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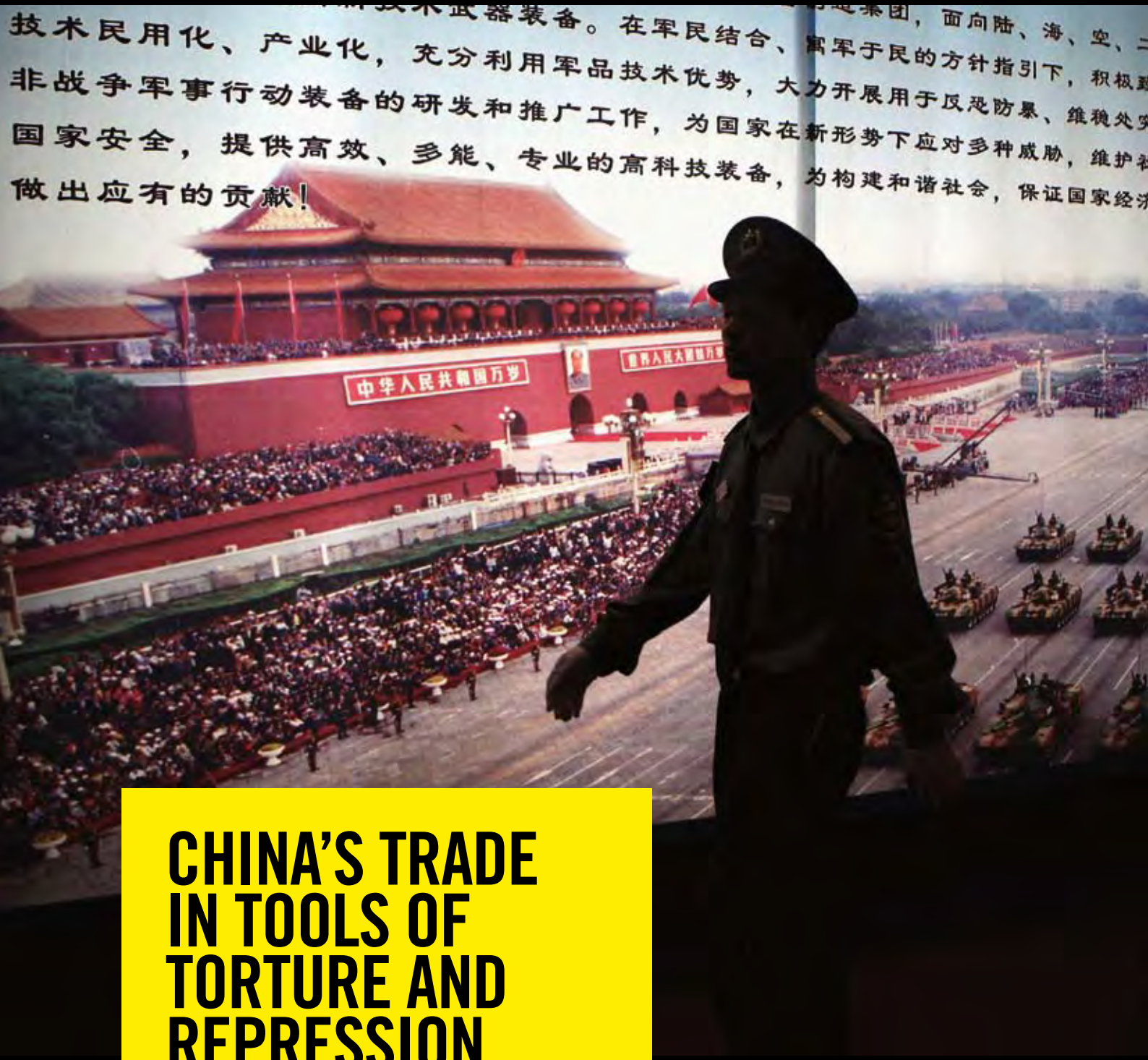

CHINA'S TRADE IN TOOLS OF TORTURE AND REPRESSION

Omega Research Foundation

AMNESTY INTERNATIONAL

Amnesty international is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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cover picture: A guard passes by an exhibition board depicting a military parade in Tiananmen Square during the China International Exhibition on Police Equipment Anti-Terrorism Technology (CIPATE) at Beijing Exhibition Centre on 19 May 2009.

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CHINA'S TRADE IN TOOLS OF TORTURE AND REPRESSION

CONTENTS

INTRODUCTION

In recent years China has consolidated its position as a major manufacturer and exporter not only of firearms and related ammunition but also of a growing range of other equipment used in law enforcement – from handcuffs to electric shock stun batons to riot control gear. Chinese companies have been actively promoting their equipment globally, increasing their presence at trade fairs across the world. There are now more than 130 Chinese companies involved in the development, manufacture and trade in these potentially dangerous products, a sharp rise from a decade ago, but the size and scope of this industry in China has barely been researched until now.[1]

This report documents China's manufacture of and trade in law enforcement equipment other than firearms and related ammunition, and considers some examples of how this equipment is used in China and abroad. The rise in Chinese manufacture and export of equipment for use in law enforcement has not been accompanied by adequate domestic regulations or export controls. Some equipment manufactured and openly marketed by Chinese companies - such as electric shock stun batons and weighted leg cuffs – is intrinsically cruel, inhuman and degrading and therefore should be prohibited. The promotion, trade and export of inherently abusive equipment is already prohibited in the EU – a position reinforced by the 2013 UN General Assembly resolution on torture.[2]

Other equipment - for instance ordinary handcuffs or certain types of crowd control equipment - can have a legitimate role in law enforcement, but its trade and use need to be strictly controlled in line with international standards for law enforcement to remove any substantial risk of the equipment being used for violations of human rights. China does not have adequate controls in place and has exported law enforcement equipment to countries where there is a clear risk that the equipment will be misused.

Chapter 1 presents an overview of China's law enforcement equipment manufacturing sector. It looks in detail at four categories of equipment manufactured in China: restraints, electric shock devices, striking weapons and crowd control gear, assessing in each category whether the equipment has a legitimate use and, if so, the necessary controls that should apply to prevent misuse, or whether the use of the device should be prohibited outright or suspended pending further research by independent experts.

Chapter 2 looks at how this equipment has been used by law enforcement officials in China to violate human rights. It describes cases in which law enforcement personnel have used electric shock equipment and restraints to torture detainees held in China's notoriously harsh detention facilities. It also looks at the misuse of riot gear in the policing of public assemblies, including against Tibetan and Uighur protesters.

Chapter 3 pieces together China's opaque international trade in an array of law enforcement equipment using data gathered at trade fairs, company literature, photographic evidence and specific cases of irresponsible transfers. It analyses China's export controls, and concludes that they suffer from inadequate export assessment criteria, weak oversight, lack of transparency and reluctance to enforce existing regulations. As a result, Chinese equipment marketed to law enforcement agencies in other countries risks facilitating serious human rights violations.

Chapter 4 analyses the responsibility of states and companies focusing particularly on responsibilities in relation to the export of law enforcement equipment. States have a legal obligation to co-operate in the realization of human rights within and beyond their borders. The chapter argues that this principle, already explicitly recognized in relation to a wide range of conventional weapons through the Arms Trade Treaty and other international legal agreements, applies to the use and export of law enforcement equipment. It also looks at the corporate responsibility to respect human rights and the risk of corporate complicity in human rights violations where companies have failed to act with due diligence to prevent equipment they manufacture or sell being misused.

For many years Amnesty International and the Omega Research Foundation (Omega) have advocated that states should adopt legally enforceable regulations at the national and international

levels to strictly control the production, promotion, trade, transfer[3] and use of policing and other law enforcement equipment. In 2005 Amnesty International and Omega were instrumental in the EU's adoption of regulations that ban the production and export of specific "tools of torture" and strictly control trade in other equipment which, while intended for law enforcement, can easily be misused for torture or other ill-treatment.[4] Amnesty International and Omega continue to campaign for these regulations to be strengthened in the EU and adopted globally.

Amnesty International and Omega are calling on the Chinese authorities to bring China's national regulation of law enforcement equipment into line with this emerging international framework. The Chinese authorities should prohibit the production, use and export of "tools of torture". China must also reform its export licencing system for law enforcement equipment, making the system transparent and publicly accountable. Strict, human rights-based criteria must be applied and met before export licences are issued. More broadly, there must be a greater understanding of the potential problems associated with law enforcement equipment, and the rationale behind the regulation of its design, transfer and use. Concrete steps need to be taken by all states, not only China, to combat the misuse of legitimate law enforcement equipment by law enforcement agencies around the world.

METHODOLOGY

Amnesty International and the Omega Research Foundation have collaborated in the research and writing of this report. The report draws upon the detailed field investigations and analysis of torture and other cruel, inhuman and degrading treatment as well as unnecessary and excessive use of force in China and other countries, undertaken by Amnesty International's researchers around the world over the past five years. It also draws upon research by Amnesty International on conditions in China's recently abolished Re-education Through Labour (RTL) detention system, which included interviews with over 60 detainees conducted between May 2009 and November 2013, as well as the on-going monitoring of violations of the rights of human rights defenders, ethnic minorities and religious groups in China.

The dataset of information about companies involved in the law enforcement equipment 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 company-produced information from websites and product brochures; industry sector publications; government publications; company and financial information from national company registries; government- and commercially-produced trade statistics; media organizations; and credible reports and publications by NGOs and international governmental organizations (IGOs). Unless otherwise stated, data about the size, scope and evolution of China's manufacture of law enforcement equipment is taken from Omega's datasets.

The data in this report concerns Chinese entities manufacturing and trading law enforcement equipment and is a subset of data held by Omega on the global trade in these products and services. Although this report is principally concerned with state actors' use of and trade in security equipment for law enforcement and detention, many companies also supply equipment for use by private security providers. As China does not publish information about the export of security and police equipment it is often difficult to ascertain the level of these exports. For this reason, this report draws upon data from Chinese companies themselves, Chinese shipments, media reports from various sources, and photographic evidence of Chinese equipment being used outside China by foreign security personnel.

