

## **British Arms Sales to Israel, the “Partial Suspension”, and the High Court**

Despite overtures to the contrary, new evidence suggests that the UK government has, throughout the past 18 months, maintained and in some ways expanded its exporting of arms to Israel. This includes those arms and components destined for use against Palestinians in Gaza.

The Strategic Export Licensing Criteria (SELC) *ought* to govern the UK’s decision to approve, reject, or suspend arms exports licenses according to the level of risk that these arms be used to violate UK obligations under international law, human rights, or international humanitarian law. Please see the International Centre of Justice for Palestinian’s (ICJP’s) prior briefings on the UK’s arms export licensing regime for the background to the SELC<sup>1</sup>, the UK arms industry, and exports to Israel.<sup>2</sup>

Having suspended a number of arms export licenses for Israel in September of 2024, the UK government considers this case closed. Two developments, however, are challenging this status quo:

- i) Evidence has identified discrepancies between the UK’s reported exports, and Israel’s reported imports, of UK arms – challenging the transparency behind the September decision.
- ii) From Tuesday 13<sup>th</sup> May, a judicial review will be heard in London’s High Courts of Justice against arms and F-35 exports to Israel - led by Al-Haq and Global Legal Action Network (GLAN), supported by ICJP.

### **1. The assessment**

- On 2<sup>nd</sup> September 2024, Foreign Secretary David Lammy reported to Parliament on his Department’s assessment of International Humanitarian Law (IHL) compliance by Israel.
- The previous, Conservative government reported that in each assessment they had concluded that *no risk* exists that UK-made arms be used in used to commit or facilitate a serious violation of IHL.<sup>3</sup>
  - Reports suggest that, in private, the Department’s assessments had in fact concluded otherwise,<sup>4,5</sup> and that evidence of IHL breaches were suppressed.<sup>6</sup>
- The Labour government’s September assessment concluded, instead, that there is a ‘clear risk’ that UK-produced arms and components are being used in violations of IHL, specifically with regards to Israel’s treatment of detainees and its restrictions on humanitarian aid.
- Alarming, despite coming after 11 months of total war on Gaza’s hospitals, schools, bakeries, civilian infrastructure, and killing tens of thousands of Palestinians directly, the advice reached no conclusions as to violations of IHL with regards to Israel’s ‘conduct of hostilities’.<sup>7</sup> The Foreign Secretary later stated that this is due to the difficulties in accessing relevant information from Israel, including the intended targets and proportionality assessments of its military strikes.<sup>8</sup>

### **2. The ‘partial suspension’, F-35s, and new evidence**

- Accordingly, the government thereafter instituted a ‘partial suspension’ on all arms which it claimed were liable to be used by the Israeli military in Gaza: suspending 29 of 350 export licenses for Israel.
- Importantly, the government exempted parts for the F-35 fighter jet programme from this suspension – despite the F-35 programme being one of the UK’s most significant contributions to Israeli military capabilities.<sup>9</sup> This was justified on the basis that a suspension of F-35 licenses could not be implemented without causing disruption to the ‘global spares pool’, and that the interests of international peace and security thus override the risk of IHL breaches.

<sup>1</sup> ICJP (June 2024), Briefing, [GLAN and Al Haq Arms Case Legal Challenge against UK Government](#)

<sup>2</sup> ICJP (September 2024), Briefing [The Illegality of the United Kingdom’s continued sale of arms to Israel](#)

<sup>3</sup> Eadie, Sir J., KC, et al. (12<sup>th</sup> January 2024). ‘[The King \(on the application of Al-Haq\) v Secretary of State for Business and Trade: Summary Grounds](#)’

<sup>4</sup> Apple, E. (19<sup>th</sup> January 2024). ‘[Revealed: David Cameron advised continuing arms exports to Israel, accepting Israel has a different interpretation of its International Humanitarian Law obligations](#)’, Campaign Against Arms Trade.

