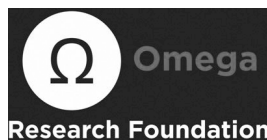


The Deployment of Law-enforcement Equipment in Central Asia and the South Caucasus

Working Paper

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Summary

In recent years, Central Asia and the South Caucasus have seen a number of trends in the development, transfer and use of law-enforcement equipment, increasing the range of devices available to law-enforcement and security personnel. This has been partly spearheaded by changing international partners (China, Russia and the United States), but it has also been influenced by the emergence of local sources of production, the acceptance that police and security personnel require the means for employing a graduated use of force, and the desire for reform.

However, the increased availability and deployment of equipment has implications for both these regions, as they have struggled with cases of torture and ill treatment and the curtailment of fundamental rights. Such devices bring with them an inherent risk that police and security forces could wield excessive force, commit abuses and reinforce authoritarian practices.

Almost any device could be used for torture or ill treatment and, as such, the design, development, transfer and deployment of law-enforcement technologies—whose design characteristics are easily placed at odds with basic human rights and fundamental freedoms—require careful scrutiny. Given these human rights concerns, there is also a need to scrutinize the legislative frameworks in place and a need for exporting states to make effective use of trade control systems.

As well as highlighting some of the key emerging issues centred on the development, deployment and use of law-enforcement equipment this report seeks to provide some concrete recommendations in relation to the development of use of force standards and controls on the trade in law-enforcement equipment.

1. Introduction

This report is an initial analysis of the developments in the market for, and deployment of, law-enforcement equipment in the Eurasian region, with a particular focus on states in Central Asia and the South Caucasus, including Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. Although significant analysis has been conducted on issues relating to the manufacture, transfer and use of small arms and light weapons—specifically their use in exacerbating conflict, or in the commission of state-sponsored human-rights violations in the Caucasus and Central Asia—the impact of law-enforcement technologies on security and human-rights issues has received less scrutiny.¹

The range of equipment available to law-enforcement and correctional services continues to grow rapidly. From batons, handcuffs and electric-shock-producing weapons to a variety of chemical irritants and acoustic devices, the number of sources of manufacture of such devices continues to expand at pace. There is a recognized need for the development of a range of force options for officials. Consequently, significant resources are being allocated to the research and design of law-enforcement equipment by individual states, official bodies associated with law-enforcement agencies, and private companies.² While certain ‘domestic’ markets such as China or the United States are big enough to sustain significant numbers of companies and research and development programmes, the Caucasus and Central Asia have not traditionally been significant centres of manufacturing for law-enforcement technologies.³ A report by Amnesty International and the Omega Research Foundation found that, in China, there are 134 different companies trading and manufacturing mechanical restraints, electric-shock stun weapons, striking weapons and crowd-control weapons.⁴ Furthermore, information held by the Omega Research Foundation suggests that at least 500 companies in the USA have developed, manufactured or traded in less-lethal weapons and restraint devices over the past 10 years.

It is natural for companies to want to take advantage of new opportunities to expand their client base outside of their traditional markets. In Central Asia and the South Caucasus—two regions served by the same producers and therefore treated as one market—an increasingly wide range of devices have been seen to be deployed, and individual states are increasingly looking to develop their own industrial production centres or move away from traditional sources of supply.

¹ See e.g. Holtom, P., ‘Arms transfers to Europe and Central Asia’, SIPRI Background Paper, Feb. 2010.

² See UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, <<http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx>>.

³ Reliable statistics on the number and range of companies manufacturing law-enforcement technologies in Central Asia and the South Caucasus region are currently unavailable.

⁴ Amnesty International and Omega Research Foundation, *China’s Trade in the Tools of Torture and Repression* (2014), <<http://www.omegaresearchfoundation.org/assets/downloads/publications/asa170422014en.pdf>>, p. 25.

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Since 2009, through our research on issues relating to the documentation of law-enforcement equipment with National Preventive Mechanism (NPM) personnel, non-governmental organizations, and legal and medical experts from Armenia, Azerbaijan, the Chechen Republic, Georgia, Kyrgyzstan and Tajikistan, as well as international monitoring bodies focusing on the region, we have found that there is often a lack of knowledge about the specific types of law-enforcement equipment deployed by law-enforcement and correctional services in Central Asia and more of a focus on the potential results of such deployment, such as unlawful arrest, excessive use of force, torture or other ill-treatment.

By their very nature, law-enforcement devices are designed to restrain and/or inflict pain, however controlled or limited that pain may be. In order to strengthen oversight mechanisms governing the development, procurement, training and use of such devices—and thereby prevent the use of such equipment for the purposes of ill-treatment (either intentionally or through lack of proper training and oversight)—it is necessary to identify the equipment that is being used.

Since the fall of the Soviet Union, police reform has been implemented by individual states in the Caucasus and Central Asia with varying degrees of success. Reforms have included the renaming of police and security forces in an attempt to make them appear less militaristic; the introduction of anti-corruption programmes; the implementation of new training regimes; and attendance at training sessions hosted by external experts from individual countries or multilateral organizations such as the Organization for Security and Co-operation in Europe (OSCE).

These reforms have, in most instances, been sparked by significant public criticism of corruption and abusive practices. Russia, for example, embarked on a police reform programme in 2009, in part to increase efficiency, but also as an attempt to increase public trust in the effectiveness of the police services.⁵ In Armenia, the police response to protests following the 2008 election clashes in the capital, Yerevan—in which eight protestors and two police officers were killed, and which prompted widespread criticism of the use of ‘Russian-made tear gas’—resulted in the drafting and implementation of new guidelines for public-order management with the help of the OSCE.⁶

Heavy-handed police tactics resulting in injuries or loss of life attract international criticism and can lead to significant and unintended consequences for authorities, including popular protests and even uprisings. Such tactics have been used throughout the Central Eurasian region, particularly during events triggered by the break-up of the Soviet Union, in which police and interior ministry tactics resulted in loss of life and contributed to the emergence of independent states from the Baltic (e.g.

⁵ De Carbonnel, A., ‘Russian police brutality tests Medvedev reform’, Reuters, 14 June 2011.

⁶ Stepanian, R., ‘New crowd control rules approved for Armenian police’, Armenia Liberty, 17 Feb. 2012, <<http://www.armenialiberty.org/content/article/24487962.html>>. The revised guidelines can be accessed on the website of the OSCE, <<http://polis.osce.org/library/f/3986/3485/GOV-ARM-RPT-3986-EN-3485>>.

Lithuania) to the Caucasus (e.g. Georgia and Azerbaijan).⁷ More recently, events in Kyrgyzstan saw a heavy-handed police and military response contributing to the ousting of President Bakiyev after several days of protests, with media reports stating that the police had resorted to using live ammunition when tear gas and rubber bullets failed to curb the protests.⁸

Both the Caucasus and Central Asian regions therefore show a variety of state responses to popular dissent that are of relevance to the discussion about the deployment of law-enforcement equipment. For example, the use of deadly force in Uzbekistan in 2005, and the international opprobrium that it generated, arguably did not contribute to any lessening of the iron grip of the ruling regime.⁹ In contrast, in Ukraine (an important ‘regional producer’ of equipment) a lethal response by security forces to unrest contributed to the collapse of the ruling government.¹⁰ It has been argued that the deployment of less-lethal weapons, while potentially curtailing the use of deadly force, is another useful tool in encouraging repressive practices. As Dr Erica Marat states, ‘any reform effort must strike a balance among better procurement of equipment and supplies, improved service, and greater respect for human rights. There is an inherent danger that a reformed, better equipped, and more efficient police will actually strengthen government control over society’.¹¹

This report highlights a range of issues pertinent to those working in the fields of the prevention of torture and ill-treatment, prison and police reform, and trade controls. It aims to bring together several different strands relating to the manufacture and deployment of law-enforcement technologies, highlighting emerging regional sources of equipment manufacture and key international sources of equipment production and transfer to the region (see box 1.1). The report also raises issues relating to controls over international trade in law-enforcement equipment, highlighting current best practice and potential gaps. It concludes with an appraisal of the situation regarding the training in such devices given to regional law-enforcement and security personnel, by commercial and state actors and by regional mechanisms such as the OSCE and the Council of Europe.

This report is not designed to be a comprehensive assessment of every type of police equipment available, rather to provide an illustrative range of devices, directly applicable to regions currently struggling with issues of torture, ill-treatment and the curtailment of fundamental freedoms (e.g. of assembly) that are also seen as potentially lucrative markets for external manufacturers of equipment. As such, the report serves partly as an

⁷ On Lithuania, see Keller, B., ‘Soviet crackdown; Soviet loyalists in charge after attack in Lithuania; 13 dead; curfew is imposed’, *New York Times*, 14 Jan. 1991. On Georgia, see the case study in chapter 6. On Azerbaijan, see Black January 19–20 Jan. 1990.

⁸ Stewart, W., ‘Kyrgyzstan president “flees country” after up to 100 killed in bloody revolution’, *Mail Online*, 8 Apr. 2010, <<http://www.dailymail.co.uk/news/article-1264307/Kyrgyzstan-President-Kurmanbek-Bakiyev-flees-country-bloody-revolution.html>> (accessed 14/12/2014).

⁹ BBC News, <<http://news.bbc.co.uk/1/hi/world/asia-pacific/4550845.stm>>.

¹⁰ Buckley, N. et al., ‘Yanukovich toppled in new Ukrainian revolution’, *Financial Times*, 22 Feb. 2014.

¹¹ Marat, E., ‘Reforming the police in post-Soviet states: Georgia and Kyrgyzstan’, Nov. 2013, <<http://www.strategicstudiesinstitute.army.mil/pdf/files/pub1184.pdf>>

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identification resource, highlighting equipment of particular concern, and partly as a provision of recommendations for the use of certain devices.

Chapter 2 highlights the specific equipment categories of concern, of relevance to the regions being studied. Chapter 3 evaluates the current state of national, regional and international controls on the trade in law-enforcement equipment. Chapter 4 gives information on manufacturers, exporters and known transfers in and to Central Asia and the South Caucasus.¹² Chapter 5 focuses on the provision of equipment and training by external actors—an area of increasing interest. Chapter 6 looks at three case studies of relevance to the discussions highlighted in this paper: focusing on Armenia, Georgia and Kazakhstan in order to demonstrate some particular concerns surrounding equipment transfers and deployment in those countries. Finally, Chapter 7 gives recommendations in relation to controlling the trade and deployment of certain technologies, in the hope that they can be used as the basis for further studies on law-enforcement technologies in the region and beyond.

¹² All data is drawn from open source material. It should be noted that the reference to any companies and/or their products in this report are for illustrative purposes only. The authors do not mean to imply that companies mentioned have broken any laws or acted in an improper fashion.

Box 1.1. A note on sources

While it is possible to commit torture with almost anything, references to specific devices in national laws and reports by torture monitors, as well as the very public use of a range of devices in public-order situations that have resulted in injuries and deaths, mean that knowledge of the different systems deployed is necessary in order to understand the implications of their use and challenge any incidences of misuse or excessive use of force.

The case examples highlighted in this report are all drawn from reports published by monitors stationed in the region in question. The equipment examples are taken from transfer information made public by certain international centres of production, for example, the United States and selected European Union member states, which publish annual reports on export licenses granted for the transfer of law-enforcement equipment. Other producer states, such as Brazil and Taiwan, also make trade data available on licensing requirements for certain devices and numbers of devices granted to individual destinations. Media reports on police and security issues (e.g. demonstrations) are often the first indication that equipment has been transferred, and can also give some idea of how such devices may be used (and misused).

In relation to specific instances of misuse or ill-treatment, reports by non-governmental monitoring organizations, such as Amnesty International and Human Rights Watch, often contain information on instances of ill-treatment and on how such treatment occurs, referencing specific methods of torture and ill-treatment as well as the actors involved. This can give a good indication of the extent to which ill-treatment is systematic, and of whether specific law-enforcement devices are involved (as opposed to more rudimentary, ad hoc systems or techniques).

Where law-enforcement devices are involved, questions may be asked about the suitability of such devices, the training of authorities in their use, and the use-of-force standards. In all cases of ill-treatment, knowledge of techniques and devices allows for the corroboration of survivor testimony and can potentially form part of the evidence used to hold perpetrators to account. In cases where information on ill-treatment of individuals is referenced by a specific type of torture (e.g. electric shocks), the knowledge that this type of torture occurs in a certain location (i.e. country, prison or police station) allows questions to be asked about the devices deployed by different services and the advisability of international transfers of such devices to forces with an alleged history of using this type of torture.

Another source of information on the equipment and techniques used in the commission of torture and ill-treatment is the reports of international monitoring bodies such as the United Nations Special Rapporteur on Torture (SRT) or the Council of Europe Committee for the Prevention of Torture (CPT). Such reports often reference the use of specific devices in ill-treatment or patterns of torture. The CPT has also provided a set of recommendations governing the use of certain devices in various scenarios. The cases of ill-treatment highlighted in this report are therefore drawn from these sources and include examples referencing the specific use of equipment in torture or ill-treatment, or in public-order situations where concerns have been raised about the excessive use of force against protestors.

2. Devices authorized for use by law-enforcement officials in the Caucasus and Central Asia

The types of device authorized for use by law-enforcement officials that fall within the scope of this report have been chosen because they have been listed in the laws of states in the Caucasus and Central Asia. While a range of systems has been authorized for use, including firearms, all of which can be used in the commission of human-rights violations, this report focuses on certain specific categories of equipment that either feature prominently in concerns highlighted by international monitors or have a questionable legitimacy or utility in law-enforcement operations.

Concerns have also been raised that national and international standards relating to the trade, development and use of such devices are not adequate enough to reflect the current situation in states in the Caucasus and Central Asia. There is now substantial evidence of the use of less-lethal law-enforcement equipment by governments in the Caucasus and Central Asia to violate human rights, notably through torture and as a means to repress political opposition to the region's non-democratic governments.

The equipment discussed in this report falls under six major categories. Each of these categories is discussed in greater detail below. Table 2.1 summarizes the equipment authorized for use by law-enforcement personnel in selected Eurasian states.

I. Mechanical-restraint devices

Mechanical-restraint devices are pieces of equipment applied to the body in order to restrict the movement of an individual. In extreme cases, they are used to prevent movement altogether. While it is sometimes necessary for restraints (such as handcuffs) and restraint methods to be used to detain suspects, prevent escape or control dangerous individuals, concerns about the misuse of such equipment (e.g. over-tightening, holding individuals in 'stress positions', prolonged or long-term application of cuffs) have arisen.

A wide variety of restraints are available to law-enforcement and correctional officials in the Caucasus and Central Asia. These include metal handcuffs that are a staple of most law-enforcement agencies worldwide. Over the past decade, the deployment of single-use plastic handcuffs has also become more widespread globally, especially for use in times of unrest when one police or security officer can hold many pairs in a small easy-access pouch or strap and deploy them at speed. Concerns arise in the use of these

Table 2.1. Equipment authorized for use by law-enforcement personnel in selected Eurasian states

Type of equipment	Armenia	Azerbaijan	Georgia	Kyrgyzstan	Turkmenistan
Rubber baton, truncheon, stick	x	x	x	x	x
Handcuffs, shackles	x	x	x	x	x
Restraint chair	–	–	x	–	–
Restraint bed or board	–	–	x	–	–
Straitjacket or shirt	–	–	x	x	–
Electroshock weapons	x	–	–	–	–
‘Gas’ weapons ^a	x	x	x	x	x
Smoke generators, foggers	–	–	x ^b	–	–
Rubber bullets	–	–	x ^b	–	–
Paint guns	–	–	x ^b	–	–
Nets, net guns	–	–	x ^b	–	–
Acoustic devices ^c	–	–	x	–	–
Light/acoustic devices ^d	x	x	x	x	x
Water jets, water cannons	x	x	x	x	–
Armoured vehicles	x	x	–	x	x
Firearms	x	x	–	x	–
Dogs	x	x	x	x	x
Unarmed combat	–	–	–	x	x

^a Including tear gas, pepper spray and chemical irritants.

^b Under the category ‘non-lethal equipment’.

^c Including long-range acoustic-hailing devices or ‘sound cannons’.

^d Including so-called flash-bang devices.