CHAPTER 1: CHINESE MANUFACTURE OF EQUIPMENT FOR LAW ENFORCEMENT

CHINA'S GROWING PRODUCTION OF LAW ENFORCEMENT EQUIPMENT

The demand for law enforcement equipment is global, with agencies around the world using a range of increasingly sophisticated and sometimes inappropriate weapons and other equipment to carry out their duties. China's manufacturing of such equipment is dominated by large state-owned companies (see box below), with multiple subsidiaries and affiliates. Over recent years this sector has greatly expanded the range of equipment produced. At the same time there has been an expansion of smaller companies, either privately owned or linked to provincial Public Security Bureaus,[5] developing, manufacturing and trading in equipment such as electric shock stun batons and shields, spiked batons, chemical irritant (pepper) sprayers and mechanical restraint devices. A 2003 global survey of manufacturers and traders of law enforcement equipment undertaken in preparation for the Amnesty International report Pain Merchants found 28 Chinese companies in this sector;[6] in early 2014 this had risen to over 130.[7]

Police and security exhibitions are held in China every year,[8] giving Chinese and foreign companies the opportunity to display and promote their products, mainly to potential Chinese buyers. The size of these trade exhibitions has expanded over the past decade. The venue for the first China Police exhibition in 2002 was 10,000m2 in size;[9] by 2012 the exhibition had grown to 37,000m2 and attracted more than 30,000 visitors.[10]

MAIN CHINESE STATE-OWNED SUPPLIERS OF LAW ENFORCEMENT EQUIPMENT

China Jing'an Equipment Import / Export Corporation began as a trading arm of the People's Armed Police and now describes itself as a state-owned enterprise.[11] It has advertised crowd control launchers (38mm),[12] electric shock stun guns, electric shock stun batons and an electric shock stun shield.[13]

China South Industries Group (CSG) is under the remit of the State Council – China's highest administrative and executive state organ. CSG is heavily involved in the civilian market, but has also researched, developed and manufactured some military and policing equipment including small arms and ammunition.[14] One of its research institutes, the China Ordnance Equipment Academy (also known as the 208 Research Institute), has developed and manufactured equipment for law enforcement including crowd control grenade launchers and projectile electric shock stun guns.[15]

China Xinxing Corporation Group (CXXC), was originally owned by the People's Liberation Army (PLA) but was incorporated into China General Technology Group Holdings Co. Ltd. (Genertec) in October 2009.[16] China Xinxing Import / Export Corporation, a subsidiary of CXXC, trades military and logistics equipment. It has 54 factories which manufacture a range of law enforcement equipment.[17] Its marketing literature advertises a range of equipment including handcuffs, thumb cuffs, transport cuffs, restraint chairs and electric shock stun guns and batons.[18] In 2012 China Xinxing Import / Export Corporation stated that it has links with more than 40 African countries and its trade with Africa was worth US$100 million.[19]

The Norinco Group (Norinco), also known as China North Industries Group Corporation (CNGC), operates under the remit of the State Council. Norinco has researched, developed and manufactured a range of law enforcement equipment including armoured vehicles, crowd control grenade launchers, tear gas and 'less lethal' projectiles.[20] It is also a major manufacturer of military equipment. It has approximately 100 subsidiary companies and 35 research institutions.[21]

Norinco is also the name of an import / export organization that is 50% owned by the Norinco Group and

50% owned by CSG.[22] It has advertised many types of law enforcement equipment including water cannon, armoured vehicles, handcuffs, batons, electric shock stun batons, "anti-riot pistols", less lethal grenade launchers and several types of crowd control ammunition.[23] Norinco has exported equipment to many countries around the world.[24]

Poly Technologies, a subsidiary of the China Poly Group Corporation, is a large arms trading company with headquarters in Beijing and offices in other countries. The company has advertised a wide range of law enforcement equipment including batons, spiked shields, electric shock stun batons and various types of mechanical restraints.[25] The company stated in 2010 that it was among the top 100 foreign trade companies in China with dozens of domestic and overseas subsidiaries and representative offices.[26]

TYPES OF LAW ENFORCEMENT EQUIPMENT

Chinese companies manufacture a wide range of policing, prison and other equipment, including:

- Mechanical restraints: handcuffs, leg cuffs, combination leg and hand cuffs, thumb cuffs and various kinds of fixed restraints, including restraint chairs.
- Electric shock weapons: electric shock stun batons, projectile dart-firing stun guns, hand applied electric shock stun guns and electric shock stun shields.
- Striking weapons: batons and spiked batons.
- Toxic chemical irritants: CS gas (tear gas) cartridges, grenades and launchers, and pepper or OC (Oleoresin Capsicum) sprayers.
- Kinetic impact projectiles: rounds (e.g. baton rounds/rubber bullets) and launchers.
- Law enforcement vehicles: including water cannon and armoured vehicles.

Much of this equipment can have a legitimate use in law enforcement if used correctly and in line with international standards for law enforcement, most importantly the UN Basic Principles on the Use of Force and Firearms, the UN Code of Conduct for Law Enforcement Officials, and the Standard Minimum Rules for the Treatment of Prisoners.[27] When used responsibly by well-trained and fully accountable law enforcement officials, such equipment can help prevent and minimize deaths, injuries and harm to assailants, suspects and detainees, while also protecting the police and prison officers themselves. Yet such equipment can have unintended dangerous and even lethal effects if not used carefully, and is also open to abuse. Amnesty International has documented a wide range of human rights violations – including torture and other ill-treatment in custody, as well as excessive and abusive use of force in the policing of public assemblies – perpetrated by law enforcement officials using such "legitimate" equipment, often with devices as simple as handcuffs.[28]

However, some types of equipment offered to law enforcers are particularly easy to abuse or are prone to causing injury or fatality. Sometimes this is the result of poor design. Certain types of baton rounds/rubber bullets, for instance, are so inaccurate that they cannot be used safely. In such cases, Amnesty International and Omega recommend a suspension of production, trade, transfer and use of the particular type of equipment, while a thorough, independent review based on international human rights law and standards is carried out by independent medical, legal, police and other experts to ascertain whether the equipment is fit for use in law enforcement in certain prescribed circumstances.

Finally, some weapons and other devices promoted to police, prison and other security authorities, have no legitimate use for law enforcement and are inherently abusive as their use constitutes, or poses a substantial risk of, torture and other cruel, inhuman or degrading treatment. Amnesty International and Omega have consistently called for a total prohibition on the production, trade, transfer and use of such inherently inhumane equipment.

The following section assesses the types of equipment that have been produced in China and marketed for use in law enforcement.

AN ASSESSMENT OF THE DIFFERENT TYPES OF CHINESE MANUFACTURED LAW ENFORCEMENT EQUIPMENT

MECHANICAL RESTRAINTS

Omega has identified 86 Chinese companies that have manufacturered and / or traded various types of mechanical restraint equipment. One of the larger producers of restraints is Yantai Muping Yuanda Trading Company - in early 2014 their website stated that it could produce 800,000 pairs of handcuffs and 100,000 pairs of leg cuffs per year, in addition to other types of mechanical restraints including weighted leg cuffs, thumb cuffs, and combination hand and leg cuffs.[29]

Inherently abusive restraint devices

Weighted leg cuffs: During his visit to China in 2005, the UN Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment (Special Rapporteur on torture) found prisoners on death row in a Beijing prison wearing leg cuffs weighing 3kg for 24 hours a day. He stated that the practice of prolonged cuffing of prisoners in weighted leg cuffs is inhuman and degrading and is an "additional punishment that should be abolished".[30] However, despite the concerns of the Special Rapporteur on torture, the Chinese authorities have not sought to restrict or ban the use of weighted leg cuffs and Chinese companies have continued to advertise for sale types of leg cuffs weighing up to 8kg.[31] Amnesty International and Omega call for a ban on the use of leg restraints purposefully designed to cause discomfort, including weighted leg cuffs.

Neck combination cuffs: These devices fasten around the neck and link the neck and wrists. They have been manufactured by at least one Chinese company and marketed to Chinese law enforcement agencies.[32] Such cuffs are of particular concern due to the pressure they exert on a person's neck. Amnesty International and Omega considers this is an unacceptable form of restraint as its

above:
Chinese weighted leg cuffs

left:
Chinese combination neck / handcuffs

use would appear to constitute a punishment in itself, as well as being degrading and facilitating further abuse. It is particularly bad practice to use the neck as a restraint point because of the chance of interference with basic functions such as breathing, blood circulation and nerve communication between the brain and body.[33]

Multifunctional chains: These chains can be used to fix the detainee in a variety of positions, including fixing the neck and hands together. Amnesty International therefore has similar concerns about such equipment to those described above. The brochure of one Chinese company details 15 different ways of cuffing detainees using a chain, some of which are shown above.[34]

Combination handcuffs linked to leg cuffs: These cuffs are linked together by a chain and fasten around the wrist or ankle of a detainee or prisoner. They are widely manufactured and promoted by Chinese companies. The use of combination hand and ankle cuff devices causes unnecessary discomfort and can easily result in injuries. Such devices place unwarranted restrictions on the movement of detainees and serve no legitimate law enforcement purpose that cannot be achieved by the use of handcuffs alone, or in exceptional circumstances by the use of humanely designed ankle cuffs in addition to separate handcuffs.

Rigid restraint chairs: These are chairs in which a detainee is usually restrained by multiple straps restraints at points including the wrists, elbow, shoulder, chest, waist, thigh or ankle. However, restraint chairs identified as being manufactured in China for use in prisons and places of detention are particularly rigid with the fixed wrist and ankle restraints sometimes made of metal and wood. This could lead to detainees becoming injured. In 2000, the UN Committee against Torture recommended the complete abolition of restraint chairs for those in custody as "their use almost invariably leads to breaches of article 16 of the Convention [the prohibition against cruel, inhuman or degrading treatment]." [35] Amnesty International and Omega also considers that such chairs have no legitimate law enforcement use. In exceptional cases, chairs designed flexibly with soft fabric restraints to prevent individuals from becoming injured may be used legitimately by specially trained medical

above:
Thumb cuffs

right :
Multifunctional chains from Chen Ye Tian Ying Police Equipment Technology Development Co, Ltd.'s brochure, undated but obtained in 2004. It details 15 ways in which a person can be restrained with multifunctional chains.

staff to restrain violent patients in line with international standards. However, the use of rigid restraint chairs to restrain people in places of detention is open to abuse and can result in serious injury, particularly when detainees under the influence of drugs or alcohol are left unattended for prolonged periods or if additional force is used on the restrained person.

Thumb cuffs: These are cuffs that mechanically fix a detainee's thumbs together. Thumb cuffs lend themselves to use in "stress positions" that can easily result in injuries, and may amount to torture or other ill-treatment. Some types of thumb cuffs advertised in China and elsewhere have serrated inner edges that can pierce the skin if the cuffs are tightened. As they have no legitimate use for law enforcement that could not be fulfilled by ordinary handcuffs, when used correctly, Amnesty International and Omega consider thumb cuffs as inherently abusive. Whilst Amnesty International and Omega have no reports of their use, thumb cuffs are frequently advertised for sale at home and abroad by Chinese companies at trade fairs and on the internet.[36]

Restraint devices with legitimate uses under strict regulation

Ordinary handcuffs: The most common devices consist of two adjustable wrist cuffs joined together by a short chain that allows a limited degree of movement. Ordinary handcuffs are considered legitimate tools for law enforcement, but can nevertheless be misused for torture and other ill-treatment. Certain designs of handcuff pose greater risk of misuse and injury than others. For example, rigid handcuffs (i.e. those with a rigid bar, instead of a chain linking the two cuffs) can more easily cause wrist injury, as can single locking handcuffs, which can be progressively tightened along a ratchet by both the law enforcement officer and the detainee. Excessively tightened handcuffs can cause injury and pain - in extreme cases cutting off the blood supply to the hands, resulting in serious and permanent injury.

Humanely designed leg or ankle cuffs: Where a light-weight chain, rather than a rigid bar or a heavy chain, is linked to adjustable ankle cuffs cushioned on the inner perimeter, such a design can minimize unnecessary discomfort and have a legitimate use in law enforcement in exceptional cases. The purpose would be to prevent a detainee who is threatening violence from using their legs and feet to cause injuries to themselves and others. Any use should be strictly in line with international standards, including the Standard Minimum Rules for the Treatment of Prisoners, and only applied for the minimum time necessary.

Chinese hinged handcuffs, chain linked handcuffs and leg cuffs

ELECTRIC SHOCK STUN WEAPONS

Omega has recorded a total of 95 Chinese companies involved in manufacturing or trading in electric shock stun weapons. Chinese companies manufacture an increasing variety of such weapons, including electric shock stun guns, electric shock stun batons and electric shock stun shields. The high voltage electrical shock from these instruments is applied directly by hand to an individual, incapacitating them. Electric shock stun weapons deliver variable shocks, depending on the voltage and amperage, the length of time for which they are applied, the physical condition of the victim and environmental conditions. The manufacturers of electric shock weaponry argue that their products are not lethal. But deaths have been associated with the use of stun weapons.[37]

right:
Chinese electric shock stun batons

bottom right:
Chinese electric shock stun spiked shield

below:
Chinese electric shock stun guns

Chinese firms also make projectile electric shock stun guns, similar to dart-firing "taser" stun guns made in the USA. These weapons are designed for law enforcement officials to incapacitate an individual who is posing a serious threat of violence in a stand-off situation. They work by firing darts attached by electrical wires to the launch device at an individual, and can be used from a distance of several metres. The design of most of these dart-firing weapons includes a switch to enable them to also be used as direct contact electric shock stun guns.

