

Manufacture, trade and use of ‘tools of torture’ in the Council of Europe

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Omega Research Foundation

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Cover image: Photograph of weighted leg irons displayed at China Garments Co. Ltd stall, Milipol 2015, Paris, France, November 2015 © Robin Ballantyne/Omega

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Executive Summary

Whilst almost anything can be used to torture, punish, or inflict unnecessary pain and suffering, such acts are often committed using mass manufactured weapons and law enforcement equipment. Yet in many countries the trade in such ‘tools of torture’ is largely unregulated, allowing companies from all regions to develop, manufacture, advertise, sell and export such technologies and consequently to profit from human suffering and cruelty.

This report provides information on the contemporary development, manufacture, promotion and trade in tools of torture in the Council of Europe (CoE) region, including details of CoE-based companies that have manufactured or promoted inherently cruel instruments with no legitimate law enforcement purpose; whose manufacture, supply and use should be prohibited. The report also documents a broader range of law enforcement equipment which if used in line with human rights standards has a legitimate purpose, but which is frequently misused for torture and other ill-treatment; whose manufacture, supply and use should be controlled. The report includes case studies illustrating how such equipment has been employed in torture and ill-treatment within the CoE, and provides recommendations for CoE member States to introduce and/or strengthen measures to effectively regulate this trade. The report’s key findings include:

Electric shock weapons and devices: A wide range of direct contact law enforcement electric shock weapons including electric shock batons, shields and stun guns have been manufactured and/or marketed, since 2012, by companies in Bosnia & Herzegovina, Cyprus, Czech Republic, France, Germany, Poland, Portugal, the Russian Federation, Slovenia, Spain, Switzerland and the Ukraine. From 2012, the European Committee for the Prevention of Torture (CPT), Amnesty International and Human Rights Watch, documented the use of such weapons in torture or ill-treatment in at least 13 CoE member States. A further range of body-worn electric shock devices intended for attachment directly to prisoners are capable of delivering up to 50,000 volt shocks; they include stun belts, stun vests and stun cuffs, activated by remote control. Such devices are currently manufactured by companies in the Americas, Africa and Asia, and have been commercially promoted by companies in all regions of the world, including by companies in Denmark, Germany, Spain and Switzerland.

Mechanical restraints: If used appropriately, in conformity with human rights standards, certain mechanical restraints such as handcuffs and leg-cuffs can have an important role in the safe detention and restraint of prisoners. However since 2012, the CPT, Amnesty International and Human Rights Watch have documented their misuse by law enforcement officials in at least 21 CoE member States. Omega has identified companies throughout the CoE that have manufactured and/or promoted hand or leg restraints for law enforcement. Omega has also uncovered a range of restraints which have been marketed to the law enforcement community despite having no legitimate law enforcement purpose. This includes certain hand or leg restraints designed to be attached to fixed objects that have been manufactured or promoted by companies in the Czech Republic, Germany, and the Russian Federation. Other inherently inappropriate restraint devices that have been marketed within the Council of Europe region, either by CoE-based or foreign companies, for use by law enforcement officials include thumb-cuffs, weighted leg irons; and devices incorporating multiple (in some cases metal) restraints such as interrogation or restraint chairs.

Kinetic impact weapons: If employed in conformity with international human rights standards, certain hand held kinetic impact (or striking) weapons, notably batons and truncheons; and launched kinetic impact projectiles such as rubber bullets can have a

legitimate role in law enforcement. However since 2012, the CPT, Amnesty International and other human rights monitors documented the inappropriate or abusive employment of kinetic impact weapons in at least 30 CoE member States. Omega has identified companies throughout the CoE that have manufactured or promoted striking weapons or launched kinetic impact weapons and projectiles. Omega has also discovered the marketing, within the CoE region, of a range of Asian produced inherently abusive spiked kinetic impact devices such as spiked batons, spiked shields and spiked assaultive arm armour intended for use by police and security forces.

Riot control agents: Omega has identified companies throughout the CoE region that have manufactured and/or promoted riot control agents (RCAs) – tear gas and pepper spray – or associated delivery devices. Although RCAs are commonly employed for legitimate law enforcement purposes, they have been misused, including in prison cells and detention centres, and during large scale policing of public assemblies, in at least 12 CoE member States since 2012.

Training & technical assistance: Professional training of police and prison officers in the appropriate and safe use of security equipment can reinforce and operationalise human rights standards and good practice. However, Omega has uncovered the provision to CoE member State and foreign police and military personnel of training in potentially abusive techniques, such as hog-tying and employment of batons in neck-holds, conducted by security experts based in the CoE region.

Developing effective CoE measures to tackle the trade in tools of torture

On 26th January 2018 the Parliamentary Assembly of the Council of Europe (PACE) unanimously adopted Recommendation 2123 (2018) calling on CoE member States and relevant CoE bodies to enact a comprehensive package of measures to combat the trade in goods used for torture and the death penalty. The PACE Recommendation provides a strong framework on which the Committee of Ministers can now build, introducing effective CoE-wide measures to address the trade in tools of torture. Failure of CoE States to address this trade poses a great threat to human rights in Europe and around the world.

In order to ensure that CoE measures are effective and consistently implemented, the Omega Research Foundation recommends that the Committee of Ministers should:

- Call on all CoE member States to introduce regulations establishing national control systems for the trade in goods used for the death penalty, torture or other ill-treatment. Such regulations should, firstly, prohibit trade in all goods which have no practical use other than for the death penalty, torture or other ill-treatment. Secondly, such regulations should require prior authorisation for the transfer of goods designed for legitimate law enforcement use but which could be misused for torture or other ill-treatment; with such authorisation to be withheld when there are reasonable grounds for believing that goods might be employed for capital punishment, torture or other ill-treatment by the end-user.
- Issue a recommendation to member States setting out technical guidance on how to establish and implement an effective regulatory regime facilitating harmonised national systems amongst all CoE member States.
- Establish a follow up process to assess the progress by CoE member States in implementing the Committee of Ministers recommendations on this issue.

1. Introduction

1.1. State obligations to tackle the trade in ‘tools of torture’¹

The prohibition on 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 including Article 5 of the Universal Declaration of Human Rights² and Article 7 of the International Covenant on Civil and Political Rights (ICCPR)³. International law imposes specific obligations on States to prevent torture and other ill-treatment, to investigate its occurrences, to bring to justice the perpetrators and to provide reparations to the victims. These obligations are elaborated in a range of instruments, including the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁴

Within the Council of Europe (CoE), torture and ill-treatment are also prohibited under Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms⁵ and Article 4 of the Charter of Fundamental Rights of the European Union.⁶ In 2010, the European Court of Human Rights ruled that the death penalty amounted to inhuman or degrading treatment and thus fell within the prohibition set out in Article 3 of the European Convention.⁷ In addition, the Council of Europe and the majority of its member States are opposed to the death penalty in all places and in all circumstances, as enunciated under Protocols Nos. 6 and 13 of the European Convention.⁸

Despite such obligations, torture and ill-treatment are perpetrated in all regions of the world, and capital punishment is still carried out in several countries. International and regional torture prevention monitoring bodies, as well as non-governmental human rights organisations, have documented the use of a range of law enforcement and security equipment in the facilitation and/or commission of torture and ill-treatment, or to carry out executions. In 2004, the UN Special Rapporteur on Torture argued in his report to the UN Commission on Human Rights that controlling the trade of such equipment forms part of

¹ Tools of torture are specialist military, security and policing equipment, weapons and associated technical assistance and training including those which are inherently abusive or dangerous. It also incorporates equipment, weapons and assistance that can have a legitimate law enforcement function but that can readily be misused to carry out torture and other ill-treatment.

² United Nations (UN), Universal Declaration of Human Rights, adopted and proclaimed by General Assembly resolution 217 A (III), 10th December 1948.

³ 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.

⁴ 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.

⁵ Council of Europe (CoE), European Convention for the Protection of Human Rights and Fundamental Freedoms. Adopted by the CoE on 4 November 1950, entered into force 3 September 1953.

⁶ European Union (EU), Charter of Fundamental Rights of the European Union, C 364/1, Official Journal of the European Communities, 18 December 2000.

⁷ European Court of Human Rights, *Al-Saadoon and Mufdhi v the United Kingdom* – 61498/08 [2010] ECHR 282.

⁸ CoE, Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty, Strasbourg, 28 April 1983; Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty in all circumstances, Vilnius, 3 May 2002. Protocol 6 which abolishes the death penalty in peace time, has been ratified by all member States except the Russian Federation, whose Constitutional Court has nevertheless instituted a moratorium. Protocol 13 has been ratified by all member States except Armenia, Azerbaijan and the Russian Federation.

every State's obligations under the UN Convention against Torture. Likewise, the UN General Assembly (UNGA) in its biannual Torture Resolution has consistently urged States to introduce effective controls in this area, in November 2017 calling 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"*⁹

A further important recent development has been the launch in September 2017, of the *"Global Alliance to end trade in goods used for capital punishment and torture"*. This Alliance, led by the European Union, Argentina and Mongolia, currently has 58 participating States signed up to a political declaration pledging them to *"act together to further prevent, restrict and end trade in"* such goods; to *"take effective measures, inter alia through legislation and effective enforcement where appropriate, for the restriction of the trade"* in them; to *"strengthen cooperation in this area and to form a global network of Focal Points for the sharing of information and best practices"*; and *"to make available technical assistance for the design and implementation of relevant legislation"*.¹⁰

At the regional level in Europe considerable advances have been made. In May 2005 the EU adopted Council Regulation (EC) No. 1236/2005 *concerning trade in goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment* (EC Regulation 1236/2005). This Regulation, which entered into force on 30 July 2006, filled a major gap in human-rights-based export controls, introducing unprecedented trade controls binding on all EU Member States on a range of security equipment. It has been progressively strengthened, with the latest amendments in Regulation (EU) No.2016/2134 extending its coverage to prohibitions on promotion, brokering and transit of torture and death penalty goods across the EU, among other provisions.¹¹

1.2 Council of Europe mechanisms to tackle the trade in tools of torture

Whilst Council of Europe member States which are part of the European Union are directly bound by EC Regulation 1236/2005, there are to date no comparative measures in place for non-EU CoE member States. Recently however important normative statements and calls for action in this area have been made by CoE bodies. On 2 March 2016 the CoE Committee of Ministers in their Recommendation CM/Rec(2016)3 on human rights and business, stated that: *"In order not to facilitate the administration of capital punishment or torture in third countries by providing goods which could be used to carry out such acts, member states should ensure that business enterprises domiciled within their jurisdiction do not trade in goods which have no practical use other than for the purpose of capital punishment, torture, or other cruel, inhuman or degrading treatment or punishment."*¹²

⁹ UN, General Assembly, Resolution on torture and other cruel, inhuman or degrading treatment or punishment, 6 November 2017, Third Committee, Seventy-second session, A/C.3/72/L.20/Rev.1, paragraph 19.

¹⁰ Global Alliance to end trade in goods used for capital punishment and torture, Political Declaration, 18 September 2017, New York. For details of current participating States and activities see: <http://www.torturefreetrade.org/> (accessed 30 November 2017).

¹¹ EU, Council Regulation (EC) No 1236/2005 concerning the trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, 27 June 2005, <http://eurlex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02005R1236-20170317&qid=1504033420275&from=EN> (consolidated version) (accessed 27 November 2017).

¹² CoE, Committee of Ministers, Recommendation CM/Rec(2016)3 of the Committee of Ministers to member States on human rights and business, Adopted by the Committee of Ministers on 2 March 2016 at the 1249th meeting of the Ministers' Deputies, paragraph 24.

During 2017 the Legal Affairs and Human Rights (LAHR) Committee of the Parliamentary Assembly of the Council of Europe (PACE) undertook a study to “investigate and report on trade in security equipment in the member States of the Council of Europe, and subsequently develop appropriate rules to prevent the trade or brokering of equipment which could facilitate torture and the application of the death penalty”. On 15 December 2017 the findings of the LAHR Committee were published for consideration by the PACE.¹³ The LAHR findings subsequently formed the basis of PACE Recommendation 2123 (2018) “Strengthening international regulations against trade in goods used for torture and the death penalty”, unanimously adopted by the Parliamentary Assembly on 26 January 2018.

PACE Recommendation 2123 (2018) urges all 47 CoE member States to introduce legislation prohibiting trade in inherently abusive equipment, specifically including execution technologies and certain components; inhumane restraints; certain whips; and portable devices unsuitable for riot control or self-protection. Member states are also urged to regulate the trade in potentially legitimate security equipment that could however be misused; and to deny authorisation for trade in such goods “where there are reasonable grounds for believing that they might be used for capital punishment or torture [or ill-treatment] in a third country”.

In its Recommendation, the Assembly took note of EC Regulation 1236/2005. It recognised that “this regulatory regime is the most advanced and effective in the world. It represents an approach that can and should be applied by all Council of Europe member States”. The Assembly further recognised that “since information sharing and technical co-operation, which are fundamental parts of any international regulatory mechanism, depend on normative and procedural compatibility, it is important to harmonise the regulatory systems of all the Council of Europe member States.”

Consequently, the PACE Recommendation further calls on the Committee of Ministers to:

- Provide “technical support” for CoE member States introducing national legislation addressing the trade in goods used for the death penalty, torture and ill-treatment;
- Provide “technical guidance on how to establish and implement an effective regulatory regime”. This would enable the extension of the existing regime covering part of the Council of Europe as set out in [EC Regulation 1236/2005](#) to the whole CoE region.

1.3 Report scope and research methodology

This report provides information on the contemporary development, manufacture, promotion and trade by CoE-based companies of law enforcement equipment that can be readily employed for torture, ill-treatment or the death penalty. This equipment is divided into two types:

- inherently cruel instruments with no legitimate law enforcement purpose, whose manufacture, supply and use should be prohibited;

¹³ PACE, Legal Affairs and Human Rights Committee, Strengthening international regulations against trade in goods used in torture and the death penalty, Rapporteur Mr Vusal Huseynov, 15 December 2017.

- law enforcement equipment which if used in line with human rights standards has a legitimate purpose, but which is frequently misused for torture and other ill-treatment; whose manufacture, supply and use should be controlled.

The report includes case studies illustrating how these types of equipment have been employed in torture and ill-treatment within the CoE. It provides recommendations for CoE member States to introduce and/or strengthen measures to effectively address the trade and use of such equipment.

Whilst the report's recommendations are designed to guide the introduction and/or strengthening of measures at a national level, the report is also intended to inform discussions within relevant CoE bodies - notably the Committee of Ministers and its Steering Committee on Human Rights - and thereby facilitate a CoE-wide process to introduce harmonised measures in this area.

Omega believes that PACE Recommendation 2123 (2018) provides a strong framework on which the Committee of Ministers can now build, introducing effective CoE-wide measures to address the trade in tools of torture. Failure of CoE States to address this trade poses a great threat to human rights in Europe and around the world.

In order to ensure that such CoE measures are effective and consistently implemented, Omega recommends that the Committee of Ministers should:

- Call on all CoE member States to introduce regulations establishing national control systems for the trade in goods used for the death penalty, torture or other ill-treatment. Such regulations should, firstly, prohibit trade in all goods which have no practical use other than for the death penalty, torture or other ill-treatment. Secondly, such regulations should require prior authorisation for the transfer of goods designed for legitimate law enforcement use but which could be misused for torture or other ill-treatment; with such authorisation to be withheld when there are reasonable grounds for believing that goods might be employed for capital punishment, torture or other ill-treatment by the end-user.
- Issue a recommendation to member States setting out technical guidance on how to establish and implement an effective regulatory regime facilitating harmonised national systems amongst all CoE member States.
- Establish a follow up process to assess the progress by CoE member States in implementing the Committee of Ministers recommendations on this issue.

Research methodology

Research for this report was carried out by the Omega Research Foundation (Omega) during 2017 and early January 2018. It included direct surveying of companies engaged in the security/law enforcement equipment trade. The dataset of information about companies involved in this trade on which this report draws has been maintained and updated by Omega, which has researched the global police and security equipment market since 1990. Omega carries out market surveying on a continuous basis and gathers current as well as historical market, product and trade data from a wide range of open and commercial sources. These include information from company websites and brochures; industry sector publications; government publications; company and financial information from national company registries; government- and commercially-produced trade statistics; media organisations; and credible reports and publications by non-governmental organisations (NGOs) and international governmental organizations (IGOs).

Unless otherwise stated, data about the size, scope and evolution of the manufacture, promotion and trade of law enforcement equipment is taken from Omega's datasets. Any information, including photographs, provided in relation to specific companies is for illustrative purposes. Unless otherwise stated, it is not intended to infer wrong-doing on the part of these companies and no such inference should be drawn.

The report also draws upon the detailed documentation of torture and cruel, inhuman and degrading treatment within the CoE region published by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), and also incorporates research by UN human rights monitoring bodies and international non-governmental human rights organisations, notably Amnesty International and Human Rights Watch. Whilst the primary research and substantive drafting of this report was undertaken by Omega during 2017 and early January 2018; Section 1 was subsequently updated to reflect the recent attention given to this issue by CoE bodies, notably the Parliamentary Assembly of the Council of Europe (PACE), which resulted in the adoption of PACE Recommendation 2123 (2018).

2. Direct contact electric shock weapons

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 intense pain and often incapacitating them. In addition, a growing number of police forces also use projectile electric shock weapons which fire darts attached to wires which when attached to the target deliver an electric shock from a distance. Such weapons can also be switched to “drive stun” mode allowing them to be used as direct contact electric shock weapons.

2.1. Torture & Ill-treatment utilising direct contact electric shock weapons

The employment of direct contact electric shock weapons by law enforcement personnel carries an unacceptable risk of arbitrary force due to the intrinsic nature and design of such weapons that could amount to torture and other ill-treatment. If and when they are employed, the officers applying such shocks would usually not know if the victim has an underlying medical condition. Nor can officers reasonably ascertain the degree of pain or incapacitation 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. Furthermore, it is evidently easy for a law enforcement officer to use a direct contact electrical 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, without long-lasting identifiable physical traces. Moreover, such weapons can be used to inflict repeated or prolonged shocks on an individual.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (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*”.¹⁴ 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*”.¹⁵

From 2012-2017, 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 the CoE, by the CPT, Amnesty International or Human Rights Watch, notably in

¹⁴ 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.

¹⁵ See for example: CPT, Report to the Lithuanian Government on the visit to Lithuania carried out by the CPT from 27 November to 4 December 2012, 4 June 2014.

Armenia¹⁶, Bosnia and Herzegovina¹⁷, Bulgaria,¹⁸ Greece,¹⁹ Italy²⁰, Finland,²¹ Montenegro²², Poland,²³ the Russian Federation²⁴, Serbia²⁵, Slovak Republic²⁶ and the Ukraine²⁷. In addition, the CPT documented instances of electric shock torture in Portugal²⁸, although the nature of the device used is not recorded.

2.1.1. Illustrative cases

Bosnia & Herzegovina

In a 2012 report, the CPT stated that the information gathered by the mission delegation *“indicate[d] that the infliction of ill-treatment for the purposes of trying to extort a confession is a frequent practice by crime inspectors at Banja Luka Central Police Station. More specifically, its delegation received several consistent allegations of the use of small hand-held electric charge prods by these ... inspectors during the interrogation of suspects. The allegations were made by both remand and sentenced prisoners in the four prisons visited in the Republika Srpska.”*²⁹ [Emphasis added].

In a 2013 report, the CPT documented further cases of alleged electric shock torture committed by Bosnian police officials in police stations and elsewhere. For instance, one individual alleged that upon arrival at Gradiška Police Station on 13 October 2012, he was *“taken to an office, placed in a chair with his hands cuffed behind his back and received several electric shocks to his legs from a hand-held device when he did not answer certain*

¹⁶ CPT, Report to the Armenian Government on the visit to Armenia carried out by the CPT from 4 to 10 April 2013, 27 January 2015.

¹⁷ CPT, Report to the Government of Bosnia and Herzegovina on the visit to Bosnia and Herzegovina carried out by the CPT from 5 to 11 December 2012, 12 September 2013; CPT, Report to the Government of Bosnia and Herzegovina on the visit to Bosnia and Herzegovina carried out by the CPT from 29 September to 9 October 2015, 5 July 2016.

¹⁸ CPT, Report to the Bulgarian Government on the visit to Bulgaria carried out by CPT from 24 March to 3 April 2014, 29 January 2015.

¹⁹ CPT, Report to the Greek Government on the visit to Greece carried out by the CPT from 14 to 23 April 2015, 1 March 2016.

²⁰ Amnesty International, Hotspot Italy, How EU’s flagship approach leads to violations of refugee and migrant rights, EUR 30/5004/2016, October 2016.

²¹ Amnesty International, Finland: Submission to the United Nations Committee against Torture, 59th Session, 7 November – 7 December 2016.

²² CPT, Report to the Government of Montenegro on the visit to Montenegro carried out by the CPT from 13 to 20 February 2013, 22 May 2014.

²³ CPT, Report to the Polish Government on the visit to Poland carried out by the CPT from 5 to 17 June 2013, 25 June 2014.

²⁴ CPT, Report to the Russian Government on the visit to the Russian Federation carried out by the CPT from 21 May to 4 June 2012, 17 December 2013; CPT, Report to the Russian Government on the visit to the North Caucasian region of the Russian Federation carried out by the CPT from 27 April to 6 May 2011, 24 January 2013.

²⁵ CPT, Report to the Government of Serbia on the visit to Serbia carried out by the CPT from 26 May to 5 June 2015, 24 June 2016.

²⁶ CPT, Report to the Government of the Slovak Republic on the visit to the Slovak Republic carried out by the CPT from 24 September to 3 October 2013, 25 November 2014.

²⁷ CPT, Report to the Ukrainian Government on the visit to Ukraine carried out by the CPT from 9 to 21 October 2013, 29 April 2014; Amnesty International, Ukraine: Don’t stop halfway: Government must use new criminal procedure code to end torture, EUR 50/004/2013, 11 April 2013.

²⁸ CPT, Report to the Portuguese Government on the visit to Portugal carried out by the CPT from 13 to 17 May 2013, 26 November 2013.

²⁹ CPT, Report to the Government of Bosnia and Herzegovina on the visit to Bosnia and Herzegovina carried out by the CPT from 5 to 14 April 2011, 26 April 2012, paragraph 7.

questions”.³⁰ [Emphasis added]. In a 2016 report, the CPT documented continued alleged electric shock torture. One person interviewed by the CPT’s delegation in the remand section of Banja Luka Prison “**claimed that he had received several shocks from a hand-held electro-shock device with two contact points and had been handcuffed to the radiator in the duty room of Banja Luka Police Station overnight.**”³¹ [Emphasis added].

