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Torture is not a crime in South Africa

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by **[1]**

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There has been much discussion in recent years about the possible circumstances in which the use of torture may be justified [3]. However, international law and conventions are unequivocal on the absolute prohibition of torture and cruel, inhuman and degrading treatment (CID). Article 5 of the Universal Declaration of Human Rights states that *"No one shall be subject to torture or other cruel, inhuman or degrading treatment or punishment."* This is reiterated in Article 7 of the International Covenant on Civil and Political Rights (ICCPR) and elaborated on in other instruments such as the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Although torture and CID may most commonly be associated with interrogation in police or military custody, it is also perpetrated on a more insidious level in penal institutions across the globe. Furthermore, the abuse that takes place is often facilitated by equipment legally traded internationally. This article highlights torture and CID in penal institutions carried out using leg irons and electroshock equipment and examines the trade in such tools.

Leg irons

Law enforcement officials frequently need restraint equipment to control dangerous prisoners or to prevent prisoners escaping whilst being transported. But such restraints are open to abuse. Leg irons [4] are frequently misused in a manner which amounts to cruel, inhuman and degrading treatment. In the UN Standard Minimum Rules for the Treatment of Prisoners [5], the international community has sought to codify the use of restraints - banning certain forms and restricting the use other types. Article 33 of these Rules clearly states that:

Instruments of restraint, such as handcuffs, chains, irons and strait-jackets, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints? [emphasis added]

Furthermore article 34 states:

The patterns and manner of use of instruments of restraint shall be decided by the central prison

administration. Such instruments must not be applied for any longer time than is strictly necessary. [emphasis added]

Despite reaching an agreement on the permissible use of leg irons, dozens of countries throughout the world continue to allow the use leg irons in their penal institutions as a matter of course, on prisoners that do not pose a threat of violence or escape. Instead they are used as a means of punishing or degrading the prisoners.

Cambodia: the use of shackles in Cambodian prisons and detention centres was banned by government order in 1993, but the ban is reportedly widely contravened.

"A local Cambodian NGO in Kompong Thom province reported in April 2000 that nine prisoners who attempted to escape were shackled 24 hours a day for an extended period with the express permission of the prison director and the provincial prosecutor as well as the director of the prison department who was reported to have declared that the "restraining" of the prisoners had been carried out in compliance with prison procedures." [6]

The UN Special Representative's report on human rights in Cambodia noted in 2001 various instances of shackles being used in Cambodian prisons. In Kompong Som, the prison director ordered leg shackles to be used on one prisoner for 37 days. [7]

Mozambique: On 10 December 2003 the Mozambique Human Rights League, visited Maputo's Maximum Security Prison [8] to find five prisoners held in leg-irons, whilst a sixth prisoner was shackled with chains. The prisoners had spent four days and nights with their ankles shackled or chained together. The leg-irons and chains caused great pain by pressing into the prisoners' flesh whenever they bent their knees. They had cut into the flesh of one prisoner who tried to relieve the pain by inserting cloth between the metal and the skin. The Attorney General subsequently told journalists that there were no legal grounds for such security measures. Furthermore, Amnesty International has reports of leg irons being used on vulnerable and weak prisoners:

USA: Reports have described how some women were even shackled whilst in labour. For example, Amnesty International recorded Maria Jones' description of how she gave birth while she was an inmate of Cook County Jail, Chicago, USA in 1998.

"The doctor came and said that yes, this baby is coming right now, and started to prepare the bed for delivery. Because I was shackled to the bed, they couldn't remove the lower part of the bed for the delivery, and they couldn't put my feet in the stirrups. My feet were still shackled together, and I couldn't get my legs apart. The doctor called for the officer, but the officer had gone down the hall. No one else could unlock the shackles, and my baby was coming but I couldn't open my legs... Finally the officer came and unlocked the shackles from my ankles. My baby was born then. I stayed in the delivery room with my baby for a little while, but then the officer put the leg shackles and handcuffs back on me and I was taken out of the delivery room." [9]

Sudan: Gadim Hamdoun Hamid and Kabashi Alayan were 14 years old when they were arrested in May 2002 and charged with crimes relating to murder, armed robbery and public disturbance. Before being tried they were held for a period of over two months, during which time the children were reportedly tortured to confess. They were sentenced to death by hanging by the Nyala Special Court in July 2002. During the two years of their subsequent detention, the two children lived with shackled hands and feet in fear of being executed. [10]

