

STOP THE WALL CAMPAIGN



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Brazil's military relations with Israel

Index

1. Summary and Recommendations	p. 2
2. Brazil's support of the Israeli arms industry	p. 5
3. Overview of the interests of Israeli arms producers in Brazil	p. 8
4. Contradicting the economic, legal and political framework of Brazil	p. 20
Annex 1: Elbit and IAI: Complicit in Israeli human rights violations	p. 26

The Palestinian Grassroots Anti Apartheid Wall Campaign
March 2011

1. Summary and Recommendations

This report details the active support of the Brazilian state for the Israeli arms industry as well as the Israeli interests in and profits from Brazil's military and defense industry. It finally confronts these realities with the framework of economic, legal and political interests and obligations of Brazil.

Based on 2005 - 2010 Israeli arms export data, the SIPRI has concluded that Brazil is the fifth largest importer of Israeli arms.¹ Several major programs signed between Israel and Brazil are already worth close to one billion US\$.²

Brazil's support to Israeli arms industry:

- Brazil signed a security cooperation agreement with Israel at the end of November 2010 to facilitate military cooperation and contracts.
- The Brazilian Armed Forces opened an office in Tel Aviv in 2003.
- Brazil regularly receives from Israel and sends Israel political and state sponsored economic delegations with the aim of strengthening military ties.
- Brazil's LAAD Defense Expo annually hosts the most important Israeli arms companies. (Next exposition: April 2011, Rio de Janeiro.)
- Brazilian officials are on record to have helped Israeli arms companies to enter in contact with armed forces in other Latin American countries.

Interests of Israeli arms producers in Brazil:

This report does not cover all interest of Israeli arms producers but merely aims to showcase some examples.

Elbit Systems:

- provides weapons that the Israeli military uses for the killing of civilians and "extra-judicial killings." It further provides equipment to the Apartheid Wall and the settlements.
- has bought three Brazilian arms companies: AEL, Ares Aeroespecial e Defesa SA ("Ares") and Periscopio Equipamentos Optronicos SA ("Periscopio").
- has numerous contracts with the Brazilian military, including for the prestigious Guarani project.
- hopes to gain further contracts for the Olympics and the World Cup in Brazil.

Israeli Aircraft Industries (IAI):

- provides weapons that the Israeli military uses for the killing of civilians and "extra-judicial killings." It further provides equipment to the Apartheid Wall and the settlements.

¹ http://armstrade.sipri.org/armstrade/html/export_values.php

² http://defense-update.com/wp/20110321_brazil_defense_cooperation.html

- has formed a joint venture called EAE with Synergy Group. IAI's subsidiary Bedek uses TAP M&E Brazil maintenance and production centers in Rio de Janeiro and Porto Alegre airports.
- has numerous contracts with the Brazilian military and currently aims to win other contracts with Embraer.

Israeli Military Industries (IMI):

- is – just as many other Israeli arms companies – deeply involved in corruption cases and bribery of public officials
- has given Taurus the license to produce its Tavor rifles in Brazil.
- The Brazilian army buys the Taurus produced Tavor rifles.

Others:

- Numerous other Israeli arms and homeland security companies have gotten contracts in Brazil and with the Brazilian ministry of Defense.
- The Israeli military industry points at billions of dollars of contracts in preparation of the 2014 World Cup games and the 2016 Olympic Games in Brazil.

Contradicting Brazil's legal and political framework:

Legal obligations:

- Brazil, as a signatory of the most relevant instruments of international law, has an obligation of non-recognition and non-assistance to violations of international law.
- The current military relations between Brazil and Israel imply a violation of the duties of third states regarding violations of international law:
 - Brazil facilitates economic benefits for companies that directly contravene the IV Geneva Convention, thereby assisting in the maintenance of an unlawful situation.
 - Brazil hosts representatives of companies that directly contravene the IV Geneva Convention and in some cases persons accused of war crimes.
 - Brazil facilitates the presence of companies that directly contravene the IV Geneva Convention on its own territory, entering thereby in direct or indirect complicity with violations of international law.
 - Brazil facilitates relations between its own economy and citizens and companies directly involved in violations of the IV Geneva convention.
- Export is the lifeline for the Israeli arms industry – up to 70% of Israeli arms are produced for export. Without the Israeli arms industry Israel would not be able to maintain the occupation or to continue to lead wars, such as those against Lebanon in 2006 and against Gaza in 2008/9, both of them strongly condemned by Brazil.

Brazil's political interests:

- Brazil has recognized the Palestinian state in the borders of 1967. Israeli arms industry is consciously profiting from on the ongoing occupation of the OPT as it develops its weapons thanks to the “experience” gathered in the occupation. The support for the Israeli arms industry therefore contradicts clearly the stated support of the Brazilian government for the creation of a Palestinian state in the 1967 borders.

- The Arab world is potentially a major export destination for Brazilian weapons. A circle whereby Israel uses Brazil to produce weapons – or partake in the production of weapons – that should be sold to the Arab world will likely raise serious concern in the populations and some governments.
- Strengthening ties with Israeli arms producers and private security military companies (PSMC) sets a poor precedent in terms of accountability, considering Israel's support of repressive regimes and role in profiting and fostering from instability in the 60s, 70s and 80s. Secondly, military ties with Israel leaves elements in place which could support or form oppressive, and at the most extreme anti-government activity, in a given country. Finally, even if military ties pose no threat to a country's stability, support of the Israeli military industry casts doubt on a government's commitment to human rights.

Recommendations:

Given the above, we urge the Brazilian state to stop all military relations with Israel, and in particular to:

- Not ratify, and to cancel, the security cooperation agreement with Israel.
- Close down the offices of the Brazilian Armed Forces in Israel.
- Modify the procurement regulations of the Brazilian army to ensure that companies violating international law are excluded from contracts.
- Bar companies involved in violations of international law from establishing themselves on Brazilian territory via acquisitions of companies, joint ventures or licensing.
- Ensure companies violating international law are excluded from the contracts for the World Cup and the Olympics as sports that awards war criminals cannot be "fair play".
- Bar companies violating international law from participating in the LAAD Defense Expo.
- Duly prosecute Israeli suspects of war crimes and crimes against humanity when they are found in its territory.

Doing business with the Israeli arms industry seriously undermines Brazil's support of Palestinian political and human rights, as any contracts directly support the construction of settlements and the Wall, which ensure that a Palestinian state will not be established, as well as provide financial support and incentive for companies closely tied with the human rights violations carried out by the Israeli military. This ensures that colonialism and occupation remain profitable, allowing these companies to continue to profit from Israeli war crimes while casting doubt on the Brazilian government's commitment to human rights and its alliances and interests in the wider region. It is unacceptable that Brazil hand over their taxpayers' money to these companies, and in the end, a decision must be made between dealing with Israel or standing with the Palestinian people.

2. Brazil's support of the Israeli arms industry

Brazil's arms industry is fostered by state benefits, and military contracts are concluded by the ministry of defense or other state agencies, such as the federal police. The state as a main contractor establishes a clear economic policy for the defense industry. Therefore, while we argue that a state has the duty to intervene when companies registered or operating in its territory are involved in grave violations of international law and human rights, in the case of the military relations between Brazil and Israel the case is actually one of the state directly promoting and facilitating complicity with companies involved in grave violations of international law.

Brazil facilitates the relations with Israeli companies involved in grave violations of international law in numerous ways, among them:

1) Agreement on Security cooperation with Israel

Brazil has recently signed an agreement on security cooperation. This was revealed by the Israeli newspaper "Ma'ariv". According the paper, Defense Minister Ehud Barak and Chief of Security in the Defense Ministry Amir Kain signed the agreement for security cooperation between the two countries at the end of November 2010. Brazil's intelligence affairs minister signed the agreement on the Brazilian side.

The same article adds that:

*"A market valued at billions of dollars has opened up to the defense industries, after a first agreement of its kind was signed for cooperation between Israel and Brazil. There are already several giant deals on the table between Israel Aerospace Industries (IAI), Elbit and Rafael with Brazil. [...] Without the agreement, which is similar to agreements that Israel has signed with other countries, it would not be possible to carry out the deals, which are at a high level of security classification."*³

Unsurprisingly the signing of this agreement has been followed by a number of acquisitions of Brazilian companies by and contracts with Israel companies at the beginning of 2011.

