

Workshop for OSCE participating States: Implementing para. 21 of MC Decision 7/20 on the prevention and eradication of torture

Organised by ODIHR in cooperation with Omega Research Foundation
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Background

OSCE participating States strongly condemn torture and other forms of cruel, inhuman or degrading treatment or punishment (other ill-treatment), repeatedly stressing that no exceptional circumstances whatsoever may be invoked as a justification of torture (Copenhagen 1990). On 4 December 2020, the Ministerial Council adopted Decision No. 7/20: Prevention and Eradication of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. As part of its holistic approach to torture prevention, the Council called on participating 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 has no practical use other than for the purpose of torture or other cruel, inhuman or degrading treatment or punishment.”*¹

Yet, there are credible reports² that certain equipment, which by design does not have a legitimate practical use, has been employed to carry out acts of torture and other ill-treatment in the OSCE. In addition, there are widespread reports of torture and other ill-treatment perpetrated by police and correctional officials misusing law enforcement equipment that could have a legitimate use if employed correctly (e.g. handcuffs and other restraints, tear gas, batons, projectile electric shock devices, and plastic and rubber bullets). Such violations occur in both custodial contexts (e.g. in prisons, detention centres, police cells, and secure medical facilities) and in non-custodial settings (e.g. during the policing of public order events, notably protests and demonstrations).

The workshop provided a platform for OSCE participating States to:

- identify ways to improve the implementation of anti-torture commitments, with a focus on MC Decision 7/20, paragraph 21;
- learn more about equipment that has no practical use other than for the purpose of torture or other ill-treatment and their manufacture, trade and use in the OSCE region;

¹ OSCE, Ministerial Council adopted Decision No. 7/20: Prevention and Eradication of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 4 December 2020, <https://www.osce.org/files/f/documents/8/2/479762.pdf>, paragraph 21.

² See Omega Research Foundation & Amnesty International 2020, report [Ending the Torture Trade: The path to global controls on the ‘tools of torture’](#), and Omega Research Foundation, 2018, [Manufacture, trade and use of ‘tools of torture in the Council of Europe’](#)

- understand how otherwise legitimate law enforcement equipment can be misused if employed incorrectly in both custodial (e.g. in prisons, detention centres, police holding cells and secure medical facilities) and non-custodial settings (e.g. during the policing of public events, notably demonstrations, protests and other public assemblies); and
- consider how the OSCE participating States can take effective legislative, administrative, judicial and other measures to regulate the trade and use of such equipment, with reference to promising practices gathered from existing processes and regulations at the European Union (EU), Council of Europe, and global levels.

The event was aimed at delegates working on human dimension issues. Representatives of 19 OSCE participating States as well as a representative of the EU attended, either in person or online.³

Panel 1: Law enforcement equipment used / misused for torture or other ill-treatment

Use of force by law enforcement and correctional officials must be in conformity with the principles of legality, necessity, proportionality, and accountability. International standards emphasize the requirement of incorporating specific rules and regulations on the use of weapons, equipment, and restraints in national legislation.⁴ These standards also prohibit the use by law enforcement of equipment identified as being specifically designed or having no practical use other than torture or ill-treatment.⁵ Law enforcement and correctional officials should be provided with training on the appropriate use of force, as well as preventive and defusing techniques, with special attention given to human rights.⁶

In the first panel, the presentations focused on the actual equipment that is used or misused in the OSCE region as well as details about its trade and manufacture. Speakers gave insights into what equipment is misused in different settings – custodial and non-custodial – and gave recommendations about the kind of safeguards that need to be in place to prevent torture and other ill-treatment.

³ Andorra, Austria, Azerbaijan, Bulgaria, Czech Republic, Finland, Denmark, EU, Germany, Iceland, Monaco, Mongolia, Montenegro, Norway, Poland, Portugal, Switzerland, Turkey, Ukraine, and UK.

⁴ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (UN BPUFF), Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba,, 27 August to 7 September 1990;

; Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), Rule 47

⁵ United Nations, Guidance on Less Lethal Weapons in Law Enforcement, Office of the High Commissioner on Human Rights, 2020; Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), Rule 47.

⁶ BPUFF Principles 18-20; Nelson Mandela Rule 76. See also Resolution A/HRC/46/L.27 on *Torture and other cruel, inhuman or degrading treatment or punishment: the roles and responsibilities of police and other law enforcement officials* (<https://digitallibrary.un.org/record/3905557?ln=en>)

Overview of types of law enforcement equipment manufactured and/or used in the OSCE region

Dr Michael Crowley, Research Associate, Omega Research Foundation, gave a presentation on the types of law enforcement equipment manufactured, promoted and/or used in the OSCE region in the last five years. Attention was drawn to the crucial distinction between **inherently abusive equipment** whose manufacture, promotion, trade and use must be prohibited; and **other kinds of law enforcement equipment** that can have a legitimate function if used in compliance with human rights law and policing standards, but which are often misused for torture and other ill-treatment, and whose trade and use must be controlled. The overview included details of OSCE based companies promoting products to law enforcement or correctional communities in their own countries, elsewhere in the region or abroad; and conversely foreign companies promoting products in the region.

The presentation detailed that companies in at least 26 OSCE participating States have been found to manufacture and/or promote **mechanical restraints** such as ordinary handcuffs and leg cuffs that can be legitimately used to ensure safe arrest and restraint of prisoners. Nonetheless, such equipment has been misused in places of detention and by police in at least 13 OSCE participating States. Their trade and use must be controlled. A small number of OSCE based companies have manufactured or promoted **inherently abusive restraints** including thumb cuffs, restraint chairs, and restraints designed to be bolted to walls, floors or ceilings. Their trade and use must be prohibited.

Body worn electric shock devices include stun belts, stun vests and stun cuffs. Certain types are manufactured and promoted by companies in at least one OSCE participating State and are currently employed in at least one OSCE participating State. The Omega Research Foundation has identified companies in at least 12 OSCE participating States that have manufactured or promoted **direct contact electric shock weapons**, including shock batons, stun guns and shock shields. They have been misused for torture by both police and prison officials in certain OSCE participating States. The trade and use of both body-worn and direct contact shock weapons must be prohibited. Companies in at least 3 OSCE participating States manufactured **projectile electric shock weapons ('Tasers')** and they are promoted by companies in at least eight others. They have a potentially legitimate use in law enforcement when an officer is preventing an imminent threat of death or serious injury. They have been misused for torture in certain OSCE participating States. Their trade and use must be controlled.

Companies in at least 27 OSCE participating States manufactured or marketed **standard hand-held kinetic impact weapons** (police batons and truncheons); and companies in at least 19 participating States manufactured or promoted **kinetic impact projectiles** – such as plastic and rubber bullets – and associated launchers. These weapons are widely employed by law enforcement officials in public order policing and in places of detention. While they may have a legitimate law enforcement role, they are regularly misused to inflict excessive force, which

has resulted in serious injury, or amounted in certain cases to torture or other ill-treatment. Their trade and use must be controlled. **Inherently abusive and dangerous kinetic impact weapons and devices** designed to increase, not minimize, the pain and injury inflicted on subjects have been promoted by a company based in the OSCE region and by Asian companies at a number of OSCE arms fairs. They include spiked batons, spiked or serrated shields and spiked arm armour. Their manufacture, trade and use must be prohibited.

Chemical irritants, such as tear gas and pepper spray, are commonly used for dispersing crowds as well as for facilitating arrest of individuals. However, they can easily be misused, including in detention centres to ill-treat and torture individuals, and during policing of public assemblies, potentially to facilitate ill-treatment on a large scale. Companies in at least 27 OSCE participating States have manufactured or promoted chemical irritants and associated delivery mechanisms, such as grenades and cartridges, hand held sprayers or projectile launchers that disperse limited amounts of irritant over relatively short distances. Certain OSCE-based companies manufacture and promote a growing range of systems capable of delivering far greater amounts of chemical irritants over wider areas or extended distances, including multi-barrel projectile launchers and irritant dispersing drones. The trade in chemical irritants and associated delivery mechanisms must be controlled, with any delivery mechanisms deemed inherently inappropriate for law enforcement prohibited.

Dr Crowley noted that certain OSCE national police forces, as well as commercial companies, have provided training in the use of force, weapons and equipment to law enforcement or correctional officials from other OSCE participating States and third countries. While such training can reinforce and operationalize human rights standards and good practices, certain training risks directly or indirectly facilitating torture and other ill-treatment. In certain cases, law enforcement officials have been trained in abusive or dangerous methods. For this reason, such trainings must be controlled.⁷

Use of law enforcement equipment for torture and ill-treatment in custodial settings

Mr Mykola Gnatovskyy, Member and former President of the European Committee for the Prevention of Torture (CPT), provided insights into the use of law enforcement equipment that is employed in custodial settings and the problems associated with this use. He noted how, over the years in different places where people are deprived of their liberty, the CPT has encountered equipment that should clearly not be used for law enforcement purposes, including specially designed equipment (e.g. body-worn shock devices), as well as *ad hoc* tools of torture such as baseball bats. He also emphasized that as a part of its monitoring work, the

⁷ For more details about the different types of inherently abusive equipment and equipment that is often misused for torture and other ill-treatment presented by Dr Crowley, see the annexed briefing paper, “OSCE participating States and the production, trade and use of law enforcement equipment that has no practical use or that can be readily misused for the purpose of torture or other ill-treatment”.

CPT has concentrated on the use and misuse of: 1) irritant agents used in custodial settings, 2) restraint equipment in various settings (as its mandate also covers psychiatric hospitals), and 3) electric discharge weapons.

Irritant agents: the CPT has repeatedly stated that pepper spray (and/or tear gas) should not form part of the standard equipment of custodial staff and should never be used in confined spaces, nor on an individual already brought under control.⁸

Restraint equipment: it was noted that although standard handcuffs can be used legitimately, the CPT has frequently recorded allegations of their misuse in places of detention. In many instances, standard handcuffs are used to increase the level of suffering caused to individuals already under control. This may be through excessive tightening, attachment to fixed objects, employment in suspension of prisoners, or to place and maintain prisoners in stress positions. Additional concerns have been raised regarding the mass application of plastic restraints, noting to the risk of circulatory restriction and injury due to excessive tightening.

Electric discharge weapons (EDW): since 2010, the CPT has expressed doubt about the legitimacy of using direct contact EDW in custodial settings. Mr. Gnatovskyy also emphasized that body worn shock devices (notably stun belts) must be prohibited absolutely. The CPT opposes “the use of electric stun belts for controlling the movement of detained persons, whether inside or outside places of deprivation of liberty. Such equipment is inherently degrading for the person to whom it is applied, and the scope for misuse is particularly high.”⁹

Mr. Gnatovskyy highlighted the importance of examining prison officer training curricula to establish whether such training is in accordance with regional and international standards and best practice in the use of force. He noted the importance of distinguishing between equipment that could be carried by prison officers as standard, and other equipment, such as truncheons, which should only be accessed (from regulated storage/armouries) when required. He emphasised the importance of establishing non-threatening custodial environments, and the consequent limitations in possession and open display of law enforcement equipment and weaponry, including noting the importance of this for interviewing/interrogating people. He recommended, for example, looking at the description of a neutral setting for interviews in the [Mendez Principles](#).

Preventing the use of law enforcement equipment for torture or other ill-treatment in non-custodial contexts

Dr Anja Bienert, Police and Human Rights Programme, Netherlands Section, Amnesty International, highlighted the international human rights principles of legality, necessity and proportionality governing the use of ‘less lethal’ weapons by law enforcement. She then focused on the problems associated with the circumstances of the use of certain law

⁸ For more information including primary sources contact the Omega Research Foundation.

⁹ CPT, 20th General Report, CPT/Inf(2010)28, 26 October 2010, paragraph 74.

enforcement equipment and the manner of their use in different settings. Dr Bienert noted, for example, that problems related to the circumstances and intention of use of equipment occur when it is not used for a legitimate purpose (e.g. punishment, dispersing peaceful protestors etc.) or when the easiest means available is used instead of the least harmful. Depending on the manner a weapon is used, it can cause more harm than it is supposed to prevent, hence violate the principle of proportionality. Moreover, the use of some weapons is entirely inappropriate in law enforcement settings, including in handling public assemblies.

Dr Bienert then described specific problems associated with certain types of equipment:

Wide area **chemical irritants** (tear gas) are often employed to disperse peaceful protests or protests with only isolated incidents of violence, which is too low as a threshold, since the widespread effect on people can only be accepted in case of widespread violence. Other forms of unlawful use are the firing of excessive quantities of irritants, the direct firing of canisters at persons involving the risk of serious injuries, as well as inappropriate use in confined spaces. She also expressed concern about the general lack of precaution when it comes to the protection of uninvolved persons. When it comes to **handheld pepper spray**, she noted that it is often used as a means of punishment and to overcome passive resistance, it is used at too close a range (entailing the risk to cause eye injury), and is used randomly at a group of people. She also highlighted the risks when the toxicity of tear gas or pepper spray is too high.