Italy

In a 2016 report, Amnesty International (AI) highlighted the employment by police of electric shock batons at certain Italian “hotspot” centres where refugees are screened, identified and their asylum applications initially assessed.³² According to AI, electric shock weapons of any kind are not part of the official equipment of the Italian police, although legislation adopted in 2014 enabled the police to launch a testing phase, including through their distribution to a limited number of officers. However the AI report documents numerous cases of electric shock batons being used against refugees, particularly by police seeking to forcibly fingerprint detainees. Sometimes even children were subjected to such treatment.

Djoka, a 16-year-old boy from Sudan arrived in Italy on 7 June 2016. He fled the conflict in Darfur, which killed his father, and hoped to join his brother in France. When he was disembarked in Sicily, he was taken to a police station and detained there. He told AI: “*After three days... they took me to the ‘electricity room’. There were three policemen wearing uniforms, plus a woman without uniform ... The police then asked me to give fingerprints. I refused. Then they gave me electricity with a stick, many times on the left leg, then on the right leg, chest and belly. I was too weak, I couldn’t resist and at that point they took both my hands and put them on the [fingerprint] machine. I couldn’t resist.*”³³

Ali, a 17-year-old boy from Darfur, Sudan, had a similar story. After refusing to give his fingerprints he was locked in a room in a police station near Bari: “*The following day they opened the door, I ran towards the exit. The police ran after me and caught me. They put me on the floor. One put his foot on my hip to hold me down. I tried to get up, another one came and touched me with an electric stick on the left foot. I fainted. Then I started feeling pain on the groin – I can still feel it.*”³⁴

Russian Federation

In a 2013 report, the CPT documented the alleged physical ill-treatment of remand prisoners by law enforcement officials in Moscow. According to the CPT, one prisoner “**claimed that he was beaten (whilst handcuffed) by several law enforcement officials in one of the cells of Moscow City Court’s holding facility and then received more than ten electric shocks with stun batons.**”³⁵ [Emphasis added]. In a second 2013 report detailing a CPT visit to the North Caucasian Region, the organisation documented the reported employment of electric shock torture against two individuals, including the use of a hand-held device on the hands, tongue and genitals.³⁶

³⁰ CPT (12 September 2013) op.cit., paragraph 14, i.

³¹ CPT (5 July 2016) op.cit., paragraphs 13, (iv).

³² Amnesty International (October 2016) op.cit.

³³ Amnesty International (October 2016) op.cit., p.18.

³⁴ Amnesty International (October 2016) op.cit., p.18.

³⁵ CPT (17 December 2013) op.cit., paragraph 21.

³⁶ CPT (24 January 2013) op.cit., pp.14&16.

In its 2016-7 Annual Report, Amnesty International stated that in the Russian Federation “*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 Murad Ragimov. “*On 30 August 2016, Murad Ragimov and his father were beaten and tortured by officers from the Ministry of the Interior’s Special Response Unit for two hours in the kitchen of their home in Moscow. The officers accused Murad Ragimov of killing a policeman in Dagestan, and of fighting for the armed group Islamic State in Syria. **Murad Ragimov’s cousin was handcuffed to the kitchen table while officers tortured Murad Ragimov using an electric-shock baton, and suffocating him with a plastic bag.***”³⁷[Emphasis added].

2.2. Manufacture, promotion and/or transfer of direct contact electric shock weapons

All EU Member States, under EC Regulation 1236/2005, are required to control the export of “*portable electric shock devices, including but not limited to, electric shock batons, electric shock shields, stun guns and electric shock dart guns*”.³⁸ All EU Member States are required to deny any export authorisations where such goods “*might be used for torture or other cruel, inhuman or degrading treatment or punishment, including judicial corporal punishment, by a law enforcement authority or any natural or legal person in a third country.*”³⁹To date no publicly available CoE-wide survey has been undertaken to identify which non-EU CoE member States control the import and export of these devices for law enforcement purposes, at the national level.

2.2.1. Manufacture and/or promotion of direct contact electric shock devices by companies based in the CoE

The Omega Research Foundation recognises that there is an existing trade in certain direct contact electric shock devices (particularly electric shock stun guns) marketed to individuals for self-defence, which falls outside the scope of this report. However research by the organisation has identified CoE companies promoting direct contact electric shock devices to the law enforcement or military communities (as summarised in the table below).



Images of a range of electric shock batons and devices promoted by Carriar El Trading Limited on its website (left); electric shock “stun gloves” promoted by Ledwave at Eurosecurity 2016, Paris, France. © Robin Ballantyne/Omega Research Foundation (right).

³⁷ Amnesty International, AI 2016 Annual Report, February 2017, Russian Federation entry.

³⁸ EU, Council Regulation (EC) No 1236/2005, Annex III, Article 2.1.

³⁹ EU, Council Regulation (EC) No 1236/2005, Article 6.

Table of companies based in CoE member States manufacturing and/or promoting direct contact electric shock weapons and devices for use by law enforcement officials from 2012-2017

Country	Company	Equipment	Further information
Bosnia & Herzegovina	UNIS Group - TRZ, d.d.	Riot shield with electric shock stun gun	The company has promoted its products to the law enforcement community on its website. The riot shield incorporates a “ <i>stun gun</i> ”. ⁴⁰ It is not known whether this converts the shield into a <i>de facto</i> electric shock device.
Czech Republic	Euro Security Products	Electric shock stun guns, including two models with combined pepper spray ⁴¹	The company promotes a range of electric shock weapons to the law enforcement community on its website ⁴² and through arms and security equipment fairs held in CoE member States and elsewhere. ⁴³ The company promotes a 200,000 volt stun gun which it states is for use by the general public and higher voltage weapons capable of generating 500,000 volts “ <i>suitable for the professional use.</i> ” ⁴⁴
Cyprus	Carriar El Trading Limited	Electric shock batons, shields and stun guns.	The company website promotes “ <i>electroshock weapons</i> ” among its products and has images of a range of electric shock batons and stun guns labelled as “ <i>high voltage self-protection devices</i> ” on its “ <i>anti-riot equipment</i> ” section. ⁴⁵ This section also includes images of an “ <i>electric shock shield</i> ” and a “ <i>multi-function electric shock shield</i> ” both with police markings. ⁴⁶ In correspondence with Omega, the company stated that no “ <i>such products have...been sold or supplied to any law enforcement, military bodies and/or correctional services within the CoE, as of the 5th of January 2018.</i> ” ⁴⁷
France	Le Protecteur-Scorpion-ATAM	Electric shock batons and stun guns.	Le Protecteur-Scorpion-ATAM promotes a range of electric shock batons and stun guns on

⁴⁰ Unis Group, <http://www.unisgroup.ba/protective-equipment/> (accessed 10 January 2017) subsequently removed now available from <https://web.archive.org/web/20140427034920/http://www.unisgroup.ba/protective-equipment/> (accessed 16 November 2017).

⁴¹ Euro Security Products, <http://www.euro-security.info/en/stun-guns.html> (accessed 16 November 2017).

⁴² Euro Security Products, <http://www.euro-security.info/en/> (accessed 16 November 2017).

⁴³ For example see ESP attendance at China Police Expo 2014, IWA 2015 (Germany), SOFEX 2012 (Jordan). (Information held by Omega Research Foundation).

⁴⁴ Euro Security Products catalogue, distributed at IWA 2015 (Copy held by the Omega Research Foundation).

⁴⁵ Carriar El Limited <https://www.carriar.eu/anti-riot> (accessed 16 November 2017).

⁴⁶ Carriar El Limited, <https://www.carriar.eu/fullscreen-page/comp-j4ps0kk0/398cd44d-38b7-4760-9e1e-237606dd4512/17/%3Fi%3D17%26p%3Dc165h%26s%3Dstyle-j4v1wxm9> (accessed 16 November 2017).

⁴⁷ Correspondence from the Director of Carriar El Trading Limited to the Omega Research Foundation, 5 January 2018.

			its website ⁴⁸ and at security exhibitions held in at least one CoE member State. ⁴⁹
France	Magforce International	Electric shock shield and baton	According to the company website, their, “ <i>comprehensive civil defense and defensive military equipment line has made MagForce the supplier of choice for the public services end users.</i> ” ⁵⁰ The company has promoted its electric shock products at a CoE arms and security exhibition closed to the general public. ⁵¹
France	GK Professional	Electric shock batons	According to the company catalogue, “ <i>GK Professional is a designer, manufacturer, vendor and distributor of duty and tactical gear for law enforcement and military personnel, with customers worldwide.</i> ” ⁵² The company promotes two types of stun baton on its website ⁵³ and has promoted its electric shock products in at least one CoE arms and security exhibition closed to the general public. ⁵⁴
France	Dépot SD Equipements	Electric shock batons and stun guns	This company promotes a wide range of security equipment including electric shock batons and stun guns, on its website, ⁵⁵ to law enforcement community and individuals. ⁵⁶ The company claims to have the endorsement of the French Police Nationale, Police Municipale and Gendarmerie Nationale as well as the Ministry of the Interior and the Ministry of Defence. ⁵⁷
Germany	PKI Electronic Intelligence GmbH	Electric shock “stun cuff”	The company has promoted “ <i>Stun-Cuffs for Hand</i> ” under the “ <i>police, customs and military equipment</i> ” products section of its website. ⁵⁸ The “ <i>Stun-Cuffs</i> ” on activation deliver 60,000

⁴⁸ Le Proteceur-Scorpion-ATAM, <http://www.lp-sa.com/106-defenses-electriques> (accessed 16 November 2017).

⁴⁹ Le Protecteur-Scorpion-ATAM promoted its products at Milipol 2013, Paris, France. A copy of the company product brochure distributed is held by Omega Research Foundation.

⁵⁰ Magforce International website <http://www.magforce.fr/magforce/magforce-en.php> (accessed 16 November 2017).

⁵¹ Magforce International product catalogue, distributed at DSEI 2013, September 2013, London, UK. (Copy held by the Omega Research Foundation).

⁵² About us, GK Professional website, <https://gkpro.fr/en/about-us/> (accessed 2 January 2018).

⁵³ Electric defense: stun baton, GK Professional website, <https://gkpro.fr/en/product-cat/defense-en/electric-defense/> (accessed 2 January 2018).

⁵⁴ GK Professional, Catalogue No.17, distributed at the Eurosatory 2014 exhibition, Paris, France, 16-20 June 2014, (Copy held by the Omega Research Foundation).

⁵⁵ Dépot SD Equipements, <http://www.boutique-sd-equipements.fr/23-shocker-electrique> (accessed 16 November 2017).

⁵⁶ Dépot SD Equipements, <http://www.boutique-sd-equipements.fr/content/4-qui-sommes-nous-> (accessed 16 November 2017).

⁵⁷ Ibid.

⁵⁸ PKI Electronic Intelligence GmbH, <http://www.pki-electronic.com/products/police-customs-and-military-equipment/stun-cuffs-for-foot-stun-cuffs-for-hand/> (accessed 16 November 2017, and subsequently removed).

			volts to the already restrained prisoner. Following correspondence from Omega, the company removed these products from its website, informing Omega that they “ <i>never sold these products</i> ”, and confirming that “ <i>the new catalogues don’t include them anymore.</i> ” ⁵⁹ (See Section 3.1. for further discussion).
Poland	Eltraf Bis	Electric shock batons and stun guns	The company manufactures and promotes a wide range of electric shock batons and stun guns. Some of these appear to be specifically promoted for use by law enforcement personnel, such as the “ <i>URP 1000 Police professional.</i> ” ⁶⁰ The company has promoted its electric shock products at arms and security equipment exhibitions held in at least one CoE member State. ⁶¹
Poland	HPE Holsters	Electric shock shield, batons and stun guns.	The company markets its products on its website and at arms and security fairs in the CoE and beyond. ⁶² Promotional material states that it, “ <i>produces a wide range of military products</i> ” though it is not clear whether it manufactures the electric shock devices or only promotes these. ⁶³ An “ <i>electric shield</i> ” is advertised in its “ <i>Anti-riot division</i> ” product range under “ <i>plastic shields for prison guards</i> ”. ⁶⁴ Stun batons are advertised under the “ <i>Tactical & Military accessories division</i> ” of goods. The promotional material shows images of a baton and stun gun being used to shock a handcuff. ⁶⁵
Portugal	Inventarium Security, Research & Development	Electric shock shield	According to its website, ISRD is an “ <i>industrial manufacturer</i> ” that is “ <i>committed to develop new products in the security and defense sector for Law Enforcement, Military and Private security applications.</i> ” ⁶⁶ Its products include the: “ <i>SHOCK4SHIELD [which] is an electrified riot shield design[ed] to provide added protection for police and</i>

⁵⁹ Correspondence from a representative of PKI Electronic Intelligence GmbH, 19 December 2017.

⁶⁰ Eltraf Bis, http://www.eltraf.com.pl/master_eltrafbis.html (accessed 16 November 2017).

⁶¹ Eltraf Bis promoted its products at Milipol 2013, Paris, France. A copy of the company product brochure distributed is held by Omega Research Foundation.

⁶² Since 2012, HPE Holsters has exhibited its products in arms and security fairs in Germany, Kazakhstan, Poland and the United Arab Emirates (information held by the Omega Research Foundation).

⁶³ HPE Holsters, http://hpe.pl/img/cms/5_accessories_division.pdf (accessed 16 November 2017), p.34.

⁶⁴ HPE Holsters, http://hpe.pl/img/cms/2_anti-riot_division.pdf (accessed 16 November 2017), p.15.

⁶⁵ HPE Holsters, http://hpe.pl/img/cms/5_accessories_division.pdf (accessed 16 November 2017), pp.40-41.

⁶⁶ Inventarium Security, Research & Development, <http://inventarium-srd.com/thecompany.html> (accessed 16 November 2017).

			<i>military personnel in hazardous crowd control situations.</i> ⁶⁷
Russian Federation	March Group	Electric shock shield and a range of electric shock batons and stun guns. Several incorporate a capability of firing electric shock projectiles.	<p>According to its website, the March Group is the “<i>official supplier for all the military structures in Russia: Ministry of Internal Affairs, Special Police Forces, Head Department of the Penitentiary, Federal Bailiff Service, Federal Security Service, Federal Drug Control Service and etc.</i>”⁶⁸ March Group promotes a range of electric shock weapons specifically to the law enforcement community. For example, the AIR-107U and AIR-107U-S models are “<i>designed for exclusive usage by police officers</i>” whilst the Scorpion and Scorpion S.A. models are “<i>designed for law enforcement and security structures</i>”⁶⁹ In previous marketing literature the company stated that: “<i>All stun guns and stun batons presented herein: are capable of shocking or bringing an assailant into unconscious state for a period of up to 20 minutes by a 1.5 – 3 second action.</i>”⁷⁰</p> <p>According to the Chief of the Military Police, of the Russian Ministry of Defence, the Military Police which currently are equipped with unspecified electric shock devices, will in future acquire the March Group AIR-107U electric shock baton.⁷¹</p> <p>According to a March Group promotional video, the company has “<i>world-wide partners</i>” in the following countries: Brazil, Venezuela, Bolivia, Peru, Argentina, Colombia, Russia, Belarus, Kazakhstan, Uzbekistan, Vietnam, Saudi Arabia, Jordan, Kenya, Nigeria, Togo,</p>

⁶⁷Inventarium Security, Research & Development, <http://inventarium-srd.com/page31x.html> (accessed 16 November 2017).

⁶⁸ March Group, <http://russian-shockers.com/> (accessed 16 November 2017).

⁶⁹ March Group, Stun Guns and Stun Batons (promotional brochure) distributed at IWA security exhibition 2005 (copy held by Omega Research Foundation) pp. 5&6; 9&10.

⁷⁰ March Group, Stun Guns and Stun Batons (promotional brochure) distributed at IWA security exhibition 2005 (copy held by Omega Research Foundation).

⁷¹ Ivanovsky, V. and Falichev, O. Russian Military Police: With A Shield and the Law, Interview with Chief of the Military Police of the Ministry of Defense of the Russian Federation, Lieutenant-General Vladimir Ivanovsky, “Military-Industrial Courier.” (VPK), undated. An English translation of this interview was published on 27 December 2016 in South Front, <https://southfront.org/russian-military-police-with-a-shield-and-the-law/> (accessed 16 November 2017).

			Egypt, Israel and Libya. ⁷² The company's list of official partners or agents promoting their products additionally covered Ukraine, Iran, Singapore, Indonesia, the Baltic, South Africa, and Tunisia. ⁷³
Russian Federation	NII Stali (Scientific Research Institute of Steel)	Electric shock weapons	Displayed electric shock batons at Interpolitex 2006 exhibition in Moscow. The batons were labelled "Yana" and "Made in Russia" ⁷⁴ . Although no specific shock weapons are currently displayed on NII Stali's website, the website currently states that the company "uses its own production facilities to manufacture a wide range of personal protection equipment including [inter alia] ... electroshock devices, etc. The products are exported to quite a number of foreign countries." ⁷⁵
Russian Federation	NPO - Special Materials Ltd	Hand held electric shock weapons and projectile weapon	According to its website, the hand held electric shock devices, the Eshu-200 and Eshu-300, have been: "Adopted by the Ministry of the Interior of the Russian Federation" ⁷⁶ . In addition these weapons were reportedly due to be acquired by the Military Police of the Russian Defence Ministry. ⁷⁷ Both the Eshu-200 and Eshu-300 can discharge 120,000 volts. ⁷⁸
Russian Federation	Oberon-Alpha	Electric shock batons, guns and projectile weapon	According to the company website: "OBERON-ALPHA" designs, produces and sells non-lethal weapons: -electroshock weapons (police special means and civil self-defence weapons)... "OBERON-ALPHA" regularly takes part in international exhibitions." ⁷⁹ The company manufactures electric shock batons, stun guns and an electric shock projectile weapon. ⁸⁰
Russian Federation	Thunder	Electric shock batons and guns	The company advertises a wide range of electric shock weapons on its website. ⁸¹ According to the website text, the company has worked for "over 20 years...in the Russian

⁷² March Group, Powerful electric shocks from the company (promotional video), <http://russian-shockers.com/media/video/powerful-electric-shocks-from-the-company-mart-group.html> (accessed 16 November 2017).

⁷³ March Group, Sales Representatives, <http://russian-shockers.com/contacts/predstaviteli.html> (accessed 16 November 2017).

⁷⁴ The Omega Research Foundation have recorded images of the electric shock batons on display at Interpolitex 2006 in Moscow, Russian Federation.

⁷⁵ NII Stali, About NII Stali, <http://www.niistali.ru/en/about-nii-stali/> (accessed 16 November 2017).

⁷⁶ NPO - Special Materials Ltd, Products, Electroshock, http://npo-sm.ru/specialnye_sredstva/elektroshokery/ (accessed 16 November 2017).

⁷⁷ Ivanovsky, V. and Falichev, O. (undated) op.cit.

⁷⁸ NPO - Special Materials Ltd, Battle electroshock device Eshu-300 (undated) op.cit.

⁷⁹ Oberon-Alpha, <http://npp-oberon.ru/eng/main/> and <http://npp-oberon.ru/eng/aboutus/> (accessed 16 November 2017).

⁸⁰ Oberon-Alpha, product information <http://npp-oberon.ru/eng/info/> (accessed 16 November 2017).

⁸¹ Thunder, <http://www.thunder-shok.ru/> (accessed 16 November 2017).

			<i>market of electro-shock weapons” and its partners include “...weapon shops, public companies, police, and thousands of grateful buyers.”⁸² It has previously promoted its electric shock products at a security exhibition in at least one CoE member State.⁸³</i>
Slovenia	GER d.o.o.	Electric shock shields	The company appears to be the manufacturer as well as the promoter of a range of “ <i>Spitting Cobra</i> ” electric shock shields which also incorporate a pepper spray dispenser. They are clearly intended for use by police or military personnel. The company promotes its products on its website ⁸⁴ and cites, USA Army REF; UAE Police; and Croatia Police as “ <i>reference customers.</i> ” ⁸⁵
Spain	Ledwave	Electric shock stun glove and electric shock shield	The company has promoted “ <i>stun gloves for easy arrest control</i> ” and also a police “ <i>combat arm shield</i> ” which incorporates an electric shock function. These products were promoted in at least one CoE security exhibition. ⁸⁶
Switzerland	SECFOR	Electric shock stun belt, electric shock riot shield, electric shock batons and rifle shock baton	The company previously promoted a range of electric shock weapons and devices on its website ⁸⁷ and in at least one CoE security exhibition. ⁸⁸ The company marketed three versions of the standard Shock Baton: 410mm regular, 575mm combat and 700mm riot. ⁸⁹ A further version of this baton was promoted for attachment onto rifles. ⁹⁰ Both the standard Shock Baton and the Rifle Shock Baton were promoted for use by “ <i>Peace Keeping forces, Military and Police</i> ” and as being “ <i>ideal for passive crowd control as well as non-lethal defense against aggressors and vicious dogs.</i> ” ⁹¹ According to the company material “ <i>The Shock shields will be used in riots, crowd</i>

⁸² Thunder, <http://www.thunder-shok.ru/> (accessed 16 November 2017).

⁸³ The Omega Research Foundation has recorded images of electric shock batons on display at the Thunder stand, at Interpolitex 2011, 25th-28th October, Moscow, Russian Federation.

⁸⁴ GER d.o.o., <http://www.shield-sc.com/index.html> (accessed 16 November 2017).

⁸⁵ GER d.o.o., <http://www.shield-sc.com/concept-police-anti-riot-shield.html> (accessed 16 November 2017).

⁸⁶ Ledwave promoted these products at Eurosatory 2016, 13-16 June 2016, Paris, France. A copy of the company product brochures distributed are held by Omega Research Foundation. Videos of company staff promoting devices at Eurosatory 2016, June 2016, are available at: <https://www.youtube.com/watch?v=u0-Otthi-0w> and <https://www.youtube.com/watch?v=JtK8Oab8Jt4> (both accessed 2 January 2018).

⁸⁷ Secfor factsheets downloaded from company website: <http://secfor.ch/>. All factsheets were subsequently removed from the company website. Information for the electric shock riot shield, batons and rifle baton was available on company website until at least January 2012, whilst information on the shock belt was available until at least April 2016 (see Section 3.1. for discussion of shock belt).

⁸⁸ SecFor promoted electric shock weapons at Eurosatory 2010, 14-18 June 2010, Paris, France.

