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Expert Witness Statement: Export Control Legislation violations at DSEi 2011 defence exhibition:

**Oliver Sprague: Programme Director, Arms Control and Policing,
Amnesty International UK.**

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My background working and developing UK arms export controls and related legislation:

To whom it may concern. Here is my background statement on UK arms export controls and the current legislation as it relates to the DSEi defence exhibition in London Docklands at the Excel Centre from 13-16 September 2011, particularly in relation to the promotion of equipment that is illegal under current UK law.

This statement does not take a view on the nature of criminal damage for which Mr Cole is charged, nor takes any view on the specific activities of Mr Cole that lead to his arrest. I have been asked to provide expert statement on the types of activities taking place at DSEi, and where in my view, these provided clear violations of current UK export control legislation.

I have worked professionally on UK and international arms export controls since 1994 for a variety of non-governmental organisations. Currently, I am Amnesty International UK's Programme Director for all our work on Arms control and Policing. I have held my current senior position since October 2006. Prior to that I worked for Oxfam GB as a policy researcher, adviser and campaign officer for their programme of work on arms controls and armed conflict. My first employment was as an intern researcher and policy officer at Saferworld, a UK foreign policy think tank which specialises in arms export controls and conflict prevention work. I have worked on technical aspects of UK arms export controls for nearly 18 years.

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As Programme Director at Amnesty International UK, my work is to research, advocate and act as a spokesperson on arms export controls, including those that relate also to torture equipment and cluster bombs. I have done primary case research on causes involving the trade and use of torture equipment, cluster bombs and other related violations of UK export controls (for example breaches of arms embargoes). I have regular meetings with licensing officials, enforcement officers as well as with Industry compliance teams on these areas.

I give regular oral and written evidence every year to a specific Parliamentary Select Committee working on arms export controls. I have given oral evidence as an expert witness to these committees since 2004. My testimony, both oral and written is a matter of public record.

I have been specifically involved in developing the 1998 EU code of Conduct on arms export controls; the 2002 and 2004 UK export control legislation and the continued development of the EC Regulation on Torture and Death penalty equipment.

In 2007 I was invited to be part of a joint government, defence industry and civil society stakeholder group working on improving aspects of the aforementioned 2002 and 2004 legislation. This involved specific changes to the UK legislation in relation to Cluster Munitions, making the advertising of them at UK trade fairs (and all other aspects of their trade) a prohibited act. These changes, relating the prohibition of the advertising of cluster munitions at UK trade fairs were made subject to UK law in 2008.

It has been illegal to advertise or promote the sale of Torture equipment since earlier changes in UK legislation which entered into force in 2004.

Breaches in UK arms export controls at DSEi Trade fairs:

Since changes to UK law in 2004, to my knowledge there have been specific breaches of UK arms export control legislation at every DSEi fair since 2005. Bearing this in mind, it must remain highly probable that some form of export violation was likely to take place at 2011 DSEi exhibition.

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1. **2005 DSEI:** Tar Ideal (Israel) was advertising sale stun guns, stun batons and leg-irons on its stand. All these items specifically prohibited under 2004 legislation changes.
2. Another company, Imperial Armour (South Africa) offered to discuss at this show to an undercover journalist, their product range of electro shock weapons. Such a discussion is also in my view, would also constitute a breach of UK legislation.
3. **2007 DSEI:** Amnesty International identified DSEI two companies selling illegal torture goods and one a prohibited landmine delivery system.
4. BCB International Ltd (Wales) advertising a Taser electric dart device.
5. Chinese firm Famous Glory Holdings were t advertising leg-cuffs and a range of electroshock stun guns and stun batons.
6. Indian company DRDO was advertising an artillery rocket system that fired a variety of munitions including anti-personnel landmines.
7. **2009 DSEI:** Pakistan Ordnance Factory (POF) in its product catalogue was displaying a 155 mm cluster bomb artillery shell. The specific munitions were called the 155mm Base Bleed DP-ICM (Dual Purpose Improved Conventional Munitions) which was made illegal under 2008 revisions to UK export control law.

