

# The Russell Tribunal on Palestine

## London Session

*The London Session of the Russell Tribunal on Palestine convened at the Law Society in London's Chancery Lane on 20-21 November 2010. Its jury issued this public statement following the conclusion of the session which examined corporate complicity in Israeli violations of international law. The Findings of the London Session are available online.*

Over the past two days, the Tribunal heard compelling evidence of corporate complicity in Israeli violations of international law, relating to: the supply of arms; the construction and maintenance of the illegal separation Wall; and in establishing, maintaining and providing services, especially financial, to illegal settlements, all of which have occurred in the context of an illegal occupation of Palestinian territory.

It is clear from the evidence of witnesses that this conduct is not only morally reprehensible, but also exposes those corporations to legal liability for very serious violations of international human rights and humanitarian law. What distinguishes the present situation from others in which international action has been called for, is that in this case both Israel and the corporations that are complicit in Israel's unlawful actions are in clear violation of international human rights and humanitarian law.

The first session of the Tribunal, held in Barcelona in March 2010, found the EU and EU member states complicit in Israeli violations of international law, including: the illegal construction of the Wall in Palestinian territory; systematic building of illegal exclusively Jewish settlements on occupied Palestinian territory; the illegal blockade on Gaza; and numerous illegal military operations against Palestinian civilians, particularly during Operation Cast Lead in Gaza (December 2008-January 2009), which constitute war crimes and/or crimes against humanity.

Further, the Russell Tribunal on Palestine notes that the international community is

clearly in agreement that Israel is in flagrant disregard of its international obligations; and further notes with deep regret that this wholly unsatisfactory and unacceptable state of affairs has been allowed to continue.

None the less, Israel's continued impunity and disregard of its state obligations as a member of the United Nations and bound by the UN Charter, has set it apart from the rest of the international community. Accordingly, the Russell Tribunal on Palestine draws to the attention of all corporations complicit in Israel's grave violations that their continued business activities place them on the wrong side of international opinion, morality and law. This clearly places both Israel and the corporations in a position in which they are undermining the very integrity and credibility of international law and the institutions that underpin it.

The main questions the jury considered in London were:

1. Which Israeli violations of international law are corporations complicit in?
2. What are the legal consequences of the activities of corporations that aid and abet Israeli violations?
3. What are the remedies available and what are the obligations of states in relation to corporate complicity?

Accordingly, in answering these questions, the Tribunal's full findings from the London Session will both summarise the key evidence that it heard about corporate complicity and identify specific legal and non-legal consequences and remedies.

The Tribunal has noted the failure of states to take appropriate action to put an end to Israel's violations and illegal conduct, despite the requirements of international law, or to hold to account corporate complicity in Israeli actions, which has prompted civil society to step in and take action to bring about policy changes that respect human rights and international humanitarian law. This includes a very wide range of actions in support of the Palestinian call for boycott, divestment and sanctions (BDS).

Corporations play a very decisive role in enabling Israel to commit war crimes and crimes against humanity. These corporate activities can, and have been, the subject of citizens' movements that the Russell Tribunal on Palestine received evidence about, including boycotts; shareholders holding corporations to account; divestments by pension funds of investments tainted by illegality; and actions that continue to put corporations in the spotlight with the purpose of bringing about change in corporate culture. In the Israeli context, civil society is taking effective action to enforce the law. Therefore, the Russell Tribunal on Palestine calls

on states to protect the rights of all those who initiate or take such lawful BDS actions. Twelve corporations and the European Union were invited to participate in the London session, but all declined. Letters were received from three corporations and the European Union, which were entered into evidence. They will be annexed to the Tribunal's final conclusions of the London session. The Russell Tribunal on Palestine's conclusions include its findings as to the potential legal liability of several corporations, including the following:

