

*Now You Have to Look at the Evidence Coldly and Dispassionately*

In the early hours of the 17th of January 2009 five activists broke into a weapons factory in Brighton, destroying as much equipment and documents as they could find. In a series of video statements recorded beforehand, they accused EDO MBM Technology Limited of breaking international law by supplying weapons components to Israel. They intended the decommissioning of the factory to hamper or delay the committing of war crimes by Israel, and claimed that under the 'lawful excuse' defence in British law an offence can be lawful if done to prevent a more serious crime. After the assault, the five waited inside the factory to be arrested by the police.

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At the time of the break-in Israel was engaged in military action against Gaza. Known as Operation Cast Lead, the Israeli offensive began on the 27th of December 2008 with a series of intensive aerial bombings of the Gaza strip by F16 and Apache aircraft, in preparation for an unprecedented military land invasion. The international community condemned the magnitude of the attack as horrific images of the destruction began reaching the media. Operation Cast Lead ended on the 18th of January 2009, having taken the lives of over 1,400 Palestinians – more than half of them civilians – and 13 Israeli soldiers.

Anti-war activists in Brighton had been campaigning against EDO since 2004. They accused the company of producing weapons and weapons components for use in F16 military aircraft, such as the VER-2 bomb carrier and the Zero Retention Force Arming Unit (ZRFAU), a mechanism that arms the missile as it is being released. Under UK international policy the government had prohibited licensing of any export to Israel that could be deployed aggressively in the Occupied Territories. Since 2004, Smash EDO activists had been writing to politicians calling attention to the fact that the components made in Brighton were used in Israeli warplanes to attack Palestinian territory. The activists had been regularly demonstrating outside the factory gates, holding "loud noise bad music karaoke" demonstrations, reading out the names of civilians killed in Gaza, chaining themselves to the factory gates and occupying the roof, in determined attempts to sabotage the normal functioning of the company. To make matters worse, in 2007 EDO was acquired by US corporation ITT, well known for their covert action, together with the CIA, in undermining the government of Salvador Allende in Chile, and their support for the military coup of Augusto Pinochet.

The State brought charges of 'conspiracy to commit criminal damage' against the five activists that broke into the factory, and two others that remained outside. The damage to technological equipment, estimated at around £187,000, had brought the factory to a halt for an entire week. The activists faced a maximum prison sentence of ten years. The trial took place in June 2010 at Hove Crown Court with Judge George Bathurst-Norman presiding.

During the trial the defendants argued that they acted 'out of necessity' to prevent Israel unlawfully destroying Palestinian property. They also argued that they had 'reasonable belief' that weapons components used in the bombing of Gaza were being produced by EDO in Brighton, that their action was aimed at slowing down the chain of supply making possible the killing of civilians in Gaza, and that the damage caused to EDO property was 'reasonable and proportionate' in relation to the damage Israel was causing in Gaza. A dossier of evidence compiled over five years by Smash EDO activists Ceri Gibbons and Chris Osmond was presented, which pointed to the company's complicity in war crimes. The company had to respond to the accusations of manufacturing weapons components that would eventually be sold to Israel, and was requested to disclose contracts and export licences, to which they refused in part. EDO director Paul Hills had to admit to removing website evidence that suggested dealings with Israel, and further, that anyone looking at the evidence presented in court would form the reasonable belief that his company was involved in arms sales to Israel.

At the end of the hearing it took the best part of two days for Judge Bathurst-Norman to read his summing up to the jury. The judge recapped the evidence provided by EDO against the defendants, and by the defendants against EDO and Israel, "unfolding" as he put it "what the law is" in relation to the event in Brighton, but also in relation to "the background of Israel and Palestine", thus positioning the local event in the broader political context. The summing up ineluctably connected the geographies of Brighton and Gaza in the minds of everyone present.

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On the 30th of June 2010, the jury found the defendants not guilty of conspiring to cause criminal damage to EDO. The decision was followed by a furious outcry and frenzied lobbying by right-wing members of the British Jewish community against Judge Bathurst-Norman, accusing him of anti-Semitism. Noam Chomsky, on the other hand, expressed his "respect and admiration for those who are undertaking non-violent resistance to oppose British participation in Israel's cruel crimes in Gaza".