Inherently abusive stun weapons

Electric shock stun guns and batons: These weapons are widely manufactured and used in China. The instruments' incapacitating electrical shock is applied directly by hand to an individual. Amnesty International and Omega consider direct contact electric shock stun batons and stun guns to be inherently abusive weapons. It is easy for an officer to use such an electrical weapon to apply extremely painful shocks by hand at the push of a button, including to very sensitive parts of the body of a person held in custody, such as on their neck, throat, ears, underarms, groin and genitals, without long-lasting physical traces. Moreover, such weapons can be used to inflict repeated or prolonged

shocks on an individual. However used, the officers applying such shocks would usually not know if the victim has a vulnerable 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.[38] Insofar as the amount of force delivered by electric shock stun weapons can be variable and unpredictable in certain circumstances, the force will be arbitrary and contrary to international standards for law enforcement. Given there is a substantial risk that the use of these weapons, as currently designed, can amount to arbitrary force, or torture or other cruel, inhuman or degrading treatment and punishment, they should never be used for law enforcement purposes.

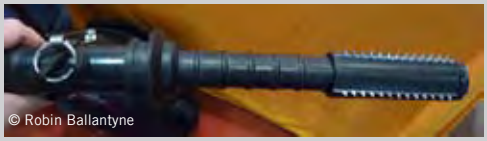
Electric shock stun shields: These are shields that deliver a painful electric shock when contact is made with an individual. Like other direct contact electric shock stun weapons, the shock inflicted with such stun shields can create intense pain but does not necessarily incapacitate the person targeted. However, multiple shocks may be inflicted with one shield and several shields might be used against one person. In China such shields can be made with additional metal spikes designed to attack and wound an individual. Although Amnesty International and Omega have no reports of these shields being used, they have been advertised for sale by Chinese companies at domestic trade fairs and on the internet.[39] For similar reasons to those pertaining to other hand applied electric shock weapons, Amnesty International and Omega call for the prohibition of electric shock stun shields in law enforcement.

Problematic equipment whose use should be suspended pending assessent

Projectile electric shock stun weapons: Such weapons fire darts that attach to a person's body, delivering an incapacitating high voltage electric shock that causes the subject to lose muscle control. Companies market these weapons as a device for law enforcement officers to control or incapacitate an individual posing a threat of serious injury. When deployed by highly trained police officers as a projectile in a stand-off situation to prevent an imminent threat of serious injury, such projectile stun weapons can be a legitimate alternative to firearms. Officers authorized to use such weapons must abide by international policing standards on the use of 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 stun weapons are designed so that they can easily be switched to "drive stun" mode so as to enable them to be used as direct contact electric shock stun guns. As noted above, Amnesty International and Omega consider the use of such direct contact stun weapons to pose a substantial risk of torture or other cruel, inhuman and degrading treatment or punishment, and therefore call for the prohibition of the "drive stun" mode or "override" hand touch function on such dart-firing electric shock weapons.

Chinese projectile electric shock stun gun



top:
A selection of Chinese straight, side handled and telescopic batons

above and right:
Chinese spiked batons

STRIKING WEAPONS

Hand-held kinetic impact weapons, also known as striking weapons, including batons and truncheons can have a legitimate law enforcement use when used correctly and strictly in accordance with international standards. Amnesty International and Omega consider some variations, such as spiked batons, as inherently abusive. Omega has records of 82 companies in China manufacturing or trading kinetic impact or striking weapons and of these seven state they export. Spiked batons have been advertised at international trade fairs and there have been some reports of improvised "spiked clubs", "sticks studded with nails" and "metal batons spiked with nails" being used against protesters in Tibet.[40]

Inherently abusive striking weapons

Spiked batons: China is the only country known to manufacture spiked batons, which are either completely composed of metal with metal spikes along the entire length of the baton or are plastic batons with a spiked metal head (see images above). Alternative names for these spiked metal batons are "sting stick" or "wolf stick".

The United States Bureau of Industry and Security considers spiked batons to be "specially designed implements of torture" and has imposed a presumption of denial on their trade.[41] The European Commission (EC) has stated that "while the spikes are capable of causing significant pain or suffering, spiked batons do not appear more effective for riot control or self-protection than ordinary batons and the pain or suffering caused by the spikes is therefore cruel and not strictly necessary for the purpose of riot control or self-protection" and has banned companies in the EU from importing or exporting them.[42]

Striking weapons with legitimate uses under strict regulation

Hand-held batons: Even when batons are not designed inhumanely, law enforcement officers frequently misuse them contrary to the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.[43] Strict rules and training for the use of hand-held batons by law enforcement officers in line with international standards should be established in order to minimize the use of force and to prevent unwarranted injuries. With the exception of using hand held batons to stop an immediate and direct threat to life or serious injury with the minimum necessary force, striking an individual with such a baton should never be aimed at the person's head, neck and throat, spine, lower back, solar plexus, knees and ankles as this could result in "significant injury with bruising and rupture of internal organs, including the heart, liver, spleen, or kidneys or a head injury".[44]

TOXIC CHEMICAL IRRITANTS AND KINETIC IMPACT PROJECTILES

Toxic chemical irritants and kinetic impact projectiles are manufactured by a much smaller number of Chinese companies. Omega has records of four Chinese manufacturers/traders of 'less lethal' launchers and three of those companies are state owned.[45] Four companies are thought to manufacture or trade in kinetic impact rounds and all of these firms also manufacture canisters / grenades containing toxic chemical irritants. Chinese companies also manufacture many different kinds of launchers for their kinetic impact projectiles and chemical irritants. These include shotguns, hand-held single shot and multiple shot launchers and vehicle-mounted grenade launchers. Cartridges and grenades containing kinetic impact rounds or toxic chemical irritants can be designed to fire from launchers or be thrown by hand. Chinese companies also manufacture and trade a variety of sprayers that dispense toxic chemical irritants including large backpack and smaller handheld sprayers and water cannon vehicles. Much of this equipment can have a legitimate purpose if used correctly in line with international standards, but some irritants and sprayers have proved problematic resulting in unwarranted injury and even, as a contributing factor, death when used on people suffering from asthma, or in conjunction with cocaine use.[46]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above:
Chinese FBQ08 38mm grenade launcher

left:
Chinese 18.4mm shotguns

far left:
Chinese tear gas sprayer

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above:
Chinese 38mm Multiple Grenade Launcher

right:
Chinese 64mm Multiple Grenade Launcher

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Problematic equipment whose use should be suspended pending further research

Multiple launchers: Chinese companies produce different types of multiple launchers for the rapid or simultaneous discharge at one time of many projectiles such as rubber bullets or chemical irritants. These have no tactical necessity in law enforcement and are by nature indiscriminate. Amnesty International and Omega recommend that the use of such multiple launchers in law enforcement be suspended from use in law enforcement, pending further research by an independent expert, taking into account international human rights standards for the use of force.

Chemical irritants and kinetic impact equipment with legitimate uses under strict regulation

The kinetic impact rounds: These rounds produced by Chinese companies usually contain either a single rubber projectile or several smaller projectiles (often rubber balls). They are designed to deter individuals threatening serious violence in a stand-off situation through causing pain and by preventing normal movement. However such projectiles can be notoriously inaccurate, sometimes bouncing off surrounding surfaces, and are affected by weather conditions such as wind. Such projectiles can result in death or serious injury, especially if they hit a person's head or upper body.[47] Accordingly, law enforcement authorities should ensure that each type of projectile and launcher to be deployed has been rigorously and independently tested for accuracy and force of impact, and that officers using this equipment have received specialist training in correct use and targeting in accordance with the UN Basic Principles on the Use of Force and Firearms.

The use of kinetic impact projectiles should be strictly limited to situations of violent disorder posing a risk of harm to persons, where the projectiles are used in order to contain and stop the violence and only when less extreme means are insufficient to achieve this objective. The projectiles must be carefully targeted and aimed only at persons directly involved in such violence and must never be aimed at the head, upper body or groin areas. They should not be intentionally rebounded off the ground before striking the target. Where possible, clear warnings should be given before firing

them. Medical care must be promptly made available to anyone injured by such projectiles. Multiple projectiles are inaccurate and cause unwarranted injury and therefore have no legitimate law enforcement use.

Toxic chemical irritants: These are often referred to as "tear gas" or "pepper spray" and when used in cartridges, grenades or larger sprays (often carried on an officer's back) the irritants are used to disperse crowds. Other chemical irritant devices are similar to hand-held aerosol cans and are discharged by an officer against a particular individual to stop an act of violence in a stand-off situation. Toxic chemical irritants usually cause burning sensations in the nose and eyes and a tightening of the chest (tear gases) or inflammation of the nostrils, mouth, lips, eyelids and ears which feels like burning (pepper spray). However, the exact chemical mixtures vary and so each type of irritant should be independently evaluated and controlled – especially for factors such as levels of toxicity and propulsion pressure; for example, products should be designed to strictly limit the level of irritant agent (typically 1-5%) for safe use.

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above:
Chinese 18.4mm less lethal shotgun ammunition

left :
Chinese 37mm / 38mm tear gas canisters

The discharge of toxic chemical irritants in a certain manner can increase the risk of unnecessary harm or unwarranted injury and death to persons.[48] This can occur when law enforcement officers fire a metal cartridge of irritant directly at an individual, or use irritants in a manner likely to be arbitrary or have indiscriminate effects such as when sprayed or fired randomly over a wide area or into drinking water or food, or launch such chemicals at or near unarmed people who are in confined spaces, or where exits and ventilation points are restricted, or launch the irritants near elderly people, children or others who may have difficulty in moving away to avoid the dangerous effects of toxic chemicals.

LAW ENFORCEMENT VEHICLES

Law enforcement vehicles with legitimate uses under strict regulation

Water cannon: These projectile devices are mounted on special vehicles that contain a water tank with a high velocity sprayer designed to disperse and control crowds. The water may be mixed with

an indelible dye (to mark protesters so they can be identified later for arrest) or various chemical irritants. Chinese water cannon vehicles are usually armoured and may also have vehicle-mounted grenade launchers and CCTV cameras. Omega has identified a total of 15 Chinese companies that have manufactured or traded these vehicles. While it may be necessary and legitimate to use water canon carefully in line with international human rights standards for law enforcement purposes, some uses can result in serious injury. The high-pressured water from the cannons can disorientate and limit visibility in a volatile crowd situation, thus increasing the danger of injuries. Bearing in mind the dangers outlined above of discharging chemical irritants in an inappropriate manner, Amnesty International and Omega also recommend that water cannon should only be used proportionately, lawfully and to the minimal extent possible in cases where it is strictly necessary to contain or disperse individuals or a group participating in a public assembly who are acting violently and where peaceful measures have failed.

Armoured police vehicles: Omega has recorded a total of 16 Chinese companies that have manufactured or traded armoured police vehicles. Armoured vehicles can be used legitimately to facilitate police operations and safeguard the lives of police officers in dangerous situations, such as when confronting violent criminal gangs. However, armoured vehicles sometimes play a key role in human rights violations. For example, such vehicles have been deployed against peaceful protesters and have been used to carry out violent raids on poor neighbourhoods.[49] Export licences for armoured vehicles should therefore always be rigorously vetted, and – as with all law enforcement equipment - where there is a substantial risk that the vehicles would be used to facilitate serious human rights violations in the recipient country, the export licences should be refused.

