

**THE INVOLVEMENT OF BUSINESS ENTERPRISES IN
THE COMMISSION OF INTERNATIONAL CRIMES
CONNECTED TO ISRAEL'S UNLAWFUL OCCUPATION,
RACIAL SEGREGATION AND APARTHEID REGIME IN
THE OCCUPIED PALESTINIAN TERRITORY**

SUBMISSION TO THE SPECIAL RAPPOREUR ON THE
SITUATION OF HUMAN RIGHTS IN THE PALESTINIAN
TERRITORIES OCCUPIED SINCE 1967



AMNESTY
INTERNATIONAL



CONTENTS

1.	INTRODUCTION	3
2.	HOW HAS THE PRIVATE SECTOR CONTRIBUTED TO ESTABLISHING AND MAINTAINING ISRAEL'S PRESENCE IN THE OPT SINCE 1967?	3
3.	WHICH PRIVATE ENTITIES, REGARDLESS OF NATIONALITY, HAVE HAD THE MOST DETRIMENTAL IMPACT ON THE FUNDAMENTAL RIGHTS OF PALESTINIAN PEOPLE IN THE OPT?	4
3.1	Developers and suppliers of facial recognition software, spyware and other instruments for surveillance	4
3.2	Heavy machinery manufacturers and suppliers: J.C. Bamford Excavators Limited (JCB) and HD Hyundai Construction Equipment	5
3.3	Other companies that have been monitored by Amnesty International	6
3.4	What is the role played by these entities in aiding and abetting violations of international law in the OPT? In addition, which third country are they affiliated to, if any?	7
4.	TO WHAT EXTENT HAVE THESE PRIVATE ENTITIES CARRIED OUT OR AVOIDED HUMAN RIGHTS DUE DILIGENCE MEASURES TO RESPECT INTERNATIONAL LAW AND DECISIONS OF INTERNATIONAL COURTS?	7
5.	HAVE INTERNATIONAL MECHANISMS (E.G. HUMAN RIGHTS COUNCIL RESOLUTION 55/L.30, OHCHR DATABASE) ADDRESSED THE POTENTIAL NEGATIVE INVOLVEMENT AND IMPACT OF THE PRIVATE SECTOR IN THE OPT? IF NOT, WHY?	8
6.	WHAT MEASURES HAVE BEEN TAKEN TO END PRIVATE ENTITIES' INVOLVEMENT IN ISRAEL'S ACTIVITIES IN THE OCCUPIED PALESTINIAN TERRITORY? PLEASE SHARE ANY EXAMPLES OF PROGRESSIVE INITIATIVES OR ACTIONS THAT HAVE BEEN TAKEN TO ADDRESS OR REMEDY VIOLATIONS OF INTERNATIONAL LAW CONNECTED TO PRIVATE ENTITIES IMPACTING PALESTINIANS' RIGHTS IN THE OCCUPIED PALESTINIAN TERRITORY?	9
7.	WHAT MEASURES COULD BE TAKEN OR CAN BE DONE DIFFERENTLY?	10
8.	ANY OTHER RELEVANT INFORMATION, WHICH COULD ASSIST THE SPECIAL RAPPORTEUR IN THE PREPARATION OF THE REPORT	11

Amnesty International welcomes the UN Special Rapporteur's investigation into the involvement of business enterprises in the commission of international crimes connected to Israel's unlawful occupation, racial segregation and apartheid regime in the Occupied Palestinian Territory (OPT).

Amnesty International has compiled this submission in response to the call for input to the Special Rapporteur's forthcoming report to the Human Rights Council 58th session on the situation of human rights in the Palestinian territories occupied since 1967.

1. INTRODUCTION

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Amnesty International has compiled this submission in response to the call for input¹ to the Special Rapporteur's forthcoming report to the Human Rights Council 58th session on the situation of human rights in the Palestinian territories occupied since 1967.

This submission has been structured to respond to each of the Special Rapporteur's specific requests for information. It draws on Amnesty International's investigations and documentation of the involvement of the private sector in violations of international human rights law and international humanitarian law by the State of Israel against Palestinians, including crimes of apartheid, genocide² and forced displacement.

