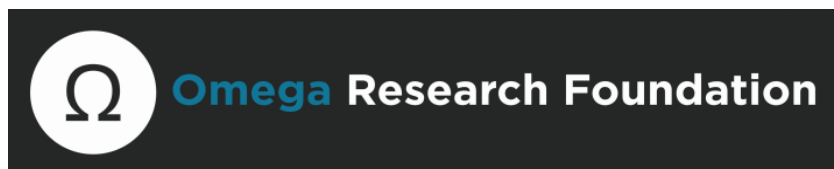


Submissions to the United Nations Committee  
Against Torture and Other Cruel, Inhuman or  
Degrading Treatment or Punishment in  
Advance of the 54<sup>th</sup> Session (April – May 2015)

Concerning equipment which could be used for torture or other  
cruel inhuman or degrading treatment or punishment in **Bahrain,  
China, China (Hong Kong), China (Macau), & New Zealand**

Submitted by the Omega Research Foundation  
2015



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**Submissions in Advance of the UN CAT 54<sup>th</sup> Session, 20<sup>th</sup> April – 15<sup>th</sup> May 2015**  
**Concerning equipment which could be used for torture or other cruel, inhuman or degrading treatment or punishment in Bahrain, China, China (Hong Kong), China (Macau) & New Zealand**

*From The Omega Research Foundation*  
2015

The following document contains the text of five submissions forwarded to the UN Committee Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment from the Omega Research Foundation in advance of the UN CAT 54<sup>th</sup> Session (20<sup>th</sup> April – 15<sup>th</sup> May 2015). These submissions detail equipment and incidences “of concern” which could be used for torture or other cruel, inhuman or degrading treatment or punishment in Bahrain, China, China (Hong Kong), China (Macau) and New Zealand.

Founded in 1990, the Omega Research Foundation (henceforth Omega) is a UK-based NGO. We conduct research on the development, manufacture, trade and use of military security and policing equipment including less lethal weapons and restraints. We promote effective mechanisms to prevent the proliferation and use of such weapons through information sharing, awareness raising workshops and advocacy activities targeting, amongst others, the strengthening of export control regimes and use of force policies. Over the last 25 years, we have developed unique expertise and resources to aid our research which has been used by, and provided to, a number of organisations including Amnesty International, Oxfam, the UN Special Rapporteur on Torture, the UN Subcommittee for the Prevention of Torture, the European Committee for the Prevention of Torture and a number of National Preventive Mechanisms (NPMs).

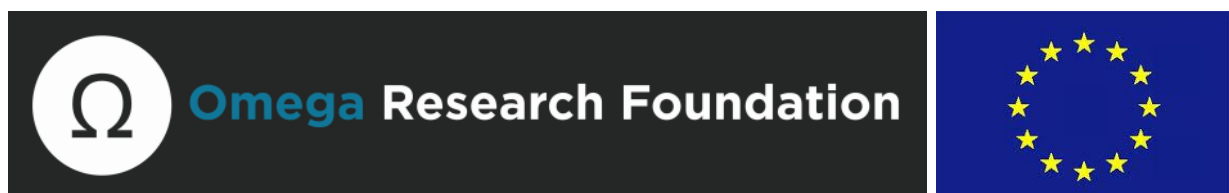
For further information about our work, please visit our website at [www.omegaresearchfoundation.org](http://www.omegaresearchfoundation.org) or contact us on [info@omegaresearchfoundation.org](mailto:info@omegaresearchfoundation.org).

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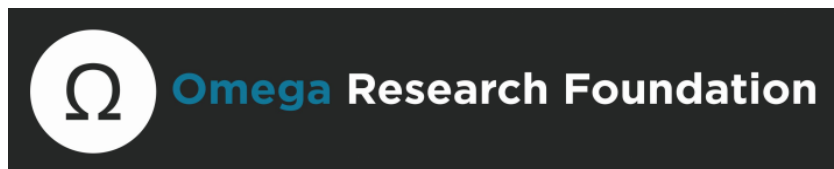
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Submission to the United Nations Committee  
Against Torture and Other Cruel, Inhuman or  
Degrading Treatment or Punishment in  
Advance of the 54th Session (April – May 2015)

Concerning equipment which could be used for torture or other  
cruel inhuman or degrading treatment or punishment in **Bahrain**

by the Omega Research Foundation  
2015



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**Submission in Advance of the UN CAT 54<sup>th</sup> Session, 20<sup>th</sup> April – 15<sup>th</sup> May 2015**  
**Concerning equipment which could be used for torture or other cruel, inhuman or degrading treatment or punishment in Bahrain**

*From The Omega Research Foundation*  
2015

The following is a submission from the Omega Research Foundation in advance of the UN CAT 54<sup>th</sup> Session (20<sup>th</sup> April – 15<sup>th</sup> May 2015) concerning equipment which could be used for torture or other cruel, inhuman or degrading treatment or punishment in Bahrain.

Founded in 1990, the Omega Research Foundation (henceforth Omega) is a UK-based NGO. We conduct research on the development, manufacture, trade and use of military security and policing equipment including less lethal weapons and restraints. We promote effective mechanisms to prevent the proliferation and use of such weapons through information sharing, awareness raising workshops and advocacy activities targeting, amongst others, the strengthening of export control regimes and use of force policies. Over the last 25 years, we have developed unique expertise and resources to aid our research which has been used by, and provided to, a number of organisations including Amnesty International, Oxfam, the UN Special Rapporteur on Torture, the UN Subcommittee for the Prevention of Torture, the European Committee for the Prevention of Torture and a number of National Preventive Mechanisms (NPMs).

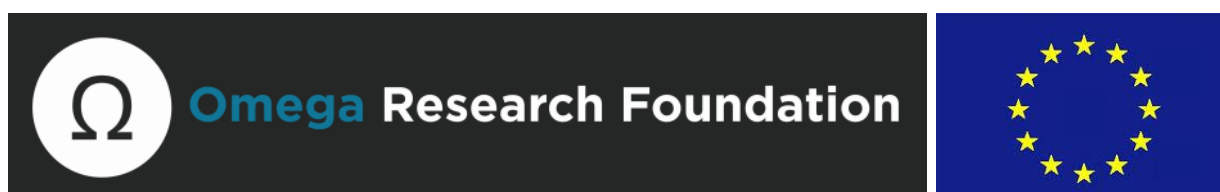
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## Introduction

This briefing, submitted to the United Nations' Committee against Torture (henceforth UN CAT) prior to its 54<sup>th</sup> Session to be held in Geneva from 20<sup>th</sup> April to 15<sup>th</sup> May 2015, outlines a number of items of concern in relation to the manufacture, trade and use of certain types of military, security and policing equipment which could be deemed to contravene Articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment (henceforth the Convention).

Articles 2 and 16 of the Convention require each State party to “*take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction*” (Article 2) as well as the requirement to take the same measures against “*other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in Article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity*” (Article 16).

