
Criterion 2: Human rights

Nepal

The Communist Party of Nepal (CPN-Maoist) has waged a ‘People’s War’ against the Government since 1996, on the grounds of a perceived lack of governmental accountability and subsequent financial, political and social inequity.¹ Over the last several years, the fighting has at times been intense.

A cease-fire between the Government and the CPN was declared on 29 January 2003. In March both sides agreed to observe a “Code of Conduct” that contained several human rights provisions.² Two rounds of peace talks between the Government and the CPN took place in April and May 2003 to discuss key issues, including the Code’s implementation.³ However negotiations were stalled by the resignation of Prime Minister Lokendra Chand on 30 May 2003 and despite the ceasefire, reports of extra-judicial executions by the security forces continued, culminating in the massacre in the eastern village of Doramba on 16 August 2003, in which government forces arrested and summarily executed two civilians and 19 Maoists.⁴ The third round of peace talks collapsed 3 days later and the ceasefire ended on 27 August.⁵ According to the FCO, more than 17,000 people have been killed since the resumption of hostilities, leading to a human rights crisis.⁶ On 13 October 2003, the army fired indiscriminately at a group of students attending a cultural program organized by the Maoists in the Doti district. Four students, including three minors, were shot dead.⁷ Several hundred people have been arrested and held under the Terrorist and Disruptive Activities (Control and Punishment) Act, which allows for preventive detention for up to 90 days.⁸

Torture and ill-treatment of detainees in the custody of the Royal Nepalese Army (RNA), Armed Police Force (APF) and civilian police have been reported regularly by Amnesty International.⁹ Disappearances have been reported throughout the country. In almost all cases, the “disappeared” persons were last seen in the custody of government security forces.¹⁰ 150 people are reported to have “disappeared” after arrest during counter-insurgency operations by the security forces in Kathmandu and other

¹ Armed Conflict Database, (IISS), <http://acd.iiss.org/armedconflict/mainPages/dsp_ConflictSummary.asp?ConflictID=175>.

² *Amnesty International Report 2004: Nepal*, (Amnesty International), <<http://web.amnesty.org/report2004/npl-summary-eng>>.

³ *Ibid.*

⁴ *Human Rights Watch World Report 2003: Nepal*, (Human Rights Watch), <<http://hrw.org/english/docs/2004/10/07/nepal9452.htm>>.

⁵ *Op cit*, Armed Conflict Database.

⁶ *FCO Annual Report on Human Rights 2004*, (FCO), <<http://www.fco.gov.uk/Files/kfile/FINALversion2edited%20Complete.pdf>>.

⁷ *Op cit*, *Amnesty International Report 2004: Nepal*.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Op cit*, *Human Rights Watch World Report 2003: Nepal*.

districts; among them were seven women.¹¹ According to the United Nations, Nepal is considered to be among the world's prime locations for forced disappearances.¹²

The UK government continues to assign funds to Nepal from the Global Conflict Prevention Pool. Included are initiatives for: training and supporting a human rights cell of the RNA to investigate allegations of abuses, police reform, and aid for victims on both sides of the conflict.¹³

Saferworld evaluation: systematic/serious human rights violations

| Arms export licences to Nepal | 2003 | Jan–Mar 2004 | Apr–Jun 2004 |
|--|-------------|---------------------|---------------------|
| Value of SIELs granted (£m) | 1 | 0 | 0.5 |
| Number of SIELs granted (refused/revoked) | 4 (1) | 0 (3) | 4 (0) |
| Number of OIELs granted (refused/revoked) with regard to Nepal | 1 (0) | 0 (0) | 2 (0) |
| Number of incorporation SIELs granted (refused/revoked) | 0 (0) | 0 (0) | 0 (0) |
| Number of SITCLs granted with Nepal as destination | n/a | n/a | 0 |
| Number of OITCLs granted with Nepal as destination | n/a | n/a | 1 |

Military equipment gifted by the Government during financial year 2003/04

| | |
|--|----------|
| Explosive Ordnance Detail (bomb disposal) | £589,185 |
| Tactical radios | £272,483 |
| Infrastructure work for UN Peacekeeping center at Panchkal (Nepal) | £400,000 |