The relevant Legislation is the 2004 Export of goods control orders that made it illegal to advertise by way of promotion (brochures etc.) torture goods. Guidance notes issued by the then Department of Trade and Industry – DTI (now renamed the Department of Business, Innovation and Skills - BIS) clearly state that brochures and all other promotional material for specific listed torture goods were covered under the scope of this law. Types of prohibited equipment was defined to include all electro shock weapons (including Taser weapons) a variety of mechanical restraints including leg irons, gang chains, body belts etc.

Specific changes in 2008 export control orders placed Cluster bombs and their components under the same level of control, banning their promotion and advertising at UK trade fairs. These UK legislative changes pre-date the 2010 Cluster Munitions Prohibition Act. Both torture equipment and cluster munitions were placed into a new Category A of our revised export controls. Category A controls are applied to goods which are essentially prohibited, and also include weapons of mass destruction (nuclear, chemical and biological weapons)

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Violations of UK export control legislation at DSEI 2011:

In 2011, it was regrettable that there were further violations of UK export control law at DSEI in relation to Torture goods and cluster munitions.

Beechwood Equipment (UK) was advertising illegal restraint devices including leg irons, belly, body and gang chains made by US company CTS. It was a full colour brochure available to pick up on the counter and was extremely prominent on the display.

There were three companies advertising cluster munitions.

1. Pakistan Ordnance Factory: – The same 155mm cluster bomb artillery shell was even more prominently on display in an actual product line brochure rather than a product catalogue.
2. Defence Export Promotion Organisation (DEPO) of Pakistan was also displaying the Pakistan Ordnance Factory 155 mm cluster munitions.
3. Nammo Talley, a fully owned subsidiary of the Nammo Group, whose promotional material was on the Nammo Stand, also included references to cluster munitions in their literature.

All these cases form part of evidence Amnesty International jointly submitted to a Parliamentary select committee hearing into violations of UK export controls in November 2011.

The seriousness of breaches in UK arms export control legislation at DSEI 2011.

In my view these are very serious breaches of our own legislation on arms export controls and also damages the reputation of the UK as a responsible arms and defence equipment exporter.

As previously noted, all of these weapons are now classified as Category A goods. These are reserved for the most serious of weapons, where there is essentially an absolute prohibition on their trade and use. The torture equipment and cluster bombs that were promoted at DSEI 2011 and in previous years rate alongside WMD in their seriousness in terms of current UK law in this area.

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To display brochures or do “any act calculated to assist with their export of transfer is a violation – including promotion at UK arms fairs. These also are fully extra territorial for UK companies and citizens. So serious are these offences, that any citizen or company operating wherever they are in the world are captured by these laws. Extra territorial application of any UK laws are reserved only for the most serious offences. Other examples include drug trafficking, organised crime and child pornography.

It's been a constant demand of organisations like Amnesty that more effort should be made in enforcement in these areas. It remains of serious concern that in all cases, its groups like Amnesty, researchers, journalists and in 2011 an MP, identified these products and not those in charge of promoting the fair. There are also very large numbers of government officials present at the exhibition.

It's also clear that the organisers of DSEI regarded these violations as very serious matters. The Beechwood, POF and DEPO stalls were closed down, and the companies expelled from the exhibition. This is not trivial. POF and DEPO are essentially state run companies, so it's of diplomatic significance that a decision was taken to publicly remove them from the exhibition.

Any of these companies could be prosecuted for these violations. I am sure that the violations will still be under investigation by the authorities at the time of writing. Prosecution can range from a imprisonment, a compound penalty (fine) and written warnings to companies being stripped of some of their licensing eligibility. It's too early to say now what will happen as it can often take anywhere from several months to even a few years to bring a prosecution.

Yours sincerely:

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