**Professor Hai-Sui Yu** **and the**

**University Executive Group**

**University of Leeds**

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**Leeds**

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**LS2 9JT**

**By email only**: vice-chancellor@leeds.ac.uk

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 [DATE]

Dear Professor Yu,

**RE: DEMAND FOR REFUND OF TUITION FEES PAID**

I, (full name), hereby place you on notice that I request a refund of my tuition fees as a result of the University’s complicity in Israel’s occupation of the West Bank and Gaza referred to as the ‘Occupied Palestinian Territories’ (“OPT”) and now it’s ‘plausible’ genocide of the Palestinians in Gaza.[[1]](#footnote-1)

I was not informed prior to my joining the University’s degree programme that the University was profiteering from Israel’s illegal occupation, crimes against humanity and now Israel’s genocide of the Palestinians. The University failed to provide frank disclosure to me that my tuition fees were contributing to Israel’s illegal occupation and Israeli’s widely accepted war crimes against the Palestinians. Israel’s military actions in Gaza is extremely distressing and wholly unacceptable. If I had known that my university is complicit in Israel’s illegal occupation, it is likely that I will have selected an alternative University or asked the University to end its complicity prior to accepting the course. There was no informed consent so I am absolutely appalled to now learn that I am unconsciously complicit in Israel’s war crimes. My account details have been set out for you at the end of this Notice.

The University’s Policy on Responsible Investment[[2]](#footnote-2) states:

*“The investment managers have responsibility for stock selection of the Funds but are guided by the University’s Policy on Responsible Investment (RI) and the Tomorrows World (TW) investment approach adopted by the University. Specific exclusions are shown in Appendix A. Our funds are invested in purposeful institutions which aim to solve people and the planet’s problems profitably, without benefiting from causing harm to the world. In other situations, where a company in which the University currently holds shares does not respond positively to concerns about its practices and is deemed to be in fundamental breach of acceptable standards of ethical and/or environmental practice, where directly practical, the University will instruct its Investment Manager to divest of shares in that Company and require the Investment Manager to inform the Company of its reasons for doing so. The University may implement this by selecting pooled funds with policies on engagement and stock selection that are aligned to the University’s objectives and beliefs.”*

The Policy subsequently goes on to list the exclusions under ***“Appendix 1”***:

***Appendix 1 - Exclusions under the Tomorrows World***

*The investment portfolio is currently being managed with adherence to the RI policy, the TW approach and with reference to the following specific ESG constraints.*

|  |  |
| --- | --- |
| *Hard Coded Exclusions in Tomorrow’s World* | *Strategy* |
| *Nuclear weapons* | *No investment in companies that derive revenues from nuclear weapons*  |
| *Civilian firearms* | *No investment in companies that derive revenues from civilian firearms including production and retail* |
| *Armaments* | *No investment in companies that derive more revenues from the manufacture of whole weapon systems and no investment in companies that derive more than 10% of their turnover from armaments including components and services* |

However, despite the clear responsible investment policy, the University has invested £601,751 in AirBnB, Alstom, Booking.com, Cisco Systems, Delek, Expedia, HSBC, Siemens and TripAdvisor. These corporations either invests directly into Israeli war crimes or they invests in settlements and/or maintains the Israeli illegal occupation. The University has failed to adhere to its own responsible investment policy. A breakdown of the University’s unethical investments is attached.

The brutality of the Israeli war crimes is evident to all of us who are witnessing the images and videos from within Gaza. I am astounded that the University still has investments that support Israel’s war crimes and the continuation of its illegal occupation of the Palestinians despite the significant death toll of recorded deaths which currently stands at 40,005 civilians killed including at least 15,700 children and 92,401 civilians injured.[[3]](#footnote-3) On 4th July, The Lancet issued a report estimating that the actual number of Palestinians killed are far greater and could be 186,000.[[4]](#footnote-4) Israel is also now deliberately starving civilians in Gaza[[5]](#footnote-5) which is a war crime.[[6]](#footnote-6) There is ample evidence including video footage which highlights that Israel is indiscriminately killing Palestinian civilians or killing civilians including young children by intentionally starving them.[[7]](#footnote-7) It is totally unacceptable to me that my University aids and abets the war crimes committed by Israel.

