



Right Hon Alistair Burt MP
Minister of State for the Foreign and Commonwealth Office
Foreign and Commonwealth Office
London SW1A 2AH

For the urgent attention of: Right Hon Alistair Burt MP

05 July 2018

Dear Minister Burt,

Urgent: JCB Limited's involvement in the pending demolition of Khan al-Ahmar that is in breach of its human rights responsibilities and may amount to aiding and abetting a war crime

We write following our previous letters in September 2017 and June 2018 in which we presented suggestions for the UK government to urgently consider in regard to the pending demolition of Khan al-Ahmar and the prohibited forcible transfer of its residents. You indicated in a letter of 11 October 2017 that you have ‘made clear to Israel that forcible transfer of protected persons would be a breach of international humanitarian law.’

We are therefore very alarmed at developments yesterday that Israel had begun paving an access road to Khan al-Ahmar in preparation for its demolition. In this context, we noted that the BBC reporter, Tom Bateman, who is in Khan al-Ahmar, yesterday published a photo of an excavator carrying the logo of the UK company, J.C. Bamford Excavators Limited (JCB).

This raises our serious concern that:

- a) JCB's products are contributing to human rights violations against the Palestinian residents of Khan al-Ahmar, and that the provision of JCB's construction equipment for use by the Israel authorities in these (and other) demolitions is in breach of JCB's human rights responsibilities under the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises; and
- b) JCB may be in the process of committing the criminal offence of aiding and abetting the commission by another person of a grave breach of the Fourth Geneva Convention, namely aiding and abetting Israeli authorities in perpetrating the forcible transfer of protected persons which is prohibited by Article 49 of the Fourth Geneva Convention. This could incur the criminal liability of individuals within the company.

We accordingly urge the UK government to investigate the grave concerns raised above and consider taking the following appropriate actions:

1. Urgently communicate with JCB on this matter and urge that they immediately implement all necessary measures to a) bring themselves into transparent compliance



with the UN Guiding Principles on Business and Human Rights and the OECD Guidelines on Multinational Enterprises in regard to the use of their construction equipment by the Israeli authorities, and b) ensure that they cease and/or do not commence any action that could engage the criminal responsibility of the company through aiding and abetting the commission of a grave breach of the Geneva Convention, which can potentially incur the individual criminal liability of individuals within the company. Namely, JCB should be asked to immediately take all available steps and use all available leverage to ensure that its construction equipment is not used to contribute to the demolition process in Khan al-Ahmar or the prohibited forcible transfer of its residents and that no further equipment is supplied in relation to such purpose.

2. Issue a public statement concerning the need for JCB and all other UK companies to immediately implement all those measures set out in (1) above.
3. Instigate and provide support for the establishment of expert and independent observation and investigation teams to document apparent criminal offences linked to demolitions in the occupied West Bank.
4. Urgently take all steps possible to pressure Israel to immediately cease the demolitions, and to cancel the demolition order and forcible transfer plan for Khan al-Ahmar and all other West Bank communities.

Finally, against the acute context above, it is pertinent to repeat our suggestion that the UK Government's Overseas Business Risk advice to UK companies who are operating or planning to operate in Israel and the occupied Palestinian territory, should be updated to include an express reference to UK companies needing to fully consider and adhere to their human rights responsibilities under the UN Guiding Principles on Business and Human Rights and OECD Guidelines for Multinational Enterprises. We were disappointed to note that this appropriate addition was not added to the latest iteration of the Overseas Business Risk advice that was published earlier this year.

We would be grateful for your careful consideration of this urgent request and for your reply.

Yours sincerely,

Tareq Shrourou (Director), Claire Jeffwitz and Natalie Sedacca
Lawyers for Palestinian Human Rights