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Military Support to Israel Exacerbates IHL Violations in Gaza

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Overview

Since October 7, 2023, Israeli Occupation Forces have carried out indiscriminate and disproportionate military attacks on the Gaza Strip, as well as other unlawful attacks against civilians and civilian infrastructure. These attacks have resulted in the deaths of a large number of civilians and have caused permanent disabilities, among many others. Numerous health, educational, and service buildings have been destroyed using various conventional weapons, including missiles, rocket launchers, aircraft, combat tanks, and small arms. Human rights organizations have documented the occurrence of war crimes and other serious violations of international humanitarian law committed by the Israeli occupation forces.

According to Maat estimates, Israeli Occupation Forces have killed thousands of civilians and left many others with permanent disabilities, including limb amputations. They have also destroyed homes and residential buildings, causing significant damage to Gaza's infrastructure, including medical and educational facilities, further exacerbating the humanitarian crisis. Direct attacks on civilians and civilian objects, as well as disproportionate and indiscriminate attacks, are considered war crimes under the rules of international humanitarian law.

Despite the documentation and reporting of grave violations committed by Israeli Occupation Forces against civilians, the supply of weapons and military support to Israel continues in clear violation of the principles, agreements, and rules of international humanitarian law. This is particularly evident in the violation of Article 6 of the Arms Trade Treaty, which explicitly states that States Parties must not authorize the transfer of conventional weapons if they know, at the time of authorization, that the weapons or ammunition will be used to commit genocide, crimes against humanity, or serious violations of the four Geneva Conventions of 1949. It is worth noting that the Israeli Occupation Forces have used weapons and ammunition received through these supplies to directly attack civilians and civilian targets in the Gaza Strip.

Therefore, this Paper aims to discuss human rights consequences of military support provided to Israel in the Gaza Strip. The attacks carried out by the Israeli Occupation Forces against defenseless Palestinians demonstrate that military exports enable Israel to commit war crimes and crimes against humanity.

International Legal Obligations Related to Arms Transfers to Conflict Areas

Several principles of international humanitarian law impose legal obligations regarding arms transfers to areas of armed conflict. These principles explicitly prohibit states from exporting weapons if they know that those weapons will be used to violate human rights and the rules of international humanitarian law.

Under Common Article 1 of 1949 Geneva Conventions, states must "respect and ensure respect" for international humanitarian law. This includes the obligation for states to refrain from transferring arms if there is an expectation, based on facts or past patterns, that the weapons will be used in violation of the Conventions.

Articles 6, 7, and 11 of Arms Trade Treaty (ATT) stipulate several legal obligations that prohibit states from transferring or selling weapons if they know that these weapons are being used in violation of the rules of International Humanitarian Law (IHL). Article 6, paragraph 3, of the treaty obliges state parties not to authorize any transfer of conventional arms if it was known at the time of authorization that the arms or munitions would be used to commit the crime of genocide, crimes against humanity, grave violations of the four Geneva Conventions of 1949, or to launch attacks directed against civilian targets. Additionally, Article 7 and Article 11 of the same agreement oblige states parties to the treaty not to allow any export of conventional weapons, ammunition, parts, and components thereof that would undermine peace and security or be used to commit serious violations of IHL and international human rights law.

According to Article 25 of Rome Statute of the International Criminal Court (ICC), aiding, abetting, or assisting in the commission of genocide, war crimes, or crimes against humanity places criminal responsibility on individuals and considers their participation in those crimes. This clarifies that heads of state and those responsible for exporting weapons to states that commit war crimes are implicated and complicit in the commission of these crimes by providing military support to perpetrators of IHL violations.

Despite the documentation of numerous international estimates of crimes and violations by the Israeli Occupation Forces of international human rights law and IHL, including the killing of civilians and targeting of civilian objects such as residential and service buildings, and the tight siege that prevents essential resources from entering the Gaza Strip, including water, foodstuffs, fuel, and medicines, many states, especially states parties to the ATT, continue to supply Israel with weapons and ammunition. Arms exports to Israel are inconsistent with the principles of IHL as they enable and facilitate Israeli forces to target civilians and civilian objects.

Exports and Supplies of Weapons to Israeli Occupation Forces

Since October 7, 2023, and with Israel initiating several indiscriminate military attacks on the Gaza Strip, more than 12 countries have been providing ongoing military support to the Israeli occupation government. These countries are led by USA, United Kingdom, Canada, Germany, Australia, France, Netherlands, Spain, Belgium, and Italy. It is worth noting that Netherlands, Spain, Belgium, and Italy have halted the provision of military support to Israel due to global human rights calls from civil society organizations, which have advocated for a ban on the supply of weapons to the Israeli occupation

government. However, USA, United Kingdom, Canada, Germany, Australia, and France have ignored these violations and continue to provide military support to Israel despite being aware of the serious human rights violations committed by the occupation forces. This complicity and involvement make them accomplices in the crimes of genocide committed by the occupation forces.