There is ample evidence that atrocities and human rights violations are being committed in Gaza and the West Bank by Israel. I understand that my tuition fees are paid into the University’s investment portfolio which in turn facilitates, in part, activities which can be deemed as criminal activities to which I am personally liable.

I set out the relevant legislation for you as follows:

* It is an offence for a person to commit genocide, a crime against humanity (s.51 of the International Criminal Court Act 2001);
* It is an offence for a person to ‘engage in conduct ancillary to committing genocide (s.52 of the International Criminal Court Act 2001);
* It is an offence for a person to aid or abet in the commission of the offence (s.55 of the International Criminal Court Act 2001);

As highlighted above, it is a criminal offence to aid or abet complicity in Israel’s war crimes and genocide of the Palestinians. Prosecution of these offences has no time limit and carries a maximum sentence of 30 years imprisonment.[[8]](#footnote-8)

International Arms Treaty

It is also relevant here that the UK ratified the International Arms Treaty in 2014. The *“Treaty sets common international standards for arms export controls, and puts international law and human rights at the heart of the global arms trade. The ATT has the real potential to reduce human suffering, and increase security across the globe.”*[[9]](#footnote-9)[[10]](#footnote-10)

There does not appear have been any credible assessment of Britain’s arm sales to Israel in light of the ICJ ruling and the countless pieces of evidence which show that the Israelis are at the very least indiscriminately killing Palestinians without care for the significantly high number of casualties including women and children.

ICJ Ruling and Order January 2024

On 26th January 2024, the ICJ affirmed in their ruling[[11]](#footnote-11) that on the facts presented showed that it is plausible that Israel's conduct amounts to genocide of the Palestinians in Gaza. To prevent genocidal acts from continuing, they further ordered that the following provisional measures must be taken by Israel:

1. *“By fifteen votes to two,*

*The State of Israel shall, in accordance with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, in relation to Palestinians in Gaza, take all measures within its power to prevent the commission of all acts within the scope of Article II of this Convention, in particular:*

*(a) killing members of the group;*

*(b) causing serious bodily or mental harm to members of the group;*

*(c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and*

*(d) imposing measures intended to prevent births within the group.”[[12]](#footnote-12)*

ICJ Ruling July 2024

Israeli settlements in the Occupied Palestinian Territories (OPT) are illegal under international law, as affirmed by the Fourth Geneva Convention which prohibits an occupying power from transferring its civilian population into the territory it occupies. There are several UN resolutions, including Security Council Resolution 446 (1979)[[13]](#footnote-13), Resolution 478 (1980)[[14]](#footnote-14) and Resolution 2334 (2016)[[15]](#footnote-15), which condemn settlement expansion as a violation that threatens peace and the viability of a Palestinian state. The ICJ, in its 2004 advisory opinion, confirmed the illegality of both settlements and Israel’s separation wall, emphasising that these actions obstruct Palestinian self-determination.

More recently, on 19 July 2024, the ICJ declared Israel’s continued presence and settlement activities in these territories are unlawful ‘along with the associated settlement regime, annexation and use of natural resources. The Court added that Israel's legislation and measures violate the international prohibition on racial segregation and apartheid.’[[16]](#footnote-16) The ICJ emphasised that all states are obligated not to recognise the illegal situation and to ensure Israel ceases its settlement activities and provides reparations. Israel has accelerated its settlement building. On 8 March 2024, UN Human Rights Chief, Volker Turk said *“the establishment and continuing expansion of settlements amount to the transfer by Israel of its own civilian population into the territories that it occupies, which amounts to a war crime under international law.”[[17]](#footnote-17)* The UN report also found *“that the policies of the current Israeli Government appear aligned, to an unprecedented extent, with the goals of the Israeli settler movement to expand long-term control over the West Bank, including East Jerusalem, and to steadily integrate this occupied territory into the State of Israel.”[[18]](#footnote-18)*

