms to a number of other African countries including Morocco and South Africa. POF engineers have in turn also helped a number of countries establish small arms or ammunition production facilities. In 1999 POF stated that a “few years ago, experts from POF re-commissioned Ordnance Factory of Sudan which was lying dormant.” Moreover, the Turkish firm, MKEK, is another licenced producer of G3 rifles as well as other Heckler & Koch small arms, and MKEK claims to have exported its products to over 38 countries including Burundi, Libya, Tunisia and “the Southern part of Africa.”

Other German companies, such as Fritz Werner, have provided the production facilities for small arms ammunition to countries in Africa where armed forces use such arms to commit human rights violations. It was reported in 1988 that Fritz Werner had provided assistance to a Nigerian small arms and ammunition production facility. More recently it was reported that Fritz Werner had been awarded a contract to establish a small arms ammunition production facility in Turkey despite the Turkish government's willingness to supply small arms to African countries where such arms are used for serious human rights violations. Clearly, the poorly regulated international spread of small arms production facilities makes the protection of human rights much more difficult.

[box]

ACT NOW

Please write to the German government and the German embassy in your country, and request an explanation of what human rights conditions have been placed on export of production facilities by German companies such as Heckler & Koch and Fritz Werner, and whether the German export licences issued will prohibit the subsequent export of small arms, light weapons and associated munitions to the armed forces and police that use such equipment to facilitate the violation of human rights.

Please also ask why small arms, light weapons and associated munitions were authorized by the German government for sale to the countries listed in this article where there is a clear risk that they could be used to commit human rights abuses. Ask why more details are not published by the German government about the nature of the recipients, for example whether they were police or military bodies and what steps the German government has taken to ensure that the arms it has exported will not fall into the hands of government forces or armed opposition groups responsible for human rights abuses.

Please write to:

Werner Müller

Bundesminister

Bundesministerium für Wirtschaft und Technologie Berlin

10109 Berlin, Germany

Fax: +49 1 888 615 7010

email: info@bmwi.bund.de

[end box]

Following the oil

French arms deals in Africa

Successive French governments have provided military and other security equipment and training to most Francophone countries in Africa, often regardless of their human rights record. Among the recipients of weapons such as small calibre machine-guns, automatic rifles, light guns and shoulder-fired rockets in 1999 were Burkina Faso and Cameroon.

Shortly after these exports were reported, Burkina Faso was identified by the UN as a conduit for arms to Liberia and to armed opposition forces in Sierra Leone responsible for widespread human rights abuses. In Cameroon the security forces were reported to have extrajudicially executed hundreds of people in 2000; the killings were never properly investigated.

Autopsy of an oil war

France is heavily dependent on Africa for its oil. French companies control significant oil fields in the Republic of the Congo and, in recent years, have been awarded major contracts in Angola. French oil interests have apparently been linked with the supply of arms, with sometimes devastating consequences for the human rights of the local population.

In 1998, France delivered 71 military transport vehicles to the government of the Republic of the Congo. Many civilians were killed and injured during the armed conflict and some 800,000 people were displaced. The history of the violent conflict in the Congo was such that it would have been reasonable to suppose that the vehicles would be used by soldiers carrying out human rights violations. Some 25,000 militia were estimated to be involved in the fighting.

As the conflict progressed arms transfers became progressively more opaque and more complicated. Documents from the office of former Congolese President Pascal Lissouba revealed that future oil sales had been mortgaged to purchase large quantities of arms for his Cocoyes militia from a German arms broker. The former president of the French oil company Elf, which has significant interests in the Congo, admitted that his company delivered arms to both main sides in the conflict. In 1999, a cease-fire agreement was signed which included provision for the demobilization of the militias and the collection of weapons. However, in recent months the demobilization process has faltered, raising fears of renewed fighting and widespread human rights violations.

[photo caption]

Children at the School of the Martyrs, a primary school in Brazzaville, Republic of the Congo, peek through a mortar hole in a wall of their classroom 19 May 1998. Studies by the UN Children's Fund indicate that virtually the entire population of Brazzaville's 450,000 children were witness to graphic violence, brutality and rape in the course of the Congo's four-month civil war.

