

BATONS AND OTHER HANDHELD KINETIC IMPACT WEAPONS

AN AMNESTY INTERNATIONAL POSITION PAPER



AMNESTY
INTERNATIONAL



Amnesty International Netherlands
Keizersgracht 177
PO Box 1968
1000 BZ Amsterdam
The Netherlands
P 020 626 44 36
E phrp@amnesty.nl
I www.amnesty.nl/policeandhumanrights

Cover page : A protester confronts police in riot gear in Elizabeth City, North Carolina
(United States). © Joe Readle/Getty Images

© March 2022



Contents

| | |
|--|-----------|
| 1. Introduction : What are striking weapons? | 4 |
| 2. What types of batons are deployed in law enforcement enforcement and what are their health risks involved? | 6 |
| 2.1 Baton types | 6 |
| 2.2 Health risks | 7 |
| 2.2.1 “Low-risk” areas | 8 |
| 2.2.2 “Middle-risk” areas | 9 |
| 2.2.3 “High-risk”-areas | 10 |
| 3. When may batons be used and when not? | 12 |
| 4. Special considerations: The use of batons in times of Covid-19 | 14 |
| 5. Batons: How they should and should not be used? | 15 |
| 5.1 Warning | 15 |
| 5.2 Precautions | 16 |
| 6. Tricky question: When does the misuse of a baton become torture? | 19 |
| 7. Which types of batons should be prohibited and why? | 22 |
| 8. Policy instructions and training | 24 |
| 8.1 Policy instructions | 24 |
| 8.2 Training | 24 |
| 9. Development and testing, trade and transfer | 26 |
| 10. Do’s and Don’ts | 27 |

1

■ Introduction: What are handheld kinetic impact weapons?

Handheld kinetic impact weapons are among the most common types of less-lethal weapons that law enforcement officials are equipped with. They come in many shapes and sizes and different materials, such as batons and other clubs, as well as whips, slappers and billys (the latter are sometimes weighted) - see section 2.1 for a more detailed description of the type of existing weapons. Other ad-hoc equipment, like sticks or improvised weapons, is also used as striking weapons in law enforcement.

Note: This position paper covers handheld kinetic impact weapons that are designed to inflict a blunt trauma through strikes (though they may also be used in many different ways). For reasons of readability, the simplifying term “baton” will be used throughout this document.

These weapons are designed to cause pain through kinetic impact. As a result, strikes may cause a certain degree of injury, but they are not supposed to cause more serious injury or death. However, the actual impact on a person’s health will depend on the design of the weapon and the way it is used. The potential risks involved for the health and physical integrity of the affected person are described in section 2.2 below.

Batons are used regularly in all types of law enforcement interventions: when carrying out an arrest, in the handling of public order situations, when intervening to prevent the commission of an offence and/or in violent confrontations between individuals or groups of individuals. As for any use of force, when resorting to batons, law enforcement officials must respect the principles of legality, necessity, proportionality, non-discrimination and accountability. However, Amnesty International research has documented that batons are among the most frequently misused weapons in law enforcement.¹ This position paper provides detailed guidance on how law enforcement agencies should prevent such misuse and ensure that this weapon is only resorted to in a fully human rights compliant manner.

When law enforcement officials resort to the use of batons while fulfilling their duty, they must do so in full compliance with international human rights law and standards. Batons may only be used in situations in which this is duly justified (see section 3). These rules even apply in a situation of emergency, such as the Covid-19 pandemic (see section 4 below). When a situation requires the use of a baton, this must be carried out in a way that minimises harm and injury (see section 5 below).

When the use of batons is not in compliance with these rules it may even amount to torture or other cruel, inhuman and degrading treatment (section 6).

¹ See the Amnesty International investigation “Blunt force”, [Blunt Force: Investigating the misuse of police batons and related equipment](#) - Amnesty International, 2021.

In many instances, the assessment of whether or not the use of a baton complies with international human rights law will largely depend on the situation and the way it is used. But there are several devices that should never be used: the related human rights concerns are simply too great to accept the use of these devices, given that they are either inherently abusive or likely to cause excessive harm (see section 7).

To ensure the human rights compliant use of batons, state authorities must ensure proper instructions and training of all law enforcement officials equipped with this weapon (section 8). They also have important obligations regarding the development and testing and the trade and transfer of these weapons to security forces in other countries (section 9).



*Policemen in riot gear during a demonstration in Lagos, Nigeria, in October 2020.
© Adeyinka Yusuf/Majority World/Universal Images Group via Getty Images*

2. What types of batons are deployed in law enforcement enforcement and what are their health risks involved?

2.1 Baton types

Batons are sticks of different lengths and materials. Sometimes they come with a handle at a right angle to the main shaft.² They are usually made of rubber, plastic, wood, or metal and can range in size from approximately 20 centimetres to two metres in length. Types of batons vary from batons with a soft core to those with a metal core and even extendable ones.

The three most frequently deployed batons in law enforcement are:³

- **straight baton**



Straight baton.
© Brendan Smialowski/AFP via Getty Images

- **side-handle baton (or 'tonfa')**, a straight baton with an added handle on one side,



Lebanese Police in riot gear holding a side-handle baton
© Marcus Yam/Los Angeles Times

- **telescopic baton** (a baton that can extend up to two or three times its retracted length).



