

The Terror Trade Times

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Selling out human rights

Governments set to ignore human rights at UN Small Arms Conference

Thousands of people worldwide are killed every year by weapons categorized as “small arms” or “light weapons” — handguns, assault rifles, sub-machine and machine-guns, grenades, mortars, shoulder-fired missiles and landmines. Many more are injured. Most of the victims are unarmed civilians who find themselves in the path of rival armies or criminal gangs. Transnational networks of brokers, dealers, financiers and transporters are the key players in small arms markets, yet most states do not even register them, let alone require each of their deals to be licenced.

In response to the scale of the problem, the United Nations (UN) is convening an international conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in July 2001. The aim of the conference is to agree a UN Programme of Action containing recommendations to governments. Amnesty International welcomes this initiative, which should provide an important opportunity for developing an international program of action to address the proliferation and misuse of small arms.

However, the UN draft Programme of Action which will be put to the conference does not even mention some of the key contexts in which small arms are used to cause suffering on a massive scale. Small arms are now the principal weapons used in most armed conflicts characterized by mass human rights abuses by government and opposition forces. Conflicts are prolonged and intensified by influxes of these weapons. Law enforcement agencies — the police, prison authorities, paramilitaries and the army — often use these arms when carrying out a range of human rights violations including torture, “disappearances” and killings.

Small arms are made easily available in large part because of the poor regulation of supply. The result is a proliferation of weaponry which contributes to gross violations of human rights, crimes against humanity and war crimes, in many parts of the world.

A deadly trade

Supplying small arms is a complex international trade, fuelling both armed conflict and crime and using both lawful and illicit routes. Small arms from lawful markets make their way to illicit outlets by a host of means — illegal sales, thefts, uncontrolled secondary markets, brokering; some of these involve unlawful authorization by states.

The sheer number of small arms in circulation around the world facilitates the steady supply of weapons to illicit markets. According to estimates by the Small Arms Survey in Geneva, private citizens worldwide own as many small arms as do state security forces. It is estimated that every year many tens of thousands of small arms are stolen from civilians. In addition, there are many documented cases of weapons used by soldiers or police officers or confiscated from criminal gangs finding their way back onto the market. If this cycle is to be broken, international standards and principles for the destruction of confiscated or surplus small arms and light weapons must be established.

Illicit trade ‘in all its aspects’?

States have an obligation to assess whether the likely recipients of arms transfers may be committing heinous international crimes with the weapons provided. Arms transfers are not “lawful” or “legitimate” simply because the recipients are state agents or because the transfers are authorized by officials of supplier and receiving governments. Shamefully, however, some governments have sought to ignore their obligations. They have, for example tried to justify the failure to prosecute traders, brokers and transport agents who supplied arms to the government-controlled perpetrators of the Rwandan genocide on the grounds that the transfers were officially authorized. Another reason given for the failure to prosecute was that the arms were delivered to neighbouring Zaire (now the Democratic Republic of the Congo), even though documents provided by Amnesty International to the UN clearly show that the supplies were always intended for diversion to the exiled Rwandan armed forces.

In 1996 the UN Disarmament Commission agreed that “illicit” arms transfers are those that violate national or international law. The UN General Assembly has reaffirmed this position. It is an “international wrong” under international law for a state to transfer military assistance to another state or party when it is generally known that the military assistance will be used for serious violations of international law. The International Law Commission has elaborated and affirmed this principle. Yet, so far, the UN draft Programme of Action has ignored this.

The UN draft Programme of Action refers to regional initiatives — such as those by the Organization of American States, the Organization of African Unity, the Economic Community of West African States, the European Union, the Southern African Development Community and the East African Community. However, these regional efforts, by definition, do not address the global nature of the trade in small arms and light weapons.

The only universally binding measures concerning the control of small arms so far agreed by the world’s most powerful states are those contained in the UN Convention against Transnational Organized Crime. A draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition was agreed at the end of March 2001 after over two years of negotiations. However, this Protocol does not address transfers between governments, explosives or the misuse of small arms by agents of the state.

Governments must recognize that the problem of the illicit trade in small arms and light weapons in all its aspects requires solutions that are internationally consistent, comprehensive, integrated and sustainable.

Principles the UN forgot

Existing UN agreements on the use of small arms are thin on the ground. But even those which do exist are not mentioned in the current UN draft Programme of Action.

According to the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, for example, law enforcement officers should apply non-violent means as far as possible before resorting to the use of force. The intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

These Principles are applicable to all law enforcement officials; that is, all those who exercise powers of arrest and detention. In many countries, law enforcement officials regularly violate these Principles using small arms. The result is not only enormous human suffering, but often an increase in the demand for illegal weapons to counter state forces.

The Basic Principles also require states to establish rules and regulations on the use of firearms by law enforcement officers which should:

- specify the circumstances under which police officers are authorized to carry firearms, and prescribe the types of firearms and ammunition permitted;
- ensure that firearms are used only in appropriate circumstances and in a manner likely to decrease the risk of unnecessary harm;
- prohibit the use of any firearms or ammunition that cause unnecessary injury or present an unnecessary risk;
- regulate the control, storage and issuing of firearms and ammunition, including procedures for ensuring that police officers are accountable for firearms and ammunition issued to them;
- provide for warnings to be given, if appropriate, when firearms are to be discharged;
- provide for a system of reporting and investigation whenever police officers use firearms in the performance of their duty.

Many states have failed to incorporate these Principles into domestic law and practice. The UN Small Arms Conference provides an ideal forum in which to urge universal observance of the Basic Principles and to affirm that international transfers of small arms should not be authorized to countries where state forces are deliberately or persistently using small arms in ways contrary to the UN Basic Principles.

Assisting wrongful acts

States are not only responsible for the actions of their own agents, they also have a “secondary” responsibility if they assist another state in committing a “wrongful act”. Many of the restrictions on transfers of small arms and light weapons arise from this “secondary” or derived responsibility.

The International Law Commission, the UN body established to promote the progressive development of international law and its codification, has sought to address the responsibility of a state in respect of the act of another state.

At the International Law Commission’s 51st session in July 1999, the Drafting Committee adopted the following Article:

“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.” (Article 27)*

Thus, a state which assists another state to commit a wrongful act may have a “secondary” responsibility if it was aware of the other state’s intention to commit an act which was wrongful and which would have been wrongful if committed within its own jurisdiction. The effect of this principle is that the manner in which the recipient state will use the weapons may affect the lawfulness of the transfer. This principle should be central to the deliberations of the UN Small Arms Conference.

In its commentary on an earlier version of the draft article, the International Law Commission gave a number of examples of where this “secondary” responsibility could be invoked. These included a state granting the right to fly over or land in another state for an unlawful military operation, and situations where “a State ... knowingly supplies arms to another State for the purpose of assisting the latter to act in a manner inconsistent with its international obligations”. An obvious example would be if the recipient state was perpetrating genocide.

No government should authorize any transfer of small arms or light weapons to a state where there is a clear risk that these will be used by the likely recipient to commit serious human rights abuses, war crimes or crimes against humanity.

UN draft Programme of Action for Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects

A UN Preparatory Committee meeting was held in February 2001. Following this several powerful states, including the United States of America (USA), China and Russia, put pressure on the Chairman of the Conference to remove or tone down the language of the draft Programme of Action. As a result:

- references to an international convention on arms brokering were removed;
- all references to the phrase “misuse of small arms” were removed with the result that states’ obligation under international law to prevent the transfer of weapons to forces that violate human rights and international humanitarian law are not invoked;
- measures to enable parliamentary monitoring of transfers of small arms authorized by governments continued to be excluded; and
- reference to follow-up mechanisms to verify that legitimate transfers of small arms do not fall into the wrong hands were removed.

Amnesty International’s position

- Amnesty International is opposed to the transfer of arms to state forces and to armed opposition forces that contribute to serious human rights abuses, such as arbitrary arrests, “disappearances”, torture and political killings.
- Amnesty International welcomes the UN’s decision to convene a conference in July 2001 on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, but is concerned that the UN draft Programme of Action which will be considered by the conference excludes one of the most important aspects of illegality – namely the violation of international human rights law and international humanitarian law using small arms.
- Amnesty International urges governments to adopt and implement laws and regulations in all countries to prohibit arms exports unless it can be reasonably demonstrated that such arms

will not contribute to serious human rights violations, crimes against humanity or war crimes. It also calls for suitable mechanisms at the international level to provide effective control of the trade in small arms.

What is Amnesty International calling for?

Transparency

- All small arms and light weapon transfers should be included in a UN Register for global transfers; regional transfers should be included in regional registers.
- States should publish comprehensive and detailed annual reports on arms transfers and identify and set up mechanisms to ensure effective parliamentary scrutiny of arms transfer policy.
- Systems should be established for adequate and reliable marking of arms during manufacture or import and for adequate record-keeping on arms production, possession and transfer. These should include state-to-state, and international arrangements for tracing arms by relevant authorities.

Loopholes should be closed

- There should be strict national registration of each arms manufacturer, broker, transporter and financier, even if they only operate through “third countries”. Those convicted of criminal offences involving money laundering, trafficking, and firearms-related violence should be removed from the register.
- Licences for export, transit and import should be controlled on a case-by-case basis, and should include full details of brokers, transporters and financiers involved. They should be issued by the sending, receiving and transit governments after direct consultation with each other and with the home governments of any brokers, transporters and financiers involved, only if the arms transfers proposed will not reach anyone likely to violate international human rights and humanitarian law standards.

Accountability

- National laws should conform to international law and standards, including standards on the use of force.
- Each national legislature should be notified in advance of arms transfers and of follow-up checks made on how the transferred arms will be used in order to prevent serious human rights abuse.
- An international framework should be agreed, based on international law which includes rigorous criteria for arms transfers, mechanisms for reviewing their implementation, and model regulations governing the import, export and transit of state-to-state transfers.

International assistance

- International aid projects to prevent the proliferation and misuse of small arms should promote strict adherence to international human rights standards and humanitarian law.
- Projects should include concerted efforts to increase the capacity of law enforcement agencies to control the proliferation and misuse of small arms, in accordance with international standards, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- An international fund should be established to provide resources to assist countries in the collection and destruction of small arms which are not in legal civilian possession or acquired for legitimate national defence or internal security purposes.

Stop the terror trade

The Commission of Nobel Peace Laureates' Initiative to Control Arms Transfers

Irresponsible arms transfers fuel violent conflict and contribute to countless human rights abuses throughout the world.

The UN estimates that in the 1990s conventional weapons were used to kill more than five million people and forced 50 million to flee their homes. The devastation continues today.

Many of the weapons and ammunition used to commit such crimes were obtained through international arms transfers. These transfers could have been stopped. Since 1945, the international community has developed a number of binding agreements concerning human rights, humanitarian law and peaceful coexistence. When it comes to the international arms trade, however, such principles often take a back seat to politics and profit-making.

This vicious circle of arms transfers, conflict and abuse can and must be stopped. In 1997 a group of Nobel Peace Laureates began a campaign to do just that. Drawing on existing international law, they called on all states to abide by a restrictive code of conduct on arms transfers. To date, this campaign has been endorsed by 18 individuals and organizations honoured with the Nobel Peace Prize. A coalition of non-governmental organizations has joined this effort and has drafted an international convention based on the principles. We call on governments to adopt such a legally binding agreement to control international arms transfers.

