

Countershock: Mobilizing Resistance to Electroshock Weapons

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Electroshock, stun and restraint technologies are often used for torture and as tools of repression. There is much information available exposing the problems with such technologies, but little about how to be effective in challenging their use. The concept of political ju-jitsu – the process by which an attack on a non-violent resister can backfire on the attackers – is introduced and adapted to examine challenges to electroshock weapons. In order to make these weapons backfire, it is important to emphasize the value of potential targets, to expose secret dealings, to reveal the harm caused by the weapons and to communicate clearly to a wide audience. A longer-term goal is policy change to deny access by torturing states to such repressive tools. Countershock strategies and methodologies are introduced here as potential tools to create ever-expanding torture-technology-free zones.

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Introduction

Technologies that can be used for human rights abuses pose a continuing challenge. Unlike arms production and sales, which have long been a focus for peace activists, technologies used for restraint, surveillance, assault and torture have received relatively little attention. Yet the scale of production and trade in such technologies is enormous.¹ They include everything from thumbcuffs and leg irons, through crowd control weapons such as riot shields and stun grenades, to sophisticated computer surveillance systems.² Much of the research and development on so-called non-lethal weapons contributes to the capacity for human rights abuses.³ The thriving market for such technologies is revealed through the many sales fairs around the world where the latest repression technology is touted; representatives from countries with repressive governments are frequently present, as vividly revealed in *The Torture Trail* documentary.⁴

There is growing evidence that non-lethal weapons are not benign – indeed, they can be lethal – and are forming a new arsenal used primarily against the exercise of freedom, rather than in defence of it.⁵ At an expert

briefing in October 2002 between Amnesty International, European Commission officers, the Omega Foundation, police and medical experts and the United Nations Special Rapporteur on Torture, participants were told that there are 230 known manufacturers, distributors, suppliers or brokers of electroshock weapons and 69 of leg irons, shackles or thumbcuffs. The United States has the largest number of companies providing restraint technology (43), followed by Western Europe (ten). Similarly, the US has the most companies providing electroshock equipment (81), followed by the Asia-Pacific (56), Western Europe (41), Eastern-Central Europe (23), Africa (11), the Middle East (ten) and Latin America (eight).⁶ Thus the West provides the largest share of the torture technology supply pipeline with 77 per cent of the total companies actively involved in the provision of restraint technology and over half of the world's companies in the proliferation of electroshock weapons. Of course the number of companies is only one part of the story: a single company might be making scores of thousands of electroshock weapons.

These weapons provide means for restraint and torture, yet there are powerful corporate, government and public relations forces seeking to present these weapons in a favourable light and, despite rhetoric about human rights, to carry on business as usual. In such circumstances, it is important for researchers to expose what is going on and investigate how these weapons can best be opposed.

Therefore, we start with the assumption that it is important to oppose the production and trade in the technology of repression. The question is how to go about it. One approach is through government regulation. This can be valuable, but it has seldom proved effective on its own. Nor does the existence of international agreements about torture, on their own, appear to achieve very much. After all, no government admits to using torture, yet it is known that dozens use or tolerate it as a matter of policy. The focus of this article is on independent campaigning: a number of non-governmental organizations (NGOs), such as Amnesty International and Campaign Against the Arms Trade, play an important role in exposing and opposing the trade and use of repression technologies.⁷ Our aim is to assess which sorts of interventions are likely to be most effective in generating support and action.

Although there has been a large amount of research analyzing social movements, surprisingly little of it provides any insight into how to be more effective. Resource mobilization theory directs attention to the resources that movements can bring to bear, but gives little guidance on how to do this better.⁸ Political process theory looks more at the political environment, the claims that groups make and the dynamics of real-life situations.⁹ More recently, studies of 'contention' examine the complex dynamics of particular episodes in conflictual political situations.¹⁰ The main aim of social movement theory is understanding the dynamics of movements. Although there are many insights to be gained from this theory, from the point of view of activists, there is little to help figure out

how to make their campaigns more successful. Much campaigning on these issues is heuristic and repetitive, given that each new campaigning generation often has to forge its tools anew – institutional learning in peace activist communities is still embryonic.