Sources: Republic of Armenia, 2002 Law on Treatment of Arrestees and Detainees, <<http://www.legislationline.org/documents/action/popup/id/6609>>, Articles 39, 40; Azerbaijan, 2012 Law on the rights and freedoms of individuals kept in detention facilities, <<http://bit.ly/1pp0AG2>>, Articles 43–47; Georgian Ministry of Corrections, Rules and Terms on Types of Instruments of Restraint, their Maintaining, Carrying and Using and on Identification of Persons Entitled to Use Them, Order No. 145, 2014; Republic of Kazakhstan, 1999 Law on Procedure and Conditions of Detention of Persons in Institutions providing Temporary Isolation from Society, <<http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/94649/111117/F1083569239/KAZ94649.pdf>>, Articles 42–46; and Turkmenistan, 2012 Law on Police, <<http://infoabad.com/zakonodatelstvo-turkmenistana/zakon-turkmenistana-o-polici-turkmenistana.html>>, Article 15.

items as they are very easy to over-tighten and often impossible to loosen without removing completely.

Other than the issues relating to over-tightening and other misuse of standard-issue mechanical restraint devices, there are a number of specific devices that are of particular concern, which are known to be used in the region or authorized for use. These include multi-point restraint systems, such as restraint chairs and individual wall and thumb cuffs.



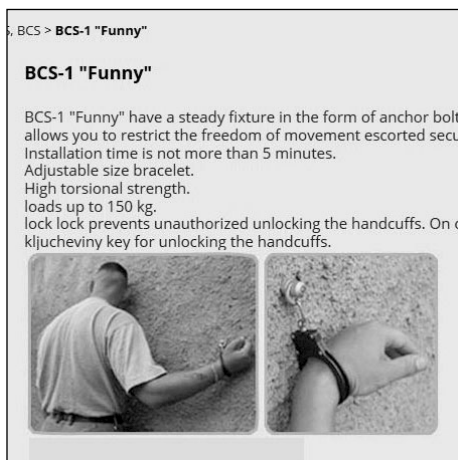
Figure 2.1. Restraint chair

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Restraint chairs (see figure 2.1) are chairs into which a subject can be strapped or cuffed in order to prevent escape, or prevent harm to themselves or others. Some models have wheels that allow for the complete restraint of a subject while moving them around a location. Restraint chairs are currently known to be manufactured in the USA and China, and are written into Georgia's new Law on Imprisonment (see chapter 6) as new items permitted for use by relevant law-enforcement or security personnel. Danger occurs when the subject is left unattended, restrained for prolonged periods or when additional force is used once a subject is already restrained, such as the use of electric-shock equipment or chemical irritants. Additional danger occurs if the subject is restrained while under the influence of drugs or alcohol. The European Commission has added restraint chairs to the list of equipment prohibited for import and export by member states under European Council (EC) Regulation 1236/2005. It should be noted that the prohibition extends to chairs fitted with 'shackles or other devices to restrain a human being'. This prohibition does not currently extend to devices fitted with straps or belts.

Wall cuffs (see figure 2.2) are especially designed to be anchored to a wall or another fixed object and have been condemned by the Council of Europe's Committee for the Prevention of Torture (CPT), which has repeatedly stated that 'chaining inmates to . . . fixed objects is totally unacceptable in any circumstances and could be considered as inhuman and degrading treatment'.¹³ In a report to the Russian Government following its visit in May–June 2012, the CPT reported on the use of wall cuffs, and of cuffing subjects to fixed objects, and recommended that 'the Russian authorities take measures to ensure that this apparatus is removed from the IVS No. 1 in Kazan, as well as

¹³ Reprinted in Omega Research Foundation and Amnesty International, *From Words to Deeds: Making the EU Ban on the Trade in 'Tools of Torture' a Reality*, EUR 01/004/2010, <<http://www.omegaresearchfoundation.org/assets/downloads/publications/eur010042010en.pdf>>, p. 20.



Made in Russia



Made in China

Figure 2.2. Wall cuffs

Sources: 'Made in Russia', <<http://allprotection.ru/en/catalog/speczialnyie-sredstva/naruchniki-bos,-bks/kopiya-bks-1-prikol.html>>; and 'Made in China', © Robin Ballantyne/Omega Research Foundation.

from any other establishments in which similar devices have been installed'.¹⁴ Cuffing to a wall or another fixed object has also been reported in Kazakhstan, Mongolia, Ukraine and Uzbekistan.¹⁵ While it is unclear exactly what equipment is actually in use in these states (i.e. a specially designed wall cuff or a pair of conventional handcuffs), the practice of cuffing to walls or other fixed objects should be prohibited regardless of the type of cuffs used.

Thumb cuffs (see figure 2.3), which are made of two small cuffs connected by a metal chain link or, more commonly, a solid metal bar, are also of particular concern. Some cuffs are internally serrated. Designed for use as a restraining device, they can also be used in stress positions. In 2014 the European Commission added thumb cuffs to Annex II (the prohibited list) of EC Regulation 1236/2005 stating that: 'Thumb and finger cuffs and neck restraints are not considered admissible for use in law enforcement . . . it is

¹⁴ CPT, *Report to the Russian Government on the Visit to the Russian Federation carried out by the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) 21 May–4 June 2012*, CPT/Inf (2013) 41, <<http://www.cpt.coe.int/documents/rus/2013-41-inf-eng.pdf>> accessed 13/05/2014, p. 29.

¹⁵ Nowak, M., *Report of the Special Rapporteur on Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, Manfred Nowak, Mission to Kazakhstan from 5–13 May 2009*, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/13specialsession/A.HRC.13.39.Add.3_en.pdf>; and Nowak, M., *Report by the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak, Mission to Mongolia*, E/CN.4/2006/6/Add.4, <<http://daccess-ods.un.org/access.nsf/Get?Open&DS=E/CN.4/2006/6/Add.4&Lang=E>>, p. 21; CPT, *Report to the Ukrainian Government on the Visit to Ukraine carried out by the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) 9–21 September 2009*, CPT/Inf (2011) 29, <<http://www.cpt.coe.int/documents/ukr/2011-29-inf-eng.pdf>>; and Van Boven, T. (2003), *Report of the Special Rapporteur on the Question of Torture, Theo van Boven, submitted in accordance with Commission Resolution 2002/38, Mission to Uzbekistan*, E/CN.4/2003/68/Add.2, <<http://daccess-ods.un.org/access.nsf/Get?Open&DS=E/CN.4/2003/68/Add.2&Lang=E>>, p. 47.



Figure 2.3. Thumb cuffs

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therefore necessary to prohibit the trade in thumb and finger cuffs'.¹⁶ The USA also controls the trade in thumb cuffs considering them to be 'specially designed implements of torture' (covered under ECCN 0A983 of the Commerce Control List) and, as such, operates a general policy of denial over their export. However, there appears to be a certain level of ambiguity in the reporting on the export of a range of restraints, including thumb cuffs, within the annual reports to Congress by the Bureau of Industry and Security (BIS). Such reports make regular reference to the granting of licenses for 'thumb cuffs, leg irons and shackles' under ECCN 0A982. These have, for example, been granted to Armenia, Georgia, Kyrgyzstan, Tajikistan and Uzbekistan.¹⁷ While we realize this is likely because the code's description has not been updated to reflect the 2007 reassignment of thumb cuffs from the 0A982 to the 0A983 category, this reporting introduces a level of uncertainty as to exactly what types of equipment were licensed for transfer, and poses the question as to whether thumb cuffs have been erroneously licensed under category 0A982. In relation to the South Caucasus and Central Asian regions we have no evidence for the transfer or use of thumb cuffs other than that which is ambiguously (and perhaps mistakenly) contained in the BIS annual reports.

II. Electric-shock equipment

Electric shock equipment is designed to temporarily disable an individual by delivering a high-voltage electric shock. Examples of equipment commonly used and sold in the Caucasus and Central Asia include direct-contact stun guns (see figure 2.4), batons and shields, and 'projectile' electric-shock equipment. Direct contact, electric-shock equipment aims to enforce compliance through pain or, in some cases, the fear of pain. Due to this, non-governmental organizations such as Amnesty International believe that such weapons have a highly questionable law-enforcement function.

¹⁶ 'commission implementing regulation (EU) No 775/2014 of 16 July 2014 amending Council Regulation (EC) No 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment', paras 4, 6.

¹⁷ See US BIS Annual Reports from 2008 to 2014, available from <<http://www.bis.doc.gov/index.php/about-bis/newsroom/publications>> and <<http://www.bis.doc.gov/index.php/about-bis/newsroom/archives/27-about-bis/501-annual-reports-archives>>.



Figure 2.4. Russian manufactured direct contact electric shock stun devices

© Robin Ballantyne/Omega Research Foundation.

Projectile electric-shock equipment (see figure 2.5) is designed to temporarily incapacitate subjects by using high-voltage, low-amperage electrical signals which, when administered, cause the subject to lose neuromuscular control. While their aim is to enforce compliance through incapacitation rather than pain, their application is not a painless experience. In order to prevent misuse, it is essential that strict guidelines on permissible use are in place and training courses are attended before any individuals are equipped with these weapons.

The physical effects of electric-shock equipment can include burns, puncture wounds, welts and scarring. Use on individuals with underlying health issues or those under the influence of drugs or alcohol at the time of exposure can lead to serious injury or death. Photographic evidence indicates that direct-contact stun weapons have been used by police in Azerbaijan (electric-shock shields), Kazakhstan (stun batons) and Armenia (stun batons).¹⁸ United Nations (UN) and Council of Europe monitoring reports indicate the use of electric-shock weaponry by police or corrections officials in all the states they have visited in the region in the past 12 years, including Kyrgyzstan (2011), Armenia (2010), Kazakhstan (2009), Georgia (2005), Azerbaijan (2002) and Uzbekistan (2002).¹⁹

III. Riot control agents

Riot control agents, or chemical irritants, are designed to temporarily deter an individual or group by producing sensory irritation. They are commonly defined as locally acting chemical agents that rapidly produce ‘disabling physical effects’ through sensory irritation of the eyes and upper respiratory

¹⁸ ‘Azerbaijan jails opposition Facebook activist’, Dawn.com, 2011, <<http://www.dawn.com/news/626506/azerbaijan-jails-opposition-facebook-activist>>; Omega Research Foundation archives; and <<http://www.militaryphotos.net/forums/showthread.php?155169-The-Armed-Forces-of-Armenia-Official-Thread/page299&s=e13a14e9611a0b6ba791c045301fc915>>.

¹⁹ All the reports are available to download at <<http://www.cpt.coe.int/en/states.htm>>.

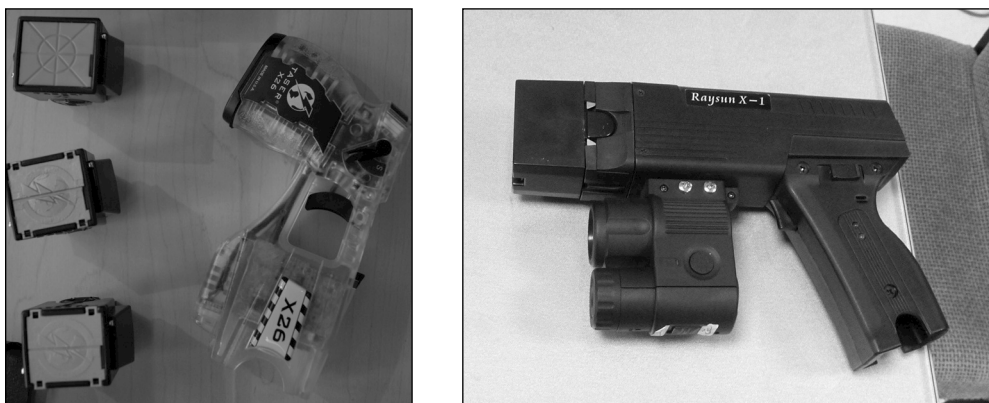


Figure 2.5. US- (left) and Taiwanese- (right) manufactured projectile electric-shock devices

Sources: Robin Ballantyne/Omega Research Foundation.

tract, which disappear within a short time following the termination of exposure. Often referred to as tear gas or pepper spray, the most common chemicals used are: chloroacetophenone (CN), Dibenzo(b,f)-1,4-oxazepine (CR) and o-chlorobenzylidene malononitrile (CS) for tear gas; and oleoresin capsicum (OC) and pelargonic acid vanillylamide (PAVA) for pepper spray. N-nonanoylmorpholine (MPK/MPA) is used as an irritant agent in self-defence/law-enforcement sprays manufactured in Russia and Ukraine and is often mixed with CS or CR.

Riot control agents are commonly delivered through hand-held sprays, larger sprayer systems and hand-thrown grenades, or launched from different types of weapon such as shotguns or rifles. The use of shotguns and single- or multiple-shot launchers to deliver riot control agents has been documented across Central Asia and the South Caucasus. A video from protests in 2010 shows Kyrgyz police officers loading single-shot grenade launchers with blue tear-gas canisters visually similar to those manufactured in China.²⁰ In Azerbaijan, reports about protests in 2013 indicate the use of Israeli-made tear gas.²¹ Images posted online of the ADEX 2014 trade event in Baku appear to show an Israeli company marketing a vehicle-mounted multiple-launcher system (see figure 2.6).²²

There are a number of medical implications resulting from the deployment of riot control agents. Unintended effects include contact dermatitis, skin

²⁰ Trilling, D., 'Protesters clash with security police in Bishkek', EurasiaNet, 6 Apr. 2010, <<http://www.eurasianet.org/node/60896>>. The canisters held by the officers look visually similar to those manufactured by the 9604 Factory in Xiangfan City, Hubei Province, China.

²¹ Kazimova, A. and Sindelar, D., 'Brutal police crackdowns in Azerbaijan, courtesy of Western-made weapons', Radio Free Europe, 13 Mar. 2013, <<http://www.rferl.org/content/azerbaijan-brutal-crackdown-western-weapons-lrad/24927720.html>>.

²² RP Defense, *Salon ADEX 2014 – Bakou Expo Center*, 26 Sep. 2014, <<http://rpdefense.over-blog.com/2014/10/salon-adex-2014-bakou-expo-center.html>>.



Figure 2.6. Multi-barrel launching device.

Sources: Le Service des Informations Tactiques et Techniques des Armements (SITTA)©

Note: More information on SITTA, see <<http://www.defense.gouv.fr/ema/sitta/qui-sommes-nous/qui-sommes-nous>>.

blistering, pressure injury to the eyes, bronchoconstriction and death.²³ The solvents used to dissolve the chemical irritants can also be harmful. Studies of OC sprays found that some contained toxic solvents. One individual who was exposed to a training spray that contained the substance trichloroethylene (but not OC) went on to develop corneal erosions, with alteration of vision that lasted two days, while use of a Russian-manufactured pepper spray containing unidentified solvents caused ‘severe chemical burns’ and eye damage lasting more than six weeks.²⁴

Other unintended effects of riot-control munitions, unrelated to the chemical content, include impact injuries causing penetrating trauma, which can be exacerbated by the presence of the chemicals in use, or the striking of sensitive areas of the body causing face, head or neck injuries. In some products, the types of chemical irritants listed in this section are mixed with a dye-marking chemical that leaves a semi-permanent stain on a subject for later identification by law-enforcement officials.

A further issue in relation to riot control agents launched from shotguns or grenade launchers is the injuries caused by projectile penetration if such devices are used at short range. Indeed, a number of manufacturers explicitly state on the side of tear-gas canisters that such devices should not be fired directly at individuals and should not be launched from within a certain distance. The Council of Europe Commissioner for Human Rights, Thomas Hammarberg, on a visit to Yerevan in 2008 following post-election violence, found that:

²³ Haber et al., *Human Effectiveness and Risk Characterisation of OC and PAVA Handheld Devices*, Air Force Research Laboratory, May 2007, <<http://www.dtic.mil/dtic/tr/fulltext/u2/a476262.pdf>>; Levin, R. et al., *Contact Sensitization to CS, A Riot Control Agent*, Edgewood Arsenal, Aberdeen Proving Ground, Maryland, Nov. 1973; and Salem, H. et al., ‘Riot control agents’, M. Lenhart (ed.), *Textbooks of Military Medicine: Medical Aspects of Chemical Warfare* (2008).

²⁴ Holopainen, M et al., *Toxic Carriers in Pepper Sprays may Cause Corneal Erosion*, in *Toxicology and Applied Pharmacology*, 186 (2003) 155–162. Concerns have also been expressed about the carcinogenic potential of the solvent MIBK, used to deliver CS, see e.g. Rappert, B, *Health and Safety in Policing: Lessons from the Regulation of CS Sprays in the UK*, *Social Science & Medicine*, 56 (2003) 1273.



