



Secretary of State for International Trade
3 Whitehall Place
London, SW1A 2HP

By Email: truss.correspondence@trade.gov.uk

Dear Madam

Re: R ([REDACTED]) v Secretary of State for International Trade

1. **To:** The Secretary of State for International Trade (the “Defendant”)
2. **The Claimant:** [REDACTED]
3. **Reference Details:** [REDACTED]
4. **Details of the Matter being Challenged:** The Claimant proposes to challenge:
 - 4.1. The Defendant’s ongoing failure to suspend: (i) the existing licences permitting the export of controlled arms and related goods to the USA; and (ii) any decisions on pending or forthcoming applications for licences to export such goods;
 - 4.2. The Defendant’s failure to conduct a review of the legality of existing licences for the export of controlled goods to the USA in the light of the current situation; and/or
 - 4.3. The Defendant’s failure to amend the existing OIELs and OGELs which permit the export of certain licensed goods to the USA so that they no longer permit the export of particular types of material and equipment, identified below, which are of particular concern due to the current serious situation in that country.
5. **The Claimant:** The Claimant is a black British citizen and a recent graduate of [REDACTED]. The Claimant moved to the USA in August 2015 to commence an [REDACTED] degree course. They

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remained in the USA outside of term times and, upon graduation in May 2019, returned to the UK in December 2019.

6. Whilst in the USA the Claimant resided in both [REDACTED] and [REDACTED]. During the 4.5 years the Claimant resided in the USA, they built a strong social network. The Claimant has remained in close contact with this network, who currently live in Brooklyn, New York City, Boston and Washington DC.
7. Following the death of George Floyd and the widespread protests that immediately followed and currently continue across all states, the Claimant has become increasingly concerned over the excessive militarised police response to the protesters. The Claimant has received a number of harrowing accounts from friends who have been attempting to exercise their rights to peacefully protest.
8. One friend recounted to the Claimant their recent experiences of attending protests in their hometown of Brooklyn: the friend explained that on the second night of the protests she was in a crowd of peaceful protestors, stood outside the [REDACTED] in downtown Brooklyn. She became terrified when they were surrounded by a ring of heavily armed officers in full riot gear. As the protesters began their march, a friend (also a friend of the Claimant's) was pepper-sprayed in the face by an officer without justification. The police then started to kettle the protesters and make arrests, again without justification. The Claimant's friend further explained that she witnessed a woman surrounded and forcefully arrested by a large group of officers. A police car was then driven through the crowd of protesters, running people down and injuring people. The police then stopped focusing on arrests and started indiscriminately beating people with batons and riot gear. Police officers then charged at the crowd and the Claimant's friend's housemate was hit by the police.
9. The Claimant's friend gave a further account of another local protest she had recently attended, at [REDACTED] in Brooklyn. She explained how a police helicopter had used the extremely dangerous tactic of flying low over the crowd to kick up dirt and scare the protesters. She witnessed a friend who was handing out water, milk, and healing supplies being dragged away by 10 officers, again without justification. The claimant's friend explained how terrified these experiences had made her, she stated that "the worst part of all of it was looking into the officers' eyes and seeing that my humanity had been stripped away in their perspective. It was scary and horrifying to experience the physical embodiment of their racism".
10. The Claimant is extremely concerned by reports that the UK Government is currently permitting the supply and export of equipment to the USA in circumstances where there is a real risk that such UK-manufactured military and law-enforcement equipment is being used against protesters in dangerous and highly inappropriate repressive ways (see further below).

11. The Claimant is particularly concerned for the safety of their network of close friends in the USA, who are currently using their right to protest and who, as black people, are within a cohort of citizens who are at a higher risk of receiving serious or fatal injury and having their rights to protest infringed, as indicated by the current available video footage and reports of current policing methods being deployed against black protesters in the USA.

11.1. **The Defendant's details:** Secretary of State for International Trade, 3 Whitehall Place, London, SW1A

11.2. **Summary of factual background**

11.3. Our understanding of the factual background to this proposed claim is as follows:

The death of George Floyd, and the response to peaceful protest

11.4. The death of George Floyd on 25 May 2020 has triggered a wave of protests across the United States and abroad (including the UK) as it is yet another example of the long history of police brutality against black individuals.

11.5. The USA has a well-known and distressing history of state violence against black citizens. Time magazine has reported that:

“A black person is killed by a police officer in America at the rate of more than one every other day. Floyd’s death followed those of Breonna Taylor, an emergency medical technician shot at least eight times inside her Louisville, Ky., home by plain-clothes police executing a no-knock warrant, and Ahmaud Arbery, killed in a confrontation with three white men as he jogged through their neighborhood in Brunswick, Ga. Even Floyd’s anguished gasps were familiar, the same words Eric Garner uttered on a Staten Island street corner in 2014: “I can’t breathe.”

11.6. Following public reporting of the killing, including the horrific video documenting Mr Floyd’s death, there was an immediate wave of protests.

11.7. On 1 June 2020, Senator Tom Cotton and others called on the US President, Donald Trump, to use the Insurrection Act to deploy active-duty military forces cities across the country to support local law enforcement respond to the George Floyd protest.¹

11.8. On 2 June 2020, the US President Donald Trump promptly made extremely concerning public statements, threatening the deployment of the US military to

¹ <https://twitter.com/SenTomCotton/status/1267455323679440896>

escalate the already excessive response to these protests. He indicated, *inter alia*, that:²

"If a city or state refuses to take the actions necessary to defend the life and property of their residents, then I will deploy the United States military and quickly solve the problem for them,"

11.9. The President also stated that law enforcement would "*dominate the streets*" to quell "*domestic acts of terror*", in this instance, what he considered to be violent protests. As CNN reported:³

"Declaring himself "your president of law and order," President Donald Trump vowed Monday to return order to American streets using the military if widespread violence isn't quelled, even as peaceful protesters just outside the White House gates were dispersed with tear gas, flash grenades and rubber bullets. It was all, apparently, so Trump could visit a nearby church...

Before Trump's address, a crowd was gathering outside the White House gates ahead of a 7 p.m. ET curfew mandated by the mayor of Washington, including near the church.

A large convoy of military vehicles was seen driving through the White House complex and onto Pennsylvania Avenue before Trump emerged to speak.

Trump said from the Rose Garden he was committed to upholding laws and mobilizing military resources to end nationwide looting...

