

Ending complicity in international crimes: a two-way arms embargo on Israel

The undersigned organisations demand that States that have provided and continue to provide arms and other forms of military assistance to Israel, adhere to their legal obligations and act resolutely and urgently to prevent Israel from perpetuating further international crimes and other serious violations of international law. This includes their obligations to prevent the commission of [genocide](#).

We remind these States that their binding obligations under international humanitarian law, international human rights law, international criminal law, and other international law, including the United Nations (UN) Charter, require that they put an immediate stop to such transfers, and suspend all licenses for arms destined to Israel from their jurisdictions.

States parties to the Arms Trade Treaty (ATT) have additional binding obligations under the treaty, and so do States under relevant regional and national legal instruments on arms control.

We recall that providing arms or military support to Israel may make exporting States complicit in its actions.

- **States' Facilitation of International Crimes against Palestinians through the Provision of Arms and Military Support**

Since the launching of its large-scale retaliatory military offensive on Gaza on 7 October 2023, the Israeli military has carried out indiscriminate, disproportionate and other unlawful attacks against civilian infrastructure causing widespread civilian casualties, including through the illegal use of [explosive weapons](#) and [white phosphorus](#).

As of 2pm on 5 November 2023, Israel's military offensive has [resulted](#) in the killing of 9,770 Palestinians, including 4,008 children and 2,550 women, according to the Palestinian Ministry of Health. In addition, about 2,260 Palestinians, including 1,270 children, have been reported missing and are presumed to be trapped or dead under the rubble.

With "[nowhere is safe in Gaza](#)," Palestinian civilians in besieged Gaza, including a million children, are trapped in dire conditions under almost constant bombing, where they have no access to safe shelter, food, water, electricity, or fuel. **"The complete siege of Gaza coupled with unfeasible evacuation orders and forcible population transfers, is a violation of international humanitarian and criminal law,"** as [decried](#) by UN experts. On 27 October, the UN General Assembly, in a [resolution](#) adopted at its emergency special session, stressed "the imperative, under international humanitarian law, of ensuring that civilians are not deprived of objects indispensable to their survival."

[Statements](#) by Israeli officials urged that “[the emphasis is on damage and not on accuracy](#)”, and called for “[erasing the Gaza Strip from the face of the earth](#)”. In a span of under a week, Israel deployed around [6,000 bombs](#), almost the same [quantity](#) as the US had released in Afghanistan over the course of a year. We are particularly concerned with [reports](#) of attacks on civilians and civilian infrastructure, including attacks on health personnel, journalists, hospitals, schools, mosques, churches, bakeries, telecommunications infrastructure and areas marked for [safe passage](#). Many of these acts may amount to war crimes, crimes against humanity and other grave violations of international law, including [incitement to commit acts of genocide](#).

UN human rights experts [sounded the alarm](#) on 19 October 2023, “There is an ongoing campaign by Israel resulting in crimes against humanity in Gaza. Considering statements made by Israeli political leaders and their allies, accompanied by military action in Gaza and escalation of arrests and killing in the West Bank, there is also a risk of genocide against the Palestine people”, emphasising that “There are no justifications or exceptions for such crimes. We are appalled by the inaction of the international community in the face of belligerent war-mongering.”

In addition to carpet-bombing Gaza, **Israel has escalated its repression and collective punishment against the Palestinian people on both sides of the Green Line**. Between 7 October and 2:00 pm on 5 November 2023, in the West Bank, including Jerusalem, the Israeli occupying forces and settlers [killed](#) 149 Palestinians, including 44 children. Furthermore, the Knesset’s National Security Committee continued with “the government’s broader plan to arm Jewish Israeli civilians”, by [loosening Israel’s gun control](#) and [reportedly](#) making an additional 400,000 Jewish-Israelis eligible to have a licence for guns.

- **Continued arms transfers to Israel in spite of evidence of crimes and other violations**

In the midst of these attacks, and despite well-documented and reported grave violations and crimes against the Palestinian population over the years, the supply of arms and military support to Israel from the United States (US), — [the largest single provider of military aid](#) to Israel for decades,— and from [Canada](#), [Germany](#), [Italy](#), the [United Kingdom](#) (UK), the [Netherlands](#) — States Parties to the ATT —, has continued. At its 2021 Special Session on the grave human rights situation in the Occupied Palestinian Territory, including East Jerusalem, the UN Human Rights Council [urged](#) all States to refrain from transferring arms when they assess that there is a clear risk that such arms might be used to commit or facilitate serious violations or abuses of international human rights law or serious violations of international humanitarian law.

