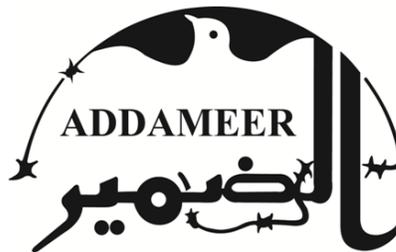


# G4S Complicity in Human Rights Violations

August 2015



## Contents

Introduction .....	3
Summary of G4S Abuses .....	5
G4S Across Contexts.....	5
G4S in the OPT.....	8
Activism against Abuses .....	9
Litigation.....	10
International Guidelines for Private Security Conduct .....	11
Critique of ‘Independent Review’ .....	12
Avenues for Future Litigation .....	17
Conclusion .....	20

## Introduction

G4S (formerly Group 4 Securicor) is the largest security firm and the third largest private sector employer in the world, operating in more than 120 countries with over 623,000 employees. A product of a merger in 2003 between the British Securicor plc and the Danish Group 4 Falck, G4S continued to rapidly expand as a multinational corporation through a series of acquisitions and takeovers. A complex corporate entity specializing in international security solutions, G4S outsources its expertise in facilities management, technological systems and trained security professionals in order to provide wide-ranging, and undisclosed, services to governments, other corporations and private enterprises.<sup>1</sup> Profiteering over 10 billion dollars last year off of global insecurity, G4S's powerful lobbying mechanisms and governmental contracts ensures impunity to derive profit from the most violable and controversial locales in the world, utilizing the visage of an inherently flawed system of internal and independent review, which requires public outcry in order for there to be any accountability.

In 2002 Group 4 Falck bought a 50% stake in Hashmira, which at the time was Israel's largest security provider (with 8,000 staff). G4S's stake rose to 91% by 2007, the same year, the now renamed, G4S Israel was contracted by the Israeli Prison Authority (IPA, now IPS) to develop a perimeter defense system and central command room at Ofer Prison in the occupied Palestinian territories (oPt), as well as at least four prison facilities and two detention facilities in Israel, a clear violation of the prohibition of the transfer of prisoners from occupied territories in Article 76 of the Fourth Geneva Convention. G4S further enabled the military occupation beginning in 2008 through subsequent security contracts that aided the construction and maintenance of the apartheid wall, installed surveillance equipment at security checkpoints, provided armed guards in illegal settlements and equipped the Israeli police headquarters in the occupied West Bank.<sup>2</sup> In 2010 G4S also purchased Aminut Moked Artzi, one of the oldest and biggest private security firms in Israel, continuing all of Moked's business activities, which included the servicing of settlement business in the oPt.<sup>3</sup> Moked describes how "all employees are tested and approved by the Israeli police and trained by the IDF," while its rangers are all graduates of "full-service IDF combat units" and its monitoring control by "highly trained, ex-IDF field operatives."<sup>4</sup> G4S's contractual ties and business activities represent a clear facilitation and continuation of war crimes against Palestinian prisoners.

The parent company and its subsidiary incorporated as G4S Israel all share common origins. Group 4 Falk, Securicor and Hashmira all began as a private night-watch service, as an extension, and mostly made up of the police.<sup>5</sup> The untold story is that all three

companies, as well as Moked, were incorporated during or after periods of warfare. The exponential expansion of G4S into both prisons and warfare is reflective of how G4S Israel is complicit in a system that criminalizes political behavior in an environment of conflict, denying not just Palestinian human rights, but also their positive right to self-determination and self-education. The denial of fundamental rights also functions within G4S's larger incarcerating role of people of color around the world as a continuation of imperialist oppression and exploitation.

G4S systemically supports an Israeli carceral system that has detained more than 800,000 Palestinians in the oPt since 1967 (20 percent of the population and 40 percent of males), which currently holds 5,520 Palestinian political prisoners and detainees in addition to the fact that over 8,000 Palestinian children have been arrested since 2000 (approximately 700 a year).<sup>6</sup> Overall, G4S buttresses a system of military law that systematically denies Palestinians their rights to due process and a fair trial,<sup>7</sup> allowing Israeli settlers to have a 33.3 % chance to receive a legal conviction from the district court<sup>8</sup> compared to the 99% rate for Palestinians in the military court (with less than 1% coming from full evidentiary trials), who also can be held under administrative detention without any disclosure of information.<sup>9</sup> After conviction, prisoners often face grave human rights abuses in institutions that operate through G4S's technological surveillance and maintenance.

G4S has announced plans to not renew any Israeli prison contracts, which are set to expire in 2017, a shift in policy that is a product of public criticism and outcry by Palestinian civil society, international activists and human rights organizations against G4S's human rights violations. G4S's withdrawal of business relations should also include all illegal business activities that contribute to a legal double standard, resulting in impunity for settlers and injustice for Palestinians. G4S's announcement, however, has not been put in writing, and is reflective of the company's past track record of only feigning disengagement: first, Group 4 Falck stated plans to withdraw from the West Bank in 2002, but only spun off their settlement guarding operations to a new company, owned by Yigal Shermeister, a minority shareholder of G4S Israel, grandson of Hashmira's founder and its CEO at the time.<sup>10</sup> Secondly, they first indicated in a CSR update that all contracts were set to expire in 2015, but later extended the time frame (without acknowledgement of prior indicants), making a verbal announcement at their annual general meeting in 2014 about ending contracts, which they later confirmed as expecting to not take on new contracts that are set to expire in 2017, but to fulfill the additional warranty period afterwards.<sup>11</sup> G4S must be exposed for the abuses to which it is complicit, as inherent to its overall model as a company, which outsources people, technology and services for profit.

### **Summary of G4S Abuses**

Reports by Palestinian human rights organizations have chronicled and exposed G4S's complicity in human rights abuses and crimes committed within prisons they service and help maintain. Of particular note is G4S's surveillance equipment's willful blindness to the widespread and unchecked use of psychological and physical torture, especially in the Al-Moskobiyyeh and Al-Jalameh detention centers, medical neglect of women in the Hasharon compound, the mass incarceration of children each year, the arbitrary and frequent use of administrative detention to target politicians and activists, as well as the overall system of an occupying force's military law whose courts are housed within the security wall of the Ofer Prison serviced by G4S. Awareness of these issues has been spurred on after the death of Arafat Jaradat in Megiddo prison after his alleged torture at Al-Jalameh, the hunger strikes of Khader Adnan, Muhammad Allan and others against administrative detention and the arbitrary arrest of activists Khalida Jarrar and Lina Khattab - all inside institutions serviced by G4S.

### **G4S Across Contexts**

G4S's contribution and facilitation of violations of the rights of Palestinian prisoners is integrally connected to G4S' world-wide abuses. G4S is systematically complicit in human rights violations across the world, implicit in a business model that profits off negligence and human rights abuses. Current G4S violations that are public knowledge will be summarized, but it must be assumed that a vast majority of abuses remain undiscovered, especially within states that do not have a strong infrastructure of monitoring NGOs. One underlying theme throughout G4S's actions is their lack of accountability in the face of severe and blatant abuses.

G4S has an established track record of agreeing to prison contracts that are complicit in torture practices of the state. In a prison run by G4S since 2000 in South Africa, inmates have experienced widespread abuse including routine assaults, electric shocks, forcible injections of anti-psychotic drugs, multi-year isolation and physically forcible interrogations.<sup>12</sup> In 2013, the publicly reported incidents and general unrest caused the Department of Correctional Services (DCS) to take over the prison temporarily, but a year later control of operations was returned to G4S even though the DCS report has still not been released even after two years.<sup>13</sup> The lack of governmental indictment for G4S practices becomes coherent when it is known that DCS officials are also publicly accused in taking part of an assault inside the prison. Legal prosecution of G4S for these abuses, along with the death of a mother in detention, is currently being pursued in the London High Court.

Meanwhile, G4S has avoided litigation for G4S Governmental Solutions, an American subsidiary, contract to provide services at Guantanamo Bay, but was subsequently sold off. Specific allegations have focused on whether G4S employees assisted the force-feeding of prisoners, a form of torture recently passed by the Knesset.<sup>14</sup> Litigation against G4S crimes at Guantanamo was filed at the UK National Contact Point (NCP) for the implementation of OECD guidelines, but initial assessment considered proper jurisdiction to be under the US NCP; in addition, a complaint has been filed with London's Metropolitan Police to further investigate G4S's complicity with the torture techniques practiced at Guantanamo. State-sanctioned torture by the US, UK, Israel and South Africa have allowed G4S's complicity and contribution to carry on with impunity.