All states must work to end war and human rights abuses — not fuel them through irresponsible arms transfers. Their commitments under international law demand nothing less. We call on all states to put an end to the terror trade.

Draft framework convention on international arms transfers

PART I

Article 1: Principal obligation

Contracting Parties shall adopt and apply in accordance with their domestic laws and procedures a licensing requirement in respect of all international transfers of arms.

PART II

Article 2: Express limitations

Contracting Parties shall not license international transfers of arms which would violate their obligations under international law. These shall include:

- obligations arising under decisions of the United Nations Security Council;
- obligations arising under international treaties by which the Contracting Parties are bound;
- 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
- obligations arising under customary international law.

Article 3: Limitations based on use

Contracting Parties shall not license international transfers of arms in circumstances in which there exists a reasonable risk that the arms would:

- 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, or unlawful interference in the internal affairs of another State;
- be used to commit serious violations of human rights;
- be used to commit serious violations of international humanitarian law applicable in international or non-international armed conflict;
- be used to commit acts of genocide or crimes against humanity;
- be diverted and used to commit any of the acts referred to in the preceding sub-paragraphs.

Article 4: Other considerations

Contracting Parties shall avoid licensing international transfers of arms in circumstances in which there are reasonable grounds for considering that the transfer in question would:

- be used for or to facilitate the commission of violent crimes;
- undermine political stability and regional security or economic development; or
- be diverted and used in a manner contrary to the preceding sub-paragraphs.

PART III

Article 5: National measures

Contracting Parties shall establish such mechanisms of national law as are necessary to ensure that the requirements of this Convention are effectively applied in accordance with the minimum standards set out in Annex I.

Article 6: International measures

1. Contracting Parties shall establish an international registry of international arms transfers.
2. Contracting Parties shall submit to the international registry an annual report on all aspects relating to arms transfers from or through their jurisdiction.
3. The international registry shall publish an annual report reviewing the annual reports of the Contracting Parties.

PART IV

Article 7: Relation to other obligations

The obligations set out in this Convention shall be applied as a minimum standard, without prejudice to any more stringent national or other requirements.

Article 8: Protocols

1. This Convention may be supplemented by one or more protocols.
2. In order to become a Party to a protocol, a State or regional economic integration organisation must also be a Contracting Party to this Convention.
3. A Contracting Party to this Convention is not bound by a protocol unless it becomes a Party to the protocol in accordance with the provisions thereof.
4. Any protocol to this Convention shall be interpreted together with this Convention, taking into account the object and purpose of that protocol.

Article 9: Definitions

For the purposes of this Convention,

1. "Arms" shall refer to:

a) Weapons designed for personal use or for use by several persons serving as a crew, including but not limited to: revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine-guns (small arms); heavy machine-guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems and mortars of calibres of less than 100mm, ammunition and explosives, including cartridges (rounds) for small arms, shells and missiles for light weapons, anti-personnel and anti-tank hand grenades, landmines, explosives, and mobile containers with missiles or shells for single-action anti-aircraft and anti-tank systems.

b) Major weapons systems, their parts, components, ammunition and related equipment including but not limited to: artillery, bombs, torpedoes, rockets, missiles, military ground vehicles, vessels of war, aircraft designed for military use, kinetic energy weapons systems, armour or other protective equipment, specialized equipment for military training and direct energy weapons systems.

c) Paramilitary, police and security equipment, its parts, components, accessories and related equipment including but not limited to: utility vehicles with ballistic protection, imaging or countermeasure equipment and components and accessories specifically designed for military use, acoustic devices and components suitable for riot control purposes, anti-riot and ballistic shields, leg-irons, gang-chains, shackles and electric-shock belts specially designed for restraining human beings, portable anti-riot devices for administering an incapacitating substance, water-cannon, riot control vehicles which have been electrified in order to repel boarders, portable riot control or self-protection devices that administer an electric shock, including electric-shock batons, electric-shock shields, stun-guns, electric-shock dart guns and tasers.

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.

e) Sensitive military and dual-use technologies, including but not limited to: encryption devices, certain machine tools, super-computers, gas-turbine and rocket-propulsion technology, avionics, thermal-imaging equipment and chemical irritants.

2. “International transfers” shall refer to the movement of arms between two or more jurisdictions pursuant to an agreement regardless of whether for consideration or otherwise.

Italy and small arms — a case study

Italy is one of the largest producers of handguns, shotguns and corresponding ammunition. These small arms and munitions are exported to almost 100 countries including Turkey, Algeria, Brazil, Philippines, Lebanon, the Republic of the Congo, Peru, Thailand, Slovenia and the USA, where the most important buyers are located. But while the turnover of Italian companies specializing in the small arms sector has increased, the state controls governing this trade have been reduced.

‘Civil’ arms?

In Italy, as in many other countries, the category “small arms” is not precisely defined. Officially a distinction is made between small arms for military purposes and civil arms ostensibly used for sport, hunting and self-defence. “Military arms” require a specific government licence for export and their transfer is supposedly checked and monitored by parliament. The export regulations governing the second category of weapons — “civil arms” — are the same as those which apply to pasta.

A few small arms are categorized as military weapons or “war arms” and so come under the Arms Control (185/90) Law. Arms which fall within this category include rifles, machine-guns and machine pistols, which are automatic arms and specifically built for military purposes.

However, the vast majority of the arms exported from Italy are categorized as intended for "civilian" use and so fall outside the remit of the Arms Control Law. Among the weapons exported under this category are not only semi-automatic arms, but also spare parts, ammunition and explosives which can be used for military purposes. Companies are, therefore, able to exploit the lack of stringent categorization to export arms to countries involved in armed conflicts and to governments responsible for human rights violations — such exports are prohibited by the Arms Control Law. Weapons which have been exported in this way include semi-automatic rifles, manually charged *canna-rigata rifles*, *canna rigata* muskets, semi-automatic pistols and revolvers, all of which can be used to commit serious human rights violations.

Even weapons routinely used by the police are normally not considered “war arms”. This lax categorization has led to a liberalization in the trade in most semi-automatics. The result in terms of human rights has been disastrous. Italy is able to export “small civil weapons” to countries devastated by armed conflict and gross human rights violations, even if the transfer of “military arms” to these same countries is under a UN or European Union embargo. So, for example, the UN embargo on arms transfers to the former Yugoslavia has not prevented exports of such small arms there.

Exports to Africa

Establishing the final destination of small military weapons authorized by the Italian government is difficult; companies invoke the need for commercial confidentiality, and government data on exports lacks transparency. Finding information about the export of “civil arms”, using the data compiled by the Italian Institute of Statistics concerning foreign trade, is much easier.

Sierra Leone has been ravaged by civil conflict — characterized by mass human rights abuses including abductions, torture and killings — for more than a decade. Both government and rebel forces have committed human rights abuses. However, rebel forces have been overwhelmingly responsible for such abuses, especially in recent years. Between 1993 and 1997, Italy was the primary provider of explosives and small arms to government forces in Sierra Leone, supplying small “civil arms” with a value of some US\$1.6 million. In 1997, 1.6 million rifle cartridge cases were sent from Italy to Sierra Leone. Between 1997 and 1998, arms to the value of US\$70,000 and US\$34,000 respectively of explosives and detonators for industrial purposes were exported to Sierra Leone. Nothing about these exports was declared in the Italian government’s public reports to parliament.

Between 1993 and 1996 Italy exported arms, munitions and explosives worth US\$7 million to the Republic of the Congo. During the first months of 1997, 15 tons of cartridges arrived in the Congo. At the beginning of October 1997 clashes between different political factions in the country resulted in at least 5,000 deaths and many more injuries. Yet the export of weapons did not diminish. During the first six months of 1998 Italy exported ammunition worth nearly US\$1.2 million to Congo and between 1997 and 1998 arms and munitions worth some US\$2.2 million and explosives worth US\$627,000 were exported from Italy to Congo.

Between 1996 and 1997 Italian companies exported pistols, rifles and ammunition worth 13 billion lire (approximately US\$6 million) to Algeria, a country which since 1992 has been ravaged by serious human rights abuses resulting in the killing of more than 100,000 people.

TURKEY

European companies to help construct arms factory

A German company has won a contract to construct a factory in Turkey that will produce ammunition for assault rifles. The deal, estimated to be worth between 40 and 45 million euros (approximately US\$35.9 million to US\$40.4 million) also involves three other firms in Belgium, France and Italy as subcontractors. The German, Belgian and French companies have all been granted export licences by their respective governments to fulfil this contract.

If this plan goes ahead there is a strong risk that the Turkish government will re-export significant quantities of the ammunition to security forces in other countries that persistently commit human rights violations. Turkey lacks arms export controls based upon respect for international law. Once production at the plant is under way it will be impossible for the authorities in Belgium, France or Germany to track exports of the ammunition produced by the Turkish manufacturer. Previous experience has shown just how dangerous this situation can be.

In 1999 the Turkish company MKEK (*Makina ve Kimya Endüstrisi Kurumu*) was producing Heckler and Koch MP5 sub-machine guns under licence from the United Kingdom (UK) firm BAE Systems-Royal Ordnance and its German Heckler and Koch subsidiary. These guns were exported to Indonesia in late August/early September 1999, at a time when widespread human rights abuses were being committed in East Timor by paramilitaries, with the complicity of the Indonesian security forces. On 16 September 1999 the European Union imposed an arms embargo on Indonesia because of human rights violations in East Timor. Although this meant that neither Heckler and Koch in Germany nor BAE Systems-Royal Ordnance in the UK could export MP5 sub-machine guns to Indonesia, the same weapon, made under licence in Turkey by MKEK, could continue to be transferred to Indonesia. Turkish arms companies have also exported equipment to security forces in Algeria, Burundi and Pakistan at times when these forces were responsible for gross human rights violations.

The dangers, however, are not limited to exports. Although the number of extrajudicial executions committed by the Turkish security forces appears to have fallen over the past few years, there are persistent reports of unlawful killings by the Turkish security forces which are not investigated. There are also serious concerns about the lack of safeguards to prevent such killings as well as other human rights violations, including torture. Concerns about the human rights situation in Turkey have been heightened in recent months by the violent intervention in response to prison protests in December 2000 in which 30 prisoners died, some of them reportedly from gunshot wounds.

ACT NOW!

Amnesty International is calling on the Belgian, French and German governments to halt the proposed transfer of components and technology for the construction of the plant until the Turkish authorities have introduced a number of measures to promote and protect human rights.

Amnesty International is calling on the Turkish government to:

- Establish strict arms export controls in line with the European Code of Conduct on Arms Exports that require all dealers and export licences to conform with international law, including international human rights and humanitarian law.
- Establish independent and impartial investigations of all reports of unlawful killings and other serious human rights violations by the Turkish security forces with the results made public and the perpetrators brought to justice.
- Introduce strict controls on the distribution and use of weapons and ammunition in Turkey. Those responsible for human rights violations should be held to account.

- Allow reasonable access by human rights defenders, independent journalists and other legitimate monitors to security areas under a state of emergency and stop the intimidation of members of the Turkish Human Rights Association and the obstruction of their work.
- Make public the arrangements to destroy and/or strictly control the transfer of currently held weapons, so that such weapons do not find their way into the hands of human rights abusers.

Please write to the authorities at the addresses listed below, urging them, as appropriate, to:

- halt the transfer of equipment
- introduce the measures to protect human rights listed above.