In striking terms, Trump said he would use his entire presidential prerogative -- including threatening to invoke a rarely used law dating back to 1807 -- to ensure violent protests end, declaring he would deploy "thousands and thousands of heavily armed soldiers, military personnel and law enforcement officers" to bring order..."

11.10. Since the killing of Mr Floyd, and the comments of President Trump, protests have escalated, and have now taken place in all of the 52 states in the USA, being the first time in US history that protests have happened on this scale. They continue on a daily basis.

11.11. The wave of protests prompted by the treatment of Mr Floyd have been met in many cases with violence and/or excessive force, including during the events in Washington reported above. Just by way of example:⁴

² <https://edition.cnn.com/2020/06/01/politics/donald-trump-national-address-race/index.html>

³Emphasis added; <https://edition.cnn.com/2020/06/01/politics/donald-trump-national-address-race/index.html>

⁴ <https://edition.cnn.com/2020/06/02/us/police-protests-use-of-force/index.html>; see also <https://edition.cnn.com/2020/06/06/us/police-excessive-force-us-protests/index.html>

- 11.11.1. *“Two officers in Buffalo, New York, were suspended without pay Thursday after video showed them pushing a 75-year-old man, causing him to fall back and hit his head on the sidewalk”.*
- 11.11.2. *“In Atlanta, prosecutors say six officers are now facing charges after police were filmed breaking the windows of a vehicle, yanking two protesters out of the car and tasing one of them. Atlanta's mayor said two of the officers were fired after video of the incident showed them using excessive force against the college students.”*
- 11.11.3. *“Footage from New York showed a police truck plowing into a crowd, an officer brandishing his gun amid protesters and an officer pushing a woman.”*
- 11.11.4. Governor Cuomo is reported as saying: *“I think some of the actions of the NYPD have exacerbated the anger. There are videos of some NYPD actions that are very disturbing,” “There are videos of NYPD cars driving into a crowd that are very disturbing, pulling a mask down off a person to pepper spray them, throwing a woman to the ground, it's on video, it's on video. The looting is on video, so is NYPD activity on video.”*

11.12. CNN has also reported that:

“Video footage and photos from protests across the country -- from a park outside the White House to the streets of Minneapolis -- show law enforcement firing tear gas into crowds of people. Sometimes the tear gas is being fired in response to violence and looting, and sometimes protesters allege it's being fired without provocation.”⁵

11.13. The President has also called for the National Guard to be sent in to deal with protestors.⁶ It is reported that *“Trump overrode the mayor of Washington, DC, to bring active-duty troops and National Guard from other states into the nation's capital last week”*.⁷ As protests continue in hundreds of US cities and, to date, the National Guard have been deployed in 24 states and the District of Columbia⁸. While more recently it appears that the National Guard are to be withdrawn from Washington, there are real and compelling ongoing concerns about the use of weapons like tear gas, rubber bullets, flash-bang grenades, pepper spray gas and projectiles against protestors.⁹ US law enforcement have acknowledged that

⁵ <https://edition.cnn.com/2020/06/02/us/police-protests-use-of-force/index.html>;

⁶ <https://edition.cnn.com/2020/06/01/politics/donald-trump-national-address-race/index.html>

⁷ <https://www.breitbart.com/politics/2020/06/08/white-house-trump-restored-order-in-america/>

⁸ <https://www.aljazeera.com/news/2020/06/george-floyd-mapping-national-guard-deployments-200601093034076.html>

⁹ [tps://www.washingtonpost.com/politics/trump-pulls-back-national-guard-and-cities-cancel-curfews-as-peaceful-protests-continue-and-grow/2020/06/07/af844d88-a8e3-11ea-94d2-](https://www.washingtonpost.com/politics/trump-pulls-back-national-guard-and-cities-cancel-curfews-as-peaceful-protests-continue-and-grow/2020/06/07/af844d88-a8e3-11ea-94d2-)

pepper balls containing an irritant powder and chemical agents that are designed to produce tears were used while clearing protestors from Lafayette Square.¹⁰

11.14. Concern has been raised by former and current senior figures about the current administration's position and approach to the ongoing protests, including the potential for the military to be used to respond to protests.¹¹ By way of example, General James Mattis, Trump's former defence secretary, has denounced President Donald Trump's response to the George Floyd protests stating that: (a) the president's decision to deploy thousands of National Guard troops throughout the streets of Washington, D.C.; (b) the administration's tactics in dispersing George Floyd protesters gathered near the White House; and (c) President Trump's promise to mobilize military units if governors don't mobilize the National Guard, all "*make a mockery of our Constitution.*"¹²

11.15. From reports on the ground in the USA it appears unlikely that the protests are coming to an end. The weekend of 6 and 7 June 2020, saw people in cities in countries around the world staging their own protests in response to the death of George Floyd. It therefore appears more likely that the protests in the USA are gaining momentum and may continue for some months. There is likely to be particular 'flashpoints' as matters progress. In particular, the outcome of the ongoing criminal investigation into the police officers charged in relation to Mr Floyd's death is likely to be a pivotal moment. The actions of the administration and other US authorities may also prompt further, unpredictable, escalations in the level and nature of the protests and, consequently, the violence used in response to them.

11.16. However, it is also important to note that the killing of Mr Floyd, and the excessive force used in response to the protests it has triggered, are unfortunately the most recent evidence of a systemic problem in the USA, which is yet to be grappled with adequately or at all by the authorities. Unless and until significant steps are taken to ensure that excessive force, including in response to peaceful protest, is not being used, any export of riot control or associated gear to the US is of serious concern.

The UK response

11.17. In view of the above developments, the Defendant's responsibilities in relation to the export of controlled military and policing equipment are engaged, in

¹⁰ https://www.washingtonpost.com/politics/park-police-spokesman-acknowledges-chemical-agents-used-on-lafayette-square-protesters-are-similar-to-tear-gas/2020/06/05/971a8d78-a75a-11ea-b473-04905b1af82b_story.html d7bc43b26bf9_story.html; <https://www.theguardian.com/us-news/2020/jun/06/george-floyd-protests-reporters-press-teargas-arrested>; <https://www.nytimes.com/2020/06/03/us/tear-gas-risks-protests-coronavirus.html>

¹¹ <https://edition.cnn.com/2020/06/05/politics/military-leaders-trump-floyd-protests/index.html>; <https://edition.cnn.com/2020/06/06/politics/donald-trump-mark-esper-confidence/index.html>

¹² <https://dailycaller.com/2020/06/03/james-mattis-denounces-trump-protest-response/>

particular in relation to riot control equipment, arms and ammunition, chemical agents and the means of dispersing the same and electrical 'stun' equipment of the type covered in the licences outlined at paragraphs [11.29-11.31] below ("**the Relevant Material**"). Decisions and steps taken now by the UK, in relation to ongoing export to the USA of UK-manufactured Relevant Material, will be of the utmost importance.