Figure 2.7. The FN 303

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According to the information given by the Head of Police and Prosecutor General . . . three civilians died from teargas cartridge and four from bullets. The Prosecutor General stated that the ammunitions had penetrated the bodies, which appears to indicate that they must have been fired at a very close range.²⁵

IV. Handheld impact weapons and launched kinetic-impact rounds

Handheld kinetic-impact weapons such as batons, truncheons, sticks and clubs are some of the oldest weapons available to law-enforcement and corrections personnel. They are often standard issue for many law-enforcement officials (and sometimes corrections officials) and are used to strike, beat or place in a hold an individual in an attempt to elicit compliance through pain, or through the fear of pain if threat of use suffices. Police batons can also be used defensively as a tool to block weapon blows, knife attacks or aggressive individuals. Police batons are most commonly made out of wood, rubber, plastic or metal and vary in length from under one foot (30 cm) to approximately three feet (90 cm). The most widely sold products on the market today are straight, side-handle and telescopic batons.

Launched kinetic-impact projectiles are fired from conventional weapons such as shotguns or pistols, less lethal grenade launchers, or specially designed weapons such as the FN303 (see figure 2.7). They include rubber, wooden, foam or sponge rounds, rubber balls and beanbag rounds. Rounds vary between direct-fire impact rounds and indirect-fire (often known as skip-fire) rounds. Direct-fire rounds are designed to be fired directly at an individual, avoiding sensitive areas of the body such as the head and chest, while indirect-

²⁵ Hammarberg, T., *Thomas Hammarberg Commissioner for Human Rights of the Council of Europe, Yerevan, 12–15 March 2008, Special Mission To Armenia*, <<https://wcd.coe.int/ViewDoc.jsp?id=1265025&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>>.

fire rounds are designed to be fired at the ground in front of an individual (and then rebound into them). Launched kinetic-impact weapons are not designed to penetrate, but to cause blunt trauma; their desired effect is to elicit compliance through pain.

An issue that has received increasing attention is the use of metal ‘birdshot’ ammunition by law-enforcement personnel, in particular being deployed in the Middle East.²⁶ This ammunition has a high chance of causing penetrative injuries. While the use of bird shot or other hunting ammunition in the Central Asian or South Caucasus region by law-enforcement personnel does not appear to have been documented, international companies who manufacture ammunition that can be used either for hunting or for law-enforcement/tactical purposes are known to be operating.

Launched kinetic-impact projectiles are designed to be used to target individuals as well groups of people. However, they are often inaccurate, increasing the chances of innocent bystanders being affected and of severe injury or death of the target or a bystander. As previously mentioned, handheld kinetic impact weapons are one of the most commonly issued pieces of equipment for law-enforcement personnel; even when departments are incredibly resource-poor, they are more than likely to be equipped with batons.²⁷ It is very difficult to identify one manufacturer’s baton from another and therefore it is very difficult to track their trade. Similarly, it is difficult to distinguish between launched kinetic-impact projectiles, such as rubber balls, when ammunitions casings are unavailable.²⁸

Nevertheless, one manufacturer’s launched projectiles (the FN303, originally manufactured in Belgium by FN Herstal) are very recognizable and have been photographed in use in Georgia and Turkey, and projectiles have been collected in both states.²⁹ Using compressed air to launch specially designed 18-mm plastic projectiles, the FN303 can fire impact, impact and irritant, or impact and dye-marking projectiles.³⁰

²⁶ See e.g. the 2012 Human Rights Watch Report on Tunisia <<http://www.hrw.org/news/2012/12/01/tunisia-riot-police-fire-birdshot-protesters>> or reports from Bahrain on ammunition use by the security forces, <<https://bahrainwatch.org/press/press-release-4.php>>, <<http://www.reuters.com/article/2013/08/14/us-bahrain-protests-idUSBRE97D08520130814>>.

²⁷ See e.g. the WikiLeaks cable detailing a meeting between a US Regional Security Officer, the Minister of Interior of Tajikistan and the Commander of the new Special Forces Battalion (‘SpetzNaz’), <http://www.wikileaks.org/plusd/cables/08DUSHANBE1098_a.html>.

²⁸ See e.g. image from Tbilisi in 2007 uploaded to Flickr, <<http://www.flickr.com/photos/barrygeo/1905006427/in/photostream>>.

²⁹ Belousova, S., ‘Georgian Special Police Forces’, 7 Nov. 2007, Getty Images, <<http://www.gettyimages.co.uk/detail/news-photo/georgian-special-police-forces-use-tear-gas-to-disperse-news-photo/77761877>>; Kilic, B., ‘A masked Turkish protester gestures’, 4 Oct. 2009, Getty Images, <<http://www.gettyimages.com/detail/news-photo/masked-turkish-protestor-gestures-in-front-of-turkish-riot-news-photo/91397397>>; ‘Police deny firing projectiles at protesters’, Civil.ge, 8 May 2009, <<http://www.civil.ge/eng/article.php?id=20875&search=police%20deny%20firingI>>; and ‘Timeline: police intervention in Taksim Square’, BIA News Desk, 11 June 2013, <<http://www.bianet.org/english/crisis/147454-police-intervention-in-taksim-square>>.

³⁰ See the FN Herstal website, <http://www.fnherstal.com/primary-menu/products-capabilities/less-lethal/general/product/255/254/255/3/_/fn-303R.html>.



Figure 2.8. Turkish-manufactured water cannon

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V. Riot-control vehicles and water cannons

Water-cannon vehicles (see figure 2.8) are designed to disperse crowds using high-velocity streams of water. They are indiscriminate and potentially harmful as the power of the water can knock a person over, push them into fixed objects or pick up loose objects and propel them as missiles. The mixing of water and chemicals, or water and dye, makes it impossible to deliver accurate, targeted doses of the irritant or dye. Evidence from Turkey in 2013 documents individuals who suffered second- and third-degree burns after police mixed pepper spray into the water cannon's water stream.³¹ A current case in South Korea has been filed in the Constitutional Court after a number of demonstrators were reported to have sustained injuries when the police used water cannons with PAVA in their water streams.³²

A further concern is the use of water cannons in freezing conditions and a number of states prohibit their use in these conditions. At least one protestor was reported to have been killed in Ukraine after being hit by a water cannon's jet spray in freezing conditions.³³ The Council of Europe's Commissioner for Human Rights found that the rules governing the use by police of special means to protect public order were initially promulgated in 1991, and subsequently underwent several revisions. The latest revision of those rules took place only recently—on 22 January 2014—when the Government issued Resolutions 13 and 14, which expanded the list of special means to include hand aerosol grenades Dreif-2, stun grenades and hand

³¹ 'What is inside the water cannons?', Wikileaks Supporters Forum, 16 June 2013, <<http://www.wikileaks-forum.com/index.php/topic,19550.0.html>>.

³² Kim, K., *Demonstrators Injured by Police Water Cannon Bring Case To Constitutional Court*, The Hankyoreh, 6 May 2015, <http://english.hani.co.kr/arti/english_edition/e_national/689999.html>.

³³ Muiznieks, N., *Report by Nils Muiznieks, Commissioner for Human Rights of the Council of Europe, following his visit to Ukraine, 4–10 February 2014*, <<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2562949&SecMod e=1&DocId=2164462&Usage=2>>, p. 4, para. 12.

smoke grenades. The revised rules also allow the use of water cannons at any temperature (while the relevant provision initially did not allow the use of water cannons in temperatures below 0° C).³⁴

Riot-control vehicles are manufactured widely, in particular by companies in the USA, Russia, China, Turkey, South Korea and the European Union (EU). In relation to Central Asia and the South Caucasus, modern vehicles from Turkey, China and South Korea are known to have been transferred to Georgia, Azerbaijan, Armenia, Kazakhstan and Uzbekistan.³⁵ A Ukrainian company with offices in Georgia, Russia and Uzbekistan also manufactures riot-control vehicles as part of a broader portfolio of commercial and support vehicles.³⁶

VI. Acoustic devices

There are two main types of acoustic weapon: (a) flash-bang or stun grenades and (b) acoustic-hailing devices. Flash-bang or stun grenades have been around for many decades and are designed to disorient an individual or group via the means of an explosion. On detonation, the grenades emit a loud bang and a bright flash of light, causing temporary blindness and disorientation.

Flash-bang grenades are manufactured in a number of countries including China, Russia, Ukraine and the USA, as well as in EU member states. They have been reported as being used in public-order situations in Armenia, Azerbaijan, Kyrgyzstan and Tajikistan.³⁷ Damage to hearing may occur if used in confined spaces. Human Rights Watch (HRW) documented injuries sustained to protesters in 2004 in Armenia, reporting that ‘some of the worst injuries were caused by stun grenades, which inflicted deep wounds in many protesters’, due to the shrapnel that certain devices produce.³⁸ Figure 2.9 shows Russian-manufactured stun grenades used in the Caucasus and Central Asia.

Acoustic-hailing devices are deployed for a range of civil, law-enforcement and security purposes. Such devices generally produce high-volume or high-pitched sounds at various frequencies. Long-range systems are known to be manufactured by companies based in China, the EU and the USA (see figure 2.10).³⁹ There has been some discussion about the medical impact of such

³⁴ Muiznieks (note 33), p. 5, para. 19.

³⁵ See Table 4.3.

³⁶ See <<http://www.titalcompany.com/eng//ooo-компания-титал-0>>. It should be noted that there is no evidence of transfer of Tital-manufactured riot-control vehicles to any of the countries listed.

³⁷ Human Rights Watch (2004), *Armenia: Investigate Abuses in Political Crackdown*, <<http://www.hrw.org/news/2004/05/03/armenia-investigate-abuses-political-crackdown>>; Kazimov, S. and Rzayev, S., *Azerbaijanis Protest Against Army Deaths*, IWPR, 15 Mar. 2013, <<http://iwpr.net/report-news/azerbaijanis-protest-against-army-deaths>>; ‘Kyrgyzstan: police use rubber bullets and stun grenades to disperse crowds of protesters calling for nationalisation of the Centerra gold mine’, Reuters, 31 May 2013; and ‘Soccer riot breaks out in Tajikistan’, Tajikistan Newswire, 15 June 2011, <<https://universalnewswires.com/tajikistan/Tajik-police-confiscate-265-pounds-of-drugs-in-one-day/Tajikistan-arrests-local-HT-leader/Soccer-riot-breaks-out-in-Tajikistan/viewstory.aspx?id=4262>>.

³⁸ Human Rights Watch (note 37).

³⁹ Omega Research Foundation archive.



Figure 2.9. Russian-manufactured grenades and stun grenades

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devices, although current studies on the impact they may have in different situations and on different groups are lacking.⁴⁰

Acoustic-hailing devices have been deployed as part of crowd-control operations in Georgia and Azerbaijan, although in the latter there were no reports that the relevant ‘alert tone’ function was activated. A white paper published by a US-based manufacturer of such devices, the LRAD (Long Range Acoustic Device) Corporation, states that in Georgia ‘LRAD systems are mounted on police trucks to communicate and break up crowds’, in Kazakhstan ‘LRADS are used by the army for crowd control’ and in Turkmenistan ‘LRAD systems are deployed on military trucks for border security and protecting critical infrastructure’.⁴¹

Monitoring the use of these acoustic devices in crowd-control situations, especially the use of the alert tone to aid in the dispersal of protests, is of particular relevance to regions of Central Asia and the South Caucasus. In both regions, suppression of demonstrations and curbs on the freedom of assembly has occurred. Scrutiny should be given to the manufacture, trade and deployment of such devices by monitors as well as ‘producer’ states in order to ensure that misuse or rights violations do not occur. Further, specific guidelines for use, based on the results of independent scientific studies undertaken by appropriate medical, legal, police and other experts—and in line with international human-rights standards—should be put in place before the acquisition and deployment of such devices by individual forces.

⁴⁰ See e.g. LRAD Corporation (2013), *White Paper LRAD: Humanely Resolving Public Safety Situations and Saving Lives*, <http://www.lradx.com/pdf/LRAD_whitepaper_Humanely_Resolving_Public_Safety_Situations.pdf>; and concerns about acoustic-hailing systems raised in 2010 legal proceedings in Canada, <<http://ccla.org/wordpress/wp-content/uploads/2010/08/Corp.-of-the-Canadian-Civil-Liberties-Assn.-v.-Toronto-City-2010-ONSC-3525-First-decision-on-interlocutory-injunction.pdf>>.

⁴¹ LRAD Corporation (note 40).

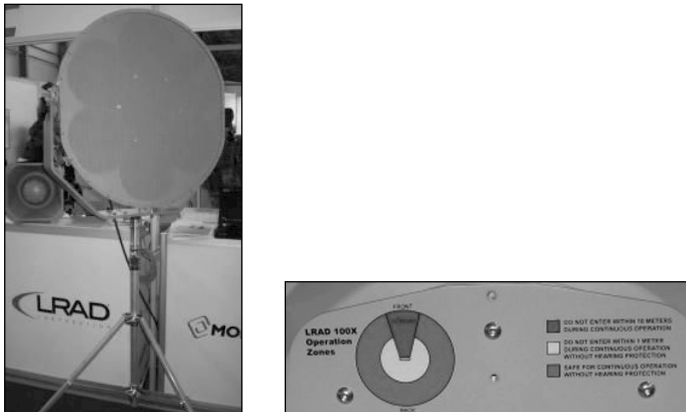


Figure 2.10. US-manufactured acoustic devices

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VII. Equipment used in places of detention and in public-order situations

Torture, ill-treatment and repression have been widely reported as being practised systematically across Central Asia and the South Caucasus. The use of specific law-enforcement devices in alleged ill-treatment feature in the reports of international monitoring bodies. The following illustrative examples show that there is an increasing body of evidence pointing to the misuse of law-enforcement technologies, both in the commission of torture and ill-treatment, and in the suppression of protests. This evidence shows that there is a need for further in-depth analysis of the types of system being transferred and used by state forces with questionable human rights records, or to authoritarian regimes.

Armenia

According to a 2011 report by the Council of Europe's CPT, Armenian law-enforcement authorities have used truncheons, electric-shock weapons and handcuffs on individuals in places of detention:

The alleged ill-treatment mainly consisted of punches, kicks and blows inflicted with truncheons . . . In several instances, the severity of the ill-treatment alleged was such that it could be considered as amounting to torture (e.g. extensive beating; infliction of electric shocks with stun batons; blows to the soles of the feet).⁴²

In terms of public-order situations, a 2008 report by the Council of Europe's Commissioner for Human Rights stated:

⁴² Council of Europe, Committee for the Prevention of Torture (CPT), *Report to the Armenian Government on the Visit to Armenia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 May 2010*, CPT/Inf (2011) 24, <<http://www.cpt.coe.int/documents/arm/2011-24-inf-eng.pdf>>.

According to the information given by the Head of Police and Prosecutor General, the police officer died trying to prevent a hand grenade from going off. Three civilians died from teargas cartridge and four from bullets. The Prosecutor General stated that the ammunitions had penetrated the bodies, which appears to indicate that they must have been fired at a very close range.⁴³

Azerbaijan

According to a 2009 CPT report, Azerbaijani authorities have used truncheons, handcuffs and leg cuffs on prisoners:

He had been beaten by several prison officers who had kicked and hit him with truncheons while his ankles and hands were cuffed together . . . the prisoner concerned displayed streak-like, brownish scars on the right ankle and both wrists, which were consistent with tight hand- and foot cuffing for a prolonged period of time.⁴⁴

In terms of public-order situations, a 2013 Council of Europe report detailed evidence of the deployment of rubber bullets, tear gas and water cannons:

During his visit, the Commissioner also received information from various interlocutors that peaceful assemblies had been forcefully dispersed by the police in other parts of the country. This was for instance the case for a protest, with an attempted sit-in, which took place in Baku on 10 March 2013 and was violently repressed . . . During the demonstration, the police reportedly moved in and violently dragged away the participants. According to several reports, rubber bullets, tear gas and water cannons were used against protesters.⁴⁵

Georgia

In a 2010 CPT report, Georgian authorities are described as having used truncheons on prisoners ‘while being placed in the disciplinary unit’.⁴⁶

In terms of public-order situations, according to a 2007 HRW report:

Government forces used violent and excessive force to disperse a series of largely peaceful demonstrations in the capital, Tbilisi. In the course of breaking up the demonstrations law enforcement officers hastily resorted to the use of rubber bullets

⁴³ Hammarberg (note 25).

⁴⁴ CPT, *Report to the Azerbaijani Government on the Visit to Azerbaijan Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 8 to 12 December 2008*, CPT/Inf (2009) 28, <<http://www.cpt.coe.int/documents/aze/2009-28-inf-eng.pdf>>.