G4S's indifference to its associated violations against children is incriminatory. G4S Youth Services in America, along with other for-profit youth prisons, have frequently assaulted children, but continue to receive contracts due to their strategic political donations.<sup>15</sup> An especially damning report by a Florida Grand Jury calls for the closing of a G4S youth facility in reaction to knowledge of the disrepair of facilities, undertraining of staff, lack of rehabilitative resources and pervasiveness of violence. Both the State Attorney and County Sherriff accused G4S Youth Services of discouraging employees to report violent acts.<sup>16</sup> A youth prison run by G4S in England received the lowest rating of "inadequate in a government inspection," having been associated with children being subjected to assault, racist remarks and other degrading treatment, denial of proscribed medical care and other "very serious incidents" not specified to protect juvenile's confidentiality. In the same prison a decade earlier, G4S staff restrained a child for refusing to clean a toaster while he died on his own vomit, among other incidents of assault by G4S staff during the same period.<sup>17</sup> The British government is now considering terminating its contract with G4S at its three youth prisons.

Most vulnerable for abuse are the prisons operated or serviced by G4S that provide no separate services for children. Palestinian children not only are denied separate services and adequate education, but are subjected to torture, violence, threats and acts of sexual violence, and public caging, including one incident fortuitously witnessed by a public defender where children were kept outside in iron cages during a snowstorm.<sup>18</sup> The vast majority of Palestinian children in Israeli detention experience physical violence, with three out of four children being subjected to physical ill-treatment during their arrest, interrogation, or transfer.<sup>19</sup>

Deaths leading to public outcry have occurred at immigration centers serviced by G4S: Jimmy Mubenga's death was covered up by G4S officials who used excessive force upon his deportation; Eliud Nyenzi died in a UK removal center after being denied medical

care;<sup>20</sup> the death of asylum seeker Reza Barati came after being assaulted by a G4S staff member and after falling he was kicked in head by more than 10 officers.<sup>21</sup> An aboriginal man was boiled to death while being driven between detention centers after being denied water for the 7 hour drive, and other immigrant transferees were denied medical treatment and toilet access during the nonstop trip.<sup>22</sup> The Australia NCP decided to not investigate violations because of “the role of G4S in giving effect to Government policy,” a veil that protects G4S from blatant violations.<sup>23</sup> The deaths stem from an overall securitization of borders, explicitly seen in G4S’s role in the separation barriers of the US and Israel, which allows governments to crack down, patrol and persecute those it deems a threat to its realm of control.

G4S operates detention centers that deny refugees access to their right of asylum, profiting off an operation that puts detainees and deportees through degrading and inhumane conditions, which includes prolonged detention, use of force, inadequate staffing, no qualified family care and overall dirtiness.<sup>24</sup> A G4S immigration detention center has been described as prison-like and deemed “wholly unacceptable” for women and children.<sup>25</sup> The high rates of complaints are for the most part dismissively discounted, especially in accusations of assault.<sup>26</sup> Instead, G4S profits from immigrant detainees with negligible wages while their lives are in limbo.<sup>27</sup> G4S’s outsourcing of medical service to immigrant detainees has been condemned for suboptimal care, which is in line with its indifference to the gross denial of medical care to Palestinian prisoners.<sup>28</sup> G4S’s profiting from and contribution to the human rights violations of Palestinians in Israeli prisoners pinpoints the oppression of immigrant foreigners as prisoners subject to state violence.

Not only does G4S act as a subcontracted extension of state control, but it is incentivized by the potential for future growth in functioning where state control is weak or non-existent, what G4S calls “emerging markets” (and account for 40% of their profits with a 7.7% growth rate).<sup>29</sup> G4S’s procedural risk analysis identifies hot spots for human rights violations, but the process provides no check on G4S’s incentive to pursue exploitative contracts with the most potential profit and greatest cost to human rights. G4S’s business contracts confirm its propensity to invest in the hot spots of each country it services. One example is the 2008 acquisition of Armour Group, a private security contractor in current and former war environments, that was already marred in scandal and continued to be afterwards. G4S’s public statement notes how ArmourGroup further expands G4S’s investment into the high margin investment in developing markets, which includes the new markets of Sudan, Afghanistan, Algeria and Rwanda.<sup>30</sup> Most publicly, operations in Afghanistan and Iraq include reports of vast misconduct, allegations of sex trafficking and a conviction of murder.<sup>31</sup>

G4S profits from providing security in insecure environments; G4S serves as the largest private employer in Africa, pinpoints South America as the continent with the highest profit growth and hires a revolving door of government officials with contacts to secure business relations in the violent outbreaks and governmental crackdown across the Middle East.<sup>32</sup> G4S's contribution to the militarization of penal and private systems is reflected in its hiring practices, employing ex-military personnel as guards, executives and agents for specialist assignments, and lauding itself for being recognized as being one of the most friendly and valuable employers for the military.<sup>33</sup>

### **G4S in the OPT**

Although G4S does not outsource armed services to Israel, the intel of G4S's securitization services facilitate and contribute to Israel's war crimes in the oPt and reflect G4S's general complicity in war crimes in the region. In addition to G4S's complicity in crimes against humanity of Palestinian prisoners and all those affected by the apartheid wall and checkpoints, it also contributes to a military occupation that leaves Palestinians vulnerable to abuse, further exacerbates the polar experiences of settlers and Palestinians in the oPt. G4S provides armed guards to settlements, protecting the impunity of settler violence with a conviction rate of 1.9 percent from a complaint submitted to the Israel Police by a Palestinian.<sup>34</sup> G4S also electronically monitors Palestinian prisoners after release, aiding Israeli military's violation of international law and the Oslo agreement, which frequently targets Palestinians in raids, resulting in the blocking of nonviolent political resistance (name the amount of council members currently in jail). G4S's electronic monitoring service extends its common service to a territory under military occupation. The military occupation of the Palestinians is unique, but G4S's role is reflective of its worldwide, yet multifarious, role of leaching profit off of violence at the expense of human rights.

G4S profits from its intimate relationship with the institutions of state oppression, but its first priority of gaining profit causes G4S to abuse its contractual obligations. G4S was compelled to reach a settlement of £108.9 million with the British Ministry of Justice after whistleblowers revealed that G4S was overcharging on its electronic tagging service.<sup>35</sup> Additionally, G4S was publicly condemned by the British parliament for not being able to fulfill its contract to guard the London Olympics, an overambitious attempt to enter a new sector that compromised public security, and contributed to the resignation of longtime CEO Nick Buckles.<sup>36</sup> The two examples should highlight how G4S's inability to fulfill contractual relations would function in a state without the infrastructure of the UK, allowing G4S on its own whim to work within or beyond the confines of state jurisdiction.

Furthermore, there exists a dichotomy between the G4S executives that implement policy and its employees, usually the guards, whom face the punishment for violations that are a product of company policy. G4S's track record of labor rights violations is indicative of its exploitation of an entire community, dependent on G4S for employment in order to exploit its own people. G4S's labor rights violations indicate the true scope of G4S's worldwide abuses that remain unreported. For example, the Union Network International lodged against a complaint for violations in Malawi, Mozambique, Greece, the U.S., Israel, Uganda, the Democratic Republic of Congo, and Nepal, along with noting strikes against poor pay and conditions in South Africa, Cameroon, Kenya, India, Indonesia, Morocco, Nepal, Panama, Australia, and more. Physical intimidation and beatings of union leaders and demonstrates have occurred with G4S working in collaboration with the state's police.<sup>37</sup> In addition to impoverished conditions, G4S managers have also been accused of permitting racist remarks and separate toilets for its guards.<sup>38</sup>

The overall abuse of G4S worldwide must continue to be researched, reported and condemned. G4S's complicity in war crimes and crimes against humanity of Palestinian prisoners is intermeshed within G4S's larger pattern of abuse with the Israeli government and worldwide. G4S's pattern of abuse is achieved through multifarious means in a variety of regions and sectors, but all should be analyzed collectively in terms of the corporation's broader identity and function in the world.

