

USA: Torture - Amnesty International files special petition in support of US citizen suing Los Angeles County

The shocking of a defendant with an electric stun belt in a California court constituted torture under international law, Amnesty International said today.

The human rights organization has filed a special petition in support of a law suit brought by Ronnie Hawkins, a black US citizen who was punished with a 50,000-volt electric discharge during a court hearing in June 1998.

After repeated verbal interruptions by Ronnie Hawkins, the California judge handling the proceedings ordered a guard to activate the stun belt the defendant had been made to wear while in court. The belt - which a guard can activate at the push of a button - inflicts a huge electric current, causing severe pain and instant incapacitation.

The Amnesty International petition follows a motion to dismiss the case filed by Los Angeles county. According to Amnesty International the motion to dismiss displays a fundamental ignorance of the most basic principles of international human rights law and its application in the United States.

"The deliberate infliction of pain as a punishment, by or at the instigation of a public official, falls clearly within the definition of torture," said Pierre Sané, Amnesty International's Secretary General, currently touring the United States as part of a year-long campaign to promote human rights in the country.

"Even without activation, the fear of being subjected to severe pain while in a totally powerless position, is a key element of the mental suffering of a victim of torture," stressed Mr Sané, adding that "the international prohibition against torture is universal, and the use of a stun belt in Mr Hawkins' case is a violation of international law binding in the USA, the State of California and the County of Los Angeles."

Amnesty International has therefore asked the Central District of California's District Court to enforce this fundamental international norm. The petition came in the form of an *amicus brief* - an independent expert opinion - submitted today to the Court by attorney Paul Hoffman, working on behalf of the human rights organization.

The petition states that at the time the punishment was inflicted, Ronnie Hawkins posed no physical threat to himself or anyone else in the courtroom.

Mr Hawkins says that the electric discharge caused him to be tortured, and caused him great physical and mental pain.

"There is no doubt that Ronnie Hawkins' allegations, and the factual circumstances of this case, state a claim of torture under international law," Mr Sané stressed.

Additional information

The motion to dismiss filed by the County of Los Angeles states that a foreign protest is required prior to a litigant being able to invoke international law in US courts. Amnesty International strongly refutes this, since the number of cases which have recognized the application of international law despite the absence of any foreign protest is simply too great to catalogue.

In its most significant decision regarding the role of international law in the United States (in the case of “Paquete Habana”), the US Supreme Court noted that international law is part of US law, and must be ascertained and administered by the courts of justice of appropriate jurisdiction. The Court did not find it relevant to determine whether a foreign protest had been issued in the case at hand in order to apply international law in the United States.

International human rights law is based on the principle that all persons are entitled to basic human rights protections vis-a-vis their own government - and that includes US citizens. The argument by the County of Los Angeles about the need for a foreign government to protest is entirely nonsensical in the context of a claim by a US citizen against his own government.

Article 1 of the UN Convention Against Torture defines torture as “any act by which severe pain of suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as ...punishing him for an act he ... has committed... or intimidating or coercing him ... when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity”.

Remote-controlled electro-shock stun belts have been introduced by prison or jail authorities in more than 20 US states in recent years. Amnesty International considers that their use constitutes cruel, inhuman or degrading treatment or punishment, and has called for a total ban on their use.

For further information or to arrange an interview with Mr Sané or a member of the Amnesty International delegation currently visiting the United States, please phone Soraya Bermejo, Press Officer, on 917 335 7434 (mobile). You can also phone Amnesty International’s Press Office in London: +44 171 413 5566