



The
CENTER for
VICTIMS of
TORTURE

Submission in response to the call for inputs on the nature, scope and regulation of the production and trade of law enforcement equipment and weapons and the relationship with torture and other cruel, inhuman or degrading treatment or punishment

The Center for Victims of Torture

April 27, 2023

The Center for Victims of Torture (CVT) respectfully provides this submission in response to the call for inputs – from the U.N. Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment – on the nature, scope and regulation of the production and trade of law enforcement equipment and weapons and the relationship with torture and other cruel, inhuman or degrading treatment or punishment from an international perspective. CVT is a member of the civil society Torture-Free Trade Network, and is signatory to the joint submission prepared by more than 50 Network members from around the world.¹ We make this separate submission to offer additional information arising out of nearly four decades of helping torture survivors rebuild their lives.

CVT is deeply appreciative that the Special Rapporteur is addressing this important issue. We strongly support the establishment of a treaty that would prohibit trade in equipment that can only be used to commit torture or other ill-treatment, and regulate equipment that can readily be misused for the same (Torture-Free Trade Treaty). We do so primarily because of the significant role we believe an international human rights instrument of this kind could play in reducing the prevalence of torture.

CVT was founded in Minneapolis, Minnesota, in 1985, in order to provide mental health and psychosocial services to torture survivors who are refugees or asylum seekers. In addition to our offices in Minnesota, we work within the U.S. in Arizona (at the U.S. southern border), Georgia, and Washington, DC. Outside the U.S., CVT has operations in Ethiopia (Amhara, Tigray,

¹ See Submission by Members of the Torture-Free Trade Network, Supporting International Regulation of the Production and Trade of Law Enforcement Equipment to Help Prevent Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Members of the Network, CVT included, recently issued the Shoreditch Declaration for a Torture-Free Trade Treaty. The Declaration is appended to the Members' submission.

Gambella and Addis Ababa); Kenya (Kakuma and Nairobi); Uganda (Gulu and Isinguru); Jordan (Amman); and Iraq (Erbil and the Kurdistan region). CVT has projects in other international locations that cannot be disclosed for security reasons.

Over nearly 40 years, CVT clinicians have provided direct healing care to tens of thousands of torture survivors, as well as their families and communities. We work to build the capacity of a variety of civil society stakeholders that support survivors, whether through rehabilitation services or otherwise. And we advocate – both directly, and through assistance to human rights defenders across the globe – for States to respect, protect, and fulfill human rights; in particular, for States to adhere to their obligations under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and related international law.

In our extensive professional experience, working with survivors from a wide variety of countries for more than thirty-eight years, torture and other forms of ill-treatment can, and often do, break both bodies and minds—inducing long-term suffering. Many torture survivors remain captive to their traumatic past, enduring deep feelings of shame, self-blame, guilt, humiliation and loss of control. They describe being haunted by intrusive memories, excessive rumination and nightmares, with repeated episodes of actively re-experiencing past traumas. Survivors have often lost their sense of safety, feel unable to attach to meaningful relationships, question their sense of justice in the world, feel that their identity and role in society is erased, and grapple with existential questions about life. They often struggle with sleep disorders, anxiety, chronic pain, irritability, startle responses, suicidal ideation, and depression. Many report feeling “dead” inside and may describe themselves as if they are living outside their body, physically and emotionally numb, socially estranged and profoundly alone.

It is well established that the damage torture and other ill-treatment inflict will not simply repair with time. As one of the leading experts on the effects of trauma on the brain and body has explained:

We have learned that trauma is not just an event that took place sometime in the past; it is also the imprint left by the experience on mind, brain and body. This imprint has ongoing consequences for how the human organism manages to survive in the present. Trauma results in a fundamental reorganization of the way mind and brain manage perceptions. It changes not only how we think and what we think about, but also our very capacity to think.²

Torture’s profound harms impact not only primary survivors, but also their loved ones.³ Survivors’ trauma is commonly intergenerational, radiating across entire communities.

² Bessel van der Kolk, *The Body Keeps the Score* 21, 46, (2014).

³ A secondary torture survivor is a relative, or other individual closely associated with a primary survivor, who is impacted by the primary survivor’s torture and subsequent trauma in a way that threatens their physical or mental health, their ability to function, or their normal development.

In a 2021 report to the U.N. General Assembly,⁴ the previous Special Rapporteur on Torture made a sobering statement: notwithstanding near-global consensus that torture is categorically prohibited – everywhere and always – “today torture and ill-treatment continue to be practiced with almost complete impunity throughout the world.” That is our experience, too: demand for CVT’s rehabilitation services throughout the world dwarfs supply, and we are seeing the need continue to grow. Our international partners tell us the same.

We believe that the current absence of common, binding international standards that would prohibit trade in equipment that can only be used to commit torture or other ill-treatment – and regulate equipment that can readily be misused for the same – is contributing to the current chasm between some States’ words and their actions. Allowing States and companies to trade the tools of torture and ill-treatment with impunity, and to profit from that trade, undermines respect for the absolute prohibition on torture and other ill-treatment.

Many survivors who have come to CVT’s clinics and programs around the world have been tortured with equipment that a Torture-Free Trade Treaty would prohibit, or regulate. We hear consistently from survivors that they hope their suffering will contribute to change; that others will not be subjected to the horrors they endured; and – for many who have children – that their children might live a better future.

Consistent with, and in furtherance of, States’ legal obligations,⁵ the international community owes it to these survivors to realize these hopes and aspirations. A Torture-Free Trade Treaty is a crucial next step towards that end.

⁴ Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Nils Melzer, to the United Nations General Assembly, A/76/168, 16 July 2021.

⁵ Pursuant to CAT Article 2, and related customary international law, States are required to “take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under [their] jurisdiction.”