This briefing contains information concerning the manufacture, acquisition, or use of a number of different types of military, security or police equipment deemed “of concern” by the Omega Research Foundation. It is drafted on the understanding that:

- (a) *Certain types of equipment have no legitimate law enforcement function and as such can only be used to commit torture or other cruel, inhuman or degrading treatment or punishment in violation of Article 2 or 16 of the Convention. This equipment includes, but is not limited to: spiked batons, weighted leg cuffs, body worn electric shock equipment and direct contact electric shock weapons.*
- (b) *Certain types of equipment deemed to have the potential to have a legitimate law enforcement function can also be used to commit torture or other cruel, inhuman or degrading treatment or punishment in violation of Articles 2 or 16 of the Convention. This equipment includes, but is not limited to: handcuffs, batons and certain crowd control weapons.*
- (c) *The use of excessive force by law enforcement or correctional officials can constitute torture or other cruel, inhuman or degrading treatment or punishment and as such can violate Articles 2 or 16 of the Convention; this includes during the dispersal of protests using riot control agents or other chemical irritants or weapons.<sup>1</sup>*
- (d) *All States have a responsibility to ensure equipment manufactured or traded in/from their territories is not used to commit human rights abuses at home or abroad. Robust, transparent and accountable export controls, end-use certification processes, and internal legislative, administrative and judicial mechanisms should be implemented to help prevent such abuses.*

## Incidences “of concern” in detention in Bahrain

Omega is concerned about reports of torture and ill treatment in detention facilities in Bahrain which include, *inter alia*, alleged uses of electric shocks, beatings, prolonged use of restraints and use of stress positions.<sup>2</sup> Such incidences are in clear violation of Articles 2 and 16 of the Convention.

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<sup>1</sup> See for example, Physicians for Human Rights (2012) *Weaponizing Tear Gas: Bahrain's Unprecedented Use of Toxic Chemical Agents Against Civilians*, [https://s3.amazonaws.com/PHR\\_Reports/Bahrain-TearGas-Aug2012-small.pdf](https://s3.amazonaws.com/PHR_Reports/Bahrain-TearGas-Aug2012-small.pdf), Mendez, J (2013) *Report of the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment: Mission to Morocco*, A/HRC/22/53/Add.2, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-53-Add-2\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-53-Add-2_en.pdf), Amnesty International (2015) *Open for Business? Corporate Crime and Abuses at Myanmar Copper Mine*, AI Index: ASA 16/003/2015, <https://www.amnesty.org/download/Documents/ASA1600032015ENGLISH.PDF>, all accessed 05/03/2015

<sup>2</sup> See for example: International Federation for Human Rights (FIDH) (2015) *Bahrain: Arbitrary Detention, Judicial Harassment and Torture of Mr. Hussain Jawad, Chairman of the European-Bahraini Organisation for Human Rights (EBOHR)*, February 23, 2015 <https://www.fidh.org/International-Federation-for-Human-Rights/north-africa->

Omega is further concerned that the Bahraini authorities, in 2013, postponed “*indefinitely*” a visit by the Special Rapporteur on Torture, Juan Mendez.

To this end, **Omega recommends** that:

- The UN CAT encourage the relevant Bahraini authorities to:
  - Immediately put an end to all incidences of, and practices amounting to, torture and other cruel, inhuman or degrading treatment or punishment, including but not limited to, all uses of electric shock weapons in places of detention, prolonged use of cuffing, use of “stress positions” and use of beatings to extract confessions.
  - Prohibit the use of all types of direct contact electric shock weapons in places of detention, the use of which can only be deemed to amount to torture or other cruel, inhuman or degrading treatment or punishment in contravention of Articles 2 or 16 of the Convention.
  - Disclose:
    - What devices are authorised for use in places of detention; what devices are actually used in places of detention
    - What training and standards are in place governing use of permitted devices
    - What records are kept over the stockpile, inventory and deployment of equipment used in detention
  - Fully investigate all alleged incidents of torture and other cruel, inhuman or degrading treatment or punishment, ensuring all perpetrators are held accountable for their actions. In the interest of transparency and accountability, all results of this investigation and any penalties imposed should be made publicly available.
  - Permit a full and unimpeded visit by the UN Special Rapporteur on Torture.

### **Excessive Use of Force**

Omega is also concerned about the procurement and deployment of chemical irritants (sometimes referred to as “riot control agents”, “tear gases” or “pepper sprays”) in Bahrain.

Since 2011, use of chemical irritants in Bahrain has been widely reported. Not only have they been used in excess to disperse protesters, they have also been used in confined spaces against civilians in their homes.<sup>3</sup>

Chemical irritants are designed to temporarily deter or disable an individual through sensory irritation of the eyes and upper respiratory tract. Their effects are designed to disappear within a short time following termination of exposure. However, the quantities reportedly deployed in Bahrain, as well as the situations in which they have been deployed (i.e. in confined spaces), means that their effects have been much greater than the temporary irritation they are designed to cause. Research from the Occupied Palestinian Territories in the 1980s, the Republic of Korea in 1987, and Bahrain in 2011-12 indicate that exposure to high concentrations of chemical irritants over a long period of time can potentially be linked to: increases in miscarriage, still-births, and other reproductive anomalies and an

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[middle-east/bahrain/17043-bahrain-arbitrary-detention-judicial-harassment-and-torture-of-mr-hussain](http://middle-east/bahrain/17043-bahrain-arbitrary-detention-judicial-harassment-and-torture-of-mr-hussain), Bahrain Center for Human Rights (2014) *Bahrain: NGOs Condemn Refoulement of Ali Haroun*, December 23, 2014, <http://bahrainrights.org/en/node/7211> both accessed 16/03/2015

<sup>3</sup> See for example testimony contained within: Physicians for Human Rights (2012) *Weaponizing Tear Gas: Bahrain's Unprecedented Use of Toxic Chemical Agents Against Civilians*, [https://s3.amazonaws.com/PHR\\_Reports/Bahrain-TearGas-Aug2012-small.pdf](https://s3.amazonaws.com/PHR_Reports/Bahrain-TearGas-Aug2012-small.pdf), accessed 05/03/2015

apparent rise in asthma rates, respiratory failure, and deterioration in lung function.<sup>4</sup> More recent research from Bahrain is centred on the effects of tear gas on sickle cell sufferers.<sup>5</sup>

Excessive use of force, including excessive and inappropriate use of chemical irritants, can constitute torture or other cruel, inhuman or degrading treatment or punishment.

To this end, **Omega recommends** that:

- Irritants should only be used where strictly necessary, against violent individuals (or individuals posing an imminent threat of violence).
- Officers should be fully trained on the use of chemical irritants with particular focus on the need to avoid over-exposing individuals to them. Further training topics should include proportionality, medical implications, and the protection of human rights and fundamental freedoms. Officers should be required to undergo repeat training to avoid “skills fade”.
- Irritants should never be used in confined spaces, or in a place where there is no opportunity for the target to easily escape the effects of the irritant.
- Where chemical irritants are used, appropriate decontamination measures should be provided as soon as practically possible.
- Incidents of excessive force be publicly investigated and prosecuted.