### **Activism against Abuses**

In response to innumerable injustices, international activism has made strides over the last year in spurring public awareness and condemnation of G4S's corporate practices. Since 2013 vocal and highly publicized protests at G4S's annual shareholder meeting have specifically targeted G4S's complicity in war crimes against Palestinian prisoners.<sup>39</sup> In 2014 War on Want made a public call for G4S to cut its ties with the human rights violations in Israeli prisons, highlighting the forcible detainment and prosecution of children as adults, in a letter cosigned by notable anti-Apartheid activists Archbishop Desmond Tutu and Ahmed Kathrada, and other notable lawyers, politicians, academics and writers.<sup>40</sup> Additionally, notable organizations such as the Gates Foundation, the US United Methodist Church, over 20 coordinated South African businesses and the Durham Township have all divested from G4S this year for their role in violations of Palestinians human rights, buttressed by an overall critique of the private prison industry's incentive for increased incarceration and security policies. The groundswell of change has also been spurred on by student campaigns, leading to successful votes by many student unions in England to terminate contracts with G4S, leading to dropped contracts by the University of Helsinki, Kings College London,

Southampton and Sheffield.<sup>41</sup> Along with direct protests at shareholder meetings by Stop G4S, multiple actors have contributed to pressuring G4S to recognize and end its complicity with violations of Palestinian political prisoners.

One significant movement that has affected G4S most recently has launched a critique against the systematic racism of the private prison industry, which also includes Corrections Corporations of America (CCA), Community Education Centers (CEC) and the GEO Group, which was formerly part of the Wackenhut Corporation (now a G4S subsidiary). The move against private prisons has risen in the United States and internationally has recognized the interconnections between racist institutions that profit off the criminalization of US minorities and that is extended against people of color around the globe. Therefore, over 1,000 major black American figures and organizations have called for the liberation of Palestine, specifically highlighting G4S as a target for joint struggle.<sup>42</sup> As a result, Columbia University already publicly has announced divestment from all private prisons, specifically \$8 million from G4S, along with student-led campaigns in process at other institutions.<sup>43</sup>

### Litigation

In the first significant litigated action against G4S, the OECD's National Contact Point (NCP) in the UK concluded that "the information reviewed establishes that there are adverse human rights impacts associated with the facilities and locations referred to in the complaint," which establishes that G4S stands in violation of three human rights provisions in the OECD guidelines for Multinational Enterprises.<sup>44</sup> The conclusion criticizes G4S's narrow interpretation of international law, nondisclosure of basic business practices to provide meaningful oversight and its inability to take actions to mitigate the violations its contracts are linked to.<sup>45</sup> The UK NCP also admittedly concluded that there was not "any general failure by the company," a contradiction in logic that Lawyers for Palestinian Human Rights (LPHR), the complainant, has duly highlighted. The contradiction seems to derive from the UK NCP's characterization of G4S's actions as "technically inconsistent" for two of the three provisions; an oxymoronic term that, LPHR correctly points out, has no root in the language of the OECD guidelines. Irrespectively, the conclusion of the UK NCP clearly indicts G4S's contractual tie to the human rights violations of Palestinian prisoners, especially the detainment and torture of children and the arbitrary use of administrative detention. The lack of a complete indictment of G4S, however, speaks more to the continued limitations of the OECD to provide any substantive examinations of transnational corporations' contribution to human rights violations.

The human rights chapter of the OECD Guidelines was a 2011 addendum that attempted to clarify the one vague sentence in their general policies that calls on corporations to respect human rights. The updated sentence in the new chapter delineates that respecting human rights consists of avoiding infringements and addressing adverse impacts, but the update fails to include any means of deterrence. The need for further precision in language can be seen by the fact that the two ‘technical inconsistencies’ cited by the UK NCP are in reference to both the old and new sentences. The findings of the OECD highlight its overall limitations as a means of recourse against multinational enterprises. The OECD is an organization meant for economic co-operation and development, whose viability as a resource for litigation against multinational enterprises is to serve as an alternative to the current paucity of viable law and regulation. Moreover, NCPs are inherently constrained by state policy. The UK NCP notes the importance of G4S’s contracts with the IPA fitting into the UK’s general policy.<sup>46</sup> Even though the UK has issued statements against businesses with links to settlements in the oPt, the NCP deemed the advisory as vague and noncompulsory.

Although the OECD guidelines represent a much needed avenue to pursue complaints against transnationals like G4S, the citing of three violations, but still not holding G4S responsible for ‘general failure,’ demonstrates the inherent limitations of an NCP’s conclusions, as well as the current inadequacy of current international law with regards to accountability mechanisms for multinational corporations, which is still in its formative period. Any future litigation of G4S in the UK should bring complaints against the parent company for its worldwide abuses.

### **International Guidelines for Private Security Conduct**

G4S continues to act in systemic violation of the international guidelines for business ethics and human rights to which it is a signatory. In response to the creation of the 2008 Montreux Document, an intergovernmental agreement to respect international legal obligations and implement good practices for private companies present in armed conflict, G4S helped spearhead in 2010 an International Code of Conduct for Private Security Providers (ICoC), which currently has seventy private security companies as members, but only six governments and thirteen civil society organizations. Five years after the initial ratification and three years after the release of a charter for an oversight mechanism, the ICoC still has not fulfilled its most important role of developing and implementing a monitoring function and a complaints process. Moreover, the conveniently created code has made no practical initiatives to update or revise itself in the wake of the UN Guiding Principles on Business and Human Rights (UNGPs) in 2011 that further details the

implementation of a human rights framework for those operating in a conflict affected areas, especially when business occurs amid conflict over the control of territory.

Significantly, the UNGP, OECD and ICoC are international guidelines that are noncompulsory and voluntary, representing alternative forms of engagement to international criminal law. The UNGP is the most authoritative and internationally recognized framework, an initiative of the UN Office of the High Commissioner for Human Rights (OHCHR). The OECD is the only government-backed mechanism for international grievances against business conduct, but the NCP for each state is non-punitive and instead facilitates engagement and mediation.<sup>47</sup> The ICoC, on the other hand, is meant to represent a distillation of already existing international human rights, humanitarian and criminal law, but is in reality a combination of selective various elements. Most notably, the code requires signatory companies to cooperate with investigations of international criminal law, but does not specify any requirements for the implementation according to criminal law, except for the training of personnel. The code also distinguishes without qualification between international human rights, national human rights law and international humanitarian law, but makes no reference of any accordance to the Rome Statue that establishes the International Criminal Court (ICC).<sup>48</sup>

G4S advertises its accordance with these guidelines without any meaningful oversight that would demonstrate their violation. As a first step, G4S should move to follow the UN Guidelines in communicating externally how they are addressing their impact on human rights in specific incidents of violation.<sup>49</sup> Until G4S is a party to, rather than a signatory of, an international treaty to respect human rights, then they will continue to act with impunity.

### **Critique of 'Independent Review'**

Four months after LPHR submitted its initial human rights complaint to the UK NCP, G4S commissioned an independent human rights review by Hugo Slim and legal opinion by Guglielmo Verdierme of its business activities in the Israeli occupying state and the oPt.<sup>50</sup> Despite the distinction of two separate reports, the Human Rights Report functions as a legal defense, while the Legal Opinion functions as an analysis of possibilities of prosecution.

The UK NCP rightly critiques the report. First, the conclusion notes that the evidentiary materials that the review based its analysis upon and the details of the review process itself are not public and were not shared with the UK NCP.<sup>51</sup> G4S's policy of nondisclosure of basic information (such as implementation of policy, services provided and statistics on violations) is a fundamental impediment for effective oversight. The lack of

substantive information in the summary of the review commissioned echoes G4S's broad failure to self-report and account for human rights violations on its premises unless in response to public critique. Second, the conclusion questions the independent review's tacit assumption that "G4S has no obligation in regard to impacts associated with equipment and facilities," because the lack of any possible actions identified or considered.<sup>52</sup> UK NCP regards the review's interpretation as too narrow, stating that G4S will continue to be inconsistent with OECD guidelines Chapter IV, Paragraph III until it "publicly communicates the actions it is taking to address the impacts it is linked to by the contracts referred to in the complaint."<sup>53</sup> The critique should extend to the systemic negligence and unaccountability of G4S's due diligence and approach to human rights.

The UK NCP, however, does not go far enough in questioning the bias of the independent review. The farce of G4S's commissioning of an independent review is not a unique incident; after a scathing review of its Rainsbrook Children Center, G4S released a glowing independent review months later that was subsequently revealed to also have been part of the bid team for the center and a paid consultant of G4S for three years.<sup>54</sup> The prejudice of the reviewers and their findings demonstrate that G4S only provides a veneer of internal and external review of its human rights violations.

