

# Trade in torture tools threatens detainees and protestors everywhere – it must be banned

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## Key points of interest

- The Special Rapporteur on Torture calls for a new international treaty to ban the manufacture, use and trade in torture weapons and regulate other items.
- Twenty items of equipment, restraints or weapons are identified as unlawful owing to their inherent purpose or character as cruel, inhuman or degrading.
- The trade in such items is expected to grow owing to increasing social and political mobilization amidst multiple global and local challenges.

## Abstract

With social upheaval, economic strain, and political unrest growing, peaceful demonstrations worldwide are increasingly met with brutal tactics by law enforcement and security forces. The UN Special Rapporteur on Torture outlines her call for States to negotiate a new international treaty to ban the manufacture, use and trade in “torture tools” and regulate the trade in law enforcement equipment. Her proposal outlines two critical components: a prohibited list of items that she has deemed to be inherently cruel, inhuman or degrading, and a second controlled list of ordinary law enforcement equipment that has a high risk of misuse. Effective international regulation is imperative to curb the indiscriminate use of force by law enforcement and to uphold human dignity. Improved national regulation is also required. Research has revealed a pervasive market for these items, with more than 335 companies in 54 countries manufacturing or promoting the most egregious torture instruments. Major producers include China, the EU, and the USA, with emerging economies also contributing significantly. The outsourcing of public functions to private security companies further exacerbates the issue, underscoring the pressing need for robust national and international regulations.

**Keywords:** torture trade, international regulation, civil unrest, policing assemblies

## Introduction

In this uncertain era marked by conflict, spiraling prices and social change, peaceful protests are increasingly being policed with a heavy hand. Security forces in every region are maintaining order through often brutal tactics, which can include weapons and tools that have been developed to inflict unnecessary or excessive pain or suffering.

Take Belarus, where security forces fired expanding rubber bullets at protestors – these rounds are made of plastic but with

a core of small metal balls which expand on impact causing excessive injury (Lethal in Disguise, 2023a). In France, civilians have been injured and killed by explosive stun grenades (Lethal in Disguise, 2023b).

There are even weapons of war being deployed to police protests, like the Venom multi-barrel rocket launcher which fires as many as 30 tear gas projectiles into a crowd simultaneously. This device first developed for the US marines, has been used by security forces in several Colombian cities including

Bogotá to suppress civilian protest (Amnesty International, Omega Research Foundation, 2023, 24-25).

From the policing of Black Lives Matter demonstrations in the US, to Covid enforcement in South Africa, inherently cruel devices are deployed by states on a frequent basis.

More than 130 countries have experienced significant protests since 2017, with around a quarter of all protests lasting more than three months (Carnegie Endowment, 2024).

#### *Current situation*

Over the past eighteen months, since I became UN Special Rapporteur on Torture, my office has been inundated with allegations of torture and other cruel, inhuman or degrading treatment or punishment. I have documented multiple incidents of police violence globally in at least twelve countries in 2023. Many cases resulted in deaths or serious injuries. The prognosis is for this bleak trend to worsen, fuelled by a dangerous mix of heavily armed police and the increasing mobilization of social movements and peaceful protests. In this “year of elections” in which citizens in more than 60 countries are heading to the polls, states need to be prepared for careful and lawful responses, underpinned by appropriate rules on the use of force and type of equipment that may be deployed.

Police are human rights actors, even if they may not always see themselves as such. They must be protected and equipped with human rights-compliant equipment. It is key that when officers are issued specific equipment, they must be able to trust that such equipment is lawful.

#### **Torture instruments**

To help states navigate the extensive and growing market in law enforcement equipment and weapons, I have called for states to negotiate and agree a new international treaty to ban the very worst weapons and to regulate the use of other security tools, which are liable to be misused (Edwards, 2023).

I have presented a list of 20 different types of instruments which I describe as “torture instruments” that are currently widely in use, yet which are inherently torturous and should be immediately removed from production and trade because of their incompatibility with the international prohibition on torture (Edwards, 2023, Annex 1). These should now be considered illegal by states as well as international and national monitoring bodies.

#### *United Nations Special Rapporteur on Torture Prohibited List*

This Prohibited List includes a range of restraints from cage beds to thumb screws. Also included are the particularly terrifying

millimetre wave weapons, which are experimental weapons used as a form of directed energy to inflict pain from a distance.

Striking or kinetic impact weapons like spiked batons that can easily damage the skin are listed, as well as weighted gloves and batons which dramatically increase the force of an impact and which can cause excessive pain. These were used in Hong Kong to beat peaceful protesters from behind, often when they were already restrained or were running from a demonstration (Amnesty International, Omega Research Foundation, 2020, p. 18).

