



PMSC Bulletin

Issue number 6 – 30 Apr 2014

Private Military & Security Companies and their impacts on human rights: Recent developments

The items included below are from October 2013 to April 2014.

In the last six months we have seen some new trends and the continuation of older ones; these are reflected in the items included in this bulletin.

In relation to reported negative human rights impacts by PMSCs, some continue to occur in areas of conflict or weak governance such as Afghanistan, Iraq and Somalia, but we have seen a rising of reports alleging abuses in other regions, especially in South America. For instance, in Brazil the security firm Gaspem was allegedly involved in violence against indigenous people, and in Honduras security firms were reportedly involved in the alleged killing, kidnapping and forced evictions of farmers. It is concerning to see various reports of abuses by PMSCs that provide services to detention centres, mainly catering to immigrants or asylum seekers: In Papua New Guinea, G4S allegedly used excessive force in suppressing a riot at an immigration detention centre; in the UK, Serco guards were investigated after allegations of inappropriate sexual behaviour at an immigration removal centre. Recent reports restate concerns about the UN use of PMSCs allegedly involved in abuses.

We sought responses from eight security companies to reports alleging human rights abuses; in seven cases the companies sent us a response.

Developments on PMSCs' legal accountability happened not just through lawsuits, but also via non-judicial mechanisms, such as the OECD complaints system. For example, a complaint was submitted to the OECD National Contact Point in Spain to investigate alleged abuses of freedom of association by Prosegur in South America.

At the international level, the oversight mechanism of the Intl. Code of Conduct for Private Security Service Providers ("ICoC Association") continued its development; Norway is a new government member and more security companies – standing currently at 157 - have joined the ICoC Association. The Voluntary Principles on Security and Human Rights have seen renewed attention with the US Govt. and the UN Working Group on business and human rights encouraging more countries to join the initiative. The UN Working Group on the use of mercenaries continues to focus on the use of PMSCs by the UN itself and called for a legally binding agreement to regulate the industry.

1. Key alleged abuses by PMSCs & concerns

- **Afghanistan:** Aljazeera Fault Lines investigates [allegations of human trafficking of Indian & Nepalese migrants to work at US military bases; says they are "victims of labor traffickers who profit from military contracts"](#).

- **Brazil:** Court orders closure of security company **Gaspem** amid allegations of involvement in [violence against Guarani-Kaiowá indigenous peoples](#) & death of 2 leaders (*article in Portuguese only*). Survival Intl. says video shows private security guards hired by ranchers [shooting & injuring Guarani indigenous peoples](#) returning to their ancestral land.
- **Brazil:** Correctional officers union points to outsourcing security as cause of [abuses in Maranhão prison system](#) (*article in Portuguese only*).
- **Honduras:** A Human Rights Watch report on violence in Bajo Aguan zone says [private security firms, including Orion, and agro-industrial firm Dinant were involved in human rights abuses](#), including the alleged killing, kidnapping and forced eviction of farmers (*report also in Spanish*). We compiled a [special page](#) on the Compliance Advisor Ombudsman's audit criticising the World Bank's investment in Dinant. The page includes a statement by Dinant.
- **Israel & Palestine:** [OECD to examine G4S' alleged supply of surveillance kit](#) to Israeli security services at checkpoints in Palestine. We invited G4S to respond; G4S said that "due to the nature of the situation, it is unable to go into detail at this time" and referred us to its [statement of April 2012 about its operations in the West Bank](#).
- **Papua New Guinea:** 1 detainee dead & 77 injured after **G4S** guards allegedly [used violence to suppress a riot at an immigration detention centre](#). G4S lost Australian Govt. contract for offshore asylum seekers detention centre after [investigation found deficient safety arrangements](#). Articles include G4S statements.
- **Taiwan:** Local residents protest against InfraVest wind turbine project in Taiwan alleging [construction workers & Hi Tan Security guards used violence](#) against them (*articles also in Chinese*). We invited InfraVest & Hi Tan Security to respond; Hi Tan Security [response provided](#).
- **Trinidad & Tobago:** **Amalgamated** security guard detained for allegedly [shooting & injuring customer at KFC outlet](#).
- **UK:** [G4S & Serco fail to provide adequate housing for asylum seekers](#), says govt. watchdog; includes companies' comments.
- **UK:** 3 **Serco** guards dismissed while police investigates allegations of [inappropriate sexual behaviour at Yarl's Wood immigration removal centre](#). We invited Serco to respond; it declined to do so.
- **USA:** UN Human Rights Committee report criticises US Govt. over privacy impacts of surveillance programme & [failure to prosecute private contractors for torture](#).
- Intl. Committee of the Red Cross concerned about continued reports of ["excessive uses of force by private contractors"](#) in conflict zones including **Afghanistan, Iraq & Somalia**.
- [Global Policy Forum report](#) criticises UN use of PMSCs allegedly involved in human rights abuses. We invited **Askar Security, Delta Protection & G4S** to respond; responses provided.