Chinese water cannon

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CHAPTER 2: CHINA'S ABUSE OF EQUIPMENT FOR LAW ENFORCEMENT

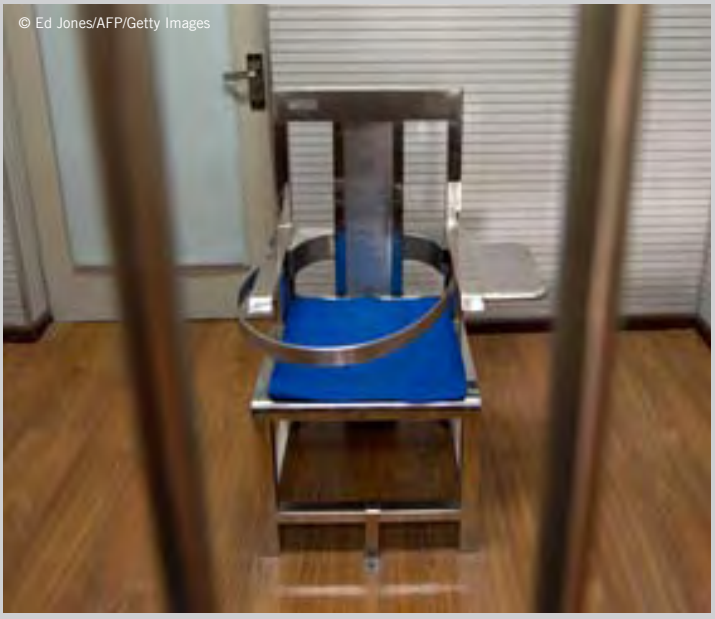
THE TORTURE OF JIA YAHUI

Jia Yahui, a Falun Gong practitioner, recounted to Amnesty International her ordeal at the hands of police after she was sent to one of China's notorious (and recently abolished) Re-education through Labour (RTL) centres, where she was held from April 2008 to June 2009: "Before they tied me to the bed and began to electrocute me the three policemen had my face covered. None of them spoke while they electrocuted me. They were afraid I would recognize their voices. But I knew who they were… They started by electrocuting me on the most sensitive places – starting on my little finger, then moved up my arms, up to my armpit. Then they moved to my breasts. Then they held the electric baton on my waist for more than ten seconds, without moving. Then they began on my inner thighs. They sought out my nerves. I felt they had no humanity whatsoever. I felt they derived some kind of pleasure from the process. They would just place the baton on your waist and keep it there. When I returned home the black spots on my skin had still not gone away."[50]

The development of China's manufacturing base for the supply of policing and other law enforcement equipment has taken place against a backdrop of continuing repressive practices throughout China's law enforcement system. Some intrinsically abusive equipment, such as metal restraint chairs, is rarely advertised for sale outside the country. Other law enforcement equipment – for instance chemical irritants and rubber / plastic projectiles – is used both domestically and abroad. This chapter looks at how equipment supplied to police and prison officers has been abused in China against detainees and in the context of policing public assemblies.

TORTURE AND ILL-TREATMENT IN DETENTION

Torture and other ill-treatment have long been documented in China – in all forms of detention and at all stages of criminal procedure.[51] After visiting the country in November / December 2005, the Special Rapporteur on torture concluded that, although there had been some improvements in urban areas, torture remained "widespread" in China.[52] Since then, China has introduced some



Metal restraint chair in an interrogation room inside the No.1 Detention Center in Beijing, 25 October 2012.

reforms, amending its Criminal Procedure Law (CPL) and abolishing one of its controversial administrative detention systems, the Re-education Through Labour (RTL) system, in December 2013. However, many structural weaknesses remain.[53]

Legislative reform still falls short of international human rights law. In a briefing on the CPL, Amnesty International concluded that the new legislation "significantly expands the powers of the police and public security organs without introducing corresponding and necessary mechanisms for oversight, monitoring, and restraint".[54] Despite the numerous allegations of torture and other ill-treatment in the now abolished RTL system, it remains unclear whether these will ever be adequately investigated. Early evidence suggests that the police are making increasing use of other forms of arbitrary detention and the criminal detention system to target groups previously held in RTL centres, and that those who were released from RTL centres following its abolition are unable to access effective remedies for alleged torture.[55]

TORTURE

In 1948 the Universal Declaration of Human Rights proclaimed an unequivocal prohibition on torture. This has been strengthened over the decades through various international instruments including the 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), which contains a definition of torture that is widely accepted internationally:

> ***"[T]orture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."***[56]
>
> ***"Each State Party shall undertake to prevent… other acts of cruel, inhuman or degrading treatment or punishment, which do not amount to torture as defined in article 1 [see above], when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."***[57]

As a state party to the UN Convention against Torture, China is obliged to: refrain from torturing or otherwise ill-treating anyone under any circumstances; take "effective legislative administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction"; try or extradite for trials alleged perpetrators of torture; and investigate all reports and complaints of torture or other ill-treatment and to provide remedy to victims. A statement or evidence obtained through torture must not be admissible as evidence in court or any other proceedings (except against those accused of torture as evidence that the statement was taken).[58]

The prohibition of torture and other ill-treatment in international law is absolute and goes beyond the confines of treaties, prohibiting "every act of torture or ill-treatment, no matter where, when, or against whom…"[59]

Places of detention in China include prisons, pre-trial detention facilities, several forms of administrative detention and "black jails" – unofficial, unregulated and illegal detention centres set up in ad hoc locations, such as hotels, psychiatric facilities, government premises or even residential buildings.[60] Up until its abolition in 2013, the RTL system was China's largest formal institution of administrative detention. The number of people detained under RTL is not known as China generally does not make such data public. However, according to the Chinese delegation to the UN Universal Periodic Review on China, there were 190,000 inmates held in 320 centres across China in 2009.[61] In its assessment of China's implementation of recommendations from the 2009 Universal Periodic Review, Amnesty International concluded that "hundreds of thousands continue to be held in illegal and arbitrary forms of detention and subjected to physical and mental torture and other ill-treatment, including forced labour."[62] In a subsequent report which included over 60 interviews with detainees,

carried out between May 2009 and November 2013, Amnesty International documented a wide range of physical torture and ill-treatment, including the use of electric shock batons and various restraint techniques and stress positions.[63]

MISUSE OF ELECTRIC SHOCK STUN EQUIPMENT IN DETENTION

Amnesty International has documented a series of cases where electric shock stun equipment was used to torture detainees in various places of detention in China.

In August 2012, Falun Gong practitioners Wang Xiuqing and her daughter Qin Hailong were tortured while being detained in Harbin's Qianjin RTL camp. According to Qin Hailong, she was tortured with electric shock stun batons and beatings. Her older sister, Qin Rongqian, who visited her in the aftermath of the torture, reported that Qin Hailong had scabs resulting from the electric shocks and could barely walk unaided.[64]

Yu Zhenjie, a Falun Gong practitioner from Mudanjiang, Heilongjiang province, was also detained in China's RTL system. She was tortured with an electric baton for resisting the "transformation" process – the forced renunciation of her spiritual beliefs. In August 2012, she recounted her experiences to Amnesty International:

> *"The head of my brigade, which had around 200-300 Falun Gong members – director Li – had been using the electric baton on my face – it's a kind of torture the police call "bengbao popcorn", because your face splits open and looks like popped corn. It smelled horrible, the smell of burning skin."*[65]

Abuses of female detainees in the Masanjia RTL camp in Shenyang, Liaoning province, have been exposed in the Chinese media through an article in Lens magazine, published in April 2013, and a documentary film produced by former New York Times photographer Du Bin in May 2013.[66] Du Bin interviewed petitioner Qu Meiyu from Benxi city, Liaoning province, who said she was beaten with electric batons, deprived of sleep and told, falsely, that her husband had died.

An investigation into the arbitrary detention of female sex workers in China by the NGO Asia Catalyst also cited cases of torture in detention using electric shock stun equipment. In July 2013, police officers detained Xiao Cao in a dispatch station, where they tried to make her confess to soliciting. She told researchers:

> *"Four policemen took me to a room with a bed in it, and they pushed me onto the bed and used an electric prod this long [gesturing to indicate a length of 20-30 cm] to shock me on my hands, neck, thighs, and armpits. The pain was unbearable, as if I were being stuck with needles all over."*[67]

THE MISUSE OF RESTRAINTS IN DETENTION

A wide variety of restraints are used on detainees in police cells, prisons and other places of detention across China. While it is not always possible to identify the specific restraint mechanism used, many detainees have complained of being bound by the wrists and the ankles, suspended from the ceiling or kept in stress positions, often while beatings are administered. Given the frequency of these reports, the large-scale, unregulated manufacture and supply of a wide variety of restraint devices – some considered by Amnesty International and Omega as inherently abusive – is of grave concern.

In one case, human rights defender Ding Hongfen, who was arrested on suspicion of "gathering crowds to disturb social order", told her lawyer that she had been held in three different "black jails" between 23 June and 2 July 2013. On 1 July, she claimed that she had been interrogated by a plain clothes police officer after he had handcuffed and shackled her to a "tiger bench"[68] – a common form of torture in China.[69] In another case, Wu Wai Sing (also known as Vincent Wu), was detained on 22 June 2012 and held incommunicado for three weeks at various facilities. He was tortured

during his interrogation by being beaten and hung upside down and kept for extended periods in solitary confinement with his arms and legs in chains at all times.[70]

In another testimony gathered by the photographer Du Bin, a petitioner[71], Hu Xiufen, described her ordeal: "The Masanjia Women's RTL police tortured me 26 times. They shackled me to the lower and higher levels of a twin-size bunk bed by the diagonally opposed hand and feet so I could neither stand nor sit. Handcuffs squeezed both hands so much the blood could not flow through. I had bruises swollen to the size of steamed buns. It felt as though I was a body being cut into pieces, it was horribly painful. I could not flex my limbs, they were so stiff… They tortured me like this repeatedly for seven days and nights."[72]

Even after the official announcement of the closure of the RTL system, irregular detentions with reports of torture persist. Lawyers Zhang Junjie, Tang Jitian, Jiang Tianyong and Wang Cheng were detained at the Daxing District Public Security Bureau in March / April 2014. Tang Jitian claims that during his detention, he was first strapped to an iron chair, slapped in the face, kicked on his legs, and hit so hard over the head with a plastic bottle filled with water that he passed out. He was later hooded and handcuffed behind his back and suspended off the ground by his wrists, while police beat him.[73] The three other lawyers were also allegedly tortured.

POLICING PROTESTS IN CHINA

Public protests have become commonplace across China. The authorities no longer issue official statistics on the number of "mass incidents". Estimates on the number of such incidents in recent years range from 30,000 to 180,000 per year.[74] Demonstrations by Tibetans, Uighurs, Mongolians and other ethnic minorities have been harshly repressed through the use of arbitrary and excessive force by police and other security forces, as have protests against the authorities in cases of forced eviction or expropriation of land.[75]

THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY

Article 20(1) of the Universal Declaration of Human Rights states that "Everyone has the right to freedom of peaceful assembly and association."

Human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR) allow for restrictions of this right which are "imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order… the protection of public health or morals or the protection of the rights and freedoms of others" (Article 21 of the ICCPR).[76]

However, such restrictions must be narrowly and clearly defined, must be applied only for the purposes for which they were prescribed, must be directly related to the specific need on which they are predicated and above all "may not put in jeopardy the right itself."[77]

While policing assemblies, police are required to refrain from using any force unless unavoidable. At the heart of the international human rights standards governing the use of force by police lies the human right to life, enshrined in Article 3 of the Universal Declaration of Human Rights.