© AP/David Guttenfelder

[end caption]

'Angolagate'

"Angolagate" first came to light when French judicial officials found that Brenco International, a company owned by billionaire businessman Pierre Falcone, was involved in arms transfers to Angola and had made payments to a number of his French associates.

Pierre Falcone was a consultant to the French government agency SOFREMI, which exports military equipment under the auspices of the French Interior Ministry. In that capacity, he reportedly arranged sales to Africa and Latin America. He had also developed good contacts in the Eastern European arms business through Russian émigré businessman Arcadi Gaydamak. In November 1993, Pierre Falcone and Arcadi Gaydamak had allegedly helped arrange the sale of small arms to Angola

worth US\$47 million. In 1994, they reportedly arranged a second deal for US\$563 million-worth of weapons, including tanks and helicopters. The Angolan government paid for the weapons with oil. Pierre Falcone and Arcadi Gaydamak formed close links with Angolan President José Eduardo dos Santos and were reportedly given a stake in virtually every key sector of the Angolan economy, from food to diamonds to oil.

In December 2001, Pierre Falcone was released on bail from charges that he broke French arms control laws between 1993 and 1994. He was placed under investigation again in April 2002 for illegal arms trading in the post-1994 period. He is expected to stand trial later in 2002 for his alleged role in the sale of half a billion dollars-worth of Eastern European weapons to Angola.

Meanwhile, the civil war in Angola continues to claim the lives of hundreds of unarmed civilians each year at the hands of both government forces and the National Union for the Total Independence of Angola (UNITA). Human rights abuses reported included torture, mutilation, abductions and killings. In 2001 alone, the armed conflict and insecurity were responsible for 300,000 people being forced to flee their homes, bringing the number of internally displaced people to four million. Last year, over half a million internally displaced people received humanitarian assistance.

[box]

ACT NOW

Write to the French embassy in your country, citing the examples above. Express your concern that a new French law to control French arms brokers does not cover “third country” deals conducted outside France. Point out the need for an independent inquiry into the export of French arms to those involved in armed conflicts in Africa where gross human rights violations have been reported. Such an inquiry should aim to discover not only who is responsible, but also why French legal and administrative controls have been inadequate to ensure respect for international human rights and humanitarian law by French arms dealers and suppliers in accordance with the principles set out in the European Union Code of Conduct on Arms Exports.

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Japan to enforce arms reduction policy

In January 2002, Prime Minister Junichiro Koizumi announced that Japan was changing the focus of its disarmament policy away from weapons of mass destruction, such as nuclear weapons, to concentrate on reducing conventional weapons such as small arms and landmines.

According to the Foreign Ministry, these weapons have become “the most destructive mass weapons, surpassing nuclear arms” causing massive numbers of injuries and casualties around the world.

The Japanese government had stated that it intends to make concrete proposals to prevent the illegal trade in such weapons and the flow of arms into areas of conflicts. In the Asian, African and South Pacific regions, Japan aims to launch official development assistance projects to construct schools and wells in communities which cooperate in collecting or abandoning small arms.

One concrete step which the Japanese government has already taken is to approve a grant of US\$3 million to Sierra Leone to help with the reintegration of former combatants and reconstruction over the next three years. The funds will be used to support reintegration programs, including self-employment, vocational training and formal education, for some 5,000 former fighters in the northern district of Koinadugu and the eastern districts of Kono and Kailahun. Japan is also supporting projects to collect and destroy small arms in Afghanistan, Kosovo and Mali.

[end box]

[photo caption]

Mozambique suffered immensely from the small arms trade during a 16-year civil war. "Transforming Arms into Ploughshares" is a community based project, backed by the UK NGO Christian Aid, to exchange weapons for farm tools and other equipment. Mozambican artists then use the fragments of destroyed weapons to create works of art. These are exhibited and sold to support the project. The picture shows "The bird that wants to survive" by Fiel Dos Santos.

© Paul Hackett/Christian Aid

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Page 10

Italian arms fuel African suffering

New framework threatens to weaken controls

In the first 10 months of 2001, more than 16 million euros-worth of Italian small arms arrived in Africa. Among the recipients were Nigeria (6 million euros) and Kenya (2.5 million euros), both countries where security forces have persistently carried out gun-related human rights violations.