It is unfortunate that such a strategic agreement has been signed by Brazil without any public discussion regarding the issue.

³ <http://coteret.com/2010/12/02/maariv-%E2%80%9Cexclusive%E2%80%9D-israel-and-brazil-sign-major-security-cooperation-agreement/>

2) Israeli office of the Brazilian Armed Forces

In 2003 the Brazilian Armed Forces opened an office in Tel Aviv⁴. No information is available regarding the purpose of this office, which might serve as a hub for economic relations as well as trainings or information exchange.

3) Political and state sponsored economic delegations

Many of the arms trade agreements have been signed during or shortly after visits of state sponsored Brazilian delegations to Israeli potential partners or visits of Israeli delegations welcomed by the Brazilian political authorities and leadership.

To name only two, in November 2009 the delegation accompanying Israeli president Shimon Peres included among the 40 businessmen some of the most important arms companies. This visit was followed by the trip of Defense Minister Nelson Jobim to Israel, where he met with representatives of the Israeli arms industry.

4) LAAD – Latin America Aero and Defense Expo

LAAD – Defense & Security is the most important trade show for the defense and security industry in Latin America and takes place every two years, bringing together Brazilian and international companies that specialise in supplying equipment and services to all three major services of the armed forces, police, special forces and security services, as well as consultants and government agencies. The expo is sponsored by the ministry of defense, the Brazilian military and the ministry of foreign affairs and attended by the major political authorities of the country, including the president.

In 2011, once again all main Israeli arms companies – the large majority with a proven track record of direct involvement in violations of international law, human rights and international humanitarian law – are invited as exhibitors. For the Israeli businesses the LAAD has been already in the past a privileged space for contracts and joint ventures in Brazil and beyond.

The LAAD is therefore a state sponsored platform for Israeli companies involved in violations of international law to gain profits and to expand the net of complicity in Brazil and the region.

⁴ Ministry of Defense, Brazil, Evaluation of foreign policy 2003 – 2010, chapter 2.4.5. p.3

5) Publicity for Israel in Latin America

At least in one case it has been reported that Brazilian officials have invited their Latin American counterparts to participate in a presentation of Israeli arms, therefore acting as public relations agents for the Israeli arms industry in the region.

The 2009 demonstration of IAI's Heron UAVs not only included several ministers of the Brazilian government and Brazilian armed forces officials, who were there to praise the Heron's abilities. IAI reports that the demonstration was also attended by high-ranking military and civilian representatives from a number of Latin American countries, "who were invited by the Brazilian federal police."⁵

Furthermore, the framework of South and Latin American cooperation and integration such as the Consejo de Defensa Suramericano of the UNASUR aims among others to "promote the exchange and cooperation in the field of the defense industry."⁶ The policy decisions and joint ventures of Brazil as the biggest economy and arms producer in the subcontinent therefore have a direct regional effect as well. The close integration between the Brazilian and the Israeli arms industry ensures a door for Israeli arms industry to other South American markets, which in some cases would not be so interested in cooperation with Israeli companies.

⁵ <http://www.iai.co.il/12021-38947-EN/CompanyInfo-PresentPastFuture.aspx>

⁶ http://www.cdsunasur.org/index.php?option=com_content&view=article&id=78&Itemid=188&lang=es

3. Overview of the interests of Israeli arms producers in Brazil

This report does not cover all interest of Israeli arms producers but merely aims to showcase some examples.

a) Elbit Systems Ltd.

Elbit has been active in Brazil for the past 15 years, according to the company's president, "We identified the potential of this country early on, and we were the first [of the Israeli firms] to become part of their large and very advanced aerospace industry."⁷

The company's total operations in the Brazilian market totaled \$750 million over the past 15 years and reached a high of \$70 million in 2008. Elbit Systems is now anticipating 30% annual growth for the next 5 years and 2010 seems set to become an exceptionally good year for Elbit in Brazil.⁸

Elbit's involvement in Israeli violations of international law

- **Attacks on civilians and extrajudicial assassinations:** Elbit provides a variety of UAVs to the Israeli Occupation Forces (IOF).⁹ The Palestinian Center for Human Rights documented that the IOF has used these UAVs in attacks that killed dozens of people during the Gaza war and points out that Israeli operations were intended to harm Palestinian civilians in violation of international law requiring distinction of civilians and proportionality. Wilful killings are considered a grave breach of the IV Geneva Convention. In one attack, 12 worshippers were killed, and 30 were wounded (3 would later die of their wounds, bringing the total to 15).¹⁰ International organizations also documented the role of UAVs in strikes on targeting civilians. HRW documented six clear cases of reckless attacks on civilians, resulting in 29 deaths, using Elbit UAVs.¹¹

⁷ http://www.defensenews.com/osd_story.php?sh=VSDL&i=4036547

⁸ <http://www.haaretz.com/print-edition/business/elbit-systems-hiring-locals-to-win-large-brazilian-tenders-1.4432>

⁹ *Ibid*, p. 11

¹⁰ See PCHR, *Targeting Civilians*, p. 52. For different numbers on the number of UAV strikes, see also: al Mezan Center for Human Rights, *Cast Lead in Numbers*, 2009, p. 17

¹¹ See: HRW, *Precisely Wrong*

- **Construction of the Wall and the settlements.** Elbit and its subsidiaries supply and incorporate electronic detection fences and LORROS surveillance cameras for the Wall in the Jerusalem area, as well as around the illegal Ariel settlement; developed unmanned ground vehicles (UGVs), which are used to help patrol routes along the buffer no-go zone; Elbit's TORC2H system, which is designed to enhance border patrol activities by collecting data and disseminating it to troops, has been installed in Israel's central command centre, facilitating remote surveillance of specific areas along the Wall.¹² Construction of the Wall and the settlements are grave violation of IV Geneva Convention as per, for example, the advisory opinion of the International Court of Justice on the Wall, July 9 2004.

For a detailed legal analysis see Annex I.

Presence in Brazil:

AEL, Ares Aeroespecial e Defesa SA ("Ares") and Periscopio Equipamentos Optronicos SA ("Periscopio")

Elbit made a serious commitment to the Brazilian market in July 2001, when it acquired Aeroelectronica Industria de Componentes Avionicos (AEL). The \$2.3 million deal gave Elbit control of the majority of the shares, allowing it to use AEL's facilities for the systems upgrade of Brazilian air force Northrop F-5s.¹³ The deal was part of a policy aimed at operating local companies in order to win government tenders.¹⁴

AEL is located in Porto Alegre and employs some 130 workers. The company develops and manufactures avionic systems sold in Brazil and throughout Latin America, and provides maintenance services for these systems. For Elbit it performs engineering, manufacturing and logistic support activities for defense and commercial applications undertaken by the Israeli company in Brazil.¹⁵

In December 30 2009 Elbit acquired two other Brazilian arms manufacturing companies: Ares Aeroespecial e Defesa SA ("Ares") and Periscopio Equipamentos Optronicos SA ("Periscopio"). The deals included a total of dozens of millions of Brazilian reals. Though Elbit has taken ownership of the companies, it has assured the selling shareholders that they would be kept in the management of the companies.