**Omega further recommends** that the UN CAT:

- Share with the relevant Bahraini authorities the concerns over the excessive or inappropriate use of chemical irritants which can amount to torture or other cruel, inhuman or degrading treatment or punishment.
- Encourage the relevant Bahraini authorities to disclose:
  - What devices, chemical agents, and means of delivery are cleared for use
  - What training and standards are in place governing use of chemical irritants
  - What records are kept over the stockpile, inventory and deployment of chemical irritants; how expired munitions are disposed of
  - What medical procedures are in place in case of overdose
  - What decontamination measures are provided after exposure to chemical irritants

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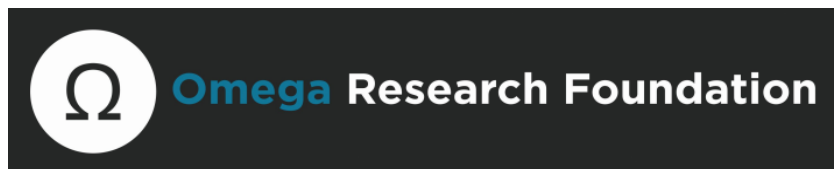
<sup>4</sup> Omega Research Foundation (2014) *Riot Control Agents*, an entry for the Geneva Academy of International Law and Human Rights' *Weapons Law Encyclopedia*, <http://www.weaponslaw.org/weapons/riot-control-agents> accessed 05/03/2015

<sup>5</sup> O Cuinn, D (2014) *Denial in Bahrain? The Links Between Sickle Cell Disease, Detention and Tear Gas*, May 12, 2014, <https://lancslaw.wordpress.com/2014/05/12/bahrain-sickle-cell-tear-gas/> accessed 30/03/2015

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Against Torture and Other Cruel, Inhuman or  
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Advance of the 54th Session (April – May 2015)

Concerning equipment which could be used for torture or other  
cruel inhuman or degrading treatment or punishment in **China**

by the Omega Research Foundation  
2015



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*From The Omega Research Foundation*  
2015

The following is a submission from the Omega Research Foundation in advance of the UN CAT 54<sup>th</sup> Session (20<sup>th</sup> April – 15<sup>th</sup> May 2015) concerning equipment which could be used for torture or other cruel, inhuman or degrading treatment or punishment in China.

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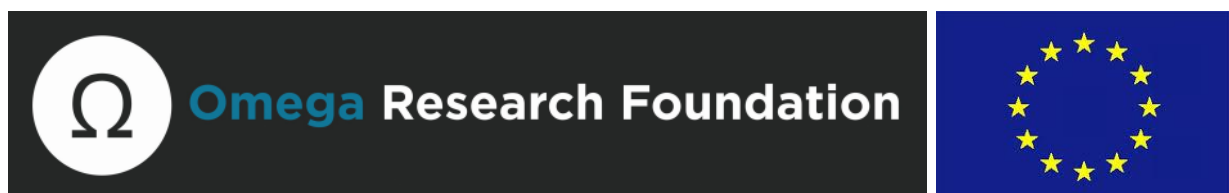
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## Introduction

This briefing, submitted to the United Nations' Committee against Torture (henceforth UN CAT) prior to its 54th Session to be held in Geneva from 20<sup>th</sup> April to 15<sup>th</sup> May 2015, outlines a number of items of concern in relation to the manufacture, trade and use of certain types of military, security and policing equipment which could be deemed to contravene Articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment (henceforth the Convention).

Articles 2 and 16 of the Convention require each State party to “*take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction*” (Article 2) as well as the requirement to take the same measures against “*other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in Article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity*” (Article 16).

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- (e) *Certain types of equipment have no legitimate law enforcement function and as such can only be used to commit torture or other cruel, inhuman or degrading treatment or punishment in violation of Article 2 or 16 of the Convention. This equipment includes, but is not limited to: spiked batons, weighted leg cuffs, body worn electric shock equipment and direct contact electric shock weapons.*
- (f) *Certain types of equipment deemed to have the potential to have a legitimate law enforcement function can also be used to commit torture or other cruel, inhuman or degrading treatment or punishment in violation of Articles 2 or 16 of the Convention. This equipment includes, but is not limited to: handcuffs, batons and certain crowd control weapons.*
- (g) *The use of excessive force by law enforcement or correctional officials can constitute torture or other cruel, inhuman or degrading treatment or punishment and as such can violate Articles 2 or 16 of the Convention; this includes during the dispersal of protests using riot control agents or other chemical irritants or weapons.*<sup>6</sup>
- (h) *All States have a responsibility to ensure equipment manufactured or traded in/from their territories is not used to commit human rights abuses at home or abroad. Robust, transparent and accountable export controls, end-use certification processes, and internal legislative, administrative and judicial mechanisms should be implemented to help prevent such abuses.*

## Equipment of Concern in China

There is a growing market for different types military, security and police equipment in China and worldwide. In 2014 Amnesty International and Omega published a report, entitled *China's Trade in Tools of Torture and Repression* which documented the growing number of Chinese companies that

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<sup>6</sup> See for example, Physicians for Human Rights (2012) *Weaponizing Tear Gas: Bahrain's Unprecedented Use of Toxic Chemical Agents Against Civilians*, [https://s3.amazonaws.com/PHR\\_Reports/Bahrain-TearGas-Aug2012-small.pdf](https://s3.amazonaws.com/PHR_Reports/Bahrain-TearGas-Aug2012-small.pdf), Mendez, J (2013) *Report of the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment: Mission to Morocco*, A/HRC/22/53/Add.2, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-53-Add-2\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-53-Add-2_en.pdf), Amnesty International (2015) *Open for Business? Corporate Crime and Abuses at Myanmar Copper Mine*, AI Index: ASA 16/003/2015, <https://www.amnesty.org/download/Documents/ASA1600032015ENGLISH.PDF>, all accessed 05/03/2015

manufacture and trade in this equipment, as well as the reported use of the equipment within China and its export abroad.<sup>7</sup>

Omega is concerned about the use of, and trade in, a number of different types of military, security and policing equipment in China; the use of which has been documented by civil society.<sup>8</sup> Whilst some of this equipment can have a legitimate role to play in law enforcement work, much of it has been implicated in facilitating torture or other cruel, inhuman or degrading treatment or punishment. Worryingly, a further selection of equipment has entered the marketplace which can only be deemed to be inherently cruel and as such have no legitimate law enforcement function.

Omega is particularly concerned about:

- (a) **Equipment deemed inherently cruel**, that has no legitimate law enforcement function and as such can only be used to commit torture or other cruel, inhuman or degrading treatment or punishment in violation of Articles 2 and 16 of the Convention including:

○ ***Direct Contact Electric Shock Weapons including body worn electric shock weapons, stun batons, stun shields, stun “grabbers” and stun gloves***

Direct contact *electric shock batons* are designed to be placed in direct contact with a subject in order to deliver an electric shock; they work by causing compliance through pain and are often used on sensitive areas of the body including the neck, throat, ears, underarms, and groin. It is very easy for an officer to use a direct contact stun baton to apply extremely painful shocks on those in detention and such weapons can be used to inflict repeated or prolonged electric shocks. Given there is a substantial risk that the use of these weapons, as currently designed, can amount to arbitrary force, torture or other cruel, inhuman or degrading treatment and punishment, they should never be used for law enforcement or correctional purposes.