⁸⁹ Shock Baton, SecFor factsheet, undated, (copy downloaded January 2012).

⁹⁰ Rifle Shock Baton, SecFor factsheet, undated, (copy downloaded January 2012).

⁹¹ Shock Baton and Rifle Shock Baton, SecFor factsheets, undated, (copy downloaded January 2012).

			<i>and prisoners control to...immobilize and deter aggressors.” The “effective shocking device” has an “output of +- 50,000 volts”. “Fully charged battery will continuously operate the shock for up to 2 hours or up to 10,000 quarter second bursts.”⁹²</i>
Ukraine	UKROBORONPROM	Electric shock device	The company is State-owned and its “major activity is the realization of State interests of Ukraine in the field of export / import of products, military-technical and special-purpose services.” ⁹³ Amongst the products it currently promotes on its website is the “Electrical Spark Shocker IR-4” which is marketed as a “means of active defense” and which can be “used for protection of public order”. ⁹⁴

2.2.2. Promotion of direct contact electric shock weapons at arms and security fairs in the CoE region

In addition to companies in CoE member States manufacturing and promoting direct contact electric shock weapons, certain companies from non-CoE member States have promoted such devices at arms and security fairs and exhibitions in the CoE region. For example at the Milipol 2015 exhibition held in November 2015, in Paris, France, the Israeli company, Tar Ideal Concepts Ltd, promoted an “Electric Riot Shield”, “*designed to quell a riot or a disturbance with electric shock.*”⁹⁵ Marketing materials distributed at the same event by the South Korean company, Kolon Defense Solution, included a 100,000 volt electric shield, a “*knock-down*” electric shock stun gun, a “*palm size stun gun*” and an electric shock baton.⁹⁶ In addition, an electrified capture device was physically displayed by the China Aole Safety Equipment Co. Ltd at Milipol 2015. Although no details are available about this device, it is clearly electrified having two electrodes at the end of the pole between the two curved arms. As with other direct contact electric shock weapons, the device could easily be employed for torture and ill-treatment.

⁹² Shock Riot Shield, SecFor factsheet, undated, (copy downloaded January 2012).

⁹³ UKROBORONPROM company website, About company, <http://en.uos.ua/o-kompanii> (accessed 16 November 2017).

⁹⁴ UKROBORONPROM company website, Electrical Spark Shocker IR-4, <http://en.uos.ua/produksiya/neletalnoe-oruzhie/26-ielektroshoker-ir-4> (accessed 16 November 2017).

⁹⁵ Law enforcement catalogue 2016-2017, Tar Ideal Concepts Ltd, distributed at Milipol 2015 (copy held by Omega Research Foundation).

⁹⁶ Product catalogue, Kolon Defense Solution, distributed at Milipol 2015 (copy held by Omega Research Foundation).



Electric shock capture device photographed at China Aole Safety Equipment Co. Ltd stand, Milipol 2015, Paris, France © Robin Ballantyne/Omega Research Foundation.

2.3.Recommendations

- **CoE member States should prohibit the production, promotion, export, import, brokering or other transfer of direct contact electric shock weapons (including electric shock batons, shields and stun guns) for law enforcement purposes. The use of direct contact electric shock weapons by CoE law enforcement officials should be prohibited, and all existing weapons stocks should be removed and verifiably destroyed.**
- **CoE member States should stringently control the import, export, brokering or other transfer of direct contact electric shock weapons intended for civilian personal protection to ensure they are not employed by law enforcement officials or are not transferred to potentially abusive end users.**

3. Body-worn electric shock devices

A range of electric shock devices have been developed, manufactured, promoted and employed which are intended for attachment directly to prisoners' bodies. 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,⁹⁷ 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.⁹⁸ 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 (in the United States) as a method of restraining those in custody, pointing out that "*their use almost invariably leads to breaches of [the prohibition of ill-treatment]*".⁹⁹ 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*".¹⁰⁰

3.1. Manufacture, promotion and/or transfer of body-worn electric shock devices

Under EC Regulation 1236/2005 "*electric-shock devices which are intended to be worn on the body by a restrained individual, such as belts, sleeves and cuffs, designed for restraining human beings by the administration of electric shocks having a no-load voltage exceeding 10 000 V*" are considered to be devices which have "*no practical use other than for the purpose of torture and other cruel, inhuman or degrading treatment or punishment*".¹⁰¹ The import of such devices into the EU or their export from the EU is prohibited. Regulation (EU) 2016/2134 of the European Parliament and of the Council was introduced in 23 November 2016 and came into force on 16 December 2016. It is directly legally binding on all EU

⁹⁷ Yoon, P. *The "Stunning" Truth: Stun Belts Debilitate, They Prejudice, and They May Even Kill*, Capital Defense Journal, volume 15, issue 2, 3-1-2003.

⁹⁸ Dahlberg, S *The React Security Belt: Stunning Prisoners and Human Rights Groups into Questioning Whether its Use is Permissible Under the United States and Texas Constitutions*, 30 St. Mary's L.J. 239, 1998.

⁹⁹ UN, Committee against Torture, Report of the Committee against Torture, A/55/44, 2000, paragraph 180.

¹⁰⁰ CPT, 20th General Report, CPT/Inf(2010)28, 26 October 2010, paragraph 74.

¹⁰¹ See Annex II of the EC Trade Regulation 1236/2005, as amended, <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1398468874828&uri=CELEX:02005R1236-20130701> (accessed 17 January 2018).

Member States and includes provisions banning the marketing of prohibited Annex II goods (including body-worn electric shock devices) at trade fairs and banning the purchasing of advertising space or advertising time for promotion of such products. It is unknown whether any non-EU CoE member States currently control or prohibit the trade in such devices.

3.1.1. Promotion of body-worn electric shock devices by companies based in the CoE

A number of companies in Denmark, Germany, Spain and Switzerland, have previously promoted body-worn electric shock devices. The majority of these companies ceased promoting such devices by 2015 following discovery and publicising of their activities by the Omega Research Foundation and Amnesty International [and prior to the introduction of EU Regulation 2016/2134 in December 2016]. However one Swiss company promoted such devices until at least April 2016, whilst a German company continued to promote such products up to November 2017.



Image of “PKI 9360 stun-cuffs for hands” taken from the PKI Electronic Intelligence GmbH website, November 2017.

PKI Electronic Intelligence GmbH (Germany)

The German company PKI Electronic Intelligence GmbH has promoted the PKI 9360 stun cuff for sale on its website. According to the company material: *“PKI 9360 stun-cuffs for hands find their application when taking a prisoner to the court or hospital. In case he attempts to escape the stun-cuffs are activated by remote control and transmit an electric shock of 60.000 Volt. Voltage can be adjusted according to demands of staff. You never saw an escaping person stop so quickly!”*¹⁰² The company claimed that the PKI 9360 stun cuffs have a maximum range of 300 metres.¹⁰³

On 27 April 2015 in correspondence to the Omega Research Foundation and Amnesty International regarding the PKI 9360 stun cuffs, the company stated that: *“PKI Electronic Intelligence GmbH has neither manufactured nor sold the products in question, although these products are displayed on our website. We are still working on a new catalogue, these items won’t be offered anymore.”*¹⁰⁴ In subsequent correspondence, on 4 April 2016 the company stated that they *“never produced or distributed this product PKI 9360. If we get an enquiry for this item we refrain from offering. However, as the new catalogue...is still under construction we will delete this product within the next days from our old catalogue on our*

¹⁰² PKI Electronic Intelligence, *Stun-Cuffs for foot, Stun-Cuffs for hand*, available at: www.pki-electronic.com/products/police-customs-and-military-equipment/stun-cuffs-for-foot-stun-cuffs-for-hand/ (last accessed 16 November 2017, subsequently removed).

¹⁰³ PKI Electronic Intelligence, *Stun-Cuffs for foot, Stun-Cuffs for hand*, available at: www.pki-electronic.com/products/police-customs-and-military-equipment/stun-cuffs-for-foot-stun-cuffs-for-hand/ (last accessed 17 November 2017, subsequently removed).

¹⁰⁴ Correspondence from a representative of PKI Electronic Intelligence GmbH, 27 April 2015.

website in order to avoid further misunderstandings.”¹⁰⁵ However, as of 16 November 2017, PKI 9360 stun cuffs were still being promoted on the company website.¹⁰⁶ Following further correspondence from the Omega Research Foundation, PKI has now removed this marketing material from its website. In its response to Omega on 19 December 2017, the company restated that they “never sold these products”, and confirmed that “the new catalogues don’t include them anymore.”¹⁰⁷

SECFOR (Switzerland)



Image of the “Anti Scape Stun Belt” promoted by SECFOR on its website until April 2016.

Until at least April 2016, the Swiss company SECFOR advertised the “Anti Scape Stun Belt” on its website. According to SECFOR’s “Anti Scape Stun Belt Factsheet” the “Stun Belt” is intended to be used by “*prison department, police and security contracting companies.*”, particularly in the “*transport [of] prisoners and aggressors to prevent escape and to ensure personnel or innocent bystanders from attacks. The product is able to deter or immobilize a prisoner or aggressor in the process of restoring order with minimum force.*”¹⁰⁸ On activation the “Stun Belt” delivers a “*high voltage, non-lethal, safe but effective shock [of over 50,000 volts] all round the belt*”.¹⁰⁹ The belt can be activated by remote control from up to 100 metres. The Factsheet claims that the “Stun Belt” has been “*used by: prisons department, police and security contracting companies*”,¹¹⁰ although no details are given of the specific entities that have used the device or in which countries the device has been employed. The Stun Belt appears to be very similar, if not identical to, the “*anti’ scape stun belt*” produced by the Force Group company in South Africa.¹¹¹ The Omega Research Foundation had previously documented SECFOR promotion of the Anti Scape Stun Belt at the Eurosatory exhibition, held in Paris, France, in 2010.¹¹²

¹⁰⁵ Correspondence from a representative of PKI Electronic Intelligence GmbH, 4 April 2016.

¹⁰⁶ PKI Electronic Intelligence, *Stun-Cuffs for foot, Stun-Cuffs for hand*, available at: www.pki-electronic.com/products/police-customs-and-military-equipment/stun-cuffs-for-foot-stun-cuffs-for-hand/ (last accessed 16 November 2017).

¹⁰⁷ Correspondence from a representative of PKI Electronic Intelligence GmbH, 19 December 2017.

¹⁰⁸ SecFor, *Ant Scape Stun Belt*, Factsheet, undated, previously available on company website, http://secfor.ch/uploads/tx_dmaceproducts/Anti_Scape_Stun_Belt_-_SecFor.pdf (copy downloaded April 2016) subsequently removed.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Force Group, Products, *Anti scape stun belt*, <http://www.forcegroup.co.za/products.html> (accessed 30 November 2017).

¹¹² For further discussion see: Amnesty International and Omega Research Foundation, *No More Delays: Putting an end to the EU trade in “tools of torture”*, ACT 30/062/2012, 2012, pp.31-32.

3.1.2. Promotion of body-worn electric shock devices at trade fairs in the CoE region



Photograph of “*Constraint*” body-worn electric shock device physically on display at Origin Dynamic (Beijing) Technology Co., Ltd. Stall (left); image of promotional poster of “*Ering 210 Electric Ankle Cuffs*” displayed on Origin Dynamic stall, 21 November 2017 at Milipol 2017, Paris, France © Robin Ballantyne/Omega Research Foundation.

On 21 November 2017, the Chinese company Origin Dynamic (Beijing) Technology Co., Ltd. promoted a range of body-worn electric shock devices at Milipol 2017 held in Paris, France. Among the products were: “*Ering 210 Electric Ankle Cuffs*” 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.¹¹³ A second device, “*Constraint*”, employs an “*electronic pulse*” and is worn on a prisoner’s arms or legs. According to the company: “*One click will bring down the person and the wearer will lose capability to act and attack*”.¹¹⁴ In addition, to promotional images and materials, the “*Constraint*” device (as well as a vest containing this device) was physically displayed at the company’s stand during Milipol 2017. It is unclear how Origin Dynamic could physically display these items at Milipol 2017 when their import was prohibited under EC Regulation 1236/2005 (which is directly applicable in all EU Member States, including France). Amnesty International publicised this case¹¹⁵ and immediately brought the matter to the attention of the Milipol organisers (and the French Government) who subsequently closed the company’s stand.¹¹⁶

3.2. Recommendations

- **CoE member States should prohibit the production, promotion, import, export, brokering or other transfer 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 CoE law enforcement and prison officials should be prohibited, and any existing devices should be removed and verifiably destroyed.**

¹¹³ Origin Dynamic electric shock products poster, on display 21 November on Origin Dynamic stall, Milipol 2017, Paris, France; Origin Dynamic product catalogue, distributed at Origin Dynamic stall, Milipol 2017, Paris, France (copy held by the Omega Research Foundation).

¹¹⁴ Ibid.

¹¹⁵ Amnesty International, EU: Amnesty discovers gruesome illegal torture equipment for sale in Paris, 22 November 2017.

¹¹⁶ New York Times, French fair shuts stand after Amnesty finds “torture tool”, 22 November 2017.

4. Projectile electric shock weapons

Projectile electric shock weapons are designed for law enforcement officials to incapacitate an individual at a distance. Most models work by firing darts attached by thin wires to the launch device, 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 if the trigger is held down (up to minutes), repeated numerous times if retriggered, or can be interrupted.

When deployed by highly trained police officers as a projectile 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. Officers authorized to use such weapons must abide by regional and international policing standards on the use of force and firearms, and should always be under a strict system of supervision and accountability so as to ensure that such standards are fully met.

However, most such dart-firing electric shock weapons are designed so that they can easily be switched to "drive stun" mode to enable them to be used as direct contact electric shock weapons. The Omega Research Foundation considers the use of such 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.

4.1. Misuse of projectile electric shock weapons

During 2012-2017 Amnesty International and the CPT have documented the misuse of electric shock projectile weapons in Finland and Lithuania.

4.1.1. Illustrative cases

Finland

In a 2016 submission to the UN Committee against Torture, Amnesty International reported on three instances of reported inappropriate use of electric shock weapons by police officers.¹¹⁷ Although the specific type of electric shock weapon used in each instance is not identified, considering the particular circumstances it is likely that projectile electric shock weapons were used in two of them. In the first case, Amnesty International reported that police used an electric shock weapon on a person who was fleeing on a stairway. As a result, the victim fell and sustained a brain injury. The second instance took place in August 2012, when police reportedly used an electric shock weapon against a 14-year-old boy who was speeding on a moped.

The UN Committee against Torture subsequently expressed its concern at these reports and made a detailed recommendation to the Finnish Government that it "*ensure that electrical discharge weapons are used exclusively in extreme and limited situations, where there is a real and immediate threat to life or risk of serious injury, as a substitute for lethal weapons and by trained law enforcement personnel only; should expressly prohibit their use on*

¹¹⁷ Amnesty International, Finland: Submission to the United Nations Committee against Torture, 59th Session, 7 November – 7 December 2016, p. 13-14

children and pregnant women; and that such weapons should not form part of the equipment of custodial staff in prisons or any other place of deprivation of liberty."¹¹⁸

Lithuania

In response to concerns raised by the CPT following their 2012 mission to Lithuania¹¹⁹, the Lithuanian Government detailed the conviction of two police officers (T.A. and V.Ž.) for the ill-treatment of a detainee (S.S.) using a "Taser":

*"On 8 March 2012, at approximately 6:30 a.m. - 7:00a.m., when the detainee S.S., who had been placed in the arrest house, started shouting, [T.A. and V.Ž.], who were acting jointly, took him to another cell and having knocked him down, while his hands were handcuffed on the back and his face looking the ground, beat him with their legs. Since S.S. continued shouting, they returned back to the cell after approximately 20 minutes and having knocked S.S. down on his stomach, delivered multiple blows to him; after that V.Ž. used an electrical impulse device "Taser" against S.S., who was lying on the ground, and caused to the victim non-severe health impairment the duration whereof lasted longer than 10 days...[T.A. and V.Ž. were deemed to have violated] ...Article 21 of the Constitution, which prohibits subjecting anyone to torture, injury, degrading and inhuman treatment or punishment."*¹²⁰

4.2. Manufacture, promotion and/or transfer of projectile electric shock weapons

All EU Member States, under EC Regulation 1236/2005, are required to control the export of "portable electric shock devices, including but not limited to... electric shock dart guns".¹²¹ All EU Member States are required to deny any export authorisations where such goods "might be used for torture or other [ill-treatment]"¹²² To date there has been no publicly available comprehensive official CoE-wide survey identifying which non-EU CoE member States control the import and export of these devices for law enforcement purposes, at the national level.

At least four companies (all based in the Russian Federation) – JSC RTECH-NO/GardSystems¹²³, March Group¹²⁴, Oberon-Alpha¹²⁵, and Thunder¹²⁶ – currently manufacture and/or promote electric shock projectile weapons for use by law enforcement officials.

¹¹⁸ UN Committee against Torture, Concluding observations on the seventh periodic report of Finland, 20 January 2017, UN Doc. CAT/C/FIN/CO/7, paragraph 27.

¹¹⁹ CPT, Report to the Lithuanian Government on the visit to Lithuania carried out by the CPT from 27 November to 4 December 2012, 4 June 2014.

¹²⁰ CPT, Response of the Lithuanian Government to the report of the CPT on its visit to Lithuania from 27 November to 4 December 2012, CPT/Inf (2014) 19, 4 June 2014, p.4.

¹²¹ EU, Council Regulation (EC) No 1236/2005, Annex III, Article 2.1.

¹²² EU, Council Regulation (EC) No 1236/2005, Article 6.

¹²³ JSC RTECH-NO/GardSystems, Gard Multishot contact/remote electroshock device with a changeable clip for 5 cartridges, <http://gardsystems.ru/english/gard/> (accessed 16 November 2017).

¹²⁴ March Group, Electroshock device AIR-107 «Scorpion-A» (350) SK, <http://russian-shockers.com/products/nl/electroshock-device-scorpion-350-sk.html> (accessed 16 November 2017).

¹²⁵ Oberon-Alpha, Phantom 26W – Remote contact electroshock device <http://npp-oberon.ru/eng/electroshokweapon/phantomk111/purpose> (accessed 16 November 2017).

¹²⁶ Thunder, Shock Storm, https://thunder-shok.ru/catalog/20_shtorm.html (accessed 16 November 2017).



Images of Zeus electric shock projectile weapon promoted on the Oberon-Alpha website [downloaded November 2017].

A number of companies based in the CoE have promoted electric shock projectile weapons manufactured by companies outside the region. Taser International Inc. is the most prominent manufacturer and supplier of projectile electric shock weapons for law enforcement agencies across the globe. Although it is a US company, its European headquarters are in the Netherlands.¹²⁷ A number of CoE companies such as the Cypriot company, Carriar El Limited have also promoted its products.¹²⁸

In addition to projectile electric shock weapons firing a single projectile at a time, one CoE company and one non-CoE company, have reportedly developed and/or promoted weapons which fire multiple electric shock projectiles simultaneously thereby potentially incapacitating a group of individuals. Because the individual projectiles cannot be accurately aimed at specific individuals, such devices are inherently indiscriminate in nature. Consequently, their employment risks injuring bystanders. Furthermore, there is also the risk that multiple projectiles or barbs will impact one individual.

According to a Russian TV news report broadcast on 17 October 2017, an unnamed Russian company recently promoted a multiple electric shock projectile mine called the MEN-5/10, which it presented at the Interpolitex-2017 security exhibition held in Moscow. According to the mine's designer, the weapon is intended to "*defeat, deter, limit the movement of offenders, including in residential and non-residential premises.*"¹²⁹ The electric shock mine can reportedly be installed on the ground on skids or on legs, fixed to objects with a clamp, or hung onto the walls of premises. The device can be installed with a motion sensor connected to a tripwire or can be remotely activated; which when activated can fire a volley of 20 electric shock projectiles.¹³⁰

Previously, Taser International Inc. developed and promoted a similar multiple electric shock projectile weapon, the Taser Shockwave. Although it appears that this device has now been discontinued, it was promoted by a Macedonian company, Micei International, on the "*police/military/law enforcement*" section of its website until at least 1 April 2017.¹³¹

¹²⁷ TASER to Open New International Office in Amsterdam, 29 April 2014, <http://www.marketwired.com/press-release/taser-to-open-new-international-office-in-amsterdam-nasdaq-tasr-1903944.htm> (accessed 9 January 2018).

¹²⁸ Carriar El Limited, <https://www.carriar.eu/products-services> (accessed 24 October 2017).

¹²⁹ Rychagov, M. Electroshock mine, firing volley, presented at an exhibition in Moscow, tvzvezda.ru, 17 October 2017,

<https://tvzvezda.ru/news/opk/content/201710171617-649c.htm> (accessed 16 November 2017).

¹³⁰ Ibid.

¹³¹ Micei International, police/military, law, available from <https://web.archive.org/web/20170401234129/http://www.micei.com.mk/default.aspx?item=menu&itemid=158&desc=&rootthemid=97> (archived 1 April 2017, accessed 16 November 2016).



Screenshot from Micej International website showing image of Taser Shockwave multiple electric shock projectile weapon

4.3. Recommendations

- **CoE member States should stringently control the import, export, brokering and other transfer of electric shock projectile weapons firing individual projectiles, specifically intended for law enforcement purposes. 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. In line with CPT recommendations, such devices should not be used in a prison or places of detention. Furthermore the use of such weapons in the “drive stun” mode (i.e. as direct contact electric shock weapons) should be prohibited.**
- **CoE member States should prohibit the development, promotion, import, export, brokering and other transfer of electric shock projectile weapons firing multiple projectiles simultaneously. The use of such weapons by CoE law enforcement and prison officials should be prohibited, and all existing weapons should be removed and verifiably destroyed.**

5. Mechanical restraints

One of the most common types of law enforcement equipment, mechanical restraints are applied to the body to restrict the movement of an individual. The Omega Research Foundation recognises that certain forms of mechanical restraint such as handcuffs, leg/ankle restraints and other restraints are sometimes needed by law enforcement officials to control individuals or to protect them from committing harm to themselves or others.