Ares and Periscopio are working in the sector of electronic defense systems and provide the Brazilian army as well as other markets in South America with a number of different products. They are located in the area of Rio de Janeiro and employ around 70 workers.¹⁶

¹² *Ibid*

¹³ <http://www.flightglobal.com/articles/2001/08/07/134345/elbit-becomes-majority-shareholder-in-ael.html>

¹⁴ <http://www.haaretz.com/print-edition/business/elbit-systems-hiring-locals-to-win-large-brazilian-tenders-1.4432>

¹⁵ <http://www.secinfo.com/d14D5a.s1kB3.htm>

¹⁶ <http://www.globes.co.il/serveen/globes/docview.asp?did=1000612347>

Contracts:

- **Brazilian Air Force, 2001:** Work begins under contracts for the Brazilian F-5 Aircraft Modernization Program. The program calls for the upgrade of 46 F-5 aircraft for the Brazilian Air Force, and Elbit contracts are with Embraer and the Brazilian Government, with a total value of approximately \$230 million, to be performed over an eight-year period. In January 2007, Elbit Systems was awarded an additional order from the Brazilian Government to integrate further advanced capabilities in the F-5 aircraft and as well the establishment of an in-country maintenance center based at AEL.¹⁷
- **Brazilian Air Force, 2002:** Elbit Systems is awarded contracts by the Brazilian Government and by a subsidiary of the Brazilian aircraft company Embraer – Empresa Brasileira de Aeronautica S.A. (Embraer) for the production and logistic support phases of the AL-X Super Tucano aircraft program for the Brazilian Air Force. The contracts are valued at more than \$80 million and were performed over a period of approximately four years.¹⁸
- **Brazilian Air Force, 2007:** The Brazilian Government and Embraer exercise options for avionic systems for an additional 23 AL-X aircraft. Deliveries are scheduled through 2009.¹⁹
- **Brazilian Air Force, 2008:** Elbit wins a contract by the Brazilian aircraft manufacturer Embraer to provide avionics and EW systems for the AMX Jet upgrade program for the Brazilian Air Force. The contract is for a total amount of approximately \$187 million, and the first phase of the program, for the amount of approximately \$67 million, has been implemented. The contract is to be performed through 2014. Elbit subsidiary Elisra, as well Brazilian subsidiary AEL, are performing significant portions of the program.²⁰ Elbit's wholly-owned Brazilian subsidiary Aeroeletronica S.A. (AEL) in Porto Alegre, Brazil will supply the central battle mission computer of the AMX, as well as display systems, the ammunition management system and additional systems. Elbit's Israeli subsidiary, Elisra Electronic Systems Ltd., will supply the electronic warfare (EW) systems as a major subcontractor to AEL. AEL is already executing avionics systems upgrades under previous contracts for Brazil's 46 modernized F-5BR fighters (2001, 2007), and original avionics and equipment orders for 99 EMB-314 Super Tucano observation and light attack turboprops (2002, 2007) in 2011.

¹⁷ http://google.brand.edgar-online.com/EFX_dII/EDGARpro.dII?FetchFilingHTML1?SessionID=P15OW0RaIQAOp9d&ID=5246268

¹⁸ http://google.brand.edgar-online.com/EFX_dII/EDGARpro.dII?FetchFilingHTML1?SessionID=P15OW0RaIQAOp9d&ID=5246268

¹⁹ http://google.brand.edgar-online.com/EFX_dII/EDGARpro.dII?FetchFilingHTML1?SessionID=P15OW0RaIQAOp9d&ID=5246268

²⁰ <http://www.secinform.com/d14D5a.s1kB3.htm>

- **Brazilian Army, 2009:** Elbit scores its first contract with the Brazilian Army for unmanned turrets to be installed on armored personnel carriers.²¹
- **The Guarani project:** AEL subsidiary has won a \$260 million contract for unmanned vehicle gun turrets for Brazil's Guarani project. This contract is a follow up to the 2009 contract when Elbit delivered the first unmanned turrets to Brazil. The new turrets mount 30mm automatic cannons and will be integrated on VBTP-MR Guarani 6×6 armored vehicles developed by Iveco, according to Defense Update, an Israeli publication. The armored UT-30BR turret system includes a coaxial mount for a 7.62mm machine gun, an advanced fire control system with automatic target tracking, ballistic computing, sensors management and displays. Deliveries of the unmanned turrets will be determined according to a schedule and a multiyear funding profile to be defined by the parties.²²

This project that will provide the Brazilian army with 3000 new tanks within 2030 started in 2007. Fiat subsidiary IVECO won the contract to develop the new tanks in Brazil. The 18 ton tanks with amphibic option are produced in Sete Lagoas²³.

- **Brazilian army, 2010:** In December 11 Brazil reportedly bought two Hermes 450 UAVs and one ground station from Porto Alegre-based Aeroeletronica for military use.²⁴
- **Brazilian army, 2011:** Two Hermes 450 UAVs purchased for military use.²⁵

b) Israeli Air force Industries (IAI):

IAI's involvement in Israeli violations of international law

Attacks on civilians and extrajudicial assassinations. IAI provides a variety of UAVs to the IOF²⁶ and is a major supplier of weapons to the Israeli armed forces, providing among other things missiles and combat aircraft. The Palestinian Center for Human Rights

²¹ <http://www.army-guide.com/eng/article/article.php?forumID=1274>

²² http://www.upi.com/Business_News/Security-Industry/2011/01/06/Brazil-contracts-for-unmanned-gun-turrets/UPI-66521294339687/#ixzz1FRaxcSGp

²³ <http://www.afcea.org/signal/signalscape/index.php/2011/01/elbit-to-provide-unmanned-turret-systems-to-brazil/>

²⁴ <http://www.negedneshek.org/exports/uavs> ; <http://wanderingraven.wordpress.com/category/israeli-arms-company>

²⁵ <http://www.negedneshek.org/exports/uavs>

²⁶ HRW, *Precisely Wrong*, p. 11

documented that the IOF has used UAVs in attacks that killed dozens of people during the Gaza war and points out that Israeli operations were intended to harm Palestinian civilians in violation of international law requiring distinction of civilians and proportionality. Wilful killings are considered a grave breach of the IV Geneva Convention. In one attack, 12 worshippers were killed, and 30 were wounded (3 would later die of their wounds, bringing the total to 15).²⁷ International organizations also documented the role of UAVs in strikes on targeting civilians. HRW documented six clear cases of reckless attacks on civilians, resulting in 29 deaths, using IAI UAVs.²⁸

Construction of the Wall and the settlements. Through subsidiary TAMAM, IAI provides surveillance technology for the Wall, in particular a variant of the Plug-in Optronic Payload (POP), originally designed for helicopters. The POP includes a focal plane array thermal imager, color camera and laser pointer [and works] at ranges of 'a few miles'.²⁹ The construction of the Wall and the settlements is a grave violation of IV Geneva Convention as per, for example, the advisory opinion of the International Court of Justice on the Wall, July 9 2004.

For a detailed legal analysis see Annex I.

Presence in Brazil:

Bedek and EAE

Bedek: Bedek is the subsidiary of Israel Aerospace Industries, a multinational company serving customers around the globe. Bedek provides comprehensive maintenance services for aircraft, engines and components, including heavy maintenance, modifications, upgrades, conversions and development programs. Bedek has parallel conversion lines in Israel and in Brazil.³⁰

Bedek uses TAP M&E Brazil (formerly VEM Maintenance & Engineering) maintenance centers. TAP M&E Brazil has around 2,650 employees distributed among two large Maintenance Centers – at Rio de Janeiro-Galeão and Porto Alegre airports.³¹

²⁷ See PCHR, *Targeting Civilians*, p. 52. For different numbers on the number of UAV strikes, see also: al Mezan Center for Human Rights, *Cast Lead in Numbers*, 2009, p. 17

²⁸ See: HRW, *Precisely Wrong*

²⁹ See sources cited on Stop the Wall's fact sheet *Companies Building the Wall* available at:

<http://stopthewall.org/factsheets/2089.shtml>

³⁰ http://www.iai.co.il/16415-en/Groups_BEDEKAviationGroup.aspx

³¹

http://www.aviationweek.com/aw/generic/story_generic.jsp?channel=om&id=news/om1208intv.xml&headline=Bedek%20Aviation%20Group:%20Dany%20Kleiman&next=0

EAE: On March 30, 2009 the Israel Aerospace Industries Board of Directors confirmed the creation of a joint venture with the Brazilian corporation Synergy Group, controlled by billionaire CEO German Efromovich. Each party will invest an initial sum of approximately \$750,000 to establish EAE, which wants to be active in the Brazilian market as well as other potential Latin American markets. The March 2009 announcement stated as well the intention to set up its offices in Rio de Janeiro and Sao Paolo, with initial industrial capabilities at Synergy's shipyards and aerospace facilities. More facilities will be added in accordance with the growth of the company³²

This joint company will provide maintenance and customer support services for IAI's various systems in use in Latin America, including UAVs.³³ The JV Company will also expand its scope of activities via the acquisition of local companies. In its defense activities, the JV Company will offer advanced systems, such as UAVs, missile systems, radars, electronic warfare and intelligence systems.³⁴

The agreement between IAI and Embraer includes as well a pact, under which they pledge to increase co-operation in areas covering unmanned air vehicles, multi-mission radars, inertial navigation systems, maritime platforms and systems and border and coastal defence systems. It also spans upgrade and conversion services for civilian and military aircraft.³⁵

EAE will work on the co-development of projects with the Brazilian ministry of defense, the Brazilian Armed Forces and its research and development institutions, as well as academic institutions and other local companies. EAE will also broaden its scope to include strategic acquisitions of local companies in Brazil³⁶.