Prime Minister, Office of the Prime Minister, Basbakanlik, 06573 Ankara, Turkey

Monsieur Guy Verhofstadt, Premier Ministre, rue de la Loi 16, B-1000 Bruxelles, Belgium

Monsieur Louis Michel, Ministre des Affaires étrangères, Ministère des Affaires étrangères, Cabinet du Vice-Premier Ministre et Ministre des Affaires étrangères, Rue des Petits Carmes 15, B-1000 Bruxelles, Belgium

Monsieur Lionel Jospin, Premier Ministre, Hôtel Matignon, 57 rue de Varenne, 75007 Paris, France

Monsieur Hubert Védrine, Ministre des Affaires étrangères, Ministère des Affaires étrangères, 37 quai d'Orsay, 75007 Paris, France

Presidente del Consiglio dei Ministri, Palazzo Chigi, Piazza Colonna 370, 00187 Roma, Italy

Ministro degli Affari Esteri, Ministero degli Affari Esteri, Piazzale della Farnesina 1, 00194 Roma, Italy

Federal Chancellor, Herr Gerhard Schroeder, Bundeskanzleramt, Schlossplatz 1, 10178 Berlin, Germany

Minister of Foreign Affairs, Herr Joseph Fischer, Auswaertiges Amt, Werdescher Markt, 10117 Berlin, Germany

Sierra Leone: a bloody trade

“If someone offers me a diamond at 30 per cent discount, will I suspect something? Of course. It is probably a conflict diamond. Will I buy it? Of course. I'm here to do business. Have I done it? I can't tell you that.”

Sierra Leone has been ravaged by armed conflict in recent years. Hundreds of thousands of civilians have fled to neighbouring Guinea seeking refuge from the mass human rights abuses which have characterized the conflict. Even more have been internally displaced. Rebel forces, which remain in control of large parts of the north and east of the country, have continued to abduct, mutilate, rape and kill civilians. Government forces and their allies have been responsible for extrajudicial executions, torture and ill-treatment. Both sides have used children as combatants.

On 5 July 2000 the United Nations (UN) Security Council passed Resolution 1306 (2000) imposing an embargo on all diamond exports from Sierra Leone until the government could establish a certification system and regain full access to those areas of the country where rebel Revolutionary

United Front (RUF) forces remained in control, and calling for an international investigation into the link between the diamond trade and the conflict in Sierra Leone. On 20 December 2000, the findings of the UN investigation into the trade in arms and diamonds with the rebels were published in a detailed report naming names and calling for tougher action by the international community to implement the arms and diamond embargo against the rebels.

The governments of Liberia and Burkina Faso were found to be directly contributing to a human rights catastrophe in Sierra Leone by using international criminal networks with tentacles in several countries, including the United Arab Emirates. Other governments, such as those of Belgium, Switzerland and the United Kingdom (UK) were found to have failed to set up proper regulatory systems to control arms brokers and transporters, and traders in rough diamonds.

Arms trafficking made easy

The UN Panel of Experts who conducted the investigation found unequivocal evidence that the Liberian authorities have been actively supporting the RUF, providing training, weapons and related matériel and logistical support. It also found that arms supply lines to Liberia have been going through Burkina Faso with the involvement of the government there. Dealers and brokers in arms and diamonds dealers have been operating on an international scale, obtaining arms and ammunition, mainly from eastern Europe.

For example, a shipment of 68 tons of Ukrainian weapons was flown from Ibiza, Spain, to Ouagadougou, the capital of Burkina Faso, on 13 March 1999 in an Antonov aircraft of a UK company, Air Foyle. Most of the shipment was then transported to Liberia on a plane owned by an Israeli businessman of Ukrainian origin who is currently imprisoned in Turin, Italy.

According to the UN Panel of Experts, aircraft operated by Russian businessman Victor Bout were used to deliver arms from Europe to Liberia in 2000. The cargo included military helicopters, spare rotors, anti-tank and anti-aircraft systems, missiles, armoured vehicles, machine-guns and ammunition. Victor Bout was also named in March 2000 as a supplier of the armed opposition UNITA in Angola by another UN team and is accused of supplying armed opposition groups in the Democratic Republic of the Congo and elsewhere. He oversees a complex network of over 50 planes and multiple cargo charter and freight-forwarding companies. He has used the Liberian aviation register, which for many years has been a flag of convenience for smugglers. According to the UN Panel's report, he subsequently operated mainly out of the United Arab Emirates whose Sharjah Airport has been used as an "airport of convenience" for planes registered in many other countries, including several aircraft accused of supplying UNITA. Illicit arms trafficking in Africa is possible because of weak airspace surveillance in the region in general, and lax practices with regard to aircraft registrations.

Despite a moratorium imposed in 1998 on the import, export and manufacture of small arms and small arms within the Economic Community of West African States (ECOWAS), the region is awash with small arms. Armed opposition groups receive arms and ammunition through interlinked networks of traders, criminals and insurgents moving across borders. Systematic information on the smuggling of arms and ammunition in the region is non-existent, and information which could be used to combat the problem on a regional scale — through ECOWAS or through bilateral exchanges — is generally not available. Few countries in the region have the resources or the infrastructure to tackle smuggling.

Blood diamonds

In its report the UN Panel of Experts provided evidence of diamonds being traded through Liberia and other countries in West Africa. Most diamonds from rebel-held areas leave Sierra Leone through

Liberia; some are also traded through Burkina Faso. The extensive contacts for diamond and arms dealing between RUF commanders and Liberian and Burkina Faso officials, including the Presidents of those countries, is revealed in documents obtained from the house of the former RUF leader, Foday Sankoh, in May 2000 and presented to the public meeting of the UN Sanctions Committee on Sierra Leone by an Amnesty International representative.

The main problem in implementing the embargo on diamonds from rebel-held areas of Sierra Leone is that the regulatory systems of most countries do not identify and declare the actual origin of rough diamonds, that is, where they were mined. For example, 41 per cent of British rough diamond imports in 1999 were said to originate in Switzerland, while Switzerland officially imports almost no rough diamonds at all. This is a consequence of diamonds passing through Swiss free trade areas, until recently without record and without serious government scrutiny.

A large volume of diamonds entering Europe are disguised as being of Liberian, Guinean and Gambian origin in order to evade taxation and to launder money. There are many examples in Belgium of fraudulent commercial reporting. A country like Liberia, whose name has been used with or without its knowledge by illicit traders, can thus conceal its own very real trade in illicit and conflict diamonds behind larger rackets being perpetrated by others.

A diamond trader in Antwerp, Belgium, admitted to Amnesty International in October 2000, more than three months after the UN Security Council banned the export of non-certified diamonds from Sierra Leone, that: *“If someone offers me a diamond at 30 per cent discount, will I suspect something? Of course. It is probably a conflict diamond. Will I buy it? Of course. I'm here to do business. Have I done it? I can't tell you that.”*

Since July 2000 the diamond industry itself has passed resolutions supporting the establishment of an international certification system for rough diamonds, and several intergovernmental meetings have been held to explore practical ways of establishing such a system. In October the Sierra Leonean authorities resumed the official export of certified diamonds, with the assistance of the Hoge Raad Voor Diamant (HRD), the Belgium-based Diamond High Council. De Beers, the world's leading diamond mining and marketing company, has announced a statement of principles, which will allow it to take firm action against business partners or employees who buy diamonds of questionable origin, or who mix such diamonds with their own produce.

On 1 December 2000, the UN General Assembly adopted, without a vote, a resolution which highlighted the need to give urgent and careful consideration to devising effective measures to address the problem of conflict diamonds including the creation and implementation of a simple and workable international certification scheme for rough diamonds based primarily on national certification schemes.

Sanctions against Liberia

In a unanimous vote on 7 March 2001, the UN Security Council banned diamond exports by Liberia, which it said were sold to buy arms for anti-government rebels in neighbouring Sierra Leone. This ban was due to come into effect in May 2001, unless Liberia complied with the UN Security Council's demands. These include: ceasing support to the RUF, expelling RUF forces from Liberia and stopping the importation of rough diamonds from Sierra Leone. At the end of March 2001, the Liberian government announced that Liberia had expelled all RUF members from its territory and closed their offices. It also stated that it had closed its border with Sierra Leone, banned the entry into its territory of uncertified diamonds and stopped the export of diamonds for 120 days while a certification scheme was established. The Liberian authorities also said they had grounded all aircraft registered in their territory. On 26 March 2001, the UN Secretary-General appointed a Panel of Experts to investigate,

for six months, any violations of the sanctions and possible links between the exploitation of natural resources and the fuelling of the conflict in the region. Revenues from Liberian timber exports are believed by many, including the UN Panel of Experts, to have been used by the Liberian government for the acquisition of weapons.

Continued investigations by the UN Panel of Experts are needed to uncover the sources of the arms and the identities of the traffickers so that further arms shipments and rough diamond exports do not undermine the fragile security situation in Sierra Leone.

ACT NOW!

Write to the Minister of Foreign Affairs, relevant officials in your government and your local member of parliament, urging them to promote immediate practical action to achieve:

- The immediate grounding for inspection of all aircraft suspected of being used to ship arms and ammunition to rebel forces in Sierra Leone. UN monitors should be allowed to interview the air crew and double-check all documentation, including the log-books, operating licences, way bills and cargo manifests of each plane, in order to report to the UN Sanctions Committee on Sierra Leone.
- The establishment by all governments of a strict registration and monitoring system, backed up by criminal sanctions, for agents brokering or transporting arms or supplying military training. Each transaction involving such agents should require a licence, issued in advance by their national government, even when the arms delivery or training takes place entirely in "third countries". No licences should be granted for any arms transaction where there is a clear risk that the transfers will contribute to violations of international human rights and humanitarian law.
- Immediate and effective steps to end the trade in diamonds from rebel-held areas of Sierra Leone, particularly those traded through Liberia, and a complete overhaul of the customs classification systems in diamond importing countries, including Belgium, Switzerland and the UK, so that the origin, and not just the provenance, of diamonds is fully transparent. Countries trading in rough diamonds should agree an international certification system to strictly monitor imports from countries suspected of being used by illicit diamond traffickers.
- The UN Security Council should provide sufficient resources to continue investigations and to establish a permanent structure, staffed with independent experts, to monitor implementation of the UN embargo on arms and ammunition to rebel forces in Sierra Leone and diamonds from rebel-held areas.

Colombia: Stoking the fires of conflict

The policy of the US government towards Colombia risks aggravating both the long-running armed conflict and the human rights crisis in the country — just at a time when decisive action by the international community is needed to prevent a humanitarian catastrophe.

In 1994 direct US military aid to the Colombian army was suspended because of the army's appalling human rights record and its collusion with illegal paramilitary groups responsible for widespread human rights atrocities. In 2000, however, despite overwhelming evidence of the Colombian army's continued links with paramilitary groups, the US government approved a massive program of military aid to Colombia, most of it destined for the army. Controls and safeguards attached to the aid are insufficient to guarantee that it will not be used — either directly or indirectly via paramilitary groups — in the commission of serious human rights violations.