Slim was previously contracted in 2013 to craft G4S's overall human rights policy in accordance with the UNGP under the auspices of the Malachite Group, cofounded by Slim, which advises multinationals and investment funds on benefits of investing in developing countries. Malachite's website notes that it devised G4S's policy as a result of publicly reported violations that led to a damaged public reputation.<sup>55</sup> Moreover, Slim has voiced publicly a bias that presupposes his conclusion in the report, writing an opinion piece in 2009 that criticized Palestinian NGOs whose reports he was meant to evaluate, as well a letter in 2013 to two British newspapers that asserts the necessity of the wall for Israeli security.<sup>56</sup> Slim's contractual and ideological tie to G4S's complicity compromises his conclusion that G4S has no responsibility for human rights violations. Like Slim, Verdiarme also wrote an opinion piece, justifying Israel's military offensive against Gaza in 2012. He furthermore has been a speaker at the Zionist Federation's "Knowledge Seminar for Israel Advocates" and chaired a roundtable discussion for UK Lawyers for Israel. The opinion of both 'independent' reviewers should be seen as biased, voicing official company positions through their reiteration of positions previously made by G4S.

Additionally, the report references a different commissioned analysis of the impact of G4S equipment provided to detention facilities and crossing points in 2013 that was carried out by CSR (Corporate Social Responsibility) specialists from BDO Consulting, a leading international accounting and corporate consultancy. The analysis was specifically carried out

by its subsidiary BDO Ziv Haft, Israel's leading consulting firm, the first to offer CSR consulting, a service that consults companies on how to profit off the occupation and incarceration of the oPt.<sup>57</sup> BDO's consulting to G4S fits into its larger company goal that identifies the defense sector as an area of "strategic importance" because of the "close correlation between the industry and the government representatives," which G4S is part and parcel of, that consequently "wields considerable influence over the Israeli market." Unsurprisingly, the BDO Consulting report concludes not only innocence from any violations, but also suggests considering "the potentially positive impact of" G4S's services. G4S utilizes both BDO and Malachite as part of a targeted campaign to provide a hollow process of due diligence and supervision for Human Rights, but whose policy is mainly a public image campaign to retain its favorable financial positions in the present and for the future.

Regardless of what information the report contains, its findings are inherently limited, because they "were not grounded in consultations with direct stakeholders (detainees and Palestinians at crossing points)."<sup>58</sup> The reliance on NGO reports demonstrates that the purpose of the report is only to respond to violations exposed to the public eye; rather, the report reinforces the blocking of accurate information of prisoner rights since NGOs and observers are generally not allowed to visit facilities. Consequently, Slim's claim that "many G4S critics make the mistake of confusing proximity with complicity" is unfounded, because G4S's proximal space has not been evaluated. Instead, Slim emphasizes G4S's "indirect role as a supplier and maintainer of equipment," which he claims prevents G4S from having a causal or contributory role in human rights violations.<sup>59</sup> The precedent of his argument is exigent, because it underlines the impunity of corporations to provide equipment and services that aid and abet an occupying military force's violations of human rights and international law.

Slim relies on circuitous justification to absolve G4S of any wrongdoing, writing that "a *direct* role would involve specific acts of commission that *directly* bring about the ill-treatment of prisoners, that transfer people illegally or that obstruct family visits" (emphasis added). His adverbial usage of "directly" is redundant; in actuality, 'a direct role' is that which 'brings about' the violation of human rights. Slim's false dichotomy attempts to argue that although "there are clearly human rights failings in some parts of Israel's security system," G4S is not complicit because its "role is far removed from their immediate causes and impact." In other words, Slim argues that G4S's services are not "critical to creating adverse impacts on human rights."<sup>60</sup> Slim's stretched-thin qualifications of G4S's role attempts to circumvent admittance and evidence of G4S's very clear role in prisons, checkpoints and settlements. A proper determination of G4S's role is not reliant on whether their services are replaceable, but solely focuses on the functioning impact of the services themselves.

Slim's emphasis on "direct" stems from the UN Global Compact's explanatory statement that emphasizes only direct complicity, instead of silent or beneficial complicity leads to legal liability.<sup>61</sup> Providing equipment, according to Slim, becomes the limit against which to judge G4S's intention, capacity and action, but the report incorrectly characterizes G4S's technological services and maintenance support as having merely having an indirect role. Even if G4S is taken at their word to only be suppliers and maintainers, not operators, of the technological apparatus, they would still be grossly negligent of all violations that their technological systems surveil and are privy to, nor does it mitigate its negligence in being responsible for knowledge of the usage and impact of their services, which is inhered in the technology that G4S sustains as a supplier and maintainer, not to mention the multitude of NGO reports that G4S alleges to have reviewed. The determination of G4S's complicity lies not just in their physical proximity, but in the fact that their services directly contribute to human rights violations against Palestinians.

G4S's technological services directly contribute to the culture of impunity for Israeli interrogators, soldiers and guards. Interrogators are allowed to use "moderate pressure" against detainees considered "ticking bomb cases," providing the legal protection that causes nearly every arrested Palestinian to face psychological or physical torture or ill-treatment.<sup>62</sup> Torture by interrogators was described as 'systematic' by the Public Committee Against Torture in Israel (PCATI) in a briefing to the UN Human Rights (UNHR) committee.<sup>63</sup> The CCTV system serviced by G4S directly contributes to the utilization psychological and physical torture methods, including, but not limited to, isolation, sleep deprivation and prolonged stress positions. CCTV also indirectly contributes to the widespread usage of additional torture techniques, such as physical beating, loud noise, threats of physical and sexual violence, alternating extreme temperatures, tear gas and sound bombs, detention in inhuman and degrading conditions, and denial of basic rights, including freedom of expression and freedom of worship.<sup>64</sup> All abuses recorded by CCTV, but are unseen by the public eye, is an act of omission, while usage of the CCTV for torture is an act of perpetration. Particularly outrageous are the recorded chokeholds, beatings, coercive interrogations and other abuses of children by Israeli security forces and guards, which Human Rights Watch and the U.S. State department have highlighted and condemned, but G4S has not.<sup>65</sup>

All Israeli security services and police are exempt from recording interrogations of "security suspects," a short-hand for Palestinian prisoners, allowing interrogators to selectively determine to record confessions without requiring additional or complete footage or tape that establishes the methods used to obtain the confession, as well as the confessor's mind state at the time. The exemption was first passed in 2002 and re-extended in 2008 and again in 2015, despite condemnation of the practice by international actors and

human rights organizations, as well as the recommendation for audiovisual recording in 2010 by the Turkel Commission, an Israeli government taskforce, and the head of the ISA.<sup>66</sup> No one currently answers for the death of Arafat Jaradat in 2013 after facing torture by al-Jalameh interrogators. CCTV in no way can be partially qualified as protecting prisoners, as G4S claims, unless the recordings themselves are available for prosecution to also evidence abuse and torture of prisons. Instead, CCTV is symbolic of G4S's policy of abuses: purported ignorance of recorded knowledge of the abuse and torture, which are facilitated and contributed by its own technological control system.

All prisons and detention centers that G4S services, except Ofer Prison, illegally transfer Palestinians to Israel, which is a violation of Articles 49 and 76 of the Fourth Geneva Convention, which prohibits the forcible transfer of detainees and prisoners outside of occupied territory. Although G4S does not physically transport the prisoners, this does not take away their complicity in giving effect to the institution that leads to “incommunicado detention,” the isolation of prisoners from family visitation and legal access while withstanding abuse in interrogation and isolation in custody.<sup>67</sup> The absence of support makes prisoners only more vulnerable within G4S's security system installation, especially as the increased securitization has resulted in increasing raids of prison cells,<sup>68</sup> but at the same time medical neglect worsens due to the decrease in interpersonal interaction between guards and prisoners.

G4S has further violated the Geneva conventions in servicing the construction of the wall and the operation of checkpoints, which further exacerbates a myriad of daily hardships, abuses and war crimes against residents of the oPt. The UN Human Rights Council's (UNHRC) independent international fact-finding mission recommend that private companies must include “terminating their business interest in the settlements” as a necessary step to prevent an adverse impact on Palestinian human rights.<sup>69</sup> The findings demonstrated that businesses, like G4S, “enabled, facilitated and profited, directly and indirectly, from the construction and growth of the settlements” through “business activities and related issues that raise particular human rights violations concerns,” which includes G4S's facilitation of the construction of the wall and its securitization and surveillance services provided to settlements and checkpoints.<sup>70</sup>

In addition, G4S aids and abets Israel's illegal annexation and ethnic cleansing of East Jerusalem: G4S Israel's Monitoring Division holds Israel's largest fleet of private armed patrols (operational and technical), and the largest control center is located in Jerusalem, whose technology is tested and approved by the Israeli police and whose rangers are graduates of full-service IDF combat units;<sup>71</sup> G4S services the Israeli police station headquarters for the West Bank, which is currently the only illegal structure on the East-1

territory of Jerusalem that Israel threatens to begin construction on, robbing Jahalin Bedouins of their land and further cutting off contiguous land in the oPt.<sup>72</sup> G4S's complicit violation of international treaties entails their contribution and facilitation of war crimes and human rights violations in the oPt.

