

LETHAL IN DISGUISE 2

How Crowd-Control Weapons Impact
Health and Human Rights

Blunt Force Weapons
(Batons)



BLUNT FORCE WEAPONS (BATONS)

PORTLAND, OREGON - NOV 17: POLICE IN RIOT GEAR HOLDING THE LINE IN DOWNTOWN PORTLAND, OREGON DURING A OCCUPY PORTLAND PROTEST ON THE FIRST ANNIVERSARY OF OCCUPY WALL STREET NOVEMBER 17, 2011. JPL DESIGNS|SHUTTERSTOCK

Weapon profile

The baton is perhaps the iconic police weapon, used as a symbol of authority, as a defensive tool, and as the most basic offensive armament available to police personnel throughout policing history. The classic baton is most broadly defined as a club-like, handheld, blunt, striking device, and many variations of the classic truncheon exist. There are other weapons that also cause blunt force trauma and are included in the analysis of these weapons in this section. These include the expandable baton, *tonfa* or side-handle baton, *sjambok* (rigid whips), and *lathi* (long sticks),²⁴⁸ as well as innumerable objects with the potential to be used as clubs

or sticks. Blunt force weapons, in this broader sense, are generally constructed out of wood, rubber, PVC, or metal alloys and function through blunt trauma, with the level of injury dependent on a number of factors.

Mechanism of action

Blunt force weapons are typically classified as defensive weapons, and a variety of blocking or parrying techniques can be used to accomplish this task. Blunt force weapons are also offensive impact weapons and function by transferring kinetic energy to a person to produce pain and temporary motor dysfunction.²⁴⁹ They are typically used in this capacity to strike by swinging the weapon

248 Amnesty International, "Blunt Force: Investigating the misuse of police batons and related equipment," *Amnesty International*, September 2021, <https://www.amnesty.org/en/latest/research/2021/09/blunt-force/>.

249 Andrew Borrello, "Police Impact Weapons: A Foundation for Proper Selection," *Law and Order*, August 1999, v. 47, no. 8, p. 65-71, <https://www.ojp.gov/ncjrs/virtual-library/abstracts/police-impact-weapons-foundation-proper-selection>. See, also, Aled Roberts et al., "Impact characteristics of two types of police baton," *Forensic Science International*, June 1994, v. 67, no. 1, p. 49-53 [https://doi.org/10.1016/0379-0738\(94\)90411-1](https://doi.org/10.1016/0379-0738(94)90411-1).

with one or two hands against a targeted body part, often producing much more force than hands alone could.

Studies of typical duty-length batons in the United Kingdom and Canada (0.6-0.7 m) show comparable levels of peak impact forces between PVC, wood, and metal batons constructed for police use. By design, however, longer weapons impart greater impact by increasing the length of the lever.²⁵⁰ A one-metre-long wooden stick weighing approximately 0.4kg can transfer in excess of 200 joules of energy to a target at speeds of over 30 metres per second.²⁵¹ Given the force multiplication involved, strikes are typically aimed away from the head, where strikes could be fatal; protocols dating to the 1960s advise against strikes to the head and other sensitive body parts.

In protests, batons are frequently employed with a two-handed grip, with both hands grasping opposite ends of the baton. The baton can be used to shove and strike with the butt ends. Batons wielded in this manner can also be used for joint locks or chokeholds and can be used to apply directed pressure to parts of the body as part of pain compliance techniques.

All blunt-force weapon strikes must be deliberately targeted by the user. Thus, the potential for “accidental” strikes is low.

However, peculiarities in the designs of police batons create scenarios in which they may be misused. Police directives regarding batons often mandate strikes be targeted at the extremities. To do this, side strikes (swinging the baton in a horizontal to a subhorizontal plane) are necessary. However, longer weapons can be difficult to deploy in this fashion, especially in crowds, resulting in their being used in an overhand strike where the baton is swung in a vertical plane. This use makes strikes to the head much more likely.

The tonfa, or side-handle baton, is a t-shaped baton featuring a small handle projecting away from the main body of the baton. Used properly, it is held either by the handle as a defensive tool, or by the main body with the handle close to the hand of the user. Used improperly, with the side-handle near the striking end of the baton, the weapon becomes a hammer. Reports from South Africa²⁵² and Italy²⁵³ detail how the tonfa has been used in this manner to cause severe injuries.