In January 2004, it emerged through the Nepalese press that an official at the British Embassy in Kathmandu had announced plans to gift two second-hand Short Take Off and Landing (STOL) aircraft to the RNA to assist in 'offensive operations.'¹⁴ The gift was to be funded through the Global Conflict Prevention Pool, and follows the gifting of two Russian-made military helicopters in 2002 from the same fund. In their scrutiny of UK licensing decisions, the QSC stated in 2004 that it was 'somewhat perverse to pay for military equipment intended to assist in offensive operations from a fund supposedly dedicated to preventing conflict.'¹⁵

Saferworld agrees with the QSC assessment and further believes that such items should not be gifted or transferred to the Nepalese Government under the current circumstances. In light of the serious/systematic human rights violation in Nepal, under Criterion 2, Saferworld would expect a full prohibition on the export of police and military equipment and major conventional weaponry which has obvious application for repression and/or could be used to facilitate human rights violations.

Licences of greatest concern under criterion 2

SIELs 2003: combat shotguns (1)

SITLs 2003: combat shotguns (1), components for combat shotguns, small arms ammunition

SIELs April–June 2004: body armour

Note: Also of considerable concern is the decision to gift STOL aircraft

¹¹ Op cit, *Amnesty International Report 2004: Nepal*.

¹² Op cit, *Human Rights Watch World Report 2003: Nepal*.

¹³ Op cit, *FCO Annual Report on Human Rights 2004*.

¹⁴ Quadripartite Committee, *Select Committee on Defence – Fourth Report, 2003–04*, (House of Commons), point 76.

¹⁵ Ibid.

Saudi Arabia

In 2003 there was a strengthened commitment by the ruling Saudi monarchy to engage fully in the ‘war on terrorism’, particularly in light of the terrorist bombing of a Riyadh residential area on 12 May 2003, which killed 35 people and injured hundreds more.¹⁶ However this has resulted in more human rights abuses taking place, as state security forces employed tougher measures for the purpose of “combating terrorism”.¹⁷ Security forces have embarked on house raids which have resulted in the deaths of dozens of people, and many of which have led to armed clashes. Hundreds of suspected religious activists, critics of the state and protestors have been arrested and detained. Human rights abuses have reportedly continued within prison with allegations of torture and ill-treatment.¹⁸

More generally, the Government’s human rights record remains poor. The *Mutawwa’in*, or religious police, under the authority of the *Committee to Prevent Vice and Promote Virtue*, harassed and arbitrarily arrested those citizens and foreigners it believed were “promoting vice” and held them for weeks or months without trial.¹⁹ According to the US State Department, Saudi security forces committed acts of torture and abuse of detainees and prisoners, made arbitrary arrests, and held those arrested in incommunicado detention.²⁰ Ministry of Interior officials are accused of beating, whipping, suspending from bars with handcuffs, and using sleep deprivation to secure confessions from, detainees.²¹ The FCO estimated that in 2003 the Saudi authorities executed about 52 people – ‘one of the highest figures for any country in the world.’²² In addition, foreigners – who make-up about one third of Saudi’s entire population – face regular abuse, including torture, forced confessions and unfair trials when they are accused of crimes.²³ Foreigners have reportedly been forced to sign confessions they could not read, have been denied consular visits, and in some cases have been beheaded, only after which have the relevant embassies and families been informed.²⁴

Saferworld evaluation: serious/systematic human rights violations

| Arms export licences to Saudi Arabia | 2003 | Jan–Mar 2004 | Apr–Jun 2004 |
|---|--------|--------------|--------------|
| Value of SIELs granted (£m) | 17 | 5 | 1.5 |
| Number of SIELs granted (refused/revoked) | 63 (1) | 24 (0) | 15 (0) |
| Number of OIELs granted (refused/revoked) with regard to Saudi Arabia | 74 (0) | 10 (1) | 17 (0) |
| Number of incorporation SIELs granted (refused/revoked) | 0 (0) | 0 (0) | 0 (0) |
| Number of SITCLs granted (with Saudi Arabia as destination) | n/a | n/a | 2 |
| Number of OITCLs granted (with Saudi Arabia as destination) | n/a | n/a | 1 |

Government-to-government transfers of equipment between 1 January and 31 December 2003²⁵

Components and spares for aircraft and their engines
 Components for naval vessels and their systems
 Components for ground based radar systems
 Components for simulators

¹⁶ *Amnesty International Report 2004: Saudi Arabia* (Amnesty International), <http://web.amnesty.org/web/web.nsf/print/2004-sau-summary-eng>.

