**Vice-Chancellor, Professor Adam Tickell**

**and the Senior Leadership team**

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DATE:

Dear Professor Adam Tickell,

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

I, , 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.

Birmingham University’s investment policy

The University has partnerships with the defence industry with an astounding value of £53,268,544 in defence industry partnerships. The University’s Investment Policy[[2]](#footnote-2) states:

*“The University believes that in investing its funds, regard must be made to social, environmental and governance factors. In making investment decisions the University expects its appointed mangers to consider the following areas;*

*- Promotion of human rights, including but not limited to the equality of gender, race and sexuality;*

*- Protection of the global environment, its climate and its biodiversity; and*

*- Promotion of international co-operation and an end to international conflict including a prohibition of companies which produce armaments.”[[3]](#footnote-3)*

The University has also invested £19 million into HSBC and BAE Systems. These corporations are involved directly in Israeli war crimes or support illegal Israeli settlements. As a result, the University is in breach of its own ethical investment policy. A breakdown of the University’s unethical investments from the Palestinian Solidarity Campaign and Demilitarise Education is attached.

The UN Guiding Principles on Business and Human Rights (UNGPs) clearly sets out that *“all companies have a responsibility to respect human rights and, to meet that responsibility, undertake human rights due diligence to identify, prevent, mitigate and account for how they address both their potential and actual human rights impacts.”[[4]](#footnote-4)* It is unacceptable to me that the University enters into defence partnerships or makes significant investments without proper and adequate oversight contributing in the Israeli apartheid system and its war crimes being perpetuated against an occupied people.

On 20th June 2024, the United Nations issued a statement requiring states and defence companies including BAE Systems, Boeing, Caterpillar and Rolls Royce to halt arms transfers even if they are being executed under current export licences to Israel as this is likely to *“constitute serious violations of human rights and international humanitarian laws and risks state complicity in international crimes, possibly including genocide.”[[5]](#footnote-5)* What actions have you taken to ensure that the University is not complicit in Israeli war crimes against the Palestinians?

The University has adopted an investment policy where it has committed to Environmental, Social and Governance (ESG) principles when considering investment decision-making. However, it is clear to me that the University has failed to take into account the ESG factors as a result of Israel’s illegal war against the Palestinians. I set these out as follows:

* Water scarcity – before 7th October 2023, 97% of Gaza’s water was unfit for human consumption including 108 million litres of untreated sewage released int the sea daily due to Israel damaging the treatment plants. The water infrastructure has now been completely destroyed[[6]](#footnote-6);
* Agriculture – approximately 22% of Gaza’s agricultural land had been destroyed or rendered inaccessible due to Israel’s ground offensive. Israel has also destroyed approximately 70% of Gaza’s fishing fleet;
* Energy crisis - Gaza’s powerplant ran out of fuel in October last year which has significantly affected essential services like hospital and water treatment facilities[[7]](#footnote-7);
* Environment – Israel has destroyed most of the Gaza strip leaving it mostly uninhabitable. It has produced 37 million tons of debris after destroying buildings of which 900,000 tons is toxic waste which has placed Gazans at serious health risks.[[8]](#footnote-8) According to the Social Science Research Network, emissions from the first 120 days of Israel’s war on Gaza exceed the annual emissions of 26 countries and territories (90% attributed to Israel)[[9]](#footnote-9). It is estimated by experts that it would take 10 to 15 years to clear the rubble;
* Humanitarian crisis – 80% of Gaza’s population relied on humanitarian aid since 2007 and this has now significantly increased. The UN issued a statement in January 2024, *“Currently every single person in Gaza is hungry, a quarter of the population are starving and struggling to find food and drinkable water, and famine is imminent. Pregnant women are not receiving adequate nutrition and healthcare, putting their lives at risk. In addition all children under five – 335,000 – are at high risk of severe malnutrition as the risk of famine conditions continues to increase, a whole generation is now in danger of suffering from stunting,” said the experts”[[10]](#footnote-10).*

The University has failed to adhere to its own ESG policy. Human rights and ESG values should not only be a right for people living here in the West. They should and must be available to all people including those that are of an Arab descent. We cannot espouse values when we are not willing to address those that are suffering as a direct result of our own conduct, in this case, investments complicit in Israel’s war crimes. The University has failed to adhere to its own ethical investment policy.

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.[[11]](#footnote-11) On 4th July, The Lancet issued a report estimating that the actual number of Palestinians killed are far greater and could be 186,000.[[12]](#footnote-12) Israel is also now deliberately starving civilians in Gaza[[13]](#footnote-13) which is a war crime.[[14]](#footnote-14) 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.[[15]](#footnote-15) 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.[[16]](#footnote-16)

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.”*[[17]](#footnote-17)[[18]](#footnote-18)

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[[19]](#footnote-19) 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.”[[20]](#footnote-20)*

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)[[21]](#footnote-21), Resolution 478 (1980)[[22]](#footnote-22) and Resolution 2334 (2016)[[23]](#footnote-23), 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.’[[24]](#footnote-24) 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.”[[25]](#footnote-25)* 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.”[[26]](#footnote-26)*