Under UN standards, law enforcement officials are required to "as far as possible, apply non-violent means before resorting to the use of force".[78] Under Article 3 of the UN Code for Law Enforcement Officials, police may use force "only when strictly necessary and to the extent required for the performance of their duty." Where the use of force is unavoidable, they must: "Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved", minimize damage and injury and "Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment".[79] Firearms should only be used as a last resort "in self-defence or defence of others against the imminent threat of death or serious injury" or to prevent "a particularly serious crime involving grave threat to life" or "to arrest a person presenting such a danger."[80]

THE MISUSE OF WEAPONS IN CROWD CONTROL

China now manufactures, deploys and exports a wide variety of so-called 'less lethal' weapons and devices for crowd control purposes. Many types of less lethal weapons, such as chemical irritant projectiles (tear gas and pepper spray) and kinetic impact rounds (plastic or rubber bullets), can have a legitimate role in the policing of public assemblies, when designed and used correctly and in accordance with international standards. However, Amnesty International has documented numerous cases around the world in which such equipment has been used unnecessarily or excessively, preventing people from exercising their rights to peaceful assembly and freedom of expression.[81]

SUPPRESSION OF TIBETAN PROTESTERS

Since the mass Tibetan protests of 2008, Chinese police have often intervened harshly to break up protests by ethnic Tibetans. In addition to socioeconomic discrimination, the authorities continue to repress Tibetans' right to enjoy and promote their culture as well as their right to freedom of religion, expression, association and assembly. On 6 October 2013, 60 protesters were reportedly injured, some seriously, after the People's Armed Police (PAP) cracked down on protesters in Driru county in the Tibet Autonomous Region. The PAP reportedly used tear gas and iron batons and opened fire on crowds of people. The PAP may also have been using baton rounds. The protest was against the earlier detention of a local Tibetan who had been protesting against attempts to force local families and monasteries to fly the Chinese flag on the Chinese national day. According to Radio Free Asia, on 8 October the PAP again shot at protesters in Driru, killing four and injuring about 50.[82]

THE RIOTS IN URUMQI

In July 2009, the police cracked down on initially peaceful Uighur protesters, triggering violent riots, in Urumqi, the capital of the Xinjiang Uighur Autonomous Region. Uighurs have suffered a long history of systematic discrimination at the hands of the Chinese authorities, which includes policies that limit the use of the Uighur language, severe restrictions on freedom of religion and expression, and employment discrimination. The demonstrators were protesting the authorities' perceived inaction following the death of at least two Uighur workers in a factory brawl in Shaoguan, in China's southern province of Guangdong, on 26 June 2009. From eye-witness testimony collected by Amnesty International it appears that the peaceful protesters were tear-gassed and live ammunition was fired in the air as a warning, as well as into the crowd. One of the protesters told Amnesty International: "We were protesting peacefully and they destroyed our peaceful demonstration. They aimed their guns at us, and we became stressed. They carried shields and batons, beat and started arresting people – women, children, old people, young students. They used tear gas."[83] Other testimonies collected by Amnesty International suggested that the police and security forces committed serious human rights violations during and in the aftermath of the July 2009 protests including beatings and arbitrary arrests and unnecessary or excessive use of force, including lethal force, in the process of restoring order.[84]

Given the fact that serious human rights violations are being committed throughout China's law enforcement system, both in the treatment of detainees and the policing of public assembly, remedial measures need to include the strict regulation of the supply and the systematic review and reform of the use of policing and prison equipment domestically. The Chinese authorities must introduce laws and regulations in line with international human rights standards to eliminate the unnecessary use of restraint devices in law enforcement, and ensure the careful monitoring of adherence to such regulations. In particular the government should explicitly ban the use of restraint techniques and stress positions which constitute torture or other ill-treatment, and outlaw the manufacture, transfer and use of direct contact electric shock stun devices.

In relation to the policing of public assemblies, the Chinese authorities must ensure that all law enforcement officers involved in the policing of such assemblies are rigorously trained and fully accountable to use methods in conformity with international standards, especially to refrain from using

any force unless strictly unavoidable. Orders to disperse protests should only be given in extreme situations when peaceful measures have failed and where this is strictly necessary to prevent death or serious injury. The type of equipment, including less lethal weapons, used to control and disperse an assembly should be carefully considered and only used proportionately, lawfully and to the minimal extent possible. All deaths or injuries must be thoroughly and independently investigated and those found responsible of the unlawful use of force should be brought to justice.

More broadly, all police officers need to be aware of and receive regular training in relevant international human rights law and standards, in particular the UN Basic Principles and the Code of Conduct for Law Enforcement Officials; their activities should be monitored to ensure that any force is used as a last resort and is proportional and necessary to the achievement of a legitimate objective.

Hundreds of people are confronted by policemen and security forces during a protest in Urumqi, Xinjiang Uighur Autonomous Region, China, 7 July 2009. The police and security forces committed serious human rights violations during and in the aftermath of the July 2009 protests including beatings and arbitrary arrests and unnecessary or excessive use of force.

CHAPTER 3: CHINESE EXPORTS OF EQUIPMENT FOR LAW ENFORCEMENT

Over the past decade China has significantly increased its manufacturing base, including the manufacture of security equipment for law enforcement. Although there is little official data available, information from Chinese companies, and the increased presence of Chinese companies at trade fairs, as well as media reports and photographic evidence of Chinese equipment being used in other countries, all point to the growth of China's law enforcement equipment industry and China's increasingly strong presence in the global market for this equipment. While some of the exports are no doubt used in legitimate law enforcement operations, China has also exported equipment that has inhumane effects, or poses a substantial risk of fuelling human rights violations by foreign law enforcement agencies.

This chapter first presents evidence of the global reach of China's trade in law enforcement equipment. It then presents an analysis of the systems in place to regulate these transfers. It concludes by presenting examples of what Amnesty International and Omega would consider irresponsible trade – i.e. transfers of inherently abusive equipment, or transfers of law enforcement equipment to countries where there is a substantial risk that it will be used to facilitate or directly perpetrate serious human rights violations.

TRADE FAIRS

One indication of China's active role in the global market for law enforcement equipment is its strong presence at international trade fairs, where buyers and sellers of both military and law enforcement equipment are brought together and trade deals are negotiated. Chinese companies have exhibited their wares at military, security and policing trade fairs around the world including Milipol[85] and Eurosatory[86] in Paris, the International Defence Exhibition (IDEX) in Abu Dhabi,[87] and African Aerospace and Defence (AAD) exhibition in South Africa.[88] Although primarily for military goods, these trade fairs include a wide range of policing equipment and are seen as a prime opportunity to advertise equipment to an international market.

At the AAD 2010 fair held in South Africa the Chinese national pavilion covered 1,200m^2, making it the largest country pavilion at that exhibition.[89] The Chinese company Norinco marketed law enforcement weapons and other equipment that has legitimate law enforcement uses, including handcuffs and grenade launchers for crowd control, but Norinco also marketed equipment such as electric shock stun batons which Amnesty International and Omega consider to be inherently abusive.[90]

At the Eurosatory 2012 and Milipol 2011 exhibitions in Paris, the China Xinxing Import / Export Corporation's brochures advertised a wide range of equipment that Amnesty International and Omega consider to be inherently abusive, including electric shock stun batons, hand / ankle combination cuffs and a restraint chair.[91] Also at Eurosatory 2010 the major Chinese company Poly Technologies advertised spiked shields.[92] Smaller Chinese companies were also present at these fairs. At Milipol 2011 and Milipol 2013 Jiangsu Anhua Police Equipment Manufacturing Co Ltd (Jiangsu Anhua) advertised a similar range of equipment to that promoted by China Xinxing Import / Export Corporation. In September 2013, Chinese exhibitor, Tianjin Myway International, along with French company Magforce International, were ejected from the Defence and Security Equipment International (DSEi) exhibition in London for advertising electric shock stun guns in their company brochures.[93] UK export controls forbid "any act calculated to promote the supply of any category A goods" [94] and the UK Government's guidance states: "The controls on Category A goods cover 'any act calculated to promote' the movement of such goods with no exemption for general advertising or promotion."[95] Category A goods include equipment for the execution of human beings, goods defined as torture equipment under UK legislation and cluster munitions.

The International Defence Exhibition (IDEX) in Abu Dhabi - the largest defence trade fair in the Middle East and North Africa region – where increasing numbers of Chinese companies market law enforcement equipment.

A review of the company literature of several Chinese manufacturers of law enforcement equipment – including websites, advertising material and trade fair brochures – shows that they have sold equipment to law enforcement agencies in various world regions. The firm Jiangsu Anhua, for example, says it has exported to over 50 countries including in Africa, South America and the Middle East.[96] Thirty-one Chinese companies that have claimed to export their products, have also manufactured or traded electric shock weapons and devices. China Xinxing Import / Export Corporation, which has advertised to supply equipment including thumb cuffs, restraint chairs, and electric shock stun guns and batons, stated in 2012 that it has links with more than 40 African countries and its trade with Africa was worth US$100 million.[97] This information tallies with photographic evidence compiled by Omega showing Chinese-made law enforcement equipment in use around the world. For example, news photographs from Ghana,[98] Senegal,[99] Egypt[100] and Madagascar[101] show police and other law enforcement officers carrying what appear to be Chinese manufactured electric shock stun batons.

Some Chinese companies have also manufactured law enforcement equipment on behalf of other, foreign, companies. For example, the Chinese firm Sure Well International Industrial Limited, claims to have manufactured direct contact electric shock weapons for the firm P.S. Products based in the United States.[102] Non-Chinese companies also advertise to supply Chinese-made electric shock equip-ment; for example, the Indian-based firm Constellation International has marketed Chinese electric shock stun batons and electric shock stun guns and has links to Wuhan Huajin Company Limited.[103]

From the evidence presented above it is clear that some Chinese companies are manufacturing and exporting types of equipment that are inherently inhumane and abusive, openly marketing equipment such as electric shock stun batons, hand / ankle combination cuffs and restraint chairs. Chinese manufactured spiked batons have reportedly been used by law enforcement officials in Nepal and exported from China to Cambodia and Thailand.[104] Furthermore, it appears that the Chinese authorities have not established sufficiently robust regulation and oversight to prevent exports of other Chinese-made law enforcement equipment to countries in which the risk of misuse of such equipment is high.

Type of equipment manufactured and/or marketed	Total number of Chinese traders and manufacturers	Number of Chinese companies stating they export abroad*
Total	**134**	**48**
Mechanical Restraints	**86**	**28**
Combination cuffs	21	8
Handcuffs	82	28
Leg cuffs	53	17
Multifunctional chains	18	4
Restraint chairs	27	7
Thumb cuffs	32	15
Weighted leg cuffs	17	6
Electric shock stun weapons	**95**	**31**
Direct contact electric shock stun batons	83	29
Direct contact electric shock stun shields	18	8
Projectile electric shock weapons	29	13
Striking weapons	**82**	**28**
Batons or truncheons	81	28
Spiked batons	21	7
Crowd control weapons	**46**	**21**
Chemical irritant sprayers/dispensers	19	9
Less lethal launchers	4	4
Kinetic impact grenades	4	4
Weapon launched chemical irritant canisters/grenades	7	4
Water cannons	15	9
Armoured Vehicles	16	11

*Companies do not necessarily export all of their equipment abroad

CHINESE EXPORT CONTROLS

Chinese strategic export control legislation and administrative regulations cover the export of conventional weapons – including some law enforcement equipment – as well as chemical, biological and nuclear materials. The Regulations of the People's Republic of China (PRC) on the Administration of Arms Exports (1997, amended 2002)[105] stipulate that any export of items on the control list must adhere to certain principles – namely be used to maintain or enhance the defence capabilities of the recipient country, not impact negatively on the peace, security and stability of the relevant region and not interfere in the internal affairs of the recipient country.[106] However, under these regulations, arms exports are not required to be assessed against human rights criteria.[107] The legislation also outlines mechanisms for the enforcement of export controls and the prosecution for those that violate the controls, but the Chinese Government has limited capacity and political will to investigate and prosecute offenders.[108]

While mainly covering the export of military items, Article 29 of the Regulations states "These regulations apply to the export of police equipment",[109] and the Administrative List of Military Products control list annexed to the Regulations includes special purpose guns and grenade launchers and

associated ammunition, armoured vehicles and special weapons used in "anti-riot action".[110] However, "anti-riot action" is not defined in the legislation and this list does not include other law enforcement equipment such as mechanical restraints, electric shock stun weapons and batons. Amnesty International and Omega are not aware of any additional control lists and have contacted Chinese trade control officials asking for further information, but have not yet received a reply.