¹⁷ *Ibid.*

¹⁸ *US Department of State Country Reports on Human Rights 2003: Saudi Arabia* (US Department of State), <http://www.state.gov/g/drl/rls/hrrpt/2003/27937.htm>.

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ *Ibid.*

²² *FCO Annual Report on Human Rights 2004* (FCO), <http://www.fco.gov.uk/Files/kfile/FINALversion2edited%20Complete.pdf>.

²³ *Human Rights Watch World Report 2003: Saudi Arabia* (Human Rights Watch), http://hrw.org/english/docs/2004/07/15/saudia9061_txt.htm.

²⁴ *Ibid.*

²⁵ Quantities of equipment are only provided for whole systems.

The position of Saudi Arabia as one of the key battleground states in the ‘war on terrorism’ raises the prospect of the UK Government transferring equipment so as to assist the Saudi Government’s fight against insurgents. Nevertheless, given the dire human rights situation in the country, under criterion 2, Saferworld would expect a prohibition on the transfer of police and military equipment with obvious application in internal repression. Additionally, Saferworld believes that, at the very least, a presumption of denial should operate with regards to major conventional weaponry that could be used to facilitate human rights abuses. In this regard, Saferworld is concerned by the high level of open licences of this nature from January 2003 to June 2004.

It should be remembered, however, that licensed transfers to Saudi Arabia are dwarfed by unlicensed exports made under the government-to-government *Al Yamamah* deals (the first of which was signed in 1986). For the period 1999 to 2003, SIELs to Saudi Arabia were worth a total of £70.5 m, the reported value of exports for the same period was worth a total of £595.42 m (£189 m in 2003). Moreover this reported exports figure is itself likely to be a considerable underestimate, as the UK system for reporting on the value of defence equipment deliveries tends to underestimate figures for some military aircraft and parts, military radio and radar apparatus, optical equipment, and types of military simulators.²⁶

This lack of data is a significant failing. It is impossible to assess the nature and level of equipment being exported to Saudi Arabia under *Al Yamamah* and, as such, it is unclear what – if any – consideration is given to the EU Code of Conduct which was established 12 years after the deal was signed. Saferworld believes that information on *Al Yamamah* or any other government-to-government deal should be included as an additional sub-section under the country entry in the Annual and Quarterly Reports and it should contain the same level of detail as licenses granted (see also section 2).

Licences of greatest concern under criterion 2

SIELs 2003: assault rifles (3), shotguns (27), small arms ammunition, submachine guns (237), heavy machine guns (100), semi-automatic pistols (452)

OIELs 2003: pistols, rifles, semi-automatic pistols, submachine guns, general purpose machine guns, armoured all wheel drive vehicles, machine pistols.

SIELs January–March 2004: body armour, sniper rifles (101), small arms ammunition, components for heavy machine guns

OIELs January–March 2004: small arms ammunition, sporting gun ammunition, components for artillery fire location equipment, shotguns, rifles

OIELs April–June 2004: components for armoured fighting vehicle, components for tanks

Turkey

Turkey’s goal of EU membership has, in recent years, led to a number of positive human rights developments. This continued in 2003, during which four harmonisation packages entered into law, on 11 January, 4 February, 19 July and 7 August.²⁷ New legislation included provision for the removal of certain regulations that had contributed to impunity for torture, and the possibility of a retrial for those whom the European Court of Human Rights ruled had suffered a violation of human rights as a result of a court ruling in Turkey.²⁸

²⁶ For a description of the weaknesses of the official calculation of defence exports data, see Chalmers M, Davies N, Hartley K & Wilkinson C, ‘The Economic Costs and Benefits of UK Defence Exports’ 2001 (University of York), p. 6, http://www.york.ac.uk/depts/econ/research/documents/defence_exports_nov01.pdf.

²⁷ *Amnesty International Report 2004: Turkey* (Amnesty International), <http://web.amnesty.org/report2004/tur-summary-eng>.

