



Suggested FCDO Questions – January 2024

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Israel and the Occupied Palestinian Territories

ICJ Case and Breaches of International Humanitarian Law

Substantive questions:

- What assessment he has made of the evidence presented by South Africa alleging that the state of Israel is breaching its obligations under the UN Genocide Convention.
- What assessment he has made of the evidence published by Amnesty International that the state of Israel has breached international humanitarian law in its military operations in Gaza.

Background

The International Court of Justice (ICJ) proceedings on a South Africa legal case alleging that the state of Israel is breaching its obligations under the UN Genocide Convention have commenced. South Africa’s application alleges that Israel’s acts and failure to act in relation to Palestinians in Gaza, in the wake of the attacks on 7 October 2023 by Hamas and other armed groups, are genocidal in character. South Africa’s application urges the court to order “provisional measures” to protect the Palestinian people in Gaza, including by calling upon Israel to immediately halt military attacks that “constitute or give rise to violations of the Genocide Convention” and to rescind related measures amounting to collective punishment and forced displacement. Initial hearings will take place at the ICJ in The Hague on 11 and 12 January.

Amnesty International has not made a determination that the situation in Gaza amounts to genocide. However, there are alarming warning signs given the staggering scale of death and destruction with more than 23,000 Palestinians killed in just over three months and a further 10,000 missing under the rubble, presumed dead, as well as an appalling spike in dehumanizing and racist rhetoric against Palestinians by certain Israeli government and military officials. This, coupled with Israel’s imposition of an illegal siege in Gaza, which has cut off or severely restricted the civilian population’s access to water, food, medical assistance and fuel, is inflicting unfathomable levels of suffering and puts the survival of those within Gaza at risk.

As part of its ongoing investigation into violations of the laws of war, Amnesty International has documented evidence of unlawful Israeli strikes, including two illustrative cases in which Israeli strikes killed 46 civilians, including 20 children.



The attacks which occurred on 19 and 20 October, include (i) an Israeli air strike in the compound of the Saint Porphyrius Greek Orthodox Church where approximately 450 internally displaced members of Gaza's small Christian community were sheltering, and (ii) an Israeli strike against houses in the al-Nuserirat refugee camp. The oldest victim was an 80-year-old woman and the youngest was a three-month-old baby.

Amnesty International, based on its in-depth investigation of these events, has determined that the strikes were indiscriminate attacks or direct attacks on civilians or civilian objects, and must be investigated as war crimes.

UK Arms Exports

Substantive question:

- What assessment he has made of whether there is a clear risk that UK arms and military equipment transferred to Israel could be used to facilitate or commit serious violations of international law.

Background

There is a clear risk that arms and military equipment transferred to Israel will be used to facilitate or commit serious violations of international law, including attacks that may amount to war crimes. The UK government should immediately suspend both extant licences for military equipment and technology and the issuing of new licences while Israel continues to carry out widespread serious violations including war crimes, with impunity. Failure to do so risks the UK government breaching its own laws and international obligations and being complicit in grave abuses.

The UK government exploits a loophole, set out in the 2002 "incorporation guidelines"², to arm Israel by supplying components for US-made F-16 and F-35 fighter aircraft, in the full knowledge they're being used in military action in Gaza where thousands of civilians have already been killed and are expected to continue to be killed, following relentless and indiscriminate Israeli attacks.

In previous escalations of the conflict, the UK government has acknowledged that a number of UK arms export licences, specifically "incorporation licences" whereby UK components have been sent to third destinations for onward export to Israel, have been used by the Israeli defence and security forces in Gaza. For example, in 2009, the UK government acknowledged³ that components for F-16 combat aircraft, Apache attack helicopters and a variety of naval systems, had likely been used in Gaza by the IDF. Similarly, in 2014, a UK government review concluded that export licence for military radar systems, combat aircraft and military vehicles had likely been used.

It is clear that the UK's arms licensing system is not fit for purpose in assessing risk, is riddled with loopholes and is in desperate need of root-and-branch reform. In the meantime, the UK should cease the licensing of arms and security equipment to Israel, including components supplied via third countries, immediately.