Certain blunt-force weapon tactics can expose nonviolent individuals to the risk of police assaults. The police baton charge—a coordinated rush by baton-armed police to disperse crowds through pain and intimidation—creates a chaotic environment in which any individual may be a target for

250 Pierre Gervais et al., “Comparative analysis between police batons,” *Forensic Science International*, January 1998, v. 91, no. 1, p. 7-17, [https://doi.org/10.1016/S0379-0738\(97\)00177-1](https://doi.org/10.1016/S0379-0738(97)00177-1).

251 Florian Sprenger et al., “The influence of striking object characteristics on the impact energy,” *International Journal of Legal Medicine*, 2016, v. 130, p. 835-844 <https://link.springer.com/article/10.1007/s00414-015-1268-1>.

252 David Bruce, “The use of less-lethal weapons in South African prisons and crowd management,” *Institute for Security Studies Monographs*, November 2019, monograph 201 <https://hdl.handle.net/10520/EJC-1d321dbe67>.

253 Nick Davies, “The bloody battle of Genoa,” *The Guardian*, 16 July 2008, <https://www.theguardian.com/world/2008/jul/17/italy.g8>.

police baton strikes. The ensuing panic is indiscriminate in nature and exposes civilians to the additional risks of falls and trampling. In India, the “lathi charge” is a common police tactic used to disperse crowds; deaths related to lathi charges frequently occur, including those of young children and individuals not involved in protests or gatherings.

Health effects

Blunt force trauma of any kind can produce injuries ranging from bruises to life-threatening injuries. Contusions (bruising) are most common and caused by ruptured capillaries under the skin surface. Abrasions or lacerations from the force of the weapon can result in external bleeding. The force of the strike can cause internal injuries as well, including bone fractures, internal bleeding, and organ damage. Strikes of sufficient force can break bones, rupture organs, and potentially kill. Blunt force weapons used for chokeholds or joint locks can cause strangulation injuries and joint or neck trauma.

Strikes to the head are most likely to cause life-threatening injuries. Retrospective studies of homicide victims have shown that the vast majority (>80%) of victims of blunt force trauma suffered injuries to the head.²⁵⁴ Blunt force trauma to the head and neck can cause death through traumatic brain injury, internal haemorrhage, or paralysis. Sharp impacts to the face can rupture eyes and eardrums as well as delicate facial bones,

with potentially permanent consequences. Strikes to the neck or back can injure the vital central nervous system. Strikes to the torso can cause serious internal injuries. In the chest, rib fractures and lung injuries such as punctured, bleeding, or bruised lungs can result in life-threatening respiratory complications. Injuries to the heart can result in cardiac tamponade that requires emergent management for survival. In the abdomen, organ rupture (especially of solid organs such as the liver, lungs, spleen, or kidneys) can result in severe pain and severe internal bleeding. Hollow organs such as the intestines can rupture well, but these are less likely. Pregnant women with blunt trauma to the abdomen can miscarry. Strikes to the limbs can fracture bones or injure nerves and vessels, which may result in further bleeding or injury. Strikes anywhere on the body can cause permanent impairment through musculoskeletal or nerve injury. In the long term, infections from wounds, psychological trauma, and disfigurement can occur. While most injuries are temporary, depending on the site and degree of injury, permanent disability is not uncommon. .

A comprehensive investigation of police baton uses by Amnesty International highlights the numerous health risks of baton strikes, including the risk of permanent disability or death, even when used against non-vital areas such as the limbs.²⁵⁵ Decades of case reports in the medical literature describe batons’ characteristic parallel linear contusions and abraded contusions, as well

254 Vipul Namdeorao Ambade and Hemant Vasant Godbole, “Comparison of wound patterns in homicide by sharp and blunt force,” *Forensic Science International*, January 2006, v. 156, no. 2-3, p. 166-170 <https://doi.org/10.1016/j.forsciint.2004.12.027>.