The use of a **baton** is problematic in a range of situations, including when it is used to overcome passive resistance (too low threshold for use), as a means of punishment (unlawful use), and when officers carry out a baton charge to chase dispersing protestors (not necessary use). Dangerous strikes (e.g. on the head, neck, spine, kidneys, joints) are only acceptable in case of considerable threat of injury and this type of use carries significant risks to the body. Rape with a baton would constitute torture. A spiked baton (as detailed in the ODIHR/Omega briefing paper¹⁰) is considered inherently abusive and must be prohibited.

Kinetic impact projectiles (“rubber bullets”) were also discussed, especially their use to overcome passive resistance (too low threshold for use) and to disperse a peaceful protest (unlawful use). Randomly firing at a crowd is also unacceptable and there is a serious risk of injury including loss of eyesight.

The use of **projectile electric shock weapons** (often called “Tasers” after the most common brand) by law enforcement is also concerning. Their employment in direct contact mode is not acceptable and is ineffective as well as dangerous. Often, they are resorted to when there is no real danger, to overcome passive resistance, which is too low a threshold. When electric shock weapons are used for a prolonged period or repeatedly, the effects can be life threatening. Anja Bienert also emphasized that electric shock ‘stun’ batons are inherently abusive and must be prohibited.

¹⁰ See in annex

In conclusion, she noted that law enforcement equipment and weapons are often misused due to: wrong choice of weapon, vague, broad or unclear regulations, insufficient training, and a lack of accountability. All these concerns must be considered before trading in such goods, and Dr Bienert stressed the importance of human rights risk assessments. In summary, the following need to be in place to reduce the risk of torture or other ill-treatment from the misuse of law enforcement equipment:

- **Prohibition of dangerous and inherently abusive weapons and a legally established process** prior to any introduction of a new weapon;
- **Regulation and instructions** should provide clearly defined operational purposes, threshold of danger, explicit prohibitions when not to use, how to use and how not to use, and necessary precautions;
- **Training** on when and how to use a weapon in line with these instructions;
- **Accountability** for *any* use of a weapon.

In the discussion following this panel, participants noted that law enforcement personnel do need to have a range of different kind of equipment available, in order to respond to different situations appropriately. It was, however, also emphasised that even if law enforcement equipment can have a legitimate use in general, the purpose of using a specific piece of equipment in a certain situation needs to be taken into consideration. For instance, some participants stressed that the use of restraints is unacceptable as a disciplinary action.

Considering the wording of paragraph 21 of the OSCE Ministerial Council Decision referring to equipment “that has **no practical use** other than for the purpose of torture”, some delegates asked what this meant in terms of international obligations. Speakers noted that early descriptions of inherently abusive equipment (for example in the 2001 UN Human Rights Commission Statement) described such goods as those “**specifically designed** to inflict torture [or other ill-treatment]” (emphasis added). This phrase has increasingly been discarded because of the difficulty of proving that a certain piece of equipment has been specifically designed for torture. Instead the broader term “has no practical use other than” for torture has been increasingly employed, as this does not require a proof of intent and also allows for evolving understandings of how equipment is (mis)used in reality. The speakers also underlined the fact that as knowledge of the issue advanced, an increasing number of regional agreements have incorporated **both** prohibition on inherently abusive equipment **and** control of law enforcement equipment that could be misused for torture and other ill-treatment.

The speakers also noted the obligations upon law enforcement officials to minimise harm in any specific situation, and that such obligations must inform their choice and regulation of the equipment and weapons employed. Finally, they stressed the importance of effective monitoring of the use and misuse of law enforcement equipment by the UN, regional organizations, National Preventive Mechanisms, civil society working on torture prevention, and other human rights mechanisms. Such monitoring should take place both in places of detention and in non-custodial settings (e.g. in the policing of public assemblies). In addition

to promoting and facilitating appropriate use of such equipment and helping to ensure accountability for those who misuse such goods, the information gathered can be used by exporting States to inform future licensing decisions, i.e. to suspend or halt any transfers of equipment found to be misused by specific end users in potential recipient States.

Panel 2: Other transactions captured by para. 21: production, trade, export, import of equipment that has no practical use other than for the purpose of torture or other ill-treatment

International and regional initiatives to regulate the trade of equipment used for torture

Ms Laura Auger-Perez, Senior Expert, European Commission - Service for Foreign Policy Instruments (FPI), provided an overview of the EU Anti-Torture Regulation, noting elements such as reporting requirements and authorisation processes. This regulation introduced unprecedented legally-binding obligations on trade in equipment and served as inspiration for developments at both the UN and Council of Europe.

The [EU's Anti-Torture Regulation](#):

- prohibits exports, imports, transit, brokering, and promotion of goods that have no practical use other than for the purpose of capital punishment or for torture and other cruel, inhuman or degrading treatment or punishment;
- makes exports of other goods that could be misused for torture or for cruel, inhuman or degrading treatment or punishment, subject to a prior export authorisation issued by the competent authorities of the EU Member States;
- regulates the trade in certain pharmaceutical chemicals that could be used in lethal injection executions, without limiting trade of such chemicals for legitimate purposes; and
- sets out the destinations to which an EU Export Authorisation applies, because those countries or territories have abolished capital punishment for all crimes and confirmed that abolition through an international commitment.

The list of goods included in the Regulation is regularly reviewed and has been revised to address advances in the market, technology, use and misuse.

Ms Auger-Perez noted that in 2020, there was a formal [review](#) of the implementation of the Regulation undertaken by the Commission, which assessed its impact, influence on the global level, challenges and opportunities, and also outlined further action. As a result, an informal group of experts was set up to provide technical expertise in support of a more effective implementation of the Regulation and to examine some of the issues highlighted in the review report. This included a recognition of the need to enhance awareness of the Regulation within and beyond the EU, to encourage the creation of similar measures in other regions, and to promote the development of common international standards.

OSCE participating States not already involved were encouraged to join the Alliance for Torture Free Trade (see below). It was also noted that the OSCE's holistic efforts towards torture prevention were welcomed by the EU.

State engagement with the Alliance for a Torture-Free Trade

Mr Ulziisaikhan Ganbold, Deputy Director, Department of Foreign Trade and Economic Cooperation, Ministry of Foreign Affairs of Mongolia, highlighted Mongolia's commitment to torture prevention, its OPCAT ratification, as well as abolition of the death penalty. Mr Ganbold presented the Alliance for Torture Free Trade, of which Mongolia was a founder. The [Alliance for Torture-Free Trade](#) is an initiative of Argentina, the EU, and Mongolia, bringing together over 60 countries from around the world. Its aim is to end the trade in goods used for capital punishment and torture. Mr Ganbold emphasized the important symbolic and inspirational nature of the Alliance.

Whilst he recognised the importance of all States introducing effective national measures to address the trade in equipment used for torture and the death penalty, Mr Ganbold noted that such national measures will never be sufficient to address this international trade. He therefore underlined Mongolia's longstanding support for the Alliance and regional leadership on this issue. The Alliance is crucial for sharing information and promising practices when it comes to ending trade in tools used for torture. He also stressed the need to engage "allies" from the private sector, media, civil society, and academia in these efforts. It is hoped that such an alliance will serve as a basis for ending torture and the death penalty in upcoming years.

Exploring potential roles for civil society

The last speaker in this panel, Dr Rebecca Shaw, Research Associate, Omega Research Foundation, highlighted the important role that civil society can play in promoting and facilitating development, implementation, and strengthening of trade controls at the national, regional, or international level, recognising that the ultimate responsibility lies with states. In terms of the EU Anti-Torture Regulation, for example, Omega has independently monitored the Regulation, researched cases and issues of particular concern, and provided technical advice to EU States and the European Commission to strengthen the Regulation and its implementation. Omega has similarly worked internationally with the UN and in other regions undertaking primary research into the trade and use of law enforcement equipment and working with relevant States and regional organizations (such as the CoE, and the African Commission on Human and Peoples' Rights) to promote and facilitate development of regional measures to address this trade.

Civil society also plays a crucial role in monitoring the use of different weapons and restraints and providing guidance on the different types of equipment. For example (also in the further reading below), Omega has published a [Visual Guide](#) on law enforcement and security equipment and, together with the University of Exeter, [Monitoring Weapons and Restraints in](#)

[Places of Detention: A Practical Guide for Detention Monitors.](#) Together with Amnesty International, Omega has published a [report and guidance](#) on preventing the manufacture and transfer of equipment and related services that has no practical use in law enforcement as well as controlling the transfer of other kinds of law enforcement equipment and related services that can be misused for torture.

Dr Shaw noted that civil society have made significant progress in developing the international recognition that there is a direct link between the trade in law enforcement weapons and equipment and the risk of their subsequent misuse including for torture and other ill-treatment. Civil society have also played a vital role in promoting processes to develop human rights and policing standards (UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, for example). Civil society guidance helps to document the range of equipment use, strengthens the work of monitors, and assists law enforcement and other state actors.

In the discussion that followed, the speakers underlined that to effectively address the trade in goods used for torture and other ill-treatment, all national, regional and international trade measures must incorporate:

- Prohibited goods list: No equipment on this list should be manufactured, promoted traded or used. Any such equipment found on a state's territory must be destroyed.
- Controlled goods list: The import and export of all law enforcement equipment on this list should be strictly regulated requiring a prior human rights risk assessment; no exports of such equipment should be licensed that are likely to be employed for torture and other ill-treatment.

Participants noted that whilst prohibiting the first category (of inherently abusive equipment) appeared to be relatively straightforward, there may be greater difficulty with effectively regulating the second category (of law enforcement equipment that can be readily misused), in particular with determining when an export for such equipment should be denied.

The speakers underlined the importance of establishing clear criteria and processes by which States grant or refuse export licences for law enforcement equipment that could be misused for torture and other ill-treatment. Central to such processes must be a human rights risk assessment to establish if the equipment is likely to be misused by the specific recipient (e.g. police force, prison service). When conducting such risk assessments the exporting State authorities should review the national regulations on such law enforcement equipment in the potential recipient State as well as their implementation, and also examine relevant reports of the United Nations (UN), regional (and ideally civil society) torture prevention bodies to establish the previous conduct of the potential recipients.

Conclusion and recommendations

The workshop concluded that effective eradication of torture and other ill-treatment requires regulation of the types of law enforcement equipment used in different contexts and the ways in which it is used, as well as how it is manufactured and traded.

To achieve the objective of MC Decision 7/20, participating States should:

- 1) prohibit the use of inherently abusive weapons and equipment through national legislation;
- 2) regulate the use of law enforcement equipment that has legitimate uses in some instances/settings, but not in others. For example, certain equipment may have a legitimate use in public policing, but not in the context of detention. Importantly, punishment does not constitute a legitimate purpose for the use of any equipment;
- 3) ensure that regulations include the way in which equipment is used as misuse may be prompted in different ways (e.g. use in excessive quantities, targeting uninvolved persons, use in confined space, etc.);
- 4) ensure that law enforcement and prison officers are trained on the proper use of weapons and equipment, as well as in non-violent de-escalation techniques and other means of force. To this end, it is important to also consider the institutional culture of law enforcement agencies, and change it to non-punitive if necessary;
- 5) ensure proper documentation of any use of equipment as important components of both accountability and prevention, and in order to capture lessons learnt for improvement of legislation, policies and training;
- 6) facilitate the monitoring of all places of deprivation of liberty by independent bodies, including National Preventive Mechanisms under OPCAT where they have been established;
- 7) ensure that national legal frameworks and administrative measures are established and implemented to prohibit the production, promotion and trade of equipment that has no other practical use than torture or other ill-treatment;
- 8) ensure that national legal frameworks and administrative measures are established and implemented to control the trade of law enforcement equipment that may have a legitimate use but is prone to misuse, notably in torture and other ill-treatment. Transfers of such equipment should require prior government authorisation following a human rights risk assessment, and authorisation should be withheld when there are reasonable grounds for believing that they will be used for human rights violations, notably torture or other ill-treatment;
- 9) consider engagement in multilateral action regarding the trade and use of law enforcement equipment.

In support of the objectives of para. 21 MC Decision 7/20, ODIHR will continue to facilitate discussions about the use, manufacture and trade of law enforcement equipment at different levels.

Recommendations based on research and workshop have been included in the briefing paper to inform next steps.

