



PARLIAMENTARY FORUM
ON SMALL ARMS AND LIGHT WEAPONS

Policy Statement on Less Lethal Weapons

Board of the Parliamentary Forum on Small Arms and Light Weapons,
meeting in Nicosia, Cyprus, February 20, 2011

There is growing concern for disproportionate use of force, torture, health effects, proliferation and criminal use with less lethal weapons. They may impact on treaties that restrain chemical and biological weapons. The need for restricting and controlling the use of less lethal weapons is therefore necessary.

During the 1990s and early 2000s interest in various forms of less lethal weapons, for use by military and police, rose. Part of the growing interest was that the use of some less lethal weapons may be legal or accepted under international law in situations where weapons such as aerosol sprays or gases defined as chemical are not.

The development and use of less lethal weapons - also commonly called non-lethal weapons - for purposes of domestic policing and security as well as for combat has increased in recent years. They are often used in peacekeeping and in the aftermath of violent conflict, but the use by police force are increasing as well.

Compared to conventional weapons, less lethal weapons are intended less likely to kill a living target. They are designed as to incapacitate human beings or material, while minimizing fatalities, permanent injury to human beings, and undesired damage to property and the environment. Less lethal weapons are also intended to have relatively reversible effects on human beings or material, and/or affect objects differently within their area of influence.

All less lethal weapons can however be lethal if they are used indiscriminately and without proportionate use of force, which is why the name non-lethal weapons are under criticism. The level of Injury that may occur, also depends on the technology of the weapon, how it is used, and who it is used against.

The main concerns with less lethal weapons are that they can easily be misused by police and military. The threshold for violence might decrease if these weapons are used in situations where weapons are unnecessary. Private use of less lethal weapons can also instigate more violence and facilitate criminal activity.

Within the category of less lethal weapons falls: Rubber bullets, Tear gas, Conducted energy devices (CED), Fentanyl, Water cannons, Scent-based weapons, Infrasound, Dazzling lasers and Pepper spray.

Rubber bullets are supposed to cause pain without giving any lethal injury. They can however lead to bone fracture, major injury to internal organs and even death.

Tasers are the most common conducted energy device. They work by delivering a high voltage, low current, electrical charge designed to disrupt the central nervous system and cause uncontrolled muscle contractions, temporarily incapacitating the subject. During the past ten years numerous cases of severe injuries have occurred and hundreds of people are reported to have died after being struck by police tasers.

Tear gas and pepper spray are chemical weapons and have come under increasing scrutiny and criticism due to studies showing serious long term side effects. These two chemical weapons are often used as Riot Control Agents (RCA). The “Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction” has banned pepper spray and tear gas in warfare.

Technological advances in the field of less lethal weapons may conflict with and present some difficult challenges for the prohibitions in the “Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction” (CWC) and the “Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction” (BWC).

Some countries in the Middle Eastern region have been using tear gas and rubber bullets against people demonstrating. Casualties have occurred, mainly due to tear gas. In connection with a hostage situation in 2002 that occurred in Europe-Asia at least 125, or approximately 15 per cent, of the hostages was killed. This was due to the fact that the authorities used an incapacitating gas, related to fentanyl. These two examples show that less lethal weapons can be incredibly lethal if used inappropriately.

Most of today’s mass-produced less lethal technologies are developed by private companies with support from government funds. These weapons are becoming more aggressively marketed and private companies offers “personal protection” devices. Though they may be used as self-protection, they are also commonly used in criminal activity. Wide availability of electrical stun weapons combined with their suitability for crimes such as robbery, assault and abuse has led to increasing criminal use.

Riot Control Agents are intended to be safe when used according to the manufacturer's specifications, but their potential widespread use raises concerns about possible health and safety problems. These less lethal weapons are also often being used incorrectly and against non-violent protestors.

By having access to less lethal weapons, police and military are more likely to use them at times when they would otherwise refrain from use of weapons. Using a taser or tear gas against an unarmed protestor is becoming more common. Less lethal weapons can therefore instigate more violence, simply by lowering the threshold for use of force.

There have been reports of use of less lethal weapons, such as rubber bullets, instigating violence at otherwise non-violent assemblies. Other criticism that has been raised is that even though tasers are less injurious than firearms, the majority of people who have died after being struck by tasers have been unarmed.

A Polish man was tasered to death in Vancouver International Airport by police officers in 2007. The man was unarmed and wearing handcuffs. The episode led to great criticism of less lethal weapons and shows that it can open up to torture.

There have further been reports of less lethal weapons being abused by i.e. police and military for torture. The excessive use of these weapons is paving the way for a growing critique against less lethal weapons.

In many European countries less lethal weapons such as pepper spray and tasers are illegal for civil society, however the use by police officers are increasing. Countries where some of these weapons are legal for civil society are i.e. India, Germany, Russia, the USA and South Korea.

Amnesty International acknowledges the importance of developing non-lethal or less lethal force options to decrease the risk of death or injury inherent in police use of firearms or other impact weapons such as batons. These non-lethal weapons should however be carefully evaluated and their use strictly controlled.

There is need for additional research to establish the biological and toxicological effects of RCA:s. This is especially important in the use of RCA:s in law enforcement activities where they are often misused deliberately or through ignorance.

Objectives

The Board of the Parliamentary Forum of Small Arms and Light Weapons, meeting in Nicosia, Cyprus, on February 20, 2011;

Encourages the Members of the Forum and fellow Parliamentarians to increase financial capacity to educate police and military in handling less lethal weapons.

Proposes that further research on health effects and casualties involving less lethal weapons be conducted for a better understanding of the issue.

Recommends the States to implement strict control and harder regulations for military and police use of less lethal weapons in order to prevent casualties, excessive use and torture.

Urges further scrutiny and evaluation on the issue with the intention that existing treaties on chemical and biological weapons will not be compromised.

Recognizes the need to limit the proliferation and use of less lethal weapons for civil society, especially with regard to the increasing criminal activity these weapons are used for.

Mandates the Secretariat of the Forum to follow up on the development regarding less lethal weapons and their effects and report back to the Members of the Forum.