

Growing outrage over British government suggestion to change the law to protect suspected Israeli war criminals.

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The British government is said to be 'urgently' looking into its universal jurisdiction laws, following the successful issuing of a warrant by Westminster magistrates' court for the arrest of Tzipi Livni, the former Israeli foreign minister, on Saturday 12 December. Foreign Secretary, David Miliband, came out last night stating that the government will be reviewing and seeking to amend the law to ensure that visiting foreign dignitaries were immune from any action undertaken by the courts.

Miliband condemned the issuing of the warrant, which the government was not aware of, claiming it has caused serious tensions between the two countries and that Israel 'is a strategic partner and a close friend of the UK' and that the government was 'determined to protect and develop these ties'.

The warrant was later withdrawn after it appeared that Livni was not in the UK, with Benjamin Netanyahu saying that he completely "reject[s] this absurdity taking place in Britain" after the latest threat against high ranking Israeli officials.



The move by the government to review restricting the magistrates' powers has been condemned by various politicians and human rights lawyers. In a statement to the Middle East Monitor on Wednesday, 16th December, John McHugo, the Chair of Liberal Democrat Friends of Palestine, board member of the Arab British Chamber of Commerce, and member of Lawyers for Palestinian Human Rights stated:

'It is not for the foreign secretary to condemn the issue of a warrant by the magistrate court. This is an outrageous interference by the government in a purely judicial matter. Mr Miliband should also pause to reflect on the fact that British soldiers have been killed and maimed in Iraq by militants radicalised by Israeli actions.'



His statement was further reiterated by an email addressed to the Prime Minister and foreign secretary by Baroness Jenny Tonge, who wrote:

I wish to protest strongly against Ivan Lewis' remarks this morning, about government attempting to change the law regarding arrest warrants under universal jurisdiction for offences against International law. Israel should not be immune and Ms Livni is no longer a minister, nor was her visit an official one to our government. It is totally hypocritical not to apply the law equally, to lesser states and our 'enemies' and so called 'friendly' states .What have we sunk to? Where is the 'foreign policy with an ethical dimension'---buried with Robin Cook I suspect. You should all be ashamed.'





Meanwhile, Sir Geoffrey Bindman, chairman of the British Institute of Human Rights stated in the Independent newspaper today, “war crimes and crimes against humanity are international crimes transcending national boundaries. Universal jurisdiction to put those accused of them on trial is a logical development of that recognition. Such crimes are unlikely to be redressed in the country where the perpetrators hold political power. If they are not, they can only be adjudicated in courts of another state, or in an international court or tribunal.....Ex-president Pinochet of Chile failed in his challenge to the attempt to extradite him to Spain to stand trial for torture. His case encouraged progress towards universal jurisdiction over crimes against humanity. The protestations of the Israeli government should not be allowed to interfere with that progress.”



In his statement, Miliband stated that “the procedure by which arrest warrants can be sought and issued without any prior knowledge or advice by a prosecutor is an unusual feature of the system in England and Wales”. As Bill Bowring clearly stated to MEMO earlier on today, *“it has always been possible for private citizens to apply for arrest warrants for private prosecutions....the actual prosecution itself would have to be done by the Director of Public Prosecutions”*.



Another prominent lawyer, Sarah McSherry, partner at Christian Khan solicitors and executive committee member of Lawyers for Palestinian Human Rights, speaks out about David Miliband’s proposal to change the law in the UK to ensure that no such arrest warrant can be obtained in future. She says:

“If Mr Miliband succeeds in his aim to change the legal system, the UK will be in breach of its obligation under Article 146 of the Fourth Geneva Convention to search for and bring before the Courts anyone, regardless of their nationality, alleged to have committed, or to have ordered to be committed, grave breaches of the Convention. Moreover, victims of crimes against humanity, genocide and war crimes across the world will be denied redress in the UK which will become a haven for war criminals. If Israel is confident that war crimes were not committed during the attack on Gaza, it should allow a prosecution against Ms Livni to proceed in the UK”.





Martin Linton MP, Chair of Labour friends of Palestine and the Middle East further commented:

‘What is likely to undermine the peace process in the Middle East is if we operate double standards, where international law is applied in some cases but not in others. We will only regain trust and be able to play the part of honest broker in the peace process if we apply the law in an even-handed.’

It is bitterly ironic how the UK government, instead of defending its own legal system and fulfilling its obligations under the Geneva Conventions, is distancing itself from the issue and allowing Israel to interfere in its judicial affairs.

What is the British government afraid of, not bowing to Israel’s whimsical desires or of certain former UK leaders being subjected to the same laws in other countries?

