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Statement by Dr Alice Jill Edwards

SPECIAL RAPPORTEUR ON TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

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*Honourable Chair, Distinguished Delegates,*

I am pleased to be presenting my second interim report to the General Assembly.

The first part of my report provides my annual assessment of torture worldwide.

I wish to thank the many States that have engaged constructively with me about allegations of torture or other ill-treatment and that are working towards solutions.

Let me start with some good news. At least 108 countries have criminalized torture as an offence, including Thailand and Pakistan in the past year. Equitorial Guinea, Ghana and Zambia became the latest countries to abolish the death penalty, while Malaysia has reduced its application. A growing number of countries have opened torture proceedings against perpetrators this year, some for the first time; and new compensation laws were adopted in North Macedonia and Uzbekistan.

Despite these signs of progress, the past year has been a bleak one. There has been a considerable spike in allegations of torture. I have particularly noted an increase in war-related torture.

My inquiry to the Russian Federation setting out credible allegations of torture by their military forces in Ukraine has gone unanswered. My recent country visit to Ukraine confirmed the worst, that this pattern suggests torture is Russian state policy.

Torture and other cruel treatment have also been regrettably observed in the conflicts in Haiti, Mali, Myanmar, Sudan, and Yemen. I remain particularly concerned by the prevalence of allegations of sexual torture.

Over the last few days, I have been shaken by the mass murder and kidnappings of civilians by Hamas in Israel. I am watching with alarm at the Israeli response leading to siege on residents in Gaza, restrictions on fuel, food and water, and humanitarian access. Protection of civilians and respect for international law must be priorities for all.

I call on all State and non-State actors at war to direct their soldiers to conform to international norms and to investigate allegations promptly, and to give peace a chance.

Madam Chair,

For many women and girls, the year has been a particularly terrible one. Their extreme exclusion from public life in Afghanistan constitutes unlawful suffering in violation of the prohibition of torture. Violence against protesters in Iran fighting for women’s freedoms was an annual high-water mark of police heavy-handedness.

Madam Chair, the rise in torture and intimidation to quash political opposition and dissent cannot be ignored. I have raised allegations about harassment of opposition politicians and human rights defenders in among others Belarus, Türkiye and Russia. I have documented dangerous clashes between civilians and police in at least 12 countries, listed in the report; including deaths.

China has not fully responded to allegations of torture and ill-treatment against Uyghurs in Xinjiang.

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Last year when we were gathered, my central call was for leadership from all States, to speak out loudly against torture – at home and internationally – and to *take action*. I return today with a tangible proposal for how we can work towards this.

There is currently no international agreement governing the trade in items intended – or being misused – for torture or other cruel, inhuman or degrading treatment or punishment. In practice this means that State and private companies are free to develop and sell items that inflict unnecessary or excessive pain. They are quite literally profiting off human suffering.

This is a global challenge. The trade in instruments that torture – and use by public authorities – has tentacles that stretch across the globe.

Madam Chair, I am therefore recommending the development of an international torture-free trade agreement that would complement and reinforce existing obligations.

I propose two components.

A ‘Category A’ Prohibited list of items which I have classified as being inherently cruel, inhuman or degrading, either by design or purpose. These items should be removed from production and use immediately.

And a ‘Category B’ list which includes ordinary law enforcement equipment to be controlled, because they pose a heightened risk of misuse. My proposal includes an early warning trigger such that a trade could be suspended or cancelled when there are reasonable grounds that torture or other serious human rights violations are being undertaken or prepared.

These lists are detailed in Annexes 1 and 2 of my report.

The trade in law enforcement equipment, a sub-set of the overall market, is significant and estimated to reach 27 billion USD by 2028, growing by 8 per cent per annum. Much of this forecasted rise is correlated to expected rises in civic mobilization.

This issue is also becoming ever more important as governments outsource public functions to private entities.

Madam Chair, it is fair to say that police and other public authorities must be properly equipped and protected. However, precisely because such weapons can cause harm potentially amounting to atrocity crimes, there is a need for better regulation.

According to my research, with high praise and thanks to the Omega Research Foundation, at least 335 companies in at least 54 countries are manufacturing or promoting items I have included in my Prohibited List.

My Prohibited List includes such egregious items as spiked batons that can easily rip through skin. Thumb cuffs, some with cerated edges, to restrain an individual and which can easily fracture the fine bones of the hand. And electric shock belts that electrocute individuals at the touch of a button.

My list further includes caged beds, gang chains, hoods and blindfolds, spit hoods, whips, sjamboks and *lathis*, and shields and body armour with spikes. It includes excessively weighted batons and gloves that turn otherwise defensive equipment into offensive weapons. Some of the items conjure up painful and degrading images associated with slavery and servitude.

Ammunition containing multiple kinetic impact projectiles and directed energy weapons also feature on my list.

The items on my Prohibited List are nothing short of modern-day torture tools. They are as horrifying as the racks and thumbscrews favored by medieval torturers. They have no place in human-rights compliant law enforcement.

Madam Chair, I urge States to act now. First to undertake a stocktake of equipment manufactured, procured for or used by relevant public authorities and immediately ban the items on my Prohibited List. And second, to work towards an international torture-free trade instrument so that we are all safer and better protected in our communities.

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