

## **The UK and its torture trade**

The export of military equipment is, as it should be, highly regulated in the UK.

After 2011 there was controversy under the previous Government about UK arms exports to Middle Eastern and North African countries involved in the Arab Spring. This led to the announcement of some changes in practice regarding goods that might be used for internal repression.

The ratification by the UK of the Arms Trade Treaty required amending secondary legislation and the Consolidated Criteria, used for official decisions about whether to approve or refuse an export licence, had to be revised.

Concerns have been raised that the revised version of the Criteria, published in March 2014, is weaker than the 2000 original and that this has opened the way for a relaxation in UK arms export control policy. The previous Government denied that this had occurred.<sup>1</sup>

Under this government, there have been two changes since 2015: an 'Export Controls Joint Unit' has been created, and the responsibility for arms exports has been moved to the new Department for International Trade (DFIT). One issue yet to be clarified is the future relationship of the Export Controls Joint Unit with the Export Control Organisation (ECO).

Since May 2015, the main controversy has been about the use of UK-manufactured weapons in Yemen by Saudi Arabia, and there have been calls for the suspension of arms exports to Saudi Arabia. The government has rejected all these calls, and in February 2017 the Campaign Against Arms Trade took the government to court over this. At the same time, the Committees on Arms Export Controls held an inquiry which resulted in two separate reports, as opinion was divided. Nevertheless, both reports recommended that the UK's licensing system should be made more robust and more transparent.<sup>2</sup>

### **Export of equipment specifically used for torture**

According to government guidance, the UK Strategic Export Control Lists include a list of controlled torture goods (These are the same as those on the EU Human Rights List). If your products are listed (ie have a 'rating entry') in the control lists then you must apply for a licence.<sup>3</sup> For more information see the guide on the UK Strategic Export Control Lists – the consolidated list of strategic military and dual-use items.

The UK regulations are part of EU law<sup>4</sup>; we might well be anxious about the consequences of a UK departure from the EU since these regulations could become even less stringent and transparent than they currently are. They cover not only exports but also the presence of manufacturers at arms fairs.

1 <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN02729>

2 Ibid.

3 <https://www.gov.uk/guidance/controls-on-torture-goods>

4 <https://europeansanctions.com/2017/03/16/uk-implements-eu-changes-to-export-controls-on-capital-punishment-goods/>

## **UK Involvement in export of torture instruments**

### **Arms Fairs**

At the Farnborough “Security and Policing” arms fair in March 2017, 61 countries sent delegations. Nine authoritarian regimes were there, some of whom were also listed in the six invited delegations from countries identified by the UK government as “Human Rights Priority Countries”, and four countries which were involved in war or conflict.<sup>5</sup> Of those countries thus identified, Algeria, Colombia, Kuwait, Oman, Pakistan, Qatar, Saudi Arabia, Turkey, UAE and Vietnam attended; Bahrain, Egypt, Israel, Mexico and Nigeria were invited but did not attend.<sup>6</sup>

The products on sale at Farnborough in March included an “extremely unpleasant” loud-hailer designed to disperse crowds, a “vile smelling” crowd control spray, and equipment which can be “bespoke” for purposes of “covert methods of entry, covert search, alarm defeat and restrain escape”. The equipment on sale is specifically designed to suppress protest and harm those who are protesting, as well as helping to track them down and disable their mobile phones.<sup>7</sup>

### **Exports**

Not surprisingly, the arms exports business is a very secretive one, and it is difficult to find out exact details of exports. However, the fact that an export licence can be applied for does indicate that an export licence can be granted. Although the regulations concerning transport across the EU have been tightened, torture instruments (as well as “regular” weaponry) can still be transferred and exported through some of the more porous borders across the Member States. The government, when announcing the changes to EU legislation, pointed out that there would now be “more flexible licensing” on certain items “contained in Annex III”<sup>8</sup> - which include shackles, gang chains, and riot control items<sup>9</sup>. The fact that UK companies are keen to display their torture wares at international arms fairs implies that they are confident that export licences will be granted.