Contracts:

- **Various, 2004 onwards:** The first delivery of Bedek made B767-200BDSF upgrades for Brazilian airplanes was at the beginning of 2004 (to ABX), followed by 25 767-200BDSF converted in Israel and in Brazil, which are currently flying for ABX, TAMPA, and Star Air. Other aircraft are presently under conversion.³⁷
- **Federal police, 2009:** On August 3 2009 IAI's Heron UAV had a successful demonstration in Brazil at the request of the Brazilian federal police, which is testing UAV use for several purposes, including border security, and smuggling, natural resource theft, and drug trafficking concerns. The drones flew in the state of Parana, and the region of San Miguel de Iguacu. Following a series of tests, the team decided that IAI's Heron UAV was best suited to what the police wanted: relaying data and

³² <http://www.iai.co.il/32981-39455-en/default.aspx>

³³ http://www.iai.co.il/35344-39749-EN/MediaRoom_NewsArchives_2009.aspx

³⁴ <http://www.iai.co.il/12021-38947-EN/CompanyInfo-PresentPastFuture.aspx>

³⁵ <http://www.flightglobal.com/articles/2011/01/05/351498/iai-offers-systems-for-embraers-kc-390-programme.html>

³⁶ www.iai.co.il/32981-39455-en/default.aspx

³⁷ http://www.iai.co.il/32998-33885-EN/BusinessAreas_MROConversion_CargoConversions.aspx

intelligence in real time, carrying a number of sensors simultaneously, and employing satellite communications and Automatic Takeoff and Landing (ATOL).³⁸

- **Federal police, 2010:** On November 12 2010 Military Force Channel reported that an official of the defense ministry had informed them that IAI signed a 350 million US dollars contract to provide the Brazilian national police with Heron UAVs.³⁹ The deal was a two phase deal. The first phase includes the transfer of three unmanned aerial vehicles along with accompanying equipment, including a base station and control and inspection systems to the Rio federal police. The second phase added 11 additional drones.⁴⁰ The source for the Military Force Channel added that the drones will be used as well to support security measures during the 2014 World Cup and the 2016 Olympic Games in Brazil, and that the delivery of the drones will start in a few months. He furthermore explained that Brazilian police is currently being trained in Israel to use the UAVs.
- **Brazilian army, unclear:** IAI is further supplying radar systems for an Embraer-led upgrade to the Brazilian navy's Douglas A-4 strike aircraft. The Israeli company will also overhaul the fighter's engines.⁴¹
- **Brazilian army, 2011:** In January 2011 Flightglobal reported that IAI had offered its systems, including cockpit and aircraft self-protection systems, for possible integration with Embraer's developmental KC-390 tanker/transport⁴².
- Sources say Embraer is also offering special mission aircraft equipped with electronic intelligence or airborne early warning systems based on the experience of IAI. The company's Elta Systems subsidiary has already developed surveillance derivatives of the Gulfstream G550 business jet⁴³.

³⁸ http://www.iai.co.il/35344-39749-EN/MediaRoom_NewsArchives_2009.aspx

³⁹ <http://militaryforceschannel.es.tl/noticias-Brasil.htm>

⁴⁰ <http://www.negedneshek.org/exports/uavs>

⁴¹ <http://www.flightglobal.com/articles/2011/01/05/351498/iai-offers-systems-for-embraers-kc-390-programme.html>

⁴² [ibid.](#)

⁴³ <http://www.flightglobal.com/articles/2011/01/05/351498/iai-offers-systems-for-embraers-kc-390-programme.html>

Israeli Military Industries (IMI):

Case study 1: IMI's involvement in corruption

Israel's \$6 billion arms industry, which in 2002 made up some 25% of Israeli exports,⁴⁴ has for years relied on "commissions" to win contracts around the world. These "commissions" – or bribes - account for up to 10 - 15 % of total foreign sales.⁴⁵ De facto, the existence of agents taking "commissions" from the arms companies, which may then be used for bribes, is a norm in the Israeli arms industry.

Only in 2009 was IMI accused by India and Kazakhstan of large scale corruption of public officials.

Indian authorities have blacklisted IMI in 2009 owing to corruption charges posed by the Indian Central Bureau of Investigation. At the end of 2010, the blacklisting order has been renewed based on a CBI charge sheet.⁴⁶

The Indian blacklist was the gravest economic setback for IMI, it is by far not the only case. In 2009, a military court in Kazakhstan sentenced former deputy defence minister and an Israeli businessman to 11 years in jail on corruption charges and the attempt to sell defective military hardware from Israel.⁴⁷

The names of the Israeli companies involved were not given in the official Kazakh statement, but earlier publications suggest that these might be Soltam Systems and Israel Military Industries (IMI). Israeli businessman Boris Sheinkman is a former Soviet army colonel and an agent of Soltam and IMI. Deputy Defense Minister Khazimurat Mayermanov is reportedly suspected of accepting bribes in his position as responsible for weapon purchases for the state. Sheinkman is suspected of promoting the deal through his personal connection to the Kazakh defense establishment, including Mayermanov.⁴⁸

⁴⁴ <http://www.globes.co.il/serveen/globes/DocView.asp?did=685987&fid=1724>

⁴⁵ <http://www.mainjustice.com/justanticorruption/2010/01/29/israels-acension-to-oecd-marred-by-culture-of-bribery/>

See as well Elbit, whose so-called marketing and selling expenses in 2009 were \$251 million (8.9% of revenues), as compared to \$198.3 million (7.5% of revenues) in 2008. Elbit's annual report 2009 states that this increase is due in particular to some markets, among which Brazil. (<http://www.secinfo.com/d14D5a.r1yPk.htm>)

⁴⁶ http://www.tehelka.com/story_main47.asp?filename=Ws241110DEFENCE.asp

⁴⁷ <http://www.haaretz.com/news/kazakhstan-military-hardware-bought-from-israel-flawed-1.274055>

⁴⁸ <http://www.haaretz.com/print-edition/news/kazakh-minister-arrested-in-israeli-arms-sales-bribe-case-1.274065>

At the beginning of this year a dispute in Guatemala over irregularities in the acquisition of IMI rifles started. The ministry of Interior has announced at the end of January new acquisition of IMI weaponry clearly admitting the lack of a public call for submissions.⁴⁹

Case study 2: IMI profits from the occupation

While the entire Israeli military industry heavily profits from the occupation, IMI is perhaps one of the most explicit about this connection.

In a documentary done by the Discovery Channel, which seems more a corporate advertisement, the company shows images of Israeli soldiers occupying Palestinian cities, probably Hebron or Nablus, to prove their point that the Tavor Rifle has been developed for "urban combat" and tested continuously since the year 2000 – maybe not coincidentally the start of the second Intifada and the large scale killing of Palestinian civilians.⁵⁰

In 2009, the IOF evaluated the Tavor assault rifle's performance in the Gaza fighting. I.M.I. Director Uri Amit stated that the IOF's answer to feedback requests from IMI was that "the weapon is excellent and there is nothing to fix."⁵¹ The brutal Cast Lead Operation that killed over 1400 Palestinians in Gaza was the last test for the rifle that was first used in Operation Defensive Shield, which included the re-invasion of the West Bank and the massacre in Jenin.

There is an intimate link with the occupation and the war crimes committed by the Israeli military against the Palestinian population. Israeli weapons are developed because of the needs of the occupation and fine-tuned with the feedback of the soldiers using them in the wars against the Palestinian and Arab populations.