Despite ongoing peace talks, all parties to the conflict are engaged in a major military build-up. Guerrilla forces are believed to have obtained significant amounts of sophisticated weaponry and military equipment through the international black market. The number of combatants is also growing. The *Fuerzas Armadas Revolucionarias de Colombia* (FARC), Revolutionary Armed Forces of

Colombia, has around 17,000 guerrillas, and the *Ejército de Liberación Nacional* (ELN), National Liberation Army, has about 5,000. The army-backed paramilitaries, grouped under the umbrella organization *Autodefensas Unidas de Colombia*, United Self-Defence Groups of Colombia, have also increased their numbers significantly in recent years and now have an estimated 8,000 combatants.

Under international humanitarian law, the civilian population is entitled to be shielded from the effects of armed conflict. However, civilians in Colombia are the prime targets as the parties to the conflict compete for territory through the control of the civilian population. The Colombian armed forces and their paramilitary allies as well as the armed opposition groups have all been responsible for serious and persistent human rights abuses.

Is the war on drugs fuelling the conflict?

Although not the cause of the 40-year conflict, illicit drug production is a major factor in the spiral of violence in Colombia. Both guerrilla forces of the FARC and ELN, as well as the army-backed paramilitary forces, reap vast amounts of money from the taxing of illegal coca cultivation and production.

On 13 July 2000 then US President Bill Clinton signed Public Law 106-246, which included a US\$1.3 billion aid package, mainly military, for Colombia. In approving the aid the US Congress voted to impose strict human rights conditions, which were subsequently waived by President Clinton on the grounds of US national security interests.

The US assistance is channelled through a controversial aid package known as Plan Colombia, which is presented as an aid plan designed to combat drugs and contribute to achieving peace. It proposes a principally military strategy to tackle illicit drug cultivation and trafficking through substantial military assistance to the Colombian armed forces and police, and the creation of three anti-narcotics army battalions.

Social development and humanitarian assistance projects included in the Plan cannot disguise its essentially military character. Furthermore, there was no genuine consultation with the national and international non-governmental organizations which are expected to implement the projects, nor with the supposed beneficiaries. As a consequence, the human rights component of Plan Colombia is seriously flawed.

The Plan Colombia military aid package

The biggest single item in the military assistance category is US\$328 million for helicopters. The military aid package includes 18 UH-60 Blackhawk and 42 Huey helicopters for the new counter-narcotics army battalions, which are being created and trained by the US armed forces, and the Colombian police.

Military aid approved under Plan Colombia began to reach Colombia in 2000 and by March 2001 two of the US equipped and trained counter-narcotics army battalions were operational. Since the aid was approved, politically motivated killings have increased dramatically.

Counter-narcotics or counter-insurgency?

As the distinction between the counter-narcotics and counter-insurgency strategy is increasingly and deliberately blurred by the Colombian armed forces and the US government, there is a danger that the aid will be used directly in the counter-insurgency war. The US government has frequently referred to armed opposition groups as “narcoguerrillas”. Rand Beers, US Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, was quoted as saying in March 2001: “The

governments of Colombia and the United States don't discriminate between who is the drug trafficker and the insurgent".

The US Drug Enforcement Agency (DEA) has repeatedly denounced the paramilitary forces for having strong links with drug trafficking and has identified Carlos Castaño, the national paramilitary leader, as a major drugs trafficker. Colombian security forces themselves state that paramilitary forces control a fifth of drug crop cultivation areas. Despite this, counter-narcotics operations in Plan Colombia fail to target drugs cultivation in areas under long-standing paramilitary control and instead focus on areas traditionally under FARC control.

There is also evidence suggesting that US security and law-enforcement agencies may have colluded with a paramilitary death squad known as PEPES. In 1993 the PEPES set out to eliminate anyone associated with Pablo Escobar, the notorious leader of the Medellín drug cartel. Once Pablo Escobar was killed — with the acknowledged support of US security agencies and the PEPES — the death squad was incorporated into a nationwide paramilitary network that continues to be responsible for the vast majority of political killings in Colombia. Amnesty International USA is currently preparing a lawsuit to force the release of information from the Central Intelligence Agency (CIA), the DEA and other US security agencies about the PEPES death squad.

Conclusions

Amnesty International opposes the military aid program for Colombia because it believes that the program will turn the human rights crisis into a human rights catastrophe.

There is overwhelming documented evidence of the responsibility of illegal paramilitary organizations for widespread, systematic and gross human rights violations. There is conclusive evidence that paramilitary groups continue to operate with the tacit or active support of the Colombian armed forces.

Colombian army personnel trained by US special forces have been implicated by action or omission in serious human rights violations, including the massacre of civilians.

Military equipment provided by the USA to the Colombian armed forces has reportedly been used in the commission of human rights violations against civilians.

Mechanisms are not in place to ensure that future weapons transfers to the Colombian armed forces will not be used by the military to facilitate human rights violations by paramilitary groups or their own forces.

Intelligence support provided by the US to the Colombian armed forces may be transferred to paramilitaries — a fact acknowledged by US State Department officials in meetings with Amnesty International.

Military operations contemplated in Plan Colombia anticipate the internal displacement of tens of thousands of Colombians, thereby aggravating an existing humanitarian crisis. It appears that paramilitary organizations may be employed as part of the military strategy contemplated in Plan Colombia.

The human rights assistance component of Plan Colombia is inadequate and largely misdirected.

Respect for human rights is an essential prerequisite to achieving a negotiated resolution of the armed conflict. Only by ensuring that fundamental civil and political rights are protected can Colombia hope to achieve genuine national reconciliation based on peace and justice.

Amnesty International believes it is essential for the international community to engage more actively with Colombia and find ways of contributing to ending human rights violations and achieving a genuine and lasting settlement to the conflict.

ACT NOW!

Write to:

Your government

The US President

- Express your opposition to the US military aid, underlining that it risks exacerbating the human rights crisis in Colombia, and urge that there should be strict and binding human rights conditions on military aid and that these should be in line with repeated UN recommendations.
- Urge that no more military aid is sent to Colombia until the government makes real human rights progress, including decisive action to dismantle and confront paramilitary groups.
- Underline that the international community does have an important role to play in finding ways of contributing to ending human rights violations and to achieving a genuine and lasting settlement to the conflict.

For those in European Union (EU) countries:

Please raise the points listed above and:

- Welcome commitments made by the EU not to support Plan Colombia.
- Urge that the EU calls on the US government to stop military aid to Colombia.

For those in the USA:

Please raise the first three points listed above and:

- Urge that US agencies reveal information about the PEPES and their possible links to them.

Address for US President:

President George W. Bush

The White House

Office of the President

1600 Pennsylvania Ave.

Washington DC 20500

United States of America

Fax: +1 202 456 2461

Salutation: Dear Mr President

USA — market leader in the torture trade

'Electricity speaks every language known to man. No translation necessary. Everybody is afraid of electricity, and rightfully so.'

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

Much of the equipment used to inflict extreme pain and suffering has been around for years and continues to be sold on the international market with minimal restrictions. However, increasingly torturers are using weapons which exploit the latest technological developments, most notably high-voltage electro-shock stun weapons and chemical crowd control devices, such as pepper gas

weapons. These weapons are being produced in ever greater numbers and their use and proliferation is spiralling out of control.

The USA has been at the epicentre of this new technology. Despite professing to oppose torture, the US authorities have permitted these new devices to be marketed and sold to law enforcement agencies in other countries with a minimum of public scrutiny, with no proper impartial testing, and without regulation of design and use.

Stun weapons spreading

In the 1970s only two companies — one in the USA and one in the United Kingdom (UK) — were known to be marketing high-voltage electro-shock stun weapons. However, in the last two years Amnesty International, with assistance from the UK-based Omega Foundation, has discovered more than 150 companies which produce this sort of equipment. This has increased enormously the availability of such weapons to security forces that practice torture.

Companies which have produced or offered to supply electro-shock stun weapons in the last two years are known to have been operating in at least 22 countries, including Germany (30 companies), Taiwan (19), France (14), South Korea (13), China (12), South Africa (nine), Israel (eight), Mexico (six), Poland (four), Russia (four), Brazil (three), Spain (three) and the Czech Republic (two).

The range of electro-shock stun devices now available around the world has expanded throughout the 1990s and companies offering to supply them have sprung up in Austria, Canada, Indonesia, Kuwait, Lebanon, Lithuania, Macedonia, the Philippines, Romania and Turkey.

However, by far and away the largest producer and supplier of electro-shock stun weapons is the USA. Between 1999 and 2000 at least 97 US companies were involved in this trade.

The US government has allowed companies to export modern high-voltage electro-shock weapons to countries where electro-shock torture has been reported. For example, high-voltage electro-shock stun shields have been exported to Turkey, stun guns have been exported to Indonesia, and Saudi Arabia has received electro-shock batons and shields, and dart-firing taser guns.

Regrettably, the US Commerce Department has not yet published meaningful export data for electro-shock weapons. However, what information is available is a clear indictment of the USA's failure to ensure that such weapons were not being exported in situations where they could be used for human right abuses. For example, records under the export control commodity number A985 for the period 1997 to February 2000 show that export licences approved for Saudi Arabia for “optical sighting devices, stun guns and shock batons” were valued at some US\$3.2 million. This was despite the fact that the US State Department’s Report on Human Rights Practices stated that in 1999 Saudi Arabian “security forces continued to abuse detainees and prisoners”. Likewise, such exports to Venezuela received licences worth approximately US\$3.7 million despite the US State Department citing cases of electro-shock torture and excessive use of force against protesters. Hong Kong, Taiwan, Mexico and Bulgaria were among other recipients of export licence for large quantities of such weapons whose security forces were found to practice torture and ill-treatment.

The failure of the US authorities to take into account the human rights record of the recipient country when considering applications for export licences for this sort of equipment clearly increases the risk of torture.

In September 1997 Mohammed Naguib Abu-Higazi was reportedly arrested by a State Security Intelligence (SSI) officer in Alexandria, Egypt, and accused of belonging to *al-Gama'a*

al-Islamiya (Islamic Group). While held at the SSI office in Faraana, Alexandria, he was stripped of his clothes and given electric shocks from a “cylinder shaped stick with a spiral metal wire”. He was also reportedly deprived of food for three days, kept blindfolded throughout the entire nine-day detention period and threatened with sexual assault. Between 1997 and March 2000, the USA approved the export to Egypt of electro-shock batons, stun guns and optical sighting devices valued at more than US\$40,000.

The USA may be the market leader, but it is by no means the only country which has shown an unwillingness to regulate the sale of electro-shock weapons effectively. For example, European Commission officials recently gave a quality award to a Taiwanese electro-shock baton, but when challenged could not cite evidence as to independent safety tests for such a baton or whether member states of the European Union (EU) had been consulted. Most EU states have banned the use of such weapons at home, but French and German companies are still allowed to supply them to other countries.

Another factor in the increasing availability of such equipment around the globe is the way some companies have devised strategies to evade or circumvent export restrictions. Sometimes, as in the case of Spain and the UK, companies have brokered the sale of electro-shock weapons entirely through foreign companies, claiming that this “off-shore” trade was legal even though the weapons were banned at home. Similarly, one major US supplier of taser guns is now manufacturing them in Mexico where export controls are less stringent.

There are reports of such equipment, especially stun batons, increasingly being used to extract confessions and to intimidate and silence activists. While electro-shock batons, stun guns, stun shields and tear-gas stun weapons using up to 500,000 volts inflict severe pain, they leave few traces on the victim. The effects of electro-shock stun weapons are not well documented and can vary depending on what equipment is used, how it is used, and the physical characteristics and psychological state of the victim. From the accounts of victims, however, we do know that the immediate effects can include loss of muscle control, nausea, convulsions, fainting, and involuntary defecation and urination. The more lasting effects reported include muscle stiffness, long-term damage to teeth and hair, post-traumatic stress disorder and severe depression.