2. HOW HAS THE PRIVATE SECTOR CONTRIBUTED TO ESTABLISHING AND MAINTAINING ISRAEL'S PRESENCE IN THE OPT SINCE 1967?

The International Court of Justice Advisory Opinion of 19 July 2024 has clarified the applicable law in the OPT by concluding that Israel's policies and practices in the territory violate international law in such a manner as to render Israel's presence in the OPT unlawful.³ This suggests that all companies that contribute to or that have products or services directly linked to Israel's unlawful presence, policies, and practices in the OPT are involved in violations of international law and standards. According to the UN Guiding Principles on Business and Human Rights, these companies have a responsibility to take the necessary steps to cease their involvement in these violations and exercise their leverage with their business relationships to prevent them from being so involved.⁴

Business activities play a part in virtually every aspect of Israel's policy of establishing settlements, confiscating land, exploiting natural resources and forcibly displacing the local population within and out of the OPT. These are serious violations of international humanitarian law perpetrated to maintain Israel's unlawful occupation and annexation of Palestinian territory.⁵

Amnesty International's publication [Think Twice](#)⁶ concludes that all business activity in or with Israel's illegal settlements, regardless of the type of company, activity, business relationship or industry sector, ultimately contributes to settlement maintenance, development and expansion, and therefore to establishing and maintaining Israel's occupation of Palestinian territory.

Nevertheless, some companies may be more instrumental to the continuation of this illegal situation because of the nature of their activities. Particular attention is drawn in *Think Twice* to the role of companies or sectors that have played, and continue to play, a direct role in the construction, maintenance and expansion of the settlements, including:

¹ [OHCHR | Call for input for the report of the Special Rapporteur on the occupied Palestinian territory to the Human Rights Council 58th session, deadline 30 November 2024](#)

² Amnesty International, Israel/Occupied Palestinian Territory: 'You Feel Like You Are Subhuman': Israel's Genocide Against Palestinians in Gaza (Index: MDE 15/8668/2024), 5 December 2024, <https://www.amnesty.org/en/documents/mde15/8668/2024/en/>

³ International Court of Justice, Advisory Opinion, 19 July 2024. <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf>

⁴ UN Guiding Principles on Business and Human Rights, Principles 11, 13.

⁵ This submission doesn't include a detailed discussion of the application of international law to the OPT, as these are issues of which OHCHR is well apprised.

⁶ Amnesty International, *Think Twice: Can companies do business with Israeli settlements in the Occupied Palestinian Territories while respecting human rights?*, 2019. <https://respect.international/wp-content/uploads/2020/06/Think-Twice-Can-companies-do-business-with-Israeli-settlements-in-the-Occupied-Palestinian-Territories-while-respecting-human-rights.pdf>

- Banks and other financial institutions.
- Law firms.
- Construction companies.
- Real estate agents.
- Utilities and service companies.
- Agricultural and food companies.
- Manufacturing companies.
- Tourism agencies.
- Security and information technology companies

In light of the recognition by the International Court of Justice that Israel's presence in the OPT is unlawful, other sectors that contribute to establishing and maintaining Israel's civil and military presence in the OPT may merit further attention in the report by the Special Rapporteur on the situation of human rights in the OPT, even if their business activity remains only indirectly related to Israel's settlements. These sectors include but are not limited to companies in the extractives industry that appropriate natural resources from the OPT, companies in the arms industry that manufacture, export, import, or otherwise supply arms and ammunition used by Israel to maintain its unlawful occupation, and companies in the private security industry and technology sector that provide products and services for use at Israeli checkpoints or detention centres in the occupied territory that enable Israel to maintain its unlawful occupation.

3. WHICH PRIVATE ENTITIES, REGARDLESS OF NATIONALITY, HAVE HAD THE MOST DETRIMENTAL IMPACT ON THE FUNDAMENTAL RIGHTS OF PALESTINIAN PEOPLE IN THE OPT?

The contributions of business actors to violations of the fundamental rights of the Palestinian people in the OPT are widespread and varied, so Amnesty International leaves the question of which actors have had the most detrimental impact to victims and survivors of these abuses. However, Amnesty International would like to highlight the activities of (a) companies supplying facial recognition software and other means of surveillance to Israeli state agencies; (b) companies exporting heavy machinery to Israel, which is then deployed in house demolitions and forcible removal of Palestinians from their homes and land; and c) some other examples of corporate involvement in egregious violations of human rights of Palestinians. These are dealt with in turn below.

