

**AMNESTY
INTERNATIONAL**



OHCHR MEETING OF THE GROUP OF GOVERNMENTAL EXPERTS ON TORTURE-FREE TRADE – ORAL STATEMENT

INTRODUCTION

Amnesty International has a long history of campaigning against torture and other cruel, inhuman, or degrading treatment or punishment. The late former special rapporteur on torture, Sir Nigel Rodley, worked in the 1970s as Amnesty's legal advisor, spearheading the organisation's significant role in the drafting and adoption of the Convention Against Torture, which came into force in 1987. Since then, Amnesty International has worked tirelessly on the issue.

Over the last decade, Amnesty International has documented torture or other ill-treatment in over 140 countries – three quarters of all the countries in the world - despite both being absolutely prohibited under international law in all circumstances.

Controlling the trade in law enforcement equipment often used to carry out acts of torture or other ill-treatment has long been recognised as one crucial element in the prevention and eradication of these acts, which is part of states' positive obligations under the Convention Against Torture and customary international law.

While a huge/large variety of objects can be used for torture or other ill-treatment - Amnesty International has documented the abuse of plastic supermarket bags, broomsticks, car batteries and ordinary electric cables – current and proposed trade regulations relate to specific types of law enforcement equipment that are often used for torture or other ill-treatment. Amnesty supports the creation of a legally binding

international instrument covering torture, other ill-treatment and death penalty goods, but this statement will focus on equipment used for torture or other ill-treatment.

EXAMPLES

For example, Amnesty International and other bodies and individuals, including the Committee Against Torture and successive Special Rapporteurs on Torture, have documented the misuse of pepper spray, tear gas, batons, electric shock devices, restraints and many other types of equipment to inflict torture or other ill-treatment in places of detention and in extra-custodial settings.

Our network of researchers based around the world have interviewed countless victims of torture and other ill-treatment, gathered evidence including medical reports, victim testimonies, independent witness statements and verified photos and videos depicting torture or other ill-treatment involving law enforcement equipment. They have uncovered cases such as:

- The repeated and punitive use of pepper spray, electric shock equipment and batons on individuals who are restrained
- The misuse of crowd-control equipment on peaceful protestors, including the firing of tear gas in confined spaces and directly at individuals; and the deliberate, punitive use of rubber bullets against people posing no threat
- Handcuffing individuals to iron restraint chairs for days on end

Our researchers have documented serious injuries, such as the damage or loss of eyes from tear gas canister impacts; severe bruising from baton beatings; and serious burns from use of electric shock devices, as well as psychological trauma suffered by victims of torture or other ill-treatment.

Amnesty International has produced both country specific research and analysis of the misuse of specific types of equipment, such as recent investigations into the abuse of tear gas and batons, which our organisation can provide the GGE for further information.

GOODS COVERED:

In our view, any national or international initiative to regulate this trade should cover both:

- Goods with no practical use other than for torture or other ill-treatment, such as body-worn electric shock equipment; spiked batons and an array of inhumane restraints such as thumb-screws; neck cuffs; shackle-boards, which should be totally prohibited

And:

- Standard Law enforcement equipment and weapons that can be misused for

torture or other ill-treatment, such as tear gas, batons, projectile electric shock weapons projectile and chemical irritants, which should be strictly controlled.

The second (controlled) category of goods is fundamental to any global regulation for the prevention of torture and other ill-treatment, as it covers equipment routinely traded in large volumes and often used by law enforcement officials across the world.

A full and detailed list of goods in both prohibited and controlled categories can be found in AI/Omega's recent written submission to this group.

THE LEGALLY-BINDING INSTRUMENT

Given the gravity of the issue and the international nature of the problem, Amnesty International strongly supports the creation of a global, legally binding instrument to regulate the trade in torture, other ill-treatment and death penalty goods.

A precedent for a legally binding instrument which explicitly links the legality of the trade in commonly abused goods with international human rights and humanitarian law has already been set through the adoption by 156 States of the Arms Trade Treaty in April 2013.

An international legally binding instrument, as opposed to non-binding guidance, is essential to build a common architecture for compliance at international and state level, such as standardised national control regimes, information sharing and trade monitoring mechanisms. Only a legally binding instrument can ensure transparency and accountability, effectively supporting efforts to prevent and eradicate torture and other ill-treatment across the world.