However, the circumstances and limits within which restraints are used should be consistent with international and regional human rights standards. These standards absolutely prohibit torture and ill-treatment and specify that legitimate restraints may be used only when other measures are ineffective and only for as long as is strictly necessary. Of particular importance are the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 43 of which states that “*instruments of restraint shall never be applied as a sanction for disciplinary offences*”¹³² In addition, Rule 47 states that “*the use of chains, irons or other instruments of restraint which are inherently degrading or painful shall be prohibited*” and that “*other instruments of restraint shall only be used when authorized by law*” and only in certain circumstances¹³³. Similar restrictions on the employment of restraints have been established under the European Prison Rules which were adopted by the Committee of Ministers of the CoE on 11 January 2006.¹³⁴

5.1. Standard handcuffs and leg restraints

Standard handcuffs consist of two wrist cuffs, adjustable by a ratchet, joined together by a short chain that allows a limited degree of movement. Other types, including hinged and rigid handcuffs (i.e. those that are joined by a rigid bar, rather than a chain) allow a lesser degree of movement. Single-locking handcuffs can be progressively tightened through the ratchet, whereas double-locking handcuffs are designed to prevent over-tightening. Rigid and single-locking handcuffs pose a greater risk of injury and abuse than other types, however all handcuffs can be used abusively.

Leg or ankle cuffs should incorporate a light-weight chain - of sufficient length to allow comfortable movement of the legs - linking two lightweight adjustable ankle cuffs. They should never have a rigid bar or a heavy chain. Such a design can minimize unnecessary discomfort and if used strictly in conformity with regional and international human rights standards can have a legitimate use in law enforcement in exceptional cases. A range of fabric leg restraints have also been developed. If appropriately tested and selected in line with human rights standards, fabric restraints could provide a more humane, yet effective, alternative to the use of ‘metal on skin’.

¹³² 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 43.

¹³³ UN, UN Standard Minimum Rules for the Treatment of Prisoners (17 December 2015) op.cit., Rule 47. The specific circumstances detailed are: (a) *As a precaution against escape during a transfer, provided that they are removed when the prisoner appears before a judicial or administrative authority;* (b) *By order of the prison director, if other methods of control fail, in order to prevent a prisoner from injuring himself or herself or others or from damaging property...*”

¹³⁴ Council of Europe, Recommendation of the Committee of Ministers to member States on the European Prison Rules, adopted by Committee of Ministers on 11th January 2006 at 952nd meeting of the Ministers’ Deputies

5.1.1. Torture and ill-treatment utilising standard handcuffs or leg restraints

Any use of these restraint devices should be strictly in line with regional and international standards, including the Nelson Mandela Rules, and should only be applied for the minimum time necessary. However handcuffs and leg restraints are often misused to increase the level of suffering caused to individuals already under control, for example through excessive tightening, attachment to fixed objects, employment in suspension of prisoners, to place and maintain prisoners in stress positions; or used in conjunction with other means of force e.g. hand-held batons or pepper spray. During the 2012-2017 period, there were reports by the CPT, Amnesty International or Human Rights Watch of handcuffs being used inappropriately in places of detention or at the moment of arrest in Albania,¹³⁵ Armenia¹³⁶, Azerbaijan,¹³⁷ Bosnia and Herzegovina,¹³⁸ Bulgaria¹³⁹, Cyprus¹⁴⁰, Denmark¹⁴¹, Georgia,¹⁴² Greece¹⁴³, Hungary¹⁴⁴, Ireland,¹⁴⁵ Italy,¹⁴⁶ Macedonia¹⁴⁷, Moldova,¹⁴⁸ Montenegro,¹⁴⁹ Netherlands¹⁵⁰,

¹³⁵ CPT, *Report to the Albanian Government on the visit to Albania carried out by the CPT from 4 to 14 February 2014*, 3 March 2016.

¹³⁶ CPT, Report to the Armenian Government on the visit to Armenia carried out by the CPT from 5 to 15 October 2015, 22 November 2016.

¹³⁷ Human Rights Watch, *Tightening the Screws, Azerbaijan's Crackdown on Civil Society and Dissent*, 1 September 2013.

¹³⁸ CPT (5 July 2016) op.cit.

¹³⁹ CPT, Report to the Bulgarian Government on the visit to Bulgaria carried out by the CPT from 24 March to 3 April 2014, 29 January 2015; CPT, Report to the Bulgarian Government on the visit to Bulgaria carried out by the CPT from 13 to 20 February 2015, 12 November 2015.

¹⁴⁰ CPT, Report to the Government of Cyprus on the visit to Cyprus carried out by the CPT from 23 September to 1 October 2013, 9 December 2014.

¹⁴¹ CPT, Report to the Danish Government on the visit to Denmark carried out by the CPT from 4 to 13 February 2014, 17 September 2014.

¹⁴² CPT, Report to the Georgian Government on the visit to Georgia carried out by the CPT from 1 to 11 December 2014, 15 December 2015.

¹⁴³ CPT, Report to the Greek Government on the visits to Greece carried out by the CPT from 13 to 18 April and 19 to 25 July 2016, 26 September 2017.

¹⁴⁴ CPT, Report to the Hungarian Government on the visit to Hungary carried out by the CPT from 3 to 12 April 2013, 30 April 2014; CPT, Report to the Hungarian Government on the visit to Hungary carried out by the CPT from 21 to 27 October 2015, 3 November 2016.

¹⁴⁵ CPT, Report to the Government of Ireland on the visit to Ireland carried out by the CPT from 16 to 26 September 2014, 17 November 2015.

¹⁴⁶ CPT, Report to the Italian Government on the visit to Italy carried out by the CPT from 8 to 21 April 2016, 8 September 2017.

¹⁴⁷ CPT, Report to the Government of "the former Yugoslav Republic of Macedonia" on the visit to "the former Yugoslav Republic of Macedonia" carried out by the CPT from 7 to 17 October 2014, 17 March 2016.

¹⁴⁸ CPT, *Report to the Government of the Republic of Moldova on the visit to the Republic of Moldova carried out by the CPT from 14 to 25 September 2015*, 30 June 2016.

¹⁴⁹ CPT (22 May 2014) op.cit.

¹⁵⁰ CPT, *Report to the Government of the Netherlands on the visit to the Netherlands carried out by the CPT from 2 to 13 May 2016*, 11 November 2016.

Russian Federation,¹⁵¹ Slovak Republic¹⁵², Spain,¹⁵³ Turkey,¹⁵⁴ Ukraine,¹⁵⁵ and the United Kingdom¹⁵⁶.

5.1.1.1. Illustrative cases

Bosnia and Herzegovina

In a 2016 report, the CPT documented alleged misuse of handcuffs with excessive force against individuals either during arrest or whilst they were held in detention at police stations or in prison.¹⁵⁷ A prisoner in Mostar Prison alleged that following an episode of over-agitation in late August 2015, “*he had been handcuffed by prison officers behind his back with his wrists hyperflexed, ankle-cuffed with a walking chain and placed in an empty cell on the second floor for two days; during this time, he did not receive food and was not allowed to comply with the needs of nature.*” Following examination of the prisoner on 7 October 2015, the CPT delegation’s doctor concluded that the injuries were “*compatible with the allegation.*”¹⁵⁸

Georgia

The CPT reported on an incident which the Georgian National Preventive Mechanism (NPM) discovered during a visit to Gldani Prison on 12 November 2014. The NPM staff asked for a shower room to be opened after they heard some noise within. Inside were “*two prisoners lying on the floor with wet clothes, one of them handcuffed behind his back and attached with a metal chain to ankle-cuffs. Both restrained inmates were visibly injured. The NPM staff spoke with the two inmates who were clearly too frightened to provide any detailed explanation of what had happened.*”¹⁵⁹ The delegation reported receiving other similar, credible and more recent allegations concerning ill-treatment by prison staff at the same establishment, including the application of handcuffs and leg cuffs on a detained person after he had lost consciousness while being beaten by custodial staff.¹⁶⁰ Nonetheless, prison and administration staff denied all use of ankle-cuffs and chains, stressing that no such means were available at Gldani Prison.¹⁶¹

Moldova

Following a 2013 visit, the CPT reported on allegations of ill-treatment received from juvenile inmates of Goian Prison. In one instance, a juvenile was allegedly “*slapped in the face by a prison officer while being handcuffed behind the back to the metal ladder of a bunk bed and with his leg cuffed to another bed, in a painful stretch position*”.¹⁶²

¹⁵¹ CPT (17 December 2013) op.cit.

¹⁵² CPT, Report to the Government of the Slovak Republic on the visit to the Slovak Republic carried out by the CPT from 24 September to 3 October 2013, 25 November 2014.

¹⁵³ Amnesty International, *Spain: The Right to Protest under Threat*, 2014.

¹⁵⁴ Human Rights Watch, *A Blank Check: Turkey’s Post-Coup Suspension of Safeguards Against Torture*.

¹⁵⁵ CPT, Report to the Ukrainian Government on the visit to Ukraine carried out by the CPT from 1 to 10 December 2012, 5 September 2013; CPT, Report to the Ukrainian Government on the visit to Ukraine carried out by the CPT from 9 to 21 October 2013, 29 April 2014; CPT, Report to the Ukrainian Government on the visit to Ukraine carried out by the CPT from 21 to 30 November 2016, 19 June 2017.

¹⁵⁶ CPT, Report to the Government of the United Kingdom on the visit to the United Kingdom carried out by the CPT from 30 March to 12 April 2016, 19 April 2017.

¹⁵⁷ CPT (5 July 2016) op.cit., paragraphs 13, (i) – (iv).

¹⁵⁸ CPT (5 July 2016) op.cit., paragraph 38.

¹⁵⁹ CPT (15 December 2015) op.cit., paragraph 17.

¹⁶⁰ CPT (15 December 2015) op.cit., paragraph 51.

¹⁶¹ CPT (15 December 2015) op.cit., Footnote 6.

¹⁶² CPT (30 June 2016) op.cit., paragraph 49.

Russian Federation

Following a visit conducted in 2012, the CPT highlighted the use of handcuffs to facilitate acts of torture and other ill-treatment in the Russian Federation. An inmate at Closed-Type Prison No. 2 in Vladimir (“*Vladimirskiy Tsentral*”) alleged that he had been handcuffed to a wire fence outside, placed “*in a crucifix position*” and doused with cold water in winter.¹⁶³ The CPT also received allegations of law enforcement officers’ use of a torture method referred to as “*televizor*”, which consisted of handcuffing a person behind his or her back, forcing the person to bend forward while seated on a chair and placing a heavy object on his or her back.¹⁶⁴

Ukraine

The CPT and Amnesty International have received multiple allegations from those deprived of their liberty in Ukraine of the use of handcuffs to inflict treatment of such severity that it could be considered as amounting to torture. Such treatment included the application of handcuffs which are then forced up the forearm with a hammer,¹⁶⁵ suspension by handcuffs¹⁶⁶ (in some cases with the infliction of repeated and severe baton strikes)¹⁶⁷, and breaking a person’s arms by standing on them while he was handcuffed behind his back.¹⁶⁸ Other issues raised by the CPT were undue tightening of handcuffs during transportation, and the handcuffing of prisoners to fixed objects without food or water for up to two days.¹⁶⁹

5.1.2. Manufacture, promotion and transfer of standard handcuffs or leg restraints

The Omega Research Foundation has identified companies throughout the CoE that have manufactured and/or promoted hand or leg restraints for law enforcement, since 2012 including in Belgium, Czech Republic, France, Germany, Hungary, Macedonia, Poland, Portugal, the Russian Federation, Spain, the Ukraine and the UK.¹⁷⁰ Whilst EU export of certain leg restraints is controlled under EC Regulation 1236/2005, the export of standard handcuffs is not. To date no publicly available comprehensive official CoE-wide survey has been carried out identifying which CoE States control the import and export of these devices for law enforcement purposes, at the national level.

Spain is one of the few CoE countries known to require exporters to obtain a licence to export standard handcuffs.¹⁷¹ In March 2014, the Spanish Government suspended 15 licenses for the export of certain types of law enforcement equipment including “*chrome handcuffs with ratchet closure*” to Venezuela due to the “*situation of internal instability and risk of deviation of use*”.¹⁷² In April 2016, the Spanish authorities informed the Omega Research Foundation

¹⁶³ CPT (17 December 2013) *op.cit.*, paragraph 69.

¹⁶⁴ CPT (17 December 2013) *op.cit.*, paragraph 23.

¹⁶⁵ CPT (5 September 2013) *op.cit.*, paragraph 16.

¹⁶⁶ CPT (19 June 2017) *op.cit.*, paragraph 15.

¹⁶⁷ CPT (29 April 2014) *op.cit.*, paragraph 38.

¹⁶⁸ Amnesty International, Ukraine: Don’t Stop Halfway: Government Must Use New Criminal Procedure Code to End Torture, 2013.

¹⁶⁹ CPT (19 June 2017) *op.cit.*, paragraph 17.

¹⁷⁰ Details of relevant CoE companies and marketing materials on file with Omega Research Foundation.

¹⁷¹ Spain, Annex II.2 of Royal Decree 679/2014 of 1 August 2014 establishing the control Regulation on external trade in defence material, other material and dual-use items and technologies.

¹⁷² Spanish Secretary of State for Trade, *Spanish Statistics on the Export of Defence Material, Other Material and Dual Use Items and Technologies, 2014*, Annex II, p. 74; Correspondence to the Omega Research Foundation from an official from the Directorate General for International Trade and Investments, Secretariat of State for Trade, Ministry of Economy and Competitiveness, 9 February 2016.

that they had not approved any subsequent requests “*for the export of products which could be used in internal repression*”.¹⁷³

5.1.3. Recommendations

- **CoE member States should introduce controls on the import and export of standard handcuffs and leg restraints for law enforcement purposes; no authorisations should be granted for transfers to end users likely to misuse this equipment for torture and ill-treatment. All use of such restraints by CoE law enforcement and prison officials must be in conformity with regional and international human rights standards notably the UN Standard Minimum Rules for the Treatment of Prisoners.**

¹⁷³ Correspondence to the Omega Research Foundation from an official from the Directorate General for International Trade and Investments, Secretariat of State for Trade, Spanish Ministry of Economy and Competitiveness, 9 February 2016.

5.2. Inherently inappropriate mechanical restraints

Whilst international and regional human rights and policing standards recognise that certain mechanical restraint devices, when used appropriately, can be legitimate tools of restraint in effective law enforcement, other forms of mechanical restraint are inherently inappropriate or abusive in nature and should never be employed in law enforcement or detention. As previously noted, Rule 47 of the Mandela Rules states that “*the use of chains, irons or other instruments of restraint which are inherently degrading or painful shall be prohibited.*”¹⁷⁴ Similarly, under Article 68.1 of the European Prison Rules, which were adopted by the Committee of Ministers of the CoE, “*The use of chains and irons shall be prohibited.*”¹⁷⁵ However, despite these restrictions, the Omega Research Foundation has documented the development, promotion, transfer and/or use of restraints that are inherently inappropriate for law enforcement, within the CoE region, from 2012-2017.

5.2.1. Fixed restraints

Some restraints, specifically intended for use on human beings, are designed to be fixed integrally to the wall or floor of a prison or detention facility. They have been developed in various forms, including isolated cuffs (for securing one ankle or wrist); wall attachments such as rings or hooks; and elaborate four-point floor and wall restraints (securing a detainee’s ankles and wrists).

5.2.1.1. Torture and ill-treatment utilising fixed restraints

The CPT has previously stated that “[c]haining inmates to [...] fixed objects is totally unacceptable in any circumstances and could be considered as inhuman and degrading treatment.”¹⁷⁶ In addition to the *ad hoc* employment of standard handcuffs to attach prisoners to fixed objects such as chairs, beds, doors, etc which has been reported by the CPT for example in Bosnia & Herzegovina¹⁷⁷, Greece¹⁷⁸, Italy¹⁷⁹, the Ukraine¹⁸⁰; the CPT, the UN Special Rapporteur on Torture and Amnesty International have documented the use of fixed restraints in Bulgaria,¹⁸¹ Germany¹⁸², and the Russian Federation.¹⁸³

5.2.1.1.1. Illustrative cases

Bulgaria

In a report following its 2014 visit, a CTP delegation “*heard allegations of ill-treatment of such a severity that it would amount to torture, such as ...blows with truncheons inflicted to a person attached with handcuffs to hooks fixed to a door frame (and thus immobilised in a*

¹⁷⁴ 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.

¹⁷⁵ CoE, Recommendation of the Committee of Ministers to member States on the European Prison Rules, adopted by Committee of Ministers on 11th January 2006 at 952nd meeting of the Ministers’ Deputies, Article 68.1.

¹⁷⁶ See for example: CPT, Report to the Government of “the former Yugoslav Republic of Macedonia” on the visit to “the former Yugoslav Republic of Macedonia” carried out by the CPT from 15 to 26 May 2006, 13 February 2008, paragraph 50.

¹⁷⁷ CPT (5 July 2016) *op.cit.*, paragraph 38.

¹⁷⁸ CPT (26 September 2017) *op.cit.*, paragraph 53 .

¹⁷⁹ CPT (8 September 2017) *op.cit.*, paragraph 11.

¹⁸⁰ CPT (19 June 2017) *op.cit.*, paragraph 17.

¹⁸¹ CPT (29 January 2015) *op.cit.*

¹⁸² CPT, Report to the German Government on the visit to Germany carried out by the CPT from 25 November to 2 December 2013, 24 July 2014; CPT, Report to the German Government on the visit to Germany carried out by the CPT from 25 November 2015 to 7 December 2015, 1 June 2017.

¹⁸³ CPT (17 December 2013) *op.cit.*

¹⁸³ CPT (17 December 2013) *op.cit.*, Paragraph 112.

hyperextended position)”. In this case the delegation saw such hooks in the police establishment which was referred to in the allegation concerned.¹⁸⁴

Germany

In its 2014 visit, the CPT recorded that at Tegel Prison, inmates were subjected to *Fixierung*, pending their transfer to the prison hospital, by being shackled with broad metal handcuffs to metal rings on a platform covered with a mattress and their legs being immobilised with leather belts. The CPT noted that the prison doctor expressed concern about the potentially harmful effects of such restraint devices. The delegation was informed by the management that the prison administration of Berlin had very recently decided to stop the use of handcuffs for the purpose of *Fixierung* and to replace them with soft cloth straps.¹⁸⁵ In its 2015 visit, the CPT delegation highlighted its concerns that “*persons were still being subjected to Fixierung in police establishments in several ... Länder, despite the specific recommendation repeatedly made by the Committee to put an end to the resort to Fixierung in police establishments throughout Germany.*”¹⁸⁶ It further noted with concern that, “*at Munich Police Headquarters, persons who were highly agitated or presented a risk of self-harm were on occasion shackled by metal cuffs on their left wrist or ankle to an iron ring fixed to the wall inside a security cell; in some cases, a body belt was applied to the person, the back of which was then attached with handcuffs to that ring.*”¹⁸⁷

Russian Federation

In its 2013 report, the CPT highlighted the use of “*handcuffs fixed to the wall*” at the Temporary Detention Isolator (IVS) No. 1 of the Kazan Internal Affairs Directorate, in the Republic of Tartarstan. The CPT stated that whilst the “*use of handcuffs may be justified when a person in custody was acting in a highly agitated or violent manner...the person concerned should not be shackled to a wall or fixed objects but rather be kept under close supervision in an appropriate setting.*” The CPT consequently recommended that “*the Russian authorities take measures to ensure that this apparatus is removed from the IVS No. 1 in Kazan, as well as from any other establishments in which similar devices have been installed*”.¹⁸⁸ The CPT delegation also recorded the practice in the same institution of handcuffing life sentenced prisoners, to a ring fixed to the wall during medical examinations and while being provided with dental care. The CPT considered such a practice to infringe upon the dignity of the prisoners concerned, prohibited the development of a proper doctor-patient relationship, was possibly detrimental to the establishment of an objective medical finding; and consequently should be halted.¹⁸⁹

While it is unclear exactly what equipment is employed in some of these countries (i.e. a specially designed wall cuff or a pair of conventional handcuffs), the practice of cuffing to walls or other fixed objects should be prohibited regardless of the type of cuffs used.

¹⁸⁴ CPT (29 January 2015) op.cit., paragraph 13.

¹⁸⁵ CPT (24 July 2014) op.cit., paragraph 43.

¹⁸⁶ CPT (1 June 2017) op.cit., paragraph 33.

¹⁸⁷ CPT (1 June 2017) op.cit., paragraph 34.

¹⁸⁸ CPT (17 December 2013) op.cit., paragraph 52.

¹⁸⁹ CPT (17 December 2013) op.cit., paragraph 112.

5.2.1.2. Manufacture and promotion of fixed or weighted restraints by CoE companies

Although fixed-position restraints may be improvised, bespoke fixed-restraints have also been manufactured and traded by companies in the CoE region. Such devices for use on prisoners can be clearly distinguished from other forms of restraint designed for medical or other legitimate use. The European Commission has recognised that “*using mechanical restraints such as handcuffs in order to shackle a prisoner to a fixed object anchored to either a floor, wall or ceiling is not an acceptable restraining technique.*”¹⁹⁰ Consequently, in July 2014, EC Regulation 1236/2005 was amended to prohibit the import or export into or from any EU Member State of restraints specifically designed for shackling prisoners to fixed objects.¹⁹¹ It is unknown whether any non-EU CoE member States currently control or prohibit the trade in such devices.

The Omega Research Foundation has uncovered certain fixed restraints which have no legitimate law enforcement purpose. This includes certain hand or leg restraints designed to be attached to fixed objects that have been manufactured or promoted at some stage since 2012 by companies in the Czech Republic, Germany, and the Russian Federation.

Special Material Corporation (Russian Federation)

A Russian company, Special Materials Corp., has manufactured and, as of November 2017, promoted the BCS-1 "Prikol" bracelet (see below), which incorporates a single handcuff and a “*stationary fastening in the form of an anchor bolt*”. According to the company it “*allows you to restrict freedom of movement, [the prisoner being] securely chained ... to the wall.*”¹⁹²



Images BCS-1 "Prikol" bracelet (above); BCS-1 "Bouquet" (below). All taken from Special Materials Corp. website, November 2017



¹⁹⁰ European Commission, Commission Implementing Regulation (EU) No 775/2014 of 16 July 2014.

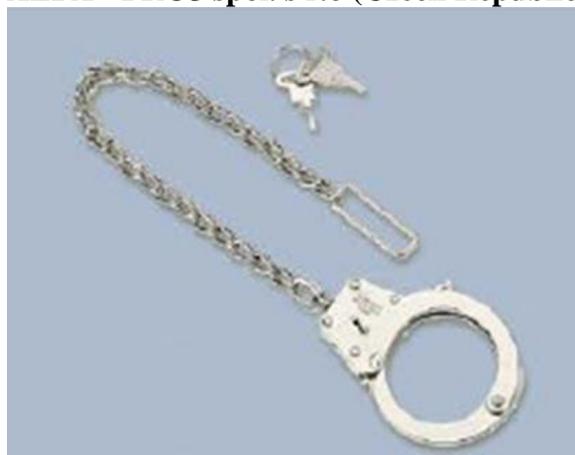
¹⁹¹ European Commission, Commission Implementing Regulation (EU) No 775/2014 of 16 July 2014.

