
Criterion 6: Terrorism and international law

Israel and the Occupied Territories

For as long as it maintains control over the Occupied Territories – namely the Gaza Strip, the West Bank, and the Golan Heights – Israel remains in violation of UN Security Council Resolutions 242 and 338, both of which call for the “withdrawal of Israeli armed forces from territories occupied in the [1967] conflict”¹. Moreover, the construction of a ‘security fence’ by Israel has also been widely criticised for taking in lands that were not part of Israel’s pre-1967 borders. In July 2004 a ruling by the International Court of Justice stated that the barrier was “tantamount to de facto annexation”,² although this is an advisory ruling and therefore not binding. Parts of the Court’s rulings made reference to Israeli obligations under international law, stating of the barrier that its “construction and its associated regime was contrary to international law” and “all states are under obligation not to recognise the situation and ensure Israel’s compliance with international law”.³

In addition to this, Israel remains in breach of the Fourth Geneva Convention, established in 1949 for the Protection of Civilian Persons in Time of War,⁴ for building Israeli settlements on lands taken from Palestinians. The UK government describes these settlements as “illegal under international law”⁵ and, in relation specifically to the Fourth Geneva Convention, further states that “Israeli restrictions of Palestinian movement, destruction of homes, property and agricultural land constitute collective punishment [and] are illegal under the terms of the Convention”.⁶ The International Committee of the Red Cross also noted that within the Occupied Territories, Israeli actions such as “the transfer by Israel of parts of its population into the Occupied Territories, the destruction of houses, failure to respect medical activities, and detention of protected persons outside the Occupied Territories” amounted to “breaches of various provisions of international humanitarian law”.⁷

¹ UN Security Council resolution 242, 22 November 1967, <http://domino.un.org/UNISPAL.NSF/d744b47860e5c97e85256c40005d01d6/7d35e1f729df491c85256ee7006861361OpenDocument>; and UN Security Council resolution 338, 22 October 1973, <http://domino.un.org/UNISPAL.NSF/d744b47860e5c97e85256c40005d01d6/7fb7c26fcbce80a31852560c50065f8781OpenDocument>.

² ‘Q & A: What is the West Bank barrier?’ *BBC News*, 9 July 2004, http://news.bbc.co.uk/1/hi/world/middle_east/3111159.stm.

³ ‘UN rules against Israeli barrier’, *BBC News*, 9 July 2004, http://news.bbc.co.uk/2/hi/middle_east/3879057.stm.

⁴ ‘The Obligations of Israel and the Palestinian Authority Under International Law’, *Human Rights Watch*, <http://www.hrw.org/reports/2001/israel/hebron6-04.htm>.

⁵ ‘UK Position on Israeli Settlements’, FCO, <http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1076522475156>.

⁶ ‘UK Position on Fourth Geneva Convention’, FCO, <http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1076522475709>.

⁷ ‘Conference of High Contracting Parties to the Fourth Geneva Convention’, *International Committee of the Red Cross*, <http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/57JRGW>.

These types of actions carried out by Israel within the Occupied Territories have not abated since the Convention was reaffirmed in December 2001 as applying to the Israeli-Palestinian conflict by the UK and its EU partners, among many other states.⁸ No less worrying is that actions by Israeli security forces continue to breach International Humanitarian Law, for example in 2003 Israel killed 97 people under its assassination policy, however in doing so over 500 others were also killed, of which approximately half were civilians.⁹ Amnesty International is of the opinion that “certain abuses committed by the Israeli army constituted war crimes, including unlawful killings, obstruction of medical assistance and targeting of medical personnel, extensive and wanton destruction of property, torture and the use of “human shields”.¹⁰

Arms export licences to Israel	2003	Jan–Mar 2004	Apr–Jun 2004
Value of SIELs granted (£m)	9.0	2.0	1.0
Number of SIELs granted (refused/revoked)	136 (25)	25 (7)	21 (3)
Number of OIELs granted (refused/revoked) with regard to Israel	12 (0)	5 (0)	11 (0)
Number of incorporation SIELs granted (refused/revoked)	44 (1)	4 (0)	13 (0)
Number of SITCLs granted with Israel as destination	n/a	n/a	0
Number of OITCLs granted with Israel as destination	n/a	n/a	0

