

TACKLING THE TOOLS OF TORTURE AND SUPPORTING REPARATION

In the past 15 years there is strong evidence that the advancement of human rights in many countries is under threat. There are concerning trends towards security forces using increasing levels of violence against peaceful protesters, the increasing militarisation of civilian law enforcement forces and the perpetration of acts of torture and other ill-treatment in prisons or by other security agencies, often with impunity. Meanwhile, the range of tools of torture being manufactured, promoted, transferred and deployed continues to grow.

‘Tools of torture’ are specialist military, security and policing equipment and weapons which are inherently abusive or dangerous. This also incorporates equipment that can have a legitimate law enforcement function but that can readily be misused to carry out torture and other ill-treatment. Associated technical assistance and training on how to use these tools are of equal concern.

While almost any instrument can be used to inflict torture and ill-treatment, it is often perpetrated using specialist law enforcement equipment, including technologies that are specifically designed for such purposes. It is unacceptable that technology with no purpose other than torture or ill-treatment is manufactured, promoted, transferred and deployed. In addition, equipment which is legitimate when used appropriately is often misused by prison, police and other agencies, notwithstanding the international human rights system that prohibits such actions.

“While some of the cases have involved the use of equipment which is inherently cruel, inhuman or degrading, and would per se breach the prohibition of torture, the vast majority have involved the misuse of those instruments, legitimate in appropriate circumstances, to inflict torture or other forms of ill-treatment.”

Former UN Special Rapporteur on torture Theo van Boven, 2004

Despite the significant human rights implications of this, there remains limited awareness and action from national government officials, domestic legislators and regulatory agencies, intergovernmental institutions including the UN, human rights monitoring bodies, rehabilitation organisations and civil society about these technologies and their role in facilitating torture. As a result, trade control officials fail to prevent transfers that facilitate torture; law enforcement agencies have inappropriate technology, training and guidelines; and human rights monitors, rehabilitation organisations and civil society lack the evidence necessary to hold those complicit in torture to account, and to prevent future occurrences.





The Project

Tackling the Tools of Torture and Supporting Reparation

This project aims to prevent future incidents of torture and ill-treatment, increase accountability for prior incidents and contribute to reparation for survivors through a distinctive focus on the use and trade of the tools of torture used to perpetrate such acts.

The project is funded by the EU's European Instrument for Democracy and Human Rights (EIDHR) under its Prevention of Torture strand of work, and runs for three years, from April 2018 to March 2021.

The project addresses the role of the tools of torture in human right abuses by focusing on three inter-related issues: use, trade and reparation. Efforts at the national level are largely focused on three regional leaders whose stance on human rights issues and policy initiatives are often replicated by their neighbours: South Africa, Indonesia and Brazil. Equally, the project will conduct new research, and disseminate new knowledge at regional and international levels, to feed into processes aimed at creating or improving existing controls on the trade and use of tools of torture.



Spiked baton © Omega Research Foundation

The project focuses on the following three issues:

The Trade in Tools of Torture: The project promotes strengthening trade controls at all levels to make it more difficult for those who are, or would be, involved in torture and ill-treatment to receive equipment to facilitate such abuse. This involves engaging officials responsible for national controls in the three target countries and using our technical expertise to boost regional and international initiatives.

Limiting the Use of the Tools of Torture: By promoting clearer human rights-based standards on how, and when, law enforcement officials use weapons and equipment, and enhancing the technical capacity of monitors to provide effective oversight of these standards, the project aims to contribute to a reduction in the misuse of law enforcement equipment and weapons, thus helping to curb excessive use of force and ill-treatment.

Supporting Reparation for Survivors: By providing rehabilitation professionals with the tools to effectively record testimony of the use of tools of torture, and by facilitating cooperation and information-sharing between rehabilitation and legal professionals, the project supports torture survivors' efforts to obtain comprehensive reparation.

Project Methodology:

The project undertakes the following range of activities to achieve its aim:

- Research: Systematically gather data on the trade and use of tools of torture, which will form the basis of all project outputs
- Advocacy: Lobby key trade control and law enforcement policymakers using evidence to generate practical policy recommendations
- Training and support: Provided on an ongoing basis to torture monitors, rehabilitation professionals and civil society organisations
- Support to torture survivors: Assist torture survivors to obtain comprehensive reparation.

Project Partners



Omega Research Foundation (Omega) monitors the trade in tools of torture and investigates cases to uncover the entire 'supply chain' from production of equipment, methods of promotion and supply, to the use of equipment in specific human rights violations. Omega develops evidence-based policy options which have been incorporated into national and regional trade regulations and have improved their implementation. Omega promotes the implementation of human rights standards pertaining to use of force.

Institute for Security Studies (ISS) works to enhance human security by providing independent and authoritative research, expert policy advice, and practical training and technical assistance. This is supported by inspiring communications to key audiences. The ISS' sound reputation, together with its established networks and relationships across Africa, provide significant convening power that enables it to effectively achieve results with stakeholders from government, civil society, the diplomatic community and the private sector.

Justiça Global works to confront Brazil's endemic practice of torture and other forms of institutional violence. Through systematic monitoring of prison facilities, Justiça Global is instrumental in holding the state to account, including through supplying information to support Inter American Court of Human Rights judgments, resulting in policy changes at national level – something this project seeks to replicate.

Legal Resources Centre (LRC) seeks creative and effective solutions for the prevention of torture, using a range of strategies, including impact litigation and law reform, through partnerships and development processes, education and networking within South Africa, the African continent and at the international level through critical interventions at the Human Rights Council and other fora.



Hand-thrown less lethal grenades © Omega Research Foundation

Associate Organisations

Amnesty International seeks to expose governments who torture and support torture survivors to get justice. Amnesty International and Omega work together to tackle the trade in tools of torture. Amnesty International's field presence and long-term commitment to effecting change provide important access to key decision-makers. Amnesty International's worldwide activist membership and experienced media team ensures effective dissemination of outputs to a much larger audience than would otherwise be possible.

Commission for "the Disappeared" and Victims of Violence - KontraS campaigns for human rights for all and to end impunity in Indonesia. KontraS provides legal defence for victims of human rights violations, uncovers the truth surrounding historic human rights abuses, calls for accountability for human rights violations through a fair legal procedure, and seeks reparations for victims of human rights violations.

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