United States is the largest country providing military support to Israel during its war against civilians in Gaza. It is estimated that 95% of weapons exported to Israel come from the USA. Additionally, German arms exports to Israel have doubled since November 2023. The United Kingdom has been supplying Israel with aircraft, missiles, tanks, technology, and munitions, including components of the F-35 stealth bomber, which Israel uses in its military attacks in the Gaza Strip.

The governments of Canada, France, and Britain have also allowed military companies to export weapons to Israel, disregarding the principles of international law that require them to intervene to prevent contributions to genocide and war crimes committed by the occupation forces in the Gaza Strip.

In December 2023, several estimates confirmed that the United States had provided Israel with 100 bunker-buster bombs and tens of thousands of other weapons for use in the armed conflict in Gaza. The US also sent additional weapons and ammunition to Israel, including 15,000 bombs and 57,000 artillery shells. Furthermore, USA allowed the Israeli Occupation Forces to access secret stores of American weapons in Israel, known as the War Reserve Stockpile for Israel's Allies (WRSA-I), for use in its military operations. These stockpiles were established in the 1980s to provide the US army with the necessary weapons in the event of any outbreak of future conflicts in the Middle East. The occupation army is estimated to be benefiting significantly from these stockpiles in its war on Gaza, although there is little transparency regarding the transfer of weapons from these arsenals.

Although USA has withdrawn from ATT, it is still bound by its internal Leahy Law, which prohibits the supply of weapons and ammunition to any party involved in serious violations and abuses of human rights, if proven. USA is also bound by the rules of customary international law, which prohibit the supply of weapons and ammunition to Israeli occupation forces.

Similarly, German arms exports to Israeli Occupation Forces reached unprecedented levels during the war on Gaza, with a tenfold increase compared to the previous year, 2022. In November 2023, German government agreed to supply Israel with military equipment worth 303 million euros, focusing on defense systems, air equipment, communications equipment, and over a thousand tank engines. This is in contrast to the value of 32 million euros in German military exports to Israel throughout 2022.

Human rights estimates indicate the presence of British weapons and ammunition in a significant portion of the weapons used by Israel in the war on Gaza. The French government did not prevent military companies from selling weapons to Israel. Estimates suggest that the French company "Dassault Aviation," specializing in the military aircraft industry, provided military support to the occupation government during its war in Gaza.

Israel's Involvement in Committing War Crimes and Genocide in the Gaza Strip

Articles 6, 7, and 8 of Rome Statute of ICC outline the crimes of genocide, crimes against humanity, and war crimes, that Israel has committed in the Gaza Strip, partly relying on military support from several countries, primarily USA. Article 6 of Rome Statute defines genocide as intentional acts committed to destroy, in whole or in part, a national, ethnic, racial, or religious group. These acts include killing group members, inflicting serious physical or mental harm, and subjecting the group to conditions intended to bring about its destruction.

According to Article 7, crimes against humanity occur as part of a widespread or systematic attack directed against any civilian population. These crimes include deliberate killings, extermination, deportation or forcible transfer of populations, slavery, rape or sexual servitude, torture, enforced disappearance, apartheid, and other inhumane acts causing great suffering or serious injury to physical or mental health. The term "extermination" encompasses the imposition of living conditions, including denial of access to food and medicine, with the intent to destroy part of a population.

War crimes, as outlined in Article 8, involve serious violations of Geneva Conventions. These violations include willful killings, widespread and wanton destruction of property without military necessity, intentionally directing attacks against civilians or civilian sites that are not military objectives, bombing villages, cities, and buildings, deliberately attacking structures designated for religious, educational, artistic, scientific, or charitable purposes, hospitals, and locations where the sick and wounded gather. Additionally, use of weapons, missiles, materials, or methods of warfare that cause excessive damage or unnecessary suffering to civilians, or are indiscriminate, is considered a war crime under international law during armed conflicts.

Based on conclusive evidence and estimates provided by Maat, it can be established that since October 7, 2023, Israeli Occupation Forces have committed a series of severe human rights violations that amount to both war crimes and crimes against humanity. These forces have deliberately carried out indiscriminate and disproportionate military attacks in the Gaza Strip, resulting in the deaths of 28,775 individuals. Among the casualties, there are 12,345 children, 8,000 women, 1,049 elderly individuals, 339 medical staff, 200 journalists, and 152 UNRWA employees.

