

## 3: CHEMICAL CONTROL

### Tear gas

In July 1997, Zambian police used tear gas to break up a peaceful protest march to Lusaka city centre. A large number of demonstrators, many of them women with small children, sought refuge in a building used by the United National Independence Party (UNIP). Police laid siege to the building for about 12 hours. Then, without warning, they shot tear gas canisters into the building to force people onto the street where police officers beat them with batons. Rabbison Chongo, a UNIP official, recalled:

***"I've never seen so much tear gas... you couldn't see down the hall five feet in front of you. So much that you can't get air in the lungs, you can't breathe."***

Another person in the building that day, Melania Chipungu, said she did not know what was worse, suffocation because of the tear gas inside or the beating by police outside:

***"The smoke in this office was terrible. I tried to wash my face. I wanted to go upstairs to the first floor. I couldn't see in front of me... I couldn't see because it was like chilli in my eyes. I was following the wall to go out and up the stairs. Then someone was pulling me out. A hand was pulling me out. It was the police. They started beating me. Three policemen, they hit me with batons, wooden batons: a club with a handle on the side. They tore my skirt and threw me in a van. What I saw when I looked out was guns. The police were going in with guns. They opened the door [to the building] and would shoot tear gas, then they closed the door again."***

UNIP official Melian Sebente Akuffo telephoned the police authorities to plead with them to stop throwing tear gas into the building. She later told AI that the police had responded, "we'll tear gas them until they die — and those who come out of the building, we will break their necks."

A tear gas grenade used in this attack was found in the UNIP building and given to AI and Human Rights Watch researchers. It

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A tear gas grenade found in the UNIP offices, Zambia, 1997. Made in Britain

had been manufactured by a UK firm, Pains-Wessex, a subsidiary of Chemring plc. AI called on the UK government to suspend the export of tear gas weaponry to Zambia. However, on 21 July 2000, the UK government published its annual report on arms exports. The report showed that in 1999 the UK government had granted licences for the export of CS grenades and tear gas/irritant ammunition to Zambia. AI is continuing to press for the suspension of such transfers to Zambia until the Zambian police are made properly accountable and trained in the use of tear gas. AI is also trying to find out which company is responsible for exporting this equipment.

Police and security forces now have a whole array of weapons at their disposal which are promoted on the grounds that

they provide effective control without the risk of loss of life. The companies involved in manufacturing and trading these devices claim that they are a humane alternative to lethal force.

However, there is abundant evidence that some "less-than-lethal" weapons have been misused, resulting in serious injury, even death. As with the other types of equipment and expertise described in this report, the controls on making, trading and using chemical sprays are often woeful. There is an urgent need for clear guidelines on how these weapons should be used. These must be enforced through proper monitoring mechanisms. The forces which use them must receive adequate training. And for some of the newer developments in this area, there needs to be an independent assessment of whether they really do provide a "humane" alternative.

Much of this equipment — for example chemical sprays and tear gas — is designed for use in controlling crowds. Many of the examples of its misuse, therefore, have involved attempts by the security forces to break up demonstrations. Some of these were peaceful political protests where the authorities' wish to

suppress dissent translated into the excessive use of force by the security forces. In other instances, chemicals have been fired into confined spaces, contrary to the manufacturer's instructions, putting the occupants at risk. There have also been many reports of excessive use of force where chemical sprays and tear gas were directly sprayed onto individuals in the street or used against individual prisoners, sometimes with fatal consequences.

In 1999 a report by the UK Police Complaints Authority revealed that in 40 per cent of the 135 cases reviewed, CS gas had not been used in self-defence, that is, contrary to guidelines. In 14 per cent of cases CS gas had been used on people already physically restrained by police officers; in four per cent of cases the person had already been handcuffed. In addition, it was revealed that 75 per cent of police forces in the UK had drawn up their own "additional" guidelines and it was not at all clear whether these fell within the national guidelines. Surveys conducted in the UK on the effects of CS gas also raise serious concerns. One UK survey has shown that out of a sample of 34 people sprayed, only two recovered within the usual recovery period, while half were still suffering from symptoms more than a week later.

In May 1993 Hungarian police investigating a car theft raided a Romani community in Béke utca in Orkény, about 50 kilometres south of Budapest. Lakatos Lászlóné, a 55-year-old woman, fainted and was taken to hospital after an officer beat her, ripped off her tracheotomy tube and sprayed tear gas in her face. Fehér Péterné, who was five months pregnant, tried to protect Lakatos Lászlóné as she lay unconscious. She too was beaten and sprayed with tear gas. She later required medical treatment for her injuries. No action is known to have been taken against the police officers responsible.<sup>21</sup>

In Bolivia the indiscriminate use of tear gas by members of the *Unidad Móvil de Patrullaje Rural* (UMOPAR), Mobile Rural Patrol Unit, and the army to disperse mass demonstrations and strikes in El Chapare region between April and June 1998 left four people dead as a result of tear gas inhalation. Among the dead was Raul Diaz Camacho, a 16-month-old boy. At least five children were severely affected when tear gas canisters were

thrown into the crowds in the towns of Villa Tunari and Los Yungas. A 10-year-old boy and a 17-year-old girl sustained head and facial injuries caused by the impact of tear gas canisters. In the town of Shinahota, several children were affected when gas canisters were thrown into the local school.