The use of direct contact stun batons has been documented in China<sup>9</sup> and they are known to be manufactured locally and offered for sale at national and international military, security and policing exhibitions.

*Electric shock shields* are shields that deliver an electric shock when contact is made with an individual; concave models are designed for cell extractions and convex models are designed for riot control. Like other direct contact electric shock stun weapons, the shock can create intense pain and multiple shocks may be inflicted with one shield.

*Body worn electric shock equipment* – also referred to as stun cuffs, stun sleeves, or stun belts – are designed to deliver an electric shock to the wearer when activated by remote control. They are used to encourage compliance through the fear of being shocked or, if activated, compliance through pain.

*Stun gloves* are currently manufactured in China and the US. Models vary but they generally feature a built-in direct contact stun feature which can be activated at the press of a button. As a relatively new item, little is known about their use however the shock is designed to create intense pain and multiple shocks may be inflicted with one glove.

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<sup>7</sup> See: Amnesty International and the Omega Research Foundation (2014) *China's Trade in Tools of Torture and Repression*, AI Index ASA 17/042/2014, 23 September 2014, <http://www.omegaresearchfoundation.org/assets/downloads/publications/asa170422014en.pdf> accessed 24/03/2015

<sup>8</sup> *ibid*

<sup>9</sup> *ibid*

*Stun “grabbers”* – also referred to as “capture stick/poles”, “restraint sticks/poles” or “riot forks” – are designed to allow the restraint of a subject at a distance. They generally feature a long metal pole with a half circle at one end large enough to pin a subject to a wall or floor by the waist or wrist. Whilst non-stun versions are available on the market, products which feature a direct contact electric shock capacity within the half circle do exist.

Whilst it is unclear if electric shock shields, body worn electric shock weapons, stun gloves or stun “grabbers” are in use in China, they are known to be manufactured within China and offered for sale at Chinese-based military, security and policing exhibitions. Given that there is a substantial risk that the use of these weapons can amount to arbitrary force, torture or other cruel, inhuman or degrading treatment or punishment in violation of Articles 2 and 16 of the Convention, they should never be used for law enforcement or correctional purposes.

- ***Spiked Batons***

A range of batons with spiked heads or shafts are widely manufactured in China. Omega, alongside Amnesty International, the United States Bureau of Industry and Security, and the European Commission, considers these weapons to be inherently cruel, and considers their use tantamount to torture or other cruel, inhuman or degrading treatment or punishment and as such, their use violates Articles 2 and 16 of the Convention. Although reports detailing the use of these weapons are rare, they do occur, and these products are actively promoted to an international audience by companies at Chinese-based military, security and policing exhibitions.

- ***Mechanical Restraints incl. Weighted Leg Cuffs, Restraint Chairs, Thumbcuffs***

A range of mechanical restraints, the use of which Omega believe to breach Articles 2 and 16 of the Convention, are manufactured in China. These include weighted leg cuffs, restraint chairs and thumbcuffs.

*Leg cuffs* weighing up to 8kg are widely manufactured and used in China.<sup>10</sup> These types of weighted restraints significantly increase the risk of ankle injury and lacerations which can, if left untreated, lead to long term physical impairments. In Omega’s opinion their use amounts to torture or other cruel, inhuman or degrading treatment or punishment. Further, in his 2005 visit to China, the UN Special Rapporteur on Torture highlighted the practice of prolonged cuffing of death row prisoners in weighted leg cuffs and stated that their use was “*inhuman and degrading and serves only as an additional form of punishment...*”<sup>11</sup> However, despite these concerns, the Chinese authorities have not sought to restrict or ban the use of weighted leg cuffs.

*Restraint chairs*, in which a detainee is restrained to a specially-designed chair by multiple straps or cuffs including at the wrists, elbow, shoulder, chest, waist, thigh or ankle, are widely manufactured and used in China.<sup>12</sup> In 2000, the UN CAT recommended the complete abolition of the use of restraint chairs for those in custody as “*their use almost invariably leads to breaches of article 16 of the Convention.*”<sup>13</sup>

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<sup>10</sup> Amnesty International and the Omega Research Foundation (2014) op. cit. pp.7

<sup>11</sup> Report of the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak: Mission to China, UN Doc. E/CN.4/2006/6/Add.6, 10 March 2006, para.68. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/117/50/PDF/G0611750.pdf?OpenElement> accessed 24/03/2015

<sup>12</sup> A recent news item produced by the French broadcaster Canal Plus shows chairs being shipped around China for use in places of detention. See *Chine, Mal in China*, Canal Plus, <http://video.capatv.com/index.php?Lien=d33e6aeb753b11c5536430ddcdc5a9266db8e1e3> accessed 30/03/2015

<sup>13</sup> UN, Conclusions and Recommendations of the Committee against Torture: United States of America, 24th Session, 1st-19th May 2000, Report of the Committee against Torture, A/55/44. (Concluding Observations/Comments), pp. 32.

Chinese companies also manufacture *thumbcuffs*. Whilst Omega has no reports of their recent use, it was reported that thumbcuffs were used historically by Chinese authorities in Tibet when arresting subjects and to help facilitate torture in detention;<sup>14</sup> and they are still frequently advertised for sale nationally and internationally by Chinese companies at trade fairs and on the internet. As they have no legitimate law enforcement use that could not be fulfilled by ordinary handcuffs, Omega considers that the manufacture, trade and use of thumbcuffs should be prohibited especially considering their propensity for use in “stress positions”. Furthermore, some types of thumbcuffs manufactured and advertised for sale in China have serrated inner edges that can penetrate the skin if tightened. These types of thumbcuffs certainly have no legitimate law enforcement function and their use amounts to torture or other cruel, inhuman or degrading treatment or punishment in violation of Articles 2 or 16 of the Convention.

- (b) **Equipment which could have a legitimate law enforcement role** but which has been reportedly used for, or to facilitate, torture or other cruel, inhuman or degrading treatment in contravention of Articles 2 or 16 of the Convention, such as:

- ***Handcuffs***

*Handcuffs* are widely considered a legitimate tool for law enforcement however they are prone to misuse and can be easily used to facilitate torture or other cruel, inhuman or degrading treatment or punishment in contravention of Article 2 or 16 of the Convention. Reports from China indicate the use of handcuffs in “stress positions”, for prolonged cuffing, cuffing to a fixed object, and over-tightening of cuffs.<sup>15</sup>

- ***Leg cuffs***

*Leg cuffs* can be considered to be a legitimate tool for law enforcement in exceptional circumstances but only when they are humanely designed with a light leg restraint rather than a rigid and/or weighted chain or bar, however they are prone to misuse and can easily be used to facilitate torture or other cruel, inhuman or degrading treatment or punishment. Reports from China indicate the use of leg cuffs in “stress positions”, for prolonged cuffing, and cuffing to a fixed object.<sup>16</sup>

- ***Crowd Control Weapons such as chemical irritants, baton rounds, water cannon***

A range of crowd control weapons such as *chemical irritants* (often referred to as “tear gases” or “pepper sprays”), *baton rounds* (often referred to as “rubber bullets”), their associated *launchers*, and *water cannon*, are widely manufactured in, used in, and exported from China. There have been widespread reports of incidences of excessive use of force in China utilising such equipment.<sup>17</sup> Such use can constitute torture or other cruel, inhuman or degrading treatment or punishment and as such can violate Articles 2 or 16 of the Convention.