Further reading

A short list of some documents referenced by speakers in their presentations:

- Omega Research Foundation, [Visual Guide](#) to law enforcement and security equipment (currently available in English, Portuguese, and Indonesian)
- Omega Research Foundation, 2020 [Review of the EU Anti-Torture Regulation and its implementation](#)
- [Nelson Mandela Rules](#)
- Omega Research Foundation, 2018, [Manufacture, trade and use of ‘tools of torture in the Council of Europe’](#)
- Council of Europe [CM/Rec\(2021\)2](#) on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment
- African Commission on Human and Peoples’ Rights [Res.472 \(LXVII\) 2020](#) on the prohibition of the use, production, export and trade of tools used for torture
- Omega Research Foundation & Amnesty International 2020, report [Ending the Torture Trade: The path to global controls on the ‘tools of torture’](#)
- Omega Research Foundation & OSCE-ODIHR 2021 [Guide on Law Enforcement Equipment Most Commonly Used in the Policing of Assemblies](#)
- Omega Research Foundation & University of Exeter, [Monitoring Weapons and Restraints in Places of Detention: A Practical Guide for Detention Monitors](#) (available in Arabic, English, French, Indonesian, Portuguese, Spanish, and Russian)
- UN Basic [Principles](#) on the Use of Force and Firearms
- Amnesty International’s [Guidelines](#) for the Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
- [Projectile electric-shock weapons: An Amnesty International position paper - Amnesty International](#)
- [Chemical irritants in law enforcement - Amnesty International](#)
- Amnesty International database on police and human rights related resources: [Home - Police and Human Rights Resources \(policehumanrightsresources.org\)](#)
- EU regulation: [2 EN ACT part1 v2 ATCG activity report 2020 \(1\).pdf](#); [1 EN ACT part1 v3 export report 2020 \(3\).pdf](#); [1 EN ACT part1 v3 annexes 2020 \(1\).pdf](#)

ANNEX:

Briefing Paper for the Workshop “Prevention and eradication of torture in the OSCE region: Implementing para. 21 of MC Decision 7/20”

OSCE participating States and the production, trade and use of law enforcement equipment that has no practical use or that can be readily misused for the purpose of torture or other ill-treatment

October 2021

Introduction

Law enforcement officials' power to use force derives from the duty of the State to maintain public order, protect the human rights of persons within its jurisdiction, and uphold the rule of law.ⁱ These powers are often exercised in difficult circumstances and it is sometimes necessary to use physical means of force. The authority to use force is, however, linked to the responsibility to use it appropriately. International human rights law stipulates that any use of force must be lawful, necessary, proportionate, and accountable.ⁱⁱ The right to be free from torture and other cruel, inhuman and degrading treatment or punishment (other ill-treatment) is an absolute and non-derogable right, meaning that the use of torture can never be justified and the absolute prohibition cannot be limited in any way, for any reason.ⁱⁱⁱ

As part of their obligation to prevent any excessive use of force, including the commission of acts of torture and other ill-treatment, States must ensure that law enforcement officials are equipped with a range of means, allowing them to respond to situations appropriately.^{iv} Officials must be properly trained in the appropriate use of force and equipment, in accordance with international human rights standards. Despite these obligations, around the world there are widespread reports of human rights violations, including torture and other ill-treatment, perpetrated by law enforcement officials misusing equipment that could have a legitimate law enforcement use if employed correctly (e.g. tear gas, pepper spray, hand-held batons and handcuffs).

Preventing and eliminating torture and other ill-treatment remains a challenge, including in the OSCE region, despite the strong commitments and positive steps taken by States and the persistent efforts of non-governmental organisations (NGOs), national human rights institutions, national preventive mechanisms, and centres for the rehabilitation of victims of torture.

As an intergovernmental body with a comprehensive focus on security concerns, the OSCE is an appropriate forum at which to address the need for international measures to control the trade and use of equipment that is prone to being employed for torture and other ill-treatment. Having already undertaken valuable work on torture prevention, conditions in detention and the policing of public assemblies, a logical next step for the Office for Democratic Institutions and Human Rights (ODIHR) would be to promote effective measures to prevent the manufacture, supply and use of inherently abusive equipment and to control equipment which is frequently used inappropriately in the perpetration of human rights violations.

This draft briefing demonstrates the need for the OSCE and OSCE participating States to give this issue increased attention.

1.1. State responsibility to eradicate torture and ill-treatment

The prohibition of torture and other cruel, inhuman or degrading treatment or punishment (ill-treatment) is absolute. It applies in all circumstances and, as part of international customary law, to all States. It is incorporated into numerous treaties and documents, including the Universal Declaration of Human Rights^v, the International Covenant on Civil and Political Rights^{vi}, and most notably, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.^{vii} It is also enunciated in a number of regional instruments, including the African Charter on Human and Peoples' Rights^{viii}, the American Convention on Human Rights^{ix}, and in Europe within the European Convention for the Protection of Human Rights and Fundamental Freedoms^x and the Charter of Fundamental Rights of the European Union.^{xi} OSCE participating States have repeatedly enunciated their commitment to prohibiting and preventing torture and other cruel, inhuman or degrading treatment, most recently in Ministerial Council Decision 7/20 adopted in December 2020.^{xii}

International law imposes specific obligations on States to prevent torture and other ill-treatment: to investigate its occurrences, criminalise complicity in such activities, bring to justice the perpetrators, and provide reparations to the victims.^{xiii} The prohibition against torture is sufficiently strict as to require States to take into account consequences of their actions that may occur in other countries, notably by preventing the removal of a person to a country in which they are at real risk of exposure to torture or serious ill-treatment.^{xiv}

1.2. State obligations and processes to regulate the use of law enforcement equipment to prevent torture and ill-treatment

The stringent regulation of the use of force by law enforcement officials, on the street and in places of detention, is an essential means by which all States can and should uphold and operationalise their obligations to prevent torture and other ill-treatment. The use of force by law enforcement officers is strictly regulated by international standards, including the 1979 Code of Conduct for Law Enforcement Officials^{xv}, and the 1990 United Nations (UN) Basic Principles on the Use of Force and Firearms by Law Enforcement Officials^{xvi}. They require force to be used only by designated, trained and accountable public officials in strictly defined circumstances, and only when other means have failed or are ineffective in the circumstances and when its use is lawful, necessary and proportionate for the law enforcement objective. Similarly, authorities have a clear duty under international human rights law to both respect and protect the rights of detainees and prisoners. Any use of force by custodial officials must respect the principles of necessity and proportionality. The UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)^{xvii}, for example, provide both principles and practical rules for the use of restraints in prisons. Rule 47.1, for example, notes specifically that *"The use of chains, irons or other instruments of restraint which are inherently degrading or painful shall be prohibited."*

OSCE participating States have voiced their strong condemnation of torture and other ill-treatment, repeatedly stressing that no exceptional circumstances whatsoever may be

invoked as a justification of torture.^{xviii} OSCE commitments also call on participating States to ensure that all individuals in detention will be treated with humanity and with respect for the inherent dignity of the human person and to give early consideration to signing and ratifying the Optional Protocol to the Convention against Torture.^{xix} OSCE participating States have also committed to keep under systematic review interrogation rules, instructions, method and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment with a view to preventing any cases of torture.^{xx}

On 4 December 2020, the Ministerial Council adopted Decision No. 7/20: Prevention and Eradication of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Reflecting its holistic approach to torture prevention, the Council called on participating 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 has no practical use other than for the purpose of torture or other cruel, inhuman or degrading treatment or punishment.”*^{xxi}

As part of their obligation to prevent any excessive use of force, including the commission of acts of torture and other ill-treatment, all States must ensure that law enforcement officials are equipped with a range of means that allow them to respond to situations appropriately.^{xxii} Despite this and other use of force standards, across the world, the Omega Research Foundation and Amnesty International have documented the manufacture, promotion, trade, and use of inherently abusive equipment, which has no practical use other than for the purposes of inflicting severe pain and suffering (e.g. direct contact and body worn electric shock devices, fixed restraints, and spiked batons).^{xxiii} In a small number of OSCE participating States, there are credible reports that certain inherently cruel and degrading equipment has been used to carry out acts of torture and other ill-treatment.^{xxiv}

Worldwide there are widespread reports of human rights violations, including torture and other ill-treatment, perpetrated by police and correctional officials misusing equipment that could have a legitimate use if employed correctly, including handcuffs and other restraints, tear gas, batons, projectile electric shock devices, and plastic and rubber bullets.^{xxv} Such violations have occurred in both custodial contexts (e.g. in prisons, detention centres, police cells, and secure medical facilities) and in non-custodial settings (e.g. during the policing of public order events notably protests and demonstrations).

Use of force by law enforcement and correctional officials must be in conformity with the principles of legality, necessity, proportionality and accountability. International standards emphasize the necessity of incorporating specific rules and regulations on the use of weapons and restraints in national legislation.^{xxvi} These standards also prohibit the use of equipment identified as being specifically designed or having no practical use other than torture or ill-treatment.^{xxvii} Law enforcement and correctional officials should be provided with training on the appropriate use of force, as well as preventive and defusing techniques, with special attention given to ethics and human rights.^{xxviii}

Despite States' obligations under international law, torture and other ill-treatment is perpetrated in all regions of the world. In the 2016-2020 period, international and regional torture prevention monitoring bodies,^{xxxix} as well as NGOs, have documented many instances of the use of law enforcement weapons and equipment in the facilitation and/or commission of torture or other ill-treatment.^{xxx}

1.3. State obligations and processes to regulate the production and trade in law enforcement equipment to prevent torture and ill-treatment

In recent years, there has been growing recognition within the international community of the link between the trade in law enforcement weapons and equipment, and the risk of their subsequent misuse. Consequently, the international community increasingly recognises the obligation upon all States to regulate and restrict the trade in certain law enforcement weapons and equipment, as part of their efforts to ensure that such goods are not employed for torture and other ill-treatment.

In Resolution 2001/62, the UN Commission on Human Rights requested the UN Special Rapporteur on Torture to *“study the situation of trade and production in such equipment, its origin, destination and forms, with a view to finding the best ways to prohibit such trade and production and combat its proliferation, and to report thereon to the Commission”*.^{xxxi} In his resultant 2003 ‘Study’,^{xxxii} UN Special Rapporteur on Torture, Prof Theo Van Boven stated, *“the enactment of legal and other measures to stop the production and trade of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment is part of [the] obligation [under Article 2 of the UN Convention Against Torture] of a general nature to prevent acts of torture.”*^{xxxiii}

In his report to the 2005 Session of the UN Commission on Human Rights, the then UN Special Rapporteur on Torture, Prof Theo Van Boven, recommended that in addition to prohibiting manufacture, transfer and use of equipment that *“has no or virtually no, practical use”* other than for torture or ill-treatment, States should also introduce *“strict controls on the export of other security and law enforcement equipment to help ensure that it is not used to inflict torture or ill-treatment”* and should also *“consider the development of an international regulatory mechanism.”*^{xxxiv}

The importance of all States introducing measures to address the trade in law enforcement equipment as part of a comprehensive anti-torture strategy has been recognised and repeatedly endorsed by the UN General Assembly (UNGA) in its Omnibus Torture Resolution. This Resolution, adopted on a biennial basis, most recently in 2019, calls *“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 has no practical use other than for the purpose of torture or other cruel, inhuman or degrading treatment or punishment.”*^{xxxv}

In recent years, an increasing number of States and regional organisations have acted to fulfil their obligations to address the torture trade. In 2005, the European Union (EU) introduced a

regional instrument, the EU Anti-Torture Regulation, which is directly applicable in all EU Member States. The Anti-Torture Regulation, which has been subsequently reviewed and strengthened, prohibits trade in inherently abusive equipment and controls the trade in a broader range of law enforcement equipment to prevent its export to those who will use it for torture and other ill-treatment.^{xxxvi} In March 2021, the Council of Europe (CoE) Recommendation CM/Rec(2021)2 was adopted by the CoE Committee of Ministers. It provides guidance in this area for all 47 Member States of the CoE.^{xxxvii} In 2020 and 2021, the African Commission on Human and Peoples Rights' Committee for the Prevention of Torture in Africa (CPTA) adopted as its theme "the prohibition of the use, production, and trade of tools of torture".^{xxxviii} In December 2020, the African Commission on Human and Peoples' Rights passed Resolution 472 on the prohibition of the use, production, export and trade of tools used for torture.^{xxxix} A thematic report on the subject is being prepared by the CPTA and will be presented at a forthcoming Session of the Commission.

At the international level, significant advances have also been made. In September 2017, the Alliance for Torture-Free Trade was launched on the margins of the UN General Assembly. This Alliance, led by the European Union, Argentina, and Mongolia, currently has over 60 participating States, including 43 OSCE participating States.^{xi} Over 50 States, many involved in the Alliance, co-sponsored UN General Assembly Resolution A/73/L.94, Towards torture-free trade, adopted on 21 June 2019, which established a UN process to examine the feasibility, scope and parameters for possible common international standards.^{xii} In OSCE Decision 7/20 mentioned above, the Ministerial Council "*Not[ed] the work of the global Alliance for Torture-Free Trade and the adoption of the United Nations General Assembly resolution on Torture-Free Trade*".^{xiii}

In the first stage of this UN process, the UN Secretary General undertook a survey to gather Member States' views on the feasibility and scope of options to establish common international standards. His July 2020 report noted that most responding States supported the proposal to establish common international standards and that a majority of respondents were in favour of a legally binding instrument.^{xiiii} As of October 2021, in the second stage of the UN process, a UN Group of Governmental Experts has been established and it will shortly commence its work to explore options for establishing common international standards to control and restrict trade in goods used for torture or other forms of ill-treatment, presenting its findings to the UN General Assembly in 2022.

