

Annex 1

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

A/78/324

Category A Goods:

Prohibited Equipment that is Inherently Cruel, Inhuman or Degrading

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 be inherently cruel, inhuman or degrading based on either (i) their technical specifications (design) such that they inflict pain or suffering, or are humiliating or debasing, that is beyond the threshold permitted by the prohibition on torture or other ill-treatment; or (ii) because the purpose for which they are being used can be achieved by less harmful means and hence their purpose is deemed to be illegitimate.

Regrettably, the use of such equipment has been documented in all world regions, in both custodial and extra-custodial settings, and ought to be banned outright.



1. Restraints

1.1 Restraint chairs with metallic restraints

Description: Chairs with metal cuffs to restrain at the wrists and/or ankles; or fixtures to which restraints (such as handcuffs) can be attached. Some models also have a lockable metal table or tray.

Use and Concerns: These chairs are used as a form of punishment in places where people are deprived of their liberty. They can be intimidating, especially during police interviews, giving a sense that the accused must answer the questions posed, and thus interfering with the presumption of innocence and the right to remain silent. Over time, they force the accused to sit in one position, and can cause stress to the physical body and mind. Their use fulfils no legitimate law enforcement purpose that cannot be achieved through other less harmful means, such as standard handcuffs.

Then-Special Rapporteur on Torture, Juan Mendez, stated that restraint chairs are “inherently inhuman, degrading or painful”.¹ The Committee Against Torture has also stated that “restraint chairs as methods of restraining those in custody” should be abolished.²



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1.2 Thumbcuffs

Description: Rigid metal cuffs, which hold a person’s thumbs close together in a fixed position, restricting hand movement. Some models have a serrated inner edge.

Use and Concerns: Their use can cause nerve damage and lead to fractures of the fine bones of the thumbs and/or hand. This equipment also poses a greater risk of secondary injuries from falls, as detainees are less able to break their fall. The same objectives can be achieved by use of standard handcuffs, where necessary and proportionate.



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¹ A/68/295, para 58.

² 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).

1. Restraints

1.3 Bar fetters

Description: A rigid, typically metal, bar connecting two lockable rings or cuffs.

Use and Concerns: Primarily used in places where persons are deprived of their liberty. The rigid bar significantly restricts movement and stability and increases the risk of ankle injuries and falls. Bar fetters are degrading, dangerous and fulfil no legitimate law enforcement purpose that cannot be achieved with less harmful means, such as standard hand or leg restraints. The Committee Against Torture has called on States to eradicate bar fetters.³ The United Nations office on Drugs and Crime (UNODC) and United Nations Office of the High Commissioner for Human Rights (OHCHR) have stated that: "There should be an absolute prohibition on ... fetters".⁴



1.4 Rigid bar combination cuffs

Description: Hand and leg restraints linked together by a rigid metal bar.

Use and Concerns: The rigid bar significantly restricts movement and increases the risk of falls and injuries. They can be used to place a prisoner in dangerous and degrading stress positions. This type of equipment fulfils no legitimate law enforcement purpose that cannot be achieved with standard restraints.



1.5 Gang chains

Description: Multiple pairs of handcuffs, leg cuffs, belly chains, or a combination of these, attached to a single chain (often made of metal), restraining several people together in a chain.

Use and Concerns: Gang chains are designed to enable several prisoners to be restrained together in places of detention or situations (including forced labour such as road maintenance work or agriculture). The practice of chaining prisoners together as a group is inherently inhuman and degrading, conjuring extremely negative and harmful connotations of the historical practices of slavery or other forms of servitude. They can pose an increased risk of injury to prisoners on the chain, including when one person falls or loses their balance causing other members of the group to topple and fall. Further, their use fulfils no legitimate law enforcement purpose that cannot be achieved through the use of standard hand or leg restraints. According to the Nelson Mandela Rules, "The use of ... instruments of restraint which are inherently degrading or painful shall be prohibited."⁵ The Nelson Mandela Rules further provide in respect of prisoner working conditions: "The precautions laid down to protect the safety and health of free workers shall be equally observed in prisons."⁶

³ Committee Against Torture, Concluding Observations on Bangladesh, CAT/C/BGD/CO/1, 26 August 2019, para. 46.