One useful approach to the problems is through exploration of the psychological and political processes by which atrocities can be denied at the level of the individual and the state. This provides insight into why human rights organizations have such difficulty gaining support and what they can do to cut through denial.¹¹

This article approaches the topic from a different point: non-violence theory. We focus on the idea of political ju-jitsu, that is, the process by which an attack on non-violent protesters can backfire against the attackers. The following section explains the standard idea of political ju-jitsu and how the concept can be modified to deal with torture technologies. The article looks at various techniques that repression technologists and apologists have used that inhibit political ju-jitsu, such as hiding torture and denying damage from the technology. Using case studies involving electroshock, stun and restraint weapons, we show how activists can counter these tactics. In conclusion, we assess the strengths and weaknesses of political ju-jitsu as an approach in this area.

Countershock Processes

In the history of non-violent action,¹² there are numerous cases in which violent attacks on peaceful protesters have had a backfire or boomerang effect, generating outrage from observers, building greater support for the protesters and weakening commitment from the attacker group. In 1905 in Russia, soldiers shot and killed hundreds of peaceful protesters in what became known as the St Petersburg massacre. This caused outrage throughout the country and undermined the previously solid peasant support for the Tsar. In 1960 at Sharpeville in South Africa, police opened fire on black protesters (some of whom had been ineffectually throwing stones), killing 69. The reverberations against the regime were powerful world-wide, leading to rallies and boycotts.

Gene Sharp, the world's foremost non-violence researcher, has called the process by which such attacks lead to greater support for the protesters 'political ju-jitsu' because it is analogous to the sport in which an opponent's strength and weight are used against them.¹³ He describes nearly 200 different methods of non-violent action, including speeches, rallies, strikes, boycotts, sit-ins and fasts, and described the dynamics of non-violent action as consisting of a number of typical stages:

- Preparation;
- Challenge that leads to repression;
- Non-violent discipline in the face of repression;

- Political ju-jitsu;
- Success through conversion, accommodation or non-violent coercion; and
- Redistribution of power.

He derived this framework from examination of a large number of non-violent campaigns. Although much of this framework of the dynamics of non-violent action is relevant to campaigns against repression technologies, we restrict the focus of this article to the key process of political ju-jitsu, which we also refer to more simply as 'backfire'.

Political ju-jitsu operates on three main groups. Observers, not involved in the conflict, may be outraged by the attack. The protesters are usually acting on behalf of a wider constituency, which can be called the grievance group; the attack can serve to mobilize much greater support from this group. Finally, within the ranks of the attacker group, the attack may cause some to reassess or moderate their support. For example, in 1930 Gandhi led a march to the sea where protesters made salt, a challenge to the British government's salt monopoly. In this dramatic civil disobedience, protesters endured brutal attacks by police without resisting. Reports by journalists exposed British claims that protesters were faking their injuries. The campaign galvanized backing for the independence movement within India, generated support in countries around the world,¹⁴ and severely weakened the resolve of leading British figures for its colonial policy.¹⁵

These processes are not automatic; they are only observed tendencies. For example, during the salt *satyagraha* some of the police were provoked by the non-resistance of *satyagrahis* and became even more brutal in their attacks. Political ju-jitsu appears to rely on a basic human opposition to injustice.¹⁶ The key is not violence *per se*, but rather the perceived disproportionality between the actions of the protesters and those who attack them. If even a few protesters use violence, this can severely undermine the potential for backfire. The brutal repression by the British colonial government in Kenya, including torture and numerous concentration camps, generated little concern internationally because it was seen as justified by the violence of the armed wing of the Mau Mau rebellion.

The concept of political ju-jitsu can be applied to torture, with some modifications. The first thing to note is that torture, by nature, can be expected to trigger outrage. On the one side is the torture victim, who is unable to resist, much less hurt, the torturer. On the other side is the torturer, inflicting pain and harm. Seen as a tableau, without the participants being identified, many people perceive the situation as inherently unjust. Unless the victim can be claimed to have done something equally abhorrent, torture is widely seen as evil. This helps explain why no government acknowledges using torture and why Amnesty International and other human rights organizations have such a high level of participation and credibility.

