

Israeli cabinet minister cancels visit to Britain

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12 October 2009

Last week, Israel's vice-prime minister and minister for strategic affairs, Moshe Yaalon, cancelled a visit to Britain after being warned that he could face arrest for war crimes.

Yaalon, a former army chief of staff, had been invited to London to attend an event held by the Jewish National Fund. Alon Ofek-Arnon, Yaalon's spokesman, said that Yaalon had taken legal advice and would not go to Britain, which he had not visited for a couple of years, "to avoid playing into the hands of anti-Israel propaganda". His legal advisers believed Yaalon would not be able to claim diplomatic immunity from any prosecution because he was not on government business.

Yaalon said, "This is a campaign whose goal is to delegitimise the state [of Israel]".

Palestinian supporters in Britain and Spain want Yaalon to face trial for an operation in July 2002, when he was chief of staff of the Israeli Defence Force (IDF). Israel's bombing of a densely populated area of Gaza killed a Hamas militant, Salah Shehadeh, and 14 others, including Shehadeh's wife and at least eight children.

Yaalon is one of seven Israeli top military personnel and government ministers that Spanish judicial authorities want to question about the operation. The attack was part of Israel's policy of "targeted assassinations"—extra-judicial killing—of Palestinian militants who it claimed were responsible for attacks on Israel. Israel claimed that they were the result of faulty intelligence.

The Palestinian Centre for Human Rights (PCHR) has fought a long legal battle in Spain to prosecute Israel for breaches of international humanitarian law. The PCHR has based its case on the doctrine of "universal jurisdiction" that allows national courts which are signatories the 1949 Geneva Conventions to try serious breaches of humanitarian law, even if the crimes were committed elsewhere and by leaders of other states.

Yaalon's decision not to come to Britain follows the United Nations Human Rights Council's investigation by South African Judge Richard Goldstone that concluded

that Israel "committed actions amounting to war crimes, possibly crimes against humanity" during its three-week offensive against Gaza last December and January. Israel's 22-day Operation Cast Lead against an unprotected population killed 1,400 Palestinians—the majority of them civilians, including 400 women and children—injured at least 5,000 people, and destroyed 21,000 homes as well as vital infrastructure. Israel suffered the loss of 13 people, several as a result of "friendly fire."

Goldstone called for the UN Security Council to refer Israel to the International Criminal Court if Israel failed to carry out an independent investigation, something that the Obama administration does not support. Failing that, he said that all the countries that had signed the 1949 Geneva Conventions had a duty to search for and prosecute those responsible, using their "universal jurisdiction" to prosecute war criminals.

The PCHR is now planning to press charges against Israel in relation to Operation Cast Lead. It has evidence of 936 breaches of humanitarian law and is preparing to pursue 13 through the courts.

Israel denounced the UN report's findings and has mounted a furious counter-offensive. Yaalon's refusal to visit Britain is part of Israel's campaign to get Britain and Spain to abandon or water down their universal jurisdiction legislation, claiming that such cases will impede the "war on terrorism" and are anti-Semitism dressed up as humanitarianism.

Israel was able, with the help of some bullying from Washington, to get Belgium to change its legislation on universal jurisdiction and drop its charges against then Prime Minister Ariel Sharon in February 2002 for war crimes in relation to the Sabra and Shatilla massacre in 1982. Then US Secretary of State Donald Rumsfeld threatened to move the NATO headquarters out of Brussels.

Spain too was pressured to drop its investigations into the 2002 assassination of Shehadeh. Aryeh Eldad, a member of the Knesset, threatened to put former Spanish

officials on trial for their role in the 1999 NATO bombing of Serbia, if Spain did not drop the charges against Israel. Recognising that it too might be at the receiving end of the doctrine of universal jurisdiction, Spain announced earlier this year it would consider amending its legislation, limiting it to cases involving Spanish victims or suspects present on Spanish soil.

Britain's first successful prosecution under "universal jurisdiction" was in July 2005, when the Afghan warlord Faryadi Zardad was convicted of torture and taking hostages in Afghanistan in the 1990s and sentenced to 20 years in prison. However, heads of state and government ministers have immunity from prosecution. In February 2004, a London court rejected an application for an arrest warrant for Israel's then defence minister, Shaul Mofaz, in relation to the operation that killed Shehadeh and 14 civilians.

The courts recently refused an application for an arrest warrant for the present minister of defence, Ehud Barak, who politically planned and directed the assault on Gaza earlier this year. Barak, who is also deputy prime minister and leader of Israel's Labour Party, was in Britain to attend a fringe meeting of the Labour Party's annual conference last month. After furious telephone calls from Tel Aviv, the Foreign Office confirmed Barak's status as an official visitor and the court rejected the application. Barak went on to meet Prime Minister Gordon Brown and held talks with Foreign Secretary David Miliband and Defence Secretary Bob Ainsworth about Iran.

Israeli officials without diplomatic immunity have avoided entering Britain to evade arrest. In 2005, Doron Almog, a retired general, avoided arrest by staying aboard his plane at London's Heathrow airport after a tip-off that police were outside to arrest him. The Israeli plane flew him straight back home. Almog, who was commander of the Israeli army in Gaza in 2002, was wanted to answer charges arising from the destruction of 59 civilian homes in Gaza.

In 2006, Gaza Division commander Brigadier General Aviv Kochavi, cancelled his trip to study at the Royal College of Defence Studies in London, after being warned by an IDF legal advisor that he could be arrested on arrival.

In December 2007, Israel's Public Security Minister Avi Dichter, a former chief of the Shin Bet internal security agency, turned down an invitation to visit Britain after being advised he could be arrested.

Tel Aviv has also pressured London to drop or limit universal jurisdiction. In 2005, then Prime Minister Tony

Blair declared that he would amend the laws on universal jurisdiction, but as yet no amendment has come before Parliament.

Last year, Israeli President Shimon Peres met Foreign Secretary David Miliband in London and expressed Israel's displeasure over Britain's universal jurisdiction laws. Peres warned that Britain could face similar prosecutions. "Britain and the US use similar tactics [to Israel's] in their operations in Iraq and Afghanistan," he said.

Peres made his comments just prior to the start of a conference, sponsored by the Jerusalem Centre for Public Affairs (JCPA) with the Henry Jackson Society, a British Atlanticist think tank based at Cambridge University, and the Legacy Heritage Fund, an Israeli lobby group, on universal jurisdiction in Whitehall.

Dr. Dore Gold, head of the JCPA, denounced what he called the abuse of the "universal jurisdiction" doctrine when it is used against Western political and military leaders fighting "terrorism".

"Universal jurisdiction should be directed precisely at those countries like Iran, where those who engage in mass murder are considered heroes, and not against the US, the UK and Israel, who are leading the war on terrorism," he said.

Gold said the conference was being held in Britain, because "That's where problems with universal jurisdiction have cropped up".

"I don't think the American or British people would like to see their officers dragged in front of foreign courts because of a distorted application of international law," Gold said. "The conference seeks to remedy that problem."



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