The Nigerian security forces continued to use excessive force in response to protests against oil company activities and were allegedly responsible for large scale killings in Benue State during 2000. No independent investigations were carried out into allegations in connection with these incidents, or into other killings by the security forces since the return to civilian rule in May 1999. In Kenya, security officials also committed violations with impunity. In 2001 at least 18 people were killed by police in circumstances suggesting that they may have been extrajudicially executed. Torture remained widespread and police used violence to disperse peaceful demonstrations by human rights groups, opposition politicians, environmental activists and others.

Loopholes exploited

Italian arms export controls include provisions to ensure the protection of human rights. Applications for the authorization of arms exports must currently specify the type of weapon, the value, the payment to intermediaries, the name of the intermediary, and the final recipient. An end-user certificate issued by the authorities of the receiving country must be attached to the application. Current Italian legislation also requires a high degree of transparency by requiring that annual reports on the arms trade are laid before Parliament. The report, drafted by the Prime Minister, contains detailed data on manufacturing firms, type of materials exported, value, final recipient and the banks involved.

However, there is a growing body of evidence that these controls are being ignored. Various Italian organizations, including AI Italy, have pointed out loopholes in the current regulations and inadequacies in the law. One serious loophole is that Italian legislation does not cover small arms. "IRES Toscana", an Italian research institute, reported that there had been an increase in exports of small arms in recent years, especially to countries where they are likely to be used to violate human rights. There is also evidence that the amount of publicly available information concerning arms exports has been reduced in recent years, in order to protect the †commercial privacy‡ of the arms-exporting companies.

[photo caption]

Logo of a coalition of Italian non-governmental organizations which includes AI Italy. They are calling for amendments to the current regulations in Italian export controls to ensure better protection of human rights.

© Private

[end caption]

New threat

In February 2002, AI Italy joined with a number of other organizations to campaign against a proposal to restructure the European defence industry. The supposed purpose of this restructuring is "to make the European defence industry more competitive in the global market place." However Amnesty International is concerned that these changes to the current regulations on arms transfers may further weaken already lax controls, leading to increased exports to forces that use arms and security equipment to violate human rights.

In July 2000, the six participating states - France, Germany, Italy, Spain, Sweden and the United Kingdom - signed up to a Framework Agreement Concerning Measures to Facilitate the Restructuring and Operation of the European Defence Industry. Amnesty International has a number of serious concerns about this Agreement. For example, it appears to significantly weaken controls and procedures permitting arms exports and it does not provide for adequate monitoring of exports to non-participating countries.

The proposed changes in the Framework Agreement threaten to significantly lessen the level of transparency and the controls over Western European arms transfers. Amnesty International is particularly concerned about the proposed restructuring of the European defence industry because the six states included in the proposal are Europe's largest exporters of arms.

AI Italy has launched a campaign against this restructuring - "Difendiamo la 185/90 dalla lobby delle armi" ("Let...s defend the arms control law against the arms industry lobby") - to demand the full implementation and strengthening of existing human rights safeguards in Italian arms control legislation.

[box]

ACT NOW

Please write to the Italian embassy in your country urging the Italian government to close the existing loopholes allowing small arms exports to forces that could use them for human rights abuses. Point out that the changes suggested in the proposed European Framework Agreement reflect the "lowest common denominator" principle and that if adopted would undermine human rights protection. Appeal for Europe-wide legislation that would ensure transparency and the highest standards of control over arms trading based upon international law.

[end box]

Canada, oil and Sudan

The civil war in Sudan has claimed around two million lives since 1983. By 2001 some 4.5 million people were believed to be internally displaced within Sudan and some 500,000 were thought to have sought refuge abroad. It is a conflict which has been characterised by mass human rights abuses, including abduction, rape and arbitrary killings. Thousands of people, particularly women and teenagers, have been abducted and allegedly forced into unpaid domestic labour in conditions reminiscent of slavery. Many Sudanese are dependent on food provided by relief agencies; tens of thousands face starvation when relief supplies are disrupted by the fighting.

The poverty and desperation of much of its population stands in stark contrast to the wealth of Sudan's natural resources. The UN Development Programme's Human Development Index ranks Sudan among the world's poorest countries - 138th out of a total of 162 countries. And yet Sudan has vast oil reserves which have the potential to transform the lives of its people in a positive way. Sadly the experience of many Sudanese has been that the oil industry has contributed to their suffering rather than their well-being.