⁴⁵ Muiznieks, N., *Report by Nils Muiznieks Commissioner for Human Rights of the Council of Europe following his visit to Azerbaijan from 22 to 24 May 2013*, CommDH (2013) 14, <<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2501767&SecMode=1&DocId=2130154&Usage=2>>, para. 59.

⁴⁶ CPT, *Report to the Georgian Government on the Visit to Georgia Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 5 to 15 February 2010*, CPT/Inf (2010) 27, <<http://www.cpt.coe.int/documents/geo/2010-27-inf-eng.pdf>>.

and tear gas. Police and other law enforcement personnel, many of them masked, pursued fleeing demonstrators of all ages, kicking and punching them and striking them with truncheons, wooden poles, and other objects.⁴⁷

Kazakhstan

A 2009 report by the UN Special Rapporteur on Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (SRT) described ‘women who are subjected to beatings and other forms of violence, including hooding and electroshock by law enforcement agents’. One woman ‘had to stand for 24 hours against the wall, handcuffed by one hand’. Furthermore, the report documented ‘beatings of minors by the police with fists and police truncheons . . . children were often handcuffed to radiators for several hours, sometimes for entire nights’.⁴⁸

In terms of public-order situations, a 2013 Amnesty International report stated:

Eyewitnesses claimed that some police fired warning shots into the air but others fired directly into the large crowd in the square, which included women and children out to celebrate. Video footage from several sources showed security forces aiming and shooting their weapons at protestors running away and beating those lying injured on the ground. Fifteen people were killed, hundreds were seriously wounded.⁴⁹

Kyrgyzstan

A 2012 UN SRT report detailed hearing ‘multiple allegations of torture that shared the same pattern: asphyxiation with plastic bags and gas masks with no flow of oxygen; punches and beatings with truncheons; the application of electric shock’.⁵⁰ With regard to public-order situations, a 2010 HRW report stated:

The next day, violence also erupted in the capital of Bishkek when security forces tried to disperse a peaceful protest against the authorities’ detention of opposition leaders. When demonstrators resisted and started throwing stones, the authorities used tear gas, rubber bullets, and stun grenades, further enraging the crowd. Some demonstrators armed themselves with weapons that they took from the police; others physically attacked police officers, injuring several hundred officers. Thousands of

⁴⁷ Human Rights Watch (HRW), *Crossing the Line, Georgia’s Violent Dispersal of Protestors and Raid on Imedi Television* (HRW: Brussels, 2007), <<http://www.hrw.org/sites/default/files/reports/georgia1207web.pdf>>. >.

⁴⁸ Nowak, *Mission to Kazakhstan* (note 15).

⁴⁹ Amnesty International, *Old Habits: The Routine Use of Torture and Other Ill Treatment in Kazakhstan*, 57/001/2013, <http://www.amnestyusa.org/sites/default/files/kazakhstan_-_old_habits-the_routine_use_of_torture_and_other_ill-treatment_in_kazakhstan.pdf>.

⁵⁰ Mendez, J., *Report of the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Juan E Mendez, Mission to Kyrgyzstan, [5 to 13 December 2011]*, A/HRC/19/61/Add.2, <http://www.univie.ac.at/bimtor/dateien/kyrgyzstan_unsrt_2012_report.pdf>.

people eventually gathered in front of the White House in Bishkek in a standoff with security forces. As the situation escalated, security forces fired on the demonstrators with live ammunition.⁵¹

Tajikistan

In 2012 Amnesty International reported that allegations of abuse in Tajikistan include ‘the use of electric shocks to the body, including the genitals... [and] beating with batons, truncheons, sticks... kicking and punching are also reported as common’.⁵² In the same year HRW urged Tajik authorities to ‘respect human rights during a security operation in Gorno Badakhshan, a semi-autonomous region of eastern Tajikistan’.⁵³ According to HRW’s report:

On July 24, it was widely reported that Tajik authorities dispatched hundreds of troops, along with helicopter gunships and armored vehicles, to Khorog to apprehend Tolib Ayombekov, a deputy commander of a Tajik–Afghan border unit and an opposition leader during the 1992–1997 Tajikistan civil war, and several of his associates . . . As of July 28, official sources reported that the violence had killed 17 government soldiers, 30 gunmen, and 20 civilians. Independent sources reported greater numbers of casualties among the general population.

Turkmenistan

A 2013 Amnesty International report recorded, inter alia, the use of electric shocks, beatings with batons and truncheons, and prolonged use of shackles.⁵⁴ While reports of protests are rare, Amnesty International, the UN and others have highlighted the lack of fundamental freedoms in Turkmenistan, including the freedom of assembly.⁵⁵

Uzbekistan

A 2002 UN SRT report contained multiple examples of the use of equipment and devices on prisoners. One prisoner ‘had reportedly been given electric shocks and had been kept in cold water for eight days’. Another’s hands ‘were

⁵¹ Human Rights Watch (HRW), *Where is the Justice?: Inter-ethnic Violence in Southern Kyrgyzstan and Its Aftermath*, (HRW: Brussels, 2010), <http://www.hrw.org/sites/default/files/reports/kyrgyzstan0810webwcover_1.pdf>, p. 23.

⁵² Amnesty International, *Shattered Lives: Torture and Other Ill Treatment in Tajikistan*, <<https://www.amnesty.org/download/Documents/24000/eur600042012en.pdf>>.

⁵³ Human Rights Watch (HRW), *Tajikistan: Respect Rights in Security Operations*, (HRW: New York, 2012), <<http://www.hrw.org/news/2012/07/30/tajikistan-respect-rights-security-operations>>.

⁵⁴ Amnesty International, *An Era of Happiness or More of the Same Repression?*, EUR 61/005/2013, <<https://www.amnesty.nl/sites/default/files/public/turkmenistanhrreport12december13.pdf>>.

⁵⁵ United Nations, General Assembly, <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/102/10/PDF/G0910210.pdf?OpenElement>>; and Amnesty International, ‘Turkmenistan: total repression ahead of elections’, 12 Dec. 2013, <<http://www.amnesty.org/en/news/turkmenistan-total-repression-ahead-elections-2013-12-11>>.

reportedly tied behind his back, and he was hit with a baton'. A third was 'allegedly given electroshocks and was beaten with a baton on his head'.⁵⁶

Detailed international reports on the equipment used in public-order situations in Uzbekistan are rare. However, after the 2005 Andijan massacre, a number of international organizations did compile reports. For example, the OSCE reported that:

As the crowd approached the junction of Cholpon Prospect and Baynal Minal Street, gunfire came from different sides. It came from another barrier installed on Cholpon Prospect across from School 15 that included one or two BTRs and security forces with automatic weapons behind sandbags. There was also sniper fire from the roofs of buildings along Cholpon Prospect.⁵⁷

⁵⁶ United Nations, Economic and Social Council, <http://www.hrw.org/legacy/pub/2005/Uzbekistan_Special_Rapporteur_Report_Feb03.pdf>; and Amnesty International (2013) *Uzbekistan: Submission to the United Nations Committee Against Torture*, EUR 62/011/2013, <<http://www.amnesty.org/en/library/asset/EUR62/011/2013/en/0156a699-cf33-4d16-b330-c202a90b03a1/eur620112013en.pdf>>.

⁵⁷ OSCE, *Preliminary Findings on the Events in Andijan, Uzbekistan, 13 May 2005*, <<http://www.osce.org/odihr/15653?download=true>>.

3. International and regional instruments applicable to the transfer of law-enforcement equipment

I. International bodies and international law

There are currently no regulations in international law specifically covering the development or transfer of law-enforcement equipment. However, the existence of such equipment and its use in torture and ill-treatment are referenced by international bodies and international ‘soft law’. The UN’s Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (BPUFF) state:

Governments and law enforcement agencies should develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms. These should include the development of non-lethal incapacitating weapons for use in appropriate situations . . . The development and deployment of non-lethal incapacitating weapons should be carefully evaluated in order to minimize the risk of endangering uninvolved persons, and the use of such weapons should be carefully controlled . . .⁵⁸

In October 2014, in his annual report presented to the UN General Assembly, the UN Special Rapporteur on Extra-Judicial, Summary or Arbitrary Executions, Christof Heyns, made specific reference to the development of less-lethal weapons.⁵⁹ The report highlights the fact that, while the development of new (less-lethal) technologies allowing for a graduated response by police forces is to be welcomed, the implications that such devices bring (namely in regard to the potential for loss of life) mean that there may be a need for the establishment of specific sets of minimum standards in relation to the development of weapons, and to training in their use. Heyns also suggested that the international community consider regulating the trade in such devices.⁶⁰

The call for trade controls on certain goods has been echoed by other UN mandate holders, particularly in the context of law-enforcement equipment that may be used to facilitate torture and other cruel, inhuman and degrading treatment or punishment. In 2003, the UN Special Rapporteur on Torture, Theo Van Boven, published a study on the ‘situation of trade in and production of equipment which is specifically designed to inflict torture or

⁵⁸ United Nations, *UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, <<http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx>>.

⁵⁹ Heyns, C., *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Christoph Heyns, A/HRC/23/47* (2014), <http://www.ohchr.org/documents/hrbodies/hrcouncil/regularsession/session23/a-hrc-23-47_en.pdf>.

⁶⁰ Heyns (note 59), para. 68, p. 19.

other cruel, inhuman or degrading treatment, its origin, destination and forms', in which he stated 'the importance of establishing monitoring mechanisms to control respect for trade and production regulations, be they national or international'.⁶¹ The study focused on a wide range of law-enforcement equipment, not just those specifically designed for torture or ill-treatment, such as 'thumb cuffs, shackles, chains and leg irons', but also

Electro-shock weapons, such as electro-shock batons, stun guns, stun shields and Tasers, electro-shock stun belts and kinetic impact devices; and chemical control substances, such as tear gas and pepper sprays. The Special Rapporteur's attention was drawn . . . to the fact that new equipment and technologies continue to be developed and that particular attention should be paid to anticipating such developments in undertaking this study.⁶²

A number of international soft-law instruments state the importance of regulating specific equipment. All of these instruments call for controls on equipment that has no practical use other than for purposes of torture or other ill-treatment.⁶³ The Resolution on Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (the Robben Island Guidelines) goes further, stating that 'states should prohibit and prevent the use, production and trade of equipment or substances designed to inflict torture or ill-treatment and the abuse of any other equipment or substance to these ends'.⁶⁴ This final sentence, while not explicitly calling for control of the trade in 'other equipment or substances' that may be used in torture or ill-treatment, recognizes that there may be a need to focus on a wider range of equipment than those devices specifically designed to commit torture or ill-treatment, and therefore could apply to a wider range of law-enforcement equipment.

International bodies and national courts have also made recommendations about the use of specific devices. For example, the Committee Against Torture (CAT) has stated that the use of body-worn electric-shock devices could give rise to a breach of Article 16 of the Convention Against Torture.⁶⁵ CAT has

⁶¹ Van Boven, T., *Civil and Political Rights, including the Question of Torture and Detention: Study on the Situation of Trade in and Production of Equipment which is Specifically Designed to Inflict Torture or other Cruel Inhuman or Degrading Treatment, its Origin, Destination and Forms*, submitted by Theo Van Boven, Special Rapporteur on Torture, pursuant to Resolution 2002/38 of the Commission on Human Rights, E/CN.4/2003/69, <<http://antitorture.org/wp-content/uploads/2012/07/P2-Study-On-the-situation-of-trade-in-and-production-of-equipment-which-is-specifically-designed-to-inflict-torture..pdf>>.

⁶² Van Boven (note 61), para. 6, p. 6.

⁶³ See e.g. United Nations, General Assembly, Third Committee Resolution, submitted by Denmark, 10 Nov. 2011, para. 25, which '[c]alls upon all States to take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production, trade, export, import and use of equipment that have no practical use other than for the purpose of torture or other cruel, inhuman or degrading treatment or punishment'.

⁶⁴ *Resolution on Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa* (Robben Island Guidelines), <http://www.achpr.org/files/instruments/robben-island-guidelines/achpr_instr_guide_rig_2008_eng.pdf>, para. 14.

⁶⁵ A body-worn electric-shock device is designed to be attached to a prisoner, usually as a belt or a cuff. A guard then has a remote control that can activate the device, causing electric shocks to incapacitate the prisoner.

also stated that the use of certain electric-shock devices may amount to torture.⁶⁶ Furthermore, rules 47, 48 and 49 of the UN Standard Minimum Rules for the Treatment of Prisoners (SMR) (Mandela Rules) as updated, adopted by the Commission on Crime Prevention and Criminal Justice (CCPCJ) on the 22 May 2015, due to be adopted by the UN General Assembly at the end of 2015, state the following.⁶⁷

Rule 47

- (1) The use of chains or irons or other instruments of restraint which are inherently degrading or painful shall be prohibited.
- (2) Other instruments of restraint shall only be used when authorised by law and in the following circumstances:
 - (a) as a precaution against escape during a transfer provided that they are removed when the prisoner appears before a judicial or administrative authority;
 - (b) By order of the prison director, if other methods of control fail, in order to prevent a prisoner from injuring himself or herself or others or from damaging property; in such instances, the director shall immediately alert the physician or other qualified health-care professionals and report to the higher administrative authority.

Rule 48

1. When the imposition of instruments of restraint is authorized in accordance with paragraph 2 of rule 47, the following principles shall apply:
 - (a) Instruments of restraint are to be imposed only when no lesser form of control would be effective to address the risks posed by unrestricted movement;
 - (b) The method of restraint shall be the least intrusive method that is necessary and reasonably available to control the prisoner's movement, based on the level and nature of the risks posed;
 - (c) Instruments of restraint shall be imposed only for the time period required, and they are to be removed as soon as possible after the risks posed by unrestricted movement are no longer present.
2. Instruments of restraint shall never be used on women during labour, during childbirth and immediately after childbirth.

⁶⁶ CAT's 2007 report on Portugal made the following recommendations in relation to the introduction of the Taser X26 projectile electric-shock weapon: 'The Committee is deeply concerned about the recent purchase by the State party of electric "TaserX26" weapons for distribution to the Lisbon Metropolitan Command, the Direct Action Corps, the Special Operations Group and the Personal Security Corps. The Committee is concerned that the use of these weapons causes severe pain constituting a form of torture, and that in some cases it may even cause death, as recent developments have shown (arts. 1 and 16). The State party should consider relinquishing the use of electric "TaserX26" weapons, the impact of which on the physical and mental state of targeted persons would appear to violate articles 1 and 16 of the Convention.' Committee Against Torture, 39th session, Geneva, 5–23 Nov. 2007, *Consideration of Reports Submitted by States Parties, Under Article 19 Of the Convention, Conclusions and Recommendations of the Committee Against Torture, Portugal*, <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fPRT%2fCO%2f4&Lang=en>.

⁶⁷ UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), <<http://www.penalreform.org/wp-content/uploads/2015/05/MANDELA-RULES.pdf>>.

Rule 49

The prison administration should seek access to, and provide training in the use of, control techniques that would obviate the need for the imposition of instruments of restraint or reduce their intrusiveness.⁶⁸

II. Regional regulations and multilateral regimes

There are few regional controls on the trade in law-enforcement equipment. At present, the only consolidated set of standards that specifically address the trade in certain law-enforcement devices are contained within EC Regulation 1236/2005. This regulation, directly applicable to all EU member states, uses a list-based approach to exercise trade controls over a range of named types of equipment. The controls range from a complete prohibition on the import and export by member states of named equipment that may be used for torture or the death penalty to an export-licensing requirement for those goods which

... could be used not only for the purpose of torture and other cruel, inhuman or degrading treatment or punishment, but also for legitimate purposes. These controls should apply to goods that are primarily used for law enforcement purposes and, unless such controls prove disproportionate, to any other equipment or product that could be abused for the purpose of torture and other cruel inhuman or degrading treatment or punishment, taking into account its design and technical features.⁶⁹

To date, EC Regulation 1236/2005 is the most comprehensive set of binding international trade controls available and, while being list-based and therefore in need of updating to keep pace with advances in technology, represents a good template for establishing controls over the trade in specific law-enforcement equipment.

Furthermore, certain riot control agents—in particular CS, CN and CR—feature on the EU and the Wassenaar Arrangement lists of equipment subject to trade controls.⁷⁰ However, these control lists do not cover the full range of riot control agents and their means of delivery, such as PAVA or OC (commonly found in pepper spray). Larger ‘wide-area’ riot control agent means of delivery—which have already been manufactured by Russia and Turkey—should be evaluated to see whether they breach the ‘types and quantities’ provisions set out in the Chemical Weapons Convention.⁷¹

⁶⁸ UN Standard Minimum Rules for the Treatment of Prisoners (note 67).

