

British Nationals Fighting for the Israeli Defense Forces

Background

Both UK citizens and dual UK-Israeli citizens have been able to fight for Israel, under two different routes. Dual UK-Israeli citizens can directly serve in the Israeli Defense Forces (IDF) as Israelis. There is also the Mahal Programme, a volunteer programme in which non-Israeli nationals can serve in the IDF in full combat and support roles for up to 18 months.

On October 10th 2023, 360,000 reservists from across the world were called up to join the IDF.¹ The number of British citizens fighting for the IDF is unknown, but media reports indicate that hundreds, and potentially thousands, of Britons have joined the IDF.²

Inconsistency in relation to Ukraine

Regarding the war in Ukraine, the Foreign, Commonwealth, and Development Office (FCDO) official travel advice states that “*if you travel to Ukraine to fight, or to assist others engaged in the war, your activities may amount to offences under UK legislation and you could be prosecuted on your return to the UK.*”³ The FCDO has issued no such statement under official travel advice to Israel or the occupied Palestinian territory.

Lack of clarity from Foreign Office

The Foreign Office has failed to clarify to the International Centre of Justice for Palestinians (ICJP) its position on the legality of British nationals fighting for the IDF, after ICJP wrote to the FCDO on three separate occasions urging clarity and consistency.⁴ Journalists have similarly inquired seeking the release of information, but have been told instead that this matter was within the remit of the Home Office – the Home Office then responding that it is the Foreign Office’s responsibility.

Information was released only when Afzal Khan MP asked a direct Parliamentary Question on the matter, to which it was stated that the Foreign Office considers it legal for British nationals to join the Israeli military,⁵ an apparent inconsistency with positions on enlistments to other State militaries.

Mortal risk for UK citizens

20-year-old Nathanel Young and 19-year-old Benyamin Needham, British nationals, are both confirmed to have died while fighting for Israel since October 7th. Britons fighting for Israel are putting their lives at risk, along with their freedoms—as their potential involvement risks complicity in Israel’s war crimes, crimes against humanity and acts of genocide.

Legal risk for UK citizens

British citizens who are fighting for the IDF may be putting themselves at risk of being complicit in the aiding and abetting of war crimes and crimes against humanity. Under Article 25(3)(c) of the Rome Statute, the governing

¹ Gunter, J. (10th October 2023). ‘[A lot of adrenaline, a lot of unknowns: Reservists flock to join Israel's fights.](#)’, BBC News.

² Grylls, G. (28th October 2023). [Meet the Britons defending ‘the only place Jews feel safe’.](#) The Times.

³ Foreign, Commonwealth and Development Office. (2024). [Foreign Travel Advice. Ukraine](#), Gov.UK.

⁴ ICJP. (3rd November 2023). [ICJP asks the Foreign Office for urgent clarification on Britons going to fight in Israel and Gaza.](#) International Centre of Justice for Palestinians; ICJP. (22nd November 2023). [Foreign Office notified of ‘serious risk of genocide’ in Gaza by International Centre of Justice for Palestinians.](#) International Centre of Justice for Palestinians; ICJP. (7th December 2023). [ICJP has written to the Foreign Secretary calling for urgent clarity on the legality of Britons fighting for the Israeli Defense Forces \(IDF\).](#) International Centre of Justice for Palestinians.

⁵ Khan, A. (14th December 2023). ‘[British Nationals Abroad: Gaza. Question for Foreign, Commonwealth and Development Office.](#) (answered 27th December 2023), Hansard.

document of the International Criminal Court (ICC), a person is held individually criminally responsible when the individual is “*facilitating the commission of the crime, aids, abets or otherwise assists in its commission or its attempted commission.*”⁶ Serving in the IDF may constitute providing material assistance to the commission of war crimes and crimes against humanity.

In January 2024, ICJP announced that they had handed over a 70+ page evidence dossier to Metropolitan police War Crimes Unit (SO15) at Scotland Yard. The dossier included evidence of nine British individuals who served in the IDF who may be complicit in war crimes and crimes against humanity. ICJP said they’d continue investigations of others and this number is likely to grow.

Third Party State Responsibility

Individuals in the UK may be subject to individual criminal liability for their actions, but the UK government may also be failing to uphold its duties as a Third State to prevent the commission of genocide by others using all means available to it when it is made aware of a significant risk of genocide being carried out. The International Court of Justice (ICJ)’s ruling of 26th January 2024 established the plausible risk of genocide in Gaza—underscoring this obligation and establishing conclusively that the UK has been made aware of said risk.

By failing to prevent UK nationals from serving in the IDF, and by failing to prosecute them upon their return, the UK may be failing to uphold its State Party obligations to the 1948 Genocide Convention.⁷

Accountability for Third States

Failure by Third States such as the UK or the USA to uphold their obligations under the 1948 Geneva Convention may constitute a case for alleged acts of complicity in genocide. This principle applies equally to other Third States who fail to intervene in preventing their citizens from serving in the IDF. For instance, media reports suggest about 10,000 people from the USA are fighting for Israel.⁸

In turn, other Third States could trigger Articles 62 and 63 of the Statute of the ICJ to hold states such as the UK and the USA accountable.⁹ Article 62 reads: “*Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.*”

The rising power of Global South countries that could and should investigate and prosecute war crimes in their own domestic jurisdictions is also noteworthy, alongside the powers that they have to use the mechanisms of the ICJ.

Investigation of Palestinians in Britain

Officers from the Metropolitan Police have visited the homes of Palestinians in the UK whilst they were in Gaza. These visits were conducted as a result of guidance from the Foreign, Commonwealth and Development Office (FCDO) to the police that they should investigate British residents who have travelled to the region and are/were present in the war zone.

It remains unclear whether such guidance applies only to British Palestinians, or whether it also applies to British residents who have left the country to fight for the Israeli armed forces. ICJP awaits both clarity and consistency from FCDO on this matter.

⁶ UN General Assembly (1998), [Rome Statute of the International Criminal Court](#). Article 25(3)(c).

⁷ See ICJP Genocide briefing.

⁸ Westfall, S. (23rd January 2024). [Nearly two dozen Americans have been killed in Israel-Gaza war, U.S. says](#). Washington Post.

⁹ United Nations. (1946) [Statute of the International Court of Justice](#).