255 Amnesty International, “Blunt Force: Investigating the misuse of police batons and related equipment,” *Amnesty International*, September 2021, <https://www.amnesty.org/en/latest/research/2021/09/blunt-force/>.

as the associated internal injuries and long-term disabilities. Descriptions of the scarring patterns and potential injuries produced by baton strikes are detailed in the Istanbul Protocol as well.²⁵⁶

Case law on baton use in protests is limited. The attack on the Diaz-Pertini school in Genoa during the 27th G8 Summit in 2001 was one important example. Over 150 police, armed principally with rubber side-handle batons, indiscriminately attacked the 93 occupants of the school. Court proceedings illustrate the nature of injuries suffered by the protesters specifically attributable to batons, including traumatic brain injury; epidural hematoma; pneumothorax; fractures to the skull, jaw, and ribs; fractured teeth; lacerations; contusions; hearing loss; and permanent muscle weakness.²⁵⁷ Several protesters took their cases to the European Court of Human Rights (ECtHR), claiming violations of Article 3 of the European Convention on Human Rights (Prohibition of torture). In *Cestaro v Italy*, the ECtHR ruled

that the actions of police with regard to one of the protesters severely beaten with batons at the Diaz-Pertini school constituted torture under Article 3.²⁵⁸ The ECtHR sustained their opinion in a separate ruling, *Bartesaghi Gallo and Others v Italy*, declaring that the misuse of police batons on individuals in the Diaz-Pertini school similarly constituted torture.²⁵⁹

Perhaps uniquely among the less-lethal weapons described in this report, police blunt force weapons have been frequently used as instruments of sexual assault in the context of protests. Protesters in Belarus,²⁶⁰ Chile,²⁶¹ France,²⁶² and the United States²⁶³ have recently alleged sexual assault at the hands of police using batons, with some of these assaults captured on video.

256 See, also, Office of the United Nations High Commissioner for Human Rights, "ISTANBUL PROTOCOL," *United Nations*, 2022, no. 8, rev. 2, https://www.ohchr.org/sites/default/files/documents/publications/2022-06-29/Istanbul-Protocol_Rev2_EN.pdf.

257 *AFFAIRE BARTESAGHI GALLO ET AUTRES c. ITALIE*, European Court of Human Rights, Requêtes nos 12131/13 et 43390/13 <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-174443%22%5D%7D>. See, also, *CASE OF CESTARO v ITALY*, European Court of Human Rights, Application no. 6884/11 <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-153901%22%5D%7D>.

258 *Id.*

259 See above n 254.

260 Human Rights Watch, "Belarus: Systematic Beatings, Torture of Protesters," Human Rights Watch, 15 September 2020, <https://www.hrw.org/news/2020/09/15/belarus-systematic-beatings-torture-protesters>.

261 CNN, "La grave denuncia por tortura y abuso sexual de un joven en medio de la crisis en Chile," 1 November 2019, <https://www.cnn.com/videos/spanish/2019/11/01/denuncia-abuso-sexual-policia-carabineros-chile-protestas-crisis-protestas-pkg-cristopher-ulloa.cnn>.

262 Liselotte Mas, "French police investigate officer caught on video wedging baton in protester's pants," *France24*, 6 May 2019, <https://observers.france24.com/en/20190506-france-police-investigate-baton-protester>.

263 David Sachs, "Everything we know – and don't – about the claim that a Denver police officer violated a protester with a baton," *Denverite*, 21 September 2020, <https://denverite.com/2020/09/21/everything-we-know-and-dont-about-the-claim-that-a-denver-police-officer-assaulted-a-protester-with-a-baton/>.