Moreover, 68,552 people have been injured, including 6,168 children, some of whom have suffered permanent disabilities necessitating organ amputations.

Due to indiscriminate attacks on populated areas, the occupation forces have partially destroyed 290,000 residential units and demolished 79,000 residential units. Additionally, 30 hospitals have been destroyed, and 25 hospitals have been damaged as a result of bombings. Furthermore, 164 religious buildings, including 161 mosques and 3 churches, have been destroyed, along with 122 ambulances. These military attacks have caused the displacement of 2,000,000 people as of the end of February 17, 2024, according to official Palestinian estimates, and this number is expected to rise.

Palestinian civilians in the Gaza Strip, including one million children, continue to endure harsh conditions and constant bombardment. They are trapped without safe places, shelters, food, water, electricity, or fuel. The Israeli military has imposed a strict blockade, preventing the entry of essential supplies such as food and medicine, which are necessary for the survival of the population. These actions are considered war crimes, crimes against humanity, and genocide under Articles 6, 7, and 8 of the Rome Statute.

Military Support Provided to Israel Kills Innocent People Directly

As a result of weapons provided to Israel by various countries, civilians have been killed, families torn apart, and homes, as well as medical and educational facilities, destroyed. Expert analysis of fragments indicates that some American weapons used by the Israeli occupation forces have specifically targeted and killed civilians. The United States has supplied over 5,000 MK-84 munitions, 2,000-pound bombs, to Israel as of late December 2023. These are the bombs that Israel regularly used to target civilians in the Gaza Strip. Human rights estimates have confirmed that American-made MK-84 munitions, specifically JDAM, caused the deaths of 43 Palestinian civilians, including 19 children and 14 women, in two airstrikes launched by Israel in October 2023.

The majority of Israel's 315 combat aircraft are manufactured in the United States, including 83 F-15 Eagles, 196 F-16 Fighting Falcons, and 36 F-35 Lightning 2/Adir units. These fighter planes have been used to bomb residential areas in the Gaza Strip. Estimates indicate that the Israeli Occupation Forces conducted 299 airstrikes on Gaza during October 2023 alone, with 276 directly hitting civilians, resulting in the deaths of 2,798 Palestinian civilians and injuries to 1,306. This highlights the responsibility of the United States for the civilian casualties as the supplier of fighter aircraft to Israel.

In addition to aerial attacks, Israel has conducted ground assaults using the Merkava MK-IV battle tank, which Israel produces independently. However, Germany provides the tank's engine, weighing 65 tons. It is estimated that approximately 1,060 MT 883Ka engines were sent from Germany to Israel between 2002 and 2022. Israel

utilized these engines to operate Merkava tanks and personnel carriers during its offensive in Gaza. Furthermore, 15% of all F35 aircraft used by Israel to target civilians in the Gaza Strip are of British manufacture.

To conclude, under Article 25 of ICC Rome Statute, countries leasers supporting Israeli Occupation Forces with arms are responsible for war crimes and crimes against humanity committed by Israeli Occupation in the Gaza Strip.

Recommendations

Despite conclusive evidence of these weapons being used to commit war crimes and other serious human rights violations in the Gaza Strip, a group of countries have continued to supply military equipment to Israeli Occupation Forces. United States, Germany, and other European countries violate their international obligations, including ATT, as well as European Union and national laws, by providing weapons to Israel. However, some countries, such as Netherlands, Belgium, Italy, and Spain, have ceased the sale and transfer of weapons to Israel. Therefore, Maat for Peace, Development and Human Rights recommends the following:

To Countries and Governments: -

- Necessity of not supplying Israeli Occupation Forces, whether directly or indirectly, with weapons, ammunition, military equipment, or technology that could be used in violations of IHL in Gaza Strip. This also applies to logistical and financial support.
- Transit countries do not allow use of their ports and airports to transfer weapons to Israeli occupation army, which contributes to consolidation of apartheid regime and Israeli settlement imposed on Palestinian people for decades.

To Civil Society Organizations: -

- The need to intensify efforts and use all means of pressure to urge governments to comply with IHL principles and prevent export of weapons to Israel.

To International Organizations

- The need to demand collective measures to ensure imposition of an immediate and comprehensive ban on weapons sent to Israel, while ensuring that comprehensive and impartial investigations are conducted into violations committed by occupation forces to ensure accountability and non-impunity.

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