[photo caption]

About 200 protesters march in front of the building where Talisman Energy was holding its annual general meeting in May 2001 in Calgary, Canada. The demonstrators were demanding that Talisman Energy get out of Sudan.

© Reuters/Patrick Price

[end caption]

Oil revenues are a major source of income for the Sudanese government. According to projections by the International Monetary Fund, oil revenues in 2000 represented almost 45 per cent of total central government revenues. While some government officials claim that oil revenues will be used for development projects that benefit all Sudanese, others believe that they allow the government to increase its military spending.

Faced with this seemingly intractable conflict, some oil companies decided to delay exploration or suspend operations. Others, however, which have set up and maintained operations in Sudan have been the source of serious concerns in terms of the impact of their operations on the human rights of the local population. One such company is the Greater Nile Petroleum Operating Company (GNPOC), a consortium that includes Talisman Energy of Canada, the China National Petroleum Corporation of the People's Republic of China, Petronas Bhd of Malaysia, and Sudapet, which is owned by the Sudanese government. Oil exploration in Sudan is accompanied by the forced expulsion of local people by government and pro-government militia troops. Amnesty International documented the attacks, burning and looting of villages and the killings and forced displacement of civilians living near the GNPOC oilfields known as Unity (Block 1) and Heglig (Block 2), in Unity state and Western Upper Nile, since early 1999. Recent reports from the ground suggest that since November 2001, more civilians have been killed and displaced in Ruweng County, where Block 1 lies, and allege that anti-personnel landmines are placed to prevent the return of civilians. In addition to ground attacks, government forces, which are said to include child soldiers, have also been reported to be bombing and shelling villages using Antonov planes and helicopter gunships, some reportedly using the airstrip in Heglig.

Talisman Energy of Canada has highlighted its investments in social development projects in the region, including the building of a hospital and some roadworks. But Talisman Energy has also helped build an airstrip which has been used by military aircraft as a base to bomb civilian populations and property in raids on areas that the government claimed were rebel strongholds.

[photocaption]

Women fleeing conflict around oil fields in southern Sudan. Oil exploration in Sudan has been accompanied by the forced expulsion of local people.

© Video still from Damien Lewis: Oil 1999

[end caption]

In June 2001, the UK magazine, *The New Statesman* reported one such raid: "Three years ago, the US Christian charity World Relief set up a modest healthcare centre in Liethnom. It has had a huge impact, in particular on infant and maternal mortality. There is nothing of strategic value in Liethnom, yet the staff vividly recall the two occasions they have been bombed: „The last one was on a Sunday morning, when we were in church. Suddenly there was the roar of engines, and the sound of explosions, and everyone was diving for cover... The raid killed no one, but succeeded in its presumed aim of intimidation. „We...ve got to know the sounds of the different aeroplane engines really well now, and we...re always listening out for an Antonov, and getting ready to run....”

[box]

ACT NOW

Please write polite letters to the Canadian Embassy in your country, summarizing the concerns above. Ask the Canadian government what human rights criteria it is using to monitor business investment in

Sudan. You may want to ask the Canadian government to express its concerns about the killings and forced displacement occurring in Talisman Energy's oil concessions, and to put pressure on the oil company so that it has a transparent security agreement with the Sudanese government security forces.
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Page 11

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Optional Protocol on child soldiers

According to the Coalition to Stop the Use of Child Soldiers, more than 500,000 children are currently recruited by government forces and armed groups in 87 countries and at least 300,000 children are actively fighting in 41 countries.

In February 2002 the Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict entered into force. As of February 2002, this important new treaty had been ratified by 14 states and signed by 94. The Protocol, which prohibits the use of children under 18 in hostilities, is a strong expression of the international consensus against the use of children as soldiers.

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ACT NOW

Check whether your country is among those which have signed or ratified the Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict at the website: <http://www.child-soldiers.org/opratsfeb.htm> If your country is not a state party write to your Minister of Foreign Affairs urging your government to sign and/or ratify the Protocol as soon as possible.

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LESS THAN SAFE?