A baton that automatically extends when it's pulled out
© Silas Stein/dpa via Newscom

2 UNODC/UNOHCHR, *Resource book on the use of force and firearms in law enforcement*, 2017, p. 80.

3 There are other types of handheld kinetic impact weapons; some particularly problematic types are discussed further down in section 7.

Other forms of handheld kinetic impact weapons are (longer) canes or sticks usually made from bamboo or other wood.



Nepali police baton charge demonstrators with long sticks. © Brian Sokol/Getty Images.

The length, width, weight, and flexibility can vary. Such type of sticks called Lathis are used by law enforcement officers in India. Rattan sticks (namely a lightweight and robust sticks made from the rattan palm) are used by law enforcement officers in the Philippines.⁴

2.2 Health risks

According to their design, batons are supposed to create a blunt trauma that would, under normal circumstances, only result in minor injuries, such as bruising. However, in reality, they may have a very different effect on the human body.

The type and seriousness of health risks involved in the use of batons will depend on the following elements:

- the way the weapon is used, for example, to strike a person, as a means of restraint or as a stabbing weapon,
 - the amount of force used,
 - the material of the weapon,
 - the age, size and physical characteristics of a person
- and, most importantly:
- the areas of the body against which the weapon is deployed.

Commonly, three different risk areas of the human body are distinguished:⁵ Low, middle and high risk.

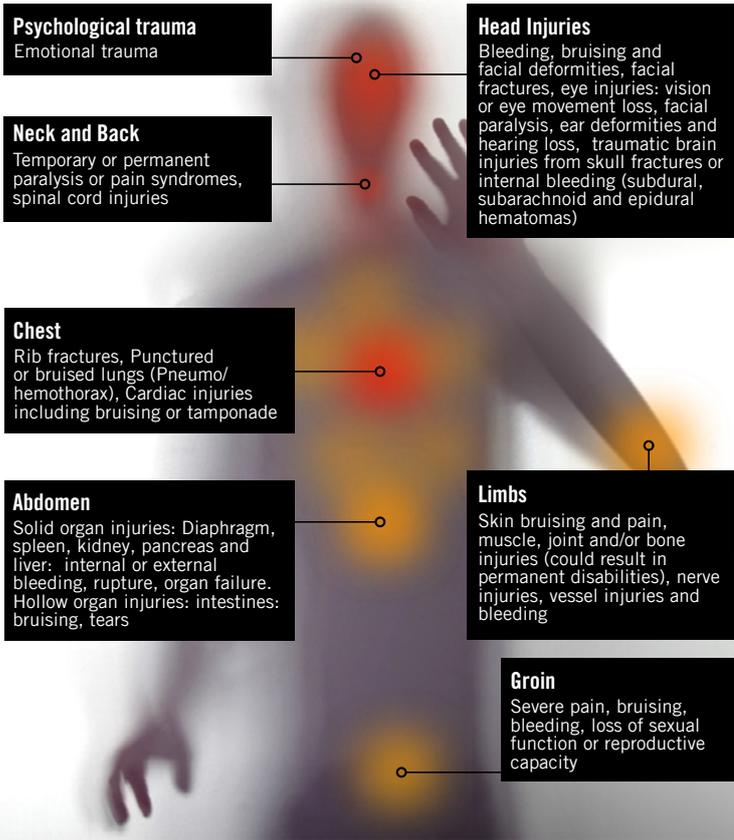
⁴ Philippine National Police Manual PNP- DO – DS – 3 – 1, *Philippine National Police Operational Procedures*, 2010, p. 45.

⁵ JJ Payne-James, *Restraint Techniques, Injuries, and Death: Baton*, *Encyclopedia of Forensic and Legal Medicine*, Volume 4, 2016, p. 115.

HEALTH IMPLICATIONS OF BATON STRIKES

Baton injuries can range from characteristic abrasions, bleeding and bruising to more severe injuries including bone fractures, nerve/muscle damage and internal injuries that may result in permanent disability or death. Injury patterns and severity are dependent on the location of the strike, the amount force used, and the type of baton.

- Moderate to serious level of resultant trauma. Injury tends to be more long-lasting, but may also be temporary.**
- Highest level of resultant trauma. Injury tends to range from serious to long-lasting rather than temporary and may include unconsciousness, serious bodily injury, shock or death.**



© Amnesty International

2.2.1 “Low-risk” areas

Usually identified as low-risk areas are the main muscle zones: the thighs and upper arms. In most cases, striking with a baton at these zones will create some painful bruises, also depending on the amount of force used as well as the material and shape of the weapon: the softer the material, the less problematic will be the injury caused by strikes to these areas, the harder and/or the more more angular or sharper edged, the more serious will be the injury caused.



Riot police officers carry away a man with visible marks of a baton use during an opposition rally to protest against the presidential inauguration in Minsk, Belarus, on September 23, 2020. © TUT.BY/AFP via Getty Images.

Depending on the size and the material of the weapon, it may also cause open wounds / lacerations, and before deciding on the concrete type of striking device, these characteristics must be carefully assessed. Batons that have a tip at the end are also more likely to cause wounds and not just bruises.

More serious injury can also occur when the person is of a rather slim body shape; for example children or older persons will have less muscle mass so that the strikes can more easily lead to a bone injury. In particular, older people are at heightened risk of bone fractures.