<sup>5</sup> Helm, T. (30<sup>th</sup> March 2024), ‘[UK government lawyers say Israel is breaking international law, claims top Tory in leaked recording](#)’, *The Guardian*

<sup>6</sup> Wintour, P and Stacey, K. (3<sup>rd</sup> September 2024) [David Cameron sat on advice that there was breach of law in Gaza, officials say](#). *The Guardian*

<sup>7</sup> Foreign, Commonwealth and Development Office (FCDO) (2<sup>nd</sup> September 2024) ‘[Summary of the IHL process, decision and factors taken into account](#)’

<sup>8</sup> Foreign Affairs Committee (14<sup>th</sup> January 2025), [Correspondence with the Foreign Secretary relating to the Israeli-Palestinian Conflict](#)

<sup>9</sup> Action on Armed Violence (31<sup>st</sup> January 2025) [UK’s \\$6.7 billion role in Israeli F-35 programme raises human rights questions and arms control concerns](#)

- Lawyers dispute the government's understanding of 'international peace and security' as it relates to IHL duties. The government later admitted in Court that there is no possible extent, type, or scale of IHL breach by Israel which would see them change their position on F-35s.<sup>10</sup>
- The government has, furthermore, continued to approve arms exports licenses to Israel since 2<sup>nd</sup> September – with 34 arms export licenses approved 2<sup>nd</sup> September to 6<sup>th</sup> December 2024, exceeding the quantity of those suspended.<sup>11</sup>

### 3. New evidence and the UK's missing export data

- New evidence has undermined the claims made that the government's 2<sup>nd</sup> September partial suspension captured all items potentially used in Gaza. A report released on the 7<sup>th</sup> May 2025, using data from the Israel Tax Authority demonstrates that shipments of military goods, munitions of war, and arms/arms components continued on dates beyond the 2<sup>nd</sup> September.<sup>12</sup>
- With over 8,000 separate munitions being shipped since the 'partial suspension', and no observable change in the rate of aircraft parts shipments to Israel, the Israel Tax Authority's accounts differ in significant ways from the account provided by the UK Government.
- The authors of the report assert that *"Ministers have misled the public and parliament, the government has failed to be transparent, and the UK is not upholding its obligations under international law."*
- The government has not yet issued a response to account for the discrepancies between the UK's reported exports to Israel, and Israel's reported imports from Britain. One possibility is that the government may have issued export license exemptions to some of the exporting companies.
  - It was reported in May 2025 that one company, RCV Engines, had been issued with an export license exemption to ship its equipment worldwide – including to Israeli arms firm 'IAI', an Israeli state-owned manufacturer of fighter aircraft and drones.<sup>13</sup> This exemption, excusing RCV Engines from IHL assessment regime, allows IAI to fit RCV's engines into quadcopter models of the type deployed in Gaza.

### 4. The May 2025 High Court Judicial Review

- On 6<sup>th</sup> December 2023, legal proceedings were commenced by Al-Haq and the Global Legal Action Network, supported by ICJP, to challenge the government's failures to abide by its domestic and international legal obligations in relation to the clear and obvious risk that UK-made arms be used to commit IHL violations in Gaza.
- The case is due to be heard for four days, between Tuesday 13<sup>th</sup> and Friday 16<sup>th</sup> May 2025, in the High Court of Justice in Westminster London. It intends to challenge the government's decision to 'carve-out' F-35 parts for continued export despite a clear risk, and the decision not to suspend all licenses for arms export to Israel other than those 29 suspended at the 2<sup>nd</sup> September 2024.
- If successful on these grounds of the legal challenge, the government the government will have to cease all transfer of arms to Israel including those F-35s exported through the 'global spares pool'.

### 5. Actions for Members of Parliament and stakeholders

- To call for transparency from the government about the true extent of arms exports to Israel:
  - What accounts for the discrepancies between British export data and Israeli import data?
  - What is the extent of arms export license exemptions – what proportion of British arms exporters can bypass the licensing system?
  - What accounts for the continued export of F-35 and aircraft components after 2<sup>nd</sup> September?
- To call for an investigation into whether the statements of the FCDO may have misled Parliament and the British public regarding the risks that British made-weapons be used to facilitate IHL violations.
- Continue to call for a total, two-way arms embargo on Israel.

<sup>10</sup> GLAN (13<sup>th</sup> January 2025) [New review of F-35 exports reveals no red lines for UK government in context of atrocities in Gaza](#)

<sup>11</sup> Parliament (1<sup>st</sup> May 2025), [Written Questions, Brian Leishman MP, UIN 45289](#)

<sup>12</sup> Palestinian Youth Movement (6<sup>th</sup> May 2025), [Report: Exposing UK Arms Exports to Israel](#)

<sup>13</sup> John McEvoy (28<sup>th</sup> April 2025), [Israel's killer drones powered with UK engines](#), Declassified UK