2. Mechanical restraints

Certain categories of mechanical restraints manufactured, traded, and used within the OSCE region have a legitimate law enforcement purpose, when used in accordance with international human rights and police standards. Other kinds of mechanical restraints have no such legitimate law enforcement role, and any use may constitute torture or other ill-treatment.

2.1 Inherently inappropriate restraints

Rule 47 of the UN, Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) states that *“the use of chains, irons or other instruments of restraint which are inherently degrading or painful shall be prohibited.”*^{xliv} However, despite these restrictions, the Omega Research Foundation has documented the manufacture, promotion, transfer and/or use of restraints that are inherently inappropriate for law enforcement, within the OSCE region. This has included thumbcuffs, weighted leg cuffs, and fixed cuffs, cage beds, net beds, and restraint beds.

2.1.1 Use in OSCE participating States

During the 2016-2020 period, the CPT has documented the possession or use of *ad hoc* or specially designed restraint or fixation beds in places of detention in OSCE participating States, and called for their removal from the relevant prisons.^{xlv}

Illustrative cases of use of inherently abusive restraints^{xlvi}

In addition to the *ad hoc* employment of standard handcuffs to attach prisoners to fixed objects, such as chairs, beds, doors, or pipes, OSCE participating States have also been reported to have used specially-designed inherently inappropriate mechanical restraint systems in places of detention. In one State, for instance, in the report of a visit conducted in 2018, the CPT noted its “serious concerns” with regards to the use of net-beds in psychiatric institutions. The CPT reiterated “its view that the use of net-beds is not acceptable”.

In a report of a visit undertaken in May 2016, the CPT noted the presence of *“fixation beds with straps used for the immobilisation of agitated prisoners”* in prisons in the participating State. The CPT reiterated that the State should *“abandon the resort to fixation beds in prisons”*. While authorities asserted that they had not been used in *“the recent past”*, there was no register of their use, and the CPT report noted that the beds *“were stored in full view in the isolation area”*.

2.1.2. Manufacture and Promotion in OSCE participating States

The Omega Research Foundation has identified companies in certain OSCE participating States that, during the 2016 to 2020 period, have manufactured and/or promoted inherently abusive mechanical restraints for use by law enforcement throughout the world.

Companies in at least three OSCE participating States have manufactured and/or promoted to the law enforcement community, hand or leg restraints designed to be attached to fixed objects. For example, a company based in an OSCE participating State has manufactured and

promoted a restraint bracelet incorporating a single handcuff and a “stationary mount in the form of a rock bolt”. According to the company information, this restraint device “allows you to restrict freedom of movement” of the detainee who will be “securely chained...to the wall.” The company has also manufactured “Bouquet” bracelets for restraining up to five detainees together that allows the “possibility of fixing [a] group ... to a fixed support.”^{xlvii}

Images: fixed restraints, including “Bouquet” restraints Images taken from company website



Companies in at least four OSCE participating States have manufactured and/or promoted thumbcuffs for use by law enforcement officials at equipment trade fairs and/or on their

websites. One such company has described its products as “suitable for plainclothes policemen or in addition to handcuffs.”^{xlvi}



Image: Thumbcuffs
Images taken from company website

At one fair, held in an OSCE participating State in 2017, three companies from a third country promoted weighted leg irons attached by a chain to handcuffs. Weighted leg cuffs are inherently inappropriate, and serve no legitimate law enforcement purpose that cannot be achieved through less harmful means. The use of weighted leg cuffs constitutes a *prima facie* violation of the prohibition of torture and other ill-treatment, and their manufacture, trade, and use should be prohibited.

Images: Weighted Leg Cuffs Images taken from company brochures.



At a 2016 arms and security equipment trade fair held in an OSCE participating State, a third country company distributed product catalogues that marketed its metal “*Inquest Chair*”, which is a restraint chair that incorporates metal rings, enabling prisoners to be attached with handcuffs and/or leg cuffs. The use of restraint chairs with fixed metal restraints constitutes

torture or other ill-treatment and should be prohibited as should their manufacture and trade.



Image (left): Metal “Inquest Chair” Image (right): “Mask – for arresting” Images taken from company brochures

At the same 2016 event, the same third country company promoted the “Mask – for arresting.” This device consists of a cloth hood (designed to completely block vision by covering the entire prisoner’s head including nose and mouth), which is attached to metal handcuffs. In addition to concerns about the risk of asphyxiation, such systems restrict the prisoner’s movements and may increase the risk of neck or other injury, for example due to falling.

2.2. Standard handcuffs and leg restraints

Standard handcuffs and leg cuffs can have a legitimate law enforcement use, provided that such use is consistent with international human rights and police standards, including the Nelson Mandela Rules.^{xlix} As an example, if used in compliance with international human rights and police standards, standard handcuffs could be used to stop prisoners harming themselves or others, or could prevent prisoner escape when they are being moved. Standard handcuffs and leg restraints should only be used when absolutely necessary for a legitimate purpose, proportionate to the danger posed. Handcuffs and leg cuffs should only ever be used in a manner that is not painful and should only ever be applied for the minimum amount of time necessary.

2.2.1. Misuse in OSCE participating States

UN and regional human rights monitors, as well as non-governmental human rights organisations, have documented the frequent misuse of handcuffs in all regions of the world, including the OSCE. In many instances, handcuffs are used to increase the level of suffering caused to individuals already under control. This may be through excessive tightening, attachment to fixed objects, employment in suspension of prisoners, or to place and maintain

prisoners in stress positions. In other instances, they are used in conjunction with other means of force, including hand-held batons or pepper spray, for instance. Such use could amount to ill-treatment or torture.

During the 2016-2020 period, there were reports by the CPT, Amnesty International, and Human Rights Watch of handcuffs being used inappropriately in places of detention or at the moment of arrest in at least 13 OSCE participating States.ⁱ

Illustrative cases of misuseⁱⁱ

In 2017, the CPT documented alleged misuse of handcuffs with excessive force against individuals, either during arrest, or while they were held in detention at police stations or in prison in one OSCE participating State. The report noted cases where one person was “*kicked and punched while being handcuffed.*” In addition to injuries sustained from these blows, a medical member of the CPT delegation also observed wounds “*resulting likely from excessively tight handcuffing.*” In another instance in the same State, the CPT noted the “*especially concerning*” case of a man who had died while in police custody having had a projectile electric shock weapon used repeatedly against him while he had been handcuffed and immobilised on the floor.

Following a mission to one participating State, the CPT reported, “*In different regions, the delegation once again received a number of allegations from detained persons that they had been held in local police stations...on a stool or chair, whilst being handcuffed to fixed objects and without being offered anything to eat or drink, for periods ranging from a few hours to three days.*” Of the same OSCE participating State, the UN Special Rapporteur on Torture reported that “*several allegations were also received of excessive use of force at the time of or immediately following apprehension [by police], including kicks and truncheon blows after the apprehended person had been placed face down on the ground and handcuffed, of unduly tight handcuffing during transportation.*”

2.2.2. Manufacture and Promotion in OSCE participating States

During the 2016-2021 period, companies in at least 26 participating States have manufactured and/or promoted standard handcuffs and leg cuffs for use by law enforcement officials. One company based in an OSCE participating State, for instance, claims on its website that it has references from 90 (unnamed) countries, and that its “*main law enforcement customers worldwide*” include those of 69 named countries.^{lii}

Standard handcuffs and leg cuffs have also been promoted by OSCE and non-OSCE companies at arms and security equipment trade fairs held throughout the OSCE.

2.3. Recommendations:

OSCE participating States should:

- **Prohibit the production, promotion and trade of inherently abusive mechanical restraints, including thumbcuffs, weighted leg cuffs, fixed restraints, net beds and cage beds. The use of these devices by law enforcement and prison officials should be prohibited, and any existing devices should be removed and verifiably destroyed.**
- **Control the production, promotion, trade and use of standard handcuffs and leg cuffs intended for law enforcement, to ensure that they are not transferred to any end users who will employ them for torture, ill-treatment or other human rights violations.**

3. Electric shock devices and weapons

3.1. Body worn electric shock devices

A range of electric shock devices intended for attachment directly to prisoners' bodies have been developed, manufactured, promoted and employed around the world. These devices - which include electric shock 'stun belts' and 'stun cuffs' – are most commonly marketed as a tool to prevent escape or injury to others during prisoner transfers, work details, or trials. They are worn, sometimes for hours at a time, with the constant threat that they can be remotely activated at any moment. Despite differences in design, they are all functionally similar, and are designed to deliver an electric shock when activated by a remote control. Voltage, length of shock, number of possible repeated shocks, and remote-control range, vary between models. On activation, a typical electric-shock belt delivers a shock of 50,000 volts. Such devices generate a high voltage 'pulse current' that enters the prisoner's body at the site of the electrodes, and passes through the body. Activation of shock belts and other body-worn devices causes severe pain for the duration of the shock, leading to temporary incapacitation. Other physical effects include muscular weakness, involuntary urination and/or defecation, heartbeat irregularities, seizures, and welts on the skin, as well as the risk of secondary injuries caused by falls after activation. Furthermore, use of such equipment on individuals with underlying health issues (such as, *inter alia*, congenital heart defects, epilepsy), or on those using psychotropic medications could cause heart attacks, ventricular fibrillation, or death.^{liiii} In addition to such physical effects, the continued possibility the device could be activated also causes the wearer a great deal of mental suffering. Consequently, the use of body-worn electric shock devices has been internationally condemned as unacceptable by a number of torture prevention bodies. The UN Committee against Torture recommended that electric shock 'stun belts' should be abolished as a method of restraining those in custody, pointing out that *"their use almost invariably leads to breaches of [the prohibition of ill-treatment]"*.^{liiv} Similarly, the CPT opposes *"the use of electric stun belts for controlling the movement of detained persons, whether inside or outside places of deprivation of liberty. Such equipment is inherently degrading for the person to whom it is applied, and the scope for misuse is particularly high"*.^{liiv}

3.1.1. Use in an OSCE participating State

Body-worn electric shock devices are currently employed in only one OSCE participating State, where they are authorised for use by certain national and local law enforcement agencies as well by certain state prison services. The circumstances in which these devices are authorised for use varies, but common uses include to restrain persons in custody during transfers and court appearances. Other authorised uses include the restraint of persons in custody during extradition, to deter disruptive behaviour and for "routine crowd control situations."^{livi}

3.1.2. Manufacture and Promotion in OSCE Participating States

A number of companies in at least four OSCE participating States previously manufactured and/or promoted body-worn electric shock devices. The majority of these companies ceased promoting such devices by 2015. Nonetheless, one company promoted such devices until at

least April 2016, whilst another company continued to promote such products up to November 2017.^{lvii} All such activities in these four States have now been halted.

In contrast, a number of companies based in one OSCE participating State continue to manufacture and/or promote body-worn electric shock devices such as stun belts, stun vests and stun cuffs. At least one company has instructions for clients making international orders. It has been reported that this company’s products have previously been tested in a second OSCE participating State, as well as in at least three third countries.^{lviii}



Electric shock “Stun-Cuff”



Electric shock stun vest



Photograph of body-worn electric shock device physically on display at a third country company stall (left); image of promotional poster of electric “ankle cuffs” displayed on the company stall, 21 November 2017 at security equipment trade fair in an OSCE participating State (right) © Robin Ballantyne/Omega Research Foundation.



In addition, body worn electric shock devices have also been promoted at arms and security equipment trade fairs held in OSCE participating States. Such promotion has been undertaken by companies based outside the OSCE, as well as those based in certain OSCE participating States. For example, at a security equipment trade fair held in November 2017 in an OSCE participating State, a third country company, promoted a range of body-worn electric shock devices. Among the products promoted by the third country company were electric “*ankle cuffs*”, which the company described as a “*behaviour controlling system forced to be worn on the prisoner’s ankles*” capable of delivering a “*high-voltage shock*” of 200 KV.^{lix} Another product promoted by the company employs an “*electronic pulse*” and is worn on a prisoner’s arms or legs. According to the company’s promotional material, “*One click will bring down the person and the wearer will lose capability to act and attack.*”^{lix} In addition to the promotional images and materials available, the device (as well as a vest containing this device) was physically displayed on the company’s stand during the trade fair.

3.2. Direct contact electric shock weapons and devices

A wide range of direct contact electric shock weapons (including electric shock batons, shields, and stun guns) have been developed, traded, and are now employed by law enforcement officials throughout the world. The high voltage electric shock from these weapons is applied directly by hand, as the weapon is pressed against an individual, causing the target intense pain.