Foreign governments acquiring Israeli weapons are not only buying the fruits of the occupation but as well ensuring that the Israeli arms industry can continue to produce ever more sophisticated weapons to suppress and kill Palestinians.

Presence in Brazil:

Taurus

Taurus, a Brazilian arms manufacturer based in Porto Alegre has become the manufacturer for the new TAVOR assault rifle TAR-21. The Brazilian made Israeli rifle was presented for the first time at the LAAD 2009 by Taurus. Taurus produces the Tavor rifles with a 20%

⁴⁹ http://www.mingob.gob.gt/index.php?option=com_content&view=article&id=348:ministro-informa-sobre-compra-de-armas-y-equipo-para-la-pnc-&catid=69:armas&Itemid=57

⁵⁰ <http://www.youtube.com/watch?v=0N7X0pvhQ4w>

⁵¹ <http://israelmilitary.net/showthread.php?t=9938>

technology transfer every year. Tavor TAR-21 is a 5.56mm bullpup caliber. Its development started in 1991 by IMI (Israel Military Industries) in cooperation with the Israeli military. The Colombian military has acquired the rifle as well for its special forces.

In April 2010 Taurus was expecting to start tests in the military testing field of Marambaia, Rio de Janeiro, for the Tavor by the Brazilian army, which wants to renew its rifles. If the product is approved, Taurus and IMI will invest US\$ 22 million in a production line in Son Leopoldo (RS). Taurus explained that the idea was to build a new 50% - 50% joint venture with IMI and was hoping the company could start working within 2 years, employing some 80 workers and producing as well for export to other Latin American countries.⁵²

Contracts:

- **Brazilian army, 2010:** Last year in March, Brazil was looking to replace the IMBEL MD-2 service rifle (and MD-3 & MD-4 variants). The MD series of rifles is based on the FN FAL design, but instead of a FAL tilting bolt it has a M16 style rotating bolt. A Brazilian general has said that three rifles are in the running for adoption. These are the FN SCAR, the IMBEL MD-97A2 and the IMI Tavor produced by Taurus.⁵³

Other companies:

Other Israeli companies also won deals throughout 2009, primarily with the Brazilian Air Force.

- **Aircraft, 2002:** Valued at \$91.6 million, a five-year lease covered 12 Kfirs (older Israeli fighter jet) and spares. A group from the Brazilian air force has traveled to Israel to examine and select 12 Kfirs from the Israeli air force's stored fleet, to be delivered next year.⁵⁴

Storage systems, 2002: Defense Industries International, a provider of personal military and civilian protective equipment and supplies, received an initial order for \$250,000 of its proprietary controlled dry storage systems from the Brazilian Air Force. If satisfied, the Brazilian government is anticipating a multi-million dollar follow on contract. In 2003 the company reported the "successful penetration of the

⁵² <http://desarrolloydefensa.blogspot.com/2010/04/nuevo-fusil-de-asalto-brasileno-tavor.html>

⁵³ <http://www.thefirearmblog.com/blog/2010/03/31/brazil-looking-for-new-service-rifle/>

⁵⁴ <http://www.flightglobal.com/articles/2002/08/06/152934/brazil-leases-12-kfirs-until-f-x-br-decision-is-made.html>

South American market", receiving new and follow-on orders totally more than \$1 million.⁵⁵ It is unclear if any of these contracts were from Brazil.

- **Air-to-air missiles, 2006:** From 2006 – 2008, Derby air-to-air missiles were shipped from Israel to Brazil for use by the Brazilian Air Force's modernized F-5E (F-5M) combat aircraft.⁵⁶ Presumably this was done through a deal with Rafael, the developer of the Derby missile.⁵⁷

In addition to these contracts, several firms were listed by the Israeli Government's Export and International Cooperation Institute as operating in Brazil.

- **Export Erez:** Listed as a manufacturer and developer of military and defense equipment and involved in military, police and civilian markets worldwide, including Brazil and several more Latin American countries.
- **Rabintex:** Manufactures and distributes ballistic and blast protection equipment, as well as comprehensive engineering solutions for mobility and modifications of tactical combat vehicles.
- **I.T.L. Optronics Ltd:** Engaged in the development, production and marketing of advanced systems and solutions for the defense, warfare and security industries. The company focuses on the fields of electro optics, navigation systems, control and supervision systems, and reportedly has had dealings in the Brazilian market.⁵⁸

Additional companies are already preparing for contracts for the 2014 World Cup games and the 2016 Olympic Games.

Out of 7 companies referred to in a newspaper report⁵⁹ six have proven links with Israeli violations of the IV Geneva convention and/or have been involved in suspicions of espionage activities:

- **NICE Systems Ltd.**

NICE is built on Israeli intelligence technology with close ties to the government. The company was formed in 1986 by seven veterans of Unit 8200. It has on at least one occasion shown up on the radar of U.S. counterintelligence. During 2000-2001, when agents at the FBI and the CIA began investigating allegations that Israeli nationals posing as "art students"

⁵⁵ http://findarticles.com/p/articles/mi_m0EIN/is_2002_May_23/ai_86187339/

⁵⁶ SIPRI Arms Transfers Database

⁵⁷ http://www.defesanet.com.br/fab/a-darter_e.htm

⁵⁸ http://www.defensenews.com/osd_story.php?sh=VSDL&i=4036547

⁵⁹ <http://www.globes.co.il/serveen/globes/docview.asp?did=1000566560>

were in fact conducting espionage on U.S. soil, one was discovered to be an employee with NICE Systems.⁶⁰

- **Verint Systems Inc.**

Verint Systems is a subsidiary of Comverse and 50 percent of its R&D costs are reimbursed by the Israeli Ministry of Industry and Trade. Since the 1990s, federal agents have reported systemic communications security breaches at the Department of Justice, FBI, DEA, the State Department, and the White House. Several of the alleged breaches, these agents say, can be traced to two hi-tech communications companies – one of which is Verint Inc. - that respectively provide major wiretap and phone billing/record-keeping software contracts for the U.S. Government.⁶¹

- **Elsec**, a subsidiary of Elbit Systems Ltd.

For Elbit, see above.

- **Elta Systems**, a subsidiary of Israel Aerospace Industries Ltd. (IAI)

For IAI, see above.

- **Magal Security Systems Ltd.**

Magal has been involved with fencing in Gaza since 2001, when it won several contracts for \$2 million and \$1.4 million to carry out restoration work on sections of the electronic fence. In 2002, the company received a \$1.5 million order from the Israeli Ministry of Defense (MOD) to install additional Perimeter Intrusion Detection Systems along the border. The company is also one of the main players involved with the Wall. Also in 2002, it announced that the MOD has awarded it 80% of the bids issued at the time for the installation of intrusion detection systems along the seam line, approximately 125 kilometers; the total value was \$15 million. Magal won a \$4.2 contract to outfit 40 more kilometers of the Wall in 2005. Later in the year it took a similar contract for another \$6.1 million. In particular, the company provides its BVS-5000 fence.⁶²

- **Magna BSP Ltd.**

Magna BSP Ltd. has been founded in 2001 and supplies its BiScopic Protection (BSP) concept to the Israeli military for the construction of the illegal Wall.⁶³

- **Opgal Ltd.**

No information available.

⁶⁰ <http://www.stopthewall.org/downloads/pdf/SA-Isarel-report-09.pdf>

⁶¹ <http://www.stopthewall.org/downloads/pdf/SA-Isarel-report-09.pdf>

⁶² <http://www.stopthewall.org/downloads/pdf/companiesbuildingwall.pdf>

⁶³ <http://www.magnabsp.com/products/bsp.aspx?productType=BSP>

4. Contradicting the legal and political framework of Brazil

a) Brazil's legal obligations

Brazil's constitution

According to Article 4 of Brazil's constitution

"The international relations of the Federative Republic of Brazil are governed by the following principles:

- I) national independence;*
- II) prevalence of human rights;*
- III) self-determination of the peoples;*
- IV) non-intervention;*
- V) equality among the States;*
- VI) defence of peace;*
- VII) peaceful settlement of conflicts;*
- VIII) repudiation of terrorism and racism;*
- IX) cooperation among peoples for the progress of mankind;*
- X) granting of political asylum."*

It is clear that military relations with Israel which involve many companies directly contributing to war crimes and breaches of international humanitarian and human rights law contradicts the intention underlying all of these principles and directly contradicts several of them including prevalence of human rights and self-determination of the people.