The actions of the Israeli Government and Israeli armed forces in the Occupied Territories constitute a serious and ongoing breach of international law. Moreover these actions continue in the face of international pressure and condemnation. Accordingly, Saferworld would expect that, with regard to the application of criterion 6, there would be a complete prohibition on the export from the UK to Israel of any military, security or police equipment that has obvious application for use in violations of human rights and of international humanitarian law. In addition there should be a presumption of denial with regard to exports of any other type of equipment which, although not having a direct application for repression, could nevertheless be used to assist or facilitate such abuses.

Potential concerns exist with regard to a number of licences granted during the reporting periods covered. However, the lack of detail with regard to the nature and quantities of the goods licensed for export and the end-user means that an informed and accurate assessment of UK export policy is difficult to achieve.

Licences of greatest concern under criterion 6

SIELs 2003: components for aiming devices, components for anti-armour missiles, components for anti-radiation missiles, components for combat aircraft, components for military aero-engines, components for military infrared/thermal imaging equipment, components for small arms ammunition, components for small calibre artillery, components for tanks, components for unmanned air vehicles, military aero-engines, small arms ammunition, software for the use of unmanned air vehicles, technology for the development of unmanned air vehicle control/handling/launching equipment, technology for the development of unmanned air vehicles, technology for the use of unmanned air vehicles, unfinished products for air to surface missiles, unmanned air vehicle control/handling/launching equipment, unmanned air vehicles, weapon day and night sights

SIELs January–March 2004: components for bombs, military aero-engines, small arms ammunition

⁸ Op cit, 'The Obligations of Israel and the Palestinian Authority Under International Law'.

⁹ 'Israel/Occupied Territories: Briefing to the 60th Session of the UN Commission on Human Rights', *Human Rights Watch*, January 2004, <http://hrw.org/english/docs/2004/01/29/isrlpa7482.htm>.

¹⁰ 'Annual Report 2004 – Israel and the Occupied Territories', *Amnesty International*, <http://web.amnesty.org/report2004/isr-summary-eng>.

OIEs January–March 2004: components for surface to surface missile launching vehicles, components for armoured fighting vehicles, components for combat aircraft

SIELs April–June 2004: armoured all wheel drive vehicles, components for anti-armour missiles, components for military infrared/thermal imaging equipment, components for unmanned air vehicles (2 licences), components for weapon day and night sights

OIEs April–June 2004: armoured all wheel drive vehicles

Philippines

The operations of Philippines Government security forces against insurgent groups have, in recent years, given serious cause for concern. Abuses of human rights and breaches of international humanitarian law have been reported as the Philippine forces, with US military support, have continued to confront the numerous armed groups operating across the country. These include the Communist New People's Army (NPA) and separatists in the form of the Abu Sayyaf Group (ASG), the Moro Islamic Liberation Front (MILF), and Jemaah Islamiyah (JI). All of these separatist groups are now believed to have increased their levels of collaboration with each other.¹¹ The NPA, while remaining active, has entered into peace negotiations with the Government; these were resumed in Norway in February 2004.¹² The Government also signed a ceasefire with MILF in July 2003 and meetings between the two took place in late March 2004, whereupon it was agreed to continue working towards a peaceful settlement. However, concerns remain within the Philippines Government and security forces that MILF is collaborating and training with JI in the Southern Philippines.¹³

In February 2003, an operation by the Armed Forces of the Philippines against MILF in the Buliok region of Mindanao reached its peak. Approximately 70,000 civilians were displaced¹⁴ and there were reports of the killing of 200 MILF guerrillas.¹⁵ Whether all of these deaths were of guerrillas is disputed, however, as civilians are also reported to have been killed.¹⁶ This, and other operations carried out by the Filipino security forces have resulted in claims of arbitrary extrajudicial killings and disappearances, torture, and arbitrary arrest and detention.¹⁷ In addition, the state's own Commission on Human Rights described the Philippine National Police as being the worst abuser of human rights, while police and local government leaders "at times appeared to sanction extrajudicial killings and vigilantism as expedient means of fighting crime and terrorism".¹⁸ Furthermore, in November 2003, the UN Human Rights Committee raised concerns at reports of "grave human rights violations" committed by Philippines Government forces.¹⁹