Amnesty International and the Omega Research Foundation consider that the employment of direct contact electric shock weapons by law enforcement personnel carries an unacceptable risk of arbitrary force that could amount to torture and other ill-treatment. For instance, if and when they are employed, the officers applying shocks would usually not know if the target has an underlying medical condition, which may put them at increased risk. Officers also cannot reasonably ascertain the degree of pain they inflict with such a weapon, since that pain can vary significantly from person to person, depending on a range of physical and psychological factors, as well as different environmental factors, such as the presence of moisture. It is evidently easy for a law enforcement officer to use a direct contact electric shock weapon to apply extremely painful shocks at the touch of a button, including to very sensitive parts of the body, such as the neck, throat, ears, underarms, groin, and genitals, potentially without long-lasting identifiable physical traces. Such weapons can also be used to inflict repeated or prolonged shocks on an individual. It is unlikely that officers would not have other, less arbitrary, means at their disposal if they are sufficiently close to a person to apply a direct contact electric shock weapon (batons, for instance). International and regional human rights monitors and NGOs have highlighted electric shock torture in many parts of the world, and in certain cases, have identified the use of specifically designed electric shock devices and weapons for such violations.^{lix}

The CPT has expressed “*strong reservations*” about the use of electric shock equipment in contact mode, noting that “properly trained law enforcement officials will have many other

control techniques available to them when they are in touching distance of a person who has to be brought under control.”^{lxii} The CPT raised concerns about the arming of custodial staff with electric shock weapons in CoE States and recommended that *“immediate steps be taken to put a stop to custodial staff in police arrest houses routinely carrying electro-shock weapons”*.^{lxiii} From 2016-2020, the alleged use of direct contact electric shock weapons by law enforcement personnel or prison officers in torture or ill-treatment has been documented within certain OSCE participating States, by the UN, regional human rights organisations, Amnesty International or Human Rights Watch.

3.2.1. Misuse in OSCE participating States^{lxiv}

In its 2016-7 Annual Report, Amnesty International stated that in an OSCE participating State *“torture and other ill-treatment continued to be widespread and systematic during initial detention and in prison colonies.”* Among the cases highlighted was that of a man who was tortured using an electric shock baton and suffocated with a plastic bag.^{lxv}

During its 2017 visit to an OSCE participating State, CPT delegation received several allegations of criminal suspects being subjected to shocks from electrical discharge devices at the time of apprehension or during questioning. The CPT reported that the intended purpose of the ill-treatment was apparently to coerce suspects to admit to certain offences or to punish them. For example, testimony from one former prisoner describes how he was arrested and was *“subjected to repeated electrical charges from a hand-held torch-like device (measuring around 20 cm) to the ribs, legs and lower back.”*^{lxvi} Another person arrested *“stated that they [officials] used a torch device «Police 20000W» to deliver electro-shocks to his genitals; he claimed that he had blood in his urine for several days thereafter.”*^{lxvii} Testimony from a further witness described how he had been arrested at the border and taken to a police station where he was *“subjected to repeated electro shocks from a hand-held device (which also served as a torch) to the inner part of his legs and his testicles both during transportation and while handcuffed to a safe in a crime inspector’s office.”*^{lxviii}

3.2.2. Manufacture and promotion in OSCE participating States

Companies in at least 12 OSCE participating States have manufactured and/or promoted direct contact electric shock devices and weapons for use by correctional or law enforcement officials, during the 2016-20 period. This has included electric shock batons, stun guns, electric shock gloves, electric shock shields and electric shock knuckle-dusters.^{lxix}



Illustrative images of the range of direct contact electric shock devices being promoted by companies in OSCE participating States. Images taken from company websites or brochures.

At a security equipment trade fair held in OSCE participating State in June 2018, civil society representatives uncovered evidence of third country [companies promoting a range of electric shock weapons, with one company,^{lxx} for instance, marketing an electric shock “telescopic anti-riot baton”, which can inflict a 60,000-volt electric shock for 5 seconds. The company also promoted electric shock “police arrest gloves.” The company claimed these gloves, which “can make the person lose resistance ability immediately” are “widely used to arrest...criminals by the public security departments.”^{lxxi} Electric shock batons were also promoted at the same event by two other third country companies.^{lxxii}



Images of electric shock gloves and a telescopic electric shock baton taken from a third country company product catalogue distributed at a security equipment trade fair in an OSCE participating State. Images taken from company brochures.

At a security equipment trade fair held in an OSCE participating State in November 2019, a company from a second OSCE participating State, promoted a variety of direct contact electric shock devices, specifically intended for use by law enforcement officials, including an electric shock shield and a range of electric shock batons,^{lxxiii} which cause “Total mental confusion and state of shock for 10-15 min. with no health effects.”^{lxxiv} Three third country companies also promoted electric shock stun batons.^{lxxv}

Images of electric shock batons taken from product catalogues distributed by three third country companies



Images of an electric shock shield (left) and an electric shock baton (top right) taken from an OSCE participating State company catalogue; image promoting the company's "law enforcement electroshock devices", taken from the company website (bottom right).



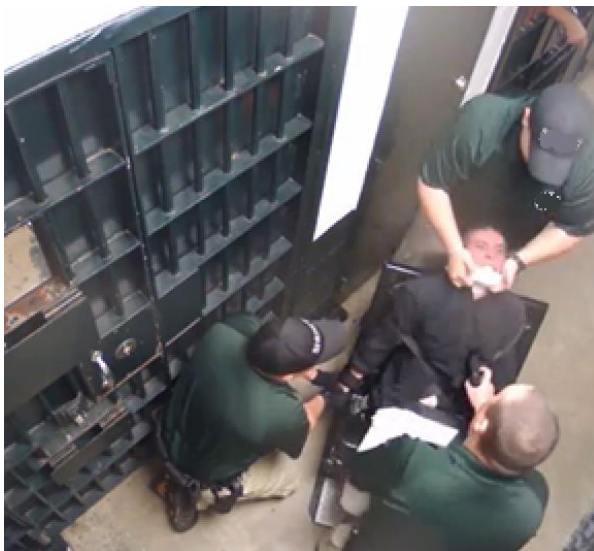
3.3. Projectile electric shock devices

Projectile electric shock weapons are designed to incapacitate an individual at a distance. Most models work by firing darts attached to the launch device by thin wires, at an individual, and can be used from a distance of several metres. The darts attach to a person's body or clothing, delivering an incapacitating high voltage electric shock that causes the subject to lose neuro-muscular control and collapse. Depending on the model, the shock can be continuous and prolonged (up to several minutes in duration) if the trigger is held down, repeated numerous times if retriggered, or can be interrupted.^{lxxvi}

When deployed by highly trained police officers, and used as a projectile weapon in a stand-off situation to prevent an imminent threat of serious injury or death, such projectile electric shock weapons can be a legitimate alternative to firearms.

Most projectile electric shock weapons are designed so that they can easily be switched to ‘drive stun’ mode to enable them to be used as *de facto* direct contact electric shock weapons. The Omega Research Foundation considers the use of such *de facto* direct contact electric shock weapons to pose a substantial risk of torture or other ill-treatment, and therefore calls for the prohibition of the ‘drive stun’ or direct contact mode on such electric shock projectile weapons. Human rights monitors have reported the misuse of projectile electric shock weapons in all world regions; the case below illustrates their employment as a *de facto* direct contact weapon in torture.

3.3.1. Misuse in an OSCE participating State



Surveillance video shows officers from a police department in an OSCE participating State using a projectile electric shock device on a detainee whilst he is held down, gagged and strapped into a restraint chair.

During the 2016-2020 period, human rights organisations and the media documented numerous cases of the reported misuse of projectile electric shock devices by correctional officials in prisons, as well as by police officers in non-custodial settings, in this OSCE participating State. Reported misuse of these devices included cases where these devices have been employed as *de facto* direct contact electric shock weapons to facilitate torture or other ill-treatment. For example, a national newspaper documented the case of an 18-year-old who, whilst in detention, began to suffer a “*mental health episode*” and banged his head against the door. He was put on suicide watch while a nurse was called to attend to him. During this period, he was placed in a restraint chair and his arms, chest, waist, and legs were strapped down. While he was restrained, a cloth gag was placed in his mouth and two officers

held him down, while a third used a projectile electric shock device in direct contact mode against his chest at least four times, merely inches from his heart. The incident was filmed by the police department video surveillance camera, which recorded the deputy with the projectile electric shock weapon telling the young man: “I’ll keep on doing that until I run out of batteries.”

3.3.2. *Manufacture and promotion in OSCE participating States*

The Omega Research Foundation has documented companies from at least three OSCE participating States that have manufactured projectile electric shock weapons for use by correctional or law enforcement officials, during the 2016-20 period. One of these companies is the manufacturer and supplier of the most prominent projectile electric shock weapons for law enforcement agencies across the globe. It has established its European headquarters in an OSCE participating State,^{lxxvii} and the company has national websites marketing its products to law enforcement in at least six other OSCE participating States.^{lxxviii} During the 2016-2020 period, this company’s products have also been promoted by other companies based in four OSCE participating States^{lxxix}. In addition, a number of companies based in OSCE participating States have promoted electric shock projectile weapons manufactured by companies outside the region.

3.4. Recommendations:

OSCE participating States should:

- **Prohibit the production, promotion and trade of electric shock belts, electric shock cuffs and any other electric shock devices designed for attachment to the body of a prisoner or detainee. The use of body-worn electric shock devices by law enforcement and prison officials should be prohibited, and any existing devices should be removed and verifiably destroyed.**
- **Prohibit the production, promotion, and trade of direct contact weapons including stun guns, shock batons, shock shields, and stun gloves intended for law enforcement. The use of these devices and weapons by law enforcement and prison officials should be prohibited, and any existing devices and weapons should be removed and verifiably destroyed.**
- **Control the production, promotion, trade and use of projectile electric shock weapons, intended for law enforcement, which do not incorporate direct contact capability, or that have such capability permanently disabled.**

4. Kinetic impact weapons

Kinetic weapons can be both hand-held, such as batons, or launched, such as rubber bullets or other projectiles. Some kinds of kinetic impact weapons manufactured, traded, and used within the OSCE region have a legitimate law enforcement role, when used in accordance with international human rights and police standards. Other kinds of kinetic impact weapons have no such legitimate law enforcement role, and any use may constitute torture or other ill-treatment.

4.1. Hand-held kinetic impact weapons

Hand-held kinetic impact weapons are also known as striking weapons, and are one of the most common types of less lethal weapons carried by law enforcement officers.^{lxxx} Hand-held kinetic impact weapons are designed to strike or hit a person, in order to cause compliance through pain. They can also be used defensively by law enforcement officials, including to protect themselves from blows from assailants.

Around the world, law enforcement officers carry both inherently abusive striking weapons as well as other kinds of hand-held kinetic impact weapons that may have a legitimate law enforcement purpose, but that are often misused for torture or other ill-treatment. Inherently abusive striking weapons include spiked batons, spiked shields and other spiked armour, weighted batons and weighted gloves, and whips.

Standard batons and shields are the only kind of hand-held kinetic impact weapons that may have a legitimate law enforcement purpose, when used in accordance with international human rights and police standards. Standard batons include straight batons, side-handle batons, and telescopic or extendable batons.

4.1.1. Misuse in OSCE participating States

Across the world, including in the OSCE, non-governmental human rights organisations, as well as UN and regional human rights monitors, regularly report the misuse of hand-held kinetic impact weapons to inflict unnecessary or excessive force. In some cases, this has included their use in torture or other ill-treatment, which has, in some cases, resulted in serious injury or death. In other, less frequent instances, law enforcement officials have been reported using inherently abusive hand-held kinetic impact weapons, which have no legitimate law enforcement purpose.

During the 2016-2020 period, the CPT, Amnesty International, and Human Rights Watch reported the inappropriate use of striking weapons in at least 17 OSCE participating States.^{lxxxix}

Illustrative cases of misuse

Following a mission to one OSCE participating State, the CPT delegation reported numerous cases of the misuse of truncheons in torture and other ill-treatment in places of detention. Among the cases highlighted was that of a man, interviewed by the delegation at a detention facility, who alleged having been struck on his head with truncheons upon arrest. According

to the CPT: *“He was then taken to [a police station] ... and reportedly punched, kicked and struck with truncheons while he was handcuffed behind his back. He stated that he had been thrown on the ground and struck approximately 50 times with truncheons on the soles of his feet (“falaka”) and over his back, as a result of which he had lost consciousness. The purpose of the torture was reportedly to make him confess to a series of additional criminal offences. He told the delegation that he still suffered from constant headaches and impaired vision in his right eye.”*^{lxxxii}

Reports of torture and other ill-treatment in one OSCE participating State were reported in August 2020, with many cases involving the misuse of batons or truncheons by security forces. Amnesty International highlight the testimony of a woman who was arrested and reported that whilst in detention she saw dozens of men who were told to strip naked and get down on all fours while officers kicked and beat them with truncheons. She said she was also forced to kneel and listen to the screams of other victims.^{lxxxiii}

4.1.2. *Manufacture and Promotion in OSCE Participating States*

The Omega Research Foundation has identified companies throughout the OSCE that, during the 2016 to 2020 period, have manufactured and/or promoted hand held kinetic impact weapons for use by law enforcement throughout the world. Companies in at least 27 OSCE participating States have manufactured and/or promoted hand-held kinetic impact weapons – such as batons or truncheons – for use by law enforcement officials.^{lxxxiv}

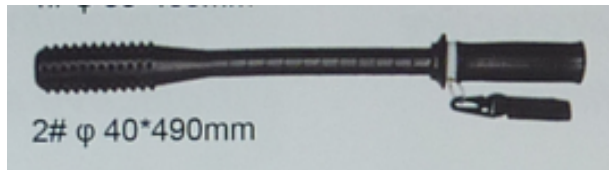
During the 2016-2021 period, at least one company based in an OSCE participating State promoted inherently abusive spiked kinetic impact devices (a spiked baton and a spiked arm shield) for use by law enforcement officials.

