

November 2018

UK weapons and Israel's use of force against civilians

Summary

Israel's use of military force against Palestinian civilians is a prominent feature of its occupation regime. This militarised repression of the Palestinian people extends beyond the scenes of checkpoints and bombings we have unfortunately become accustomed to; Israel's military and security services maintain an intense regime of surveillance, physical violence against people, and destruction of Palestinian homes, schools, and properties. Israel's use of excessive force has been repeatedly condemned by the United Nations, and has been deemed unlawful by human rights experts. This violence and destruction is made possible by Israel's trade in arms with dozens of countries, including the UK. Since 2014, the UK Government has approved over £500m worth of military technology and arms exports to Israel, including for weapons of the type used in clear violation of international law. This means that the UK is providing material support for Israel's illegal use of force, and is complicit by providing an infrastructure to sustain it through the ongoing trade in arms.

Recommendations

The UK must end its material support for Israel's militarised repression against Palestinians and violations of international law. To this end, the UK Government should:

- **Refuse licences for exports to Israel** where the end-user is the Israeli military or military industry and revoke any extant licences for exports where the end-user is the Israeli military or military industry.
 - **Put in place binding regulations** to stop UK businesses from trading and profiting from Israel's military occupation and violations of Palestinian rights.
 - **Call for and support independent investigations** into Israel's use of force against Palestinians, and facilitate the work of human rights organisations to monitor, advocate, and seek legal recourse for violations when they occur.
 - **Support accountability mechanisms** to ensure that those responsible for breaches of international law are held to account.
 - **Ensure adherence to international law** is at the centre of UK policy in relation to Israel and the Palestinian people.
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UK arms fuel Israel's repression

Since 2014, the UK Government has approved over £500 million worth of military technology and arms exports to Israel.¹ The flow of exports did not slow even as the UN was investigating Israel's 2014 attacks on the Gaza Strip, which killed 2,251 Palestinians, including 551 children, and saw the mass destruction of infrastructure and displacement of half a million people (28% of the population), many of whom were already refugees.² In the months following the attacks, the UK Government continued to approve the export of weapons and weapon components used in violence against Palestinians, helping Israel to restock depleted supplies and refuel the ongoing militarised repression.

¹ £543, 711, 785 from January 2014 to June 2018. [Data](#) from the Strategic Export Controls database of the UK Department for Business, Innovation and Skills, via Campaign Against Arms Trade. This number includes items licensed under dual-use permissions.

² [Statistics](#) from United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA).

Weapons used against Palestinian people and infrastructure

A sampling of the types of export licences approved by the UK Government in recent years shows the range of violence that UK Government and companies enable through exports to Israel.

- **Drones**—Export licences for drone (unmanned air vehicles) components are approved on an almost annual basis by the UK Government, and Israeli drone manufacturer Elbit Systems has seven subsidiaries and sites in the UK. Israel was an early user of drones for surveillance and extrajudicial killings, resulting in thousands of casualties recorded in the past decades.³ It was recently revealed that in 2014, the Hermes 450 drone was used in an infamous attack which killed four Palestinian children playing football on the beach in Gaza.⁴ Engines for the Hermes 450 drones are made in the UK and exported to Israel.
- **Aircraft and missiles**—Recent UK exports to Israel have included components for combat aircrafts, missile launching equipment, and targeting equipment. The Israeli air force has played a key role in Israel's many bombing campaigns over the Gaza Strip, resulting in thousands of civilian deaths and casualties and total devastation of infrastructure and housing. A set of strikes on 9 August 2018 completely destroyed the Mishal Cultural Centre and theatre in the heart of Gaza City, an attack which human rights experts have pointed to as an example of targeting civilian buildings, a war crime.⁵
- **Sniper rifles, assault rifles, small arms ammunition, grenade launchers, and pistols**—Small arms and 'crowd control' equipment are regularly licensed for export to Israel. These types of weapons are used on a regular basis in arbitrary and excessive force by Israeli soldiers stationed at checkpoints along the illegal Separation Wall, in military raids on villages, refugee camps, and cities throughout the West Bank, resulting in frequent deaths and injuries. Human rights organisations and the United Nations have found evidence of small arms being used against Palestinians in acts of wilful killing, which amounts to a war crime.⁶
- **Naval combat vessels**—As recently as February 2018, the UK Government approved the export of components for naval combat vessels. During the full-scale military attacks on Gaza in 2014, Israeli naval vessels shelled seaside areas, resulting in numerous deaths and casualties. Israeli naval vessels regularly shoot at Palestinian fisherfolk working off the Gaza coast, causing injury and sometimes death, and damaging a large amount of fishing equipment.⁷ The Israeli navy is a key enforcer of the illegal blockade on the Gaza Strip, keeping Palestinians in a deepening state of humanitarian crisis.
- **Bulldozers and other 'civilian' equipment**—Israel's militarised repression also deploys 'civilian' equipment to carry out 'security' operations. Some of it, such as electronic and cryptographic equipment, is categorised as dual-use, meaning that it can be used for military or civilian use. Civilian items like bulldozers, used by Israeli security forces to carry out demolitions of Palestinian villages, are made by British companies such as JCB, or companies with UK headquarters, such as Caterpillar. Khan al Ahmar and tens of other Palestinian villages are in imminent danger of demolition, their residents at risk of forcible displacement, a war crime.⁸

