

Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Ref.: AL IRL 3/2025
(Please use this reference in your reply)

7 January 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 59/4 and 52/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the acquisition and use of less lethal weapons for crowd control and protest management that affects the right to freedoms of expression, assembly and association, and could account for future violations on the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

According to the information received:

The National Police of the Irish Republic (Garda Síochána, also referred to as Gardaí) announced the purchase of 20,000 units of "increased strength incapacitant spray". This corresponds to the commercial reference of the SABRE Red Crossfire MK-3 Gel, also known as 'double-strength pepper spray'.

According to technical information received, this 'pepper spray' is advertised as having 1,33 per cent major capsaicinoids (MC), which would make it one of the strongest irritant sprays on the market. The gel stream tends to be more accurate than a spray when used correctly, but it is harder to remove, and the irritant effect can be greater.

Garda Síochána Irritant Spray Policy, dated 2012, refers to an irritant spray containing 0,33 per cent MC, which indicates that the spray that has been in use since February 2024, four times stronger, doesn't correspond with the items included in the Policy.

In the official announcement, the Police indicated that the spray "will be delivered to all frontline Gardaí for operational use next week. Policing challenges have changed and evolved and in particular the level of aggression faced by Gardaí, albeit from a small cohort of people. This stronger incapacitant spray will help to protect our personnel and help to keep you safe. #KeepingPeopleSafe".

The decision to acquire these 'double strength' sprays was related to the disturbances in Dublin in November 2023. However, there is a lack of clarity

regarding the analysis of operational need used to justify the increased strength of these sprays, particularly if they are intended to address ‘a small cohort of people’. Furthermore, the testing process implemented and the resulting safeguards – which should have been integrated into the relevant usage policy – remain unclear.

Reportedly, these sprays were used on 4 October 2025 in a Pro-Palestine demonstration held in Dublin’s port tunnel area that involved over 150 people. According to the information received, around 2 p.m., Gardaí allegedly formed a line in front of the tunnel to block its access, while some peaceful protesters tried to force their way through. Gardaí then used batons and some of them deployed pepper spray as soon as the protesters approached them, at less than one meter from the protesters. In the context of high wind, the chemical reportedly affected other Gardaí, protestors and at least one protest monitor. At around 4 p.m., following a confrontation between protestors and the Gardaí present, several protestors were reportedly injured from the use of batons, including close to the heads of protestors, and the advance of Gardaí against protestors. A few minutes past 4 p.m., the Public Order Unit (POU) allegedly intervened, deploying shields and advancing on some protestors, even when some of them were injured on the ground by the earlier use of pepper spray and batons, enforcing a dispersal order that protestors reported not to have received clearly and loudly.

During the protest, peaceful protestors affected were allegedly denied medical attention for the effects of being exposed to pepper spray and other measures applied by the Gardaí during arrests, including chokeholds, pain grips, sitting on people’s head while on the floor and others.

A pilot for the use of electrical discharged weapons, also known as Conductive Energy Devices (CEDs) or ‘tasers’ by the Police started in December 2025. Reportedly, tasers have been used in the past by officers in the Emergency Response Unit and Armed Support Unit, that are armed, and the use of the tasers by these units has been very low in the past years.

The pilot, that involves 128 Gardai and will last six months, started in four designated stations (Kevin Street Garda Station, DMR South Central Garda Division; Store Street Garda Station, DMR North Central Garda Division; Pearse Street Garda Station, DMR South Central Garda Division; Waterford Garda Station, Waterford/ Kilkenny Garda Division), which are areas in which Police body cameras are being used as well as the Digital Evidence Management system (DEM). Allegedly, all the officers involved in the pilot received a three-day special training for the use of Taser X26P that are not new units, but those that have been used by the Units mentioned above.¹

The use of this type of items generally reduces the use of de-escalation technics specially in public assemblies, including protests, and increases the use of force in public order management. Considering that the Irish Police has not used weapons in decades, an inclusion of such measure, that allegedly is being taken

¹ <https://www.garda.ie/en/about-us/our-departments/office-of-corporate-communications/press-releases/2025/december/launch-of-an-garda-siochana-taser-pilot-thursday-18th-december-2025.html>

without proper public consultation, could deeply harm the relation between the Gardai and the communities they serve and protect.

Although these devices are indeed classified as ‘less-lethal weapons’, they can easily be “misused through repeated or prolonged shocks, when targeted at vulnerable areas of the body. The electric shock causes severe pain, incapacitates the target, and can lead to loss of muscular control, resulting in secondary injuries due to falls. Studies have identified risk of cardiac, respiratory, brain injuries, complications, and even death associated with their use” (A/78/324, annex II). Besides, the type of taser that is being introduced includes ‘drive stun’ capacity, also known as ‘direct contact mode’ which means that “the electric shocks are delivered when the weapon is pressed directly against the target’s skin or clothing”. This model serves no legitimate purpose and therefore falls under Category A of preliminary list of items identified by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment as being inherently cruel, inhuman or degrading and therefore considered to be prohibited.

