

G4S in the Occupied Palestinian Territories

By **NOVACT** (Spain)



About the corporation

Name: G4S

Sector: Security systems, static and mobile security, juvenile and adult custody, prisoner escorting, prison management, electronic monitoring, police services, cash transportation, protection of critical infrastructures (airports, gas and oil), protection of extractive companies, macro-events.

Country of origin: United Kingdom (UK)

G4S, a British entity, is also registered in Israel, in the village of Petah Tikva under the name of G FORCE ISRAEL PFP LTD and with registration number 514450733 according to the Corporation Registration of the Israeli Ministry of Justice.

Main ownership:

Invesco Limited, 201,499,651 ordinary shares (12.98%) notified on 29 January 2018

Blackrock, Inc, 98,401,235 ordinary shares (6.34%) notified on 7 March 2018

Mondrian Investment Partners Limited 78,613,679 (5.07%) notified on 24 July 2015

Harris Associates L.P., 79,355,377 ordinary shares (5.11%) notified on 18 September 2017

Countries in which the transnational has its operations: Colombia, Kenya, Israel, United Kingdom, South Africa, Kuwait, United Arab Emirates, Australia, Barbados, Czech Republic, Denmark, Mali, Ghana, Serbia, Uganda, Cameroon, Democratic Republic of Congo (DRC), Angola, Jordan, Cote d'Ivoire, Lebanon, Yemen, Tanzania, Egypt, Chile, The Netherlands, India, Singapore, Thailand, Nigeria, Oman, Saudi Arabia, Turkey, Mexico, Brazil, Mozambique, Bahrain, Peru, Ukraine, Cyprus, Guinea Conakry, Greece, China, Guatemala, Trinidad and Tobago, Indonesia, Malta, Hong Kong, Hungary, Ecuador, Belgium, Papua New Guinea, Taiwan, Philippines, Malaysia, Japan, New Zealand, Austria

Location of the case: Occupied Palestinian Territories (OPT)

G4S in the Occupied Palestinian Territories

This case is about the involvement of G4S, through its Israeli branch, in the Occupied Palestinian Territories and the human rights violations for which it was allegedly responsible in at least 3 different contexts.

The first violations were reported in several detention centres serviced by the company, where minors were held in solitary confinement for days and are often threatened to extract confessions.

The second kind of violations were related to mistreatment of Palestinian women prisoners, especially pregnant ones, in detention centres also supplied with security systems from G4S.

Finally, the third allegation – that G4S provided equipments and services to military checkpoints located in the Wall built by Israel and to the Israeli prisons managed by the Israel Prisons Service (IPS) – was the subject of an official complaint before the British National Contact Point under the non-binding international mechanism known as the “OECD Guidelines for Multinational Enterprises”. In this case, the National Contact Point (NCP) concluded that there had been “technical inconsistencies” in the obligation of G4S to respect human rights and that G4S has not implemented



This case is part of the report

THE EU AND THE CORPORATE IMPUNITY NEXUS
BUILDING THE UNBINDING TREATY ON TRANSNATIONAL CORPORATIONS AND HUMAN RIGHTS

The full report can be downloaded at:

<https://multinationales.org/The-EU-and-the-Corporate-Impunity-Nexus>



its recommendations, but no further action was possible. After the UK NCP's final conclusions, Lawyers for Palestinian Human Rights, the complainant of the case, reiterates in 2016 that G4S' actions in Israel and Occupied Palestine contributed to the violations of fundamental human rights of the Palestinian people.

G4S formally sold most of its Israeli assets in 2016 to local investors, but the new owners retained G4S management. The company is still active in Israel through a flagship police training centre called 'Policity'.

Background

The private security company G4S is legally incorporated and headquartered in Great Britain but its corporate structure includes individual business units operating in many countries around the world. As a former member of the European Union, Great Britain along with G4S Risk Management Limited are signees to the International Code of Conduct Association (ICoCA), a multi-stakeholder initiative for the private security sector initiated by the Swiss government, which obliges signatory members to operate with regard to international humanitarian law and human rights law. The impacts generated by G4S in the Occupied Palestinian Territories are also in direct contrast to EU and UK initiatives promoting corporate responsibility.