*Image: Spiked baton (left) and spiked arm shield (right)
Images taken from company website*



Spiked kinetic impact devices have also been promoted by third country companies at arms trade fairs in the region. In 2017, for instance, a third country company at an arms and security equipment trade fair in an OSCE participating State distributed marketing materials showing a metal spiked baton as well as a range of hardened plastic or rubber spiked batons.

Image: Spiked batons Images taken from company brochures



At an arms and security trade fair held in the same OSCE participating State in 2019, four third country companies were discovered promoting inherently abusive hand-held kinetic impact weapons. Arm shields with metal spikes were advertised in catalogues displayed at the fair, and another third country company also promoted a round shield that had metal spikes. In addition, one third country company attempted to physically display a spiked arm shield on its company stand. This was discovered by the organisers just prior to the opening of the fair and the company asked to remove it. Unfortunately, the shield was not confiscated nor was the company stall closed.

Image: Inherently abusive spiked shield discovered at an arms and security equipment trade fair held in an OSCE participating State in November 2019.



4.2. Kinetic impact projectiles and launchers

Kinetic impact projectiles have a cartridge case similar to conventional ammunition, but propel a range of mainly non-metallic projectiles to the target. Ammunition containing single or multiple projectiles can be fired, such as balls, segments, blocks or cylinders of wood, plastic or rubber. The wide range of weapons used to fire kinetic impact projectiles includes conventional small arms such as shotguns, pistols and assault rifles, as well as generic 'less

lethal' launchers/grenade launchers which can fire many different types of ammunition of the same calibre.

Kinetic impact projectiles are designed to cause blunt trauma, not to penetrate the body. However, they often cause serious and life-threatening injuries including lacerations, broken bones, concussion, head injuries or internal organ damage and their use has resulted in many deaths. A number of launched projectiles are inherently inaccurate and the risk of serious injury or death is significantly increased when kinetic impact projectiles are fired at close range or aimed at sensitive parts of the body, e.g. the head, chest and abdomen. Moreover, ammunition containing large numbers of multiple projectiles are inherently indiscriminate with a high risk of uninvolved bystanders being hit, and rounds containing small pellets pose a significant risk of severe eye injuries.

4.2.1. Misuse in OSCE participating States

UN and regional human rights monitors, as well as non-governmental human rights organisations, have documented the misuse of kinetic impact projectiles in all regions of the world in both custodial settings and in crowd control situations.

During the 2016-2020 period, reports by Amnesty International and the UN, for example, indicate that kinetic impact projectiles have been used abusively or inappropriately in at least five OSCE participating States.^{lxxxv}

Illustrative case of misuse

Amnesty International has documented numerous allegations of the inappropriate and dangerous use of kinetic impact projectiles during the policing of protests in an OSCE participating State from 2016-2018.^{lxxxvi} On 28 April 2016, a university student attending a public protest reported that during violent clashes with the protestors, police fired kinetic impact projectiles at the crowd. The student was hit by a kinetic impact projectile and was taken to hospital for surgery. He lost his left eye. According to Amnesty International: "*law enforcement officials used kinetic impact projectiles to target a person who was apparently not using violence or posing a threat to anyone.*" Amnesty International also highlighted the police use of kinetic impact projectiles against school children protesting outside suburban schools in December 2018. A teacher at a high school stated that during one incident a student's cheek had "*burst open like a split pomegranate*" when he was struck with a kinetic impact projectile while talking to friends and posing no threat.

4.2.2. Manufacture and Promotion in OSCE Participating States

During the 2016-2020 period, companies in at least 19 OSCE participating States have manufactured and/or promoted kinetic impact projectiles, such as plastic and rubber bullets, and associated launchers for use by law enforcement officials.^{lxxxvii} Kinetic impact projectiles and launchers have also been promoted by OSCE and non-OSCE companies at arms and security equipment trade fairs held throughout the OSCE.

4.3. Recommendations:

OSCE participating States should:

- **Control the production, promotion, and trade of hand-held or weapons launched kinetic impact weapons intended for law enforcement, which are not inherently abusive but are often misused, to ensure that they are not transferred to any end users who will employ them for torture, ill-treatment or other human rights violations. The use of such weapons by law enforcement officials should be consistent with regional and international human rights standards, specifically the UN Basic Standards on the Use of Force and Firearms.**
- **Prohibit the production, promotion and trade of inherently abusive hand-held kinetic impact weapons, including spiked batons, spiked shields and spiked arm armour. The use of these weapons by law enforcement and prison officials should be prohibited, and any existing devices should be removed and verifiably destroyed.**
- **Prohibit the production, promotion, and trade of inherently dangerous or indiscriminate kinetic impact projectiles including certain ammunition comprised of large numbers of multiple projectiles. The use of these weapons by law enforcement and prison officials should be prohibited, and any existing devices and weapons should be removed and verifiably destroyed.**

5. Riot control agents and their means of delivery

Riot control agents (RCAs) are toxic chemicals designed to deter or disable, by producing temporary irritation of the eyes and upper respiratory tract. The most frequently used RCAs include CN or CS (commonly called tear gas) and OC/Pepper or PAVA (commonly called pepper spray). RCAs employed in law enforcement are normally delivered via hand-held aerosol sprays, hand-thrown grenades, weapon launched projectiles/grenades and water cannon. The development, possession, trade and use of RCAs is controlled to a certain extent under international arms control laws and associated national measures. Of particular importance is the Chemical Weapons Convention, which prohibits the use of RCAs as a method of warfare,^{lxxxviii} but allows for their use in: *“law enforcement including domestic riot control purposes”*^{lxxxix} provided the *“type and quantities”* of RCA employed is consistent with such purpose.^{xc}

The effects of particular RCAs vary from person to person, are dose dependent, and can be affected by environmental conditions (heat/humidity). Exposure can result in lacrimal tearing of the eyes, breathing difficulties/choking sensation, suffocation, chemical burns, vomiting, severe allergic reaction/blistering of the skin and in certain cases death. Certain vulnerable groups, including elderly people, children, pregnant people, or people with existing respiratory problems, are often the worst affected. The medical concerns associated with RCAs vary depending on the means and location of delivery. When used in confined spaces or in conjunction with other types of equipment (e.g. mechanical restraints), there is an increased risk of death through asphyxiation or toxic poisoning.

The CPT has repeatedly stated that pepper spray (and/or CS) should not form part of the standard equipment of custodial staff and should never be used in confined spaces, nor on an individual already brought under control.^{xcⁱ} The citation of this language in judgments of the European Court of Human Rights lend these guidelines legally-binding force.^{xcⁱⁱ} Maina Kiai, former-UN Special Rapporteur on the rights to freedom of peaceful assembly and of association has warned that tear gas is indiscriminate in nature, failing to differentiate *“between demonstrators and non-demonstrators, healthy people and people with health conditions”*. When individuals participating in a public gathering resort to violence, tear gas is ineffective at exclusively targeting those individuals, instead also affecting the usually peaceful majority.^{xcⁱⁱⁱ} Having ratified the European Convention of Human Rights, all CoE Member States are prohibited from using tear gas unless it is strictly necessary. This has been confirmed by the European Court of Human Rights, which has declared that *“the unwarranted use of tear gas by law enforcement officers is not compatible with the prohibition of ill-treatment”*.^{xc^{iv}}

5.1. Example cases of misuse

During the 2016-2020 period, the CPT, PACE, and Amnesty International reported on the inappropriate use of riot control agents, such as pepper spray and tear gas, in both custodial and non-custodial settings, variously in at least seven OSCE participating States.^{xc^v}

Misuse in custodial context

Following a mission to an OSCE participating State, the CPT's report described how *"an inmate who had been placed ankle- and handcuffed in a 'rubber room' was in addition pepper sprayed by custodial staff after having thus been immobilised."* The CPT concluded that *"to administer pepper spray to a prisoner trussed up in the manner described above can only be for punitive reasons and the CPT considers that the staff members responsible should be investigated for the ill-treatment of this prisoner."*

Misuse against a crowd in non-custodial context

Amnesty International documented cases of police ill-treatment and use of excessive force against asylum seekers during a protest on 18 July 2017 in a refugee camp in an OSCE participating State, which included the reported discharge of chemical irritants inside a container where asylum seekers were accommodated. One of the asylum seekers arrested that day, identified as "F", told Amnesty International: *"The police fired a lot of tear gas and I felt like I was suffocating... Ten police officers beat me everywhere with their batons for three minutes."*

Misuse against a crowd in non-custodial context

Amnesty International documented the widespread inappropriate use of force by police officers against protesters in an OSCE participating State. On 1 June 2020, police used large amounts of tear gas and pepper spray to remove dozens of peaceful protesters from an urban motorway. One affected protester told Amnesty International:

"They started gassing in a kettle formation – we were against a big fence that people had to jump over up a steep hill. The fence was maybe six feet tall. People started putting their hands up – but the cops wouldn't let up. It was can after can after can [of tear gas]. We were encapsulated in gas. We were drooling and coughing uncontrollably. Then the cops came from the other side of the fence and started gassing from that direction. After that the police started coming up the hill and... they were hitting and tackling people. They were dragging people down the hill and forcing them down on their knees, lining them up, kneeling on the median on the highway with their hands in zip ties – and pulling down their masks and spraying and gassing them again."

Image: Protesters race up a hill after being shot by tear gas after a march on 1 June 2020 in an OSCE participating State



5.2. Manufacture and promotion in OSCE participating States

During the 2016-2020 period, companies in at least 27 OSCE participating States^{xcvi} have manufactured and/or promoted riot control agents for use by law enforcement officials. The products of certain OSCE-based companies have previously been transferred to third countries where widespread and serious misuse of riot control agents has been documented, as highlighted by the UN^{xcvii} and in the Legal Affairs and Human Rights Committee of the Parliamentary Assembly of the Council of Europe,^{xcviii} and Amnesty International.^{xcix}

The majority of RCA devices currently manufactured, traded, and employed by law enforcement officials (such as RCA grenades and cartridges, hand held irritant sprayers or single RCA projectile launchers) individually disperse a limited amount of RCA over relatively short distances, and when employed proportionately, affect individuals or small groups. Such devices, if used repeatedly and/or in large numbers, can disperse significant amounts of RCA over wide areas, affecting sizeable groups or crowds, which may amount to excessive use of force. Given the history of their misuse by certain police and security forces, the promotion and trade in such devices should be strictly regulated to ensure they are not transferred to abusive end users within the OSCE or beyond.

Manufacture and promotion of wide area RCA delivery mechanisms

A growing range of systems are being developed and promoted that are capable of delivering significant amounts of RCA over wide areas or extended distances. These include large capacity spraying devices, automatic grenade launchers, multi-barrel projectile launchers and large calibre RCA projectiles. Research by the Omega Research Foundation and Bradford University has documented the manufacture and promotion of such devices by companies across the globe including in at least five OSCE participating States.^c

5.3 Recommendations

OSCE participating States should:

- **Stringently control the manufacture, promotion and trade in all riot control agents and delivery mechanisms in their territories to ensure that they are not transferred to any end users who will employ them for torture, ill-treatment or other human rights violations.**
- **Ensure that all use of RCAs and associated delivery mechanisms by law enforcement and prison officers is in accordance with regional and international human rights standards. RCA grenades, launched cartridges and any mass dissemination of RCAs (e.g. via large backpack or riot sprayers) should be prohibited in confined spaces. Targeted use of RCAs (e.g. via hand-held spray) should only be resorted to when strictly necessary, be proportionate and for the shortest possible time using the minimum amount of RCA necessary to reduce the level of violence and to re-establish control.**
- **Determine which if any “wide-area” RCA delivery mechanisms may be justifiable for use in extreme large-scale law enforcement situations. The use of any such permissible devices must be in strict conformity with regional and international human rights standards.**

6. Training and technical assistance

A number of OSCE participating State entities, as well as companies and academic institutions based within OSCE participating States, have provided a wide range of technical assistance, educational modules, and training to law enforcement or correctional officials from other participating States or third countries. Professional training of police and prison officers in the appropriate and safe use of law enforcement equipment can reinforce and operationalise human rights standards and good practice. Acknowledging the importance of appropriate training, OSCE MC Decision 7/20 called on participating States to, *“Incorporate education and information regarding the prohibition of torture and other cruel, inhuman or degrading treatment or punishment in the training of law enforcement personnel, civil, military and medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment, including, as appropriate, on the proportionate use of force, all available modern scientific methods for the investigation of crimes and the critical importance of reporting instances of torture or other cruel, inhuman or degrading treatment or punishment to superior authorities”*.^{ci} Similarly, the Nelson Mandela Rules, Rule 49 states, that “prison administration[s] should seek access to, and provide training in the use of, control techniques that would obviate the need for the imposition of instruments of restraint or reduce their intrusiveness.” Despite this stated importance of human rights-compliant training in the use of force, human rights NGOs have reported instances where law enforcement officials and others have been trained in potentially abusive methods and techniques, which may facilitate torture or other ill-treatment.