Not everyone sees torture as a crime in itself. Some people identify with torturers; others assume that victims must have done something to deserve their treatment. Many people implicitly believe that the world is just; because torture of an innocent victim is a brutal challenge to this belief, some will assume the victim must be guilty of something.¹⁷

For torture to backfire to the maximum extent, the victim must be believed to be worthy of respect, simply as a human being or even better as a defender of freedom. This helps explain why Amnesty adopts as prisoners of conscience only those who have not used violence. Not all prisoners of conscience are victims of torture, but the rationale still applies.

Electroshock weapons can be used to inflict torture in a conscious fashion, but they can also be used for other purposes, such as crowd control. Even so, political ju-jitsu can be invoked if people believe that serious pain or harm is being inflicted in a highly unequal situation.

The standard image of non-violent action has protesters putting their bodies on the line in public spaces, with political ju-jitsu occurring when they come under physical attack, such as when participants in a rally are beaten by police. We call this the canonical form of non-violent action. Many forms of non-violent action are quite different from this – for example, boycotts involve a withdrawal rather than a presence – but the canonical form is influential in shaping thinking about the dynamics of non-violent action. For our purposes, it is helpful to contrast political ju-jitsu with the analogous process involving torture, which could be called ‘torture backfire’ or ‘torture ju-jitsu’. Since we focus on electroshock weapons, we let the part stand for the whole and adopt the term ‘countershock’ for the backfire against torture.

In canonical non-violent action, those taking non-violent action are the ones who come under attack. In the case of torture, this configuration is uncommon. Only occasionally are torture victims engaging, at the time, in non-violent action (they might be fasting, for example). Nor need they have been engaged in non-violent action previously to produce a backlash. They could be, for example, non-activist members of a targeted minority group.

In canonical non-violent action, activists are members of a grievance group and are the primary driving force for social change.¹³ Third parties and concerned members of the attacker group are less likely to be leaders in the change process. In the case of torture, though, third parties, namely those concerned about torture itself, are usually the key agents.

Non-violent action is frequently a means to an end, rather than an end in itself, with the end being a cause such as nuclear disarmament, protection of forests or equality for women. Attacks on non-violent activists can boomerang, leading to greater support for the cause. In contrast, in the case of torture, the ultimate goal of groups such as Amnesty is the total elimination of torture itself. An intermediate goal is ending the trade, training, finance and infrastructure used to implement the process. This can be aided by building awareness of the issues and creating specialist expertise

so that future work is more focussed, powerful and effective. A new generation of 'activist researchers' is emerging whose primary mission is to create an alternative paradigm of the illegitimate practices of state power using small jigsaw puzzle pieces to build a wider mosaic until an alternative image is produced. The techniques of countershock can be considered to be a technology in themselves, can be replicated and will proliferate both vertically and horizontally. One of the purposes of publications like this is to further catalyze this process.

There is yet another dimension to countershock, namely the horror of even the possibility of torture. When people witness or hear about the existence of torture technology – even such unsophisticated technology as restraints and apparatus for causing electrical shocks – many are appalled. They can imagine such technology being used and are outraged by the very thought. Thus torture technology and preparations for torture can operate to mobilize support in a sort of 'pre-action backfire'. This can occur in canonical non-violent action too, but the process is more vivid and potent in the case of torture. Such pre-action backfire is vital in creating a network of support for human rights defenders since few victims of torture have the psychic resources to create a backfire effect during the time of their incarceration without the amplifying effects of NGO networks. Even afterwards, individuals may be too damaged to speak out immediately.

One powerful exception was the Tibetan monk Palden Gyatso, who endured 33 years of imprisonment by the Chinese authorities for supporting the independence of Tibet and was tortured every day. He told one of the present authors he was so hungry that he ate his boots. On his release he travelled to Northern India to seek the permission of the Dalai Lama in Dharamsala to go back to his prison and buy the electroshock and other torture instruments that were used upon him. In a powerful, perhaps one of the most powerful literal examples of countershock, this incredibly brave monk has subsequently toured the world to tell his story. By displaying the implements used to torture him, he acts politically against the perpetrators of these human rights crimes and their Chinese masters. His story has received widespread publicity and illustrates two powerful effects.¹⁸ One is the role of NGOs like Amnesty in freeing political prisoners, which Gyatso acknowledges in his own case. The other is the role of exemplars in achieving political change – Amnesty used Gyatso's case in its own effective 'Stop Torture Campaign'.

