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ANSA article misrepresents Amnesty International report and Italian companies' activities

On Wednesday 17th March, 2010, Amnesty International and the Omega Research Foundation released a report entitled *From Words to Deeds: Making the EU Ban on the Trade in 'Tools of Torture' a reality*.

The report details Amnesty International's concerns regarding the effectiveness and implementation of a European Union law applicable to all 27 Member States, 'Council Regulation [EC] 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment'.

The Italian news agency, ANSA, published an article on 18th March 2010 which seriously misrepresents the statements and information in the Amnesty International/Omega report about five Italian companies: Defense System Srl, Access Group Srl, Joseph Stifter Sas, Armeria Frinchillucci Srl and PSA Srl.¹

The article claims that these companies are "accused by Amnesty International of selling illegal police equipment to countries known to practice torture."

Amnesty International made no such allegations against these companies, and the report does not allege that any of these companies have undertaken any wrongful or illegal acts.

- 1) The companies are only named in a section of the report (Section 4.7, pages 33-34) listing traders, who between 2006 and 2010 "state that they supply items covered by the Regulation" in their marketing materials or on their websites.
 - The list in this section of the report (Table 2) gives clear references to where in each case these companies' website pages have offered the following: electric-shock stun guns and OC irritant sprays (offered by Access Group srl , Armeria Frinchillucci srl, Defense System srl and Joseph Stifter s.a.s) thumb-cuffs (offered by Joseph Stifter s.a.s) and electric-shock projectile devices and stun belts (offered by PSA srl).
 - The report makes no allegations regarding the export activity of the Italian companies listed. It makes it clear that while the traders have offered such equipment, this "does not indicate that these companies have breached the Regulation", and that "[i]n some cases these traders may be marketing or supplying their products to domestic customers,

¹ 'Italy firms suing Amnesty International', ANSA news agency,
http://www.ansa.it/web/notizie/rubriche/english/2010/03/18/visualizza_new.html_1734783064.html

including governments” rather than for export. The report does not allege that any of these companies have undertaken any wrongful or illegal acts.

- 2) The ANSA article further alleges that the Amnesty International/Omega report states that the “five Italian companies were involved in selling the electrified restraints, which are listed as a torture device by the European Union.” The report does not state this.

In all but one case, these companies were advertising equipment which is *controlled* by the Regulation, but not *prohibited* by it. The report clearly states that the types of equipment controlled by the Regulation “have legitimate uses in appropriate circumstances for law enforcement”, but that their trade needs to be adequately controlled because they “have been found to be persistently misused by some law enforcement officials.” (page 7)

One of the Italian companies did appear to advertise an item whose import and export is prohibited by the Regulation. However, the Amnesty International/Omega report clearly states that “When contacted by Amnesty International this company stated that it did not sell these products any longer, and that its website would be updated in a few weeks time”. (page 33)._

- 3) The Amnesty International/Omega report does highlight problematic international trading activity in several EU Member States. However, the companies quoted by ANSA are only listed in the section on “Promulgation, Outreach and Information Gathering”, which simply highlights the need for certain EU Member States to inform themselves more adequately about companies within their jurisdictions offering equipment covered by the Regulation.
- 4) The article states that “the [Amnesty International] report said that companies in Italy and two other EU members “have stated openly that they supply items banned by (EU) regulations, often manufactured in third countries”. This quoted text does not in fact appear anywhere in the Amnesty International/Omega report.
- 5) The ANSA article also alleges that Amnesty International stated that the items of equipment “were being manufactured by Italian companies”. The Amnesty International report in fact states clearly that “they [the companies] may not manufacture the equipment themselves”.
- 6) Finally, the ANSA article claims that these five Italian companies “were accused of selling the cuffs to at least nine foreign governments suspected of human rights abuses”. This allegation appears nowhere in the Amnesty International report. In an entirely separate section of the report, Amnesty International expressed concern about export authorisations issued by the governments of the Czech Republic and Germany to nine countries where Amnesty International and other human rights organisations have documented torture and other ill-treatment. These export authorisations do not relate to these five Italian companies, or to Italy at all, and there is no such connection made in the Amnesty International/Omega report.

Amnesty International wrote to all of these companies prior to the publication of the report, setting out the information about each one that was to be included in the report. A response was received from one of the companies and their clarifications were incorporated into the report.