Bahamas: In its 2004 Annual Report, Amnesty International highlight reports that two detainees aged 14 and 15 died in Willamae Pratt Centre for Girls on 2 November 2003. The girls were reportedly locked in their cells and shackled to their beds, when a fire broke out at the centre. [11]

According to information from UN bodies, Amnesty International and the European Committee for the Prevention of Torture, between 2000-2006 leg-irons and shackles are reported to have been used in at least 33 countries. [12]

Electroshock Equipment

The use of electroshock torture has regularly been reported over the last 40 years by the UN and human rights organisations and it continues to this day. Research for this article has found the use of electroshock torture used in at least 74 countries between 2000-2004. [13]

While some may argue that there is a legitimate use for electroshock equipment in policing e.g. electroshock riot shields, it is extremely difficult to justify their use in penal institutions. In such a situation the only plausible use of electroshock equipment is in the torture or cruel, inhuman and degrading treatment of prisoners.

South Africa: In 2006 the Jali Commission, reporting on the conditions in South African prisons recorded how in the Pretoria C-Max prison inmates were given electric shocks as part of an initiation process: "Evidence relating to C-Max Prison showed that prisoners were routinely stripped naked and searched, sometimes in front of female warders, handcuffed, assaulted and shocked with mini electrical shields before they were admitted to their cells." [14]

China: Ye Guozhu, sentenced to four years' imprisonment in 2004 after campaigning against Olympics-related forced evictions, has been tortured in detention in Beijing. He was reportedly suspended from the ceiling by his arms and has suffered beatings with electro-shock batons for refusing to "admit his guilt". [15]

USA: In August 2003, John Allen Muhammad, then charged and under investigation for the "Washington sniper" murders, was reportedly [16] shocked with a stun belt by a Prince William County sheriff's deputy after he refused to participate in medical tests at a local hospital. Throughout the incident, Muhammad was reportedly restrained at the wrists and ankles and never became violent or tried to escape. He resisted by moving his head from side to side and trying to sit up.

Amnesty International has called for a complete ban on the use of electroshock belts [17] and in May 2002 the United Nations Committee Against Torture urged the US government, which sanctions the prevalent use of electroshock belts (also known as stun belts) on prisoners, to "abolish electro-shock stun belts and restraint chairs as methods of restraining those in custody".

The Production and Sale of Torture Equipment

The practice of torture does not require special equipment. Torture is carried out on a daily basis around the world with items as simple as bared live wires, pliers or plastic bags. However, the fact that torture can be carried out with a wide range of tools does not justify the production and sale of equipment specifically designed for the purpose. Few companies advertise "torture equipment" but as the president of one electroshock weapon manufacturing company has stated:

"It's possible to use anything for torture, but it's a little easier to use our devices." [18]

There is little data available on the scale of the international trade in "torture equipment." In many countries, restraints and electroshock equipment do not even require an export licence. Using open source information the UK-based organisation the Omega Research Foundation has, over a number of years, gathered information on the companies that manufacture and trade in this equipment. Between 2000-2004 twenty companies were identified that manufacture leg irons:

Table 1: "Leg iron" manufacturers : 2000-2004

Regions	Number of companies	Countries
Africa	1	South Africa
Asia Pacific	11	China, Pakistan, South Korea, Taiwan
European Union & Western Europe	4	Czech Republic, France, Germany, Spain
North America	4	USA

The number of manufacturers is however only a fraction of the number of companies involved in the trade. A simple internet search will reveal hundreds of companies offering to sell and export leg irons.

During the same period, the Omega Research Foundation identified 413 companies that were involved in the trade in electroshock equipment:

Table 2: Worldwide number of Manufacturers, Brokers and Distributors of electro-shock weapons: 2000 - 2004 by country

	Number of companies	Number of countries
Africa	20	2
Asia Pacific	113	13
Eastern - Central Europe	18	7
Western Europe	128	22
Latin America (South & Central America)	16	7
Middle East	16	7
North America	102	3
Totals	413	61

However the actual manufacture of electro-shock weapons appears to be located in 12 countries, with companies largely concentrated in the following 4 countries: China (14), Taiwan (12), USA (8), and South Korea (7), which between them accounted for 77% of the manufacturers identified.

South Africa's involvement in the trade

In both the case of leg irons and electroshock equipment, the majority of African companies that trade in these goods are based in South Africa. The trade in "security equipment" in South Africa is thriving and companies that are involved in this industry make the most of the foreign export markets as well as the domestic demand.

