

Former Royal Marine jailed for knowingly exporting controlled goods without a licence

A former British Royal Marine has been sentenced to two and a half years imprisonment for knowingly exporting controlled goods after attempting to supply hi-tech sniper scopes to Iran.

1. Details of Case

Mr Andrew Faulkner, of Spalding, Lincolnshire, imported 100 hi-tech scopes into the UK for delivery to his home. He then arranged for the scopes to be transported out of the UK, but the consignment was intercepted by HMRC and UK Border Agency at Heathrow Airport.

According to the export paperwork, the scopes were being shipped to a buyer in Dubai and were going to be used for hunting purposes. However, email evidence retrieved from Faulkner's computer showed that the real export destination for the scopes was Iran.

When interviewed by HMRC officers, Faulkner originally claimed that he was unaware that the cargo was destined for Iran. However, he later admitted that the real destination was Iran and that he had been aware of the fact.

The goods being sold by Faulkner were potentially lethal military grade equipment. They were Schmidt and Bender 3-12x50 PM II LP scopes, which are high-specification precision optical scopes designed for use with sniper rifles and used worldwide by military snipers. The same model of Schmidt and Bender scopes was found by British troops in an arms cache in an underground insurgent bunker in Basra, Iraq.

Faulkner was supplied with the scopes by Alessandro Bon, an Italian national who has since been arrested by Italian police for his role in supplying arms to Iran.

Mr Faulkner worked as a security consultant and arms trader and was previously a corporal in the Royal Marines for 14 years.

2. Official Comments

Commenting on the case, Peter Millory, Assistant Director of Criminal Investigation for HMRC, said:

"These were high specification rifle sights used by precision marksmen in the armed forces. Faulkner knew from experience the harm this equipment could cause in this volatile area of the world, and he knew the risk of their use against coalition forces. He was motivated purely by the money he could make through this illegal and highly dangerous arms deal".

On sentencing at Southwark Crown Court, Judge Nicholas Loraine-Smith said that Faulkner had "put financial gain above past and present colleagues" and that he had been the "front man for the deal" and was to be paid €12,000.

Malcolm McHaffie of the CPS Central Fraud Group said:

"Arms dealers are well-aware of the risks of sending military hardware to countries where there can be no assurance of how it will be used or who will use it. There is a

real danger of such items falling into the wrong hands. Mr Faulkner knew these scopes were military-grade and that their ultimate destination was Iran, but he went ahead with the sale just to earn his fee. Lives could have been put at risk by his selfish and reckless behaviour.”

3. Prosecuting Authority

The case was prosecuted on behalf of HMRC by Crown Prosecution Service. The CPS is an independent prosecuting authority. It reports directly to the Attorney General and is responsible for prosecuting some of the largest drug and fraud cases in the UK.

4. Wider Advice for Exporters

Exporters must take their export control responsibilities seriously and ensure full compliance with the regulations. This includes taking reasonable steps to assure themselves that destinations for export are not subject to sanctions or embargoes incorporating export controls - in cases of doubt exporters should contact the ECO. As this and other recent cases show, HMRC and the CPS can and will take action to enforce the controls.

The ECO also provides comprehensive advice on export controls on the Businesslink website – <http://www.businesslink.gov.uk/exportcontrol>

Our guidance includes details of:

- controlled items published on the UK Strategic Export Control Lists
- guidance on applying for an export licence
- guidance on current arms embargoes and sanctions
- how to comply with the controls
- information on the training and seminar programme provided by the ECO

5. Contact the ECO

For further details of strategic export controls please contact:

Export Control Organisation
Department for Business, Innovation and Skills
1 Victoria Street
London SW1H 0ET
Tel:020 7215 4594
Fax 020 7215 2635

Email: eco.help@bis.gsi.gov.uk

Website:

<http://www.businesslink.gov.uk/exportcontrol> or <http://www.bis.gov.uk/exportcontrol>

This notice is for information purposes only and has no force in law. Please note that where legal advice is required exporters should make their own arrangements.

Export Control Organisation
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