



The Permanent Mission of Israel to the United Nations Office and other International Organizations in Geneva presents its compliments to the Arms Trade Treaty Secretariat, and has the honor to communicate a Working Paper on diversion of arms and gender-based violence for consideration during the CSP10 working group meeting on the topic on 21 February 2024.

The Permanent Mission of Israel to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Arms Trade Treaty Secretariat the assurances of its highest consideration.

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## **ATT - Israel's Working Paper:**

### **Diversion of Arms and Gender-based Violence**

#### **Diversion of Arms to Non-State Actors**

1. The Arms Trade Treaty (ATT) is a treaty that regulates the international trade in conventional arms for those party to it. One of its main objects is to prevent and eradicate the illicit trade in conventional arms and prevent their diversion.
2. According to Article 11 of the ATT, State Parties are required to take measures to prevent the diversion of conventional arms, including through risk assessment and mitigation measures. Furthermore, State Parties are required to address diversions that were detected, and are encouraged to share relevant information with one another on effective measures to address diversions.
3. The diversion of arms, especially to non-state actors, can have devastating consequences and is a critical issue in the international security arena. In some cases, diversion can be a key factor in the escalation of armed violence, including gender-based violence.

#### **Diversion of Arms in the Middle East**

4. Unfortunately, the diversion of arms to terror organizations is not a theoretical issue, especially in the Middle East. Regrettably, conventional arms have been illicitly traded and proliferated throughout the Middle East in unprecedented quantities. These weapons find their way into the hands of terrorist organizations, such as Hamas.
5. Following the October 7<sup>th</sup> massacre, large quantities of conventional arms were found in the possession of Hamas. These arms were illicitly transferred to Hamas and were used in the brutal terror attack that was perpetrated against the citizens of Israel.

#### **The October 7<sup>th</sup> Massacre**

6. On October 7<sup>th</sup>, Hamas brutally murdered over 1200 infants, children, women and men, including Jews, Arabs and foreign nationals. Innocent civilians were tortured, beheaded and mutilated. Hamas deliberately targeted civilians, booby-trapped corpses and houses, and systematically burned homes to the ground with whole families still alive inside. Hamas took

over 240 hostages, including entire families, infants, elderly, Holocaust survivors, the sick and persons with disabilities - some of whom have since been executed, tortured, sexually abused and starved in captivity, deprived of medication or humanitarian visits. Hamas committed horrific war crimes and crimes against humanity.

### **Gender-based Violence by Hamas**

7. As evidence shows, on October 7<sup>th</sup>, Hamas used acts of sexual violence as a weapon. There are widespread accounts of sexual and gender-based violence, including accounts of mutilation of dead bodies in ways that are gender-based.
8. The extensive nature of the attacks, which were perpetrated simultaneously in different physical locations, within a confined timeframe and with similar patterns, as well as numerous testimonies, point to the grave and heinous nature of the acts of sexual and gender-based violence, which may amount to war crimes and crimes against humanity.
9. Hamas terrorists celebrated these atrocities. They paraded captured women naked in the streets of Gaza as war trophies, while onlookers cheered and jeered.
10. Frightfully, the testimonies of women and girls released from Hamas captivity in Gaza also raise harrowing accounts of sexual assault in captivity.

### **Gender-based Violence in the ATT**

11. The Arms Trade Treaty was the first legally binding international instrument to acknowledge the link between gender-based violence and arms trade.
12. Article 7(4) of the ATT requires that State Parties, in making their export assessment, take into account the risk of the conventional arms or items covered under the Treaty from being used to commit or facilitate serious acts of gender-based violence.
13. Following this, in 2019, the Fifth Conference of States Parties, examined different aspects of gender-based violence issues and made a number of decisions. In the previous Conference of States Parties, in 2023, the Conference encouraged Parties to keep the risk of conventional arms being used to commit or facilitate serious acts of gender-based violence as an important topic of attention, and to initiate the discussion and exchange of information and good practices on this topic in the CSP10 cycle.

## **Call for Action**

14. These acts of gender-based violence witnessed on October 7<sup>th</sup>, represent the horrific end result of what Article 7(4) and Article 11 aim to prevent – serious acts of gender-based violence committed and facilitated with arms that were illegally diverted to terrorist groups. They clearly demonstrate the immense damage and loss of life that the illicit trade of conventional arms can cause.
15. The diversion of conventional arms to the hands of Hamas and other terrorist groups is not only a growing challenge in the Middle East but a global threat. The international community must find a comprehensive strategy to combat this vile and dangerous trend.
16. We call for further action, including holding additional discussions on this issue as a matter of priority, in order to prevent the diversion of conventional arms to terrorist organizations, and to ensure that conventional weapons under this Treaty are not used to commit or facilitate serious acts of gender-based violence.