***Maat for Peace’ Submission on “The nature, scope and regulation of the production and trade of law enforcement equipment and weapons and the relationship with torture and other cruel, inhuman or degrading treatment or punishment”***

**Maat for Peace, Development and Human Rights** presents these opinions and information to the Special Rapporteur on Combating Torture in response to the Special Rapporteur's request to stakeholders, including non-governmental organizations, for information on the production and trafficking of law enforcement equipment and its relationship to torture. Maat is guided, in this contribution, by the questions developed by the Special Rapporteur on Torture in the questionnaire on the Rapporteur's page on the Internet.

* **Does your country have national legislation, alternative regulatory, administrative, judicial or other measures that prohibit or regulate the production of certain law enforcement equipment or weapons or a system for classifying different types of production of law enforcement equipment and weapons?**

Naturally, there are national legislations and other measures regulating the production of specific weapons equipment for law enforcement forces in most United Nations member states. In Egypt, for example, Law No. 394 of 1954 and its amendments regarding weapons and ammunition and its amendments until November 2022 regulate the manufacturing and production of law enforcement equipment, including Firearms.[[1]](#footnote-1)

Part Two of the law regulates the process of manufacturing or producing weapons. Article 13 bis of the law states that “it is not permissible to authorize the establishment of weapons and ammunition factories except after obtaining the approval of the Ministry of Defense and the Ministry of Municipal and Rural Affairs. According to Article 15, the applicant for a license to produce weapons is required to pass a test which conditions are developed by the Minister of the Interior.[[2]](#footnote-2) Article 32 of the law also grants judicial control officers the right to access places where arms and ammunition are manufactured, repaired or traded in, to examine logs and verify the implementation of this law and to conduct the necessary investigations with regard to the sale of weapons.

This means tightening procedures for the production of weapons and law enforcement equipment.[[3]](#footnote-3) Egypt also expressed its commitment to Resolution No. 472 of 2020 of the African Commission on Human and Peoples’ Rights banning the use, production, export and trade of tools used in torture.[[4]](#footnote-4) Maat also noted Egypt's commitment to the Robben Island guidelines, especially Guideline No. 14 prohibiting the production of equipment or materials designed to practice torture or ill-treatment.[[5]](#footnote-5)

In a related context and among other measures to ban the regulation of equipment and trade tools used in torture in Egypt, the website of the Egypt Conference and Exhibition on Cybersecurity and Information Intelligence Systems, which will be held from 16 to 18 May 2023, stated that it is prohibited to promote these tools that have practical uses in the practice of torture. During the exhibition hosted by the Ministry of Defense's Egypt Exhibition for Conferences, this prohibition includes all forms of promotion, including the distribution of pamphlets or other promotional materials that are used in torture or execution or are dual-use.

Among the measures set by the exhibition is the expulsion of the company if it is noticed promoting any type of prohibited goods from the exhibition. The exhibition also stated that neither the exhibitor nor the company will have the right to any claim for compensation from the organizers or any refund of the participation fees. Among the goods that will be banned during the fair are goods designed to kill people; goods banned by the European Union for practical use in torture; chains and shackles designed to bind people; riot control devices, self-protective devices and electric shock devices; Maat also noted that this list does not include the regular handcuffs that are used to restrain people who are subjected to imprisonment.

* **How are “Prohibited Goods” defined and classified under national legislation (or alternative regulatory, administrative, judicial or other measures)?**

Maat notes that the goods prohibited by national legislation are defined according to their harmful uses in Egypt. For example, the executive regulations of the Import and Export Law of 1975 and its amendments include an appendix with a list of goods whose import is prohibited. This regulation also includes another appendix for imports that require quality control. With regard to the mechanisms for updating these commodities, they are often based on ministerial decisions issued by the relevant ministries, such as the Ministry of Commerce and Industry. With regard to firearms and law enforcement equipment, the regulation attributes approval of weapons to the Ministry of Interior.[[6]](#footnote-6)

In a similar context, and by looking at the list of definitions of the Egypt Conference and Exhibition for Cybersecurity and Information Intelligence Systems, we find that it defined the list of prohibited tools that came in the questionnaire drawn up by the rapporteur, including definitions of iron legs, gang chains, shackles designed to restrain humans, electric shock belts and riot control devices.[[7]](#footnote-7) These definitions took into account the dimensions of each tool or product of these products and commodities that may have a use in torture or the execution of people. Some definitions of these products also included a description of the use of this product.[[8]](#footnote-8) It is necessary for the Special Rapporteur to look at these regulations that are set by conferences and exhibitions. Weapons and law enforcement equipment is a good practice and could invite Member States and companies to follow the procedures applied at such exhibitions.