Our organisations are alarmed by the reported news that some States, including the [US](#), the [UK](#), and [Germany](#), have in recent days decided to supply additional military equipment or ‘fast-track’ the supply of military equipment to Israel, in spite of ample evidence of war crimes being committed in Gaza.

- **International legal obligations relating to arms transfers**

Among the applicable international legal obligations:

Customary international law

Pursuant to customary international law, as largely codified in the International Law Commission's Draft Articles on Responsibility of States for Internationally Wrongful Acts of 2001, a State that aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if: (a) that State does so with the knowledge of the circumstances of the internationally wrongful act; and (b) the act would be internationally wrongful if committed by that State (Article 16).

This applies to arms transfers, as well as to other forms of support that make a significant contribution to the unlawful act(s) such as logistical, technical or financial support, intelligence, or provision of other equipment.

International Humanitarian Law

Common Article 1 to the four Geneva Conventions of 1949 places a standing obligation on States to "respect and ensure respect" for the Conventions' protections in all circumstances. In its authoritative commentary to Common Article 1, the International Committee of the Red Cross (ICRC) explains that the Article 1 obligation requires, *inter alia*, that States "refrain from transferring weapons if there is an expectation, based on facts or knowledge of past patterns, that the weapons would be used to violate the Conventions."

Arms Trade Treaty (ATT)

The express purpose of the ATT was to prevent and reduce human suffering by establishing common international standards for the transfer of conventional weapons. Its Preamble refers to the obligations to respect and ensure respect for International Humanitarian Law and to respect and ensure respect for human rights.

Under [Article 6\(3\) of the ATT](#), States Parties undertake not to authorise any transfer of conventional arms if they have knowledge at the time of authorisation that arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which they are a Party.

Under [Articles 7 and 11](#), State Parties undertake not to authorise any export of conventional arms, munitions, parts and components that would, *inter alia*, undermine

peace and security or be used to commit serious violations of international humanitarian law and international human rights law.

EU Common Position on Arms Exports 2008/944/CFSP

European Union (EU) [Member States](#) are also bound by the terms of the Council [Common Position 2008/944/CFSP of 8 December 2008](#) as common rules governing the control of exports of military technology and equipment, and are, *inter alia*, required to “deny an export licence if there is a clear risk that the military technology or equipment to be exported might be used in the commission of serious violations of international humanitarian law.”

OSCE Principles Governing Conventional Arms Transfers

Organisation for Security and Cooperation in Europe’s (OSCE) [members](#), which include the US , are required to adhere to the [OSCE Principles Governing Conventional Arms Transfers](#) (OSCE Principles) in their arms export decisions. Principle 4 requires States to “promote and, by means of an effective national control mechanism, exercise due restraint in the transfer of conventional arms and related technology.” In order to give effect to that principle, States “will take into account” a number of factors in considering any proposed arms exports. They are then required to avoid any transfers which breach any or all of the OSCE criteria contained within the OSCE Principles.

It is clear that the continued supply of arms exports and military aid to Israel is in violation of all these obligations. Over the years, unchecked and in many cases arguably internationally unlawful military support to Israel has also enabled, facilitated and maintained Israel’s decades-long settler-colonial and apartheid regime imposed over the Palestinian people as a whole.

A failure to take action may also render States parties complicit in internationally wrongful acts through the aiding or abetting of international crimes and may give rise to the individual criminal responsibility of senior officials of these States for aiding and abetting the commission of war crimes and crimes against humanity under Article 25(3)(c) of the [Rome Statute of the International Criminal Court](#). Given the overwhelming evidence, States providing weapons and other military assistance to Israel cannot claim that they are unaware of the myriad of serious violations of international law that are being, and have been, committed for decades. **The provision of military equipment and military support to Israel with knowledge that they are likely to be used in serious violations of international law, including international crimes, invites charges of complicity.**

As Israel continues to import weapons, with over USD 4 billion annually from the US and Germany alone, it has also established itself as a leader in the cybersecurity and [surveillance](#) industry and is among the world’s largest exporters of weapons, [ranking tenth](#) in 2022. Such

technologies are often promoted as having been successfully tested on the Palestinian population in the context of Israel's long-standing occupation during which they have also often been developed. Our organisations therefore further demand that States put an end to and denounce imports of arms and surveillance technology from Israel.