11.18. On 2 June 2020, Shadow International Trade Secretary Emily Thornberry wrote to the Defendant requesting the suspension of exports of riot control equipment to the US, pending a review of whether they are being used in response to the ongoing Black Lives Matter protests in American cities prompted by the death of Mr George Floyd. In particular, Ms Thornberry requested that the Defendant¹³:

11.18.1. *"a. Publish a comprehensive list of all current export licences to the USA of riot control projectiles and equipment, along with all available end-user data to clarify who has purchased these items and for what declared purpose within the last five years; and*

11.18.2. *b. Suspend all existing licences and halt the issue of any new licences for the export of riot control projectiles and equipment to the United States until you have determined whether any of these items are being used in response to the ongoing protests, or risk being used in the coming days if the US military is deployed as part of that response.*

11.19. On 3 June 2020, questions were asked of the Prime Minister in Parliament as to whether the UK's exports to the US of riot control equipment, including tear gas and rubber bullets, would be urgently reviewed. The Prime Minister confirmed he was happy to look into complaints, and he observed that: *"all exports are conducted in accordance with the consolidated guidance, and the UK is possibly the most scrupulous country in that respect in the world"*¹⁴; and *"I certainly condemn the killing of George Floyd, and we will certainly make sure that everything that we export to any country around the world is in accordance with the consolidated guidance on human rights."*¹⁵

11.20. On 5 June 2020, a cross-party group of 166 MPs from every major party in the Commons also wrote to Ms Liz Truss, the international trade secretary, calling for an immediate end to exports of rubber bullets, tear gas and other exports to the US while an investigation takes place.¹⁶ The letter notes that the UK has issued active export licences to the US for *"anti-crowd gas, riot equipment, rubber bullets*

¹³ <https://labour.org.uk/press/emily-thornberry-demands-action-on-us-riot-control-exports/>

¹⁴ <https://hansard.parliament.uk/Commons/2020-06-03/debates/843D395D-0A09-4E70-813B-583287CF2F4C/PrimeMinister>

¹⁵ <https://hansard.parliament.uk/Commons/2020-06-03/debates/843D395D-0A09-4E70-813B-583287CF2F4C/PrimeMinister>

¹⁶ <https://www.independent.co.uk/news/uk/politics/george-floyd-protests-uk-export-tear-gas-rubber-bullet-us-a9551006.html>

and other small arms”, and goes on to say: “[t]here is clear evidence to show that the aforementioned items are being misused. The UK will urgently need to investigate to ascertain whether any of those used were supplied by the UK. Therefore, we call on the UK government to immediately suspend all export licenses to the US of all riot-related items.”

11.21. These are highly pertinent and urgent concerns. There have been substantial deployments by US law enforcement and military personnel and it is likely at this time that stockpiled Relevant Material will need to be renewed on an urgent basis.

11.22. However, to date, there has been no: (a) public response to the letter sent by Ms Thornberry; or, in any event, (b) any public confirmation that the relevant licences have been suspended and/or are under review. It has now been more than 7 days since Ms Thornberry’s letter was submitted. In the current circumstances, the Defendant’s silence is concerning. Action is required now to ensure that no exports are made to the US in the context where weapons such as tear gas are being used against protestors and journalists. Thus, our client requires urgent clarification of what the Defendant’s position is, see paragraph 18 below.

The limited information available on current licences

11.23. From our review on the information available in various places and forms online, we understand the position to be as follows.

11.24. The relevant types of licences are OIELs, OGELs and SIELs.

11.25. OIELs are *“specific to an individual exporter and cover multiple shipments of specified items to specified destinations and/or, in some cases, specified consignees. Licences permitting permanent export are generally valid for up to 5 years from the date of issue...”*¹⁷ The names of the specific end-users/recipients are *“not normally...required unless specifically requested during the completion of the application form...or subsequently by advisers from Other Government Departments (OGDs). This contrasts with Standard Individual Export Licences (SIELs), which always name these parties. Instead, the sectors in which the goods are to be used must be specified on the OIEL application: Armed Forces, Navy, Army, Air Force, Oil and Gas Industries, etc.”*¹⁸

11.26. OGELs are: ¹⁹

¹⁷https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/879296/2019-Q4-strategic-export-controls-country-pivot-report-2019.pdf, p.6

¹⁸ BIS Guidance, Updated OIELS Process, 2015: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/402903/15-118-OIELs-process-guidance.pdf

¹⁹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/879296/2019-Q4-strategic-export-controls-country-pivot-report-2019.pdf, p.6

“... pre-published licences allowing the export of certain goods to certain destinations. If exporters are eligible to trade under an OGEL then they should register to use that OGEL. Once registered, there is no need for an exporter to submit further applications to trade under the licence they have registered to use.”

11.27. Standard Individual Export Licences (“**SIELs**”) are “*specific to an individual exporter and generally allow shipments of specified items to a specified consignee up to the quantity specified by the licence.*”²⁰ Their period of validity is shorter than for OIELs. Permanent SIELs are generally valid for 2 years from date of issue²¹.

11.28. In addition, policing equipment which does not fall within the “military list” in Schedule 3 of the Export Control Order 2008 (see below) may fall within the ambit of Regulation (EC) No. 2019/125 (the “**Torture Regulation**”). This prohibits and regulates trade in “legitimate” law enforcement equipment that could be used for capital punishment, torture or cruel, inhuman or degrading treatment or punishment, such as shackles and some individual cuffs, and certain pepper and other chemical sprays. Licensing is also conducted by the Defendant and is limited to SIELs, save that an EU General Export Authorisation is in place (as set out in Annex V of the Regulation) for certain equipment exports.