* **Please provide details of the major producers, suppliers and exporters of law enforcement equipment and weapons for the period from 2018 to 2022**

According to the available data, we find that the United States, the Russian Federation and the countries of the European Union are among the countries that are active in exporting law enforcement equipment and weapons, including guns and firearms. The United States, for example, exported 871,000 pieces of law enforcement forces in just two years, with 554,000 pieces in 2018 and about 317 thousand pieces of law enforcement forces in 2019, according to the data in the annual statistical update of firearms in the United States American.[[9]](#footnote-9) It is estimated that the United States legally exports an average of 298 thousand firearms and law enforcement forces each year[[10]](#footnote-10) and although these weapons leave the United States legally, once they cross the border, they fall into the hands of some armed groups, which means that control over the final destination of this equipment is very limited, which leads to cruel treatment and extrajudicial killings. According to the information available, a crime with an American weapon is committed once every half hour in 15 countries neighboring the United States, whether in North America, Central America, and the Caribbean.[[11]](#footnote-11) With regard to the Russian Federation, experts estimate that between 5 and 15 percent of total exports of weapons and law enforcement equipment that may be used in torture come from the Russian Federation.[[12]](#footnote-12) Klimovsk Specialized Ammunition Plant is one of the largest companies specializing in the production of this type of equipment, especially batons and the cartridges that are used in rifles and firearms, some of which are being used to disperse demonstrations, especially in Belarus.[[13]](#footnote-13)

In a similar context, European Union countries, through some companies, are also still exporting equipment and tools that may have a practical use in torture practices. In April 2021, Maat reviewed a statement by the Council of Europe in which it called on European Union member states to ban trade in tools used in torture and the execution of the death penalty. Despite the recommendation of the Council of Europe calling for banning trade in these equipment and tools, and the anti-torture regulations that include a list of these goods that are prohibited from being traded by the European Union countries are still based in the Netherlands and have headquarters in France and Belgium used in torture practices. According to the Organized Crime and Corruption Reporting Project, some equipment and goods that have a practical use in the practice of torture can be produced, promoted or marketed in member states of the Council of Europe, including at European trade fairs or on the websites of European companies and companies located in Europe.[[14]](#footnote-14)

As Maat sees, there are some loopholes in the system of exporting dual-use goods, that is, which can have commercial uses, but at the same time may be used for ill-treatment and torture in the Netherlands. For example, the system of exporting dual-use goods is excluded from the examination and control process in some cases. European countries, such as the Netherlands, the United Kingdom, and Norway, and other non-European countries such as the United States, Australia, New Zealand, and Canada.[[15]](#footnote-15) It is worth noting that a significant number of European countries are still not members of the Alliance for Torture-Free Trade.

* **In the past five years, have some governments refused to export certain goods that could be used for torture and the execution of the death penalty?**

In answering this question, Maat refers to the ban on exporting commodities, goods and equipment that may have a practical use in torture and other cruel and degrading treatment in addition to carrying out the death penalty, which was carried out by the countries of the European Union towards the Russian Federation in the wake of the war on Ukraine in February 2022. For example, the list of sanctions initiated by the European Union on October 22, 2022, against Russia included a ban on the export of small arms and other goods stipulated in the EU Torture Regulations.[[16]](#footnote-16) This list includes most of the goods included in the questionnaire drawn up by the Special Rapporteur and among these goods, electric shock devices, and handcuffs,[[17]](#footnote-17) were intended for fear of Russia using these goods to practice torture or carry out the death penalty, whether in Ukraine or on Russian soil.