³ 'Israel and the Drone Wars: Examining Israel's production, use and proliferation of UAVs', Drone Wars UK, [January 2014](#).

⁴ [Footage and testimony](#) from officers involved in the attack was revealed to the Intercept in August 2018, leaked from a confidential Israeli military police report.

⁵ 'Adalah, Al Mezan demand immediate investigation: Israeli aerial attack on Gaza cultural center is suspected war crime', [21 August 2018](#).

⁶ 'UN human rights experts condemn killings of Palestinians near Gaza fence by Israeli security forces', UN OHCHR, [17 April 2018](#).

⁷ 'Gunfire, Bans, Ship Seizures: Israeli Army Is Destroying a Staple of Gaza's Economy', Ha'aretz, [16 June 2018](#).

⁸ 'UN Officials Call for an End to West Bank Demolitions and Respect for International Law – UNRWA, OHCHR, UNSCO Statement', [5 July 2018](#).

UK export controls: strict on paper, but not enforced

The Consolidated EU & National Arms Export Licensing Criteria⁹ set out guidelines for the government to assess arms export licence applications on a case-by-case basis. These stipulate that a licence should **not** be issued if:

- use would be inconsistent with the UK's obligations under the United Nations Arms Trade Treaty;
- there is a clear risk that the proposed export might be used for internal repression;
- there is a clear risk that the items might be used in the commission of a serious violation of international humanitarian law;
- the exports would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination;
- there is a risk that the intended recipient would use the proposed export aggressively against another country, or to assert by force a territorial claim;

Such actions and violations are at the core of Israel's military occupation regime, meaning that if the Consolidated Criteria were applied, it would result in a de-facto arms embargo on Israel because of its illegal occupation.

Israel's end use guarantees are not reliable

Part of the material used by the Government to evaluate export licenses is guarantee by the recipient that the 'end use' intention is consistent with the UK's export regulations. Israel's end use guarantees have been questioned every few years, usually in response to heightened civil society attention due to violence against Palestinians.

- In 2002, it emerged that military equipment exported to Israel by the UK was used in the Occupied Palestinian Territory (OPT) despite previous assurances to the contrary, leading the FCO to comment that it could not accept all of Israel's end-use guarantees.¹⁰
- In 2009, then foreign secretary David Miliband asserted that UK exported components were "almost certainly" used in attacks on the Gaza Strip, leading to the suspension of several export licences.¹¹
- In 2014, the government found that several export licences previously approved covered items that probably were used in the attacks on the Gaza Strip, and announced that they would be suspended as a precaution.¹²

In 2018, when questioned about UK exports to Israel in the context of the repression of the Great Return March in Gaza, the UK Government asserted that that it was confident in the decisions made. However, when pushed on the issue, the Government also admitted that "we not collect data on the use of equipment after sale"¹³, meaning that it was taking Israel's guarantees at face value, despite much reason not to.

Israel's militarised repression: crackdown in Gaza, March-November 2018

On 30 March 2018, Palestinians in the Gaza Strip gathered for the Great Return March to protest Israel's illegal military blockade, and to call for their rights. Israeli security forces opened fire on the unarmed protesters. The protests have continued every Friday since. As of 31 October 2018, Palestinian casualties are reported by the United Nations (UN OCHA) as follows¹⁴:

- 228 Palestinians have been killed, including 43 children.
- Over 24,000 Palestinians have been injured, mostly by live fire, rubber bullets, and gas inhalation.