2. Lawsuits & complaints against PMSCs

- **Colombia:** Spanish security company [Prosegur criminally charged for allegedly threatening & offering money to workers to give up union rights](#) (*article in Spanish only*).

- **UK:** [G4S employees charged with manslaughter](#) after Crown Prosecution reviewed evidence in case of man who died during forced deportation. G4S itself not prosecuted.
- **USA:** Appeals court allows [sexual harassment lawsuit to proceed](#); says US Security Associates' policy that lawsuits should be filed within 6 months is contrary to California law.
- **USA:** [Female security guard sues UPS manager over alleged sexual harassment](#); includes company statement.
- **USA & Iraq:** In January 2014, a US District judge [reversed a previous ruling and held](#) that the families of Nepali labourers, who were killed in Iraq in 2004, could not pursue human trafficking claims against **KBR** under the Trafficking Victims Protection Reauthorization Act. Scholars disagreed with the interpretation of Kiobel decision in this ruling. See our [case profile on the KBR lawsuit](#).
- **USA & Iraq:** A federal judge [criticised the State Department](#) over handling of lawsuit against Blackwater for 2007 Baghdad shooting resulting in many deaths; asks for investigation into delay. See our [case profile on the Blackwater lawsuit](#).
- UNI Global Union submits complaint to OECD national contact point in Spain to investigate alleged [abuses of freedom of association by Prosegur in South America](#). (complaint also in Spanish and Portuguese). We invited Prosegur to respond; [Prosegur response](#) provided.

3. International initiatives, regulatory & positive steps

- **Intl. Code of Conduct for Private Security Service Providers (ICoC)**
 - [Norway joins ICoC Association as a govt. member.](#)
 - As of 8 April 2014, 157 security companies are industry members.
 - Intl. Stability Operations Association (ISOA), a global partnership of private sector & NGOs, [held a roundtable](#) on ICoC oversight mechanism & standards for industry.
- **Montreux Document**
 - Shadow report "[Montreux Five Years On: An analysis of state efforts to implement Montreux Document legal obligations & good practices](#)" launched.
 - [Montreux+5 conference](#) organised by Intl. Committee of the Red Cross & Swiss Govt. discusses regulation of security companies to comply with intl. humanitarian & human rights law.
 - Recent article explains that Montreux Document restates [responsibility of govts. for human rights abuses by employees of PMSCs](#) (article in French only).
- **Voluntary Principles on Security and Human Rights**
 - Initiative [welcomes Ghana as first African Govt. to join.](#)
 - [US State Department op-ed](#) says that govts. can promote positive business environment in extractive industry in Africa by joining Voluntary Principles.

- Alexandra Guáqueta, chair of UN Working Group on business & human rights, [encourages Voluntary Principles to increase membership](#), align with UN Guiding Principles on Business and Human Rights.
- US Govt. releases [annual report](#) on implementation of Voluntary Principles in 2013.
- **UN Working Group on the Use of Mercenaries**
 - Working Group held [panel event](#) on use of PMSCs by UN.
 - Working Group calls for [legally binding intl. agreement](#) to regulate PMSCs.
- **UK:** Civil & military aircraft company [Aircelle](#) backs govt. scheme to encourage young women to work in engineering.
- British company [Olive Group](#) becomes first security company to obtain certification for ANSI/ASIS security standards (PSC1) after audit into operations in **Iraq**.

The principal author of this bulletin is Irene Pietropaoli, Researcher, with cooperation from other [Business & Human Rights Resource Centre](#) colleagues.

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