We have enumerated quite a few differences between conventional political ju-jitsu and backfire against torture, which we call countershock. These differences, though, should not divert attention from the core similarities: an attack on a defenceless person is widely seen to be unjust and can generate greater support for the cause of those being attacked.

Inhibiting versus Mobilizing Countershock

Given that the use of torture is likely to generate outrage, it is predictable that those involved in torture systems will use various means to inhibit this process. Those involved include the people who inflict torture themselves (torturers), governments that knowingly sponsor or tolerate torture, scientists and technologists who develop technologies that can be used for torture and companies that manufacture and sell torture technologies. The focus here is intervention at the point of production and sale, so the key players are corporate and government leaders and related apologists and public relations agencies. We look at six of the ways these players seek to inhibit countershock:

- Hiding torture;
- Devaluing the opponent;
- Denying that technologies are being used for repressive purposes;
- Denying that technologies can or do cause harm;
- Claiming that proper procedures are being followed; and
- Attempting to intimidate those who expose participants in the torture system.

For each method, we also look at ways for activists to counter these tactics and to give full play to the process of countershock.

Method 1: Hiding Torture

If outsiders are not aware of events, then the potential for a backlash is minimized. Some regimes cause dissidents to 'disappear', which is harder to mobilize against than open or acknowledged killings. Minimizing backlash explains why torture is nearly always carried out in secret: if done openly, it would generate widespread revulsion. For the same reason, very few torturers try to justify their actions in public.

Publicity is a powerful counter to secret atrocities. In 1991 in Dili, East Timor Indonesian occupying troops killed hundreds of East Timorese who were peacefully protesting at a funeral. Because of rigid censorship, this massacre might only have been known through word of mouth except that a western journalist with the pseudonym of Max Stahl videotaped the killings and smuggled the tape out of the country. Once revealed on television around the world, the Dili massacre triggered a huge increase in international support for the East Timorese liberation struggle.¹⁹ Similarly, the public exposure of torture is central to challenging it.

Stahl was later the cameraman for the UK comedian Mark Thomas who posed as a public relations consultant to torturing states at an arms exhibition in Defendory, Greece in 2000. There he came face to face with General Wojoyo who had authorized the Dili massacre. It might have been understandable if Stahl had been provoked to an attack, but instead he watched Thomas persuade the general and his staff to do ridiculous

callisthenics that were later broadcast on British television. Thomas advised the general that their credibility was being affected by Amnesty's publicity about their human rights abuses and if they denied everything no one would believe the regime. Thomas gave a list of atrocities which the regime had been guilty of in East Timor and said to Wojojo if you admit one, people will believe you are being honest and willing to change. Stahl was then put into the position of filming the first admission of torture by the Indonesian military authorities and, in an astonishing twist, Thomas was offered the job of their public relations consultant in follow-up talks in London. When broadcast, this programme caused outrage and ridicule and played a role in firming up opposition to the illegitimate Indonesian military role in Timor.

Method 2: Devaluing the Opponent

Attacks seem more legitimate if the target is seen as undeserving, evil or less than human. Therefore, devaluing the opponent is an effective way of minimizing backfire. For example, if someone is deemed to be a terrorist, many people would consider it acceptable to treat them in ways that otherwise would be unpalatable. The label 'terrorist' can short-circuit critical thinking and humane responses, despite the fact that there is no standard definition of terrorism. In essence the term has become a way of stigmatizing enemies rather than objectively describing actions.²⁰ For example, some environmental protesters have been dubbed 'ecoterrorists' despite their adherence to non-violence. Other groups may be devalued as well and thus become easier targets for use of torture technologies. In many societies, prisoners have a very low social status. Some members of the population believe prisons should be places for punishment rather than rehabilitation. Such attitudes help to inhibit the backlash from using electroshock weapons against prisoners. Various methods can be used to counter devaluation of the opponent, including highlighting their good points, emphasizing common bonds of humanity and focussing on the injustice of the attack.

