

## **Utimaco's response re allegations about its surveillance technology's use by authoritarian governments to target human rights defenders**

20 September 2013

*Business & Human Rights Resource Centre invited Utimaco to respond to the following item:*

- German spy software is popular abroad", 7 Sep 2013, Deutsche Welle, <http://www.dw.de/german-spy-software-is-popular-abroad/a-17073430>

*Utimaco provided the following statement:*

### **Social responsibility**

Utimaco does not sell to end customers, but has an indirect sales concept via large, worldwide active manufacturers of telecommunications technology. Utimaco mandates all its customers to strict adherence to applicable German and European export guidelines and possibly applicable embargo provisions of the United Nations (UN). This includes restrictions regarding equipment that may be suitable for internal repressions, even if these suitable technologies are not specifically mentioned in the corresponding regulation. Utimaco condemns any kind of misuse of its technology.

### **Delivery of products to authoritarian states**

Utimaco sells its products not to governmental organizations but to worldwide active OEM-partners like manufacturers of telecommunications technology (network equipment vendors) or via other resellers, in particular Utimaco's products are not engineered for any use by governments or government organisations. All our OEM-partners are mandated by Utimaco to strict adherence to applicable German and European export guidelines and possibly applicable embargo provisions of the United Nations (UN). Utimaco reserves its right to audit the OEM-partners regarding this.

### **Misuse of our products in authoritarian regimes**

An LI mediations system itself is not suitable for misuse from a pure technical viewpoint, because it is not run by an authority. The system prevents misuse by the extensive auditing and logging functions particularly at the telecommunications provider and ISP.

All Utimaco partners are due to export regulations and requirements by Utimaco obliged to follow applicable German and European export guidelines and embargo provisions of the United Nations (UN). Utimaco itself stands against potential misuse of the telecommunications network at any time.

### **Compliance Guidelines**

Utimaco adheres strictly to applicable German and European export guidelines and possibly applicable embargo provisions of the United Nations (UN) and requires this by its sales partners, too. This commitment is an essential part of the contracts with all partners. Utimaco has extensive audit rights in these contracts and any violation of these rules leads to cancellation of the contract.