



TACKLING THE TRADE IN TOOLS OF TORTURE AND EXECUTION TECHNOLOGIES



Omega Research Foundation

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CONTENTS

SUMMARY	4
1. MECHANICAL RESTRAINT DEVICES	6
2. DIRECT CONTACT ELECTRIC SHOCK WEAPONS	9
3. BODY WORN ELECTRIC SHOCK DEVICES	11
4. RIOT CONTROL AGENTS	12
5. KINETIC IMPACT DEVICES	14
6. PHARMACEUTICAL CHEMICALS FOR USE IN LETHAL INJECTIONS	16
7. TRAINING & TECHNICAL ASSISTANCE	19
CONCLUSIONS: COMBATTING THE TRADE IN TORTURE AND EXECUTION TECHNOLOGIES	20

SUMMARY



Over the last decade, Amnesty International has reported on torture in over 140 countries - three-quarters of the world – despite it being absolutely prohibited under international law.

The secretive nature of torture means the true number of countries that torture is likely to be higher still. While in some countries there is evidence only of isolated and exceptional cases, in others torture is routine and systematic.

A disturbing range of equipment and techniques are used to carry out these acts. Law enforcement officials continue to use mechanical restraints, electric shock devices and batons to shackle, shock and beat detainees. Techniques such as waterboarding, strangulation holds and hog-tying are used. Outside the confines of police custody and detention centres, police and security forces often misuse riot control agents (teargas and pepper spray), and kinetic impact devices, notably plastic and rubber bullets – including against peaceful protestors, in some instances resulting in ill-treatment, life changing injuries and even death.¹

Companies from all regions of the world supply law enforcement equipment and related training. Some of this equipment is inherently abusive – such as leg irons, shock batons or shock belts – and should be banned. Other equipment, tear gas, for instance, may have a legitimate role in law enforcement, but is liable to be abused, and needs stringent regulation.

Furthermore, Amnesty International and the Omega Research Foundation believe that there should be a prohibition on the provision of all equipment intended to be used to carry out the death penalty, the ultimate cruel and inhuman punishment. In 2016 at least 1,032 people were executed in 23 countries, a number that does not include the thousands executed in China.² In the past, a range of specially designed equipment including gas chambers and electric chairs were used to carry out the death penalty. In recent years certain countries have increasingly employed pharmaceutical chemicals in so-called “lethal injection” execution procedures.

This briefing presents examples of equipment currently being manufactured, promoted, exported and misused that urgently needs to be banned or more robustly regulated. Drawing on research by Amnesty International and the Omega Research Foundation, it examines mechanical restraints, direct contact electric shock devices, riot control agents, kinetic impact devices, training in potentially abusive techniques and pharmaceutical chemicals used in lethal injections, citing cases from around the world of their misuse in torture and other ill-treatment and for carrying out the death penalty. It explores what measures States have so far taken to combat this trade.

1 For a summary of these issues, see: Amnesty International/Omega Research Foundation, The impact of less lethal weapons on human rights, 2015, <https://www.amnesty.org/en/documents/act30/1305/2015/en/>

2 Amnesty International, The Death penalty in 2016: Facts and figures, 11 April 2017, <https://www.amnesty.org/en/latest/news/2017/04/death-penalty-2016-facts-and-figures/>. In 2009 Amnesty International stopped publishing its estimated figures on the use of the death penalty in China because of concerns about how the Chinese authorities misrepresented Amnesty International's numbers. China does not publish any figures on the death penalty; available information indicates that thousands of people are executed and sentenced to death in China each year, see Amnesty International, Death Sentences and Executions 2016, p.2, <https://www.amnesty.org/download/Documents/ACT5057402017ENGLISH.PDF>

Amnesty International and the Omega Research Foundation are calling on all States to incorporate five key principles within their legal and administrative frameworks to end the trade in abusive equipment, and strictly control law enforcement equipment that is liable to be abused:

1. A ban on the production of, and trade in, inherently inhumane law enforcement equipment and related training; and specifically designed execution technologies.
2. Strict, risk-based restrictions on the trade in law enforcement equipment.
3. A comprehensive national trade control system to vet prospective transfers of controlled equipment.
4. Reporting and information sharing on the trade in tools of torture and execution technologies.
5. Regional and international measures to regulate the trade in tools of torture and execution technologies.

Torture is flourishing in many parts of the world, while a handful of States continue to defy the global trend away from the death penalty, carrying out executions. Meanwhile, companies are profiting from these practices. It is time for governments to send the message that this situation will no longer be tolerated.



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REPORTED ON TORTURE IN OVER**

140 COUNTRIES

THREE-QUARTERS OF THE WORLD – DESPITE IT BEING
ABSOLUTELY PROHIBITED UNDER INTERNATIONAL LAW.

1. MECHANICAL RESTRAINT DEVICES

INCLUDING: CUFFS, SHACKLES, CHAINS, IRONS

One of the most common types of law enforcement equipment, mechanical restraints encompass various types of cuffs, shackles, chains and irons applied to the body to restrict the movement of an individual. Across the world, they are regularly misused to inflict torture and other ill-treatment on detainees.