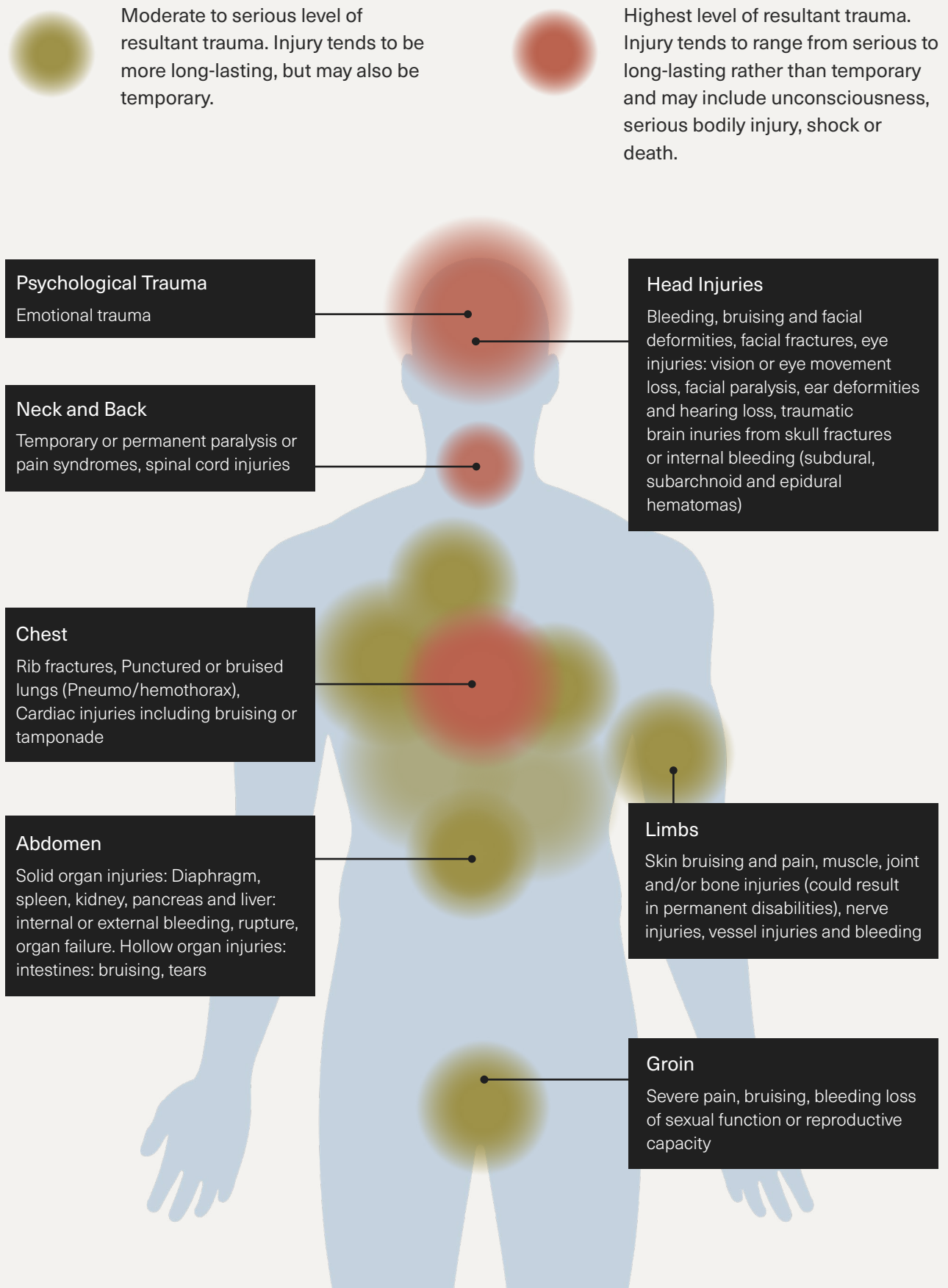


Image 2: adapted from Amnesty International: <https://www.amnesty.org/en/latest/research/2021/09/blunt-force/>

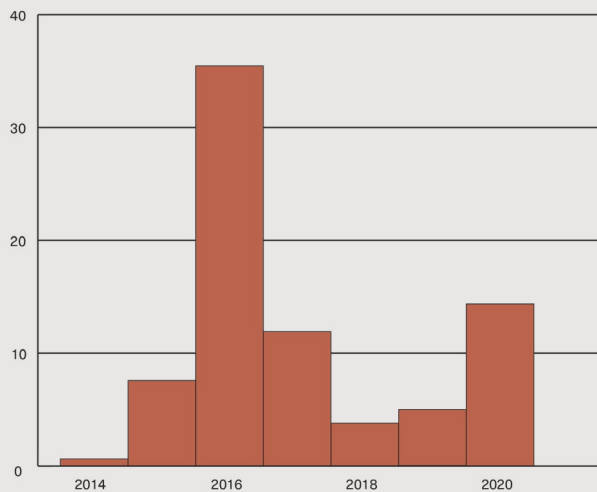
Case study

Lathi charge, a deadly holdover from colonial times

India

The *lathi* is a type of baton used across South Asia, consisting of a 1-1.8 m rod usually made of bamboo. While traditionally associated with South Asian martial arts, the adoption of the lathi as a policing tool followed the United Kingdom's promotion of its use for crowd control in British India during the 19th century.²⁶⁴ Today, the lathi continues to be omnipresent in the hands of modern Indian police, and its use in crowd control has been implicated in dozens of deaths over the past decade.

Police use of the lathi is inextricably tied to a tactic known in India as the lathi charge. In essence, a baton charge consists of a coordinated rapid advance by police, using lathis to strike at individuals and disperse a crowd through the threat of pain. Like baton charges around the world, the chaotic environment created by a sudden rush of armed police leads to direct injuries from lathi strikes and indirect injuries from the panicked crowd. Unlike other nations' baton charges, however, the Indian police's extensive use of the tactic is linked with a startling number of deaths.