⁶⁹ Council Regulation (EC) No 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:200:0001:0019:EN:PDF>>.

⁷⁰ Common Military List of the European Union (equipment covered by Council Common Position 2008/944/CFSP defining common rules governing the control of exports of military technology and equipment) (2014/C 107/01), adopted by the Council on 17 Mar. 2014, <<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014XG0409%2801%29&from=EN>>; and Wassenaar Arrangement, Control list, <<http://www.wassenaar.org/controllists/2013/WA-LIST%20%2813%29%201/WA-LIST%20%2813%29%201.pdf> [ML 7]>.

⁷¹ ‘Wide area’ riot control agent means of delivery are those large-calibre munitions and delivery systems which can be utilized for delivering significant amounts of chemical irritants over wide areas and/or extended distances. These include, but are not limited to, large smoke generators, backpack or

III. National responses to the control and use of law-enforcement equipment

While all EU member states must implement national legislation in accordance with EC Regulation 1236/2005, other states have unilaterally taken steps to control the trade and use of certain types of law-enforcement equipment. Outside the EU, the two major sources of production for law-enforcement equipment are China and the USA. Both have strategic interests in Central Asia, and the USA has traditionally had strong ties with Georgia. This has resulted in both China and the USA providing training and law-enforcement equipment in the region. On a commercial level, both countries have legislation in place that purports to regulate the export of certain law-enforcement equipment.

The USA's 1979 Export Administration Act controls a range of law-enforcement equipment—including electric-shock weapons and mechanical-restraint devices—via the Commerce Control List.⁷² Other relevant equipment, in particular riot control agents, is listed on the US Military List. The US control lists also feature 'execution equipment' that requires a licence to export to all countries and 'equipment specially designed for torture', although there is a presumption of denial relating to this category so that, in practice, licences will never be granted for the export of such devices.⁷³

One significant issue of relevance to the region being covered in this report is the lack of inclusion of acoustic-hailing devices on any of the US export-control lists. Acoustic-hailing devices are currently being deployed worldwide in support of military, law-enforcement and commercial (e.g. maritime security) operations. Such devices have been seen fielded in the Caucasus and were used as part of the Georgian Government's response to demonstrations in 2007, and also in Azerbaijan in 2013. According to the US-based LRAD Corporation, Kazakhstan and Turkmenistan have also purchased long-range acoustic devices.⁷⁴ It is interesting to note that certain states do exercise a licensing requirement over acoustic devices. The United Kingdom, for example, specifically controls the transfer of

tank irritant sprayer devices, large calibre under-barrel and rifle grenade launchers, multiple munition launchers, rocket-propelled grenades, mortar munitions and cluster munitions. See Crowley, M., *Drawing the Line: Regulation of 'Wide Area' Riot Control Agent Delivery Mechanisms Under the Chemical Weapons Convention*, University of Bradford, Non-Lethal Weapons Project and the Omega Research Foundation, p. 33.

⁷² US Export Administration Act, <http://www.bis.doc.gov/index.php/forms-documents/doc_view/16-legal-authority>. The act lapsed in 2001 but remains in force through Executive Order 13222 of 17 Aug. 2001, which invokes the International Emergency Economic Powers Act (50 USC 1702). See White House, <<http://www.whitehouse.gov/the-press-office/2014/08/07/letter-congress-continuation-national-emergency-respect-export-control-r>>; and <http://www4.law.cornell.edu/uscode/50/usc_sec_50_00001702----000-.html>. The text of the US Commerce Control List is available at <<http://www.bis.doc.gov/index.php/regulations/commerce-control-list-ccl>>.

⁷³ US Commerce Control List (note 72).

⁷⁴ LRAD Corporation, *Humanely Resolving Public Safety Situations and Saving Lives*, <http://www.lradx.com/pdf/LRAD_whitepaper_Humanely_Resolving_Public_Safety_Situations.pdf>.

Other security and para-military police goods as follows:

a. Acoustic devices represented by the manufacturers or suppliers thereof as suitable for riot control purposes, and specially designed components therefor.⁷⁵

Clearly this control is only applicable where a manufacturer expressly states that such a device is suitable for riot-control purposes. Given the range of applications that these types of devices may be used, in conveying messages, bird scaring, and so on, it would seem prudent for all states to apply trade controls to either all acoustic systems or those that are capable of reaching a certain defined decibel level, including, but not limited to, those expressly stated as having a military, corrections, law-enforcement and/or crowd-control capability.

China nominally has regulations in place to control the trade in certain law-enforcement devices. However, it is unclear how rigorously those controls are pursued, as very little data is made available regarding transfers of law-enforcement equipment. Article 29 of the 1997 Regulations on the Administration of Arms Exports states that the trade controls laid out in the regulations ‘apply to the export of police equipment’. A report by Amnesty International and the Omega Research Foundation notes that the:

Administrative List of Military Products control list annexed to the Regulations includes special purpose guns and grenade launchers and associated ammunition, armoured vehicles and special weapons used in ‘anti-riot action’. However, ‘anti-riot action’ is not defined in the legislation and this list does not include other law-enforcement equipment such as mechanical restraints, electric shock stun weapons and batons.⁷⁶

In certain circumstances, judiciaries in individual countries have made judgements stating that the use of specific devices is inherently cruel and degrading and, in several cases, unconstitutional. Judges have stated that certain devices should not be used—or, if they are, only in the most limited of situations. For example, the Sind High Court in Pakistan and the Supreme Court of Namibia have both ruled that the use of bar fetters, chains and irons is unconstitutional. The Pakistani Government informed the UN SRT that the use of bar fetters was prohibited throughout Pakistan except in ‘rare cases of high security prisoners and only in full compliance with the interim orders of the Supreme Court of Pakistan’.⁷⁷ The South African Joint Committee of Enquiry into the Background, Circumstances and Actions resulting in the Death of Railway Commuters at Tembisa Railway Station (1996) recommended:

⁷⁵ UK Department for Business, Innovation and Skills, <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/392470/strategic-export-control-consolidated20141231.pdf>.

⁷⁶ Amnesty International and Omega Research Foundation (note 4).

⁷⁷ UN Special Rapporteur on Torture, Report on the tools of torture, <<http://antitorture.org/wp-content/uploads/2012/07/P2-Study-On-the-situation-of-trade-in-and-production-of-equipment-which-is-specifically-designed-to-inflict-torture..pdf>>, p. 6, para. 9.

[that the] use of electric batons be banned in South Africa. This should remain the case until a regulatory framework exists for the manufacture, sale and use of electric batons and reliable and independent medical and legal research establishes that the use of the electric baton on any person would not subject such a person to cruel, inhuman and degrading treatment or punishment.⁷⁸

Controls over the trade in law-enforcement devices in the Caucasus and Central Asia are opaque. For example, Kazakhstan's control list references 'usual military equipment' but does not disaggregate further.⁷⁹ Export-control regulations, where publicly available, often do not specifically reference law-enforcement equipment. In many cases, curbs on the ownership of firearms have been implemented. For example, Kazakhstan lists electric-shock weapons and tear-gas-dispensing devices as self-defence weapons that require a permit to own and trade in.⁸⁰ Traditionally, however, there appear to have been far fewer attempts to regulate the trade in, and use of, law-enforcement equipment.

This may be due to a number of factors. First, the perceived lack of threat to state security by the trade in such devices, as opposed to small arms and light weapons, which have more obvious national and regional security implications in relation to their trade and proliferation. Second (and potentially more compelling), the availability of law-enforcement equipment for civilian self-defence purposes—especially, less-lethal weapons including electric-shock weapons, riot control agents and their dispensing devices such as pepper sprays, and 'rubber-bullet' guns. There may have been a perception that such devices are less problematic than firearms. For example, both Kazakhstan and Mongolia have passed legislation that prohibits private security companies from using certain types of firearm, but authorizes the use of a range of less-lethal weapons. In 2010 the Kazakh Government passed a law which prohibited private security companies from using 'rifled long-and short-barrelled firearms', instead ruling that they can only use smooth-bore firearms or barrel-less firearms with less-lethal ('traumatic') cartridges. They are also authorized to use 'electric' weapons.⁸¹ In Mongolia, the 2001 Law on Private Protection prohibits all bodyguards 'from using firearms, although they may

⁷⁸ UN Special Rapporteur on Torture (note 77), p. 7, para. 12.

⁷⁹ Kazakh Government, Law on Export Control, <http://www.vertic.org/media/National%20Legislation/Kazakhstan/KZ_Law_on_Export_Control.pdf>. A 2009 Saferworld report states that Kazakhstan controls 21 different categories of military equipment. The report also states that Kyrgyzstan 'currently controls 18 categories of equipment for export and 13 for import. Farha, J. et al. (2009), *The Arms Trade Treaty and Military Equipment the case for a comprehensive scope*, pp. 6, 11, <<http://www.saferworld.org.uk/resources/view-resource/399-the-arms-trade-treaty-and-military-equipment>>. Furthermore, a presentation by the Deputy Director of the Institute of Radiation Problems of Azerbaijan, National Academy of Sciences states that a list of controlled equipment for export was established by Decision No. 42 of the Cabinet of Ministers in 2006, and that this control list is the 'unified control list of the EU'. See <http://www.stcu.int/documents/reports/distribution/unoda2013/Export_Control_System_and_Dual_Use_Expertise_in_Azerbaijan_Republic.pdf>.

⁸⁰ Authority of Internal Affairs, *Regulation of voluntary reimbursable deposit of citizens illegally stored firearms, ammunition and explosives*, <<http://www.kostanaypolice.kz/en/gosuslugi/lisenziya>>.

⁸¹ Florquin, N. et al., *Blue Skies and Dark Clouds: Kazakhstan and Small Arms*, Small Arms Survey, Occasional Paper 29 (2012), <<http://www.smallarmssurvey.org/fileadmin/docs/B-Occasional-papers/SAS-OP29-Kazakhstan.pdf>>, p. 16.

use, inter alia, handcuffs, rubber and electric sticks, and guns loaded with tear gas or rubber bullets'.⁸²

More recently, however, there has also been a realization that the widespread sale and proliferation of such devices is having an adverse effect on different social issues, in particular, levels of crime. Certain states, including Kazakhstan, are now legislating to curb the civilian possession of certain less-lethal weapons—in particular, launched kinetic-impact ('traumatic') weapons, which are commonly manufactured in China, Russia, Turkey and Ukraine, among other countries. According to the Kazakh Interior Ministry, the number of crimes committed with less-lethal weapons more than doubled between 2010 and 2012.

A 2013 article highlighting the ways in which the Kazakh Government was aiming to control the numbers of less-lethal weapons in public hands stated:

About 36 000 Kazakhstanis own more than 40 000 non-lethal weapons, according to the government. In 2012, Kazakhstanis committed 245 crimes using non-lethal weapons. That number represents more than half of all crimes involving firearms and more than a fourth of crimes involving any kind of weapon, according to the Interior Ministry (MVD).⁸³

The article further states that such devices are attractive because of their relatively low cost combined with the difficulty in obtaining ballistic evidence when they are used in the commission of a crime. Options considered included raising the age criteria for ownership, re-designating such devices as military weapons (thus limiting ownership) and implementing harsher punishments for misuse, rather than a complete prohibition.⁸⁴

It has subsequently been reported that the Kazakh Government has approved a \$13.3-million programme to buy back 'traumatic' less-lethal weapons with money allocated from the 2014–16 budgets.⁸⁵ Other states in the region have also been taking steps to address the wide-scale proliferation of such devices. For example, in 2013 the President of Tajikistan issued a decree prohibiting, until the end of the year, the manufacture, acquisition, possession and use of gas-powered and pneumatic weapons.⁸⁶

⁸² Mandakhbat, S., Deputy Director of Legal Policy Department, Ministry of Justice and Home Affairs, Mongolia, Workshop Report (2012), *The Montreux Document on Private Military and Security Companies. Proceedings of the Regional Workshop for North East and Central Asia*, <<http://www.dcaf.ch/Publications/The-Montreux-Documents-on-Private-Military-and-Security-Companies-Proceedings-of-the-Regional-Workshop-for-North-East-and-Central-Asia>>. p. 15.

⁸³ Central Asia Online (2013), 'Kazakhstan to limit use of non-lethal weapons', <http://centralasiaonline.com/en_GB/articles/caii/features/main/2013/04/18/feature-01?mobile=true>.

⁸⁴ A Russian manufacturer of electric-shock weapons states that certain high-powered versions of their products are only available to the Interior Ministry. See e.g. <<http://www.shoker.ru/shop/mvd/>>.

⁸⁵ Central Asia Online (2013), 'Kazakhstan approves weapons buy-back project', <http://centralasiaonline.com/en_GB/articles/caii/newsbriefs/2013/05/29/newsbrief-14?mobile=true>.

⁸⁶ Central Asia Online (2013), 'Tajiks ban non-lethal weapons until the end of the year', <http://centralasiaonline.com/en_GB/articles/caii/newsbriefs/2013/10/04/newsbrief-14?mobile=true>.

4. Known sources of local production and supply of law-enforcement equipment in the Caucasus and Central Asia

I. Manufacturers and suppliers of law-enforcement products

Until the fall of the Soviet Union, the provision of police equipment to internal security forces fell to Soviet suppliers. Crowd-control equipment consisting of launched kinetic-impact ammunition and riot control agents were produced in Russia and Ukraine. Ammunition factories were established in a number of Central Asian states including Kyrgyzstan and Azerbaijan, the latter of which is still known to be producing riot-control ammunition today. It is unclear whether the factory in Kyrgyzstan had this capability.

While Russian police equipment is still in use in a number of states, notably Armenia (where police used Russian-style riot-control ammunition in the 2004 and 2008 demonstrations in Yerevan), a range of different devices has started to be deployed or marketed from outside of the region. This chapter highlights some of the local sources of production for law-enforcement equipment and will provide an illustrative list of companies and products known to be manufactured or supplied by local businesses in the region. Imports from outside of the region are detailed in section II of this chapter.

Since the fall of the Soviet Union, police forces across the Caucasus and Central Asia have been left with legacy stocks of equipment, or have continued to purchase from Russian suppliers. Centres of production of police equipment in the Eurasian region are, however, starting to develop. This is, in part, due to a drive to develop local manufacturing capabilities in states. For example, a Georgian state-controlled entity is currently offering for sale a range of police equipment including a 40-mm grenade launcher, police batons, shields and smoke rounds (see figure 4.1).

Since 2005 Azerbaijan has upgraded its Soviet-era defence manufacturing facilities, with a view to becoming more self-sufficient in armaments production and offering equipment for sale on the international market.⁸⁷ One of the factories that has been refurbished is currently producing 12-gauge projectile kinetic-impact ammunition (see figure 4.2),⁸⁸ as well as larger (38mm ‘tear gas smoke’) cartridges.⁸⁹

⁸⁷ ‘Azerbaijan self-sufficient in ammunition’, News.az, 17 Dec. 2010, <<http://news.az/articles/politics/28511>>.

⁸⁸ Information held by Omega Research Foundation.

⁸⁹ Ministry of Defence Industry of Azerbaijan Republic, ‘Tear gas smoke cartridge “38P-CSS”’, brochure, 2014, <https://www.smallarmsreview.com/archive/pdfdmp_1.cfm?docid=4328_066.pdf>.



Figure 4.1. 40-mm grenade launcher, manufactured in Georgia by Delta

Source: <<http://delta.gov.ge/en/productcategory/police-gear/>>.



Figure 4.2. Azerbaijani manufactured 12-gauge kinetic-impact ammunition

Source: Ministry of Defence Industry of Azerbaijan Republic, catalogue [n.d.], <<http://gigconceptsinc.com/files/Azerbaijan-MOD-SAA.pdf>>.

The market for new law-enforcement products is also continuing to open up, allowing a wider range of companies to display their wares at an increasing number of trade events, and as part of international military and security cooperation projects, leading to greater opportunities for dialogue among manufacturing and supplier agents. This has led to a number of partnerships between companies who have: (a) opened regional offices, (b) used the services of a local agent or distributor, or (c) established a joint manufacturing operation in a partner country.

A good example in the police and security sector is Tactic Pro (Kazakhstan), the agent for a range of US and Israeli manufacturers of police and security equipment. Tactic Pro promoted products including LRAD acoustic devices and ISPRA riot control munitions at the Kadex 2014 exhibition.⁹⁰

A related point is the desire for governments to foster local manufacturing capabilities through licensed production or joint-venture agreements. Azerbaijan, for example, has a number of agreements with South African companies to manufacture armoured vehicles in Azerbaijan as well as other

⁹⁰ See the Tactic Pro website, <<http://www.tactic-pro.kz/#partners>>. Tactic Pro brochures distributed at Kadex 2014 held on file by Omega Research Foundation.