6.1. Illustrative cases of concern

Company

An OSCE-based company supplies law enforcement equipment, as well as related training, including in potentially abusive techniques. This training has included the use of batons in neck-holds, which is documented in images on the company’s website, and is of particular concern. The CPT has previously raised concerns regarding this kind of technique. The CPT *“recommends that the use of techniques involving physical force which may impede airflow through the respiratory tract be prohibited”*.^{cii} The technique visible in the company’s promotional photographs appears to fall within the scope of that which the CPT called to be prohibited.

Techniques resulting in the restraint of people in hyper-extended positions (hog-tying) also appear to feature in photographs on the OSCE-based company’s website. In reports from its visits to States, the CPT raised concerns around use of hog-tying, noting *“the practice of restraining a person in a hyper-extended position, with hand and ankle cuffs linked together behind the back, is unacceptable”*. Amnesty International has previously cautioned that the

use of such practices can severely restrict breathing, and can lead to death from ‘positional asphyxia’.

Images and videos on the company’s website appear to show the provision of training in the above techniques to a range of prison and law enforcement organisations from at least 11 non-OSCE States as well as from at least seven OSCE participating States.^{ciii}

Images of training courses, taken from the OSCE-based company website. These images demonstrate techniques of potential concern, including hog-tying and neck-holds involving batons.



As early as 2005, the then UN Special Rapporteur on Torture noted that *“a number of States are important providers of training and assistance to the military, security or police forces of foreign States”*.^{cv} He warned that if this training was not *“stringently controlled and independently monitored, there is a danger that [the training would] be used to facilitate torture and other ill-treatment”*.^{cv}

The national policing college in one OSCE participating State offers a range of *“information, evidence, guidance and support”* to *“international partners, departments and police organisations”*. Among its capabilities, the college advertises *“short in-country courses on request, including leadership courses for middle and senior managers, and “train the trainer”, quality assurance and evaluation courses”*. The college has provided international policing assistance and training in nearly 80 countries and regions, in all parts of the world.^{cv}

Concerns about the nature of training provided by this college have been raised by NGOs and media, notably with regards to the training provided to third countries. In response to earlier questions as to whether the training provided to one third country *“may indirectly be helping to facilitate the human rights abuses perpetrated by those regimes”*, a 2016 government report noted, *“this is a legitimate concern”*. Indeed, in a 2016 response to a freedom of information request from human rights organisation Reprieve about training in a specific third country, the college itself acknowledged the risk that *“the skills being trained are used to identify individuals who later go on to be tortured or subjected to other human rights abuses”*.^{cvii}

OSCE-based educational institution

In addition to States and companies, educational institutions based in certain OSCE participating States also provide security, law enforcement, and corrections-related courses and/or training.

A university in an OSCE participating State has offered a masters of security science to staff of a police academy in a third country.^{cviii} According to human rights activists quoted in media reports, however, the third country police academy is a *“torture hub”*, with one news report citing witness statements alleging a prison at the site was a *“scene of electrocutions, rape and beating of inmates”*. While there is no evidence that either the university, or those it educated, committed acts of torture, institutions must ensure that any training provided is neither facilitating torture, nor profiting from those who torture. Of the course, an Amnesty International spokesperson stated that the university *“should immediately suspend its provision of these courses until there has been a full investigation into the possibility of links between graduates of the course and the torture of prisoners”*.

6.2. Recommendations

OSCE participating States should:

- **Prohibit the supply by all State entities, companies or educational providers of technical assistance, including instruction, advice, training, or the transmission of working knowledge or skills that could facilitate or be used to commit torture and other ill-treatment. As a minimum, the transmission of all techniques that have been deemed to be inappropriate by the European Court of Human Rights, the CPT, the UN Committee Against Torture, UN Special Rapporteur for Torture, and other UN and European human rights bodies, should be prohibited.**
- **Control the provision of instruction, training and related technical assistance conducted by all State entities, companies or educational providers to ensure that such provision does not promote or include inappropriate or abusive policies, practices or techniques that could facilitate, or be employed in torture or other ill-treatment. All instruction or training of correctional and law enforcement officials (including in the employment of law enforcement equipment and broader use of force) should be in line with, and actively promote, adherence to regional and international human rights standards. Appropriate accountability, reporting, and impact assessment measures should be established to monitor adherence of State training programmes to these principles.**

7. Overarching recommendations to OSCE participating States:

- prohibit the use of inherently abusive weapons and equipment through national legislation;
- regulate the use of law enforcement equipment that has legitimate uses in some instances/settings, but not in others. For example, certain equipment may have a legitimate use in public policing, but not in the context of detention. Importantly, punishment does not constitute a legitimate purpose for the use of any equipment;
- ensure that regulations include the way in which equipment is used as misuse may be prompted in different ways (e.g. use in excessive quantities, targeting uninvolved persons, use in confined space, etc.);
- ensure that law enforcement and prison officers are trained on the proper use of weapons and equipment, as well as in non-violent de-escalation techniques and other means of force. To this end it is important to also consider the institutional culture of law enforcement agencies, and change it to non-punitive if necessary;

- ensure proper documentation of any use of equipment as important components of both accountability and prevention, and in order to capture lessons learnt for improvement of legislation, policies and training;
- facilitate the monitoring of all places of deprivation of liberty by independent bodies, including National Preventive Mechanisms under OPCAT where they have been established;
- ensure that national legal frameworks and administrative measures are established and implemented to prohibit the production, promotion and trade of equipment that has no other practical use than torture or other ill-treatment;
- ensure that national legal frameworks and administrative measures are established and implemented to control the trade of law enforcement equipment that may have a legitimate use but is prone to misuse, notably in torture and other ill-treatment. Transfers of such equipment should require prior government authorisation following a human rights risk assessment, and authorisation should be withheld when there are reasonable grounds for believing that they will be used for human rights violations, notably torture or other ill-treatment;
- consider engagement in multilateral action regarding the trade and use of law enforcement equipment.

ⁱ According to the United Nations (UN) Code of Conduct for Law Enforcement Officials, “The term ‘law enforcement officials’, includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention.” For the purposes of this briefing, the term will be understood to include prison staff, who are mandated to use force in certain limited circumstances in the performance of their duties - see Rule 82 of the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

ⁱⁱ See Annual Report of Christof Heyns, Special Rapporteur on extrajudicial executions, 2014, UN Doc. A/HRC/26/36; Amnesty International, Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (UN BPUFF), 2015. These draw extensively from several international human rights instruments, particularly the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials.

ⁱⁱⁱ Please note that in addition to their OSCE Human Dimension Commitments, all 57 OSCE participating States have ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

^{iv} UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials), Principle 2.

^v United Nations (UN), Universal Declaration of Human Rights, adopted and proclaimed by General Assembly resolution 217 A (III), 10th December 1948, Article 5. 10 See for example Steering Committee for Human Rights, Council of Europe, Draft Feasibility study of a legal instrument to strengthen international regulations against trade in goods used for torture or other cruel, inhuman or degrading treatment or punishment and the death penalty, CDDH (2019)31 21 November 2019; See also reports by the UN Subcommittee for the Prevention of Torture, UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN Committee Against Torture, Council of Europe’s Committee for the Prevention of Torture, and the Inter-American Commission on Human Rights highlighting specific cases of the employment of law enforcement equipment in torture and ill-treatment in individual countries.

^{vi} UN, International Covenant on Civil and Political Rights. Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI), 16 December 1966, entered into force 23 March 1976, Article 7.

^{vii} 3 UN, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Adopted by General Assembly resolution 39/46 of 10 December 1984, entered into force 26 June 1987.

- viii African Charter on Human and Peoples' Rights, adopted by the eighteenth Assembly of Heads of State and Government, June 1981, Nairobi, Kenya, Article 5.
- ix American Convention on Human Rights, adopted at the Inter-American Specialized Conference on Human Rights, San José, Costa Rica, 22 November 1969, Article 2.
- x Council of Europe (CoE), European Convention for the Protection of Human Rights and Fundamental Freedoms. Adopted by the Council of Europe on 4 November 1950, entered into force 3 September 1953, Article 3.
- xi European Union (EU), Charter of Fundamental Rights of the European Union, C 364/1, Official Journal of the European Communities, 18 December 2000, Article 4.
- xii MC Decision No. 7/20 Prevention and eradication of torture and other cruel, inhuman or degrading treatment or punishment. 4 December 2020. Available at: <https://www.osce.org/files/f/documents/8/2/479762.pdf>.
- xiii UN, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Adopted and opened for signature, ratification and accession by United Nations General Assembly resolution 39/46 of 10 December 1984 (entry into force 26 June 1987), Articles 2, 4 and 16.
- xiv Council of Europe, Committee on Legal Affairs and Human Rights, PACE, Strengthening international regulations against trade in goods used for torture and the death penalty, Report Doc. 14454, 15 December 2017, paragraph 4.
- xv UN, Code of Conduct for Law Enforcement Officials, adopted by UN General Assembly resolution 34/169 of 17 December 1979
- xvi UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990
- xvii The UN Standard Minimum Rules for the Treatment of Prisoners [SMR], originally adopted by the UN Crime Congress in 1955, have been revised (and renamed) during 2010-15. The revised SMR – named the Mandela Rules – were adopted by the UN Commission on Crime Prevention and Criminal Justice on 21 May 2015 (E/CN.15/2015/L.6/Rev.1), and consequently adopted by the UN General Assembly, in December 2015. See particularly Rules 47 and 48.
- xviii See for example, CSCE/OSCE, Document of the Copenhagen meeting of the Conference on the Human Dimension of the CSCE, Copenhagen, 5-29 June 1990, and MC Decision No. 7/20 Prevention and eradication of torture and other cruel, inhuman or degrading treatment or punishment. [See also: Paris 1990, Moscow 1991, Budapest 1994, Istanbul 1999, Ljubljana 2005, Athens 2009].
- xix See for example Ljubljana 2005, Athens 2009.
- xx CSCE/OSCE, Document of the Copenhagen meeting of the Conference on the Human Dimension of the CSCE, Copenhagen, 5-29 June 1990
- xxi OSCE, Ministerial Council Decision No. 7/20: Prevention and Eradication of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Tirana, 4 December 2020, <https://www.osce.org/files/f/documents/8/2/479762.pdf>.
- xxii UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principle 2.
- xxiii Amnesty International & Omega Research Foundation, *Ending the Torture Trade: The path to global controls on the 'tools of torture'*, December 2020.
- xxiv See Omega Research Foundation, *Briefing Paper: Use of Tools of Torture in OSCE participating States*, 2017; Omega Research Foundation, *Manufacture, trade and use of 'tools of torture' in the Council of Europe*, 2018.
- xxv See for example: Amnesty International, *Blunt Force: investigating the misuse of police batons and related weapons*: <https://www.amnesty.org/en/latest/research/2021/09/blunt-force/>; Amnesty International, *Tear gas: an investigation*, <https://teargas.amnesty.org>; Amnesty International & Omega Research Foundation, *Ending the Torture Trade: The path to global controls on the 'tools of torture'*, December 2020.
- xxvi BPUFF, Principle 1; Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), Rule 47
- xxvii United Nations, Guidance on Less Lethal Weapons in Law Enforcement, Office of the High Commissioner on Human Rights, 2020
- xxviii BPUFF Principles 18-20; Nelson Mandela Rule 76. See also Resolution A/HRC/46/L.27 on *Torture and other cruel, inhuman or degrading treatment or punishment: the roles and responsibilities of police and other law enforcement officials* (<https://digitallibrary.un.org/record/3905557?ln=en>)
- xxix See for example Steering Committee for Human Rights, Council of Europe, Draft Feasibility study of a legal instrument to strengthen international regulations against trade in goods used for torture or other cruel, inhuman or degrading treatment or punishment and the death penalty, CDDH (2019)31 21 November 2019; See also reports by the UN Subcommittee for the Prevention of Torture, UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN Committee Against Torture, Council of Europe's Committee for the Prevention of Torture, and the Inter-American Commission on Human Rights highlighting specific cases of the employment of law enforcement equipment in torture and ill-treatment in individual countries.
- xxx See for example: Amnesty International and Omega Research Foundation, *The Human Rights Impact of Law Enforcement Equipment*, April 2015; Omega Research Foundation and Stockholm International Peace Research Institute, *The Deployment of Law enforcement Equipment in Central Asia and the South Caucasus*, September 2015; Omega Research Foundation and the Institute for Security Studies, *Compliance through pain: Electric shock equipment in South African prisons*, June 2016; Omega Research Foundation, *Tools of Torture and Repression in South America: Use, manufacture and trade*, July 2016;