In a similar context, and among other practices that Maat reviewed, Taiwan, which is not a member state of the United Nations, banned the export of goods that may be used for torture purposes on January 4, 2023, both the Russian Federation and Belarus.[[18]](#footnote-18) The extensive list, which was published by Taiwan's Foreign Trade Office, includes some equipment that may be used in the practice of torture, such as 'finger cuffs' and spiked batons, and many explosive and chemical materials, such as smoke bombs or tear gas.[[19]](#footnote-19)

* **Are law enforcement goods subject to a human rights-based risk assessment procedure? As part of this procedure, is there an assessment of the risk that the goods to be exported will be used for possible acts of torture or other cruel, inhuman or degrading treatment or punishment?**

Maat noted that in most countries that export law enforcement equipment to the Islamic Republic of Iran, including South Korea, Turkey and the Russian Federation, any human rights-based assessment is neglected before exporting such equipment. According to media reports and reports of human rights organizations, Iranian security forces used a wide range of riot control equipment and military equipment to end the widespread protests that swept Iran after the killing of the girl, Mahsa Amini, and this equipment included armored vehicles that collided with demonstrators, rifles and firearms, and riot rifles used to launch tear gas and stun grenades, as law enforcement forces used Electric shock devices, batons and other tools used in torture to extract confessions from demonstrators.[[20]](#footnote-20)

In a related context, the pictures that Maat examined also showed military vehicles carrying heavy water cannons that may resemble TITAN 6X4/6X6 vehicles manufactured by Jino Motors in the Republic of Korea. Jino Motors was established in 2002 as a subsidiary of Jino Corporation, a company specializing in the production of police equipment.

Reports also suggested that the Iranian security forces used in the recent demonstrations an "Escort MPA-TS" weapon manufactured by the Turkish company Hati San. It is a weapon made specifically for law enforcement forces, as the pictures of the weapons on the company's website match the armament of some security forces in Iran.[[21]](#footnote-21) Reports indicate that Turkey is one of the largest exporters of law enforcement forces to Iran, and it seems that there is neglect or restrictions for the export of these goods that may be used to suppress demonstrators in the Islamic Republic of Iran.

In a related context, pictures examined by Maat of police officers, the Revolutionary Guards, and the Basij forces show that these forces repeatedly used Kalashnikov assault rifles in different parts of Iran by the three previous devices[[22]](#footnote-22). Iranian security forces outside the scope of the law killed about 516 people since the beginning of the protests on September 17, 2022 until January 2023, including 70 children. The Iranian security forces, using this equipment, also deliberately fired live bullets at the eyes and heads of the demonstrators, and more than that, they allocated 500,000 tomans for the Revolutionary Guards who hit the eyes of the demonstrators.

* **What training do relevant government entities provide to domestic and/or foreign military, security, or police personnel?**

Maat noted some joint governmental exercises conducted by some countries to unify the interrogation methodology of the police forces. In this context, we refer to the TRAIN LAW project, which consists of a partnership between Israel and the European Union and aims to unify the interrogation methodology between the Israeli police forces and the European Union. The training is concerned about the normalization of arbitrary practices used by the Israeli police in the European Union countries, especially since the Israeli occupation forces are known for their inhumane practices during the interrogation of Palestinians, especially the use of coercion to extract confessions, ill-treatment, and cruel and degrading treatment that amounts to torture.[[23]](#footnote-23)

It should be noted that this training involved the Israeli Ministry of Public Safety - the body responsible, among others, for the Israeli police and the prison system, both of which have been consistently condemned by human rights organizations including Maat and the United Nations for using various forms of racism, torture and ill-treatment and other forms of human rights violations during interrogation[[24]](#footnote-24). Maat believes that such training deepens the consolidation of practices that may amount to torture and gives legitimacy to these practices, especially what prevents the application of the principles and provisions of international law, including international human rights law and the principles and provisions of the basic human rights conventions.

**Recommendations**

* The need for the Special Rapporteur to put pressure on Member States to increase access to data on the international trade in arms and law enforcement equipment;
* The need for the Special Rapporteur to pressure states to join the Alliance for Torture-Free Trade;
* The need for European Union countries to comply with the Anti-Torture Regulations as one of the main tools for banning trade in goods used in torture;
* The rapporteur should press for the prohibition of the promotion of tools used in torture and equipment of law enforcement forces in exhibitions organized by governments and some private and government companies;
* The need to address the gaps in the export regime in some European countries, which grant some countries exemptions from export control of some goods that may have a practical use in the practice of torture.
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