The "taser" gun is one of a new generation of electro-shock weapons. Developed and produced in the USA, tasers shoot fishhook darts which attach themselves to the victims body and through which the user can deliver a 50,000-volt shock at the press of a button. A US company claims that its new version of the taser gun has been marketed to police forces in Australia, Argentina, Brazil, Canada, France, Germany, Israel, Mexico, New Zealand, Paraguay, Peru, the Philippines, Poland, South Africa, South Korea, Slovenia, Sweden, the United Kingdom (UK) and Venezuela. None of these governments has published detailed studies of the effects and suitability of Taser guns for use in law enforcement.

Amnesty International has for years highlighted the way in which devices using more recent technological developments, such as high-voltage electro-shock stun weapons, have been used around the world to facilitate torture and ill-treatment.

In its first report, a UK government Steering Group examining ongoing research in several countries into less potentially lethal alternatives to plastic bullets, has underscored a number of the medical concerns raised by Amnesty International, stating: "[a]lthough electrical incapacitation devices (EID) such as "tasers" have been used for many years by law-enforcement agencies in the US, the biophysical and physiological basis of their effectiveness and safety does not appear to be well understood".

All states have an obligation to avoid the arbitrary and excessive use of force by law enforcement officials, including force that tends to inflict unwarranted injury or pain. The fact that the effects of tasers can vary according to a number of factors, raises serious concerns about the safety of these devices and about the ability of the user to ensure that they apply only the minimum amount of force necessary. For example, tests on the new taser show that the darts often missed their target and hit more vulnerable parts of the body; the electrical output varies according to whether the battery is fully charged or depleted; the effects may vary according to what kind of clothing the victim is wearing; and there is some evidence that climatic conditions can also have an effect.

However, despite the lack of basic knowledge about whether its effects are arbitrary in many instances, the taser is being promoted as a “safe” less than lethal device. Once in the global marketplace, there is also a very real danger that devices will find their way to countries with persistent patterns of human rights violations. In recent years US taser guns have been promoted at international arms and security fairs in Poland, Qatar, Germany, France, Mexico, Spain and the Russian Federation.

The US government is encouraging US companies to design and produce new so-called “less than lethal” devices which can be used by the security forces to paralyse or incapacitate individuals. The companies involved in making and promoting these devices claim that they provide safe alternative methods of control. Critics, however, have cast doubt on their safety and questioned the use of some devices which are so easy to misuse that they can encourage torture or ill-treatment.

[photo caption]

Top: Advanced Taser in stun gun mode exhibited at the Milipol arms fair in Paris, France 2001.

Below: Electric darts fired by a Tasertron gun at FPET at a Marine CO HQ, Quantico, 2001.

© Robin Ballantyne/Omega Foundation

[end caption]

There is an arsenal of new products at the design or prototype stage for immobilizing and incapacitating human beings. Radio frequency weapons, for example, use microwaves to zap anyone straying in an irradiated area to temperatures of up to 55oC. Malodorant systems are based on stench chemicals, such as human excrement and rotting carcasses, which can be stored in containers that release the agent when someone walks over them. Immobilizing chemicals can also be released in this way, although such indiscriminate targeting would breach both the Geneva and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction. Other devices which could be used in a similarly indiscriminate way against vulnerable populations, for example against fleeing refugees at borders, include perimeter fences with electro-shock stun and kill options and the new taser mine that is activated by the victim via a trip device or other sensors and shoots out darts some 15-30 feet through which 50,000 volts are pulsed for up to an hour.

Despite the claims of companies promoting such devices as a new generation of “safe” alternatives, there has been very little independent research into the effects these sorts of weapons can have in real-life situations. Amnesty International continues to receive reports of improperly tested weapons being used to inflict excruciating pain and serious injuries. Fatalities have been reported following the use of electro-shock weapons. Are these devices “non-lethal”? Do they lend themselves to the arbitrary and excessive use of force? Right now, these questions cannot be answered with any degree of certainty. All we do know is that these immensely powerful weapons are being developed, manufactured or deployed without effective public oversight while the research into their effects and controls over their use and proliferation remain woefully inadequate.