3.1 DEVELOPERS AND SUPPLIERS OF FACIAL RECOGNITION SOFTWARE, SPYWARE AND OTHER INSTRUMENTS FOR SURVEILLANCE

Amnesty International's 2023 report [Automated Apartheid](#)⁷ explores how facial recognition technology is used extensively by the Israeli authorities to support their continued domination and oppression of Palestinians in the OPT. There are substantiated claims of suspected hacking of devices of Palestinians working for civil society organisations using NSO Group Pegasus spyware. The findings on these hacking abuses were published in a [briefing](#) online in 2021.⁸

⁷ Amnesty International, *Automated Apartheid: How facial recognition fragments, segregates and controls Palestinians in the OPT*, 2023. <https://www.amnesty.org/en/documents/mde15/6701/2023/en/>

⁸ Amnesty International Briefing, 8 November 2021. <https://www.amnesty.org/en/latest/research/2021/11/devices-of-palestinian-human-rights-defenders-hacked-with-nso-groups-pegasus-spyware-2/>

In *Automated Apartheid*, Amnesty International establishes that facial recognition and surveillance technologies are providing the Israeli authorities with powerful new tools for curbing freedom of movement – a pre-requisite for the realization of basic rights – adding further layers of technological sophistication to the system of apartheid that Israel is imposing on Palestinians in the OPT. With a record of discriminatory and inhuman acts that maintain a system of apartheid, the Israeli authorities are able to use facial recognition software – in particular at checkpoints – to consolidate existing practices of discriminatory policing and segregation, violating Palestinians’ basic rights.

Checkpoints in the city of Hebron employ facial recognition technology to record the biometric data of people who move around the city. This technology records individuals’ information on the surveillance system even if they have not knowingly or consensually registered with it. Known as Red Wolf, the system is the latest experimental surveillance tool deployed against Palestinians, following at least two other known surveillance systems and databases, including Blue Wolf and Wolf Pack. These databases and tools predominantly record the data of Palestinians and are used to determine the ability of individual Palestinians to enter or exit their neighbourhoods and other locations.

In East Jerusalem, the Israeli police have expanded their city-wide surveillance system across the Old City. There, an ever-growing network of cameras supports a vast facial recognition system known as Mabat 2000. The system enables Israeli authorities to identify protesters and keep Palestinians under constant observation, even as they go about their ordinary daily activities.

Amnesty International cannot say with certainty which companies are providing these facial recognition tools. However, this research has identified Hangzhou Hikvision Digital Technology Co. and TKH Security Solutions as vendors of several high-resolution CCTV cameras found in East Jerusalem, suspected of possibly being connected with the Mabat 2000 system mounted in illegal settlements, with a great many of the models capable of facial recognition identification.

3.2 HEAVY MACHINERY MANUFACTURERS AND SUPPLIERS: J.C. BAMFORD EXCAVATORS LIMITED (JCB) AND HD HYUNDAI CONSTRUCTION EQUIPMENT

Israeli authorities have applied a set of interrelated discriminatory laws, policies and practices in the OPT that have directly caused the displacement and dispossession of many Palestinian communities. One of the most visible ways in which private actors have contributed to this state-sanctioned policy of forcible transfer of population is by the supply of heavy machinery used to destroy Palestinian homes, agricultural land, and other property in the OPT, and to construct homes and other associated structures in Israeli settlements.

JCB

Examples of the use of JCB equipment in activities resulting in human rights violations in the OPT are set out in the Amnesty International publication [JCB Off Track](#).⁹ For many years JCB’s heavy machinery has been used in the commission of egregious human rights violations. There is extensive photographic and video evidence of the use of its equipment by the Israeli authorities and their agents to demolish Palestinian homes in the OPT in breach of international law. Further evidence is provided by civil society organisations with a presence on the ground, including B’Tselem, Al-Haq and Who Profits, that have been documenting demolitions for many years.

HD HYUNDAI CONSTRUCTION EQUIPMENT

Amnesty International has identified multiple cases where heavy equipment bearing HD Hyundai’s logo has been used in the [demolition of Palestinian homes](#) and the construction of illegal settlements in the OPT.¹⁰ Against the background of the worsening situation in Gaza and the prolonged hostilities

⁹ Amnesty International, *JCB Off Track: Evading responsibility for human rights violations committed with JCB machines in the Occupied Palestinian Territories*, 2021. <https://www.amnesty.org/en/documents/mde15/4985/2021/en/>

¹⁰ <https://www.amnesty.org/en/latest/news/2023/03/israel-opt-hyundai-ce-must-end-link-with-war-crimes-in-masafer-yatta/>

in the region, house demolitions using equipment manufactured by Hyundai, were recorded in Hebron the West Bank as recently as 19 September 2024.¹¹