Omega Research Foundation, Briefing Paper: Use of Tools of Torture in OSCE participating States, 2017; Amnesty International and Omega Research Foundation, Tackling the trade in tools of torture and execution technologies, ACT 30/6998/2017, 2017; Omega Research Foundation, Manufacture, trade and use of ‘tools of torture’ in the Council of Europe, June 2018; Amnesty International and Omega Research Foundation, Combating torture: the need for comprehensive regulation of law enforcement equipment, ACT 30/9039/2018, September 2018.

xxxvi UN Commission on Human Rights, E/CN.4/2003/69, 13 January 2003.

xxxvii UN Commission on Human Rights, E/CN.4/2003/69, 13 January 2003, Article 14.

xxxviii UN Commission on Human Rights, E/CN.4/2003/69, 13 January 2003, Article 35.

xxxix UN Commission on Human Rights, Report of the Special Rapporteur, Theo van Boven, E/CN.4/2005/62, 15 December 2004, Article 37.

xliv UN, Resolution adopted by the General Assembly on 18 December 2019, A/RES/74/143. Torture and other cruel, inhuman or degrading treatment or punishment, 22 January 2020, paragraph 20.

xlvi European Union, EC Regulation 1236/2005 of 27th June 2005 concerning trade in goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, published in Official Journal of the European Union, L200/1, 30th July 2005. The latest consolidated version, Regulation (EU) 2019/125, was published in January 2019 and came into force on 20 February 2019.

xlvii Council of Europe, Recommendation CM/Rec(2021)2 of the Committee of Ministers to member States on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment, adopted by the Committee of Ministers on 31 March 2021.

xlvi Committee for the Prevention of Torture in Africa, Statement Announcing the CPTA Annual Theme for 2020, <https://www.achpr.org/pressrelease/detail?id=509>.

lxix African Commission on Human and Peoples’ Rights. 2021. 472 Resolution on the prohibition of the use, production, export and trade of tools used for torture. ACHPR/Res.472 (LXVII) 2020. <https://www.achpr.org/sessions/resolutions?id=497>.

li <http://www.torturefreetrade.org/en/news.html?entry=5> (the EU itself is not counted among the 43 OSCE participating States): Albania, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Former Yugoslav Republic of Macedonia, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Mongolia, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovenia, Slovakia, Spain, Sweden, Switzerland, Ukraine, United Kingdom, European Union.

lii UN General Assembly, Resolution Towards torture-free trade: examining the feasibility, scope and parameters for possible common international standards, 21 June 2019, 73rd session, A/73/L.94.

liii OSCE, Ministerial Council Decision No. 7/20: Prevention and Eradication of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Tirana, 4 December 2020 <https://www.osce.org/files/f/documents/8/2/479762.pdf>.

liiii UN, Towards torture-free trade : examining the feasibility, scope and parameters for possible common international standards : report of the Secretary-General, A/74/969, July 2020, paragraph 36, <https://digitallibrary.un.org/record/3878840?ln=en>.

liiv UN, Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), United General Assembly resolution 70/175, annex, adopted on 17 December 2015, Rule 48.

liiv For more information including primary sources contact the Omega Research Foundation.

livi Cases are from different OSCE participating States.

liivii Both devices available on the company’s website. For more information including primary sources contact the Omega Research Foundation.

liiviii Company’s catalogue. ‘Handcuffs – Thumb cuffs’. Accessed 8 October 2021. For more information including primary sources contact the Omega Research Foundation.

lix United Nations Office on Drugs and Crime. *The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*. Accessed 6 October 2021. Available at: https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf.

i For more information including primary sources contact the Omega Research Foundation.

ii Cases are from different OSCE participating States. For more information including primary sources contact the Omega Research Foundation.

iii For more information including primary sources contact the Omega Research Foundation.

iiii For more information including primary sources contact the Omega Research Foundation.

liv UN, Committee against Torture, Report of the Committee against Torture, A/55/44, 2000, paragraph 180.

lv CPT, 20th General Report, CPT/Inf(2010)28, 26 October 2010, paragraph 74.

lvi For more information including primary sources contact the Omega Research Foundation.

lvii See Omega Research Foundation and Amnesty International, From Words to Deeds: Putting an end to the EU trade in ‘Tools of Torture’, 2012, Index: ACT 30/062/2012, pp. 10-17.

lviii For more information including primary sources contact the Omega Research Foundation.

^{lix} Electric shock products poster, on display 21 November 2017 on the company's stall at a security equipment trade fair in 2017. See also the company's product catalogue, distributed at a security equipment trade fair in 2017 (copy of this brochure held by the Omega Research Foundation).

^{lx} Electric shock products poster, on display 21 November 2017 on the company's stall, at a security equipment trade fair in 2017. See also the company's product catalogue, distributed at the company's stall at a security equipment trade fair in 2017 (copy of this brochure held by the Omega Research Foundation).

^{lxi} It should be noted that for many cases of alleged application of electric shocks for torture and other ill-treatment, the specific implement used to deliver such shocks is not identified, so it is not possible to determine whether such torture is being committed with specifically designed direct contact electric shock weapons or whether *ad hoc* devices or techniques are being employed. Furthermore, in a number of cases electric shock devices are described as "*tasers*" even when they appear to be direct contact shock weapons.

^{lxii} European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), CPT Standards, "Substantive" sections of the CPT's General Reports, CPT/Inf/E (2002) 1 - Rev. 2015, p. 111.

^{lxiii} For more information including primary sources contact the Omega Research Foundation.

^{lxiv} Cases are from separate OSCE participating States.

^{lxv} Amnesty International, AI 2016 Annual Report, February 2017.

^{lxvi} For more information including primary sources contact the Omega Research Foundation.

^{lxvii} *Ibid.*

^{lxviii} *Ibid.*

^{lxix} For more information including primary sources contact the Omega Research Foundation

^{lxx} The Omega Research Foundation contacted the company with the information in this report, but has not, as yet, received a reply.

^{lxxi} Company's product catalogue, undated, p.48, distributed at a security equipment trade fair in 2018 (copy held by the Omega Research Foundation).

^{lxxii} Company's product catalogue 2017-2018, (undated) p.22, distributed at a security equipment trade fair in 2018 (copy held by the Omega Research Foundation). The Omega Research Foundation contacted the company with the information in this report, but has not, as yet, received a reply.

^{lxxiii} Non-lethal weapons and security equipment product catalogue, undated, distributed at a security equipment trade fair in 2019 (copy held by Omega Research Foundation).

^{lxxiv} Company's catalogue 2020, *Law enforcement electroshock devices*. Accessed 25 March 2020. Available on the company's website.

^{lxxv} The Omega Research Foundation contacted the company with the information in this report, but has not, as yet, received a reply.

^{lxxvi} While "Taser", is the most well-known, many other types of projectile electric shock weapons exist. These products vary widely, and all products have different specifications. Additionally, the function of these weapons may be adjusted. In the case of law enforcement Tasers in an OSCE participating State, for instance, the company confirms, "*For the [country] devices we have been asked to set additional restrictions (technically programmed limitation) to the maximum of 5 seconds duration of electrical current via the ark[sic] button (which then transfers via the wires to the suspect). This is limited to 3 cycles and to life threatening situations. The request of the police to technical limit the duration is an example of the restrictive and responsible policy to prevent the overuse of the device.*" The company also notes other features it considers to enhance the use of Tasers in the participating State, writing, "*the TASER X2 device has an internal logging system that cannot be manipulated. All activities of the user in the operation and performance of the device will be registered. So the disarming, or putting it on safe, the launching of projectiles or arking[sic] of the device will be logged in time (internal clock). The downloading of the data on the use is a standard procedure and this knowledge is transferred to the Police. This prevents false claims of the use of the device by either the police officer or the suspect. The log will tell when and what AND duration of the device has been used.*" (email correspondence from the company to the Omega Research Foundation, received 3 July 2020).

^{lxxvii} For more information including primary sources contact the Omega Research Foundation.

^{lxxviii} For more information including primary sources contact the Omega Research Foundation.

^{lxxix} For more information including primary sources contact the Omega Research Foundation.

The Omega Research Foundation contacted the company with the information in this report, but has not, as yet, received a reply.

^{lxxx} For more information and detailed case studies on the use of striking weapons, such as batons, in the context of policing public assemblies, see: Omega Research Foundation and Amnesty International. 2021. 'Blunt Force: investigating the misuse of police batons and related equipment'. Available at: <https://omegaresearchfoundation.org/publications/new-investigation-exposing-global-misuse-police-batons>. Accessed 4 October 2021.

^{lxxxii} For more information including primary sources contact the Omega Research Foundation.

^{lxxxiii} For more information including primary sources contact the Omega Research Foundation.

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- lxxxiii For more information including primary sources contact the Omega Research Foundation.
- lxxxiv For more information including primary sources contact the Omega Research Foundation.
- lxxxv For more information including primary sources contact the Omega Research Foundation.
- lxxxvi For more information including primary sources contact the Omega Research Foundation.
- lxxxvii For more information including primary sources contact the Omega Research Foundation.
- lxxxviii Organisation for the Prohibition of Chemical Weapons (OPCW), Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention [CWC]), 1993, Article I.5.
- lxxxix OPCW, Chemical Weapons Convention (1993) op.cit., Article II.9.
- xc OPCW, Chemical Weapons Convention (1993) op.cit., Article II.1.a.
- xcⁱ For more information including primary sources contact the Omega Research Foundation.
- xcⁱⁱ For more information including primary sources contact the Omega Research Foundation.
- xcⁱⁱⁱ Public assemblies foster engaged citizenry and are vital to democratic, economic, social and personal development. Even when protesters forfeit their right to peaceful assembly by using violence, they retain other rights including the right to bodily integrity, which includes the rights to security, to be free from cruel, inhuman or degrading treatment or punishment, and to life; dignity; privacy; and an effective remedy for all human rights violations. For more, see UN Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions, Joint Report submitted to the Human Rights Council on the management of public assemblies, 4 February 2016, UN Doc. A/HRC/31/66.
- xc^{iv} For more information including primary sources contact the Omega Research Foundation.
- xc^v For more information including primary sources contact the Omega Research Foundation.
- xc^{vi} For more information including primary sources contact the Omega Research Foundation.
- xc^{vii} For more information including primary sources contact the Omega Research Foundation.
- xc^{viii} See Council of Europe, Committee on Legal Affairs and Human Rights, PACE, Strengthening international regulations against trade in goods used for torture and the death penalty, Report Doc. 14454, 15 December 2017, paragraph 27.
- xc^{ix} For more information including primary sources contact the Omega Research Foundation.
- xc^{ix} For more information see: Omega Research Foundation, Review of EU Anti-Torture Regulation
- ^c Crowley, M. Tear gassing by remote control: The development and promotion of remotely operated means of delivering or dispersing riot control agents, Remote Control Project/Omega Research Foundation/University of Bradford, December 2015; Crowley, M. Drawing the line: Regulation of “wide area” riot control agent delivery mechanisms under the Chemical Weapons Convention, Omega Research Foundation/University of Bradford, April 2013.
- ^{ci} MC Decision No. 7/20 Prevention and eradication of torture and other cruel, inhuman or degrading treatment or punishment. 4 December 2020. Available at: <https://www.osce.org/files/f/documents/8/2/479762.pdf>. See also, the UN Basic Principles on the Use of Force and Firearms 18-20. Available at: <https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx>.
- ^{cii} For more information including primary sources contact the Omega Research Foundation.
- ^{ciii} For more information see: Omega Research Foundation, Review of EU Anti-Torture Regulation and its implementation, November 2020
- ^{civ} Report of the UN Special Rapporteur on the question of torture, Theo Van Boven, Commission on Human Rights (E/CN.4/2005/62), 15 December 2004, paragraph 31.
- ^{cv} Report of the UN Special Rapporteur on the question of torture, Theo Van Boven, Commission on Human Rights (E/CN.4/2005/62), 15 December 2004, paragraph 31.
- ^{cvi} For more information including primary sources please contact the Omega Research Foundation.
- ^{cvi} For more information including primary sources please contact the Omega Research Foundation.
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