

Torturers are not born, they are nurtured, trained and supported. In many countries they rely on foreign governments for the tools of their trade and expertise in how to use them. Some governments are directly involved in the torture trade; others prefer to turn a blind eye. Few have shown the political will to put an end to this trade whose profits are built on the suffering of countless torture victims.

Some of the tools of the torturer's trade seem almost medieval — shackles, leg irons, thumbscrews, handcuffs and whips. However, in recent years there has been a marked expansion in the manufacture, trade and use of other kinds of technology used by security and police forces, especially electro-shock technology. New research for this report has shown that the number of countries worldwide known to be producing or supplying electro-shock equipment had risen from 30 in the 1980s to more than 130 by 2000.

In October 2000 Amnesty International launched a worldwide campaign against torture, *Take a step to stamp out torture*. This report, which is released as part of the anti-torture campaign, aims to mobilize people around the world to put pressure on governments and on companies to stop the torture trade.



Stopping the torture trade



Stopping the torture trade



Stopping the torture trade

This report is one of a series of publications issued by Amnesty International as part of its worldwide campaign against torture. Other reports issued as part of the campaign, which was launched in October 2000, include: ***Take a step to stamp out torture*** (AI Index: ACT 40/013/2000); ***Hidden scandal, secret shame — Torture and ill-treatment of children*** (AI Index: ACT 40/038/2000); ***Broken bodies, shattered minds — Torture and ill-treatment of women*** (AI Index: ACT 40/001/2001). The campaign aims to galvanize people around the world to join the struggle to end torture.

- **Take a step to stamp out torture** — join Amnesty International's campaign against torture
- Join Amnesty International and other local and international human rights organizations which fight torture
- Make a donation to support Amnesty International's work
- Tell friends and family about the campaign and ask them to join too
- Register to take action against torture at **www.stoptorture.org** and campaign online. Visitors to the website will be able to appeal on behalf of individuals at risk of torture

Cover: (top) Frank Stott, managing director of ICL Technical Plastics, secretly filmed demonstrating an electro-shock baton.

© TVF Productions

(bottom) Leg irons, chains and cuffs on sale at a security fair, Beijing, China, 1998. © Robin Ballantyne/Omega Foundation

Amnesty International (AI) is a worldwide movement of people who campaign for human rights. AI works towards the observance of all human rights as enshrined in the Universal Declaration of Human Rights and other international standards. It seeks to promote the observance of the full range of human rights, which it considers to be indivisible and interdependent, through campaigning and public awareness activities, as well as through human rights education and pushing for ratification and implementation of human rights treaties.

AI's work is based on careful research and on the standards agreed by the international community. AI is a voluntary, democratic, self-governing movement with more than a million members and supporters in more than 140 countries and territories. It is funded largely by its worldwide membership and by donations from the public. No funds are sought or accepted from governments for AI's work in documenting and campaigning against human rights violations.

AI is independent of any government, political persuasion or religious creed. It does not support or oppose any government or political system, nor does it support or oppose the views of the victims whose rights it seeks to protect. It is concerned solely with the impartial protection of human rights.

AI takes action against some of the gravest violations by governments of people's civil and political rights. The focus of its campaigning against human rights violations is to:

- free all prisoners of conscience. According to AI's Statute, these are people detained for their political, religious or other conscientiously held beliefs or because of their ethnic origin, sex, colour, language, national or social origin, economic status, birth or other status – who have not used or advocated violence;
- ensure fair and prompt trials for all political prisoners;
- abolish the death penalty, torture and other ill-treatment of prisoners;
- end political killings and "disappearances".

AI calls on armed political groups to respect human rights and to halt abuses such as the detention of prisoners of conscience, hostage-taking, torture and unlawful killings.

AI also seeks to support the protection of human rights by other activities, including its work with the United Nations (UN) and regional intergovernmental organizations, and its work for refugees, on international military, security and police relations, and on economic and cultural relations.

Stopping the torture trade

Amnesty International Publications

Please note that readers may find some of the photographs and case histories contained in this report disturbing.

First published in 2001 by
Amnesty International Publications
1 Easton Street
London WC1X 0DW
United Kingdom

www.amnesty.org

© Copyright
Amnesty International Publications 2001
ISBN: 0 86210 295 2
AI Index: ACT 40/002/2001
Original language: English

Special thanks to the Omega Foundation for research assistance

Printed by:
The Alden Press
Osney Mead
Oxford
United Kingdom

All rights reserved. No part of this
publication may be reproduced, stored in
a retrieval system, or transmitted, in any
form or by any means, electronic,
mechanical, photocopying, recording
and/or otherwise without the prior
permission of the publishers.

CONTENTS

1: INTRODUCTION	1
2: RESTRAINING ABUSE	3
Chains, shackles and leg irons	4
Restraint chairs	11
3: CHEMICAL CONTROL	15
Tear gas	15
Pepper spray	18
4: SHOCKING WEAPONS	23
Electro-shock batons and cattle prods	24
Stun guns, stun shields and tasers	26
Electro-shock stun belts	28
Failure to evaluate and monitor	30
The spread of electro-shock technology	32
Loopholes in the regulations	38
5: TORTURE SKILLS	41
School of the Americas	42
Israeli-occupied south Lebanon	45
Private security services	46
6: AN AGENDA FOR ACTION	49
Endnotes	53

25 times in his career, Muhammad Ali fought for a belt. Now he's fighting against one.

Even "The Greatest" couldn't stand up to today's stun technology. Around the U.S., police and prison guards are using electro-shock weapons of up to 50,000 volts on suspects and prisoners as young as 17.

Join Amnesty International and www.amnestyusa.org to demand an end to the use of stun belts and the misuse of other electro-shock weapons. Call 1-800-352-2631 for more information on our Rights for All campaign. Human rights aren't just a foreign affair.



AMNESTY INTERNATIONAL WWW.AMNESTY-USA.ORG/RIGHTSFORALL

1: INTRODUCTION

"I woke up a short time later to a very intense shocking pain running through my body. This electrical current was so intense that I thought that I was actually dying. I had not been causing any trouble, I was belly chained, shackled, seat belted in, and there was a fence between the officers and me, so there was absolutely no reason for them to be using this device on me. The rest of the trip to Larned Correctional Mental Health Facility is kind of a blur to me... However, I think they shocked me a second time while I was still in the van. When we arrived at Larned, I was unloaded from the van and taken to a holding cell... Once I was in the cell, several officers came into the cell and again I was shocked by the stun-belt. This electrical blast knocked me to the floor, and I could hear the officers that were around me laughing and making jokes..."

Craig Ryan Shelton, an inmate in Hutchinson Correctional Facility, Reno County, Kansas, USA, describing what happened to him while he was being transferred to Larned Correctional Mental Health Facility for treatment in April 1996.

Torture does not happen in a vacuum. The social and political context, and the supply of tools and techniques for inflicting pain rely on a failure of political will. If the governments of the world had the political will to stop torture they could do so.

Manufacturing, trading and promoting equipment which is used to torture people is a money-making business. The parallel trade in providing training in the techniques of physical and mental torture can be equally profitable. Companies and individuals around the world are involved in providing devices and expertise which are ostensibly designed for security or

Muhammad Ali backs the campaign against electro-shock stun belts. Stun belts are now banned in several US states. © AI

crime control purposes, but which in reality lend themselves to serious abuse. This is a global trade involving countries on every continent; it also, therefore, involves governments in every region.

© Robin Ballantyne/Omega Foundation



Some of this equipment has changed little over the years. Leg irons and shackles, for example, are reminiscent of the cruelty and inhumanity of the slave trade. However, modern technologies, such as electro-shock devices, are an increasing part of the torturer's armoury. All these devices and weapons, no matter how different, have in common the potential to inflict severe pain and injury. They also share a serious lack of official controls on their manufacture and sale.

Leg irons, chains and cuffs on sale at a security fair, Beijing, China, 1998.

This report examines the continuing trade in older tools of torture as well as the growing trade in electro-shock technology. It looks at the increasing use of so-called "non-lethal" weapons, such as tear gas and chemical irritants, and how these can facilitate torture. It also shows how the unscrupulous transfer of military and security training and expertise helps train torturers.

Stopping the torture trade is an important part of the campaign to eradicate torture. This report makes a number of recommendations to governments as well as to companies on how this can be done.

2: RESTRAINING ABUSE

In May 2000 the last prisoners were freed from the Khiam detention centre in southern Lebanon. The gates opened to reveal evidence not only of the routine torture detainees had suffered, but also of the international

network which had supplied the torturers with the tools of their trade. The centre had been run by the South Lebanon Army, Israel's proxy militia in the former occupied south Lebanon, with the involvement of the Israeli army, but the handcuffs used to suspend detainees from an electricity pylon where they were doused with water and given electric shocks were clearly marked "The Peerless Handcuff Co. Springfield, Mass. Made in USA".¹



© Ina Tiry/Al

Cosette Ibrahim, a former detainee in the Khiam detention centre, south Lebanon, and torture survivor.

Mechanical restraints — handcuffs, leg irons, shackles, chains and thumbcuffs — are some of the most widely used security devices. They are also widely misused. In every region of the world they have been used repeatedly and persistently to violate prisoners' human rights. This

kind of low technology equipment is transferred from country to country with little or no government control either on its trade or on its use. Secrecy and lack of checks and safeguards facilitate its supply to and use by torturers.

Some of this equipment — such as leg irons — is inherently cruel, inhuman and degrading and should be banned.

Other devices — such as shackle boards and thumbcuffs — appear to lend themselves to human rights abuses. AI is calling for the manufacture, trade, promotion and use of these to be suspended while a rigorous, independent and impartial inquiry is carried out into their use and effects.

Some restraints — such as handcuffs — do have legitimate uses, but have also been used to facilitate cruel, inhuman or degrading treatment. AI does not oppose the legitimate use of such restraints in appropriate circumstances. However, AI believes that

stringent controls based on international human rights standards must be put in place to ensure that they do not end up in the hands of those who would misuse them to torture prisoners.

Chains, shackles and leg irons

Restraints are sometimes needed by law enforcement officials to control or protect. However, the circumstances and limits within which they are used should be consistent with international human rights standards. These standards absolutely prohibit torture and ill-treatment and specify that legitimate restraints may be used only when other measures are ineffective and only for as long as is strictly necessary.

AI has received numerous reports in recent years of the use of shackles and handcuffs in the torture and ill-treatment of detainees in Saudi Arabia. Several former prisoners have described how the security forces used these restraints in coercing confessions. However, despite Saudi Arabia's long-standing record of gross human rights violations, companies in several countries have continued to supply the Saudi Arabian authorities with restraints including leg irons, shackles and handcuffs.

A number of former prisoners have reported that the restraints used on them in Saudi Arabia were stamped with the name Smith & Wesson², a US company, or Hiatts, a United Kingdom (UK) company.

Legcuffs produced by the UK company Hiatts.

© AI



"Once you leave the cell, even to see the dentist, you are in handcuffs and shackles. Sometimes people [were] chained together by both handcuffs and shackles... We had Smith & Wesson. The others said 'Made in Britain' — both handcuffs and shackles... There were two kinds of shackles. One [had a] thick bar with rounded edges, joined together with chains, sometimes long and sometimes just inches long. The others were exactly like handcuffs. They were bad because they were very sharp and they wound your ankle."

Rene Camahort, describing the use of shackles and handcuffs while he was detained in Malaz prison, Riyadh, in 1999.