Certain forms of mechanical restraint - for example, handcuffs or leg-cuffs - are sometimes needed by law enforcement or prison officers to control individuals or to prevent them from committing harm to themselves or others. Their use, though, must strictly conform to and be circumscribed by international and regional human rights standards. These standards absolutely prohibit torture and other ill-treatment and specify that such restraints may be used only when other measures are ineffective and only for as long as is strictly necessary.³

CHINA: HANDCUFFED AND TORTURED

Yu Wensheng, a lawyer with Daoheng Law Firm in Beijing, was arrested on 13 October 2014 and detained for 99 days by the Daxing Public Security Bureau in Beijing. He told Amnesty International that during detention he was tortured, detained together with death row inmates for 61 days and questioned approximately 200 times. Ten public security officers were assigned to question him in three shifts every day. At the beginning, the officers only abused him verbally. Later, they handcuffed him with his hands bound behind the back of an iron chair. He felt that his body's muscles and bone joints were completely stretched. "My hands were swollen and I felt so much pain that I didn't want to live. The two police officers repeatedly yanked the handcuffs. I screamed every time they pulled them."⁴

IRAN: SHACKLED TO A HOSPITAL BED

Omid Kokabee, imprisoned for his refusal to work on military projects in Iran, underwent surgery to remove his kidney on 20 April 2016, after he was diagnosed with advanced kidney cancer. In the two and a half weeks prior to his surgery, Omid Kokabee was shackled by his hands and arms to his hospital bed despite repeated objections from his doctors. The authorities refused to remove the restraints until after his surgery, and only when a picture of Omid Kokabee chained to his hospital bed went viral, triggering a global wave of outrage and sympathy.⁵ Amnesty International has received information of the frequent excessive and unnecessary restraint of political prisoners receiving medical care in Iranian hospitals.

3 See, for instance, the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), UN General Assembly resolution 70/175, annex, adopted on 17 December 2015, Rules 43 (2), 47 (2) and 48, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/175.

4 Amnesty International, No end in sight, Torture and forced confessions in China, ASA 17/2730/2015, November 2015, pp. 11-12, <https://www.amnesty.org/en/documents/ASA17/2730/2015/en/>

5 Amnesty International, Health taken hostage: Cruel denial of medical care in Iran's prisons, 18 July 2016, pp. 33-34, <https://www.amnesty.org/en/documents/mde13/4196/2016/en/>

Omid Kokabee was shackled by his hands and arms to his hospital bed despite repeated objections from his doctors.



Omid Kokabee, shackled to his hospital bed, accompanied by his lawyer © Private

Other forms of mechanical restraint are inherently abusive in nature and should never be employed in law enforcement or detention. Under the UN Standard Minimum Rules for the Treatment of Prisoners, “the use of chains, irons or other instruments of restraint which are inherently degrading or painful shall be prohibited.”⁶ Both the UN Special Rapporteur on Torture and the UN Committee against Torture have condemned methods of restraint that are inherently inhuman, degrading or painful, or have such effects.⁷

Amnesty International and the Omega Research Foundation have documented the development, promotion, transfer or use of inherently abusive or inappropriate mechanical restraints including thumb-cuffs, finger-cuffs, leg irons (some weighing up to 8 kilograms) and fixed restraints. For example, handcuffs designed to be bolted to prison walls have been manufactured and promoted by companies in Asia and Europe.⁸



Leg irons, weighted leg irons, and fixed cuffs © Omega Research Foundation

- 6 UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), UN General Assembly resolution 70/175, annex, adopted on 17 December 2015, Rule 47, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/175
- 7 See for example Report of the UN Committee against Torture – 23rd/24th session, A/55/44, 2000, paragraph. 180 (c); Interim report of the UN Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, UN General Assembly, 9 August 2013, A/68/295, paragraph 58; Report of the UN Special Rapporteur on the question of torture, Theo Van Boven, Commission on Human Rights, E/CN.4/2005/62, 15th December 2004, paragraph 14.
- 8 Amnesty International and Omega, China’s trade in the tools of torture, ASA 17/043/2014, <https://www.amnesty.org/download/Documents/4000/asa170432014en.pdf>; Grasping the nettle: ending Europe’s trade in torture and execution technology, Index: ACT 01/1632/2015, <https://www.amnesty.org/en/documents/eur01/1632/2015/en>

Whilst certain full body restraints may have legitimate employment in restricted and carefully controlled medical contexts, a range of inappropriate devices incorporating multiple restraints such as shackle-boards, shackle-beds and restraint chairs have been promoted for penal and law enforcement use.

AUSTRALIA: RESTRAINT CHAIRS IN JUVENILE DETENTION



Dylan Voller: hooded and strapped to a restraint chair, © Four Corners, ABC TV

On 26 July 2016, the Australian Broadcasting Company screened footage from the Don Dale Youth Detention Centre in Darwin, Northern Territory which showed prison officials abusing and torturing detained teenage boys from 2010 to 2015. 17-year-old Dylan Voller, was shown being hooded and strapped to a restraint chair by his ankles, wrists and neck, after he was deemed at risk of self-harm. He was kept in this position for two hours. Dylan's case caused a national outcry and led to a ban upon the use of restraint chairs and spit hoods in Northern Territory juvenile detention centres.⁹

9 See Amnesty International, Australia: Guantanamo-style abuse of child prisoners shows current detention system has failed, 28 July 2016, <https://www.amnesty.org/en/latest/news/2016/07/australia-guantanamo-style-abuse-of-child-prisoners-shows-current-detention-system-has-failed/>

2. DIRECT CONTACT ELECTRIC SHOCK WEAPONS

INCLUDING: STUN GUNS, STUN BATONS, STUN SHIELDS

A wide range of direct contact electric shock weapons including electric shock stun guns, stun batons and stun shields have been developed, traded and employed by police and security forces throughout the world.

