



British police feared a “real threat of an armed confrontation” with armed Israelis at Heathrow Airport

IPCC reveals why Israeli war crimes suspect Doron Almog escaped arrest on 11 September 2005

Background:

On 10th January 2002 Israeli bulldozers flattened 59 houses in the Rafah refugee camp on the Gaza Strip. Residents fled their homes in heavy rain, most losing all their possessions in the process. Among those made homeless were a number of children who were terrified and traumatised by what happened. It appears that the motive for the destruction was retaliation for an unrelated attack by militants which resulted in the death of four Israeli soldiers. The Commanding Officer who authorised the demolitions was Major General (Reserve) Doron Almog.

The extensive destruction of property not justified by military necessity and carried out unlawfully and wantonly is a grave breach of the Fourth Geneva Convention. The collective punishment of civilians is also forbidden under the Geneva Conventions. Over the years, many Palestinian civilians have tried to obtain redress, peacefully and lawfully, through the Israeli Courts for incidents of this nature. Sadly, the Courts have declared these matters to be non-justiciable (itself arguably a further Convention breach).

Offering people who suffer wrongs a route to redress without violence is fundamental to preserving the rule of law. All nations are required to take effective steps to prosecute war crimes irrespective of where they occur.

Doron Almog escapes arrest

On 10 September 2005, Chief London Magistrate Timothy Workman issued a warrant for the arrest of Major General Almog on suspicion of committing a grave breach of the Fourth Geneva Convention 1949 which in the UK is a criminal offence contrary to the Geneva Conventions Act 1957. The arrest warrant was passed to the Anti-Terrorist and War Crimes Unit of the Metropolitan Police which failed to execute the warrant when Mr Almog, who had been tipped off about the arrest warrant by Israeli embassy staff, refused to leave a plane which had recently landed at Heathrow and police officers decided not to board it to arrest him.

Police complaint lifts the veil

One of Mr Almog's alleged victims, Mr Abdul Matar, made a police complaint about the apparent tip off to Mr Almog and the failure to board the aircraft to arrest him. The Metropolitan Police Service (MPS) initially refused even to record the police complaint, let alone investigate it, but, after the IPCC intervened, the shocking details of their incompetence on 10-11 September 2005 have been revealed. First, in the lead up to the Mr Almog's arrival in the UK:

- Not only did the MPS inform six different police and security agencies of the existence of the 'secret' warrant, they also disclosed confidential information to a "Trusted Partner" (thought to be a civilian, but who has not been identified) to advise the MPS on their own conduct.
- The Trusted Partner instructed a lawyer to represent Mr Almog (apparently without naming him) and made inquiries of the local Jewish community in Solihull (who he was visiting) about his schedule.
- The MPS also contacted the El Al airline while Mr Almog was in flight to the UK. (El Al later refused the MPS voluntary access to the airplane.)

In these circumstances, it was not surprising that Mr Almog was alerted to the existence of the warrant and so decided not to leave the airplane on 11 September. What is surprising are the reasons why Det. Superintendent MacBrayne and Commander McDowallⁱ made the decision not board the airplane:-

- They were apparently unclear if the police were legally entitled to board the aircraft; and
- They were concerned about the risk that an armed Israeli would confront any police that attempted to board the 'plane; and
- The consequent risk to the police and public; and
- The international impact of a potentially armed police operation at an airport; and
- The impact on the community in arresting an Israeli ex- military commander.

COMMENT

The criminal justice system, Mr Matar and other victims of war crimes allegedly committed by Doron Almog have been very badly let down by the MPS failures:

- (a) to keep Mr Almog from finding out about the arrest warrant before it was executed; and
- (b) to arrest Mr Almog when they had the opportunity to board the airplane at Heathrow airport.

These are serious failures which raise concerns about the effectiveness of the police in cases where international criminal suspects come to this country. They also reveal an extraordinary assumption that armed Israelis might engage British police on British soil as they try to make an arrest under a lawful warrant issued by a British judge. The fact that this risk was apparently taken into account, and led to police inaction, is a matter of grave concern.

Hopefully, the police have subsequently sought to obtain assurances that such fears would never be realised and the legal position has been clarified within the MPS, so that there can never again be any concerns about boarding a 'plane on British soil to effect a lawful arrest, even where that 'plane is owned by the national airline of a foreign country. It also seems appropriate for the role of a Trusted Partner in such cases to be reviewed.

Raji Sourani, the Director of PCHR, expressing the disappointment of Mr Matar at what occurred on 11 September 2005, stated:

"Failure to respect the rule of law and to pursue those responsible for attacking civilians will undermine the respect for international law which we do badly need if we are to have peace in our region. Until such time we will be faced with the rule of the jungle."

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Further background & notes

The warrant issued on 10th September 2005 was in relation to the allegedly wanton destruction of 59 houses in Rafah refugee camp in the Gaza Strip on 10th January 2002.

The decision to apply to the court for an arrest warrant was taken against the background of a series of meetings with the War Crimes Unit of the Metropolitan Police where Hickman & Rose, on behalf of PCHR and the clients in these cases, provided the police with a considerable volume of evidence in relation to this suspect.¹ The police were unable to take a decision about the arrest or prosecution of the suspect before his planned visit on Sunday, 11th September. Consequently, acting on behalf of the victims, including Mr Matar, Hickman & Rose and PCHR pursued the suspect through the judicial system, so that he could be arrested before fleeing the UK.

Doron Almog is a 54 year old Israeli national who was GOC Southern Commander of the Israeli military from 8th December 2000 to 7th July 2003. Under his command the Israeli military were responsible for a countless variety of extensive alleged human rights violations inside the OPT.

The prosecution of those suspected of war crimes is a long term PCHR strategy designed to combat the culture of impunity which leading international NGOs have found to be endemic inside the Israeli military, judicial and political system. PCHR and Hickman & Rose remain hopeful that such cases will eventually be heard in an open and fair trial system which applies international standards as this has not (yet) been available through the Israeli judicial system.

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The Palestinian Centre for Human Rights is an independent human rights organization working on a wide variety of human rights violations by both the Israeli occupation and the Palestinian National Authority

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1. In December 2007 John McDowall was appointed as Deputy Assistant Commissioner of the MPS with specific duties as National Co-ordinator of Terrorist Investigations, and now leads Counter Terrorism Command (SO15). Detective Superintendent John MacBrayne received a New Year Honour in the 2008 list. The MPS stated:-

“He is one of those rare officers who can combine the ability to deal with the intricate detail of forensic detective work, with a worldview that informs his decision-making in sensitive international investigations. He has made an enormous contribution to counter terrorism and to British policing.”