Electroshock stun belts were introduced to South Africa in the late 1990s and reports of their use continue. [19] According to their web site, the Force Group, a South African company, supplies the 'Anti-Scape Stun Belt', which delivers a 50,000+ volt shock and which it says has been tested by South African authorities and is used by prisons and police. [20] The company has advertised its products, including electroshock belts, on the web page of the South African National Trade & Investment Promotion Agency's

Office in Singapore.

Between 2000-2006 in South Africa, 25 companies were involved in the trade in electroshock equipment and of these three were involved in the trade of leg irons. The export markets of these companies stretch worldwide and some have offices in the Middle East and North Africa. One company in the U.S. even advertises its leg irons with the boast *"These heavy duty leg irons are made in South Africa and are the same type used on the famous Mr Mandela."* [21]

The Future of Torture Equipment

The picture is not all gloom. Throughout the world there are gradual efforts to prevent the use of and trade in torture equipment. In 1999 the Supreme Court of Namibia ruled that the use of chains or leg-irons constituted degrading treatment in contravention of the prohibition of torture and cruel, inhuman or degrading treatment in the country's Constitution.

The judgment stated: *"Whatever the circumstances the practise of using chains and leg irons on human beings is a humiliating experience which reduces the person placed in irons to the level of a hobbled animal whose mobility is limited so that it cannot stray. It is furthermore still a strong reminder of days gone by when people were carted away in bondage and sold like chattels. To be continuously in chains or leg irons and not to be able to properly clean oneself and the clothes one is wearing sets one apart from other fellow human beings and is in itself a humiliating and undignified experience?"* [22]

With regard to legislation preventing the trade in such equipment, in 2001 the European Parliament adopted a Resolution urging the European Commission to:

"act swiftly to bring forward an appropriate Community instrument banning the promotion, trade and export of police and security equipment whose use is inherently cruel, inhuman or degrading." [23]

This instrument was brought into force in 2006 when an EC Trade Regulation was introduced prohibiting the 25 Member States from exporting equipment specifically designed for torture and CID and controlling the export of other equipment that could be used for this purpose.

However, for every step forward in this process there is also a step back. The recent justifications from the U.S. of the use of torture have set a dangerous precedent. [24] The irony of the trade in torture equipment was not lost on British-born Moazzam Begg who was released from Guantanamo in 2005:

"When I was in Guantánamo Bay, one of the things I pointed out to my lawyer was how it was ironic that these shackles were made in England, just like me and him. It was very bizarre. Those shackles would often cut into my arms and legs and make me bleed. It was those very same shackles I saw being used by American soldiers in Bagram airbase to hang a prisoner from the ceiling. It said 'Made in England' on there too." [25]

As the world's most powerful country with a self-proclaimed determination to spread liberty and human rights, the example set by the U.S. may be followed by some and used by others as an excuse to carry out torture in prisons. Meanwhile until international legislation is put in place, companies throughout the world will continue to profit from the trade in tools of torture.

By

Lukas Muntingh, CSPRI

When a police officer assaults a suspect to obtain a confession, or prison warders execute a mass assault on prisoners in retaliation for the murder of a colleague, they cannot under current South African law, be charged with the crime of torture. While they may be charged with common law offences such as assault with intent to cause grievous bodily harm, attempted murder or even murder, they cannot be charged with the crime of torture as no such crime exist in South Africa (with the exception as a war crime). After the many forms of torture that occurred under the Apartheid regime, it would certainly have been expected that drastic measures would be taken by the post-1994 government to eradicate the use of torture in all its forms. The impunity with which the police and other security forces dealt with detainees during Apartheid is well documented and the use of torture was extensive. The attention of human rights campaigners was focused on political detainees and the treatment of common law offenders was of secondary interest. This created a hierarchy between political and criminal offences, leaving a legacy that has not prioritised the protection of common law offenders deprived of their liberty against state excesses and torture. A more cynical analysis of the situation may also suggest a more sinister reason for this situation - high crime levels necessitate a law enforcement apparatus that is not too hampered by stringent human rights monitoring. Whatever the answer, in a democracy, torture remains deplorable regardless of the reasons for its application.

