

To:
United Nations Committee against Torture
Attn: Mr João Nataf
UNOG-OHCHR
CH-1211 Geneva 10
Switzerland

Your ref. :
Our ref. : SPF20130416
Date : April 16, 2013
Subject : Submission to the UN Committee against Torture on the Netherlands

Dear Committee Members,

In order to facilitate an effective dialogue between the Committee against Torture and the Netherlands in May 2013, the Privacy First Foundation would hereby like to draw your special attention to the topic of taser weapons.¹

Despite widespread concerns in the Netherlands about foreign (e.g. American) use of electronic taser weapons, Dutch police arrest teams have steadily been equipped with taser weapons since May 2009. In September 2012, upon earlier request by Dutch politician Geert Wilders,² Dutch Minister of Security and Justice Ivo Opstelten went even further by announcing plans to introduce taser weapons for the entire Dutch police force, including all regular police officers.³ A national pilot project to this effect will be conducted in the second half of 2013.⁴ These developments have met with strong criticism in Dutch society as well as in politics, for example by Dutch social-liberal opposition party D66 which urged the mayor of Amsterdam not to participate in any such pilot project.⁵ In addition, even the Dutch Police Union (*Nederlandse Politiebond*) has publicly doubted the necessity of large-scale introduction of taser weapons.⁶ Furthermore, Amnesty International has reported that, in

¹ Since the topic of taser weapons (a.k.a. stun guns or electro-muscular disruption devices) is also included in the Dutch civil society report by NJCM *et al.* for this session, this letter is mainly meant to highlight and complement this topic and to elaborate the point of view of the Privacy First Foundation.

² See *Kamerstukken II 2011/12*, 33000, note 1, 22 September 2011, <https://zoek.officielebekendmakingen.nl/h-tk-20112012-3-7.html> (Dutch Parliamentary documents).

³ See *Kamerstukken II 2012/13*, 29628, No. 330, <https://zoek.officielebekendmakingen.nl/kst-29628-330.html> (Dutch Parliamentary documents).

⁴ See Dutch national newspaper *Telegraaf*, 12 March 2013 (p. 8): *Schokwapen laat op zich wachten* ('Shock weapon still long in coming').

⁵ See local TV station AT5, 19 March 2013: *D66 wil geen tasers voor politie* ('D66 does not want tasers for police'), <http://www.at5.nl/artikelen/98714/d66-geen-tasers-voor-amsterdamse-politie>. See also *Vrij Nederland* magazine, 9 October 2012: *Een taser voor elke politieagent. Is dat wel verstandig?* ('A taser for every policeman. Is that sensible?'), <http://www.vn.nl/Bladwijzers/Bladwijzer/Stroomstoten.htm>.

⁶ See e.g. NOS (Netherlands Broadcasting Foundation), 29 September 2012: *Opstelten: taser voor alle agenten* ('Minister Opstelten: tasers for all police officers'), <http://nos.nl/artikel/423898-opstelten->

the United States alone, 500 people have died since 2001 from the use of taser weapons by American police officers and that “the majority of those who died were not a serious threat when they were shocked by police.”⁷ This shows that, despite their alleged ‘non-lethal’ character, the use of taser weapons by police can easily result in excessive, lethal use of force. Taking into account the current lack of proper weapons training for Dutch police officers,⁸ large-scale introduction of taser weapons in the Netherlands could result in comparable numbers of unnecessary deaths. Apart from these lethal effects, national introduction of taser weapons will also lead to serious physical damage (e.g. heart defects) and mental harm (psychological trauma) to citizens. Hardly leaving any external scars, chances of subsequent medical detection, police accountability and judicial scrutiny will be limited. In today’s Dutch society, another major risk lies in discriminatory use of taser weapons which will disproportionately affect certain minorities through ethnic profiling and targeting. In the view of the Privacy First Foundation, the use of taser weapons by police can therefore easily amount to torture and/or other cruel, inhuman or degrading treatment.⁹ This leads us to the following recommendation:

We recommend the Committee against Torture to urge the Netherlands to relinquish the use and further introduction of taser weapons, the impact of which on the physical and mental state of targeted persons violates Articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Yours sincerely,

Vincent Böhre
director of operations
Privacy First Foundation

[taser-voor-alle-agenten.html](http://nos.nl/audio/423967-dit-is-incidentenpolitiek.html); NOS, 29 September 2012: *Dit is incidentenpolitiek* (‘This is politics based on incidents’), <http://nos.nl/audio/423967-dit-is-incidentenpolitiek.html>.

⁷ Amnesty International, *USA: Stricter limits urged as deaths following police Taser use reach 500*, press release 15 February 2012, <http://www.amnesty.org/en/news/usa-stricter-limits-urged-deaths-following-police-taser-use-reach-500-2012-02-15>. See also Amnesty International, *Less than lethal? The use of stun weapons in US law enforcement* (December 2008), <http://www.amnesty.org/en/news-and-updates/report/tasers-potentially-lethal-and-easy-abuse-20081216>.

⁸ See e.g. NOS news reports *supra* note 6; NOS, 19 October 2012, ‘Agenten trainen niet op stress’ (‘No stress training for police’), <http://nos.nl/artikel/430954-agenten-trainen-niet-op-stress.html>; Dutch national newspaper *Trouw*, 26 November 2012: ‘Te weinig schiettraining bij politie’ (‘Too little police firearms training’), <http://www.trouw.nl/tr/nl/4492/Nederland/article/detail/3353986/2012/11/26/Te-weinig-schiettraining-bij-politie.dhtml>. See also A. Nieuwenhuys, *Effects of anxiety on police officers’ shooting behavior under pressure* (doctoral thesis, VU University Amsterdam 2012), <http://dare.ubvu.vu.nl/handle/1871/39304>.

⁹ Cf. relevant concluding observations by the UN Committee against Torture (CAT) as well as the UN Human Rights Committee (CCPR): UN Docs. CCPR/C/USA/CO/3/Rev.1, para. 30 (United States 2006), CAT/C/PRT/CO/4, para. 14 (Portugal 2008), CCPR/C/AUS/CO/5, para. 21 (Australia 2009), CAT/C/ESP/CO/5, para. 27 (Spain 2009), CCPR/C/NZL/CO/5, para. 10 (New Zealand 2010), CAT/C/AUT/CO/4-5, para. 17 (Austria 2010), CAT/C/FRA/CO/4-6, para. 30 (France 2010), CCPR/C/PRT/CO/4, para. 10 (Portugal 2012) & CAT/C/CAN/CO/6, para. 21 (Canada 2012).