

Annex 2

Report of the Special Rapporteur on Torture and Other
Cruel, Inhuman or Degrading Treatment or Punishment

A/78/324

Category B Goods:

Equipment that should be controlled

This is a preliminary list only and should not be considered exhaustive.

The items in this list are considered by the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dr. Alice Jill Edwards, to have a legitimate function for law enforcement and other public functions when used in strict accordance with international human rights standards but can be readily misused to torture or cause ill-treatment. The items in this list are to be controlled due to this risk.

The use of such equipment has been reported in all regions and in custodial and non-custodial settings.



1. Restraints

1.1 Restraint chairs with non-metallic restraints

Description: Chair with a range of restraining points, straps, or cuffs, usually made from fabric or leather.

Use and Concerns: This type of equipment should only be used by medically-trained personnel, for a specified and legitimate medical reason, with close supervision, and in a human rights-compliant manner. Any non-medical use, notably for restraining those in custody, should be prohibited.

Restraint chairs are prone to being used as punishment and can facilitate torture or other ill-treatment, especially when additional force or equipment is used on the restrained individual. The UN Committee against Torture has recommended the abolition of “restraint chairs as methods of restraining those in custody”, as “Their use almost invariably leads to breaches of Article 16 [prohibition against ill-treatment].”¹

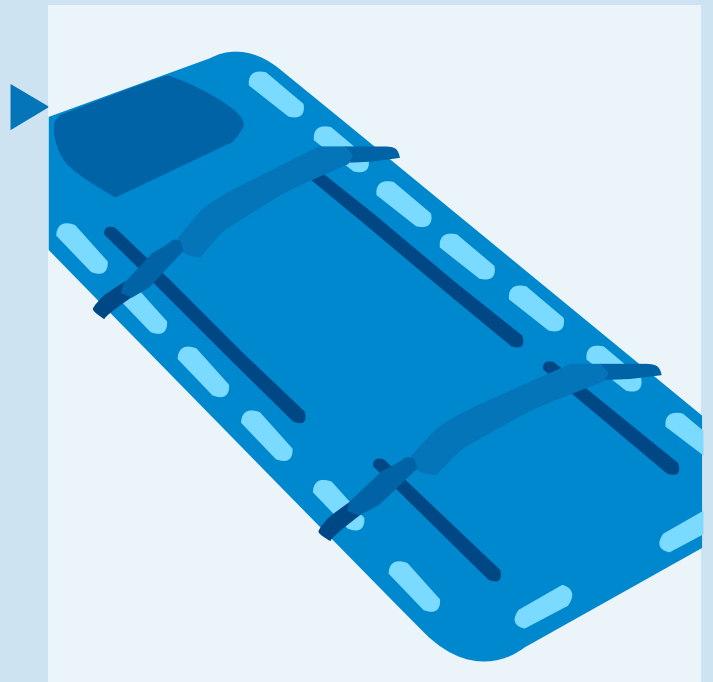


Image credit: Omega

1.2 Restraint boards with non-metallic restraints

Description: Boards with a range of restraining points, straps or cuffs are often made from fabric or leather.

Use and Concerns: This type of equipment should only be used by medically-trained personnel, for a specified and legitimate medical reason, with close supervision, and in a human rights-compliant manner. The use of these restraint beds in any other circumstances fulfils no legitimate purpose that cannot be achieved through standard restraints. The UN Committee against Torture’s concerns and recommended prohibition of restraint chairs as methods of restraining those in custody should also be applied to restraint boards.



¹ Committee Against Torture (23rd and 24th session), Conclusions and Recommendations of the Committee against Torture: United States of America, A/55/44, pg. 32, para. 180(c).

² Ibid.

1. Restraints

1.3 Handcuffs

Description: Metal handcuffs feature two lockable cuffs, with a ratchet allowing for the size of the cuff to be adjusted. The cuffs can be connected by a short chain-link, hinge, or ridged bar. Some models feature a double locking mechanism, which reduces the risk of cuffs being accidentally overtightened, others are single locking. Handcuffs can also be made of soft fabric or plastic (resembling cable ties).

Use and Concerns: They are used to restrict movement. They can help to prevent escape or to stop the restrained person from causing harm to themselves or another person.

If overtightened or worn for a prolonged period, handcuffs can cause pain, discomfort, or permanent injury. They can be used to facilitate torture or other ill-treatment, especially when misused to restrain people in stress positions, attached to fixed objects, or when used in conjunction with other equipment.