3.3 OTHER COMPANIES THAT HAVE BEEN MONITORED BY AMNESTY INTERNATIONAL

CONSTRUCCIONES Y AUXILIAR DE FERROCARRILES S.A. (CAF)

Since 2019, CAF has played a key role in the expansion of the Jerusalem Light Railway project (JLR) which services Israeli's settlements in East Jerusalem, such as Neve Yaakov and Pisgat Ze'ev, in a manner that enables their expansion and economic sustainability.¹² CAF has provided railway carriages and will supply the signalling, energy, and communication systems to the JLR network.

SOCIAL MEDIA COMPANIES INCLUDING X AND META

Amnesty International found that a significant number of social media posts glorify Israel's attacks on civilians in Gaza, support the destruction of Gaza and advocate violence against Palestinians. Many posts use dehumanizing and racist language against Palestinians, a number of which also draw on language used by the Israeli authorities.

In the wake of the Hamas attacks that began on 7th October 2023 and Israel's response, social media companies have failed to ensure that their platforms are not broadcasting messages of hatred and violence against Palestinian and Jewish communities, which risks contributing to gross human rights violations and serious violations of international humanitarian law, including war crimes.¹³ There is evidence of content policies and rules of social media companies discriminating against Palestinian and pro-Palestinian voices, undermining freedom of expression and stifling legitimate criticism.¹⁴

TOURISM AGENCIES

Agencies that facilitate tourism to Israeli settlements in the OPT and broker holiday accommodation there help to normalise the settlements and strengthen them financially, thereby contributing to their existence and expansion as set out in Amnesty International's report [Destination Occupation](#).¹⁵

Airbnb, Booking.com, Expedia and TripAdvisor have all provided multiple listings for holiday rentals, hotels and attractions in settlements in the OPT, including East Jerusalem. For example, all four companies advertised accommodation and a campsite in or near Kfar Adumim settlement, some 10km east of Jerusalem. TripAdvisor also listed a national park, a museum, a desert tour and a Bible-themed attraction on land nearby. The development and expansion of the settlement and these attractions has had a harmful impact on the human rights of the neighbouring Palestinian Bedouin community of Khan al-Ahmar, who have lost access to grazing land, have been under pressure to leave the area for years and are threatened with the imminent demolition of their homes.

In addition, some tour operators and online accommodation portals fail to clearly describe the location of the properties or attractions they advertise, which means that some tourists may be misled into visiting and supporting settlements against their wishes. Rental properties in the settlements listed by online agencies are available to guests under conditions of discrimination in so far as Israeli citizens and people of Jewish descent may enter settlements, but Palestinian residents of the West Bank are barred from doing so except as labourers bearing special permits.¹⁶

¹¹ <https://pchrgaza.org/pchr-condemns-israeli-occupation-forces-demolition-of-house-and-2-facilities-upon-military-orders-in-hebron/>

¹² <https://www.business-humanrights.org/en/latest-news/uk-rights-groups-call-on-hs2-to-exclude-spanish-train-maker-caf-from-public-tender-due-to-its-role-in-jerusalem-light-rail-expansion/>

¹³ <https://www.amnesty.org/en/latest/news/2023/10/global-social-media-companies-must-step-up-crisis-response-on-israel-palestine-as-online-hate-and-censorship-proliferate/>

¹⁴ <https://www.amnesty.org/en/latest/news/2024/02/global-zionism-zionist-hate-speech-policy-review-must-not-stifle-legitimate-criticism-of-israels-oppressive-policies/>

¹⁵ Amnesty International, *Destination Occupation: Digital tourism and Israel's illegal settlements in the Occupied Palestinian Territories*, 2019. <https://www.amnesty.org/en/documents/mde15/9490/2019/en/>

¹⁶ Human Rights Watch, *Bed and Breakfast on Stolen Land: Tourist Rental Listings in West Bank Settlements*, 2018, p21. <https://www.hrw.org/report/2018/11/20/bed-and-breakfast-stolen-land/tourist-rental-listings-west-bank-settlements>

3.4 WHAT IS THE ROLE PLAYED BY THESE ENTITIES IN AIDING AND ABETTING VIOLATIONS OF INTERNATIONAL LAW IN THE OPT? IN ADDITION, WHICH THIRD COUNTRY ARE THEY AFFILIATED TO, IF ANY?