- (c) **The lack of adequate controls on:**

- ***The use of military, security and policing equipment in China***

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<sup>14</sup> See for example: Human Rights Watch (1997) *China: State Control of Religion*, <http://www.hrw.org/reports/1997/china1/> and Leube, M (2002) *Las Ramblas's Lamas*, Peace Magazine, Apr-Jun 2002, pp. 13, <http://peacemagazine.org/archive/v18n2p13.htm> both accessed 24/03/2015

<sup>15</sup> Amnesty International and the Omega Research Foundation (2014) op. cit. pp.19-20

<sup>16</sup> *ibid*

<sup>17</sup> See for example: Tibet Today (2013) *Chinese Police Fire on Unarmed Tibetan Protesters in Driru*, October 8, 2013, <http://www.tibetoday.com/Chinese-Police-Fire-on-Unarmed-Tibetan-Protesters-in-Driru.html> and Amnesty International (2010) “Justice Justice”: *The 2009 Protests in Xinjiang, China*, AI Index: 17/027/2010 <https://www.amnesty.org/download/Documents/36000/asa170272010en.pdf> both accessed 30/03/2015

Omega is concerned that the Chinese authorities have failed to control the use of the above mentioned equipment by law enforcement and corrections officials in-country and as such are permitting the use of equipment which can facilitate torture and other cruel, inhuman or degrading treatment or punishment.

○ ***The trade in and export of military, security and policing equipment from China***

Recent research by the Omega Research Foundation indicates that there are over 100 companies either manufacturing or marketing military, security and policing equipment in China. These companies offer a range of equipment including mechanical restraints, electric shock weapons, striking weapons, and other crowd control weapons. States have a responsibility to ensure equipment exported from their territory is not used to commit human rights abuses abroad. The UN General Assembly has repeatedly called upon States *“to take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production, trade, export, import and use of equipment that have no practical use other than for the purpose of torture or other cruel, inhuman or degrading treatment or punishment.”*<sup>18</sup> China does not appear to have adequate controls to prevent the export of this equipment from China, even when there is a substantial risk of it being used to commit serious human rights violations by the importing country.

To this end, **Omega recommends** that:

- The UN CAT encourage the relevant Chinese authorities to:
  - Immediately put an end to all incidences of, and practices amounting to, torture and other cruel, inhuman or degrading treatment or punishment, including but not limited to, all uses of equipment deemed “inherently degrading”, prolonged use of cuffing, use of “stress positions”, and use of excessive force during the dispersal of protests.
  - Disclose:
    - What devices are authorised for use by law enforcement and corrections personnel; what devices are actually used in practice
    - What training and standards are in place governing use of permitted devices
    - What records are kept over the stockpile, inventory and deployment of equipment used
  - Review all current use of force policies, training requirements and standards; where none exist or they are inadequate, initiate a process to strengthen / establish them.
  - Fully investigate all alleged incidents of torture and other cruel, inhuman or degrading treatment or punishment, ensuring all perpetrators are held accountable for their actions. In the interest of transparency and accountability, all results of such investigations and any penalties imposed should be made publicly available.
  - Immediately establish up to date export controls for security and policing equipment with a view to:
    - Prohibiting the production, promotion, trade, and transfer of all types of equipment deemed “inherently degrading” as detailed above.
    - Prohibiting the transfer of equipment deemed to have a “legitimate use” to States where there are credible allegations that such equipment may be used to commit or facilitate human rights violations.

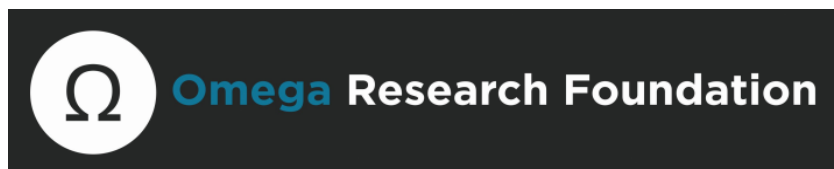
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<sup>18</sup> See for instance UN General Assembly resolutions entitled *“Torture and other cruel, inhuman or degrading treatment or punishment,”* resolutions 66/150, 19 December 2011, para. 24; 67/161, 20 December 2012, para. 25; 68/156, 18 December 2013, para. 30.

- In the interest of transparency and accountability, details of all export licences granted and denied should be regularly reported and made publicly available.

Submission to the United Nations Committee  
Against Torture and Other Cruel, Inhuman or  
Degrading Treatment or Punishment in  
Advance of the 54th Session (April – May 2015)  
Concerning equipment which could be used for torture or other  
cruel inhuman or degrading treatment or punishment in  
**China (Hong Kong)**

by the Omega Research Foundation  
2015



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**Submission in Advance of the UN CAT 54<sup>th</sup> Session, 20<sup>th</sup> April – 15<sup>th</sup> May 2015  
Concerning equipment which could be used for torture or other cruel, inhuman or degrading  
treatment or punishment in China (Hong Kong)**

*From The Omega Research Foundation  
2015*

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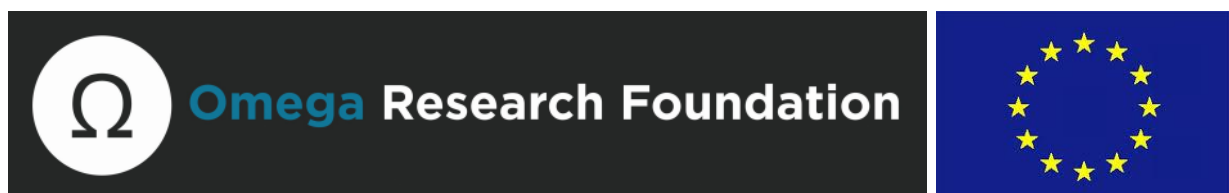
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## Introduction

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Articles 2 and 16 of the Convention require each State party to “*take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction*” (Article 2) as well as the requirement to take the same measures against “*other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in Article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity*” (Article 16).