⁴ UNODC and OHCHR, *Resource Book on the Use of Force and Firearms in Law Enforcement*, 2017, p. 84.

⁵ UN Standard Minimum Rules for the Treatment of Prisoners, General Assembly resolution A/70/175, 8 January 2016, (Nelson Mandela Rules), Rule 47.

⁶ Ibid, Rule 101(2). See, also, Rules 96-100.

1. Restraints

1.6 Weighted hand or leg restraints

Description: Two metal cuffs attached by a heavy chain of considerable weight. The cuffs are usually non-adjustable and larger than those of ordinary handcuffs or leg cuffs. Models can weigh up to 8 kg (approx. 17.5 lbs.) and may have additional weights added.

Use and Concerns: The added weight causes stress to the hands or legs, restricts movement and increases the risk of injury. They are considered to be a stress position contrary to the prohibition on cruel, inhuman or degrading treatment or punishment. Weighted restraints fulfil no legitimate purpose that cannot be achieved through the use of standard hand or leg cuff.



1.7 Fixed restraints

Description: Single or double lockable cuffs, usually attached to a metal chain designed to be bolted or otherwise fixed to the floor, wall, ceiling, or other fixed object.

Use and Concerns: Fixed cuffs are inherently inhuman and degrading, as they shackle prisoners to walls or floors, conjuring up historical and painful images of slavery or the convict era, and treating persons as less than human. They can be used to place detainees in dangerous and extremely painful stress positions. Their use fulfils no legitimate purpose that cannot be achieved through the use of other conventional restraints, such as standard handcuffs.

1. Restraints

1.8 Cage or net beds

Description: A bed enclosed by a cage or with one or more sides fitted with nets. Cages may be made of wood, metal, or other material, while nets can be made of fabric or other tougher materials.

Use and Concerns: They are used in a range of settings where people are deprived of their liberty. In certain cases, their use has led to serious injuries or deaths. In an emergency, for example, an individual may not be able to be released quickly. The use of cage or net beds fulfils no legitimate law enforcement purpose that cannot be achieved through the use of standard restraints. The Human Rights Committee states that cage and net beds should not be used in psychiatric institutions, and their use “constitutes inhuman and degrading treatment”.⁷ The European Committee on the Prevention of Torture (CPT) states that “The use of net (or cage) beds should be prohibited under all circumstances.”⁸



1.9 Hoods and blindfolds

Description: A piece of fabric used to cover the eyes (blindfold), or the entire head (hood). Some models are secured in place with a lock around the neck, while others are attached to other restraints, such as handcuffs.

Use and Concerns: The use of hoods and blindfolds can lead to disorientation and stress; while certain types of hood carries a risk of suffocation, asphyxiation and strangulation. Because blindfolding and hooding prevents the detainee identifying perpetrators it enables further torture and decreases likelihood of subsequent accountability. The hoods and blindfolds can cause anxiety, agitation, acute distress and irritability, increasing stress to the detainee. For persons

suffering from claustrophobia, they can trigger other adverse reactions including panic. The use of hoods and blindfolds fulfils no legitimate law enforcement purpose. The Committee Against Torture states that blindfolding and hooding can constitute torture or other ill-treatment.⁹ The CPT “recommends that the blindfolding of persons who are in police custody be expressly prohibited”.¹⁰ The European Court of Human Rights has stated that blindfolding a prisoner causes disorientation and means that an individual cannot identify those who were mistreating him contrary to the fundamental principles of a democratic society.¹¹ In combination with other interrogation techniques, hooding has been held to constitute inhuman treatment.¹²

⁷ Human Rights Committee, Concluding observations on Croatia, 4 November 2009, CCPR/C/HRV/CO/2, para 12.