Official figures of US exports to Saudi Arabia corroborate this and similar testimonies. Although the US government has stated that human rights considerations are taken into account when making licensing decisions, it nevertheless allowed the production and export of leg irons, legcuffs, shackles and gang-chains. Information obtained by the Federation of American Scientists under the Freedom of Information Act showed that Smith & Wesson and other US companies, including Tryco Inc. and Sirchie Fingerprint, had supplied restraints to Saudi Arabia.

Patrick Foster, a UK businessman arrested in October 1992 in Riyadh and accused of two alcohol-related offences, described his treatment and shackling by Saudi Arabian security forces:

"Two or three [men]... grabbed me, twisted my arms behind my back and roughly manhandled me towards an American Chevrolet... the next thing I knew they had attached leg shackles round my ankles... my wrists were handcuffed. Now that I was completely shackled these nameless thugs started punching me around the head, chest and stomach..."

Once in prison, the use of handcuffs and leg irons continued, as Patrick Foster told the UK-based non-governmental organization Redress:

"Prisoners were put into handcuffs and leg-irons when leaving the cell for any reason such as to go to court."

They were extremely painful as they were worn without shoes and socks, and used to cut into my skin and leave scars which lasted for months."

In a diary he smuggled out of prison in cigarette packets, Patrick Foster recorded his surprise that the chains in which he was held were made in England:

"the shackles and cuffs in this establishment, as in every other incidentally, were both made by Hiatt in England; somewhat ironic..."³

In January 1995, in response to Patrick Foster's allegations, a Hiatts director stated:

"We've stopped making leg cuffs and those were dispatched as hand cuffs... I don't have to dictate or tell anybody what to do with the tools they get. That's not my problem, they do exactly as they like."

However in 1995 researchers bought legcuffs which were stamped "Hiatts" and "Made in England" from a US-based distributor, Hiatt-Thompson. Patrick Foster confirmed that they were identical to the ones which were used on him. It would appear that Hiatts had been exporting oversized handcuffs from the UK to the USA where Hiatt-Thompson would add longer chains to turn them into legcuffs; the sale and export of legcuffs are still legal in the USA.

On 28 July 2000, UK Foreign Office Minister Peter Hain announced the introduction of new controls on the export of individual "oversize" bracelet cuffs so that they cannot be used for leg irons or legcuffs. AI welcomes this statement, but the Hiatts case illustrates how easily export controls can be evaded and underlines the need for transparency and accountability.

The case of the Spanish arms manufacturing company Larrañaga y Elorza highlights the urgent need to introduce controls which cover the whole of the European Union (EU). For the past 10 years Larrañaga y Elorza has specialized in manufacturing restraint devices and irons.⁴ Tomás Astigarraga, the company's Export Manager, was quoted in the Spanish newspaper *El País*⁵ as saying that the main customers of the irons manufactured by Larrañaga y Elorza were the USA and some countries in South America. He told the newspaper that

this company did not require a specific licence from the Spanish government for the export of leg irons and belly chains. However, Spanish legislation is very clear on this issue. Exporting restraint devices requires a government licence.⁶

Larrañaga y Elorza has agents in several countries — including Chile, Pakistan, Thailand and Yemen — where restraint devices have reportedly been misused. On 2 October 2000, AI, Greenpeace, Intermón-Oxfam and *Médecins sans Frontières* called on the Spanish government to introduce stringent legal controls on brokering in Spain and the EU, to open an investigation into the alleged illicit activities of Larrañaga y Elorza, and to ban the torture trade.

There is a clear need for the Spanish government to improve the transparency and functioning of parliamentary control mechanisms on military, security and police equipment. The reports issued since 1998 by the Department of Trade on the export of defence and dual use equipment only refer to six broad categories of weapons, including small arms. They fail to provide detailed information about what products are exported to which country or who the end-users are. This prevents members of parliament, non-governmental organizations and the public from effectively monitoring the export of security and police equipment. For example, according to the Register of Spanish Exporting Companies, the Larrañaga y Elorza company has exported equipment under a code⁷ which mainly refers to padlocks.

In recent years there have been positive steps in several countries towards eradicating the cruel, inhuman and degrading use of shackles and leg irons. For example the use of new forms of shackles and chains has been prohibited in several countries. In the UK and Latvia, governments have recently changed their laws to prevent the use, production and transfer of certain specifications of restraint equipment. In Namibia in 1999, Chief Justice Johan Strydom ruled that the use of leg chains and leg irons was degrading treatment and so was incompatible with Article 8 of Namibia's Constitution. He stated:

"Whatever the circumstances the practise of using chains and leg irons on human beings is a humiliating

experience which reduces the person placed in irons to the level of a hobbled animal whose mobility is limited so that it cannot stray. It is furthermore still a strong reminder of days gone by when people were carted away in bondage and sold like chattels. To be continuously in chains or leg irons and not to be able to properly clean oneself and the clothes one is wearing sets one apart from other fellow human beings and is in itself a humiliating and undignified experience...

"I am therefore of the opinion that the placing of a prisoner in leg irons or chains is an impermissible invasion of article 8(1) and contrary to article 8(2)(b) of the constitution as it at least constitutes degrading treatment."

However, the use of shackles and leg irons continues to be reported in many countries. During the last decade, AI has received a number of reports detailing the use of shackles in Yemen. One victim described how after his arrest in November 1997 for his political activities, he was handcuffed and taken to a military compound. On arrival he was placed in leg shackles and locked inside a steel freight container. He was held for nearly a month during which time his handcuffs were sometimes removed. However, the leg shackles were never removed; he still bears the scars.⁸

In Pakistan children have reportedly been kept in shackles for long periods of time. In 1995 AI reported that a religious school in Piplan, Punjab province, held children aged between four and 16 in chains and leg fetters. The chain linked both ankles at a maximum distance of 25cm. The end of the chain was fastened to a heavy log of wood and none of the children could move without the others joining to lift the log. Several children were reported to have been held in these conditions continuously for up to 10 years to prevent them running away and being exposed to "corrupting influences".⁹ The shackling and chaining of prisoners in Pakistan remain widespread.

In Thailand the shackling of prisoners is also reportedly commonplace. In some of Thailand's prisons, inmates accused of murder, attempted murder or serious drugs offences are reportedly continuously kept in shackles weighing between seven and 10 kilograms. In 1997 conditions in Building 10 in

Bangkwang Prison were described as poor; people being punished were kept in solitary confinement, often remaining in heavy shackles for months at a time. Some prisoners were confined for three months in a tiny dark cell with 15 kilogram shackles, called "elephant chains", welded round their ankles. According to reports, all prisoners had to wear shackles during their first three months in Bangkwang Prison, and all those on death row were also believed to be shackled.¹⁰ The use of shackles, often for long periods of time, appears to be a technique that is still in use in Bangkwang and Chonburi prisons.¹¹

In the USA it is common practice for prisoners and detainees to be shackled during transportation, with handcuffs attached to metal waist chains and, in many cases, with the legs or ankles chained together. It is common for shackles to be used on sick and pregnant women prisoners when they are transported to hospital and while hospitalized. This routine practice is applied regardless of whether the woman has a history of violence and regardless of whether she has ever absconded or attempted to escape.¹²

"The doctor came and said that yes, this baby is coming right now, and started to prepare the bed for delivery. Because I was shackled to the bed, they couldn't remove the lower part of the bed for the delivery, and they couldn't put my feet in the stirrups. My feet were still shackled together, and I couldn't get my legs apart. The doctor called for the officer, but the officer had gone down the hall. No one else could unlock the shackles, and my baby was coming but I couldn't open my legs... Finally the officer came and unlocked the shackles from my ankles. My baby was born then. I stayed in the delivery room with my baby for a little while, but then the officer put the leg shackles and handcuffs back on me and I was taken out of the delivery room."

Maria Jones describes how she gave birth while she was an inmate of Cook County Jail, Chicago, USA, in 1998.¹³

In China, official regulations explicitly exclude certain prisoners, such as those under sentence of death, from time limits for the use of shackles. Other regulations for prison and labour camp wardens, published in 1982, stipulate that "leg-irons and

handcuffs may be used together on prisoners awaiting execution". The practice of prolonged "dual" shackling of prisoners who have been sentenced to death is a further inhuman and degrading punishment inflicted on people already suffering the extreme cruelty and mental anguish of awaiting their death at the hands of the state. At their execution it is common for prisoners to be

shackled and made to kneel before being shot.

Some forms of torture involve the deliberate use of a combination of restraints and devices. One such technique, *shabeh*, has reportedly been used in Israel, Jordan and Syria. It involves securing prisoners in painful and often unnatural positions for long periods of time using shackles, leg irons or handcuffs. *Shabeh* became the technique of choice of many torturers because it leaves relatively little visible physical damage on the victim.

"After that I stayed in shabeh for two continuous weeks on a chair and standing shackled to a pipe and they

continuously beat me, kicking me on the chest... I was put in a closet many times during the shabeh".

Ziad Qawasmeh, detained by the Israeli security forces in 1994

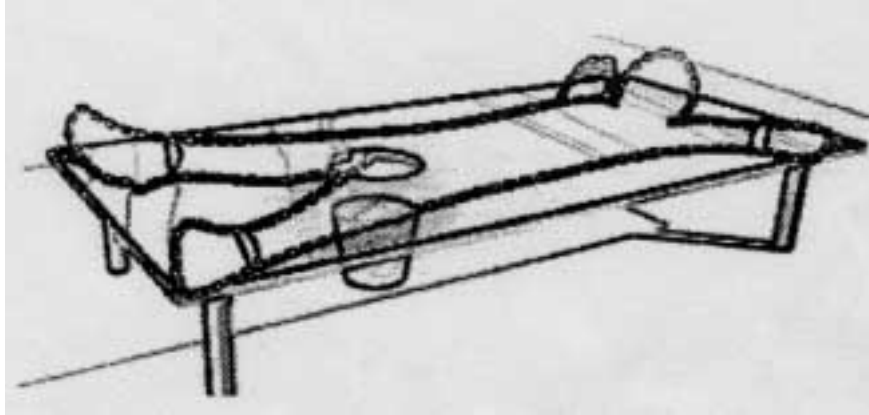
The UN Special Rapporteur on torture recently reported on a case of alleged torture in China involving the use of the *Di Lao* technique on followers of the *Falun Gong* spiritual movement.¹⁴

"It is alleged that most of the practitioners, including children and elderly

© Private



Thumbcuffs have been offered for sale in China, France, Germany, South Korea, Spain, Taiwan, the UK and the USA. When people are thumbcuffed behind their backs, it restricts their ability to cushion themselves in a fall. AI has also found thumbcuffs on the market with serrated edges on the inner circumference of the cuffs which can cause unnecessary pain and injury.



© Private

Diagram of a "tiger bed" or shackle board. The device consists of a flat board with hand and legcuffs at the four corners. Prisoners are attached to the board with their arms and legs spreadeagled and shackled. A hole in the centre of the board allows evacuation of urine and excrement. Reports from China in the early 1990s described how women under sentence of death were kept shackled in this way for months awaiting execution. Fellow prisoners, who had to feed and wash the shackled women and help them defecate, reported that after one week on the board, the women were unable to stand without assistance. Some prisoners kept shackled to the board reportedly became mentally disturbed. The use of similar equipment has also been reported in the USA.

persons, have been insulted and beaten by police at the time of arrest and during their subsequent detention. Electric shock batons and a device called the Di Lao in which victims' wrists and feet are shackled and linked together with crossed steel chains making it nearly impossible to walk or sit down, are said to have been used."