The private entities mentioned above are involved in violations of international law through the manufacture, development and supply of technologies, equipment and services that are directly linked to, and in some circumstances have contributed to, violations of human rights and international law in the OPT. These violations include the transfer of Israel's civilian population into settlements in occupied territory, the forcible displacement of the protected population, and violations of the right to be free from arbitrary or unlawful interference with privacy, family, or one's home or correspondence, among others. Certain violations of international humanitarian law, including forcible displacement and the transfer of parts of an Occupying Power's civilian population into occupied territory, are grave breaches of the Geneva Conventions that can constitute war crimes under the Rome Statute of the International Criminal Court, which has been incorporated into the domestic laws of countries around the world. Whether the involvement of the companies above amounts to aiding and abetting these violations as a matter of international or domestic criminal law is beyond the scope of this submission.

AFFILIATIONS TO THIRD COUNTRIES OF COMPANIES REFERENCED IN THIS SUBMISSION

TKH Group is a public company domiciled and listed in the Netherlands.

Hangzhou Hikvision Digital Technology Co (Hikvision) is a largely state-owned company domiciled and listed in China.

J.C. Bamford Excavators Limited (JCB), is a private company domiciled in the UK. JCB lists a privately-owned Israeli company, Comasco Ltd (Comasco), as its sole dealer in Israel.

HD Hyundai Construction Equipment is a public company domiciled and listed in South Korea. Its Israeli distributor, EFCO, is incorporated in Israel.

Construcciones y Auxiliar de Ferrocarriles S.A. (CAF) is a public company domiciled and listed in Spain.

NSO Group is a private company domiciled in Israel.

Meta is a public company domiciled and listed in the US.

X Corp is a private company domiciled in the US.

Airbnb is a public company domiciled and listed in the US.

TripAdvisor is a public company domiciled and listed in the US.

Booking.com is a private company domiciled in the Netherlands.

Expedia Group is a public company domiciled and listed in the US.

4. TO WHAT EXTENT HAVE THESE PRIVATE ENTITIES CARRIED OUT OR AVOIDED HUMAN RIGHTS DUE DILIGENCE MEASURES TO RESPECT INTERNATIONAL LAW AND DECISIONS OF INTERNATIONAL COURTS?

The fact that many private actors continue to contribute to serious human rights abuses in the OPT in various ways or have pursued business strategies that have resulted in their operations, products, and/or services becoming directly linked to these abuses by their business relationships suggests that there are widespread failings by companies to take seriously their responsibilities to respect human

rights and conduct human rights due diligence. As part of this responsibility, business enterprises with activity in conflict-affected areas should conduct a heightened standard of human rights due diligence, integrate their findings across relevant internal functions and processes, and take appropriate action to prevent abuses.¹⁷ A company cannot meet its responsibility to respect human rights while doing business with settlements.¹⁸ Therefore, as a general matter the human rights due diligence conducted and subsequent action taken by companies that continue to be involved in human rights abuses associated with Israeli settlements is unsatisfactory as a matter of international human rights law and standards.

Human rights due diligence is used both to identify and analyse risks, and to find ways of effectively addressing them. As argued in *JCB Off Track*, a comprehensive human rights due diligence into the “end use” risks associated with its heavy earth moving machinery would have helped the company to clarify options for exerting influence over the conditions under which its products are sold by its sole agent in Israel and their deployment thereafter. These would be likely to include

- **technological means** to establish whether some of its equipment is involved in both the construction of Israeli settlements and the destruction of Palestinian property.
- embedding human rights conditions into its **contracts** that JCB’s sole agent in Israel, Comasco, would be required to pass on to subsequent purchasers of JCB’s products.
- seeking to enhance leverage through JCB’s **ongoing role in the maintenance of its products** through its agents, dealerships, and LiveLink digital diagnostic systems.

5. HAVE INTERNATIONAL MECHANISMS (E.G. HUMAN RIGHTS COUNCIL RESOLUTION 55/L.30, OHCHR DATABASE) ADDRESSED THE POTENTIAL NEGATIVE INVOLVEMENT AND IMPACT OF THE PRIVATE SECTOR IN THE OPT? IF NOT, WHY?