Indeed, G4S sells security systems and provides services to a state (Israel) that deliberately violates international law, and it profits from operating in an illegally occupied territory. G4S, as any other so-called PMSC (private security/military company), cannot be prosecuted in this case, since private security companies are not liable in such a context, but they indirectly contributed to a clear violation of human rights, recognised at the international level.

The role of the British government, as well as several European Union institutions needs to be highlighted in this case. For instance, the United Kingdom is a free trade zone partner with Israel, as stipulated by a 1975 agreement. This was extended in 1995 with the signing of an association agreement, with investment protection provisions, between the members of the European Economic Community and the State of Israel. There is only scattered information available on the role of the United Kingdom in promoting the establishment of G4S in Israel/Palestine. However, G4S being a key contractor of the United Kingdom, its government is perceived to have played a role in the facilitation of G4S' multinational operations. Due to the confidentiality level of most security contracts with public sector governments, G4S should be knowledgeable of all their active operations and affiliations worldwide, including Israel and Palestinian Territories.

G4S divides its business into two areas: security (commercial and governmental consulting) and cash solutions (cash cycle management for financial institutions and retailers). Although a private entity, G4S is a recipient of public subsidies and taxpayer money for its various contractual services to public governments and international institutions in the UK, the EU and elsewhere. G4S is one of the major players of the private security lobby in the UK, the EU and at international level and the sheer number of the contracts it is awarded is an indicator of how successful this lobbying is. Its activities make the company closely entwined and allied with public sector military and governments throughout the world, through its broad network of clients.

G4S thus operates a complex, multinational business structure and its entry and engagement with Israel as a security contractor was most likely facilitated through established association agreements or through the acquisition and rebranding of a local security operator. There is no specific information available on the role played by international institutions in the establishment of G4S in Israel, let alone in Occupied Palestinian Territories, or on any specific lobbying to influence Israeli policy-making. However, as a direct contractor to the Israeli government, its operations are inevitably aligned with Israeli security policy.



Photo: Samidoun.net

The main client of G4S in Israel is the Ministry of Public Security. G4S provided a wide range of security services to the Israeli government and military. In 2005, it signed a contract with the Israeli Prison Service (State) to provide services and supply and maintain equipment including CCTV cameras, control room technologies, access control technologies, and surveillance equipment to five Israeli prisons. G4S has also provided and maintained equipment at the Erez checkpoint on the Gaza border and at checkpoints in the West Bank, helping Israel to implement restrictions on free movement. The British corporation has provided electronic security systems to the Israeli police and is helping run a new police training centre. Finally, G4S has also provided security services to Israeli military bases and settlements in the Occupied Palestinian Territory¹.

Human rights violations

Three different types of human rights violations have been alleged in relation to G4S operations in the Occupied Palestinian Territories:

The first one concerns Palestinian minors. In 2012, six boys were held in solitary confinement in the Al-Jalame detention centre and Megiddo prison. Interrogators used threats of prolonged solitary confinement to extract confessions. Several Palestinian teenagers have spent on average 14.5 days in solitary confinement, ranging from 4 to 29 days. Since 2008, Defence for Children International-Palestine Section² has documented 59 cases of children who were reported to being held in solitary confinement in detention facilities in Israel, including these six boys. G4S has provided security systems to both the al-Jalame and Megiddo prisons, where these events occurred. In this case the state of Israel violated: the Universal Declaration of Human Rights; the Children Rights Convention of 1991, articles 37-38; the UN Convention against torture, cruel, inhuman or degrading treatment; the International Pact on Civil and Political Rights; and the International Humanitarian Law (on occupation of territories). PMSCs such as G4S are not bound by any international regulatory framework, only codes of conducts. However, the company contributes to these human rights violations by providing key security equipment to IPS necessary for the functioning of the prison's facilities.

