14 May 2018 (updated)

Briefing: UK weapons and Israel’s use of force in the Gaza Strip

War on Want is a registered charity1 campaigning against the root causes of poverty and human rights violation, as part of a worldwide movement for global justice. We have worked for many years on upholding the human rights of Palestinians.

Summary

Israel’s regular use of force against Palestinians is a prominent feature of its occupation regime. This violence has increased over the past seven weeks, as Israeli security forces have cracked down on the Great Return March peaceful demonstration in the Gaza Strip, opening fire on unarmed Palestinians. Israel’s use of force has resulted in alarming rates of death and injury. Widespread concern over Israel’s use of force has led to calls for independent investigation and accountability for those responsible. Since 2014, the UK Government has approved over £490m worth of arms exports to Israel, including for weapons of the type used in this militarised repression.

Recommendations

The UK Government must end its material support for Israel’s 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.
- **Revoke extant licences for exports to Israel** where the end-user is the Israeli military or military industry.
- **Call for and support an independent investigation** into Israel’s use of force against unarmed Palestinians.
- **Support accountability mechanisms** to ensure that those responsible for breaches of international law and international humanitarian law are held to account.

Israel’s militarised repression: crackdown in Gaza March-May 2018

On 30 March 2018, Palestinians in the Gaza Strip gathered for the Great Return March to peacefully protest Israel’s illegal military blockade and to call for their rights. Israeli security forces opened fire on the unarmed protesters, killing dozens and injuring thousands. The protests continued every Friday since then, and the crackdown escalated dramatically on 14 May. Casualties (cumulative since 30 March) are reported by the United Nations Office for the Coordination of Humanitarian Affairs as follows:

- 97 Palestinians have been killed, including 12 children.
- Over 12,271 Palestinians have been injured, of whom 6,760 have been hospitalised.
- 3,598 Palestinians (53 per cent of those hospitalised) were injured by live ammunition, and others injuries attributed to rubber bullets, copious tear gas, and other repressive technologies.
- The World Health Organisation recorded 211 attacks (including by live fire) against Palestinian health workers attending the injured, including one killed. 25 ambulances were damaged.
- There have been no Israeli civilian or military casualties.

UK arms exports to Israel

The UK government has approved **over £490million worth of arms exports** to Israel since 2014 (military and dual use), consisting of large items (components for fighter jets, gunboats, etc.) and smaller items used for policing protests.

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1 Registered charity number 208724
Arms exports categorised under the codes ML1, ML3, ML4, and ML10 are particularly relevant to concerns about internal repression. In 2017, over £27million worth of licences for items categorised under these codes were approved for UK export to Israel. Items in these categories include: assault rifles, sniper rifles, small arms ammunition, exploding grenade ammunition, combat helicopters, surveillance and armed drones. These types of items are being used by Israeli security forces against unarmed protesters.

UK export controls: strict on paper, but not enforced

The Consolidated EU & National Arms Export Licensing Criteria sets out guidelines for the government to assess arms exports on a case-by-case basis. Several points have been specifically identified by the UK Government as being of particular relevance to assessing exports to Israel:

- “Criterion 2: The respect of human rights and fundamental freedoms in the country of final destination. A licence will not be issued if there is a clear risk that the proposed export might be used for internal repression. (For these purposes items which might be used for internal repression will include items where there is evidence of the use of these or similar items for internal repression by the proposed end-user);”
- “Criterion 3: The Government will not issue export licences for exports which would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination;”
- “Criterion 4: The Government will not issue an export licence if there is a real risk that the intended recipient would use the proposed export aggressively against another country, or to assert by force a territorial claim.”

Violations of international law

- Under International Human Rights Law (IHRL), Israel’s use of force in the context of the Gaza protests may constitute excessive use of force leading to arbitrary deprivation of life.
- Under International Humanitarian Law (IHL), Israel’s use of force may constitute wilful killing, a grave breach of the Fourth Geneva Convention.

Concern over Israel’s use of lethal forces against Palestinians

- United Nations Secretary-General António Guterres called for an independent and transparent investigation into Israel’s use of force (30 March 2018) and reiterated that “civilians must be able to exercise their right to demonstrate peacefully.” (5 April 2018)
- 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. (31 March 2018)
- 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” and stating that she would record instances of unlawful force for the open preliminary case against Israel. (8 April 2018)
- Human Rights Watch investigated Israel’s use of force against protesters in the context of the Great Return March, determining the force to be calculated and unlawful. (3 April 2018)
- Amnesty International has called for an arms embargo on Israel as its military unlawfully kills and maims Gaza protesters. (27 April 2018)

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