11.29. It is very difficult to identify the quantity, type of equipment, value and destination of licences issued for the export of controlled goods to the US. We understand from the Defendant’s most recent report that²²:

11.29.1. In 2019, 10 SIEL licences were granted for equipment in the ML3 category with a stated value of £1,222,712²³. Over the same period, 37 SIEL licences were granted for ML4 equipment with a value of £35,362,003; 24 ML6 SIEL licences with a value of £823,054; 20 ML7 SIEL licences with a value of £2,494,359; and 17 ML21 SIEL licences with a value of £1,744,329. These licences included licences for anti-riot/ballistic shields (3 permanent & 2 temporary licences); armoured plate (2 permanent & 2 temporary licences); body armour (3 permanent and 3 temporary licences); small arms ammunition (5 licences); and various licences for components of the same.

11.29.2. Only 1 SIEL is recorded as being refused²⁴.

²⁰ Ibid., p.7

²¹ Ibid.

²² Strategic Export Controls: Country Pivot Report (2019) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/879296/2019-Q4-strategic-export-controls-country-pivot-report-2019.pdf

²³ Ibid., p.619

²⁴ Ibid. p.626

11.29.3. The information regarding OIELs granted over this period is much more scant. The Defendant has only stated that licences were issued or amended covering a variety of relevant equipment categories including anti-riot/ballistic shields; anti-riot guns and components; , but provides no detail as to the number, the value, the specific items covered, the destination nor the volume of trade under the OIELs²⁵.

11.29.4. There is no reported information about the operation of the OGEL regime (discussed at below) at all save that it is noted that 3 exporters newly registered under the OGEL over this same period²⁶.

11.29.5. During 2019, 3 licences were issued for portable riot control electric-shock devices with a value of £5,518.

11.30. Campaign Against Arms Trade (“CAAT”) has compiled a database combining the Defendant’s periodic reports with HMRC’s overseas trade statistics. It has limitations: for example it cannot track trade under the OGEL regime. The database also does not contain 2020 statistics. But it is able to add more detail to the above figures. Thus, for example in relation to tear gas exports to the USA, it can be seen that licences have been approved in 2008, 2012, 2015, 2016 and 2018 (12 June 2018). That most recent licence was an OIEL, so the value is not known. It covered the following categories:

- “CS hand grenades
- depth charges
- hand grenades
- illuminators
- munitions/ordnance detection/disposal equipment
- signalling devices
- smoke canisters
- smoke/pyrotechnic ammunition
- tear gas/irritant ammunition
- tear gas/riot control agents
- training CS hand grenades
- training hand grenades
- training tear gas/irritant ammunition”²⁷

11.31. Similarly, the CAAT database also reveals the following licences for exports to the United States within the last 5 years:

²⁵ Ibid. pp.630-636

²⁶ Ibid., p.15

²⁷ <https://www.caat.org.uk/resources/export-licences/licence-list?item=Tear+Gas+Group>

11.31.1. Anti-riot/ballistic shields: an SIEL licence on 4 January 2017 for the same together with body armour and helmets totalling £337,500 and an OIEL licence dated 8 November 2016 for export of the same along with a large number of other items to the United States along with 21 other countries for an unlimited value.

11.31.2. Anti-riot guns: an OIEL approved on 6 September 2019 for “anti-riot guns” along with assault rifles, military machine guns and many other types of fire-arm for an unlimited value and for the United States along with 7 other countries.

11.31.3. Civil riot control agent protection equipment: an OIEL approved on 30 August 2018 for an unlimited value and for this equipment alongside “civil NBC protection equipment” and laser and diving equipment.

11.32. The generic nature of the OIEL licences means that there is a lack of specific information available as to how they are being used by traders, which gives rise to concerns about accountability and the control deficit that follows from that in relation to this type of licence. Of course, trade pursuant to the OGEL, discussed directly below, is not recorded at all. This lack of information is of particular relevance when considering whether an urgent suspension is required, see further below.

11.33. We understand that there is an OGEL for Exports under the US-UK Defence Cooperation Treaty,²⁸ which permits members of an “*approved community*” of UK-based exporters (which has not been published) to export defined goods to the US where the ultimate end-user is the US Government, without the need for any individual licence post-registration under the OGEL. The annexed list of permitted equipment excludes tear-gas rounds²⁹, but appears not to exclude CS hand grenades and cannisters (“**ML4**”); and tear gas (“**ML7**”) and a range of anti-riot equipment (“**ML21**”) (see further definitions at paragraph 12.3] below).³⁰

11.34. Thus, we understand that goods of a type which has been used in response to the US protests may be exported from the UK to the US under a variety of extant licences, including an OGEL which does not require any registration with the Defendant before such trade can be engaged with.

11.35. It is against this background that Oliver Feeley-Sprague, Amnesty International UK’s Military, Security and Police Programme Director, has said:

“After the shocking images of the police and National Guard using excessive force against Black Lives Matter protesters in Minneapolis, the UK should

²⁸

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/727537/18-ogel-us-uk-defence-treaty.pdf

²⁹ Ibid., p.3 (“ammunition for weapons specified in ML2”)

³⁰ The exclusions from ML4 and ML7 in the OGEL do not include these items.

immediately freeze all policing and security equipment export licences to the US where there's a clear risk of further misuse - something the UK is obliged to do under its own laws.

Given the evidence emerging from numerous US cities, there's a very real risk of UK-manufactured tear gas or rubber bullets being used against George Floyd protesters in dangerous and highly inappropriate ways - something that ministers need to respond to.

Ministers should be making detailed, case-by-case assessments of any requests for equipment from individual US police forces - withholding exports from any that have clearly acted irresponsibly during the current crisis.

The UK has a dreadful track record of looking the other way when UK arms and security equipment is misused overseas, even, in some cases, seeking to justify such misuse. Now is the time to start changing that.”³¹

11.36. If any part of this summary of the factual background is disputed or is believed by your authority to be inaccurate, please identify in your response each part of the factual background that is disputed, please explain why it is disputed and please provide full details of the basis for this alternative factual account including copies of any reports or relevant contemporaneous records upon which it is based. In particular, due to the opaque nature of the control system, and the difficulties in understanding the limited information reported about specific licences, the Defendant is asked to provide full and up-to-date details of all extant licences for exporting controlled goods to the US. See further paragraph 18 below.

12. Legal Framework:

Export Control Act 2002 (“the 2002 Act”) and the Export Control Order 2008 S.I. 2008/3231 (“the 2008 Order”)

12.1. Section 1(1) of the 2002 Act provides that the Secretary of State may by order make provision for or in connection with the imposition of export controls in relation to goods of any description. Section 5(2), as amended, provides that controls may be imposed for the purpose of giving effect to any EU provision or other international obligation of the UK.