The use of such weapons results in intense, both localised and general pain but not incapacitation of the subject.¹⁰ Potential injuries include burns, puncture wounds and welts, as well as the risk of secondary injuries should the subject fall. Because of their nature and design, direct contact shock weapons carry an unacceptable risk of arbitrary force.



Range of direct contact electric shock weapons on display at an Asian security exhibition, © Robin Ballantyne, Omega Research Foundation

The ability to apply extremely painful high voltage electric shocks at the push of a button, including to very sensitive parts of a person's body, and to repeatedly do this without long-lasting identifiable physical traces, makes them a favoured tool of torture. Amnesty International has documented such abuse in all regions of the world.¹¹

ITALY: THE “ELECTRICITY ROOM”

Amnesty International has documented the repeated use of electric shock batons by Italian police against newly arriving refugees and migrants, particularly to forcibly fingerprint people in police stations. Even children were subjected to such treatment. Djoka, a 16-year-old boy from Sudan, arrived in Italy on 7 June 2016. He fled the conflict in Darfur, which killed his father, and hoped to join his brother in France.

continued on next page

¹⁰ In contrast to direct contact electric shock weapons, certain law enforcement electric shock projectile weapons may have legitimate use in certain limited circumstances when used as a stand-off weapon as an alternative to lethal force e.g. to incapacitate a violent individual, and only when employed in conformity with human rights standards by trained law enforcement officials.

¹¹ See, for example, Amnesty International, Thailand: A culture of torture under the military, 28 September 2016, <https://www.amnesty.org/en/latest/news/2016/09/thailand-a-culture-of-torture-under-the-military/>; Surviving death: police and military torture of women in Mexico, 28 June 2016, Index number: AMR 41/4237/2016, <https://www.amnesty.org/en/documents/amr41/4237/2016/en/>; This is how I was tortured to “confess” in Egypt, 27 July 2016, <https://www.amnesty.org/en/latest/campaigns/2016/07/this-is-how-i-was-tortured-to-confess-in-egypt/>

When he was disembarked in Sicily, he was taken to a police station and detained there. He told Amnesty International:

“After three days... they took me to the ‘electricity room’. There were three policemen wearing uniforms, plus a woman without uniform ... The police then asked me to give fingerprints. I refused. Then they gave me electricity with a stick, many times on the left leg, then on the right leg, chest and belly. I was too weak, I couldn’t resist.”¹²

PHILIPPINES: HANDCUFFED AND SHOCKED

Late one night in January 2013, in Pampanga, the Philippines, a couple, “Myrna” and “Anselmo”, were abducted at gunpoint by 10 unidentified men. They were taken to the Drug Enforcement Unit (DEU) in a police compound where “Anselmo” was tortured. According to “Myrna’s” testimony:

“They used a small hand-held device to give electric shocks to Anselmo’s eyelids and then the back of his neck. They did this many times, I cannot even count. I tried to stop them, as he was bloody and unable to defend himself as he was still handcuffed.”¹³

RUSSIAN FEDERATION: TORTURED AT THE KITCHEN TABLE

On 30 August 2016, Murad Ragimov and his father were beaten and tortured by officers from the Ministry of the Interior’s Special Response Unit for two hours in the kitchen of their home in Moscow. The officers accused Murad Ragimov of killing a policeman in Dagestan, and of fighting for the armed group Islamic State in Syria. Murad Ragimov’s cousin was handcuffed to the kitchen table while officers tortured Murad Ragimov using an electric-shock baton, and suffocated him with a plastic bag.¹⁴

New products are coming on to the international security equipment market all the time including electric shock gloves, knuckle-dusters and capture devices. In October 2014, a Chinese company announced that it had sold 200 “shock capturing forks” for holding and controlling violent individuals to the Linhe District Public Security Bureau.¹⁵



“Shock capturing fork” demonstration, screenshot from Chinese company website.

12 Amnesty International, Hotspot Italy, How EU’s flagship approach leads to violations of refugee and migrant rights, EUR 30/5004/2016, October 2016, p. 18, <https://www.amnesty.org/en/documents/eur30/5004/2016/en/>

13 Amnesty International, Above the law, police torture in the Philippines, ASA 35/007/2014, 2014, p. 75, <https://www.amnesty.org/en/documents/asa35/007/2014/en/>

14 Amnesty International, 2016-17 Annual Report, POL 10/4800/2017, February 2017, p. 308, <https://www.amnesty.org/en/documents/pol10/4800/2017/en/>

15 Linhe district police issued shock capturing fork for the school, Shenzhen Senxunda Electronic Technology Co. Ltd website, previously available at: http://en.4008628110.com/news_detail/newsId=25.html (last accessed 7 July 2017, copy with the authors).

