



Submission to the Special Rapporteur on
Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
The Asia Alliance Against Torture
2023

The Asia Alliance Against Torture which consist of 9 CSOs across the Asia Pacific – The Commission for the Disappeared and Victims of Violence (KontraS Indonesia), Suara Rakyat Malaysia (SUARAM), Task Force Detainees of the Philippines (TFDP), Medical Action Group (MAG) Philippines, Cross Cultural Foundation (CrCf) Thailand, MUSAWI Pakistan, Advocacy Forum Nepal, Odhikar Bangladesh, and MASUM India – is a Collaborative Movement of CSOs across Asia Pacific to abolish torture acts in the respective member CSOs' countries. In this submission, the alliance wishes to **give our signatory and elaborate** more on the “**Nature Scope and Regulation Production and Trade Law Enforcement**” which we have compiled from several member countries' perspective with the selected and related questions to the region.

National Legislation on Production of Law Enforcement Equipment or Weapons in Asia Pacific

In general, most member countries of the alliance are allowed to produce weapons as long as the maker holds a valid license where this can be requested directly to the applicable department in the country, except for Nepal since it is strictly regulated in the 1962 Nepal Arms and Ammunitions Act. Specifically in terms of the production for the law enforcement itself – although it may be interpreted through different terms – almost every member country also has their own arms / defense industry to produce their own defense equipment and this has been regulated in their respective countries.

One of the examples can be taken from Indonesia's PT Pindad, a state-owned enterprise which specializes in military products. The production is regulated through Emergency Law of the Republic of Indonesia No. 12 of 1951 on Firearm as stipulated on the 1 September 1951 and legislated on 4 September 1951, Presidential Instruction No. 9 of 1976 on the Improving of Monitoring and Controlling of Fire Weapons, Presidential Decree No. 125 of 1999 on Explosive Weapons, and Law No. 16 of 2012 on Defense Industry. The mentioned laws have the same prescription to Philippines' Comprehensive Firearms and Ammunition Regulation Act 2013 - Act No. 10591 which stipulates the authority to manufacture and assemble firearms, license to deal in or sell the items, and the authority to import machinery, equipment, and firearm parts.

Other countries such as Malaysia, Thailand, Bangladesh, India, and Pakistan have similar situations to enhance their national security through self-manufacture.

Categories of “Prohibited Goods” under national legislation in Asia Pacific

Based on the data gathered through each countries' customs, prohibited goods are defined as things which are not allowed to go past the border of the respective countries — import or

export. From all of the customs, we infer that all of the offices mentioned the word “National security” and does not include concrete definitions of how it is defined as “Prohibited” and will endanger national security. By this, we also gathered different perspectives of the customs to define the goods as “Prohibited” since each and every one of them have different items to be considered as “Prohibited Goods”. Based on customs as well, there are none who have mentioned that the export or import may lead to a certain act of torture and other cruel, inhuman, or degrading treatment or punishment and when it comes to regulation of trading of goods, the contents of the trade agreements and scope of coverage, transparency remains an issue. The mentioned lists, updated year from the custom, as well as the sources can be found through the table below.

Table 1. List of Prohibited Goods and Updates from Each A3T Member Countries

Country	List of Prohibited Goods	Updated Year from the Custom	Source
Indonesia	Import: finished hand tools, sugar, ozone-depleting substances, certain drugs and foods, and hazardous and toxic materials, among others Export: scrap metal, cultural heritage goods, certain agricultural products, subsidized fertilizers, mining products, forestry, and certain agriculture products	2021	https://bit.ly/IndonesiaInIndonesiaProhibitionofCertainGoodsforImportandExport
Malaysia	Import: Reproduction of any currency note, Indecent Printings, Any device which intended to be prejudicial to the interest of Malaysia or unsuited with peace, Intoxicating liquors containing more than 3.46 milligrams per liter, Daggers and flick knives, poisonous chemicals, illicit drugs, and many more. Export: Turtle Eggs and Rattan from Peninsula of Malaysia	-	http://www.customs.gov.my/en/tp/Pages/tp_ie.aspx
Thailand	Narcotics, Pornographic Materials, counterfeit trademark goods and IPR infringing goods, fake notes or coins, reserved animals	2018	https://bit.ly/ThaiCustomsUpdated2018
Philippines	Used clothing, Toy Guns, Right-hand drive vehicles, Hazardous waste, even in transit into Philippine territory, Laundry and industrial detergents containing hard surfactants, Polychlorinated biphenyls (PCBs), Used motorcycle parts, except engine, Live piranha, shrimp, and prawns.	2022	https://www.trade.gov/knowledge-product/philippines-prohibited-restricted-imports
Pakistan	Arms and ammunition of prohibited bores, high explosives, radioactive substances, security printing, hazardous chemicals, currency and mint, and alcoholic beverages	2022	https://www.trade.gov/country-commercial-guides/pakistan-prohibited-restricted-imports

