

# AMNESTY INTERNATIONAL PUBLIC STATEMENT

26 June 2014

## **The EU must step up efforts to stop torture: the UN Convention against Torture 30 years on**

Three decades after the ground-breaking Convention Against Torture (CAT) was adopted by the United Nations (UN) in 1984, governments across the world continue to betray their commitments to stamp out torture. On this anniversary and beyond, the European Union (EU) and its member states must take strong and consistent action to monitor, prevent, and end torture wherever it occurs.

Since 1984, 155 states have ratified the UN Convention Against Torture, 142 of which are researched by Amnesty International. Amnesty International observed at least 79 of these still torturing in 2014 – more than half the states party to the Convention on which the organisation reports.

Amnesty International has reported on torture and other forms of ill-treatment in at least 141 countries from every region of the world over the past five years – virtually every country on which it works. The secretive nature of torture means the true number of countries that torture is likely to be higher still.

In addition to the UN CAT, the EU and its member states have undertaken significant international legal commitments and developed instruments to prevent torture globally, including the EU Guidelines on torture and other cruel treatment<sup>1</sup> (“the EU Guidelines on Torture”), and regulations concerning the trade in goods or “tools” which could be used for torture (Council Regulation 1236/2005).

Today, these commitments must be translated into reality. Within its borders, the EU and its member states are challenged to ensure that torture is criminalised in all national law, and to both ratify and implement the Optional Protocol to the CAT (OPCAT).

At the same time, the EU and its member states have committed to far-reaching obligations to prevent and respond to torture in countries across the world, in line with their commitments to place human rights at the centre of all external action and with particular instruments such as the EU Guidelines on Torture and the “Tools of Torture Regulation”.

The EU Guidelines on Torture point to a wide range of practical measures for EU delegations and member state representations to prevent and act against torture in third countries, including both institutional cooperation or systemic support and support of individuals who have been subjected to, or are at risk of, torture or other ill-treatment. Such measures include monitoring incidence of torture, trial observation or public statements. Some other EU guidelines on human rights—including on Human Rights Defenders (HRDs), on Freedom of Religion or Belief and on the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people-- may also be applicable in the context of torture and be used to strengthen relevant EU action where they include recommendations that go beyond those in the EU Torture Guidelines.

---

<sup>1</sup> “Guidelines to EU Policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment,” 20 March 2012.  
[http://eeas.europa.eu/human\\_rights/guidelines/torture/docs/20120626\\_guidelines\\_en.pdf](http://eeas.europa.eu/human_rights/guidelines/torture/docs/20120626_guidelines_en.pdf).

Such concrete, pro-active and relevant responses to people at risk of, or experiencing torture, is necessary first and foremost. To this end, the Guidelines must be disseminated widely within EU institutions, delegations in third countries and to EU member states, ensuring regular training on their practical implementation as well as monitoring and reporting on their pro-active use in engagement with third countries. Similarly, the EU and member states should engage in sharing the Guidelines with HRDs and civil society, in particular those working against torture, so that they know what to expect from the EU and member states in their country.

The EU has also established regulations to control the transfer to third countries of goods that could be used to commit human rights violations such as torture and capital punishment.

The “Tools of Torture Regulation”<sup>2</sup> has been amended several times since its adoption in 2006 to reflect technical developments, including through updates to lists of prohibited items and trade activities, and to the lists of sensitive policing and prison equipment that can easily be used for torture or other ill-treatment and that should be regulated. A new amendment to this Regulation has been drafted and was submitted early 2014 to the European Parliament and Council for their decision. Amnesty International calls for the Council Regulation to be strengthened, including through the introduction of an “end-use catch-all clause.” Such a clause would enable the EU to act rapidly to prevent trade in unlisted items that nevertheless are found to have no practical use other than for the purposes of torture and other ill-treatment or capital punishment, or where it is found there are reasonable grounds to believe that the items would be used for such purposes.

In addition, whilst the EU regulation fills a major gap in human rights-based export controls, it is still the only example of such a regulation in the world. The EU and its member states should make use of every opportunity to promote the establishment of similar controls in other parts of the world.