3. BODY WORN ELECTRIC SHOCK DEVICES

INCLUDING: STUN BELTS, STUN VESTS AND STUN CUFFS

A range of electric shock devices have been designed and produced specifically to be attached directly to prisoners' bodies. They include stun belts, stun vests and stun cuffs.

Prisoners are forced to wear these items, sometimes for many hours at a time, with the constant threat that they can be remotely triggered at any moment. On activation, by remote control, they generate a high voltage 'pulse current' – typically around 50,000 volts - that enters the prisoner's body at the site of the electrodes, causing severe pain for the duration of the shock; in addition muscles contract involuntarily, rendering the subject immobile.

Other physical effects can include muscular weakness, involuntary urination and defecation, heartbeat irregularities, seizures, and welts on the skin,¹⁶ as well as the risk of secondary injuries caused by falls after activation. Use of such equipment on individuals with underlying health issues (such as congenital heart defects or epilepsy), or on those using psychotropic medications could cause heart attacks.¹⁷ The continuous threat that the device may be activated at any moment, intentionally or by accident, causes terrible mental suffering to the wearer.

The European Commission has classified body worn electric shock devices as having, *"No practical use other than for the purpose of torture and other cruel, inhuman or degrading treatment or punishment"* and prohibits their trade.¹⁸

The UN Committee against Torture has recommended that stun belts should be abolished.¹⁹ However such devices are now employed in a number of States including South Africa and the United States.²⁰

They are typically used in courtrooms, for prisoner transfers, or on work details. They are currently manufactured by companies in the Americas, Africa and Asia, and have been promoted by companies in all regions of the world.



Body worn electric shock devices taken from German, US and South African company promotional material

- 16 Yoon, P. H. ,The "Stunning" Truth: Stun Belts Debilitate, They Prejudice, and They May Even Kill, Capital Defense Journal, Vol. 15 Issue 2, 3-1-2003, <http://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=1531&context=wluclj>
- 17 Dahlberg, S. The React Security Belt: Stunning Prisoners and Human Rights Groups into Questioning Whether its Use is Permissible Under the United States and Texas Constitutions, 30 St. Mary's L.J. 239, 1998.
- 18 Annex II of EC Trade Regulation 1236/2005, as amended, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02005R1236-20170317&qid=1504033420275&from=EN>
- 19 Referenced in Amnesty International, 2003, The Pain Merchants: Security Equipment and its use in Torture and other Ill-Treatment, Index: ACT 40/008/2003, p. 41, <https://www.amnesty.org/en/documents/ACT40/008/2003/en/>
- 20 Omega Research Foundation/Institute for Security Studies, Compliance through pain Electric shock equipment in South African prisons, policy brief 86, June 2016, <https://issafrica.org/research/policy-brief/compliance-through-pain-electric-shock-equipment-in-south-african-prisons>; Omega Research Foundation, Case study: Use of body-worn electric shock in US State prisons, <https://omegaresearchfoundation.org/case-studies/use-body-worn-electric-shock-us-state-prisons>; Omega Research Foundation, Briefing Paper: Use of Tools of Torture in OSCE participating States, June 2017, <https://omegaresearchfoundation.org/publications/briefing-paper-use-tools-torture-osce-participating-states>; Amnesty International, USA: Cruelty in control? The stun belt and other electro-shock equipment in law enforcement, AMR 51/054/1999, 7 June 1999, <https://www.amnesty.org/en/documents/AMR51/054/1999/en/>

4. RIOT CONTROL AGENTS

INCLUDING: TEAR GAS, PEPPER SPRAY

Riot control agents (RCAs) are designed to deter or disable an individual by producing temporary irritation of the eyes and upper respiratory tract. The most frequently used chemicals include CN or CS (commonly called tear gas) and OC and PAVA (commonly called pepper spray). RCAs are generally delivered through aerosol sprays, hand-thrown grenades, weapon launched projectiles/grenades, as well as via water cannon.

RCAs are commonly used around the world for law enforcement purposes, both for riot control purposes as well as for arrest and restraint of individuals. When used in accordance with manufacturers' guidelines and in line with international human rights and use of force standards, they can provide an alternative to other applications of force more likely to result in injury or death.

However they can easily be misused, including in prison cells and detention centres, and during large scale policing of public assemblies.²¹ When the authorities use RCAs like tear gas in excessive quantities or in confined spaces where people cannot disperse, the toxic properties of the agents can lead to serious injury or death, particularly to vulnerable individuals. In addition, people have died and been injured by being hit directly with RCA projectiles such as tear gas canisters.