These relations clearly contradict the principle of cooperation among people for the progress of humankind and the defence of peace as it rewards Israel for its current policies and practices of systemically violating the human rights of the Palestinian people.

International law:

Brazil is a signatory of the main instruments of international law, including the IV Geneva Convention. Under the law on state-responsibility, all states and inter-state organizations are under a legal obligation to:

- not recognize and render aid or assistance in maintaining the unlawful situation, and cooperate in order to end internationally wrongful acts;

- ensure effective remedies and reparations for the victims.⁶⁴

High Contracting Parties to the Fourth Geneva Convention are, moreover, under the legal obligation to ensure respect of the Convention by the Occupying Power.

State parties to the Geneva Conventions and the 1977 Protocol, the Convention for the Suppression and Elimination of the Crime of Apartheid, and/or the Rome Statute have a legal obligation to facilitate/ensure criminal investigation, prosecution and punishment of those responsible in line with the provisions of these instruments.

All of the above have recently been applied to Israel by the International Court of Justice (2004 wall opinion) and the UN Fact Finding Mission on the Gaza Conflict (2009; Goldstone Report), and their recommendations have been endorsed by the UN Human Rights Council and the General Assembly.

Many of the Israeli military and homeland security companies are directly involved in violations of international law and/or war crimes, such as:

- the construction of the Wall
- the construction and maintenance of the settlements
- knowingly providing weapons that are used for war crimes

The current military relations between Brazil and Israel therefore imply violations of one or more of the duties of third states regarding violations of international law:

- The Brazilian state de facto sponsors the creation of benefits for companies that are contravening directly the IV Geneva Convention. Thereby it aids and assists the maintenance of an unlawful situation.
- The Brazilian state hosts representatives of companies that are directly contravening the IV Geneva Convention and in some cases persons accused of war crimes.
- The Brazilian state facilitates the presence of companies directly violating the IV Geneva Convention on its own territory, entering thereby in direct or indirect complicity with violations of international law.
- The Brazilian state facilitates relations between its own economy and citizens and companies directly involved in violations of the IV Geneva convention.

Export is the lifeline for the Israeli arms industry – up to 70% of Israeli arms are produced for export. Without the Israeli arms industry Israel would simply not be able to maintain the occupation of Palestinian land and would not be able to continue to lead wars such as the war against Lebanon in 2006 and the war against Gaza in 2008/9, both of them strongly condemned by Brazil.

⁶⁴ UNGA Resolution A/Res/60/147, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 21 March 2006.

b) Brazil's political interests

Brazil has positioned itself in the last decade as one of the key players in international politics and has given particular attention to building its relations and role in the Middle East.

1) The Palestinian state

Brazil has recognized the Palestinian state in the borders of 1967 and has with this taken a leadership role in the region and globally, as this decision has been followed by similar recognitions by a host of countries in Latin America and the upgrading of the diplomatic status of the PNA in European countries.

Brazil's political interest should therefore be to ensure that it does not support any actions or activities that are contravening the creation of a Palestinian state in the 1967 borders.

Israeli arms industry explicitly builds itself not only on the wars against the Palestinian people and Arab states but on the ongoing occupation of the OPT. The arms industry develops its weapons thanks to the "experience" gathered in the occupation of the OPT and uses the ongoing occupation as an occasion to showcase the efficiency of their weaponry.

The support for the Israeli arms industry therefore contradicts clearly the stated support of the Brazilian government for the creation of a Palestinian state in the 1967 borders.

2) Relations with the Arab world

Brazil has built up the South American – Arab Summit, participated as the sole Latin American representative at the Annapolis Conference, and underlined through the joint Turkish-Brazilian initiative on the question of Iran's nuclear aspirations the interest and capacity to move forward new initiatives to the resolution of conflicts.

The political relations developed with the Arab world have led as well to a greater degree of commercial exchange and direct investment of the Arab world, Turkey and Iran. These countries constitute a vast market for Brazil's civil and military products and are strong potential investors.

The Arab world is currently undergoing dramatic changes, which the Brazilian foreign ministry has in a recent declaration explicitly supported and added:

*"Nessa ocasião, com base nos laços humanos e culturais, bem como nas aspirações que as unem, as duas regiões afirmaram que, para promover a paz, a segurança e a estabilidade mundiais, a cooperação bi-regional deve ser norteadada pelo compromisso com o multilateralismo, o respeito ao Direito Internacional e a observância dos Direitos Humanos e do Direito Internacional Humanitário"*⁶⁵

⁶⁵ <http://www.itamaraty.gov.br/sala-de-imprensa/notas-a-imprensa/situacao-nos-paises-arabes>

The current dynamics regarding the issue of defense and Brazil's relations to the Middle East are described in chapter 2.4.5. (Middle East – Defense) of the Evaluation of Brazil's foreign policy 2003-2010⁶⁶:

“A aproximação política em temas de Defesa entre o Brasil e os Países Árabes acompanha, no que toca às diferenças em relação a políticas pgressas, o quadro geral das relações Brasil-Países Árabes no Governo Lula, ou seja, houve aprofundamento inédito das relações, com as políticas setoriais, como Defesa, acompanhadas de sólido adensamento das relações políticas.

No campo comercial, o Brasil buscou retomar espaço na região para sua indústria militar, pois a posição privilegiada que o país desfrutou nesse campo nos anos 70 e 80, com destaque para o fornecimento de material bélico para o Iraque, havia sido completamente erodida ao longo dos anos 90. A estratégia brasileira foi, inclusive, apoiar a indústria nacional ao mesmo tempo em que fortalecia os laços políticos e estratégicos entre o Brasil e os países da região, procurando fazer com que essa expansão se tornasse sustentável.”

However, while the Arab World is clearly a central market for Brazil's arms industry, two of the three Brazilian companies mentioned in the same document which are looking for markets in the Arab world (Embraer, AEL) are already deeply involved with Israeli arms industry or property of Israeli companies.

The new governments in the Arab world will likely be more aware about human rights and respect for international law, including the obligations for non-assistance to violations of the IV Geneva Convention and the rules of the boycott laws of the Arab League. They will be forced to respect the will of the people.

In order to continue the strategic relations with the Arab world, a clear commitment for respect of international law in the case of Palestine would be very well received and help to maintain existing and to open new avenues for cooperation. A circle whereby Israel uses Brazil to produce weapons – or partake in the production of weapons – that should be sold to the Arab world will likely rise concern in the populations and some governments. Brazil would de facto allow Israel to avoid Arab League boycott laws.

3) Israeli security forces in Latin America

Military ties with Israel do not only fuel an occupation that affects Palestinians, but also have negative effects on South America. First of all, strengthening ties with Israeli arms producers and private security military companies (PSMC) sets a poor precedent in terms of accountability, considering Israel's support of repressive regimes and role in profiting and fostering from instability in the 60s, 70s and 80s. Secondly, military ties with Israel leaves elements in place which could support or form oppressive, and at the most extreme anti-government activity, in a given country. Finally, even if military ties pose no threat to a

⁶⁶ <http://www.itamaraty.gov.br/temas/balanco-de-politica-externa-2003-2010/2.4.5-oriente-medio-defesa/view>

country's stability, support of the Israeli military industry casts doubt on a government's commitment to human rights.