Arms export licences to Philippines	2003	Jan–Mar 2004	Apr–Jun 2004
Value of SIELs granted (£m)	4.0	< 0.1	3.0
Number of SIELs granted (refused/revoked)	15 (0)	2 (1)	4 (0)
Number of OIEs granted (refused/revoked) with regard to Philippines	29 (0)	4 (0)	6 (0)
Number of incorporation SIELs granted (refused/revoked)	0 (0)	0 (0)	0 (0)
Number of SITCLs granted with Philippines as destination	n/a	n/a	0
Number of OITCLs granted with Philippines as destination	n/a	n/a	1

¹¹ Armed Conflict Database (IISS), http://acd.iiss.org/armedconflict/mainPages/dsp_AnnualUpdate.asp?ConflictID=207.

¹² 'Timeline: The Philippines', *BBC News*, 17 November 2004, http://news.bbc.co.uk/1/hi/world/asia-pacific/country_profiles/1264117.stm.

¹³ Armed Conflict Database (IISS), http://acd.iiss.org/armedconflict/mainPages/dsp_AnnualUpdate.asp?ConflictID=206.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ 'Annual Report 2004 – Philippines', *Amnesty International*, <http://web.amnesty.org/web/web.nsf/print/2004-phl-summary-eng>.

¹⁷ 'Country Reports on Human Rights Practices 2003 – Philippines', *US State Department*, <http://www.state.gov/g/drl/rls/hrrpt/2003/27786.htm>.

¹⁸ *Ibid.*

¹⁹ *Op cit*, *Amnesty International*.

The level of criticism directed at the Philippine security forces along with the credible reports of human rights abuses and of breaches of international humanitarian law give serious cause for concern. Accordingly, with regard to the application of criterion 6, Saferworld would expect there to be a complete prohibition on the export from the UK to the Philippines of any military, security or police equipment that has obvious application for use in violations of human rights and of international humanitarian law. In addition there should be a presumption of denial with regard to exports of other equipment which, while not having a direct application for repression, could nevertheless be used to assist or facilitate such abuses.

Potential concerns exist with regard to a number of licences granted during the reporting periods. However, the lack of detail with regard to the nature and quantities of the goods licensed for export and the end-user means that an informed and accurate assessment of UK export policy is difficult to achieve.

Licences of greatest concern under criterion 6

SIELs 2003: armoured all wheel drive vehicles, components for heavy machine guns, components for large calibre artillery, components for weapon sights, equipment for the use of large calibre artillery, heavy machine guns (3), large calibre artillery, sporting gun ammunition, technology for the production of military aero-engines, technology for the production of unmanned air vehicles, weapon sights

OIELs 2003: military aero-engines, components for military aero-engines, weapon sights, weapon night sights, components for weapon sights, technology for the use of weapon sights, military image intensifier equipment, components for military image intensifier equipment, technology for the use of military image intensifier equipment, armoured all wheel drive vehicles, technology for the use of armoured all wheel drive vehicles

SIELs January–March 2004: components for large calibre artillery

SIELs April–June 2004: handcuffs, equipment for the use of weapon control systems, technology for the use of weapon control systems, weapon control systems

OIELs April–June 2004: military aero-engines, components for military aero-engines, equipment for the use of military aero engines, equipment for the use of components for military aero-engines, technology for the use of military aero-engines, technology for the use of components for military aero-engines