Riot police attack hundreds of protestors on 31 May 2013, Taksim Square, Istanbul © Eren Aytuğ/Nar Photos

²¹ For a summary of Amnesty International and Omega's human rights concerns and recommendations on the use of riot control agents, among other less lethal equipment see, The impact of less lethal weapons on human rights, ACT 30/1305/2015, 2015, <https://www.amnesty.org/en/documents/act30/1305/2015/en/>

TURKEY: MASS TEAR GASSING

UN and other human rights monitors highlighted the excessive and inappropriate use of tear gas and pepper spray – which in certain instances may have amounted to ill-treatment, punishment or torture – during the Gezi Park protests in 2013.²² Amnesty International documented the shooting and throwing of tear gas canisters into confined spaces including residential homes and public shelters. In Istanbul, tear gas was repeatedly used at the entrance of or inside makeshift health clinics, preventing the treatment of injured people. Reports and video footage show police firing tear gas and pressurized water at the entrance of the makeshift health clinic at the Divan Hotel on 15 June and police removing masks from the faces of people inside and removing lotion used to treat exposure to tear gas. Hand held pepper spray devices were frequently used against peaceful protestors in a manner that was abusive. Individuals told Amnesty International that police officers sprayed pepper spray in their eyes as a punishment when they were apprehended at the scene of demonstrations.²³

Turkish security forces used approximately 130,000 tear gas canisters – equivalent to a year’s supply – in the first 20 days of the protests alone. Analysis of media reports and images indicates tear gas canisters produced by Brazilian, South Korean and US companies were amongst those used against protesters.²⁴

MALDIVES: PEPPER SPRAY TORTURE

Mariya Ahmed Didi, a member of parliament for the Maldivian Democratic Party (MDP), was among hundreds of MDP supporters arrested by police following the violent dispersal of a peaceful rally held on 8 February 2012. In testimony to Amnesty International she detailed her ill-treatment whilst in arbitrary detention:

“They... continued beating me with my handcuffs on... They were beating me with batons. Police and military officers then forcefully opened my eyelids. They went for the eye that had been injured [as a result of a police beating] the day before. They sprayed pepper spray directly into my eye. Then they did the same with my other eye. They then sprayed into my nose as they were also beating me. They then took me to a police station and continued to beat me there. I have bruises all over my body. At one point when they were beating me one of them shouted: ‘Is she still not dead?’”²⁵



MP Mariya Ahmed Didi, © Private

22 Amnesty International, Gezi Park Protests: Brutal denial of the right to peaceful assembly in Turkey, EUR 44/022/2013, October 2013, <https://www.amnesty.org/en/documents/EUR44/022/2013/en/>; UN Radio, Human rights office expresses concern over use of excessive force against peaceful protestors in Turkey, 4 June 2013, <http://www.unmultimedia.org/radio/english/2013/06/human-rights-office-expresses-concern-over-use-of-excessive-force-against-peaceful-protestors-in-turkey/index.html>.

23 Amnesty International, pp. 19-23, Gezi Park Protests, Ibid.

24 Amnesty International, p. 19, Gezi Park Protests, Ibid.

25 Maldives: The other side of paradise: A human rights crisis in the Maldives, Amnesty International, ASA 29/005/2012, 5 September 2012, pp. 6-7, <https://www.amnesty.org/en/documents/ASA29/005/2012/en>

5. KINETIC IMPACT DEVICES

INCLUDING: BATONS, PLASTIC AND RUBBER BULLETS

Both hand held kinetic impact (or striking) weapons, such as batons and truncheons; and launched kinetic impact weapons and projectiles, such as plastic and rubber bullets, are widely employed by law enforcement officials in public order policing and also in places of detention. If employed in conformity with international human rights standards and use of force guidelines, they can have a legitimate role in law enforcement. However human rights organisations have regularly documented their widespread abuse to inflict unnecessary or excessive force. This can result in serious injury or death.

YEMEN: THE PAIN WAS EXCRUCIATING

Ali Taher al-Faqih, and Salah 'Awdh al-Bashri were seized by Huthi security forces during a peaceful demonstration in Sana'a on 11 February 2015. Salah 'Awdh al-Bashri, later died from the injuries he suffered after hours of torture. Ali Taher al-Faqih gave details of the interrogation he endured:

"They blindfolded and gagged me. They tied my hands behind my back, bound my feet, made me lie face down on a sort of narrow table and started beating me with some sort of baton on the buttocks. The beating went on for a long time, maybe a couple of hours... The pain was excruciating. They kept telling me to confess. When they finally stopped beating me I was only semi-conscious. They had to help me up."²⁶

MAURITANIA: CHILDREN BEATEN WITH BATONS

In June 2013, Amnesty International documented how police in Mauritania were using batons and other equipment to torture men, women and children to coerce them to confess to crimes while in custody. Eleven children told Amnesty International that they had been tortured in police stations, including at the Brigade des Jeunes, a police post in Mauritania's capital with a specific mandate to deal with juvenile offenders.

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²⁶ Amnesty International, Yemen: Peaceful protesters targets of Huthis' disturbing 'torture-tactics', 16 February 2015, <https://www.amnesty.org/en/latest/news/2015/02/yemen-peaceful-protesters-targets-of-huthis/>

A 16-year-old boy said:

“They made me sit on the ground in a crouch position. They attached one of my hands with my foot with handcuffs and then did the same with my other foot and my other hand. They put a stick under my knees and put the stick between two water containers. That lifted me into the air and my head swung down towards the ground. They started beating my head with their batons. I lost consciousness three times.”