Thousands of *Falun Gong* practitioners have been arrested since the movement was banned in July 1999; many have been tortured.

Restraint chairs

Scott Norberg died in Madison St Jail, Maricopa County, Arizona, USA, in 1996. He died from asphyxia after being placed in a restraint chair with a towel wrapped over his face after he refused to leave his cell. Before being strapped into the chair he was hit more than 20 times with an electro-shock stun gun. The following year officials informed AI representatives that the jail system had 16 restraint chairs which had been used about 600 times in six months.¹⁵

In some countries existing technology has been adapted to develop new forms of restraint. One

© Eric Tasden



A restraint chair |

such device is the restraint chair, which allows a prisoner's wrists and ankles to be secured at the same time — known as four-point restraint. In addition straps can be tightened across the prisoner's shoulders and chest. The restraint chair has been marketed as a "safer alternative" to other forms of four-point restraint.

However, AI has received reports of restraint chairs being used in the USA to shackle children and people with physical disabilities; to punish prisoners for minor infractions of prison rules; and to incapacitate prisoners while they are being tortured or abused. Most of the reported abuses have taken place

in jails, particularly in the intake areas.

Some moves have been made to restrict the use of restraint chairs in the USA. In August 1999, for instance, a Tennessee judge ruled that a confession obtained while a suspect was confined to a restraint chair was inadmissible stating that: "While such a chair may be useful, it can easily cross the line as a coercive force".¹⁶ In November 1999 a judge in Ventura County, California, issued a preliminary injunction banning the chair in the county jail after a lawsuit was filed alleging widespread abuse.¹⁷

In May 2000 the UN Committee against Torture expressed its concern that the use of restraint chairs may violate the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and recommended that the USA: "Abolish... restraint chairs as methods of restraining those in custody. Their use almost invariably leads to breaches of Article 16 of the Convention."¹⁸

Despite the evident risk of injury and abuse, at least one US-based manufacturer continues to export restraint chairs. AEDEC

International Inc. manufactured one of the most widely used restraint chairs, the Prostraint Violent Prisoner Chair. In an interview published in early 2000, the President of AEDEC stated that his company would only do business with "the countries who really believe in human rights... We're kind of ticklish about selling them to third world countries that don't have human rights because then there is a possibility that they might be abused."¹⁹ However, he also admitted that his company had exported restraint chairs to the United Arab Emirates from where consistent reports of torture and ill-treatment of prisoners have been received over the past 10 years. Pushed further to reveal the number of restraint chairs that his company had sold, he stated that "thousands" had been sold, but when asked the exact number he replied: "We don't tell anybody that, in court or otherwise."²⁰ The absence of controls and regulations on the transfer of restraint chairs means that this information remains a secret.

Unfortunately, due to copyright restrictions,
this image is unavailable on the web

Please contact your nearest Amnesty
International section if you wish to obtain
a hard copy of this publication.

(Above) A protester is sprayed by Seattle police during protests which forced the World Trade Organization to delay the opening ceremony of its talks in the USA on 30 November 1999. There were allegations of widespread abuses including reports of pepper spray and tear gas being used against non-violent protesters, unresisting residents and bystanders. Some were repeatedly sprayed in the face at close range.

(Below) A grenade launcher able to fire tear gas canisters, on sale in Moscow, Russia, 1998.

© Robin Ballantyne/Omega Foundation



3: CHEMICAL CONTROL

Tear gas

In July 1997, Zambian police used tear gas to break up a peaceful protest march to Lusaka city centre. A large number of demonstrators, many of them women with small children, sought refuge in a building used by the United National Independence Party (UNIP). Police laid siege to the building for about 12 hours. Then, without warning, they shot tear gas canisters into the building to force people onto the street where police officers beat them with batons. Rabbison Chongo, a UNIP official, recalled:

"I've never seen so much tear gas... you couldn't see down the hall five feet in front of you. So much that you can't get air in the lungs, you can't breathe."

Another person in the building that day, Melania Chipungu, said she did not know what was worse, suffocation because of the tear gas inside or the beating by police outside:

"The smoke in this office was terrible. I tried to wash my face. I wanted to go upstairs to the first floor. I couldn't see in front of me... I couldn't see because it was like chilli in my eyes. I was following the wall to go out and up the stairs. Then someone was pulling me out. A hand was pulling me out. It was the police. They started beating me. Three policemen, they hit me with batons, wooden batons: a club with a handle on the side. They tore my skirt and threw me in a van. What I saw when I looked out was guns. The police were going in with guns. They opened the door [to the building] and would shoot tear gas, then they closed the door again."

UNIP official Melian Sebente Akuffo telephoned the police authorities to plead with them to stop throwing tear gas into the building. She later told AI that the police had responded, "we'll tear gas them until they die — and those who come out of the building, we will break their necks."

A tear gas grenade used in this attack was found in the UNIP building and given to AI and Human Rights Watch researchers. It

© AI



A tear gas grenade found in the UNIP offices, Zambia, 1997. Made in Britain

had been manufactured by a UK firm, Pains-Wessex, a subsidiary of Chemring plc. AI called on the UK government to suspend the export of tear gas weaponry to Zambia. However, on 21 July 2000, the UK government published its annual report on arms exports. The report showed that in 1999 the UK government had granted licences for the export of CS grenades and tear gas/irritant ammunition to Zambia. AI is continuing to press for the suspension of such transfers to Zambia until the Zambian police are made properly accountable and trained in the use of tear gas. AI is also trying to find out which company is responsible for exporting this equipment.

Police and security forces now have a whole array of weapons at their disposal which are promoted on the grounds that

they provide effective control without the risk of loss of life. The companies involved in manufacturing and trading these devices claim that they are a humane alternative to lethal force.

However, there is abundant evidence that some "less-than-lethal" weapons have been misused, resulting in serious injury, even death. As with the other types of equipment and expertise described in this report, the controls on making, trading and using chemical sprays are often woeful. There is an urgent need for clear guidelines on how these weapons should be used. These must be enforced through proper monitoring mechanisms. The forces which use them must receive adequate training. And for some of the newer developments in this area, there needs to be an independent assessment of whether they really do provide a "humane" alternative.

Much of this equipment — for example chemical sprays and tear gas — is designed for use in controlling crowds. Many of the examples of its misuse, therefore, have involved attempts by the security forces to break up demonstrations. Some of these were peaceful political protests where the authorities' wish to

suppress dissent translated into the excessive use of force by the security forces. In other instances, chemicals have been fired into confined spaces, contrary to the manufacturer's instructions, putting the occupants at risk. There have also been many reports of excessive use of force where chemical sprays and tear gas were directly sprayed onto individuals in the street or used against individual prisoners, sometimes with fatal consequences.

In 1999 a report by the UK Police Complaints Authority revealed that in 40 per cent of the 135 cases reviewed, CS gas had not been used in self-defence, that is, contrary to guidelines. In 14 per cent of cases CS gas had been used on people already physically restrained by police officers; in four per cent of cases the person had already been handcuffed. In addition, it was revealed that 75 per cent of police forces in the UK had drawn up their own "additional" guidelines and it was not at all clear whether these fell within the national guidelines. Surveys conducted in the UK on the effects of CS gas also raise serious concerns. One UK survey has shown that out of a sample of 34 people sprayed, only two recovered within the usual recovery period, while half were still suffering from symptoms more than a week later.

In May 1993 Hungarian police investigating a car theft raided a Romani community in Béke utca in Orkény, about 50 kilometres south of Budapest. Lakatos Lászlóné, a 55-year-old woman, fainted and was taken to hospital after an officer beat her, ripped off her tracheotomy tube and sprayed tear gas in her face. Fehér Péterné, who was five months pregnant, tried to protect Lakatos Lászlóné as she lay unconscious. She too was beaten and sprayed with tear gas. She later required medical treatment for her injuries. No action is known to have been taken against the police officers responsible.²¹

In Bolivia the indiscriminate use of tear gas by members of the *Unidad Móvil de Patrullaje Rural* (UMOPAR), Mobile Rural Patrol Unit, and the army to disperse mass demonstrations and strikes in El Chapare region between April and June 1998 left four people dead as a result of tear gas inhalation. Among the dead was Raul Diaz Camacho, a 16-month-old boy. At least five children were severely affected when tear gas canisters were

thrown into the crowds in the towns of Villa Tunari and Los Yungas. A 10-year-old boy and a 17-year-old girl sustained head and facial injuries caused by the impact of tear gas canisters. In the town of Shinahota, several children were affected when gas canisters were thrown into the local school.

In his 2000 report the UN Special Rapporteur on torture detailed the misuse of tear gas in the Colina I high security prison in Chile on 5 February 1999. The cells in block J were opened and the prisoners were woken with tear gas, handcuffed and subjected to death threats. They were dragged from their cells and members of the Special Prison Anti-Riot Brigade formed a corridor through which prisoners were made to walk while being kicked, punched and beaten with sticks. Outside in the courtyard, the prisoners were forced to drop to the ground in the foetal position; they were again sprayed with tear gas and subjected to more beatings.

Pepper spray

New "non-lethal" or "less-than-lethal" weapons are continually being developed and put on the market even though adequate measures against potential abuse have not been put in place. Many such weapons have not been independently assessed and some arguably remain inherently open to misuse. International standards encourage the development of such non-lethal incapacitating weapons, in order to reduce the risk of death or injury. However, the standards also state that these should be "carefully evaluated" and that "the use of such weapons should be carefully controlled".²²

Oleoresin Capsicum (OC) or pepper spray contains an inflammatory agent derived from cayenne peppers. Pepper spray inflames the mucous membranes, making the eyes close and causing coughing, gagging, shortness of breath and an acute burning sensation on the skin and inside the nose and mouth. Although the spray has been promoted as a safer and more effective alternative to the chemical mace and to impact or kinetic weapons such as rubber or plastic bullets, there is mounting concern about its health risks. Since the early 1990s, more than 60 people in the USA alone are reported to have died in police custody after being exposed to pepper spray. While

most of the deaths have been attributed to other causes, such as drug intoxication or positional asphyxia, pepper spray may have been a contributing factor in some cases.

"It's hard to imagine the terror someone feels who is buckled into a restraint chair after being pepper-sprayed... you wouldn't do that to a dog."

These are the words of Richard Haskell, a lawyer representing the family of James Arthur Livingstone who died while secured in a restraint chair in Tarrant County Jail, Texas, USA, in July 1999. On the night of his death James Livingstone, who suffered from schizophrenia, had a psychotic episode and ran to the police for protection. Eight hours later he was dead.²³ The death was recorded as natural, caused by bronchial pneumonia. However, the family believe this is not the whole truth. They allege that James Livingstone had pepper spray squirted into his face before being put in a restraint chair. He was prevented from washing the pepper spray out of his eyes, immobilized and then left alone in a room. He died within 20 minutes.

During protests in Seattle in November 1999, the security forces for the first time used the pepperball — a development of the pepper spray technology. This is a gas projectile weapon which fires hard plastic spheres which release a pepper powder irritant. The plastic projectiles hit the victims at the same time dispersing pepper powder that burns the eyes and skin. The weapon is apparently capable of delivering 12 rounds per second.

