

**AMNESTY  
INTERNATIONAL**



**European Institutions Office**



José Manuel Barroso  
President of the European Commission

Brussels, 27 April 2011  
Our Ref: B1071

### Halting the EU trade in torture and death penalty equipment

Dear President Barroso,

It has now been over a year since Amnesty International and the Omega Research Foundation published the report "*From Words to Deeds: making the EU ban in 'tools of torture' a reality*". The report exposed various loopholes and gaps in implementing Council Regulation (EC) No. 1236/2005, which is intended to prevent EU companies from exporting equipment to be used in torture or capital punishment around the world. The report contained several recommendations for immediate action by the Commission to improve the Regulation's effectiveness - notably to review and update the lists of controlled items in the Regulation's annexes and to produce a proposal to amend the Regulation itself to include an end-use 'catch-all' clause.

Since the report's publication, it has become even more urgent for the Commission to act owing to the reported use of drugs sourced in the EU in US executions. This is exactly the trade that the Regulation was intended to control. Currently, US states are seeking further supplies of these drugs from EU companies.

However, despite repeated calls by civil society (including our letters of 11 March, 28 July, 2 November 2010) and the European Parliament (through parliamentary questions and a resolution adopted on 17 June 2010) the Commission has still not taken any decisive action. The Commission has yet to follow up on commitments it made at the last meeting of the Committee on Common Rules (29 June 2010) and responses to civil society and MEPs have put in serious doubt the importance the Commission attaches to this issue. It has been made clear that inadequate resources in the Commission have been allocated to what should be a core responsibility.

We therefore urge you to:

- Make this a personal priority and devote sufficient Commission resources to following up on implementation and revision of Council Regulation (EC) No. 1236/2005
- Move swiftly to revise the Regulation's annexes, to include controls on drugs currently being sourced in the EU for executions in the USA, in addition to items already discussed at the last meeting of the Committee on Common Rules
- Arrange for a meeting of the Committee on Common Rules to take place as soon as possible, to discuss *inter alia* the use of drugs in executions in the USA and to examine possible wording for a 'catch-all' clause to be included in the regulation.

Yours sincerely,

Dr. Nicolas J. Beger  
Director, European Institutions Office  
Amnesty International

Michael Crowley  
Research Associate  
Omega Research Foundation

*cc. High Representative/ Vice-President Ashton, Vice President Reding, Commissioner de Gucht*