Image credit: Omega



Image credit: Omega

1.4 Leg cuffs

Description: Two lockable cuffs, usually made of metal, fastened around the ankles and attached by a chain to allow the detainee some movement. The cuff size is usually larger than those of ordinary handcuffs and is adjustable.

Use and Concerns: They are used to restrict movement. They can help to prevent escape or to stop the restrained person from causing harm to themselves or another person.

Leg cuffs can be misused to facilitate torture or other ill-treatment, especially when misused to restrain a person in stress positions. Overtightening or prolonged use can lead to pain, discomfort, or permanent injury. Leg cuffs also pose the risk secondary injuries from falling.

1. Restraints

1.6 Belly chains/restraint belts

Description: A metal chain or fabric belt designed to be worn around the waist to which a detainee's hands can be chained or cuffed.

Use and Concerns: They are used in a range of settings, including for detainee transportation or deportation.

Belly chains and restraint belts severely restrict movement and pose a risk of secondary injuries from falls. They can be misused to facilitate torture or other ill-treatment, especially when used to restrain people in stress positions.



Image credit: Omega

1.5 Combination cuffs

Description: Hand and leg restraints linked together by a long metal chain. Designed to simultaneously restrict movement in more than one part of the body.

Use and Concerns: They can be used to prevent escape or to stop the restrained person from causing harm to themselves or another person.

Combination cuffs severely restrict movement and pose a risk of secondary injuries from falling. If the connecting chain is too short it could force the detainee to stoop, which may be humiliating or degrading. Their misuse can facilitate torture or other ill-treatment, especially when used to restrain people in stress positions such as a hog-tie.



Image credit: Omega



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2. Striking and kinetic impact weapons

2.1 Batons

Description: Long striking weapons often made of rubber, plastic, wood, or aluminium. Batons can vary in length and can be straight, side-handled (also known as a tonfa), or extendable.

Use and Concerns: Batons can be used legitimately by officials as both defensive and offensive weapons. Nonetheless, they are misused to inflict unnecessary or excessive force, particularly through beating. Force from side-handled and longer batons is harder for the user to control and can inflict greater injury. Batons can cause serious injuries, including injuries to internal organs when driven 'end on' into the target individual. Overarm strikes and strikes to the head and other vulnerable areas increase the risk of serious injury or death. Batons are used in dangerous restraint techniques, particularly neck holds that restrict breathing. They are also used to commit anal or vaginal rape.



2.2 Crowd control shields

Description: Round, rectangle, or square shields typically made of polycarbonate. Convex or flat models are most often used for policing public gatherings, while concave rectangular models are most often used in places of detention for cell extractions. Shields may be transparent or contain a transparent window.

Use and Concerns: Used offensively, crowd control shields can cause serious injury, especially if the side or edges are employed, and/or the strikes are directed to the vulnerable parts of the body such as the head or neck.

2. Striking and kinetic impact weapons

Use and Concerns: Ammunition that is inaccurate or impacts with excessive force is dangerous. The United Nations recommends “impact projectiles should be capable of striking an individual to within a 10-centimetre diameter of the targeted point when fired from the designated range”.³

Kinetic impact projectiles should only be used against specific violent individuals, only at or beyond minimum safe distance and must never be targeted at the head, face or neck.⁴



Image credit: Omega

2.3 Ammunition containing single non-metallic projectiles

Description: Ammunition containing single projectiles is designed to incapacitate the targeted individual via blunt trauma without penetrating the skin or causing permanent injury. This type of ammunition can be fired from a wide range of launchers, including 12 gauge (shotgun), 37/38 mm, and 40 mm launchers. The projectiles contained in the ammunition can be rubber, plastic, foam, wood, or fabric (bean bags – fabric bags filled with small non-metallic balls or pellets), and can vary greatly in terms of their size, shape, accuracy, and impact force.



Image credit: Omega

³ OHCHR, Guidance on less-lethal weapons in law enforcement, 2020, para. 7.5.4.

⁴ Ibid, paras. 7.5.4 and 7.5.8.

3. Electric shock weapons

3.1 Single projectile electric shock weapons

Description: Often referred to as tasers, these are small, usually pistol-shaped, weapons with one or more cartridges containing two darts (or probes) attached to thin wires. These darts are fired from the cartridge and deliver an electric shock to the target while remaining attached to the weapon by the wires. The strength of the shock varies between models, typically being high-voltage, but the range, voltage, and duration can differ.