The pepperball is manufactured by Jaycor Tactical Systems, a subsidiary of Jaymark Inc. based in San Diego, USA. The company is on record as saying that it hoped the pepperball would soon be used by police forces across the USA and said interest was strong in Indonesia and a number of countries in South America and elsewhere. The company said it had been developed over the last four years and it was being bought or tried out by scores of US agencies including the military, prisons and law enforcement authorities. A company spokesperson claimed that: "people walk away from incidents where they use pepperball. Nobody is dead. Nobody has broken bones. All they have is a little bit of a bruise if they were hit, or an irritant powder that is nothing more than food." However, to AI's

knowledge no impartial scientific studies on the effects of this weapon have been carried out.

National controls on the manufacture and use of chemical sprays and tear gas are a vital part of preventing their misuse. However, without stringent international controls on the transfer of this equipment, abusers will continue to find suppliers and their victims will pay the price.

© AFP/Alexander Joe

Unfortunately, due to copyright restrictions,
this image is unavailable on the web

Please contact your nearest Amnesty
International section if you wish to obtain
a hard copy of this publication.

Kenyan police storming the All Saints Anglican Cathedral in Nairobi, 1997. Police used tear gas and plastic bullets manufactured in the UK against peaceful demonstrators who had sought refuge in the Cathedral.

In July 1997 Kenyan paramilitary police stormed the All Saints Anglican Cathedral in Nairobi. Pro-reform activists had taken refuge there after police violently dispersed their peaceful protest. Police threw tear gas canisters into the building and then moved in wielding truncheons. Many people were injured, some seriously. AI obtained some of the

tear gas canisters and plastic bullets used and traced them back to manufacturers in the UK. This triggered a campaign by AI members to put pressure on the UK government and the companies concerned to stop their trade in equipment used in repression. Subsequently the UK government declared that it had rejected £1.5 million of licence applications for riot control equipment – including batons and tear gas – to Kenyan police because of human rights concerns.



© AI

In June 1999, 2,000 peaceful demonstrators calling for democratic change in Kenya were charged by police on horseback. Police beat the protesters, fired tear gas at them and used water-cannon to fire a mixture of water and tear gas, reportedly mixed with an irritant and a dye, directly into crowds who had nowhere to run. The manufacturer of the tear gas this time was a French-based company. The absence of proper EU-wide regulation and control had allowed the Kenyan authorities to find alternative sources for equipment which they could use to violate human rights.

Tear gas canisters used against peaceful demonstrators in Nairobi, Kenya, June 1999. Made in France.



(Above) Electro-shock and chemical spray equipment on display at an arms fair in Russia, 1998.

(Below) Electro-shock and tear gas weapons on display at an arms fair in South Africa, 1998.



4: SHOCKING WEAPONS

Yusuf,²⁴ a member of the Uighur ethnic minority in China, was arrested in 1998 for suspected political activity. He was taken to the Public Security Bureau (PSB) detention centre in Urumqi city and interrogated in an underground chamber next to the detention centre. His interrogators tied his hands behind his back and lifted his arms, pulling them up high in a twisted and painful position behind his back. He was given electric shocks with electro-shock batons. The shocks were applied all over his body, including in his mouth and on his penis, causing intense pain. The interrogators hit him on the bones of the legs with a wooden baton. They made him kneel down and hit him on the thighs and the shoulders with the baton. While tortured, he was made to wear a kind of metal helmet which came down over his eyes. The interrogators used this helmet to prevent fatalities; some prisoners, unable to bear the pain of torture, would try and kill themselves by bashing their heads against the walls. Yusuf said that he knew one prisoner who had bashed his head against a radiator to escape torture. The prisoner did not die, but he suffered skull fractures and became mentally disturbed. He was released as a result.

Since 1990 electro-shock devices have been used to torture or ill-treat people in prisons, detention centres or police stations in at least 76 countries in every region of the world. This figure is almost certainly an underestimate. Those who manufacture and trade in this equipment benefit from official secrecy and lack of accountability. Bringing torturers who use electro-shock weapons to justice has proved particularly difficult. Many of the victims are blindfolded or hooded during torture making it impossible for them to identify what instruments are being used to inflict pain on them. Also, torturers often appear to prefer using electro-shock weapons largely because they can inflict great pain without leaving permanent marks on the victim's body.

Electro-shock devices have been used against children, the

elderly, pregnant women, and the mentally ill. They have been used on peaceful protesters and defenceless prisoners.

Electro-shock devices have been deliberately, and often repeatedly, applied to prisoners' mouths, genitals and other sensitive parts the body. Electro-shock torture is often combined with other forms of torture and ill-treatment, including psychological torture. Although the consequences of electro-shock torture vary depending on what equipment is used and how, the immediate effects can include severe pain, loss of muscle control, nausea, convulsions, fainting, and involuntary defecation and urination. The physical traces of electro-shock torture, such as skin reddening and scarring, usually fade within weeks. However, more lasting effects which have been reported include muscle stiffness, long-term damage to teeth and hair, post-traumatic stress disorder and severe depression.

Electro-shock batons and cattle prods

High-voltage electro-shock stun batons are increasingly being used as crowd control devices. These new devices are sometimes confused with less powerful cattle prods, which are also sometimes used for torture. In a number of countries where the security forces have used excessive force against peaceful demonstrators and to suppress political dissent, electro-shock batons have been used to inflict serious injuries on protesters and political opponents.

In September 1998 the security forces in Phnom Penh, Cambodia, used excessive force to crush largely peaceful demonstrations by opposition party supporters. During the violent crack-down, many protesters, including Buddhist monks, were beaten with electro-shock stun batons wielded by the military police. More than 60 people required hospital treatment for their injuries; at least six of them needed treatment for the effects of electric shocks.²⁵ The electro-shock batons used looked like those supplied by a company in China.

Electro-shock stun batons have also been used to torture political prisoners and criminal suspects, in order to extract confessions and to intimidate and silence activists.

In January 1998 electro-shock batons were used by the security forces in Kinshasa, Democratic Republic of the Congo,

© Popperfoto/Reuters

Unfortunately, due to copyright restrictions,
this image is unavailable on the web

Please contact your nearest Amnesty
International section if you wish to obtain
a hard copy of this publication.

against supporters of the *Union pour la démocratie et le progrès social* (UDPS), Union for Democracy and Social Progress, the main political opposition party. A meeting of the UDPS was dispersed by the *Police*

d'intervention rapide (PIR), Rapid Intervention Police, and the military police, who reportedly set up roadblocks and prevented UDPS supporters from joining the meeting. The intervention of the security forces led to violent clashes between UDPS activists and the security forces. At least 30 UDPS members and supporters were detained; some of them were tortured with electro-shock batons. The electro-shock torture was apparently used to weaken victims for a second phase of torture consisting of beatings with ordinary truncheons.

Torture and ill-treatment of detainees continue to be common in Egypt, particularly in State Security Investigations Department (SSI) offices and police stations, and occasionally in prisons. Electro-shock torture is one of the most common methods reported. Mohammed Naguib Abu-Higazi was reportedly arrested on 17 September 1997 by an SSI officer in Alexandria and accused of belonging to the *al-Gama'a al-Islamiya* (Islamic Group). While held at the SSI office in Faraana, Alexandria, he was stripped of his clothes and given electric

Palden Gyatso, a Tibetan monk who spent 33 years in Chinese prisons and labour camps, displays the kind of electro-shock weapons used to torture him.

shocks from a "cylinder shaped stick with a spiral metal wire". He was also reportedly deprived of food for three days, kept blindfolded throughout the entire nine-day detention period and threatened with sexual assault.²⁶

In 1997 in Taiwan, Su Chien-ho, Liu Ping-lang and Chuang Lin-hsiung were sentenced to death for a double murder committed in 1991, despite strong indications that they were innocent. Another detainee said that after signing his confession, he was taken to another room in the same police station and saw Su Chien-ho tied to a chair while a police officer hit the soles of his feet with a wooden pole. He also said he saw Liu Ping-lang being held down in another chair while police used a cattle prod to apply electric shocks to his genitals, and witnessed Chuan Lin-hsiung being beaten on the head.

Stun guns, stun shields and tasers

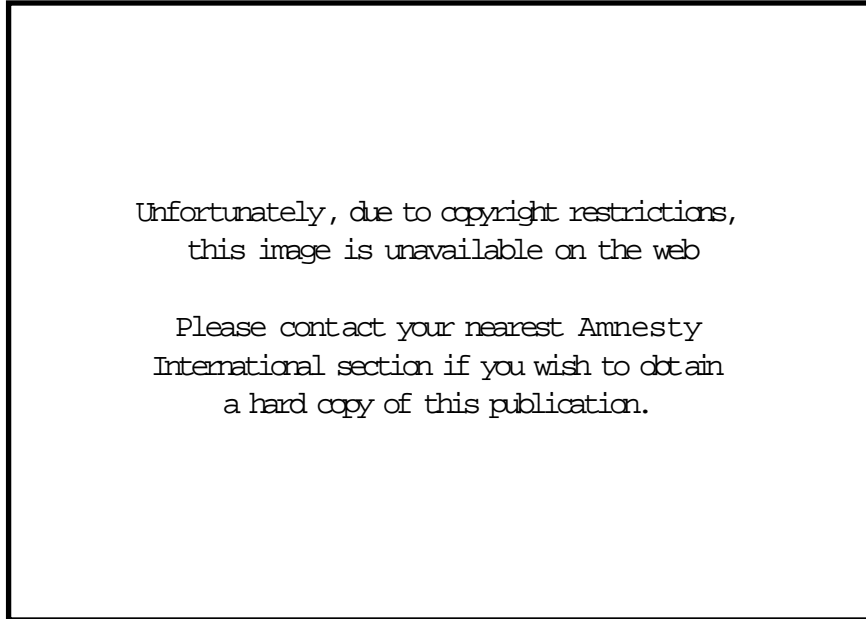
High-voltage electro-shock stun technology was initially developed by mainly US companies. US authorities have allowed new devices to be marketed and sold to law enforcement agencies in other countries with a minimum of public scrutiny, with no proper impartial testing, and without regulation of design and use. Companies in other countries, including Taiwan, Germany and France, have also developed products using stun technology for use on humans. The range of devices available has expanded throughout the 1990s. High-voltage electro-shock batons and stun guns were followed by other high-voltage weapons: stun shields, dart-firing stun guns, stun belts and tear gas stun weapons. These sorts of devices have been marketed and sold through commercial agents in countries where they are supposedly banned, including the UK and Sweden. In recent years, countries where there have been persistent reports of torture and ill-treatment, including China and South Africa, have begun to produce this kind of equipment.

The following are extracts from affidavits given by detainees transferred from Jackson County Correctional Facility, Marianna, Florida, USA, by the Immigration and Naturalization Service (INS), following allegations of torture and ill-treatment at the facility in 1997 and 1998.²⁷ The detainees describe the use of electro-shock stun shields to inflict intense pain on inmates.

"Officers came at me with an object about 3 feet high and about 1½ feet wide, it's got wavy lines running through it, it's like a shield. And they pushed that against my body and when they hit me with that I felt nothing but electricity running through my body. It made an electrical noise. They hit me with this twice, the first time they hit me with this I buckled, the second time I fell to the floor. I was hollering up a storm, screaming for help but nobody helped me."