University of Leed’s complicity

On 8 December 2023, Human Rights Watch, Amnesty International, Campaign Against Arms Trade as well as other civil rights organisations wrote to Government calling for an immediate halt to UK arms transfers to Israel. The Government decided to take no action despite the flagrant disregard of international law by Israel in Gaza.[[19]](#footnote-19)

Since the start of Israel’s military action, 31,184 Palestinians were killed in the first 4 months alone.[[20]](#footnote-20) The entire Gaza strip has been bombed. Israel has repeatedly asked the Palestinians to relocate to certain parts of the Gaza strip only to then launch a military attack on civilian populated areas. In the words of Josep Borell, European Union Foreign Chief who recently said Israel says *“They are going to evacuate. Where? To the moon? Where are they going to evacuate these people? If the international community believes that this is a slaughter, that too many people have been killed, maybe they need to think about the provision of arms.”[[21]](#footnote-21)*

As stated in the Nuremberg War Crimes Tribunal in 1946

*“The very essence of the Charter is that individuals have international duties which transcend the national obligations of obedience imposed by the individual State. He who violates the laws of war cannot obtain immunity while acting in pursuance of the authority of the State, if the State is authorising action moves outside its competence under international law…”*

I understand that it is personally and legally obligatory for me to stop any facilitation of supporting or financing warfare, crimes against humanity, possible genocide, fraud or any criminal activity that leads to the injury or death of innocent civilian men, women and children. As a tuition fee payer to University of Leeds, I demand that the University **divests** from its investments that are directly involved in upholding the illegal Israeli occupation and its war crimes against the Palestinians. I will also require proofs that the University’s investments are in full accordance with its own charitable objectives,[[22]](#footnote-22) its own investment policy, UK law, UN Charter, UN Declaration on Principles of International Law and international law.

Alicia Kearns MP recently said *“I remain convinced the government has completed its updated assessment on whether Israel is demonstrating a commitment to international humanitarian law, and that it has concluded that Israel is not demonstrating this commitment, which is the legal determination it has to make,” she said. “Transparency at this point is paramount, not least to uphold the international rules-based order.”[[23]](#footnote-23)*

On 12 December 2023, Martin Docherty-Hughes MP stated in Parliament, *“We are asking the UK Government to cease extending arms licences to the state of Israel and to immediately halt the export of weapons or components, as has been mentioned, to the state of Israel, alongside our calls for an immediate ceasefire, the recognition of the Palestinian state and the support of the International Criminal Court’s investigation into potential war crimes.*

*But let us be clear: the United Kingdom will pay dearly for the moral equivalence that its current policy entails. While even the Labour leadership might not want to say it, we in the SNP are more than happy to remind the Government of this fact: violating international law may be a great wheeze to try and impress Daily Mail readers, but it has a habit of eating away at the state’s international reputation like acid. In this case,* *it is a great tragedy that the people of Gaza and others now involved in this conflict have to suffer so.”[[24]](#footnote-24)*

On 25th March 2024, the UN’s Special Rapporteur on Human Rights in the OPT, produced a report which concluded that *there “are reasonable grounds to believe that the threshold indicating Israel’s commission of genocide is met. More broadly, they also indicate that Israel’s actions have been driven by a genocidal logic integral to its settler-colonial project in Palestine, signalling a tragedy foretold” and called for an arms embargo on Israel.*[[25]](#footnote-25)

When calling for a ceasefire, Brendan O’Hara MP stated in Parliament*, “No one would deny that Israel has the right to defend itself—every country has that right. What no country has the right to do, however, is lay siege to a civilian population, carpet-bomb densely inhabited areas, drive people from their homes, erase an entire civilian infrastructure, and impose a collective punishment involving the cutting off of water, electricity, food, and medicine from civilians. And no country, regardless of who it is, can, in the name of self-defence, kill civilians at such a pace, and on such a scale, that in just 16 weeks almost 30,000 are known to have died, with a further 80,000 injured. We cannot allow the core principle of self-defence to be so ruthlessly exploited and manipulated in order to legitimise the slaughter of innocent civilians. If we do that, what hope is there for the future of the international rules-based order, an order created to protect people from atrocities, not to be used as a smokescreen to hide the execution of them?”[[26]](#footnote-26)*