CEUTA: MIGRANTS DROWN IN HAIL OF RUBBER BULLETS

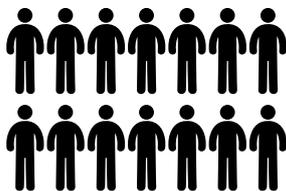
On 6 February 2014, 200 migrants, refugees and asylum seekers from Sub-Saharan Africa attempted to swim to Ceuta, an autonomous city of Spain on the north coast of Africa, from its border with Morocco. Members of the Spanish Civil Guard opened fire with large rubber bullets, tear gas and blanks to stop their advance resulting in or contributing to the death of at least 14 people. An additional woman was also reported dead after the incident, though her body has never been found.²⁷

A government representative at first denied the use of riot control equipment. But after footage emerged of the equipment in use, the Minister of Interior admitted it was used, but claimed that it was deployed in such a way as to avoid hitting any of the people who were in the sea. However, survivors told Spanish non-governmental organisations that some of them were hit by rubber bullets when they were in the sea and that the tear gas fired by the Civil Guards made it difficult for them to see and breathe.

**TO STOP REFUGEES AND ASYLUM SEEKERS FROM
SUB-SAHARAN AFRICA ATTEMPTING TO SWIM TO CEUTA,**

MEMBERS OF THE SPANISH CIVIL GUARD

**OPENED FIRE WITH LARGE RUBBER BULLETS,
TEAR GAS AND BLANKS TO STOP THEIR ADVANCE**



**RESULTING IN OR CONTRIBUTING TO
THE DEATH OF AT LEAST 14 PEOPLE.**

**AN ADDITIONAL WOMAN WAS ALSO REPORTED DEAD AFTER
THE INCIDENT, THOUGH HER BODY HAS NEVER BEEN FOUND.**

²⁷ Amnesty International, Spain: Accountability urged for ‘appalling’ migrant deaths in Ceuta, 14 February 2014, <https://www.amnesty.org/en/latest/news/2014/02/spain-accountability-urged-appalling-migrant-deaths-ceuta/>

6. PHARMACEUTICAL CHEMICALS FOR USE IN LETHAL INJECTIONS



Execution room, Huntsville, Texas, © Getty Images

In China, Guatemala, the Maldives, Papua New Guinea, Taiwan, Thailand, Vietnam, and the United States, the intravenous administration of a lethal dose of certain pharmaceutical chemicals (“lethal injection”) is provided for as a method of execution under the law.²⁸ Amnesty International and the Omega Research Foundation oppose the death penalty in all cases and call for the abolition of the death penalty.

28 Amnesty International, Execution by lethal injection: a quarter century of state poisoning, 4 October 2007, Index number: ACT 50/007/2007, <https://www.amnesty.org/en/documents/ACT50/007/2007/en/>; Amnesty International, Maldives to resume executions after over 60 years ASA 29/6764/2017, 20 July 2017, <https://www.amnesty.org/en/documents/asa29/6764/2017/en/>; Amnesty International, Further information: Papua New Guinea plans for executions, ASA 34/003/2013, 4 June 2013, <https://www.amnesty.org/en/documents/asa34/003/2013/en/>

Death penalty proponents have promoted lethal injections as pain-free and humane, when in fact there is potential for this method to cause intense, sometimes prolonged physical suffering – on top of the terrible mental suffering endured in the build-up to an execution. Even were this not the case, any potential increase in executions as a result of lobbying for the death penalty – based on the supposed benefits of lethal injection – is of serious concern.²⁹

In December 2011, the European Commission introduced binding measures to control the export from all EU Member States of certain dual use drugs which have legitimate medical uses but that could also be employed for the execution of human beings, such as sodium thiopental and pentobarbital – a move Amnesty International and the Omega Research Foundation strongly support.³⁰ These measures were further strengthened with the introduction in December 2016 of an urgency procedure, empowering the Commission to expeditiously amend the list of regulated goods to include additional pharmaceutical chemicals of concern, and thereby allow Member States to halt transfers of such pharmaceutical chemicals to end users intending to employ them for capital punishment.³¹

Since the sole US manufacturer of sodium thiopental, one of the drugs used in three-drug lethal injection protocols, suspended production and in early 2011 withdrew from the market altogether, the US states that retain the death penalty have tried to source drugs from stocks held in other States, including European countries, and from within the US. In response to the introduction of measures to impede their acquisition of lethal injection drugs, a number of US states have been developing new execution protocols, employing a different range of pharmaceutical chemicals and introducing single-drug protocols. Some states introduced alternative execution methods, such as firing squad in Utah; and “secrecy” laws not to disclose the source of the chemicals and prevent legal challenges on the method of execution.³² Other States have resumed executions before their existing stockpiles of chemicals expire.