⁹ [Consolidated EU and National Arms Export Licensing Criteria \(updated 2014\)](#)

¹⁰ In [April 2002](#), the FCO wrote: "we will continue to assess export licence applications ... to Israel on a case-by-case basis against the consolidated ... criteria. But in doing so, we will no longer take the Israeli assurances given on 29 November 2000 into account."

¹¹ Written ministerial statements, FCO, [12 April 2009](#).

¹² 'Government announces findings of review of licensed exports to Israel', BIS press release, [12 August 2014](#).

¹³ Written question, FCO – 139368, [3 May 2018](#).

¹⁴ 'Humanitarian snapshot: casualties in the context of demonstrations and hostilities in Gaza', UN OCHA, [7 November 2018](#).

In the wake of the crackdown on protestors, 67 UK MPs from across parties signed **Early Day Motion 1305**¹⁵ calling on the UK Government to suspend arms exports to Israel unless it could be demonstrated that there is no risk that the weapons could be used in the commission of a serious violation of international humanitarian law.

Independent investigations and mechanisms for accountability

In May 2018, the United Nations Human Rights Council overwhelmingly voted to convene an independent inquiry into “all alleged violations and abuses of international humanitarian law and international human rights law in the context of the military assaults on the large-scale civilian protests that began on 30 March 2018, to establish the facts and circumstances, to identify those responsible, to make recommendations, in particular on accountability measures.”

The UK Government abstained from the vote, and instead called for Israel to conduct its own independent investigation. Six UN human rights experts, including the special rapporteur for human rights in the OPT Prof. Michael Lynk, have voiced doubt about Israel’s ability to conduct transparent investigations in compliance with the standards required, and have pointed to comments from high-ranking Israeli politicians indicating that the purpose of its own investigation would be to avoid scrutiny from the International Criminal Court.¹⁶

Concern over Israel’s use of lethal forces against Palestinians (2018)

- **United Nations Secretary-General** António Guterres called for an independent and transparent investigation into Israel’s use of force in the OPT, and warned Israel about use of force, stating that “civilians must be able to exercise their right to demonstrate peacefully.”¹⁷
- **United Nations High Commissioner for Human Rights Zeid Ra'ad Al Hussein** warned that Israel’s crackdown on protestors in Gaza may constitute “wilful killings” – a war crime. He called on Israel to act in accordance to international obligations and to publish its controversial rules of engagement which permit Israeli snipers to open fire on unarmed civilians.¹⁸
- **European Union High Representative/Vice-President** Federica Mogherini echoed the call for an investigation, reiterating the right of civilians to freedom of expression and assembly.¹⁹
- Prosecutor of the **International Criminal Court**, Fatou Bensouda, made an unprecedented statement warning that “...violence against civilians – in a situation such as the one prevailing in Gaza – could constitute crimes under the Rome Statute of the International Criminal Court”.²⁰
- **Human Rights Watch** investigated Israel’s use of force against protestors in the context of the Great Return March, determining the force to be calculated and unlawful.²¹
- Human rights organisations **Adalah** and **Al Mezan** submitted a petition to the Israeli Supreme Court arguing the Israel’s open-fire policy against protestors is illegal, and the court’s response to the petition “raise[d] grave suspicions that the Israeli military has deliberately committed wilful killing.”²²
- **Amnesty International** has called for an arms embargo on Israel over Gaza protest repression in April 2018, and reiterated the call in September saying: “The international community must also take concrete steps to stop the delivery and trade of arms and military equipment to Israel.”²³

¹⁵ [Early Day Motion 1305: UK arms exports to Israel](#)

¹⁶ ‘UN human rights experts condemn killings of Palestinians near Gaza fence by Israeli security forces’, [17 April 2018](#).

¹⁷ ‘UN calls for restraint ahead of renewed Palestinian protests at Gaza fence’, [5 April 2018](#).

¹⁸ ‘Statement by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein’, [18 May 2018](#).

¹⁹ ‘Statement by High Representative/Vice-President Federica Mogherini following yesterday's events in Gaza’, [31 March 2018](#).

²⁰ ‘Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, regarding the worsening situation in Gaza’, [8 April 2018](#).

²¹ ‘Israel: Gaza Killings Unlawful, Calculated’, [3 April 2018](#).

²² ‘Briefing Paper on Israeli Supreme Court petition’, [15 May 2018](#).

²³ ‘Israel: Arms embargo needed as military unlawfully kills and maims Gaza protestors’, [27 April 2018](#), [19 September 2018](#).