⁸ CPT, Means of restraint in psychiatric establishments for adults (revised CPT standards), 21 March 2017, CPT/Inf(2017)6, para 3.4.

⁹ Committee Against Torture (52nd session) Supplement No. 44, A/52/44, Conclusions on Israel, para. 257; 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, 26 May 2003, paras. 142-143; *Ireland v. United Kingdom*, App. No. 5310/70, 18 January 1978, para. 96(b) and reasons for the court para. 3; *Ocalan v. Turkey*, App. No. 46221/99, 12 May 2005.

¹⁰ CPT, CPT Standards, “Substantive” sections of the CPT’s General Reports, January 2015, CPT/Inf/E (2002) 1 - Rev. 2015, para. 38.

¹¹ *Aksoy v. Turkey*, App. No. 21987/93, 18 December 1996, paras. 60 and 80; *Aydin v. Turkey*, App. No. 57/1996/676/866, 25 September 1997, para. 84.

¹² *Ireland v. United Kingdom*, App. No. 5310/70, 18 January 1978, para. 96(b) and reasons for the court para. 3.

1. Restraints

1.10 Spit hoods/guards

Description: Spit hoods vary in design but generally consist of a thick piece of material over the mouth and transparent material over the eyes. The material covering the mouth is designed to protect law enforcement from saliva or blood. The material covering the eyes should not impair the detainees' vision.

Use and Concerns: The use of this equipment carries a risk of disorientation, stress, asphyxiation, suffocation or strangulation if used incorrectly, for excessive periods, if the detainee is left unattended, or if used in combination with chemical irritants or other restraints.

The spit hoods/guards also cause anxiety, agitation, acute distress, disorientation and irritability, increasing stress to the detainee and the potential of injury or the need for further restraint. For persons suffering from claustrophobia, they can trigger other adverse reactions including panic.

They have been proved to be ineffective against transmissible diseases and to pose unjustifiable risks.¹³ Their purpose can be achieved by other means, including providing alternative protective equipment for officers themselves.



¹³ Australian Federal Police, Statement on banning spit hoods, 14 April 2023.

2. Striking and kinetic impact weapons



2.1 Spiked batons

Description: A baton with sharp spikes or other protrusions designed to inflict pain. Spiked batons are usually made from metal, but can also be made of other materials, such as hardened rubber, plastic, and wood.

Use and Concerns: Spiked batons cannot be used without inflicting excessive and unnecessary pain or injury, as they easily tear through skin and can puncture vital organs. The use of spike batons fulfils no legitimate law enforcement purpose that cannot be achieved through the use of standard batons. According to the OHCHR: "The use of [spiked batons] is widely considered to violate international human rights law. They should not be used in law enforcement"¹⁴



2.2 Spiked shields and body armour

Description: Spiked shields may be flat, convex, or concave, and have spikes or other protrusions designed to inflict pain attached to the front of the shield. Spiked body armour, such as arm guards, feature protruding spikes designed to be used offensively.

Use and Concerns: Spiked shields and body armour cannot be used without inflicting excessive and unnecessary pain, as they can tear through skin and cause injury. The use of this equipment fulfils no legitimate law enforcement purpose that cannot be achieved through standard body armour and shields.



¹⁴ OHCHR, Human rights guidance on less-lethal weapons in law enforcement, 2020, para 5.1.

2. Striking and kinetic impact weapons

2.3 Weighted batons and gloves

Description: While standard batons and standard protective gloves do have a certain weight and are important protective equipment for officials, weighted batons and gloves are significantly heavier and/or have weights added to particular areas. This additional weighting is not necessary for legitimate law enforcement purposes.

There are two main types of weighted batons:

- Slappers – a flat device consisting of flexible metal encased in thick leather, which can be used for slapping or striking a person.
- Billy clubs – a short baton consisting of spring steel encased in leather, sometimes weighted at one end with lead shot and used for striking a person.

