

SALADIN SECURITY

BY EMAIL: [REDACTED] mercenaries@ohchr.org

6 September 2020

Office of The High Commissioner United Nations Human Rights

FAO: [REDACTED] Chief Special Procedures Branch OHCHR

Dear Sirs,

Response to Joint Communication from Special Procedures

We refer to the letter of 4 June 2020 from Chris Kwaja and others which seeks observations on the relationship between Keenie Meenie Services Limited (sic) and Saladin Security Limited ("Saladin") in the context of allegations of human rights abuses claimed to have occurred in Sri Lanka some 35 years ago, between 1984 and 1988. We are not aware of any company registered under the name "Keenie Meenie Services Limited" in the UK or elsewhere but assume that you are referring to KMS Limited ("KMS"), a company which was dissolved in or about 1988.

David Walker has previously provided his observations on the allegations of human rights abuses in Sri Lanka on a confidential basis. This letter accordingly deals only with the questions you have raised about Saladin, its relationship to KMS and its human rights policies and procedures, providing information to the best of our knowledge and recollection.

KMS and Saladin were entirely separate entities and Saladin never had operations in Sri Lanka in any way then or subsequently, so Saladin itself cannot be part of the alleged problem, historically or currently. David Walker was not a director or shareholder in KMS. All the key UK figures from that time who were shareholders and/or directors of KMS are now dead.

Saladin has no records from the time of KMS's involvement in Sri Lanka nor does it have access to them. Saladin had no right to KMS's records and has no knowledge of what happened to them. It is anyway not the policy of Saladin to retain documents beyond 10 years.

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Turning to the relationship between KMS and Saladin: KMS was established in 1977 and registered in the Channel Islands, before being eventually dissolved in 1988. Saladin Security Limited was incorporated in 1978 in the UK. David Walker was a founding director and shareholder. Saladin provided kidnap and ransom ("K&R") services continually from inception until about 2015 along with other services, including security for Saudi Arabian Ministers and Diplomats. Saladin's focus was mainly on providing advice on the negotiations and management of kidnaps when they happened. In addition to providing general K&R advice and assistance and being on immediate standby to move if a kidnap occurred anywhere in the world, Saladin produced weekly global risk assessments to aid underwriters to calculate premiums. At the time, that was an innovation but is now standard practice in the industry. Saladin was also involved in the management of the risk of seizure of ships sailing near Somalia and for the subsequent handling of the negotiations for the release of ships, cargoes and crews. KMS by contrast provided military or para-military training and personnel.

In 1988 Saladin reviewed and upgraded its policies and procedures in general and not least as they related to human rights. That process continues and is addressed below. It is something that Saladin regards with the utmost seriousness and we trust you will agree our policy conforms to the international standards now expected.

KMS for its 10 years of existence was an entirely separate entity to Saladin and was located and staffed at a different address from its inception in 1978 until about 1983 (certainly after 1981) after which time it had offices in the same building for convenience until KMS was dissolved in 1988. Corporate functions like administration and accounting were separate. Other unconnected companies also used the same facilities.

Your mention of the website statement that KMS was "the predecessor of Saladin" is explained by a measure of poetic licence on our part, and was probably drafted with the objective of garnering some of KMS's successes for Saladin's subsequent benefit. We acknowledge "the predecessor" statement was a marketing stratagem and is inaccurate and was removed from our website some time ago.

In summary, Saladin and KMS were separate and distinct corporate entities, with separate managements and administrations, but ran side-by-side for a time, albeit undertaking entirely different tasks.

No one who works for Saladin (except David Walker) ever worked for KMS.

As stated previously, Saladin has never operated in Sri Lanka. In response to the exhortation that Saladin "...ensure non-repetition of past alleged violations and abuses considering the apparent links with KMS", such links are denied as is the implication that KMS was responsible for such violations or that Saladin has somehow inherited blame for them.

With regards to Saladin's policy on Human Rights, it and its associated companies in other jurisdictions trading under the Saladin banner strongly support the proper regulation

of the Private Security Industry, including the need for transparency and accountability. Saladin adheres to and supports the international agreement contained in the *“Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict”* (“the Montreux Document”) created in association with the ICRC and the Swiss Initiative in September 2008. The Montreux Document was developed collaboratively between governments and industry experts, and was agreed by 17 States including the US and the UK.

Saladin is committed to supporting and ensuring legal compliance with the obligations and best practices of States (whether in Contracting, Territorial or Home areas). It welcomes the opportunity to work collaboratively with such States and is committed to ensuring they meet their responsibilities. In its work with commercial clients Saladin seeks to meet applicable human rights and professional standards in line with clients' goals.

The Montreux Document is an internationally recognised, non-binding multi-lateral agreement that advocates voluntary guidelines for companies involved in the worldwide provision of security. By promoting and encouraging States' obligations and best practice, and by undertaking relevant and related policies, Saladin works to comply with and advance the requirements of those guidelines.

The Montreux Document underscores the importance of compliance with International Criminal, Humanitarian and Human Rights Law together with Host Nation Law. Where relevant, Saladin personnel receive key training and information on such laws and practices (including human rights obligations) and provides core training for staff. In terms of contract management, Saladin provides legal oversight to ensure compliance. It works closely with governments and relevant ministries in the countries within which it is contracted and it recognises and follows Host Nation laws. Saladin has its own corporate policy of accountability. Any accidental or deliberate legal violations are investigated and sanctioned in line with our Code of Conduct Policy, which requires compliance with International Criminal, Humanitarian and Human Rights laws.