12.2. Article 3 in Part 2 of the 2008 Order provides that, subject to (among others) Article 26, no person shall export “military goods” or transfer military software or technology by electronic means. Article 26(1) provides that nothing in (among others) Part 2 prohibits an activity that is carried out under the authority of a UK licence.

³¹ <https://www.amnesty.org.uk/press-releases/usa-protests-uk-should-review-exports-security-equipment-us-police-forces>

12.3. “Military goods” are defined in Schedule 2 of the 2008 Order, which reflects the “Military List” arising under the EU Common Military List³². Most relevantly, they include the following:

- 12.3.1. ML3: Ammunition for weapons specified in ML1, ML2 (smooth bore weapons, including “smoke, gas and ‘pyrotechnic’ projectors or generators) i.e. tear gas, rubber bullet and other similar rounds;
- 12.3.2. ML4: Explosive devices including “smoke cannisters...specially designed for military use”;
- 12.3.3. ML6: Ground vehicles “specially designed or modified for military use and/or with ballistic protection to level III (with other weight and other characteristics)
- 12.3.4. ML7: Chemical agents including “riot control agents” and their active constituent chemicals;
- 12.3.5. ML21/PL-5001: Acoustic devices...suitable for riot control purposes; anti-riot ballistic shields & components; water cannon; riot control vehicles; Components specially designed or modified for portable devices for the purposes of riot control.

12.4. Article 32(1) provides that:

“(1) The Secretary of State may by notice—

(a) amend, suspend or revoke a licence granted by the Secretary of State;

(b) suspend or revoke a general licence granted by the Secretary of State as it applies to a particular licence user.”

The Common Position and Consolidated Criteria

12.5. In December 2008 the Member States of the EU adopted the Council Common Position 2008/944/CGSP of 8 December 2008 “defining common rules governing control of exports of military technology and equipment” (“the EU Common Position”). Article 1.1 provides that each Member State shall assess export licence applications made to it for items on the EU Common Military List on a case-by-case basis against the criteria of Article 2. Article 1.2 provides that those export licence applications include applications for physical exports and applications for licences for any intangible transfers of software and technology by means such as electronic media, fax or telephone.

³² [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XG0328\(01\)&from=IT](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XG0328(01)&from=IT)

12.6. Article 2(2) provides, *inter alia*:

“Criterion Two: Respect for human rights in the country of final destination as well as respect by that country of international humanitarian law.

- Having assessed the recipient country’s attitude towards relevant principles established by international human rights instruments, Member States shall:

(a) deny an export licence if there is a clear risk that the military technology or equipment to be exported might be used for internal repression;

(b) ...”

12.7. On 24 March 2014 the Secretary of State set out in a written statement to Parliament what were described as “Consolidated EU and National Arms Export Licensing Criteria” (“the Consolidated Criteria”). These were based on the EU Common Position. The written statement said that it was guidance given under the 2002 Act s.9. Criterion 2 provides insofar as relevant that:

“The respect for human rights and fundamental freedoms in the country of final destination as well as respect by that country for international humanitarian law.

Having assessed the recipient country’s attitude towards relevant principles established by international human rights instruments, the Government will:

a) not grant a licence if there is a clear risk that the items might be used for internal repression;

For these purposes items which might be used for internal repression will include, inter alia, items where there is evidence of the use of these or similar items for internal repression by the proposed end-user, or where there is reason to believe that the items will be diverted from their stated end use or end user and used for internal repression.

The nature of the items to be transferred will be considered carefully, particularly if they are intended for internal security purposes. Internal repression includes, inter alia, torture and other cruel, inhuman and degrading treatment or punishment; summary or arbitrary executions; disappearances; arbitrary detentions; and other major violations of human rights and fundamental freedoms as set out in relevant international human rights instruments, including the universal declaration on human rights and the international covenant on civil and political rights.

In considering the risk that items might be used for internal repression or in the commission of a serious violation of international humanitarian law, the Government will also take account of the risk that the items might be used to commit gender-based violence or serious violence against women or children.”

12.8. Under the heading “*Other Factors*”, the Consolidated Criteria confirm that: “*Article 10 of the EU common position specifies that member states may, where appropriate, also take into account the effect of proposed exports on their economic, social, commercial and industrial interests, but that these factors will not affect the application of the criteria in the common position*” [emphasis added]. The UK government has reiterated the primacy of the Consolidated Criteria above other concerns, stating in 2014:

“A commercial relationship does not prevent us from speaking frankly to governments about issues of concern, including human rights. The Government will not pursue trade to the exclusion of human rights concerns. They can and should be complementary.”³³

12.9. Finally, the Consolidated Criteria explain that in applying the criteria, account will be taken of reliable evidence, including for example, reporting from diplomatic posts, relevant reports by international bodies, intelligence and information from open sources and non-governmental organisations.

The User’s Guide

12.10. The current version of the User’s Guide referred to in Article 13 of the Common Position is dated 16 September 2019. It provides, *inter alia*, that (underlined emphasis added):

“In assessing whether there is a clear risk that a proposed export might be used for internal repression Member States should consider the current and past record of the proposed end user with regard to respect for human rights and that of the recipient country in general. The latter includes the policy line of recipient country’s government; recent significant developments, including inter alia impact of “fight against terrorism”; effective protection of human rights in constitution; human rights training among key actors (e.g. law enforcement agencies); impunity for human rights violations; independent monitoring bodies and national institutions for promotion or protection of human rights...”

Internal repression, clear risk, “might”, case by case: The text of *Criterion Two* gives an ample set of examples of what constitutes internal

³³ HMG response to CAEC, 31 July 2015
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/450396/50914_Cm_9089_Accessible.pdf

repression. But assessing whether or not there is a clear risk that the proposed export might be used to commit or facilitate such acts requires detailed analysis. The combination of “clear risk” and “might” in the text should be noted. This requires a lower burden of evidence than a clear risk that the military technology or equipment will be used for internal repression.

An analysis of clear risk must be based upon a case-by-case consideration of available evidence of the history and current prevailing circumstances in the recipient state/regarding the proposed end-user, as well as any identifiable trends and/or future events that might reasonably be expected to precipitate conditions that might lead to repressive actions (e.g. forthcoming elections)...

Some initial questions that might be asked are:

...

- *Are there consistent reports of concern from local or international NGOs and the media?*

It will be important to give particular weight to the current situation in the recipient state before confirming any analysis...”

