

## **Afghanistan: arms proliferation fuels further abuse**

As the NATO Summit takes place in Bucharest from 2 to 4 April 2008, Amnesty International seeks to convey its concern about excessive quantities of small arms, light weapons and munitions being supplied by member states of NATO and allied states to local Afghan security forces and police where there is a substantial risk that such equipment will be used for serious violations of international human rights and humanitarian law.

Amnesty International fears that civilians caught up in the armed conflict in the country are increasingly vulnerable to failures by all sides – including the Afghan Government, international military forces and the Taliban - to uphold their international legal obligations. The organization is concerned that continuing efforts by the Afghan Government, supported by the international community, to strengthen effective human rights protection in the country risks being damaged by the impact of unchecked arms proliferation.

Available data and other reports received by Amnesty International indicate that the current estimated total for all Afghan security forces (police, army and security service) is 182,000 personnel, while the number of small arms known to be imported and redistributed since 2002 amounts to 409,022. These add to the millions of small arms already possessed by individuals and armed groups in Afghanistan.

This level of supply is disturbing in the context of a population already subjected to the abusive use of very high numbers of small arms in circulation, and a faltering security sector reform process where vital arms safeguards, including stockpile management, human rights training, control of the use of force and transparent oversight, are not yet in place. The organization is particularly concerned about the abusive practices of the Afghan National Police (ANP) - to which significant quantities of military equipment have recently been transferred by the U.S. and the U.K. governments.

The easy availability of small arms is undermining attempts to ensure the rule of law according to international human rights standards. On 28 May 2007, Afghan police, soldiers and governor bodyguards opened fire directly on a group of unarmed protesters in Sheberghan, Jowzjan province killing nine people and injured a further 42 demonstrators. Contrary to the claim of the governor,

the Afghan Independent Human Rights Commission (AIHRC) found that the approximately 2,000 demonstrators, although angry and unruly, did not have weapons. The presence of international security force observers did not deter the police from shooting directly into the crowd.

The further re-arming of the security forces in Afghanistan through sales and donations mainly from member states of NATO and their partners is partly driven by the availability of surplus NATO stock, and also the availability of cheap surplus weapons and munitions in Eastern Europe. The USA is by far the largest supplier, including through at least eight private U.S. companies contracted by the Pentagon that have supplied mainly foreign surplus stock. In addition, the U.S. has approved direct commercial sales of arms to the Afghanistan government.

Furthermore, almost 54,000 items of small arms and light weapons have reportedly been donated to the Afghanistan government by member states of NATO and their "Partnership for Peace" allies between 2002 and 2007, and the delivery of another nearly 48,000 small arms and light weapons is pending.

Amnesty International is concerned that plans are underway to transfer considerably more small arms and ammunition to the Afghan security forces at a time when the civilian population continues to suffer from a widespread incidence of human rights abuses and violations of international humanitarian law. Recently the organization received additional information on future deliveries of ammunition amounting to 250,000 kilograms. In February 2008 a broker distributed a tender for ten possible charter flights of an Ilyushin 76 cargo aircraft, with a proposed route from Islamabad (Pakistan) to Kabul (Afghanistan). The first shipment of 25,000 kilograms of ammunition should be ready in April 2008.

Afghanistan remains one of the world's most highly armed countries. Afghan and international military officials acknowledged in late 2007 that hundreds of illegal armed groups still operate in Afghanistan and that hundreds of thousands — maybe millions — of weapons remain in private hands. Moreover, they said that of the weapons that have been collected, at least 40 percent were not functional. In other words, it is estimated that 60 percent of small arms and light weapons held by private individuals in Afghanistan are still functional. Almost all of these weapons are Soviet-style semi-automatic firearms.