"They told me to lay down on the concrete slab, it's a bed made out of concrete. There are four rings at each corner... They told me to lay on my stomach and when I asked what for, [an officer] pushed me down and put the shield on me and electrocuted me. I couldn't move my muscles. They handcuffed my hands to the rings and then they put shackles on my feet and put handcuffs around the shackles on my feet to insert them in the rings. They hit me with the shield one time and left it on. I thought I was being killed. Then they left me for about 17 hours. When I told them I need to urinate they told me 'when you were a child did you never piss on yourself.' And that's what I had to do."

Dart-firing taser guns typically shoot two wire-trailing darts with hooks over a distance of between 15 and 30 feet initially using a smokeless gunpowder and now using air-gun (compressed air) technology. When the hooks affix to the victim's body or clothing, an incapacitating shock is inflicted on impact or by using the gun's trigger. Some US authorities have authorized the use of taser guns in law enforcement, but not for use by private citizens. Inmates at the supermaximum security Red Onion State Prison in Pound, Virginia, USA, have alleged widespread excessive use of force by guards, including with electro-shock weapons such as stun guns, stun shields and tasers. One inmate was electro-shocked with a taser gun after he displayed reluctance to strip and permit a visual body search, in the presence of female staff, after his arrival at the prison in September 1998. According to Human Rights Watch, the prison warden acknowledged that a taser gun had been used because the inmate hesitated to strip off his clothing, and thus "was failing to obey instructions".



© Rex Features

AI has received reports that such electro-shock weapons have been transferred from US companies to Turkey (electro-shock shields) and Saudi Arabia (taser guns and electro-shock batons and shields), both countries where electro-shock torture has been reported.

Electro-shock stun belts

One of the most disturbing developments in the field of electro-shock technology is the stun belt. Unlike other high-voltage electro-shock stun devices, it is worn by the prisoner, sometimes for hours at a time, with the constant threat that it can be activated at any time. The belt works by remote control; the police or prison officer using the device can be as far as 90 metres away. On activation, a typical stun belt delivers an eight-second shock of 50,000 volts. This high-pulse current enters the wearer's body at the site of the electrodes, near the kidneys, and passes through the body. The shock causes incapacitation in the first few seconds and severe pain rising during the eight seconds. The electro-shock cannot be stopped once activated. The belt relies

The beating of Rodney King by Los Angeles Police Department officers caused a national outcry in the USA. Rodney King was hit twice with an electro-shock taser gun before being beaten with batons, kicked and punched by three uniformed police officers; 21 other officers stood by.

on the prisoner's constant fear of severe pain being inflicted at any time while held in a situation of powerlessness.

"Electricity speaks every language known to man. No translation necessary. Everybody is afraid of electricity, and rightfully so."²⁸

Dennis Kaufman, President of Stun Tech Inc.

A US company, Stun Tech Inc., up to now the main US stun belt manufacturer, has repeatedly emphasized that the stun belt relies on continuous fear for its effectiveness. Literature distributed by Stun Tech Inc. states, "After all, if you were wearing a contraption around your waist that by the mere push of a button in someone else's hand, could make you defecate or urinate yourself, what would you do from the psychological standpoint?"

There are no official US national statistics on the use of the stun belt. However, in 1999, Stun Tech claimed that its REACT stun belts had been worn by prisoners on over 50,000 occasions in the previous five years. This may be an underestimate given that there are well over 1,000 belts in circulation in more than 100 jurisdictions in the USA and a single belt can be used on many occasions during a year.

Although many law enforcement officers would not engage in arbitrary use of the stun belt, the belt is too open to abuse by officials who are less than scrupulous. Prisoners who suffered extremely painful electro-shocks through the use of such belts have alleged that they were taunted by officials before or after being electro-shocked. In addition stun belts have been used to "punish" prisoners who were neither attempting to escape nor being violent.

In January 1999, Federal Judge Dean Pregerson of the Central District of California issued a preliminary injunction banning the use of the stun belt in courtrooms in Los Angeles County. He noted that "the stun belt, even if not activated, has the potential of compromising the defense. It has a chilling effect... An individual wearing a stun belt may not engage in permissible conduct because of the fear of being subjected to the pain of a 50,000 volt jolt of electricity..."

In April 1998 there were reports that the South African prison authorities were considering buying stun belts from Stun

Tech Inc.²⁹ In August 1999, information from South African prison officials confirmed that a stun belt had begun to be used at a maximum security prison in Pretoria during the transportation of some prisoners.

The fear of infliction of severe pain in a setting of total powerlessness is an important feature of torture or ill-treatment. A person to whom a stun belt is attached is in constant fear of a severe shock being administered at any time, without warning and for reasons over which he or she may have no control. Their constant subjection to a police or prison official who has the power to administer pain at will is degrading. The fact that the stun belt allows shocks to be administered by an officer who is some distance away makes it especially prone to arbitrary use and to misuse as an instrument of torture or ill-treatment.

AI believes that the use of stun belts constitutes cruel, inhuman or degrading treatment. The manufacture, transfer and use of stun belts should be banned.

Failure to evaluate and monitor

Despite their growing use in an ever-greater number of countries, and despite increasing evidence of the misuse of such devices to torture and ill-treat, there has been no thorough, independent and impartial evaluation of the effects of electro-shock stun equipment.³⁰ Virtually all companies which manufacture and market electro-shock devices claim that they are medically safe and non-lethal if used properly. But such claims have been disputed by members of the medical profession, human rights organizations and some police and prison officials. The severe physical and mental pain, indiscriminate effects and risk of death are often denied by advocates of modern stun technology, but usually without offering independent medical evidence. An assessment of real law enforcement situations in different countries with differing law enforcement records — rather than experiments in controlled laboratory conditions — is necessary.

The observations of some security force officials who have monitored the use of such equipment in real-life situations gives serious cause for concern. In March 1999 Major Mark Kellar of

the Planning and Evaluation Bureau of the Harris County Sheriff's Office, Texas, USA, which had the fifth biggest jail population in the USA in 1998, told AI that they did not use the stun belt and did not favour the development of such forms of restraint. He stated that in his experience the use of such devices encourages an over-reliance on them, and the mere fact of their availability increases their usage.³¹ He emphasized that the most important factor in the secure movement of potentially dangerous inmates is properly trained staff.

Some companies offer training in the use of electro-shock devices as a means to ensure safety, but such training is not available to all potential users. In addition, the human rights content of training courses appears to be weak or non-existent. One US course manual claims that "should an officer misuse or abuse someone with less-than-lethal electronic weaponry, the consequence of error could, at the very worst, be a minor non-permanent injury."

The cases of abuse cited in this report show how misleading such statements are. There have also been reported fatalities using the various stun devices. On 29 June 2000, prison guards repeatedly used an Ultron II stun gun to restrain a 50-year-old diabetic prisoner, Lawrence James Frazier, in Wallens Ridge State Prison, Virginia, USA. He was in the prison infirmary at the time after being taken there apparently suffering from hypoglycaemia. He died five days later on 4 July. On 13 July the Virginia Department of Corrections said that a "medical study" it had ordered into the death had concluded that the use of the stun gun did not cause the death. On 26 July, the Director of the Virginia Department of Corrections wrote to AI saying that his department had "no intention of suspending use of electro-shock weapons. Their safety has been tested in the courts on a number of occasions and they have been found to be safe and humane methods of controlling an inmate who is a threat to himself and others." However, the "medical study" was carried out by one doctor who had no access to forensic reports and did not examine the body. The report was never made public and the Department of Corrections later admitted that the study was a review of the department's policies and medical procedures rather than a cause of death report.

On 31 July 1996, 16 railway commuters died and 80 others were seriously injured during a mass stampede of people at Tembisa Station in Johannesburg, South Africa. A government appointed committee investigated the tragedy and in August 1996 issued a report which stated that:

"The direct and most immediate cause of the disaster at Tembisa Station on 31 July 1996 is the improper and persistent prodding and shocking of commuters with electric batons by private security guards... in a cruel and inhumane manner... the private security guards used the electric shock batons for crowd control purposes when in fact the batons are patently inappropriate for that purpose."

The committee called for such batons to be banned until reliable and independent medical research confirmed that their use would not subject a person to cruel, inhuman or degrading treatment or punishment. Nevertheless, the South African government still appears to allow the use and export of electro-shock weaponry.

The spread of electro-shock technology

Electro-shock stun technology was initially developed in the USA during the 1970s. During the 1980s, AI received few reports of trading in or torture using electro-shock weapons. New research for this report shows that the situation has steadily deteriorated in recent years. In the 1980s some 30 companies worldwide were known to be producing or supplying electro-shock equipment, but by 2000 the number had risen to more than 130 companies. Of these, significant manufacturers of electro-shock devices are located in the USA, China, Taiwan, and South Korea.

There are few restrictions on the use or sale of such weapons in China, Israel, Russia, South Africa, Taiwan or the USA and those restrictions which do exist are routinely flouted. For example in China there are specific restrictions on the "use" of weapons and restraints, including electro-shock batons. However, torture by police using such batons has been widely reported since 1995 and Chinese websites proudly display a range of electro-shock batons.

In European countries, the regulatory situation is mixed. The President of a French company manufacturing stun guns and batons claimed that his company had sold equipment to many countries in North Africa and the Middle East. When asked about sales to Belgium, Italy and Spain, he told an international security magazine: "We sell to some importers in those countries, but they don't really know whether they're allowed to sell it or not... Because of the uncertainty, they keep a low profile and don't advertise."³² Concern at French government involvement in the export of electro-shock weapons was heightened in 1996 when the head of the anti-riot police in Nicaragua announced that his unit of 400 officers received "a donation" of stun shields and batons from the French government.

In Belgium, the Netherlands, Luxembourg, the Scandinavian countries, Switzerland and the UK, electro-shock weapons other than cattle prods are reportedly treated as prohibited weapons, although the ban is not always fully comprehensive. In addition, the European Commission has not published the safety and performance reports that it has

Stun gun in Taiwan bearing a European Commission mark. Despite a 1996 European Parliament resolution calling for a ban on the sale of electro-shock equipment to states where torture has been recorded, the European Commission has awarded quality marks for user safety for stun guns capable of delivering up to 200,000 volts.



received from manufacturers of electro-shock weapons, nor has the Commission identified which companies have been granted CE certification, which guarantees the safety of the user, though not of the victim.

Most countries do not provide specific details of international transfers or sales of electro-shock weapons. Nor do they require brokers or carriers of such equipment to register officially with the government, or to seek licensed approval from their government for exports of such weapons, especially through "third" countries. As a result the trade in electro-shock weapons continues to flourish under a cloak of officially-condoned secrecy.

The USA is the largest supplier of electro-shock technology. AI research has uncovered 86 US companies that have manufactured, marketed, bought or sold electro-shock devices during the 1990s. In the past a number of US companies have been granted licences by the US Department of Commerce to transfer such devices to countries where electro-shock torture has been recorded. Most information on such licences has been kept secret, supposedly for reasons of "commercial confidentiality". Freedom of Information requests by AI have revealed that between 1997 and 2000 the US Commerce Department approved exports of stun guns, electro-shock batons and optical sighting devices to Russia (US\$4.17 million), Saudi Arabia (US\$3 million), Slovenia (US\$2.16 million), Bulgaria (US\$1.54 million), United Arab Emirates (US\$1.2 million) and Croatia (US\$1.07 million).