Karim Khan, the Chief Prosecutor of the International Criminal Court (ICC) issued a statement to say that he is seeking an arrest warrant against Netanyahu and his defence minister, Yoav Gallant for war crimes and crimes against humanity.[[27]](#footnote-27)

Khan announced that his office had “reasonable grounds” to believe that Israeli Prime Minister Benjamin Netanyahu and Defence Minister Yoav Gallant bear “criminal responsibility” for “war crimes and crimes against humanity”. Khan also confirmed that his team has found evidence that Israel has *“intentionally and systematically deprived the civilian population in all parts of Gaza of objects indispensable to human survival…This took place alongside other attacks on civilians, including those queuing for food; obstruction of aid delivery by humanitarian agencies; and attacks on and killing of aid workers, which forced many agencies to cease or limit their operations in Gaza.”[[28]](#footnote-28)*

The announcement by the ICC now means that the UK Government is obliged to arrest Netanyahu and Gallant should they enter any UK sovereign territory. It further requires the same obligation from all 124 member states of the ICC.

In mid-August, Mark Smith, a senior civil servant and pen holder on arms exports licensing resigned. In his resignation letter, he stated, *“Senior members of the Israeli government and military have expressed open genocidal intent, Israeli soldiers take videos deliberately burning, destroying and looting civilian property and openly admit to rape and torture of prisoners.”* He went on to state *“There is no justification for the UK’s continued arms sales to Israel yet somehow it continues. I have raised this at every level in the organisation including through an official whistle blowing investigation and received nothing more than “thank you we have noted your concerns”. Ministers claim that the UK has one of the most “robust and transparent” arms export licensing regimes in the world, however this is the opposite of the truth. As a fully cleared officer raising serious concerns of illegality in this Department, to be disregarded in this way is deeply troubling.”[[29]](#footnote-29) [[30]](#footnote-30)*

I cannot now in good conscience continue to allow my tuition fees to be paid into the University’s investment portfolio which is contributing to Israel’s war crimes and crimes against humanity. I refuse to fund a genocide.

\*Please delete paragraph that does not apply to you:

If fees paid by Student Loans Company:

My demand is for a refund of my tuition fees that I will pay over the course of 2024 to 2025 to be refunded to the Student Loans Company on a 6 monthly basis as I obtained a loan to pay for my tuition fees. During the next 12 months, I expect the University to divest from its investments that are contributing to the systematic abuse and war crimes against the Palestinian people. I refuse to contribute towards the illegal occupation of the Palestinians and their systematic ethnic cleansing.

If fees paid privately:

My demand is for a refund of my tuition fees that I will pay over the course of 2024 to 2025. My tuition fees should be refunded to me on a 6 monthly basis. Once I receive the refund, I intend to place the tuition fee payments due to the University in a separate bank account in for a period of 12 months. During this time, I expect the University to divest from its investments that are contributing to the systematic abuse and war crimes against the Palestinian people failing which I will retain the money at the end of the 12 month period. I refuse to contribute towards the illegal occupation of the Palestinians and their systematic ethnic cleansing.

My account details for refund of my tuition fees is:

Account Name:

Account Number:

Sort Code:

Bank:

Please contact me by email, should you wish to discuss my notice demanding a refund of my tuition fees.

Yours sincerely

………………………

Email:

1. [Gaza: ICJ ruling offers hope for protection of civilians enduring apocalyptic conditions, say UN experts | OHCHR](https://www.ohchr.org/en/press-releases/2024/01/gaza-icj-ruling-offers-hope-protection-civilians-enduring-apocalyptic) [↑](#footnote-ref-1)
2. [Microsoft Word - Policy on responsible investment.docx (leeds.ac.uk)](https://secretariat.leeds.ac.uk/wp-content/uploads/sites/109/2023/07/socially_responsible_investment.pdf) [↑](#footnote-ref-2)
3. <https://www.reuters.com/world/middle-east/gaza-death-toll-how-many-palestinians-has-israels-campaign-killed-2024-07-25/> [↑](#footnote-ref-3)
4. [Counting the dead in Gaza: difficult but essential - The Lancet](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736%2824%2901169-3/fulltext) [↑](#footnote-ref-4)
5. [LPHR legal briefing on starvation of civilians in Gaza - Lawyers for Palestinian Human Rights](https://lphr.org.uk/latest-news/lphr-legal-memo-on-starvation-of-civilians-in-gaza/) [↑](#footnote-ref-5)
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7. <https://www.yanisvaroufakis.eu/2023/10/15/list-of-war-crimes-and-crimes-qualifying-as-genocide-committed-by-israel-in-gaza-since-7th-october-2023/> [↑](#footnote-ref-7)
8. s.53 of the International Criminal Court Act 2001 [↑](#footnote-ref-8)
9. [Arms Trade Treaty enters into force - GOV.UK (www.gov.uk)](https://www.gov.uk/government/news/arms-trade-treaty-enters-into-force) [↑](#footnote-ref-9)
10. [Treaty Series No. 1 (2015) - Arms Trade Treaty (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/media/5a7e0036ed915d74e33ef66e/WEB_TS_1.2015_Arms_Cm_8993.pdf) [↑](#footnote-ref-10)
11. <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf> [↑](#footnote-ref-11)
12. [Order of 26 January 2024 (icj-cij.org)](https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf) [↑](#footnote-ref-12)
13. <https://documents.un.org/doc/resolution/gen/nr0/370/60/pdf/nr037060.pdf> [↑](#footnote-ref-13)
14. <https://documents.un.org/doc/resolution/gen/nr0/399/71/pdf/nr039971.pdf> [↑](#footnote-ref-14)
15. <https://www.un.org/webcast/pdfs/SRES2334-2016.pdf> [↑](#footnote-ref-15)
16. [Experts hail ICJ declaration on illegality of Israel’s presence in the occupied Palestinian territory as “historic” for Palestinians and international law | OHCHR](https://www.ohchr.org/en/press-releases/2024/07/experts-hail-icj-declaration-illegality-israels-presence-occupied) [↑](#footnote-ref-16)
17. <https://www.ohchr.org/en/press-releases/2024/03/un-human-rights-chief-deplores-new-moves-expand-israeli-settlements-occupied> [↑](#footnote-ref-17)
18. <https://www.ohchr.org/en/press-releases/2024/03/un-human-rights-chief-deplores-new-moves-expand-israeli-settlements-occupied> [↑](#footnote-ref-18)
19. [Letter to the UK Government Calling for an Immediate Halt to UK Arms Transfers to the Government of Israel | Human Rights Watch (hrw.org)](https://www.hrw.org/news/2023/12/12/letter-uk-government-calling-immediate-halt-uk-arms-transfers-government-israel) [↑](#footnote-ref-19)
20. [Gaza death toll set to pass 30,000, as Israel prepares assault on Rafah | Gaza | The Guardian](https://www.theguardian.com/world/2024/feb/25/gaza-death-toll-set-to-pass-30000-as-israel-prepares-assault-on-rafah#:~:text=The%20death%20toll%20in%20Gaza,for%20an%20attack%20on%20Rafah.) [↑](#footnote-ref-20)
21. [Israel-Hamas war: European Union foreign policy chief Josep Borrell criticises the US's rhetoric on protecting civilians in Gaza while it amps up military aid to Israel | World News | Sky News](https://news.sky.com/video/evacuate-where-to-the-moon-13070316) [↑](#footnote-ref-21)
22. <https://register-of-charities.charitycommission.gov.uk/charity-search/-/charity-details/4019048/governing-document> [↑](#footnote-ref-22)
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27. [Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for arrest warrants in the situation in the State of Palestine | International Criminal Court (icc-cpi.int)](https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state) [↑](#footnote-ref-27)
28. [Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for arrest warrants in the situation in the State of Palestine | International Criminal Court (icc-cpi.int)](https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state) [↑](#footnote-ref-28)
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