A Bangladeshi policeman is about to hit a child with a baton. © MUNIR UZ ZAMAN/AFP via Getty Images

2.2.2 “Middle-risk” areas

Usually identified as middle risk areas are:

- **Bones and joints** (shoulder/collar bones, elbows, lower arms, wrists, hands/fingers, lower legs, knees, ankles):

Strikes to these areas can cause more considerable lacerations and fractures; the latter will be particularly serious if joints are affected, often leading to longer-lasting or even permanent impairment for the concerned part of the body.

Sometimes, batons are used differently, for example, to apply “lock-techniques” that are supposed to inflict additional pain to the joints such as the elbow or shoulder with a view to achieving compliance.



© Colin Foo

Such techniques bear additional risks of causing considerable injury to the joints, including dislocations and the possibility of permanent impairment of the concerned part of the body. Due to the leverage effect, using a baton for such techniques is much more risky than applying the same techniques with empty hands.

- **Central body mass** (except the chest and the spine – see below under “high-risk”).
When used to strike a person, strikes to the central body mass may be wrongly considered of a rather low risk. However, depending on the amount of force used and the size and material of the weapon (the harder, the more dangerous), there is a risk of not just causing bruises or lacerations, but also creating more serious injuries such as internal bleeding and damage to and ruptures of internal organs such as kidneys, liver, intestines etc. Broken ribs can also occur with the additional risk of the broken bone perforating inner organs, such as the lung.
Furthermore, the risks to inner organs increase considerably if the weapon is used as a stabbing weapon. Such use must be considered life-threatening and is thus “high-risk”.



© Colin Foo

2.2.3 “High-risk” areas

The following areas must be considered high-risk, involving a risk to create serious injury or even death:

- **Head and face**
Strikes to the head and face may lead to concussion and other head injuries, open head wounds, and potentially life-threatening brain injuries. Strikes to the face may cause facial deformities, eye injury, ear deformities and hearing loss, facial fractures with potentially serious consequences, such as injuries to the eye, nose, cheek, jaws or teeth.



Scarring from injuries on the head of a 17-year-old high-school student from Hong Kong which he received, when he and others were allegedly clubbed repeatedly by riot police with batons inside a waiting train. He needed 14-stitches to close a head wound.
© ANTHONY WALLACE/AFP via Getty Images.

- **Chest**
Strikes to the chest can impact the ability of a person to breathe and have adverse effects on the heart. It is particularly dangerous to use a baton as a holding/pulling weapon. In this situation, the law enforcement official would press the weapon against the chest and pull the person from behind (for example to remove the person from an area). This could potentially break chest bones or compress the chest with serious impact on the breathing ability and the heart.

- **Neck/Spine**

Strikes to these areas can cause damage to the nervous system, which can even result in temporary or permanent disability.

- **Throat**



Police press a baton against the throat of a protester in San Jose, California, May 2020. © Ben Margot/AP Photo

Strikes to the throat have a high risk of serious injury for example to the larynx, trachea, thyroid bone, and could be life-threatening if it leads to blood vessel and airway obstruction.⁶

This risk is even higher if the weapon is not used to strike a person but as a (choke) holding weapon. Such use is clearly life-threatening.

- **Groin area**

Strikes to the groin area may cause particularly severe pain, bruising, bleeding and even the loss of the sexual function or reproductive capacity.



© Colin Foo

6 Omega Research Foundation, *Visual guide to law enforcement and security equipment*, 2021, 3, p. 64

3.

When may batons be used and when not?

As for any other weapon, the use of batons must respect the principles of legality, necessity and proportionality:

- The use of batons, as the use of force in general, must be regulated in domestic legislation that itself must be human rights compliant. Law enforcement officials may only use batons in compliance with these provisions and for a legitimate law enforcement purpose as established in law (principle of legality); in particular, batons should not be used against people who are simply exercising their human rights.
- They should not use batons if there are less harmful means available to achieve a legitimate law enforcement purpose (principle of necessity).
- If law enforcement officials do use them, this should not cause more harm than the harm their use is supposed to prevent (principle of proportionality).
- In no circumstances should law enforcement officials resort to the weapon in a discriminating manner.

Each use, including every single strike, must be justified (and law enforcement officials must be held accountable for them) under the principles of legality, necessity and proportionality.⁷ In particular, they must stop the use as soon as the objective - to stop the person's violent behaviour - has been achieved.⁸ All too often, one can see law enforcement officials beating people repeatedly without any restraint and with no consideration whether the person (still) presents a threat. Such multiple strikes are, in most cases, likely to be excessive.

- Batons strikes should only take place for a legitimate law enforcement purpose. They should never be carried out for the purpose of punishment – any use of force for the purpose of punishment is prohibited under international human rights law.
- Considering the harm and injury they may cause, the use of batons can only be accepted to prevent harm of at least similar severity. Thus, they are a means of self-defence or defence of others: they may only be used against persons engaged in violence against persons and when there are no less harmful means available to stop this violence.⁹
- They may not be used against persons who are acting peacefully or are merely passively resisting an order.¹⁰
- They should never be used to disperse a peaceful assembly.

7 ODIHR, *Human Rights Handbook on Policing Assemblies*, 2016, p.76. Some countries have introduced requirements for the law enforcement officers “to strike once, and then to reassess”: Omega, OSCE ODIR, *Guide on Law Enforcement Equipment Most Commonly Used in the Policing of Assemblies*, 2021, page 66.