The absolute and universal condemnation and prohibition of torture under international human rights law is well documented but perhaps less well known by the South African public and law enforcement officials. As recently as 1987, the United Nations Convention against Torture, Cruel, Inhuman and Degrading Treatment or Punishment (CAT) came into force, providing extensive protection under international human rights law. The definition of torture in CAT is a lengthy and legalistic one but in summary states that torture constitutes conduct that must result in severe physical or mental suffering; the harm must be intentionally inflicted and have a certain purpose; the perpetrators are limited to public officials, or people acting in an official capacity; and torture excludes pain and suffering arising from or inherent in acts which are lawfully sanctioned. There is indeed heated debate amongst scholars if the definition is sufficient, given the range of situations in which people are victimised.

Seen in its entirety, CAT aims in particular to protect persons deprived of their liberty from torture and cruel, inhuman and degrading treatment or punishment. Deprivation of liberty should be understood in its widest possible sense, ranging from more obvious examples relating to prisons and police cells but also including institutions such as drug treatment centres, hospitals, children's homes, places of safety and repatriation centres.

Signatories to the Convention are required to criminalise torture in domestic legislation and furthermore to set standards for the investigation of allegations of torture, the punishment of perpetrators, and the redress of victims, amongst others. The CAT also requires regular reporting to the UN Committee against Torture (the UN body overseeing the implementation of the Convention) on progress made relating to the implementation of measures to prevent and combat torture.

Two years after the 1996 Constitution was adopted, South Africa ratified CAT after which there was silence from government on the issue. It was only in late 2005 that the government submitted its initial report to

the Committee against Torture, some seven years late. To make matters worse, the report covered the period 1999 to 2002, omitting to report on some rather important developments in the issues covered by the CAT, for instance the achievements of the Independent Prison Visitor System and the promulgation of the Correctional Services Act. This report was considered by the Committee against Torture on 13-15 November 2006. [26]

There is sufficient reason to believe that the torture and the ill-treatment of persons deprived of their liberty in South Africa is a fairly common occurrence. For example, in 2005/6 the Office of the Inspecting Judge of Prisons reported that it recorded nearly 2500 complaints lodged by prisoners alleging that they had been assaulted by prison staff. In the same year the Independent Complaints Directorate recorded more than 5000 cases relating to deaths, criminal conduct and misconduct reported against police officers. Of the 1643 cases of criminal misconduct 924 (56%) related to assault and attempted murder. Despite the significant volume of complaints recorded by these two institutions, investigations are slow, hampered by limited staff capacity and often actively undermined by accomplices and associates of the perpetrators. It is not uncommon for prisoners to be transferred to another prison shortly after laying a criminal charge against a prison official, rendering them unavailable to the investigators and, if the investigation progresses that far, to the court to provide testimony. The powers of the Office of the Inspecting Judge of Prisons are also limited in respect of investigating torture, as it may only make recommendations to the Minister of Correctional Services and the Director of Public Prosecutions.

The first step towards the prevention and combating of torture in South Africa is undoubtedly to incorporate the definition of torture in CAT into domestic law, thus distinguishing torture as a specific crime that is different from assault and attempted murder. Torture may also involve acts that do not involve any physical assault, or use techniques that leave no physical scars but result in immense emotional trauma. For example, threatening to harm the family members of a detainee is a form of psychological torture that will leave no physical evidence and thus not qualify as assault. The definition of torture emphasises "severe physical and mental suffering" deliberately so as to take an encompassing approach that focuses on the effects of the acts of the perpetrator rather than defining the acts themselves. There is no list of offences or acts that constitute torture and the Committee against Torture, and its influential European counterpart, has deliberately steered away from such an approach as it would create loopholes and allow perpetrators to continue with impunity. We cannot anticipate the measures that perpetrators of torture may use as it depends on context, personal circumstances of the victim, and personality of the perpetrator. The possibilities are, regrettably, endless.

The failure to establish comprehensive legislation that criminalises torture will perpetuate a number of problems. Without a crime being defined, it is unclear what should be investigated, who should investigate and how it should be investigated. If a police officer assaults a detainee to extract a confession and this is regarded as assault, it has a different meaning compared to defining this act as torture. Regarding this as torture would firstly contextualise the acts of the police officer in the very clear power relationship in which the police officer is a public official with a clear duty to protect the rights of citizens and not violate them. Secondly, the crime of torture would compel the scope of the investigation to include physical and mental suffering, as torture is aimed at destroying the human dignity of the victim, and eroding his or her mental and emotional resilience. Thirdly, the investigation would assess the purposefulness and intentionality of the acts committed. Torture is, amongst others, committed for the purposes of extracting information, humiliation, punishment, degradation and instilling a culture of fear. In the assault example used above, the act of punching a detainee is not just a punch but a violent act communicating messages of power and control; affirming the notion of coercive control and the victim's lack of power and access to recourse.

