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and military aid to
Afghanistan**

October 2001

AI Index: ACT 30/033/2001

Distr: SC/CC

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Amnesty International's position on arms transfers and military aid to Afghanistan

Amnesty International opposes all transfers of military and security equipment and expertise that can reasonably be assumed to contribute to grave human rights violations. Amnesty International is extremely concerned that any further unconditional transfers of weapons and other military equipment and expertise to the warring parties in Afghanistan will increase the pattern of unlawful killings, torture and other serious human rights abuses and war crimes. Amnesty International is dismayed that too little is being done to ensure respect for human rights and humanitarian law by the warring parties in Afghanistan.

Since the mid-1990s, Amnesty International has campaigned against the sending of arms and related supplies to armed factions in Afghanistan. These transfers were sent by governments of the USA and some of its West European allies, as well as from the former Soviet Union, Pakistan, Saudi Arabia, and the Slovak Republic, and helped various armed groups in Afghanistan commit massive human rights abuses. The arms transfers included anti-personnel landmines, which have been used by all parties to the conflict in Afghanistan for decades. The deadly legacy of this practice continues to plague civilians. According to the ICRC, from March 1998 to December 2000, there were 2,812 mine and unexploded ordnance casualties in Afghanistan, half of whom were children.

Amnesty International remains opposed to transfers of arms or security equipment and training to the Taleban, the United Front [also known as the Northern Alliance] and other armed groups in Afghanistan that contribute to gross human rights abuses committed by their armed combatants. As there appears to have been a degree of structural integration, both the combatants of the Taleban and of *al-qa'ida* can be considered as belonging to the same military force. Since 1994, the main supplies of arms and related items to the Taleban have come from official stocks in Pakistan or from Chinese and other sales through private dealers based in Pakistan, and with major funding from Saudi Arabia. Following the August 1998 bombings of the US embassies in Kenya and Tanzania, the United Nations Security Council imposed progressively more comprehensive sanctions on the Taleban under Resolutions 1267 (1999), 1333 (2000), and 1363 (2001), including an arms embargo, which are binding on all members of the United Nations under Chapter VII of the Charter of the United Nations. Amnesty International appeals to the government of Pakistan to make every effort to halt such transfers from its territory, and to the government of Saudi Arabia to halt financial support from its residents.

Amnesty International also is deeply concerned about proposed arms transfers to the United Front from the United States, Russia, Iran, and other states. Amnesty International is concerned that the supply of arms and related equipment and expertise to the United Front fails to take account of serious violations of human rights and humanitarian law by those forces. Recent supplies to the United Front have been reportedly sent from Iran and the Russian Federation via the Central Asian states, especially Tajikistan, as well as from the Slovak Republic, although the

Central Asian states have denied their involvement. Amnesty International is concerned at reports that the Russian Government is planning further deliveries of up to US\$45 million worth of arms to the United Front which are not conditioned to any human rights criteria. The shipments reportedly include Soviet-era T-55 tanks, combat vehicles, small arms, and ammunition. Russian Mi-8 and Mi-24 helicopters could also be included. There have also been reports of Russian troop deployments in the border areas of Afghanistan.

In addition, Amnesty International is concerned that several members of the US Congress have proposed legislation that would provide up to \$300 million of direct US government military assistance to the United Front and other “eligible Afghan resistance organizations” without providing for rigorous monitoring and reporting on compliance with international human rights standards and international humanitarian law. By authorizing assistance “notwithstanding any other provision of law,” the legislation would negate existing US laws, including Sections 116 and 502B of the Foreign Assistance Act of 1961 (as amended), which prohibits foreign assistance to “the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights,” and the Leahy Amendment to the Foreign Operations Act and the Defense Appropriations Act, which prohibits military assistance “to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless...the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice.”