Israeli military trade in South America has profited from, and at times perpetuated, instability in the region. During the 1981 war between Ecuador and Peru, Israel supplied both sides; the former with weapons and ammunition, and the latter with advanced radar⁶⁷. Israel has profited from the current trouble in the border region between Ecuador and Colombia, selling drones to Ecuador in 2008⁶⁸ and supplying the Colombian military with UAVs, arms, ammunition and electronic equipment.⁶⁹

In addition to profiting from conflict, Israel has also aided some of the worst regimes on the continent, among them the juntas of Chile and Argentina where it supplied arms and trained the police forces.⁷⁰ It was one of nine countries that recognized Garcia Meza's coup in Bolivia in 1980.⁷¹ Israeli advisors trained paramilitaries that would form the Colombian death squads, and today it is closely tied with Colombia, which it continues to support despite condemnations from human rights organizations.⁷² Furthermore, Israel has been involved in regional right wing coups. It trained the forces of Guatemalan dictator Rois Montt⁷³ and was possibly involved in the coup in Ecuador, where it later trained the military, although there is not extensive evidence.⁷⁴

Given this troubled history, it is unfathomable that many of these countries are once again building up military ties. Israel has effectively not been punished for the choices it made to provide material support for the human rights abusers, coups and bloodshed of the 1970s and 80s. Welcoming Israeli companies and engaging in business as usual sets a dangerous precedent, and does not encourage companies to think twice about supporting repressive regimes or groups.

The refusal to cut military ties can still be potentially destabilizing for countries in South America. Leo Gleser, president of the ISDS, accompanied Israeli President Peres on trip to Brazil.⁷⁵ In the 1980s, Gleser was involved in training the infamous Battalion 316 in Honduras.⁷⁶ Former Battalion 316 members, since integrated into the Honduran police

⁶⁷ Bahbah, "Israel's Military Relationship with Ecuador and Argentina", p.81

⁶⁸ <http://www.jpost.com/servlet/Satellite?cid=1214132691688&pagename=JPArticle%2FShowFull>

⁶⁹ <http://en.mercopress.com/2008/02/07/colombian-defense-minister-says-ties-with-israel-are-strong>

⁷⁰ Israel was even more involved with the right wing governments of Central America that follow the same pattern. The dictatorship of Nicaragua, for example, had Israeli support since the 1950s. This expanded greatly when the US cut off military aid; see Beit-Hallahmi, *The Israel Connection*, London, 1988

⁷¹ Beit-Hallahmi, *The Israel Connection*, p. 104

⁷² <http://www.hrw.org/en/news/2009/06/26/colombia-obama-should-press-uribe-rights-0>

⁷³ Beit-Hallahmi, *The Israel Connection*, p. 79

⁷⁴ Bahbah, Bishara "Israel's Military Relationship with Ecuador and Argentina," *Journal of Palestine Studies*, Vol. 15, No. 2 (Winter, 1986), p. 78

⁷⁵

http://www.mfa.gov.il/MFA/Government/Communiques/2009/President_Peris_state_visit_Brazil_Argentina_9-Nov-2009.htm

⁷⁶ "In their book, *Dangerous Liaison: The Inside Story of the US-Israeli Covert Relationship* (HaperCollins, 1991, p. 224-5), Andrew and Leslie Cockburn also write that IDF Col. Leo Gleser's private firm, International Security and Defense Systems (ISDS), provided training in 1984 for a secret Honduran army unit, the 316

forces, played a role in the 2009 coup against Zelaya and are accused to beating, arresting and torturing anti-coup activists.⁷⁷

In addition to the repercussions of their training programs, PMSCs could themselves also play a destabilizing role. Some PMSC may act as a front for foreign government operations, and other times are employed by states to operate in areas where open and official involvement would be embarrassing.⁷⁸ These factors do not bode well when taken in light of Israel's historical support for right-wing governments (and current antipathy towards those running on progressive platforms).⁷⁹

Finally, whether or not military ties can play a destabilizing role, it is grossly inappropriate for governments elected promising social justice and a respect for human rights to engage in military relations with Israel.

Battalion, in a deal arranged by the CIA. The 316 Battalion was later implicated in a string of "disappearances," torture and political assassinations." <http://ww4report.com/static/42.html>

⁷⁷ <http://ww4report.com/static/7622> and <http://www.thenation.com/doc/20091026/gradin>

⁷⁸ For transferring potentially embarrassing operations to private contractors see: Haapiseva-Hunter, Jane, *Israeli foreign policy: South Africa and Central America*, 1996, p. 155. For the possibilities of PMSCs as government fronts, see: Fred Schreier and Marina Caparini, "Privatising Security: Law, Practice and Governance of Private Military and Security Companies", Geneva, March 2005. The authors note that while some PMSCs have been government fronts, it is not the norm.

⁷⁹ Bolivia and Venezuela are two examples of the latter. Both pulled their ambassadors from Tel Aviv over the Gaza war.

ANNEX I

Elbit and IAI: Complicit in Israeli human rights violations

This documentation provides an analysis of the complicity of Elbit and IAI – the Israeli companies most heavily involved in the Brazilian weapons market and arms industry – with Israeli war crimes and human rights violations. We will be focusing on the UAVs produced by Elbit and IAI to showcase how their weapons are intentionally used by the IOF for war crimes. It is impossible for Elbit and IAI not to be aware of this use of their products: a fact that implies complicity of the companies that continue to provide their weapons. We are further looking at the involvement of Elbit and IAI in the construction of the Wall and the settlements as contracts for the building and maintenance of these war crimes constitute direct complicity.

Throughout the second Intifada, during the war on Lebanon, to the brutal attack on Gaza, the Israeli armed forces regularly and systematically carried out acts that are serious violations of international and humanitarian law and at times amount to war crimes. The assassination of unarmed Palestinians, the intentional bombardment of civilian areas and the premeditated collective punishment of entire population centers are standard practice.⁸⁰

UAVs are critical tools for the Israeli military, enabling many of the above-mentioned acts. The Israeli armed forces use UAV's directly for assassination missions, as well as to gather intelligence, acquire targets and assist in bombings and air strikes. The role UAVs play in Israeli war crimes, and more specifically in the killing of civilians, has been documented by every major Palestinian human rights organization, for example al Haq, the Palestinian Center for Human Rights (PCHR), and al Mezan, as well as highly respected international organizations like Human Rights Watch (HRW) and Amnesty International (AI). Disregarding ongoing violations of Palestinian rights being carried out with their products, Elbit Systems and IAI continue to provide technology and hardware to the Israeli armed forces.⁸¹

⁸⁰ See for example: Amnesty International, *Fuelling conflict: Foreign arms supplies to Israel/Gaza*, February 2009; PCHR, *Extra-Judicial Executions as Israeli Government Policy*, June 2008; Human Rights Watch, *Precisely Wrong: Gaza Civilians Killed by Israeli Drone-Launched Missiles*, June 2009; al Haq, *Extrajudicial Killings: Al-Haq's Background Brief on Israel's Extrajudicial Killings in the OPT*, November 2006; PCHR, *Targeted Civilians*, 2009

⁸¹ This is not surprising. IAI is a state-owned company, and while both Elbit and Aeronautics Defense Systems are private, they are deeply enmeshed with the Israeli military establishment. For instance, Aeronautics boasts a board of directors with members of the defense establishment as well cooperation with Israeli Intelligence Crops. in developing the Aerostar UAV.

Elbit and IAI are all involved in building and maintaining the Wall and/or settlements in the West Bank. Both government and private funds have divested from Elbit Systems as a result of this involvement. The Norwegian Government Pension Fund, for instance, divested from Elbit after its Ethical Committee found that, "Elbit supplies a surveillance system that is part of the separation barrier being built by the Israeli government in the West Bank. The construction of parts of the barrier may be considered to constitute violations of international law, and Elbit, through its supply contract, is thus helping to sustain these violations."⁸²

There are three main areas where these companies contribute directly or indirectly to gross violations of international and human rights law: **attacks against civilians, extrajudicial killings, and building and/or maintaining the Apartheid Wall and settlements.**

I. Attacks against civilians

The role of Israeli companies

Both, Elbit and IAI assist the Israeli armed forces in its attacks against civilians, either by providing equipment used to facilitate the attacks or for the attacks themselves, with the knowledge that their products will be used in such a manner. In particular:

- **IAI:** Provides a variety of UAVs used not only for intelligence gathering and target acquisition, but also attack operations.⁸³ IAI is a major supplier of weapons to the Israeli armed forces, providing among other things missiles and combat aircraft.
- **Elbit:** Provides a variety of UAVs used not only for intelligence gathering and target acquisition, but also attack operations.⁸⁴ Elbit also produces guidance systems for bombs, sights for rifles, and a variety of technology for military aircraft.⁸⁵