A further problem arising from the absence of legislation criminalising torture relates to the punishment of

the perpetrator. The CAT does not prescribe a minimum sentence for persons convicted of committing torture, nor does it provide any specific guidelines, save that the punishment should reflect the gravity of the offence. Given the complexity of the problem and the vast range of conditions under which torture may occur, it would indeed be impossible to provide more specific guidelines. However, canvassing the opinions of individual members of the Committee against Torture on what would be an appropriate punishment for the perpetrator of torture, research found that a custodial sentence ranging from 6 to 20 years was favoured. The recently circulated South African draft bill on torture, the *Combating of Torture Bill*, states that the perpetrator may be liable to a period of imprisonment if convicted. Suggesting that an official may be convicted of torture and walk away with a suspended sentence seems to be a disproportionately light punishment given that, under current minimum sentencing legislation, the fraudster who steals R500 000 or more must serve 15 years' imprisonment. This did not escape the attention of the Committee against Torture and the Committee recommended that the penalties must reflect the "grave nature" of the crime. If the punishment is to reflect the gravity of the crime of torture, it would be extremely difficult, if not wholly inappropriate to attempt any justification of a non-custodial sentence. Emerging case law must however guide our courts on this. If the state is to retain its monopoly over the justified use of force, it follows that this must be stringently managed and monitored, and transgressions should never be tolerated. Allowing, by inaction and tolerance, perpetrators to apply their diabolical trade with impunity makes a mockery of human rights. The punishment must reflect the categorical revulsion for the crime of torture.

Following from these shortcomings, the lack of legal clarity leaves victims and their families out in the cold, having to resort to civil claims to attain redress. Access to the courts is difficult, expensive and time consuming, and often out of the reach of ordinary South Africans. The CAT requires that victims of torture must obtain redress and have an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. Addressing the needs of torture victims thus involves restitution, compensation, rehabilitation, and guarantees of non-repetition. Legislation criminalising torture needs to explicitly address the needs of victims and expedite a process whereby their needs may be addressed automatically without having to engage in costly and time-consuming litigation.

If we are to truly express our revulsion of torture and proclaim the torturer "like the slave trader and pirate before him - *hostis humani generis*, an enemy of all mankind" [27] , then domestic legislation must reflect this. The criminalisation of torture alone will not solve the problem of torture but it is the first step in sending out a clear message that torture will not be tolerated. From this must be built the capacity, policies and procedures to investigate, prosecute and convict perpetrators.

Conventions, such as CAT and the Convention on the Rights of the Child, are adopted by the international community to provide universal protection to vulnerable people. When states ratify these conventions, they obligate themselves to implement the required measures. Nine years after South Africa ratified the CAT, it has not yet criminalised torture, a central requirement of the Convention. Notwithstanding historical institutional cultural inheritances and current political imperatives (such as the need to be tough on crime) torture, inhuman and degrading punishment, make a mockery of a new constitutional democracy built on the notion of human rights. Statutory silence on the issue only contributes to a culture of tolerance and acceptance of torture and ill treatment. Torture is always a crime and nothing - not a state of war, high crime levels, terrorist threats, superior command orders or any emergency - can be invoked as justification or excuse for the use of torture.

[1] This title was also used by Mark Thomas for his book *As Used on the Famous Nelson Mandela*:

Underground adventures in the arms and torture trade Ebury Press, 2006.

[2] The Omega Research Foundation is a UK-based charity, founded in 1990, that researches the impact on human rights of the international transfers of Military, Security and Police (MSP) technologies. Omega is currently under contract to the European Commission for an investigative project on the trade in torture equipment.

[3] *Cheney confirms that detainees were subjected to water-boarding*, Jonathan S. Landay, McClatchy Newspapers 25 October 2006 <http://www.easimail.co.za/Home/link.asp?id=4855&hash=2c7ebb>

[4] Also referred to as shackles and leg-cuffs

[5] United Nations Standard Minimum Rules for the Treatment of Prisoners, Adopted August 30, 1955, by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, U.N. Doc. A/CONF/611, annex I, E.S.C. res. 663C, 24 U.N. ESCOR Supp. (No. 1) at 11, U.N. Doc. E/3048 (1957), amended E.S.C. res. 2076, 62 U.N. ESCOR Supp. (No. 1) at 35, U.N. Doc. E/5988 (1977).