Amnesty International acknowledges Human Rights Council Resolution 55/L.30 on ‘*the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice*’ (2024), as well as the efforts of the UN Office of the High Commissioner for Human Rights (OHCHR) to maintain a database of all business enterprises involved in certain activities related to the Israeli settlements in the OPT, including East Jerusalem.¹⁹

However, the large volume of documentation in the public domain on the involvement of business entities in a wide range of violations of human rights and international law in the OPT suggests the need for far more robust interventions at the international level.

At a minimum, Amnesty International has urged OHCHR to interpret its mandate with respect to the Database more broadly in accordance with Human Rights Council resolutions 31/36 and 53/25, which requested that OHCHR produce a database of “all” business enterprises involved in certain activities associated with Israeli settlements. In prior publications, OHCHR appears to have interpreted its mandate restrictively, which has created significant gaps and inconsistencies such that the Database only reflects the tip of the iceberg of business activity within its mandate.

These kinds of international mechanisms can have an important norm-setting and monitoring role, empowering campaigners to seek justice and accountability for corporate abuses. However, practical impacts on corporate behaviour are heavily dependent on domestic policy and legal interventions

¹⁷ UNDP, *Heightened human rights due diligence for business in conflict-affected contexts*, 2022.

<https://www.undp.org/publications/heightened-human-rights-due-diligence-business-conflict-affected-contexts-guide>.

¹⁸ Amnesty International, *Think Twice*, p. 25.

¹⁹ UN Office of the High Commissioner for Human Rights, database of companies involved in certain activities in OPT.

<https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session31/database-hrc3136/23-06-30-Update-israeli-settlement-opt-database-hrc3136.pdf>

which have the effect of holding companies to account, particularly in the home states of corporate groups with business activity in the OPT.

6. WHAT MEASURES HAVE BEEN TAKEN TO END PRIVATE ENTITIES' INVOLVEMENT IN ISRAEL'S ACTIVITIES IN THE OCCUPIED PALESTINIAN TERRITORY? PLEASE SHARE ANY EXAMPLES OF PROGRESSIVE INITIATIVES OR ACTIONS THAT HAVE BEEN TAKEN TO ADDRESS OR REMEDY VIOLATIONS OF INTERNATIONAL LAW CONNECTED TO PRIVATE ENTITIES IMPACTING PALESTINIANS' RIGHTS IN THE OCCUPIED PALESTINIAN TERRITORY?

The most progressive action a company can take is to responsibly disengage from any activity in its global value chain that is linked to Israeli settlements in OPT.²⁰ In recent years, a number of companies have decided to terminate operations linked to the OPT. In addition, some banks and pension funds have taken steps to exclude companies from their investment portfolios owing to concerns about the legal and ethical implications of those companies' activities there.²¹ For instance, a major investor in TKH Group, the Dutch manufacturer of cameras deployed in occupied East Jerusalem, has insisted that the company must adopt human rights due diligence policies within a year or face a termination of investment. This action by ASN Impact Investors sets the right precedent in pushing other investors to account for the actions of the beneficiaries of their investments.²² The Government Pension Fund of Norway has also decided to divest from the Israeli telecommunications firm Bezeq due to its provision of services to illegal Israeli settlements, citing a tougher interpretation of the standards applied by its Council on Ethics.²³

There is also a growing trend of judicial remedies being sought by rights holders seeking to hold accountable companies civilly, criminally, or otherwise for their role in violations of international human rights and humanitarian law.²⁴ For instance, in 2023 SOMO, the European Legal Support Center, Al-Haq, and The Rights Forum filed a criminal complaint with the Netherlands Public Prosecution Service accusing Booking.com of laundering funds obtained from the commission of war crimes in the OPT.²⁵ In 2019 the European Court of Justice also issued a ruling that, in order to comply with EU standards on consumer information, "*foodstuffs originating in territories occupied by the State of Israel must bear the indication of their territory of origin, accompanied, where those foodstuffs come from a locality or a group of localities constituting an Israeli settlement within that territory, by the indication of that provenance.*"²⁶ While the impact of these cases on corporate activity in the OPT remains to be seen, these developments have created a legal risk for companies that do not abide by their responsibility to respect human rights and comply with international law.²⁷

²⁰ Amnesty International, *Think Twice*, Chapter 9.

²¹ Amnesty International, *Think Twice*, Chapter 8.

²² Amnesty International, Israel/OPT: Dutch Investor pushes for human rights safeguards to stop use of surveillance technology against Palestinians, 4 July 2024, <https://www.amnesty.org/en/latest/news/2024/07/israel-opt-dutch-investor-pushes-for-human-rights-safeguards-to-stop-use-of-surveillance-technology-against-palestinians/>.

