**Statement to the UN Group of Governmental Experts on Torture-Free Trade**

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***Introduction***

Almost any implement - pliers, plastic bags, car batteries, metal bars – can be used for torture. They are consequently prohibited from legitimate law enforcement armouries and there is no authorised commercial trade in such *ad hoc* ‘tools of torture’ intended as law enforcement weapons.

In contrast, there most definitely *is* an active commercial industry designing, developing and manufacturing a range of specialised law enforcement equipment and weaponry. The trade in such goods is global in nature, with many companies promoting and supplying their products to law enforcement bodies within their own countries, to other States in their regions and to customers worldwide.[[1]](#footnote-1) Since 1990, the Omega Research Foundation has investigated this trade, documenting abusive products and practices; and encouraging effective national, regional and international regulation.

***Scope of goods that should be covered by an international instrument***

Omega has documented the marketing of two distinct categories of law enforcement equipment which are used in torture. Firstly, our research has uncovered **equipment specifically designed, or that has no practical use other than, for torture or ill-treatment**, including:

* **Electric shock devices such as stun belts, stun vests and stun cuffs attached directly to prisoners’ bodies.**
* **Direct contact electric shock weapons and devices** including shock batons, stun guns, shock shields.
* **Mechanical restraints** that severely restrict movement, and which are likely to cause intense physical pain, mental suffering, and risk serious injury to the prisoner. They include thumb cuffs, leg irons, bar fetters, neck restraints, metal restraint chairs, cage beds, and restraints designed to be bolted to prison walls, floors or ceilings.
* **Inherently abusive and dangerous kinetic impact weapons** designed to increase, not minimize, the amount of pain and injury inflicted on subjects. They include spiked batons, spiked or serrated shields, spiked arm armour and weighted batons.

**This inherently abusive equipment is actively promoted to the law enforcement community in all world regions. Clearly the production, trade and use of all such equipment must be ended.**

The second distinct category of goods of concern is **law enforcement equipment which can have a legitimate function if used in compliance with international human rights law, but which can, and are, readily misused for torture and other ill-treatment.** This encompasses a broad range of goods, many of which are mass produced and traded on a significant scale by a large number of companies throughout the world. This includes:

* **Equipment for restraining human beings** such as ordinary handcuffs, leg-cuffs and combination cuffs;
* **Projectile electric shock weapons**;
* **Riot control agents and associated dispersal equipment;**
* **Hand-held striking weapons** including batons, truncheons and *tonfas*;
* **Launchers and non-metallic kinetic impact projectiles**, including rubber bullets, plastic bullets and bean bags.

Much of this equipment is part of the standard inventory carried by law enforcement officials, or to which they have access in specific circumstances, such as for crowd control or dispersal operations. When used appropriately, this equipment can facilitate safe and legitimate application of proportionate force. However, human rights organisations have documented widespread misuse of such equipment in serious human rights violations including torture and ill-treatment, conducted both in places of detention and upon the streets. **Consequently,** t**he trade in all such goods must be strictly controlled with no transfers authorised to law enforcement agencies likely to misuse them for torture or ill-treatment.**

It is essential that all national, regional and international measures addressing this trade encompass both categories of goods I have detailed. **Such measures must contain both a list of prohibited goods and a list of controlled goods,** and these should be regularly updated to reflect market and technological developments. Omega has published research and technical analysis of both equipment categories which we can share with the GGE.[[2]](#footnote-2)

Omega has also documented companies providing training in the use of law enforcement equipment, and in certain cases law enforcement officials have been trained in potentially abusive or dangerous techniques. Consequently, Omega recommends that **provision of training related to any prohibited equipment should itself be prohibited. Similarly, training relating to controlled law enforcement equipment should be strictly regulated to ensure it does not facilitate or encourage abusive tactics, techniques and practices.**

***The need for, and feasibility of, an international legally binding instrument***

From the early 2000s a growing number of States and regional bodies – including the African Commission on Human and Peoples’ Rights, Council of Europe and the European Union - have adopted a range of overlapping and complementary measures to address trade in law enforcement equipment used in torture.[[3]](#footnote-3) However, national and even regional initiatives will never be sufficient to regulate this global industry.

Omega believes that this international trade can most effectively be addressed by an international legally binding instrument. This should build a common architecture for compliance at international and State levels, incorporating standardised national control regimes, information sharing and trade monitoring mechanisms. Binding international law is the only means to ensure that companies – wherever they are based – trading in inherently abusive equipment will have no international market for such goods; and that companies trading in controlled goods are subject to a common regulatory “level playing field”, wherever they are based or operate. Thank you.

1. Whilst global marketing in law enforcement equipment and weaponry is conducted via the internet, the Omega Research Foundation has documented over 50 specialised international arms and security equipment trade fairs and exhibitions. These are held regularly in at least 38 countries, mostly on an annual or biennial basis, in many instances facilitated and supported by the host State. For further information see Omega Research Foundation website: <https://omegaresearchfoundation.org/> [↑](#footnote-ref-1)
2. For a more comprehensive discussion of prohibited and controlled goods see: Amnesty International & Omega Research Foundation, Combating Torture: The Need for Comprehensive Regulation of Law Enforcement Equipment, ACT 30/9039/2018, September 2018; Amnesty International & Omega Research Foundation, Ending the Torture Trade: The path to global controls on the 'tools of torture', ACT 30/3363/2020, December 2020. Additional relevant Omega publications and technical analysis is available on the Omega Research Foundation website: <https://omegaresearchfoundation.org/> [↑](#footnote-ref-2)
3. For further information see: Amnesty International & Omega Research Foundation, Ending the Torture Trade: The path to global controls on the 'tools of torture', ACT 30/3363/2020, December 2020. [↑](#footnote-ref-3)