The Torture Regulation

- 12.11. An export authorisation is required for any equipment listed in Annex III of the Torture Regulation, pursuant to Article 11 thereof. These are goods defined in Article 11 as being “*primarily...for law enforcement purposes*” but which “*taking into account their design and technical features, present a material risk of use for torture or other cruel, inhuman or degrading treatment or punishment [CIDT]*”. Under Article 2 this is defined to include use that causes severe pain or suffering for “*punishing a person,intimidating or coercingor for any reason based on discrimination of any kind*” as well as “*any act by which pain or suffering attaining a minimum level of severity, whether physical or mental, is inflicted on a person...either by or at the instigation of, or with the consent or acquiescence of, a public official..*”
- 12.12. Pursuant to Articles 12 and 20(2) of the Torture Regulation, the Defendant is the competent domestic authority to determine applications for authorisations. It is prevented from doing so where there are “*reasonable grounds to believe*” that goods “*might*” be used for torture or CIDT,
- 12.13. The application procedure must include details of the end-user of the equipment (Article 20(8)). Authorisations are valid for a period of 3-12 months (Article 21(1)).

12.14. Under Article 21(5) the Defendant “*acting in accordance with this Regulation, may refuse to grant an authorisation and may annul, suspend, modify or revoke an authorisation which they have already granted*”.

12.15. The Open General Licence under the Torture Regulation which is the equivalent of an OGEL specifically excludes exports to the United States³⁴.

The Suspension Mechanism

12.16. The 2008 Order does not set out the circumstances in which export or trade licences will be suspended. This was initially addressed in a statement to Parliament by the Secretary of State for Business, Innovation and Skills on 7th February 2012:³⁵

“The new suspension mechanism will allow the Government to quickly suspend the processing of pending licence applications to countries experiencing a sharp deterioration in security or stability. Suspension will not be invoked automatically or lightly, but triggered for example when conflict or crisis conditions change the risk suddenly or make conducting a proper risk assessment difficult. A case-by-case assessment of a particular situation will be necessary to determine whether a licensing suspension is appropriate.

Any decision to suspend will be taken by the Licensing Authority based on advice from relevant Government Departments and reporting from our diplomatic posts. Parliament, industry and the media will be informed of any suspension.

Suspension will be tailored to the circumstances in play and will not necessarily apply to all export licence applications to a country, but may instead be for applications for particular equipment (for example crowd control goods), or for applications for equipment going to a particular end-user. If a decision to suspend is made, work on licence applications in the pipeline will be stopped and no further licences issued pending ministerial review. Once the suspension is lifted, applications will not be required to be resubmitted.”

12.17. We understand that this policy was subsequently amended and expanded.

12.18. On 8 January 2014, the Foreign Secretary wrote to the Chairman of the Committees on Arms Export Controls (see First Report, Volume II Memorandum, 14 July 2014) stating that:³⁶

³⁴

³⁵Emphasis added;

<https://publications.parliament.uk/pa/cm201212/cmhansrd/cm120207/wmstext/120207m0001.htm>

³⁶ <https://publications.parliament.uk/pa/cm201415/cmselect/cmquad/186/186ii12.htm#a66>

“Recent events in Egypt highlighted the importance of responding quickly to a deteriorating security situation in a country. This was the first time we have deployed the Suspension Mechanism. In two important respects Egypt was a special case. First, we suspended extant licences as well as pending licence applications; this was an addition to the policy announced to Parliament by the Business Secretary on 7 February 2012, which referred only to suspension of pending licence applications. Secondly, we applied suspension to “equipment which might be used for internal repression”. This is of course a lower threshold than Criterion 2 of the Consolidated Criteria, where the test is a “clear risk that the proposed export might be used for internal repression”.”

12.19. The Business Secretary then wrote to the Chairman of the Committees on 3 February stating:³⁷

“I have asked my officials to work with the Foreign and Commonwealth Office and the Ministry of Defence to review the Government's licensing suspension mechanism. Following the recent Egypt suspension it is my intention to widen the scope to include extant as well as new licences. To paraphrase the Foreign Secretary, when he appeared before the CAEC on the 8 January, there is now a greater willingness on the part of the Government to suspend licensing and we will not hesitate to do so if it proves impossible or extremely difficult to apply the Consolidated Criteria.”

12.20. In the later *Response of the Secretaries of State for Business, Innovation and Skills, Defence, Foreign and Commonwealth Affairs and International Development* of 31 July 2015, the Government explained that:³⁸

“The Arab Spring arms export policy review is complete and the Government continues to apply the lessons learned. The suspension mechanism has demonstrated its value by enabling the Government to respond to events in Egypt in 2013 and in Russia and Ukraine in 2014. It allows the Government to act quickly, proportionately and flexibly to suspend extant export licences or halt the processing of new export licence applications while countries are in crisis or experiencing a sharp deterioration in security or stability, and in circumstances where it is not possible to make proper assessments against the Consolidated Criteria. Every case and each response is handled on its own merits, and all decisions are kept under regular review, enabling the Government to adjust its policy for a specific country according to the prevailing circumstances...”

Previous reviews in the light of changing circumstances

³⁷ <https://publications.parliament.uk/pa/cm201415/cmselect/cmquad/186/186ii12.htm#a66>

³⁸ Emphasis added;

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/450396/50914_Cm_9089_Accessible.pdf

12.21. The Defendant has suspended and reviewed licences in the past. For example:

12.21.1. In June 2019, the UK announced that it was suspending future sales of teargas and other crowd control equipment to Hong Kong until an independent investigation into allegations of police brutality during mass protests has taken place.³⁹

12.21.2. It was reported to Parliament in October 2014 that:⁴⁰

“The UK implemented the decision of the EU Foreign Affairs Council (FAC) on 21 August 2013 to suspend all export licences for Egypt for items which might be used in internal repression. We initially took a precautionary approach and suspended 48 extant export licences. We then reviewed all export licences for Egypt and released 31 from suspension. Several licences which were suspended had expired so no action was required on them. The suspended licences cover a range of equipment including spares for helicopters and components for firearms.

On 20 February 2014, the EU FAC agreed to suspend, until further notice, all export licensing to Ukraine for equipment which might be used for internal repression. We then suspended all extant licences for goods that might be used for internal repression in accordance with that decision. As a result, we suspended licences for sniper rifles, silencers for civilian use and body armour for the Ukrainian Security Forces. This action was taken in response to the indiscriminate killing of protesters from 18-20 February by Ukrainian Security Forces under the control of then-President Yanukovich and his Government. On 22 July 2014, the EU FAC unanimously agreed to lift the suspension. The Government implemented this decision.