Today, at this thirtieth anniversary of their commitment under UN CAT, Amnesty International calls on the EU and its member states to step up efforts to stop torture and to:

- Make full use of all available measures to eradicate torture in third countries. This should include not only confidential and bilateral approaches but also clear public statements and demarches, to ensure concrete, pro-active and relevant responses to people at risk of, or experiencing torture
- Step up action to stop torture, including through a clear dissemination and capacity building policy to ensure that all relevant EU and member state staff and civil society actors on the ground are informed of how the Guidelines on Torture can be implemented, and what civil society can expect from the EU and its member states
- Press for the regular and transparent review and assessment of the implementation of the Guidelines on Torture, with meaningful stakeholder engagement, including regular, systematic and, wherever possible, public, field reporting
- Encourage the remaining EU member states to ratify the UN Optional Protocol to the Convention Against Torture (OPCAT) and promote a consistent approach, internally and externally, to combating torture and other ill-treatment
- Lead by example by ensuring all EU member states fulfill obligations under UN CAT to make all acts of torture are offences under their criminal law
- Act to strengthen the effectiveness of Council Regulation (1236/2005), that prohibits the

---

<sup>2</sup> “Council Regulation (1236/2005) concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment,” 27 June 2005. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2005R1236:20080720:EN:PDF>

trade in inherently inhumane equipment that has no practical use other than for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, and that requires strict control of the trade in other security equipment that might easily be used for torture or other cruel, inhuman or degrading treatment or punishment. For example, the trade in electric shock weapons that are applied by direct contact with a victim, such as stun guns, stun shields and stun batons, should be placed on the prohibited list of the Regulation

- Act to strengthen the Council Regulation itself, including by pressing for the introduction of an “end-use catch-all clause” to enable the EU to act rapidly to prevent the trade of unlisted items that nevertheless are found to have no practical use other than for the purposes of capital punishment, torture and other ill-treatment, or where it is found there are reasonable grounds to believe that the items would be used for such purposes
- Promote the adoption of a similar regulation to control the “torture trade” internationally

## A GLOBAL CRISIS ON TORTURE

- In **Mexico** the government argues that torture is the exception rather than the norm, but in reality abuse by police and security forces is widespread and goes unpunished. Miriam López Vargas, a 31 year-old mother of four, was abducted from her hometown of Ensenada by two soldiers in plainclothes, and taken to a military barracks. She was held there for a week, raped three times, asphyxiated and electrocuted to force her to confess that she was involved in drug-related offences. Three years have passed, but none of her torturers have been brought to justice.
- Justice is out of reach for most torture survivors in **the Philippines**. A secret detention facility was recently discovered where police officers abused detainees 'for fun'. Police officers reportedly spun a 'wheel of torture' to decide how to torture prisoners. Media coverage led to an internal investigation and some officers being dismissed, but Amnesty International is calling for a thorough and impartial investigation which will lead to the prosecution in court of the officers involved. Most acts of police torture remain unreported and torture survivors continue to suffer in silence.
- In **Morocco and Western Sahara**, authorities rarely investigate reports of torture. Spanish authorities extradited Ali Aarrass to Morocco despite fears he would be tortured. He was picked up by intelligence officers and taken to a secret detention centre, where he says they electrocuted his testicles, beat the soles of his feet and hanged him by his wrists for hours on end. He says the officers forced him to confess to assisting a terrorist group. Ali Aarrass was convicted and sentenced to 12 years behind bars on the basis of that "confession". His allegation of torture has never been investigated.
- In **Nigeria**, police and military personnel use torture as a matter of routine. When Moses Akatugba was arrested by soldiers he was 16 years old. He said they beat him and shot him in the hand. According to Moses he was then transferred to the police, who hanged him by his limbs for hours at a police station. Moses says he was tortured into signing a "confession" that he was involved in a robbery. The allegation that he confessed as a result of torture was never fully investigated. In November 2013, after eight years waiting for a verdict, Moses was sentenced to death.
- In **Uzbekistan**, torture is pervasive but few torturers are ever brought to justice. The country is closed to Amnesty International. Dilorom Abdukadirova spent five years in exile after security forces opened fire on a protest she was attending. On returning to Uzbekistan, she was detained, barred from seeing her family, and charged with attempting to overthrow the government. During her trial, she looked emaciated with bruising on her face. Her family are convinced she had been tortured.

For more information visit: <http://www.amnesty.org/en/stoptorture>