- **Demands for Immediate Measures by States:**

Imposing a two-way arms embargo on Israel is both a legal and a moral obligation. Pending such an embargo, all States must immediately suspend all transfers of military items and associated services and assistance to Israel. ATT States Parties must immediately terminate current, and prohibit future transfers to Israel of conventional arms, munitions, parts and components referred to in Articles 2(1), 3 and 4 of the ATT.

In addition to imposing a two-way arms embargo, States must also refrain from concluding any military cooperation agreements, including military training and intelligence operational cooperation, which could implicate them in international crimes and other serious violations of international law.

Our organisations hence call on:

1. All States to call for an immediate ceasefire, the unconditional and unimpeded access of fuel and humanitarian aid, including water, food, and medical supplies, into the Gaza Strip to alleviate the dire humanitarian crisis, and the immediate lifting of the 16-year-long illegal blockade and closure;
2. The US, the UK, Germany, Canada, Italy, the Netherlands and other States that authorise the continued transfer of arms, and other forms of military support to Israel to
 - immediately bring an end to such transfers in accordance with their international law obligations, and
 - immediately halt the provision of any materiel, equipment or other commodity that may foreseeably be used in the commission of serious international law violations including international crimes;
3. States importing arms and surveillance technology from Israel to immediately halt all such imports;
4. Transit States to refuse to have their ports and airports used for transferring arms to Israel; and
5. All ATT States Parties to cooperate within relevant international and regional organisations to impose a two-way embargo on transfers of military items to and from Israel, including by supporting the prompt organisation of an extraordinary meeting of the Conference of States Parties, as provided in Article 17.5 of the ATT.

Endorsing organisations, as of 11:00 Palestine time, 9 November 2023. This will be updated on a rolling basis.

1. A Different Jewish Voice (Een Ander Joods Geluid)
2. Addameer Prisoner Support and Human Rights
3. AIXARRA Restorative Justice Forum, based at the Centre for African Studies and Linguistics, University of Cape Town.
4. Al Mezan Center for Human Rights
5. Al-Haq, Law in the Service of Man
6. Alliance for Justice between Israelis and Palestinians
7. Alrowwad Cultural and Arts Society
8. American Association of Jurists (AAJ)
9. Applied Research Institute-Jerusalem
10. Aquarius Supervivientes
11. Arab Center for Agricultural Development
12. Arab Counseling Center for Education
13. Arab Lawyers Association (UK)
14. Arab Network for Knowledge about Human Rights (ANKH)
15. Asian Forum for Human Rights and Development (FORUM-ASIA)
16. Asociación Americana de Juristas
17. Association Belgo-palestinienne WB
18. Association des Universitaires pour le Respect du Droit International en Palestine (AURDIP)
19. Association France Palestine Solidarité (AFPS) France
20. Association pour la promotion des droits humains
21. Association pour les jumelages entre les camps de réfugiés palestiniens et les villes françaises
22. Australian Centre for International Justice
23. Bahrain Institute for Rights and Democracy
24. Balasan Initiative for Human Rights - Palestine
25. Banglar Manabadhikar Suraksha Mancha (MASUM)
26. BDS Korea
27. Belgian Academics and Artists for Palestine (BAA4P)
28. Belgian Academics for Palestine (BA4P)
29. Bisan Center for Research and Development
30. Bizilur - Lankidetzarako eta Herrien Garapenerako Erakundea
31. Black Alliance For Peace
32. Bytes For All, Pakistan
33. Campaign Against Arms Trade
34. Canadians for Justice and Peace in the Middle East
35. Canadians for Justice and Peace in the Middle East, Saskatoon Chapter
36. Center for Defense of Liberties & Civil Rights “HURRYAT”
37. Centre Delàs d'Estudis per la Pau