On 18 March 2014, the Government decided to suspend export licensing and extant licences for exports of military and dual-use items destined for units of the Russian armed forces or other state agencies which could be or are being deployed against Ukraine; and to suspend licences for exports to third countries for incorporation into equipment for export to Russia where there is a clear risk that the end product will be used against Ukraine.

³⁹ <https://www.theguardian.com/world/2019/jun/25/uk-halts-sales-of-teargas-to-hong-kong-amid-police-brutality-claims>

⁴⁰ <https://www.parliament.uk/documents/commons-committees/Arms-export-controls/2014-15-Cm8935.pdf>

While outside the period covered by the Report, it is worth noting that, on 12 August 2014, the Government announced the findings of a review of licensed exports to Israel which identified twelve licences for components which could be part of equipment used by the Israel Defence Forces in Gaza. The Government made clear that, in the event of a resumption of significant hostilities, it would suspend these licences as a precautionary step.”

12.21.3. It was announced that extant licences would be reviewed in light of the 2014 Gaza invasion⁴¹;

12.21.4. In 2012, in light of events relating to the “Arab Spring”, the government reviewed its export licencing regime and introduced a mechanism for swift licence suspension in response to events⁴².

12.22. Disclosure of any other instances is sought below.

12.23. In addition, the Defendant was ordered to retake on a lawful basis the export licensing decisions challenged in the case of *R (Campaign Against Arms Trade) v SoS International Trade* [2019] EWCA Civ 1020 and not to grant any new licences pending that reconsideration. By Court of Appeal Order dated 9 July 2019 the Defendant was granted permission to appeal to the Supreme Court, but its application for a stay on the Court of Appeal’s order was refused.

13. Grounds of challenge:

Ground 1: Failure to suspend

13.1. There has been to date no indication that the Defendant has taken the necessary steps to suspend:

13.1.1. all extant licences for the export of goods to the US, and

13.1.2. decisions on any pending or future applications for licences,

which cover any goods which could be used as ‘riot control’ or other policing / military measures in response to the Black Lives Matter protests and/or as part of wider law enforcement measures against black citizens. These include the licences identified above, but will also extend to any licences which cover materials which could be used for the purposes of internal repression.

⁴¹ The Guardian, *UK government reviewing £8bn of commercial and military export licences granted to Israel*, 4 August 2014: “A spokesman for the Department for Business, Innovation and Skills said: “We are currently reviewing all existing export licences to Israel...”

<https://www.theguardian.com/world/2014/aug/04/uk-government-reviews-arms-sales-israel-gaza>

⁴² <https://publications.parliament.uk/pa/cm201212/cmhansrd/cm120207/wmstext/120207m0001.htm>

13.2. The failure to suspend the exports of, in particular, the Relevant Material, is a clear breach of Criterion 2 as the test for triggering the suspension is met because:

13.2.1. On any view, the ongoing events in the US give rise to a clear risk that the military technology or other material and equipment to be exported pursuant to the extant licences or new licences might be used for internal repression.

13.2.2. The nature of the material covered or permitted to be exported by the licences of which our client is aware (see paragraphs 11.29-11.31 above) are of the type which have already been used by US authorities to 'quell' protests and in reported attacks on black citizens. The reports we cite above from reputable press organisations and non-governmental organisations provide reliable evidence upon which the Defendant may rely in determining that the suspension mechanism should be triggered. The current prevailing circumstances in the US clearly meet the threshold for suspension of existing and future licences.

13.2.3. Looking forward, it is plain that there is a trend of systematic violence against Black citizens which supports the conclusion that the goods covered by the licences might be used for the purposes of internal repression. These risks are heightened not only by the ongoing response to the wave of protests already prompted by Mr Floyd's death, and the US authorities' response, but also by the fact that future events may precipitate further repressive action. As steps are taken in the criminal process against the officers involved in Mr Floyd's death, this is likely to prompt further protests and/or political responses that result in further violence.

13.2.4. Without information as to the end-users of the various licences (which is requested below), it is difficult for our client to make submissions applying the further aspects of the guidance provided by the User's Guide. This lack of transparency needs to be remedied, see our client's disclosure requests below. However, in any event, of particular concern in this regard are the 'Open' licences, especially the OGEL. Given the nature of the tear gas and other riot control weapons that are sanctioned for exportation, it seems likely that taking into account of this factor will point firmly in favour of immediate suspension. Without information as to how those licences are being used in practice, there is a clear and immediate risk that goods could be exported from the UK to the USA, and used as part of repressive responses to the ongoing and/or future protests.

13.3. Thus:

- 13.3.1. Any decision not to suspend the licences granted in respect of the US of the Relevant Material, and/or any other material which could be used for internal repression in the current and ongoing repressive climate is: (a) unlawful as it breaches the obligations imposed by the arms control regime, particularly the requirement to apply Criterion 2, (b) irrational; and/or (c) is contrary to our client's legitimate expectations as in similar situations such suspensory decisions have been taken. It is essential to quickly suspend the extant licences and pending applications for the duration of the sharp deterioration in security and stability in the USA.
- 13.3.2. If, in fact, no review of the application of Criterion 2 has been undertaken in the light of the current US situation (see below), any such review should happen as a matter of urgency, with all licences suspended on a precautionary basis, pending its outcome.
- 13.4. In the alternative, it is plain for the reasons given above that there is good reason to believe that the licences permitting the export of the Relevant Material, in particular, permit the export of goods which might be used for internal repression. The Claimant reserves the right to submit, if necessary, that this alternative lower threshold should be applied for a suspension decision where there are immediate concerns about the use of exported goods, pending a full review and inquiry. Again, of particular concern in this regard is the open nature of certain of the relevant licences, which means that it may not be possible to establish precisely what exports have been and are being made, and the recipients of the same. Applying a precautionary approach, the licences should be suspended now while the current unstable position persists.

