



Censored: Keir Starmer's Emails About Israeli War Crimes Case

Description

WORLD : In October 2011, Keir Starmer, now the leader of the Labour Party, was asked by a human rights group and law firm to issue an arrest warrant for former Israeli Foreign Minister Tzipi Livni, who was visiting London, over alleged war crimes.

Starmer was then director of public prosecutions (DPP) at the Crown Prosecution Service (CPS). But two days later, he blocked the application for Livni's arrest, citing a Foreign Office decision to grant her visit "special mission" status.

Declassified recently submitted a freedom of information (FOI) request asking for all communications to and from Starmer's office regarding the case.

These files could shine a crucial light on the discussions which led to Livni's escape from prosecution. However, the CPS has censored a number of key emails, claiming that the release of such information would prejudice the effective conduct of public affairs.

Starmer's role in the Livni case requires closer inspection in light of the Labour Party's ongoing support for Israel's brutal war on Gaza.

Tzipi Livni

Livni was the Israeli minister of foreign affairs between 2006 and 2009, and a member of Israel's war cabinet during the brutal bombing of Gaza between December 2008 and January 2009, known as Operation Cast Lead.

According to a U.N. report, "numerous serious violations of international law... were committed by Israel during the military operations in Gaza", which killed around 1,400 Palestinians, 333 of whom were children.

Those crimes included "the direct targeting and arbitrary killing of Palestinian civilians", as well as a "deliberate and systematic policy... to target industrial sites and water installations".

The U.N. report specifically cited Livni as saying:

“Israel is not a country upon which you fire missiles and it does not respond. It is a country that when you fire on its citizens it responds by going wild – and that is a good thing”.

Prior to this, Livni had declared:

“I am a lawyer... But I am against law — international law in particular. Law in general”.

In December 2009, Westminster Magistrates’ Court issued an arrest warrant for Livni over war crimes allegedly committed during Operation Cast Lead.

With disregard for the separation of powers between government and the judiciary, then Prime Minister Gordon Brown and Foreign Secretary David Miliband both phoned Livni to apologise for the incident.

Brown subsequently pledged to make procedural changes to “universal jurisdiction legislation” in England and Wales, whereby a person committing serious crimes overseas can be prosecuted in another country.

This was intended to allow Israeli officials to visit Britain without fear of prosecution.

Changing the Law

In June 2011, Starmer met with Israeli state attorney Moshe Lador in London.

It is unclear whether they discussed the planned modification to universal jurisdiction legislation, which was implemented three months later by the coalition government amid an Israeli diplomatic offensive.

The new legislation meant that the consent of the DPP was required before such arrest warrants could be issued, and a higher evidential threshold would have to be met to do so.

“These changes were intended to prevent the arrest of suspected war criminals from ‘friendly’ states”, argued Daniel Machover and Raji Sourani, who were both involved in Livni’s case.

The law was changed with Israeli officials in mind.

“We cannot have a position where Israeli politicians feel they cannot visit this country”, declared then Foreign Secretary William Hague.

The Jewish Leadership Council, the Board of Deputies of British Jews and the parliamentary Friends of Israel groups helped “to ensure the safe passage of the bill” through parliament, it was reported.

The bill also passed thanks to Lord Palmer, a supporter of the Liberal Democrat Friends of Israel group, who decided to suspend his other commitments and cast the decisive vote in the upper chamber.

‘Special Mission’

On 6 October 2011, Livni visited Britain once again.

CPS emails seen by Declassified indicate that Livni's itinerary involved meeting with then Prime Minister David Cameron and Hague to discuss the new law "governing arrest warrants for war crimes".

Two days before her arrival, the Palestinian Centre for Human Rights and law firm Hickman & Rose requested on behalf of a civilian Palestinian victim of Israeli attacks that Starmer, then DPP, authorise Livni's arrest.

The application was supported by "extensive evidence indicating Ms Livni's individual criminal responsibility" for war crimes committed in Gaza, and was compatible with the new legislation.

Starmer deliberated on the evidence for long enough that the Foreign Office was able to retroactively attribute "special mission" status to Livni's visit, designed to grant her temporary diplomatic immunity.

Precisely why the CPS was not able to reach a "concluded view" on the strength of the evidence against Livni before the Foreign Office's intervention remains unclear.

If there was insufficient evidence to justify an arrest, it is difficult to see why the Foreign Office intervened in the first place.

It is possible that the Attorney General's office, which consults with ministers and then determines whether issuing such arrest warrants would be in the national interest, encouraged Starmer not to pursue the case.

When Starmer was probed by MPs about whether the attorney general could judge that a case is "a bit embarrassing" and thus suggest that an arrest warrant is blocked, Starmer responded: "That is a hypothetical and I do not think I can answer".

"The answer is yes then", retorted Clive Efford MP.

Starmer's Emails

Starmer's emails may well hold answers to these questions.

However, most of the files requested by Declassified have been either redacted or retained. Only one of the emails released by the CPS shows a sender receipt from Starmer himself.

Stephen Parkinson, the current DPP, was asked to provide his "reasonable opinion" on whether the release of these emails would or would be likely to prejudice or inhibit "the effective conduct of public affairs". Parkinson judged that it would.

Declassified has asked the CPS to conduct an internal review into this decision.

As Oliver Eagleton argued in his book *The Starmer Project*, it was also within Starmer's power to challenge the Foreign Office's "unprecedented and legally dubious" move "by pressing ahead with the application" for Livni's arrest.

Starmer nonetheless refused to put his stamp of approval on the arrest warrant, and Livni walked free.

A CPS spokesperson said at the time: "The DPP has refused to give his consent to the private prosecutor to make an application to the court for an arrest warrant. In considering this application, he has consulted the Attorney General, but the decision is his".

The U.K. government has continued to offer diplomatic immunity to Israeli officials amid the ongoing genocide in Gaza.

On 6 March, the Foreign Office granted a "special mission" certificate to Israeli War Minister Benny Gantz, who was visiting Britain for meetings with U.K. Foreign Secretary David Cameron.

By John McEvoy

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