British Nationals Arbitrarily Detained Abroad

Substantive question:

- What steps have his department taken to secure the immediate and unconditional release of British nationals Alaa Abdel Fattah who is arbitrarily detained in Egypt and Mehran Raof arbitrarily detained in Iran?

Background

Alaa Abdel Fattah, a British National, is a writer and a father who is unjustly imprisoned in Egypt. He has been an advocate for human rights in the country and has been detained for his human rights work. In 2022, Alaa went on hunger strike to protest his detention and the UK government's lack of action to release him.

Mehran Raof, a British-Iranian national and a labour rights activist, is being arbitrarily detained in Tehran's Evin prison. Revolutionary Guards agents arrested him on 16 October 2020. In August 2021, Raof was sentenced to ten years and eight months on national security-related charges after a grossly unfair trial. He is being held in prolonged solitary confinement, in violation of the absolute prohibition of torture and other ill-treatment. He is a prisoner of conscience and must be immediately and unconditionally released.

United Arab Emirates

Substantive question:

- Will he call on his counterparts in the United Arab Emirates to immediately and unconditionally release prisoner of conscience Ahmed Mansoor?

Background

Ahmed Mansoor is a poet, blogger, and human rights defender who is currently imprisoned in al-Sadr prison, Abu Dhabi, United Arab Emirates. He spends his days in an isolation cell, with no access to books, pens or paper. He also does not even have a bed. Before his arrest, Ahmed was one of the few voices within the UAE providing the rest of the world with credible independent information about human rights violations in the country. He regularly raised concerns about the detention, torture and unfair trials of dissenting voices. He spoke about problems with the justice system and of domestic laws that breach international ones. In March 2017, UAE security forces raided his home and arrested him. For over a year, no one, including his family, knew where he was detained. In May 2018, Ahmed was sentenced to a decade in prison on charges including "insulting the UAE and its symbols".

Protesting about his prison conditions, Ahmed has twice resorted to hunger strikes, losing dangerous amounts of weight and putting his life at risk. Despite this he is only allowed outside three times a week, when guards remove all other prisoners from the yard and Ahmed spends the little time he has in the sunlight, alone.



Myanmar

Substantive questions:

- In the context of ongoing war crimes in Myanmar three years on from the coup d'état by the military, will he make a statement on the need to strengthen the protection civilians and bring those responsible for war crimes and crimes against humanity to justice?
- Further to UK sanctions introduced in 2023, what additional steps is he taking to prevent the Myanmar military from targeting civilians in airstrikes?

Background:

Crisis and conflict have persisted in Myanmar for decades. In 2017, more than 700,000 Rohingya Muslims fled Rakhine State when the Myanmar security forces launched a targeted campaign of widespread and systematic murder, rape and burning of homes. The violence followed decades of state-sponsored discrimination, persecution, and oppression against the Rohingya that amounts to the crime against humanity of [apartheid](#).

Three years on since the Myanmar military coup d'état on 1 February 2021, the suffering of civilians across Myanmar shows no signs of easing, even as the issue has largely fallen off the international agenda. The Myanmar military has committed widespread human rights violations, including war crimes and possible crimes against humanity and [increasingly relied on air strikes](#) to attack the civilian population and continuing to restrict the delivery of humanitarian aid.

In 2022 Amnesty International and others [exposed the supply chain of aviation fuel](#) used by the Myanmar military to carry out unlawful air strikes. In January 2023, the [UK government announced sanctions](#), targeting two Myanmar companies and two individuals that Amnesty International first identified as playing an essential role in importing, handling and transporting aviation fuel to the Myanmar military's air force. While the companies targeted by the UK were key players in the aviation fuel industry in Myanmar, and UK action had some impact, the modus operandi of aviation fuel supply to the Myanmar military is changing and new measures are needed to halt the supply.

Amnesty International and others have also [continued to call](#) on the UN Security Council to impose a comprehensive arms embargo to protect civilians from further catastrophe and refer the situation in Myanmar to the International Criminal Court.