### **UK links to repressive regimes**

We are all aware that the commitment of many of our UK governments to human rights has been shaky. An increase in arms exports is a key point in the industrial strategy laid out in the current government’s post-Brexit green paper. This green paper also announced that the Minister of Defence will work with arms companies to develop a programme to “enhance support for exports.” As our current Prime Minister is happy to be seen visiting leaders of countries such as Turkey (where torture is reported to be on the increase), we can hardly expect, or even hope for, a tightening of standards in the export of torture instruments as well as more general arms exports.<sup>10</sup>

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5 <https://www.caat.org.uk/issues/arms-fairs/security-and-policing/delegations>

6 <https://www.gov.uk/government/news/security-and-policing-2017-countries-territories-and-organisations-invited-by-dit-dso-to-attend>

7 <https://inews.co.uk/essentials/news/uk/surveillance-skunk-spray-closed-uk-government-organised-fair-selling-security-equipment-weaponry-repressive-regimes/>

8 <https://www.gov.uk/government/publications/notice-to-exporters-201707-changes-to-export-control-legislation/notice-to-exporters-201707-changes-to-export-control-legislation>

9 <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R0775>

10 <https://www.caat.org.uk/resources/caat-news/pdf/caatnews244.pdf>

## Standing up to the torture trade

The manufacturers of torture instruments cannot keep their activities hidden from view for ever. In 2015, a group of artists produced an original campaign placing spoof advertisements on public transport – *an example: “Horrific killer drones! Ankle-shattering leg irons! Cluster bombs! And electric stun batons that cause excruciating pain but leave no trace!”*<sup>11</sup> - and in 2016 a court dismissed charges against protesters who blocked the road outside a major [London](#) arms fair, after they argued that they acted to stop greater crimes being committed using weapons bought in the UK. The judge's decision included the statement that there was “*clear, credible and largely unchallenged evidence from the expert witnesses of wrongdoing at DSEI and compelling evidence that it took place in 2015*”<sup>12</sup>

## What you can do

Much of the campaigning on this issue is done by the Campaign Against Arms Trade, which provides regular updates and newsletter. <https://www.caat.org.uk/>

Amnesty International also campaigns on the exports of torture instruments, but mainly from countries other than the UK.

As well as supporting these campaigning groups, you could find out if any of the products are being manufactured in your area, and take appropriate action. (For example, the companies advertising at the Security and Policing arms fair in March included Cerberus Black, which is registered in Reigate; three of the directors live in Cheltenham, Horley, and Stratford-upon-Avon; Erebus UK, a “small but discreet company” based in Hereford; and Digital Barriers, which has offices throughout the UK, addresses of which can be traced, as well as in Dubai, South Korea, Singapore and Malaysia.

## Further Reading

An accessible overview of the UK's role in the torture trade can be found in a report from Leeds Beckett University at <http://mediacentre.leedsbeckett.ac.uk/post/civilising-the-torture-and-execution-trade/>.

Briefings are prepared and edited on behalf of Q-CAT Trustees by  
John Cockcroft [jandbcockcroft@talktalk.net](mailto:jandbcockcroft@talktalk.net)  
Barbara Forbes [forbesbarbarae@yahoo.co.uk](mailto:forbesbarbarae@yahoo.co.uk)

The next Newsletter is planned for June  
The next Briefing is planned for mid-July

## The Arms Fair (Defence and Security Equipment International)

This biennial event is to be held this year in London from 12<sup>th</sup> to 15<sup>th</sup> September. There will doubtless once again be attempts to sell equipment which can be used for torture. In the run-up to the Fair there will be a week of demonstrations and supporters of Q-CAT plan to be part of the Quaker Peace and Social Witness demonstration, with other faith groups, at the No Faith in War Day on Tuesday 5<sup>th</sup> September, starting at 11 a.m. (There is also a Big Day of Action on Saturday 9<sup>th</sup> September and a silent vigil on the evening of Monday 11<sup>th</sup> September.) Further details will be made available nearer the time. Will you join us?

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11 <https://www.theguardian.com/world/shortcuts/2015/sep/16/illegal-torture-equipment-on-doorstep-adverts-shaming-britains-arms-trade>

12 <https://www.theguardian.com/world/2016/apr/15/court-dismisses-charges-against-london-arms-fair-protesters>