Contemporary development, promotion and use of remote control riot control agent delivery mechanisms: challenges of effective state control

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Introduction

Riot Control Agents (RCAs) are toxic chemicals designed to deter or disable an individual by producing temporary irritation of the eyes and upper respiratory tract. Include CN or CS (commonly called tear gas) and OC and PAVA (commonly called pepper spray).

Chemical Weapons Convention (CWC)

• Prohibits use as a "method of warfare"
• Permits use for "law enforcement including domestic riot control" providing they are used in "types and quantities" consistent with such purposes.

International human rights law and standards

• Any RCAs and associated means of delivery used should be compatible with relevant international human rights law and standards.
• Relevant standards include: the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials.

However

• Ambiguity surrounding the nature and specification of RCA means of delivery that are prohibited under the CWC and/or are in breach of human rights.
• Of particular concern is the regulation of remote control RCA means of delivery

The consequences of inadequate regulation includes:

• Proliferation to and misuse by non-state actors
• Employment in armed conflict
• Dissemination of weaponized toxic chemicals
• Employment of inappropriate RCA means of delivery in law enforcement
• Misuse to facilitate large scale human rights abuses
• Facilitate development and proliferation of autonomous weapons systems

Contemporary delivery mechanisms

Indoor RCA dispersion devices

• Used in prisons, correctional centres or other places of detention.
• Devices are often used in confined spaces or poorly ventilated rooms or used in situations where the targets cannot leave the contaminated area rapidly. The risk of build-up of toxic chemicals can potentially lead to serious injury or death by asphyxiation or chemical poisoning.

Product example:
TG Guard Security Protection System (United States)

• A fixed installation RCA dispersion device designed for use in enclosed spaces, notably prisons.
• Delivers "a powerful tear gas deterrent agent in powdered form".
• Uses dispensers installed in ceilings or elevated fixtures.

External area clearing or area denial devices

• Used to clear or ensure denial of specific outdoor areas.
• Some products appear to be intended for use primarily by military or security forces.

Product example:
Sphere area protection system

• According to the manufacturers it combines "detection and reaction capabilities for area protection" of “camp, compound, FOB [forward operating bases], critical infrastructure, etc.”
• The modular system incorporates a wireless remote control & command function which can receive information from infra-red barrier sensors, remote snapshot cameras and seismic acoustic systems. The command & control system can then activate a variety of "less lethal" (including RCA) delivery mechanisms against those breaching the area perimeter.

Automatic and Multi-Barrel Launchers

• Automatic grenade launchers that can fire large numbers of RCA projectiles from a single barrel or multi-barrel launchers that can fire large salvoes of projectiles
• Both types of launchers enable users to fire large numbers of RCA projectiles indiscriminately at a substantial number of people

Product example:
Vehicle Mounted 38mm and 64mm Automatic Grenade Launchers

• Can be remotely controlled by an operator inside the vehicle and capable of firing tear gas grenades.
• Product information states that those two weapon systems are designed to “cope with [large-scale] mass events quickly and effectively”.

38mm and 40mm Iron Fist

• Product information states: less lethal 38mm weapon system with up to 36 Barrels .. [intended] to rapidly deploy a blanket of less lethal munitions into, or over, a hostile crowd.”
• Designed to be vehicle mounted or mounted on a remote control station.

A tipping point for proliferation and (mis)use?

No documentation of widespread deployment of "remote control" RCA means of delivery

• However, there are media reports that certain military, security, police forces or correctional services have sought to develop or acquire a range of RCA delivery mechanisms.

• Countries include: China, India, Israel, South Africa, Turkey the United Arab Emirates and the United States.

• Example: Palestinian protests, March 2018 – indication of use and misuse

• The Israeli security forces responded to the great march of return protests in Gaza with the standard hand thrown and weapon launched tear gas projectiles and grenades.
• They also used purpose built and adapted drones to deliver RCAs on to the protestors, and in some cases were reportedly misused against peaceful protesters, bystanders and journalists.

Recommendations

Recommendation for the Organisation for the Prohibition of Chemical Weapons (OPCW)

• Conduct a review of the existing constraints, under relevant international law, on the use of RCA means of delivery in law enforcement.
• Develop a process for determining which RCA means of delivery are prohibited under the Convention.

Recommendations for States deriving from human rights law and standards

• Ensure effective national assessment of new weapons (including RCA means of delivery) to be employed in law enforcement; undertake subsequent monitoring and regulation of their trade and use.

• Establish an international expert group to examine application of international human rights law to "less lethal" weapons.