29 Amnesty International, Execution by lethal injection – a quarter century of state poisoning, ACT 50/007/2007, October 2007, <https://www.amnesty.org/en/documents/ACT50/007/2007/en/>

30 European Commission, Commission Implementing Regulation (EU) No: 1352/2011 of 20 December 2011, amending Council Regulation (EC) No 1236/2005 concerning the trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, Official Journal of the European Union, 21 December 2011, L.338/31, (Annex III (4))

31 Council Regulation (EC) No 1236/2005 concerning the trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02005R1236-20170317&qid=1504033420275&from=EN> (consolidated version). In addition, in December 2016, the EU also introduced a system of Union General Export Authorizations for EU exports of certain pharmaceutical chemicals to States that have abolished the death penalty, and individual or global export authorizations to non-abolitionist States. Following work by the UK NGO Reprieve, over the last few years a number of leading pharmaceutical manufacturers have introduced measures to prevent the supply of their products to correctional institutions for use in lethal injection executions. See: Reprieve, Helping pharmaceutical companies stop their medicines being used to kill, <http://www.reprieve.org.uk/case-study/issues-helping-pharmaceutical-companies-stop-their-medicines-being-used-to-kill/>; New York Times, Pfizer Blocks the Use of Its Drugs in Executions, 13 May 2016, <https://www.nytimes.com/2016/05/14/us/pfizer-execution-drugs-lethal-injection.html>

32 See Americas section in Amnesty International, Death Sentences and Executions in 2016, ACT 50/5740/2017, April 2017 <https://www.amnesty.org/en/documents/act50/5740/2017/en/>; Amnesty International, Death Sentences and Executions in 2015, ACT 50/3487/2016, 6 April 2016, <https://www.amnesty.org/en/latest/research/2016/04/death-sentences-executions-2015>.



UNITED STATES: LETHAL INJECTIONS CONTINUE

Until recently, Arkansas had not executed anyone for 12 years as executions were suspended over legal challenges to the state's lethal injection procedures. However, the Governor of Arkansas, Asa Hutchinson, scheduled eight men to be executed in the space of eleven days in April 2017, in tandem with the state's supply of one of the drugs used in the lethal injection process expiring at the end of the month. He scheduled two executions per day over the space of two weeks. Hutchison said that the executions were scheduled so closely together because of uncertainties around the availability of one of the three chemicals used in the execution process.

On 20 April 2017, the state executed Ledell Lee. Just days later, on 24 April 2017, Marcel Williams and Jack Jones were executed in the first 'double execution' in the US for 16 years. Williams and Jones were executed in spite of serious concerns about the fairness of their respective trials. In the case of Marcel Williams, the jury was left entirely in the dark about his childhood of appalling poverty, deprivation and abuse; at the trial of Jack Jones, the jurors did not know he had been diagnosed with bipolar disorder shortly before the crime. A week after Ledell Lee's execution, Kenneth Williams was also executed by lethal injection. Four more prisoners who were due to be executed during the fortnight have been granted stays of execution.³³



INTRAVENOUS ADMINISTRATION OF A LETHAL DOSE OF CERTAIN PHARMACEUTICAL CHEMICALS ("LETHAL INJECTION") IS PROVIDED FOR AS A METHOD OF EXECUTION UNDER THE LAW IN

CHINA, GUATEMALA, THE MALDIVES, PAPUA NEW GUINEA, TAIWAN, THAILAND, VIETNAM AND THE UNITED STATES

³³ Amnesty International, USA: Arkansas must urgently halt 'conveyor belt' of executions, April 2017, available at <https://www.amnesty.org/en/latest/news/2017/04/usa-arkansas-must-urgently-halt-conveyor-belt-of-executions/>

7. TRAINING & TECHNICAL ASSISTANCE

Professional training of police and prison officers in the use of legitimate law enforcement equipment can reinforce good practice. But it is essential that such training is in line with human rights standards and law enforcement guidelines on the responsible use of force; and that the provision of training is subject to stringent government licensing and oversight procedures - particularly if it involves law enforcement agencies with a history of human rights violations.

Amnesty International and the Omega Research Foundation have uncovered instances where law enforcement officials have been trained in potentially abusive techniques. The provision of such training – especially when endorsed by senior officials in the recipient law enforcement agencies – risks entrenching abusive practices in those countries.

TRAINING IN HOG-TYING AND BATON NECK-HOLDS

Amnesty International and the Omega Research Foundation have identified a Czech company which currently trades in electric shock devices, pepper spray, restraints and batons and which also trains police, security and military forces in their use.

This training includes employment of restraints to place prisoners in hyper-extended positions (hog-tying) and also in the use of batons for neck holds. Such techniques are similar to those that the European Committee for the Prevention of Torture has recommended be halted.³⁴ Images and videos downloaded from the company website show training in such techniques being provided to a range of police forces including those in the Democratic Republic of Congo, China, Czech Republic, Georgia, India, Latvia, Mexico, Spain, and Togo.³⁵



Czech Republic: training in hog-tying and baton neck-holds sourced from company website.

34 See for example: Report to the Slovenian Government on the visit to Slovenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 31 January to 6 February 2012, CPT/Inf (2013) 16, Strasbourg, 19 July 2013, paragraph 67, <https://rm.coe.int/1680697db3>; Report to the Slovenian Government on the visit to Slovenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 31 January to 8 February 2006, (CPT/Inf (2008) 7), Strasbourg, 15 February 2008, paragraph 11, <https://rm.coe.int/1680697db1>

35 See Euro Security Products website, (in particular photo-gallery), <http://www.euro-security.info/en/photogallery.html> and <http://www.euro-security.info/en/training-courses-esp/photogallery-esp-courses.html>; Training courses ESP, References <http://www.euro-security.info/en/training-courses-esp/references.html> (all accessed 16 August 2017). For further information including previous correspondence with the company see: Amnesty International and Omega Research Foundation, Grasping the nettle: ending Europe's trade in torture and execution technology, Index: ACT 01/1632/2015, <https://www.amnesty.org/en/documents/eur01/1632/2015/en/>

