



## **The Case Against Riwal: Corporate Complicity in International Crimes**

### Introduction

In March 2010, Al-Haq instructed Dutch lawyers to submit a criminal complaint to the Dutch public prosecutor alleging that a Dutch company, Riwal, was complicit in the commission of war crimes and crimes against humanity through its construction of the Annexation Wall, 'the Wall,' and illegal settlements in the Occupied West Bank. The complaint was lodged as the result of months of investigations and the collection of documentation by Al-Haq and partner organisations on Riwal's activities in the Occupied Palestinian Territory (OPT).

On 13 October 2010, the Dutch National Crime Squad searched Riwal's offices in the Dutch town of Dordrecht, under their statutory powers of investigation. The Prosecutor's office is yet to decide whether it is possible to pursue the criminal complaint against Riwal; the Prosecutor's investigations are on-going.

### What is Riwal?

Riwal is a Dutch private rental company specialising in the field of vertical transportation. The company rents out mobile cranes and aerial platforms for use in construction work. Up until December 2009 it had operations in several European countries and in Israel.

### Riwal's involvement in the construction of the Wall and settlements

In 2006, a Dutch film crew pictured a Riwal mobile crane constructing the Wall around the West Bank village of Hizma. A year later, in the summer of 2007, Riwal machines were spotted building the Wall next to the West Bank village of Al-Khader, near Bethlehem. In 2009, Riwal aerial cranes were pictured constructing factories in the Ariel West industrial zone near the West Bank village of Bruqin.

The construction of the Wall and settlements in these locations has had a long-lasting and detrimental impact on the Palestinian communities residing in the areas. In Hizma and Al-Khader, the Wall was built on privately owned Palestinian land, and entailed the uprooting of olive trees and the destruction of ancient artisan wells. The Wall in both locations cuts off the inhabitants of the villages from hundreds of *dunums* of their most fertile lands. In Hizma, a once economically thriving village, the Wall separates the village from the agricultural lands and olive groves that it depended on. In Al-Khader, cultivation of the fruit trees and grapevines the village is famous for has been made virtually impossible by the Wall. Similarly, the establishment of Ariel West settlement on Bruqin's village lands has led to the loss of pastoral land by the village, and along with



the establishment of other settlements around Bruqin, the village has lost access to almost all of its traditional sources of income.

#### The reaction to Riwal's involvement in the Wall

There was a public outcry in Holland about Riwal's involvement in the construction of the Wall. The Dutch Foreign Minister approached the company about its involvement in 2006. The company admitted that it rented its cranes out for the construction of the Wall, but attempted to minimise its involvement, stating that Riwal's operations in Israel were conducted by an Israeli company. It later transpired that this information was incorrect, and that the company responsible for operations in Israel is a Dutch company, registered in Holland. Riwal then stated it had stopped supplying its cranes for the construction of the Wall. However, when in the summer of 2007, Riwal machines were pictured building the Wall in Al-Khader it became apparent that the information provided by the company was once again incorrect. The Minister of Foreign Affairs addressed the company for a second time about its involvement in the Wall, and made clear the undesirability of any Dutch company being involved in constructing the Wall or settlements in the OPT. The Dutch NGO, United Civilians for Peace, also wrote to Riwal informing them of the illegality of the Wall under international law and urging them to desist in their activities. Nonetheless, in the summer of 2009, Riwal machines were pictured constructing the settlement of Ariel West. The Israeli branch office of Riwal admitted that Riwal's equipment might be being used for the construction of the settlement.

#### The evidence-gathering process

The complaint that was submitted against Riwal was the result of the culmination of months of investigations and evidence-gathering by Al-Haq and partner organisations. Witness statements from those directly affected by Riwal's activities were taken. The military orders used to appropriate land for the building of the Wall, aerial photographs, maps, film footage and photographs of Riwal's activities were also collected.

#### Complicity in war crimes and crimes against humanity

The construction of the Wall and settlements in the Occupied West Bank entails the commission of serious international crimes. The Wall results in the unlawful appropriation and destruction of vast amounts of protected civilian property, and the construction of settlements facilitates the transfer by Israel – the Occupying Power – of its civilian population to occupied territory. Arguably, the regime instituted by the construction of the Wall also results in a situation of apartheid in the OPT and the persecution of the Palestinian population.

Holland's International Crimes Act prohibits the commission of war crimes and crimes against humanity by Dutch nationals, including companies. Acts that amount to



complicity in crimes, such as the facilitation or the aiding or abetting of crimes are also criminalised.

The exact extent and nature of Riwal's involvement in the construction of the Wall and settlements, and the international crimes that flow from its activities, remains the subject of investigation. What is clear, however, is that Riwal made its equipment available for the construction of the Wall and settlements in three locations in the West Bank, and that statements made by or on behalf of Riwal during the period suggest that the company knew its equipment was being used in this way.

#### The need for corporate accountability in the OPT

The submission of the complaint against Riwal is part of Al-Haq's on-going efforts to ensure accountability for the many corporations that are complicit in violations of international law in the OPT, and whose activities facilitate the commission of international crimes by the Israeli authorities. Accountability for foreign corporations is often only possible by initiating cases in foreign countries due to the impunity accorded to companies in Israel who are responsible for unlawful activities in the OPT. Al Haq hopes that the Prosecutor's investigations will lead to the prosecution of Riwal.