G4S's collaborative relationship with the IPA and security forces extends beyond a merely contractual obligation, because G4S's financial incentive, and hence its intention, is to continually increase the securitization and repression of Palestinians. In fact, G4S Israel's profitable contracts with the IPS, IDF and Israeli police, along with servicing the Ministry of Population and the Ministry of Finance, align its intention with that of its contractual partner, self-described as the "sole Israel authorized representative for installation of their security systems."<sup>73</sup> G4S Israel's alignment was further consolidated after winning a joint-contract to build and operate the new national police academy. G4S's operative relationship contributes to a militarized police system controlled by the state,<sup>74</sup> riddled with corruption lawsuits and assault allegations,<sup>75</sup> which are an integral part of the incarceration and abuse of Palestinians, and are especially culpable for "a pattern" of abuse of children.<sup>76</sup> Therefore, G4S's operative function and contractual ties are clearly complicit in the war crimes and crimes against humanity committed by Israel.

### **Avenues for Future Litigation**

An exact determination of complicity in international law depends on the body in which the charge is pursued. Verdierme inaccurately concludes in his legal opinion that "no credible case can be advanced" due to the "absence of an international legal regime governing the responsibility of private corporations."<sup>77</sup>

First, he ignores the ability of the ICC to prosecute individual corporate executives as criminally liable; a precedent that was first set in the Nuremburg trials and then most seminally applied during the International Crimes Tribunal for Rwanda (ICTR).<sup>78</sup> Previous cases have clearly established that International Criminal Law sources complicity in the "knowledge, not purpose" of the contractual relationship.<sup>79</sup> John Ruggie, developer of the UN Guiding Principles as the UN Secretary-General's Special Representative for Business and Human Rights, corroborates that "knowledge of contribution" is enough to show complicity.<sup>80</sup> The Palestinian Authority's signing of the Rome Statute, and the subsequent beginning of an investigation into war crimes committed by Israel in the oPt, has significantly improved the likelihood of prosecuting corporate individuals, even though prosecution has still not extended to the corporation itself. Furthermore, the current developmental stage of International Criminal Law means that the precedent of corporate

liability is still possible and perhaps likely, proposed by France during the drafting Rome charter and discussed during Kampala Review Conference in 2010, as well as supported in legal analysis by leading scholars in the case when a “corporate agents’ knowing involvement in international crimes correlates with corporate policy.”<sup>81</sup>

There also exists the feasible possibility of the UN General Assembly requesting a new advisory opinion by the International Court of Justice (ICJ)<sup>82</sup> on the legal consequences of the continued Israeli occupation and settlement expansion, which should also include guidance for the responsibility of states and corporations complicit in criminal and inhumane activity.<sup>83</sup> Accomplice liability, according to the ICJ, includes “the provision of means to enable or facilitate the commission of the crime.”<sup>84</sup> Moreover, as Diakonia advises, allegations about G4S’s systematic or egregious abuse can be made to the UN Global Compact office, which after a period of dialogue and response, could lead at the end of the process to the removal of G4S from the list of participants if the company is deemed “detrimental to the reputation and integrity of the Global Compact.”<sup>85</sup> Addameer believes that G4S acts in blatant disregard for the first two principles of the Global Compact which both concern human rights.

National courts, however, provide the most feasible option for specifically targeting G4S for its complicity in human rights violations in Palestine and around the world. Formerly, the US Judicial system provided the most favorable opportunities through its Alien Tort Statute (ATS) for the successful prosecution of multinational corporations complicit in human rights violations outside of the U.S.<sup>86</sup> However, the potency of ATS was extremely constrained, if not dismantled, in *Kiobel v. Royal Dutch Petroleum* (2012), ruling that ATS would not generally apply to case with foreign defendants not involving US citizens, overriding the precedents of thirty years of case law.<sup>87</sup> Yet, it still remains possible that a case can be raised against G4S that includes violations both against US citizens and non-US citizens.<sup>88</sup> The most significant roadblock to prosecution in the US remains the double standard application of the political question doctrine in which cases associated to Israeli abuses are dismissed, but the same reasoning is not invoked for those associated with Palestinians.<sup>89</sup> One favorable development in the applicability of US tort law is the possibility that “collusion” with those who commit torture may fall under the U.S. universal prohibition that enables prosecution.<sup>90</sup>

The UK offers the most substantive avenue to prosecute G4S. Like any future plans for OECD litigation, the most effective prosecution against G4S should focus on how its systemic policy dictates crimes against humanity for Palestinian prisoners in conjunction to its comprehensive linkage to abuses worldwide. It should be noted that G4S has a secondary listing in the Danish stock market, but its merger was incorporated in the UK and therefore

only G4S's Danish subsidiary can be prosecuted. A preliminary application can be made to London's Metropolitan Police Counter Terrorism Command (SO15) to investigate allegations of war crimes, crimes against humanity, genocide and torture.<sup>91</sup> Previously the UK was the foremost court to pursue cases of universal jurisdiction, but after multiple arrest warrants were issued for its officials and generals Israeli lobbying pressured the UK to rewrite the law, which now requires the approval of the Director of Public Prosecutions to issue a warrant.<sup>92</sup> Still, the ability to begin a criminal investigation is a valuable tool that will aid in compiling the full scope of G4S's abuses internationally, and in providing further oversight of a mostly unchecked multinational enterprise.

UK Civil liability is a meaningful method of ensuring G4S's legal accountability, because it can result in the beginning of reparations through civil remedies and change G4S's future conduct. Unlike criminal investigations, which require government proceedings, and the ICC, which requires referrals from state parties or the UN Security Council, victims or their families can initiate civil claims on their own.<sup>93</sup> A legal precedent also exists in UK common law for prosecuting corporate criminal responsibility,<sup>94</sup> cemented in the UK Human Rights of 1998, which includes a provision to prosecute companies or company officials whose conduct infringed on a protected right.<sup>95</sup> The UK is one of the few national legal systems that specifically targets business involvement in human rights abuses. Additionally, although the UK does not offer class action like the US, there still exists in Civil Procedure for 'representative proceedings' of one person with the same claims as others 'with the same interest.'<sup>96</sup> The ability to collectively focus on one case is essential, because of the financial barriers in litigating against a corporation of the size and scope of G4S.

UK civil courts provide a mechanism to prosecute both individual executives and corporations. Individual executives can be prosecuted for vicarious liability in suits brought about by citizen claimants, which imposes strict liability on employers to bear responsibility for the crimes of their employees. Vicarious liability is distinct from accomplice liability, because it is based on the defendant's "special relationship" to aid and abet the commission of a crime, instead of complicity through participation or conspiracy.<sup>97</sup> Concurrently, UK tort law provides the possibility of applying the Rome Statue of International Crime to the corporation itself, prosecuting the parent company, G4S plc, for the abuses of its subsidiaries, such as G4S Israel. Under the "identification principle," a corporation can be liable for criminal acts when its executives "represent the directing mind and will and who control what it does," evidencing the mental element (*mens rea*) that holds responsibility for the act itself (*acta reus*), instead of the employee.<sup>98</sup> A parent company may also be prosecuted according to the secondary theories of accessory liability for the aiding and abetting of a tort.<sup>99</sup> If a wide-ranging allegation is brought against G4S plc, then G4S Israel

and other subsidiaries can be joinder to the claim against its parent as a ‘necessary and proper party.’<sup>100</sup>

The implementation of civil liability against a corporation in the UK is more difficult than in the US, most notably because the implementation of the Rome Statue requires the consent of the Attorney General prior to the commencement of a prosecution.<sup>101</sup> Yet, UK courts are singular in their precedent of prosecuting corporations, including the parent organization, along with a robust prosecution of corporations for gross human rights abuses.<sup>102</sup> Moreover, after adopting EU rules on jurisdiction, the UK courts will also prosecute violations that occur outside of its borders as long as one of the defendants is within the UK, limiting the application of the doctrine of *forum non conveniens*.<sup>103</sup> There exists a discrete possibility that G4S’s ‘direct negligence’ will be prosecuted according to the “test of foreseeability of harm, proximity and reasonableness,” piercing the corporate veil that prevents accountability for its systemic policy that blatantly disregards its ‘duty of care’ as a parent.<sup>104</sup>