Following campaigns by AI and other non-governmental organizations, the US Department of Commerce made changes to the export commodity code (ECC) for electro-shock devices. First, the ECC was modified to remove shotguns, and then to remove "optical sighting devices", so that it would be easier for the public and Congress to monitor US export data specifically on electro-shock equipment and, more importantly, to regulate them. The new export control category (ECC OA985) introduced in September 2000 includes:

"Discharge type arms (for example, stun guns, shock batons, electric cattle prods, immobilization guns and projectiles) except equipment used exclusively to treat or

tranquilize animals, and except arms designed solely for signal, flare or saluting use;... ”³³

The potential for stricter regulation and monitoring was also improved by another amendment which removed the traditional exemption given to NATO member states. This loophole had been exploited by dealers who shipped electro-shock equipment to Western Europe and Turkey, some of which was in transit for other countries. Exporters of electro-shock equipment from the USA must now receive a licence to export to all countries in the world except Canada.

AI welcomes recent improvements by the US Department of Commerce in the monitoring of exports of crime control equipment. However, AI is still concerned that the USA permits the export and use of electro-shock stun devices that should be prohibited, such as remote control stun belts. Moreover, the USA also continues to allow the export, use, promotion and design of other types of electro-shock stun equipment without having conducted rigorous and independent inquiries into their effects. AI also remains concerned about loopholes which allow US dealers to engage in extra-territorial transfers of such equipment (see below).

In 1985 AI's investigations revealed that the Taiwanese police had acquired electro-shock batons from South Korea. Taiwan subsequently became a leading producer and exporter of electro-shock

Frank Stott, managing director of ICL Technical Plastics, demonstrating an electro-shock baton.

While being secretly filmed he boasted that he had sold similar batons to the Chinese authorities to be replicated and mass produced.



© TVF Productions

© Robin Ballantyne/Omega Foundation



A salesman demonstrates an electro-shock baton at an arms fair in Taiwan, 1998.

weapons, with a Taiwanese company reportedly setting up manufacturing facilities in mainland China. In 1995 the managing director of a Scottish company, ICL Technical Plastics, admitted selling electro-shock

batons to China in 1990, stating that "the Chinese wanted to copy them". Chinese factories now mass produce and export them. Reports indicate that Chinese companies produce a wide range of electro-shock

weapons and are exporting them to a growing number of countries. Reports have indicated that Chinese companies have exported electro-shock weapons to Cambodia,³⁴ Indonesia³⁵ and North Korea — all countries where electro-shock torture has been reported.

In January 1998 the North Korean police were reported to have placed orders for thousands of electro-shock batons, tear gas guns, and riot shields following a trip to China. It was reported that "a delegation led by Major-General Mun Sang Kil, director of logistical services at the North Korean Ministry of Public Security, visited the northern Chinese city of Tianjin in early November. The city is home to three major police-equipment factories that have been singled out by international human rights organisations for producing instruments of torture."³⁶

In January 1997 it was reported that the police in Phnom Penh, Cambodia, were using powerful electro-shock batons to quell public disorder and to question suspects. Thun Saray, president of the human rights organization ADHOC, was reported as saying that:

"Chinese-made batons are being used to coerce suspects held in police custody into making confessions before charges are laid."³⁷

He called for the batons to be taken away from police until the

Health Ministry had conducted a study on the dangers the devices posed to human health. Workers at the Tack Fat garment factory in Phnom Penh's Meanchey district also claimed that police had used the devices during labour disputes, resulting in several injuries. A member of the city's Intervention Police acknowledged that the batons were powerful weapons "If members of the public were touched by [the batons], they would become unconscious".³⁸

In Western Europe the largest number of known suppliers of electro-shock stun equipment are based in Germany, France and Poland. Both Germany and France have domestic manufacturing capacity. Both allow the marketing and sale of such devices. However, the German government does not allow such weapons to be used in German prisons or by German police. Neither government publishes official export data on such products.

The globalization of markets has created increasing opportunities for unscrupulous dealers to avoid outdated national export controls. An independent investigation of US companies involved in the unlicensed international transfer of electro-shock weapons stated that loose controls internationally allowed US and partner companies abroad to engage in a technique called "drop shipping". This is a process whereby a US company barred from exporting electro-shock weapons directly to a foreign country pays a producer in a third country which has loose (or non-existent) export controls to ship the foreign weapons with a US label on them. The company then bills the customer at a marked-up price and pockets the profit. Drop-shipping has enabled companies to avoid US export controls and to transfer electro-shock weapons to countries where they may be used in torture and ill-treatment.

In December 1997 S&J Products, a US company supplying electro-shock stun guns and other security products, was prosecuted for "knowingly and wilfully" exporting stun guns and pepper sprays without the required export licences to Guatemala, Indonesia, Mexico, Papua New Guinea and the Philippines. S&J Products had earlier attempted to export stun guns to Russia. Court documents described how S&J Products would provide pro-forma invoices to the foreign companies supplying the electro-shock weapons and properly describe

their products in terms like "300,000 volt Curved stun gun", but that when the weapons were exported the documentation would include descriptions such as "Fountain pens, Keychains, Child Sound device, Electrical voltage units".³⁹

Loopholes in the regulations

Another area of concern is the brokering of electro-shock and similar equipment by trafficking outside the broker's home country. At present it is perfectly legal in many countries to organize the shipment of electro-shock and similar equipment as long as that equipment does not touch the dealer's home soil.

For example, a UK company, Security & Defence Marketing Services (SDMS), admitted in 1996 that it, or its South African associate, had brokered a number of electro-shock equipment deals to a range of countries including Angola, Cyprus, Indonesia, Libya, Myanmar, and Peru — all countries where electro-shock torture has been reported. The London Metropolitan Police conducted an 18-month inquiry into SDMS's activities after its managing director admitted that the company sold a consignment of 200 electro-shock batons to the Cyprus Police. According to reports the police in Cyprus had used particularly brutal methods of electro-shock torture in the early 1990s. When the UK Crown Prosecution Service decided not to prosecute, one UK police officer stated that: "This decision [not to prosecute] means that any company or individual can now trade in these weapons with impunity, provided they do not come through Britain".⁴⁰

In 1998, following further pressure generated by AI, the UK government issued a White Paper on Strategic Export Controls which put forward proposals to ban the future trafficking and brokering of torture equipment. AI welcomed this proposal. However enforcement has been lacking. More than two years after the White Paper was published there has been no legislation to prohibit the brokering of such equipment and the loophole remains.

There are currently proposals, put forward by the German government in 1999, to control the activities of arms brokers and shipping agents throughout the European Union.⁴¹ Once

again new legislation has not yet been agreed and the brokers are still free to ply their trade as they please.

National legislation is badly needed but the trade in electro-shock torture equipment is an international problem that requires an international solution, as the case of Pius Lustrilang shows only too clearly.

"He then sat down in front of me and said 'Okay — let's start — bring the equipment'. He then spoke to me and said 'Pius, I'm the sort of person who likes to get straight to the point. Here there is no law and there are no human rights. You have to answer our questions. Here there are those who die and those who live — those who die, their bones will be found later.'"

Pius Lustrilang, a student activist and pro-democracy campaigner, was abducted from outside the gates of the General Hospital in Jakarta, Indonesia on 4 February 1998. He "disappeared" for two months. During that time he was tortured and ill-treated by members of the Indonesian security services. Pius Lustrilang was repeatedly subjected to electro-shock torture. In interviews he has stated "I had electric shocks applied to my feet and hands for so long they had to change the batteries". He was repeatedly beaten and kicked. He was also placed in a tub of water and his head was held under water again and again.

"At that time I thought I would never survive. I was in the hands of professionals. They did everything as part of a routine.

"... on the day of my release on the morning of April 3, one of the officers revealed that he was an AKABRI, armed forces academy, graduate. Actually, he was the one who gave me a final dose of electric shock before my release. 'As a token of remembrance,' he said."

Following public pressure from both within Indonesia and around the world, an investigation was launched into the kidnapping of Pius Lustrilang and other pro-democracy activists. In July 1998, 11 members of Indonesia's special forces, Kopassus, were arrested and charged with involvement in the kidnapping. General Wiranto, the head of the Indonesian armed forces, is reported to have stated that the Kopassus men arrested were

acting under orders to track down organizations trying to undermine the government, and that they committed "procedural mistakes" in carrying out their orders. In April 1999, the 11 soldiers were convicted and sentenced to prison terms. Lieutenant-General Prabowo Subianto, a former Commander of Kopassus, was dismissed from the army in connection with the case for "misinterpreting" a military order.

But responsibility for and complicity in the torture of Pius Lustrilang spreads much wider than the 11 Kopassus members. It includes all those who supported them inside and outside Indonesia: all the individuals, companies and governments that supplied them with the tools of their trade and trained them.

Journalists and human rights researchers have discovered that companies based in China, the USA and South Africa supplied electro-shock weapons to Indonesia. During the 1990s governments — including those of Australia, Belgium, China, France, Germany, the UK and the USA — allowed military, security and police weaponry and equipment to flow to the Indonesian security forces. Evidence has also emerged that both the UK and the USA trained members of the Indonesian armed forces and, in particular, Kopassus. Since 1991, for example, US Special Forces troops have conducted 41 training exercises with Indonesian troops, and at least 26 of those were with Kopassus.

While there is no certainty that devices or training from abroad were involved in the torture of Pius Lustrilang during those two months in February 1998, it is undoubtedly true that inadequate international control of transfers of equipment and expertise to the Indonesian military and security forces contributed to gross human rights violations in that country.

5: TORTURE SKILLS

Unfortunately, due to copyright restrictions,
this image is unavailable on the web

Please contact your nearest Amnesty
International section if you wish to obtain
a hard copy of this publication.

© Corinne Dufka

Torturers are not born, they are nurtured, trained and supported. In many countries they rely on the willingness of foreign governments to provide not only equipment but also personnel, training and know-how. Stopping torture must involve not only stopping the trade in equipment, but also putting an end to the trade which helps create "professional torturers".

Members of the elite US-trained Atlactl Battalion in El Salvador. Members of the Battalion were accused of numerous human rights violations, including torture, before it was finally disbanded in the early 1990s.

The USA, China, France, Russia, and the UK are among the main providers of training worldwide to the military, security and police forces of foreign states. Some of this training may have the potential to benefit recipient communities by providing better skilled military, security and police forces, who respect the rule of law and seek to promote and protect the rights of the civilian population. However, unless such training is stringently controlled and independently monitored, there is a danger that it will be used to facilitate human rights violations.

Unfortunately much of this training occurs in secret so that the public and legislatures of the countries involved rarely discover who is being trained, what skills are being transferred, and who is doing the training. Both recipient and donor states often go to great lengths to conceal the transfer of expertise which is used

to facilitate serious human rights violations. However, sometimes light is thrown into this world of shadows.

In May 1999 AI published a report, *Togo: Rule of Terror*, which described decades of intimidation, torture, "disappearance" and killings by Togolese security forces against the civilian population. The report also detailed the assistance that France had given to the government of President Gnassingbé Eyadéma. In July 1999 President Jacques Chirac of France visited Togo. However, instead of publicly denouncing human rights violations in Togo, he declared "Amnesty International's latest report was probably the result of a manipulation."

Such a response, though shameful, was predictable. A high-ranking officer in the Togolese gendarmerie, accused by Togo's National Commission for Human Rights of ordering the torture of four people in August 1990, was subsequently awarded the decoration of the National Order of Merit by the French government. For many years France has supplied the Togolese military and security forces with weaponry and equipment such as small arms, light weapons, armoured personnel carriers and aircraft. France has also provided a permanent presence in Togo of military advisers, including instructors, a pilot and mechanics. Togolese military and security personnel trained in France have included officers allegedly responsible for torture or ill-treatment. For example, when in 1998 AI raised with the Togolese Minister of Defence, the case of a Togolese gendarmerie captain whose name had been given by several sources as being responsible for torture and ill-treatment, the Minister replied that the captain was being trained in France.