Bangladesh	Alcoholic beverages, Animal skins (non-domesticated), Articles of exceptional value, Dangerous goods/Hazardous materials, Firearms, Furs, Ivory and ivory products, Live animals, Money and negotiable items, Perishable goods, Personal effects, Plants, Pornographic materials, Seeds, Tobacco and tobacco products, Unaccompanied baggage, Watches exceeding the value of 500USD	-	https://www.ups.com/bd/en/help-center/shipping-support/prohibited-items.page
India	Narcotics, Pornographic materials, Counterfeit, Antiquities, Aero Models, Indian Coins, Maps and literature where Indian external boundaries have been shown incorrectly, wildlife products, chemicals mentioned in the Schedule 1 of the Chemical Weapons Convention of UN 1983, firearms and ammunitions, and many more.	-	https://www.immihelp.com/prohibited-restricted-goods-to-and-from-india/
Nepal	Products injurious to health, Arms, ammunition, and explosives, Communications equipment, Valuable metals and jewelry, Beef and beef products	2021	https://www.trade.gov/country-commercial-guides/nepal-prohibited-and-restricted-imports

Main Actors Who Cover Trade of Goods and Firearms in Asia Pacific

Generally, all from Asia Pacific within the A3T member countries rely on the ministry of trade and customs to control the prohibition of goods and other related activities which may come or go outside the country. But specifically to the goods needed by the law enforcements, this varies within Asia Pacific according to those who own the gun and weapon trade policy in each country. In Indonesia for example, PT Pindad is the only arms industry which is regulated through Law on Firearms year 1936 and all administrative procedures including where PT Pindad might import or export the firearms should be reported to the Ministry of Defence, where the ministry issues End-User Certificate in purchase orders. While this takes a different case to Malaysia, where the main actor lies on the Chief of Police implements Laws of Malaysia, Act 206, Arms Act 1960 regarding license to import and export firearms. Pakistan also assigns the Ministry of Defence as well as Ministry of Commerce are responsible for issuing of authorizations of all types of arms and ammunition.

Another different approach is taken from the Philippines and Thailand which puts the same ministry in charge. In the Philippines, the Department of Interior and Local Government (DILG) takes an important role for the mentioned event through the Comprehensive Firearms and Ammunition Regulation Act 2013 - Act No. 10591, and Thailand with its Ministry of Interior to implement the Firearms, Ammunition, Explosive Articles and Fireworks and Imitation of Firearms Act, B.E. 2490 (1947).



Other countries have different actors. For instance, India puts not only the Ministry of Defence to take care of issuing the firearm trade, but also to cooperate with the Ministry of External Affairs and Bangladesh assigns the Ministry of Law, Justice and Parliamentary Affairs for the mentioned activity.

Another important information to add is that all countries in the Asia Pacific region have the same main exporters, which are the United States, China, and Russia where the three are categorized as world's biggest small arms producers.

Trainings Provided by Relevant State Entities in the Use of Law Enforcement Equipment

In this question, the alliance has limited knowledge in terms of the training. But, so far, almost all national police in the Asia Pacific Region are provided with standard weapons training. To be specific, one of the examples which can be taken from Indonesia is where the Bolaang Mongondow Police (Resort Police from Northern Sulawesi) maximizes the activity to increase professionalism and prevent the misuse of weapons for members of the Indonesian National Police in carrying out their duties in dealing with any threats to public security and order.

Another example can be taken from the Philippines where not only several trainings were performed based on several levels of the public safety officer. Several of them are PSOAC or Public Safety Officer Advanced Course for majors up to lieutenant colonels, PSOBC or Public Safety Officer Basic Course for captains, PSJLC or Public Safety Junior Leadership Course for police master sergeants and police senior master sergeants, and the Pre-Service Training Course and In-Service for applicants to the rank of patrolman/patrolwoman.