Contributing to violations of international law

Articles 48, 51 and 52 in Additional Protocol I of the Geneva Conventions require that combatants distinguish between civilian and military targets and not attack the civilian

⁸² Council of Ethics Recommendation to the Norwegian Ministry of Finance, May 15th, 2009, p. 2

⁸³ HRW, *Precisely Wrong*, p. 11

⁸⁴ *Ibid*, p. 11

⁸⁵ Sources in Stop the Wall's fact sheet on Elbit: <http://stopthewall.org/factsheets/1997.shtml>

population.⁸⁶ However, throughout Israel's occupation of the West Bank and Gaza, and in particular in the past several decades, the Israeli armed forces have continually targeted civilians. The most recent war on Gaza, where 926 of the 1,417 Palestinians killed were civilians, with children constituting a shocking 22.4% of total dead, is only the most recent example of this consistent trend.⁸⁷

Killing civilians is not accidental. According to PCHR's analysis of the conduct of the Israeli military during the Gaza war, the "the IOF's conduct of hostilities imply that Israel intended to harm Palestinian civilians; Israel engaged in acts of reprisal, and launched attacks that employed excessive force in violation of international legal standards relating to proportionality and distinction; entire families were killed."⁸⁸ Israel's use of UAVs perhaps illustrates the deliberate targeting and killing of civilians most clearly. UAVs are equipped with highly advanced optics that allow the operator to clearly distinguish between combatants and civilians, as well as a function that allows the operator to divert a fired missile if there is doubt about the target.⁸⁹ However, despite this ability to identify targets, Palestinian human rights organizations in Gaza documented a number of UAV attacks on civilians. PCHR, for instance, documented UAV attacks that killed dozens of people during the Gaza war. In one attack, 12 worshippers were killed, and 30 were wounded (3 would later die of their wounds, bringing the total to 15).⁹⁰ International organizations also documented the role of UAVs in strikes on targeting civilians. HRW documented six clear cases of reckless attacks on civilians, resulting in 29 deaths, using Elbit or IAI UAVs and Rafeal Spike missiles.⁹¹

HRW also documented the use of drones during the 2006 war on Lebanon, where they were used to target ambulances, as well as in several strikes against civilian convoys fleeing the fighting.⁹²

⁸⁶ "Art 48: In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.

Art 51, paragraph 2: The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.

Art 52, paragraph 1: Civilian objects shall not be the object of attack or of reprisals."

⁸⁷ PCHR, *Targeting Civilians*, p. 10

⁸⁸ *Ibid*, p. 10

⁸⁹ HRW, *Precisely Wrong*, p. 4

⁹⁰ See PCHR, *Targeting Civilians*, p. 52. For different numbers on the number of UAV strikes, see also: al Mezan Center for Human Rights, *Cast Lead in Numbers*, 2009, p. 17

⁹¹ See: HRW, *Precisely Wrong*

⁹² See: HRW, *Why They Died: Civilian Casualties in Lebanon during the 2006 War*, September 2007, and *Fatal Strikes: Israel's Indiscriminate Attacks Against Civilians in Lebanon*, August 2006.

II. Extrajudicial executions

The role of Israeli companies

Since the same tools are used to carry out extrajudicial executions, the same products used to kill civilians are also used in this context.

Contributing to violations of international law

The Israeli armed forces have carried out extra-judicial executions of Palestinian activists whom they accuse of carrying out, or planning, armed attacks and political leaders of Palestinian organizations.⁹³ These attacks were common in the West Bank and Gaza Strip during the 2nd Intifada, but have become more common in the Gaza Strip.

UAVs are important in providing intelligence as well as monitoring targeted individuals. Furthermore, UAVs are one of the means by which Israeli forces carry out these killings. PCHR documented a number of killings, and attempted killings, carried out by UAV-fired missiles. In the same report, PCHR documented that the number of victims in each operation was 2.4 per each wanted target.⁹⁴

The assault on Gaza was by no means the first time in which UAVs were used against Palestinian civilians. PCHR has been receiving reports about missiles being fired from UAVs for over three years. According to the PCHR and al Haq, UAVs have become a primary means of carrying out extrajudicial killings, which are an official and integral part of Israeli military policy. From September 2000 until June 2008, 754 Palestinians were murdered by extrajudicial killing, including 233 bystanders, 71 of whom were children, with drones often figuring into the operations.⁹⁵

Al Haq concludes that:

“As an Occupying Power, Israel is furthermore legally obligated to respect international humanitarian law (IHL), which prohibits wilful killings of protected persons. Wilful killings are considered a grave breach of the Fourth Geneva Convention under Article 147. In addition, the Israeli policy of extrajudicial killings fails, by targeting civilians, to respect the fundamental principle of distinction between combatants and civilians. Moreover, it regularly fails to respect the principle of proportionality by employing excessive lethal means leading to the death or injury of bystanders. Finally, targeted assassinations, which are carried out in non-combat situations, cannot be justified by military necessity.”⁹⁶

⁹³ For a background and legal analysis on extrajudicial executions, see al Haq’s position paper *Extrajudicial Killings: Al-Haq’s Background Brief on Israel’s Extrajudicial Killings in the OPT*, November 2006.

⁹⁴ PCHR, *Extra-Judicial Executions as Israeli Government Policy*, p. 8

⁹⁵ *Ibid*, p. 7

⁹⁶ Al Haq, *Extrajudicial Killings* p. 3

III. Building and maintaining the Wall and settlements

The role of Israeli companies

Both, Elbit and IAI assist in the building and/or maintenance of the Wall by supplying surveillance systems and technology for the Apartheid Wall or illegal Israeli settlements in the West Bank:

- **IAI:** Through subsidiary TAMAM, Israel Aerospace Industries (IAI) provides surveillance technology for the Wall, in particular a variant of the Plug-in Optronic Payload (POP), originally designed for helicopters. The POP includes a focal plane array thermal imager, color camera and laser pointer [and works] at ranges of 'a few miles'.⁹⁷
- **Elbit:** Elbit and its subsidiaries supply and incorporate electronic detection fences and LORROS surveillance cameras for the Wall in the Jerusalem area, as well as around the illegal Ariel settlement; developed unmanned ground vehicles (UGVs), which are used to help patrol routes along the buffer no-go zone; Elbit's TORC2H system, which is designed to enhance border patrol activities by collecting data and disseminating it to troops, has been installed in Israel's central command centre, facilitating remote surveillance of specific areas along the Wall.⁹⁸

Contributing to violations of international law

The Apartheid Wall creates numerous gross violations of international and human rights in the West Bank.⁹⁹ Among them laws:

- ***Prohibiting the annexation of territory by force***
- ***Prohibiting the destruction and confiscation of private property***
- ***Prohibiting forced population transfer***
- ***Ensuring the freedom of movement***
- ***Ensuring the right to work, education, and health***

Unsurprisingly, the International Court of Justice advisory opinion on 9 July 2004 confirmed the illegality of the Wall and **binds all states not to recognize the illegal situation created by the Wall or to render aid or assistance in maintaining it**. All States Parties to the Fourth Geneva Convention are obliged to ensure Israel complies with international humanitarian law. This lays clear obligations on international states and actors.

⁹⁷ See sources cited on Stop the Wall's fact sheet *Companies Building the Wall* available at: <http://stopthewall.org/factsheets/2089.shtml>

⁹⁸ *Ibid*

⁹⁹ For the relevant sections of international law, as well as the violations the Wall creates, see: <http://stopthewall.org/news/newinternlaw.shtml>

Doing business with Elbit and IAI will seriously undermine Brazil's support of Palestinian political and human rights, as any contracts **directly support the construction of settlements and the Wall, which ensure that a Palestinian state will not be established,** as well as **provide financial support and incentive for companies closely tied with the human rights violations carried out by the Israeli military.** This ensures that colonialism and occupation remain profitable, allowing these companies to continue to profit from Israeli war crimes while casting doubt on the Brazilian government's commitment to human rights. It is unacceptable that Brazil hand over their taxpayers' money to these companies, and in the end, a decision must be made between dealing with Israel or standing with the Palestinian people.