

The Case Against G4S

What is G4S?

G4S describes itself as an international security solutions group. Its headquarters are in the UK. In 2002, G4S acquired an Israeli security company, Hashmira. G4S now owns 90% of the shares in its subsidiary, G4S Israel. G4S does not distinguish the activities of G4S Israel from those of the group as a whole.

What are G4S' activities in Israel and the OPT?

1. G4S provides security systems to incarceration facilities for Palestinian political prisoners in Ofer Prison (West Bank), Ketziot, Megiddo and Damon (Israel), and Kishon (also known as Al Jalame) and Jerusalem detention facilities (Israel).
2. G4S provides equipment and maintenance services to Israeli military checkpoints in the West Bank, notably Qalandia, Bethlehem and Irtah checkpoints in the Apartheid Wall.
3. G4S provides security services to businesses in illegal Israeli settlements.
4. G4S provides security systems for the Israeli police headquarters in the West Bank (E1 area).
5. G4S has supplied luggage scanning equipment and full body scanners to several checkpoints in the West Bank.

How is G4S complicit in war crimes and abuses of human rights carried out by the Israeli state?

■ On 9 July 2004, the International Court of Justice (ICJ) produced an advisory opinion: 'Legal Consequences of the Construction of a Wall in the OPT'.

The court ruled that Israel's settlement policy is contrary to the terms of Article 49, paragraph 6, of the Fourth Geneva Convention ("The occupying power shall not deport or transfer part of its own civilian population into the territories it occupies").

The Wall is part of Israel's illegal settlement policy because its route is designed to annexe major settlement blocks and because the system of checkpoints in the Wall has "imposed substantial restrictions on the freedom of movement of the inhabitants of the OPT" (ICJ).

Therefore, those responsible for the operation of the Wall's system of checkpoints may be liable for breaches of Article 49 (6), a grave

breach of the Convention.

■ Torture is prohibited under international law (Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms) and the laws of war (Common Article 3 to the Geneva Conventions), as well as the UN Convention against Torture.

There is overwhelming evidence that Palestinian prisoners, including children, face ill-treatment and, in some cases, treatment amounting to torture in Israeli prisons.

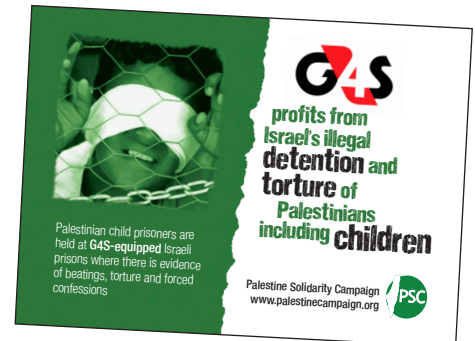
Reports include: June 2012 Amnesty International 'Starved of Justice: Palestinians detained without trial by Israel'; June 2012 UK Foreign and Commonwealth Office funded report 'Children in Military Custody'; February 2013 UNICEF 'Children in Israeli Military Detention'.

The UNICEF report specifically mentions G4S-serviced Ofer Prison and the Kishon/Al Jalame detention centre as places where children are interrogated. The report found that there is "widespread, systematic and institutionalized" abuse of Palestinian children held in Israeli custody.

■ Article 49 of the Fourth Geneva Convention prohibits an occupying power from forcibly transferring or deporting people from an occupied territory.

Article 76, paragraph 1, of the Fourth Geneva Convention states that "protected persons accused of offences shall be detained in the occupied country and if convicted, they shall serve their sentences therein."

Palestinian prisoners, including children, are routinely transferred from the West Bank to G4S-serviced prisons and detention facilities in Israel, in breach of both Articles.



Case study

On 23rd February, 2013, 33-year-old Arafat Jaradat died in Israel's Megiddo Prison, where security is provided by G4S. The autopsy report concluded that he had been killed as a direct result of the severe torture he was subjected to inside the prison. The report stated that the father of two died from "nervous shock as a result of extreme pain from the intensity of the injuries... which resulted from multiple direct and extensive acts of torture."

