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United Kingdom: Government attempts to undermine its legal obligation to bring war criminals to justice

Amnesty International is alarmed by reports, published today in the London-based newspaper *The Guardian*, that the UK government is considering moves which would undermine efforts to bring war criminals to justice.

It is reported that such considerations began following protestations by the Israeli authorities after a UK court issued a warrant in September 2005 for the arrest of Israeli army General Doron Almog, which the UK authorities failed to execute. At the time Amnesty International expressed concern at the UK authorities' failure to arrest General Almog, notwithstanding the fact that a court had issued a warrant for his arrest. Since then, the organization has been calling on the UK authorities for the matter to be investigated.

Amnesty International is dismayed at reports that the UK government would even contemplate weakening its domestic legislation and thereby undermining global efforts to ensure that those accused of the most egregious crimes under international law, wherever committed, are brought to justice. These reports call into question the commitment of the UK authorities to the exercise of universal jurisdiction over international crimes, and their resolve to ensure reparation to victims of such crimes.

Amnesty International is also dismayed at the report that the UK government apologized to the Israeli authorities for the incident involving General Almog – the government should not apologize for the lawful application of the law by a member of the UK judiciary.

Background

In September 2005, Amnesty International wrote to the UK authorities to express concern regarding their failure to arrest Israeli army General Doron Almog at London's Heathrow airport on Sunday 11 September 2005 pursuant to the arrest warrant against General Almog issued by a member of the judiciary the previous day for his involvement in alleged war crimes.

General Almog landed at Heathrow airport on 11 September on a flight from Tel Aviv. However, he declined to disembark from the aircraft, apparently after being informed that he could be arrested. Meanwhile, police officers failed to enter the plane to arrest the general and allowed him to depart from the UK for Israel aboard the same EI Al aircraft on which he had arrived. At the same time, members of the Israeli embassy staff were reportedly allowed on board the aircraft. In media interviews after his return to Israel, General Almog stated that the military attaché of the Israeli Embassy in London was allowed to board the EI Al aircraft to meet him, and had advised him not to leave the aircraft and to return to Israel immediately.

Amnesty International has called on the UK authorities to conduct an investigation to ascertain how the information was obtained and communicated to General Almog.

Major General Almog was the head of the Israeli army's Southern Command, an area that includes the Gaza Strip, between December 2000 and July 2003. He is accused of involvement in the destruction of 59 Palestinian homes by the Israeli army in a refugee camp in Rafah on 10 January 2002. The arrest warrant against General Almog was issued at Bow Street Magistrates' Court under the Geneva Conventions Act 1957. The matter was then placed in the hands of the Anti-Terrorist and War Crimes Unit of the Metropolitan Police.

During the past five years, since the outbreak of the second *intifada* in September 2000, the Israeli army has destroyed some 4,000 Palestinian homes in the Occupied Territories, about half of them in the Gaza Strip, as well as vast areas of cultivated land, commercial properties and public buildings, water and electricity networks, and other public infrastructure. In the vast majority of cases the destruction was not justified by military necessity and was carried out unlawfully and wantonly.

Such destruction would thus constitute a grave breach of the Fourth Geneva Convention (Article 147) and, as such be a war crime.

The Israeli authorities have systematically failed to comply with Israel's obligations under international law to investigate these and other human rights abuses and to bring to justice those responsible. The UK, as a party to the Fourth Geneva Convention, has the power to prosecute anybody reasonably suspected of having committed a war crime. In addition, each state party has the power to issue an arrest warrant under Article 146 and, if the suspect enters their territory, has an obligation to execute that arrest warrant.

For more information, see Amnesty International report "*Israel and the Occupied Territories - Under the rubble: House demolition and destruction of land and property*", AI Index: AI Index: MDE 15/040/2004, 18 May 2004 <http://web.amnesty.org/library/Index/ENGMDE150402004>

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