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PALESTINE  
ACTION

**PRESS RELEASE**  
**Monday September 4 2023**

**On Wednesday September 6 We Will Be Sentenced for the  
'crime' of trying to prevent Elbit committing war crimes**  
**Statement from the Elbit 5**

On Wednesday 6 September four of us will be sentenced at Wolverhampton Crown Court for the 'crime' of trying to prevent Elbit, Israel's largest arms company, from producing engines for drones which are used against Palestinian civilians. The legal pretext is 'intent to commit criminal damage'.

On March 9 2021 we were arrested by the Police before we could reach Elbit's Shenstone factory where some of us intended to halt the production.

On May 15 2023, after a 7 week trial, we were found guilty. Judge Michael Chambers refused to admit all lawful excuse defences under [s.3 of the Criminal Damage Act 1971](#) [CDA] or let us explain why it was that we had targeted Elbit and the background to Israel's occupation of the West Bank and Gaza.

The jury was not told that they have the right to reach a verdict based on whether it is unjust to convict and whether or not the use of the CDA in this case was oppressive. It has long been established case law since [Bushell's case](#) in 1670, that a jury has the right to reach a verdict according to their conscience.

Patrick Devlin, a former Law Lord [said](#) that the right to bring in 'perverse acquittals'

gives protection against laws which the ordinary man regards as harsh and oppressive . . . an insurance that the criminal law will conform to the ordinary man's ideas of what is fair and just. If it does not, the jury will not be a party to its enforcement.

Israel's recent attack on Jenin used drones built by Elbit. 12 Palestinians, including 4 children, were killed. It is this kind of atrocity in occupied Palestine that motivated our action.

The defence of necessity whereby it is permissible to commit a smaller crime in order to prevent a far greater crime was ruled out. The courts have decided that the victims of Elbit's drones are too 'remote' from Elbit's UK factories.

The 'logic' of the Crown was that in order to use this defence we had to identify the particular engine in the drone that killed a specific child. We believe that these are

legal semantics designed to enable further Elbit war crimes. It enables Elbit to evade legislation on preventing war crimes such as when an Elbit drone [extrajudicially assassinated](#) three Palestinians in Jenin on 21 June 2023.

Defences under Articles 10 and 11 of the European Convention of Human Rights (the right to protest), as per [Ziegler](#), were also ruled out.

Section 52/53 of the [International Criminal Court Act 2001](#) make the commission of war crimes by British nationals or residents, or being ancillary to war crimes, be they in this country or abroad, an offence. It is obvious that actions intended to prevent the production of Elbit Drones must be lawful.

In the eyes of the law, criminal damage against Elbit factories is more serious than enabling war crimes.

### **Delays**

HHJ Chambers has stated that our offences ‘*cross the custody threshold*’. The date of sentencing was originally intended to be on June 26. It has been repeatedly postponed.

This continual delay in sentence is in itself a form of punishment. One of us has lost his job due to the conviction. This case has been hanging over us for more than two years.

In taking action against Elbit’s factories we have been guilty of nothing more than trying to prevent Israeli war crimes against the Palestinian people. If that is a crime so be it.

We have therefore decided to issue this statement in order that people who have been following the trials and prosecution, some would say persecution, of Palestine Action activists, are made aware of what is happening in this case.

Tony Greenstein  
Jeremy Parker  
Ibrahim Samadi  
Alex Waters  
Helen Caney (not convicted)