8 ODIHR, *Human Rights Handbook on Policing Assemblies*, 2016, p. 77.

9 UN OHCHR, *Guidance on Less-Lethal Weapons in Law Enforcement*, 2020, p. 26, para. 7.1.3..

10 European Court of Human Rights (ECtHR), *Kucheruk v. Ukraine*, Application no. 2570/04, Judgement, 6 September 2007, para. 132.

- Persons who have already fallen on the ground or are trying to flee should not be targeted with baton strikes.



*Indian police threaten to use their baton on protesters who are on the ground in Srinagar.
© Rouf Bhat/AFP via Getty Images*

- So-called “baton charges” by security forces, running after protesters who are already dispersing and trying to hit whomever they can reach, clearly present an unnecessary and unlawful use of force.



*Police officer about to strike protester overhead in Portugal
© Patricia De Melo Moreira/AFP via Getty Images*

- The use of a baton to carry out an arrest can only be lawful if the person is resisting with considerable violence and there are no other less harmful means available to achieve the objective.
- Under no circumstances should a baton be used against a person already brought under control.

- ➔ **Batons are not a tool to simply obtain compliance with an order. Their use must comply with the principles applicable to any use of force: legality, necessity, proportionality, non-discrimination and accountability.**
- ➔ **Each baton strike must be justified, and law enforcement officials must be held accountable for each of them. Repeated baton strikes are likely to be excessive.**
- ➔ **As a rule, batons are supposed to be used as weapons of self-defence or defence of another person.**
- ➔ **Batons should never be used as a means of punishment. Law enforcement officials must never use force for this purpose.**
- ➔ **Batons may only be used against persons violently resisting or otherwise engaged in violence against another person.**
- ➔ **Batons should never be used to disperse a peaceful assembly.**

4.

Special considerations: The use of batons in times of Covid-19

The pandemic of Covid-19 has presented great and new challenges to law enforcement officials. Their role became particularly important, difficult and sensitive, while their duties to maintain public order, prevent and detect crime, and assist people in need remain as relevant as ever. Unfortunately, since the beginning of the pandemic, Amnesty International has also documented widespread abusive use of force,¹¹ including the misuse of batons.¹²



*Police in Madrid (Spain) arresting a protester, protesting against the new measures to stop the spread of coronavirus, September 2020.
© Marcos Del Mazo/LightRocket via Getty Images*

However, even in times of emergency, law enforcement officials may only use force that is necessary and proportionate to achieve a legitimate objective, and they must minimise harm and damage.¹³ In particular, they should:

- never use batons for the mere purpose of enforcing Covid-19 restrictions when there is no or only limited violence;
- not use the Covid-19 pandemic as a pretext to use a baton instead of less harmful techniques such as empty-hand techniques;
- not carry out “Baton charges” (as described above, section 4) during protests as this may lead to uncontrolled dispersal and increase the risk of contagion for everybody in the area;
- in no circumstances resort to the use of force, including batons, as a means of punishment, including for violations of lockdown regulation.

➔ **Law enforcement officials should never use batons for the mere purpose of enforcing COVID-19 restrictions when there is no or only limited violence.**

¹¹ Amnesty International, [COVID-19 Crackdowns - Police abuse and the global pandemic](#), (Index ACT 30/3443/2020), 2020.

¹² For example, Amnesty International, [“Europe: COVID-19 lockdowns expose racial bias and discrimination within police”](#), 24 June 2020; Amnesty International, [“El Salvador: Repression and broken promises, the new face of the country after one year of President Bukele’s government”](#), 1 June 2020.

¹³ Principe de base n° 8 : « Aucune circonstance exceptionnelle, comme l’instabilité de la situation politique intérieure ou un état d’urgence, ne peut être invoquée pour justifier une dérogation à ces Principes de base. »

5.

Batons: How they should and should not be used?

5.1 Warning

As for any other use of force, the principle of necessity requires law enforcement officials first to attempt non-violent means. Therefore, they must warn that they will use their baton if their order to stop engaging in violent behaviour is not complied with, and allow sufficient time for the person to obey the order. This requirement is inherent to the principle of necessity and the duty to minimise harm. If a person might already stop violent actions due to a warning, then there is no need to resort to the actual use.¹⁴ Thus, to minimise harm, a person must be allowed to stop any harmful behaviour before using a baton can be justified. Only if the warning would put the law enforcement official or any other person at risk or would be clearly pointless, can it be accepted to immediately resort to the weapon without warning.



A police officer in riot gear raises his baton during a general strike in Athens, Greece. © Milocs Bicanski/Getty Images

A warning should always be verbal with a clear command of what behaviour is expected. Simply lifting the baton in a threatening manner will, in most cases, be insufficient. In this regard, it should also be born in mind that law enforcement officials should aim at reducing tension and de-escalating a situation whenever possible. Simply threatening a person with a weapon is likely to increase tension, rather than reduce it. Depending on the situation, it can make sense to hold the baton in a ready-to-use-position already. This should, in any case, be accompanied by clear verbal commands and warnings.

The careful consideration of how to hold this weapon is crucial in a public order situation. Too easily can the appearance of law enforcement officials escalate already tense protest situations and contribute to increasing anger and aggression. Particularly problematic is a practice that can sometimes be observed in demonstrations to bang the shields with batons to scare protesters. This is likely to provoke protesters and lead to a further escalation of the situation¹⁵ and is just the opposite of what law enforcement officials should be doing when seeking to maintain or restore public order.