Birmingham University’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.[[27]](#footnote-27)

Since the start of Israel’s military action, 31,184 Palestinians were killed in the first 4 months alone.[[28]](#footnote-28) 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.”[[29]](#footnote-29)*

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 Birmingham University, 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,[[30]](#footnote-30) it’s 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.”[[31]](#footnote-31)*

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.”[[32]](#footnote-32)*

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.*[[33]](#footnote-33)

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?”[[34]](#footnote-34)*

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.[[35]](#footnote-35)

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.”[[36]](#footnote-36)*

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.”[[37]](#footnote-37) [[38]](#footnote-38)*

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. [University of Birmingham - Responsible Investment Policy](https://www.birmingham.ac.uk/documents/university/environment/responsible-investment-policy-2022.pdf?_ga=2.85211866.299714806.1691056491-1628951700.1691056491) [↑](#footnote-ref-2)
3. Page 3, [University of Birmingham - Responsible Investment Policy](https://www.birmingham.ac.uk/documents/university/environment/responsible-investment-policy-2022.pdf?_ga=2.85211866.299714806.1691056491-1628951700.1691056491) [↑](#footnote-ref-3)
4. [Arms companies failing to address human rights risks - Amnesty International](https://www.amnesty.org/en/latest/press-release/2019/09/arms-companies-failing-to-address-human-rights-risks/#:~:text=As%20the%20world's%20biggest%20arms,products%20from%20being%20used%20in) [↑](#footnote-ref-4)
5. [States and companies must end arms transfers to Israel immediately or risk responsibility for human rights violations: UN experts | OHCHR](https://www.ohchr.org/en/press-releases/2024/06/states-and-companies-must-end-arms-transfers-israel-immediately-or-risk#:~:text=In%20line%20with%20recent%20calls,%2C%20General%20Dynamics%2C%20Lockheed%20Martin%2C) [↑](#footnote-ref-5)
6. <https://edition.cnn.com/2024/08/23/middleeast/israel-gaza-water-shortages-heatwave-crisis-intl/index.html> [↑](#footnote-ref-6)
7. <https://www.aljazeera.com/news/2023/10/11/gaza-faces-humanitarian-catastrophe-as-sole-power-plant-runs-out-of-fuel> [↑](#footnote-ref-7)
8. <https://www.972mag.com/gaza-war-environmental-catastrophe/> [↑](#footnote-ref-8)
9. <https://www.euronews.com/green/2024/06/07/jet-fuel-bombs-and-concrete-the-60-million-tonnes-of-carbon-generated-by-israels-war-on-ga> [↑](#footnote-ref-9)
10. <https://www.ohchr.org/en/press-releases/2024/01/over-one-hundred-days-war-israel-destroying-gazas-food-system-and> [↑](#footnote-ref-10)
11. <https://www.reuters.com/world/middle-east/gaza-death-toll-how-many-palestinians-has-israels-campaign-killed-2024-07-25/> [↑](#footnote-ref-11)
12. [Counting the dead in Gaza: difficult but essential - The Lancet](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(24)01169-3/fulltext) [↑](#footnote-ref-12)
13. [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-13)
14. [BSG-WP-2019-031.pdf (ox.ac.uk)](https://www.bsg.ox.ac.uk/sites/default/files/2019-11/BSG-WP-2019-031.pdf) [↑](#footnote-ref-14)
15. <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-15)
16. s.53 of the International Criminal Court Act 2001 [↑](#footnote-ref-16)
17. [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-17)
18. [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-18)
19. <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf> [↑](#footnote-ref-19)
20. [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-20)
21. <https://documents.un.org/doc/resolution/gen/nr0/370/60/pdf/nr037060.pdf> [↑](#footnote-ref-21)
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25. <https://www.ohchr.org/en/press-releases/2024/03/un-human-rights-chief-deplores-new-moves-expand-israeli-settlements-occupied> [↑](#footnote-ref-25)
26. <https://www.ohchr.org/en/press-releases/2024/03/un-human-rights-chief-deplores-new-moves-expand-israeli-settlements-occupied> [↑](#footnote-ref-26)
27. [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-27)
28. [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-28)
29. [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-29)
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31. <https://www.theguardian.com/world/2024/mar/30/uk-government-lawyers-say-israel-is-breaking-international-law-claims-top-tory-in-leaked-recording> [↑](#footnote-ref-31)
32. [Arms Export Licences: Israel - Hansard - UK Parliament](https://hansard.parliament.uk/commons/2023-12-12/debates/BF12F435-8E9A-44B0-AA34-ADA9D01616E0/ArmsExportLicencesIsrael) [↑](#footnote-ref-32)
33. <https://www.ohchr.org/en/documents/country-reports/ahrc5573-report-special-rapporteur-situation-human-rights-palestinian> [↑](#footnote-ref-33)
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35. [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-35)
36. [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-36)
37. <https://www.theguardian.com/world/article/2024/aug/18/foreign-office-official-quits-over-uk-refusal-to-ban-arms-exports-to-israel> [↑](#footnote-ref-37)
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