These cases pose serious questions about the rigour of the French forces' human rights screening procedures for foreign military personnel and the nature of the training itself. AI continues to raise these concerns and to press for stringent control on, and monitoring of, the transfer of security expertise to ensure it is not used to facilitate human rights violations.

School of the Americas⁴²

During the 30-year civil conflict in Guatemala tens of thousands of people were tortured, killed or "disappeared" at the hands of

government security forces or paramilitaries. Although her torturers have never been identified, the story of Sister Dianna Ortiz reflects many of the reports received of the USA's role in facilitating human rights violations. Sister Ortiz, a US citizen, worked in San Miguel Acatán, a poor rural area of Guatemala, teaching Mayan children how to read. She had received numerous death threats because of her work. She was abducted in November 1989.

"I was abducted from the back yard of the Posada de Belén retreat centre in Antigua by members of the Guatemalan security forces. They took me to a clandestine prison where I was tortured and raped repeatedly. My back and chest were burned more than 111 times with cigarettes. I was lowered into an open pit packed with human bodies — bodies of children, women, and men, some decapitated, some lying face up and caked with blood, some dead, some alive — and all swarming with rats.

"After hours of torture, I was returned to the room where the interrogation initially occurred. In this room I met Alejandro, a tall man of light complexion. As my torturers began to rape me again, they said to him, 'Alejandro, come and have some fun.' They referred to him as their 'boss'. Alejandro cursed in unmistakable American English and ordered them to stop, since I was a North American nun and my disappearance had become public...

"Alejandro professed that he was concerned about the people of Guatemala and consequently was working to liberate them from communism. He kept telling me in his broken Spanish that he was sorry about what happened to me... I asked him what would happen to the other people I saw tortured. At this point, he switched to distinct, American English. He told me not to concern myself with them..."

Alejandro's identity has never been fully confirmed. However, data obtained during the 1990s confirmed that the US Central Intelligence Agency (CIA) had aided Guatemala's military forces by reinforcing their national intelligence apparatus and training the officer corps in brutal counter-insurgency techniques as early as the 1960s. The Historical Clarification Commission,

subsequently established in Guatemala to investigate the human rights abuses committed during the civil conflict, concluded:

"Whilst anti-communism, promoted by the United States within the framework of its foreign policy, received firm support from right-wing political parties and from various other powerful actors in Guatemala, the United States demonstrated that it was willing to provide support for strong military regimes in its strategic backyard. In the case of Guatemala, military assistance was directed towards reinforcing the national intelligence apparatus and for training the officer corps in counterinsurgency techniques, key factors which had significant bearing on human rights violations during the armed confrontation."

In a 1991 civil suit, a US court found former Guatemalan Defence Minister General Héctor Gramajo responsible for the kidnap and rape of Sister Ortiz. General Gramajo is one of literally hundreds of graduates of the notorious School of the Americas (SOA) in the USA who have been implicated in human rights violations in various countries in Latin America.

The SOA, located in Fort Benning, Georgia, is the best known US military training facility, but it is only one of more than 150 centres in the USA and abroad where foreign officers are trained. In September 1996 the US Department of Defense released evidence that the SOA had used so-called "intelligence training manuals" between 1982 and 1991 that advocated execution, torture, beatings and blackmail. The manuals, written in Spanish, were used to train thousands of Latin American security force agents. Copies of these manuals were distributed in Colombia, Ecuador, El Salvador, Guatemala and Peru.

It appears that the manuals had belatedly been discovered through internal review processes in 1991. Relevant congressional committees were notified of the discovery in 1991, but the manuals' existence was not made public at that time. In fact, when a campaign by US non-governmental organizations — SOA Watch — publicized the existence of the manuals in July 1996, the official spokesman at the SOA denied that such manuals had ever been used. The Pentagon released copies of the manuals two months later, in September 1996.

Several governmental investigations have found that, while

the manuals contained improper material, no US laws were broken in the preparation, distribution and use of these materials. As a result no one has been held accountable for their development and use. Indeed US officials refused to discipline those responsible for producing or using these manuals on the grounds that there was no "deliberate attempt to violate" US policy.

Israeli-occupied south Lebanon

Mahmud Ramadan was taken to Kham detention centre, south Lebanon in March 1990. He suffered electro-shock torture while suspended in painful positions and was held in solitary confinement for three years. By 1993, one of his hands had had to be amputated and he had lost an eye. He was also reported to have been transferred unconscious to hospital after a suicide attempt. By 1995 he was suffering from severe psychological problems and, according to fellow detainees, was frequently sent to Marja'yun Hospital. In Kham, his medical condition continued to deteriorate and he was eventually released in January 1997. On his release he was taken to Beirut Hospital. He was by then severely mentally disturbed and reportedly unable to recognize his parents and sister.

Until its closure in May 2000, the Kham detention centre in south Lebanon was run by the South Lebanese Army (SLA), a Lebanese militia armed and sponsored by Israel. Kham contained specially designed detention and interrogation facilities. In the cells, the only light came through ventilation holes in the ceiling, and there were isolation cells, interrogation rooms and communal cells. Torture was routine and systematic in Kham. Detainees were suspended from poles, beaten, deprived of sleep, threatened and subjected to electro-shock torture and prolonged solitary confinement. Many continue to suffer serious physical or mental illness as a result of their treatment. Hundreds of detainees passed through Kham. Eleven died there; some after torture, others because of lack of medical treatment.

For years former prisoners and human rights organizations claimed that Israeli security forces controlled Kham and were

implicated in this torture. The Israeli authorities consistently denied all responsibility, even though the Khiam detention centre was located in Israeli-occupied south Lebanon.

Although the direct involvement of Israeli officers in torture appears to have halted in 1987, Israel's complicity in torture in the centre continued. In September 1999 in an affidavit Brigadier Dan Halutz of the Israel Defence Force admitted that: ***"there is a connection between the General Security Service (GSS) and the SLA as far as concerns the gathering of intelligence and interrogations that are geared towards preventing terrorist attacks... In this framework GSS personnel cooperate with members of the SLA, and even assist them by means of professional guidance and training, however they do not participate in the frontal interrogation of detainees."***

Although Israeli security forces may not have been involved in the day-to-day running of Khiam, it is clear that they paid and trained the guards and interrogators and used the information extracted under torture. Their position as paymasters and advisers meant they were well placed to secure a halt to Khiam's terrible regime of neglect, cruelty and torture. Instead they supported it.

Private security services

Supplying private security services is another growing market that has largely evaded proper regulation and monitoring by governments, especially when such services have been transferred internationally. These security services have the potential to facilitate torture in the recipient country. If this risk is to be minimized it is vital that private security companies and agents operating within the rule of law are properly registered, and international transfers of such services are subject to stringent export controls based upon international human rights and humanitarian law.

During the last 10 years more than 30,000 people have been victims of politically motivated killings in Colombia. Many of the victims were tortured before being killed. The vast majority of victims — who included community leaders, trade unionists, church workers and human rights defenders — were killed by

the Colombian armed forces and paramilitary organizations that operate with their support or acquiescence.

In October 1998 AI questioned the activities of Defence Systems Colombia (DSC), a subsidiary of the large UK-based private security company, Defence Systems Ltd.⁴³ DSC was under contract to British Petroleum (BP) to run its security operations in Colombia and, until 1997, was also contracted by OCENSA — the consortium company which owned the pipeline from the oil fields to the coast — of which BP is a partner along with other transnational oil companies.

Documents obtained by the UK newspaper *The Guardian* revealed DSC plans to provide the OCENSA and BP management with "a state-of-the-art investigation-intelligence and psychological warfare 18 day seminar". According to one confidential fax, Israeli intelligence officers were proposed "whose method (sic) are known worldwide". They would train OCENSA security staff in interrogation, intelligence collection, targeting and running informants in the field, preparation of intelligence files, and investigating private individuals. Although this seminar did not eventually proceed for "budgetary reasons", it raised serious concerns over the apparent absence of regulations and human rights safeguards in the field of international private security training.

According to information provided to *The Guardian*, the security strategy of OCENSA/DSC may have directly or indirectly contributed to serious human rights violations against the civilian population in Colombia. The security strategy reportedly relied heavily on paid informants whose purpose was to covertly gather "intelligence information". This intelligence information would then reportedly be passed on by OCENSA to Colombian military officers who, with their private paramilitary allies, were responsible for numerous "disappearances", torture and extrajudicial executions. Evidence also emerged that in 1997 OCENSA/DSC purchased military equipment for the Colombian army's XIV Brigade, which has an atrocious record of human rights violations. At the time the equipment was purchased, via Silver Shadow, a private Israeli security company, army personnel attached to the XIV Brigade were under investigation for complicity in the massacre of 15 unarmed civilians in Segovia in April 1996.

COUNTRY	Number of manufacturers, distributors, suppliers or brokers of stun weapons known to AI		Number of manufacturers, distributors, suppliers or brokers of leg irons, shackles or thumbcuffs known to AI	
	1998-2000	1990-97	1998-2000	1990-97
Argentina		1		
Austria	1			
Belgium		1		
Brazil	3	1		
Canada	1	1		1
China	9	5	1	2
Czech Republic	1			
France	6	8	1	5
Germany	11	11	3	5
Hungary		1		
Indonesia	1	1		
Israel	6	2		
Japan		1		
Kuwait	1			
Lebanon	1			
Lithuania	1			
Luxembourg		1		
Macedonia	1			
Mexico	2	4		
Philippines	1			
Poland	5			
Romania	1			
Russia	3	1		
Saudi Arabia		1		
South Korea	8	4		
South Africa	7	1	2	
Spain	1		1	
Taiwan	17	7	2	1
Turkey	1	1		
United Kingdom		8	2	3
USA	42	55	22	23

6: AN AGENDA FOR ACTION

FRAMEWORK OF INTERNATIONAL STANDARDS

AI's policy and recommendations regarding the trade in equipment and expertise which can be used for torture or ill-treatment is based on the principles set out in various international human rights standards, including international standards relating to law enforcement and prison administration. These standards:

- **absolutely prohibit torture and other cruel, inhuman or degrading treatment or punishment (ill-treatment)**

In common with other international human rights standards, the UN Code of Conduct for Law Enforcement Officials (Article 5) contains an absolute prohibition of torture and ill-treatment. The official Commentary to Article 5 states that the term cruel, inhuman or degrading treatment or punishment "should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental."

- **prohibit the use of certain instruments of restraint, notably leg irons, and restrict the use of others**

According to Article 33 of the UN Standard Minimum Rules for the Treatment of Prisoners, instruments of restraint should never be used except as a precaution against escape during a transfer; on medical grounds by direction of the medical officer of the prison or detention centre; or by order of the director of the institution, if other methods of control fail, to prevent a prisoner from injuring himself or others or from damaging property. They must not be applied for any longer than is strictly necessary and must never be applied as a punishment. They should be removed when a prisoner appears before a judicial or administrative authority.

