

High Court case reveals damning evidence of UK Labour government complicity in Gaza genocide

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A case in the UK High Court reveals the extent to which the Starmer Labour government is enabling Israel's genocide of the Palestinians.

From May 13-16, High Court Judges Lord Justice Males and Mrs Justice Steyn heard arguments from Al-Haq, a Palestinian human rights organization who are challenging the government's continued licensing of arms exports, specifically components for F-35 fighter jets, to Israel.

Al-Haq argued this decision, made last September, is unlawful because there exists clear evidence of a "danger" that Israel is committing genocide against the Palestinians in the Gaza Strip in violation of international humanitarian law. Al-Haq is backed in the case by the Global Legal Action Network (GLAN), Oxfam, Amnesty International and Human Rights Watch.

Only the first four days of the hearing were available to heard in public. The case then moved to closed sessions in which only security-cleared special advocates will represent the groups. A ruling is anticipated in the next few months.

Al-Haq contended that the UK government's continued licensing of arms exports, particularly F-35 components, in this context—knowing that they could end up in Israel's hands—makes the UK complicit in potential violations of international law, including the Genocide Convention.

The Labour government approved £126 million worth of military equipment to Tel Aviv in the four months alone that followed the Labour government's partial suspension of arms exports in September 2024. The four-month total exceeds what was approved in total under several Tory administrations in *four years* from 2020 to 2023. "This is the Labour government aiding and abetting Israel's genocide in Gaza," said Emily Apple, media coordinator for Campaign Against Arms Trade.

Al-Haq's legal team argued that the ongoing military assault by the Israeli military in Gaza, characterized by 19 months of near continuous barbarism, has seen: the indiscriminate killing of tens of thousands of civilians,

mainly women and children; the destruction of all essential infrastructure and means of civilisation. This was backed by verbatim statements from leading Israeli officials and members of government including Prime Minister Benjamin Netanyahu.

Al-Haq and intervening human rights organisations specifically invoked the UK's duty to prevent genocide under Article 1 of the 1948 Genocide Convention. They argued that this obligation requires proactive measures, thereby halting arms exports to a state where there is "a serious risk of genocide" occurring, even if a formal determination of genocide has not yet been made by an international court.

Al-Haq's case specifically focused on the UK government's decision last September to suspend some arms export licenses to Israel following a review but to make an exception for F-35 fighter jet components. The F-35s, described as "the most lethal fighter jets in the world" are a critical component of Israel's genocide, used by the Tel Aviv war criminals to drop 2,000 bombs on Gaza, including in a designated "safe zone."

Raza Husain KC, for Al-Haq, said the "carve-out" to enable F35 components to continue being produced "gives rise to a significant risk of facilitating crime". He declared that Al-Haq's case was "being heard against the backdrop of human calamity unfolding in Gaza, the extremity of which is difficult to convey in words." In written submission he stated, "In just over 18 months, Israel has decimated an entire society", and "That Israel has acted in this way is demonstrable and incontrovertible... What is happening in Gaza is a live-streamed genocide."

In their skeleton argument government lawyers asserted, "No English court, and no international court or tribunal, has found that Israel has committed genocide in Gaza. Nor should this court make such a finding." It argues, despite the horrors of a livestreamed genocide having prompted mass demonstrations globally—including dozens mobilising

millions of people in London—that there is “a tenable view that no genocide has occurred or is occurring.”

The Middle East Eye news site noted the Labour government’s reliance on a June 2024 assessment cited by the then Conservative government and the Export Control Joint Unit—a cross-departmental body overseeing UK export controls and licensing for military and dual-use items, “which concluded that Israel ‘does not intend to commit genocide’.”

The website reports, “The unit also assessed that ‘a finding that Israel is not committed to comply with [international humanitarian law] does not necessarily indicate that it is harbouring genocidal intent,’ according to the court document.” This is glossed over with the comment: “There have been a range of positive statements and some negatives statements from specific actors; however, their remarks are not assessed to be representative of the Israeli government overall.”

The assessment continues: “No evidence has been seen that Israel is deliberately targeting civilian women or children. There is also evidence of Israel making efforts to limit incidental harm to civilians.”

In their arguments government lawyers asserted that disrupting the F-35 supply chain would damage NATO’s security and international defense programme. This was the basis of a submission revealed at a preliminary hearing in the case by Defence Secretary John Healey.

The UK produces an estimated 15 percent of the components of the F35s and the suspension of these would hit the “whole F-35 programme” and have a “profound impact on international peace and security,” he said. This could not be allowed to happen given the close ties being developed between the Labour government and the fascist US President. Healey warned that suspension of Britain’s F-35 commitments, would “undermine US confidence in the UK and Nato at a critical juncture in our collective history and set back relations,” and could cause “adversaries” to “take advantage of any perceived weakness.”

Al-Haq’s lawyers argued such arrangements for F-35 parts effectively created a loophole that allows the UK to continue arming Israel indirectly through the global spares pool and allied countries, i.e. the US, despite the International Court of Justice finding a plausible risk of genocide in Gaza. Al-Haq asserted that the government failed to properly assess the compliance of continued F-35 part exports with the Genocide Convention.

Oxfam, Amnesty International, and Human Rights Watch presented powerful evidence and legal arguments supporting Al-Haq’s case. Oxfam submitted evidence on how Israel uses water supplies as a weapon of war in Gaza by attacking and destroying crucial water and sanitation infrastructure.

Amnesty International and Human Rights Watch focused on the UK’s duty to prevent genocide under the Genocide Convention, arguing that the risk of genocide in Gaza triggers the obligation to halt arms exports.

Rejecting the government’s interpretation of the January 2024 International Court of Justice ICJ ruling, the submission by Amnesty International and Human Rights Watch to the court notes that the “Secretary of State [David Lammy] concludes that there is ‘no evidence’ that genocide has been committed in Gaza. This conclusion is based on an error of approach both as to the findings of the ICJ and as to the OPEN material before the Secretary of State more generally.” It stated, “The ICJ has affirmed that there is a ‘...real and imminent risk that irreparable prejudice will be caused’ to the ‘rights [of Palestinians under the Genocide Convention] found by the Court to be plausible.’

“Importantly, these findings as to the risk to the plausible rights of Palestinians under the Genocide Convention were based on detailed identification by the ICJ of a substantial body of objective evidence of Israeli conduct in Gaza, including information supplied by international agencies active on the ground.”

The human rights groups stated, “The ICJ identified numerous statements by senior Israeli military and civilian officials inciting violence against the population in Gaza and/or calling for the destruction of the population. Many such statements, including those by senior ministers at the highest level of government, were noted by the ICJ in its provisional measure orders.”

They submitted over 100 pages of evidence on this issue, saying, “Many of these statements are, on any view, consistent with a serious risk of genocide. By way of illustration, the ICJ notes that the then Israeli defence minister told troops on 10 October 2023 that ‘we are fighting human animals’ and ‘we will eliminate everything’ in Gaza. Israel’s Minister for agriculture stated that Israel was ‘rolling out the Gaza Nakba.’”

While the case centres on the issues of the F35s, this is just one component of British imperialism’s involvement in backing Israel’s slaughter of Gaza. The Royal Air Force continues reconnaissance flights over Gaza to help plan mass murder. In March, *Declassified UK* published findings of an investigation they commissioned by Action on Armed Violence showing that the RAF “has conducted at least 518 surveillance flights around Gaza since December 2023.”



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