Table 4.1. Manufacturers and suppliers of law-enforcement products in the Caucasus and Central Asia⁹¹

Country	Company	Product	Role
Azerbaijan	Ministry of Defence Industry	Kinetic-impact projectiles Riot control agents and means of delivery	M/S
Georgia	Delta	Batons Less-lethal grenade launchers	M
	Leison Global	Kinetic-impact devices	I ^a
Kazakhstan	AlmaDK	Riot control agents and means of delivery	M/S
	Magnum LLP ^{e,f}	Law-enforcement shotguns Riot-control ammunition Other specialized ammunition	S
	Sayga Ltd ^b	Riot control agents Electric-shock devices	S
	Tactic Pro	Long-range acoustic devices Riot control agents	S
	TOO Garant-Sib ^c	Law-enforcement equipment	S
	TOO Sunrise Defence ^d	Projectile electric-shock equipment Mechanical-restraint devices	S
	Kyrgyzstan	Leison Global	Kinetic-impact devices

S = supplier; M = manufacturer; I = international.

^a International manufacturer, headquartered in China, with regional offices in Georgia and Kyrgyzstan.

^b Company is listed as a regional supplier of March Group products.

^c Licensed distributor of NPO Special Materials (Russia).

^d Exclusive distributor of Taser (USA), also distributes Glock (Austria) and CobraCuffs (USA).

^e Official partner of the Fort Group (Ukraine).

^f Distributor of D Dupleks (Latvia).

equipment ranging from small arms to unmanned aerial systems.⁹² The Kazakh Government has pursued a similar policy which, when combined with manufacturers wishing to access regional markets, has led to a number of joint-venture agreements for the production of a range of equipment, including a potential deal for the licensed production of pistols and small arms in Kazakhstan by Czech small arms and ammunition manufacturers.⁹³

Table 4.1 summarizes the types of law-enforcement products manufactured or supplied by companies in the region.

⁹¹ This is an illustrative list to give an overview of the types of companies and their products involved in the trade in the region. It is not meant to be a comprehensive list of all entities.

⁹² Abbasov, S., 'Azerbaijan: Baku aims to become regional arms dealer', Eurasianet.org, 29 Mar. 2011, <<http://www.eurasianet.org/node/63180>>.

⁹³ Kominek, J., 'Czech small arms and ammunition makers close to Kazakh agreement', *Jane's Defence Industry*, 2 Dec. 2014, <<http://www.janes.com/article/46594/czech-small-arms-and-ammunition-makers-close-to-kazakh-agreement>>.

II. Exporters of police- and security-related equipment to the Caucasus and Central Asia

As discussed in section I of this chapter, the market for new law-enforcement products in the Caucasus and Central Asia is continuing to open up, allowing a wider range of companies to showcase their products. Defence and security equipment-manufacturing companies are keen to take advantage of what are perceived to be lucrative emerging markets and exploit potential avenues for new sales. For example, Beretta rifles have been known to be deployed in Turkmenistan since at least 2012; according to news reports from April 2014, the President of Turkmenistan met with the Vice President and Managing Director of Italy-based Pietro Beretta SpA to discuss possibilities for further cooperation.⁹⁴

Other trade opportunities are increasingly available to international companies wishing to promote their goods in the region. Azerbaijan, Kazakhstan, Russia and Ukraine have all hosted annual or biennial international trade exhibitions where companies from many different states display and offer for sale law-enforcement equipment. All four countries hosted such fairs in 2014, while Azerbaijan also hosted the inaugural Azerbaijan International Defence Industry Exhibition (ADEX) in Baku in September 2014. While the Ukrainian exhibition had fewer representatives from outside of Ukraine, representatives from companies based in the Caucasus as well as from China, Europe, Israel, South Korea and the USA were present at the other law-enforcement exhibitions in 2014.⁹⁵

Differing strategic alliances have understandably influenced the equipment manufactured or purchased by states in the region. For example, Israeli, Turkish and US crowd-control vehicles, weapons and ammunition have been observed being deployed in Azerbaijan and Georgia, both of which have increasingly close ties to these three significant ‘producer’ states.

While certain equipment manufactured by Western companies is accompanied by a (comparatively) high price tag, the location of centres of manufacturing in Asia—and, in particular, in China—has meant that large quantities of police and security equipment is available relatively cheaply, thus allowing for the cost-effective equipping of police forces. A 2013 news article highlighted the issues relevant to the growth of new sources of supply for law-enforcement equipment:

⁹⁴ ‘Beretta ARX 160 in Turkmenistan’, The Firearm Blog, 27 Feb. 2012, <<http://www.thefirearmblog.com/blog/2012/02/27/beretta-arx-160-in-turkmenistan/>>; and ‘Italian Pietro Beretta SPA studies Turkmen market’, Trend.az, 30 Apr. 2014, <<http://en.trend.az/casia/turkmenistan/2268649.html>>.

⁹⁵ Ukrainian companies have, however, signed a number of licensed production agreements for the manufacture of arms and related articles with Israeli and Swiss companies, among others. See ‘Ukrainian copies of Swiss Brügger & Thomet APR rifles used during protests in Kiev’ <<http://www.armamentresearch.com/ukrainian-copies-of-swiss-brugger-thomet-apr-rifles-used-during-protests-in-kiev/>>. Science-Industrial Association “Fort”, product brochures on file with Omega Research Foundation.

Besides leading manufacturer Brazil in Latin America, several new suppliers for non-lethal weaponry have cropped up, posing a challenge both on price and delivery. Manufacturers in the United States and elsewhere in the West are up against rivals who compete on price, payment terms and lack of parliamentary controls that often come in the way of lucrative arms exports.⁹⁶

Any state or agency wishing to purchase and deploy equipment should conduct a robust and independent selection, assessment and testing regime prior to any deployment, rather than relying on company data. Table 4.2 is drawn from publicly available licensing data and photographic evidence of equipment being deployed and shows transfers of law-enforcement equipment from external sources to the region since 2001.⁹⁷ Table 4.3 lists companies manufacturing law-enforcement equipment whose products are known to either be marketed in the region or transferred to end users in the states being evaluated.

⁹⁶ 'Non-lethal weapons markets seen to be growing', UPI, 11 Sep. 2013, <http://www.upi.com/Business_News/Security-Industry/2013/09/11/Non-lethal-weapons-markets-seen-to-be-growing/UPI-38561378910600/>.

⁹⁷ US licensing statistics were consulted from 2001 onwards, and can be sourced via the US Department of Commerce's Bureau of Industry and Security (BIS) annual reports to Congress.

Table 4.2. Exporters of law-enforcement equipment to the Caucasus and Central Asia, 2001–present

This is an illustrative list to give an overview of the types of equipment and their source of supply. It is not meant to be a comprehensive list of all equipment transferred to the region.

Exporter	Recipient	Type of transfer
USA	Armenia Azerbaijan	Mechanical-restraint devices
		Long-range acoustic devices
	Georgia	Mechanical-restraint devices
		Riot control agents
		Electric-shock devices
		Hand-held kinetic-impact devices
		Launched kinetic-impact devices
		Long-range acoustic devices
		Mechanical-restraint devices
		Electric-shock devices
Kazakhstan Kyrgyzstan	Hand-held kinetic-impact devices	
	Mechanical-restraint devices	
Tajikistan	Hand-held kinetic-impact devices	
Uzbekistan	Mechanical-restraint devices	
	Mechanical-restraint devices	
Russia	Armenia	Riot control agents
	Kazakhstan	Electric-shock equipment
China	Armenia Kyrgyzstan	Riot-control vehicles
		Electric-shock equipment
		Riot control agents
South Korea	Kazakhstan	Riot control agents
	Uzbekistan	Riot-control vehicles
Israel	Azerbaijan	Launched kinetic-impact devices
		Riot control agents
		Riot-control vehicles
Germany	Kazakhstan	Grenade launchers capable of firing riot-control ammunition
Turkey	Azerbaijan	Riot-control vehicles
	Kazakhstan	Riot-control vehicles
France	Kazakhstan	Riot control agents
Czech Republic	Georgia	Electric-shock devices

Table 4.3. International companies manufacturing, exporting and marketing law-enforcement equipment in the Caucasus and Central Asia

This table provides an illustrative list to give an overview of the types of companies and their products involved in the trade in the region. It is not meant to be a comprehensive list of all entities.

Country	Company	Product	Notes
USA	LRAD Corp.	LRAD	Transferred to Georgia, Turkmenistan, Azerbaijan and Kazakhstan
USA	Taser International	Projectile-fired ESDs	Marketed by TOO Sunrise Defence; demonstrated by US Marine Corps at NOLES 2013 event
Belgium	FN Herstal	Launched KIDS	Observed being used during 2008 demonstrations in Tbilisi
Russia	Vargashi Plant PPSO	RCVs	Transferred to unnamed CIS member states; one vehicle observed during a public order demonstration in Armenia in 2013
Russia	Tyumen Aerosols	RCAs	Company states that its customer base includes CIS member states; listed as an exhibitor at the CAIPS exhibition Uzbekistan in 2013
Russia	NPO Special Materials	MRDs, ESDs	Listed as an exhibitor at the CAIPS exhibition in Uzbekistan in 2013; MRDs observed at opening of new police training academy in Yerevan
Russia	March Group	ESDs	Products on the March Group stand at the KADEX 2014 trade event in Kazakhstan; Stun batons observed at opening of new police training academy in Yerevan
Turkey	Nurol Makina	RCVs	Transferred to Georgia, Azerbaijan and Kazakhstan
China	Guangzhou Jieli Special Vehicle Equipment/ Guangdong Zengcheng Zhongjing Yangcheng Light Special Vehicle Co. Ltd	RCVs	Observed during public order demonstrations in 2013 and 2014 in Armenia
China	Leison Global	KIDS	Regional offices in Kyrgyzstan and Georgia
Israel	ISPRA Ltd	RCAs	Listed as an exhibitor at the ADEX 2014 defence exhibition; ISPRA-manufactured canisters reported to have been used by security forces in Azerbaijan in 2013
France	SAE Alsetex	RCAs & means of delivery	Marketed by the Kazakh firm AlmadK in Kazakhstan and Uzbekistan.
South Korea	Jino Motors	RCVs	Transferred to Uzbekistan in 2013
South Korea	Korean Defence Ind.	RCAs	Company lists Kazakhstan as part of its 'Global Networks'
Switzerland	Brugger and Thomet	40-mm grenade launchers	Transferred from Germany to Kazakhstan according to a 2009 UN Register on Conventional Arms (UNROCA) report. The authors contacted the Swiss manufacturer of the GL-06 less lethal launchers - Brugger and Thomet - who stated that their company has never exported GL-06 less lethal grenade launchers to Kazakhstan, or indeed, anywhere in the South Caucasus or Central Asia. They did confirm however that they had granted 8 production licenses to international manufacturers for the GL-06, no further details were given.
Ukraine	'Fort' ^a	Shotguns, Hand-held KIDS	Listed as an exhibitor at the KADEX 2014 exhibition
Ukraine	NPP Ekolog	MRDs	
Latvia	D Dupleks-Defence	RCAs	Exported to Azerbaijan, Kazakhstan and Georgia
		Less-lethal ammunition	Participated at the KADEX 2012 exhibition where their military and law enforcement products were displayed and promoted by their Kazakh distributor Magnum LLP. Information from the D Dupleks website suggests that this participation led to a transfer of unspecified products to Kazakhstan in 2012. Correspondence between the authors and D Dupleks suggests that hunting ammunition has been transferred to Kazakhstan and Georgia.
Czech Republic	Euro Security Products	Law-enforcement and security ammunition	
		Training services	Training for Georgian Police on use of batons

ESD = electric-shock device; KID = kinetic-impact device; LRAD = long-range acoustic device; MRD = motion-restraint device; RCA = riot control agent; RCV = riot-control vehicle.

^a State-Owned Science-Industrial Association of the Ministry of Internal Affairs of Ukraine.

Sources: LRAD Corporation <<http://www.lradx.com/site/>>, Taser International <<http://www.taser.com/>>, Sunrise Defense <<http://www.sunrisedefense.com/index.php/english>>, FN Herstal <<http://www.fnherstal.com/>>, Vargashi Plant PPSO <<http://vargashi.com/product/asv-20-20-3310-120vr-groza>> and <<http://vargashi.com/product/asv-60-30-kamaz-53605-110vr-shtorm>>, Police of the Republic of Armenia YouTube videos <https://www.youtube.com/watch?feature=player_embedded&v=lt6V_342dak#t=413>, Tyumen Aerosols <<http://aerosol72.ru/index.php/magazin/product/view/187/1>>, NPO Special Materials <<http://www.npo-sm.ru/english/fontan.php>>, Militaryphotos.net <<http://www.militaryphotos.net/forums/showthread.php?155169-The-Armed-Forces-of-Armenia-Official-Thread/page299&s=e13a14e9611a0b6ba791c045301fc915>>, March Group <<http://www.shoker.ru/>>, KADEX website <https://drive.google.com/viewerng/viewer?url=kadex.kz/sites/default/files/list_of_exp_en.pdf>, Nurol Makina <<http://www.nurolmakina.com.tr/>>, Leison Global <<http://www.leison911.com/contact.asp>>, IPSRA Ltd <<http://www.ispraltd.com/>>, ADEX website <http://www.adex2014.com/2014/?p=exhibition_exhibitors_list&l=en>, Kazimova, A 10 mart aksiyasmdaki qulqabatiran LRAD, Azadliq Radiosu, 13 Mar. 2013, Azadliq Radiosu <<http://www.azadliq.org/content/article/24925471.html>>, SAE Alsetex <<http://www.alsetex.fr/>>, ITE Uzbekistan YouTube videos <https://www.youtube.com/watch?feature=player_embedded&v=Elz4KvuTDnU#t=0>, Jino Motors <<http://www.jinomotors.com/main/main.php>> and <http://www.jinomotors.com/sub/sub01_01.php>, Korean Defence Industries <<http://www.teargas.kr/>> and <http://www.teargas.kr/company/tear_gas_shell_tear_gas_cartridge_tear_gas_round_cs_shell_global_network.html>, Brugger and Thomet <<http://www.bt-ag.ch/site/eng/startseite>>, UN Register of Conventional Arms Report for Kazakhstan <<http://www.un-register.org/SmallArms/CountrySummary.aspx?type=0&Col=KZ>>, 'Fort' Ukraine <<http://www.fort.vn.ua/en/>>, NPP Ekolog <<http://www.teren.net.ua/ru/products/patrony/index.html>> and <<http://www.teren.net.ua/ru/about/index.html>>, DDupleks <<http://www.ddupleks-defence.com/en/gallery/photo/16/>> and <<http://www.ddupleks-defence.com/en/company/news/7/>>, Euro Security Products <<http://www.euro-security.info/en/>> and <http://www.euro-security.info/components/com_allvideoshare/player.swf?autoStart=true&random=1812778156&base=&vid=59&pid=1>.

5. External training and equipment contributions

Reform and capacity-building programmes in the Caucasus and Central Asia have been undertaken by a number of external actors. The OSCE has attempted to undertake the reform of law-enforcement structures since 2001, with mixed success. Oppressive states have tended to show a more conciliatory approach towards external organizations' attempts to reform law-enforcement or correctional services, in order to divert attention from systematic human rights violations. For example, following the Andijan massacre, Uzbekistan's Ministry of Internal Affairs, aiming to divert calls for an international investigation into the massacre, signed a memorandum of understanding with the OSCE project co-ordinator in Uzbekistan to provide a range of capacity-building activities (although not mentioning human rights).⁹⁸

In relation to the provision of equipment, multilateral bodies such as the OSCE have appeared to avoid providing crowd-control equipment other than devices such as police batons and shields. In Kyrgyzstan there were rumours that the OSCE was 'supplying the police with non-lethal weaponry, such as rubber bullets', which 'galvanised the NGO community, concerned that the OSCE was simply making it easier for the government to crush anti-government protests'.⁹⁹ The OSCE denied that they had supplied such systems and gave assurances that none would be provided in the future. However, this example demonstrates the delicate balance that must be made between contributing to the reform of police and security apparatus and not aiding repressive practices.