The stun belt – an inhuman and degrading weapon

The electro-shock stun belt is a US innovation. It inflicts inhuman and degrading treatment. Amnesty International is calling for the manufacture, transfer and use of these belts to be banned.

The stun belt is unique among electro-shock devices in that it is worn by the prisoner, sometimes for hours at a time. The prisoner is therefore under a constant threat that it will be activated. The belt’s electro-shock works by remote control; the police or prison officer using the device can be as far as 90 metres away. On activation, a typical stun belt delivers an eight-second shock of 50,000 volts. This high-pulse current enters the wearer’s body at the site of the electrodes, near the kidneys, and passes through the body. The shock causes incapacitation in the first few seconds and severe pain rising during the subsequent eight seconds. The electro-shock cannot be stopped once activated. The belt relies on the prisoner’s constant fear of severe pain being inflicted at any time while held in a situation of powerlessness. In the words of Dennis Kaufman, President of Stun Tech Inc, a US manufacturer of stun belts: *“Electricity speaks every language known to man. No translation necessary. Everybody is afraid of electricity, and rightfully so.”*

The USA was the first, and is still the biggest, manufacturer and supplier of electro-shock stun belts, but other countries which previously procured their belts from the USA have entered the market as suppliers. The speed of this proliferation is frightening. For example, in April 1998 the South

African prison authorities were reportedly considering buying stun belts from the USA. In August 1999 information from South African prison officials confirmed that stun belts had begun to be used at a maximum security prison in Pretoria during the transportation of some prisoners. In August 2000 the South African High Commission in Singapore promoted the supply of stun belts and stun shields from a South African company.

Chemical weapons

Police and security forces also utilize an array of chemical devices, promoted on the grounds that they provide an alternative to lethal force. In reality, however, these chemicals are often misused, sometimes resulting in serious injury or even death. The most often reported forms of misuse are when the security forces using excessive force fire powerful chemical sprays and tear gas onto crowds in confined spaces or at individuals at close quarters in the street, or when prison officers spray individual prisoners.

New chemical sprays have been developed in recent years which have been promoted on the grounds that they are a “non-lethal” method of control. Once again the USA is in the forefront of innovation. However, many of these chemicals have not been independently assessed and in many cases adequate measures against potential abuse have not been put in place. Since the early 1990s, more than 90 people in the USA are reported to have died in police custody after being exposed to OC spray. While most deaths have been attributed by coroners to other causes, such as drug intoxication or positional asphyxia, or are unexplained, there is concern that OC spray could be a factor in some cases. Reports suggest that the use of such sprays in other countries is increasing.

Another new weapon developed by a US company is the “pepperball” which fires bursting pepper gas projectiles. It was used for the first time on protesters in Seattle in 1999 and the makers claim to have potential customers in Indonesia and South America.

Amnesty International is calling for the international transfer of such sprays to be suspended pending proper independent tests.

Mechanical restraints used for torture

“The doctor came and said that yes, this baby is coming right now, and started to prepare the bed for delivery. Because I was shackled to the bed, they couldn’t remove the lower part of the bed for the delivery, and they couldn’t put my feet in the stirrups. My feet were still shackled together, and I couldn’t get my legs apart. The doctor called for the officer, but the officer had gone down the hall. No one else could unlock the shackles, and my baby was coming but I couldn’t open my legs... Finally the officer came and unlocked the shackles from my ankles. My baby was born then. I stayed in the delivery room with my baby for a little while, but then the officer put the leg shackles and handcuffs back on me and I was taken out of the delivery room.”

Maria Jones describes how she gave birth while she was an inmate of Cook County Jail, Chicago, USA, in 1998.

In the USA it is common practice for prisoners and detainees to be shackled during transportation, with handcuffs attached to metal waist chains and, in many cases, with the legs or ankles chained together. It is common for shackles to be used on sick and pregnant women prisoners when they are transported to hospital and while hospitalized. This routine practice is applied regardless of whether the woman has a history of violence and regardless of whether she has ever absconded or attempted to escape.

Handcuffs, leg irons, legcuffs, shackles, chains, shackle boards, restraint chairs and thumbcuffs are some of the most widely used security devices. They are also widely misused. In every region of the world they have been used repeatedly and persistently to violate prisoners' human rights. Some of this equipment, such as leg-irons, chains and serrated thumbcuffs, are inherently cruel, inhuman or degrading when used on prisoners and should be banned.

Again, US companies have been by far the most numerous suppliers of mechanical restraints, including leg-irons and thumbcuffs. Data for the period 1990 to 2000 obtained by Amnesty International with assistance from the Omega Foundation shows that of the 68 firms identified which offered to provide such devices, 42 were US companies. Of the 15 manufacturers of such equipment identified worldwide, seven were US firms. Other suppliers were found in Germany (8), France (5), China (3), Taiwan (3), South Africa (2), Spain (2), the UK (2) and South Korea (1).

Promoting torture expertise

Military, security and police expertise taught internationally has also been used to facilitate torture. Unless security training is strictly controlled and independently monitored, there is always a danger that it will be used to facilitate human rights violations. Unfortunately much of this training occurs in secret so that the public and legislature of the countries involved rarely discover who is being trained, what skills are being transferred, and who is doing the training. Both recipient and donor states often go to great lengths to conceal the transfer of expertise which is used to facilitate serious human rights violations.

A number of major powers are involved in selling security expertise to the military, security and police forces of foreign states. China, France, the Russian Federation and the UK are among the main providers of such training worldwide. However, once again the USA is a major player in this market.

It has been well known for some years that hundreds of graduates of the US School of the Americas (SOA) have been implicated in human rights violations in Latin America. In September 1996 the US Department of Defense released evidence that the SOA had used so-called "intelligence training manuals" between 1982 and 1991 that advocated execution, torture, beatings and blackmail. The manuals, written in Spanish, were used to train thousands of Latin American security force agents. Copies of these manuals were distributed in Colombia, Ecuador, El Salvador, Guatemala and Peru. Following a public campaign to close the SOA, the US government has responded by renaming and reforming it. However, this military school is just one of over 150 centres in the USA and abroad where foreign officers are trained. Public information on the human rights content and impact of this training is minimal.

This article is based on a report — Stopping the torture trade — published in February 2001 by Amnesty International as part of its international campaign against torture (AI Index: ACT 40/002/2001).

ACT NOW!

Amnesty International is calling for changes to be made in the way governments license the manufacture, trade and use of equipment designed for use by military, security and police personnel. In particular, Amnesty International urges everyone to call upon their governments and members of parliament, and to make a special appeal to the US government, to:

- Ban the use of police and security equipment whose use is inherently cruel, inhuman or degrading. Ban the manufacture and promotion of this equipment and its trade to other countries. This should include leg irons, electro-shock stun belts and inherently painful devices such as serrated thumbcuffs.

- Suspend the international transfer of electro-shock weapons, legcuffs, thumbcuffs, shackle boards, restraint chairs and pepper gas weapons pending the outcome of a rigorous and independent review into the effects of these devices. Suspend the use of high-voltage electro-shock weapons pending the outcome of this review.
- Ensure that the training of military, security and police personnel of another country does not include the transfer of skills, knowledge and techniques likely to lend themselves to torture.

Excessive force in Israel and the Occupied Territories

Imported arms used in unlawful killings

Since 29 September Israeli security forces have killed over 400 Palestinians — including more than 100 children, under 18. Most of these killings have been carried out when lives of the security services were not in imminent danger. During the same period more than 70 Israelis, including more than 30 civilians, have been killed by Palestinian armed groups. More than 12,000 people have been injured.

The Israeli security forces persistently used excessive force, including lethal force, in response to demonstrations and riots by Palestinians. An Amnesty International delegation was assisted by a former senior UK policeman, Dr Stephen Males, a specialist in sensitive public order policing, investigated the methods used against the rioters. Dr Males' main conclusions were:

1. In policing the demonstrations and riots, the Israeli security forces tended to use military methods aimed at eliminating an enemy, rather than policing methods involving the protection of human life.
2. Potentially lethal weapons were used, including high velocity rounds, that were suitable for combat situations, not for policing violent demonstrations.
3. Although the security forces sometimes began by throwing CS gas (tear gas) to break up protests, within minutes they were firing lethal weaponry.
4. Forensic evidence showed a lack of control and direction of fire, if not deliberate random shooting, by Israeli forces.

The majority of the Palestinians were killed during riots or demonstrations where stones or Molotov cocktails were thrown. In addition, many have been killed outside demonstrations, in streets, checkpoints, or even in houses. The great majority of these killings were unlawful: a result of the excessive use of lethal force when no lives were in danger. Some Palestinians have died in fire-fights with the Israel Defence Force (IDF).

In January 2001, when more than 300 people had already died, the IDF legal adviser told Amnesty International delegates that they considered that the situation had moved beyond law enforcement and could be considered one of armed conflict. As a consequence, the Israeli authorities, as a matter of policy, were not carrying out investigations into killings by the security forces. Amnesty International considers that the failure to carry out investigations into every death has cheapened lives and led to a culture of impunity.

An extrajudicial execution is an unlawful and deliberate killing carried out by order of a government or with its acquiescence. At least 12 such killings have been carried out by the Israeli government outside any judicial framework to eliminate specific individuals as an alternative to arresting them and bringing them to justice. Most governments deny carrying out extrajudicial executions; the Israeli government states openly that this is government policy.

The UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions emphasize that extrajudicial executions are never allowed, not even in time of war. According to Principle 1:

“Governments shall prohibit by law all extra-legal, arbitrary and summary executions and shall ensure that any such executions are recognized as offences under their criminal laws, and are punishable by appropriate penalties which take into account the seriousness of such offences. Exceptional circumstances including a state of war or threat of war, internal political instability or any other public emergency may not be invoked as a justification of such executions.”

Israeli security forces use small arms made in Israel as well as imported arms and ammunition, particularly from the USA. Between 1990 and 1999, US government data shows Israel was by far the largest importer of US military rifles and also some machine guns. The US government has also authorized the transfer to Israel of larger military equipment, such as tanks and artillery ammunition, despite such equipment having been deployed for attacks using excessive force. In contrast, it was reported in December 2000 that the governments of France and Germany had initiated an undeclared embargo on Israel since the outbreak of violence in late September, refusing to export defence equipment and materials.

Misuse of small arms by Palestinians

Israeli civilians have also been killed in drive-by shootings, bombs placed to target buses or public places, individual murders or in other ways. Some of these killings have been carried out by groups close to the Palestinian Authority, such as the tanzim; others have been claimed by armed groups opposed to the Palestinian Authority such as *Hamas or Islamic Jihad*. Some killings are claimed by new groups, such as the “Brigades of the Martyrs of al-Aqsa”, whose political direction and organization remain vague. Some of the victims may have been killed, in a growing cycle of violence and revenge, by individuals unconnected with armed groups.

The position of the Palestinian security forces, in particular the Palestinian police, is complex. The 1993 Oslo Declaration of Principles specifically expressed the need for a “strong police force” to preserve security and act against “terrorism”. In the name of security the Palestinian security forces have, over the past six years, arrested hundreds of suspected members of opposition groups and held them without charge or trial for up to six years. By 1996 at least 11 separate security services had been created in the Palestinian Authority of which there are now up to 43,000 armed members. Most members of the Palestinian security forces are supporters of *Fatah*, the predominant political group in the Palestinian Authority.