China Xinxing Import and Export Corporation and China Jing An Import and Export Company – both of which are state-owned entities – are authorized to manage the export trade of police and prison equipment,[111] although Norinco and Poly Technology also export some such equipment. Reports indicate that to export equipment on the control list, companies must first submit a proposal to the Chinese Government for an export licence; upon approval and signing of a sales contract, the company must obtain a customs permit before the export can be made legally.[112] As neither the decisions to grant or deny licences, nor the process by which these decisions are made, are made public, it is impossible to assess whether the human rights records of recipients are taken into account.

According to recent analysis by Chin-Hao Huang and the Stockholm International Peace Research Institute (SIPRI), China's arms export controls suffer from basic flaws, including processes not being formalized, a lack of transparency, and reluctance to enforce regulations. [113] There is no clear demarcation between the various agencies involved in the export control process. The bases for decisions are not published and it is difficult to trace responsibility back to specific officials or institutions. SIPRI concluded that: "While it is possible for analysts to identify the main actors, it is impossible to assess with certainty the role of informal politics and personal networks in the decision-making process."[114] According to Chin-Hao Huang, as of 2012 there had only been four or five cases where the authorities had imposed penalties for breaches of export control but the authorities have not provided details on any of these cases.[115]

Given the weaknesses observed in China's export control regime for law enforcement equipment, it can be reliably assumed that this export control system is not one that can help protect human rights.

EXPORT CONTROLS ON LAW ENFORCEMENT EQUIPMENT WORLDWIDE

China's export control system is not alone in its lack of effective controls on the transfer of law enforcement equipment. The international trade in equipment intended for law enforcement is relatively unregulated by most states, especially in comparison to controls on transfers of most types of conventional military weapons and munitions. Chemical irritants and associated launchers are often covered under strategic export controls, for example as agreed in the Wassenaar Arrangement of 41 arms-exporting states.[116] However the trade in other security and law enforcement equipment is, in many cases, unregulated.

The EU and the USA are two exceptions to this. The EU is the only regional grouping of states to have established controls on this trade. In 2006, following advocacy by Amnesty International and Omega over several years, the EU – through a European Commission (EC) Regulation - introduced the world's first multilateral trade controls to prohibit the international trade in equipment "which has no practical use other than for the purposes of capital punishment, torture or other cruel, inhuman or degrading treatment or punishment"; and to control the trade in a range of law enforcement and security equipment misused for such violations of human rights.[117] The EC Regulation covers the trade of 28 EU member states and introduced unprecedented, binding controls on a range of equipment not usually included on EU member states' military or dual-use export control lists. The EC Regulation covers most – but not all – of the equipment mentioned in this report and therefore it provides a model which China could follow.

The US Export Administration Act of 1979 and accompanying regulations require companies to obtain licences for the export of a range of mechanical restraint devices, electric shock stun equipment, tear gas cartridges, grenades and launchers, rubber and plastic projectiles, and other "crime control" and "detection items". The categories of "execution equipment" and "certain types of equipment specially designed for torture" are also included in the US export control lists, but authorizations for these items are placed under a presumption of denial so in practice such items are

banned from export.[118] However, the US export laws and regulations have certain deficiencies and Amnesty International and Omega have called for them to be strengthened. For example, the control lists do not yet include water cannon, and the activity of brokering many types of crime control items is not regulated. Nevertheless, the export control laws and regulations of the US are relatively developed compared to those of most other states.

EXAMPLES OF IRRESPONSIBLE TRANSFERS

Law enforcement equipment has been exported from China to countries where there was a foreseeable risk of serious human rights violations in the context of law enforcement.

In June 2008 the UN Panel of Experts on Liberia, charged with monitoring the UN arms embargo on Liberia, reported that they had detected a shipment of weapons and security equipment intended for the Liberian Special Security Services in early 2008. Neither the UN Sanctions Committee nor the United Nations Mission in Liberia was notified about the delivery of this consignment (as required under Security Council resolution 1792 (2007)), and the consignment was described on its Bill of Lading as "spare parts and chemical products". In fact it contained a range of small arms, small arms ammunition, 50 "Tear sprayer (handheld portable)", 100 "SKG-01 type handcuffs" and 50 "JG-986 type electric batons." [119] The Bill of Lading listed the shipment's consignor as Bometec (the Chinese State Bureau of Military Equipment & Technology Co-operation).

According to Amnesty International's annual report on the human rights situation in Uganda during 2010 "torture and ill-treatment by the police, other law-enforcement officials and the military remained widespread." Several incidents of election–related violence involving law enforcement officers, were recorded in 2010, including excessive use of force and repression of peaceful protest. Amnesty International went on to make a specific reference to "concerns about electoral violence and human rights abuses ahead of general elections in early 2011".[120] During 2010, 36 per cent of all complaints to the Uganda Human Rights Commission were directed against the Ugandan police force, the majority related to torture and other ill-treatment.[121]

Nevertheless, on the eve of the February 2011 elections Uganda reportedly received a large consignment of Chinese "anti-riot" equipment, supplied by Poly Technologies. According to press reports, the consignment included armoured vehicles with water cannons and tear gas launchers as well as pepper sprayers.[122] Although the elections passed off relatively peacefully, throughout April 2011 Ugandan police using Chinese-made crowd control gear harshly repressed the "walk to work" protests against rising food and fuel prices. Eyewitness reports gathered by Human Rights Watch describe police targeting protesters with tear gas, and throwing tear gas canisters into houses. In one incident, two people were hospitalized due to smoke inhalation; in another, police fired tear gas at random in a residential neighbourhood, even though there were no protesters present. Former Presidential candidate, Dr Kizza Besigye was forced out of his car after being sprayed with liquid tear gas and pepper spray through the car window. Chinese manufactured armoured vehicles were used throughout the violent crackdown in which at least nine people were shot dead, over 100 injured and 600 detained.[123]

In another case, it was reported in December 2011 that the security forces of the Democratic Republic of the Congo (DRC) used "new" armoured anti-riot police vehicles and water cannon manufactured by Poly Technologies.[124] Prior to the DRC security forces receiving these Chinese vehicles and water cannon, in its 2009 submission to the Universal Periodic Review on the DRC, Amnesty International had reported widespread human rights violations by DRC's military, intelligence and police services including "serious and sometimes politically motivated human rights violations across the country" involving frequent arbitrary arrests, acts of torture and excessive use of force.[125] In addition, a report in June 2010 by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions had stated that given the political tensions which had previously led to the killing of at least 100 Bunda dia Kongo supporters, "one may expect targeted killings … as well as deaths from excessive use of force in quelling BDK demonstrations, as the next election approaches." He concluded that "…the international community should consider the risk of violence by Government security forces during the next election period to be high."[126]

Chinese equipment was subsequently used during the November 2011 elections, which ended in violence, with at least 33 dead and 83 injured.[127] In one of the most serious incidents, Congolese riot police were stationed in Chinese-manufactured anti-riot vehicles near N'djili airport. According to Human Rights Watch, they fired tear gas to keep demonstrators at bay, but violence erupted when a convoy arrived to pick up President Kabila. Video footage backed by eyewitness statements show the Republican Guard rushing out of the airport firing live ammunition directly into the crowd, while the riot police continued to fire tear gas. At least one demonstrator was killed and several were injured.[128]

In 2009, China exported riot control weapons, including tear gas and rubber projectiles, to Madagascar at a time when the country was experiencing severe political unrest. Frequent demonstrations against President Ravalomanana were being met with unnecessary and excessive use of force by police.[129] According to a cable sent by the US embassy and subsequently published by Wikileaks, the imported equipment arrived in Madagascar from South Africa on board President Ravalomanana's private jet, bypassing customs. The leaked cable goes on to observe that "the security forces have not received proper training on the use of this equipment for its intended purpose", and that since the arrival of the equipment, the police "who are usually hesitant to initiate confrontation" moved "to directly confront opposition protesters and disperse any large gatherings with tear gas and stun grenades."[130] In the aftermath of the import, Amnesty International documented numerous violations of human rights related to policing of public assemblies with riot control equipment.[131] For example, a 20-year-old student told Amnesty International that on 20 June 2009 security forces had approached him as he was walking across a car park to join a demonstration. The police sprayed him with tear gas and fired rubber bullets at him, fracturing his forearm. He said that he had not reported the incident as he felt that it might be dangerous for him and his family.[132]

In all the above cases, it can be reasonably assumed that the Chinese authorities did not conduct a thorough assessment taking into account foreseeable factors of whether there was a substantial risk at the time that the law enforcement weapons and other equipment would be used by the potential recipients to commit or facilitate serious violations of human rights before they allowed the export of the equipment by Chinese companies to proceed.

CHAPTER 4: THE EXTRATERRITORIAL RESPONSIBILITIES OF STATES AND COMPANIES EXPORTING LAW ENFORCEMENT EQUIPMENT

While states have clear responsibilities to respect and protect human rights within their own territories, and jurisdictions, the concept of extra-territorial legal responsibility for human rights violations in certain circumstances is increasingly recognized.

Article 55 of the UN Charter requires member states to promote the full range of human rights, including "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."[133] All UN member states are bound by an obligation in Article 56 of the UN Charter "to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55."[134] These UN Charter provisions reflect a positive obligation of all states to co-operate in the protection and fulfillment of human rights within and beyond their borders.

Under the International Law Commission's (ILC) articles on state responsibility, a state can be held responsible for certain harms or wrong that occur outside its territory, if it knowingly "aids or assists another State in the commission of an internationally wrongful act".[135] This would include, for example, the provision of material aid, such as military weapons or law enforcement equipment, to a state that is known to use such equipment to commit serious human rights violations or war crimes.[136] Internationally wrongful acts include serious violations of international human rights law and international humanitarian law constituting peremptory norms of international law (jus cogens).[137] For example, a state may be aiding or assisting other states in committing torture if it permits the manufacture and export from its territory of equipment that can only be used for acts of torture.

The responsibility of the exporting state does not diminish the responsibility of the state that imports the equipment and uses if for torture. However the exporting state must take into account relevant foreseeable factors that indicate the weapons or other equipment under consideration would pose a substantial risk of being used for serious violations of human rights such as torture and other ill-treatment, and if so take the necessary action within its legal and technical capacities to prevent that export.[138] A state's failure to prevent the export of such equipment where it has knowledge of persistent violations of peremptory norms such as the prohibition of torture and other ill-treatment may expose it to legal claims by victims that it has failed in its obligations under international law, and that its omissions permitted a situation in which their fundamental human rights were violated.