→ As a rule, a clear order and verbal warning must precede the use of batons. This warning must seek to de-escalate the situation and convince a person to give up a violent behaviour.

¹⁴ Amnesty International – The Netherlands, *Use of Force: Guidelines for the Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, August 2015, Guideline 4b) and section 4.2.

¹⁵ ODIHR, *Human Rights Handbook on Policing Assemblies*, 2016, p. 76.

5.2 Precautions

The duty to minimise harm and injury requires law enforcement to take a range of precautions when resorting to the use of batons. As a rule, batons are supposed only to cause pain and create blunt trauma, rather than breaking the skin and causing lacerations, or even more serious injuries, and they should be used accordingly. This requires law enforcement officials to aim at the appropriate parts of the body carefully and to measure the strength of the strike equally carefully.

The general rule must be to focus on the larger muscle mass (upper arms and thighs) with a view that the pain and possible muscle reaction conduces the person to give up their violent behaviour:

- This requires that strikes should come from the side. Overhead strikes are inherently dangerous since they may easily end up hitting the head or shoulder bones and lead to more serious and unwarranted injuries.¹⁶



Man appears to be subjected to overhead strikes while being arrested by police in Hong Kong © Antony Wallace/AFP via Getty Images

- Regarding the strength of the strike, law enforcement officials should take into consideration the physiology of a person: persons of slimmer physical stature (in particular children, older persons, in many cases women, but also other persons who might not dispose of a large muscle mass) are likely to suffer a more serious injury than just a bruise. Furthermore, the thinner the muscle mass, the greater the pain the person will feel; hence, a less harder hit is likely to have the desired effect.

¹⁶ UN OHCHR, *Guidance on Less-Lethal Weapons in Law Enforcement*, 2020, para. 7.1.4.

Strikes to other parts of the body should, as a rule, be avoided:

- Only when there is a heightened risk of the person causing considerable harm to another person might it be justified to carry out a strike that risks causing greater injury (principle of proportionality):
 - Strikes to the lower arm, wrist or hand could, for instance, be justified if the person is holding a weapon and intends to attack another person.



Kenyan riot police officers threaten to beat an opposition supporter with batons. © Simon Maina/AFP via Getty Images

Note: In the course of public assemblies, one can frequently observe law enforcement officials hitting at the hand of protesters with a baton to make them drop a banner or other sign of protest they are carrying. This is clearly unjustified, excessive use of force. The carrying of a banner is not a violent act and does not present a risk to another person. Batons strikes that may lead to considerable bone or joint injury is neither necessary nor proportionate.

- Strikes to other “middle-risk” areas would require similar justification - always if there is no less harmful intervention possible in the circumstances (principle of necessity). The use of a baton for lock-techniques that have the potential to cause considerable injury to the joints will only be very rarely justified (for example, if a person engaged in considerable violence is clearly stronger and heavier than the intervening law enforcement official so that empty-hand control techniques are not likely to be effective).

As a rule, the use of a baton in an even more dangerous manner likely to cause serious injury or even death should be prohibited,¹⁷ for example:

- Strikes to “high-risk” areas such as the head, face, neck, throat, or spine etc.,
- Stabbing or poking into the central body mass,
- Using as a holding weapon around the chest or throat (choke hold).

Only in extreme circumstances, when there is a risk of death or serious injury, could it be justified to use this weapon in such a dangerous, potentially life-threatening manner – and again, only if there are no other, less harmful means or techniques available to counter the threat. In particular, stabbing/poking with the weapon, hitting at the groin area, and neck/chokehold will, in most circumstances, be unnecessary and, hence, unlawful.

- ➔ **As a rule, strikes should aim at the major muscle mass.**
- ➔ **Strikes aimed at areas where more serious injury can be caused must be avoided.**
- ➔ **As a rule, the use of a baton in an even more dangerous manner likely to cause serious injury or even death (such as strikes the head, neck, spine, throat or groin area) should be prohibited, except in the extreme situation of a threat of serious injury or even death that cannot be addressed with less harmful means.**
- ➔ **Equally, the use of batons for stabbing/poking should be prohibited.**
- ➔ **Overhead strikes are inherently dangerous and must be avoided.**
- ➔ **Specific caution is required for persons with only little muscle mass, such as children, older persons, or persons of an otherwise slimmer stature.**

17 UNODC/UNOHCHR, *Resource book on the use of force and firearms in law enforcement*, 2017, p. 81.

6.

Tricky question: When does the misuse of a baton become torture?

Law enforcement officials may lawfully resort to batons in the fulfillment of their duty and such lawful use will not qualify as torture or other cruel, inhuman or degrading treatment or punishment ('ill-treatment'). However, the unlawful use of batons by law enforcement officials in violation of the principles of legality, necessity or proportionality will in many circumstances amount to ill-treatment¹⁸ or - if additional requirements are met - even torture.¹⁹

- In particular, a baton used against a person who is neither engaged in nor threatening violent behaviour is likely to amount to cruel, inhuman or degrading treatment or even torture.²⁰
- Any use of a baton on an individual who is already restrained or otherwise under control may amount to torture or other ill-treatment.²¹

See for instance: The High Court of Kenya, *Titus Barasa Makhanu v. Police Constable Simon Kinuthia Gitau No. 83653 & 3 others* [2016] eKLR, Petition No. 463 of 2015, 29 February 2016:

"30. It is my finding that the Petitioners rights were violated in so far as he was subjected to physical abuse in the sense of being beaten by a baton whilst already in the custody of the 1st Respondent. [...]