Ground 2: Failure to review

- 13.5. The second proposed ground of challenge relates to the apparent failure to review the existing licences in place in the light of the ongoing events in the US.
- 13.6. Particularly in circumstances where certain of the open licences permit exports to take place without any further approvals from the Defendant, it is imperative that a full investigation and review is undertaken to ascertain the scope, nature and recipients of the exports that are taking place and/or are planned of equipment and material which might be used for internal repression. Any failure to conduct such a review is unlawful because, *inter alia*:
 - 13.6.1. it is contrary to the Defendant's obligations to apply Criterion 2;
 - 13.6.2. it is contrary to the Defendant's duty to carry out a sufficient inquiry prior to making its decision (*Secretary of State for Education and Science v Tameside MBC* [1977] A.C. 1014, as applied in, *R (on the application of*

Plantagenet Alliance Ltd) v Secretary of State for Justice [2014] EWHC 1662 (QB); [2015] 3 All E.R. 261;

13.6.3. it is irrational; and/or

13.6.4. it is contrary to our client's legitimate expectations.

Ground 3: Failure to amend the existing licences

13.7. In the alternative, our client's third proposed ground for judicial review is that even if it is accepted that not all extant or future licences should be suspended, it is essential that the extant licences should be amended, otherwise and/or refused insofar as they permit or could permit the export of the Relevant Material, which are the most obvious forms of equipment likely to be deployed for internal repression in the context of the ongoing situation in the US. This is particularly pressing in relation to trade under the OGEL and OIELs given the lack of accountability and control available to the Defendant under these open licences.

13.8. In your response to this pre-action letter, please refer to each numbered point in turn and confirm whether the ground is conceded or disputed and, if it is disputed, please provide full details of the basis on which it is disputed.

14. Details of the Action that the Defendant is Expected to Take:

14.1. If a decision has been made not to suspend, amend and/or review the licences granted and which could be granted for export of controlled goods to the US in the light of the ongoing situation, then the Defendant is asked to:

14.1.1. urgently withdraw that decision;

14.1.2. re-take the decision and thereby suspend all relevant licences (extant and pending applications) until: (i) the completion of a full review and investigation into the use being made of the extant licences or the use to be made of licences currently sought, and/or (ii) the ongoing situation in the USA changing sufficiently that no concern arises that exported goods could be used for the purposes of internal repression. In doing so, the Defendant is asked, in particular, to have careful regard to their public sector equality duty under the Equality Act 2010 and the need to act in a precautionary manner in the context of a volatile, and fast-moving situation; and

14.1.3. confirm to the Claimant the decision taken, the reasons for it, and the details of the licences affected.

14.2. If no decision has yet been made in this regard, our client requires:

- 14.2.1. An urgent decision to be made on the need for suspension and review by the Defendant(s), applying Criterion 2 and/or the terms of the current suspensory mechanism, and the Defendant's public sector equality duty;
- 14.2.2. Urgent confirmation of the decision as taken and the reasons for it; and
- 14.2.3. The details of all extant licences and applications for new licences which have been affected by the suspension decision and/or are to remain in force following the decision, including the detailed information sought in paragraphs 18.1-18.6 below.

15. In practical terms, what the Claimant is seeking:

- 15.1. Our client seeks to confirm, in the interests of their personal social network, but also for Black citizens of the UK and the USA, that no goods will be exported to the US which may be used to 'quell' or 'dominate' public protest and/or be used as part of the ongoing excessive violence against, in particular, black US citizens.

- 16. Details of the Legal Advisors Dealing with this Claim:** Deighton Pierce Glynn, 10C, Whitefriars, Bristol, BS1 2NT, reference [REDACTED].

- 17. Details of any Interested Parties:** None. If you consider that there is an interested party who should be served with documents in relation to the proposed proceedings, please provide your reasons and details of the party.

18. Documents and information that you should provide with your response:

You are asked to provide the following information within fourteen days in accordance with the judicial review pre-action protocol.

You are reminded that in responding to this letter you must comply with your duty of candour.

This duty requires due diligence in: (a) investigating what material is relevant to this claim; and, (b) disclosing that material where it is relevant or assists the Claimant, including on some as yet unpleaded ground. A failure to comply with the duty of candour when providing your response to this letter may result in costs sanctions.

The duty of candour is reinforced by paragraphs 6 and 16(d) of the Judicial Review Pre-Action Protocol which provide that you must enclose any relevant documentation requested by the Claimant with your response and that where you ignore this requirement the court may impose sanctions, for example costs sanctions.

Accordingly, in your response, you are asked to confirm that you have investigated what material is relevant to this claim and to disclose that material in or with your response. In addition, we would ask you to ensure that copies of the following documents are provided with your response in compliance with your pre-action disclosure duties:

- 18.1. The number of occasions that the Defendant has (a) reviewed; and (b) suspended, amended and/or altered extant licences in the past in response to changes of circumstances (e.g. the 2014 Gaza invasion).
 - 18.2. Copies of all relevant policies applied, including any new or revised suspension mechanism policy that is in place.
 - 18.3. A full and candid account of the decision-making process and all relevant disclosure.
 - 18.4. A copy of the assessment undertaken in compliance with the Defendant's public sector equality duty under the Equality Act 2010.
 - 18.5. Details of all relevant extant licences, including: (a) who may use the licence; (b) what is permitted by the licence; and (c) the permitted recipients of the goods exported/ the intended end-user (if different) of the goods exported.
 - 18.6. Details of all relevant pending applications for licences to export to the USA which are suspended and/or are to be processed due to a decision not to suspend, including: (a) who is seeking the licence; (ii) what would be permitted by the licence; and (c) the intended end-user.
19. **Details of any other documents that are Considered Relevant and Necessary:**
- None other than those identified above.
20. **Alternative Dispute Resolution (ADR):**
- We do not consider that this matter is suitable for an alternative form of resolution. If you disagree, please let us have your reasons and your proposals.
21. **Address for Reply and Service of Court Documents:** Deighton Pierce Glynn, 10C, Whitefriars, Bristol, BS1 2NT, reference [REDACTED].
22. **Proposed Reply Date: By 4.00pm on 16 June 2020**, by the very latest - due to the extreme urgency and in circumstances where the Defendant has already had 7 days to consider this matter (following receipt of the letter from the Shadow International Trade Secretary Emily Thornberry, on 2 June 2020), we would expect **a response should be possible within 3 working days**.

23. Please confirm by return when you envisage being able to provide a substantive response.

Yours faithfully

A handwritten signature in blue ink that reads "Deighton Pierce Glynn". The signature is written in a cursive style with a horizontal line above it.

DEIGHTON PIERCE GLYNN

CC Government Legal Department -
HeadofDefenceandSecurityPublicLaw@governmentlegal.gov.uk