²⁸ *Ibid.*

Despite this, torture and ill treatment in police detention remained a grave concern with regular reports of detainees stripped naked, sexually harassed and denied adequate sleep.²⁹ Children have also been subject to beatings while in police detention.³⁰ Disproportionate use of force by police during demonstrations was also reported, with “unrecorded detention” cited as a particular concern.³¹ Security forces reportedly killed 43 persons during 2003 and, despite the developments in human rights legislation, the light sentences imposed on police and security forces for such killings and torture “continued to foster a climate of impunity”.³²

Human rights abuses continued to be committed in the context of the ongoing conflict between the Government and the Kurdish Freedom and Democracy Congress (KADEK) and its military wing, the Peoples Defence Force (HSK).³³ In 2003, 12 civilians, 19 members of the security forces and 71 people described as terrorists died as a result of armed clashes.³⁴ Moreover, there have been records of increasing violations and atrocities against Kurdish villagers, including electric shocks, beatings, rape, execution of captured Kurdish guerrillas and the mutilation of their bodies with their remains left in the street by the army.³⁵ Thousands of people remain displaced and although Government projects are in place to return villagers back to their homes³⁶, reports as recently as July 2004, show that villagers are once again being expelled from their homes or forced to evacuate as a result of renewed violence.³⁷

Saferworld evaluation: serious human rights violations

| Arms export licences to Turkey | 2003 | Jan–Mar 2004 | Apr–Jun 2004 |
|---|---------|--------------|--------------|
| Value of SIELs granted (£m) | 129.5 | 3.5 | 2.5 |
| Number of SIELs granted (refused/revoked) | 124 (0) | 24 (0) | 27 (0) |
| Number of OIELs granted (refused/revoked) with regard to Turkey | 76 (0) | 14 (0) | 30 (0) |
| Number of incorporation SIELs granted (refused/revoked) | 5 (0) | 0 (0) | 0 (0) |
| Number of SITCLs granted (with Turkey as destination) | n/a | n/a | 0 (0) |
| Number of OITCLs granted (with Turkey as destination) | n/a | n/a | 0 (0) |

Since 1999 (when public information on the value of SIELs and number of OIELs was made available) Turkey has been a significant customer of UK arms exports. The value of SIELs has totalled £563.30 m and the number of OIELs 367. Indeed Saferworld would argue that the scale of UK arms exports to Turkey over the past few years is not commensurate with the human rights situation over the same period.

Given the poor human rights record of the Turkish Government therefore, under criterion 2, Saferworld would expect a prohibition on the export of military, security and police equipment that has obvious application in human rights abuses. In addition, a presumption of denial should operate against other specific categories of major conventional weapons which could be used to facilitate human rights abuses.

Licences of greatest concern under criterion 2

SIELs 2003: components for general purpose machine guns, components for combat helicopters, components for heavy machine guns

²⁹ Ibid.

³⁰ US Department of State Country Reports on Human Rights 2003: Turkey (US Department of State), <http://www.state.gov/g/drl/rls/hrrpt/2003/27869.htm>.

³¹ Op cit, Amnesty International Report 2004: Turkey.

³² Op cit, US Department of State Country Reports on Human Rights 2003: Turkey.

³³ Ibid.

³⁴ Ibid.

³⁵ Ronayne M, 'Turkey's human rights abuses need addressing,' The Irish Times, 28 September 2004, http://www.globalwomensstrike.net/English2004/irish_times.htm.

³⁶ Human Rights Watch Briefing Paper, 'Last chance for Turkey's displaced?' (Human Rights Watch), 4 October 2004, <http://hrw.org/backgroundunder/eca/turkey/2004/10/>.

³⁷ Ibid.

OIELs 2003: assault rifles, machine pistols, general purpose machine guns, components for armoured personnel carriers, training small arms ammunition, smoke hand grenades, munition fuzes, armoured all wheel drive vehicles, components for combat aircraft, crowd control ammunition, tear gas/irritant ammunition, components for combat helicopters

SIELs January–March 2004: body armour, components for electronic warfare equipment (2), components for military small arms training equipment

OIELs January–March 2004: components for air to surface missiles, body armour, bomb suits, ballistic shields, components for military aircraft

SIELs April–June 2004: general military vehicle components, shotguns, sporting gun ammunition, toxins, components for large calibre artillery

OIELs April–June 2004: gun silencers, heavy machine guns, components for heavy machine guns, components for combat aircraft, components for combat helicopters, components for armoured fighting vehicles