

PO Box 2278
Ilford
Essex
IG1 9XT

The Rt. Hon. David Miliband MP
Secretary of State for Foreign and Commonwealth Affairs
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

T: 020 7330 8796
E: info@iengage.org.uk
W: www.iengage.org.uk

Monday 21st December 2009

Dear Secretary of State,

We have been keenly following developments in the aftermath of the arrest warrant issued against the former Israeli foreign minister, Tzipi Livni, and are writing to express our immense concern at suggestions that the law on universal jurisdiction is to be revised to provide protection to former Israeli officials suspected of war crimes.

We have read the statement issued by your office and your letter to the Jewish Leadership Council, as reported in the Jewish Chronicle, in which you said, 'I am determined to protect the ties of friendship that bind the UK and Israel as well as the relations between our two Governments. For those links to flourish it is critical that Israeli leaders can visit freely...I can assure you that, with the Prime Minister and other ministerial colleagues, I am urgently reviewing what measures we need to take to stop this sort of situation arising again.'

We are aware of the legal counsel prepared by Lord Pannick QC on behalf of the Jewish Leadership Council and the recommendation that the decision to issue such a warrant be deferred to the judgment of the Attorney-General. .

We are also aware of the concerns raised by the Jewish Leadership Council that the move to arrest Israeli officials on entry to the UK could allegedly be thought discriminatory against the British Jewish community.

Secretary of State, we would argue that the ties of friendship that the UK boasts with Israel carries with it tremendous responsibilities and our role as a critical friend to States in the region must not be sacrificed at the altar of expediency and moral ambivalence. If the State in question were other than Israel, would our response have varied? Our Middle East policy is already viewed by many as being biased in favour of Israel and we are thought to be complicit in Israel's persistent infringement of international law and its well documented crimes against Palestinians in the Occupied Territories.

Secretary of State, we hope you will agree that our role in the Quartet negotiating for peace in the Middle East should not be undermined by a selective, partial view on upholding justice. Such a view will only be compounded if we move to revoke the liability of former Israeli officials from facing possible charges of crimes against humanity in British courts.

The nationality of a suspected war criminal or person guilty of committing crimes against humanity, or other crimes in conflict zones, is irrelevant. What should matter to the Courts is the crime committed and the need to adjudicate fairly on the allegations brought forth on the basis of actual evidence. Procrastinating on this point is to suggest that the citizens of certain States should be above the law. We hope you will agree that this would be an indefensible, untenable position and one that would seriously undermine and indeed, bring into disrepute our legal tradition.

Furthermore, we find it strange that while there are those that have campaigned vociferously for the right of the Islamophobic politician Geert Wilders to enter the UK, the suggestion of alleged discrimination against a section of British society should be raised in defence of Tzipi Livni. It is incredulous given the complete disregard for the discriminatory effect on the British Muslim community of campaigns and laws barring certain Islamic scholars from entry into the UK.

Secretary of State, you say that Israeli officials must enjoy the liberty to visit the UK freely and supporting arguments allude to the importance of their visits for progress in the peace talks. We would contend that, on the contrary, protecting with impunity those suspected of war crimes, extensively documented in detailed reports by Judge Richard Goldstone, Amnesty International and Breaking the Silence, among others, will pose an insurmountable stumbling block to the peace process itself and destroy our reputation as an impartial broker.

Secretary of State, we urge you to seriously consider the repercussions of any move to amend the law to protect Israeli officials from being potentially prosecuted for war crimes.

In our fight against terrorism and those that would reject the democratic way of life, we have been resolute in standing up for our values of an open society and the rule of law. The government's entire Prevent agenda is predicated on the need for all of us to be united against those who promote violence and the need to uphold the law. To prevaricate on this crucial point now for the sake of protecting alleged Israeli war criminals is to surely hand victory to those that argue that our attitude to the law is expendable and that we are disingenuous in our defence of the values and ethics that define our politics and society.

Yours sincerely,

Trustees
ENGAGE