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ACT NOW

Please call on all G8 governments to ensure that the deployment of the taser electro-shock stun gun and other new technologies described above is halted until there has been a full and independent

investigation into the medical and other effects of these weapons and it has been proved that such weapons can be used in accordance with the international human rights standards regarding the use of force. The investigation should be carried out by an independent body which includes medical, legal, scientific, engineering and human rights experts and the research and findings of this independent body should be transparent and open to public scrutiny.

No security equipment should be transferred to a law enforcement agency where it is reasonable to assume such equipment will be used for serious human rights violations such as torture.
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[photo caption]

USA exports of electro-shock weapons and restraints. © AIUSA

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International Action Network on Small Arms (IANSA)

IANSA is a coalition of over 360 civil society organizations in over 70 countries. These organizations have a variety of mandates, work on various issues and represent different constituencies. However, they have come together to facilitate individual and collective action aimed at combating the grave threat they see posed by the proliferation and misuse of small arms.

IANSA urges governments to prevent and combat the spread of small arms through six core demands:

- An international convention on arms brokering and trafficking
- An international convention to mark and trace small arms
- International criteria governing small arms exports based on international law, including human rights
- Destruction of surplus government weapons and collection of illicit arms from communities affected by armed violence
- Controls on the possession of weapons by civilians
- Increased resources and funds to build the capacity of governments to implement new controls.

Amnesty International is a member of IANSA and your national section can join IANSA and help build a local campaigning coalition of non-governmental organizations.

For more information about IANSA, contact:

IANSA, International Secretariat, PO 422, 37 Store Street, London WC1E 7BS, United Kingdom, Tel: + 1 44 207 523 2037, Fax: + 1 44 207 620 0719,

E-mail: coordinator@iansa.org

Website: www.iansa.org

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Page 12

[photo caption]

Coalition of non-governmental organisations who drafted the Framework Convention, comprising Amnesty International, Arias Foundation, Saferworld, BASIC, Federation of American Scientists, Project Ploughshares, Oxfam and the American Friends Service Committee. © AI

[end caption]

Arms flows and international law

The G8 must also obey the rules

Amnesty International and other Nobel Peace Laureates and their supporters proposed a Framework Convention on International Arms Transfers to the 2001 United Nations Conference on Small Arms. It sets out certain core principles and mechanisms based upon existing international law relating to international transfers of arms. These would require that all states, including the G8, shall:

1. Adopt, and apply in accordance with its states... domestic laws and procedures, a requirement that all international arms transfers be licenced.
2. Not license international transfers of arms which would violate states' obligations under international law. These shall include:
 - (a) obligations arising under decisions of the United Nations Security Council (i.e. Security Council embargoes on transfers of weapons to specific states taken by the Security Council under Chapter VII of the UN Charter);
 - (b) obligations arising under international treaties by which the Contracting Parties are bound (i.e. the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, the 1993 Chemical Weapons Convention, the two most recent protocols to the 1980 Convention on the Use of Certain Conventional Weapons Which May Be Considered Excessively Injurious, and the 1997 Anti-personnel Mines Convention);
 - (c) transfers of arms the use of which is prohibited by international humanitarian law because they are incapable of distinguishing between combatants and civilians or are of a nature to cause superfluous injury or unnecessary suffering; and
 - (d) obligations arising under customary international law. (i.e. It is well established that transfers of weapons by one state into the territory of another without the latter's consent may amount to unlawful interference in the affairs of the recipient state).
3. Not license international transfers of arms in circumstances in which there exists a reasonable risk that the arms would:
 - (a) be used in violation of the prohibitions on: the threat or use of force; threat to the peace; breach of the peace or acts of aggression; unlawful interference in the internal affairs of another state;
 - (b) be used to commit serious violations of human rights;
 - (c) be used to commit serious violations of international humanitarian law applicable in international or non-international armed conflict;
 - (d) be used to commit acts of genocide or crimes against humanity;
 - (e) be diverted and used to commit any of the acts referred to in the preceding sub-paragraphs.
4. Avoid licencing international transfers of arms in circumstances in which there are reasonable grounds for considering that the transfer in question would:
 - (a) be used for or to facilitate the commission of violent crimes;
 - (b) adversely affect political stability or regional security;
 - (c) adversely affect sustainable development; or
 - (d) be diverted and used in a manner contrary to the preceding sub-paragraphs.
5. Establish such mechanisms of national law as are necessary to ensure that these requirements are effectively applied in accordance with the minimum standards (e.g. the need for a transaction-by-transaction licensing mechanism; details of the minimum information that must be disclosed by applicants for licences; as well as rules relating to the licensing process more generally, such as mechanisms for parliamentary scrutiny, public accountability and, possibly, national complaints mechanisms);
6. Establish an international registry of international arms transfers, and
 - (a) submit to the international registry an annual report on all aspects relating to arms transfers from or through their jurisdiction;
 - (b) enable the international registry to publish an annual report reviewing the annual reports of all states.
7. Agree that the obligations set out above shall be applied as a minimum standard, without prejudice to any more stringent national or other requirements.