In order to provide a consistent approach and standards, Saladin applies these policies universally across the group and they are reviewed and tested regularly to take account of any sector or external environmental changes and to ensure clients' needs are responded to.

Saladin is committed to ethical business practices with the aim of ensuring that our operations conform to national business regulations within the countries that we operate. Saladin's due diligence policy is designed to avoid conflicts of interest and its transparent supplier management policy ensures that suppliers and contractors comply with its Code of Conduct standards and business ethics.

Saladin has developed solutions to deal with the high risk and potential dangers faced in hostile and complex environments (the type of environments with which the UN will be

very familiar). It has exacting standards in the provision of support staff, competitive pay, and support for well-being during deployment, and of the highest quality equipment.

In order to prevent people-trafficking, Saladin either carries out its own recruitment of staff or undertakes due diligence on recruiting companies. These policies are designed to ensure that personnel contracts are fair and transparent and to prevent people from being employed through coercion, blackmail or other means or conditions that would fall under the definition of people-trafficking or forced labour. All third country nationals recruited by us receive contracts in a language they can understand. Recruitment is overseen by dedicated and qualified staff members.

Saladin's selection criteria for security providers exceeds designated contract standards (including age, experience, key qualifications and past performance). Saladin inducts and trains personnel in operations and business ethics before employing them on tasks and activities, and provides continuation training along with promotional and additional skills training courses. All other NATO country nationals are required to provide proof of equivalent clearance and to undergo criminal record checks to screen out individuals/recruits who have previous convictions for serious offences or any offences that have occurred in the last 5 years. Only 'very good' conduct level and above is acceptable when recruiting former military personnel. Saladin provides the requisite weapons training and clearance for Arming Authority as well as authorisation to carry firearms only to those security providers who receive positive outcomes from ongoing performance reviews. Saladin will only arm those personnel who undertake training on applicable rules for use of force, graduated use of force and weapons deployment, International Humanitarian Law, Human Rights Law and Host Nation Law. Senior management is fully responsible for a high level of command and supervision while maintaining all individual programme performance reporting and recording.

The impact of our operations on human rights is assessed through engagement with stakeholders and the communities within which Saladin operates. Its corporate culture emphasises the need to respect human life, dignity, freedom of speech and worship, and to promote the freedom from want or fear. It aims to deliver its clients' mission while supporting the human rights of the local communities within which it operates.

Saladin contributes (where appropriate) to the social, environmental and economic well-being of the local population in countries that may be considered complex. We strive to maintain a positive impact on the security, safety and human rights of the local population by relationship-building with local leaders and by performing security operations in a responsible and sensitive way. Saladin seeks to build capacity within the community by:

- Improving the lives of the individuals within local communities affected by company activities through engaging with local community leaders;
- Enhancing local employment and training opportunities by supporting local economic activity and by providing local employment opportunities;
- Minimising our environmental impact;
- Maximising social impact by implementing a zero-tolerance and preventative approach to corruption, money-laundering, human-trafficking and forced labour.

Saladin supports corporate social responsibility (CSR) both formally and informally. Formal CSR work begins with a clear understanding of impact of the company's operations may have on local communities. Informally, Saladin seeks to build on a foundation of positive local relationships and engagement with local leaders. Mandatory cultural awareness training is provided for all personnel who deploy overseas.

Saladin aims to employ personnel who are professional and sensitive to client needs whilst complying with Host Nation regulations. Senior managers and operators are alert to competing environmental threats. The principles concerning use of force are set out in the Code of Conduct and are underscored by training based on past experience including in particular the use of minimum force and only where absolutely necessary.

Saladin's operations create opportunities to promote the positive elements of cultural difference. Its employment policies are designed to build a diverse workforce in order to promote cultural integration at all levels and to build mutual trust and respect. Saladin promotes constructive dialogue with communities within which our personnel are based.

We hope it is clear from the policy highlighted above that Saladin already actively prioritises the assessment of potential human rights impacts during its operations and takes practical steps to ensure there are no violations.

Saladin Security is a founding and current member of the International Code of Conduct Association (ICoCA). The purpose of the Association is to promote, govern and oversee implementation of the International Code of Conduct, and to promote the responsible provision of security services and respect for human rights and national and international law in accordance with the Code.

Saladin Afghanistan Ltd, (as the only Saladin company currently deploying armed security officers), is externally audited and certified to the demanding standards of PSC.1 and ISO:18788. These management systems are specific to Private Security Company Operations in complex environments, requiring – as significant part of them, development and implementation of thorough human rights policies and procedures.

Saladin has never been the subject of any investigation or enquiry regarding human rights violations, even though it frequently operates in complex environments, and does not therefore consider the assumption that there may be a "repetition" fair or valid. We believe that Saladin's compliance with contemporary human rights practice and regulation is exemplary and that we are at the forefront of best international practice in this regard. If any inadequacies in meeting our high standards are found we work to identify and rectify them.

Yours faithfully,

Saladin Security Limited