The existence of legalistic and political roadblocks should not deter the pursuit of justice for Palestinian political prisoners. G4S currently benefits from the lack of prosecutable powers in the international legal regime, but has not yet face a coordinated legal prosecution in national courts, mostly because its close contractual relationships with governments represent a conflict of interest. UK courts, however, provide the opportunity of prosecuting the parental company for its world-wide abuses. Victims of G4S plc deserve tort reparations, but prosecution of G4S is a task that can be persistently pursued in the future- in the UK the statues of limitations is not applicable to domestic or international crimes that constitute a “war crime, a crime against humanity, genocide or apartheid.”<sup>105</sup>

### **Conclusion**

G4S’s complicity in war crimes and crimes against humanity against Palestinian prisoners, Palestinians in general and the world necessitate a public call to highlight the impunity of their violations, which have served as the only valid tool to monitor and prevent G4S’s contribution to human rights abuses around the world. G4S’s human rights policy has so far been unable to implement any meaningful correctives that signify an awareness of wrongdoing and a commitment to changing course; instead, G4S has pursued a course in attempting to mitigate its reputational risk while maintaining the status quo.<sup>106</sup> In fact, G4S acknowledges that ethical risks, according to the top officials who manage their Corporate Social Responsibility, are judged hierarchically according to “reputation” and “laws and regulation.”<sup>107</sup> G4S, therefore, exploits current inadequacies in the governance of

multinational corporations, especially those specializing in security, while the only other operative category to determine ethical action is based on how adverse publicity damages brand image and governmental relations. It is also problematic that all risks are judged in addition to “reputation” according to “strategic, financial, operational and health and safety” decision-making.<sup>108</sup> It is time that protection of human rights becomes a meaningful, stand-alone category in G4S contractual operations, but this requires accountability and prosecution of G4S for its complicity in crimes against Palestinian prisoners.

---

---

## Notes

<sup>1</sup> For a more detailed breakdown see Corporate Watch. “G4S Company Profile,” September 2012.

<sup>2</sup> Murphy, Maureen Clare. “Outcry in Denmark over Firm’s Involvement in Occupation.” *The Electronic Intifada*. 15 Dec. 2010; Who Profits. “The Case of G4S.” Private Security Companies and the Israeli Occupation, March 2011.

<sup>3</sup> Nieuwhof, Adri. “Security firm G4S provides services to Israeli prisons, police and army.” *The Electronic Intifada*. 6 May 2012. 12 Aug. 2015.

<sup>4</sup> “99 אמון מוקד: Moked Emun 99 – Home Security Company in Center of Israel.” Accessed August 12, 2015. [http://www.emun99.co.il/?page\\_id=373](http://www.emun99.co.il/?page_id=373).

<sup>5</sup> McCabe, Sean. “Meet G4S, the Contractors Who Go Where Governments and Armies Can’t—or Won’t.” *Vanity Fair*. Accessed 12 Aug. 2015; G4s Israel, <http://www.g4s.co.il/he-IL/Who-we-are/History/>. Accessed 12 Aug. 2015.

<sup>6</sup> Addameer. “Palestinian Political Prisoners in Israeli Prisons,” January 2014, [http://www.addameer.org/userfiles/file/Palestinian%20Political%20Prisoners%20in%20Israeli%20Prisons%20\(Gene%20ral%20Briefing%20January%202014\).pdf](http://www.addameer.org/userfiles/file/Palestinian%20Political%20Prisoners%20in%20Israeli%20Prisons%20(Gene%20ral%20Briefing%20January%202014).pdf); Addameer statistics, August 2015.

<sup>7</sup> The right to prompt notice of criminal charges is denied as well as the right to prepare an effective defense, right to trial without undue delay, right to interpretation and translation and right to presumption of innocence. *Ibid*, 6.

<sup>8</sup> Yesh Din. “Monitoring Figures”. May 2015. Available at [http://www.yesh-din.org/userfiles/Prosecution%20of%20Israeli%20Civilians%20Suspected%20of%20Harming%20Palestinians%20in%20the%20West%20Bank\\_May%202015.pdf](http://www.yesh-din.org/userfiles/Prosecution%20of%20Israeli%20Civilians%20Suspected%20of%20Harming%20Palestinians%20in%20the%20West%20Bank_May%202015.pdf)

<sup>9</sup> “Of the 8,516 cases concluded in the military courts in 2010, full evidentiary trials (in which witnesses were questioned, evidence was examined and closing statements were delivered) were conducted in only 82 – or 0.96 percent – of them.” - Addameer, “Palestinian Political Prisoners in Israeli Prisons,” January 2014, [http://www.addameer.org/userfiles/file/Palestinian%20Political%20Prisoners%20in%20Israeli%20Prisons%20\(Gene%20ral%20Briefing%20January%202014\).pdf](http://www.addameer.org/userfiles/file/Palestinian%20Political%20Prisoners%20in%20Israeli%20Prisons%20(Gene%20ral%20Briefing%20January%202014).pdf), page 5.

<sup>10</sup> “... [R]ecent company publications and findings of the group ‘DanWatch’ affirm that G4S still offers its security services to businesses in the illegal settlements in the West Bank and in the settlement neighborhoods of East Jerusalem.” - Who Profits, “The Case of G4S.”, March 2011. <http://whoprofits.org/sites/default/files/WhoProfits-PrivateSecurity-G4S.pdf>. Page 20.

<sup>11</sup> “LPHR Commentary on the UK National Contact Point Final Statement Concerning LPHR’s Human Rights Complaint against G4S.” *Lawyers for Palestinian Human Rights*. 9 June 2015.

<sup>12</sup> Hopkins, Ruth. “South African Prisoners Sue G4S over Torture Claims.” *The Guardian*. 13 Feb. 2015.

<sup>13</sup> “G4S Abuses in South African Prison Still Ignored.” *openDemocracy*. 1 May 2015.

<sup>14</sup> “G4S May Have Profited from Guantanamo Human Rights Abuses – Charity.” *RT English*. 13 Aug. 2015.

<sup>15</sup> Kirkham, Chris. “Prisoners Of Profit - Part 1.” *The Huffington Post*. 22 October 2013; “Alleged Assaults Known at Arkansas Youth Lockup.” *THV11.com*. 22 June 2014.

<sup>16</sup> “Alleged Assaults Known at Arkansas Youth Lockup.” *THV11.com*. 22 June 2014, n.d. 13 Aug. 2015;

Pegg, David. “For-Profit Juvenile Detention Facility ‘a Disgrace to Florida’, Says Grand Jury.” *The Guardian* 27 July 2015.

<sup>17</sup> Allison, Eric, and Simon Hattenstone. “G4S and Serco Pay out in Youth Restraint Claims.” *The Guardian* 24 Oct. 2014.

<sup>18</sup> Withnall, Adam. "Israel Government 'Tortures' Children by Keeping Them in Cages, Human Rights Group Says." *The Independent*. 01 January 2014.

<sup>19</sup> "FATALITIES AND INJURIES", Military Detention. *Defense for Children International - Palestine*. Available at [http://www.dci-palestine.org/issues\\_military\\_detention](http://www.dci-palestine.org/issues_military_detention)

<sup>20</sup> "Three Deaths in Immigration Detention" *Institute of Race Relations*. August 4 2011.

<sup>21</sup> Pearlman, Jonathan. "Migrant Killed after Attack by G4S Guards, Inquiry Finds." *Telegraph*, 26 May 2014.

<sup>22</sup> "Duty of Care: Beyond the Case of Mr Ward, Cooked to Death by Gigantic Outsourcer G4S." *openDemocracy*. 8 June 2011.

<sup>23</sup> Australia National Contact Point "Statement by the Australian National Contact Point Specific Instance – G4S Australia Pty Ltd" 10 June 2015.

<sup>24</sup> Andy McSmith. "Homes for Asylum-Seekers Present New Crisis for G4S." *The Independent*. 25 August 2012.

<sup>25</sup> Emma Ginn, Frank Arnold, and Harriet Wistrich. *Outsourcing Abuse: The Use and Misuse of State-Sanctioned Force during the Detention and Removal of Asylum Seekers*. Medical Justice, 2008.

