الحملة الشعبية لمقاومة جدار الفصل العنصري

"Israel's ability to launch such devastating attacks with impunity largely stems from the vast international military cooperation and trade that it maintains with complicit governments across the world."
(Call for a military embargo on Israel signed by over 60 000 people,2014)

FLYSEC – Securing Apartheid in Palestine and beyond

The Background

This briefing denounces the financial assistance awarded to Elbit Systems and other Israeli military companies through FLYSEC[i], an airport security project, and highlights the three-fold impact this may have on the EU:

1. The EU continues to support entities involved in grave violations of international law and human rights. It runs counter the widespread call for a military embargo on Israel and its military and security industry[ii].
2. Through the new funding for Elbit and other Israeli military companies, the almost inevitably EU profits from Israel's violations of international law and human rights and the technology developed to implement them.
3. The investment on a new system based on ethnic profiling would compromise EU principles on human rights, without assuring a higher level of security. It runs counter to practices such as the decision of the Stockholm, Malmo and Copenhagen airports to refuse Israeli 'security' procedures to occur on their airports.

The combination of the three aspects is highly problematic: Does the EU support the maintenance of the Israeli military-industrial complex and its violations of international law and human rights by importing the Israel 'security' system based on ethnic profiling and known for being highly discriminatory?

In 2013 the EU has issued guidelines on Israeli participation in the EU funding and financial instruments[iii] to ease the pressure of civil society, a move that has been largely applauded and supported as a step in the right direction. The EU guidelines are supposedly ensuring "the respect of EU positions and commitments in conformity with international law". Already in 2013 the ECCP has stated that "The first major test of the new guidelines is currently taking place as Israel and the EU negotiate Israel's participation in Horizon 2020"[iv].

At the beginning of 2015, a Stop the Wall report[v] followed by a joint letter by Palestinian civil society to Federica Mogherini, EU Representative of Foreign Affairs and Security Policy[vi] have alerted that as long as the EU continues to fund Elbit Systems and other entities directly implementing and profiting from Israel's regime of apartheid, settler-colonialism and occupation, the existing guidelines are unable to ensure the EU complies with its obligations under international law in respect to Israel's violations of international norms and human rights and undermine member states' business guidance. In July this year, an unprecedented cross-party initiative of 73 MEPs has called for the exclusion of Israeli companies and state bodies that are complicit with Israeli violations of international law from EU funded research programs, citing in particular Elbit Systems[vii]. There is the urgent need for the EU to redefine its funding system.

Elbit Systems has been participating and coordinating a number of projects during the FP7 funding cycle and has already applied with at least 9 projects to H2020. It continues to be a key provider of military equipment and training to the IDF in the clear knowledge this will be used to commit further war crimes[viii]. Elbit Systems' legacy is well known for being not in conformity with international standards and the risk for the EU is to recreate and export wrong practices from a country that has a long history on violation of human rights.

The project: FLYSEC

FLYSEC is one of the first projects that directly fund the Israeli military company Elbit Systems in the new Horizon2020 funding framework. It focuses on the sensitive topic of improving the aviation security chain. The project aims to develop and demonstrate an integrated and end-to-end airport security process for passengers by:

- Introducing new technologies: video surveillance, intelligent remote image processing and biometrics combined with big data analysis, open-source intelligence and crowdsourcing;
- Repurposing existing technologies: improving the services to facilitate boarding and landside/airside way finding, as well as RFID for carry-on luggage tracking and quick unattended luggage handling;
- More efficient background checks and passenger profiling: introduction of behavioural analysis and an innovative cognitive algorithm.

Coordinated by the National Centre for Scientific research "Demokritos", the project is supported by the following partners: Exodus Anonymos Etaireia Pliroforikis (EL); Elbit Systems Ltd (IL); ICTS (UK); EMZA Visual Sense Ltd (IL); CG SMA RTech Ltd (IL); EASC Ev (DE); Societe De L'Aeroport De Luxembourg Sa (LU); Université Du Luxembourg (LU); Embry-Riddle Aeronautical Deutschland Gmbh (DE); Epsilon Internasional Anonymi Epsilon International Sa (EL).

Out of the total EU contribution to the project of 4,089,500 Euro, 403,750 Euro are a direct contribution to Elbit Systems. A total of 1,252,625 Euros of the project will be contributions to the three Israeli participants: Elbit Systems, EMZA Visual Sense Ltd and CG SMA RTech LTD.

EMZA Visual Sense provides the Israeli military with technology and is directly related to Israel's military apparatus and its implementation of violation of human rights and international law.

The problems

By offering financial support to Elbit Systems through FLYSEC, the EU is funding one of the Israel's biggest military companies. This implies:

The EU supports Israeli military apparatus and entities involved in grave violations and international law: Elbit is central to Israel's military apparatus and an iconic accomplice of Israeli violations of international law. It is a major producer of drones, weapons and other war technologies and it is deeply involved in the construction of the Wall and the settlements. The know-how Elbit acquires during this project is fungible and will inevitably be used to benefit and sustain these illegal practices.