Use and Concerns: These weapons can be legitimately used to incapacitate a violent individual from a distance. However, they can also be misused through repeated or prolonged shocks, especially when targeted at vulnerable areas of the body. The electric shock causes severe pain, incapacitates the target, and can lead to loss of muscular control, resulting in secondary injuries due to

falls. Studies have identified risks of cardiac, respiratory, brain injuries, complications, and even death associated with their use.

In addition to firing projectiles, some models can be switched into direct contact model, also known as 'drive stun'. In this mode, the electric shocks are delivered when the weapon is pressed directly against the target's skin or clothing. This mode serves no legitimate purpose, like the stun guns and other direct contact electric shock weapons, and fall under Category A prohibited items found in Annex A.

The UN Committee Against Torture stated that "electrical discharge weapons should be used exclusively in extreme and limited situations – where there is a real and immediate threat to life or risk of serious injury".⁵ This mode serves no legitimate purpose, like the stun guns and direct contact electric shock weapons that fall under Category A prohibited items found in Annex A. The discontinuation of "drive stun" mode is recommended.⁶



⁵ UN Committee Against Torture, Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland, CAT/C/GBR/CO/5, 24 June 2013, para.26.

⁶ UN Committee Against Torture, Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland, CAT/C/GBR/CO/6, 7 June 2019, paras. 28 and 29.

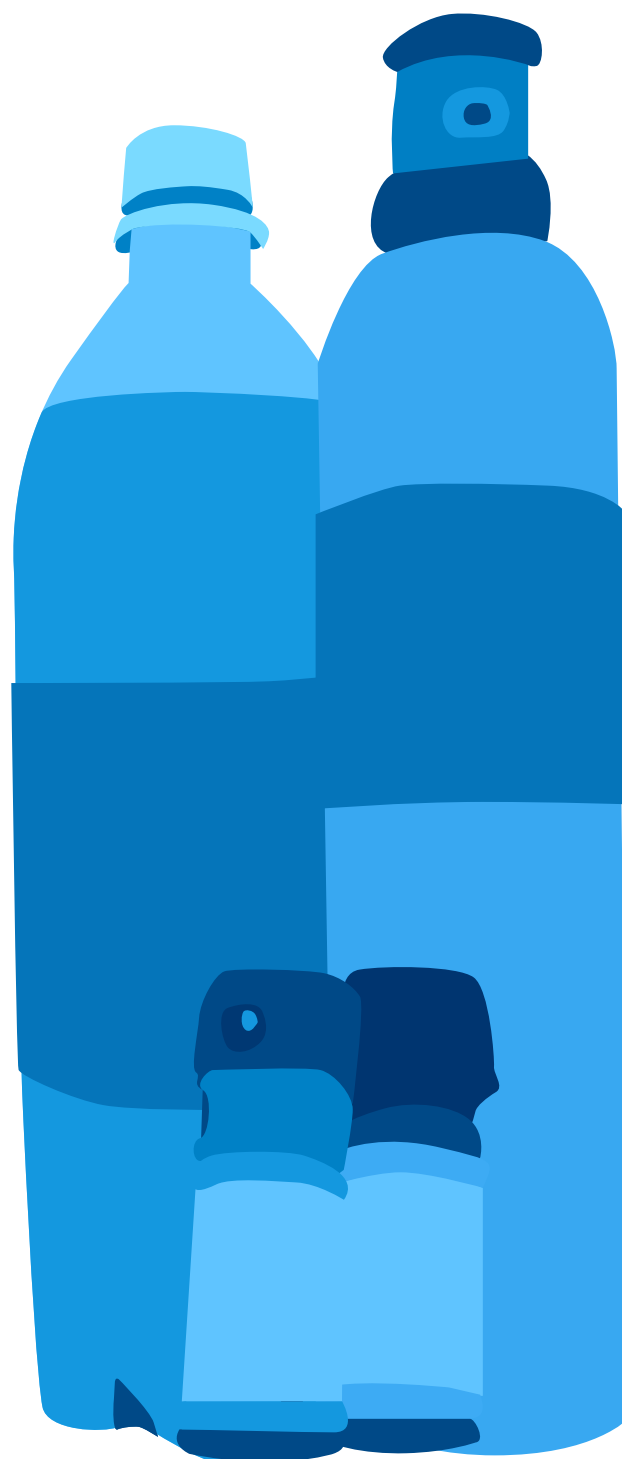
4. Chemical irritants and delivery mechanisms