Method 3: Denying Use for Repressive Purposes

Companies that produce electroshock weapons commonly deny that their products are used for repression. What is the problem with producing a technology if it is used for 'legitimate' purposes? In the Alice in Wonderland of definitions where words mean exactly what a company spokesperson says they do, no one actually admits to making torture technology or ever confesses to using it: ergo it does not exist. Many of the technologies used in torture have other names. Leg irons are called 'jumbo cuffs' to get around restrictions on exporting leg irons. Electroshock prods – what Helen Bamber, founder of the United Kingdom Medical Foundation for Victims of Torture, has called the 'universal tool of the torturer' – are in other security quarters simply called non-lethal weapons for facilitating

'compliance through pain'. They might be sold to women, for example, as anti-rape devices. Indeed, some companies have only sold them for such purposes and can back up that claim with evidence. Any effort to make a universal claim for the undesirability of such technology will undoubtedly draw legal fire from such 'legitimate' businesses.

The obvious counter to such claims is to present evidence that specific weapons are sold to named repressive regimes and used for torture. It is especially powerful when victims are willing to come forward and bear witness. If a company's denial can be unmasked, people will be outraged. In other words, countershock will be unleashed. In the UK, investigative journalists have played a critical role in exposing corporate collusion. Revelations surrounding *The Torture Trail* programme were incredibly damaging to companies such as ICL Technical Plastics, Royal Ordnance and Hiatt and COPEX and led eventually to political reform.²¹

Official data sources can make for dry reading, but often contain valuable campaigning data. In 1993 the Omega Foundation made a Freedom of Information request via the Federation of American Scientists for the following export administration codes:

(OA82c) * saps, thumbcuffs, thumbscrews, leg irons, shackles and handcuffs, specially designed implements of torture, straight jackets etc.

(OA84c) * Stun guns, shock batons, electric cattle prods and other immobilisation guns.

The statistics from 1991–93 revealed that the US Department of Commerce had approved over 350 export licences under category OA82c and 2000 licences under category OA84c. The material released was highly embarrassing. Although the latter category also included shotgun shells, people assumed that all the licences were for electroshock weapons. The negative media coverage and subsequent Amnesty reports persuaded the Department of Commerce to further disaggregate these categories.²²

Method 4: Denying Damage from the Technology

Companies that produce electroshock weapons commonly say that their products are 'safe': there is no lasting harm from their use and any pain or other effects are minimal, transient or otherwise 'acceptable'. Such claims can be countered by revealing the actual consequences of the weapons, which often cause lasting damage to susceptible individuals or due to improper use. Furthermore, even when weapons do not cause lasting physical damage, their use can constitute torture.

A case in point is electroshock belts and restraint chairs in US prisons. Amnesty gathered evidence of prisoners who were tortured to death in restraint chairs in US jails. Subsequent legal cases used the discrepancies between actual use and manufacturers' warnings. In one key case the warning stated that:

The purpose of the Prostraint Violent Prisoners Chair is to provide law enforcement and correctional officers with the safest, most humane and least psychologically traumatising system for restraining violent, out-of-control prisoners ... The chair is not meant to be an instrument of punishment and should not be used as such.²³

Similarly, Amnesty has challenged the use of remote control induction of electric shock via the use of body belts that use kidney-proximate probes to pulse 50,000 volts through a prisoner, by arguing that devices psychologically damage, humiliate and degrade prisoners.²⁴ Amnesty's campaign against this weapon included a highly successful poster featuring Muhammad Ali and the words:

25 times in his career, Muhammad Ali fought for a belt. Now he's fighting against one. Even 'the greatest' couldn't stand up to today's stun technology. Around the US, police and prison guards are using electro-shock weapons of up to 50,000 volts on suspects and prisoners as young as 17.

Stun belts now form part of the European Union proposed ban list.