<sup>26</sup> Dominic Casciani, "G4S Immigration Removal Centre Complaints Revealed." *BBC News*. 17 June 2011.

<sup>27</sup> Rawlinson, Kevin. "Private Firms 'Are Using Detained Immigrants as Cheap Labour.'" *The Guardian*, 22 Aug. 2014.

<sup>28</sup> "The National Shame That Is Healthcare in UK Immigration Detention." *openDemocracy*, 10 Oct. 2014; Silver, Charlotte. "Palestinians denied medicines in prisons equipped by G4S, says new report." *The Electronic Intifada*. 22 Apr. 2015.

<sup>29</sup> G4S plc. "Our Customers and Markets." Annual Report , November 2014.

<sup>30</sup> G4S plc. "G4S Completes Acquisition of ArmorGroup International Plc." 7 May 2008.

<sup>31</sup> "Cost Before Hearts and Minds – Private Security in Afghanistan." *International Relations And Security Network*. 30 August 2012; "Whistleblower Sues Afghanistan Security Contractor." *CNN* 11 Sept. 2009.

<sup>32</sup> "Mobilising Outrage: Campaigning with Asylum Seekers against Security Industry Giant, G4S." *openDemocracy*. 12 April 2012; "Surveillance + Detention = £Billions: How Labour's Friends Are 'securing Your World.'" *openDemocracy*. 13 April 2010.

<sup>33</sup> In 2012, *CivilianJobs.com* named G4S for the 4<sup>th</sup> consecutive year as one of the Most Valuable Employers for Military. *G.I. Jobs* magazine named G4S as a Top 50 Military-Friendly Employer; G4S Careers. "Military Transition G4S." 4 Oct. 2012.

<sup>34</sup> Yesh Din. "Mock Enforcement," May 2015. [http://www.yesh-din.org/userfiles/Yesh%20Din\\_Akifat%20Hok\\_%20English.pdf](http://www.yesh-din.org/userfiles/Yesh%20Din_Akifat%20Hok_%20English.pdf).

<sup>35</sup> "Electronic Tagging Scandal: How G4S Mishandled Its Ministry of Justice Contract." *International Business Times UK*. 18 March 2014.

<sup>36</sup> Chan, Szu Ping. "Timeline: How G4S's Bungled Olympics Security Contract Unfolded." *Telegraph*. 21 May 2013.

<sup>37</sup> "Mozambique: Riot Police Attack Protesting Security Guards." *Agencia de Informacao de Mocambique (Maputo)*. 7 April 2011.

<sup>38</sup> Ritchie, Dave et al. *Who Protects the Guards? The Facts Behind G4S in Southern Africa*. War on Want, 2007; War on Want. "AFRICAN STAFF ATTACK UK FIRM OVER RACISM AND POVERTY PAY." 29 May 2007.

<sup>39</sup> Saleem, Amena. "Palestine solidarity campaigners dominate annual meeting of G4S." *The Electronic Intifada*. 5 June 2015.

<sup>40</sup> "G4S Must End Its Complicity in Israel's Abuse of Child Prisoners." *The Guardian* 4 June 2014.

<sup>41</sup> Deas, Michael. "Sussex students join UK's wave of Israel boycotts." *The Electronic Intifada*. 30 Mar. 2015; "G4S Grilled over Continuing Involvement in Israeli Occupation." *PNN*. 6 May 2015.

<sup>42</sup> Abunimah, Ali. "Palestinian liberation is 'key matter of our time,' say Black leaders." *The Electronic Intifada*. 16 Aug. 2015.

- 
- <sup>43</sup> Miles E. Johnson. "Columbia Just Became the First US University to Divest from Private Prisons." *Mother Jones*. 1 July 2015.
- <sup>44</sup> UK National Contact Point. "LAWYERS FOR PALESTINIAN HUMAN RIGHTS (LPHR) & G4S PLC: FINAL STATEMENT AFTER EXAMINATION OF COMPLAINT." Mar. 2015, Paragraph 41.
- <sup>45</sup> LPHR highlights that G4S refuses to disclose: "the names and location of each military checkpoint and Israeli Prison Service facility where G4S has provided services; the full nature of the services provided at each military checkpoint and Israeli Prison Service facility; the start date of providing such services; [...] and to fully set out the process and results of due diligence that they conducted prior to providing services to facilities at IPS facilities and military checkpoints." See "LPHR Commentary on the UK National Contact Point Final Statement Concerning LPHR's Human Rights Complaint against G4S." *Lawyers for Palestinian Human Rights*. June 9 2015.
- <sup>46</sup> UK National Contact Point. "LAWYERS FOR PALESTINIAN HUMAN RIGHTS (LPHR) & G4S PLC: FINAL STATEMENT AFTER EXAMINATION OF COMPLAINT." Mar. 2015, Paragraph 48-9.
- <sup>47</sup> Dorp, M. van, *Multinationals and Conflict: International principles and guidelines for corporate responsibility in conflict-affected areas*. SOMO, 2014.
- <sup>48</sup> See *INTERNATIONAL CODE OF CONDUCT FOR PRIVATE SECURITY SERVICE PROVIDERS*. 9 November 2010, [http://www.icoca.ch/sites/all/themes/icoca/assets/icoc\\_english3.pdf](http://www.icoca.ch/sites/all/themes/icoca/assets/icoc_english3.pdf).
- <sup>49</sup> See Principle 16 in UN Human Rights Council. *Guiding Principles on Business and Human Rights*. 2011.
- <sup>50</sup> The report was commissioned in November 2014 and submitted in February 2015.
- <sup>51</sup> Hugo Slim and Guglielmo Verdirame. *Human Rights Report and Legal Opinion: Summary of Independent Review*, 2014, 61.
- <sup>52</sup> UK National Contact Point. "LAWYERS FOR PALESTINIAN HUMAN RIGHTS (LPHR) & G4S PLC: FINAL STATEMENT AFTER EXAMINATION OF COMPLAINT." Mar. 2015, paragraph 68.
- <sup>53</sup> *Ibid*, paragraph 76.
- <sup>54</sup> Eric Allison and Simon Hattenstone. "G4S Paid Author of 'Independent' Youth Prison Report as Consultant." *The Guardian* 5 Aug. 2015.
- <sup>55</sup> See <http://www.malachitegroup.co/what-we-do/human-rights/>
- <sup>56</sup> Saleem, Amena. "G4S hires pro-Israel professor to whitewash war crimes." *The Electronic Intifada*, 11 June 2014.
- <sup>57</sup> Slim & Verdirame, *Independent Review*, 7; See [http://www.bdo.co.il/\\_Uploads/dbsAttachedFiles/ahryot\\_tagidit\\_2010.pdf](http://www.bdo.co.il/_Uploads/dbsAttachedFiles/ahryot_tagidit_2010.pdf)
- <sup>58</sup> *Ibid*, 7.
- <sup>59</sup> *Ibid*, 10.
- <sup>60</sup> Slim & Verdirame, *Independent Review*, 2.
- <sup>61</sup> Amjad Alqasis, Wassim Ghantous, and Jessica Binzoni. *Complicity in Violations of International Law in Palestine*. BADIL Resource Center for Palestinian Residency & Refugee Rights, 2014, 11.
- <sup>62</sup> Public Committee against Torture in Israel. "The Public Committee Against Torture in Israel Press Statement," 2014.
- <sup>63</sup> Public Committee Against Torture in Israel. *Israel - Briefing to the Human Rights Committee: For the Committee's Review of the Fourth Periodic Report on Israel*, 2014.
- <sup>64</sup> The Palestinian Centre for Human Rights. *The Torture and Ill Treatment of Palestinian Prisoners by the Israeli Occupying Power*, 2013.
- <sup>65</sup> Human Rights Watch. "Israel: Security Forces Abuse Palestinian Children." *Human Rights Watch*. 19 July 2015; "Abuse and Torture in Interrogations of Dozens of Palestinian Minors in the Israel Police Etzion Facility." *B'Tselem*, 28 January 2014.

