



Analysis

Civilizing the torture and execution trade

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Earlier this month, the European Parliament and Council finally agreed to outlaw the export, brokering and promotion of torture and execution equipment from Europe. [1] Such equipment includes guillotines, hanging ropes, lethal injection drugs, multi-barbed steel 'sting sticks', electroshock batons and tools familiar to torturers of old: leg irons and wall cuffs to hang prisoners from walls and ceilings, thumbscrews, neck chains and other medieval paraphernalia. [2]

How Britain made torture and death its business

Up until now, progress towards this ban has been glacial. The story of Britain's involvement goes back to 1983 when a memo from the Sensitive Services Committee was nicked from an office wall of the UK's Crown Agents. [3] The author of the memo gave a list of sensitive goods including leg irons and hanging ropes, but was less concerned about Britain trading in reprehensible items than avoiding what was termed ministerial embarrassment. The Minister of Trade at the time, Norman Tebbit, caused a furore when he said: "If this country did not export them someone else would." [4] The revelations prompted two Daily mirror reporters to see what they could buy from Hiatts and Co in Birmingham; they were offered leg irons and gang chains. [5] Hiatts had been one of the original suppliers of such equipment to the slave trade and made most British police handcuffs. Other anomalies emerged when a subsidiary of the construction company Laing (slogan: we build for people) was found to be building gallows for Abu Dhabi. The Minister of State at that time, David Mellor responded: "The manufacture of execution equipment in the UK is legal and not subject to any form of control." [6]

The torture trail

Looking back, it seems astonishing that the European Union has taken until the 21st century to ban equipment most people associate with the barbaric practices of medieval times, which most of us now only come into contact with in museums. And yet Amnesty International's files are replete with people who have been on the receiving end of such barbaric instruments and practices for decades. [7] There are teams of medical practitioners worldwide who attempt to heal and rehabilitate victims of torture; [8] NGOs like Huridocs (that document such violations); [9] Reprieve (which seeks justice for victims of human rights violations); [10] and those that track the armourers of the torturers, such as the Omega Research Foundation. [11]

Depressing though it is, there is enough scientific work on this grisly topic to justify a specialist journal, Torture. [12]

However, the scale of British involvement in the torture trade was only grasped by the wider public when Martyn Gregory made an award-winning documentary for Channel 4 Dispatches on the 'Torture Trail'. [13] Broadcast in 1995, this astonishing programme documented how British companies were willing to supply millions of pounds of electroshock batons, 'the universal tool of the torturers' to all comers. Royal Ordnance, a subsidiary of the biggest arms company in Europe, BAE Systems, told Gregory that they had brokered a deal involving 8,000 shock batons for Saudi Arabia. They were sold as part of the massive Al Yamameh deal for jet fighter aircraft which, according to Gregory, ministers must have seen when the deal was signed off.

Counter-shock

As then Director of the Omega Foundation, I remember accompanying Martin Gregory when he gave a rousing speech to hundreds of Amnesty International's researchers and country campaigners urging them to change their research protocols and campaigning so that this obscene trade could be brought to an end.

Amnesty responded with a series of hard-hitting publications and campaigns to highlight this hidden trade, including 'Made in Britain – how the UK makes torture and death its business' (1997) and 'Stopping the torture trade' (2001).

I used the findings of Gregory's programme for a European Parliament (STOA) report I was writing, "An Appraisal of the Technologies of Political control." [14] This report was controversial at the time and these days is more widely remembered for catalysing exposure of the NSA spy system Echelon, 20 years ahead of Edward Snowden. But it also included policy recommendations for ending Europe's trade in torture and execution devices. These were drafted on a bright winter's day in Stalybridge with Glyn Ford, the MEP for Greater Manchester who was amongst key members of the LIBE committee to have viewed 'The Torture Trail.'