Activist researchers need to use multi-method approaches to challenge dubious assumptions. These include empirical investigations such as those of Brian Rappert who joined a taser instructors' course over two days and wrote up his findings that only one trainer was willing to take the full five-second jolt – the taser default setting – and not one was willing to repeat the experience.²⁵

Such material may become even more important in the future if taser technology is used in anti-personnel mines. Refugees and asylum seekers might be captured at borders via devices paralyzing them until troops arrive, potentially for hours. The effects are likely to induce severe post-traumatic stress disorder in anyone who is unfamiliar with such weapons, especially in the elderly, the infirm and vulnerable persons such as children.²⁶

Activist researchers need to be familiar with the literature in order to challenge claims of alleged harmlessness, for example, raising the effects of stun weapons on pacemakers, and the delayed neurological sequelae of electrical injuries,²⁷ including the possibility of motor neurone disease.²⁸ It is also essential to have the requisite scientific approach to deconstruct the claims of manufacturers who have continued to use data gathered for much less powerful devices to justify the safety of new generations of this tetanizing technology.⁶

It can be helpful to use counter-experts to challenge denials of damage. For example, it may not seem very damaging to restrain prisoners, put hoods over their heads and turn on mild white noise. However, experts concluded that such a regime could be highly damaging. Given a convenient label, 'sensory deprivation', this form of treatment became

widely acknowledged as a form of torture.²⁹ Until the early 1960s, disparate elements of sensory deprivation, such as denial of sleep, had been used in pre-interrogation softening-up procedures. By the 1970s, new methods were being explored by states wishing to refine these techniques using the social, psychological and pharmacological sciences. The focus of these modern methods is to cause sufficient suffering to intimidate and break the will of the prisoner, without leaving any embarrassing physical evidence of brutality. Some of these individual techniques were originally melded into a technology by the British in the 1970s,³⁰ and are reported as being used on al Qaida suspects being processed by the US government in Guantanamo Bay.³¹ The military utility of these techniques is that they can fool the public that they were not technically torture.

If there is recognition of what measures are actually being applied, the mobilization of scientific evidence and authority can be used to reinvigorate countershock. In the 1970s, scientists from the then British Society for Social Responsibility in Science introduced a new framework that they called 'the technology of political control'.³² One of their number, Tim Shallice, recognized that these techniques had roots in the studies of sensory deprivation; whilst not pure sensory deprivation, the techniques mimicked its effects causing visual, auditory, tactile and kinaesthetic deprivation.³³

To maximize countershock, then, it is vital to mobilize scientific evidence and expertise to reveal the harmful effects of electroshock weapons.

Method 5: Claiming to Follow Procedures

Companies that produce and sell electroshock weapons often justify their actions by the claim that they are obeying the law, following official procedures and only doing what has been approved. They say that complaints should be made to the proper authorities. This is a very effective way to defuse countershock. The focus is taken away from a highly unequal and unjust situation, namely the use of damaging weapons against defenceless victims, and redirected to an arena that is seen as fair and balanced, namely courts and bureaucratic regulations. Activist researchers are beginning to challenge the following-procedures line by directly learning what standard operating procedures are being advocated in training. For example, Brian Rappert, following his training experience, warned of the danger of these weapons being used routinely as instruments to ensure compliance through pain.

Indeed, company literature advocates the 'early, aggressive use' of the Taser in order to minimise injuries to everyone involved. But that means the Taser could easily be employed as a convenient way of gaining compliance, rather than as a last resort for dealing with people who pose a threat.²⁵

He also spoke of the training based on the practice in the US of using the taser to get unruly individuals into police cars:

Give a shock to the side of the knee, for instance, and a suspect quickly folds. You don't have to fire the barbs to do this: remove the barb cartridge, and the Taser becomes a stun gun that can deliver a shock directly to the body.²⁵

The emergence of such *ad hoc* procedures undermines the claim that the weapons are only used as substitutes for lethal force and opens up the debate about street punishment routines.

Without such direct-access field research by articulate experts, the alternative may be that of attempting to act through courts and bureaucracies, which is slow, expensive, procedural and very unlikely to produce justice or action. Meanwhile serious harm continues, but many people perceive that laws and regulations are fair. Thus, the potential for generating countershock through legal and bureaucratic interventions is very low if followed in isolation.

Furthermore, these channels put a premium on insider knowledge of courts and bureaucracies, so that most activists have little role to play, further reducing the potential for popular action against torture. However, some legal actions initiated by knowledgeable human rights groups can form a powerful complement to activist action rather than a substitute for it.