This briefing contains information concerning the manufacture, acquisition, or use of a number of different types of military, security or police equipment deemed “of concern” by the Omega Research Foundation. It is drafted on the understanding that:

- (i) *Certain types of equipment have no legitimate law enforcement function and as such can only be used to commit torture or other cruel, inhuman or degrading treatment or punishment in violation of Article 2 or 16 of the Convention. This equipment includes, but is not limited to: spiked batons, weighted leg cuffs, body worn electric shock equipment and direct contact electric shock weapons.*
- (j) *Certain types of equipment deemed to have the potential to have a legitimate law enforcement function can also be used to commit torture or other cruel, inhuman or degrading treatment or punishment in violation of Articles 2 or 16 of the Convention. This equipment includes, but is not limited to: handcuffs, batons and certain crowd control weapons.*
- (k) *The use of excessive force by law enforcement or correctional officials can constitute torture or other cruel, inhuman or degrading treatment or punishment and as such can violate Articles 2 or 16 of the Convention; this includes during the dispersal of protests using riot control agents or other chemical irritants or weapons.*<sup>19</sup>
- (l) *All States have a responsibility to ensure equipment manufactured or traded in/from their territories is not used to commit human rights abuses at home or abroad. Robust, transparent and accountable export controls, end-use certification processes, and internal legislative, administrative and judicial mechanisms should be implemented to help prevent such abuses.*

## Excessive Use of Force

Omega is concerned about the escalating use of force against peaceful protesters in Hong Kong. Freedom of assembly is a fundamental right under international law and should be upheld. Reports from 2014 indicate a disproportionate use of force in the dispersal of peaceful protesters where

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<sup>19</sup> See for example, Physicians for Human Rights (2012) *Weaponizing Tear Gas: Bahrain's Unprecedented Use of Toxic Chemical Agents Against Civilians*, [https://s3.amazonaws.com/PHR\\_Reports/Bahrain-TearGas-Aug2012-small.pdf](https://s3.amazonaws.com/PHR_Reports/Bahrain-TearGas-Aug2012-small.pdf), Mendez, J (2013) *Report of the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment: Mission to Morocco*, A/HRC/22/53/Add.2, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-53-Add-2\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-53-Add-2_en.pdf), Amnesty International (2015) *Open for Business? Corporate Crime and Abuses at Myanmar Copper Mine*, AI Index: ASA 16/003/2015, <https://www.amnesty.org/download/Documents/ASA1600032015ENGLISH.PDF>, all accessed 05/03/2015

chemical irritants (sometimes referred to as “riot control agents”, “tear gases” or “pepper sprays”) have been utilised; reportedly with limited or no warning.<sup>20</sup>

Excessive use of force, including excessive and inappropriate use of chemical irritants, can constitute torture or other cruel, inhuman or degrading treatment or punishment in contravention of Articles 2 or 16 of the Convention.

To this end, ***Omega recommends*** that:

- Irritants should only be used where strictly necessary, against violent individuals (or individuals posing an imminent threat of violence).
- Officers should be fully trained on the use of chemical irritants with particular focus on the need to avoid over-exposing individuals to them. Further training topics should include proportionality, medical implications, and the protection of human rights and fundamental freedoms. Officers should be required to undergo repeat training to avoid “skills fade”.
- Irritants should never be used in confined spaces, or in a place where there is no opportunity for the target to easily escape the effects of the irritant.
- Where chemical irritants are used, appropriate decontamination measures should be provided as soon as practically possible.
- Incidents of excessive force be publicly investigated and prosecuted.

***Omega further recommends*** that the UN CAT:

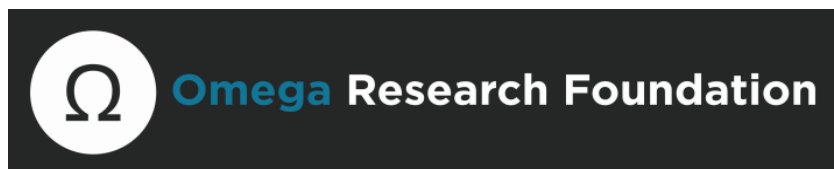
- Share with the relevant authorities in Hong Kong the concerns over the excessive or inappropriate use of chemical irritants which can amount to torture or other cruel, inhuman or degrading treatment or punishment.
- Encourage the relevant authorities in Hong Kong to disclose:
  - What devices, chemical agents, and means of delivery are cleared for use
  - What training and standards are in place governing use of chemical irritants
  - What records are kept over the stockpile, inventory and deployment of chemical irritants; how expired munitions are disposed of
  - What medical procedures are in place in case of overdose
  - What decontamination measures are provided after exposure to chemical irritants

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<sup>20</sup> See for example, Human Rights Watch (2014) *Hong Kong: Free Peaceful Protesters; Avoid Excessive Force*, September 30, 2014, <http://www.hrw.org/news/2014/09/30/hong-kong-free-peaceful-protesters-avoid-excessive-force> accessed 09/03/2015

Submission to the United Nations Committee  
Against Torture and Other Cruel, Inhuman or  
Degrading Treatment or Punishment in  
Advance of the 54th Session (April – May 2015)  
Concerning equipment which could be used for torture or other  
cruel inhuman or degrading treatment or punishment in  
**China (Macau)**

by the Omega Research Foundation  
2015



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**Submission in Advance of the UN CAT 54<sup>th</sup> Session, 20<sup>th</sup> April – 15<sup>th</sup> May 2015**  
**Concerning equipment which could be used for torture or other cruel, inhuman or degrading treatment or punishment in China (Macau)**

*From The Omega Research Foundation*  
2015

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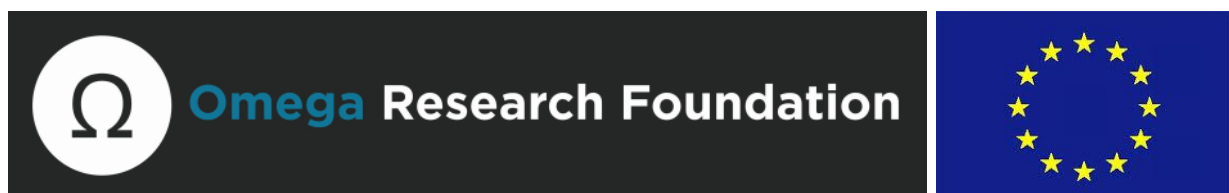
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- (n) *Certain types of equipment deemed to have the potential to have a legitimate law enforcement function can also be used to commit torture or other cruel, inhuman or degrading treatment or punishment in violation of Articles 2 or 16 of the Convention. This equipment includes, but is not limited to: handcuffs, batons and certain crowd control weapons.*
- (o) *The use of excessive force by law enforcement or correctional officials can constitute torture or other cruel, inhuman or degrading treatment or punishment and as such can violate Articles 2 or 16 of the Convention; this includes during the dispersal of protests using riot control agents or other chemical irritants or weapons.*<sup>21</sup>
- (p) *All States have a responsibility to ensure equipment manufactured or traded in/from their territories is not used to commit human rights abuses at home or abroad. Robust, transparent and accountable export controls, end-use certification processes, and internal legislative, administrative and judicial mechanisms should be implemented to help prevent such abuses.*

## Equipment “of concern” in China (Macau)

Omega is concerned about the procurement and subsequent potential use of body worn electric shock weapons which were first imported to Macau in 2010 for use during prisoner transfers by the Macau prison service.<sup>22</sup>

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<sup>21</sup> See for example, Physicians for Human Rights (2012) *Weaponizing Tear Gas: Bahrain's Unprecedented Use of Toxic Chemical Agents Against Civilians*, [https://s3.amazonaws.com/PHR\\_Reports/Bahrain-TearGas-Aug2012-small.pdf](https://s3.amazonaws.com/PHR_Reports/Bahrain-TearGas-Aug2012-small.pdf), Mendez, J (2013) *Report of the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment: Mission to Morocco*, A/HRC/22/53/Add.2, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-53-Add-2\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-53-Add-2_en.pdf), Amnesty International (2015) *Open for Business? Corporate Crime and Abuses at Myanmar Copper Mine*, AI Index: ASA 16/003/2015, <https://www.amnesty.org/download/Documents/ASA1600032015ENGLISH.PDF>, all accessed 05/03/2015

<sup>22</sup> With an estimated national population of 631,000 (as of September 2014), Macau has just one prison. A September 2014 prison census identified the total prison population as 1,200. Source: International Centre for

Body worn electric shock weapons, often referred to as stun cuffs, stun sleeves, or stun belts, are designed to deliver an electric shock to the wearer when activated by remote control. They are used to encourage compliance through the fear of being shocked (pain) or, if activated, to enforce compliance through the administration of electric shocks (i.e. compliance through pain). They are designed to be discreet and as such are often worn under clothing. They can be fitted on different parts of the body, and are most commonly worn around the waist, wrist, ankle, or thigh. Voltage, length of shock, number of possible repeated shocks, and remote control range, vary between models.