²³ Times of Israel, Norway wealth fund divests from Bezeq over services to West Bank settlements, 4 December 2024, <https://www.timesofisrael.com/norway-wealth-fund-divests-from-bezeq-over-services-to-west-bank-settlements/>

²⁴ International Bar Association, *IBA War Crimes Committee shines a light on corporate liability cases*, November 2022. <https://www.ibanet.org/IBA-War-Crimes-Committee-shines-a-light-on-corporate-liability-cases>.

²⁵ Booking.com accused of laundering profits from Israeli war crimes in Palestine, SOMO, 23 May 2024, <https://www.somo.nl/booking-com-accused-of-laundering-profits-from-israeli-war-crimes-in-palestine/>.

²⁶ <https://curia.europa.eu/jcms/upload/docs/application/pdf/2019-11/cp190140en.pdf> However, subsequent studies have shown that products continue to be placed on the EU market with origin labelling that does not comply with EU rules. The prevalence of widespread and persistent mislabelling of goods from the OPT would pose challenges for the implementation of a regime of this kind.

²⁷ Amnesty International, *Think Twice*, Chapter 7.

7. WHAT MEASURES COULD BE TAKEN OR CAN BE DONE DIFFERENTLY?

As is evident from the reporting by Amnesty International and others, the applicable law in the OPT is clear and the relevant corporate actors have sufficient guidance about their responsibility to respect human rights in the OPT. However, the involvement of business enterprises in violations of human rights and international law persists. Therefore, the measures needed to end such abuses must involve the reliable, predictable, and effective enforcement of the law, access to effective remedy for rights holders, and accountability for corporate actors that fail to comply with international human rights law and standards.

Companies considering exporting goods to or providing services in jurisdictions affected by armed conflict, occupation, or governed by repressive regimes may be subject to special conditions, prohibitions or licensing requirements under domestic **export control laws**. In Amnesty International's reports *Automated Apartheid* and *JCB Off Track* we argue that much greater use should be made of measures such as these to prevent exports of technologies, equipment or other machinery and resources that are known to be in use by Israeli authorities to maintain its apartheid system over Palestinians and commit inhuman acts, and war crimes, including the maintenance of illegal settlements in occupied territory.

These kinds of interventions may not require primary legislation. They may already be enabled, potentially even mandated, under framework legislation with in-built flexibility to enable governments to respond speedily to deteriorating human rights situations and emerging threats. A good example is the UK Sanctions and Anti-Money Laundering Act 2018²⁸, under which the relevant government minister has the power to make regulations for the purposes of compliance with a UN obligation or any other international obligation, or for other purposes connected with security, foreign policy and international humanitarian law.

Trade-related measures (i.e. to prevent imports of products manufactured in circumstances or conditions of serious human rights abuse) are currently being rolled out within the European Union.²⁹ This regulatory model forbids the import and sale of goods that have been produced in circumstances of serious human rights abuse. It permits border authorities to impound the relevant goods, although companies that exercise human rights due diligence may be offered more favourable treatment under the regime than those that don't. It also provides incentives to companies to

- conduct proper human rights due diligence into the human rights risks associated with operating in or trading with entities in the OPT.
- make effective use of their “leverage” (in accordance with the stipulations in the UN Guiding Principles).
- exit from these operations or relationships responsibly where it is concluded that continued involvement is not consistent with meeting their corporate responsibility to respect human rights.³⁰

Trade agreements provide an opportunity to address these problems, to some extent, through clear provisions relating to the geographic scope of the preferential trade regime, making clear that goods and products originating from the OPT are not within scope, and a robust approach to rules of origin and verification to ensure that such goods and products cannot be passed off (whether through mislabelling or otherwise) as products of Israel. As well as being practically useful, such steps have potential international legal importance, given the obligations of every State, confirmed in the ICJ Advisory Opinion of 19 July 2024, “*not to recognize as legal the situation arising from the unlawful*

²⁸ <https://www.legislation.gov.uk/ukpga/2018/13/contents>

²⁹ https://policy.trade.ec.europa.eu/development-and-sustainability/sustainable-development/human-rights_en

³⁰ Guidance is available to enable companies to take such decisions.

<https://www.ohchr.org/sites/default/files/documents/issues/business/bhr-in-challenging-contexts.pdf>

presence of Israel in the Occupied Palestinian Territory ... [and] ... not to render aid or assistance in maintaining the situation created by Israel's illegal presence in the Occupied Palestinian Territory."