4.1 Chemical irritants

Description: Chemical irritants are a group of toxic chemicals designed to temporarily deter or disable individuals by causing sensory irritation and pain in the eyes, upper respiratory tract and skin. The term ‘chemical irritants’⁷ refers to tear gas (CS, CN, and CR)⁸ and pepper spray (OC or PAVA).⁹

Use and Concerns: Chemical irritants can be deployed in various ways, such as fine powder or smoke released through weapon-launched or hand-thrown projectiles, grenades, and handheld, shoulder-worn, or backpack sprayers. They can also be dispersed via water cannons, where the chemical powder is suspended in a solvent and released as a fine spray.

Chemical irritants may have a legitimate use as a defence as against violent individuals when used in strict accordance with international human rights standards. Nonetheless, they are frequently misused, and some delivery mechanisms, such as the large munitions discussed in Annex A, should never be used.



4.2 Malodorants

Description: Malodorants are chemicals that have a foul or deeply unpleasant smell. The smell can linger and be difficult to remove from clothing. Malodorants can be dispersed by hand-held spray, grenades, launched projectiles, drones, and water cannon.

Use and Concerns: The use of malodorants to disperse public gatherings can be indiscriminate, affecting all of those in the contaminated area.

⁷ They are alternatively referred to as riot control agents (RCAs), and as such are covered by the Chemical Weapons Convention which defines RCAs as: “Any chemical not listed in a Schedule, which can produce rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure.” [Organisation for the Prohibition of Chemical Weapons, Chemical Weapons Convention, 1993, Article II.7.]

⁸ CS: 2-chlorobenzalmalononitrile

CN: dibenzoxazepine

CR: 2- chloroacetophenone

⁹ OC: Oleoresin Capsicum

PAVA: Pelargonic Acid Vanillylamide



4.3 Chemical irritant portable sprayers

Description: Designed to disperse chemical irritants over a fairly wide area, chemical irritant grenades can be hand-thrown or launched. Grenades and projectiles may contain a single chemical irritant or a mixture. They may also include secondary effects such as dye, smoke, or impact projectiles. Cartridge-launched projectiles are fired from specialist less-lethal launchers or shotguns. Some grenades or cartridges separate into two or more 'submunitions'. Some contain an explosive charge to disperse powdered irritant, while others contain a pyrotechnic to disperse irritant smoke through burning.

Use and Concerns: When misused, portable sprayers can cause serious injury or death, especially when used at close range, in excessive quantities, in a confined space, or in an area where crowds are unable to disperse. Chemical irritants that are sprayed directly into the eye can cause ocular damage.

4. Chemical irritants and delivery mechanisms

4.4 Chemical irritant projectiles and grenades

Description: Designed to disperse chemical irritants over a fairly wide area, chemical irritant grenades can be hand-thrown or launched. Grenades and projectiles may contain a single chemical irritant or a mixture. They may also include secondary effects such as dye, smoke, or impact projectiles. Cartridge-launched projectiles are fired from specialist less-lethal launchers or shotguns. Some grenades or cartridges separate into two or more 'submunitions'. Some contain an explosive charge to disperse powdered irritant, while others contain a pyrotechnic to disperse irritant smoke through burning.

Use and Concerns: Chemical irritant projectiles and grenades can pose a risk of asphyxiation, especially when used in excessive quantities, in confined spaces, or in areas where crowds are unable to disperse. This type of equipment can also cause serious injuries or death from the kinetic impact of the munitions, submunitions, fragments or shrapnel.



4.5 Fixed sprayers

Description: Fixed sprayers disperse large quantities of chemical irritant (normally tear gas or pepper spray) in a specified area, and are designed to be mounted or attached to a wall, ceiling, or fence. Fixed sprayers can be used indoors or outdoors and can be activated by remote control or automatically by motion sensor technology.

Use and Concerns: Their use in confined indoor spaces, including detention facilities, or in circumstances where crowds are unable to disperse, poses risk of injury or fatality from asphyxiation or other effects of the chemical irritant. These weapons can be indiscriminate, affecting bystanders as well as those targeted. The autonomous or semi-autonomous nature of certain models also poses the risk that they will be activated inappropriately.



4.6 Large calibre chemical irritant munitions (greater than 56mm)

Description: Designed to deliver large quantities of chemical irritant over a very wide area or extended distances. These munitions can be fired from a mortar, howitzer, or artillery system. Some munitions are rocket-propelled to increase their range.