In his 2000 report the UN Special Rapporteur on torture detailed the misuse of tear gas in the Colina I high security prison in Chile on 5 February 1999. The cells in block J were opened and the prisoners were woken with tear gas, handcuffed and subjected to death threats. They were dragged from their cells and members of the Special Prison Anti-Riot Brigade formed a corridor through which prisoners were made to walk while being kicked, punched and beaten with sticks. Outside in the courtyard, the prisoners were forced to drop to the ground in the foetal position; they were again sprayed with tear gas and subjected to more beatings.

## Pepper spray

New "non-lethal" or "less-than-lethal" weapons are continually being developed and put on the market even though adequate measures against potential abuse have not been put in place. Many such weapons have not been independently assessed and some arguably remain inherently open to misuse. International standards encourage the development of such non-lethal incapacitating weapons, in order to reduce the risk of death or injury. However, the standards also state that these should be "carefully evaluated" and that "the use of such weapons should be carefully controlled".<sup>22</sup>

Oleoresin Capsicum (OC) or pepper spray contains an inflammatory agent derived from cayenne peppers. Pepper spray inflames the mucous membranes, making the eyes close and causing coughing, gagging, shortness of breath and an acute burning sensation on the skin and inside the nose and mouth. Although the spray has been promoted as a safer and more effective alternative to the chemical mace and to impact or kinetic weapons such as rubber or plastic bullets, there is mounting concern about its health risks. Since the early 1990s, more than 60 people in the USA alone are reported to have died in police custody after being exposed to pepper spray. While

most of the deaths have been attributed to other causes, such as drug intoxication or positional asphyxia, pepper spray may have been a contributing factor in some cases.

***"It's hard to imagine the terror someone feels who is buckled into a restraint chair after being pepper-sprayed... you wouldn't do that to a dog."***

These are the words of Richard Haskell, a lawyer representing the family of James Arthur Livingstone who died while secured in a restraint chair in Tarrant County Jail, Texas, USA, in July 1999. On the night of his death James Livingstone, who suffered from schizophrenia, had a psychotic episode and ran to the police for protection. Eight hours later he was dead.<sup>23</sup> The death was recorded as natural, caused by bronchial pneumonia. However, the family believe this is not the whole truth. They allege that James Livingstone had pepper spray squirted into his face before being put in a restraint chair. He was prevented from washing the pepper spray out of his eyes, immobilized and then left alone in a room. He died within 20 minutes.

During protests in Seattle in November 1999, the security forces for the first time used the pepperball — a development of the pepper spray technology. This is a gas projectile weapon which fires hard plastic spheres which release a pepper powder irritant. The plastic projectiles hit the victims at the same time dispersing pepper powder that burns the eyes and skin. The weapon is apparently capable of delivering 12 rounds per second.

The pepperball is manufactured by Jaycor Tactical Systems, a subsidiary of Jaymark Inc. based in San Diego, USA. The company is on record as saying that it hoped the pepperball would soon be used by police forces across the USA and said interest was strong in Indonesia and a number of countries in South America and elsewhere. The company said it had been developed over the last four years and it was being bought or tried out by scores of US agencies including the military, prisons and law enforcement authorities. A company spokesperson claimed that: "people walk away from incidents where they use pepperball. Nobody is dead. Nobody has broken bones. All they have is a little bit of a bruise if they were hit, or an irritant powder that is nothing more than food." However, to AI's

knowledge no impartial scientific studies on the effects of this weapon have been carried out.

National controls on the manufacture and use of chemical sprays and tear gas are a vital part of preventing their misuse. However, without stringent international controls on the transfer of this equipment, abusers will continue to find suppliers and their victims will pay the price.

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Kenyan police storming the All Saints Anglican Cathedral in Nairobi, 1997. Police used tear gas and plastic bullets manufactured in the UK against peaceful demonstrators who had sought refuge in the Cathedral.

In July 1997 Kenyan paramilitary police stormed the All Saints Anglican Cathedral in Nairobi. Pro-reform activists had taken refuge there after police violently dispersed their peaceful protest. Police threw tear gas canisters into the building and then moved in wielding truncheons. Many people were injured, some seriously. AI obtained some of the

tear gas canisters and plastic bullets used and traced them back to manufacturers in the UK. This triggered a campaign by AI members to put pressure on the UK government and the companies concerned to stop their trade in equipment used in repression. Subsequently the UK government declared that it had rejected £1.5 million of licence applications for riot control equipment – including batons and tear gas – to Kenyan police because of human rights concerns.



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In June 1999, 2,000 peaceful demonstrators calling for democratic change in Kenya were charged by police on horseback. Police beat the protesters, fired tear gas at them and used water-cannon to fire a mixture of water and tear gas, reportedly mixed with an irritant and a dye, directly into crowds who had nowhere to run. The manufacturer of the tear gas this time was a French-based company. The absence of proper EU-wide regulation and control had allowed the Kenyan authorities to find alternative sources for equipment which they could use to violate human rights.

Tear gas canisters used against peaceful demonstrators in Nairobi, Kenya, June 1999. Made in France.



*(Above)* Electro-shock and chemical spray equipment on display at an arms fair in Russia, 1998.

*(Below)* Electro-shock and tear gas weapons on display at an arms fair in South Africa, 1998.