Finally, new **legislation on human rights due diligence**, such as the European Union's 'Corporate Sustainability Due Diligence Directive, which entered into force in July 2024, has the potential to improve the quality and uptake of human rights due diligence among business actors.³¹ However, much will depend on the implementation and enforcement of these new laws at EU member state level, the quality of supplementary guidance, and how well suited they are to the special considerations that apply in conflict-affected and occupied territories, and the situation in the OPT in particular.

8. ANY OTHER RELEVANT INFORMATION, WHICH COULD ASSIST THE SPECIAL RAPPORTEUR IN THE PREPARATION OF THE REPORT

Amnesty International makes the following recommendations to

States

1. Adopt and enforce a legal framework requiring companies to conduct **human rights due diligence** in their global operations and value chains, including in relation to the use of their products and services, and ensure that judicial and other remedy is available for rights holders harmed by companies that fail to conduct adequate human rights due diligence in line with the UN Guiding Principles.
2. **Ban the import of goods** originating from illegal Israeli settlements in the OPT (either pursuant to existing sanctions framework regimes, or through special-purpose legislation) and ensure that such measures are rigorously enforced.
3. **Ban the provision or facilitation of services**, including through digital platforms for tourism services such as holiday accommodation, activities and attractions, in illegal Israeli settlements or by settlers in the OPT.
4. Ensure **trade agreements** and all implementing institutional and trade facilitation arrangements are consistent with international legal obligations under international humanitarian law not to recognise the OPT as being part of Israel and not to acquiesce in situations created by Israel's transferring parts of its civilian populations into occupied territories, forcibly displacing the local population, and extensively appropriating and expropriating land for these purposes.
5. Exclude from **public tendering processes** any companies causing or contributing to grave human rights violations, or linked to such violations through their business relationships, where they have failed to take preventive measures.
6. Put in place export controls and regulate companies domiciled in their jurisdictions to ensure they do not provide any **surveillance and biometric recognition technology** that can be used by Israel to maintain its apartheid system over Palestinians and commit inhuman acts, and war crimes, including the maintenance of illegal settlements in occupied territory.
7. Ensure the enactment of domestic legislation that penalizes individuals and business enterprises that aid and abet the war crime of transfer, directly or indirectly, by an Occupying Power of parts of its own civilian population into the territory it occupies as found in Article 8(2)(b)(viii) of the Rome Statute of the International Criminal Court,

³¹ https://commission.europa.eu/business-economy-euro/doing-business-eu/sustainability-due-diligence-responsible-business/corporate-sustainability-due-diligence_en

UN Office of the High Commissioner for Human Rights (OHCHR)

8. Interpret its mandate with respect to the database more broadly in accordance with Human Rights Council resolutions 31/36 and 53/25, which requested that OHCHR produce a database of “all” business enterprises involved in certain activities associated with Israeli settlements.

UN Human Rights Council

9. Expand the mandate of the database to cover all business enterprises involved in any activity within the OPT that facilitates Israel’s policies and practices as the occupying power, which were found to be in breach of international law by the advisory opinion issued by the International Court of Justice on 24 July 2024.

Office of the Prosecutor of the International Criminal Court

10. Urgently consider the commission of the crime of genocide by Israeli officials since 7 October 2023 in the ongoing investigation into the situation in the State of Palestine and, where sufficient evidence exists, promptly investigate and prosecute individuals, including those affiliated with business enterprises, that have aided and abetted international crimes within the court’s jurisdiction in the OPT including apartheid as a crime against humanity and the war crime of transfer, directly or indirectly, by an Occupying Power of parts of its own civilian population into the territory it occupies.

Business Enterprises

11. Conduct heightened Human rights due diligence to ensure that the company does not cause, contribute to, or that its operations, products or services are not directly linked to Israel's unlawful presence, unlawful policies and practices, and/or other human rights violations in the OPT.
12. Withdraw from markets in conflict-affected areas, including occupied territories, where there is no realistic prospect that the company’s actions will prevent its products or services from being used to commit human rights violations.
13. Engage with organisations that have credible evidence of human rights violations linked to the company’s products or services.
14. Provide remedy where the company has identified that its products or services have caused or contributed to adverse human rights impacts.

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Index: IOR 40/8847/2024

Publication: **December 2024**

Original language: **English**

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