Weighted gloves are usually made of leather, with metal weights covering the knuckles, fingers, or back of the hand.

Use and Concerns: The additional kinetic energy generated by weighted gloves and batons can cause excessive pain and increases the risk of serious injury, especially if used on vulnerable areas of the body. They fulfil no legitimate law enforcement purpose that cannot be achieved through the use of standard batons and standard protective gloves.



2.4 Whips and sjamboks

Description: A whip is normally a firm, flexible stick made of leather or other material, or a stick with a one or more fabric or rope thongs attached. Thongs can sometimes incorporate barbs, spikes, knots, or hooks, or may be plaited with wire.

Sjamboks are a type of heavy whip, traditionally made of leather, but now also made of other materials, such as plastic.

Use and Concerns: Whips are most often used to carry out corporal punishment, while sjamboks have been used to violently attack crowds or individuals at protests or other extra-custodial settings. Due to their design, the level of force used is hard to control, and whips and sjamboks cannot be used without inflicting excessive and unnecessary pain. They can cause lacerations and other injuries, which may lead to permanent scarring or infection. Whips and sjamboks fulfil no legitimate law enforcement purpose that cannot be achieved through the use of standard batons or other less harmful means.

According to the Human Rights Committee and the Committee Against Torture, corporal punishment constitutes cruel, inhuman or degrading treatment or punishment, contrary to Article 7 of the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.¹⁵ Successive Special Rapporteurs on Torture have also deemed corporal punishment to be contrary to the prohibition against torture or other ill-treatment.¹⁶

¹⁵ Human Rights Committee, General Comment No. 20, 10 March 1992, para. 5; HRC, *George Osbourne v. Jamaica*, CCPR/C/68/D/759/1997, 13 April 2000, para. 9.1; Committee Against Torture, Concluding Observations on Bangladesh, CAT/C/BGD/CO/1, 26 August 2019, par. 46; Committee on the Rights of the Child, General Comment No. 8, CRC/C/GC/8, 2 March 2007 para.13.

¹⁶ A/60/316.

2. Striking and kinetic impact weapons

2.5 Lathis

Description: Lathis are long flexible batons (usually 1m or longer), traditionally made of wood or bamboo but more recently have also be manufactured using polycarbonate.

Use and Concerns: The extra length of lathis means that they deliver a greater level kinetic force than conventional batons, causing excessive pain and increasing the risk of serious injury. Certain types of heavier lathis are particularly dangerous. Their use fulfils no legitimate law enforcement purpose that cannot be achieved through the use of standard batons.



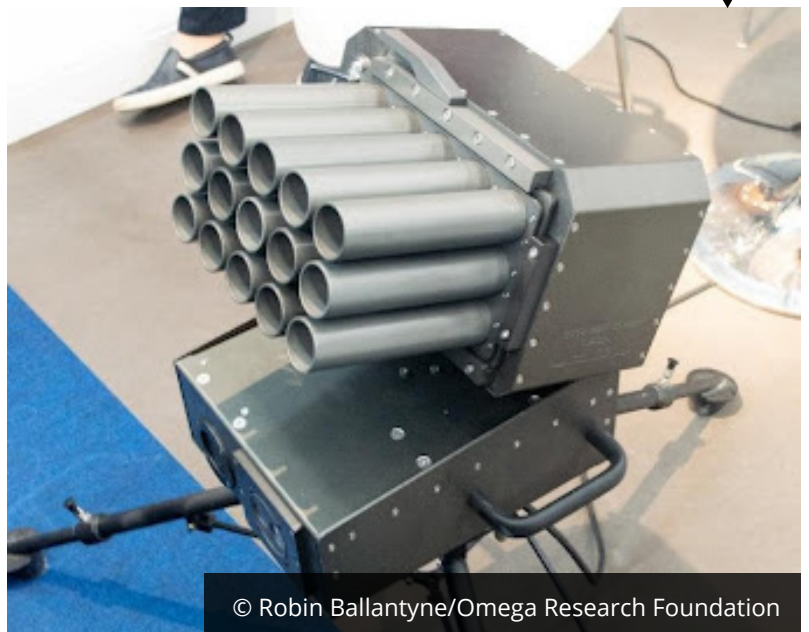
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2. Striking and kinetic impact weapons