- **state that the use of force by law enforcement officials should be governed by the principles of necessity and proportionality**

Article 3 of the UN Code of Conduct for Law Enforcement Officials states that force should be used "only when strictly necessary". The official Commentary to Article 3 states that

the use of force should be "exceptional"; that force should be used only "as is reasonably necessary under the circumstances"; and that it should be used for only two purposes, "the prevention of crime" and "effecting or assisting in the lawful arrest of offenders or suspected offenders". The force used should not be disproportionate to the legitimate objectives to be achieved.

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials state that "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms" (Article 4) and that "Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall ... [m]inimize damage and injury, and respect and preserve human life" (Article 5).

Rule 54 of the UN Standard Minimum Rules for the Treatment of Prisoners states that officers must not use force against prisoners "except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations" and that "Officers who have recourse to force must use no more than is strictly necessary".

- **provide for the control of non-lethal weapons**

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials supports the use of non-lethal weapons and provides for their control. Article 2 of these UN Basic Principles states: "Governments and law enforcement agencies should develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms. These should include the development of non-lethal incapacitating weapons for use in appropriate situations, with a view to increasingly restraining the application of means capable of causing death or injury to persons". Article 1 provides that "Governments and law enforcement agencies shall adopt and implement rules and regulations on the use of force and firearms against persons by law enforcement officials". Article 3 states: "The development and deployment of

non lethal incapacitating weapons should be carefully evaluated in order to minimize the risk of endangering uninvolved persons, and the use of such weapons should be carefully controlled.”

AI CALLS ON GOVERNMENTS TO:

1. Ban the use of police and security equipment whose use is inherently cruel, inhuman or degrading. Ban the manufacture and promotion of this equipment and its trade to other countries. This should include: leg irons, electro-shock stun belts and inherently painful devices such as serrated thumbcuffs.
2. Suspend the use of equipment whose medical effects are not fully known, pending the outcome of a rigorous and independent inquiry into its effects. This should include equipment such as high-voltage electro-shock weapons. International transfers should be suspended pending the results of the inquiry.
3. Conduct an independent and rigorous review of the use of equipment where its use in practice has revealed a substantial risk of abuse or unwarranted injury. Suspend the transfer of such equipment to other countries pending the results of the review. This should include equipment such as legcuffs, thumbcuffs, shackle boards, restraint chairs and pepper gas weapons.
4. Introduce strict guidelines on the use of police and security equipment such as handcuffs and tear gas. Set up adequate monitoring mechanisms to keep the guidelines under review and to ensure that they are adhered to.
5. Ensure that all relevant research on the safety of new law enforcement equipment and weapons is placed in the public domain before any decisions are taken on their deployment.
6. Ensure that transfers of police and security equipment are allowed only if the government of the country from which the transfer is made is satisfied that they will be used in accordance with proper guidelines. Introduce stringent controls on the export of such equipment to ensure that it will not be used to inflict torture or ill-treatment. Increase public accountability and transparency in the supply of such equipment.

7. Ensure that the training of military, security and police personnel of another country does not include the transfer of skills, knowledge or techniques likely to lend themselves to torture or ill-treatment in the recipient country. The practical application of relevant human rights standards and humanitarian law should be fully integrated into such training programs.
8. Establish objective procedures to screen all potential participants in the training of military, security and police personnel of another country to ensure that those who have been involved in serious human rights violations are prevented from participating unless they have been brought to justice and effective measures taken for their rehabilitation.
9. Make public information on all government sponsored police, security and military training programs for foreign personnel, in particular the individuals and units trained, the nature of the training, and the monitoring mechanisms put in place. Establish mechanisms to rigorously monitor the human rights impact of the training provided.
10. Introduce legislation to control and monitor the activities of private providers of military, police and security services. Companies and individuals providing such services should be required to register and to provide detailed annual reports of their activities. Every proposed international transfer of personnel or training should require prior government approval. This should be granted in accordance with publicly available criteria based on international human rights standards and humanitarian law.

AI CALLS ON ALL COMPANIES TO:

11. Immediately and permanently cease production, promotion and distribution of equipment whose use is inherently cruel, inhuman or degrading.
12. Suspend the manufacture, promotion and transfer of all equipment whose medical effects are not fully known or where its use in practice has revealed a substantial risk of abuse or unwarranted injury, pending the outcome of a rigorous and independent review.

Endnotes

- 1 In August 2000 the Peerless Handcuff Company wrote to AI expressing disgust that their products were found in Khiam jail and stating: "In no way does Peerless Handcuff Company condone or support the use of our products for torture or for any other human rights abuse... We have not sold any restraints to the Israeli government or Israeli companies in almost ten years."
- 2 Smith & Wesson is now owned by a UK company, Tomkins plc (UK).
- 3 "The Torture Trail", Channel 4, *Dispatches*, 11 January 1995.
- 4 Information supplied by the company on its website: www.alcyon.larranagayelorza.com
- 5 "Una empresa vasca exporta grilletas para presos que España no permite por vejatorios", *El País*, 2 October 2000.
- 6 According to Article 23.h. of Annex I of *Reglamento de Comercio Exterior de Material de Defensa y de Doble Uso, Real Decreto 491/1998, de 27 de marzo* (Regulation on Export of Defence and Dual Use Equipment, Royal Decree 491/1998, dated 27 March).
- 7 Code 8301.
- 8 *Yemen: Empty promises — Government commitments and the state of Human Rights in Yemen*, (AI Index: MDE 31/004/99).
- 9 *Pakistan: The pattern persists — torture, deaths in custody, extrajudicial executions and "disappearances" under the PPP government*, (AI Index: ASA 33/001/95).
- 10 *Thailand: A human rights view based on the International Covenant on Civil and Political Rights*, (AI Index: ASA 39/001/99).
- 11 *Amnesty International Report 2000* (AI Index: POL 10/001/00).
- 12 *United States of America: "Not part of my sentence" — Violations of the Human Rights of Women in custody*, (AI Index: AMR 51/019/99).
- 13 *Ibid.*
- 14 See *People's Republic of China: Reports of torture and ill-treatment of followers of the Falun Gong*, (AI Index: ASA 17/054/99).
- 15 *United States of America: Ill-treatment of inmates in Maricopa County Jails, Arizona*, (AI Index: AMR 51/051/97).
- 16 "The Devil's Chair — Intended as a restraint, it has led to torture and death", *The Progressive*, 22 April 2000.
- 17 *United States of America: A briefing for the UN Committee against Torture* (AI Index: AMR 51/056/00).
- 18 Conclusions and recommendations of the 24th Session of the UN Committee against Torture, May 2000.
- 19 "The Devil's Chair — Intended as a restraint, it has led to torture and death", *The Progressive*, 22 April 2000.
- 20 AEDEC International Inc. is based in Oregon, USA. The president of AEDEC was unable to provide AI with information on the number of facilities which had purchased restraint chairs, but stated that they were in use in more jails than state prisons, as the procedures for adopting them in jails were easier. (Interview, October 1997. Published in *United States of America — Rights for All* (AI Index: AMR 51/035/98)).
- 21 *Human rights are women's right* (AI Index: ACT 77/001/95).

- 22 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principle 3.
- 23 "The Devil's Chair — Intended as a restraint, it has led to torture and death", *The Progressive*, 22 April 2000
- 24 Not his real name.
- 25 *Kingdom of Cambodia: Demonstrations crushed with excessive use of force* (AI Index: ASA 23/026/98)
- 26 Report of the Special Rapporteur on torture to the UN Commission on Human Rights, 1999.
- 27 The INS sends its detainees, including asylum-seekers, to county jails when its own facilities are full.
- 28 "Shocking restraint attracts criticism", *Sun-Sentinel* (Fort Lauderdale, Florida), 4 February 1998.
- 29 *Time Magazine*, "Weapons of Torture", 6 April 1998, pp 52-3.
- 30 A 1991 study into the safety of electronic weapons reported that:
"Electronic weapons represent a new class of weapon available to law enforcement and the lay public. Although these weapons have been available for several years, there is inadequate research to document their safety or efficacy. Two of the most common, the TASER and the stun gun, are reviewed. The electronic weapon was initially and still is approved by the US Consumer Product Safety Commission; its approval was based on the theoretical calculations of the physical effects of damped sinusoidal pulses, not on the basis of animal or human studies. These devices are widely available and heavily promoted, despite limited research into their safety or efficiency and despite recent animal studies documenting their potential for lethality."
- O'Brien, "Electronic weaponry — a question of safety", *Annals of Emergency Medicine*, May 1991, Vol.20, no5, pp. 583-7.
- 31 A deputy in Vanderburgh County Sheriff's Office, Indiana, USA, told AI in April 1999 that changes being instituted following the appointment of a new Sheriff in January may encourage deputies to be less hesitant about using the stun belt on certain inmates, because "it's there to be used".
- 32 *Asian Sources Security Products*, November 1995, Vol. 1, issue 3.
- 33 US Department of Commerce, Bureau of Export Administration, Crime Control Items: Revisions to the Commerce Control List, 13 September 2000.
- 34 "Batons Shock Rights Group", *The Cambodia Daily — Weekly Review*, 24 January 1997. "According to Chak Leng, a logistics officer at the Interior Ministry, the black spiked batons were imported from China in 1995 at a cost of \$4,000. He said he did not have figures at hand to show how many of the batons were purchased or how many were in circulation".
- 35 On 26 May 1997 *Jane's Defence Weekly* reported that the Indonesian security services had acquired Chinese-made riot-control equipment. The items included: reinforced clear plastic helmets with visors, body length shields for individual soldiers, low-voltage electric wands and tear gas grenade pistols.
- 36 *Far Eastern Review*, 8 January 1998, p. 12.
- 37 "Batons Shock Rights Group", *The Cambodia Daily — Weekly Review*, 24 January 1997.
- 38 Ibid.

39 Air Waybill documents for an export to Indonesia in 1996, cited in US District Court documents, 30 December 1997: *United States of America vs Jack Allen Baugher*.

40 "Yard exposes loophole in 'tools of torture' ban", *Evening Standard*, June 23 1998, p. 22.

41 In 1997, following lobbying by AI members, the German government introduced a regulation to control exports of electro-shock and restraint equipment.

42 In January 2001, the School of the Americas was renamed the Western Hemisphere Institute for Security Cooperation.

43 Defence Systems Ltd has subsequently become a subsidiary of the US-based Armor Group.



WHAT YOU CAN DO

- Join our campaign — **Take a step to stamp out torture**
You can help stamp out torture. Add your voice to Amnesty International's campaign. Help us to make a difference. Contact your national office of Amnesty International and ask for information about how to join the campaign, including information on how to take action on some of the specific cases featured in this report.
- Become a member of Amnesty International and other local and international human rights organizations which fight torture
- Make a donation to support Amnesty International's work
- Tell friends and family about the campaign and ask them to join too

Campaigning Online

The website **www.stoptorture.org** allows visitors to access AI's information about torture. It will also offer the opportunity to appeal on behalf of individuals at risk of being tortured. Those registering onto the site will receive urgent e-mail messages alerting them to take action during the campaign.

- Register to take action against torture at **www.stoptorture.org**

G I would like to join your campaign. Please send me more information.
G I would like to join Amnesty International. Please send me details.
G I would like to donate to Amnesty International's campaign to stamp out torture.

Credit card number: **G G G G G G G G G G G G G G G G**

Expiry date _____ / _____ £ _____ [amount]

Signature _____

Name _____

Address _____

Please photocopy this coupon and send it to:
 Amnesty International, International Secretariat, Campaign against Torture,
 1 Easton Street, London WC1X 0DW, United Kingdom