CONCLUSIONS: COMBATTING THE TRADE IN TORTURE AND EXECUTION TECHNOLOGIES

The manufacture and trade in intrinsically inhumane goods used for torture contravenes States' most fundamental human rights obligations. In 2004, following a study of the production and trade of torture equipment, the UN Special Rapporteur on Torture urged States to introduce effective controls in this area. The UN General Assembly has regularly called upon all States to: "take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production, trade, export, import and use of equipment that have no practical use other than for the purpose of torture or other cruel, inhuman or degrading treatment or punishment."³⁶ The manufacture and trade in specifically designed execution technologies such as gas chambers, gallows and electric chairs raises intractable moral and ethical problems and should therefore be prohibited.

Although every State has the obligation to combat torture and other ill-treatment, concrete action by States has generally been inadequate. To end this trade in "tools of torture" and execution technologies, Amnesty International and the Omega Research Foundation are calling on all States to incorporate in their legal and administrative frameworks the following five principles:

- 1. A ban on the production of, and trade in, inherently inhumane law enforcement equipment and related training; and specifically designed execution technologies.** The prohibited goods list should include at a minimum direct-contact electric shock devices; spiked batons; thumb-screws and thumb-cuffs; neck cuffs; weighted leg or hand restraints; leg or hand restraints for attachment to fixed objects; restraint chairs, shackle-boards and shackle-beds; cage beds; and execution equipment.
- 2. Strict, risk-based restrictions on the trade in law enforcement equipment** that could be easily misused for torture and other ill-treatment, including, for instance, plastic and rubber bullets; electric shock projectile weapons (Tasers); and riot control agents and appropriate means of delivery. Similar controls need to be established to ensure that certain dual use drugs which have legitimate medical usages are not employed for "lethal injection" executions.
- 3. A comprehensive national trade control system to vet prospective transfers of controlled equipment** taking into account relevant information derived from UN, regional and national human rights monitors and NGOs, relating to the activities of the proposed law enforcement end users, in particular their compliance with human rights law and standards.

³⁶ See for example, United Nations, General Assembly, 66th Session, Third Committee, Torture and other cruel, inhuman or degrading treatment or punishment, A/C.3/66/L.28 Rev 1, 8th November 2011, paragraph 24.

4. Reporting and information sharing on the trade in “tools of torture and execution technologies”. States should inform their legislature and share information with other States about measures taken to regulate the trade in law enforcement equipment and technical assistance. They should publish a publicly available annual report in a timely manner containing meaningful information on the volume, value, nature of equipment, and destination of their trade in this area, so as to enable appropriate oversight by elected representatives, civil society and independent bodies.

5. Regional and international measures to regulate the trade in “tools of torture and capital punishment”. Establishing effective national measures to regulate the trade in law enforcement equipment and technical assistance, though vital, will not be sufficient to ensure that law enforcement agencies engaged in torture and other ill-treatment do not continue to receive the “tools of torture” from unscrupulous exporters in other countries. To combat such activities, inter-governmental organizations should establish regional, and eventually international, standards and instruments regulating trade in this area.

In May 2005 the EU adopted Council Regulation (EC) No. 1236/2005 concerning trade in goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment. The EU ‘Torture Regulation’, which came into force in May 2006, filled a major gap in human-rights-based export controls, introducing unprecedented trade controls that are binding on all EU Member States on a range of security equipment. It has since been progressively strengthened with the latest set of amendments extending its coverage to bans on promotion, brokering and transit of torture and death penalty goods across the EU, among other provisions.³⁷

Although concrete collective action in other regions has been more limited, an important commitment was made in 2002 by African Union States as part of the Robben Island Guidelines to “prohibit and prevent the use, production and trade of equipment or substances designed to inflict torture and the abuse of any other equipment or substance to these ends”.³⁸ In the Council of Europe (CoE), a study is currently being conducted under the auspices of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly into the CoE trade in security equipment with a view to developing appropriate rules to prevent the trade of equipment which could facilitate torture and the death penalty.

At the global level, Amnesty International and the Omega Research Foundation welcome the launch, in September 2017, of the ***Global Alliance to end trade in tools of torture and capital punishment***.³⁹ We believe this new alliance of States and concerned civil society can provide an important platform for the development and implementation of effective measures to combat this trade.

All States should join the Alliance and endorse its Political Declaration, which commits its members to act together to further prevent, restrict and end trade in goods intended for use in torture or capital punishment; to adopt legislation and efficient enforcement systems for the restriction and elimination of trade in such goods; to strengthen cooperation in this area and to form a global network of Focal Points for the sharing of information and best practices.

37 Council Regulation (EC) No 1236/2005 concerning the trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02005R1236-20170317&qid=1504033420275&from=EN> (consolidated version)

38 African Commission on Human and Peoples Rights, Robben Island Guidelines for the Prohibition and Prevention of Torture in Africa, 2002.

39 See Reuters, EU seeks U.N. alliance against torture trade, lethal drugs, 20 July 2017, <http://www.reuters.com/article/us-eu-torture-idUSKBN1A51NE>



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