

# How Britain Shields Israel From War Crime Charges

By John McEvoy and Phil Miller – May, 2024 Declassified, UK

- Benjamin Netanyahu and Benny Gantz among ten Israelis granted special immunity from prosecution
- Israeli general authorising assault on Rafah received “special mission” status to enter UK
- Coalition government changed the law to help Israelis visit Britain without fear of arrest
- Special immunity also handed to members of repressive regimes from Egypt, Saudi Arabia and Rwanda

***The UK government has provided special diplomatic immunity to scores of foreign officials accused of committing serious violations of international law, Declassified has found.***

Since 2013, the Foreign Office has granted over 50 “special mission” certificates to military and political figures from Israel, Egypt, Saudi Arabia, Qatar, Rwanda and Iran.

**Israeli war cabinet member Benny Gantz was granted this protection as recently as March, even after the country was put under investigation for genocide in Gaza.**

**It comes as the International Criminal Court looks poised to indict two names on Britain’s list: Israel’s prime minister Benjamin Netanyahu and IDF chief of staff Herzi Halevi.**

By granting “special mission” immunity, foreign officials have been able to visit the UK without fear of arrest.

**This could breach Britain’s commitment to universal jurisdiction legislation like the Rome Statute, which provides for the most serious crimes to be prosecuted regardless of where they were committed.**

The UK government argues that the immunity it issues is customary practice under international law. It says these measures are necessary to ensure the smooth conduct of diplomatic relations.

However, the new list indicates that the Foreign Office has deliberately obstructed efforts to prosecute officials from allied states, many of whom have been accused of egregious violations of international law.

The list was obtained by Labour’s former shadow justice secretary, Richard Burgon MP, in response to a question in parliament.

## The Pinochet precedent

In 1998, Augusto Pinochet was arrested in London on a warrant issued by a Spanish judge for crimes against humanity committed during the Chilean dictatorship. Though Pinochet was ultimately allowed to return to Chile, his arrest served as a “wake-up call to tyrants around the world”. It showed how, under the principle of universal jurisdiction, state actors could not rely on diplomatic immunity to escape prosecution for serious violations of international law.

Yet over recent decades, it has become increasingly difficult to pursue universal jurisdiction cases in Britain. In September 2011, David Cameron’s coalition government passed new legislation requiring the consent of the Director of Public Prosecutions (DPP – none other than Keir Starmer) before such arrest warrants could be issued.

The law was implemented with Israeli officials in mind. Britain’s foreign secretary William Hague declared: “We cannot have a position where Israeli politicians feel they cannot visit this country”. Israel’s former foreign minister **Tzipi Livni** visited Britain a month later, putting the new legislation to the test.

A human rights group and law firm asked Starmer to approve an arrest warrant for Livni over war crimes allegedly committed during Operation Cast Lead. That was the bombardment of Gaza in 2008-09 when Israel killed over 300 Palestinian children. Instead of waiting for Starmer to review the evidence, the Foreign Office attributed “special mission” status to Livni’s visit, granting her temporary diplomatic immunity from arrest.

**Following this incident, the Foreign Office established “special mission” immunity as common practice. Livni would rely on it a further three times.**

*Declassified* is reporting on the full list of foreign officials who have been shielded from prosecution under this scheme the first time.

It includes politicians, royalty, generals and spies from some of the world’s most abusive regimes.

## Immunity for Israel

The UK has granted “special mission” immunity to at least seven Israeli officials who have been accused of serious violations of international law. Chief amongst them was Israel’s prime minister **Benjamin Netanyahu** on his visit to Britain in 2015, when he met David Cameron. It is unclear why Netanyahu required this protection given heads of state and government as well as foreign ministers typically enjoy full diplomatic immunity.

It is possible that immunity was extended to Netanyahu’s entourage, who were not automatically shielded from prosecution.

Other high profile recipients include **Benny Gantz** when he was Israel's army chief of staff between 2011-15. During this time, he oversaw an airstrike which destroyed a three-storey building in al-Bureij refugee camp. It killed seven members of a Palestinian family inside. Now part of Israel's war cabinet, Gantz was once again given temporary immunity when he visited Rishi Sunak and David Cameron in London this March.

General **Herzi Halevi**, the current head of the IDF who has approved plans for an assault on Rafah, received immunity to visit the UK back when he was Israel's military intelligence chief. Another name on the list is **Amos Yadlin**. He ran the IDF's military intelligence directorate between 2007 and 2010.

"Officers feared an attempt to stop him would lead to a gun battle at Heathrow airport"

Yadlin played a role in Israel's raid of the Turkish-owned *Mavi Marmara*, the lead ship in a flotilla carrying humanitarian aid to Gaza. Nine of the activists onboard were killed, five with gunshot wounds to the head. Another later died from his injuries.

**Doron Almog**, a retired Israeli major general, was also granted "special mission" immunity. As head of the Israeli army's southern command between 2000-3, Almog was blamed for dropping a one tonne bomb on Gaza City. It killed 14 civilians, injured 150 people, and destroyed nine apartment buildings. He also authorised the destruction of 59 houses in Rafah refugee camp.

In 2005, an arrest warrant was issued for Almog at Bow Street Magistrates' Court under the Geneva Conventions Act. However, he was tipped off by Israeli diplomats upon arriving in London, and refused to leave the plane.

British authorities failed to execute the arrest warrant because "officers feared an attempt to stop him would lead to a gun battle at Heathrow airport".

Another Israeli official accused of responsibility for dropping that one tonne bomb on Gaza City – **Avi Dichter** – received immunity for his visit to Britain in 2016. Israeli military chiefs have been a priority for temporary immunity. It was awarded to **Shaul Mofaz** when he spoke at the UK parliament in 2015. Mofaz ran the IDF from 1998 to 2002, a period which spanned the second intifada.

That saw bloody military assaults on Palestinian cities in the illegally occupied West Bank. Mofaz went on to become Israel's defence minister "where he was again responsible for numerous human rights violations, including torture, home demolitions and collective punishment", according to *Electronic Intifada*.

Other Israelis granted "special mission" status include **Yuval Steinitz**, when he was international relations minister. He is now chairman of Rafael, Israel's state-owned arms firm.