Russia

The actions of Russian security forces within the context of the ongoing conflicts in Chechnya and Ingushetia have reportedly been in violation of international humanitarian law. Russian security forces have been described as enjoying “almost total impunity for serious violations of human rights and international humanitarian law committed in the Chechen Republic”.²⁰ In 2004, the US State Department stated that “in the continuing struggle with separatists in Chechnya ... federal security forces demonstrated little respect for basic human rights” and accordingly “the indiscriminate use of force by government troops in the Chechen conflict has resulted in widespread civilian casualties and the displacement of hundreds of thousands of persons”.²¹ Although the larger military raids, or *zachistki*, have been decreasing, targeted operations by Russian forces have continued and are allegedly accompanied by serious violations of human rights, with large numbers of Chechens – particularly

²⁰ ‘Annual Report 2004 – Russian Federation’, *Amnesty International*, <http://web.amnesty.org/web/web.nsf/print/2004-rus-summary-eng>.

²¹ ‘Country Reports on Human Rights 2003 – Russia’, *US State Department*, <http://www.state.gov/g/drl/rls/hrrpt/2003/27861.htm>.

men and boys – killed or “disappeared”. Abuses reported included extrajudicial executions, “disappearances” and torture, including rape; such abuses can constitute war crimes.²²

The March 2003 referendum on Chechnya’s status within the Russian Federation and the October 2003 Chechnyan Presidential election were described by Human Rights Watch as “seriously flawed” and contributed little towards the establishment of a political solution to the problem.²³ Furthermore, around the time of the October elections the Russian Government began to push for the return of 80,000 Chechen refugees living in camps in Ingushetia, the last of which was closed in June 2004.²⁴ However the methods used to persuade the refugees to return to Chechnya were disturbing. According to reports, “Ministry of Internal Affairs officials destroyed several tent camps in Ingushetia, turned off water and electricity supplies, and threatened the population with a combination of violence, arrests, threats and promises in order to force them across the border”.²⁵

Arms export licences to Russia	2003	Jan–Mar 2004	Apr–Jun 2004
Value of SIELs granted (£m)	13.0	3.0	2.0
Number of SIELs granted (refused/revoked)	40 (0)	14 (0)	21 (0)
Number of incorporation SIELs granted (refused/revoked)	0 (0)	0 (0)	0 (0)
Number of OIELs granted (refused/revoked) with regard to Russia	15 (0)	2 (0)	7 (0)
Number of SITCLs granted with Russia as destination	n/a	n/a	0
Number of OITCLs granted with Russia as destination	n/a	n/a	0

The serious breaches of international humanitarian law which have been perpetrated by Russian forces in Chechnya involve the flouting of a number of international laws in respect of both the use of force and the protection of civilians in conflict situations. Accordingly, with regard to the application of criterion 6, Saferworld would expect there to be a complete prohibition on the export from the UK to Russia of any military, security or police equipment that has obvious application for use in violations of human rights and of international humanitarian law. In addition there should be a presumption of denial with regard to exports of any other type of equipment which, whilst not having a direct application for repression, could nevertheless be used to assist or facilitate such abuses.

Potential concerns exist with regard to a number of licences granted during the reporting period. However, the lack of detail with regard to the nature and quantities of the goods licensed for export and the end-user means that an informed and accurate assessment of UK export policy is difficult to achieve.

Licences of greatest concern under criterion 6

SIELs 2003: assault rifles (8), gun silencers, components for sporting rifles, semi-automatic pistols (12), small arms ammunition, sniper rifles (2), sporting gun ammunition, sporting rifles (332), submachine guns (2), technology for the use of military aero-engines

OIELs 2003: components for combat aircraft, components for combat helicopters

SIELs January–March 2004: components for sniper rifles, shotguns (2)

SIELs April–June 2004: armoured all wheel drive vehicles

²² Op cit, *Amnesty International*.

²³ ‘Russia 2004’, *Human Rights Watch*, January 2004, http://hrw.org/english/docs/2003/12/31/russia7273_txt.htm.

²⁴ Armed Conflict Database (IISS), http://acd.iiss.org/armedconflict/mainPages/dsp_AnnualUpdate.asp?ConflictID=147.

²⁵ Op cit, *Human Rights Watch*.