In addition to the implementation of robust trade controls, another area where international organizations may have a significant impact is in the development of standards and guidelines for law-enforcement bodies on the use of certain devices. The international market for law-enforcement equipment is such that officials will always be able to access technologies should they so wish. International organizations should make it clear that certain equipment or techniques have no place in any law-enforcement or correctional scenarios, and that those that are authorized for use must be subject to rigorous evaluation prior to deployment. Furthermore, those using such devices must have undergone comprehensive training, including on topics of proportionality, the medical implications of devices, and human rights and fundamental freedoms.

An example of the development of standards in the region was the new use-of-force guidelines developed for the Armenian Police with assistance from the OSCE. These guidelines take into account the range of instruments that govern police use of force and state:

⁹⁸ Lewis, D., *Reassessing the Role of OSCE Police Assistance Programming in Central Asia*, Open Society Foundation Occasional Paper Series no. 4 (Apr. 2011), p. 22.

⁹⁹ Lewis (note 98), p. 31.

The overarching presumption must be one of no use of force, unless strictly necessary, which applies equally to the personal use of force, special means as an individual or group tactic, use of firearms or combination thereof . . . any use of force without a legal basis is unlawful.¹⁰⁰

Multilateral bodies wishing to conduct police and prison reform in the area of use of force should, therefore, conduct a thorough evaluation of the equipment available to law-enforcement and corrections personnel in order to ensure that any development of standards does not include the inadvertent approval of certain devices or techniques whose characteristics may be at odds with the stated reform ambitions or international best practice.

Law-enforcement training and equipment are known to have been provided to individual states by countries and multilateral bodies in support of anti-narcotic and counterterrorism programmes or as part of a police-reform package. For example, French and German police have conducted training in Kyrgyzstan and Turkmenistan, respectively. Turkey actively supports police training on a range of (unspecified) topics in a number of countries including Kazakhstan, Kyrgyzstan, Mongolia, Tajikistan, Turkmenistan and Uzbekistan.¹⁰¹

A May 2012 report details China's donation of 'material and technical facilities' to the Kyrgyz Ministry of Internal Affairs, which included stun guns and other items totalling approximately 14 million Som (US \$225 000). The use of stun guns by Kyrgyz law-enforcement officials in crowd-control situations in Balykchy in 2009 has been documented: 'police using riot gear and stun guns violently dispersed a peaceful protest over election results'.¹⁰² Given this information, and the questionable suitability of direct-contact devices for law-enforcement (and particularly crowd-control operations), this gift of stun guns is of concern. In 2011 media reports suggested that the Turkmen Interior Ministry and China's Public Security Ministry had signed a cooperation agreement that would see Turkmen police officers trained in China¹⁰³ and that a deal had also been signed between Tajikistan and China for the provision of Chinese police equipment to Tajik law-enforcement authorities.¹⁰⁴ In 2014 it was reported that Uzbekistan's Chief of Security had met with the Secretary of the Chinese Communist Party's Central Politics and Law Commission, the outcome of which

¹⁰⁰ 'New crowd control rules approved for Armenian Police', ArmeniaLiberty.org, 17 Feb. 2012, <http://www.ecoi.net/local_link/210615/316415_en.html>; and Armenian Police, *Guidelines for the Activities of Officers of the Police Units Involved in Public Order Management and for the Use of Physical Force, Special Means and Firearms by these Officers During Mass Disorders*, <<http://polis.osce.org/library/f/3986/3485/GOV-ARM-RPT-3986-EN-3485>>.

¹⁰¹ 'Turkish police organise international training programs', Today's Zaman, 4 May 2011, <http://www.todayszaman.com/national_turkish-police-organize-international-training-programs_242856.html>.

¹⁰² Lewis (note 98), p. 36.

¹⁰³ Fitzpatrick, C., 'Turkmenistan: Berdymukhamedov picks up new gas order, police training grant in China', Eurasianet, 30 Nov. 2011, <<http://www.eurasianet.org/node/64607>>.

¹⁰⁴ Hamroboyeva, N 'China provides police equipment to Tajikistan', ASIA-Plus, 25 Apr 2014, <<http://news.tj/en/news/china-provides-police-equipment-tajikistan>>.

was a commitment to increase security cooperation between China and Uzbekistan, with particular reference to anti-terrorism.¹⁰⁵

The USA has been particularly active in providing training in equipment and techniques in Central Asia. Following deadly clashes during the disputed presidential elections in Armenia, the USA announced that it would be launching a programme of training on crowd-control techniques for the Armenian riot police.¹⁰⁶ The US Marine Corps also organizes an annual ‘Non-Lethal Weapons Executive Seminar’, in which US military personnel train regional participants in the use of a range of less-lethal weapon systems and tactics. Mongolia has hosted the event three times, in 2007, 2010 and 2013. It is unclear whether equipment is donated by the US military to participants or hosts of the event, although it seems likely that there are follow-up transfers, given that training is afforded on different devices. At the 2013 event in Mongolia, representatives from 22 nations were shown a range of technologies and techniques, including demonstrations of the Taser X26 projectile electric-shock system, and participated in a pepper-spray qualification course.¹⁰⁷

An area that requires significant scrutiny is the provision of training services by equipment suppliers. Care should be taken that the techniques being taught by private companies do not breach national or international best-practice standards for the use of force. The authors are aware of companies providing police and security equipment in the region as part of a training package whose techniques appear to be similar to those described by the CPT as being of concern. A video by the Czech-based company Euro Security Products shows a 2013 training session for Georgian police personnel.¹⁰⁸ The techniques demonstrated include the use of batons to facilitate a neck hold, a technique described by the CPT as having the potential to cause serious injury that should therefore not be used.¹⁰⁹

Monitors should therefore ensure that all training is carried out by suitably qualified personnel and that, where companies have provided equipment, any training services also provided are subject to independent scrutiny and oversight and are in line with international standards. They should also ascertain what guidelines for use the manufacturers of specific equipment provide and ensure that those guidelines are in line with international standards.

¹⁰⁵ ‘China, Uzbekistan vow tighter security cooperation’, 15 Oct. 2014, <http://www.ite-uzbekistan.uz/vis/caips/eng/press/news.php?ELEMENT_ID=12072>.

¹⁰⁶ ‘Armenian riot police to get US training’, Asbarez.com, 22 Dec. 2009, <<http://asbarez.com/75259/armenian-riot-police-to-get-u-s-training/>>.

¹⁰⁷ Eberle, B., ‘Non-lethal weapons leadership seminar begins, field training ends, [images]’, Defense Video and Imagery Distribution System, 26 Aug. 2013, <<http://www.dvidshub.net/image/1003495/non-lethal-weapons-leadership-seminar-begins-field-training-ends#.VIbjp8khHRs>>. A 2014 exercise known as Khaan Quest, also held in Mongolia, involved joint military exercises between the USA and a range of regional participants for soldiers preparing for international peacekeeping missions, and included riot-control training. Regional observers included Russia, Kazakhstan and Tajikistan. ‘US Military Conducts Exercises in Mongolia’, Eurasianet.org, <<http://www.eurasianet.org/node/68881>>.

¹⁰⁸ Euro Security products, ‘Georgia Training Mission’, <http://www.euro-security.info/euro-security.info/_video/Georgia_training_mission_ESP.mp4>.

¹⁰⁹ CPT, *Report to the Slovenia Government on the Visit to Slovenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 31 January to 8 February 2006*, CPT/Inf (2008) 7, <<http://www.cpt.coe.int/documents/svn/2008-07-inf-eng.htm>>.

6. Case studies

I. The use of crowd-control technologies in Armenia

Armenia has traditionally been a recipient of Russian-manufactured equipment. There have been a number of controversies around Armenia's use of law-enforcement technologies, in particular in relation to the violence in Yerevan following the 2008 presidential elections. The violence in Yerevan, which claimed 10 lives, graphically illustrates what happens when the wrong equipment is used, as well as the dangers posed by the misuse of riot-control ammunition. Of the 10 fatalities (8 civilians and 2 members of the security forces), 9 have been directly attributed to the use of specific military or law-enforcement equipment.¹¹⁰ The Armenian Government's response to a report by the UN Human Rights Committee on the second periodic report of Armenia gives further information on the types of systems and injuries sustained. The use of live ammunition, which caused 5 deaths during the protests, clearly has no utility in a properly managed crowd-control operation, and, regardless of the situation, a military-grade hand-grenade, as documented as being used, has no purpose in any crowd-control or public-order situation.¹¹¹

The Armenian security forces had access to a range of less-lethal devices, although the Cheremukha-7 riot-control-agent-dispensing grenade was documented as causing three deaths. Other systems deployed included the KS-23 carbine, a large (4-gauge by Western measurements) Russian-manufactured shotgun, given the designation 'carbine' because of its rifled barrel.¹¹² This type of weapon is capable of delivering a wide variety of lethal as well as riot-control ammunition including the Cheremukha-7 system. The Armenian Government's official response to the UN Human Rights Committee also included the following information:

The conducted preliminary investigation with regard to the criminal cases revealed that weapons of different types and calibre and 'KS-23' type carbines considered as firearms for special purposes were used during mass disorders . . . The conclusions received [sic] recorded that gas grenades fired from cartridges of 'Cheremukha-7' type and the plastic plugs thereof were removed from bodies of 3 dead citizens and 3 citizens who received bodily injuries. In particular, gas grenades of 'Cheremukha-7'

¹¹⁰ Hammarberg (note 25).

¹¹¹ UN Human Rights Committee (2012), *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant, Armenia*, CCPR/C/ARM/Q/2/Add.1, <<http://www2.ohchr.org/english/bodies/hrc/docs/AdvanceVersions/CCPR-C-ARM-Q-2-Add1.doc>>. It should be noted that there is some ambiguity as to the origin of the grenade that is reported to have killed a member of the security forces.

¹¹² According to *Jane's Policing and Homeland Security Equipment 2009–2010*, the KS-23 23-mm special carbine 'is intended for use with ammunition of both lethal and non-lethal types as well as tear/gas smoke cartridges. Differing types of gas cartridges produce gas clouds up to 30, 60 and 900 m³. In addition the weapons fire rounds with an armour and tyre-piercing capability. Specifications, Calibre: 23mm, Weight: 4 kg, Length 1,040 mm (KS-23); 645 mm (KS-23M) . . . Aiming Range 150 m'.

type cartridge with their plastic guiding caps were removed from Gor Kloyan's, Armen Farmanayan's corpses and a gas grenade of 'Cheremukha-7' type cartridge from Tigran Khachatryan's corpse. Meanwhile, it was already revealed that on 1 March 2008 4 non-commissioned officers of the Police Troops of the Republic of Armenia used 'KS-23' type carbines—considered as firearms for special purposes—in Mashtots, Gr. Lusavorich, Leo and Paronyan Streets of Yerevan city. The expert examination carried out at 'Special Equipment and Communication' Research and Production Association State Institution of the Ministry of Interior of the Russian Federation revealed that the use of 'Cheremukha-7' type cartridges in an open space is not prohibited but firing it directly at a human being is prohibited.¹¹³

Following these incidents, prosecution proceedings were launched against four police officers for misusing riot-control equipment. The head of a special parliamentary committee investigation into the police response to the protests called for the criminal prosecution of the police officers involved. According to media reports, he also cited the fact that the Russian manufacturer of the Cheremukha-7 system had clearly stated that it should not be fired at point-blank range.¹¹⁴

Subsequently, a number of programmes appear to have been implemented to more clearly define what law-enforcement equipment may be used and the scenarios where such deployments may be authorized. The USA promised to help to train relevant Armenian security personnel in crowd-control management and Armenian soldiers deployed to Kosovo have received training in dealing with crowd-control situations.¹¹⁵ In 2011 the OSCE published two guidebooks on police conduct, the use of force and negotiation techniques as part of the ongoing police-reform programme in Armenia. The scenarios where such equipment can be used are shown in box 6.1.¹¹⁶

The regulations state that stun guns or spark arrestors may be used in a number of scenarios, mainly during arrest or during public-order situations. As previously stated, the utility of electric-shock devices in public-order situations is highly questionable. The use of devices whose primary purpose is in the application of direct contact electric-shocks should be prohibited in any law-enforcement or corrections situation. Projectile electric-shock devices employing a neuromuscular incapacitation capability should only be deployed by specially trained officers. While it is unclear what types of electric-shock device are currently deployed by Armenian law-enforcement personnel, publicly available images appear to show Russian-manufactured stun batons, as well as a projectile-firing attachment, being displayed as part of a

¹¹³ UN Human Rights Committee (note 111). It should be noted that the Armenian Government also claimed that demonstrators and police both used the KS-23 system as well as 'ball grenades'.

¹¹⁴ Asbarez.com (2009), *Armenian Police 'Mishandled March 2008 Rally'*, 23 Jan. 2009, <<http://asbarez.com/59990/armenian-police-mishandled-march-2008-rally/>>.

¹¹⁵ Barber, C. (2014), *Multinational Soldiers Train for Aerial Rapid Response in Kosovo*, US Army, 12 Mar. 2014, <http://www.army.mil/article/121864/Multinational_soldiers_train_for_aerial_rapid_response_in_Kosovo/>.

¹¹⁶ Armenian Police (note 100).

Box 6.1 Article 31 of the Armenian Law on Police (Annex)

Situation: Repelling an attack made upon citizens and a police officer

Applicable special means: Rubber baton, tear-gas and irritating gas, smokescreen, cartridges with rubber bullets, sound-and-flesh [sic] means for distracting attention, water canons and armored vehicles, stun-guns, spark arrester, sniff dogs [sic]

Situation: Overcoming disobedience or preventing resistance to a police officer or persons assisting the ensuring of the public order and combat against crimes and performing their public or official duties

Applicable special means: Rubber button, tear-gas, irritating gas, smokescreen, cartridges with rubber bullets, sound-and-flesh [sic] means for distracting attention, means for removing obstructions, water canons and armored vehicles, stun-guns, spark arrester, sniff dogs [sic]

Situation: Seizing persons caught at the moment of committing an offence and attempting to escape

Applicable special means: Handcuffs, stun guns, spark arrester, sniff dogs [sic]

Situation: When there are sufficient grounds to presume that a particular person or persons are preparing to put up armed resistance

Applicable special means: Tear-gas, irritating gas, smokescreen, cartridges with rubber bullets, sound-and-flesh [sic] means for distracting attention, means for removing obstructions, water canons and armored vehicles, stun-guns, spark arrester, sniff dog [sic]

Situation: Forcibly bringing to the Police or other official buildings persons caught for an offence or refusing to introduce their person or introducing obviously false data, transporting arrested and detained persons, including persons in administrative custody, or while guarding the latter if their conduct gives reason to suppose that they may escape, harm themselves or the surroundings, display disobedience or put resistance to police officers

Applicable special means: Handcuffs, sniff dogs [sic]

Situation: Releasing the kidnapped persons, persons deprived of freedom and held illegally, captured apartments, constructions, areas and vehicles

Applicable special means: Tear-gas and irritating gas, smokescreen, cartridges with rubber bullets, sound-and-flesh [sic] means for distracting attention, means for removing obstructions, water canons and armored vehicles, sniff dogs [sic]

Situation: Preventing mass riots and illegitimate group acts dissolving the work of the transport, communications and other organizations

Applicable special means: Rubber baton, tear-gas and irritating gas, smokescreen, cartridges with rubber bullets, sound-and-flash means for distracting attention, means for removing obstructions, means for compulsory stopping (blocking) people and

vehicle movement, water canons and armored vehicles, special painting substances

Situation: Stopping a vehicle when the driver thereof obviously does not obey the demand of the police officer to stop the vehicle

Applicable special means: Means for compulsory stopping (blocking) people and vehicle movement

Situation: Discovering the criminals committing or having committed an offence

Applicable special means: Special painting substances, sniff dogs [sic]

demonstration of police equipment in Armenia (see figure 6.1).¹¹⁷ Given the concerns around the use of electric-shock devices by security personnel, the authorities should clarify exactly what types of device are deployed and what assessment process was undertaken prior to their (and any other law-enforcement devices') deployment.

While it is unclear exactly what electric-shock devices are deployed with Armenian personnel, an analysis of equipment on display at a public-order exercise held on 15 September 2014 shows other devices in use that can be identified. Of particular interest are Chinese-manufactured riot-control vehicles and a range of devices visually similar to those manufactured by Russian suppliers, including a range of riot-control ammunition.¹¹⁸ It is also possible to make out the manufacturer's details on at least one vehicle which is manufactured by the Guangzhou Jieli Special Vehicle Equipment Co. Ltd/Guangdong Zengcheng Zhongjing Yangcheng Light Special Vehicle Co. Ltd. Similar vehicles are seen deployed during a 2013 training exercise alongside Russian-manufactured riot-control equipment.¹¹⁹ In light of the increasing number of systems available, and given the concerns around the use of the KS-23 shotgun and the Cheremukha-7 systems, more clarity is needed from the Armenian authorities about what systems are deployed and how such systems are evaluated.