¹⁹² BCS-1 "Prikol" bracelet, NPO-Special Materials Corporation, http://www.npo-sm.ru/specialnye_sredstva/naruchniki/bks-1_prikol/ (accessed 16 November 2017).

The company has also manufactured and, as of November 2017, promoted BCS-1 "Bouquet" Bracelets which allow five prisoners to be restrained, "[p]roviding simultaneous control of the escorted group". In addition to its potential use in transporting groups of prisoners, the company stated that the BCS-1 Bouquet also allows the "possibility of fixing [a] group...to a fixed support."¹⁹³ According to the company, both the BCS-1 "Prikol" and "Bouquet" were "adopted [by] the Ministry of the Interior [and] the Federal Security Services"¹⁹⁴

While some fixed restraints are developed and promoted for the sole purpose of restraining prisoners, certain other fixed restraints have been promoted for a variety of purposes including prisoner restraint.

ALFA - PROJ spol. s r.o (Czech Republic)



**A screenshot of "Ralkem 9923"
downloaded from ALFA -
PROJ spol. s r.o, website,
January 2018.**

The Czech company ALFA - PROJ spol. s r.o, has manufactured and promoted a range of restraint equipment. Among the products advertised on the company website, is a range of "handcuffs and leg-irons" including the "Ralkem 9923."¹⁹⁵ This constitutes a single cuff connected to a 20 cm chain linked to a large rectangular end piece. Although the product has been marketed for attachment to suitcases, ALFA - PROJ on its website previously described the product as "Handcuffs - Business - police handcuffs -9923" and stated a potential use was "to confine persons in detention."¹⁹⁶ This reference was subsequently removed following an information request from Amnesty International and the Omega Research Foundation on 20 May 2015, in response to which ALFA-PROJ stated that the information on its website was "faulty".¹⁹⁷ In subsequent correspondence with the Omega Research Foundation, the company stated that "product Ralkem 9923 has not been sold to any military body, law enforcement agency or correctional service between 2012 and 2017."¹⁹⁸ As of January 2018, this product was still promoted on the company website. This product has also been promoted

¹⁹³ BCS-1 "Bouquet" Bracelets, NPO- Special Materials Corporation, http://www.npo-sm.ru/specialnye_sredstva/naruchniki/bks-1_buket/ (accessed 16 November 2017).

¹⁹⁴ NPO-Special Materials Corporation op.cit. (accessed 16 November 2017).

¹⁹⁵ Ralkem 9923, Handcuffs and leg irons, ALFA - PROJ spol. s r.o, www.alfa-proj.cz/pouta-sluzebni-policejni-pouta/9923-s289415 (accessed 17 January 2018).

¹⁹⁶ For further discussion see: Amnesty International & Omega Research Foundation, *Grasping the Nettle: Ending Europe's Trade in Torture Technology*, EUR 01/1632/2015, May 2015, p.19.

¹⁹⁷ Correspondence to Amnesty International and the Omega Research Foundation from ALFA-PROJ spol.s.r.o, 20 May 2015.

¹⁹⁸ Correspondence from Alfa Proj to the Omega Research Foundation, 11 December 2017,

by the German company, Cuffsland, on its website, which stated that the device can be attached “to a **fixed object** or the handle of a case without needing an external padlock”.¹⁹⁹ [Emphasis added]

Clemen & Jung (Germany)



Image of the “No.17 [hand]cuff with anchor” downloaded from the Clemen & Jung company website, January 2018.

The German company Clemen & Jung, “*Deliver their products to law enforcement, military, justice institutions, and correctional facilities worldwide.*”²⁰⁰ As of January 2018, among the product range advertised by the company on its website are a single handcuff described as the “No.17 heavy [cuff] with anchor” weighing 1,055 grams; which appears to be designed for attachment to a fixed object.²⁰¹ The company also currently promotes two weighted handcuffs the “No.13 heavy”, weighing 1kg²⁰²; and the “No.15 heavy”, weighing 1.38kg.²⁰³

Previously, on 17 April 2015, the Omega Research Foundation and Amnesty International wrote to Clemen & Jung requesting information on these products.²⁰⁴ On 22 April 2015 the Clemen & Jung website was updated, placing the “No.17 heavy [cuff] with anchor”, “No.13 heavy [handcuffs]”, and the “No.15 heavy [cuff]” in an undefined “Phantasise cuffs” section.

The range of Clemen & Jung handcuffs (including both the “No.15 heavy” handcuffs, and the “No.17 heavy [cuff] with anchor”) has also been marketed by a second Germany company, Cuffsland, which has promoted restraints to both law enforcement and civilian communities. Its website entry for the Clemen & Jung “No.17 [hand]cuff with anchor” has stated: “*At first sight [this restraint] is a strange combination of a single Clejuso 15 heavy weight handcuff with a lockable anchor. Its purpose is to attach a prisoner or suspect to a solid anchoring point like a ring on a wall.*”²⁰⁵ [Emphasis added].

¹⁹⁹ Cuffsland website, <http://www.cuffsland.com/czech.html> (accessed 17 January 2018).

²⁰⁰ Clemen & Jung website, <http://clejuso.com/> (accessed 17 January 2018).

²⁰¹ Clemen & Jung products, <http://clejuso.com/product/no-17-heavy-with-anchor/> (accessed 17 January 2018).

²⁰² Clemen & Jung products, available at: <http://clejuso.com/product/no-13-heavy/> (accessed 17 January 2018).

²⁰³ Clemen & Jung products, available at: <http://clejuso.com/product/no-15-heavy/> (accessed 17 January 2018).

²⁰⁴ Amnesty International & Omega Research Foundation, *Grasping the Nettle: Ending Europe’s Trade in Torture Technology*, EUR 01/1632/2015, May 2015.

²⁰⁵ Cuffsland company website, ID: CL17N, products from Germany, <http://www.cuffsland.com/> (accessed 17 January 2018).

5.2.1.3. Promotion of weighted restraints in CoE arms and security fairs

The Omega Research Foundation has uncovered a range of weighted restraints intended for use by law enforcement officials, being promoted by non-CoE companies at arms and security fairs and exhibitions held within the CoE region.

The Chinese company China Garments Co. Ltd physically displayed weighted leg irons on their marketing stall at the Milipol 2015 security exhibition held in Paris, France, in November 2015. In addition to concerns about the marketing and promotion of inherently inappropriate goods, it was unclear how China Garments Co. Ltd managed to display such items at Milipol 2015 when their import into the EU is expressly prohibited under EC Regulation 1236/2005. On 8 April 2016, in response to an information request from the Omega Research Foundation and Amnesty International on these matters, China Garments Co. Ltd stated that: *“all our products ha[ve] been reported to the [French] authorities in detail... 4 months before the exhibition. And we have all the legal documents for the customer clearance to France.”* Furthermore, the company stated that: *“in all the procedures, [none of] the authorities ...mentioned anything that is illegal in our products.”*²⁰⁶



Photograph of weighted leg irons displayed at China Garments Co. Ltd stall, Milipol 2015 © Robin Ballantyne/Omega Research Foundation

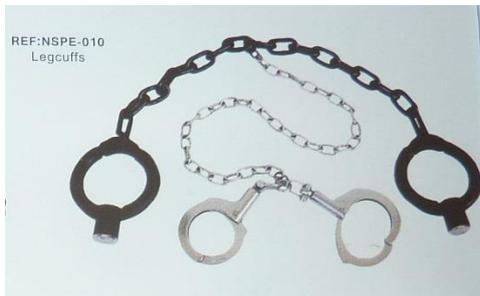
Similar devices were promoted by Chinese companies at subsequent arms and security exhibitions held in CoE member States. For example during the Eurosatory 2016 security exhibition held in Paris, France, from 13-17 June 2016, China XinXing Import & Export Corp. promoted both a leg-fetter and a handcuff and leg-fetter combination; whilst Jiangsu Anhua Police Equipment Manufacturing Company Ltd and Xinxing Jihua International Trading Co., Ltd both promoted leg-fetter and handcuff combinations in their product catalogues.

In response to concerns about the failure of existing controls to effectively regulate the trade in security equipment in the EU region, Regulation (EU) 2016/2134 of the European Parliament and of the Council was introduced in 23 November 2016 and came into force on 16 December 2016. It is directly legally binding on all EU Member States and includes provisions banning the marketing of prohibited Annex II goods (including thumb-cuffs, fixed restraints and weighted leg restraints) at trade fairs and banning the purchasing of advertising space or advertising time for promotion of such products. However, the promotion of such devices has continued.

At Milipol 2017, Paris, France, in November 2017, a number of Chinese companies promoted inherently inappropriate weighted leg restraints in their product catalogues. Anhui

²⁰⁶ Correspondence to Amnesty International and the Omega Research Foundation from a representative of China Garments Co. Ltd, 8 April 2016

Blue Diamond Industries, Weihao Protector Co Ltd/Deqing Weihao Security Equipment Technology Co., Ltd and Xinxing Jihua International Trading Co., Ltd. all promoted weighted leg irons attached by a chain to handcuffs.



Images of inherently degrading or painful restraints promoted at Milipol 2017 from product catalogues of Anhui Blue Diamond Industries, Weihao Protector Co Ltd/Deqing Weihao Security Equipment Technology Co., Ltd and Xinxing Jihua International Trading Co., Ltd.

5.2.1.3. Recommendations

- **CoE member States should prohibit the manufacture, promotion, import, export, brokering or other transfer of wall or floor restraints designed for use by law enforcement officials to restrain humans; as well as leg restraints purposely designed to cause discomfort, such as weighted leg cuffs. The use of such restraints by CoE law enforcement and prison officials should be prohibited, and all existing devices should be removed and verifiably destroyed.**

5.2.2. Thumb cuffs

Thumb cuffs are restraint devices shaped broadly like handcuffs, but designed for use on detainees' or prisoners' thumbs. Various types of thumb cuffs are currently marketed, including fixed thumb cuffs, which feature only a bar of metal with holes for thumbs; as well as thumb cuffs connected by chains.

The practical utility of thumb cuffs for legitimate law enforcement purposes is unproven, while their propensity for use in “stress positions” amounting to torture and other ill-treatment is evident. Consequently in July 2014, thumb cuffs, finger cuffs and thumbscrews were added to Annex II of the EC Regulation 1236/2005 and their import and export from the EU was prohibited.²⁰⁷ It is unknown whether any non-EU CoE member States currently control or prohibit the trade in such devices.

5.2.2.1. Manufacture and promotion of thumb cuffs by CoE companies

Thumb cuffs have been marketed by law enforcement and security equipment distributors within the Council of Europe on the internet and at CoE arms and security fairs. For example, two French companies - Le Protecteur-Scorpion-ATAM and Welkit - promoted thumb cuffs in product catalogues distributed at Milipol 2015 in Paris, France in November 2015²⁰⁸; whilst three German companies –Buchner Grosshandel²⁰⁹, Haller Stahlwaren²¹⁰, and NOWAR security equipment GmbH²¹¹ – and a Spanish company –Shoke Defensa y Seguridad²¹² - included thumb-cuffs amongst the range of security equipment marketed on their websites, until at least November 2017. In response to an information request, Haller Stahlwaren informed the Omega Research Foundation that they “*stopped selling this item at once on 30.11.2017*”²¹³



Images of Nowar thumb cuffs taken from the company's online product catalogue, January 2018.

²⁰⁷ EU, European Commission, Commission Implementing Regulation (EU) No 775/2014 of 16 July 2014 amending Council Regulation (EC) No 1236/2005. Published in Official Journal of the European Union, L210/1, 17 July 2014, Annex II, Article 2.2.

²⁰⁸ Company brochures on file with the Omega Research Foundation.

²⁰⁹ Daumenschellen mit Arretierung, Buchner Grosshandel, available at <https://www.buchner-grosshandel.de/daumenschellen-mit-arretierung.html> (accessed 28 November 2017).

²¹⁰ Daumenfessel verchromt, Haller Stahlwaren, available at <http://www.haller-stahlwaren.de/html/daumenfessel-verchromt/item-1-30833.html> (accessed 28 November 2017).

²¹¹ Nowar catalogue, available at http://www.nowar.de/katalog/standard/001_pers_equipment_accessoires/114_hand_und_fussfesseln/nowar_dau_menfessel/dauemfessel_uk.htm (accessed 18 January 2018).

²¹² Shoke Defensa y Seguriad available at <https://www.tiendashoke.es/esposas-grilletes/yuil-pulgares-acero> (accessed 28 November 2017).

²¹³ Correspondence from Haller Stahlwaren GmbH to the Omega Research Foundation, 21 December 2017.

In contrast, the German company NOWAR® security equipment GmbH – which specialises in “*development, production and sale of equipment to Police, Justice, Army and private Security Firms at home and abroad*”²¹⁴ – as of January 2018, continued to promote thumb cuffs on its website. It described its products as “*suitable for plainclothes policemen or in addition to handcuffs. Owing to the compact style it can be worn in each trouser pocket and can be carried along inconspicuously.*”²¹⁵

5.2.2.2. Promotion of thumb cuffs in CoE arms and security fairs

Non-CoE companies have also been documented promoting thumb cuffs at CoE arms and security exhibitions. Two Chinese companies, Jinniu Police Equipment Manufacturing Co. Ltd, and Jiangsu Anhua Police Equipment Manufacturing Company Ltd promoted thumb cuffs at Milipol 2015, whilst another Chinese company, China Xinxing Import & Export Corporation, promoted thumb-cuffs in its product catalogue distributed at Eurosatory 2016 in Paris, France in June 2016.²¹⁶



Image of thumb cuffs taken from Shan Chun Company Ltd promotional page on IWA Outdoor Classics 2018 website.

The website for the German security and recreational shooting exhibition, IWA Outdoor Classics 2018, provided details of the Taiwanese company, Shan Chun Company Ltd, and its products, on its exhibitor and product listing pages.²¹⁷ The products promoted by the Taiwanese company included thumb cuffs. The promotion of such devices on a European company website appears to breach EU Regulation 2016/2134. The Omega Research Foundation has written to both Shan Chun Company Ltd and to IWA alerting them of this matter. Following this correspondence, a holding answer was received from IWA, and the images were subsequently removed from the IWA website.²¹⁸

5.2.2.3. Recommendations

- **CoE member States should prohibit the manufacture, promotion, import, export, brokering or other transfer of thumb or finger cuffs intended for use by prison or law enforcement officials. The use of such restraints by CoE law enforcement and prison officials should be prohibited, and all existing devices should be removed and verifiably destroyed.**

²¹⁴ Company profile, Norwar, available at http://www.nowar.de/profil_uk.htm (accessed 28 November 2017).

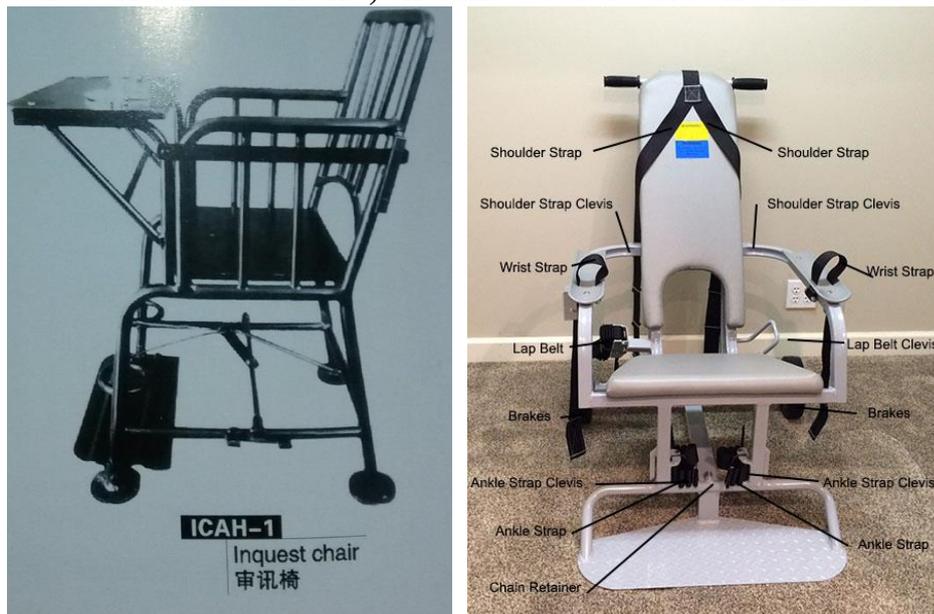
²¹⁵ Nowar catalogue, available at http://www.nowar.de/katalog/standard/001_pers_equipment_accessoires/114_hand_und_fussfesseln/nowar_dau_menfessel/dauemfessel_uk.htm (accessed 18 January 2018).

²¹⁶ Company brochures on file with the Omega Research Foundation.

²¹⁷ Shan Chun Company Ltd products, as displayed on: Exhibitors & Products IWA Outdoor Classics 2018 website, <https://www.iwa.info/en/ausstellerprodukte/iwa18/product-9939757/batons-handcuffs-foot-shackles> (accessed 30 November 2017; images subsequently removed).

²¹⁸ Correspondence from the Exhibitions Executive Director and Sales Manager, IWA Outdoor Classics to the Omega Research Foundation, 22 December 2017.

5.2.3. Restraint chairs, shackle-boards and shackle-beds



(Above left) image of an “Inquest Chair” taken from marketing material distributed by Chinese company, China Xingxing Import Export Corp., at Eurosatory 2016 in June 2016; (above right) image of “Emergency Restraint Chair” manufactured by U.S. company, Safety Restraint Chair, Inc. and promoted on their website.

A restraint chair usually consists of a metal framed or other solidly constructed chair into which individuals are restrained by means of a multiplicity of straps or restraints at points including the wrist, elbow, shoulder, chest, waist, thigh or ankle. Similarly, a shackle board (or bed) consists of a board (or bed) on which an individual is restrained by means of a multiplicity of restraints. Whilst the shackle bed is normally fixed, a shackle board is designed to enable the restrained individual to be carried, stretcher like.

These restraint devices pose a heightened risk of injury to the detainee, if the subject is left restrained and/or unattended for prolonged periods or whilst under influence of drugs or alcohol. Such restraint, particularly for long periods, could amount to ill-treatment; if additional force is used on the restrained person, e.g. employing pepper spray or electric-shock devices, this could amount to torture.

In 2000, the UN Committee against Torture recommended to the US that they should, “Abolish ...restraint chairs as methods of restraining those in custody. Their use almost invariably leads to breaches of article 16 of the Convention [the prohibition against cruel, inhuman or degrading treatment].”²¹⁹

5.2.3.1. Use of restraint chairs, boards and beds in CoE member States

Within the CoE region, the CPT has previously highlighted its concerns regarding the use of restraint chairs and recommended their withdrawal. For example in a report following a 2005 visit to Latvia the CPT delegation highlighted its discovery of a “special restraint chair” at Ogre Short Term Isolator, stating that such a device had “no place in a police service”, recommending that “all such restraint chairs be withdrawn from use immediately.”²²⁰

²¹⁹ UN, Conclusions and Recommendations of the Committee against Torture: United States of America. 15/05/2000. CAT/C/24/6. (Concluding Observations/Comments), 24th Session, 1-9 May 2000.

²²⁰ CPT, Report to the Latvian Government on the visit to Latvia carried out by the CPT from 25 September to 4 October 2002, 10 May 2005, paragraph 23.

During its 2012 visit to Iceland, the CPT delegation discovered “a movable wooden board fitted with six metal rings” at Litla-Hraun Prison.²²¹ The delegation learned of an incident on 10 July 2012, when a prisoner at the prison had been restrained using this wooden board, placed face down and handcuffed behind his back for approximately two hours. This was a potentially dangerous situation, especially as the inmate concerned was reportedly asthmatic. Following a formal request by the CPT delegation, the Icelandic authorities, in their letter of 23 January 2013, informed the CPT that a formal decision had been taken to remove the wooden restraint board and not to use it again.²²²

From 2012-2017, the CPT has documented the possession or use of *ad hoc* or specially designed restraint or fixation beds in Bosnia and Herzegovina²²³, Finland²²⁴, Iceland²²⁵, Italy²²⁶, Montenegro²²⁷ and the Netherlands²²⁸ and called for their removal from the relevant prisons. In addition to raising specific cases of concern, the CPT has enunciated that “*in principle, restraint beds should not be used in a non-medical setting.*”²²⁹

Despite the CPT’s concerns it appears that certain CoE member States continue to allow the potential use of such devices in prisons or other places of detention. For example, a Georgian Law on Imprisonment, which came into force on 1st August 2014²³⁰ (and has been subsequently revised), allows the limited use of a range of mechanical restraint devices, including restraint chairs and restraint beds.²³¹

5.2.3.2. Promotion and/or transfer of restraint chairs or beds

There do not appear to be any CoE companies currently manufacturing restraint chairs, shackle boards or shackle beds. However, there are indications that restraint chairs have previously been imported into the CoE region. According to the US based manufacturer Safety Restraint Chair Inc., “*The restraint chair has been sold across the U.S., in Canada, and internationally in countries like Australia, New Zealand, the Netherlands, and South Korea.*”²³² The chair manufactured by Safety Restraint Chair Inc., has been promoted for

²²¹ CPT, Report to the Icelandic Government on the visit to Iceland carried out by CPT from 18 to 24 September 2012, 5 December 2013, paragraph 7.

²²² CPT (5 December 2013) op.cit., paragraph 37.

²²³ CPT (5 July 2016) op.cit.

²²⁴ CPT, Report to the Finnish Government on the visit to Finland carried out by the European Committee for the CPT from 22 September to 2 October 2014, 20 August 2015.

²²⁵ CPT (5 December 2013) op.cit., paragraph 7.

²²⁶ CPT, Report to the Italian Government on the visit to Italy carried out by the European Committee for the CPT from 14 to 26 September 2008, 20 April 2010.

²²⁷ CPT (22 May 2014) op.cit.

²²⁸ CPT, Report to the Government of the Netherlands on the visit to the Netherlands carried out by the CPT from 2 to 13 May 2016, 25 November 2016.

²²⁹ See for example, CPT, Report to the Swedish Government on the visit to Sweden carried out by the CPT from 18 to 28 May 2015, 17 February 2016, paragraph 90.