The second case concerns women, and particularly pregnant women. In March 2013, 12 female Palestinian prisoners were held in the Hasharon prison. Pregnant prisoners are not granted specific diets, living space or transfers to hospitals during their detention. During labour, they are chained to their beds until they enter the delivery rooms and shackled once again after giving birth. Under Israeli law, a female prisoner may request that her child live with her in prison until he/she reaches the age of two. However, the detainee and her child are not given additional living space or improved living conditions. G4S has provided the entire security system and equipment for the central control room in the Hasharon prison. In this case, the state of Israel violated: the Universal Declaration on Human Rights; the Convention on the Elimination of all Forms of Discrimination against Women; the UN Convention against torture, cruel, inhuman or degrading treatment; the International Pact on Civil and Political Rights; and the Children Rights Convention. Again, G4S' contracts with IPS, and specifically those providing security systems in Hasharon prison, are contributing to these human rights violations.

The third case is broader, affecting the entire Palestinian population living in the West Bank. In November 2013, the UK National Contact Point (NCP)³ for the OECD Guidelines for Multinational Enterprises received a request for review from Lawyers for Palestinian Human Rights (LPHR), alleging that G4S have breached the obligation to respect human rights of those affected by their activities for the purpose of OECD 2011 Chapter IV A1 and OECD 2011 Chapter II A2 by their operations in Israel and the Occupied Palestinian Territories, due to the breach of the following requirements: to avoid contributing to adverse human rights impacts (2011 OECD Guidelines Chapter IV 2); and have failed to address such impact as required; have failed to seek ways to prevent such impacts as required (2011 OECD Guidelines Chapter IV 3); have failed to carry out appropriate due diligence 2011 OECD Guidelines Chapter IV 5)⁴.

Some of the specific violations are: G4S Israel provided equipment and services to checkpoints in the Separation Barrier (the Wall) constructed by Israel. As recognized by the International Court of Justice in 2004, the Wall was constructed by Israel in breach of its obligations under international humanitarian and human rights law. The existence and operation of the Wall infringes the rights of Palestinians, restricting access to essential services. Equipment provided and maintained by G4S for use within the Wall comprises a part of its unlawful regime.

The evidence in the complaint also shows that Palestinian prisoners in IPS' facilities, both in Israel and in the West Bank, are detained and treated in a manner contrary to international humanitarian and human rights law. Palestinian children, whose detention is routine in such IPS Facilities, are particularly impacted by such infringements. Children as well as adults are reportedly subjected to torture or inhuman and degrading treatment, such as solitary confinement, beatings, verbal abuse, shackling, and use of stress positions, humiliation and aggressive interrogation. G4S provide and maintain equipment in such prisons.

The UK NCP published its final statement the 9th of June 2015, and a follow-up statement on the 7th of July 2016⁵. In both reports, the UK NCP has found that G4S's operations are technically inconsistent with its obligation to respect Human Rights under Chapter II, paragraph 2, and Chapter IV, paragraph 1.

In the 2015 Final Statement the UK NCP made three recommendations to G4S. One was a general recommendation in regard to human rights risk assessment: that G4S implements across its operations a contract approval process that includes assessment of human rights risks and application of mitigations, as it has indicated its intention to do in the new governance risk and compliance management procedures shared in its comments on this statement. The other two recommendations were: that G4S should communicate any actions taken publicly in regard to the issues raised in the complaint to stakeholders and business partners and that G4S considers how it may be able to work with business partners in Israel to support action to address adverse impacts referred to in the complaint.

In its follow-up statement of July 2016, the UK NCP concluded that G4S has not implemented the two specific recommendations. This, UK NCP reiterate that G4S' actions were still inconsistent with the obligation under Chapter IV, paragraph 3 of the OECD Guidelines to address impacts linked to by a business relationship, that's why the British watchdog NCP maintain the technical failure to respect human rights, while considering these technical inconsistencies do not represent a broad failure of human rights⁶.

The Lawyers for Palestinian for Human Rights, complainant of this case, published a new statement in 2016 stating that G4S's actions in Israel and Occupied Palestine continue to contributing to international human right's violations; has failed to meet the recommendations of the UK NCP; and highlight how the company has misrepresented the NCP's findings of the final statement in their public statements⁷.