■ Article 5 of the Fourth Geneva Convention stipulates the right to a fair trial; Article 72 the right to freely consult a lawyer of choice. Article 147 states that “wilfully depriving a protected person of the rights of fair and regular trial” is a grave breach of the Convention, as is the “unlawful confinement” of a protected person.

Israel is in breach of these tenets of international law by its systematic detention of Palestinian political prisoners in the absence of due process. Israel holds administrative detainees without trial, on the basis of secret evidence.

G4S-serviced Ofer, Megiddo and Ketziot Prisons are known to hold administrative detainees (source: Addameer).

What are the UN Guiding Principles?

In June 2011, the UN Human Rights Council endorsed ‘The Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework’. The Guiding Principles cover the issue of human rights and transnational corporations and other business enterprises.

The principles are a key component of Principle 1 of the UN Global Compact, which calls on business to support and respect the protection of internationally proclaimed human rights.

Both G4S Israel and its parent company, G4S, are signatories to the UN Global Compact and are therefore bound to uphold its principles.

The Guiding Principles require that where a business enterprise causes, may cause, or even may contribute towards an adverse human rights impact, it should take the necessary steps to cease or prevent the impact.

Where the enterprise lacks the leverage to prevent or mitigate adverse impacts, it should consider ending the relationship, taking into account credible assessments of potential adverse human rights impacts of doing so.

In all contexts, business enterprises should “comply with all applicable laws and respect internationally recognised human rights wherever they operate” They should seek to honour internationally recognised human rights and treat the risk of causing or contributing to gross human rights abuses as a legal compliance issue.

How can the UN Guiding Principles be used against G4S?

In September 2013, the UK government published a paper entitled ‘Good Business – Implementing the UN Guiding Principles on Business and Human Rights’.

The paper refers specifically to public procurement rules under which “public bodies may exclude tenderers from bidding for a contract opportunity in certain circumstances, including where there is information showing grave misconduct by a company in the course of its business or profession.” The paper confirms that “such misconduct may arise in cases where there are breaches of human rights”.

Case study

Ezz ad-Deen Ali Qadi was 17 when he was arrested by Israeli forces and taken to Al Jalame prison. He was held in solitary confinement for 17 days, and only saw a lawyer for the first time 10 days after his arrest. His abuse included being forced to sit on a small chair with his arms tied behind him to an iron hoop, and his legs tied to the chair legs, for up to four hours at a time. For the 51 days he was held in Al Jalame, before his trial, accused of throwing stones, he was not allowed to see his parents.

G4S’ activities amount to a serious breach of its own responsibilities under the UN Guiding Principles. Therefore, it is within the discretion of a public body to exclude G4S from bidding for public contracts on that basis.

And there’s more...

■ Section 23(4)(e) of the Public Contracts Regulations 2006 permits a contracting authority to treat an economic operator as ineligible, or to decide not to select an economic operator, on the basis that the economic operator “has committed an act of grave misconduct in the course of his business or profession.”

■ In December 2013, the UK government published ‘Overseas Business Risk – Israel’. The report warned British citizens and businesses of the “reputational implications” of involvement in Israeli settlements, which the government made clear were illegal under international law.

Web links

- G4S: www.g4s.com
- Legal Consequences of the Construction of a Wall in the OPT: www.icj-cij.org/docket/?p1=3&p2=4&k=5a&case=131&code=mwp&p3=4
- Article 49, Paragraph 6, 4th Geneva Convention: www.icrc.org/ihl.nsf/WebART/380-600056
- Starved of Justice: Palestinians detained without trial by Israel: www.amnesty.org/en/library/info/MDE15/026/2012/en
- Children in military custody: www.childreninmilitarycustody.org/report
- Children in Israeli military detention: www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf
- Addameer: www.addameer.org
- The Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework: www.business-humanrights.org/SpecialRepPortal/Home/Protect-Respect-Remedy-Framework/GuidingPrinciples
- Good Business: Implementing the UN Guiding Principles on Business and Human Rights: www.gov.uk/government/publications/bhr-action-plan
- Public Contracts Regulations 2006: www.legislation.gov.uk/uksi/2006/5/pdfs/uksi_20060005_en.pdf
- Overseas Business Risk – Israel: <http://opentoexport.com/article/overseas-business-risk-israel>