38. CIVICUS
39. CNE CSC
40. Coalition Burkinabè des Défenseurs des Droits Humains (CBDDH)
41. Coalition Togolaise des Défenseurs des Droits Humains (CTDDH)
42. Collectif Paix Palestine Israël [CPPI Saint-Denis]
43. Conectas Direitos Humanos
44. Cultura è libertà una campagna per la Palestina
45. Defence of Human Rights
46. Defend our Democracy
47. Democracy for the Arab World Now (DAWN)
48. Deutsch-Palästinensische Gesellschaft (DPG) e.V.
49. Egyptian Front for Human Rights (EFHR)
50. Egyptian Initiative for Personal Rights (EIPR)
51. El Nadim Center against Violence and Torture
52. Ensemble ! Mouvement pour une Alternative de Gauche Ecologiste et Solidaire
53. Equal Education
54. European Coordination of Committees and Associations for Palestine - ECCP
55. Forum Palestine Citoyenneté
56. Fundación Mundubat
57. Gaza Action Ireland
58. Global Human Rights Group
59. Good Shepherd Collective
60. Goringhaicona Khoi Khoi Indigenous Traditional Council
61. Housing and Land Rights Network - Habitat International Coalition
62. Human Rights and Democracy Media Center (SHAMS)
63. HuMENA for Human Rights and Civic Engagement
64. IBON International
65. Impact Malaysia
66. Impact4Good
67. Indian Association of Lawyers
68. Institute on Statelessness and Inclusion
69. Intal Globalize Solidarity
70. International Federation for Human Rights (FIDH)
71. International Indian Treaty Council (IITC)
72. International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)
73. International Service for Human Rights (ISHR)
74. International Women's Rights Action Watch Asia Pacific (IWRAW AP)
75. Islamophobia Studies Center
76. Jewish Voice for Labour

77. Jews for Palestinian Right of Return
78. JPIC
79. Just Peace Advocates/Mouvement Pour Une Paix Juste
80. Justiça Global
81. Justice for Palestinians Calgary
82. Justitia Center for Legal Protection of Human Rights in Algeria
83. Labor for Palestine
84. Law for Palestine
85. Libya Crimes Watch
86. L'union juive française pour la paix (UJFP)
87. MA'AN Development Center
88. Majal.org
89. Maldivian Democracy Network (MDN)
90. MENA Rights Group
91. Mining Affected Communities United in Action (MACUA-South Africa), Women Affected by Mining United in Action (WAMUA- South Africa) & Youth Affected by Mining United in Action (YAMUA- South Africa)
92. Mouvement contre le Racisme et pour l'Amitié entre les Peuples (MRAP)
93. Namibia Diverse Women's Association
94. National Lawyers Guild - Midwest Region
95. National Lawyers Guild - St. Louis Chapter
96. National Lawyers Guild International Committee
97. National Lawyers Guild Palestine Subcommittee
98. National Lawyers Guild-San Francisco Bay Area chapter
99. Network of the Independent Commission for Human Rights in North Africa
100. New Weapons Research Group (NWRG), Italy
101. OTRANS-RN
102. Palestinian and Jewish Unity (PAJU)
103. Palestinian Centre for Human Rights (PCHR)
104. People's Solidarity for Participatory Democracy (PSPD)
105. Philippines - Palestine Friendship Association
106. Platform of French NGOs for Palestine
107. Programme Against Custodial Torture & Impunity (PACTI)
108. Project on Organizing, Development, Education, and Research (PODER)
109. Project South
110. Promoting Empowerment Through Awareness for Lesbian and Bisexual Women
[PETAL]
111. Refugees in Libya
112. Rete Italiana Pace Disarmo
113. Samidoun Palestinian Prisoner Solidarity Network

114. Sexual Rights Initiative
115. SHOAA for Human Rights - شعاع لحقوق الإنسان
116. Sinai Foundation for Human Rights
117. Stop Fuelling War, Cessez d'alimenter la Guerre
118. Tamer institute for Community Education
119. The Civic Coalition for Jerusalem
120. The Community Action Center at Al-Quds University
121. The Jus Semper Global Alliance
122. The Palestine Institute for Public Diplomacy (PIPD)
123. The Regional Coalition for Women Human Rights Defenders in South West Asia and North Africa (also known as WHRDMENA)
124. The Rights Forum
125. The Kurdish Human Rights Action Group (KHRAG)
126. Union Juive Française pour la Paix (UJFP)
127. Union of Agricultural Work Committees (UAWC)
128. Vredesactie- Belgium
129. WomanHealth Philippines
130. Women in Black Vienna
131. Women's Center for Legal Aid and Counselling
132. Women's International League for Peace and Freedom (WILPF)
133. Women's Library, West Bengal, India.
134. Worldwide Lawyers Association
135. Young Feminist Europe