This assessment of official channels is supported by the fact that it is hard to find a case where laws and regulations provided a prompt and effective counter to the production and trade in torture technologies. In principle, laws and regulations should offer a potent avenue for dealing with the problem, but in practice there is a litany of shortcomings and failures. This highlights the importance of mobilizing countershock as a crucial factor in campaigns.

For example, recent EU efforts to control the proliferation of such technologies only came about because NGOs such as Amnesty vigorously lobbied governments world-wide to 'Stop The Torture Trade'.³⁴ Their catalyst was the previously mentioned television documentary which revealed a British-sponsored *Torture Trail*. Senior sales staff from Royal Ordnance, owned by BAE Systems, were shown offering electroshock batons for sale and admitting that they had sold 8,000 to Saudi Arabia as part of the *Al Yamamah* deal. A director of the Scottish firm ICL Technical Plastics, Frank Stott, also admitted on the programme that he had sold thousands to the Chinese authorities, 'who had copied them'. The European Parliament responded by calling on the Commission to incorporate these technologies within the scope of arms export controls and ensure greater transparency.

In a June 2000 report to the European Parliament's Scientific and Technological Options Assessment (STOA) Committee, the Omega

Foundation formally requested that the European Union introduce 'severe restrictions on the creation, deployment, use and export of weapons which cause inhumane treatment, superfluous injury or unnecessary suffering', and stop the dubious practice of issuing CE quality kite markings on foreign electroshock weapons.⁵

Following further campaigning by Amnesty, the European Commission, in a landmark move at the end of 2002, published a draft regulation to ban member states trading in 'certain equipment and products which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment'. When formally adopted, the measure will completely ban equipment that has virtually no practical use other than capital punishment, torture and other cruel, inhuman or degrading treatment or punishment. The export of technologies such as gallows, guillotines, electric chairs, gas chambers, lethal automatic drug injection systems, electroshock belts, leg irons and individual shackles exceeding 190mm will be outlawed. The last measure is important: British companies supplied medieval ironmongery to the slave trade and they continue to manufacture similar material. As recently as December 2002, Birmingham journalists reported that they had bought leg irons in the US which they say looked identical to oversized handcuffs made in the UK.³⁵ Although the export of leg shackles was outlawed in the UK in 1997, the government granted six licences for equipment within this category in 2001. For the first time this new European Council regulation would ban all such trade, returning the artefacts of barbarity back to museum pieces.

A second class of equipment, including portable electroshock devices, restraint chairs and shackleboards, as well as certain riot control devices using the disabling chemicals CN, CS, OC, Pava and CR, will require prior authorization by an EU committee. Since equipment of this type has been used in human rights abuses and push-button torture, there should be a presumption of denial if there are reports of human rights violations in the receiving country.³⁶ An annual 'activity report' on applications, transactions and denials will be made to the Commission, but it is yet unclear whether this will be made public. If people are to believe in the transparency of this new process, it should be.

Once formally approved, this regulation is revolutionary in its scope since it provides for prior scrutiny by an EU committee, a measure of accountability way beyond what is being given to the UK parliament in regard to its current proposed arms export regulations. It remains to be seen whether other vested interests will lobby to oppose measures to make the EU territories torture-technology-free zones. It is probable that the UK government for one will resist such 'interference' by Brussels in having effective pre-sale scrutiny measures to make this ban watertight, but that very obstructiveness can be used by activists as a campaigning issue.

Governments wishing to resist the agreement of a more effective control regime will have a difficult time politically 'spinning' such resistance –

especially after the UN Special Rapporteur on Torture proposed new measures to take this initiative world-wide at the UN in March–April 2003.³⁷

Could this mean the end of torture technologies, as we know them? That is unlikely. It is more likely that technological innovation will spawn new tools for the torturers designed to get around any controls. EC regulators have warned of the need to take technological developments into account:

In this regard, particular attention will have to be given to law enforcement equipment that is presented as ‘non-lethal’, which could be more harmful than claimed by its manufacturer and therefore lend itself to abuse for the purpose of torture ...