A significant focus of the international community in Afghanistan has been on security sector reform (SSR). However, continuing arms proliferation and abuse has especially undermined

two specific areas of SSR – efforts at disarmament and improving services of the Afghan National Police (ANP). A U.S. government report, published in November 2006, on the progress made in ANP training noted that the obstacles to establish a fully professional police service were formidable, citing evidence of pervasive corruption, poor accountability systems to detect and prevent fraud, waste and corruption and inadequate systems to manage the secure storage, movement and distribution of weapons, munitions and military equipment.

In his report of 6 March 2008 to the Security Council, UN Secretary-General Ban Ki-moon notes that ANP reform initiatives have been slow to take effect, corruption remains a significant problem and fiscal, personnel, materiel and weapons accountability processes remain unreliable.

A global Arms Trade Treaty is needed with a provision to require states to prevent the excessive supply of arms to post-conflict situations where human rights abuses by state and non-state actors are prevalent and security sector reform is being initiated.

## **Background**

After 2002 and the ousting of the Taliban government by the Northern Alliance following the bombing and invasion of the country by the U.S. and U.K armed forces, the international community has been providing substantial support to the Afghan government to assert control of the territory and to reform government institutions. A significant focus of attention has been on security sector reform. However, these efforts have not been sufficient to protect against human rights abuses, especially those committed by the ANP, its auxiliaries and the demobilised of militia.

All sides have been responsible for gross human rights abuses and violations of international humanitarian law. These have included unlawful killing of civilians, torture and other ill-treatment, abductions, hostage-taking, extra-judicial executions, and sexual violence including rape.

## **Supplies of military equipment**

States that *exported* sizeable amounts of military equipment to Afghanistan during the period 2004-2006 are: the USA (2004-6), the U.K. (2004-6), Czech Republic (2004-6), Lithuania (2006), Romania (2004), Bulgaria (2006), Estonia (2006), Serbia (2005-6) and the Slovak Republic (2006). Moreover, at least 25 governments have *approved the commercial sale* of infantry weapons and civilian

firearms and ammunition to Afghanistan. The list includes: Australia; Austria; Bosnia Herzegovina; China; Croatia; Czech Rep.; Estonia; Germany; Greece; Iran; Italy; Lithuania; Norway; Pakistan; Romania; Russian Federation; Serbia; Serbia and Montenegro; Slovakia; South Africa; Turkey; United Arab Emirates; the U.K.; and the USA.

The USA has been the largest *supplier* of arms and military equipment. Several large commercial contracts for the procurement of Soviet-style weapons and ammunition have also been awarded by the U.S. Department of Defense to U.S. companies which source arms in supply chains with other foreign intermediaries. To date there is no precise and full account of the number, origin, and destination of *donated* weapons and the U.S. State Department, the U.S. Department of Defense, NATO Headquarters and ISAF did not reply to questions from Amnesty International regarding their donations. However, we estimate the following *small arms supplies*:

### **Official Supplies of Small Arms to Afghanistan (May 2002 to January 2008)**

#### **REDISTRIBUTED FROM COLLECTIONS**

Operational firearms from UN DDR collections (estimated 63% serviceable)	36,306
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UN DIAG Sept 2007 operational firearms collected (estimated 63% serviceable)	20,841
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<b>Subtotal redistributed</b>	<b>57,14</b>
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#### **IMPORTS INTO AFGHANISTAN**

NATO members + allied donations 2002-2007	53,470
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U.S. contracts to US arms supply companies 2004-2007	114,674
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U.K. arms export data 2005-2007	81,000
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U.S. M16 assault rifles 2008	55,000
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<b>Subtotal imported</b>	<b>304,14</b>
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<b>PENDING</b> donations of small arms from NATO members + allies for 2008	47,731
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<b>TOTAL imported and redistributed</b>	<b>409,02</b>
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2

### **Military and Police reform efforts**

International aid to reform Afghan National Army (ANA), now made up of 70,000 personnel, falls under the responsibility of the US government with assistance from France, the U.K., and Canada. In 2002 Germany was given the lead role in the training of the Afghan National Police (ANP). The strength of the ANP and the Afghan Border Police (ABP) is set at a combined force of 82,000 personnel by December 2008, while the intelligence services (NDS) had about

15-30,000 personnel. In mid-2005 the responsibility for the police training program shifted to the Combined Security Transition Command-Afghanistan (CSTC-A). In June 2007 the European Union expanded its involvement in the training of the ANP.