55. I find as a fact that the 1st Respondent used unwarranted and unnecessary force against the person of the Petitioner and this was contrary to Article 29(c) and (d) of the Constitution [Note: Article 29 of the Constitution which guarantees the freedom from torture, cruel, inhuman and degrading treatment] and in violation of the Petitioner's rights under the said provisions of the Constitution.

18 Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/72/178, 20 July 2017:

"46. Case law thus suggests that the criteria determining whether the extra-custodial use of force amounts to cruel, inhuman or degrading treatment or punishment are closely aligned with the use of force principles. In principle, any use of force by State agents exceeding what is necessary and proportionate in the circumstances to achieve a lawful purpose is regarded as an attack on human dignity amounting to cruel, inhuman or degrading treatment or punishment, irrespective of whether that excess occurred intentionally or inadvertently."

19 See the definition in Article 1 of the Convention against Torture

"(1) For the purposes of this Convention, the term 'torture' 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."

20 UN OHCHR, Guidance on Less-Lethal Weapons in Law Enforcement, 2020, para 7.1.5.

21 Omega Research Foundation, Visual guide to law enforcement and security equipment, 2021, p. 64.

In many cases, international jurisprudence has found the unlawful use of batons to amount to torture. This requires the pain and suffering caused to meet the threshold of being severe, and for it to have been caused for one of a number of limited purposes, which include punishment or forcing a confession. For instance:

- The use of a baton as a means of rape (for example, inducing the baton into the opening of a person's body) for the purpose of discrimination.

Inter-American Court of Human Rights, *Azul Rojas Marín et al. v. Peru*, Series C No. 402, 12 March 2020:

“162. Based on the evidence provided, the Court finds that the severity of the abuse suffered by the presumed victim has been proved. The Court has established that rape is an extremely traumatic experience that has severe consequences and causes great physical and psychological harm, leaving the victim ‘physically and emotionally humiliated’ [...].

163. Lastly, regarding the purpose, the Court has considered, in general, that rape, like torture, seeks, among other objectives, to intimidate, degrade, humiliate, punish or control the person subjected to it.

164. [...] The Court considers that the anal rape and the comments relating to sexual orientation also reveal a discriminatory purpose, so that this was an act of violence based on prejudice.

165. Furthermore, the Court notes that the case can be considered a ‘hate crime’ because it is clear that the aggression against the victim was based on her sexual orientation; in other words, this crime not only damaged the rights of Azul Rojas Marín, but was also a message to the whole LGBTI community, a threat to the freedom and dignity of this entire social group.

166. Based on the foregoing, the Court concludes that the series of abuses and aggressions suffered by Azul Rojas Marín, including the rape, constituted an act of torture by state agents.”

- The use of truncheons in retaliation.

European Court of Human Rights, *Case of Dedovskiy and others v. Russia* (Application no. 7178/03), Judgment, 15 May 2008:

“85. As noted above, the use of rubber truncheons against the applicants was retaliatory in nature. It was not, and could not be, conducive to facilitating execution of the tasks the officers were set to achieve. The gratuitous violence, to which the officers deliberately resorted, was intended to arouse in the applicants feelings of fear and humiliation and to break their physical or moral resistance. The purpose of that treatment was to debase the applicants and drive them into submission. In addition, the truncheon blows must have caused them intense mental and physical suffering, even though they did not apparently result in any long-term damage to health. In these circumstances, the Court finds that the applicants were subjected to treatment which can be described as torture.”

European Court of Human Rights, *Case of Cestaro v. Italy* (Application no. 6884/11), Judgment, 7 April 2015:

“177. In the present case, the Court cannot overlook the fact that according to the Court of Cassation the violence at the Diaz-Pertini School of which the applicant was a victim had been perpetrated ‘for punitive purposes, for retribution, geared to causing humiliation and physical and mental suffering on the part of the victims’, and that it could qualify as ‘torture’ under the terms of the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (see paragraph 77 above).

178. Furthermore, it transpires from the case file that the police officers kicked the applicant and struck him with tonfa-type truncheons, which the appeal judgment described as potentially lethal (see paragraph 68 above), and that the applicant had been repeatedly hit on different parts of his body.

The blows received by the applicant caused multiple fractures (to the right ulna, the right styloid, the right fibula and several ribs), leading to a four-day stay in hospital, over forty days’ unfitness for work, a surgical operation during his stay in hospital and a further operation a few years later, all of which left the applicant with a permanent weakness in his left arm and leg (see paragraphs 34-35 and 155 above). The ill-treatment inflicted on the applicant has therefore had severe physical consequences. [...]

190. In conclusion, having regard to all the facts set out above, the Court considers that the ill-treatment suffered by the applicant during the police storming of the Diaz-Pertini School must be classified as ‘torture’ within the meaning of Article 3 of the Convention.”

➔ **The unlawful use of force, including by the means of batons, by law enforcement officials in violation of the principles of legality, necessity or proportionality will in many circumstances amount to cruel, inhuman and degrading treatment or – if additional requirements are met – even torture. They are prohibited at all times.**

7.