²³⁰ Georgia, Law of Georgia No 3523 of 1 May 2015, Imprisonment Code, 2014, available at <https://matsne.gov.ge/en/document/download/91612/18/en/pdf> (accessed 18 January 2018).

²³¹ The guidelines for the use of such devices state: (b) A straight jacket, restraint chair, restraint bed—for a person who tried to injure himself or others and/or who is likely to injure or harm another person or damage state property; whose actions are prominently aggressive. The instruments of restraint shall be used under the supervision of a physician. [Georgian Minister of Corrections, The Rules and Terms on Types of Instruments of Restraint, their Maintaining, Carrying and Using and on Identification of Persons Entitled to Use Them, Order No. 145, 12 Sep. 2014, (unofficial translation)].

²³² Safety Restraint Chair, Inc. company information, <http://restraintchair.com/our-company.php> (accessed 14 May 2015).

sale by a range of companies in the US and elsewhere, previously including the CoE-based company, De Ridder Products, which has offices in Belgium, France, Germany and the Netherlands.²³³ On 29 April 2015, in response to an information request from Amnesty International and the Omega Research Foundation, De Ridder stated: *“After reading your report we have decided to delete the mentioned chair out of our assortment and we have also removed it from our website. After taking everything in consideration we come to the conclusion that this product does not match our vision on safety for the prisoners when used wrongly.”*²³⁴

In addition, Amnesty International and the Omega Research Foundation have previously uncovered evidence of the promotion of restraint chairs by non-CoE companies at CoE arms and security fairs and exhibitions in 2011.²³⁵

The European Commission has recognised that restraint chairs, shackle boards and shackle beds, *“Restrict movement of the prisoner much more than simultaneous application of e.g. handcuffs and ankle cuffs. The inherent risk of torture or inhuman treatment increases when this restraining technique is applied for longer periods.”* The Commission concluded that *“It is therefore necessary to prohibit the trade in restraint chairs, shackle boards and shackle beds.”* Consequently, in July 2014, the Commission added restraint chairs, shackle boards and shackle beds to the list of prohibited goods whose import to the EU or export from the EU was prohibited under EC Regulation 1236/2005. In December 2016 promotion of such goods was also prohibited under EU Regulation 2016/2134. Although these prohibitions cover restraint chairs, boards and beds employing metal restraints, they do not cover devices *“fitted with straps”*.²³⁶ These exemptions allow the uncontrolled promotion and transfer of such restraint chairs, boards and beds into or from the EU. These loopholes need to be urgently addressed. It is unknown whether any non-EU CoE member States currently control or prohibit the trade in such devices.

5.2.3.3. Recommendations

- **CoE member States should prohibit the manufacture, promotion, import, export, brokering or other transfer of restraint chairs, beds, or boards intended for law enforcement purposes.**
- **CoE member States should introduce stringent controls on the trade and use of restraint chairs, beds and boards utilising fabric straps to ensure they are only employed by trained health professionals solely for medical purposes.**

²³³ De Ridder Products, http://www.deridderproducts.com/index.php?route=product/product&product_id=1336 (accessed 13 February 2015). As stated in its response to Amnesty International and the Omega Research Foundation, De Ridder subsequently removed all details of the safety restraint chair from its website.

²³⁴ Email correspondence from representative of De Ridder Products, 29 April 2015.

²³⁵ Amnesty International & Omega Research Foundation, No more delays: putting an end to the EU trade in “tools of torture”, ACT 30/06/2012.

²³⁶ European Commission, Commission Implementing Regulation (EU) No 775/2014 of 16 July 2014.

5.2.4. Cage beds and net beds

Cage beds comprise a cage (four sides and a ceiling) or similar structure enclosing a human being within the confines of the bed, the ceiling or one or more of the sides of which are fitted with metal or other bars, and which can only be opened from outside. Concerns about enclosed beds are not restricted to “cage beds”, but to any form of enclosure around or attached to a hospital bed, irrespective of the material used to form the enclosure, including fabric netting -“net beds”. The UN Committee on Torture noted that netted cage beds have “effects [that] are similar to those of [metal] cage-beds”.²³⁷ The UN Human Rights Committee has called for a cessation of the use of cage beds, and has stated that their use “is considered an inhuman and degrading treatment of patients confined in psychiatric and related institutions”.²³⁸ The CPT in its revised standard-setting document of 2017 concerning “means of restraint in psychiatric establishments for adults”, stated that “the use of net (or cage) beds should be prohibited under all circumstances.”²³⁹

5.2.4.1. Use of cage or net beds in CoE member States

During the 2012-2017 period the UN Human Rights Committee and the CPT have highlighted the possession and/or use of cage or net beds in psychiatric hospitals in Austria²⁴⁰ Czech Republic²⁴¹ and Slovakia.²⁴²

5.2.4.1.1. Illustrative cases

Czech Republic

A CPT report of its 2014 visit to the Czech Republic,²⁴³ stated that “The CPT has repeatedly expressed its serious misgivings about the use of net-beds and recommended that the Czech authorities pursue a policy of putting an end to their use in psychiatric hospitals as soon as possible. Regrettably, the findings of the 2014 visit indicate that there has been no progress in this respect.”²⁴⁴ The CPT report highlighted the use of net-beds at Kosmonosy Psychiatric Hospital which “give rise to particular concern” including the excessive duration of placement of certain patients in net-beds. For example, according to the registers examined by the delegation, one patient had been restrained in a net-bed for a total of almost 2,600 hours (i.e. the equivalent of 108 days) during some 180 days since 18 October 2013. Another patient was placed in a net-bed between 22 September 2013 and 4 March 2014 (163 days) for more than 1,800 hours (i.e. the equivalent of 75 days). The risks linked with the use of net-beds and the need for supervision were illustrated by the case of a 51-year old woman who

²³⁷ UN, Committee against Torture, Concluding observations of the Committee against Torture: Czech Republic, UN CAT, , Forty-eighth session, CAT/C/CZE/CO/4-5, 7 May–1 June 2012, p. 7.

²³⁸ UN, Human Rights Committee, *Concluding Observations of the Human Rights Committee, Slovakia*, 22 August 2003, UN Doc. CCPR/CO/78/SVK, paragraph 13; UN, Human Rights Committee, *Concluding Observations of the Human Rights Committee, Czech Republic*, 9 August 2007, UN Doc. CCPR/C/CZE/CO/2 paragraph 13.

²³⁹ CPT, Means of restraint in psychiatric establishments for adults (Revised CPT standards), CPT/Inf(2017)6, 21 March 2017.

²⁴⁰ CPT, Report to the Austrian Government on the visit to Austria carried out by the CPT from 22 September to 1 October 2014, 6 November 2015. On 22 July 2014 the Federal Ministry of Health introduced a ban on the use of net beds in psychiatric and social welfare institutions which came into effect from 1 July 2015.

²⁴¹ CPT, Report to the Czech Government on the visit to the Czech Republic carried out by the CPT from 1 to 10 April 2014, 31 March 2015.

²⁴² UN, Human Rights Committee, Concluding observations on the fourth report of Slovakia, International Covenant on Civil and Political Rights, CCPR/C/SVK/CO/4, 22 November 2016, paragraph 20.

²⁴³ CPT(31 March 2015) op.cit.

²⁴⁴ CPT (31 March 2015) op.cit., paragraph 169.

died in a net-bed at Dobřany Psychiatric Hospital in January 2012. According to the CPT, “The patient concerned was reportedly placed in a net-bed on the day of her admission to the hospital and, after having spent several hours therein, she tore the net and strangled herself in the loop. Allegedly, this happened despite constant CCTV-coverage of the net-bed where the patient was placed.”²⁴⁵

Slovakia

In November 2016, the UN Human Rights Committee highlighted its concerns regarding the continued “practice of physical and mechanical restraints, in netted cage beds” for people with disabilities held in certain State institutions.²⁴⁶ The Committee consequently stated that Slovakia should “abolish the use of netted cage beds and other forms of restraint in psychiatric and related institutions.”²⁴⁷

5.2.4.2. Manufacture, promotion and/or transfer of net and cage beds

Following the adoption by the EU of Commission Implementing Regulation (EU) No 775/2014 in July 2014, “cage beds” and “net beds” were added to the list of prohibited goods (Annex II) under EC Regulation 1236/2005²⁴⁸ Consequently, the import and export of such items was prohibited in all EU Member States. It is unknown whether any non-EU CoE member States currently control or prohibit the trade in such devices.

In 2015 Amnesty International and the Omega Research Foundation highlighted the promotion of net beds by two Czech companies on their websites. Following a request for further information from Amnesty International and Omega both companies removed all information concerning these devices from their websites.²⁴⁹ Subsequently the Omega Research Foundation has found no further promotion of such devices by companies based in the CoE.

5.2.4.3. Recommendation:

- **CoE member States should prohibit the manufacture, promotion, import, export, brokering or other transfer of cage or net beds. The use of such restraints by CoE law enforcement and prison officials, or health professionals should be prohibited, and all existing devices should be removed and verifiably destroyed.**

²⁴⁵ CPT (31 March 2015) op.cit., paragraph 170.

²⁴⁶ UN, Human Rights Committee, Concluding observations on the fourth report of Slovakia, International Covenant on Civil and Political Rights, CCPR/C/SVK/CO/4, 22 November 2016, paragraph 20.

²⁴⁷ UN (22 November 2016) op.cit., paragraph 21.

²⁴⁸ European Commission, Commission Implementing Regulation (EU) No 775/2014 of 16 July 2014.

²⁴⁹ For further information see: Amnesty International & Omega Research Foundation, *Grasping the Nettle: Ending Europe’s Trade in Torture Technology*, EUR 01/1632/2015, May 2015, pp.19-20.

5.2.5. Prisoner hoods and blindfolds

International and regional human rights bodies have repeatedly documented the employment of hooding and blindfolding as part of a process of ill-treatment or torture conducted by law enforcement officials. The UN Committee against Torture has stated that blindfolding can constitute torture or other ill-treatment.²⁵⁰ The former UN Special Rapporteur on Torture has noted that “*the practice of blindfolding and hooding often makes the prosecution of torture virtually impossible, as victims are rendered incapable of identifying their torturers.*” and recommended that “*blindfolding and hooding should be forbidden.*”²⁵¹ The European Court of Human Rights has determined that blindfolding a prisoner constitutes cruel or inhuman treatment when used in combination with other interrogation or detention methods,²⁵² and can constitute torture when used with other techniques.²⁵³

The CPT has regularly highlighted its concerns regarding specific cases of blindfolding discovered in individual CoE countries. Its 2015 Standards document, states that “*from the information gathered over the years, it is clear ...that in many if not most cases, persons are blindfolded in order to prevent them from being able to identify law enforcement officials who inflict ill-treatment upon them.*”²⁵⁴ Furthermore, the CPT considered that “*even in cases when no physical ill-treatment occurs, to blindfold a person in custody - and in particular someone undergoing questioning - is a form of oppressive conduct, the effect of which on the person concerned will frequently amount to psychological ill-treatment.*” The CPT has consequently recommended that “*the blindfolding of persons who are in police custody be expressly prohibited.*”²⁵⁵ The European Convention on Human Rights and Policing, a handbook developed in the framework of a joint programme between the European Union and the Council of Europe, includes CPT policy recommending the prohibition of blindfolding.²⁵⁶

5.2.5.1. Use of blindfolds and hoods in ill-treatment and torture

However, despite the consistent prohibition of such practices, the employment of blindfolds, hoods or other means of blocking prisoners’ sight has been documented by the CPT, Amnesty International or Human Rights Watch during 2012-2017 in Azerbaijan²⁵⁷, Bosnia &

²⁵⁰ UN, Committee Against Torture, Concluding observations of the Committee against Torture: Israel, 5 September 1997, A/52/44; UN, Committee Against Torture, Report on Mexico produced by the Committee under article 20 of the convention, and reply from the government of Mexico., CAT/C/75 (2003), 26 May 2003.

²⁵¹ UN, Commission on Human Rights, Report of the special rapporteur, Sir Nigel Rodley, submitted pursuant to Commission on Human Rights Resolution 2001/62., E/CN.4/2002/76, 27 December 2001.

²⁵² Ireland v. United Kingdom, 25 Eur. H.R. Rep. (ser. A) (1978); Ocalan v. Turkey, 37 Eur. Ct. H.R. 238, 222 (2003). [As cited in IRCT, Statement on hooding, International Forensic Group, *Torture*, volume 21, 3 November 2011].

²⁵³ Aksoy v. Turkey, 1996-VI Eur. Ct. H.R. 2260 (1996); Aydin v. Turkey, 1997-VI Eur. H.R. Rep. 1866 (1997). [As cited in IRCT (2011) op.cit].

²⁵⁴ CPT, CPT Standards (2015) op.cit., paragraph 38.

²⁵⁵ CPT, CPT Standards (2015) op.cit., paragraph 38.

²⁵⁶ Murdoch, J.& Roche, R. European Convention on Human Rights and Policing, A handbook for police officers and other law enforcement officials, CoE Publishing, December 2013 p. 84.

²⁵⁷ Human Rights Watch, Tightening the Screws Azerbaijan’s Crackdown on Civil Society and Dissent, 2013.

Herzegovina²⁵⁸, Greece²⁵⁹, Netherlands (Caribbean)²⁶⁰, Poland²⁶¹, Turkey²⁶², and the Ukraine²⁶³.

5.2.5.1.1. Illustrative cases

Turkey

Human Rights Watch documented the case of Eyüp Birinci, a teacher, who on 14 July 2016, was detained by police in Antalya on suspicion of being a member of the banned Gülen movement. Mr Birinci told Human Rights Watch how the police had blindfolded him and taken him to one of the upper floors of the police station:

‘My eyes were blindfolded. I felt there were three or four people in the room. But it was the police chief who detained me that spoke... “Tell us what you know, what’s your business in Antalya,” he said as they stripped me naked... The police chief who detained me and whose name I don’t know began to slap me in the face and eyes... They beat me on the soles of my feet, on my stomach, then squeezed my testicles, saying things like they’d castrate me... They made me lie face down and twisted my left and right arms behind me... Then they turned me on to my back, wet my feet and began to beat them. Then they beat both arms with the baton. They wet my neck and beat me there.... They even put the baton in my mouth and rotated it.... They made me stand up and they punched me with fists. They punched my stomach for several minutes, each time telling me to stand up straight.’²⁶⁴

Ukraine

Amnesty International has highlighted the reported abductions of activists involved in the anti-government EuroMaydan protests of January 2014. For example, on 21 January 2014, activist Yury Verbytsky and a well-known journalist and EuroMaydan activist Igor Lutsenko were abducted by unidentified men at a hospital where they were seeking medical treatment. Igor Lutsenko was kept blindfolded and then dumped by his captors in a forest outside of Kyiv in freezing temperatures but managed to find help and is alive. He alleged that he had been badly beaten and otherwise ill-treated by his captors. Yury Verbytsky was found dead in the forest. His ribs were broken and there were traces of duct tape round his head.²⁶⁵

²⁵⁸ Human Rights Watch, Bosnia and Herzegovina: Investigate Police Violence Against Protesters, 21 February 2014.

²⁵⁹ CPT(1 March 2016) op.cit.

²⁶⁰ CPT, Report to the Government of the Netherlands on the visit to the Caribbean part of the Kingdom of the Netherlands carried out by the CPT from 12 to 22 May 2014, 25 August 2015.

²⁶¹ CPT (25 June 2014) op.cit.

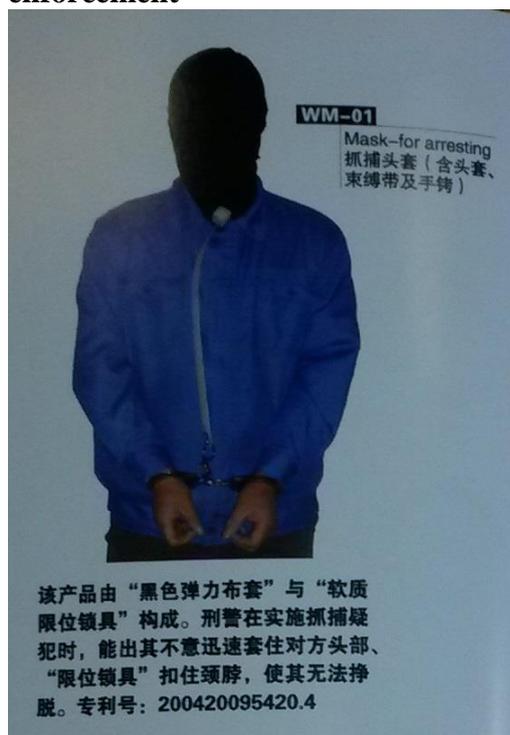
²⁶² Human Rights Watch, A Blank Check: Turkey’s Post-Coup Suspension of Safeguards Against Torture, October 2016.

²⁶³ CPT, Report to the Ukrainian Government on the visit to Ukraine carried out by the CPT from 9 to 16 September 2014, CPT/Inf (2015) 21, 29 April 2015, paragraph 20; Amnesty International, Abductions and Torture in Eastern Ukraine, EUR 50/034/2014, July 2014, p.8.

²⁶⁴ Human Rights Watch (October 2016) op.cit.

²⁶⁵ Amnesty International, (July 2014) op.cit, p.8.

5.2.5.2. Manufacture, promotion and/or transfer of blindfolds or hoods for law enforcement



“Mask for arresting”: image taken from promotional material distributed by Chinese company China Xinxing Import & Export Corp. at Eurosatory 2016, Paris, France.

Although EC Regulation 1236/2005 controls the EU export of spit hoods that cover the mouth but not the prisoner’s eyes, it does not regulate the EU trade in law enforcement blindfolds or hoods that completely block a prisoner’s vision. To date no publicly available comprehensive official CoE-wide survey has been carried out identifying whether any CoE States control the import and export of these devices for law enforcement purposes, at the national level.

During the 2012-2017 period, the Omega Research Foundation found no evidence of the manufacture or promotion by CoE companies of hoods or blind-folds specifically intended for law enforcement purposes. However Omega has uncovered evidence of the promotion of such devices at CoE arms and security exhibitions by non-CoE companies during this period. For example, at Eurosatory 2016, held in Paris, France in June 2016, the Chinese company, China Xinxing Import & Export Corp. promoted the “*WM-01 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); the hood being attached to metal handcuffs. In addition to concerns about the risk of asphyxiation, there are concerns that such systems restrict the prisoner’s movements and may increase the risk of neck injury.

5.2.5.3.Recommendation

- **CoE member States should prohibit the manufacture, promotion, import, export, brokering or other transfer of hoods or blindfolds intended for law enforcement purposes. The use of such hoods or blindfolds by CoE law enforcement and prison officials should be prohibited, and all existing hoods or blindfolds should be removed and destroyed.**

6. Kinetic impact weapons

6.1. Kinetic impact projectiles

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. Common calibres include: 37/38mm, 40mm, 56mm, 12 gauge and 9mm.

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. Many 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, 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.

6.1.1. Misuse of kinetic impact projectiles in CoE member States

From 2012-2017, reports by the CPT, Amnesty International and Physicians for Human Rights indicate that kinetic impact projectiles have been used abusively or inappropriately in Finland,²⁶⁶ France²⁶⁷, Greece,²⁶⁸ Slovakia,²⁶⁹ Spain²⁷⁰, Turkey²⁷¹ and Ukraine²⁷².

6.1.1.1. Illustrative cases

Spain

On 6 February 2014, 200 migrants, refugees and asylum seekers from Sub-Saharan Africa attempted to swim to Ceuta, an autonomous city of Spain on the north coast of Africa, from its border with Morocco. Members of the Spanish Civil Guard opened fire with large rubber bullets, tear gas and blanks to stop their advance resulting in or contributing to the death of at least 14 people. An additional woman was also reported dead after the incident, though her body has never been found.²⁷³ A Spanish Government representative at first denied the use of

²⁶⁶ Amnesty International, *Finland: Submission to the United Nations Committee Against Torture*, 59th session, 7 November – 7 December 2016, p. 14.

²⁶⁷ Amnesty International, *A right not a threat: Disproportionate restrictions on demonstrations under the State of Emergency in France*, EUR 21/6104/2017, 2017.

²⁶⁸ Amnesty International, *Policing Demonstrations in the European Union*, EUR 01/022/2012, October 2012, p. 9.

²⁶⁹ Amnesty International, *Amnesty International Report 2015/16: The State of the World's Human Rights*, POL 10/2552/2016, 23 February 2016, p. 322.

²⁷⁰ CPT, *Report to the Spanish Government on the visit to Spain carried out by the CPT from 14 to 18 July 2014*, 9 April 2015, paragraph 48; Amnesty International, *Policing Demonstrations in the European Union*, EUR 01/022/2012, October 2012, p. 10; Amnesty International & Omega Research Foundation, *Tackling the trade in tools of torture*, ACT 30/6998/2017, October 2017.

²⁷¹ Physicians for Human Rights, *Contempt for Freedom: State Use of Tear Gas as a Weapon and Attacks on Medical Personnel in Turkey*, September 2013, p. 14.

²⁷² CPT, *Report to the Ukrainian Government on the visit to Ukraine carried out by the CPT from 9 to 16 September 2014*, CPT/Inf (2015) 3, 13 January 2015, paragraph 11.