EXTRA-TERRITORIAL RESPONSIBILITY IN RELATION TO EXPORT CONTROLS ON CONVENTIONAL WEAPONS

The concept of extra-territorial responsibility is increasingly recognized in the sphere of military assistance and conventional weapons transfer.[139] The adoption by the UN General Assembly on 2 April 2013 of the Arms Trade Treaty (ATT) consolidated the requirements on states to assess the risks of serious human rights violations before licensing the export of "the broadest range of conventional weapons".[140] Under Article 7 of the ATT, when there is an overriding risk that an arms export would be used to commit or facilitate a serious violation of international human rights law, that export must not be authorized. Virtually all states already control the transfer and use of firearms and related ammunition and some states already use conventional arms control lists which include chemical irritants, projectiles and their launchers and armoured vehicles, extending the reach of the principles of the ATT to such law enforcement equipment.

International law also prohibits the production, stockpiling and transfer of certain categories of conventional weapons – such as anti-personnel land mines and cluster munitions – which are deemed intrinsically indiscriminate and inhumane.[141]

THE CONTROL OF LAW ENFORCEMENT EQUIPMENT

It is increasingly recognized that these principles – the prohibition of intrinsically inhumane weapons and the obligation on states to adopt strict risk assessments based on human rights criteria on the transfer of other types of weapon – also apply to law enforcement equipment.

In relation to intrinsically inhumane equipment, the UN General Assembly has repeatedly called 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 have no practical use other than for the purpose of torture or other cruel, inhuman or degrading treatment or punishment".[142] Certain jurisdictions – notably the EU – have already adopted a regulation on the transfer of certain law enforcement equipment, prohibiting the international trade in equipment "which has no practical use other than for the purposes of capital punishment, torture or other cruel, inhuman or degrading treatment or punishment"; and to control the trade in a range of law enforcement and security equipment misused for such violations of human rights.[143]

Given the risks to human rights posed by arms and equipment used for law enforcement and state's extra-territorial responsibilities under international law, Amnesty International and Omega believe that all states must have in place robust regulatory mechanisms. These should include a licensing system for transfers that safeguard against potential abuse of such equipment. This licensing system should include a legal obligation to conduct a thorough risk assessment of the possible harmful consequences of a transfer of such equipment and strict human rights criteria for the authorization and use of such equipment. An exporting state should verify end use undertakings by the importing states prior to issuing any export license and, at least in sensitive cases, require a delivery verification certificate for exports to guard against diversion. All states should be transparent and report regularly to parliament and the general public on their exports and imports of arms and law enforcement equipment, so these activities are open to scrutiny.

CORPORATE RESPONSIBILITY

Over the past decade there has been increasing recognition of the responsibility of companies to respect human rights. This responsibility has been elaborated in the UN "Protect, Respect and Remedy" Framework for Business and Human Rights and the UN Guiding Principles on Business and Human Rights. The UN Guiding Principles confirm that companies have a responsibility to respect all human rights, and a corresponding need to take concrete action to discharge this responsibility. This requires taking adequate measures to prevent, mitigate and – where necessary – to redress human rights abuses connected to their business operations. According to the Guiding Principles, "The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States' abilities and/or willingness to fulfill their own human rights obligations, and does not diminish those obligations. And it exists over and above compliance with national laws and regulations protecting human rights."[144]

Any company selling arms or law enforcement equipment to end users known to be committing serious human rights violations would risk being in breach of these standards. Moreover, it is possible that the company that sells the equipment could be complicit in any subsequent violation of human rights in which the equipment was used. An International Commission of Jurists (ICJ) Panel of Experts has examined the question of corporate complicity in human rights violations in some depth and clarified how legal liability, both civil and criminal, could arise for such complicity.[145] The ICJ panel considered that there could be a sufficiently close link in law if the company's conduct enabled, exacerbated or facilitated the abuse, and the company knew, or ought reasonably to have known, that the abuse would occur. A company could enable, exacerbate or facilitate abuse through, among other things, the provision of goods or services.

CONCLUSION

This report describes the increasingly wide range of law enforcement weapons and other equipment made in China, much of it intended for export, and examines the human rights implications of this trade, based on the information available. Leaving aside China's large trade in firearms and related ammunition, this report identifies the growing threats to human rights of China's domestic use and export of weapons and other equipment marketed to law enforcement agencies.

As outlined in this report, Amnesty International and Omega consider that some of the weapons and equipment manufactured in China have inherently abusive effects that are contrary to international human rights standards for law enforcement. Such equipment includes weighted leg cuffs, a range of combination cuffs, restraint chairs, direct contact electric stun weapons and spiked batons. Given the intrinsically inhumane nature of these types of equipment, the Chinese authorities should immediately prohibit their production, promotion, trade, transfer and use. Furthermore, Chinese companies manufacturing intrinsically abusive law enforcement equipment are in clear breach of their corporate responsibility to respect human rights.

In relation to equipment that has a legitimate role in law enforcement, this report has found that Chinese authorities do not have in place the necessary safeguards to prevent exports to end users who pose a high risk of using or misusing the equipment to commit serious human rights violations. Chinese companies are also failing to act with due diligence in relation to the export of law enforcement equipment, breaching internationally-accepted standards on business and human rights.

There is an urgent need for fundamental reforms in the law, policy and practice surrounding China's law enforcement equipment manufacturing industry and trade, in order to remove any substantial risk of such equipment being used for torture and other ill-treatment and repression; these reforms must include a ban on the manufacture, sale and export of "tools of torture".

The Chinese authorities also have an obligation to investigate allegations of torture and other ill-treatment and excessive use of force in detention facilities and in policing demonstrations, with a view to bringing those responsible to justice, and to provide victims with an effective remedy.

However, China is not the only state that should urgently review its law and practices regarding it production, trade and use of weapons and other equipment for law enforcement. The increasing spread of manufacturing and trade as global markets for such products expand, and the creation of inappropriate devices and even torture instruments for law enforcement, as well as the misuse by law enforcers of equipment that would otherwise have a legitimate function, all necessitate that the recommendations below should be carefully considered by all states.

RECOMMENDATIONS:

Production, promotion and trade of law enforcement equipment

Amnesty International and Omega call on the authorities of the Peoples' Republic of China and those of all other states to:

- Ban the production, promotion, trade, transfer and use of law enforcement equipment with inherent effects likely to result in unwarranted injuries, torture or other ill-treatment. Such equipment includes weighted leg cuffs, thumb cuffs, combination cuffs which fasten around the neck, combination handcuffs linked to leg cuffs, restraint chairs, batons / truncheons with spikes, and direct contact electric shock stun weapons such as stun guns, stun batons and stun shields.

- Establish up to date trade control regulations for security and police equipment that can have legitimate uses in line with international standards on law enforcement but which is particularly easy to abuse or prone to cause injury or fatality, and regularly publish meaningful information on the volume, value and destination of the country's trade in security and police equipment so as to enable appropriate oversight of such trade.

- Immediately suspend and deny export licences for equipment to law enforcement agencies and security forces where there are credible allegations that those agencies and forces have recently used such equipment to commit or facilitate serious human rights violations, or where there is a substantial risk of serious violations of human rights being perpetrated with such equipment. The suspension should remain until the substantial risk of such violations has been removed, for example after prompt, independent and impartial investigations into the violations and a demonstrable commitment by the authorities, for example through prosecution of the perpetrators, legal reforms and revised training and accountability systems, to only use such equipment in accordance with international standards.

Criminal justice system

Amnesty International and Omega call on the authorities of the Peoples' Republic of China and those of all other states to:

- Bring national legislation into line with the Convention against Torture, the ICCPR and other relevant international treaties and standards. In relation to the Peoples' Republic of China, aspects of the Criminal Procedure Law that are not compatible with the ICCPR should be repealed or amended.

- End arbitrary arrest and detention as well as the illegal practices of holding detainees in custody without access to lawyers and their families.

- End all torture and other ill-treatment, whether physical or mental; thoroughly investigate all allegations of torture and other ill-treatment in custody, including those raised by alleged victims or their lawyers; and end the impunity of officials who engage in torture and other ill-treatment, be it directly or through command responsibility, by prosecuting suspected perpetrators in trials that meet international standards of fairness and without the imposition of the death penalty. The authorities must also implement the necessary institutional reforms to ensure effective enforcement of existing laws prohibiting torture; and provide proper reparations to victims in accordance with international standards.

Law enforcement officers' conduct with equipment

Amnesty International and Omega call on the authorities of the Peoples' Republic of China and those of all other states to:

- Prohibit the abusive and unnecessary use of restraint techniques by law enforcement officials such as stress positions that pose a danger of asphyxiation, and methods that pose a substantial risk of unwarranted injury, unnecessary pain, or that constitute torture or other ill-treatment.

- Establish regulations to cover the deployment of equipment used to contain or disperse crowds in or near an assembly, where this is strictly necessary to preserve life, security of person, property or public order and where peaceful measures have failed. Ensure that the selection of equipment for crowd control is carefully considered beforehand and only deployed when it can be used proportionately, lawfully and to the minimal extent possible.

- Prohibit the discharge of 'less lethal' projectiles or baton rounds, such as those made purely from rubber or plastic, unless the projectiles have been rigorously and independently tested to ensure that they are sufficiently accurate not to cause unwarranted injury, and ensure that their use is strictly limited to situations of violent disorder posing a risk of harm to persons, where no less extreme measures are sufficient to achieve the objective of containing and stopping the violence. Only officers fully trained in the use of firearms and who are subject to effective regulation, monitoring and control should be permitted to discharge such projectiles, which should be carefully targeted, aimed only at persons directly involved in such violence, and never aimed at the head, upper body or groin areas. The projectiles should not be intentionally rebounded off the ground before striking the target. Where possible, clear warnings should be given before discharging such projectiles, and medical care must be promptly made available to anyone injured.

- Strictly limit the use of dart-firing electric shock stun weapons to "stand off" situations where the only legitimate alternative is the use of lethal force or firearms, i.e. when a law enforcement officer or member of the public is facing an imminent threat of death or serious injury. Given the extreme pain often inflicted by one discharge and the danger of death or serious injury resulting from the shock, such weapons should only have one five-second (or less) shock. Regulations should require officers to avoid additional shocks and prohibit continuous and simultaneous shocks. Furthermore, the regulations should prohibit the use of such weapons on restrained subjects, and on physically vulnerable individuals such as children, the elderly, and pregnant women.

- Establish strict rules and training for the use of hand-held batons by law enforcement officers in order to minimize the use of force and to prevent unwarranted injuries. With the exception of using hand held batons to stop an immediate and direct threat to life or serious injury with the minimum necessary force, there should be an express prohibition of baton blows aimed at a person's head, neck and throat, spine, lower back, solar plexus, knees and ankles.

- Prohibit the deployment and use of toxic chemical irritants for public order situations in a manner which is arbitrary, abusive or indiscriminate, or which increases the risk of unnecessary harm to persons, such as spraying or firing them randomly over a wide area, or near unarmed people who are in confined spaces, or where exits and ventilation points are restricted, or near to elderly people, children or others who may have difficulty in moving away to avoid the dangerous effects of toxic chemicals. The firing of a metal cartridge of irritant directly at an individual, the discharge of toxic chemicals in a way which contaminates drinking water or food, and the use of such chemicals in very high concentrations must be prohibited,

- Establish systems to ensure that prior to using equipment to counter violence and threats of violence, all law enforcement officers are trained in relevant international law human right law and standards, in particular the UN Basic Principles and the Code of Conduct and that all officers are individually accountable for the amount of force the use, so that their actions are monitored to ensure that any force is used only as a last resort and is proportional and necessary to the achievement of a legitimate objective.

- Ensure that all officers required to carry out law enforcement duties are selected by proper screening procedures, have appropriate moral, psychological and physical qualities for the effective exercise of their functions and receive continuous and thorough professional human rights based training. Their continued fitness to perform these functions should be subject to periodic review.

