**Contribution from the International Maritime Organization (IMO)**

**Towards torture-free trade: examining the feasibility, scope and parameters for possible common international standards**

**(United Nations General Assembly resolution 73/304)**

General Assembly resolution 73/304, entitled “Towards torture-free trade: examining the feasibility, scope and parameters for possible common international standards”, requested the UN Secretary-General to establish a Group of governmental expertswhich is expected to examine the feasibility, scope of the goods to be included, and draft parameters for a range of options to establish common international standards for the import, export and transfer of goods used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, and to transmit the report of the group of experts to the Assembly for consideration at its seventy- sixth session.

In accordance with the request made by the Office of the United Nations High Commissioner for Human Rights, in a letter dated 1 November 2021, this contribution focuses on the views of IMO regarding the following issues:

1. the feasibility of common international standards;
2. the scope of goods to be included; and
3. draft parameters for a range of options to establish common international standards on the matter.

Ad (1) the feasibility of common international standards;

IMO is an intergovernmental regulatory body that deals with matters referred to it by its Member Governments. The Organization is mainly involved in the development of international shipping regulations, on the basis of proposals by its Member Governments, the practical application of which is the responsibility of the maritime administrations concerned. As such IMO measures cover all aspects of international shipping – including ship design, construction, equipment, manning, operation and disposal – to ensure that this vital sector remains safe, environmentally sound, energy efficient and secure (in conformity with article 1 of the IMO Convention). There are many IMO instruments that are applicable to the transportation of goods which could in principle also include those goods that eventually are used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, although those aspects have not explicitly been regulated in IMO. However, it is for Member Governments to initiate proposals to such effect.

An example that comes close to such an initiative was the response to the use of unlawfully seized aircraft as impact and incendiary weapons in the terrorist attacks in the United States on 11 September 2001 and following the adoption of UN Security Council Resolution 1373 (2001) calling for international action. In 2005, as a result, IMO adopted Protocols to the 1988 SUA Convention for the Suppression of Unlawful Acts against the Safety of Navigation and to the 1988 SUA Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. Both 2005 Protocols substantially broaden the list of offences by including, for example the transport of weapons or equipment that could be used for weapons of mass destruction, or the transport of a person with knowledge that that person has committed an offence, with the intent to assist that person to evade prosecution. More particularly, the 2005 IMO instruments introduced new offences relating to biological, chemical, or nuclear (BCN) weapons and nuclear and other radioactive materials which were not included in previous maritime instruments.

Ad (2) the scope of goods to be included

As stated under ad (1) here above it is for Member Governments to initiate proposals regarding the scope of goods to be included in new common international standards.

Ad (3) draft parameters for a range of options to establish common international standards on the matter.

As stated under ad (1) here above it is for Member Governments to draft parameters for a range of options to establish common international standards on the matter.

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