Indeed, new technologies of this type enable systematic human rights abuse to be more automated, moving from one-on-one procedures to a situation where one operator can induce pain and paralysis on a mass scale. Already, ‘non-lethal weapons’ symposia in 2003 in the US, UK and Germany will discuss weapons that use microwaves to heat humans up to unbearable temperatures, that use wireless or plasma tasers to head them off at borders and that use painful electric shocks to paralyze muscle function.³⁸

Therefore activists should not see such legal instruments as ends in themselves. They are merely milestones, albeit important ones. What really matters is the changing situation on the ground, rather than what should be happening procedurally. In this regard, countershock has a vital role to play in calling malefactor companies and state agencies to account. Countershock approaches should increase during such times of legal breakthrough and the current signs are that NGO research and action groups like Amnesty will increase their activity in the wake of such decisions.

Method 6: Attacking Critics

The nature of torture is so horrifying that any public association with it is seen as contaminating and is both politically and economically potentially disastrous for the agencies involved. For these reasons, countershock can be profoundly effective but also dangerous to the user due to attempts to prevent it. Corporate and government lawyers will actively punish any NGO that gets critical facts wrong, cannot properly back up a story, or inadvertently libels associated individuals and related companies in published allegations. Just as in ju-jitsu, if the opponent regains the advantage and puts an adversary off balance, the process of countershock is reversed. Legal attacks can be potentially a major diversion of effort, so great care needs to be exercised to make sure the process is as legally fireproof as possible.

In the aftermath of *The Torture Trail* documentary, the Campaign Against the Arms Trade (CAAT) carried a less-than-precise editorial which mentioned the collusion of COPEX in promoting electroshock. The company threatened legal action. The wider NGO research community

provided further evidence from field research that not only prevented the legal action for libel proceeding, but in a powerful boomerang process earned CAAT many thousands of pounds in damages for further campaigning.

Indeed it might be argued that one of the aims of the countershock technique is to draw the opponent into unwise actions. Often this happens by accident in follow-up defence actions. For example, following the furore after the broadcast of *The Torture Trail*, the programme makers, who had operated a complex and daring series of 'stings' on British suppliers of electroshock technology, were accused by then Deputy Prime Minister Michael Heseltine of contriving the evidence. Most programme makers would have just shrugged this off, but Martyn Gregory sued in the High Court, won £50,000 in damages and used this to make a successful follow up programme, *Back on the Torture Trail*, which highlighted how brokers of such weapon deals can get around government restrictions by operating extra-territorially.

Legal action is just one of many means of attacking critics, which include rumour-mongering, harassment, ostracism and dismissal; the form of attack depends primarily on the resources available to the attacker. To counter such attacks, standard advice given to whistleblowers, especially documenting and exposing attacks, is valuable.³⁹ The general type of ju-jitsu tactics used against torture technology can also be used against attacks on the critics of such technology.

Conclusion

Electroshock weapons cause immense physical and psychological harm to their victims. The challenge for those opposed to these and other torture technologies is to develop effective means of resistance. This article has described one particular approach, built on most people's intuitive repulsion against torture. In essence, torture can be made to backfire simply by exposing it to potentially sympathetic audiences. We call this backfire process countershock.

However, torturers and their backers and apologists realize the potential for backfire and accordingly adopt various means to inhibit it. We have described six techniques commonly used to inhibit countershock: hiding torture, devaluing the victim, denying that technologies are used for torture, denying that technologies cause harm, claiming to follow procedures and attacking critics. In each case, there are methods that can be used to challenge these techniques and to maximize countershock.

It is important for human rights activists and sympathetic researchers to understand the techniques and counter-techniques that we have described here. However, we have not attempted an exhaustive classification, and it is likely that new techniques will be developed in the future. Of more fundamental importance is understanding the general dynamics of

countershock. At its core, in this case, is a widespread revulsion against torture as an inhuman and unjust practice. The key is to mobilize people by using this revulsion and to counter the multitude of techniques used to inhibit it.

Countershock is important, but nevertheless it is only one component of social change. Mobilizing immediate resistance to the technology of repression is vital, but for the long term the challenge is to create social structures and attitudes that make it impossible to create or use such technology.

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