Initially the official response was denial. The Deputy Prime Minister of the day Michael Heseltine said the 'Torture Trail' programme was "contrived". Unusually, the programme makers sued him, won £50,000 in damages and went on to make a follow-up programme on the brokering of torture equipment to show it was still business as usual. Researchers like Brian Martin have identified this process as "counter-shock": where damaging revelations are denied by the authorities, who attempt to reframe the debate, devalue the targets, deny there was any misuse and generally try to diffuse the heat by urging much-delayed official inquiries. [15] Martin strongly advocates that activists have no truck with official inquiries since they have the potential to slowly erode the burning sense of righteous indignation. [16]

After school arms club

NGOs such as Amnesty were critical for generating the political will for this ban by relentlessly campaigning for effective change and feeding the media strong stories on how such equipment was actually used. Seven years after the STOA report, the European Commission brought in the Regulation No.1236/2005 concerning trade in goods which could be used for capital punishment, torture and other ill treatment, which came into effect on 31 July 2006.

The regulation was necessary but not sufficient instrument to outlaw the trade. Amnesty identified a series of loopholes including a failure to ban the import of such technologies, a failure to outlaw "transshipment" through the EC, a failure to stop brokering and a failure to add a catchall clause to extend control to all types of similar equipment. [17]

A vital ingredient to rectifying these glaring failures was the extraordinary comedian/activist Mark Thomas. Mark energized a new generation of activists to take on the arms trade and human rights violations through a series of hard hitting TV programmes. He became more knowledgeable than most academics on the minutiae and loopholes of the trade and helped forge powerful alliances amongst human rights NGOs and research activists – to the extent of providing master classes on loopholes in UK law to Parliamentary Select Committees.

Mark said arms dealing from the UK was so easy and unregulated that children could easily set up as arms brokers. He proved his point by helping two schools in Oxfordshire and Dublin do just that – 'After School Arms Clubs'. The kids were offered weapons, leg irons and even managed to buy and broker electric shock devices and sting sticks. Their professional press briefings at the Irish and Westminster parliaments helped to further tighten new controls on some of these loopholes, at least in the UK. [18]

Merchants of repression

There was certainly an urgent need to halt the promotion of this type of equipment. As the regulation against torture and execution supplies was initiated in 2005, I attended the 8th Janes Conference on Non-lethal Weapons at Leeds Royal Armouries. The UK Department for Trade and Investment (DTI) were present promoting British arms sales, but they also have a regulatory function. When I spotted that one of the sponsors of the Janes' conference had literature promoting electroshock technology, inspired by Mark, I asked the DTI staff to arrest the sponsors. Their stall was quickly emptied of literature and feathers were ruffled but there were no arrests.

More recently, the Omega Foundation found catalogues at the Milipol exhibition in Paris in November 2015, promoting banned equipment such as thumb-cuffs, spiked batons and weighted leg restraints. Omega reported:

"A set of weighted leg irons and a spiked shield were physically on display at this event. As of 28 September, the website of German company PKI Electronic Intelligence GmbH continued to advertise banned 60,000 volt electric stun hand-cuffs with the chilling tagline "You never saw an escaping person stop so quickly!" [19]

Furthermore:

"The global market is rife with sinister equipment like leg chains and spiked batons which can easily be turned into tools of torture. Introducing tighter EU restrictions on the sale, brokering and promotion of these devices will bring us a step closer to eradicating this shameful trade," (Ara Marcen Naval, Advocate Advisor for Arms Control, Security Trade and Human Rights at Amnesty International). [20]

Extending European torture and execution free zones

Indeed, a network of NGOs including Amnesty, Omega and Reprieve continued to successfully lobby for an effective closing of these loopholes. [21] The European Commission responded in 2012 by setting up an expert committee to painstakingly examine every form of security equipment which might be used to violate human rights through torture or execution. It was a formidable task and the committee reported in 2013. The resolution amending the earlier regulation was voted in by a huge majority of 612 in favour, 11 against, 54 abstentions. [22]

The Regulation has already had a direct impact on the trade and the global death count of state executions, especially in the US where it has cut off supplies of chemicals required for lethal injection. Most recently Pfizer joined the ban. [23] Closing the EU execution drugs supply chain has already brought a halt to executions in many US States (where some verdicts have been found to be racially biased or less than evidence based). [24] Execution rates in the USA have now dropped to their lowest level for 40 years. [25]

Can we further civilize the security trade? I believe so, but only region by region. The 21st century has already become the epoch of the torturer. Only civil society can civilize state security practices further – as if people mattered.

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