Concerns surrounding the use of this equipment include:

- Their incompatibility with international and regional standards which aim to: (a) prevent torture and other cruel, inhuman or degrading treatment and punishment, and (b) limit the use of force, by:
  - The mental suffering their use inflicts
  - Their humiliating and degrading effects
  - Their impairing of a subject's mental capacity
  - Using or threatening excessive force
- Their potential to interfere with legal proceedings
- Accidental discharge
- Increasing of risky behaviours and/or situations

At the time of writing, there are no statistics or further information available concerning the deployment and/or activation of body worn electric shock weapons in Macau. However, according to the website of the Governo da Regiao Administrativa Especial de Macau, the Macau prison has implemented guidelines on their use and all prison guards have/will attend trainings on their use.<sup>23</sup>

The prohibition on torture and other cruel, inhuman or degrading treatment or punishment is a norm of customary international law and as such is binding on all States. It is the view of, *inter alia*, the Omega Research Foundation, the European Commission, the Council of Europe, and Amnesty International, that the use of body worn electric shock weapons is a clear breach these norms.

To this end, **Omega recommends** that:

- All States take effective legislative, administrative, judicial or other measures to prevent the manufacture, trade, and use of body worn electric shock devices.
- Where body worn electric shock devices have been acquired, they should be immediately withdrawn from circulation, and destroyed at the earliest possible convenience.

**Omega further recommends** that the UN CAT:

- Share with the relevant Macanese officials the international condemnation of, and concerns surrounding, the use of body worn electric shock weapons.
- Encourage said officials to:
  - Withdraw from service all body worn electric shock weapons.
  - Officially prohibit the future acquisition and use of body worn electric shock weapons.

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Prison Studies (2015) *World Prison Brief: Macau (China)*, <http://www.prisonstudies.org/country/macau-china> accessed 02/03/2015

<sup>23</sup> Governo da Regiao Administrativa de Macau (2010) *Macau Prison Imports Stun-Cuff to Strengthen the Quality of Security and to Deduce Lethality* (2010/06/23), [http://www.epm.gov.mo/English/contents/Community\\_EN/News/20100623.htm](http://www.epm.gov.mo/English/contents/Community_EN/News/20100623.htm) last accessed 25/04/2014

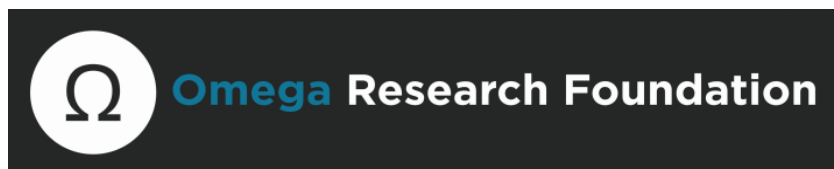
- Destroy all acquired body worn electric shock weapons at the earliest possible convenience.
- Make publicly available statistics and deployment reports concerning the use of body worn electric shock weapons to date.



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Degrading Treatment or Punishment in  
Advance of the 54th Session (April – May 2015)

Concerning equipment which could be used for torture or other  
cruel inhuman or degrading treatment or punishment in  
**New Zealand**

by the Omega Research Foundation  
2015



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**Submission in Advance of the UN CAT 54<sup>th</sup> Session, 20<sup>th</sup> April – 15<sup>th</sup> May 2015**  
**Concerning equipment which could be used for torture or other cruel, inhuman or degrading treatment or punishment in New Zealand**

*From The Omega Research Foundation*  
2015

The following is a submission from the Omega Research Foundation in advance of the UN CAT 54<sup>th</sup> Session (20<sup>th</sup> April – 15<sup>th</sup> May 2015) concerning equipment which could be used for torture or other cruel, inhuman or degrading treatment or punishment in New Zealand.

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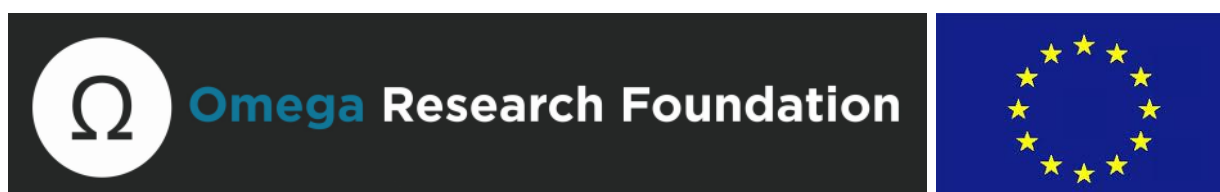
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## Equipment "of concern" in New Zealand

Omega is concerned about the use of Taser weapons in New Zealand.

In the past the UN CAT has also expressed their concern stating that, *"the Committee is concerned that the use of these weapons causes severe pain constituting a form of torture, and that in some*

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<sup>24</sup> See for example, Physicians for Human Rights (2012) *Weaponizing Tear Gas: Bahrain's Unprecedented Use of Toxic Chemical Agents Against Civilians*, [https://s3.amazonaws.com/PHR\\_Reports/Bahrain-TearGas-Aug2012-small.pdf](https://s3.amazonaws.com/PHR_Reports/Bahrain-TearGas-Aug2012-small.pdf), Mendez, J (2013) *Report of the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment: Mission to Morocco*, A/HRC/22/53/Add.2, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-53-Add-2\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-53-Add-2_en.pdf), Amnesty International (2015) *Open for Business? Corporate Crime and Abuses at Myanmar Copper Mine*, AI Index: ASA 16/003/2015, <https://www.amnesty.org/download/Documents/ASA1600032015ENGLISH.PDF>, all accessed 05/03/2015

*cases it may even cause death. In addition, the Committee is concerned at reports whereby during the trial period Tasers were predominantly used on Maoris and youths.*<sup>25</sup>

Whilst Omega would like to commend the transparency of the relevant authorities in New Zealand who have not only passed requested information to the UN CAT in relation to Taser deployments and training<sup>26</sup> but have made annual and biannual Taser use reports publicly available online,<sup>27</sup> Omega would like to raise specific concerns about alleged deployments where Taser use could be deemed “excessive” or “of concern”.