ENDNOTES

1 Although there has been some analysis of China's military export control system, which includes some categories of law enforcement equipment (e.g. Mark Bromley, Mathieu Duchâtel and Paul Holtom, 'Bridging the Gap, China's Exports of Small Arms and Light Weapons', SIPRI Policy Paper No. 38, p. 19, available at http://books.sipri.org/files/PP/SIPRIPP38.pdf), the Omega Research Foundation is the only organization to have systematically compiled information on the manufacture and trade of Chinese law enforcement equipment.

2 See Council Regulation (EC) No 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, published in Official Journal of the European Union, L200/1, 30 July 2005, available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:200:0001:0019:EN:PDF; United Nations, General Assembly resolution 68th Session, Third Committee, Torture and other cruel, inhuman or degrading treatment or punishment, 68/156, A/68/456/Add.1), para. 30, www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/156

3 Transfer refers to the movement of goods from one state to another via import, export, transit or transhipment.

4 European Trade Regulations No. 1236/2005, available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:200:0001:0019:EN:PDF

5 Provincial Public Security Bureaux handle regional law enforcement and public security issues.

6 Omega Research Foundation database. For the published report see Amnesty International, Pain Merchants: Security equipment and its use in torture and other ill-treatment, 2003, available at www.amnesty.org/en/library/asset/ACT40/008/2003/en/a0ba9742-d67a-11dd-ab95-a13b602c0642/act400082003en.pdf (accessed August 2014).

7 Omega database. This includes companies that have been active between 2009-2014.

8 The main exhibitions are Asia Pacific China Police (China Police), China International Exhibition and Symposium on Police Equipment Anti-Terrorism Technology and Equipment (CIPATE) and China Police and Security Exhibition (CPSE).

9 China Police 2008 show report, available at www.cpexhibition.com/police/ (accessed August 2014). The 2008 show report said it had tripled in size (floor space) between 2002 and 2008 to 30,000m2.

10 China Police 2012 show report, available at www.cpexhibition.com/police/ (accessed August 2014).

11 China Jing'an Equipment Import / Export Corporation website: http://chinajingimpexp.com/index.php (accessed August 2014).

12 China Jing'an Equipment Import / Export Corporation website: http://chinajingimpexp.com/index.php (accessed August 2014).

13 Company brochure on file with Omega (undated but obtained in 2008).

14 China Defence and Security Report, Business Monitor International Ltd., pp. 76-82, Q4 2010.

15 Company brochure on file with Omega (undated but obtained in 2011).

16 www.xxg.com.cn/generalcompany.html translated by Amnesty International in June 2012; English version available at http://www.xxg.com.cn/english/tabid/1484/language/zh-CN/Default.aspx (accessed August 2014).

17 www.xxg.com.cn/english/tabid/1484/language/zh-CN/Default.aspx (accessed August 2014).

18 China Xinxing Import / Export Corporation brochure on file with Omega (undated but obtained in 2012).

19 China Xinxing Import / Export Corporation brochure on file with Omega (undated but obtained in 2012).

20 See http://en.norincogroup.com.cn/html/2012/defenseproducts_0320/12.html (accessed August 2014) and www.norinco.com.cn/GB/61/76/88/index.html (accessed August 2014).

21 James Mulvenon and Rebecca Samm Tyroler-Cooper, 'China's Defense Industry on the Path of Reform', The US-China Economic and Security Review Commission, October 2009.

22 James Mulvenon and Rebecca Samm Tyroler-Cooper, 'China's Defense Industry on the Path of Reform', The US-China Economic and Security Review Commission, October 2009.

23 Company brochure on file with Omega (undated but obtained in 2011).

24 Omega Database.

25 Poly Technologies brochure on file with Omega (undated but obtained in 2010).

26 Poly Technologies brochure on file with Omega (undated but obtained in 2010).

27 UN Basic Principles on the Use of Force and Firearms, http://www.ohchr.org/EN/ProfessionalInterest/Pages/ fessionalInterest/Pages/LawEnforcementOfficials.aspx; and Standard Minimum Rules for the Treatment of Prisoners, http://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf

28 Amnesty International, The state of the world's human rights 2013, available at www.amnesty.org/en/annual-report/2013 Amnesty International, The state of the world's human rights 2012, available at www.amnesty.org/en/annual-report/2012 Amnesty International, The state of the world's human rights 2011, available at www.amnesty.org/en/annual-report/2011 Amnesty International, The state of the world's human rights 2010, available at www.amnesty.

org.uk/resources/annual-report-2010

29 Yantai Muping Yuanda Trading Company website: http://www.ytyuanda.com/ (accessed April 2014); Yantai Muping Yuanda Trading Company Ltd. brochure on file with Omega (undated but obtained in 2009).

30 Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, Mission to China, 10 March 2006, p. 20, para. 68, available at: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/117/50/PDF/G0611750.pdf?OpenElement

31 Jing Jiang Tiancheng Police Equipment Factory advertised 7.5kg restraints in 2009 and Yantai Muping Yuanda Trading Company Ltd website currently advertises 8 kg weighted leg cuffs, see www.ytyuanda.com/product/product242.html, (accessed August 2014).

32 Yantai Muping Yuanda Trading Company Ltd website http://www.ytyuanda.com/product/product281.html (accessed 2014).

33 The greatest risk of abuse is that the neck ring could easily be used to pull, push or throw the detainee, as well as the inherent risk of over-tightening. If the neck ring were pulled from the back there is a great risk of suffocation or damage to the throat or voice box. There could be soft tissue damage to the nerves and blood vessels in the area, in addition to swelling from injury affecting breathing and swallowing.

34 Chen Ye Tian Ying Police Equipment Technology Development Company Ltd brochure (undated but obtained in 2004).

35 In 2000, the United Nations Committee against Torture recommended that the USA "Abolish …restraint chairs as methods of restraining those in custody. Their use almost invariably leads to breaches of article 16 of the Convention": 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, 1st-19th May 2000.

36 Examples of advertisements are in the Omega database.

37 Amnesty International, USA: Excessive and lethal force? Amnesty International's concerns about deaths and ill-treatment involving police use of Tasers (Index: AMR 51/139/2004), 30 November 2004.

38 See R.E. Nisbett and S. Schachter, 'Cognitive manipulation of pain', in the Journal of Experimental Social Psychology, 1966; B. Tursky, 'Physical, physiological, and psychological factors that affect pain reaction to electric shock', in Psychophysiology, 1974; and R.T. Green, 'The Absolute Threshold of Electric Shock', in the British Journal of Psychology, Volume 53, Issue 2, May 1962, pp. 107-115.

39 Examples of advertisements are in the Omega database.

40 See, for example: International Campaign for Tibet, 'Local Tibetans beaten following three more self-immolations in Tibet', 15 August 2012, available at www.savetibet.org/local-tibetans-beaten-following-three-more-self-immolations-in-tibet/#sthash.nDLhcMr3.dpuf; Free Tibet, 'Tibetans beaten with spiked batons following double self-immolation', 14 August 2012, available at http://freetibet.org/news-media/pr/tibetans-beaten-spiked-batons-following-double-self-immolation (accessed August 2014).

41 United States, Bureau of Industry and Security, Department of Commerce, Revisions to the Commerce Control List to update and clarify Crime Control License Requirements, Federal Register, Vol. 75, No.135, 15 July 2010, p. 41082.

42 European Commission, L338/31, para. 5, 21 December 2011, available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:338:0031:0034:EN:PDF (accessed August 2014).

43 Amnesty International has recorded the misuse of batons by police and other security officers in numerous countries and documented this in a large number of reports which can be found at: www.amnesty.org. Among the most recent reports to record abuse involving batons are: Amnesty International, Police violence in Greece: Not just 'isolated incidents' (Index: EUR 25/005/2012), July 2012, available at http://www.amnesty.org/en/library/info/EUR25/005/2012 and Amnesty International, "They use a strategy of fear": Protecting the right to protest in Brazil (Index: AMR 19/005/2014), June 2014, available at http://www.amnesty.org/en/library/info/AMR19/005/2014/en.

44 M. Stark, Clinical Forensic Medicine: A Physician's Guide, 2005, p.198.

45 Omega database.

46 A study on OC (oleoresin capsicum) sprays and cocaine use found that "Cocaine and capsaicin may interact in several ways to increase lethality" and called for "further study… to assess whether an interaction also exists with methamphetamine and to elucidate the mechanisms behind the increased toxicity of combined capsaicinoids and psychostimulants", see: J. Mendelsohn et al, 'Capsaicin, an active ingredient in pepper sprays, increases the lethality of cocaine', in Forensic Toxicology 28, 2010, pp. 33–37. OC has also been found to have contributed to two deaths, where the subjects also had asthma, see: NIJ, 'Research for practice: the effectiveness and safety of pepper spray', 2003. A report into different PAVA and OC devices available found that several potential unintended effects – including "increased blood pressure, increased intraocular pressure, reactive airway dysfunction syndrome (RADS), neurotoxicity, and developmental or reproductive effects" – were of "potential concern" but that "insufficient information was available for a full evaluation", see: Lynne Haber et al, Human effectiveness and risk characterization of oleoresin capsicum (oc) and pelargonic acid vanillylamide (pava or nonivamide) hand-held devices, Air Force Research Laboratory, p, iii, May 2007, available at http://www.dtic.mil/dtic/tr/fulltext/u2/a476262.pdf.

47 K.Maguire, D.M. Hughes, M.S. Fitzpatrick, F. Dunn, L.G.R. Rocke and C.J. Baird, 'Injuries caused by the attenuated energy projectile: the latest less lethal option, in Emergency Medicine Journal, 24, 2007, pp. 103-105.

48 'Effects of incapacitant spray deployed in the restraint and arrest of detainees in the Metropolitan Police Service area, London, UK: a prospective study', Forensic Sci Med Pathol (2014) 10:62-68; 'Formula for determining lethal dosage of CN and CS in confined areas', Federal Laboratories Inc., Saltsburg, Pennsylvania, USA. In 'Riot Control' [Company

Document], undated, on file with authors; J. Jason Payne-James, Graham Smith, Elizabeth Rivers, Sarah O'Rourke, Margaret Stark, Nick Sutcliffe.

49 On the misuse of armoured vehicles on policing operations in poor neighbourhoods, see Amnesty International, "We have come to take your souls": the caveirão and policing in Rio de Janeiro (Index: AMR 19/007/2006), March 2006, available at www.amnesty.org/en/library/info/AMR19/007/2006

50 Amnesty International interview, August 2012.

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140 A total of 118 member states had signed the Arms Trade Treaty and 44 had ratified the treaty at the time of writing this report On 26 August 2014. The treaty will enter into force 90 days after the 50th ratification and this is expected by early 2015. For updated figures on the number of signatures and ratifications of the treaty, see www.un.org/disarmament/ATT/ . Many states already include some of the items mentioned in this report in their arms trade control lists – see www.wassenaar.org/controllists/

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CHINA'S TRADE IN TOOLS OF TORTURE AND REPRESSION

China's extraordinary economic growth over the past two decades has seen its manufacturing base rapidly expand in volume, range and complexity. One area that has received little attention is the manufacture and sale of law enforcement equipment other than firearms. While Amnesty International and the Omega Research Foundation have published reports focusing on the EU and global trade, there is now an urgent need to examine how this equipment is being used – and often misused – in both China and in China's export markets.

Of particular concern is equipment known as "tools of torture", including electric shock stun batons, spiked batons, neck restraints and weighted leg cuffs. Even equipment that can have a legitimate practical use in law enforcement – such as tear gas or batons or handcuffs – sometimes become "tools of repression" and are misused for torture, other ill-treatment or arbitrary force. Amnesty International and Omega are campaigning for a global ban on the production, use and export of "tools of torture", and greater regulation of all other law enforcement equipment to remove the risk that it will be used to commit serious human rights violations.

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