8. Supplement this agreement by further joint measures.
9. For the purpose of this agreement, define “arms” as:
 - a) Small arms and light weapons designed for personal use or for use by several persons serving as a crew;
 - b) Major weapons systems, their parts, components, ammunition and related equipment;
 - c) Paramilitary, police and security equipment, its parts, components, accessories and related equipment;
 - d) Military, police and security training, including the provision of expertise, knowledge or skill in the use of weapons, munitions, paramilitary equipment, components, and related equipment above;
 - e) Sensitive military and dual-use technologies.

And define “international transfers” as:

The movement of arms between two or more jurisdictions pursuant to an agreement regardless of whether for consideration or otherwise.

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Nobel Peace Laureates who support the establishment of a treaty to control international arms transfers include the American Friends Service Committee, Amnesty International, Oscar Arias, Norman Borlaug, His Holiness the Dalai Lama, John Hume, International Physicians for the Prevention of Nuclear War, Mairead Maguire, Rigoberta Menchu, Adolfo Perez Esquivel, Jose Ramos Horta, Joseph Rotblat, Aung San Suu Kyi, Reverend Desmond Tutu, Lech Walesa, Elie Wiesel, Betty Williams, and Jody Williams.

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French World Cup soccer champion,
Lillian Thuram, demands
“Tough controls” on small arms – go to:
http://emedia.amnesty.org/MSP_English.ram

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For more information, visit the websites at <http://www.armslaw.org> and
<http://web.amnesty.org/web/ttt.nsf>

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G8 assisting in wrongful acts?

Draft Article 16, as adopted in August 2000 by the International Law Commission in its Draft Articles on State Responsibility, provides that:

“A State which aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if:

- a) That State does so with knowledge of the circumstances of the internationally wrongful act; and
- b) The act would be internationally wrongful if committed by that State.”

Thus, in situations where a state carries out an act which is not necessarily wrongful itself, but which assists a second state in the commission of a violation of international law, the first state may be responsible for participating in the wrongful act committed by the second, provided it had been aware of the intended wrongful act.

Wrongful acts include the commission of serious violations of human rights. These would include violations of the non-derogable provisions of the 1966 International Covenant on Civil and

Political Rights and of regional instruments such as the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, the 1969 American Convention on Human Rights or the 1980 African Charter on Human and Peoples' Rights, as well as serious violations of instruments focusing on specific issues, such as the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the 1979 UN Code of Conduct for Law Enforcement Officials, and the 1990 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Wrongful acts also include the commission of serious violations of international humanitarian law, crimes against humanity or acts of genocide. A recent and exhaustive list of serious violations of international humanitarian law applicable in both international and non-international armed conflicts as well as of crimes against humanity was laid down in the 1998 Statute of the International Criminal Court. These provisions are consistent with the existing obligation of High Contracting Parties to the Geneva Conventions.

The 1948 Convention on the Prevention and Punishment of the Crime of Genocide lays down a definition of the crime of genocide. The criminal acts covered are not only genocide but also conspiracy to commit genocide. It is unlikely that a state that assisted in the perpetration of a genocide by providing the weapons with which the genocide was committed would have the intent to "destroy or whole or in a national, ethnical, racial or religious group" required by the Convention for its acts to amount to complicity in genocide. In situations where this intent is absent, the supply of weapons in circumstances in which it is apparent that they will be used to perpetrate a genocide will nevertheless amount to a violation of international law.

Amnesty International, International Secretariat, Peter Benenson House, 1 Easton Street, London WC1X 0DW, United Kingdom