Allegedly, the tasers could be used against pregnant women and the elderly. The UN guidance on less-lethal weapons in law enforcement indicates that “elderly people may be more prone than others to musculoskeletal injury from the muscle contractions produced by the weapon (...) children and slender adults may be at greater risk of internal injury from tissue-penetrating barbs, as their body wall is generally less thick.” Besides, “the risk of significant injury or even death is increased in certain conditions, including where the individuals who have been electrically shocked have heart disease; have taken certain prescription or recreational drugs, or alcohol, or both; or are for other reasons more susceptible to adverse cardiac effects.”

Without wishing to prejudge the accuracy of the above-mentioned allegations, we indicate that the use of both the double-strength pepper spray and the tasers could open the possibility for Ireland to future violations of the right to life, protected by article 3 of the Universal Declaration of Human Rights (UDHR) and article 6 of the International Covenant on Civil and Political Rights (ICCPR); the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, in article 5 of the UDHR, articles 7 and 10 of the ICCPR, and articles 1, 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the right of peaceful assembly and association (article 20 UDHR; and 21 ICCPR); the right to freedom of opinion and expression (articles 19 UDHR and ICCPR).

We emphasize that any use of force by security forces must comply with the fundamental principles of legality, necessity, proportionality, precaution and non-discrimination and must be strictly regulated in accordance with applicable international standards, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials² and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.³

² <https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx>

³ https://www.ohchr.org/Documents/HRBodies/CCPR/LLW_Guidance.pdf

The United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement clearly indicates that “even less-lethal weapons must be employed only when they are subject to strict requirements of necessity and proportionality, in situations in which other less harmful measures have proven to be or are clearly ineffective to address the threat”. Also, “the use of less-lethal weapons to disperse an assembly should be considered a measure of last resort. Before approving dispersal, law enforcement agencies should seek to identify any violent individuals and isolate them from the other participants. This may enable the main assembly to continue”. If deseculation and/or isolation of participants with violent behaviour are ineffective, “law enforcement officials may employ weapons that target groups rather than individuals (such as water cannon or tear gas) after having issued an appropriate warning (...) participants in the assembly should be given time to obey the warning and a safe space or route for them to move to shall be ensured” (p. 34).

According to the guidance, “Chemical irritants should only be deployed where a law enforcement official has reason to believe there is an imminent threat of injury” (p. 37). Also, “medical assistance shall be rendered to any injured or affected person at the earliest possible moment. The duty to assist applies without discrimination of any kind. Thus, assistance shall be duly provided, irrespective of whether the injured person is a suspected offender” (p. 40). Besides, “under international human rights law, there is an obligation on the State to investigate all alleged or suspected violations of human rights, in particular the rights to life, and security, and to freedom from torture or other forms of cruel, inhuman or degrading treatment or punishment” (p. 21), even when inflicted by the use of the so called less lethal weapons, including irritants, water cannons and other less lethal weapons.

We warn against the risk that the use of such weapons may amount to torture or ill-treatment if it is not “proportionate to the aim pursued, namely, to disperse a non-peaceful gathering” and depending on the resulting injuries.

We remind further that no one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment, and that this obligation is not confined to acts carried out against persons deprived of their liberty but also covers excessive police violence (See, Human Rights Council resolution 25/38; as well as A/72/178; A/78/181).

States must promote an enabling environment for the exercise of the right of peaceful assembly without discrimination and must put in place a legal and institutional framework so that this right can be exercised effectively.⁴

Less-lethal weapons should not be used in situations of crowd control, especially in situations involving the exercise of the right to peaceful assembly. Such weapons should be used only as a measure of last resort, following a verbal warning, and with adequate opportunity for assembly participants to disperse. When less-lethal weapons are used, all reasonable efforts should be made to limit risks, such as causing

⁴ Human Rights Committee, general comment No. 37 (CCPR/C/GC/36) on the right of peaceful assembly (article 21):
<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsrdB0H115979OVGG B%2bWPAXj3%2bho0P51AAHSqSubYW2%2fRxcFiagfuwxycuvi40wJfdPLI9%2fECEWBX%2fj2tgqDXgdjqx 8wTKKbIoySyDPtsMO>

a stampede or harming bystanders.⁵ Besides, it is needed to take extra precautions to protect individuals and groups from harm in situations of vulnerability when using any force in the context of protests. This can include, for instance, giving additional considerations when using less-lethal weapons in the proximity of children, pregnant women, older persons, persons with disabilities, persons with intellectual or psychosocial disabilities and persons under the influence of drugs or alcohol.⁶

We stress that it is not always possible to draw a clear line between lethal and non-lethal weapons, and that less-lethal weapons may have indiscriminate effects. For example, even though tear gas is not in principle a lethal weapon, when used inappropriately, it can cause serious injuries or even death.

