

Statement on Behalf of the OIC members
the ATT “Upholding Legal Obligations Under the ATT: The Case of the Palestinian People”

The OIC members express their deep concern that many ATT States parties continue their irresponsible trade of conventional arms and related materials to Israel, the occupying power, as it continues its genocidal acts in Gaza.

This disproportionate and indiscriminate attacks in Gaza are a grave violation of international law, especially IHL and international human rights law.

The bombardment of densely populated areas, including the widespread destruction of homes, schools, hospitals, refugee camps and critical civilian infrastructure in a continuous fashion, conforms a flagrant disregard for the principles of proportionality, military necessity and distinction outlined in international humanitarian law.

The loss of innocent civilian lives, including women and children at this scale, is utterly deplorable and cannot be justified under any circumstances.

We are also disturbed by reports that Palestinian women and girls in detention have been subjected to multiple forms of sexual assault.

Moreover, according to Article 6 of the Arms Trade Treaty (ATT), State Parties shall not authorize any arms transfer (including export, import and transit) “if [they have] knowledge at the time of authorization that the 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”.

Article 7 of the ATT unequivocally prohibits the transfer of conventional arms and related material when there is a substantial risk that they may be used to commit or facilitate serious violations of international humanitarian law and human rights law.

The International Court of Justice formally ruled that Israel is “plausibly” committing genocide in Gaza and issued provisional measures in the case South Africa v. Israel ordering Israel to take “all measures within its power”, to prevent acts that could amount to genocide against Palestinians in Gaza. Instead of acting accordingly, Israel intensified its military operations in Gaza . The ICJ (ICJ) ruling of 26th January is binding and must be implemented in full. Third State implementation of ICJ provisional measures is mandatory under Article 41 of the ICJ Statute.

Yet a number of ATT States Parties and Signatories from the Global North continue to export arms to Israel. Double standards and lack of compliance with the ATT hinder its

universalisation. We call upon those states to act responsibly, by suspending all licences immediately, to avoid further complicity in the commission of international crimes.