The typical weapon of the Palestinian security forces is the Kalashnikov (AK47 or AK74). However, not only the security forces are armed; many individual Palestinians own or have access to weapons, particularly members or supporters of *Fatah*. Arms are apparently smuggled in from Jordan and Egypt, but also bought from Israeli illicit small arms traders, according to local police sources. Israel has loose controls on citizens who engage in arms deals abroad. The mortars used by armed groups to attack Israeli settlements appear to be home made.

Helicopter attacks

The overwhelming majority of cases of unlawful killings and injuries in Israel and the Occupied Territories have been committed by the IDF using excessive force. In particular, the IDF has used US-supplied helicopters in punitive rocket attacks where there was no imminent danger to life. Israel has also used helicopter gunships to fire on Palestinian civilians, including children, and to carry out extrajudicial executions. For example:

— On 12 October 2000, Israel Air Force (IAF) helicopter gunships fired anti-tank missiles on Palestinian facilities, including a radio station, in Ramallah and other towns in the West Bank, and Gaza city and Beit Lahiya in the Gaza Strip. Thirty people were reportedly injured in these attacks. According to the IDF, these attacks consisted of “a pin-point attack on strategic Palestinian Authority targets with the aim of passing on to the Palestinian leadership a clear message to end the violence”.

— On 9 November 2000 Israeli attack helicopters fired rockets at a pick-up truck in a Palestinian civilian area near Bethlehem, killing not only Hussein Abayat, an activist whom they alleged was involved in attacks against Israelis, but also two women standing nearby. Nine other bystanders were wounded.

— On 2 April 2001 in one of a series of extrajudicial executions of suspected members of Palestinian armed groups, Muhammad ‘Abd al-‘Al, 27, was killed in a helicopter attack on his car. ‘Abd al-‘Al, a member of Islamic Jihad, was leaving his home in Rafah when, reportedly the vehicle was hit by two rockets fired from a helicopter. Witnesses stated that his body was incinerated. He was said to have been alone in the vehicle but, reportedly, two bystanders received injuries from shrapnel from the rocket attack.

So where do the helicopters come from and has their use in human rights violations had any impact on the suppliers?

Many of Israel’s military helicopters and spare parts have been supplied by the USA, Canada and the UK and the supplies appear to be continuing. On 25 September 2000, the US Defense Department announced that US companies Boeing, Lockheed Martin, General Electric and Longbow would possibly sell eight more Apache attack helicopters with laser-guided missiles for use by the IDF. On 27 September, the US Defense Department announced another proposed sale of 35 Blackhawk helicopters made by the Sikorsky and General Electric companies to provide “combat service support” for the IDF. The combined value of these proposed sales was over US\$1 billion, and would include US training and field servicing in Israel for three years.

The Israeli government had submitted a request to the USA in November 1999 for the upgrade of 24 of its US military helicopters to make them capable of flying in all conditions and to enable close ground attack. The estimated cost of the upgrade was US\$508 million. The money would reportedly come from the annual US\$1.8 billion military aid grant pledged to Israel by the USA. Since January 1998, the US and Israeli governments have been negotiating a reduction in US annual economic assistance to Israel and an increase in US annual military assistance to Israel, the latter rising from US\$1.8 billion to US\$2.4 billion per year. Final agreement was postponed in October 2000 because of the crisis in Israel and the Occupied Territories.

Amnesty International’s position

Amnesty International urges both the Israeli and Palestinian authorities to stop their security forces using indiscriminate rifle fire against civilian targets. In particular it is urging the Israeli government to stop its use of excessive force which has resulted in most of the unlawful killings and injuries.

Amnesty International also urges all governments, particularly the US government, to respect their international obligation to refrain from supplying arms likely to be used in serious human rights violations and breaches of international humanitarian law.

All governments should obtain detailed guarantees from the Israeli government and the Palestinian authorities that they will adopt measures to comply with international human rights standards and humanitarian law. In particular, the Israeli government should take concrete steps to make the IDF and police comply with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, including Article 9 of the Basic Principles which states that: “*Law*

enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury... intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.”

ACT NOW!

Write to your government and the US embassy in your country expressing concern at the situation in Israel and the Occupied Territories and asking them to:

- Put pressure on the Israeli government to stop the excessive use of force in response to riots.
- Ask the Israeli government to respect and abide by UN guidelines for the use of force and firearms and ensure that the right to life is respected and protected. In order to ensure respect for the right to life, every killing should be fully investigated and the results made public.
- Ask the Israeli government to repeal their policy of targeted killings which amount to extrajudicial executions and take immediate action to ensure that the right to life is respected and protected. Those who order or carry out extrajudicial executions should be brought to justice in fair trials.

Press the USA, the UK and other governments and companies to cease all transfers to Israel of those types of arms used by the Israeli security forces for human rights violations, notably through the excessive use of force, until the Israeli authorities demonstrate that safeguards are in place to prevent such violations.

Ask all governments to urge the Palestinian Authority to tackle the problem of small arms and light weapons held by individuals who are not members of the Palestinian Authority security services. The PA should ensure that all arms are registered and certain types of arms are only authorized for a small and well-trained proportion of the security services.

Benjamin Ben-Eliezer
Minister of Defence
Ministry of Defence
Kaplan Street
Hakiryia
Tel Aviv 6765, Israel
Fax: +972 3 691 6940

Supplying the torturers in Saudi Arabia

Human rights violations in Saudi Arabia are widespread and cloaked in secrecy. Political and religious opponents routinely face arbitrary detention and brutal treatment. Over the past two decades, more than 1,000 people have been put to death or have suffered judicial corporal punishments such as amputation of limbs. Flogging is routine and torture has become institutionalized. Just as the repression is hidden, so too are the arms deals and shipments of security equipment which help the torturers and human rights violators.

Gulam Mustapha, a Pakistan national, was reportedly tortured in a detention centre for drug offenders in Jeddah in 1994. The torture he suffered included insertion of a metal stick or rod into his anus and electric shocks, which apparently left him bleeding and unable to walk.

So who supplied the electro-shock batons to his torturers? Secrecy prevents a comprehensive answer, but it is known that in 1993 the United Kingdom (UK) government granted two licences for the transfer of electro-shock weapons to Saudi Arabia and that since 1984 the US Department of Commerce has authorized at least a dozen such shipments.

Despite Saudi Arabia's appalling human rights record, foreign governments have supplied the country with other equipment that could be used to torture or ill-treat prisoners. For example, between 1980 and 1993 the US government authorized licences worth US\$5 million under the category OA82, which includes thumb cuffs, leg irons, shackles, handcuffs and other police equipment.

People formerly imprisoned in Saudi Arabia have described the pain and injury caused by the use of leg restraints such as shackles and chains in ways that breach UN regulations on the treatment of prisoners. Some have stated that such restraints were stamped with "Hiatts", a UK company, or "Smith & Wesson", a US company.

Phil Lomax, a UK national, explained how shackles are routinely used in Malaz prison, Riyadh, where he was held for 17 days in mid-1999 in connection with alleged alcohol offences. *"When [ever] we were taken out of the cell we were shackled and handcuffed. The shackles were very painful. They were made of steel... like a handcuff ring. The handcuffs were made in the USA. If you're taken out with other people you are shackled to the other people."*

Restraints such as shackles and handcuffs also seem to be an intrinsic element in executions in Saudi Arabia. An Irish national who witnessed a public execution in 1997 said the prisoners were handcuffed behind by their wrists, blindfolded and made to kneel with their handcuffed wrists tied to their feet. Then they were beheaded.

Amnesty International recorded 1,286 executions in Saudi Arabia between 1980 and 2000, but the real number may well be much higher.

Arms and security equipment

The Saudi Arabian police and internal security forces have taken delivery of large amounts of small arms as well as riot control and internal security equipment in recent years. The Saudi Arabian National Guard in particular has been among the main recipients. Since the mid-1960s companies in Austria, Belgium, Germany, Greece, Italy and the USA, have supplied small arms to Saudi Arabia.

In December 1991 Saudi Arabian army tanks entered Rafha camp, home to over 30,000 Iraqi refugees, and allegedly fired indiscriminately into the crowd. An unknown number of people were killed and injured. Reports of such incidents rarely emerge from Saudi Arabia, but this does not mean they do not continue. Saudi Arabia is a closed country. There are no local non-governmental human rights organizations and the government tightly controls the media. Without independent monitoring we cannot be sure whether transfers of items such as small arms, light weapons, armoured personnel carriers, security or riot control equipment have been, or are likely to be, used for human rights violations.

What is certain is that the threat to use such weapons is an intrinsic part of the repression in Saudi Arabia, allowing the police and security forces to carry out widespread arbitrary arrests, imprisonment and torture.

All parties or political organizations in Saudi Arabia are illegal, and no criticism of the state is allowed. Those suspected of having links with political and religious organizations expect to be watched closely by the authorities and are frequently dragged into detention by security forces.

Indeed, thousands of political or religious detainees have been arbitrarily detained over the years, as have many of their relatives and friends. Today there are thought to be between 100 and 200 political prisoners in Saudi Arabia, including possible prisoners of conscience, most held without charge.

Saudi Arabia is one of the largest procurers of defence equipment in the world. Its total spending in 1997 on defence was estimated at US\$18.2 billion by the International Institute for Strategic Studies. The Stockholm International Peace Research Institute's annual yearbook for 2000 describes Saudi Arabia as the second largest procurer of major conventional weapons, with purchases valued at US\$9.2 billion since 1995. The UK, USA, France, Germany, Canada, Italy and Belgium are among those that have benefited from this lucrative business.

The majority of the trade has been in large weaponry such as fighter aircraft or tanks. There is no evidence that such weapons from these countries have been used in human rights violations in Saudi Arabia. However, the lack of transparency and accountability surrounding the deals means that the international community can never be sure what is actually being provided.

For example, in 1995 a British Aerospace (now BAE Systems) salesman claimed on UK television to have arranged the transfer of 8,000 electro-shock batons to Saudi Arabia as part of the multi-billion dollar al-Yamamah project, the biggest arms deal ever agreed between the UK and Saudi Arabian governments. The UK government and British Aerospace denied selling the batons, but details of the al-Yamamah deal have never been made public.

As long as the secrecy continues to surround the arms and security trade to Saudi Arabia, there remains the danger that arms and security products — even electro-shock weapons — will be placed in the hands of those likely to use them for torture or other human rights violations.

ACT NOW!

Write to your own government and to the governments of the USA and UK calling on them to:

- Publicly condemn the routine use of torture and cruel, inhuman or degrading treatment in Saudi Arabia's police stations, detention centres and prisons.
- Immediately ban the transfer of leg-irons, shackles, electro-shock devices and execution equipment to Saudi Arabia. Prohibit the manufacture, promotion, use or transfer of all equipment solely used for executions or for carrying out torture or cruel, inhuman or degrading treatment. When writing to the UK government, welcome the UK ban on the manufacture and export of torture equipment, introduced in 1997, and ask how the ban is being enforced.
- Provide the public with detailed and regular information about all prospective and completed military, security and police transfers by both private companies and government agencies to Saudi Arabia. The information should include detailed monitoring to ensure that weapons are not being misused in Saudi Arabia or diverted to another recipient.
- Enact legislation and regulations to prohibit the transfer of all military, security and police weaponry, equipment, personnel or training unless such transfers will not contribute to human rights abuses.