The EU profits from Israel's violations of international law and human rights: Much of the surveillance and control technology produced by Elbit and its subsidiaries (i.e. cameras, sensors, biometrics, checkpoint related technology) is developed for and used in the construction and the maintenance of the Wall, the settlement project and Israeli checkpoints, all of them infringe international law and human rights.[ix] By building projects on these experiences the EU is directly profiting from these violations.

The EU risks adopting and building on 'security' practices that violate the Values of the European Union: By offering financial support to FLYSEC, the EU is also endorsing a new system of security based on ethnic and racial profiling. The Israeli ethnic profiling system – guaranteed by modern technologies - has been strongly condemned both by Arab civil society organizations and international organizations and it is more than an anti-terrorism measure rather part of the institutionalised discriminatory policy. A number of European airport authorities have in 2012 asked Israeli Arkia airlines not stop using their airports due to racially discriminating profiling methods[x]. Instead of encouraging these efforts to respect EU values, such funding poses a high risk that Israeli developed methodology will further expand the presence of those human rights violating patterns in European airport security.

What is wrong about ELBIT SYSTEMS?[xi]

Elbit Systems is known to be not only deeply complicit in Israeli military aggression against Palestinian people but also a notorious war profiteer. Just after the military aggression on Gaza in July/August 2014, which killed over 2200 people, Elbit's shares rose 6.6%.

- <u>The Wall</u>: Elbit developed technology for the construction of the apartheid Wall, declared illegal by the Interactional Court of Justice in a 2004 opinion. It provides "intrusion detection systems" for the Wall, in particular in Jerusalem. One product made by this company, "Torch", is manufactured specifically for the use on the Wall. An armed UGV (Unmanned Ground Vehicle) was developed for patrolling the Wall's buffer zone.
- <u>Israeli settlements</u>: it provides technology for the illegal Israeli settlements in West Bank. Subsidiaries Elbit Electro-Optics (EL-Op) and Elbit Security System supplied and incorporated LORROS surveillance cameras in the Ariel settlement section as well as around Ar Ram.
- <u>Israeli military aggression:</u> the company is deeply involved with Israeli navy, aircraft and infantry. During the 2014 attack on Gaza, the Israeli military tested for the first time an unmanned APC produced as an Elbit-IAI join venture. Moreover, the company has just signed a new contract to train Israeli military combat until 2019.
- <u>Israeli drone war:</u> The most important contribution of Elbit to Israeli war crimes relies on the production of drones. 85% of drones used by the Israeli military are in fact manufactured by Elbit. Drones have been used both during the 2006 war in Lebanon and the 2008/2009 war in Gaza. During the 2014 military aggression on Gaza, the company tested its latest drone – the Hermes 900
- <u>Israeli use of torture:</u> in 2009, Brigadier General Yair Cohen, the former commander of the Unit 8200, got appointed as head of the "Cyber Solutions Department" at Elbit Systems. Unit 8200 is known for being responsible for systemic human rights violations, including torture, against Palestinian people. Like Cohen, several Elbit employees found through the "revolving" door system between the Israeli military and its private sector a job in Elbit Systems.

What is wrong about EMZA Visual Sense?

EMZA Visual Sense is directly tied into the Israeli military establishment. According to WhoProfits, Emza Systems is a fully owned subsidiary of Athlone Global Security (AGS).[xii] Among AGS' other subsidiaries are DefenSoft Planning Systems, BlueBird Aero Systems.

1) Emza Visual Sense: Its WiseEye technology is adopted by the Israeli Defense Forces.[xiii]
2) DefenSoft Planning Systems: The company has provided the Israeli army with the defense array design for the illegal Wall in the occupied West Bank, and around the Gaza Strip.[xiv]
3) BlueBird Aero Systems: Its drones have been used during both air strikes by the Israeli Air Force in the Gaza strip, and in military campaigns in the West Bank.[xv]

What is wrong about Ethnic Profiling?

Ethnic profiling is defined as the use by law enforcement of generalizations based on impermissible grounds such as race, ethnicity, religion or national origin as the basis for suspicion in directing discretionary law enforcement actions. As experts state, behavioural profiling becomes mingled with racial profiling in practice, Ben Gurion airport being a clear example for this.[xvi] In the last decades, interest in and use of ethnic profiling in the airport checks has grown sharply worldwide, becoming pervasive yet showing no evidence that it actually prevents terrorism or lower crime rates. On the contrary, profiling stigmatizes entire racial, ethnic or religious group and it actually reduces security by misdirecting police resources.

The application of ethnic profiling is a direct violation of a number of rights, such as freedom of movement, the right to non-discrimination, the right to privacy, the right to equal treatments. Although there is no explicit international standard - nor European one - that bans ethnic profiling, its prohibition can be directly inferred from a number of international treaties that protect those rights, in particular the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of any form of Racial Discrimination (CERD). By relying on ethnic,

racial, or religious stereotypes, ethnic profiling breaches one of the most fundamental principles of law: that each person must be treated as an individual, not as a member of a group.

