

UK Groups say Government's Public Position on Weapons Licences to Israel is at odds with what the Government has Admitted in Litigation, and Calls for an Explanation, as Rafah Braces for Further Atrocities

As UK and international organisations working in and on the Occupied Palestinian Territory we are deeply concerned that the UK government still refuses to suspend arms transfers to Israel despite the clear risk that UK-licensed equipment might be used to carry out or facilitate serious violations of international humanitarian law (IHL), including war crimes, amid the hostilities between Israeli forces and Palestinian armed groups that escalated following the 7 October Hamas-led attacks.

This current situation places the UK government at risk of failing to prevent and being complicit in serious violations of international law, including war crimes and crimes against humanity, in violation of its obligations under the Geneva Convention, Arms Trade Treaty and domestic laws.

Multiple UN Special Rapporteurs, Independent Experts and Working Groups issued a [statement](#) on 23 February warning that the transfer of weapons or ammunition to Israel that would be used in Gaza is likely to violate international humanitarian law and must stop immediately.

The position of the UK government is even more untenable following the [Dutch Court of Appeal](#) ordering on 11 February the Netherlands to halt its export of F-35 fighter jet parts to Israel, given the clear risk they might be used in the commission of serious violations of international humanitarian law in Gaza. The UK's own [arms criteria](#) establishes the very same obligation with respect to the UK government. As our [detailed joint letter](#) to the Foreign Secretary of 8 December 2023 specified, the UK produces 15 percent of the parts of all F-35s being used in Gaza.

The government continues to refuse to halt exports despite the [International Court of Justice](#) (ICJ) ruling to impose provisional measures on Israel to prevent genocide against the Palestinian people in Gaza. The ICJ found that the measures were necessary "to protect the rights claimed by South Africa that the Court has found to be plausible," including "the right of the Palestinians in Gaza to be protected from acts of genocide." The UK government is at risk of failing to take action to prevent genocide.

Whilst the signatories appreciate the reply from the government dated 14 January 2024 to our joint letter, we note that only towards the end did the government briefly address arms exports, and only gave a standard answer that failed to address the particularities of the grave situation in Palestine and Israel.

Our organisations believe that the Government's publicly-stated position on weapon licences to Israel is difficult to reconcile with what the government has admitted in litigation, and we call for an explanation. On several occasions the government had [stated](#) that it "has provided no lethal or military equipment to Israel" since 7 October 2023. We are very concerned that these statements are not accurate given that by the government's own admission in its response of 12 January to the legal action brought by Al-Haq, it assessed there were 28 extant licences and 28 pending applications for equipment most likely to be used by the Israeli forces in offensive operations, including for combat aircraft. Nonetheless, the government decided not to suspend or stop granting these licences.

UK-made components for the F-35 fighter jets are exported under an active [Open General Export Licence](#) (OGEL), which are very likely to have been among those extant licences. OGELs are the least transparent type of UK arms export licence. No information [is collected](#) by the government on what exports are actually transferred under any licence, while OGELs place no limits on the quantities and values of goods that may be exported to listed destinations. This raises serious issues for transparency of information in the public interest, and the question of how the government can be sure there have been no deliveries since 7 October.

The Foreign Secretary also provided a number of evasive answers to the Foreign Affairs Committee on 9 January 2024 in response to whether or [not](#) he received legal advice indicating that Israeli forces had committed violations of international humanitarian law in Gaza, when it is known that he was indeed provided with [advice](#) in November 2023 expressing very serious concerns to that effect.

The government's own assessment of 10 November states that "Given the paucity of information, the scale and density of the conflict, the death toll, the unusual civilian population density coupled with their inability to evacuate and the concomitant mounting effect of the conflict on civilians, HMGs current inability to come to clear assessment on Israel's record of compliance with IHL poses significant policy risks." On 27 November 2023, a second assessment was produced that states that "Israel has made formal commitments to comply with IHL but overall commitment remains unclear".

While the UK government claims that it has insufficient information to conclude whether or not incidents constitute possible violations of IHL, the government was aware via UK defence channels, according to the Chair of the UK Parliament's Foreign Affairs Committee, that the IDF had marked the site of the Medical Aid for Palestinians (MAP), a UK registered charity, and International Rescue Committee (IRC) residential [compound in al-Mawasi, housing their medical teams and families](#), as a protected sensitive and humanitarian site. Nevertheless, [MAP](#) and [IRC](#) documented a "near-fatal airstrike" on 18 January on this very compound in the alleged "safe-zone" which they said injured four British doctors. This is at least one example when the UK government should have access to information to make an assessment of whether the airstrike was a violation of IHL.

In continuing to grant export licences to Israel, including those it identified as most likely to be used by the IDF in offensive operations, the government is flagrantly ignoring the mounting evidence of serious violations, the lack of explanation from Israel on the legality of individual incidents, and serious questions about Israel's commitment to comply with international law.

In the two months since we wrote to the Foreign Secretary, more than 12,000 people have been killed in Gaza. Forcing the over one million displaced Palestinians in Rafah to again evacuate without a safe place to go would be unlawful and would have catastrophic consequences.

The UK government must urgently and immediately act and suspend licences of military equipment to Israel.

Signatories

Amnesty International UK

Campaign Against the Arms Trade

Christian Aid

Human Rights Watch

International Centre of Justice for Palestinians

Sabeel-Kairos UK

Quakers in Britain

War on Want