2.7 Automatic/multi-barrel launchers firing kinetic impact projectiles

Description: Launchers capable of firing a variety of kinetic impact projectiles (and also other less-lethal ammunition such as tear gas projectiles) with multiple barrels that can be fired simultaneously. The range of the launcher and number of barrels can vary, although most current models have between 2 and 36 barrels (some have more). These launchers can be stand-alone or mounted onto vehicles, such as 4x4 vehicles, unmanned ground vehicles, or seafaring vessels. Launchers can also be mounted onto permanent structures such as prison walls. The launchers can be manually operated via direct operator contact or by remote control. Multi-barrel launchers allow for individual, sequential, or simultaneous firing.

Use and Concerns: Launchers capable of firing multiple kinetic impact projectiles simultaneously are inaccurate and indiscriminate. If fired at close range, the force of the projectile can cause severe injury or death. In some situations, including protests for example, their use can lead to injuries from panic and stampedes, particularly when only a limited exit is available for people trying to escape. The use of these launchers to fire kinetic impact projectiles fulfils no legitimate law enforcement purpose that cannot be achieved through other means, including accurate single or limited shot launchers, or water canons, applied only when authorized by law, and when necessary and proportionate.



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2.6 Ammunition containing multiple non-metallic kinetic impact projectiles

Description: Multiple kinetic impact projectiles contained in ammunition can be made from rubber, plastic, or wood, and can vary in terms of their size, number, and shape. The number included in each can range from a small number of large balls or blocks to hundreds of small pellets.

This ammunition can be fired from a wide range of launchers or can be hand-thrown. Common ammunition calibres include 12 gauge (shotgun ammunition), 37/38 mm, 40 mm, and 56 mm.

Use and Concerns: Ammunition containing multiple kinetic impact projectiles is inaccurate, indiscriminate, arbitrary, and cannot be used safely, as it is not possible to accurately target all of the projectiles dispersed. As such, the use of this ammunition carries a significant risk of injuries, including to sensitive parts of the body such as the head or eyes. This ammunition also poses a significant risk to bystanders. This ammunition fulfils no legitimate law enforcement purpose that cannot be achieved through the use of ammunition containing single non-metallic kinetic impact projectiles.

3.1 Body worn electric shock devices

Description: Devices capable of delivering painful electric shocks, designed to be worn by a detainee (usually in the form of a cuff, sleeve, vest, or belt). The electric shock is delivered by a third-party activating the device by remote control.

Use and Concerns: They are used in places where people are deprived of their liberty, including during court hearings.

Body worn electric shock devices cause severe pain. The shock causes muscles to contract involuntarily and can lead to muscular weakness, involuntary urination and defecation (when worn around the waist), heartbeat irregularities, seizures, and welts on the skin. These devices are prone to abuse and can also be activated accidentally. Wearing the device brings with it the continuous threat of receiving a painful electric shock, which can cause profound anxiety and psychological stress. Body-worn electric shock weapons fulfil no legitimate law enforcement purpose that cannot be achieved through less harmful means, such as standard restraints; and when used in court rooms may violate the right to a fair trial free of intimidation or other threats of violence.

3.2 Direct contact electric shock weapons

Description: Direct contact electric shock weapons deliver extremely painful electric shocks when touched to an individual's skin or clothing (note: these are distinct from projectile electric shock weapons). Law enforcement use various forms of direct contact electric shock weapons, including,

- stun batons – short or long batons that can be used for striking or hitting and have electrodes at the end, along the length or in a coil around the shaft,
- electric shock shields – shields with multiple electrode strips on the face; the shield is sometimes curved (concave) in order to hold a person against a wall or floor, and

3. Electric shock weapons

- stun guns - small hand-held devices usually about the size of a mobile phone with two or more metal electrodes at one end.

