**Ending the Torture Trade: The path to global controls on the ‘tools of torture’**

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### **Opening remarks**

Earlier this year, Amnesty International researchers uncovered the brutal torture of migrants held in prisons and detention centres in the Mena region.[[1]](#footnote-1) This included the use of electric shock batons to punish detainees criticizing their poor living conditions. One of the prisoners told Amnesty: *“They took us all outside, except an old man. They […] told us to face the wall. They used the device on all of us on our backs. My skin became red. It was very painful for two days, I couldn’t sleep.”*

**amnesty International’s work on torture**

Amnesty International has a long history of documenting torture and ill-treatment, and campaigning and advocating for a world free of these abhorrent acts. The former special rapporteur on torture, Sir Nigel Rodley, worked in the 1970s as Amnesty International’s legal advisor, spearheading the organisation’s significant role in the drafting and adoption of the Convention Against Torture, which came into force in 1987. Despite torture being absolutely prohibited under international law, over the last decade, Amnesty International has documented torture and other ill-treatment in over 140 countries – three quarters of world’s states.

**work on Tools of Torture**

Since the mid-1990s, Amnesty International has worked in close partnership with the Omega Research Foundation on one specific aspect of this practice: the manufacture and trade in the ‘tools of torture’ – implements and techniques used to carry out torture and other ill-treatment.

The ‘Tools of Torture’ include inherently abusive equipment, for instance certain electric shock devices or inhumane restraints like weighted leg irons which need to be banned outright; and ordinary policing equipment such as batons and pepper spray, which require strict human rights-based trade controls.

This work has also covered controls on the trade in goods used to carry out the death penalty. We oppose the trade in equipment specifically designed to carry out the death penalty, such as guillotines and gas chambers; and call for strict controls on dual-use pharmaceuticals used in lethal injection protocols.

**Tear Gas**

Every year, we are seeing standard policing equipment, such as batons, handcuffs, tasers and tear gas being misused for torture and other ill-treatment, yet often being traded freely with little concern about the potential human rights risks.

For example, earlier this year Amnesty International produced a major investigation into the misuse of tear gas around the world. A close analysis of over 500 videos of some 80 events in 22 countries and territories uncovered multiple cases of misuse which met the threshold of ill-treatment.

Incidents included tear gas being fired through the windscreen of a car, inside a school bus, at a funeral procession, inside hospitals, residential buildings and [metro stations](https://www.scmp.com/news/hong-kong/politics/article/3022367/tear-gas-fired-kwai-fong-station-hong-kong-police-told-mtr). Police have fired canisters [directly](https://www.scmp.com/news/world/middle-east/article/3035828/iraq-using-skull-piercing-tear-gas-grenades-kill-rather) at individuals, leading to fatalities, as well as from speeding jeeps and drones.

**The report**

Today, we are launching the latest in a long line of reports we have produced over the years in collaboration with Omega: ***Ending the Torture Trade: The Path to Global Controls on the ‘Tools of Torture’*.** The report brings together cases of torture and ill-treatment from across the world, both in custodial and extra-custodial settings.

These cases include the use of electric shock devices for torture in detention and on the street; the abusive use of crowd control equipment against peaceful protesters; the misuse of batons to administer beatings to detainees and protesters; and the misuse in law enforcement of inhumane restrains, such as restraint chairs and shackles, along with ordinary handcuffs.

While states have clear obligations to control this potentially dangerous trade, the report also stresses the responsibilities of companies to respect all human rights - including freedom from torture and other ill-treatment - wherever they operate. This is expressly recognized in global standards such as the UN Guiding Principles on Business and Human Rights; and legal provisions for mandatory human rights due diligence for corporate actors are in the process of being negotiated in several European states and in the EU.

The report summaries the last twenty years’ progress towards global regulations, from the series of UN resolutions in the early 2000s, to the introduction of binding-law across the EU; to the development of regulations and guidelines in Africa and the Council of Europe; to the creation of the Alliance for Torture-Free trade and the current UN process. At each step along the way Amnesty and Omega have been there helping drive this process forward.

The report also presents the Amnesty and Omega’s **‘Anti-Torture Trade Framework’** which sets out essential steps that we believe states must take to effectively regulate the trade in law enforcement equipment and death penalty goods.

**The Anti-Torture Framework:**

* Gives our view on items that should be regulated, be they prohibited goods, or goods whose trade should be strictly regulated and subject to strict human rights risk assessments;
* Calls for prohibitions on the provision of training in torture techniques, such as the misuse of prohibited or controlled equipment; or other techniques, such as sleep deprivation; and stress positions; and
* Details measures to support these controls, such as an urgency procedure for updating control lists and official channels for international cooperation and information sharing.

We hope that **‘Anti-Torture Trade Framework’** can help inform and support the current UN process. Amnesty and Omega would welcome the opportunity to discuss the Framework with states as they consider their positions, and we stand ready to assist the Group of Government Experts in their important work next year.

**three key points from the framework**

I would like to conclude by stressing **three key points** that we have included in the Framework and that reflect both the Omega Research Foundation’s technical expertise and Amnesty International’s long, on-the-ground research experience in this area:

1. **Goods covered by state and global regulation need to be wide in scope.** Our global field research shows that torture and other ill-treatment is often carried out by the simplest and least expensive types of law enforcement equipment. So there must be strict trade controls not just on tasers or pepper stray, but also on the most basic equipment like simple handcuffs and police batons.
2. **Regulations have to capture the fact that torture and other ill-treatment happens outside of detention settings, most prominently in the policing of public assembly**. As the current special rapporteur on torture has so convincingly argued, torture/ill-treatment happens not just in the more controlled environments of custody, but what he has described as “the wilderness of the street”. Our field research has found that ill-treatment of protesters is a growing and extremely serious problem. So it is essential any trade regulations cover crowd control equipment, such as tear gas, rubber bullets and related launchers; and that this equipment is subject to strict, human rights-based trade controls.
3. Finally: **any global regulation must be legally-binding, with adequate resources to allow for robust enforcement**. This includes provisions for mutual assistance, information exchange and regular reviews of banned and controlled goods to keep pace with what is sadly a fast-developing area of innovation.

**Concluding remarks**

The more countries join the efforts to put end to the torture trade, the better chances we have to succeed in our efforts to stop it; without global participation, national and regional measures risk being undermined by renegade states and companies. The UN can play a vital role in bringing states together to support this initiative - and take a lead in the development of strict global regulation on the trade. We owe this to the countless individuals featured in our report, who have been shackled, subject to electric shocks and beaten; and to all those who have been pepper sprayed, tear gassed and met with hails of rubber bullets in deliberately punitive acts, simply for peacefully protesting.

Thank you.

1. Amnesty International, *“This is worse than covid-19”: Ethiopians abandoned and abused in Saudi prisons*, (Index: MDE 23/3125/2020), [www.amnesty.org.uk/files/2020-09/Report.pdf?ofpXkfgKj\_IEX2E2UrWjxmp\_ZcloJYda](http://www.amnesty.org.uk/files/2020-09/Report.pdf?ofpXkfgKj_IEX2E2UrWjxmp_ZcloJYda)= [↑](#footnote-ref-1)