Civilian deaths during lathi charges, national

The medical literature of the earliest 20th century recognized the danger posed by lathis. One report from 1902 specifically noted 14 deaths from skull fractures and three deaths from a cerebral haemorrhage at a single medical centre in Bihar.²⁶⁵ Perhaps the best-known victim of a lathi charge lived during this period of violence. Lala Lajpat Rai, a leader of the Indian independence movement, was fatally wounded in 1928 during a lathi charge ordered by the British superintendent of police in Lahore (modern Pakistan).²⁶⁶

264 Delhi News, "Symbol of power and control, a lathi story," *Hindustan Times*, 22 December, 2019, <https://www.hindustantimes.com/delhi-news/symbol-of-power-and-control-a-lathi-story/story-FHVzYKALGQYX4g8kwpgBRN.html>.

265 R.K. Gupta, "Injuries Caused by *Lathi* Blows," *Indian Medical Gazette*, 1902, vol. 37, no. 6, pp. 243-244, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5156271/>.

266 Hindustan Times, "Lala Lajpat Rai Birth Anniversary: The legacy of the famed nationalist," *Hindustan Times*, 27 January 2020, <https://www.hindustantimes.com/more-lifestyle/lala-lajpat-rai-birth-anniversary-the-legacy-of-the-famed-nationalist/story-ituwNX2DVDKdWm4Qas2Z8J.html>.

INDIAN SECURITY FORCES INTERVENE IN FARMERS DURING A RALLY AS THEY CONTINUE THEIR PROTEST AGAINST THE CENTRAL GOVERNMENT'S RECENT AGRICULTURAL REFORMS IN NOIDA, INDIA ON JANUARY 26, 2021. PANKAJ NANGIA | AA



Over a hundred years later, little has changed about the prevalence of the lathi in policing. Victims span demographic divides, although lathi charges have been especially pervasive in police response to student protests, enforcement of COVID-19 restrictions,²⁶⁷ and response to demonstrations by rural workers.²⁶⁸ The chaotic nature of lathi charges results in serious injuries to bystanders, such as one case in which a 18-month-old died from head injuries in 2021²⁶⁹ and another in which an eight-year-old boy died in a stampede produced by lathi charges in 2019.²⁷⁰

Since 2015, the Indian National Crime Records Database has recorded in its annual *Crime in India* reports the civilian injuries and fatalities resulting from police lathi charges.²⁷¹ These reports found 78 civilians have died in police lathi charges since 2014. Over 2,000 civilian injuries from police lathi charges were recorded during this time period.

No details are available pertaining to the injuries that led to the fatalities, and it is likely that at least some of the deaths may be attributed to crowd crushing or trampling in the panicked environment that often follows a lathi charge. Strikes to the head likely account for many of the fatalities from lathis. The significant length of the lathi may account for the high number of fatalities. Impact energy at the tip of a baton increases in proportion to the length of the lever (baton and arm),²⁷² so the exaggerated length of the typical lathi can cause severe injuries. Furthermore, in crowds, the length of the lathi limits the use of slashing strikes from the sides, leaving the dangerous overhand strike as the most viable option.

267 See <https://thewire.in/law/police-lathi-coronavirus-lockdown>.

268 See <https://www.aninews.in/news/national/general-news/reaching-karnal-to-see-justice-for-farmer-killed-in-lathi-charge-by-haryana-police-alleges-rakesh-tikait20210907160123/> and <https://www.hindustantimes.com/india-news/56-year-old-migrant-worker-on-his-way-to-home-dies-on-road-28-year-old-migrant-dies-in-police-lathicharge-in-surat/story-O1N11kDAWYRAAQOg4dkT6M.html>.

269 See <https://www.freepressjournal.in/bhopal/watch-video-6-month-old-girl-died-in-police-lathi-charge-in-shivpuri-one-police-officer-sustains-head-injuries> and <https://www.thequint.com/news/india/15-year-old-dies-allegedly-during-lathi-charge-by-cops-on-villagers-in-mps-shivpuri>.

270 See <https://www.telegraphindia.com/india/lathi-fuelled-stampede-kills-child-in-varanasi/cid/1729257>.

271 See <https://ncrb.gov.in/en/crime-india>.

272 Komaal Collie, "A Pilot Study of Kinetic Energy Transfer Based Upon Police Baton Designs," *Law Enforcement Executive Forum*, 2009, v. 9, no. 1, pp. 119-126, https://www.researchgate.net/publication/263808533_A_Pilot_Study_of_Kinetic_Energy_Transfer_Based_Upon_Police_Baton_Designs.