There are concerns that the retraining received from the German, U.S. and other police training programmes was insufficiently thorough. US training is reported to consist of a standard eight weeks to cover all aspects of policing in Afghanistan, while some the German government's aid partners expressed concern that its training programme had not provided enough capacity building resources, and needed significantly more police trainers.

There are also concerns over police corruption and missing equipment. A joint U.S. Department of Defense and Department of State inspector's report in November 2006 found that the managers of the \$1.1 billion Afghan police training programme funded by the U.S. State Department could not account for large quantities of military equipment that have been issued to the Afghan police, nor the actual number of Afghan police personnel currently on active duty in Afghanistan.

### **Disarmament efforts**

In 2003, the United Nations Disarmament, Demobilisation and Reintegration (DDR) programme was launched for the 100,000 soldiers who were part of the Afghan Militia Forces (AMF) who had become the de-facto national army under the Ministry of Defence. By 2006 the programme had ended, disarming over 63,000 soldiers. Although this was a positive achievement, it is dwarfed by the projected 750,000 people who are believed to have been part of armed groups in 2002. The Disbandment of Illegally Armed Groups (DIAG), the successor of the UN DDR programme, aims to disarm some of the 1,800 armed groups believed to exist across the country. Thus far the UN supervised programme has collected just over 30,000 small arms and light weapons, a result dwarfed by the scale of the problem.

The weapons and munitions confiscated during military and police actions and collected under UN auspices have not necessarily been decommissioned or destroyed. Weapons that are still serviceable are refurbished and sent to the depots of the ANA. The UN has reported the destruction of 481,266 anti-personnel landmines and the destruction of 13,601 metric tonnes of ammunition, but it is not known how much ammunition was handed over to the Afghan Security Forces.

## Auxiliary Police

Many Afghan governors have put their own recruits into the new and urgently-raised 11,200 strong Afghan National Auxiliary Police (ANAP) which was established in autumn 2006 largely from pre-existing armed group structures that were outside government control. The Auxiliary Police force is supposed to provide additional policing capacity in the six southern provinces of Farah, Ghazni, Helmand, Kandahar, Uruzgan and Zabul. Some of these formations had been disarmed during the DDR programme and are now being re-armed.

There have been particular concerns amongst the Afghan law enforcement officers and the international community about the establishment of the ANAP primarily because it was regarded as raising 'tribal militias'. As one recent report noted, "*The creation of ANAP has also fuelled the perception, especially among non-Pashtun ethnic groups, that the Karzai government is rearming Pashtun militias in the south while the Disbandment of Illegally Armed Groups (DIAG) programme is trying to disarm non-Pashtun militias in the rest of the country.*" One police trainer has noted "we are training old militias, privately owned and operated; we are giving them an official capacity and training them in the auxiliary police".

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The training of Afghan Government armed units in the use of legitimate force and weaponry falls well below what is necessary to adhere to the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials to ensure the necessary degree of firearms discipline, weapons accountability training and professional police skills necessary to ensure that these weapons are not used in the commission of gross violations of human rights.<sup>1</sup> In addition, efforts by the international community to secure or destroy stockpiles of small arms and light weapons under the threat of proliferation in Afghanistan are inadequate. These two major problems compound each other, not least because the abuse of weapons by state forces and non-state groups make it harder to provide the security necessary to officially disarm armed groups and individuals. Until these problems are properly addressed there is no justification for the very high levels of small arms supply by member states of NATO to Afghanistan government forces.

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<sup>1</sup> See the *UN Code of Conduct for Law Enforcement Officials* and the *UN Basic Principles for the Use of Force and Firearms by Law Enforcement Officials*