- In March 2015, a 53-year old man died in Napier whilst being arrested. Police are reported to have used a “*number of tactical options*” including Tasers, pepper spray and dogs whilst attempting to remove him from his car.<sup>28</sup> Omega is concerned not only about the reportedly combined use of Tasers and pepper spray, but also of the potential that pepper spray may have been used in a confined space. Omega would like the UN CAT to urge the relevant New Zealand authorities to conduct a full and thorough investigation into the alleged incident and make publicly available all results and actions resulting from this.
- A number of news reports indicate the simultaneous use of Taser and pepper spray against an individual.<sup>29</sup>
- Official New Zealand police reports indicate multiple deployments of Taser shocks against the same individual during the same incident. For example, between January 1<sup>st</sup> and June 30<sup>th</sup> 2014, Tasers were discharged 66 times. In 46 cases they were discharged once, in 16 cases they were discharged twice, in three cases they were discharged three times and in one incident a Taser was discharged five times.<sup>30</sup> Further in March 2015, it was reported that a subject was Tasered three times for a total of 11 seconds.<sup>31</sup>
- Official New Zealand police reports indicate the use of Taser on elderly and young individuals. Between 2012 and the first half of 2014, Tasers were discharged against individuals as young as

<sup>25</sup> United Nations (2009) *Report of the Committee against Torture, Forty-First Session (3-21 November 2008), Forty-Second Session (27 April – 15 May 2009)*, <http://www.unhcr.org/refworld/pdfid/4ae5b5f12.pdf> accessed 13/03/2015

<sup>26</sup> United Nations (2014) *Consideration of Reports Submitted by States Parties under Article 19 of the Convention pursuant to the Optional Reporting Procedure: Sixth Periodic Reports of States Parties due in 2013, New Zealand*, CAT/C/NZL/6, 4 March 2014, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsj9hO42mxYBe8ab%2fXYDECvLSJL7o3yMdy8qJWs1DTT2LauKKtbMz2cTWainSZf73uT%2bCy5vcNYXjh%2bBlxkzAr1ZBA6MWb9Hj2WpTzN1cEu4n> accessed 13/03/2015

<sup>27</sup> These reports are available on the New Zealand Police website here: <http://www.police.govt.nz/about-us/publication/tactical-options-research-reports> accessed 13/03/2015

<sup>28</sup> See for example: Hawke's Bay Today (2015) *Man Dies While Being Arrested in Napier – Taser, Pepper-Spray, and Dogs*, New Zealand Herald, March 13, 2015, [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=11416608](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11416608) and Radio New Zealand (2015) *Dog, Pepper Spray, Tasers Used Before Death*, March 13, 2015, <http://www.radionz.co.nz/news/regional/268563/dog-pepper-spray-tasers-used-before-death> both accessed 13/03/2015

<sup>29</sup> See for example: Manning, B (2014) *Police Taser Use Against Man Ruled Excessive*, The New Zealand Herald, October 9, 2014, [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=11339795](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11339795) and Mussen, D (2014) *Unlawfully Tasered Man Gets Payout*, The Dominion Post via <http://www.stuff.co.nz/national/10693106/Unlawfully-Tasered-man-gets-payout> both accessed 13/03/2015

<sup>30</sup> New Zealand Police (2014) *NZ Police Biannual Tactical Options Research Report #6: 1 January to 30 June 2014*, <http://www.police.govt.nz/sites/default/files/publications/biannual-tactical-options-research-report-6.pdf> all accessed 13/03/2015

<sup>31</sup> 3 News (2015) *Police Mix-Up Leads to 11-Second Taser*, March 2, 2015, <http://www.3news.co.nz/nznews/police-mix-up-leads-to-11-second-taser-2015030207> accessed 16/03/2015

14 and as old as 69. In addition, during this timeframe, Tasers were “showed” to, but not discharged, against children in the 10-13 year old age range.<sup>32</sup>

- Taser is disproportionately used against the Maori population. The New Zealand police's Annual Taser Reports from 2012 and 2013, and the Biannual Tactical Options Research Report for the first half of 2014 indicate that 49% (2012) / 53% (2013) / 51% (2014) of Taser “shows” and 60% (2012) / 52% (2013) / 51% (2014) of Taser “discharges” were against a member of the Maori population<sup>33</sup> despite the fact that the Maori population makes up less than 15% of the total population<sup>34</sup> of New Zealand.<sup>35</sup>

To this end, **Omega recommends** that:

- Agencies that possess and/or use Tasers should limit their use to situations where they can be effectively used to avoid the resort to lethal force or firearms. Omega believes that the use of electric shock weapons against individuals who do not pose an imminent threat of death or serious injury to themselves or others is a disproportionate use of force which can constitute ill-treatment.
- Government and law enforcement agencies review all guidelines, training, and accountability systems currently in place to ensure all weapons are deployed legally and their use does not result in excessive use of force. All trainings should include elements on proportionality, medical implications, and the protection of human rights and fundamental freedoms. Officers should be required to repeat training courses to avoid “skills-fade”.
- There should be strict guidelines to avoid repeated, multiple or prolonged shocks and the use of Tasers or other electric shock weapons on children, the elderly, and other “at risk” populations should be avoided in all circumstances unless officers are faced with an immediate threat to life which cannot be contained by less extreme options.
- Flammable irritant sprays should never be used in conjunction with electric shock weapons or in situations where there is a fire risk, unless officers are faced with an immediate threat to life which cannot be contained by less extreme measures.
- Irritants should never be used in confined spaces, or in a place where there is no opportunity for the target to easily escape the effects of the irritant. Where chemical irritants are used, appropriate decontamination measures should be provided as soon as practically possible.
- All incidents “of concern” and disproportionate use against minority groups be publicly addressed, investigated and, where appropriate, prosecuted.

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<sup>32</sup> New Zealand Police (2012) *New Zealand Police Annual TASER Report #1*, <http://www.police.govt.nz/sites/default/files/publications/taser-report-annual-2012.pdf>, New Zealand Police (2013) *New Zealand Police Annual TASER Report #2*, <http://www.police.govt.nz/sites/default/files/publications/taser-report-annual-2013.pdf>, and New Zealand Police (2014) *NZ Police Biannual Tactical Options Research Report #6: 1 January to 30 June 2014*, <http://www.police.govt.nz/sites/default/files/publications/biannual-tactical-options-research-report-6.pdf> all accessed 13/03/2015

<sup>33</sup> *ibid*

<sup>34</sup> Population statistic taken from the 2013 New Zealand Census of Population and Dwellings available online <http://www.stats.govt.nz/Census/2013-census/profile-and-summary-reports/quickstats-about-national-highlights/cultural-diversity.aspx> accessed 13/03/2015

<sup>35</sup> This is perhaps linked to the more general issue of Maori over-representation in the criminal justice system which also needs to be addressed. See for example, Workman, K (2011) *Maori Over-representation in the Criminal Justice System – Does Structural Discrimination Have Anything to Do with It? A Discussion Paper*, Rethinking Crime and Punishment, November 8, 2011, [http://www.rethinking.org.nz/assets/Newsletter\\_PDF/Issue\\_105/01\\_Structural\\_Discrimination\\_in\\_the\\_CJS.pdf](http://www.rethinking.org.nz/assets/Newsletter_PDF/Issue_105/01_Structural_Discrimination_in_the_CJS.pdf) accessed: 18/03/2015