[6] Kingdom of Cambodia: A human rights review based on the Convention Against Torture, Amnesty International, June 2003 (AI Index: ASA 23/007/2003)

[7] Report of the Special Representative of the Secretary-General for Human Rights in Cambodia, Mr Peter Leuprecht, submitted in accordance with resolution 2000/79 (E/CN.4/2001/103, January 2001)

[8] Urgent Action: Mozambique: Further Information on Torture or ill-treatment/ Medical concern/ Prison Conditions, Amnesty International (AI Index: AFR 41/008/2003)

[9] United States of America: "Not part of my sentence" - violations of the human rights of women in custody, Amnesty International, (AI Index: AMR 51/019/99)

[10] Two children from Darfur face execution, Amnesty International, The Wire, February 2004. Vol. 34, AI Index: No.1.NWS 21/001/2004,

[11] Amnesty International, Annual Report 2004, <http://web.amnesty.org/report2004/bhs-summary-eng>

[12] These figures are gathered from UN bodies, Amnesty International and the European Committee for the Prevention of Torture and include use in detention centres as well as prisons: Afghanistan, Bahamas, Cambodia, China, Colombia, Cuba, Equatorial Guinea, Germany, India, Israel, Jordan, Laos, Malawi, Mauritania, Mozambique, Myanmar, Namibia, North Korea, Pakistan, Russia/Chechnya, Saudi Arabia, South Africa, St Lucia, Sudan, Switzerland, Taiwan, Thailand, USA, Uganda/DRC, Uzbekistan, Vietnam Yemen, and Zimbabwe

[13] These figures include use in detention centres as well as prisons in Afghanistan, Algeria, Argentina, Armenia, Azerbaijan, Bangladesh, Belize, Bolivia, Brazil, Bulgaria, Burundi, Cambodia, Cameroon, Canada, Chechnya/Russia, Chile, China, Colombia, Cyprus, DRC, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Georgia, Greece, Guatemala, Haiti, India, Indonesia, Iraq, Israel (South Lebanon), Jamaica, Kazakhstan, Kenya, Laos, Lebanon, Libya, Malawi, Moldova, Myanmar, Namibia, Nepal, Pakistan, Paraguay, Peru, Philippines, Poland, Russian Federation, Rwanda, Saudi Arabia, Serbia and Montenegro, Spain, Sri Lanka, Sudan, Syria, Taiwan, Tajikistan, Thailand, Tibet/China, Tunisia, Turkey, Turkmenistan, USA, Uganda, Ukraine, Uzbekistan, Venezuela, Vietnam, Zambia, Zimbabwe

[14] Jali Commission Executive Summary p72,

<http://www.dcs.gov.za/Documents/Jali/JALI%20COMMISSION.pdf>

[15] The Wire: *Will China honour its Olympic promises?* Amnesty International Index: NWS 21/009/2006

[16] Lawyer: stun belt used on sniper suspect, 23rd August 2003, Associated Press, reprinted in Aberdeen News, www.aberdeennews.com/mld/aberdeennews/6598314.htm

[17] The Pain Merchants Amnesty International (AI Index: ACT 40/008/2003)

[18] John McDermit, president of Nova Products, Inc; quoted in an interview with Anne-Marie Cusa, The Progressive, September 1997 (<http://www.progressive.org/cusac9707.htm>)

[19] Escapee prisoner appears over attempted murder, South African Press Association reproduced in Asia Africa Intelligence Wire, Sept 9, 2003

[20] <http://www.forcegroup.co.za/>

[21] bodyarmour.safeshopper.com/25/20.htm?297 8/2004: Heavy Duty Legirons-South African

[22] *Namunjepo and others v. Commanding Officer, Windhoek Prison and another*, Supreme Court of

Namibia, 9 July 1999

[23] OJ C 87E, 11.4.2002, p136.

[24] Cheney confirms that detainees were subjected to water-boarding, Jonathan S. Landay, McClatchy Newspapers 25 October 2006

<http://www.realcities.com/mld/krwashington/15847918.htm>

[25] UK firm picketed over Guantánamo 'torture' shackles, The Guardian, 9 September 2005

http://www.guardian.co.uk/uk_news/story/0,,1565807,00.html

[26] The Initial Report, the submissions by NGO's (including CSPRI's) and the concluding remarks by the Committee are available on the committee website at

<http://www.ohchr.org/english/bodies/cat/cats37.htm>

[27] *Filartiga v. Pena-Irala* [1980] 630 F (2nd Series) 876 US Court of Appeals 2nd Circuit 890.

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