II. The use of Western law-enforcement technologies in Georgia, and the new Georgian law on imprisonment

The implications of the deployment of law-enforcement technologies for a state are shown by the situation in Georgia, where the use of less-lethal weapons, in particular riot-control ammunition, has historical significance. On 9 April 1989, in what became known as the 'April 9 Tragedy', an anti-Soviet demonstration in Tbilisi was violently dispersed by Soviet troops resulting in

¹¹⁷ See <<http://www.militaryphotos.net/forums/showthread.php?155169-The-Armed-Forces-of-Armenia-Official-Thread/page299&s=e13a14e9611a0b6ba791c045301fc915>>.

¹¹⁸ Armenian Police, 'The final stage of the command-staff exercises on "the use of special composite detachment during operations to prevent and suppress mass riots" held on the territory of "Arzni" Airport (video and photos)', 15 Sep. 2014, <<http://www.police.am/en/news/view/arzni1391422.html>>.

¹¹⁹ Armenian Police (note 118); and Armenian Police, YouTube, 14 Sep. 2014, <https://www.youtube.com/watch?feature=player_embedded&v=1t6V_342dak#t=413>.



Figure 6.1. Equipment on display at the opening of a new police force administrative building in Yerevan on 21 June 2014.

Sources: <<http://imgazer.imageshack.us/v2/xq90/850/mg23.jpg>> and <<http://forum.hyeclub.com/showthread.php/11485-Nagorno-Karabagh-Military-Balance-Between-Armenia-amp-Azerbaijan/page1073>>. Further information on the event can be found at <<http://www.police.am/en/news/view/%D5%B8%D5%A621614.html>>.

Image credit: © panorama.am

significant loss of life and many injuries. As part of the Soviet response to the demonstrations, significant quantities of riot control agents, purported to be CS and CN gas, were used. A Parliamentary Commission inquiry into the events that unfolded on 9 April 1989 found that the use of riot control agents had contributed to the deaths of demonstrators. The Soviet response to the protests arguably contributed to the emergence of an independent Georgia, with the Supreme Council of the Republic of Georgia declaring independence from the Soviet Union in 1991, on the second anniversary of the 9 April 1989 Tragedy.

Since then, Georgia has gravitated more strongly to the West, in particular to the USA and the EU. Under President Saakashvili, who was elected on a democratic mandate as part of the Rose Revolution, the alignment westwards continued at pace with a corresponding cooling in the already frosty relationship with Russia. This Western alignment was also reflected in the equipment observed being deployed by Georgian police forces against demonstrations in 2007, 2009 and 2011 against corruption and what was perceived as increasing authoritarianism by Saakashvili's administration. During these demonstrations, demonstrators were met by riot police using a variety of systems, including long-range acoustic weapons, tear gas and a variety of launched kinetic-impact weapons, including the FN 303 system. A HRW report published in the wake of the 2007 protests documented the use of riot control agents in confined spaces, the firing of rubber bullets at close range at fleeing protestors, and the deployment and use of water cannons and acoustic weapons. The report states:

Georgian law-enforcement officers resorted too quickly to the use of force, including simultaneous use of canisters of tear gas and rubber bullets, without fully exhausting

non-violent methods of crowd dispersal. There was no apparent measured or proportionate escalation of the use of force either to disperse demonstrators or to respond to sporadic violence.¹²⁰

The protests in Georgia (and particularly the 2007 protests) demonstrate that, without proper oversight and control, law-enforcement officials may easily misuse the equipment available to them. It is difficult to state what the police response may have been had large quantities of tear gas and rubber bullets not been available to them. However, it is certain that the use of such large quantities of riot-control ammunition, and the indiscriminate way in which such devices were used, hastened the end of the Saakashvili regime. The irony is, therefore, that the indiscriminate use of riot control agents hastened the end of the Soviet Union's hold on Georgia, and may have had a similar effect on Georgia's first democratically elected president.

An area that requires further scrutiny relates to the equipment authorized for use under Georgia's new Law on Imprisonment, which came into force on 1 August 2014. This list includes acoustic devices, tear gas and pepper spray, rubber truncheons, rubber bullets, and a range of mechanical-restraint devices, including restraint chairs, restraint beds and straitjackets. Such devices, in particular restraint chairs, have been highlighted as of particular concern because of their potential for misuse. The European Commission has added certain types of these devices to the prohibited list of EC Regulation 1236/2005. It is, therefore, interesting to note that the Law on Imprisonment was developed in part with help from the EU–Council of Europe Joint Programme on Human Rights in Prisons and Other Closed Institutions, and yet they have not specified exactly which types of devices (shackles vs. straps) are authorised for use. The EU and the Council of Europe also launched a project in 2013 aiming to 'focus on the improvement of prison healthcare and mental healthcare and the fight against impunity for ill-treatment in penitentiary facilities and closed institutions in Georgia'.¹²¹ The guidelines for the use of such devices state:

(b) A straight jacket, restraint chair, restraint bed—for a person who tried to injure himself or others and/or who is likely to injure or harm another person or damage state property; whose actions are prominently aggressive. The instruments of restraint shall be used under the supervision of a physician.¹²²

As with the recommendations made in relation to the OSCE's development of guidelines for law-enforcement officials, the European Commission and the Council of Europe should establish clear guidance on what equipment has legitimate law-enforcement and corrections functions and how such

¹²⁰ Human Rights Watch (note 44), p. 2.

¹²¹ Delegation of the EU to the Council of Europe (2013), *New EU/CoE Joint Programme on Human Rights in Georgian Prisons is Signed, 25 March 2013 (25/03/2013)*, <http://eeas.europa.eu/delegations/council_europe/press_corner/focus/events/2013/20130325_en.htm>.

¹²² Georgian Minister of Corrections, *The Rules and Terms on Types of Instruments of Restraint, their Maintaining, Carrying and Using and on Identification of Persons Entitled to Use Them*, Order No. 145, 12 Sep. 2014 [unofficial translation].

equipment is used. This should be undertaken using current international standards, recommendations from torture-prevention monitoring bodies such as the CPT, and UN mandate holders that have made recommendations and highlighted reservations about certain types of equipment.

III. A regional hub for the trade in law-enforcement equipment in Kazakhstan

The issue of the deployment of relevant law-enforcement technologies in Kazakhstan was starkly highlighted by the Kazakh authorities' response to the demonstrations in Zhanaozen and Shetpe in 2011, in which 14 people were killed. The Kazakh Government has subsequently stated that the units sent to deal with the protests used deadly force because they lacked the less-lethal equipment and training needed to respond in a different manner. The government further stated that money would be allocated to equip riot-control units with adequate less-lethal 'means of restraint' in the 2013–15 budgets.¹²³ While it is unclear exactly what systems have been procured as part of this re-equipment programme, as mentioned above, there is evidence that several international manufacturers of law-enforcement equipment are active in Kazakhstan. It was reported in August 2014 that the Kazakh authorities had purchased 1300 cameras to be worn by police officers.¹²⁴ Body-worn cameras are increasingly being purchased by police departments across the world, for a range of reasons including evidence detection, documentation of police procedures and also to fight against corruption.

While Kazakhstan has not traditionally been a significant manufacturer of law-enforcement equipment, the range of law-enforcement devices being marketed by Kazakh-based companies continues to grow. This has been aided by the establishment of the KADEX exhibition, which up until 2014 was the only major regional defence exhibition not held in Russia or Ukraine offering a showcase for companies aiming at Central Asian markets. Kazakh companies are now official partners with a number of major law-enforcement equipment suppliers, including ISPRA (Israel), LRAD (USA), Taser International (USA) and SAE Alsetex (a subsidiary of the French Etienne Lacroix Group). Indeed, it appears that the Kazakh-based distributor of SAE Alsetex products is also promoting them at other regional security events.

A promotional film taken from the Central Asian International Exhibition, Protection, Security and Fire Safety (CAIPS) in Uzbekistan in 2013¹²⁵ shows the stand of AlmaDK, a Kazakhstan based company, as well as a range of products that are visually similar to those produced by the French firm SAE

¹²³ See <http://www.kazakhembus.com/archived_article/zhanaozen-riot-trial-continues>.

¹²⁴ 'The government of Kazakhstan has just purchased 1,300 of the Wolfcom 3rd Eye Police Body Camera', PoliceOne.com, 18 Aug. 2014, <<http://www.policeone.com/police-products/body-cameras/press-releases/7473694-The-Government-of-Kazakhstan-Has-Just-Purchased-1-300-of-the-Wolfcom-3rd-Eye-Police-Body-Camera>>.

¹²⁵ CAIPS website, <<http://www.ite-uzbekistan.uz/vis/caips/eng/presentation/brv.php>>.

Alsetex. The poster on the stand also appears to show launching devices visually similar to those produced by SAE Alsetex.¹²⁶ The authors contacted AlmaDK who confirmed that AlmaDK is the local representative of SAE Alsetex in Kazakhstan and in 2015 concluded a contract with SAE Alsetex to undertake the assembly of certain devices in Kazakhstan using imported components; these are only for the use by Kazakhstan's law-enforcement and military personnel. The company did confirm that it displayed a range of products at the CAIPS exhibition, both those assembled in Kazakhstan and promotional material from SAE Alsetex. In relation to the relevant trade controls exercised by Kazakhstan the company stated that all complete Alsetex products imported into Kazakhstan (AlmaDK does not manufacture/assemble the 'Cougar' launching devices for example) would need to go to the bodies stipulated in the import license and end-user certificates which are issued by the Ministry of Industry and New Technology of Kazakhstan. The Ministry also requires an export license for any products that are going to end-users outside of Kazakhstan. The company also states that any export license for devices incorporating SAE Alsetex components or devices is subject to final approval by the French licensing authorities and in the event of a refusal, AlmaDK would not be able to export Alsetex products or components. This would appear to correspond with what SAE Alsetex states on its website that its 'products and services fully comply with the strict specifications of the French government. Export requires the express authorization of an Inter-ministerial Commission, which has the sole power of decision'.¹²⁷

¹²⁶ <<http://www.etienne-lacroix.com/index.php>>.

¹²⁷ <<http://www.asetex.fr/produit.php?langue=en&categorie=mo&nom=mogenerique>>.

7. Conclusions and recommendations

I. Conclusions

This report demonstrates the need for further scrutiny about the types of equipment being used by police and security personnel. The widespread, credible allegations of torture and ill-treatment, the violent suppression of protests and other authoritarian practices that can be found in a significant number of the states being assessed in this report, combined with the increasing variety of law-enforcement technologies being manufactured and transferred from outside of the region, show that there is a need for more in-depth monitoring of the trade and use of such devices.

A current weakness in studies of the region in relation to the use of law-enforcement technologies is the amount of information available showing the extent to which such devices are being misused. This is clearly not because such technologies are always used appropriately. Indeed, the available reports, both of monitoring bodies, media and civil society, suggest the opposite. However, the lack of consistent monitoring and documentation of the systems used, combined with the widespread impunity enjoyed by many police and security officials, show that there is a need for further study of the types of law-enforcement systems being deployed in the region. It is, however, possible to make some preliminary recommendations in relation to establishing controls over the trade in, and deployment of, such devices.

There is a clear need for security personnel to be given the tools to allow them a graduated response to situations requiring force. The use of firearms should be a last resort and needs to be guided by clear instructions on when it would be permitted. All instances of the use of force must adhere to the principles set out in international standards such as the UN BPUFF, the UN SMR and the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules).

Every piece of equipment (including more rudimentary devices such as handcuffs) used by security forces should be independently evaluated against a clear set of use-of-force standards.¹²⁸ The use of less-lethal weapons, in particular launched kinetic-impact devices and projectile electric-shock devices, should be assessed by the same standards attributed to firearms. Any individual using force should be aware of, and work to, the 'PLAN principles', under which every incidence of force used must be proportionate, lawful, accountable and necessary.¹²⁹

¹²⁸ E.g. OSCE guidelines on the use of handcuffs for the Armenian police state: 'Handcuffs as a special means for active protection can be very useful but if not applied correctly and locked, the offender monitored and the handcuffs released as soon as possible, long-term injury can be caused. Handcuffs that are incorrectly applied are the wrong type, intended for short-term use, or left on once the offender has arrived at a secure location may result in breaches of human rights, as their intended purpose has not been followed.' Armenian Police (note 100), p. 23.

¹²⁹ Osse, A. (2006), *Understanding Policing: A Resource for Human Rights Activists*, Amnesty International (Netherlands), <https://www.amnesty.nl/sites/default/files/book_1_0.pdf>, p. 128.

The PLAN principles have been adopted by a number of law-enforcement agencies worldwide, as well as by other relevant bodies such as the International Association of Chiefs of Police and the Southern African Regional Chiefs Cooperation Organization.¹³⁰ These principles should be kept in mind when assessing: (a) whether the use of force has been proportionate and lawful; (b) the content and structure of training programmes; and (c) whether certain devices, by their design characteristics, have no legitimate law-enforcement utility.

Any device that does not have a demonstrably legitimate law-enforcement function, in line with international standards, and that is not subject to independent and robust testing and training regimes prior to introduction should be withdrawn from service and destroyed. Where law-enforcement technologies are deployed, care should be taken that ‘function creep’ does not occur, and that the rules governing their use are robust enough to ensure that they are not used (either inadvertently or on purpose) in situations not envisaged when they were first deployed.

II. Recommendations

In relation to the regions being highlighted in this report, we recommend that:

1. All electric-shock devices whose primary capability is the delivery of direct-contact electric shocks, including body-worn electric-shock weapons, should be prohibited for use by law-enforcement and security personnel. Any stockpiles of equipment, if currently held, should be destroyed and the use of such systems expressly prohibited by law.
2. Scrutiny is given to the evaluation, testing, training and use of any projectile electric-shock devices. These should not be deployed as standard-issue weapons and the use-of-force criteria against which such devices are held should be the same as for firearms.
3. Multiple-point and fixed-restraint devices, including restraint chairs, restraint beds, wall cuffs and thumb cuffs, should be expressly prohibited, and all such devices currently deployed should be withdrawn from use and destroyed.
4. In relation to the deployment of launched kinetic-impact devices and riot control agents, all states should declare what devices, chemical agents and means of delivery are cleared for use, as well as the training and standards that are in place guiding the use of such systems. States should also declare the procedure for disposing of expired systems.
5. Governments should suspend the use of acoustic-hailing devices with an alert or other function whose medical and other effects are not fully known, pending a rigorous and independent inquiry (by appropriate medical, legal, police and other experts) based on international human

¹³⁰ Osse (note 129).

rights standards. Specific guidelines for use based on the results of independent scientific study should be drawn up.

6. All states should impose robust trade controls on law-enforcement equipment, containing lists of controlled and prohibited items, and establish control over associated activities such as promotion and brokering. Consideration should also be given to establishing an end-use catch-all clause in trade control regulations to ensure that equipment of concern not explicitly featured on control lists is not transferred. The clause should also serve to cover new technologies as they are developed. Any data held on licence applications for the trade in such devices should be made publicly available.
7. All producer states should make public the criteria currently applied to the export-licensing process for law-enforcement equipment in their jurisdictions. Where list-based controls are in place, a presumption of denial should be in operation regarding equipment that has no purpose other than in the commission of torture and other ill-treatment. Furthermore, no licences should be granted for the export of law-enforcement equipment where there are grounds to suspect that it may be used in torture or ill-treatment, or where the end user or users have a history of abuse or repression.

More generally, existing standards such as the UN BPUFF and UN SMR should be regularly evaluated to ensure that they are in line with current developments in law-enforcement technologies and tactics. All states should develop comprehensive use-of-force guidelines explicitly stating when force may be used and what equipment is deployed for use. These guidelines should also incorporate human-rights components. All training programmes for equipment and techniques should be independently evaluated.

There is a need for multilateral bodies engaged in the region, in particular the OSCE, the Council of Europe and the EU, to establish a coherent set of criteria for best practices relating to the trade and deployment of law-enforcement equipment. At present, different bodies appear to be promoting conflicting strategies, especially in relation to what equipment is permissible for deployment. In addition to promoting standards for the use of force, multilateral organizations and individual states conducting reform programmes should also develop guidelines establishing independent selection, testing and evaluation regimes of equipment being deployed by security personnel. Such regimes should be developed separately from those that have already been carried out by companies manufacturing or promoting equipment.