Mr Colin Powell
Office of the Secretary of State
2201 C Street NW
Washington DC 20520
USA
Salutation: Dear Secretary of State

Rt Hon Geoffrey Hoon MP
Secretary of State
Ministry of Defence
Main Building, Whitehall,
London SW1A 2HB

United Kingdom
Salutation: Dear Secretary of State
END BOX

'Balkans Syndrome'

The threat of depleted uranium weapons

Salvatore Carbonaro, an Italian soldier who served in Bosnia in 1998 and 1999, died of leukemia in November 2000 at the age of 24. He was the sixth Italian soldier to die of "Balkans syndrome" — the name given to a series of health problems contracted by those who served in the former Yugoslavia in the 1990s.

Fears are growing that these deaths could be linked to exposure to depleted uranium (DU) contained in US weapons used in the Balkans.

There are a further 30 suspected cases of soldiers from elsewhere in Europe who have suffered health problems after being contaminated by DU. An intensive study has been launched of some 32,000 military personnel from Spain who were on duty in the Balkans, and investigations are being carried out on soldiers in other NATO countries.

A Pentagon spokesperson has confirmed that US A-10 Thunderbolt attack jets fired 31,000 DU rounds during 100 missions carried out during the 1999 NATO air war in the Federal Republic of Yugoslavia. A further 10,800 DU rounds were fired in Bosnia in 1994 and 1995, according to NATO's military headquarters.

DU weapons have been used, according to NATO officials, because they are denser than conventional arms. This means they can penetrate heavy armour more easily. They burn up on impact, creating a radioactive dust, the effect of which remains the subject of safety debates. Like other heavy metals, DU is toxic and constitutes a health risk independent of any residual radioactivity.

Possible long-term health risks may arise when DU dust, a residue of a DU round striking armour, is inhaled or digested. DU rounds that miss the target and penetrate the ground corrode over time, risking contamination of groundwater. DU particles stay in soil unless they are removed. There is also evidence that airborne particles pose a particularly serious threat.

The UN Environment Programme (UNEP) is checking the extent to which radioactivity has been left behind as a result of the NATO bombing raids during the 1999 Kosovo conflict. UNEP's report on its field mission to 11 of the 112 sites that were identified as targeted by DU ordnance found no widespread ground contamination. However, UNEP pointed out that under certain circumstances DU can still pose risks and recommended precautionary measures to guarantee that areas struck by DU were risk free. The NATO Ad Hoc Committee on Depleted Uranium will serve as a forum for the exchange of information on the possible health risks associated with the use of DU munitions and to act as a clearing house on this issue for many parties, including local civil authorities. The Committee comprises representatives from approximately 50 states and five international organizations.

Council of Europe parliamentarians have called for a ban on the manufacture, testing, use and sale of weapons using DU and plutonium until it has been demonstrated that such weapons have no long-term ill-effects. The Parliamentary Assembly called on NATO and the UN to implement a medical surveillance program for civilian populations as well as soldiers, members of humanitarian organizations and journalists who worked in the Balkans.

Pending conclusive studies on the long-term health and environmental effects of such weapons, Amnesty International remains concerned about the possible indiscriminate effects on health, particularly for non-combatants, posed by the use of DU munitions. The Federation Health Minister of Bosnia-Herzegovina has reported a recent increase in the incidence of cancers among civilians where the armour-piercing ammunition was used in 1994 and 1995. The Bosnian Health Ministry claims that NATO refused to share information on DU munitions when it was requested to do so in 1995.

Currently, the use of DU munitions is not specifically prohibited by international law. However, Article 35(3) of Additional Protocol I to the Geneva Conventions prohibits "methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment". Article 35(2) prohibits the use of "weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering". According to Article 36, "In the study, development, acquisition or adoption of a new weapon, means or method of warfare, a High Contracting Party is under an obligation to determine whether its employment would, in some or all circumstances, be prohibited by this Protocol or by any other rule of international law applicable to the High Contracting Party."

ACT NOW!

Write to the NATO Secretary-General, Lord George Robertson, copying your letter to your relevant home authorities, including your Ministers of Defence and of Foreign Affairs.

- Call on NATO to investigate and cooperate fully with independent investigations into the possible long-term health and environmental risks posed by the use of depleted uranium weapons.
- Urge NATO and other states to consider suspending the use of these weapons pending the outcome of such investigations.
- Call on NATO to give full evidence of the findings of the Ad Hoc Committee on Depleted Uranium.

Lord George Robertson
Office of the Secretary-General
NATO
Boulevard Leopold 111
B-1110, Brussels
Belgium
END BOX

Arms flyers in Africa

Cargo aircraft play a vital and often illegal role in supplying arms to warring parties in the conflicts in the Horn of Africa, the interlinking conflicts in Central Africa, the Great Lakes and Angola, as well as in West Africa (Gambia, Liberia, Sierra Leone, Guinea-Bissau and Senegal), many of which have been characterized by gross human rights abuses.

The military supplies for the conflicts in sub-Saharan Africa (excluding Eritrea and Ethiopia) are typically small arms, light weapons, ammunition and associated goods. Warring parties need these to be delivered as close to the combat zone as possible, or in remote and badly monitored areas, to supply front lines, for use in surprise attacks, or when opening up a new battle front.

The transportation of arms to an illicit or illegitimate destination by air usually involves several sets of commercial arrangements. The transport agents must obtain the use of freighter aircraft, usually through leasing or charter arrangements with the owner. The transport agents usually need to hire an air crew and obtain permission to fly over certain countries. Temporary storage for the goods must be rented. Facilities for parking and maintenance of aircraft must be arranged. The appropriate runway and fuelling facilities must be booked and paid for. The illicit nature of this trade means that these weapons are outside any form of regulatory control and can easily end up in the hands of forces responsible for committing serious human rights violations.

All this is done through government officials who provide the necessary over-flight, landing and other transport authorizations, as well as owners of temporary cargo space and aircraft parking slots, and companies that provide airport and ground services.

The intermediary actors will not all be aware of the nature of the cargo, and will usually not know about its point of origin or final destination. Illegal or controversial arms transport flights rarely fly directly to their destinations, but rather via circuitous routes involving multiple landings, re-fuelling and possibly even changes of aircraft. Thus, several interlocking transportation networks and potentially a large number of actors will be involved. Sometimes these networks are part of larger organizations involving numerous companies and corporate operations acting in part as an international criminal syndicate.

This picture was confirmed by evidence collected by Amnesty International, Human Rights Watch and the United Nations in relation to the transport of small arms and light weapons supplies to those who perpetrated the Rwandan genocide, to the UNITA rebels in Angola and to the Revolutionary United Front rebels in Sierra Leone. The evidence shows that, although the number of airlines involved may be high, the names of certain companies, shipping agents and company owners keep appearing when flights illegally carrying arms are uncovered.

Some companies appear frequently partly because they are linked to relatively strong commercial networks specializing in the delivery of risky cargo for high fees. For example, many of the smaller airlines operating from airports in Africa, have working alliances with European-based shipping agents and charter companies.

Proliferation of companies and markets

Most private air traffickers of arms in Africa appear to have been operators from Europe that have moved into Africa. A few came from North America and elsewhere but, since the end of the Cold War, there has been an influx of operators from Eastern Europe and from Africa itself.

Partly because of market liberalization, there has been a sharp increase in the number of cargo airline operators in recent years. This, combined with the strong competition between companies to offer the whole package of services and destinations, has made the industry ever more flexible. As the large cargo companies usually dominate the high volume routes, some smaller cargo operators are tempted into business in other areas with dubious customers.

The practice of registering planes or pilots to countries regarded in the industry as “flags of convenience”, the constant moving of planes from one register to another, the chartering or outleasing of planes and crews, the use of different airports for maintenance or operations, the role of handlers, sales agents and corporate alliances, all make the industry increasingly difficult to monitor and regulate.

Evading air traffic control and customs

The problems associated with the increased size, flexibility and lack of monitoring in the air cargo industry are compounded by the fact that a number of African countries do not have the systems of accountability, technology, training and resources to regulate properly the private air cargo market. Traffickers of illicit small arms can easily exploit such a situation. Across sub-Saharan Africa, cargo operators conceal flight plans and destinations by making unscheduled landings to load or off-load cargo (which may be reported as emergency landings), and diverting aircraft to a different flight path once it has left the airspace of the country of origin. In the wealthier South Africa, too, there has been little capacity to check cargo and monitor flight paths and destinations of cargo aircraft once they leave South African airspace.

Pilots transporting arms avoid fixed and mobile radar systems by flying circuitous routes, varying altitude and travelling at night, when most electronic navigational and radio systems are shut off. The pilots rely on global positioning systems (GPS) — a satellite based navigational system independent of terrestrial aids. Many illegal arms flights land in airports and bush-strips that are beyond the reach of national authorities, usually in rebel-held areas.

Another common practice, particularly in Africa, is the falsification of aircraft registration and the use of countries with lax laws and regulations on aircraft certification and supervision. There have been many instances of aircraft changing registration numbers in mid-flight or falsifying them. Other aircraft have used operating licenses that are fictitious, revoked or expired. Some planes have operated without official registration. Many air cargo companies transporting weapons are registered in countries that serve as “flags of convenience”.

The legal and regulatory framework

A more robust regulatory regime at the airports and ports where illicit arms cargoes are known to originate or pass through, requires customs, port police and aviation officials to be backed by stronger laws and sufficient resources. Law enforcers should routinely inspect physical cargoes and question members of crew, cross-checking information and documentation with that submitted by crew and operators to their home country authorities.

The legal framework to prevent arms trafficking appears out of date in most countries, although the laws vary from country to country.

Most countries have laws and regulations concerning the transfer of military and security goods, especially where these may be deemed to be lethal. However, common omissions include the lack of provisions requiring parliamentary oversight, absence of a system of formal review or independent scrutiny, and insufficient monitoring procedures in arms contracts to allow officials to check whether the end-use of military equipment is lawful. Some laws and regulations covering private as well as government transfers have important loopholes which arms dealers and arms transporters can exploit, especially when they transport arms through “third countries”.

Most countries do not appear to have laws requiring the official registration of transport agents and operators who are deemed to be qualified and trusted to ship arms. Transport agents who arrange the flight of arms to and from destinations outside their own country are usually not required to obtain a permit from their home country’s authorities giving all the details of the cargo, flight routes and destinations. The absence of proper registration of companies, operators and crew specifically to fly arms and the lack of licencing control for each delivery of arms, even if it takes place through “third countries” is probably the most significant legal loophole allowing international arms trafficking to flourish in Africa. The principal agents can remain unaccountable to those who often know them best – their home country's law enforcers. For example, the air charter operators and pilots based in South

Africa that were accused by the UN of arming UNITA, and those based in the UK and Belgium accused of arming the perpetrators of the genocide in Rwanda, as well as rebels in the Democratic Republic of the Congo and Sierra Leone, have not been prosecuted.

The law usually does not require basic information on ownership of the cargo, insurance and the subcontractors involved in the delivery.

In most countries in sub-Saharan Africa, there are simply insufficient numbers of trained officials.