Some direct contact electric shock weapons include built-in chemical irritant sprays, or sound or light devices.

Use and Concerns: Due to their design, direct contact electric shock weapons enable the easy application of multiple or continuous extremely painful electric shocks, including to vulnerable areas of the body such as the head, neck, and genitals. The additional electric charge is unnecessarily violent and cruel, as the same ends could be achieved through less harmful means, such as standard batons and standard protective shields.

The UNODC and OHCHR have stated “there is no tactical utility [in electric shock batons] ... that cannot be achieved with another device, and the risk of arbitrary force amounting to torture or other forms of ill-treatment is too great. As such, their use is not advised.”¹⁷ Further, the CPT has “strong reservations” about the use of electric shock equipment that is in direct contact with the skin, highlighting that law enforcement officials should have other techniques available to them when they are with touching distance of the person who must be brought under control.¹⁸



Image credit: Omega

¹⁷ UNODC and OHCHR, Resource book on the use of force and firearms in law enforcement, 2017, p. 94

¹⁸ CPT, 20th General Report, CPT/Inf (2010)28, 26 October 2010, par. 78.

4. Millimetre Wave Weapons

4.1 Millimetre wave weapons

Description: Millimetre wave weapons are a form of directed energy weapon (DEW) that are designed for use against human beings. The Active Denial System developed by the US military, for example, is purportedly intended to non-injuringly heat the topmost layer of skin of those targeted with a focused beam of millimetre wave energy and thereby encourage persons to leave the scene because of “an intolerable heating sensation”. This weapon technology has been undergoing further modification and testing. It is promoted for multiple purposes including force protection, perimeter defence, crowd control, patrols/ convoys, and defensive and offensive operations, but has not been used in either military or law enforcement operations to date. Vehicle-mounted models for potential use in crowd dispersal as well as models for indoor use (potentially in prisons) have previously been developed.

Use and Concerns: These weapons are intended to enforce compliance at a distance through intolerable pain. The silent and invisible nature of the directed energy beam makes avoidance of the weapon difficult, which could prevent people from dispersing safely and lead to panic-driven stampedes. A long exposure to this directed energy could potentially lead to serious injuries. The width of the energy beam can be widened, so that it targets individuals, multiple individuals, or a crowd indiscriminately. Because of the intolerable pain they cause, their indiscriminate

nature, and potential immediate and long-term health effects, they are on the Special Rapporteur on Torture’s prohibited equipment list until such matters can be resolved. Their use fulfils no legitimate crowd dispersal purpose that cannot be achieved through less harmful means, such as water canons.

The OHCHR have stated that “The use of [directed-energy weapons liable to cause serious injury] is widely considered to violate international human rights law. They should not be used in law enforcement.”



¹⁹ Joint Intermediate Force Capabilities Office (JIFCO), U.S. Department of Defense Non-Lethal Weapons Program Active Denial Technology Factsheet, 11 May 2020. For further information see JIFCO website, <https://jnlwp.defense.gov/Future-Intermediate-Force-Capabilities/Active-Denial-Technology/> (accessed 14 July 2023).

²⁰ Ibid

²¹ Omega Research Foundation and Amnesty International. 2015. ‘Grasping the Nettle: Ending Europe’s Trade in execution and torture technology. EUR 01/1632/2015 pp.47-48. Lethal in Disguise, Physicians for Human Rights and International Network of Civil Liberties Organizations (INCLO), March 2016 pp.78-83; Lethal in Disguise 2, Physicians for Human Rights and INCLO, March 2023, pp.115-116.

²² OHCHR, UN human rights guidance on less-lethal weapons in law enforcement, 2020, para 5.1.