²⁷³ Amnesty International, *Spain: Accountability urged for ‘appalling’ migrant deaths in Ceuta*, 14 February 2014

riot control equipment. But after footage emerged of the equipment in use, the Spanish Minister of Interior admitted it was used, but claimed that it was deployed in such a way as to avoid hitting any of the people who were in the sea. However, survivors told Spanish non-governmental organisations that some of them were hit by rubber bullets when they were in the sea and that the tear gas fired by the Civil Guards made it difficult for them to see and breathe.²⁷⁴

Turkey

Physicians for Human Rights (PHR) and Turkish legal, medical and human rights organisations have documented the widespread excessive use of force by Turkish police in response to the Gezi Park protests, which began in May 2013. This included firing kinetic impact projectiles directly at non-violent demonstrators at close range, resulting in many injuries. One interviewee, a 19-year-old recent high school graduate who did not wish to be identified, described being at Gezi Park in Istanbul on 16 June 2013: *“The police were 50 to 60 meters from us and were shooting rubber bullets and tear gas canisters at our heads.... I was trying to protect my head. I was behind a car and was trying to go into a house. A rubber bullet hit me in my left eye. I fell to the ground.... People said that the police wouldn’t let ambulances through to help me, and if the ambulances came they would bring in tear gas canisters to the police. So, they got a taxi and carried me to the hospital.”* The plastic bullet hit his lower orbital bone and went up through the eye. At the time of PHR’s interview, it was not known whether vision could be restored in the affected eye.²⁷⁵

Ukraine

During its 2014 visit, the CPT’s delegation received numerous allegations and gathered other evidence of a widespread pattern of ill-treatment of *“Maidan”* protesters by members of Internal Affairs special forces at the time of actual apprehension and/or shortly afterwards in the course of the public order operations in Kiev of 19-23 January and 18-21 February 2014. This included shooting with kinetic impact projectiles (rubber bullets) at close range. Some persons interviewed also claimed that, once apprehended, they had been hit with batons whilst being forced to run through a *“corridor”* formed by members of Internal Affairs special forces or had been initially asked by law enforcement officials to choose with which *“special means”* they would like to be *“dealt with”* (e.g. being shot at with a rubber bullet gun or receiving baton blows). The aim of the various types of alleged ill-treatment was apparently to inflict the maximum possible pain or damage to the health of the apprehended persons.²⁷⁶

²⁷⁴ Amnesty International & Omega Research Foundation, Tackling the trade in tools of torture, ACT 30/6998/2017, October 2017.

²⁷⁵ Physicians for Human Rights, *Contempt for Freedom: State Use of Tear Gas as a Weapon and Attacks on Medical Personnel in Turkey*, September 2013, p. 14.

²⁷⁶ CPT, Report to the Ukrainian Government on the visit to Ukraine carried out by the CPT from 18 to 24 February 2014, 13 January 2015, paragraph 11.

6.2. Hand-held kinetic impact weapons

Hand-held kinetic impact weapons, also known as striking weapons, include batons and truncheons. Very widely employed, they are used to strike an individual to cause or threaten physical pain in order to deter them from an action or cause them to comply. They can be made of wood, plastic, metal or other material and can be short or long (20cm – 2m), telescopic, collapsible or side-handled. Certain types of weapon can have a legitimate law enforcement use when employed correctly and strictly in accordance with international human rights and policing standards. However they are widely abused in the beating of detainees to inflict unnecessary, arbitrary or excessive force in a manner that can easily cause unwarranted injury. For example, when over-arm strikes impact the head or other sensitive areas, there is a risk of brain injury or death.

6.2.1. Misuse of hand-held kinetic impact weapons in CoE member States

During the 2012-2017 period, the CPT, Amnesty International and Human Rights Watch reported the inappropriate use of striking weapons in Albania²⁷⁷, Armenia²⁷⁸, Azerbaijan²⁷⁹, Bosnia and Herzegovina²⁸⁰, Bulgaria²⁸¹, Cyprus²⁸², Czech Republic²⁸³, France²⁸⁴, Greece²⁸⁵, Hungary,²⁸⁶ Ireland,²⁸⁷ Italy²⁸⁸, Kosovo²⁸⁹, Latvia²⁹⁰, Lithuania²⁹¹, Macedonia,²⁹² Moldova²⁹³,

²⁷⁷ CPT (3 March 2016) op.cit.

²⁷⁸ CPT (22 November 2016) op.cit., paragraph 15.

²⁷⁹ Amnesty International, *The spring that never blossomed: Freedoms suppressed in Azerbaijan*, November 2011, p. 19.

²⁸⁰ CPT (5 July 2016) op.cit., paragraph 12.

²⁸¹ Amnesty International, *Bulgaria: Investigations into alleged excessive use of force during Sofia protests must be prompt and thorough*, EUR 15/001/2013, 1 August 2013.

²⁸² CPT (9 December 2014) op.cit., paragraph 59.

²⁸³ CPT (31 March 2015) op.cit., paragraph 9.

²⁸⁴ Amnesty International, EUR 21/6104/2017 (2017) op.cit.; see also Cragg, S. and Mellon, G. *Report: Camps at Calais and Grande-Synthe (France): Policing and Access to Justice*, Bar Human Rights Committee of England & Wales (BHRC), July 2016.

²⁸⁵ CPT (26 September 2017) op.cit., paragraph 65.

²⁸⁶ CPT (3 November 2016) op.cit., paragraph 16; Human Rights Watch, *Hungary: Failing to Protect Vulnerable Refugees*, 20 September 2016.

²⁸⁷ CPT (17 November 2015) op.cit., paragraphs 12 & 13.

²⁸⁸ CPT (8 September 2017) op.cit., paragraph 10; Amnesty International, *Hotspot Italy, How EU's flagship approach leads to violations of refugee and migrant rights*, EUR 30/5004/2016, October 2016.

²⁸⁹ Amnesty International, *Amnesty International condemns excessive use of force by Kosovo police*, EUR 70/001/2012, 16 January 2012.

²⁹⁰ CPT, *Report to the Latvian Government on the visit to Latvia carried out by the CPT from 12 to 22 April 2016*, 29 June 2017, paragraph 15.

²⁹¹ CPT (4 June 2014) op.cit., paragraph 38.

²⁹² CPT, *Report to the Government of "the former Yugoslav Republic of Macedonia" on the visit to "the former Yugoslav Republic of Macedonia" carried out by the CPT from 6 to 9 December 2016*, 12 October 2017, paragraphs 8 & 9; Human Rights Watch, *"As Though We Are Not Human Beings": Police Brutality against Migrants and Asylum Seekers in Macedonia*, 2015, p. 2.

²⁹³ CPT (30 June 2016) op.cit.; CPT, *Report to the Moldovan Government on the visit to the Republic of Moldova carried out by the CPT from 1 to 10 June 2011*, 12 January 2012.

Montenegro²⁹⁴, Netherlands²⁹⁵, Poland²⁹⁶, Portugal²⁹⁷, Russia²⁹⁸, Serbia²⁹⁹, Spain,³⁰⁰, Sweden³⁰¹, Switzerland³⁰², Turkey,³⁰³ and the Ukraine³⁰⁴.

6.2.1.1. Illustrative cases

Bosnia and Herzegovina

During a 2015 visit, the CPT delegation received repeated allegations of ill-treatment being used by police officers to extract confessions, and the means employed in several such instances included hand-held striking weapons.³⁰⁵ For example, one person alleged that after being arrested and taken to Bijeljina Police Station, five police officers inflicted repeated baton blows, kicks and punches on him and told him to confess.³⁰⁶ During the same visit, the CPT delegation also heard allegations of ill-treatment using batons in prison establishments. On 26 April 2015 in Banja Luka Prison, members of the prison's intervention unit allegedly dragged a prisoner on remand from his cell and beat him with batons while he lay on the ground. After being beaten again on the ground floor, he was stripped of his clothing and placed in a padded cell wearing only his underwear for two days. The prison doctor recorded the following injuries in his medical file: "reddishness in the lower back and three parallel tram-line hematomas 6cm x 4cm in size".³⁰⁷

Ukraine

Ukrainian police have used batons abusively in the perpetration of numerous acts of torture and other ill-treatment, prior to and during the armed conflict within the country. The CPT has reported that rape with batons is one of the methods of "*severe physical ill-treatment and/or torture*" that has allegedly been inflicted on those deprived of their liberty in certain places of detention in Ukraine.³⁰⁸ On 17 June 2012, Mikhail Belikov was approached by police officers from Petrovskiy District police station in Donetsk for drinking in public. He was beaten before being taken to the Petrovskiy District sub-police station. While in police custody, a police officer allegedly raped Mr. Belikov with a police baton while three other officers held him down. He suffered serious internal injuries as a result and required a temporary colostomy.³⁰⁹

²⁹⁴ CPT (22 May 2014) op.cit.

²⁹⁵ CPT (11 November 2016) op.cit., paragraph 85.

²⁹⁶ CPT (25 June 2014) op.cit., paragraph 16.

²⁹⁷ Amnesty International (23 February 2016) op.cit., p. 297.

²⁹⁸ Human Rights Watch, Russia: Investigate Police Use of Force Against Peaceful Protesters, 8 May 2012.

²⁹⁹ CPT (24 June 2016) op.cit., paragraph 46.

³⁰⁰ CPT (9 April 2015) op.cit., paragraph 51.

³⁰¹ CPT (17 February 2016) op.cit., paragraphs 11 & 12.

³⁰² CPT, Report to the Swiss Federal Council on the visit to Switzerland carried out by the CPT from 13 to 24 April 2015, 23 June 2016.

³⁰³ CPT, Report to the Turkish Government on the visit to Turkey carried out by the CPT from 9 to 21 June 2013, 15 January 2015, paragraphs 18 & 50; See also: Physicians for Human Rights, *Contempt for Freedom: State Use of Tear Gas as a Weapon and Attacks on Medical Personnel in Turkey*, September 2013, p. 14.

³⁰⁴ CPT (19 June 2017) op.cit., paragraph 15; CPT (13 January 2015) op.cit., pp.12-14, 16.

³⁰⁵ CPT (5 July 2016) op.cit.

³⁰⁶ CPT (5 July 2016) op.cit., paragraph 14.

³⁰⁷ CPT (5 July 2016) op.cit., paragraph 84.

³⁰⁸ CPT (29 April 2015) op.cit., paragraph 35.

³⁰⁹ Amnesty International, Ukraine: Submission to the United Nations Human Rights Committee for the 108th session of the Human Rights Committee (8-26 July 2013), June 2013, , p. 6.

According to testimony gathered by Amnesty International, a man captured by pro-Kyiv forces in November 2014 was severely beaten while in Security Service of Ukraine custody. He was allegedly hung from a hook attached to the ceiling so that his feet just touched the floor with his arms stretched tight. While in this position, he was beaten with batons and suffered four broken ribs as a result.³¹⁰

6.2.2. Manufacture, promotion and transfer of kinetic impact weapons

The Omega Research Foundation has identified companies throughout the CoE that have manufactured or promoted hand held kinetic impact weapons or launched-kinetic impact weapons and projectiles, since 2012, including in Belgium, Bulgaria, Czech Republic, France, Germany, Italy, Latvia, Malta, Montenegro, Poland, Portugal, Romania, the Russian Federation, Serbia, Slovenia, Spain, Switzerland, the Ukraine and the UK.³¹¹

In spite of their frequent use in the perpetration of human rights abuses, neither launched-kinetic impact projectiles nor hand-held kinetic impact weapons are adequately covered by international arms import and export controls. Such items do not fall within the scope of the Arms Trade Treaty³¹² or the Wassenaar Arrangement³¹³ – both applicable to a number of CoE States. Within the EU region, neither the EU Council Common Position 2008/944/CFSP on arms exports³¹⁴ nor EC Regulation 1236/2005 adequately cover launched kinetic impact projectiles or standard hand held kinetic impact weapons.

³¹⁰ Amnesty International, *Breaking Bodies: Torture and Summary Killings in Eastern Ukraine*, 2015, p. 27.

³¹¹ Details of relevant CoE companies and marketing materials on file with Omega Research Foundation.

³¹² UN, The Arms Trade Treaty, UN General Assembly Resolution, A/RES/67/234 B, 11 June 2013.

³¹³ For details of Wassenaar Arrangement Control Lists and Best Practice Documents see: WA website: <http://www.wassenaar.org/> (accessed 10 January 2018).

³¹⁴ European Union, EU Common Position 2008/944/CFSP, of 8 December 2008 defining common rules governing control of exports of military technology and equipment, Official Journal of the European Union L 335/99, 13 December 2008.

6.3. Spiked kinetic impact devices

Investigation by the Omega Research Foundation has discovered the ongoing marketing of a range of spiked kinetic impact devices such as spiked batons, spiked shields and other spiked equipment including spiked assaultive arm armour intended for use by police and security forces. Although manufactured by Asian companies, these have been promoted in arms fairs across the world, including in the CoE region. Such devices clearly have no legitimate law enforcement purpose, their only practical use being to inflict torture or other ill-treatment. Consequently, the import, export or promotion of such devices is prohibited under EC Regulation 1236/2005 and EU Regulation 2016/2134. It is unknown whether any non-EU CoE member States currently control or prohibit the trade in such devices.

6.2.3. Promotion of spiked kinetic impact devices

The Omega Research Foundation identified one CoE company – the Cyprus based Carriar EI Limited – that, as of January 2018, promoted and offered to supply certain forms of spiked batons as well as a spiked “*multifunction attack and defend arm shield*” on their website³¹⁵, as pictured below. In correspondence with Omega, the company stated that no “*such products have...been sold to any law enforcement, military bodies and/or correctional services in the CoE, as of the 5th of January 2018.*”³¹⁶



Images downloaded from Carriar EI Limited website, January 2018

In addition during the 2012-2017 period there have been examples of the promotion of such items by non-CoE companies at CoE arms and security fairs and exhibitions.

³¹⁵ Carriar EI Limited, Anti-riot equipment, <https://www.carriar.eu/anti-riot> (accessed 18 January 2018).

³¹⁶ Correspondence from the Director of Carriar EI Trading Limited to the Omega Research Foundation, 5 January 2018.



Photograph (left) of “riot police shield” physically displayed at the China Aole Safety Equipment Co. Ltd, stand during Milipol 2015© Robin Ballantyne/Omega Research Foundation; image (right) of a metal spiked baton taken from China Pioneer product catalogue, Milipol 2017.

A Chinese company, Wenzhou Hongda Police Equipment Share Co. Ltd, promoted a “*riot police shield*” with metal spikes in their product catalogue distributed at Milipol 2015, in Paris, France. In addition, a spiked shield (with electric shock function) was physically displayed at the China Aole Safety Equipment Co. Ltd, stand during Milipol 2015. It is unclear how the China Aole Safety Equipment company managed to physically display this item at Milipol 2015 when its import was prohibited under EC Regulation 1236/2005 (which is directly applicable in all member States, including France). In November 2017, the Chinese company, China Pioneer, distributed marketing materials showing a metal spiked baton and a range of hardened plastic/rubber spiked batons, at Milipol 2017.³¹⁷

6.3. Recommendation

- **CoE member States should prohibit the manufacture, promotion, import, export, brokering or other transfer of spiked kinetic impact devices (including batons, shields and arm guards) for law enforcement purposes. The use of such devices by CoE law enforcement and prison officials should be prohibited, and any existing devices should be removed and destroyed.**
- **CoE member States should stringently control the import, export, brokering and other transfer of launched-kinetic impact weapons or hand-held kinetic impact weapons. 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.**

³¹⁷ China Pioneer, Product catalogue, distributed at Milipol 2017, Paris, France.

7. Riot control agents

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,³¹⁸ but allows for their use in: “*law enforcement including domestic riot control purposes*”³¹⁹ provided the “*type and quantities*” of RCA employed is consistent with such purpose.³²⁰

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 women 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.

7.1. Misuse of RCAs in CoE member States

During 2012-2017, the CPT, PACE and Amnesty International have reported on the inappropriate use of riot control agents in Belgium³²¹, Cyprus³²², France,³²³ Greece,³²⁴

³¹⁸ 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.

³¹⁹ OPCW, Chemical Weapons Convention (1993) op.cit., Article II.9.

³²⁰ OPCW, Chemical Weapons Convention (1993) op.cit., Article II.1.a.

³²¹ CPT, Rapport au Gouvernement de la Belgique relatif à la visite effectuée en Belgique par le CPT du 24 Septembre au 4 Octobre 2013, 31 March 2016.

³²² CPT (9 December 2014) op.cit..

³²³ Amnesty International, EUR 21/6104/2017 (2017) op.cit.; Cragg, S. and Mellon, G./BHRC(July 2016) op.cit., paragraph 72.

³²⁴ Amnesty International (23 February 2016) op.cit., p.169.

Hungary,³²⁵ Kosovo,³²⁶ Malta³²⁷, Montenegro,³²⁸ Romania,³²⁹ Turkey³³⁰, the UK³³¹ and Ukraine.³³²

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.³³³ The citation of this language in judgments of the European Court of Human Rights lend these guidelines legally-binding force.³³⁴

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.³³⁵ The Parliamentary Assembly of the Council of Europe (PACE) has highlighted the “*systematic and inappropriate use of tear gas*” as a serious impediment to the full realisation of the freedom of assembly,³³⁶ as well as underlining “*the serious health consequences of the use of tear gas*”.³³⁷ Having ratified the European Convention of Human Rights, 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*”.³³⁸

³²⁵ UN Office of the High Commissioner of Human Rights, Hungary violating international law in response to migration crisis: Zeid, 17 September 2015.

³²⁶ Amnesty International, Amnesty International condemns excessive use of force by Kosovo police, 16 January 2012.

³²⁷ CPT, Report to the Maltese Government on the visit to Malta carried out by the CPT from 3 to 10 September 2015, 25 October 2016.

³²⁸ Amnesty International (23 February 2016) op.cit., p.226.

³²⁹ Amnesty International, *Policing Demonstrations in the European Union*, October 2012, p. 5.

³³⁰ CPT (15 January 2015) op.cit., paragraph 18; CPT, Report to the Turkish Government on the visit to Turkey carried out by the CPT from 16 to 23 June 2015, 17 October 2017.

³³¹ CPT (19 April 2017) op.cit.

³³² CPT (13 January 2015) op.cit.; Amnesty International, *A Year after Euromaydan, Justice Delayed, Justice Denied*, February 2015, p. 13.

³³³ See for example: CPT (6 November 2015) op.cit.; CPT (31 March 2015) op.cit.; CPT, Report to the United Nations Interim Administration Mission in Kosovo (UNMIK) on the visit to Kosovo* carried out by the CPT from 15 to 22 April 2015, , 8 September 2016.

³³⁴ See, for example, European Court of Human Rights, Case of Ali Güneş v. Turkey, judgment of 10 April 2012, paragraphs 39-41.

³³⁵ 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.

³³⁶ Parliamentary Assembly of the Council of Europe, Resolution 2116 (2016), adopted by the Standing Committee, acting on behalf of the Assembly, on 27 May 2016, paragraph 5.

³³⁷ Parliamentary Assembly of the Council of Europe, Resolution 1947 (2013), adopted by the Assembly on 27 June 2013, paragraph 7.

³³⁸ European Court of Human Rights, Case of İzci v. Turkey, judgment of 23 July 2013, paragraph 62.

7.1.1. Illustrative cases

Turkey

During a 2013 visit to Turkey, the CPT received testimony from a demonstrator who was allegedly sprayed in the face with a chemical irritant while handcuffed in police custody.³³⁹ In addition the CPT expressed “*its serious misgivings about the manner in which pepper spray had been used in removal centres*” (including in a room with women and children, as had apparently been the case at Edirne Removal Centre shortly before the delegation’s visit). The CPT recommended “*that the Turkish authorities take steps to ensure that in all removal centres in Turkey pepper spray does not form part of the standard equipment of custodial staff and is never used in confined spaces.*”³⁴⁰

UN and other human rights monitors highlighted the excessive and inappropriate use of tear gas and pepper spray during the Gezi Park protests in 2013.³⁴¹ Amnesty International documented the firing and throwing of tear gas cartridges and grenades into confined spaces including residential homes and public shelters. In Istanbul, tear gas was repeatedly used at the entrance of, or inside, makeshift health clinics, preventing the treatment of injured people. Reports and video footage showed police firing tear gas and pressurized water at the entrance of a makeshift health clinic at the Divan Hotel on 15 June 2013 and police removing masks from the faces of people inside and removing lotion used to treat exposure to tear gas. Hand held pepper spray devices, including large capacity ‘riot sprayers’, were frequently used against peaceful protestors in a manner that was abusive. Individuals told Amnesty International that police officers sprayed pepper spray in their eyes as a punishment when they were apprehended at the scene of demonstrations.³⁴² Turkish security forces used approximately 130,000 tear gas cartridges and grenades – equivalent to a year’s supply - in the first 20 days of the protests alone. Analysis of media reports and images indicated tear gas cartridges and grenades produced by Brazilian, South Korean and US companies were amongst those used against protesters.³⁴³

In addition to the effects of the toxic chemical agents themselves, the use of weapon-fired tear gas cartridges by Turkish police as impact projectiles was of particular concern. Human Rights Watch reported that scores of protesters suffered serious head injuries as a result of this practice.³⁴⁴ At least 11 individuals reportedly suffered vision loss³⁴⁵ and at least two people were killed after being struck in the head with tear gas cartridges.³⁴⁶ The European Court of Human Rights has recognised that the use of a launcher to fire tear gas cartridges generates a risk of serious injury or death,³⁴⁷ stating that firing tear gas cartridges directly at

³³⁹ CPT (15 January 2015) op.cit., paragraph 18.

³⁴⁰ CPT (17 October 2017) op.cit..

³⁴¹ Amnesty International, Gezi Park Protests: Brutal denial of the right to peaceful assembly in Turkey, EUR 44/022/2013, October 2013; UN Radio, Human rights office expresses concern over use of excessive force against peaceful protestors in Turkey, 4 June 2013; See also: Physicians for Human Rights, *Contempt for Freedom: State Use of Tear Gas as a Weapon and Attacks on Medical Personnel in Turkey*, pp. 18-19; FIDH, *Turkey: Gezi, One Year On*, p.10.

³⁴² Amnesty International (October 2013) op.cit.

³⁴³ Amnesty International (October 2013) op.cit.

³⁴⁴ Human Rights Watch, *World Report 2014*, p. 502.

³⁴⁵ Physicians for Human Rights (September 2013) op.cit., p. 9.

³⁴⁶ FIDH, *Turkey: Gezi, One Year On*, May 2014, available at https://www.fidh.org/IMG/pdf/turkey_avril_2014_uk_web.pdf accessed 8 January 2018.

³⁴⁷ European Court of Human Rights, Case of Abdullah Yaşa and Others v. Turkey, judgment of 16 July 2013, paragraph 42.

protesters is not an appropriate police action: *In the Court's view, firing a tear-gas grenade along a direct, flat trajectory by means of a launcher cannot be regarded as an appropriate police action as it could potentially cause serious, or indeed fatal injuries, whereas a high-angle shot would generally constitute the appropriate approach, since it prevents people from being injured or killed in the event of an impact.* Such behaviour has been found to have violated Articles 2 and 3 European Convention on Human Rights on the right to life and the prohibition of torture.³⁴⁸

7.2. Manufacture, promotion and transfer of RCA means of delivery

A report by the PACE Committee on Legal Affairs and Human Rights has called for the trade in RCAs to be “*clearly and systematically regulated*” and for all trade to be publically disclosed.³⁴⁹ However, there is currently no single legally-binding instrument regulating the trade across all CoE member States and the level of reporting on the trade in RCAs differs between CoE member States.