Use and Concerns: These large munitions are inherently indiscriminate. Targeted individuals and bystanders can be affected by the irritant or injured by the kinetic impact of the munitions, fragments, or shrapnel.



Image credit: Omega

4. Chemical irritants and delivery mechanisms



Image credit: Omega



Image credit: Omega

4.7 Single/limited shot launchers

Description: These weapons enable the firing of kinetic impact or chemical irritant projectiles. They are available in a variety of forms, including 38mm/40mm single barrel and multi-shot (revolver style) launchers, launching cups (metal attachment that fit over the barrel of a shotgun or rifle) and compressed air launchers.

Use and Concerns: The range and accuracy of these launchers can vary based on their design and can be adversely affected by weather conditions. Multi-shot launchers used in automatic fire mode are particularly inaccurate, making it difficult to accurately target an individual. They can cause serious injury or death when fired at close range.

5.1 Water cannon

Description: A high-pressure system that shoots jets of water, sometimes mixed with chemical irritants or dye, over several dozen metres. Water cannons are often mounted on crowd control vehicles but can also be mounted on buildings or carried as a backpack.

Use and Concerns: The force of the water jet can knock a person over or into fixed objects, or pick up loose objects and propel them as missiles. When a mixture of water and chemical irritants is used, it is impossible to deliver accurate and targeted doses of the irritant such that their use becomes indiscriminate and potentially harmful. The use of a water cannon in the context of a public gathering impacts all people in the vicinity, including bystanders.



Image credit: Omega

5. Other weapons and devices



Image credit: Omega

5.3 Dazzling lights and lasers

Description: Dazzling lights or lasers are designed to cause temporary vision loss without causing lasting damage to the eye. Some models claim to be able to “dazzle” targets from up to 1000 metres in daylight and up to 3000 meters at night. They can be shaped like a rifle or baton, or designed to be attached as an accessory to small arms or light weapons.

Use and Concerns: Dazzling lights and lasers may cause permanent loss or damage to vision, blurred vision, sensitivity to light, and headaches depending on the model and manner of employment. These weapons may also cause secondary injuries from falls or collisions due to temporary loss of vision.

5.2 Acoustic weapons and devices

Description: Acoustic weapons and devices are loudspeakers or megaphones used to convey voice instructions over a large area, or used to disperse a crowd by emitting a loud, high frequency deterrent tone. They are also known as ‘sound cannons’, ‘hail and warn devices’, and ‘loud hailers’. They can be free-standing, vehicle-mounted, embedded in a crowd control shield, or body-worn over the shoulder or strapped to the chest. Models vary in the frequency and strength of the audible output.

Use and Concerns: These weapons and devices pose a risk of causing temporary or permanent hearing damage, depending on the model, distance and duration of exposure. They can be misused indiscriminately against a crowd or to inflict injury on targeted individuals. When used

continuously over prolonged periods, such as in a prison setting, such misuse could amount to sensory (noise) torture or other cruel, inhuman or degrading treatment or punishment.



Image credit: Omega



Image credit: Omega

5. Other weapons and devices

5.4 Unmanned aerial vehicles (drones) armed with less-lethal weapons

Description: A launcher attached to an unmanned aerial vehicle (drone), which can fire or disperse chemical irritants, kinetic impact projectiles or other less-lethal ammunition over a wide area.

Use and Concerns: Aerial vehicles used to disperse less lethal projectiles may not be sufficiently accurate in targeting to ensure lawful use. These weapons can be indiscriminate depending on the type and number of projectiles used. Bystanders at a demonstration can be affected. The kinetic energy of any impact of the projectile dropped over or launched directly at an individual or group carries a risk of injury. This risk is significantly greater when projectiles are dropped from a great height or launched from a weapon.



Image credit: Omega



Image credit: Omega

5.5 Stun grenades

Description: Explosive grenades that cause a loud bang (sound grenade), a bright flash of light (light grenade), or both (flashbang grenade). Stun grenades are disorientation devices designed to cause temporary blindness, loss of hearing, and disorientation. Some may also disperse chemical irritant or kinetic impact projectiles. Stun grenades can be hand-thrown or rifle-fired.

Use and Concerns: Stun grenades can cause long-term damage to hearing or sight. Shrapnel from the explosion of the grenade may cause injuries. Their use can also cause panic-driven stampedes.