- a) G4S, a multinational British/Danish corporation, supplies scanning equipment and full body scanners to several military checkpoints in the West Bank, which have been built as part of the Separation Wall, whose route was declared illegal by the International Court of Justice in its Advisory Opinion of 9 July 2004. G4S also provided scanners for the Erez Checkpoint of Gaza. G4S operates in settlements, providing equipment for prisons for Palestinian political prisoners and for installations of the Israeli police in settlements.
- b) Elbit Systems, a leading Israeli multinational, has an intimate and collaborative relationship with the Israeli military in developing weapons technology first used by the Israeli Army in its active combat operations, before marketing and selling the technology to countries worldwide. For example, Elbit supplied the Unmanned Aerial Vehicles (otherwise known as Drones) that were extensively and illegally used in the Gaza conflict. Despite this, the British Army has recently awarded Elbit a joint contract worth over US\$1 billion for the development of the next generation of UAVs (known as the Watchkeeper programme). The British corporation UAV Engines Limited, a wholly owned Elbit subsidiary, will produce the plane's engines. A serious concern regarding the use of drones relates to their indiscriminate nature. This is illustrated by the fact that, for every alleged combatant targeted by drones, 10 civilian die. The Norwegian Pension Fund divested from Elbit Systems as a result of this complicity in human rights violations.
- c) Caterpillar, based in the US, supply specifically modified military D9 bulldozers to Israel, which are used in: (i) the demolition of Palestinian homes; (ii) the construction of settlements and the Wall; and (iii) in urban warfare in the Gaza conflict; in all cases causing civilian deaths and injuries, and extensive property damage not justified by military necessity.
- d) Cement Roadstone Holdings, an Irish multinational corporation, purchased 25% of the Israeli corporation Mashav Initiative and Development Ltd, which in turn wholly owns Nesher Israel Cement

- Enterprises Ltd, which is Israel's sole cement producer, supplying 75-90% of all cement in Israel and occupied Palestine. This cement is used, amongst other things, for the construction of the illegal Separation Wall.
- e) Dexia, a Franco-Belgian corporation, finances Israeli settlements in the West Bank via its subsidiary Dexia Israel Public Finance Ltd.
  - f) Veolia Transport, a French corporation, is involved in the construction of the East Jerusalem light railway. Veolia also operates bus services to illegal Israeli settlements as well as landfills where settlements dump their garbage on Palestinian lands.
  - g) Carmel Agrexco, an Israeli corporation, is an exporter of agricultural produce, including oranges, olives, and avocados from the illegal settlements in the West Bank. It also exports Palestinian products which are mislabelled as 'made in Israel'.

The Tribunal heard evidence that G4S, Elbit Systems and Caterpillar all acknowledge and actively boast in their promotional material about the use of their equipment during the Gaza conflict, which unlawfully inflicted loss of life and extensive and serious damage on Palestinian civilians and their property.

Civil claims against the above corporations, brought by victims of their complicity, are possible in the countries where those corporations are domiciled or have a significant presence; and corporations and corporate actors can be subject to criminal prosecution for breach of domestic law (for example, money laundering and/or concealment) and/or for the commission of international crimes, including the pillage of natural resources. In many countries domestic law incorporates international law, including international humanitarian and human rights law. This is without prejudice to universal jurisdiction or the jurisdiction of the International Criminal Court.

The full conclusions of the Tribunal's London Session will provide detailed examples of such potential litigation, and also highlight and encourage civil society/BDS actions that can achieve corporate accountability.

The Tribunal was impressed by the range and depth of the evidence given during the sessions. The Tribunal is extremely grateful for the time, generosity and courage of the witnesses, particularly those who took part at considerable personal risk.

The Russell Tribunal will hold two more sessions in the next two years. The third session in South Africa will consider the applicability of the crime of apartheid to Israel. After the fourth session, it will publish its full conclusions.

The jury of the RTP was composed of the following members:

*Stéphane Hessel*, Ambassador of France, Honorary President of the Russell Tribunal on Palestine, France

*Mairead Corrigan Maguire*, Nobel Peace Laureate 1976, Northern Ireland

*John Dugard*, Professor of International law, former UN Special Rapporteur on Human Rights in the Palestinian Territories, South Africa

*Lord Anthony Gifford QC*, UK barrister and Jamaican attorney-at-law

*Ronald Kasrils*, writer and activist, former Government Minister, South Africa

*Michael Mansfield*, barrister, President of the Haldane Society of Socialist Lawyers, United Kingdom

*José Antonio Martín Pallín*, emeritus judge, Chamber II, Supreme Court, Spain

*Cynthia McKinney*, former member of the US Congress and 2008 presidential candidate, Green Party, USA