With regard to CoE member States that are also EU member States, under EC Regulation 1236/2005 OC and PAVA are classified as Annex III goods i.e. goods that can have a legitimate law enforcement purpose but which also “*could be used for the purpose of torture or other cruel, inhuman or degrading treatment or punishment*”³⁵⁰; consequently their export from any EU Member State must be strictly controlled. Meanwhile, the export of other riot control agents including CS and CN listed under the Common Military List of the European Union,³⁵¹ is controlled by the EU Common Position Defining Common Rules Governing Control of Exports of Military Technology and Equipment.³⁵² Furthermore, CoE States that have agreed to participate in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies - including the Russian Federation, Switzerland, Turkey, Ukraine and the majority of EU Member States - are also expected to control the trade in riot control agents and their means of delivery.³⁵³ However, it is up to each WA participating State to decide how to implement the Arrangement via national legislation, and how to report such trade.

The Omega Research Foundation has identified companies throughout the CoE that have manufactured and/or promoted RCAs or delivery devices, since 2012 including in Belgium, Czech Republic, Denmark, France, Germany, Hungary, Ireland, Macedonia, Norway, Poland, Portugal, Romania, the Russian Federation, Serbia, Slovak Republic, Spain, Switzerland, Turkey, the Ukraine and the UK.³⁵⁴

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

³⁴⁸ See: European Court of Human Rights, Case of Ataykaya v. Turkey, judgment of 22 July 2014, and European Court of Human Rights, Case of Abdullah Yaşa and Others v. Turkey, judgment of 16 July 2013.

³⁴⁹ PACE, Committee on Legal Affairs and Human Rights, Urgent need to prevent human rights violations during peaceful protests, (rapporteur: Ms Ermira Mehmeti Devaja), 10 May 2016, paragraph 75.

³⁵⁰ European Union, Annex III of EC Regulation 1236/2005.

³⁵¹ See: EU, Common Military List of the European Union, adopted by the Council on 6 March 2017, ML7.

³⁵² EU, Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment, Official Journal of the European Union L 335/99, 13 December 2008.

³⁵³ The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, *List of Dual-Use Goods and Technologies and Munitions List*, WA-List (15) 1 Corr.1, p. 217.

³⁵⁴ Details of relevant CoE companies and marketing materials on file with Omega Research Foundation.

relatively short distances, and when employed proportionately, affect individuals or small groups. However, 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 CoE or beyond.

7.2.2. Development 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 CoE member States such as France, the Russian Federation, Serbia and Turkey,³⁵⁵ and illustrated below.

Cougar 12 56mm multiple launcher [France]

According to the French manufacturer, SAE Alsetex, the Cougar 12 is designed for “*any law enforcement and public order operations in urban and rural environments*”.³⁵⁶ It is a 12 barrelled launcher that can be used on the ground or from a vehicle. It fires 56mm calibre munitions, in single shot fire, or in a 4 or 12 grenade salvo. The launcher has an effective firing range of between 50-200 metres. The Cougar 12 can utilise the full range of SAE Alsetex 56mm grenades.³⁵⁷ Consequently, these launchers could potentially employ the Alsetex CM 10 Tear Gas Grenade which comprises 10 CS capsules containing a total of 140g of tear gas smoke mixture with a 10% concentration of CS irritant, and a coverage area of approximately 1,300 m² to a height of 3 to 5 metres.³⁵⁸ A 12 grenade salvo of such munitions from the Cougar 12 launcher would potentially result in high levels of CS tear gas smoke mixture being dispersed over a wider area.

A contemporary trend has been the development of unmanned ground vehicles or unmanned aerial vehicles (drones) capable of carrying RCA-spraying devices or RCA projectile launchers. Companies manufacturing and/or promoting such devices include those in France, Spain and Turkey.³⁵⁹

³⁵⁵ 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.

³⁵⁶ Law Enforcement 56mm Range, SAE Alsetex, (undated) catalogue distributed at the Special Operations Forces Exhibition and Conference (SOFEX) 7-10th May 2012, Amman, Jordan, p.26. (Copy held by the Omega Research Foundation).

³⁵⁷ SAE Alsetex, Law Enforcement 56mm Range, (undated) catalogue, op.cit., p.26.

³⁵⁸ SAE Alsetex, Law Enforcement 56mm Range, (undated) catalogue, op.cit., p.26.

³⁵⁹ Crowley, M. (December 2015) op.cit.; Crowley, M. (April 2013) op.cit.

AVS 100 unmanned vehicle with multiple purpose payload launcher [France]



Image of unmanned aerial vehicle with attached Multi-purpose launcher/aero cougar photographed at Eurosatory 2016© Robin Ballantyne/Omega Research Foundation.

On 17th November 2015, at Milipol 2015, Paris, the French UAV manufacturer, Aero Surveillance released details of its Multi-purpose Payload Launcher - the MPL 30. This launcher, developed in cooperation with Etienne Lacroix Group can deploy a range of payloads including tear gas grenades from two of Aero Surveillance unmanned aerial vehicles – the ASV 100 and ASV 150. According to media reports, the MPL30 can be deployed from an altitude of several hundred meters³⁶⁰ and can “carry up to 9 Tear Gas grenades on each side of the aircraft skid for a total of 18 tear gas grenades.”³⁶¹ Philippe Roy, President and CEO of Aero Surveillance stated: “The MPL 30 ...allows us to propose complete and modular drone based solutions for law enforcement, homeland security as well as a range of civilian applications.”³⁶²

Eagle Eye Drone [Turkey]



Image of Eagle Eye Drone photograph at Eurosatory 2016© Robin Ballantyne/Omega Research Foundation

³⁶⁰ Aero Surveillance introduces payload launcher, 18th November 2015, Shepherdmedia.com, <https://www.shepherdmedia.com/news/uv-online/aero-surveillance-introduces-payload-launcher/> (accessed 16 November 2017); MILIPOL 2015 Air Security: Aero Surveillance Introduces A New Multi Purpose Payload Launcher, 17th November 2015, Emmergency-Live.com, available at <http://www.emergency-live.com/en/equipment/milipol-2015-air-security/aero-surveillance-introduces-a-new-multi-purpose-payload-launcher/> (accessed 16 November 2017).

³⁶¹ Ibid.

³⁶² Ibid.

The Turkish company Yavasclar (YAVEX) developed the Eagle Eye Anti Riot Drone, which was promoted at Eurosatory 2016, Paris, France in June 2016. According to company marketing materials, it has an effective operating range of 5km² and a maximum operative altitude of 3,000 feet. It weighs 5.4kg and can carry a payload of up to 5.5kg. It is fitted with an RCA projectile delivery mechanism which can release nine Yavex CS smoke projectiles which drop in free fall onto the target crowd below.³⁶³ According to *MSI*, the *Turkish Defence Review Magazine*, Eagle Eye can be effective over an area of 700-800 square metres with the projectiles it carries, depending on environmental conditions.³⁶⁴ The project has currently been suspended following the acquisition of Yavasclar by the Turkish company, Sarsilmaz.³⁶⁵

Certain “wide area” RCA delivery mechanisms may have utility in large scale public order situations in extremely limited circumstances; however they could readily be misused for collective ill treatment or punishment of crowds and their trade and use needs to be strictly controlled. Other “wide area” RCA delivery mechanisms such as RCA artillery or mortar shells and cluster munitions are inherently inappropriate for law enforcement. Research by the Omega Research Foundation and Bradford University has uncovered the previous manufacture and promotion of such weapons, including by companies in the Russian Federation, Serbia and Turkey.³⁶⁶

7.3. Recommendations

- **CoE member States should stringently control the development, production, stockpiling, import, export and other transfer of all riot control agents and delivery mechanisms in their territories in accordance with the Chemical Weapons Convention, and where applicable the Wassenaar Arrangement, the EU Common Position and EC Regulation 1236/2005 . In addition all CoE member States should ensure that RCAs and related delivery devices are not transferred to any end users who will employ them for torture, ill-treatment or other human rights violations.**
- **CoE member States should 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.**
- **CoE member States should 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**

³⁶³ Yavasclar (YAVEX) Product Catalogue, undated, distributed at Eurosatory 2016, pp.48-49. (Copy held by the Omega Research Foundation).

³⁶⁴ MSI Turkish Defence Review Magazine, Number 26, August 2016.

³⁶⁵ Correspondence from Sarsilmaz Patlayici to the Omega Research Foundation, 14 December 2017.

³⁶⁶ Crowley M. (December 2016) op.cit.; Crowley, M. (April 2013) op.cit.

with human rights standards (and likewise their import, export and other transfer must be stringently controlled). Any “wide-area” RCA delivery mechanisms deemed to be inappropriate for law enforcement should be considered to be chemical weapons; their production, possession, trade and use should be prohibited. Such prohibited devices should as a minimum include artillery shells, aerial bombs, large-calibre mortar shells, and cluster munitions.

8. Pharmaceutical chemicals

8.1. Pharmaceutical chemicals employed in torture and ill-treatment

From 2012-2017, the CPT and Human Rights Watch have reported cases of non-consensual, non-therapeutic application of pharmaceutical chemicals (including sedatives, tranquilisers, anti-psychosis medication and other psychoactive chemicals) against patients in psychiatric institutions in Armenia,³⁶⁷ Italy³⁶⁸, the Russian Federation,³⁶⁹ and Serbia³⁷⁰.

8.1.1. Illustrative cases

Italy

Following its 2016 visit to the Castiglione delle Stiviere psychiatric establishment, the CPT delegation stated it was “*very concerned*” about the case of one young male patient who was visibly slowed down in both his movements and his speech (clearly as a side effect of the neuroleptic medication he had been prescribed), and who was made to sign an attendance sheet each hour. This patient had been in the establishment for a year and had tried to escape three times. Following the third attempt in early August 2015, his psychiatric medication had been modified and augmented. The delegation was told by the medical staff that “*such medication had been prescribed with the express intention of rendering him physically incapable of attempting to escape, in particular through the psychomotor retardation caused by Fluphenazine, an older generation neuroleptic.*” The CPT recognised the difficulties involved in managing escape risks, but it was unequivocal in stating that “*such a use of psychotropic medication could be considered to be long-term chemical restraint, or even inhuman and degrading treatment. The CPT recommends that such practices be stopped.*”³⁷¹

Serbia

Following its visit in 2015 to the Veternik Residential Facility, the CPT delegation highlighted its “*particular concern*” that the majority of residents received various types of psychoactive medication, most often without having been diagnosed with a mental disorder. In many cases, anti-psychosis medication in combination with various tranquillising medicines was administered, including to juvenile residents. For instance, approximately half of the residents in one unit were on medication normally used to treat psychotic disorders such as schizophrenia, even though “*only one resident in the whole establishment had been diagnosed with schizophrenia, and none with other types of psychotic illness*”. Further, almost all the residents were taking at least one, if not several, types of sedative. Consequently the CPT delegation “*was of the opinion that the widespread use of sedatives and anti-psychotic medication was an indication of the widespread use of chemical restraint as a tool to control disturbed behaviour among residents, rather than to treat symptoms of a psychiatric illness. The widespread and long-term use of chemical restraints has no medical justification; its deliberate use to subdue residents without therapeutic justification may amount to inhuman and degrading treatment.*”³⁷²

³⁶⁷ HRW, HRW World Report 2015, Armenia entry.

³⁶⁸ CPT (8 September 2017) op.cit.

³⁶⁹ Violence, Neglect, and Isolation for Children with Disabilities in Russian Orphanages, Human Rights Watch, 15 September 2014.

³⁷⁰ CPT (24 June 2016) op.cit.

³⁷¹ CPT (8 September 2017) op.cit.

³⁷² CPT (24 June 2016) op.cit. paragraph 190.

8.2. Pharmaceutical chemicals employed in death penalty

In China, Guatemala, the Maldives, Papua New Guinea, Taiwan, Thailand, Vietnam, and the United States, the intravenous administration of a lethal dose of certain pharmaceutical chemicals (“lethal injection”) is provided for as a method of execution under the law.³⁷³ Until 2010- 2011, the majority of US States that carried out lethal injection executions employed a ‘three-drug’ protocol comprising: sodium thiopental to induce general anaesthesia; pancuronium bromide to cause muscle paralysis, including of the diaphragm; and potassium chloride to stop the heart. An alternative protocol favoured by a small number of US States utilises one large dose of a barbiturate, normally either sodium thiopental or pentobarbital. However, Hospira, the sole US manufacturer of sodium thiopental, suspended production of the drug in 2010, and in early 2011 withdrew from the market altogether. As a result, a number of US death penalty States started to source stocks held in other countries including European countries.

In December 2011, the European Commission revised EC Regulation 1236/2005 to include binding measures to control the export from all EU Member States of certain dual-use drugs which have legitimate medical uses but that could also be employed for the execution of human beings, such as sodium thiopental and pentobarbital.³⁷⁴ These measures were further strengthened with the introduction in December 2016 of an urgency procedure, empowering the Commission to expeditiously amend the list of regulated goods to include additional pharmaceutical chemicals of concern, and thereby allow EU Member States to halt transfers of such pharmaceutical chemicals to end users intending to employ them for capital punishment.³⁷⁵ It is unknown whether similar measures have been adopted by any non-EU CoE member States.

8.3. Recommendations:

- **Where they have not done so, CoE member States should introduce appropriate export controls to ensure that pharmaceutical drugs (including anaesthetic agents or psychoactive chemicals) are not transferred to those law enforcement or prison authorities who will use them for the execution of human beings by means of lethal injection, or for torture or ill-treatment.**
- **CoE member States should ensure that clear regulations are drawn up governing the use of chemical restraint (such as sedatives, antipsychotics, hypnotics and tranquillisers) in line with CPT recommendations, to ensure they are not applied inappropriately and never for torture or ill-treatment. Such chemical restraint, should only be employed when expressly ordered by a doctor. All instances of recourse to means of chemical restraint must be systematically recorded detailing the length and frequency of individual restraint measures.**

³⁷³ Amnesty International, Execution by lethal injection: a quarter century of state poisoning, ACT 50/007/2007, 4 October 2007; Amnesty International, Maldives to resume executions after over 60 years ASA 29/6764/2017, 20 July 2017; Amnesty International, Further information: Papua New Guinea plans for executions, ASA 34/003/2013, 4 June 2013.

³⁷⁴ EU, European Commission, Commission Implementing Regulation (EU) No: 1352/2011 of 20 December 2011, amending Council Regulation (EC) No 1236/2005, Official Journal of the European Union, 21 December 2011, L.338/31, Annex III, Article 4.

³⁷⁵ EU, Regulation (EU) 2016/2134 of the European Parliament and of the Council of 23 November 2016 amending Council Regulation (EC) No 1236/2005, December 2016. In December 2016, the EU also introduced a system of Union General Export Authorizations for EU exports of certain pharmaceutical chemicals to States that abolished the death penalty; and individual or global export authorizations to non-abolitionist States.

Training and Technical Assistance

In his 2005 report to the Commission on Human Rights, the former UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment highlighted the need to control the provision of technical assistance and training that may be used to facilitate acts of torture and other ill-treatment:

*“A number of States are important providers of training and assistance to the military, security or police forces of foreign States. This training and assistance may have the potential to benefit recipient communities by providing better-skilled military or law enforcement officers who respect the rule of law and seek to promote and protect the rights of the civilian population. However, unless such transfers are stringently controlled and independently monitored, there is a danger that they will be used to facilitate torture and other ill-treatment.”*³⁷⁶

A number of CoE State entities provide technical assistance and/or associated training to law enforcement officials from other CoE States and beyond. For example the UK College of Police has previously provided international policing assistance and training in 66 countries in all regions of the world.³⁷⁷ Concerns about the nature of such UK training in certain countries, notably Saudi Arabia, have been raised by the media and UK NGO Reprieve.³⁷⁸

A number of commercial companies based in CoE member States provide training and associated technical assistance to police and prison staff in many third countries on a range of topics. For example, Bonowi International Police Equipment Co., Ltd. (Germany) organises training on topics including baton tactical training, handcuff tactical training and empty-hand combat.³⁷⁹ Bonowi has a dedicated training room in Guilin, China,³⁸⁰ and has held training courses in at least five Chinese cities.³⁸¹ Bonowi has also trained law enforcement and/or

³⁷⁶ 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.

³⁷⁷ FAQ on the College's work in international training, UK College of Policing, <http://www.college.police.uk/News/College-news/Pages/International-FAQ.aspx>. (accessed 30 November 2017).

³⁷⁸ UK ‘has not checked’ whether Saudi police training led to torture, Reprieve, 22 September 2016, <https://www.reprieve.org.uk/press/uk-has-not-checked-whether-saudi-police-training-led-to-torture/> (accessed 30 December 2017); Vallance, C., Torture fears as British police train Saudis, World at One, BBC Radio 4, 7 June 2016, <http://www.bbc.co.uk/news/uk-36468268> (accessed 30 November 2017).

³⁷⁹ Bonowi China website, <http://www.bonowi.cn/en/?p=4839> (accessed 30 November 2017).

³⁸⁰ Bonowi IPE GmbH Facebook page, post uploaded on 21 August 2016, <https://www.facebook.com/217694444950514/photos/pcb.1074602472593036/1074602442593039/?type=3&theater> (accessed 13 December 2017).

³⁸¹ Bonowi IPE GmbH Facebook page, post uploaded on 6 July 2016 reads: “Bonowi China Training in 5 Großstädten mit Jared Wihongi” [Bonwi China Training in five major cities with Jared Wihongi] <https://www.facebook.com/BonowiIPE/posts/1041137235939560> (accessed December 2017).

military personnel in countries including Canada,³⁸² the US,³⁸³ France,³⁸⁴ Singapore³⁸⁵ and South Korea.³⁸⁶ Polish company European Security Academy offers training courses to law enforcement and military personnel and civilians in their purpose-built training centre and around the world.³⁸⁷ The company has reportedly held training courses in 15 countries including Colombia, Kenya, Russia and Ukraine, and its clients have included the Bangladeshi Special Forces, “soldiers from Saudi Arabia who serve in the prison system” and the Saudi “anti-terrorism police”.³⁸⁸ The company promotes training aimed at, *inter alia*, SWAT teams and riot control units.³⁸⁹

Such technical assistance and training can play an important role in facilitating the appropriate use of law enforcement equipment in line with regional and international human rights standards. However, if not adequately regulated, there is a danger that the provision of certain training – whether by State entities or by commercial companies - may promote and legitimise potentially abusive practices (as illustrated by the case study below).

9.1. Illustrative case of concern: provision of training by Euro Security Products

An example of a CoE-based company that provides security equipment and training of concern is Euro Security Products. This Czech company manufactures and supplies electric shock devices, mechanical restraint devices, batons and RCA dispersal devices for law enforcement, correctional and military personnel as well as for civilian use. Euro Security Products also designs and delivers training for law enforcement and security personnel worldwide. The company has delivered training to police forces in the following CoE countries: Bulgaria, Czech Republic, Georgia, Latvia and Spain. In addition they have trained police forces in Botswana, China, D.R. Congo, India, Kosovo (UN), Mexico, Nigeria, Uganda, and Venezuela.³⁹⁰

³⁸² Bonowi IPE GmbH Facebook page, post uploaded 25 July 2016, <https://www.facebook.com/217694444950514/photos/a.226142057439086.57025.217694444950514/1055437771176173/?type=3&theater> (accessed 30 November 2017).

³⁸³ See video <http://www.bonowi.cn/en/?p=4839> (accessed 13 December 2017).

³⁸⁴ Bonowi IPE GmbH Facebook page, post uploaded on 6 January 2016 reads: “Bonowi EKA Training with a great French Army Team”, <https://www.facebook.com/217694444950514/photos/pcb.933636666689618/933636203356331/?type=3> (accessed 15 December 2017).

³⁸⁵ Bonowi IPE GmbH Facebook page, post uploaded on 3 June 2015 reads: “Training in Singapur” <https://www.facebook.com/BonowiIPE/posts/834369459949673> (accessed 15 December 2017).

³⁸⁶ Bonowi IPE GmbH Facebook page, post uploaded on 7 December 2014 reads: “Bonowi Training Seoul” <https://www.facebook.com/BonowiIPE/photos/a.621177691268852.1073741828.217694444950514/750043681715585/> (accessed 15 December 2017).

³⁸⁷ European Security Academy website, <http://www.euseca.com/en/about-us/introduction/> (accessed 30 November 2017).

³⁸⁸ See AFP video, available at <https://www.youtube.com/v/RsH9WcyZKuE&hd=1?rel=0&wmode=transparent> (accessed and archived 19 December 2016).

³⁸⁹ European Security Academy promotional catalogue, available at <http://www.euseca.com/en/about-us/introduction/> (accessed 18 January 2018).

³⁹⁰ See Euro Security Products website, (in particular photo-gallery), <http://www.euro-security.info/en/photogallery.html> and <http://www.euro-security.info/en/training-courses-esp/photogallery-esp-courses.html>; Training courses ESP, References <http://www.euro-security.info/en/training-courses-esp/references.html> (all accessed 18 January 2018). For further information including previous correspondence with the company see: Amnesty International and Omega Research Foundation, Grasping the nettle: ending Europe’s trade in torture and execution technology, ACT 01/1632/2015, 2015.

For certain countries, this training has included employment of restraints to place prisoners in hyper-extended positions (hog-tying) and also in the use of batons for neck holds. Such techniques are similar to those that the CPT has recommended be halted.³⁹¹



Images of ESP training in the use of neck-hold baton technique to police forces in Spain, India and China, [downloaded from ESP website, January 2018].

8.4. Recommendation

CoE member States should introduce appropriate measures to control the supply of technical assistance including instruction, advice, training or the transmission of working knowledge or skills that could aid the commission of torture and other ill-treatment. Such controls should:

- **explicitly prohibit the supply of technical assistance related to goods or working knowledge or skills which have no practical use other than for the purpose of capital punishment, torture or other ill-treatment to any person, entity or body in a third country; similar prohibitions should be introduced upon the import of such technical assistance into the CoE.**
- **require prior authorisation for the provision of technical assistance relating to goods that have a legitimate law enforcement purpose but which could be misused for torture or ill-treatment to any person, entity or body in a third country; similar measures should be introduced regulating the import of such technical assistance into the CoE.**

³⁹¹ See for example: CPT, Report to the Slovenian Government on the visit to Slovenia carried out by the CPT from 31 January to 6 February 2012, 19 July 2013, paragraph 67; Report to the Slovenian Government on the visit to Slovenia carried out by the CPT from 31 January to 8 February 2006, 15 February 2008, paragraph 11.