- <sup>66</sup> “Israeli Knesset Moves toward Extending Law That Exempts GSS from Audio/video Recording of - Adalah.” 26 June 2015; The Turkel Commission. *Israel’s Mechanisms for Examining and Investigating Complaints and Claims of Violations of the Laws of Armed Conflict According to International Law*. 2013.
- <sup>67</sup> The Palestinian Centre for Human Rights. *The Torture and Ill Treatment of Palestinian Prisoners by the Israeli Occupying Power*, 2013.
- <sup>68</sup> Strickland, Patrick. “Israel ‘punishing’ hunger-striking prisoners, say rights groups.” *The Electronic Intifada*, 3 Mar. 2014.
- <sup>69</sup> Human Rights Council. *Report of the Independent International Fact-Finding Mission to Investigate the Implications of the Israeli Settlements on the Civil, Political, Economic, Social and Cultural Rights of the Palestinian People throughout the Occupied Palestinian Territory, Including East Jerusalem*. 2012, 22.
- <sup>70</sup> *Ibid*, 19.
- <sup>71</sup> See G4S Monitoring Divison, Available at <http://www.g4s-moked.co.il/english/>. Accessed 15 August 2015.
- <sup>72</sup> Who Profits. “The Case of G4S.” Private Security Companies and the Israeli Occupation, March 2011.
- <sup>73</sup> See G4S Monitoring Divison, Available at <http://www.g4s-moked.co.il/english/>. Accessed 15 August 2015.
- <sup>74</sup> Asher Schechter. “Israel’s Police Force Is Becoming Alarminglly Militarized – and It’s No Surprise Why - Israel.” *Haaretz.com*. 6 May 2015.
- <sup>75</sup> Press, Associated. “Israel Police Reveal Huge Political Corruption Investigation.” *The Guardian* 24 Dec. 2014.
- <sup>76</sup> Human Rights Watch. “Israel: Security Forces Abuse Palestinian Children.” Human Rights Watch. 19 July 2015
- <sup>77</sup> *Ibid*, 2.
- <sup>78</sup> Diakonia. *Securing Injustice: Legal Analysis of G4S Israel Operations in Occupied Palestinian Territory*. Diakonia International Humanitarian Law Resource Centr, 2013, 24.
- <sup>79</sup> Andrew Clapham, “Corporations and Criminal Complicity” in *Human Rights, Corporate Complicity and Disinvestment*, edited by Gro Nystuen, Andreas Follesdal, Ola Mestad. Cambridge University Press, Sep 22, 2011. Page 238.
- <sup>80</sup> Andrew Clapham, “Corporations and Criminal Complicity” in *Human Rights, Corporate Complicity and Disinvestment*, edited by Gro Nystuen, Andreas Follesdal, Ola Mestad. Cambridge University Press, Sep 22, 2011. Pages 237-8.
- <sup>81</sup> Harmen van der Wilt, “Corporate Criminal Responsibility for International Crimes: Exploring the Possibilities”, *Chinese Journal of International Law* (2013) 12 (1): 43-77. <http://chinesejil.oxfordjournals.org/content/12/1/43.full#xref-fn-2-1>
- <sup>82</sup> The International Court of Justice (ICJ) affirmed in 2004 that Israel’s wall and checkpoint regime in the West Bank impede Palestinians of “the right to work, to health, to education and to an adequate standard of living” and are contrary to international law.
- <sup>83</sup> Victor Kattan, “Palestinian options at the United Nations and the International Court of Justice”, 23 October 2014. [http://www.ecfr.eu/article/commentary\\_palestinian\\_options\\_at\\_the\\_united\\_nations\\_and\\_the\\_internation](http://www.ecfr.eu/article/commentary_palestinian_options_at_the_united_nations_and_the_internation).
- <sup>84</sup> See in reference to the ICJ’s *Bosnian Genocide* ruling as explained in: Miles Jackson. *Complicity in International Law*. OUP Oxford, 2015, 154; International Commission of Jurists (ICJ), *Report of the ICJ Expert Legal Panel on Corporate Complicity in International Crimes: Corporate Complicity & Legal Accountability*. Volume 2: *Criminal Law and International Crimes*, 2008, Vol. 2.
- <sup>85</sup> United Nations Global Compact, “Not on Integrity Measures”, Last update 12 April 2010 [https://www.unglobalcompact.org/docs/about\\_the\\_gc/Integrity\\_measures/Integrity\\_Measures\\_Note\\_EN.PDF](https://www.unglobalcompact.org/docs/about_the_gc/Integrity_measures/Integrity_Measures_Note_EN.PDF); Daikonia, “Securing Injustice: Legal Analysis of G4S Israel Operations in Occupied Palestinian Territory”, November 2013. <https://www.diakonia.se/globalassets/documents/ihl/ihl-resources-center/g4s-report.pdf>.
- <sup>86</sup> The precedent was set in *Filartiga v. Pena-Irala* (1980).

---

<sup>87</sup> Dr. Jennifer Zerk. *Corporate Liability for Gross Human Rights Abuses: Towards a Fairer and More Effective System of Domestic Law Remedies*. July 2014. Office of the UN High Commissioner for Human Rights, 20.

<sup>88</sup> See Oona Hathaway, *Kiobel Commentary: The Door Remains Open to “Foreign Squared” Cases*, SCOTUSBLOG (Apr. 18, 2013), at <http://www.scotusblog.com/2013/04/kiobel-commentary-the-door-remains-open-to-foreign-squared-cases/>.

<sup>89</sup> For example, see *Corrie v. Caterpillar* to see court’s ruling that it did not have jurisdiction to question the executive branch’s foreign policy, because America’s military assistance to Israel ultimately caused the bulldozers to be paid for by the US government. This decision prevented the court from ruling whether Caterpillar aided and abetted Israeli war crimes. “*Corrie et Al. v. Caterpillar*.” *Center for Constitutional Rights*. 21 May 2014.

<sup>90</sup> Spencer Ackerman. “US Torture Doctors Could Face Charges after Report Alleges Post-9/11 ‘Collusion.’” *The Guardian* 11 July 2015.

<sup>91</sup> Metropolitan Police Counter Terrorism Command (SO15). “War Crimes/Crimes Against Humanity Referral Guidelines.” *Crown Prosecution Service*. Aug. 2015.

<sup>92</sup> Maureen Clare Murphy. “UK rewrites war crimes law at Israel’s request.” *The Electronic Intifada*. 1 Oct. 2011.

<sup>93</sup> International Commission of Jurists (ICJ), *Report of the ICJ Expert Legal Panel on Corporate Complicity in International Crimes: Corporate Complicity & Legal Accountability*. Volume 3: *Civil Remedies*, 2008, 4.

<sup>94</sup> Dr. Jennifer Zerk. *Corporate Liability for Gross Human Rights Abuses: Towards a Fairer and More Effective System of Domestic Law Remedies*. July 2014. Office of the UN High Commissioner for Human Rights, 32.

<sup>95</sup> See Part 3 of the 1998 Human Rights Act at <http://www.legislation.gov.uk/ukpga/1998/42/section/6>

<sup>96</sup> See Rule 19.6 for “Parties and Group Litigation” at [www.justice.gov.uk/courts/procedure-rules/civil/rules/part19](http://www.justice.gov.uk/courts/procedure-rules/civil/rules/part19)

<sup>97</sup> See Chapter 7.2 in Lisa M. Storm. *Criminal Law 1.0*. Flat World Education, 2015.

<sup>98</sup> Roger Best et al. *Corporate Liability in Europe*. Clifford Chance, 2012.

<sup>99</sup> Dr. Jennifer Zerk. *Corporate Liability for Gross Human Rights Abuses: Towards a Fairer and More Effective System of Domestic Law Remedies*. July 2014. Office of the UN High Commissioner for Human Rights, page 66.

<sup>100</sup> Civil Procedure Rules 1998 (UK), Practice Direction 6B s 3.1(3)(b). [http://www.justice.gov.uk/courts/procedure-rules/civil/rules/part06/pd\\_part06b#3.1](http://www.justice.gov.uk/courts/procedure-rules/civil/rules/part06/pd_part06b#3.1)

<sup>101</sup> Dr. Jennifer Zerk. *Corporate Liability for Gross Human Rights Abuses: Towards a Fairer and More Effective System of Domestic Law Remedies*. July 2014. Office of the UN High Commissioner for Human Rights, 41.

<sup>102</sup> *Ibid*, 40.

<sup>103</sup> *Ibid*, 69.

<sup>104</sup> *Ibid*, 5-6 & 9.

<sup>105</sup> *Ibid*, 44.

<sup>106</sup> Hope, Katie. “G4S Back in the Spotlight.” *BBC News*. 7 January 2014.

<sup>107</sup> CSR Committee. *Our Values at Work: G4S SRI Update*. 2015, 7.

<sup>108</sup> *Ibid*, 7.