Working relationships between the aviation, police and customs authorities of neighbouring states in Africa to monitor arms traffickers is inhibited by corruption as well as lack of training and resources. The continuity and involvement of the same individuals in arms trafficking and transport to and across the region could be addressed much more easily if airport authorities and inspectors on the ground had shared lists available of the identified individuals, companies and planes. This would increase the effectiveness of inspections and be a deterrent for illicit traffickers.

International bodies regulating air transport — notably the International Aviation Transport Association (IATA) and the International Civil Aviation Organisation (ICAO) — have no real power to enforce their rules on national aviation authorities or the airlines registered within their territory.

ACT NOW!

Write to your government asking what steps have been taken to:

- ensure international support for African aviation and customs authorities to close down opportunities for arms traffickers, such as the practice of registering planes or pilots to countries regarded as "flags of convenience".
- promote among the international community a special assistance program with a task team to help African governments to compile and distribute a list of arms traffickers to customs and aviation authorities in those countries in Africa, Europe and elsewhere that are known or suspected as points of origin or transit bases.
- train and assist local authorities in more vigilant procedures, and monitor and report on the efforts and effectiveness of enforcement actions by national authorities.

Proliferation: global growth in small arms

Since the 1960s, powerful states have allowed their small arms and light weapons manufacturers to export their production capabilities all over the world. Many of these same states are now reaping the terrible consequences.

Estimates of the number of companies producing small arms around the world vary greatly, mainly because of the scarcity of information and the differences in definitions of what constitute "small arms". However, in 1994 a UN Institute for Disarmament report identified nearly 300 companies in 52 countries which manufactured small arms and related equipment — a 25 per cent increase since the mid-1980s. In 2001 the Small Arms Survey in Geneva estimated that over 600 companies in 95 states were involved in small arms.

A trend analysis of available published data covering the four decades between 1960 and 1999, carried out recently by the United Kingdom-based Omega Foundation, identifies a long-term increase in the number of companies and countries producing small arms, especially during the post-Cold War period of accelerated globalization. Between 1960 and 1999, the number of countries producing small arms doubled and there was an almost six-fold increase in the number of companies

making these weapons. While some of this increase can be explained by the privatization of state industries, the creation of more nation states, and better reporting in the 1990s, there is clear evidence of significant increases in the availability and production of small arms and ammunition.

The 1990s saw a massive increase in the production of small arms in Eastern Europe. However, a good proportion of this apparent massive “increase” — from 12 manufacturers in seven countries to 66 manufacturers in 15 countries — can probably be attributed to the break-up of the Soviet Union, improved reporting in the new states, and to the fact that many of the new private companies have been formed from individual factories derived from the former “state arsenals”. While these figures, therefore, do not necessarily indicate a major increase in manufacturing capacity, the expansion in the number of producers trading small arms is nevertheless remarkable.

In Western Europe and North America the number of companies producing small arms almost trebled between the 1970s and 1990s. This increase can partly be attributed to the privatization of state-owned industries in a number of West European countries, but it also reflects the increased freedom of companies to trade in global markets.

Other regions have also seen a growth in the production of small arms. For example, Africa has seen a doubling in the number of small-arms producing firms in the last decade.

A particularly significant trend highlighted by the Omega Foundation study was the increasing importance of licensed production agreements which allow companies to have arms produced under licence in another country. Licensed production agreements are also commonly referred to as licensed manufacturing agreements, co-production agreements, technology-transfer agreements, and are sometimes classified within the general term of “offsets”. There are differences between some of these terms, and certainly in the related export controls, but in the context of small arms some may consider “licensed production agreements” a more a generic category of transfer.

A 1995 report estimated that licensed production was taking place in at least 21 developing countries, 16 of which were also exporting the small arms they manufactured. The Omega Foundation’s own data showed that 14 countries — Austria, Belgium, the Czech Republic, France, Germany, Israel, Italy, Portugal, South Africa, Singapore, Sweden, Switzerland, the United Kingdom (UK) and the USA — have established small arms and ammunition licensed production agreements with 45 other countries. The global spread of small arms production facilities coupled with poor state controls on small arms in most countries is contributing to the massive proliferation and misuse of such weapons for human rights abuses.

Very little data is currently available about the manufacturing capacities of small arms and ammunition producers or their stocks (see table above). Nevertheless, allowing for the absence of systematic information on wholesalers, retailers, brokers and transport agents dealing in small arms; the scarcity of data on national government inventories of small arms and ammunition; and the differing definitions of “small arms”, still there is clear evidence of a large global increase in the number of small arms producers. This increase has taken place in a context where most countries’ export and import regulatory regimes remain hopelessly weak and out of date.

Ranking of the world’s small arms producers

(Source: Small Arms Survey, Geneva, 2000, www.smallarms.org)

Major: China, Russian Federation, United States of America
Medium: Austria, Belgium, Brazil, Bulgaria, Czech Republic, Egypt, France, Germany, Hungary, India, Israel, Italy, Pakistan, Poland, Romania, Singapore,

South Africa, South Korea, Spain, Switzerland, Taiwan, Turkey,
United Kingdom

Small: Argentina, Armenia, Australia, Canada, Chile, Colombia, Croatia, Denmark,
Finland, Greece, Indonesia, Japan, Luxembourg, Malaysia, Mexico,
Netherlands, New Zealand, Norway, Peru, Philippines, Portugal, Saudi Arabia,
Slovakia, Slovenia, Sweden, Thailand, Ukraine, Venezuela, Yugoslavia

ACT NOW!

If there are arms-producing companies in your country (see list above), write to the authorities stressing the urgent need for strict state control of licensed production exports in order to ensure that they do not facilitate or contribute to human rights abuses.

- All governments in arms-producing countries should be urged to ensure that licensed production agreements for small arms and light weapons manufacture, components thereof and ammunition are subject to stringent written authorization within existing export control legislation. Considering the long-term consequences of licensed production exports, the authorization criteria should be based upon international standards at least as strict as, if not stricter than, those for direct arms exports.
- Government export approvals should include written provisions limiting the quantity of arms that can be produced, restricting “re-exports” and allowing regular end-use monitoring by the sending government. In particular, licensed production agreements should not be permitted for recipient countries where an export licence application for a direct transfer would be refused; for countries which cannot demonstrate sufficient transparency and accountability for the end-uses; or for countries that have a record of transferring small arms to other countries which are subject to UN and other international arms embargoes.

International Action Network on Small Arms (IANSA)

Amnesty International is a founding member of IANSA, a global network of non-governmental organizations (NGOs). 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 is planning a worldwide campaign around the July UN Small Arms Conference, calling on governments to recognize the human cost of small arms trafficking. IANSA urges governments to prevent and combat the spread of small arms through six core demands:

- An international convention on small arms trafficking (brokering, transporting and financing);
- 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.

Your national section of Amnesty International can join IANSA and help build a local campaigning coalition of non-governmental organizations. For more information, contact:

IANSA International Secretariat, Post Box 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

BAR CHART

Proliferation of small arms production: 1960-1999 (Source: the Omega Foundation, United Kingdom)

CAPTIONS

Amnesty International members in Spain take part in the launch of the organization's report, 'Stopping the torture trade', February 2001.

© John Urbe

An Italian-made pistol.

© E. Emmolo

Officials outside a stand at the 2nd International Defence Industry and Aviation Fair, Ankara, Turkey, 1995.

© Robin Ballantyne/Omega Foundation

An Antonov 8 freighter aircraft of Santa Cruz Imperial Airlines at Sharjah Airport in the United Arab Emirates. The United Nations accused Sharjah of being an "airport of convenience" for planes registered in many other countries, such as Swaziland, Equatorial Guinea, the Central African Republic and Liberia. In October 1998, 15 planes of Santa Cruz Imperial/Flying Dolphin, all registered in Liberia but operated from Sharjah, were temporarily grounded by the Liberian Aviation Authority. The planes have also been under investigation in Swaziland and in South Africa, and were finally barred from airports in these countries.

© Paul Chandler via Airliner World

US-trained Colombian soldiers march in formation at Tres Esquinas, a military base deep in the coca-growing Amazonian lowlands and a strategic point in the ongoing fight against drugs. Amnesty International is concerned that anti-narcotics aid from the US government could contribute to human rights violations. © AP Photo/Ricardo Mazalan

US companies have been by far the most numerous suppliers of mechanical restraints, including thumbcuffs. Data for the period 1990 to 2000 obtained by Amnesty International with assistance from the Omega Foundation shows that of the 68 firms identified which offered to provide such devices, 42 were US companies.

© Private

The REACT stun belt is one of the most widely-used versions of the stun belt.

© Private

The Taser TE86 is a hand-held, non-lethal electronic weapon designed to immobilize with an effective range of up to 15 feet. It shoots two barbed hooks attached to wires through which an electric current is transmitted.

Tasertron, a division of Electronic Medical Research Laboratory, Inc., brochure

Electro-shock baton with a power output of 120,000 volts.

B-West Imports, Inc., brochure

A stun shield in a country sheriff's office, 1999.

© Eurovision Productions

A restraint chair, which allows a prisoner to be immobilized with four-point restraints securing both arms and legs. Serious abuses have been recorded in the USA involving prisoners being tortured or ill-treated while strapped in the chair; a number of deaths have occurred as a result.

© Eric Tasden, courtesy of The Progressive magazine

Police spray protesters with pepper gas during a demonstration against the International Monetary Fund and World Bank in Washington DC, USA, on 17 April 2000.

© Win McNamee/Reuters

Map showing exports from the USA of electro-shock weapons and restraints.

© AIUSA

Eight days after giving birth, a shackled prisoner at Providence City Hospital, Anchorage, USA, prepares to return to prison without her baby. 1993.

© Jane Evelyn Atwood

A boy inside the wreck of a vehicle after it was hit by helicopter missiles in the Gaza Strip, 2 April 2001.

© Adel Hana/Associated Press

A Palestinian man arrested by Israeli border police in Jerusalem, October 2000.

© Mahfouz Abu Turk

Leg cuffs produced by the UK company Hiatts.

© AI

Donato Lama, a Filipino arrested in Saudi Arabia in October 1995 for preaching Christianity, said he was shackled and handcuffed as well as beaten while under interrogation during two weeks' incommunicado detention.

© Private

A member of an Italian military expert team measures radiation levels at the main Italian base in Sarajevo, Federal Republic of Yugoslavia, on 1 February 2001.

© Danilo Krstanovic/Reuters

A 30mm shell tipped with depleted uranium.

© Yves Herman/Reuters

An Ilyushin 18 aircraft operated by Air Cess, 1999. Air Cess is based at Sharjah airport in the United Arab Emirates, but its aircraft are registered in Equatorial Guinea. Air Cess and its Russian owner, Victor Bout, have been accused in four recent United Nations reports of trafficking arms to UNITA rebels in Angola, to the rebel Revolutionary United Front in Sierra Leone and to rebels in the eastern Democratic Republic of the Congo.

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A badge in the shape of a knotted gun, produced by a non-governmental organization in Canada. The image was inspired by a sculpture which stands in front of the United Nations building in New York.

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Photo taken from a plane delivering ammunition to Afghanistan from Bratislava, Slovakia, June 1996.

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Young girl in the Philippines playing with a replica gun.

© Michael Dunlae, Daily Express

Proliferation of small arms production : 1960-1999 (Source: the Omega Foundation, United Kingdom)