Since the 1990s, Amnesty International documented grave human rights abuses by the combatants of various factions of the United Front. Although reports of such abuses have declined in recent months, this may be the result of the United Front controlling limited territory. Such abuses could easily increase as the armed conflict spreads. Some of the former Mujahideen groups or leaders most involved in human rights abuses have either vanished (for example, the main faction of Hezb-e Islami) or are no longer in the United Front (for example, Abdul Malek Pahlavan whose forces were involved in the reported massacre of captured Taleban soldiers in 1997). Nonetheless, other armed factions including Hezb-e Wahdat, Shura-e Nezar of former commander Masood, and Abdul Rashid Dustom whose forces were responsible in various degrees for mass scale human rights abuses between 1992 and 1996 are still in the United Front, and although Amnesty International has not documented large scale abuses by these factions in the past five years, there is no guarantee that if they gain in strength, they would refrain from abusing human rights.

Amnesty International therefore appeals to all governments to withhold further supplies of arms and related equipment and expertise to all armed groups in Afghanistan until effective and immediate steps are taken to:

- remove senior commanders who have ordered systematic summary executions, torture, rape and the deliberate shelling of civilian areas or who have failed to take all feasible measures in their power to prevent or repress these violations;
- provide as many commanders as possible with effective instruction to establish safeguards based upon international human rights and humanitarian standards;

- prohibit and demobilise all children under the age of eighteen from serving as soldiers;
- stop any use of anti-personnel mines which are banned by the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction (1997),
- deploy impartial military observers in the field of combat to ensure compliance with such standards;
- allow full access by the International Committee of the Red Cross (ICRC) to areas and places of detention under control.

Only if such measures have been put in place should any military or related supplies to the United Front or other armed groups be considered on a case by case basis, and then only if the intended transfers:

- are strictly limited to equipment and expertise whose use by the United Front forces can be carefully monitored by impartial observers.
- can be immediately withheld from the United Front, and all future supplies halted, if any credible reports are received of serious human rights abuses or of war crimes committed by combatants with the same type of arms or expertise, and where those responsible are not brought to justice.

Moreover, Amnesty International is extremely concerned that US Special Operations and other US, UK and allied “military-to-military” force deployments with foreign personnel in and around Afghanistan may not contribute effectively to human rights protection. In the past, the US government has used Special Operations forces to train foreign military and police forces with records of human rights abuses to conduct a range of covert activities. In addition, there have been examples of military assistance by private companies based in the US and UK, thereby allowing officials to invoke “plausible denial”. Currently, the US, UK and other governments do not publish either complete or accurate information about the human rights content of and safeguards for such training programs or other forms of operational support provided to such forces. In addition, the impact of such assistance on human rights and humanitarian standards is almost never monitored or reported. Both the US Congress and the UK Parliament need to adopt additional measures to address these shortcomings and help eradicate operational abuses by foreign units in receipt of assistance. Without addressing such deficiencies, military assistance in the current crisis could substantially contribute to additional serious human rights abuses.

There are reports that US forces have recently used cluster weapons in Afghanistan. AI will be requesting further information about this from the US Government. Amnesty International urges all governments to refrain from the use of cluster weapons in the vicinity of civilian concentrations in and around Afghanistan and to prevent the transfer of such weapons where there is a clear risk they will be used in this manner. Such weapons are not explicitly banned under international law, but they do present a high risk of violating the prohibition of indiscriminate attack. In addition, cluster weapons present a humanitarian issue due to their high dud rate. This means that unexploded sub-munitions are a continuing threat to anyone who comes into contact with them.

In addition, Amnesty International calls on governments to consider refraining from the transfer and use of depleted uranium (DU) weapons, pending the outcome of investigations on their long-term health effects. DU ordnance may pose a long-term threat to civilians and the environment. Some studies suggest that DU dust, which remains in the vicinity of targets struck by DU weapons, poses a significant health risk if inhaled or ingested.

<p>KEYWORDS: MSP1 / CRISIS RESPONSE ACTIONS / AFGHANISTAN / ARMED CONFLICT</p>