Which types of batons should be prohibited and why

To be able to respond to the variety of situations they may face, law enforcement officials should have access to a range of weapons equipment to allow for a differentiated use of force in compliance with the principles of necessity and proportionality.²² The decision by law enforcement agencies which equipment to introduce should serve a clearly defined operational need and be guided by the duty to minimise harm and injury to all persons involved. Hence, weapons that are increasing the risk of harm and injury should not be deployed.²³

However, there is still a range of inherently abusive and dangerous kinetic impact weapons and devices available on the market. They are designed to increase, not minimise, the amount of pain and injury inflicted on subjects, and certain types can cause skin tearing and puncture injuries. Their use would lead to severe physical pain, mental suffering and serious injury, and they, therefore clearly cannot legitimately be used for law enforcement purposes. The manufacturing, trade, transfer, deployment and use of such weapons should be prohibited:

- **Stun baton:**

A portable hand-held weapon that can be used to inflict a painful electric shock by touching electrodes onto the skin of the subject. They usually have 2 to 4 electrodes on the tip, and some models have electrode strips of metal along the length of the baton.



Stun Baton © Amnesty International

Some can also be used as an ordinary baton, but others only function as an electric shock weapon. Many models allow a spark discharge across the electrodes, producing a loud crackling sound and visible sparks. They cause intense localised and general pain but don't have any incapacitating effect (contrary to projectile electric shock weapons, commonly known as "Tasers").²⁴ Injuries can include burns, puncture wounds, scars or welts. In some circumstances, a person subjected to an electric shock may fall. This can lead to secondary injuries such as cuts, bruises, broken bones, concussion etc. This weapon is designed to cause compliance through pain, not incapacitation. It is open to misuse through sustained or prolonged use, multiple shocks, particularly to intimate areas of the body such as the genitals. It is inherently abusive and facilitates torture, including through the application of multiple or continuous electric shocks, and their use fulfils no legitimate law enforcement purpose that cannot be achieved through less harmful means.²⁵ Hence, electric stun batons should be prohibited.

22 [UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#), Basic Principle No. 2.

23 [Amnesty International – The Netherlands, Use of Force: Guidelines for the Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#), August 2015, section 6.1 and 6.2.

24 See also: [Amnesty International, Projectile Electric Shock Weapons – An Amnesty International Position paper](#) (2019), section 2.3.2.

25 [Amnesty International and Omega Research foundation, The Human Rights Impact of Less Lethal Weapons](#), (Index ACT 30/1305/2015), 2015, p. 22; [Omega Research Foundation, Visual guide to law enforcement and security equipment](#), 2021, p. 53; [UNODC/UNOHCHR, Resource book on the use of force and firearms in law enforcement](#), 2017, p. 94.

- **Spiked baton:**

A baton with sharp spikes the entire length which can be made from metal or other materials. Batons are supposed to have an impact through their kinetic energy and should not be designed to penetrate the skin. Spiked batons are just the opposite of this:



Spiked baton © Amnesty International

They are equipped with sharp spikes (or other protrusions), usually made from metal, but can be made of other materials such as hardened rubber, plastic, or wood. They are likely to inflict considerable open wounds that go far beyond the bruises created by ordinary batons. The use of spiked batons amounts to excessive force or cruel or inhuman treatment, possibly amounting to torture, as they cannot be used without inflicting excessive and unnecessary pain. Their use fulfils no legitimate law enforcement purpose that cannot be achieved through less harmful means.²⁶ Therefore, spiked batons are listed as a type of inherently cruel, inhuman or degrading weapons²⁷ and considered to violate international human rights law.²⁸ They should be prohibited.

- **Sjamboks/whips:**

Sjamboks are a type of heavy and strengthened whip, traditionally made from leather, but now also from plastic. Historically used in parts of Southern Africa for cattle droving, they have been employed in certain countries in law enforcement. They present the same human rights problems as spiked batons and should be prohibited.

- **Weighted batons/gloves:**

Weighted batons come in the form of a slapper (a flat device consisting of metal (spring steel) encased in thick leather and used for slapping or striking a person) or a Billy club (a short baton consisting of spring steel encased in leather, sometimes weighted at one end with lead shot, and used for striking a person). Weighted gloves are usually made of leather and have powdered steel or lead sewn into the material over the knuckle, fingers, or back of the hand.²⁹ The additional kinetic energy generated from the weight of the gloves or baton is likely to cause significant injury, especially if used on vulnerable areas of the body. Their use fulfils no legitimate law enforcement purpose that cannot be achieved through less harmful means. Their use should be prohibited.³⁰

➔ **Inherently abusive handheld kinetic impact devices should be prohibited, in particular electric stun batons, spiked batons, whips/sjamboks, and weighted batons.**

²⁶ Omega Research Foundation, [Visual guide to law enforcement and security equipment](#), 2021, p. 67.

²⁷ [Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/72/178](#), 20 July 2017: “51. In the view of the Special Rapporteur, a weapon has to be considered as inherently cruel, inhuman or degrading if it is either specifically designed or of a nature (that is, of no other practical use than) to: (a) employ unnecessary, excessive or otherwise unlawful force against persons; or (b) inflict pain and suffering on powerless individuals.

In extra-custodial settings governed by the law enforcement paradigm, examples of inherently cruel, inhuman or degrading weapons include: (a) spiked batons or shields, and any other type of weapon or ammunition specifically designed or of a nature to unnecessarily aggravate wounds and suffering; [...].”

²⁸ UN OHCHR, [Guidance on Less-Lethal Weapons in Law Enforcement](#), 2020, section 5.1, p. 20.