Finally, it creates a serious concern that the adoption of this equipment is following a pattern of opacity and lack of public debate. Allegedly, this pattern includes the implementation of pilots for some months, which then advance to national rollouts without independent assessment and public oversight.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please explain in detail the analysis that was performed to demonstrate the operational need to adopt the use of the double- pepper spray in the context of peaceful demonstrations. Also, include information about the selection and testing process, and data concerning the use of these sprays in the past, including injuries incurred, complaints and any administrative or judicial action implemented for alleged misuse.
3. Please provide detailed information on the provisions used to ensure that the pepper spray will be used by law enforcement officials in the context of peaceful demonstrations in compliance with the requirements of legality, necessity and proportionality. Please include protocols, procedures and guidance related to protests and the use of force, including detailed lists of law enforcement units, weapons and equipment used for the facilitation of protests.
4. Please provide information about any complaint or internal analysis made on the use of the double-strength pepper spray in recent protests, including the appropriate use according to technical provisions

⁵ Ibid.

⁶ Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests, para. 79. b:
<https://documents.un.org/doc/undoc/gen/g24/006/57/pdf/g2400657.pdf>

(i.e. appropriate distance), human rights international standards (including the principles of necessity and proportionality, the adequate warning, the response to imminent violence, among others), the medical support provided to victims of the use of the pepper spray, and if it has been used against journalist and other media workers, protest observers, among other relevant monitoring actors.

5. Please indicate if the teasers are planned to be deployed in the context of peaceful demonstrations. If so, please indicate the provisions and protocols put in place to avoid misuse that could affect the right to freedom of peaceful assembly and other rights.
6. Please indicate how the use of both type of weapons is compliant with the principle of non-discrimination, and how the differentiated impacts on ethnic minorities, women, children, elders and persons with disabilities are taken into account.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Alice Jill Edwards
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to article 6 of the International Covenant on Civil and Political Rights (ICCPR) (right to life); article 7 ICCPR (prohibition of torture and other cruel, inhuman or degrading treatment or punishment, including the requirement of humane treatment in detention (article 10 ICCPR), as well as and articles 1, 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); article 26 ICCPR (right to equality and non-discrimination); article 21 ICCPR (right of peaceful assembly and association); article 19 ICCPR (right to freedom of opinion and expression).

Attached to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment are obligations to criminalize and investigate all acts of torture or other cruel, inhuman or degrading treatment or punishment, to prosecute suspects, to punish those responsible and to provide remedies to victims. In line with the principles enshrined in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), States should establish all acts of torture as offences under domestic law (article 4); exercise jurisdiction over said offences (article 5); receive complaints and examine them promptly and impartially (article 13); and investigate those allegations promptly and impartially (article 12). Prosecutors and courts have a duty to refuse evidence obtained, or suspected of having been obtained, through torture or other illicit means (article 15). Victims are to be protected from reprisals or intimidation during said investigations (article 13) and they have an enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible (article 14). At no time shall torture be used to extract information or a confession (article 1), and any statement which has been obtained via such methods, shall be excluded from any proceedings except against a person accused of torture as evidence that the statement was made (article 15).

We also remind that article 19 of the ICCPR protects the right to freedom of opinion and expression. Article 22 of the ICCPR protects the right to freedom of association with others. Any restrictions to the exercise of the right to freedom of opinion and expression and the right to freedom of association must be provided by law and be necessary and proportionate to the legitimate aim. As the Human Rights Committee observed in general comment No. 27 (CCPR/C/21/Rev.1/Add.9), restrictive measures must "be appropriate to achieve their protective function" and "be the least intrusive instrument amongst those which might achieve the desired result" (paragraph14), while "the principle of proportionality has to be respected not only in the law that frames the restrictions but also by the administrative and judicial authorities in applying the law" (paragraph15). Furthermore, as the Human Rights Committee emphasised in general comment No. 34 (CCPR/C/GC/34), any restrictions to the freedom of expression "must not be overbroad" (paragraph34), "may not put in jeopardy the right itself" (paragraph21) and may never be invoked to justify the muzzling of any advocacy of human rights (paragraph23).

We also wish to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals,

Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, articles 1 and 2 of the Declaration state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Furthermore, we would like to bring to the attention of your Excellency's Government such provisions of the Declaration as article 5(b) reiterating the right to form, join and participate in non-governmental organizations, associations or groups); article 6(b) and (c) stating the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights; and article 13(b) and (c) reiterating the right to solicit, receive, and utilize resources for the purpose of peacefully promoting and protecting human rights and fundamental freedom.

We also wish to refer to Human Rights Council resolution 22/6, which reiterates that domestic law should create a safe and enabling environment for the work of human rights defenders (PPs 10-13).

We would also like to recall the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association calls on Member States to “ensure that associations... can seek, receive and use funding and other resources from natural and legal persons, whether domestic, foreign or international, without prior authorization or other undue impediments, including from individuals; associations, foundations or other civil society organizations; foreign Governments and aid agencies; the private sector; the United Nations and other entities” (A/HRC/23/39, para.82(b)).