



Global Justice Now
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The Rt Hon David Lammy MP
Secretary of State for Foreign,
Commonwealth & Development Affairs
King Charles St
London SW1A 2AH

Cc: The Rt Hon Jonathan Reynolds, Secretary of State for Business and Trade;
Sir Phillip Barton, Permanent Under-Secretary of State, The Foreign, Commonwealth &
Development Office;
Gareth Davies, Permanent Secretary of the Department for Business and Trade

21 August 2024

Dear Secretary of State,

UK ministers and civil servants may be liable from crimes committed by the Israeli state or Israeli personnel

We are writing to advise you that the UK and individuals, including government ministers and senior civil servants, may be liable for crimes committed by the Israeli state or Israeli personnel during the country's ongoing military operation in Gaza and through the country's unlawful occupation of Gaza and the West Bank.

According to legal advice, commissioned by Global Justice Now and provided by Sam Fowles of Cornerstone Barristers:

- Individuals within the UK could be liable for possible war crimes committed by Israeli personnel in the course of Israel's military operations in Gaza since October 2023 and through Israel's unlawful and ongoing occupation of Palestinian territories.
- The UK could be liable for Israel's breaches of the right to self-determination and the prohibition of obtaining territory by aggression in its illegal and ongoing occupation of the West Bank and Gaza.
- The UK could be liable for Israel's alleged breaches of international humanitarian law and crimes against humanity during its military operation in Gaza since October 2023.

The possible liability for breaches of international law by the UK and of members within the government arises from aid and assistance provided to Israel. This legal advice therefore concerns the possible "vicarious" liability of the UK for the actions of Israel and the "vicarious" liability of

individuals (including government or civil servants) for possible war crimes carried out by the Israeli personnel.

Our advice finds that “it seems likely that the UK has provided ‘assistance’ to Israel which may have been used to support Israel’s unlawful occupation of the Occupied Territories and/or to assist in the commission of allegedly wrongful acts (including Genocide, War Crimes, and Crimes Against Humanity),” including during Israel’s military operation in Gaza . This assistance includes:

- Provision of weapons
- Military and logistical support
- Intelligence sharing
- Economic support (including, in particular, facilitating the unlawful occupation by facilitating trade with the Occupied Territories)
- Diplomatic support (particularly by seeking to prevent other states and international organisations from ensuring that Israel to complies with international law).

With the government currently considering whether to place an arms embargo on Israel, we hope this legal advice will lead to the swift and decisive action needed to end UK complicity in Israel’s war crimes.

Further, with the UK government having announced on 29 July that it is seeking to develop a new trade deal with Israel, we seek to highlight the legal advice which states that “it seems likely that the UK, through its trade relationship with Israel, has helped facilitate the unlawful occupation.”

We urge the government to withdraw all aid and assistance to Israel that risks supporting wrongful acts, including Genocide, War Crimes, and Crimes Against Humanity. This should include:

- Placing an immediate and complete arms embargo on Israel;
- Committing not to enter into any free trade agreement with Israel until it has ended its attacks on Gaza and its unlawful occupation of the Palestinian territories;
- Suspending trade privileges, agreements and negotiations with Israel with immediate effect;
- Suspending cooperation with Israel’s defence sector and any sectors of Israel’s economy involved with the illegal occupation and/or the military operation in Gaza.

Please see attached the full legal advice. Before we conclude, we wish to offer our commitment to engaging in discussion with the government regarding the legal advice presented and the policies outlined above.

Yours sincerely,

Nick Dearden
Director, Global Justice Now