Case study

Baby Pendo's death from batons during a police operation

 Kenya

"Jose, Jose, they have killed our child," cried the mother of six-month-old Samantha Pendo after Kenyan police officers used tear gas and batons to attack the mother, her husband, and their infant child. The brutal use of baton strikes by the police left baby Pendo with severe head injuries, from which she later died.

On 8 August 2017, Kenyans went to the polls in a presidential election. Following the announcement of results by the Independent Electoral and Boundaries Commission (IEBC), the incumbent Uhuru Kenyatta was declared the winner after garnering 54.3 per cent of the votes; his main rival, opposition leader Raila Odinga, garnered 44.74 per cent of the votes. Odinga rejected the results and claimed the election process was marred by fraud and numerous irregularities.²⁷³ Violent protests soon erupted in opposition strongholds, including Nairobi, the Coast and Western Kenya. Using live ammunition, batons, teargas, and other CCWs, the police carried out violent house-to-house operations, beating and shooting protestors who objected to the outcome of the election.

On 11 August 2017, Joseph Abanja, his wife Lenser Achieng Abanja, and their baby

daughter Pendo were woken up at about 12.30 am by the screams of a neighbour who was being attacked by police. Their house in Nyalenda Estate, an informal settlement outside Kisumu, was soon surrounded by police officers. The police lobbed a tear gas canister through a crack in the door, forcing the family out of their house and toward the waiting police.

Achieng cradled Baby Pendo in her left arm, pleading with the police not to beat her with their batons, especially because of her infant. But two officers descended on her, beating her on her left side and striking Baby Pendo on the head.

Baby Pendo was rushed by her parents to Aga Khan hospital in Kisumu where she spent four days in the intensive care unit and then died.²⁷⁴ A post-mortem report found that she had suffered a fractured skull. A public inquest ordered by the Magistrate Court in Kisumu found that Baby Pendo had indeed died from injuries sustained from officers who had broken into her parents' house while pursuing residents protesting the outcome of the presidential election.

²⁷³ See <https://www.nytimes.com/2017/08/09/world/africa/kenya-election-results-raila-odinga.html>.

²⁷⁴ See <https://www.standardmedia.co.ke/nyanza/article/2001251483/kisumu-s-baby-pendo-who-was-hit-by-police-officers-loses-fight-for-life-after-five-days-in-coma>.



IN KISUMU, KENYA, WHERE PRESIDENTIAL, GENERAL AND LOCAL ELECTIONS WERE BEING HELD, OPPOSITION SUPPORTERS WERE MET BY POLICE AS THEY CONTESTED THE RESULTS ON AUGUST 9, 2017. PHOTO BY STINGER | AA

On 14 February 2019, a Magistrate's Court found five police officers culpable for the death of Baby Samantha Pendo.²⁷⁵ In addition, the court established that under the doctrine of command responsibility, the respective commanders failed to take reasonable measures to prevent the officers' criminal action. In her ruling, Magistrate Beryl Omollo placed particular responsibility on senior officers involved in the policing of the protests, stating that, "based on the command responsibility in the National Police Service, the commanders in charge of the operations were found liable for the death of the deceased baby Samantha Pendo." The magistrate also recommended charges against 30 General Service Unit officers from the Kenya Police Service who were involved in the operation.²⁷⁶ At the end of 2022, Director of Public Prosecutions Noordin Haji called for

the arrest and prosecution of involved police officers for crimes against humanity under "superior/command responsibility" principle of international law. This could finally lead to some form of accountability as the officers (at the time of this report's publication) had not been penalised in any way despite the court's findings.

According to the Kenya National Commission on Human Rights, there were 57 fatalities, including of minors, during the 2017 election-related protests in Kenya. None of those cases has been conclusively investigated. There is an urgent need for the Kenyan Government to comprehensively investigate the multiple incidents in which police used lethal CCWs against peaceful demonstrators and bystanders.

275 See <https://www.youtube.com/watch?v=oR3RiW4BAFo&t=4s>.

276 Harold Odhiambo, "Baby Pendo: Police officers to be charged," *The Standard*, December, 2022. <https://www.standardmedia.co.ke/article/2001459310/at-last-justice-on-the-way-for-baby-pendo>