At the European level, the European Convention on Human Rights prohibits discrimination and the European Court on Human Rights has made clear that any treatment based exclusively on a person's ethnic origin is per se unlawful[xvii]. Moreover, the European Commission against Racism and Intolerance (ECRI) has repeatedly expressed concerns with the abuse of this practice across a wide range of EU member states[xviii].

Although even in many European countries ethnic profiling in the airport is implemented, Israel is well known for its widespread abuse especially against the Palestinian minority living in Israel and flying from\to Ben Gurion airport. The Israeli ethnic profiling system – guaranteed by modern technologies - has been strongly condemned both by Palestinian and Israeli civil society organizations[xix] and it is more than an anti-terrorism measure rather part of the institutionalised discriminatory policy. Considering this reality, it is highly questionable what impact FLYSEC's 'risk-based security approach', which will be *'applying ethical-by-design patterns, maximizing the efficiency of security controls through passenger differentiation from ranging from "unknown" to "trusted"'*[xx], may have on European passengers and civil rights.

Although the EU has not expressly outlawed ethnic profiling, single member states have condemned this practice. In recent years, Stockholm, Malmo and Copenhagen's airports forced the Israeli airline Arkia to look for other hubs[xxi], as they refused to allow Israeli security inspection, which involve ethnic and personal profiling, extensive questioning and selective inspections based on the perceived degree of risk to security. Many EU member states do not conform to ethnic profiling and do not consider it a proper measure to ensure security in the airport. Will they want to or be forced to apply FLYSEC solutions?

[i] See: https://www.iit.demokritos.gr/news/flysec-project-took-may-1st-2015, http://cordis.europa.eu/project/rcn/194906_en.html
[ii] See for example: http://www.bdsmovement.net/stoparmingisrael
[iii] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:205:FULL:EN:PDF
[iv] http://www.eccpalestine.org/israels-participation-in-european-union-programs-including-horizon-2020/#sthash.jPlDQxt4.dpuf
[v] http://www.stopthewall.org/sites/default/files/horizon2020elbit_0.pdf
[vi] http://bit.ly/1FXRBFH
[vii] http://www.eccpalestine.org/73-members-of-the-european-parliament-call-on-the-eu-to-stop-its-support-to-israeli-military-companies/
[viii] http://www.stopthewall.org/sites/default/files/horizon2020elbit_0.pdf
[ix] See: http://www.whoprofits.org/company/elbit-systems, http://www.stopthewall.org/sites/default/files/horizon2020elbit_0.pdf
[x] http://www.haaretz.com/misc/iphone-article/stockholm-airport-bars-israeli-airline-over-security-inspection-methods-1.425201, http://www.worldofjudaica.com/jewish-news/international/israel-to-cancel-flights-to-denmark-over-security-dispute
[xi] See for the entire section: http://www.stopthewall.org/sites/default/files/horizon2020elbit_0.pdf
[xii] http://whoprofits.org/company/athlone-global-security-ags
[xiii] http://pt.slideshare.net/bhaskergupt/emza-brochure2
[xiv] http://whoprofits.org/company/defensoft
[xv] http://whoprofits.org/company/bluebird-aero-systems
[xvi] Reg Whitaker in his paper, *Profiling: From Racial to Behavioural to Racial?,* observes that racial profiling inevitably reflects society's fault lines. He reviews the logic, feasibility and effectiveness of adopting "behavioural profiling" as a security-screening device at airports. He emphasizes that behaviour profiling can shade into racial profiling. Adopting Ben Gurion Airport in Israel as his test case, he notes that behavioural profiling *works*, but the attendant human rights costs are too high for most societies to absorb because behaviour profiling becomes mingled with racial profiling in practice. See: https://bccla.org/wp-content/uploads/2012/03/2007-BCCLA-Report-Racial-Profiling.pdf
[xvii] https://www.opensocietyfoundations.org/sites/default/files/case-digests-ethnic%20profiling-european-systems-110813.pdf
[xviii] See for example: https://www.coe.int/t/dlapil/codexter/Source/ECRI_Recommendation_11_2007_EN.pdf, http://www.assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20433&lang=en
[xix] http://972mag.com/high-court-greenlights-racial-profiling-at-israels-airports/104069/ , https://electronicintifada.net/content/suspected-citizens-racial-profiling-against-arab-passengers-israeli-airports-and-airlines , http://www.adalah.org/uploads/oldfiles/upfiles/Rawiya%20Racial%20Profiling%20English%2024.11.2011.pdf
[xx] http://cordis.europa.eu/project/rcn/194906_en.html
[xxi] http://www.haaretz.com/misc/iphone-article/stockholm-airport-bars-israeli-airline-over-security-inspection-methods-1.425201