There are also direct impact devices like electric shock shields and batons, as well as electric shock weapons including body worn devices which deliver a piercing electric shock to a person at the press of a button.

Human rights organizations have documented these being used in Saudi Arabia, where direct contact electric shock devices were used to punish detainees criticizing their poor living conditions. In Cambodia, electric shock batons have been used in police raids. In Egypt, suspected terrorists were suspended by their limbs from the ceiling while handcuffed and blindfolded. Electric shocks were applied to their genitals as well as other sensitive parts of the body and face, mostly using electric shock weapons (Amnesty International, Omega Research Foundation, 2020, 8-9).

#### *Legality of torture tools*

Torture is a vile form of cruelty which despite being universally prohibited under international law continues to be facilitated and even encouraged by free trade in torture tools. While many of the items are illegal in the European Union and in other countries, through national legal frameworks, they are not universally banned despite being as barbaric as the racks and thumbscrews favoured by medieval torturers. In my perspective, as Special Rapporteur on Torture, these implements are now illegal.

There are several regulatory regimes that govern the trade of military and dual-use items, which are considered to pose human rights or national security risks owing to their technical specifications or potential uses (United Nations Human Rights Council, 2021). Many States have national regulations in respect of military or dual-use equipment including firearms and ammunition. However, regulation of trade in other equipment that can be used by public authorities in law enforcement, as well as prisons or other places where people are deprived of their liberty, is presently far more limited.

#### **Proposed international legal instrument**

There is currently no global agreement governing the trade in items intended – or being misused – for torture or other cru-

el, 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.

At the 2023 United Nations General Assembly I called on States to develop an international torture-free trade agreement that would complement and reinforce existing obligations. I proposed 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 (Edwards, 2023, Annex 1).

A ‘Category B’ list which includes ordinary law enforcement equipment to be controlled, because they pose a heightened risk of misuse (Edwards, 2023, Annex 2).

My proposal includes an early warning trigger so 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.

#### *Scope of trade*

The trade in law enforcement equipment, a sub-set of the overall defence and homeland security market, is significant and estimated to reach 27 billion USD by 2028, growing by 8 per cent per annum (Research and Markets, 2023). Much of this forecasted rise is correlated to expected rises in civic mobilization.

This is not something that affects just one region, or a few rogue states, this is a global challenge.

#### **Size of trade in torture tools**

To provide an indication of the scale and character of the trade in items covered by this trade, with the support of the Omega Research Foundation, I undertook research into commercial companies involved in the manufacture and supply or promotion of items that are considered inherently cruel, inhuman or degrading (category A items), and equipment that could be misused for torture or other ill-treatment (category B items), over the period January 2018 to June 2023. Information was gathered from a range of sources, including company websites, industry directories, as well as the exhibitor listings of international arms and security trade fairs.

According to this research, more than 335 companies in 54 countries are manufacturing and selling items on the category A list. Nearly half of these companies were based in Asia (146), with the next highest number in Europe (76) followed by North America (71).

Information was not available regarding millimetre wave weapons.

**Table 1:** Number of companies and states manufacturing torture tools

Item category	Number of Companies	Number of States
Category A restraints	92	21
Thumb Cuffs	51	15
Category A striking kinetic impact weapons	133	35
Spiked batons and spiked shields	27	3
Category A electric shock weapons	200	38
Direct contact electric shock weapons	196	38

We were not able to identify the total number of companies engaged in manufacturing and/or promoting category B items, but did identify that companies manufacturing and promoting such items were operating in at least 63 States. For example, restraints were manufactured or promoted in 44 States, while striking and kinetic impact weapons were manufactured or promoted in 54 countries. Projectile electric shock weapons were manufactured or promoted in 13 States; while chemical irritants and delivery mechanisms were manufactured or promoted in 52 States (Edwards, 2023, Annex 3).

Major producers and exporters of items for law enforcement include China, the EU, Israel, Russia, the UAE, and the USA. Companies in emerging economies like Brazil, Türkiye and South Africa also produce for their domestic market and export widely.

Corporate accountability for human rights violations is widely recognized. Governments have a responsibility to demonstrate leadership, to speak out loudly against torture and to take action to show that all forms of torture – and the means by which they are perpetrated – are unacceptable.

Another trend, outsourcing public functions to private corporations, for example to private security contractors, transportation companies, and correctional service providers, further fuels the market and makes the need for national and international regulation more pressing.

#### **Conclusion**

Police and other public authorities must be properly equipped and protected. However, precisely because weapons such as

these can cause harm potentially amounting to atrocity crimes, there is a need for better regulation, at national and international levels.

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