²⁹ Omega Research Foundation, [Visual guide to law enforcement and security equipment](#), 2021, 3.4, p. 71.

³⁰ Omega Research Foundation, [Visual guide to law enforcement and security equipment](#), 2021, 3.4, p. 71.

8.

Policy instructions and training

8.1 Policy instructions

Law enforcement agencies must establish clear instructions for the use of batons to minimise the risks of unwarranted harm or injury. Instructions must:

- clearly explain for which purpose and in which way the weapon is supposed to be used;
- indicate what precautions have to be taken in their use (for example, regarding use against children, older persons or persons of slim physical stature);
- include explicit prohibitions for the circumstances and manner in which they must not be used (for example, as a means to obtain compliance with an order, against a person who is only resisting passively, on a person already under control or as a means of punishment);
- warn of possible risks involved if used inappropriately (for example, when hitting the head or other “high-risk” areas);
- prohibit the use of improvised batons and any modification of an officially deployed weapon;³¹
- must require law enforcement officials to report on each use of a baton. The reports should be carefully reviewed and analysed in view of the justification of the use and data should be collected and disaggregated by ethnicity, gender, age, and in order to identify potential discriminatory trends.

8.2 Training

Law enforcement officials must be properly and regularly trained on all the points mentioned above and be proficient in using the weapons.³² Particular emphasis must be given on the principles of necessity, including the use of less harmful alternatives, as well as the required restraint and precautions to be taken to avoid excessive harm (proportionality). Only duly certified law enforcement officials should be given and allowed to use batons. Moreover, some types of hand-held batons, such as side-handled batons and telescopic batons, can be more difficult and dangerous to use and require specialist training and procedures.



*Police officers stand with their extendable batons raised.
© John Keeble/Getty Images*

31 UNODC/UNOHCHR, *Resource book on the use of force and firearms in law enforcement*, 2017, chapter 6.1., p. 78.

32 See for instance: *UN Peacekeeping PDT Standards for Formed Police Units 1st edition 2015 on baton and unarmed defense techniques*

- Law enforcement agencies must clearly instruct and train the personnel on the use of batons, including how they should be used, precautions to be taken to minimise harm and clear prohibitions when and how they may not be used.
- They should only hand out these weapons to certified law enforcement officials.
- Instructions must require to report each baton use in order to allow an assessment whether it was justified.



*Security forces attempt to disperse protesters gathering outside the entrance to the port of Lebanon's capital on 4 August 2021, on the first anniversary of the blast that ravaged the port and the city.
© Ibrahim Amro/AFP*

9.

Development and testing, trade and transfer

All weapons used by law enforcement officials, including batons, must be subjected to thorough testing to determine if they meet the required operational needs; technical requirements in terms of accuracy, precision, reliability and lifespan; and the degree of possible harm and suffering they may cause as well as possible unwarranted or unintended effects. An independent body should carry out the testing. Furthermore, each device should be subjected to an independent assessment of its compliance with international human rights law and standards, particularly in meeting the requirements of the principle of proportionality.³³

Particular attention needs to be given to the material and design of batons. For instance, a baton that can easily break bears considerable risks both for law enforcement officials and the person against whom the weapon is used. Law enforcement agencies should not simply rely on the information provided by the manufacturer as it may be inaccurate or imprecise, but make their own assessments – if necessary with the help of independent scientific and medical experts.



A selection of Chinese straight, side handled and telescopic batons © Robin Ballantyne

The size, shape and material of the weapon should be designed to minimise harm and injury. The aim should be to have an effect through their kinetic impact and not penetrate the skin, causing open wounds. Thus, design forms that increase the risk of skin penetration should be discarded from the outset.

Their use must be subject to thorough and rigorous reporting, supervision and control mechanisms to continually evaluate their effectiveness and effects, including unwarranted harm.

The trade in policing equipment must be strictly controlled against human rights criteria. Trade in inherently abusive equipment must be prohibited; licences to export equipment that can have a legitimate law enforcement use should be denied where there are reasonable grounds for believing that the equipment will be used for serious human rights violations. This should also include related training and technical assistance.

→ **All weapons used by law enforcement officials, including batons, must be subjected to thorough, independent testing to ensure they are safe and appropriate for human rights compliant use by law enforcement officials.**

33 Amnesty International – The Netherlands, Use of Force (previously cited), Guideline 6b) and c) and section 6.2.2.

10. Do's and Don'ts



DO: Law enforcement officials should:

- ✓ only use batons as a means of defence against violent attacks.
- ✓ only use batons when there is no less harmful alternative available.
- ✓ prior to using a baton, issue a clear order to stop the violence and warn about the use of force if the order is not complied with.
- ✓ target the larger muscles areas of the body (thighs and upper arms) and avoid areas where more serious injury can occur.
- ✓ be able to justify each single strike and stop using the baton as soon as they achieve the objective.

DON'T: Law enforcement officials should not:

- ✗ use batons against persons who are peaceful or only passively resisting.
- ✗ use a baton against a person already under control.
- ✗ use a baton to disperse a peaceful assembly.
- ✗ carry out "baton charges", namely chasing fleeing protesters with baton strikes.
- ✗ target "high-risk" areas (for example the head, neck, spine, throat, groin area) except in a situation where there is an imminent threat of serious injury or death that cannot be countered otherwise.