G4S' response

One of the ways G4S has tried to legitimise its actions is through active engagement with academia. Professor Hjalte Rasmussen, an expert in international law from the University of Copenhagen, has been contracted by G4S and has reviewed the G4S business model in the West Bank and provided a legal opinion. After visiting the region, Professor Rasmussen concluded that G4S did not violate any national or international law. In addition to the legal opinion, G4S says it has conducted a review of their business operations in the region against their own Business Ethics Policy and says it has sought inputs from a number of outside sources including customers and a number of socially responsible investment groups such as GES Investment Services. On 11th March, 2011, G4S made the following statement: "... to ensure that our business practices remain in line with our own Business Ethics Policy, we will aim to exit a number of contracts which involve the servicing of security equipment at barrier checkpoints, prisons and police stations in the West Bank. We will aim to complete this exit as soon as possible, but also recognize that we have contractual obligations to our customers which we must take into consideration"⁸. A few years earlier, G4S had ended some contracts to provide private security to illegal Israeli colonies in the occupied territories.

Eventually, G4S sold some its Israeli assets in 2016, for £56 million, to FIMI Opportunity Funds, which retained G4S senior management. G4S still has an active presence in Israel through its remaining assets and its investment in a flagship police training centre "Policity", in partnership with FIMI and Shikun & Binui. Despite the reduction of G4S' presence in Israel, the government continues to purchase security systems (such as CCTVs and other surveillance equipment used at checkpoints and patrol units) and security infrastructure from G4S, particularly in relation to the renovation and expansion of detention centres and settlements in Palestinian territory.

Strategies of resistance

Through its contracts to provide equipment and services to several Israeli prisons, G4S is complicit with Israel's use of mass incarceration to prevent Palestinian popular resistance, but there has been an active response, supported at the international level by civil society networks. By 2012, Palestinian political prisoners began a mass hunger strike, supported by demonstrations on Prisoners Day in Palestine and around the world. This inspired Palestinian organisations to call for action against G4S for its violations⁹. The BDS (Boycott, Divest, and Sanction) Global Campaign also denounced as well the role of G4S in the Israeli prison system. It was partly because of this campaign and of the reputational damage¹⁰ it had caused that, at the end of 2016, G4S sold most of its Israeli businesses. Organisations such as War on Want have been protesting at the G4S Annual General Assemblies for its complicity in human rights violations across the world, including in Palestine¹¹. Addameer, the Prisoner Support and Human Rights Association, publishes an annual report about the violations that occur against Palestinian people in Israeli prisons and detention centres¹².

ENDNOTES

- 1 For detailed information about G4S' activities in Occupied Palestine please see the report of Who Profits "The case of G4S. Private Security Companies and the Israeli Occupation". March 2011. Available at: www.whoprofits.org/wp-content/uploads/2018/06/old/WhoProfits-PrivateSecurity-G4S.pdf
- 2 For more information please see www.dci-palestine.org/issues_military_detention
- 3 Please see: www.assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/431972/bis-15-306-lawyers-for-palestinian-human-rights-final-statement-after-examination-of-complaint-uk-national-contact-point-for-the-oecd-guidelines-for-multinational-enterprises-r1.pdf
- 4 See the complete complaint of the LPHR at: www.lphr.org.uk/wp-content/uploads/2015/06/LPHR-OECD-Complaint-Master-no-contact-details.pdf
- 5 UK NCP "Follow-up statement: complaint by LPHR against G4S", July 2016. Available at: www.assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/534307/bis-16-323-uk-ncp-follow-up-complaint-lphr-g4s.pdf
- 6 Idem.
- 7 Statement of PLHR July 2016. Available at: <https://www.business-humanrights.org/en/uk-oecd-natl-contact-point-releases-final-statement-in-complaint-filed-against-g4s-alleging-its-involvement-in-israeli-abuses-against-palestinians/?dateorder=datedesc&page=0&componenttype=all>
- 8 G4S Israel Statement, 11th March 2011. Available at: www.corporateoccupation.files.wordpress.com/2011/03/g4s-israel-statement-march-11-1-1.pdf
- 9 The joint statement of the action is available at: www.electronicintifada.net/blogs/michael-deas/palestinian-organisations-call-action-against-g4s-over-role-israeli-jails
- 10 For more information, please see: www.bdsmovement.net/news/under-bds-pressure-g4s-ends-most-illegal-business-israel
- 11 For more information, please see: www.theguardian.com/world/2014/jun/04/g4s-complicity-israel-abuse-child-prisoners
- 12 For more information, please see: www.addameer.org/prisons-and-detention-centers%20