

Date: 20 January 2019

Re: Supply of Coaches to Israel Railways for use on Unlawfully Appropriated West Bank Land

Dear Mr. Pierre Beaudoin,

As you are aware, in January 2018, Bombardier Transportation concluded an agreement for \$126 million to supply 54 Twindexx Vario double-deck coaches to Israel Railways, which will be used for transport on the Tel Aviv - Jerusalem rail link expected to come into operation in 2020.¹ Notably, Bombardier considers that it is playing “a major role” in the modernisation of Israel’s railway, and began testing the first electric locomotive with Israel Railways in March 2018.² Bombardier reported that it “collaborated closely” alongside Israel Railways “to develop the necessary technical adjustments required to enable the trains to operate in tunnels and on electrified lines”.³

Bombardier should consider the human rights abuses present in the areas linked to its business activities. The planned Tel Aviv - Jerusalem rail link will connect the cities by cutting through the occupied Palestinian territory (OPT). Israel has occupied the West Bank, including East Jerusalem, and the Gaza Strip since 1967. During this period, it has built settlements throughout the OPT in violation of international humanitarian law. It has further imposed a discriminatory ID system on the occupied Palestinian population, and established a Wall deemed illegal by the International Court of Justice, alongside countless checkpoints and other barriers, restricting Palestinian freedom of movement. The Israeli railway serves to entrench this fragmentation of Palestinian land and movement limitations.

¹ “Israel Railways buys Bombardier coaches for TA-Jerusalem line” Globes (4 January 2018) <https://en.globes.co.il/en/article-israel-railways-buys-54-coaches-for-tel-aviv-jerusalem-line-1001218110?>

² “Israel Railways buys Bombardier coaches for TA-Jerusalem line” Globes (4 January 2018) <<https://en.globes.co.il/en/article-israel-railways-buys-54-coaches-for-tel-aviv-jerusalem-line-1001218110?>>

³ “Israel Railways orders double-deck coaches for use with electric locos” Railway Gazette (4 January 2018) <<https://www.railwaygazette.com/news/traction-rolling-stock/single-view/view/israel-railways-orders-double-deck-coaches-for-use-with-electric-locos.html>>

Bombardier should further note that the planned railway will cut through the West Bank lands of Latroun and Beit Sourik.⁴ These areas were immediately targeted by Israel after the start of the occupation, due to their proximity to Jerusalem. Palestinian residents of the Latroun area were forcibly transferred from their homes, some were killed or detained, and the village was destroyed by Israel. Over 50-years later, the residents have yet to be allowed to return to their lands. The tragic history of the Latroun has been recorded by Israeli and Palestinian organizations- including via a [documentary](#) and the publication of a [memoir](#) of a French monk who witnessed the events.⁵

In 2011, the UN issued the Guiding Principles on Business and Human Rights, calling on businesses to respect human rights, and when operating in conflict-affected areas, to also respect international humanitarian law. We note that in its 2012 CSR report, Bombardier pledged to “focus more closely on our approach to human rights, including how we guard against the use of conflict minerals in our supply chain.”⁶ Bombardier has also stated that it considers the respect of human rights to be “a fundamental corporate responsibility and a value governing all our activities.”⁷

In conducting enhanced due diligence in regards to its operations in Israel and the OPT, and its business relationship with Israel Railways, Bombardier should note:

- the extensive destruction and appropriation of property not justified by military necessity in occupied territory- such as that used for the train- is a grave breach of the Fourth Geneva Convention;
- the forcible transfer of Palestinians is in violation of Article 49 of the Fourth Geneva Convention and a grave breach;
- the establishment of Israeli settlements in the OPT is also in violation of Article 49, and recognized by the international community to be unlawful; and

⁴ Where Villages Stood: Israel’s Continuing Violations of International Law in Occupied Latroun, 1967-2007, Al-Haq, p.33.

⁵ See: “Memory of the Cactus” available at https://www.youtube.com/watch?v=DQ_LjknRHVA; Brother Guy Khoury: A French monk’s private memoirs of Israel’s destruction of the Palestinian villages of Latroun, 1967, available at <https://zochrot.org/en/testimony/56362>

⁶ Bombardier International “Shaping the Future of Mobility, Responsibly” (2012 Corporate Social Responsibility Report Summary)

<<https://www.bombardier.com/content/dam/Websites/bombardiercom/supporting-documents/Sustainability/Reports/CSR/Bombardier-CSR-Report-Summary-2012-en.pdf>>

⁷ Bombardier, Human Rights Statement <https://www.bombardier.com/en/sustainability/human-rights-statement.html>

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- other adverse human rights impacts of the project.⁸

By supplying goods and services that may be utilized in the commission of international crimes, Bombardier International runs the risk of aiding and abetting the commission of war crimes. Criminal liability under Canadian domestic law may also be incurred.⁹

In fulfilling its own policies and in order to respect human rights and international law, Bombardier must differentiate between its business activities in the territory of the West Bank and the territory of Israel, and further ensure that its business operations and relationships do not adversely impact human rights. If it is impossible to do so based on the project, it should terminate its activities.

Should Bombardier have any questions regarding the human rights situation in the OPT, or the lands on which its business activities will impact, please do not hesitate to contact us.

Yours Sincerely,



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⁸ See for example a letter by the village council of Beit Sourik to an Italian company linked to the project, available at: <https://www.stophthewall.org/2011/12/16/beit-surik-and-stop-wall-thank-rho-city-council-condemning-pizzarotti-complicity-israeli-a>

⁹ Canadian Crimes Against Humanity and War Crimes Act (S.C. 2000, c. 24). Section 6(1) of the Canadian Crimes Against Humanity and War Crimes Act